

STATE OF NEW YORK

7506--A

IN SENATE

January 18, 2018

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

AN ACT to amend the education law, in relation to contracts for excellence and the apportionment of public moneys; to amend the education law, in relation to the reporting of teacher diversity; to amend the education law, in relation to teaching tolerance; to amend the education law, in relation to reporting requirements of school level funding; to amend the education law, in relation facility aid for charter schools; to amend the education law, in relation to supplemental public excess cost aid; to amend the education law, in relation to full day kindergarten aid; to amend the education law, in relation to academic enhancement aid; to amend the education law, in relation to high tax aid; to amend the education law, in relation to universal pre-kindergarten aid; to amend the education law, in relation to the statewide universal full-day pre-kindergarten program; to amend the education law, in relation to the teachers of tomorrow teacher recruitment and retention program; to amend the education law, in relation to class sizes for special classes containing certain students with disabilities; to amend chapter 756 of the laws of 1992, relating to funding a program for work force education conducted by the consortium for worker education in New York city, in relation to reimbursements for the 2018-2019 school year; to amend chapter 756 of the laws of 1992, relating to funding a program for work force education conducted by the consortium for worker education in New York city, in relation to withholding a portion of employment preparation education aid and in relation to the effectiveness thereof; to amend the education law, in relation to class sizes for special classes containing certain students with disabilities; to amend chapter 82 of the laws of 1995, amending the education law and certain other laws relating to state aid to school districts and the appropriation of funds for the support of government, in relation to the effectiveness thereof; to amend the education law, in relation to authorizing the granting of waivers for certain duties owed by school districts to children with handicapping conditions; to amend chapter 89 of the laws

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

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of 2016, relating to supplementary funding for dedicated programs for public school students in the East Ramapo central school district, in relation to the effectiveness thereof; to amend chapter 147 of the laws of 2001, amending the education law relating to conditional appointment of school district, charter school or BOCES employees, in relation to the effectiveness thereof; to amend chapter 169 of the laws of 1994, relating to certain provisions related to the 1994-95 state operations, aid to localities, capital projects and debt service budgets, in relation to the expiration of certain provisions; to amend chapter 425 of the laws of 2002, amending the education law relating to the provision of supplemental educational services, attendance at a safe public school and the suspension of pupils who bring a firearm to or possess a firearm at a school, in relation to the effectiveness thereof; to amend chapter 101 of the laws of 2003, amending the education law relating to implementation of the No Child Left Behind Act of 2001, in relation to the effectiveness thereof; to amend chapter 56 of the laws of 2014, amending the education law relating to providing that standardized test scores shall not be included on a student's permanent record, in relation to the expiration of certain provisions; to amend the education law, in relation to requiring the commissioner of education to include certain information in the official score report of all students; relating to school bus driver training; relating to special apportionment for salary expenses and public pension accruals; relating to suballocations of appropriations; relating to the city school district of the city of Rochester; relating to total foundation aid for the purpose of the development, maintenance or expansion of certain magnet schools or magnet school programs for the 2017-2018 school year; and relating to the support of public libraries (Part A); to amend the education law, in relation to total foundation aid; to amend the education law, in relation to the total number of charters; to amend the education law, in relation to the salary for teachers providing instruction in career and technical education; to amend the education law, in relation to compliance with part 154 of the commissioner's regulations; to amend the education law, in relation to state aid adjustments; to legalize, validate, ratify and confirm certain acts relating to transportation contracts; to ratify and validate acts relating to final building project cost reports; to amend the education law, in relation to internal audits; to amend the education law, in relation to moneys apportioned for students with disabilities; to amend chapter 507 of the laws of 1974 relating to providing for the apportionment of state monies to certain nonpublic schools, to reimburse them for their expenses in complying with certain state requirements for the administration of state testing and evaluation programs and for participation in state programs for the reporting of basic educational data, in relation to the calculation of aid to nonpublic schools; to amend the education law, in relation to shared transportation aid; to amend the education law, in relation to reimbursement for grants for hiring teachers in nonpublic schools; to amend the education law, in relation to transportation expenses; relating to tuition revenue and tuition rate calculations and rate reconciliation for certain special act school districts; to amend the education law, in relation to eligibility for an apportionment; to amend the education law, in relation to the amount of the supplemental basic tuition for charter schools; to amend the education law, in relation to building aid for charter schools; and to amend the education law, in relation to state aid for library construction; to estab-

lish student-specific tuition rate enhancements for children's residential project education programs; and to amend the education law, in relation to special services aid and aid for career education (Part A-1); to amend the education law, in relation to child sexual abuse awareness; to amend the education law, in relation to the establishment of multi-year cost allowances for the Mount Vernon city school district; to amend the education law, in relation to establishing the youth violence prevention pilot program; to amend the arts and cultural affairs law, in relation to the Amistad commission; to amend the education law, in relation to establishing a pilot program for peace/conflict resolution centers; and providing for the repeal of certain provisions upon expiration thereof (Part A-2); to amend the education law, in relation to establishing active shooter drills at public and private educational institutions (Subpart A); to amend the executive law and the education law, in relation to authorizing certain school personnel to wear personal safety alarms (Subpart B); to amend the education law, in relation to a school resource officer program and providing school resource officer security protection aid (Subpart C); to amend the education law, in relation to security upgrades recommended by school safety improvement teams (Subpart D); to amend the education law, in relation to providing for security hardware and software safety technology (Subpart E); to amend the education law, in relation to providing counselors, social workers and psychologists in schools (Subpart F); to amend the education law, in relation to providing school mental health services program coordinators in schools (Subpart G); and to amend the education law, in relation to the comprehensive school security grant program (Subpart H)(Part A-3); 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 lunch shaming and to school breakfast and lunch programs (Part B); to amend the education law, in relation to authorizing school bus stop cameras; and to amend the vehicle and traffic law, in relation to owner liability for operator illegally overtaking or passing a school bus and increasing fines for passing a stopped school bus (Part C); to amend the education law, in relation to participation in recovery high school programs (Part D); intentionally omitted (Part E); to amend the education law, the business corporation law, the partnership law and the limited liability company law, in relation to certified public accountants (Part 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 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); to amend the social services law, in relation to increasing the standards of monthly need for aged, blind and disabled persons living in the community (Part L); intentionally omitted (Part M); to utilize reserves in the mortgage insurance fund for various housing purposes (Part N); to amend chapter 85 of the laws of 2017, relating to creating the Lake Ontario-St. Lawrence Seaway flood recovery and International Joint Commission Plan 2014 mitigation grant program, in relation to utilizing reserves in the mortgage insurance fund for various housing purposes (Subpart A); to amend chapter 85 of the laws of 2017 relating to creating the Lake Ontario-St. Lawrence Seaway flood recovery and International Joint Commission Plan 2014 mitigation grant program, in relation to including docks as an approved storm-related repair for primary and income qualified seasonal residences (Subpart B); to amend the military law, in relation to the Lake Ontario-St. Lawrence River flood prevention, response and recovery program (Subpart C); to amend the New York state urban development corporation act and the state finance law, in relation to financing the Lake Ontario-St. Lawrence River flood prevention, response and recovery program (Subpart D); and to amend the environmental conservation law, in relation to the New York state Lake Ontario-St. Lawrence River flood prevention, response, recovery and mitigation task force; to establish reporting and public hearing requirements for the New York state Lake Ontario-St. Lawrence River flood prevention, response, recovery and mitigation task force (Subpart E)(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 state finance law, in relation to establishing the SUNY Stony Brook Eastern Long Island hospital affiliation escrow fund (Part Q); to amend the education law, in relation to enhanced tuition awards (Part R); to amend the education law, in relation to requiring the state university of New York to compile a report regarding compliance with programs to be offered by boards of cooperative educational services (Part S); to amend the education law, in relation to the New York state science, technology, engineering and mathematics incentive program (Part T); to amend the education law, in relation to state appropriations to the state university of New York and the city university of New York (Part U); to amend the state finance law, in relation to five-year capital plans for the state university of New York and the city university of New York (Part V); to amend the education law, in relation to the board of trustees of the New York state higher education services corporation (Part W); to amend the education law, in relation to eligibility for an amount of an excelsior scholarship (Part X); to amend the education law, in relation to the commissioner of education (Part Y); to amend the education law, in relation to certain tuition waivers for firefighters and fire officer students of the city university of New York; and providing for the repeal of such provisions upon expiration thereof (Part Z); to amend the state finance law, in relation to the establishment of the state university of New York hospital operations escrow fund (Part AA); to amend the education law, in relation to establishing the New York state teacher loan forgiveness program (Part

