STATE OF NEW YORK

S. 7506--B A. 9506--B

SENATE - ASSEMBLY

January 18, 2018

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

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

AN ACT intentionally omitted (Part A); to amend the education law and chapter 537 of the laws of 1976, relating to paid, free and reduced price breakfast for eligible pupils in certain school districts, in relation to prohibiting meal shaming and to school breakfast and lunch programs (Part B); intentionally omitted (Part C); to amend the education law, in relation to participation in recovery high school programs (Part D); intentionally omitted (Part E); intentionally omitted (Part F); to amend chapter 57 of the laws of 2012 amending the social services law and the family court act relating to establishing a juvenile justice services close to home initiative, and amending the social services law, the family court act and the executive law relating to juvenile delinquents, in relation to extending the close to home (CTH) initiative and juvenile justice reforms an additional five years; and to repeal certain provisions of paragraph (a) of subdivision 8 of section 404 of the social services law relating to CTH funding and reimbursement (Part G); intentionally omitted (Part H); to amend part G of chapter 57 of the laws of 2013, amending the executive law and the social services law relating to consolidating the youth development and delinquency prevention program and the special delinquency prevention program, in relation to extending such provisions (Part I); to amend part K of chapter 57 of the laws of 2012, amending the education law, relating to authorizing the board of cooperative educational services to enter into contracts with the commissioner of children and family services to provide certain services, in relation

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

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to the effectiveness thereof (Part J); to amend the public authorities law, in relation to adding the office of children and family services to the list of entities to whom the dormitory authority of the state of New York (DASNY) is authorized to provide capital design and construction services (Part K); intentionally omitted (Part L); intentionally omitted (Part M); intentionally omitted (Part N); intentionally omitted (Part O); to repeal subdivision 11 of section 6305 of the education law relating to the development of a methodology for calculating chargeback rates by the state university of New York and the city university of New York (Part P); to amend the public health law, in relation to providing feminine hygiene products in public schools (Part Q); relating to the creation of computer science education standards (Part R); to amend the education law, in relation to appointees to the state board for medicine (Part S); to amend the education law, in relation to the excelsior scholarship (Part T); to amend the education law, in relation to requiring regulations to permit tuition waivers for certain firefighters and fire officers for CUNY; and providing for the repeal of such provisions upon expiration thereof (Part U); to amend the education law, in relation to the foster youth college success initiative (Part V); to amend the education law, in relation to enhanced tuition awards (Part W); to amend the private housing finance law, in relation to residential emergency services to offer home repairs to the elderly program (Part X); to amend the private housing finance law, in relation to disabled veteran access to home for heroes contracts (Part Y); to amend the state finance law, in relation to establishing the SUNY Stony Brook Eastern Long Island Hospital Affiliation escrow fund (Part Z); to amend the education law, in relation to establishing the New York state teacher loan forgiveness program (Part AA); to amend the education law, in relation to the New York state science technology, engineering and mathematics incentive program (Part BB); to amend the education law and the social services law, in relation to the education of children in foster care (Part CC); and to amend the social services law, in relation to income savings plans for the city of New York; and to amend part K of chapter 58 of the laws of 2010 amending the social services law relating to establishing the service plan demonstration project, in relation to the effectiveness thereof (Part DD)

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 2018-2019 state fiscal year. Each component is wholly contained within a Part identified as Parts A through DD. 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

Intentionally Omitted

PART B

Section 1. The education law is amended by adding a new section 908 to read as follows:

§ 908. Prohibition against meal shaming. All public school districts, charter schools and non-public schools in the state that participate in the national school lunch program or school breakfast program in which there is a school at which all pupils are not eligible to be served breakfast and lunch under the community eligibility provision or provision two of the federal national school lunch act, 42 U.S.C. Sec. 1751 et seq., shall develop a plan to ensure that a pupil whose parent or guardian has unpaid school meal fees is not shamed or treated differently than a pupil whose parent or guardian does not have unpaid school meal fees. The plan shall be submitted to the commissioner by July first, two thousand eighteen, or sixty days from the effective date of this section after enactment in conformance with regulations of the commissioner. After submission of such plan, the school or school district shall adopt and post the plan on its website. The plan shall include, but not be limited to, the following elements:

a. A statement that the school or school district shall provide the student with the student's meal of choice for that school day of the available reimbursable meal choices for such school day, if the student requests one, unless the student's parent or guardian has specifically provided written permission to the school to withhold a meal, provided that the school or school district shall only be required to provide access to reimbursable meals, not a la carte items, adult meals, or other similar items;

b. An explanation of how staff will be trained to ensure that the school or school district's procedures are carried out correctly and how the affected parents and guardians will be provided with assistance in establishing eligibility for free or reduced-price meals for their children;

c. Procedures requiring the school or school district to notify the student's parent or guardian that the student's meal card or account balance is exhausted and unpaid meal charges are due. The notification procedures may include a repayment schedule, but the school or school district may not charge any interest or fees in connection with any meals charged;

d. A communication procedure designed to support eligible families enrolling in the national free and reduced price meal program. Such communication procedures shall also include a process for determining eligibility when a student owes money for five or more meals, wherein the school or school district shall:

i. make every attempt to determine if a student is directly certified to be eligible for free meals;

ii. make at least two attempts, not including the application or instructions included in a school enrollment packet, to reach the student's parent or guardian and have the parent or guardian fill out a meal application; and

iii. require a school or school district to contact the parent or guardian to offer assistance with a meal application, determine if there are other issues within the household that have caused the child to have insufficient funds to purchase a school meal and offer any other assistance that is appropriate;

e. A clear explanation of procedures designed to decrease student distress or embarrassment, provided that, no school or school district shall:

i. publicly identify or stigmatize a student who cannot pay for a meal or who owes a meal debt by any means including, but not limited to, requiring that a student wear a wristband or hand stamp;

ii. require a student who cannot pay for a meal or who owes a meal debt to do chores or other work to pay for meals;

iii. require that a student throw away a meal after it has been served because of the student's inability to pay for the meal or because money is owed for earlier meals;

iv. take any action directed at a pupil to collect unpaid school meal fees. A school or school district may attempt to collect unpaid school meal fees from a parent or guardian, but shall not use a debt collector, as defined in section eight hundred three of the federal consumer credit protection act, 15 U.S.C. Sec. 1692a; or

v. discuss any outstanding meal debt in the presence of other students;

f. A clear explanation of the procedure to handle unpaid meal charges, provided that nothing in this section is intended to allow for the unlimited accrual of debt;

g. Procedures to enroll in the free and reduced price lunch program, provided that such procedures shall include that, at the beginning of each school year, a school or school district shall provide a free, printed meal application in every school enrollment packet, or if the school or school district chooses to use an electronic meal application, provide in school enrollment packets an explanation of the electronic meal application process and instructions for how parents or guardians may request a paper application at no cost;

h. If a school or school district becomes aware that a student who has not submitted a meal application is eligible for free or reduced-fee meals, the school or school district shall complete and file an application for the student pursuant to title seven, section 245.6(d) of the code of federal regulations; and

i. School liaisons required for homeless, foster, and migrant students shall coordinate with the nutrition department to make sure such students receive free school meals, in accordance with federal law.