BB); to amend the private housing finance law, in relation to establishing an affordable independent senior housing assistance program (Part CC); to amend the private housing finance law, in relation to residential emergency services to offer home repairs to the elderly program (Part DD); to amend the private housing finance law, in relation to disabled veteran access to home for heroes contracts (Part EE); to amend the multiple dwelling law, in relation to the floor area ratio (FAR) in the city of New York (Part FF); to amend the public housing law, in relation to the New York state low-income housing tax credit program (Part GG); to amend the real property tax law, in relation to tax abatements for dwelling units occupied by certain persons residing in rent-controlled or rent regulated properties, and providing state aid to cities affected by such tax abatements (Part HH); to establish the New York city tax reform study commission, and providing for its powers and duties (Part II); to amend the real property tax law, in relation to the increase in maximum rent or legal regulated rent for purposes of the tax abatement for rent-controlled and rent regulated property occupied by senior citizens or persons with disabilities in cities having a population of one million or more (Part JJ); to amend the administrative code of the city of New York and the real property tax law, in relation to increasing the average assessed value threshold (Part KK); to amend the labor law, in relation to exemptions from licensure requirements (Part LL); to amend the administrative code of the city of New York and the public housing law, in relation to establishing the New York city housing authority repair certificate program (Part MM); to amend the public housing law and the New York city charter, in relation to authorizing the New York city council to oversee the activities of the New York city housing authority (Part NN); to amend the public housing law, in relation to providing for the appointment of an independent monitor for the New York city housing authority, and providing for the powers and duties of such monitor (Part OO); to amend the public housing law and the New York city charter, in relation to directing the New York City Housing Authority to establish a 311 hotline for the submission and receipt of complaints (Part PP); to amend the administrative code of the city of New York, in relation to providing for retroactive benefit calculation for the senior citizens rent increase exemption and disability rent increase exemption (Part QQ); and to amend the state finance law, in relation to the local share requirements associated with increasing the age of juvenile jurisdiction (Part RR)

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

1 Section 1. This act enacts into law major components of legislation
2 which are necessary to implement the state fiscal plan for the 2018-2019
3 state fiscal year. Each component is wholly contained within a Part
4 identified as Parts A through RR. The effective date for each particular
5 provision contained within such Part is set forth in the last section of
6 such Part. Any provision in any section contained within a Part, includ-
7 ing the effective date of the Part, which makes a reference to a section
8 "of this act", when used in connection with that particular component,
9 shall be deemed to mean and refer to the corresponding section of the
10 Part in which it is found. Section three of this act sets forth the
11 general effective date of this act.

1

PART A

2 Section 1. Paragraph e of subdivision 1 of section 211-d of the educa-
3 tion law, as amended by section 1 of part YYY of chapter 59 of the laws
4 of 2017, is amended to read as follows:

5 e. Notwithstanding paragraphs a and b of this subdivision, a school
6 district that submitted a contract for excellence for the two thousand
7 eight--two thousand nine school year shall submit a contract for excel-
8 lence for the two thousand nine--two thousand ten school year in
9 conformity with the requirements of subparagraph (vi) of paragraph a of
10 subdivision two of this section unless all schools in the district are
11 identified as in good standing and provided further that, a school
12 district that submitted a contract for excellence for the two thousand
13 nine--two thousand ten school year, unless all schools in the district
14 are identified as in good standing, shall submit a contract for excel-
15 lence for the two thousand eleven--two thousand twelve school year which
16 shall, notwithstanding the requirements of subparagraph (vi) of para-
17 graph a of subdivision two of this section, provide for the expenditure
18 of an amount which shall be not less than the product of the amount
19 approved by the commissioner in the contract for excellence for the two
20 thousand nine--two thousand ten school year, multiplied by the
21 district's gap elimination adjustment percentage and provided further
22 that, a school district that submitted a contract for excellence for the
23 two thousand eleven--two thousand twelve school year, unless all schools
24 in the district are identified as in good standing, shall submit a
25 contract for excellence for the two thousand twelve--two thousand thir-
26 teen school year which shall, notwithstanding the requirements of
27 subparagraph (vi) of paragraph a of subdivision two of this section,
28 provide for the expenditure of an amount which shall be not less than
29 the amount approved by the commissioner in the contract for excellence
30 for the two thousand eleven--two thousand twelve school year and
31 provided further that, a school district that submitted a contract for
32 excellence for the two thousand twelve--two thousand thirteen school
33 year, unless all schools in the district are identified as in good
34 standing, shall submit a contract for excellence for the two thousand
35 thirteen--two thousand fourteen school year which shall, notwithstanding
36 the requirements of subparagraph (vi) of paragraph a of subdivision two
37 of this section, provide for the expenditure of an amount which shall be
38 not less than the amount approved by the commissioner in the contract
39 for excellence for the two thousand twelve--two thousand thirteen school
40 year and provided further that, a school district that submitted a
41 contract for excellence for the two thousand thirteen--two thousand
42 fourteen school year, unless all schools in the district are identified
43 as in good standing, shall submit a contract for excellence for the two
44 thousand fourteen--two thousand fifteen school year which shall,
45 notwithstanding the requirements of subparagraph (vi) of paragraph a of
46 subdivision two of this section, provide for the expenditure of an
47 amount which shall be not less than the amount approved by the commis-
48 sioner in the contract for excellence for the two thousand thirteen--two
49 thousand fourteen school year; and provided further that, a school
50 district that submitted a contract for excellence for the two thousand
51 fourteen--two thousand fifteen school year, unless all schools in the
52 district are identified as in good standing, shall submit a contract for
53 excellence for the two thousand fifteen--two thousand sixteen school
54 year which shall, notwithstanding the requirements of subparagraph (vi)
55 of paragraph a of subdivision two of this section, provide for the

1 expenditure of an amount which shall be not less than the amount
2 approved by the commissioner in the contract for excellence for the two
3 thousand fourteen--two thousand fifteen school year; and provided
4 further that a school district that submitted a contract for excellence
5 for the two thousand fifteen--two thousand sixteen school year, unless
6 all schools in the district are identified as in good standing, shall
7 submit a contract for excellence for the two thousand sixteen--two thou-
8 sand seventeen school year which shall, notwithstanding the requirements
9 of subparagraph (vi) of paragraph a of subdivision two of this section,
10 provide for the expenditure of an amount which shall be not less than
11 the amount approved by the commissioner in the contract for excellence
12 for the two thousand fifteen--two thousand sixteen school year; and
13 provided further that, a school district that submitted a contract for
14 excellence for the two thousand sixteen--two thousand seventeen school
15 year, unless all schools in the district are identified as in good
16 standing, shall submit a contract for excellence for the two thousand
17 seventeen--two thousand eighteen school year which shall, notwithstand-
18 ing the requirements of subparagraph (vi) of paragraph a of subdivision
19 two of this section, provide for the expenditure of an amount which
20 shall be not less than the amount approved by the commissioner in the
21 contract for excellence for the two thousand sixteen--two thousand
22 seventeen school year; and provided further that a school district that
23 submitted a contract for excellence for the two thousand seventeen--two
24 thousand eighteen school year, unless all schools in the district are
25 identified as in good standing, shall submit a contract for excellence
26 for the two thousand eighteen--two thousand nineteen school year which
27 shall, notwithstanding the requirements of subparagraph (vi) of para-
28 graph a of subdivision two of this section, provide for the expenditure
29 of an amount which shall be not less than the amount approved by the
30 commissioner in the contract for excellence for the two thousand seven-
31 teen--two thousand eighteen school year; and provided further that, a
32 school district with a population of one million or more that submitted
33 a contract for excellence for the two thousand seventeen--two thousand
34 eighteen school year, unless all schools in the district are identified
35 as in good standing, shall submit a contract for excellence for the two
36 thousand eighteen--two thousand nineteen school year which shall,
37 notwithstanding the requirements of subparagraph (vi) of paragraph a of
38 subdivision two of this section, provide for the expenditure of an
39 amount which shall be not less than the amount approved by the commis-
40 sioner in the contract for excellence for the two thousand seventeen--
41 two thousand eighteen school year. For purposes of this paragraph, the
42 "gap elimination adjustment percentage" shall be calculated as the sum
43 of one minus the quotient of the sum of the school district's net gap
44 elimination adjustment for two thousand ten--two thousand eleven
45 computed pursuant to chapter fifty-three of the laws of two thousand
46 ten, making appropriations for the support of government, plus the
47 school district's gap elimination adjustment for two thousand eleven--
48 two thousand twelve as computed pursuant to chapter fifty-three of the
49 laws of two thousand eleven, making appropriations for the support of
50 the local assistance budget, including support for general support for
51 public schools, divided by the total aid for adjustment computed pursu-
52 ant to chapter fifty-three of the laws of two thousand eleven, making
53 appropriations for the local assistance budget, including support for
54 general support for public schools. Provided, further, that such amount
55 shall be expended to support and maintain allowable programs and activ-
56 ities approved in the two thousand nine--two thousand ten school year or

1 to support new or expanded allowable programs and activities in the
2 current year.

3 § 2. The education law is amended by adding a new section 210-d to
4 read as follows:

5 § 210-d. Data reporting requirements for graduate-level teacher and
6 educational leader programs. Each institution registered by the depart-
7 ment with graduate-level teacher and leader education programs shall
8 report to the department data in a form prescribed by the commissioner
9 regarding demographic data, on students participating in and completing
10 registered graduate-level teacher and educational leader programs.

11 § 3. Section 305 of the education law is amended by adding a new
12 subdivision 57 to read as follows:

13 57. The commissioner, in cooperation with the commissioner of the
14 division of human rights, shall establish and develop a respect for
15 diversity program within the department for the eighth and ninth grade.
16 Such program shall include but not be limited to age-appropriate model
17 curriculum, exemplar lesson plans, and best practice instructional
18 resources designed to promote awareness and respect for diversity,
19 including but not limited to respect for diversity of race, color,
20 weight, national origin, ethnic group, religion, religious practice,
21 disability, sexual orientation, gender, or sex.

22 § 4. The education law is amended by adding a new section 3614 to read
23 as follows:

24 § 3614. Statement of the total funding allocation. Notwithstanding
25 any provision of law, rule or regulation to the contrary, commencing
26 with the two thousand eighteen--two thousand nineteen school year for
27 school districts located in a city with a population of one hundred
28 twenty-five thousand or more, such school districts shall annually
29 submit and make publicly available, including on the district website, a
30 detailed statement of the total funding allocation for each school in
31 the district for the upcoming school budget year prior to the first day
32 of such school year, provided that:

33 1. Such statements shall be in a form developed by the commissioner,
34 provided that when preparing statements districts shall adhere to and
35 complete the prescribed form accurately and fully. Provided, further,
36 that each local educational agency shall include in such statement the
37 approach used to allocate funds to each school and that such statement
38 shall include but not be limited to separate entries for each individual
39 school, demographic data for the school, per pupil funding level, source
40 of funds, and uniform decision rules regarding allocation of centralized
41 spending to individual schools from both state and local funds.

42 2. Nothing in this section shall alter or suspend statutory school
43 district budget and voting requirements.

44 § 5. Paragraph b of subdivision 6-g of section 3602 of the education
45 law, as amended by section 11-a of part A of chapter 54 of the laws of
46 2016, is amended to read as follows:

47 b. The apportionment shall equal the product of (1) the sum of:

48 for aid payable for expenses incurred pursuant to subparagraph five of
49 paragraph (e) of subdivision three of section twenty-eight hundred
50 fifty-three of this chapter where the charter school prevails on appeal,
51 the annual approved expenses incurred by the city school district pursu-
52 ant to such subparagraph five multiplied by

53 (2) six-tenths, provided, however, that the apportionment payable
54 pursuant to this subdivision shall not exceed ten million dollars.

55 § 6. Clauses (A) and (B) of subparagraph 5 of paragraph e of subdivi-
56 sion 3 of section 2853 of the education law, clause (A) as amended by

1 section 11 of part A of chapter 54 of the laws of 2016, and clause (B)
2 as amended by section 5 of part YYY of chapter 59 of the laws of 2017,
3 are amended to read as follows:

4 (A) the actual rental cost, including but not limited to lease
5 payments, costs of capital improvements, costs of occupancy, maintenance
6 and repairs, utilities, custodial, security, insurance and real property
7 taxes, of an alternative privately owned site selected by the charter
8 school or

9 (B) [~~thirty~~] forty percent of the product of the charter school's
10 basic tuition for the current school year and (i) for a new charter
11 school that first commences instruction on or after July first, two
12 thousand fourteen, the charter school's current year enrollment; or (ii)
13 for a charter school which expands its grade level, pursuant to this
14 article, the positive difference of the charter school's enrollment in
15 the current school year minus the charter school's enrollment in the
16 school year prior to the first year of the expansion.