§ 2. Section 4 of chapter 537 of the laws of 1976, relating to paid, free and reduced price breakfast for eligible pupils in certain school districts is renumbered section 6 and two new sections 4 and 5 are added to read as follows:

§ 4. a. All public elementary or secondary schools in this state, not including a charter school authorized by article 56 of the education law, with at least seventy percent or more of its students eligible for free or reduced-price meals under the federal National School Lunch Program as determined by the State Education Department based upon data submitted by schools through the basic educational data system (BEDS) for the prior school year, shall be required to offer all students a school breakfast after the instructional day has begun.

b. Each public school may determine the breakfast service delivery model that best suits its students. Service delivery models may include, but are not limited to, breakfast in the classroom, grab and go breakfast, and breakfast served in the cafeteria. Time spent by students consuming breakfast may be considered instructional time when students consume breakfast in the students' classrooms and instruction is being provided while students are consuming breakfast. In determining a

service delivery model, schools shall consult with teachers, parents, students and members of the community.

c. Schools subject to this requirement shall provide notice to students' parents and guardians that the school will be offering breakfast to all students after the instructional day has begun.

d. Any school identified pursuant to this section may apply to the commissioner of education for a waiver from establishing a school breakfast program after the instructional day has begun. Such waiver may be granted by the commissioner of education upon the school demonstrating:

i. A lack of need for a school breakfast program after the instructional day has begun because of a successful existing breakfast program; or

ii. Providing a school breakfast program after the instructional day has begun would cause economic hardship for the school.

The commissioner of education shall annually review the basis for waivers granted to schools.

e. The State Education Department shall:

i. on or before May 1, 2018, and on or before May 1 of each year thereafter preceding each school year, publish on its website a list of the public schools that meet the requirements for operating such programs, and provide notification to such schools;

ii. develop and distribute guidelines for the implementation of such programs, which shall be in the compliance with all applicable federal and state laws governing the School Breakfast Program;

iii. provide technical assistance relating to the implementation of such program and submission of claims for reimbursement under the School Breakfast Program; and

iv. annually publish by December 2019, and each December thereafter, on its website information relating to each school subject to this requirement, as well as any other schools operating such program which are not subject to this requirement, in the prior school year. Such information shall include, but not be limited to: the school name, service delivery models implemented, student enrollment, the free and reduced-price lunch percentage, and the average daily breakfast participation rate.

§ 5. a. Notwithstanding any monetary limitations with respect to school lunch programs contained in any law or regulation, for school lunch meals served in the school year commencing July 1, 2019 and each July 1 thereafter, a school food authority shall be eligible for a lunch meal State subsidy of twenty-five cents, which shall include any annual State subsidy received by such school food authority under any other provision of State law, for any school lunch meal served by such school food authority; provided that the school food authority certifies to the State Education Department through the application submitted pursuant to subdivision b of this section that such food authority has purchased at least thirty percent of its total cost of food products for its school lunch service program from New York state farmers, growers, producers or processors in the preceding school year.

b. The State Education Department, in cooperation with the Department of Agriculture and Markets, shall develop an application for school food authorities to seek an additional State subsidy pursuant to this section in a timeline and format prescribed by the commissioner of education. Such application shall include, but not be limited to, documentation demonstrating the school food authority's total food purchases for its school lunch service program, and documentation demonstrating its total food purchases and percentages for such program from New York State

farmers, growers, producers or processors in the preceding school year. The application shall also include an attestation from the school food authority's chief operating officer that it purchased at least thirty percent of its total cost of food products for its school lunch service program from New York State farmers, growers, producers or processors in the preceding school year in order to meet the requirements for this additional State subsidy. School food authorities shall be required to annually apply for this subsidy.

c. The State Education Department shall annually publish information on its website commencing on September 1, 2019 and each September 1 thereafter, relating to each school food authority that applied for and received this additional State subsidy, including but not limited to: the school food authority name, student enrollment, average daily lunch participation, total food costs for its school lunch service program, total cost of food products for its school lunch service program purchased from New York State farmers, growers, producers or processors, and the percent of total food costs that were purchased from New York State farmers, growers, producers or processors for its school lunch service program.

§ 3. This act shall take effect immediately; provided, however, that subdivision a of section 4 of chapter 537 of the laws of 1976, as added by section two of this act, shall take effect September 1, 2018.

PART C

Intentionally Omitted

PART D

Section 1. Subdivision 4 of section 1950 of the education law is amended by adding a new paragraph oo to read as follows:

oo. Notwithstanding any other provision of law, a board of cooperative educational services is authorized to enter into a memorandum of understanding with the trustees or board of education of a non-component school district, including city school districts of cities with one hundred twenty-five thousand inhabitants or more, to participate in a recovery high school program operated by the board of cooperative educational services for a period not to exceed five years upon such terms as such trustees or board of education and the board of cooperative educational services may mutually agree, provided that such agreement may provide for a charge for administration of the recovery high school program including capital costs, but participating non-component school districts shall not be liable for payment of administrative expenses as defined in paragraph b of this subdivision. Costs allocated to a participating non-component school district pursuant to a memorandum of understanding shall be aidable pursuant to subdivision five of this section to the same extent and on the same basis as costs allocated to a component school district.

§ 2. This act shall take effect immediately.

PART E

Intentionally Omitted

PART F

Intentionally Omitted

PART G

Section 1. Subparagraphs (i), (ii), (iii) and (iv) of paragraph (a) of subdivision 8 of section 404 of the social services law are REPEALED.

§ 2. Section 11 of subpart A of part G of chapter 57 of the laws of 2012, amending the social services law and the family court act relating to establishing a juvenile justice services close to home initiative, is amended to read as follows:

§ 11. This act shall take effect April 1, 2012 and shall expire on March 31, [~~2018~~] 2023 when upon such date the provisions of this act shall be deemed repealed; provided, however, that effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized and directed to be made and completed on or before such effective date; provided, however, upon the repeal of this act, a social services district that has custody of a juvenile delinquent pursuant to an approved juvenile justice services close to home initiative shall retain custody of such juvenile delinquent until custody may be legally transferred in an orderly fashion to the office of children and family services.

§ 3. Section 7 of subpart B of part G of chapter 57 of the laws of 2012, amending the social services law, the family court act and the executive law relating to juvenile delinquents, is amended to read as follows:

§ 7. This act shall take effect April 1, 2012 and shall expire on March 31, [~~2018~~] 2023 when upon such date the provisions of this act shall be deemed repealed; provided, however, that effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date is authorized and directed to be made and completed on or before such effective date.

§ 4. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after March 31, 2018.

PART H

Intentionally Omitted

PART I

Section 1. Section 9 of part G of chapter 57 of the laws of 2013, amending the executive law and the social services law relating to consolidating the youth development and delinquency prevention program and the special delinquency prevention program, is amended to read as follows:

§ 9. This act shall take effect January 1, 2014 and shall expire and be deemed repealed on December 31, [~~2018~~] 2021.

§ 2. This act shall take effect immediately.

PART J

Section 1. Section 4 of part K of chapter 57 of the laws of 2012, amending the education law, relating to authorizing the board of cooperative educational services to enter into contracts with the commissioner

of children and family services to provide certain services, as amended by section 5 of part J of chapter 56 of laws of 2015, is amended to read as follows:

§ 4. This act shall take effect July 1, 2012 and shall expire June 30, [~~2018~~] **2021** when upon such date the provisions of this act shall be deemed repealed.

§ 2. This act shall take effect immediately.

PART K

Section 1. Paragraph (b) of subdivision 2 of section 1676 of the public authorities law is amended by adding a new undesignated paragraph to read as follows:

The office of children and family services of the state of New York.

§ 2. This act shall take effect immediately.

PART L

Intentionally Omitted

PART M

Intentionally Omitted

PART N

Intentionally Omitted

PART O

Intentionally Omitted

PART P

Section 1. Subdivision 11 of section 6305 of the education law is REPEALED.

§ 2. This act shall take effect immediately.

PART Q

Section 1. Title 6 of article 2 of the public health law, as added by chapter 342 of the laws of 2014, is amended by adding a new section 267 to read as follows:

§ 267. Feminine hygiene products in schools. All elementary and secondary public schools in the state serving students in any grade from grade six through grade twelve shall provide feminine hygiene products in the restrooms of such school building or buildings. Such products shall be provided at no charge to students.