17 § 7. Intentionally omitted.

18 § 8. Intentionally omitted.

19 § 9. Paragraph r of subdivision 1 of section 3602 of the education
20 law, as amended by section 11 of part B of chapter 57 of the laws of
21 2007, is amended to read as follows:

22 r. "Sparsity count", for districts operating a kindergarten through
23 grade twelve school program, shall mean the product of (i) the base year
24 public school enrollment of the district and (ii) the sparsity factor,
25 which shall mean the quotient, computed to three decimals without round-
26 ing, of the positive remainder of twenty-five minus the enrollment per
27 square mile divided by fifty and nine tenths, but not less than zero.
28 Enrollment per square mile shall be the quotient, computed to two deci-
29 mals without rounding, of the public school enrollment of the school
30 district on the date enrollment was counted in accordance with this
31 subdivision for the base year divided by the square miles of the
32 district, as determined by the commissioner.

33 § 9-a. Intentionally omitted.

34 § 9-b. Intentionally omitted.

35 § 9-c. Intentionally omitted.

36 § 9-d. Intentionally omitted.

37 § 10. The closing paragraph of subdivision 5-a of section 3602 of the
38 education law, as amended by section 22 of part YYY of chapter 59 of the
39 laws of 2017, is amended to read as follows:

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

52 § 11. Intentionally omitted.

53 § 12. Intentionally omitted.

54 § 13. Subdivision 12 of section 3602 of the education law, as amended
55 by section 3 of part A of chapter 56 of the laws of 2015, the fourth
56 undesignated paragraph as added by section 3 of part A of chapter 54 of

1 the laws of 2016, the closing paragraph as added by section 24 of part
2 YYY of chapter 59 of the laws of 2017, is amended to read as follows:

3 12. Academic enhancement aid. A school district that as of April first
4 of the base year has been continuously identified as a district in need
5 of improvement for at least five years shall, for the two thousand
6 eight--two thousand nine school year, be entitled to an additional
7 apportionment equal to the positive remainder, if any, of (a) the lesser
8 of fifteen million dollars or the product of the total foundation aid
9 base, as defined by paragraph j of subdivision one of this section,
10 multiplied by ten percent (0.10), less (b) the positive remainder of (i)
11 the sum of the total foundation aid apportioned pursuant to subdivision
12 four of this section and the supplemental educational improvement grants
13 apportioned pursuant to subdivision eight of section thirty-six hundred
14 forty-one of this article, less (ii) the total foundation aid base.

15 For the two thousand nine--two thousand ten through two thousand four-
16 teen--two thousand fifteen school years, each school district shall be
17 entitled to an apportionment equal to the amount set forth for such
18 school district as "EDUCATION GRANTS, ACADEMIC EN" under the heading
19 "2008-09 BASE YEAR AIDS" in the school aid computer listing produced by
20 the commissioner in support of the budget for the two thousand nine--two
21 thousand ten school year and entitled "SA0910", and such apportionment
22 shall be deemed to satisfy the state obligation to provide an apportion-
23 ment pursuant to subdivision eight of section thirty-six hundred forty-
24 one of this article.

25 For the two thousand fifteen--two thousand sixteen year, each school
26 district shall be entitled to an apportionment equal to the amount set
27 forth for such school district as "ACADEMIC ENHANCEMENT" under the head-
28 ing "2014-15 ESTIMATED AIDS" in the school aid computer listing produced
29 by the commissioner in support of the budget for the two thousand four-
30 teen--two thousand fifteen school year and entitled "SA141-5", and such
31 apportionment shall be deemed to satisfy the state obligation to provide
32 an apportionment pursuant to subdivision eight of section thirty-six
33 hundred forty-one of this article.

34 For the two thousand sixteen--two thousand seventeen school year, each
35 school district shall be entitled to an apportionment equal to the
36 amount set forth for such school district as "ACADEMIC ENHANCEMENT"
37 under the heading "2015-16 ESTIMATED AIDS" in the school aid computer
38 listing produced by the commissioner in support of the budget for the
39 two thousand fifteen--two thousand sixteen school year and entitled
40 "SA151-6", and such apportionment shall be deemed to satisfy the state
41 obligation to provide an apportionment pursuant to subdivision eight of
42 section thirty-six hundred forty-one of this article.

43 For the two thousand seventeen--two thousand eighteen school year,
44 each school district shall be entitled to an apportionment equal to the
45 amount set forth for such school district as "ACADEMIC ENHANCEMENT"
46 under the heading "2016-17 ESTIMATED AIDS" in the school aid computer
47 listing produced by the commissioner in support of the budget for the
48 two thousand sixteen--two thousand seventeen school year and entitled
49 "SA161-7", and such apportionment shall be deemed to satisfy the state
50 obligation to provide an apportionment pursuant to subdivision eight of
51 section thirty-six hundred forty-one of this article.

52 For the two thousand eighteen--two thousand nineteen school year, each
53 school district shall be entitled to an apportionment equal to the
54 amount set forth for such school district as "ACADEMIC ENHANCEMENT"
55 under the heading "2017-18 ESTIMATED AIDS" in the school aid computer
56 listing produced by the commissioner in support of the budget for the

1 two thousand seventeen--two thousand eighteen school year and entitled
2 "SA171-8", and such apportionment shall be deemed to satisfy the state
3 obligation to provide an apportionment pursuant to subdivision eight of
4 section thirty-six hundred forty-one of this article.

5 § 14. The opening paragraph of subdivision 16 of section 3602 of the
6 education law, as amended by section 25 of part YYY of chapter 59 of the
7 laws of 2017, is amended to read as follows:

8 Each school district shall be eligible to receive a high tax aid
9 apportionment in the two thousand eight--two thousand nine school year,
10 which shall equal the greater of (i) the sum of the tier 1 high tax aid
11 apportionment, the tier 2 high tax aid apportionment and the tier 3 high
12 tax aid apportionment or (ii) the product of the apportionment received
13 by the school district pursuant to this subdivision in the two thousand
14 seven--two thousand eight school year, multiplied by the due-minimum
15 factor, which shall equal, for districts with an alternate pupil wealth
16 ratio computed pursuant to paragraph b of subdivision three of this
17 section that is less than two, seventy percent (0.70), and for all other
18 districts, fifty percent (0.50). Each school district shall be eligible
19 to receive a high tax aid apportionment in the two thousand nine--two
20 thousand ten through two thousand twelve--two thousand thirteen school
21 years in the amount set forth for such school district as "HIGH TAX AID"
22 under the heading "2008-09 BASE YEAR AIDS" in the school aid computer
23 listing produced by the commissioner in support of the budget for the
24 two thousand nine--two thousand ten school year and entitled "SA0910".
25 Each school district shall be eligible to receive a high tax aid appor-
26 tionment in the two thousand thirteen--two thousand fourteen through two
27 thousand [~~seventeen~~] eighteen--two thousand [~~eighteen~~] nineteen school
28 years equal to the greater of (1) the amount set forth for such school
29 district as "HIGH TAX AID" under the heading "2008-09 BASE YEAR AIDS" in
30 the school aid computer listing produced by the commissioner in support
31 of the budget for the two thousand nine--two thousand ten school year
32 and entitled "SA0910" or (2) the amount set forth for such school
33 district as "HIGH TAX AID" under the heading "2013-14 ESTIMATED AIDS" in
34 the school aid computer listing produced by the commissioner in support
35 of the executive budget for the 2013-14 fiscal year and entitled
36 "BT131-4".