§ 2. This act shall take effect July 1, 2018.

PART R

Section 1. Computer science education standards. 1. The commissioner of education shall convene a working group including teachers and school administrators, industry experts, institutions of higher education and

employers to review existing recognized computer science frameworks and develop draft model New York state computer science standards for kindergarten through grade 12. The workgroup shall use their educational or technological expertise to ensure that the model standards they recommend to the commissioner of education and Board of Regents prepare students for postsecondary education or employment.

2. On or before December 1, 2019, the working group shall deliver a report to the commissioner of education and the Board of Regents detailing the findings of the working group and recommend draft model kindergarten through grade 12 computer science standards for their approval.

§ 2. This act shall take effect immediately.

PART S

Section 1. Section 6523 of the education law, as amended by chapter 364 of the laws of 1991, is amended to read as follows:

§ 6523. State board for medicine. A state board for medicine shall be appointed by the board of regents on recommendation of the commissioner for the purpose of assisting the board of regents and the department on matters of professional licensing in accordance with section sixty-five hundred eight of this title. The board shall be composed of not less than twenty physicians licensed in this state for at least five years, two of whom shall be doctors of osteopathy. **To the extent such physician appointees are available for appointment, at least one of the physician appointees to the state board for medicine shall be an expert on reducing health disparities among demographic subgroups, and one shall be an expert on women's health.** The board shall also consist of not less than two physician's assistants licensed to practice in this state. The participation of physician's assistant members shall be limited to matters relating to article one hundred thirty-one-B of this chapter. An executive secretary to the board shall be appointed by the board of regents on recommendation of the commissioner and shall be either a physician licensed in this state or a non-physician, deemed qualified by the commissioner and board of regents.

§ 2. This act shall take effect immediately.

PART T

Section 1. Subdivisions 1 and 2 of section 669-h of the education law, as added by section 1 of part HHH of chapter 59 of the laws of 2017, are amended to read as follows:

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) if enrolled in (i) a public institution of higher education prior to application, has completed at least thirty combined credits per year following the student's start date, or its equivalent, applicable to his or her program or programs of study or (ii) an institution of higher education prior to application, has completed at least thirty combined credits per year following the student's start date, or its equivalent, applicable to his or her program or programs of study and which were accepted upon transfer to a public institution of higher education; (c) enrolls in at least twelve credits per semester and completes at least thirty combined credits per year following the student's start date, or its equivalent, applicable to his or her program or programs of study except in limited circumstances as

prescribed by the corporation in regulation. 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 and complete at least twelve credit hours or its equivalent. For students who are disabled as defined by the Americans With Disabilities Act of 1990, 42 USC 12101, the corporation shall prescribe rules and regulations that allow applicants who are disabled to be eligible for an award pursuant to this section based on modified criteria; (d) has an adjusted gross income **for the qualifying year**, as **such terms are** 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; and (iii) one hundred twenty-five thousand dollars for recipients receiving an award in the two thousand nineteen--two thousand twenty academic year and thereafter; and (e) 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[~~,~~]**. Qualifying year shall be the adjusted gross income** 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. **Provided, however, if an applicant demonstrates to the corporation that there has been a change in such applicant's adjusted gross income in the year(s) subsequent to the qualifying year which would qualify such applicant for an award, the corporation shall review and make a determination as to whether such applicant meets the requirement set forth in paragraph (d) of this subdivision based on such year. Provided, further that such change was caused by the death, permanent and total physical or mental disability, divorce, or separation by judicial decree or pursuant to an agreement of separation which is filed with a court of competent jurisdiction of any person whose income was required to be used to compute the applicant's total adjusted gross income.**

2. Amount. Within amounts appropriated therefor and based on availability of funds, awards shall be granted beginning with the two thousand seventeen--two thousand eighteen academic year and thereafter to applicants that the corporation has determined are eligible to receive such awards. The corporation shall grant such awards in an amount up to five thousand five hundred dollars 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, 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 **unless exclusively for non-tuition expenses**, and the award under this program shall be reduced in the amount equal to such payments, provided

that the combined benefits do not exceed five thousand five hundred dollars. 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, provided further that the tuition credit calculated pursuant to section six hundred eighty-nine-a of this article shall be applied toward the tuition rate charged for recipients of an award under this program. Provided further that the state university of New York and the city university of New York shall provide an additional tuition credit to students receiving an award to cover the remaining cost of tuition.

§ 2. This act shall take effect immediately.

PART U

Section 1. Subdivision 7 of section 6206 of the education law is amended by adding a new paragraph (d) to read as follows:

(d) Notwithstanding the provisions of any other general, special or local law, rule or regulation, the board of trustees shall promulgate regulations to permit firefighters and fire officers employed by the New York city fire department, who are enrolled in programs leading to baccalaureate or higher degrees at a senior college of the city university to attend one course without tuition, provided that such course is related to their employment as firefighters and fire officers and that such tuition-waived attendance does not deny course attendance at a senior college of the city university by an individual who is otherwise qualified under this section.

§ 2. This act shall take effect immediately and shall expire and be deemed repealed July 1, 2020.

PART V

Section 1. Subdivision 5 of section 6456 of the education law is amended by adding a new paragraph e to read as follows:

e. to provide supplemental housing and meals for foster youth not currently enrolled in a post-secondary opportunity program at the state university of New York.

§ 2. Subdivision 4 of section 6456 of the education law, as added by section 1 of part X of chapter 56 of the laws of 2015, is amended to read as follows:

4. Funds for all programs under this section shall be awarded in equal amounts per foster youth**, except for students not enrolled in a post-secondary opportunity program,** to each institution that applies for funding allocated to its sector distribution as provided in subdivision three of this section and has an application that is approved by the commissioner.

§ 3. This act shall take effect immediately.

PART W

Section 1. Paragraphs a and d of subdivision 1 and subdivisions 3, 4 and 5 of section 667-d of the education law, as added by section 1 of part III of chapter 59 of the laws of 2017, are amended to read as follows:

a. Establishment. Enhanced tuition awards are available for students who are enrolled in approved programs in private [~~not-for-profit~~] degree granting institutions **of higher education** except those institutions set forth in paragraph b of subdivision four of section six hundred sixty-one of this part and who demonstrate the ability to complete such courses, in accordance with standards established by the commissioner; provided, that, no award shall exceed one hundred percent of the amount of tuition charged.

d. Credit requirements. An award shall be made to an applicant who: (i) if enrolled in (A) a private **degree granting** institution of higher education prior to application, has completed at least thirty combined credits per year following the student's start date, or its equivalent, applicable to his or her program or programs of study or (B) a public **degree granting** institution of higher education prior to application, has completed at least thirty combined credits per year following the student's start date, or its equivalent, applicable to his or her program or programs of study and which were accepted upon transfer to a private **degree granting** institution of higher education; (ii) enrolls in at least twelve credits per semester and completes at least thirty combined credits per year following the student's start date, or its equivalent, applicable to his or her program or programs of study except in limited circumstances as prescribed by the corporation in regulation. 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 and complete at least twelve credit hours or its equivalent. For students who are disabled as defined by the Americans With Disabilities Act of 1990, 42 USC 12101, the corporation shall prescribe rules and regulations that allow applicants who are disabled to be eligible for an award pursuant to this section based on modified criteria.