37 § 15. The opening paragraph of subdivision 10 of section 3602-e of the
38 education law, as amended by section 26 of part YYY of chapter 59 of the
39 laws of 2017, is amended to read as follows:

40 Notwithstanding any provision of law to the contrary, (i) for aid
41 payable in the two thousand eight--two thousand nine school year, the
42 grant to each eligible school district for universal prekindergarten aid
43 shall be computed pursuant to this subdivision, and (ii) for the two
44 thousand nine--two thousand ten and two thousand ten--two thousand elev-
45 en school years, each school district shall be eligible for a maximum
46 grant equal to the amount computed for such school district for the base
47 year in the electronic data file produced by the commissioner in support
48 of the two thousand nine--two thousand ten education, labor and family
49 assistance budget, provided, however, that in the case of a district
50 implementing programs for the first time or implementing expansion
51 programs in the two thousand eight--two thousand nine school year where
52 such programs operate for a minimum of ninety days in any one school
53 year as provided in section 151-1.4 of the regulations of the commis-
54 sioner, for the two thousand nine--two thousand ten and two thousand
55 ten--two thousand eleven school years, such school district shall be
56 eligible for a maximum grant equal to the amount computed pursuant to

1 paragraph a of subdivision nine of this section in the two thousand
2 eight--two thousand nine school year, and (iii) for the two thousand
3 eleven--two thousand twelve school year each school district shall be
4 eligible for a maximum grant equal to the amount set forth for such
5 school district as "UNIVERSAL PREKINDERGARTEN" under the heading "2011-
6 12 ESTIMATED AIDS" in the school aid computer listing produced by the
7 commissioner in support of the enacted budget for the 2011-12 school
8 year and entitled "SA111-2", and (iv) for two thousand twelve--two thou-
9 sand thirteen through two thousand sixteen--two thousand seventeen
10 school years each school district shall be eligible for a maximum grant
11 equal to the greater of (A) the amount set forth for such school
12 district as "UNIVERSAL PREKINDERGARTEN" under the heading "2010-11 BASE
13 YEAR AIDS" in the school aid computer listing produced by the commis-
14 sioner in support of the enacted budget for the 2011-12 school year and
15 entitled "SA111-2", or (B) the amount set forth for such school district
16 as "UNIVERSAL PREKINDERGARTEN" under the heading "2010-11 BASE YEAR
17 AIDS" in the school aid computer listing produced by the commissioner on
18 May fifteenth, two thousand eleven pursuant to paragraph b of subdivi-
19 sion twenty-one of section three hundred five of this chapter, and (v)
20 for the two thousand seventeen--two thousand eighteen and two thousand
21 eighteen--two thousand nineteen school [~~year~~] years, each school
22 district shall be eligible to receive a grant amount equal to the sum of
23 (A) the amount set forth for such school district as "UNIVERSAL PREKIN-
24 DERGARTEN" under the heading "2016-17 ESTIMATED AIDS" in the school aid
25 computer listing produced by the commissioner in support of the enacted
26 budget for the two thousand sixteen--two thousand seventeen school year
27 and entitled "SA161-7" plus (B) the amount awarded to such school
28 district for the priority full-day prekindergarten and expanded half-day
29 prekindergarten grant program for high need students for the two thou-
30 sand sixteen--two thousand seventeen school year pursuant to chapter
31 fifty-three of the laws of two thousand thirteen, and (vi) for the two
32 thousand [~~eighteen~~] nineteen--two thousand [~~nineteen~~] twenty school
33 year, each school district shall be eligible to receive a grant amount
34 equal to the sum of (A) the amount set forth for such school district as
35 "UNIVERSAL PREKINDERGARTEN" in the school aid computer listing produced
36 by the commissioner in support of the enacted budget for the two thou-
37 sand [~~seventeen~~] eighteen--two thousand [~~eighteen~~] nineteen school year
38 plus (B) the amount awarded to such school district for the federal
39 preschool development expansion grant for the two thousand seventeen--
40 two thousand eighteen school year pursuant to the American Recovery and
41 Reinvestment Act of 2009 (ARRA), Sections 14005, 14006, and 14013, Title
42 XIV, (Public Law 112-10), as amended by section 1832(b) of Division B of
43 the Department of Defense and Full-Year Continuing Appropriations Act,
44 2011 (Pub. L. 112-10), and the Department of Education Appropriations
45 Act, 2012 (Title III Division F of Pub. L. 112-74, the Consolidated
46 Appropriations Act, 2012)[~~, and (vii) for the two thousand nineteen--two~~
47 ~~thousand twenty school year, each school district shall be eligible to~~
48 ~~receive a grant amount equal to the sum of (A) the amount set forth for~~
49 ~~such school district as "UNIVERSAL PREKINDERGARTEN ALLOCATION" on the~~
50 ~~computer file produced by the commissioner in support of the enacted~~
51 ~~budget for the two thousand eighteen--two thousand nineteen school year]~~
52 plus [~~(B)~~] (C) the amount awarded to such school district for the
53 expanded prekindergarten program for three and four year-olds for the
54 two thousand eighteen--two thousand nineteen school year pursuant to
55 chapter sixty-one of the laws of two thousand fifteen plus [~~(C)~~] (D) the
56 amount awarded to such school district for the expanded prekindergarten

1 for three-year-olds in high need districts program for the two thousand
 2 eighteen--two thousand nineteen school year pursuant to chapter fifty-
 3 three of the laws of two thousand sixteen plus [~~(D)~~] (E) the amount
 4 awarded to such school district for the expanded prekindergarten program
 5 for three- and four-year-olds for the two thousand eighteen--two thou-
 6 sand nineteen school year pursuant to a chapter of the laws of two thou-
 7 sand seventeen plus [~~(E)~~] (F) the amount awarded to such school
 8 district, subject to an available appropriation, through the pre-kinder-
 9 garten expansion grant for the two thousand eighteen--two thousand nine-
 10 teen school year, provided that such school district has met all
 11 requirements pursuant to this section, and [~~(viii)~~] (vii) for the two
 12 thousand twenty--two thousand twenty-one school year and thereafter,
 13 each school district shall be eligible to receive a grant amount equal
 14 to the sum of (A) the amount set forth for such school district as
 15 "UNIVERSAL PREKINDERGARTEN ALLOCATION" on the computer file produced by
 16 the commissioner in support of the enacted budget for the prior year
 17 plus (B) the amount awarded to such school district, subject to an
 18 available appropriation, through the pre-kindergarten expansion grant
 19 for the prior year, provided that such school district has met all
 20 requirements pursuant to this section, and provided further that the
 21 maximum grant shall not exceed the total actual grant expenditures
 22 incurred by the school district in the current school year as approved
 23 by the commissioner.