3. Income. An award shall be made to an applicant who has an adjusted gross income **for the qualifying year**, as **such terms are** 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; and (iii) one hundred twenty-five thousand dollars for recipients receiving an award in the two thousand nineteen--two thousand twenty academic year and thereafter. 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[~~,~~]**. Qualifying year shall be the adjusted gross income** 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. **Provided, however, if an applicant demonstrates to the corporation that there has been a change in such applicant's adjusted gross income in the year or years subsequent to the qualifying year which would qual-**

ify such applicant for an award, the corporation shall review and make a determination as to whether such applicant meets the requirement set forth in this subdivision based on such year. Provided, further that such change was caused by the death, permanent and total physical or mental disability, divorce, or separation by judicial decree or pursuant to an agreement of separation which is filed with a court of competent jurisdiction of any person whose income was required to be used to compute the applicant's total adjusted gross income.

4. Amount. Within the amounts appropriated therefor and based on availability of funds, 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 amount~~] Recipients of [~~the~~] an award under this program shall [~~be such that the sum~~] receive six thousand dollars through a combination of the enhanced tuition award plus a student's tuition assistance program award pursuant to section six hundred sixty-seven of this subpart plus the institution's matching award pursuant to subdivision five of this section [~~shall equal six thousand dollars~~]. Provided, however, any institution that charges tuition that is reduced by greater than fifteen percent from the level of tuition charged six years prior to the academic year in which the award is to be applied shall be exempt from the requirement to provide such match and students attending such institutions shall receive an enhanced tuition award without such institutional match.

5. Matching awards. Commencing with the two thousand seventeen--two thousand eighteen academic year and thereafter, participating institutions shall credit each recipient's remaining tuition expenses in an amount equal to the recipient's award under this section. [~~Such credit shall be applied after the recipient has received an institutional aid package, if any, to ensure that this program does not reduce institutional aid that would otherwise be granted.~~] Provided, however that any institution that charges tuition that is reduced by greater than fifteen percent from the level of tuition charged six years prior to the academic year in which the award is to be applied shall be exempt from the requirement to provide such match, and shall remain exempt from providing such match to such recipient in any academic year in which such recipient receives an award under this section.

§ 2. This act shall take effect immediately.

PART X

Section 1. The private housing finance law is amended by adding a new article 29 to read as follows:

ARTICLE XXIX

RESIDENTIAL EMERGENCY SERVICES TO OFFER HOME REPAIRS TO THE ELDERLY PROGRAM

Section 1260. Statement of legislative findings.
1261. Definitions.
1262. Residential emergency services to offer home repairs to the elderly contracts.

§ 1260. Statement of legislative findings. The legislature hereby finds and declares that there exists in New York state a need for financial resources to assist senior citizen homeowners with the cost of addressing emergencies and code violations that pose a threat to their health and safety, or affecting the livability of their home. Providing

assistance for the cost of making such critical repairs will enable many seniors to continue to live independently in their own homes.

§ 1261. Definitions. As used in this article:

1. "Corporation" shall mean the housing trust fund corporation established in section forty-five-a of this chapter.

2. "Eligible applicant" shall mean a unit of local government or not-for-profit corporation in existence for a period of one or more years prior to application, which is, or will be at the time of award, incorporated under the not-for-profit corporation law and has been engaged primarily in housing and community development activities.

3. "Residential emergency services to offer home repairs to the elderly programs" shall mean a series of activities by an eligible applicant to administer funds to provide either loans or grants to homeowners sixty years of age or older, with a household income of less than one hundred percent of the area median income, to oversee the adaptation or retrofitting of eligible properties.

4. "Eligible property" shall mean a housing unit that is the primary residence of a person that is sixty years of age or older and have a household income that does not exceed one hundred percent of the area median income.

§ 1262. Residential emergency services to offer home repairs to the elderly contracts. 1. Within the limit of funds available in the residential emergency services to offer home repairs to the elderly program, the corporation is hereby authorized to enter into contracts with eligible applicants to provide financial assistance for the actual costs of a residential emergency services to offer home repairs to the elderly program. The financial assistance shall be either in the form of grants or loans, as the corporation shall determine. Funds must be used for one- to four-unit dwellings that are owned and occupied by eligible households, and work undertaken cannot exceed ten thousand dollars per building. No more than fifty percent of the total amount awarded pursuant to this article in any fiscal year shall be allocated to any residential emergency services to offer home repairs to the elderly program located within any single municipality.

2. From the date of the emergency referral, the eligible applicant has up to five business days to respond and inspect the eligible property; from the date of the inspection and assessment of emergency repair need, the eligible applicant must start the repairs within fourteen business days; all repairs must be completed within sixty business days of the start of the repairs provided, however, that the commissioner shall grant the eligible applicant additional time for good cause.

3. The total payment pursuant to any one contract shall not exceed five hundred thousand dollars and the contract shall provide for completion of the program within a reasonable period, as specified therein, which shall not in any event exceed three years from its commencement. Upon request, the corporation may extend the term of the contract for up to two additional one year periods for good cause shown by the eligible applicant.

4. The corporation shall authorize the eligible applicant to spend seven and one-half percent of the contract amount for approved planning and administrative costs associated with administering the program.

§ 2. This act shall take effect immediately.

PART Y

Section 1. The private housing finance law is amended by adding a new article 30 to read as follows:

ARTICLE XXX

NEW YORK ACCESS TO HOME FOR HEROES PROGRAM

Section 1270. Statement of legislative findings and purpose.

1271. Definitions.

1272. Access to home for heroes contracts.

§ 1270. Statement of legislative findings and purpose. The legislature hereby finds and declares that many disabled veterans in New York state face a significant impediment to accessible and affordable housing as a result of service related injuries, age or health related disabilities. These men and women have served our country and state with honor and distinction and deserve to achieve maximum independence, social interaction and community integration. Providing financial assistance with the cost of adapting the dwelling units of our disabled veterans, is fundamental to providing for the promise of living safely, comfortably and productively in the most integrated setting of their choice.

§ 1271. Definitions. As used in this article:

1. "Corporation" shall mean the housing trust fund corporation established in section forty-five-a of this chapter.

2. "Eligible applicant" shall mean a city, town, village or not-for-profit corporation in existence for a period of one or more years prior to application, which is, or will be at the time of award, incorporated under the not-for-profit corporation law and has substantial experience in adapting or retrofitting homes for persons with disabilities.

3. "Veteran" shall mean a resident of this state who (a) has served in the United States army, navy, marine corps, air force or coast guard or (b) has served on active duty or ordered to active duty as defined in 10 USC 101 (d)(1) as a member of the national guard or other reserve component of the armed forces of the United States or (c) has served on active duty or ordered to active duty for the state, as a member of the state organized militia as defined in subdivision nine of section one of the military law and has been released from such service documented by an honorable or general discharge.

4. "Disabled veteran" shall mean a veteran with, including but not limited to, a permanent physical or medical impairment resulting from an anatomical or physiological condition which prevents the exercise of a normal bodily function, substantially limits a major life activity or which is demonstrable by medically accepted clinical or laboratory diagnostic techniques. A professional evaluation must be provided which identifies the disability, describes the substantial limitation caused by the disability, and recommends potential structural modifications to improve the activities of daily living within and/or access to such residence in consideration of such disability.

5. "Access to home for heroes programs" or "programs" shall mean a series of activities by an eligible applicant to administer funds to provide grants to homeowners and renters and to oversee the adaptation or retrofitting of eligible properties.

6. "Eligible property" shall mean a housing unit that is the primary residence of a disabled veteran and a total household income that does not exceed one hundred and twenty percent of area median income. A property shall not be considered an eligible property if the owner of the property is otherwise obligated by federal, state or local law to provide the improvements funded under this article.

§ 1272. Access to home for heroes contracts. 1. Within the limit of funds available in the access to home for heroes program, the corpo-

ration is hereby authorized to enter into contracts with eligible applicants to provide financial assistance for the actual costs of an access to home for heroes program. The financial assistance shall be in the form of grants. No more than fifty percent of the total amount awarded pursuant to this article in any fiscal year shall be allocated to access to home programs located within any single municipality.