24 § 16. Subparagraphs (ii) and (iii) of paragraph b of subdivision 10 of
 25 section 3602-e of the education law, as amended by section 26 of part
 26 YYY of chapter 59 of the laws of 2017, are amended to read as follows:

27 (ii) "Full-day prekindergarten pupils" shall equal:

28 For the two thousand seventeen--two thousand eighteen school year the
 29 sum of, from the priority full-day prekindergarten program, (A) the
 30 maximum aidable pupils such district was eligible to serve in the base
 31 year plus (B) the maximum aidable number of half-day prekindergarten
 32 pupils converted into a full-day prekindergarten pupil in the base year;

33 For the two thousand eighteen--two thousand nineteen school year the
 34 sum of, from [~~each of (A)~~] the programs pursuant to this section [~~and~~
 35 ~~(B) the federal preschool development expansion grant, (1)~~], (A) the
 36 maximum aidable full-day prekindergarten pupils such district was eligi-
 37 ble to serve in the base year plus [~~(2)~~] (B) the maximum aidable number
 38 of half-day prekindergarten pupils converted into a full-day prekinde-
 39 rgarten pupil in the base year;

40 For the two thousand nineteen--two thousand twenty school year the sum
 41 of, from each of (A) the programs pursuant to this section, (B) the
 42 federal preschool development expansion grant, (C) the expanded prekin-
 43 dergarten program, [~~(C)~~] (D) the expanded prekindergarten for three-
 44 year-olds, [~~(D)~~] (E) the expanded prekindergarten program for three- and
 45 four-year-olds, and [~~(E)~~] (F) the prekindergarten expansion grant, (1)
 46 the maximum aidable full-day prekindergarten pupils such district was
 47 eligible to serve in the base year, plus (2) the maximum aidable number
 48 of half-day prekindergarten pupils converted into a full-day prekinde-
 49 rgarten pupil in the base year;

50 For the two thousand twenty--two thousand twenty-one school year and
 51 thereafter the sum of, from each of (A) the programs pursuant to this
 52 section and (B) the pre-kindergarten expansion grant, (1) the maximum
 53 aidable full-day prekindergarten pupils such district was eligible to
 54 serve in the base year, plus (2) the maximum aidable number of half-day
 55 prekindergarten pupils converted into a full-day prekindergarten pupil
 56 in the base year;

1 (iii) "Half-day prekindergarten pupils" shall equal:

2 For the two thousand seventeen--two thousand eighteen school year the
3 sum of the maximum aidable half-day prekindergarten pupils such district
4 was eligible to serve for the base year from (A) the program pursuant to
5 this section plus such pupils from (B) the priority full-day prekinde-
6 garten program, less the maximum aidable number of half-day prekinde-
7 garten pupils converted into a full-day prekindergarten pupil under the
8 priority full-day prekindergarten program for the base year;

9 For the two thousand eighteen--two thousand nineteen school year the
10 maximum aidable half-day prekindergarten pupils such district was eligi-
11 ble to serve for the base year from [~~(A) the program pursuant to this~~
12 ~~section less (B) the maximum aidable number of half day prekindergarten~~
13 ~~pupils converted into a full day prekindergarten pupil under the federal~~
14 ~~preschool development expansion grant for the base year] the program
15 pursuant to this section;~~

16 For the two thousand nineteen--two thousand twenty school year the sum
17 of the maximum aidable half-day prekindergarten pupils such district was
18 eligible to serve for the base year from (A) the program pursuant to
19 this section plus such pupils from (B) the expanded prekindergarten
20 program plus such pupils from (C) the expanded prekindergarten for
21 three-year-olds plus such pupils from (D) the expanded prekindergarten
22 program for three- and four-year-olds plus such pupils from (E) the
23 prekindergarten expansion grant, less the sum of the maximum aidable
24 number of half-day prekindergarten pupils converted into a full-day
25 prekindergarten pupil under each of (1) the federal preschool expansion
26 grant for the base year plus such pupils from (2) the expanded prekin-
27 dergarten program plus such pupils from [~~(2)~~] (3) the expanded prekin-
28 dergarten for three-year-olds plus such pupils from [~~(3)~~] (4) the
29 expanded prekindergarten program for three- and four-year-olds plus such
30 pupils from [~~(4)~~] (5) the prekindergarten expansion grant for the base
31 year;

32 For the two thousand twenty--two thousand twenty-one school year and
33 thereafter the sum of the maximum aidable half-day prekindergarten
34 pupils such district was eligible to serve for the base year from (A)
35 the program pursuant to this section plus such pupils from (B) the pre-
36 kindergarten expansion grant, less the maximum aidable number of half-
37 day prekindergarten pupils converted into a full-day prekindergarten
38 pupil under the prekindergarten expansion grant for the base year;

39 § 17. The closing paragraph of paragraph b of subdivision 10 of
40 section 3602-e of the education law, as amended by section 26 of part
41 YYY of chapter 59 of the laws of 2017, is amended to read as follows:

42 For the purposes of this paragraph:

43 (A) "Priority full-day prekindergarten program" shall mean the priori-
44 ty full-day prekindergarten and expanded half-day prekindergarten grant
45 program for high need students pursuant to chapter fifty-three of the
46 laws of two thousand thirteen;

47 (B) "Federal preschool development expansion grant" shall mean the
48 federal preschool development expansion grant pursuant to the American
49 Recovery and Reinvestment Act of 2009 (ARRA), Sections 14005, 14006, and
50 14013, Title XIV, (Public Law 112-10), as amended by section 1832(b) of
51 Division B of the Department of Defense and Full-Year Continuing Appro-
52 priations Act, 2011 (Pub. L. 112-10), and the Department of Education
53 Appropriations Act, 2012 (Title III Division F of Pub. L. 112-74, the
54 Consolidated Appropriations Act, 2012);

1 (C) "Expanded prekindergarten program" shall mean the expanded prekin-
2 dergarten program for three- and four year-olds pursuant to chapter
3 sixty-one of the laws of two thousand fifteen;

4 (D) "Expanded prekindergarten for three-year-olds" shall mean the
5 expanded prekindergarten for three-year-olds in high need districts
6 program pursuant to chapter fifty-three of the laws of two thousand
7 sixteen;

8 (E) "Expanded prekindergarten program for three- and four-year-olds"
9 shall mean the expanded prekindergarten program for three- and four-
10 year-olds pursuant to a chapter of the laws of two thousand seventeen;

11 (F) "Prekindergarten expansion grant" shall mean the prekindergarten
12 expansion grant for the two thousand eighteen--two thousand nineteen
13 school year and thereafter, pursuant to subdivision eighteen of this
14 section. to the extent such program was available subject to appropri-
15 ation, and provided that such school district has met all requirements
16 pursuant to this section.

17 § 18. Subdivision 11 of section 3602-e of the education law, as
18 amended by section 27 of part YYY of chapter 59 of the laws of 2017, is
19 amended to read as follows:

20 11. Maintenance of effort reduction. Where a school district's current
21 year prekindergarten pupils served is less than its prekindergarten
22 maintenance of effort base, the school district shall have its current
23 year apportionment [~~reduced by~~] equal to the product of the maintenance
24 of effort factor computed in paragraph b of subdivision ten of this
25 section multiplied by the grant amount it was eligible to receive pursu-
26 ant to subdivision ten of this section.

27 § 19. Subdivision 16 of section 3602-ee of the education law, as
28 amended by section 31 of part YYY of chapter 59 of the laws of 2017, is
29 amended to read as follows:

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

34 § 20. Intentionally omitted.

35 § 21. The opening paragraph of section 3609-a of the education law, as
36 amended by section 33 of part YYY of chapter 59 of the laws of 2017, is
37 amended to read as follows:

38 For aid payable in the two thousand seven--two thousand eight school
39 year through the two thousand seventeen--two thousand eighteen school
40 year, "moneys apportioned" shall mean the lesser of (i) the sum of one
41 hundred percent of the respective amount set forth for each school
42 district as payable pursuant to this section in the school aid computer
43 listing for the current year produced by the commissioner in support of
44 the budget which includes the appropriation for the general support for
45 public schools for the prescribed payments and individualized payments
46 due prior to April first for the current year plus the apportionment
47 payable during the current school year pursuant to subdivision six-a and
48 subdivision fifteen of section thirty-six hundred two of this part minus
49 any reductions to current year aids pursuant to subdivision seven of
50 section thirty-six hundred four of this part or any deduction from
51 apportionment payable pursuant to this chapter for collection of a
52 school district basic contribution as defined in subdivision eight of
53 section forty-four hundred one of this chapter, less any grants provided
54 pursuant to subparagraph two-a of paragraph b of subdivision four of
55 section ninety-two-c of the state finance law, less any grants provided
56 pursuant to subdivision six of section ninety-seven-nnnn of the state

1 finance law, less any grants provided pursuant to subdivision twelve of
2 section thirty-six hundred forty-one of this article, or (ii) the appor-
3 tionment calculated by the commissioner based on data on file at the
4 time the payment is processed; provided however, that for the purposes
5 of any payments made pursuant to this section prior to the first busi-
6 ness day of June of the current year, moneys apportioned shall not
7 include any aids payable pursuant to subdivisions six and fourteen, if
8 applicable, of section thirty-six hundred two of this part as current
9 year aid for debt service on bond anticipation notes and/or bonds first
10 issued in the current year or any aids payable for full-day kindergarten
11 for the current year pursuant to subdivision nine of section thirty-six
12 hundred two of this part. The definitions of "base year" and "current
13 year" as set forth in subdivision one of section thirty-six hundred two
14 of this part shall apply to this section. [~~For aid payable in the two
15 thousand seventeen--two thousand eighteen school year, reference to such
16 "school aid computer listing for the current year" shall mean the print-
17 outs entitled "SA171-8"~~] For aid payable in the two thousand eighteen--
18 two thousand nineteen school year and thereafter, "moneys apportioned"
19 shall mean the lesser of: (i) the sum of one hundred percent of the
20 respective amount set forth for each school district as payable pursuant
21 to this section in the school aid computer listing for the current year
22 produced by the commissioner in support of the executive budget request
23 which includes the appropriation for the general support for public
24 schools for the prescribed payments and individualized payments due
25 prior to April first for the current year plus the apportionment payable
26 during the current school year pursuant to subdivisions six-a and
27 fifteen of section thirty-six hundred two of this part minus any
28 reductions to current year aids pursuant to subdivision seven of section
29 thirty-six hundred four of this part or any deduction from apportionment
30 payable pursuant to this chapter for collection of a school district
31 basic contribution as defined in subdivision eight of section forty-four
32 hundred one of this chapter, less any grants provided pursuant to
33 subparagraph two-a of paragraph b of subdivision four of section nine-
34 ty-two-c of the state finance law, less any grants provided pursuant to
35 subdivision six of section ninety-seven-nnnn of the state finance law,
36 less any grants provided pursuant to subdivision twelve of section thir-
37 ty-six hundred forty-one of this article, or (ii) the apportionment
38 calculated by the commissioner based on data on file at the time the
39 payment is processed; provided however, that for the purposes of any
40 payments made pursuant to this section prior to the first business day
41 of June of the current year, moneys apportioned shall not include any
42 aids payable pursuant to subdivisions six and fourteen, if applicable,
43 of section thirty-six hundred two of this part as current year aid for
44 debt service on bond anticipation notes and/or bonds first issued in the
45 current year or any aids payable for full-day kindergarten for the
46 current year pursuant to subdivision nine of section thirty-six hundred
47 two of this part. For aid payable in the two thousand eighteen--two
48 thousand nineteen school year, reference to such "school aid computer
49 listing for the current year" shall mean the printouts entitled
50 "SA181-9".

51 § 22. Paragraph b of subdivision 2 of section 3612 of the education
52 law, as amended by section 34 of part YYY of chapter 59 of the laws of
53 2017, is amended to read as follows:

54 b. Such grants shall be awarded to school districts, within the limits
55 of funds appropriated therefor, through a competitive process that takes
56 into consideration the magnitude of any shortage of teachers in the

1 school district, the number of teachers employed in the school district
2 who hold temporary licenses to teach in the public schools of the state,
3 the number of provisionally certified teachers, the fiscal capacity and
4 geographic sparsity of the district, the number of new teachers the
5 school district intends to hire in the coming school year and the number
6 of summer in the city student internships proposed by an eligible school
7 district, if applicable. Grants provided pursuant to this section shall
8 be used only for the purposes enumerated in this section. Notwithstand-
9 ing any other provision of law to the contrary, a city school district
10 in a city having a population of one million or more inhabitants receiv-
11 ing a grant pursuant to this section may use no more than eighty percent
12 of such grant funds for any recruitment, retention and certification
13 costs associated with transitional certification of teacher candidates
14 for the school years two thousand one--two thousand two through two
15 thousand [~~seventeen~~ eighteen--two thousand [~~eighteen~~ nineteen].

16 § 23. Subdivision 6 of section 4402 of the education law, as amended
17 by section 35 of part YYY of chapter 59 of the laws of 2017, is amended
18 to read as follows:

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

1 authorization upon a finding that the board has failed to develop or
2 implement an approved corrective action plan.

3 § 24. Intentionally omitted.