2. The total payment pursuant to any one contract shall not exceed five hundred thousand dollars and the contract shall provide for completion of the program within a reasonable period, as specified therein, which shall not in any event exceed three years from its commencement. Upon request, the corporation may extend the term of the contract for up to two additional one year periods for good cause shown by the eligible applicant.

3. The corporation shall authorize the eligible applicant to spend seven and one-half percent of the contract amount for approved administrative costs associated with administering the program.

4. The corporation shall require that, in order to receive funds pursuant to this article, the eligible applicant shall submit a plan which shall include, but not be limited to, program feasibility, impact on the community, budget for expenditure of program funds, a schedule for completion of the program, affirmative action and minority business participation.

§ 2. This act shall take effect immediately.

PART Z

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

§ 99-bb. SUNY Stony Brook Eastern Long Island Hospital Affiliation escrow fund. 1. Notwithstanding any other provision of law, rule, regulation, or practice to the contrary, there is hereby established in the joint custody of the comptroller and the chancellor of the state university of New York (SUNY) a trust and agency fund, to be known as the "SUNY Stony Brook Eastern Long Island Hospital Affiliation escrow fund" which shall be available without fiscal year limitation.

2. The SUNY Stony Brook Eastern Long Island Hospital Affiliation escrow fund shall consist of (i) all monies generated through the activities of Stony Brook at Eastern Long Island Hospital, including but not limited to patient revenue, federal reimbursement, and other associated revenue sources, (ii) rent payments made by Stony Brook University Hospital to the Eastern Long Island Hospital Association under a certain lease agreement approved by the director of the budget, the office of the New York state attorney general and the office of the New York state comptroller and (iii) to the extent permitted under the lease agreement referred to in paragraph (ii) of this subdivision, working capital advances and capital acquisition advances made by Stony Brook University Hospital to the Eastern Long Island Hospital Association.

3. Monies of the SUNY Stony Brook Eastern Long Island Hospital Affiliation escrow fund shall be expended only for the purposes of Stony Brook at Eastern Long Island Hospital.

§ 2. This act shall take effect immediately.

PART AA

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

§ 679-j. The New York state teacher loan forgiveness program. 1. Purpose. The president shall grant student loan forgiveness awards for the purpose of increasing the number of teachers serving in the state.

2. Eligibility. To be eligible for an award pursuant to this subdivision, applicants shall (a) be certified as a teacher; (b) be employed full time in this state in an elementary or secondary school; (c) comply with subdivisions three and five of section six hundred sixty-one of this part; (d) have an outstanding student loan debt; and (e) meet one of the following criteria:

(i) teach in a shortage subject area;

(ii) teach in a hard to staff district; or

(iii) the applicant is economically disadvantaged, as defined by the corporation.

3. Definitions. For the purposes of this section, the term "shortage subject area" shall mean a curriculum subject matter or practice of teaching where there is a shortage of teachers in New York state, as designated by the department, and the term "hard to staff school districts" shall mean school districts that have a shortage of teachers, as designated by the department.

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

(a) First priority shall be given to applicants who have received payment of an award pursuant to this section in a prior year and who, in the year prior to application, are teachers in (i) a subject shortage area, or (ii) a hard to staff school district;

(b) Second priority shall be given to applicants who have not received payment of an award pursuant to this section in a prior year and who are teachers in (i) a subject shortage area, or (ii) hard to staff school district in the year prior to such application; and

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

5. Awards. The corporation shall grant awards pursuant to the amount appropriated for such purpose and based on availability of funds in an amount up to five thousand dollars to individuals who are employed full-time as teachers for the school year prior to such application, provided that no recipient shall receive an award that exceeds the total remaining balance of the student loan debt pursuant to this section, in excess of twenty thousand dollars.

6. Rules and regulations. The corporation is authorized to promulgate rules and regulations and may promulgate emergency regulations necessary for the implementation of the provisions of this section. In the event that there are more applicants who have the same priority, as provided in subdivision four of this section, than there are remaining awards, the corporation shall provide in regulation the method of distributing the remaining number of such awards, which may include a lottery or other form of random selection.

§ 2. This act shall take effect immediately.

PART BB

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

§ 669-e. New York state science, technology, engineering and mathematics incentive program. 1. Undergraduate students who are matriculated in an approved undergraduate program leading to a career in science, tech-

nology, engineering or mathematics at a New York state public institution of higher education **for the purpose of subdivision two of this section, or a New York state private degree granting institution of higher education for the purpose of subdivision two-a of this section,** shall be eligible for an award under this section, provided the applicant: (a) graduates from a high school located in New York state during or after the two thousand thirteen--fourteen school year; and (b) graduates within the top ten percent of his or her high school class; and (c) enrolls in full-time study each term beginning in the fall term after his or her high school graduation in an approved undergraduate program in science, technology, engineering or mathematics, as defined by the corporation, at a New York state public institution of higher education; and (d) signs a contract with the corporation agreeing that his or her award will be converted to a student loan in the event the student fails to comply with the terms of this program as set forth in subdivision four of this section; and (e) complies with the applicable provisions of this article and all requirements promulgated by the corporation for the administration of the program.

2. Awards shall be granted beginning with the two thousand fourteen--two thousand fifteen academic year and thereafter to applicants **at New York state public institutions of higher education** that the corporation has determined are eligible to receive such awards. The corporation shall grant such awards in an amount equal to the amount of undergraduate tuition for residents of New York state charged by the state university of New York or actual tuition charged, whichever is less; provided, however, (i) a student who receives educational grants and/or scholarships that cover the student's full cost of attendance shall not be eligible for an award under this program; (ii) for a student who receives educational grants and/or scholarships that cover less than the student's full cost of attendance, such grants and/or scholarships shall not be deemed duplicative of this program and may be held concurrently with an award under this program, provided that the combined benefits do not exceed the student's full cost of attendance; and (iii) an award under this program shall be applied to tuition after the application of all other educational grants and scholarships limited to tuition and shall be reduced in an amount equal to such educational grants and/or scholarships. Upon notification of an award under this program, the institution shall defer the amount of tuition equal to the award. No award shall be final until the recipient's successful completion of a term has been certified by the institution.

2-a. Within amounts appropriated therefor and based on availability of funds, beginning with the two thousand eighteen--two thousand nineteen academic year and thereafter, awards shall be granted to applicants at New York state private degree granting institutions of higher education that the corporation has determined are eligible to receive such awards. The corporation shall grant such awards in an amount equal to the amount of undergraduate tuition for residents of New York state charged by the state university of New York or actual tuition charged, whichever is less; provided, however, (i) a student who receives educational grants and/or scholarships that cover the student's full cost of attendance shall not be eligible for an award under this program; (ii) for a student who receives educational grants and/or scholarships that cover less than the student's full cost of attendance, such grants and/or scholarships shall not be deemed duplicative of this program and may be held concurrently with an award under this program, provided that the combined benefits do not exceed the student's full cost of attendance;

and (iii) an award under this program shall be applied to tuition after the application of all other educational grants and scholarships limited to tuition and shall be reduced in an amount equal to such educational grants and/or scholarships. Upon notification of an award under this program, the institution shall defer the amount of tuition equal to the award. No award shall be final until the recipient's successful completion of a term has been certified by the institution.

3. An eligible recipient shall not receive an award for more than four academic years of full-time undergraduate study or five academic years if the program of study normally requires five years, excluding any allowable interruption of study.

4. The corporation shall convert to a student loan the full amount of the award given pursuant to this section, plus interest, according to a schedule to be determined by the corporation if: (a) a recipient fails to complete an approved undergraduate program in science, technology, engineering or mathematics or changes majors to a program of undergraduate study other than in science, technology, engineering or mathematics; or (b) upon completion of such undergraduate degree program a recipient fails to either (i) complete five years of continuous full time employment in the science, technology, engineering or mathematics field with a public or private entity located within New York state, or (ii) maintain residency in New York state for such period of employment; or (c) a recipient fails to respond to requests by the corporation for the status of his or her academic or professional progress. The terms and conditions of this subdivision shall be deferred for individuals who graduate with a degree in an approved undergraduate program in science, technology, engineering or mathematics and enroll on at least a half-time basis in a graduate or higher degree program or other professional licensure degree program until they are conferred a degree, and shall also be deferred for any interruption in undergraduate study or employment as established by the rules and regulations of the corporation. The terms and conditions of this subdivision may also be deferred for a grace period, to be established by the corporation, following the completion of an approved undergraduate program in science, technology, engineering or mathematics a graduate or higher degree program or other professional licensure degree program. Any obligation to comply with such provisions as outlined in this section shall be cancelled upon the death of the recipient. Notwithstanding any provisions of this subdivision to the contrary, the corporation is authorized to promulgate rules and regulations to provide for the waiver or suspension of any financial obligation which would involve extreme hardship.

5. The corporation is authorized to promulgate rules and regulations, and may promulgate emergency regulations, necessary for the implementation of the provisions of this section, including, but not limited to, the rate of interest charged for repayment of the student loan **and the criteria for distributing the awards, which may include a lottery or other form of random selection for awards distributed pursuant to subdivision two-a of this section**.

§ 2. This act shall take effect immediately.

PART CC

Section 1. The education law is amended by adding a new section 3244 to read as follows:

§ 3244. Education of children in foster care. 1. Definitions. For purposes of this section only, the following definitions shall apply:

a. Child or youth in foster care. For the purposes of this article, the term "child or youth in foster care" shall mean a child who is in the care and custody or custody and guardianship of a local commissioner of social services or the commissioner of the office of children and family services.

b. School district of origin. The term "school district of origin" shall mean the school district within the state of New York in which the child or youth in foster care was attending a public school or preschool on a tuition-free basis or was entitled to attend at the time of placement into foster care when the social services district or the office of children and family services assumed care and custody or custody and guardianship of such child or youth, which is different from the school district of residence.

c. School district of residence. The term "school district of residence" shall mean the public school district within the state of New York in which the foster care placement is located, which is different from the school district of origin.

d. 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.

e. 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.

f. 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.

g. School of origin. The term "school of origin" shall mean a public school that a child or youth attended at the time of placement into foster care, or the school in which the child or youth was last enrolled, including a preschool or a charter school. Provided that, for a child or youth in foster care 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 was placed in foster care 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 be placed in foster care.

2. Choice of district and school. a. Notwithstanding any other provision of law to the contrary, the social services district, in consultation with the appropriate local educational agency or agencies, shall designate either the school district of origin or the school district of residence within which the child in foster care shall be entitled to attend in accordance with a best interest determination made by the applicable social services district or voluntary authorized agency, as defined in paragraph (a) of subdivision ten of section three hundred seventy-one of the social services law, in accordance with the regulations of the office of children and family services. The child shall be entitled to attend the school of origin or any school that children and youth who live in the attendance area in which the foster care placement is located are eligible to attend, including a preschool, subject to a best interest determination made by the applicable social services district or voluntary authorized agency, as defined in paragraph (a) of subdivision ten of section three hundred seventy-one of the social services law, for the duration of the child's placement in foster care and until the end of the school year in which such child is no longer in foster care and for one additional year if that year constitutes the child's terminal year in such building.

b. Notwithstanding any other provision of law to the contrary, where the school district of origin or school of origin that a child was attending on a tuition-free basis or was entitled to attend when such child entered foster care is located in New York state and the child's foster care placement is located in a contiguous state, the child shall be entitled to attend the school of origin or any school that children and youth who live in the attendance area in which the foster care placement is located are eligible to attend, including a preschool, subject to a best interest determination made by the applicable social services district or voluntary authorized agency, as defined in paragraph (a) of subdivision ten of section three hundred seventy-one of the social services law, for the duration of the child's placement in foster care and until the end of the school year in which such child is no longer in foster care and for one additional year if that year constitutes the child's terminal year in such building.

c. Notwithstanding the provisions of paragraph a or b of this subdivision, a child in foster care who is moved from one foster care placement to another shall be entitled to continue to attend the school of origin or the social services district may designate that the child in foster care attend any school that children and youth who live in the attendance area in which the foster care placement is located are eligible to attend, including a preschool, subject to a best interest determination made by the applicable social services district or voluntary authorized agency, as defined in paragraph (a) of subdivision ten of section three hundred seventy-one of the social services law, for the duration of the child's placement in foster care and until the end of the school year in which the child is no longer in such foster care placement and for one additional year if that year constitutes the child's terminal year in such building.

d. Upon notification of the designation made by the social services district for a foster care youth, the designated school district of attendance shall immediately:

(1) enroll the child or youth in foster care 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 placement in foster care, 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) treat the child or youth in foster care as a resident for all purposes; and

(3) make a written request to the school district where the child's records are located for a copy of such records.

e. Within five days of receipt of a request for records in accordance with subparagraph three of paragraph d of this subdivision, the school district shall forward, in a manner consistent with state and federal law, a complete copy of the records of the child or youth in foster care including, but not limited to, proof of age, academic records, evaluations, immunization records, and guardianship papers, if applicable.

f. 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 child in foster care. If the designated school district of attendance is not the school district of origin, the designated school district of attendance may seek reimbursement from the school district of origin in accordance with the provisions of subdivision four of section thirty-two hundred two of this article.

g. 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 point of contact for children and youth in foster care. Provided that such point of contact shall not be the same as the liaison designated pursuant to the subtitle B of title VII of the McKinney-Vento Assistance Act, unless the McKinney-Vento liaison has sufficient ability to carry out the responsibilities of the McKinney-Vento liaison in addition to the responsibilities of the point of contact for children and youth in foster care.

3. Reimbursement. The tuition costs of the education of such child or youth in foster care shall be borne in accordance with the provisions of paragraph d of subdivision four of section thirty-two hundred two of this article.

4. Transportation. a. Notwithstanding any other provision of law, any child or youth in foster care who requires transportation in order to attend a school of origin designated pursuant to subdivision two of this section, shall be entitled to receive such transportation pursuant to this paragraph. The designated school district of attendance shall provide transportation to and from the child's foster care placement location and the school of origin. Any cost incurred for such transportation that is allowable up to fifty miles each way 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-effec-

tive mode of such transportation in a manner consistent with the commissioner's regulations.

b. Notwithstanding any other provision of law, where any child or youth in foster care attends the school district of residence 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. Any cost incurred for such transportation that is allowable pursuant to the applicable provisions 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 the commissioner's regulations.

c. Excess allowable transportation costs beyond those reimbursed in paragraphs a and b of this subdivision resulting from the attendance of a child or youth in foster care shall be shared between the social services district responsible for the foster care costs of the child or youth and the designated school district of attendance equally. Excess transportation costs shall mean the difference between what a school district otherwise would spend to transport a student to his or her assigned school and the cost of transporting a child in foster care to his or her school of origin; except as otherwise reimbursed under paragraph a or b of this subdivision and as further defined in regulations of the commissioner. The school district and local social services district are expected to consider and utilize all allowable funding sources, including any available federal funds, to cover additional transportation costs. Provided however that school districts and social services districts that have written agreements relating to how excess transportation costs should be funded, that both entities have agreed to and are consistent with the requirements in subparagraph five of paragraph c of section one thousand one hundred twelve of title twenty of the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act of 2015, filed with the department and the office of children and family services shall not be subject to this paragraph. In the absence of such a shared agreement, such school districts and local departments of social services are subject to the provisions of this paragraph.

d. Where the child has been placed in foster care in a contiguous state and has designated a school of origin located in the state of New York, the designated school district of attendance in New York state shall collaborate with the social services district to arrange for transportation.

5. Each child or youth in foster care 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.

6. The commissioner, in consultation with the office of children and family services, may promulgate regulations to carry out the purposes of this section.

§ 2. Subdivision 4 of section 3202 of the education law, as added by chapter 867 of the laws of 1973 and renumbered by chapter 563 of the laws of 1980, paragraph a, the opening paragraph of paragraph e, the opening paragraph of paragraph f and subparagraph (viii) of paragraph f as amended and paragraph f as designated by chapter 82 of the laws of 1995, paragraphs e and g as amended and subparagraphs (i), (ii), (iii), (iv), (v), (vi) and (vii) of paragraph f as added by chapter 170 of the laws of 1994, and paragraph g as relettered by chapter 82 of the laws of 1995, is amended to read as follows:

4. a. **Definitions. For purposes of this subdivision only, the following definitions shall apply.**

(i) The term "school district of origin" shall mean the school district within the state of New York in which the child or youth in foster care was attending a public school or preschool on a tuition-free basis or was entitled to attend when the social services district or office of children and family services assumed responsibility for the placement, support and maintenance of such child or youth, which is different from the school district of residence.

(ii) School district of residence. The term "school district of residence" shall mean the public school district within the state of New York in which the foster care placement is located, which is different from the school district of origin.

b. Except as provided in subdivision five of this section, the cost of instruction of [~~pupils placed in family homes at board by a social services district or a state department or agency~~] **children in foster care** shall be borne by the school district [~~in which each such pupil resided at the time the social services district or state department or agency assumed responsibility for the placement, support and maintenance of such pupil; provided, however, that such cost of instruction shall continue to be borne, while such pupil remains under the age of twenty-one years, by any social services district or state department or agency which assumed responsibility for tuition costs for any such pupil prior to January one, nineteen hundred seventy-four~~] **of origin**. Where a [~~pupil is placed pursuant to this subdivision outside the pupil's school district of residence at the time of such placement~~] **school district other than the school district of origin is designated in accordance with paragraph e of subdivision two of section thirty-two hundred forty-four of this article**, the cost of instruction shall be borne by the [~~district of residence~~] **school district of origin** and the tuition paid to the **designated** school district [~~furnishing instruction~~] **of attendance** shall be computed as provided in paragraph d of this subdivision, except that, where the [~~family home at board~~] **foster care placement** receives program support from a child care institution affiliated with a special act school district as defined in subdivision eight of section four thousand one of this chapter, and the [~~board of education of such district furnishing instruction~~] **designated school district of attendance**, upon the recommendation of its committee on special education, contracts for such pupil's education pursuant to paragraph c, d, e, or f of subdivision two of section forty-four hundred one of this chapter or for a nonresidential placement pursuant to paragraph l of such subdivision, costs incurred shall be reimbursed in accordance with paragraph e of this subdivision. Notwithstanding any inconsistent provision of law, where the permanent residence of a pupil is outside of the state, the school district in which the pupil was located at the time the public agency placed such pupil shall be deemed the [~~district of residence~~] **school district of origin** of such pupil for purposes of

this subdivision and shall be responsible for the cost of instruction of such pupil.

[~~b~~] c. Children cared for in free family homes and children cared for in family homes at board, when such family homes shall be the actual and only residence of such children and when such children are not supported and maintained at the expense of a social services district or of a state department or agency, shall be deemed residents of the school district in which such family home is located.

[~~c. Children cared for in free family homes and children cared for in family homes at board, when such family homes are not the actual and only residences of such children and when such children are not supported and maintained at the expense of a social services district or of a state department or agency, and who apply for the first time for admittance to the schools of the district in which such family home is located during the school year 1973--1974 shall be admitted upon terms and conditions including the payment of tuition, established by the board of education of such school district, unless such board of education shall establish to the satisfaction of the commissioner that there are valid and sufficient reasons for refusal to receive such children.~~]

d. For the purposes of this subdivision, tuition shall be fixed in an amount which represents the additional operating cost to the designated school district of attendance resulting from the attendance of a child for whom tuition is required, computed in accordance with a formula established by the commissioner of education.

e. Where the [~~board of education of a school district furnishing instruction for a pupil placed pursuant to this subdivision in a family home at board~~] designated school district of attendance for a child or youth in foster care that receives program support from a child care institution affiliated with a special act school district, other than the board of the pupil's school district of [~~residence~~] origin as defined in paragraph a of this subdivision, upon the recommendation of its committee on special education, contracts for the instruction of such pupil pursuant to paragraph c, d, e, or f of subdivision two of section forty-four hundred one of this chapter or for a nonresidential placement pursuant to paragraph l of such subdivision, such board shall submit a claim to the commissioner for current year reimbursement of costs incurred for such pupil. The commissioner shall pay such claim in accordance with the applicable provisions of section thirty-six hundred nine-b of this chapter and shall be reimbursed by the school district identified as the pupil's school district of [~~residence~~] origin as defined in paragraph a of this subdivision. The commissioner shall deduct the amount of such claim from moneys otherwise due the school district of [~~residence~~] origin.

f. The identity of the school district of [~~residence at the time the public agency placed the pupil pursuant to paragraph a or paragraph e of this subdivision~~] origin shall be established in accordance with the following procedure:

(i) Within ten days of the placement of such pupil, the public agency or its designee shall give written notice of such placement to the board of education of the school district believed to be the school district of [~~residence~~] origin. Such notification shall include the name of the pupil and any particulars about the pupil that pertain to the identification of the school district as the school district of [~~residence~~] origin as defined in paragraph a of this subdivision.

(ii) A board of education of a school district which receives notification pursuant to subparagraph (i) of this paragraph may submit to the

public agency, within ten days of its receipt of such notice, additional evidence to establish that it is not the pupil's district of [~~residence~~] **origin** as defined in paragraph a of this subdivision. Any evidence so submitted shall be considered by the agency prior to making its final determination, which shall be made no later than five days after the agency's receipt of such additional evidence. In the event such school district fails to submit additional evidence within such ten day period, the determination of the public agency shall be final and the notification provided pursuant to subparagraph (i) of this paragraph shall be deemed final notification of such determination.

(iii) If, upon its review, the public agency determines that the school district notified pursuant to subparagraph (i) of this paragraph was not the pupil's district of [~~residence~~] **origin**, the public agency shall send notification to the correct school district, in the form prescribed by subparagraph (i) of this paragraph. Alternatively, if, upon its review, the public agency determines that the school district originally designated pursuant to subparagraph (i) of this paragraph is the pupil's district of [~~residence~~] **origin,** the public agency shall notify such district in writing of its final determination.

(iv) The board of education of the school district finally determined by the public agency to be the pupil's school district of [~~residence~~] **origin** may appeal such determination to the commissioner within thirty days of its receipt of final notification pursuant to this paragraph. Such an appeal shall be conducted in the same manner as an appeal from the actions of local school officials pursuant to section three hundred ten of this chapter, except that the factual allegations of the petitioner shall not be deemed true in the event the public agency elects not to appear in the appeal. The petitioner shall join as a party to the appeal any other school district suspected to be the pupil's actual school district of [~~residence~~] **origin**.

(v) If the commissioner finds that the school district notified pursuant to subparagraph (i) or (iii) of this paragraph was not the pupil's school district of [~~residence~~] **origin** as defined in paragraph a of this subdivision and that the correct school district was not joined as a party to the appeal, the commissioner shall direct the public agency to notify the correct school district pursuant to subparagraph (i) of this paragraph.

(vi) Notwithstanding any inconsistent provisions of law, during the pendency of all proceedings to review a denial of financial responsibility, the commissioner shall issue an interim order assigning such financial responsibility to the school district or, alternatively, upon a determination that the public agency failed to make reasonable efforts to identify the [~~residence~~] **school district of origin** of such child, to the public agency. In the event the public agency fails to provide timely notice pursuant to subparagraph (i) of this paragraph, or fails to render its final determination in a timely manner, the public agency responsible for such pupil's residential placement shall reimburse the commissioner for the payments made to the district furnishing instruction pursuant to this paragraph during the pendency of all proceedings or for the duration of the current school year, whichever is longer, and the state comptroller shall withhold such amount from any moneys due the county or the city of New York, on vouchers certified or approved by the commissioner, in the manner prescribed by law or shall transfer such amount from the account of such state department or agency upon certification of the commissioner, and such funds shall be credited to the

general support for public schools local assistance account of the department.

(vii) Any final determination or order of the commissioner concerning the school district of [~~residence~~] **origin** of any pupil under this section may only be reviewed in a proceeding brought in the supreme court pursuant to article seventy-eight of the civil practice law and rules. In any such proceeding under such article seventy-eight, the court may grant any relief authorized by the provisions of section seventy-eight hundred six of such law and rules and may also, in its discretion, remand the proceedings to the commissioner. A local social services commissioner or any state department or agency placing pupils pursuant to this subdivision is a proper party in any such appeal or proceeding.

(viii) Upon completion of all proceedings to review the denial of financial responsibility for the costs of instruction pursuant to this paragraph, the commissioner shall refund any payments made by a party cleared of such responsibility and shall collect any payments owed by a party found to have such responsibility. Where such transactions involve a school district liable for reimbursement pursuant to paragraph e of this subdivision, the commissioner shall appropriately increase or decrease the moneys due a school district by such amount in accordance with the provisions of section thirty-six hundred nine-b of this chapter. Where such transactions involve the public agency making a placement pursuant to this subdivision, the comptroller shall increase or decrease the moneys due such public agency by such amount upon certification of the commissioner, transferring such amount to or from the account of such state department or agency to or from the general support for public schools local assistance account of the department.

g. If within ninety days from the entry of an order or judgment of a court of competent jurisdiction or the receipt of a decision of the commissioner pursuant to section three hundred ten of this chapter, determining the responsibility of a school district to pay tuition for a pupil in accordance with the provisions of paragraph a of this subdivision or of section five hundred four of the executive law, such school district has not made payment to the **designated** school district [~~providing instruction to such pupil~~] **of attendance**, the school district entitled to such payment may make application to the commissioner to receive a sum in the amount of such tuition from the apportionment of public money payable to the school district required to pay such tuition. The application for payment shall be accompanied by a certified copy of the order or judgment of a court, or a copy of the decision of the commissioner, and by proof of service by first class mail of a copy of such application upon the school district required to pay such tuition. Unless the school district required to pay such tuition shall have notified the commissioner of such payment within thirty days from the receipt of such application, the commissioner shall withhold an amount equal to the tuition for such pupil from the public money payable to the school district responsible for such tuition and shall pay such amount to the school district which has provided instruction to such pupil. The commissioner is authorized to promulgate regulations to implement the provisions of this paragraph.

§ 3. Paragraph (a) of subdivision 2 of section 153-k of the social services law, as amended by section 2 of subpart B of part K of chapter 56 of the laws of 2017, is amended to read as follows:

(a) Notwithstanding the provisions of this chapter or of any other law to the contrary, eligible expenditures by a social services district for

foster care services shall be subject to reimbursement with state funds only to the extent of annual appropriations to the state foster care block grant. Such foster care services shall include expenditures for the provision and administration of: care, maintenance, supervision [~~and~~], tuition, and transportation costs related to the education of a foster child or youth incurred in accordance with paragraph c of subdivision four of section thirty-two hundred forty-four of the education law; supervision of foster children placed in federally funded job corps programs; and care, maintenance, supervision and tuition for adjudicated juvenile delinquents and persons in need of supervision placed in residential programs operated by authorized agencies and in out-of-state residential programs; except that, notwithstanding any other provision of law to the contrary, reimbursement with state funds pursuant to the state foster care block grant shall not be available for tuition expenditures for foster children, including persons in need of supervision and adjudicated juvenile delinquents, made by a social services district located within a city having a population of one million or more. Social services districts must develop and implement children and family services delivery systems that are designed to reduce the need for and the length of foster care placements and must document their efforts in the multi-year consolidated services plan and the annual implementation reports submitted pursuant to section thirty-four-a of this chapter.

§ 4. This act shall take effect immediately, provided however, that the amendments to paragraph (a) of subdivision 2 of section 153-k of the social services law as made by section three of this act shall be subject to the repeal of such section pursuant to section 28 of part C of chapter 83 of the laws of 2002, as amended.

PART DD

Section 1. The section heading and subdivisions 1 and 2 of section 36-c of the social services law, as added by section 1 of part K of chapter 58 of the laws of 2010, are amended to read as follows:

Savings plan [~~demonstration project~~] for the city of New York. 1. Notwithstanding any other provision of law to the contrary, in any social services district with a city having a population of [~~one~~] five million or more, the social services district shall conduct a demonstration project as set forth in this section, and shall evaluate and report on such project annually, pursuant to a plan approved by the office of temporary and disability assistance and the division of budget [~~prior to the implementation of the project~~]. A comprehensive report shall be provided to the governor, the temporary president of the senate and the speaker of the assembly by December thirty-first, two thousand twenty-one. Such report shall include but not be limited to information regarding the program such as the number of participants for the previous three years; the percentage of participation as measured by the number of participants making contributions into such savings plan; the average amount payable to a participant upon leaving the program; the average length of time a participant remained in the program; the number of situations in which the participant moved out of the program but reengaged in the program within the previous twelve months; the number of participants leaving the program voluntarily and the number of participants removed due to failure to comply; and any other demonstrated outcomes of such program.

2. Such social services district, in lieu of applying that portion of a temporary housing assistance recipient's earned income that, but for

the [~~other~~] provisions of this [~~chapter~~] **section**, would be applied to reduce the need for the shelter component of temporary housing assistance provided in a temporary emergency shelter, shall direct such a recipient to participate in a savings plan with such funds and, as long as such funds are not withdrawn, they shall not be applied to reduce the need for the shelter component of the temporary housing assistance granted for the duration of his or her residence in temporary emergency shelter; provided, however, that the provisions of this section shall only apply to a person receiving temporary housing assistance in a shelter or other facility [~~funded and~~] overseen by the New York city department of homeless services or the New York city department of housing preservation and development. Failure by a recipient of temporary housing assistance to contribute to such a savings plan shall [~~not in itself~~] result in the discontinuance of temporary housing assistance[~~, unless the recipient separately fails to comply with conditions of eligibility that could result in the discontinuance of temporary housing assistance~~]. **Provided however, such discontinuance shall be immediately curable by compliance with this section.**

§ 2. 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 project, as amended by section 1 of part V of chapter 56 of the laws of 2017, is amended to read as follows:

c. this act shall expire and be deemed repealed March 31, [~~2018; provided, however that at such time that the office of temporary and disability assistance approves a revised savings demonstration plan that has been submitted to the office by the City of New York, this act shall expire and be deemed repealed. Upon approval of the revised plan, the office shall notify the chair of the senate finance committee and the chair of the assembly ways and means committee; provided, further, that the office of temporary and disability assistance shall notify the legislative bill drafting commission upon the approval of the revised savings demonstration plan 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~~] **2022**.

§ 3. This act shall take effect immediately; provided, however, that the amendments to section 36-c of the social services law made by section one of this act shall not affect the repeal of such section and shall be deemed repealed therewith.

§ 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 DD of this act shall be as specifically set forth in the last section of such Parts.