4 § 25. Subdivision b of section 2 of chapter 756 of the laws of 1992,
5 relating to funding a program for work force education conducted by the
6 consortium for worker education in New York city, as amended by section
7 44 of part YYY of chapter 59 of the laws of 2017, is amended to read as
8 follows:

9 b. Reimbursement for programs approved in accordance with subdivision
10 a of this section for the [~~2015--2016 school year shall not exceed 60.7~~
11 ~~percent of the lesser of such approvable costs per contact hour or thir-~~
12 ~~teen dollars and forty cents per contact hour, reimbursement for the~~]
13 2016--2017 school year shall not exceed 60.3 percent of the lesser of
14 such approvable costs per contact hour or thirteen dollars ninety cents
15 per contact hour, [~~and~~] reimbursement for the 2017--2018 school year
16 shall not exceed 60.4 percent of the lesser of such approvable costs per
17 contact hour or thirteen dollars and ninety cents per contact hour, and
18 reimbursement for the 2018--2019 school year shall not exceed 59.4
19 percent of the lesser of such approvable costs per contact hour or four-
20 teen dollars and seventy-five cents per contact hour, where a contact
21 hour represents sixty minutes of instruction services provided to an
22 eligible adult. Notwithstanding any other provision of law to the
23 contrary, [~~for the 2015--2016 school year such contact hours shall not~~
24 ~~exceed one million five hundred ninety-nine thousand fifteen (1,599,015)~~
25 ~~hours, whereas~~] for the 2016--2017 school year such contact hours shall
26 not exceed one million five hundred fifty-one thousand three hundred
27 twelve (1,551,312); [~~and~~] whereas for the 2017--2018 school year such
28 contact hours shall not exceed one million five hundred forty-nine thou-
29 sand four hundred sixty-three (1,549,463); and for the 2018--2019 school
30 year such contact hours shall not exceed one million five hundred
31 forty-nine thousand four hundred sixty-three (1,549,463). Notwithstand-
32 ing any other provision of law to the contrary, the apportionment calcu-
33 lated for the city school district of the city of New York pursuant to
34 subdivision 11 of section 3602 of the education law shall be computed as
35 if such contact hours provided by the consortium for worker education,
36 not to exceed the contact hours set forth herein, were eligible for aid
37 in accordance with the provisions of such subdivision 11 of section 3602
38 of the education law.

39 § 26. Section 4 of chapter 756 of the laws of 1992, relating to fund-
40 ing a program for work force education conducted by the consortium for
41 worker education in New York city, is amended by adding a new subdivi-
42 sion w to read as follows:

43 w. The provisions of this subdivision shall not apply after the
44 completion of payments for the 2018--2019 school year. Notwithstanding
45 any inconsistent provisions of law, the commissioner of education shall
46 withhold a portion of employment preparation education aid due to the
47 city school district of the city of New York to support a portion of the
48 costs of the work force education program. Such moneys shall be credited
49 to the elementary and secondary education fund-local assistance account
50 and shall not exceed thirteen million dollars (\$13,000,000).

51 § 27. Section 6 of chapter 756 of the laws of 1992, relating to fund-
52 ing a program for work force education conducted by the consortium for
53 worker education in New York city, as amended by section 46 of part YYY
54 of chapter 59 of the laws of 2017, is amended to read as follows:

55 § 6. This act shall take effect July 1, 1992, and shall be deemed
56 repealed on June 30, [~~2018~~] 2019.

1 § 28. Subdivisions 22 and 24 of section 140 of chapter 82 of the laws
2 of 1995, amending the education law and certain other laws relating to
3 state aid to school districts and the appropriation of funds for the
4 support of government, as amended by section 47 of part YYY of chapter
5 59 of the laws of 2017, are amended to read as follows:

6 (22) sections one hundred twelve, one hundred thirteen, one hundred
7 fourteen, one hundred fifteen and one hundred sixteen of this act shall
8 take effect on July 1, 1995; provided, however, that section one hundred
9 thirteen of this act shall remain in full force and effect until July 1,
10 [~~2018~~] 2019 at which time it shall be deemed repealed;

11 (24) sections one hundred eighteen through one hundred thirty of this
12 act shall be deemed to have been in full force and effect on and after
13 July 1, 1995; provided further, however, that the amendments made pursu-
14 ant to section one hundred twenty-four of this act shall be deemed to be
15 repealed on and after July 1, [~~2018~~] 2019;

16 § 29. The education law is amended by adding a new section 4403-a to
17 read as follows:

18 § 4403-a. Waivers from certain duties. 1. A local school district,
19 approved private school or board of cooperative educational services may
20 submit an application for a waiver from any requirement imposed on such
21 district, school or board of cooperative educational services pursuant
22 to section forty-four hundred two or section forty-four hundred three of
23 this article, and regulations promulgated thereunder, for a specific
24 school year. Such application must be submitted at least sixty days in
25 advance of the proposed date on which the waiver would be effective and
26 shall be in a form prescribed by the commissioner.

27 2. Before submitting an application for a waiver, the local school
28 district, approved private school or board of cooperative educational
29 services shall provide notice of the proposed waiver to the parents or
30 persons in parental relationship to the students that would be impacted
31 by the waiver if granted. Such notice shall be in a form and manner that
32 will ensure that such parents and persons in parental relationship will
33 be aware of all relevant changes that would occur under the waiver, and
34 shall include information on the form, manner and date by which parents
35 may submit written comments on the proposed waiver. The local school
36 district, approved private school, or board of cooperative educational
37 services shall provide at least sixty days for such parents and persons
38 in parental relationship to submit written comments, and shall include
39 in the waiver application submitted to the commissioner pursuant to
40 subdivision one of this section any written comments received from such
41 parents or persons in parental relationship to such students.

42 3. The commissioner may grant a waiver from any requirement imposed on
43 a local school district, approved private school or board of cooperative
44 educational services pursuant to section forty-four hundred two or
45 section forty-four hundred three of this article, upon a finding that
46 such waiver will enable a local school district, approved private school
47 or board of cooperative educational services to implement an innovative
48 special education program that is consistent with applicable federal
49 requirements, and will enhance student achievement and/or opportunities
50 for placement in regular classes and programs. In making such determi-
51 nation, the commissioner shall consider any comments received by the
52 local school district, approved private school or board of cooperative
53 educational services from parents or persons in parental relation to the
54 students that would be directly affected by the waiver if granted.

55 4. Any local school district, approved private school or board of
56 cooperative educational services granted a waiver shall submit an annual

1 report to the commissioner regarding the operation and evaluation of the
2 program no later than thirty days after the end of each school year for
3 which a waiver is granted.

4 § 30. Section 8 of chapter 89 of the laws of 2016, relating to supple-
5 mentary funding for dedicated programs for public school students in the
6 East Ramapo central school district, as amended by section 49 of part
7 YYY of chapter 59 of the laws of 2017, is amended to read as follows:

8 § 8. This act shall take effect July 1, 2016 and shall expire and be
9 deemed repealed June 30, [~~2018~~] 2019, except that paragraph (b) of
10 section five of this act and section seven of this act shall expire and
11 be deemed repealed June 30, 2021.

12 § 31. Section 12 of chapter 147 of the laws of 2001, amending the
13 education law relating to conditional appointment of school district,
14 charter school or BOCES employees, as amended by section 50 of part YYY
15 of chapter 59 of the laws of 2017, is amended to read as follows:

16 § 12. This act shall take effect on the same date as chapter 180 of
17 the laws of 2000 takes effect, and shall expire July 1, [~~2018~~] 2019 when
18 upon such date the provisions of this act shall be deemed repealed.

19 § 32. Subdivision 1 of section 167 of chapter 169 of the laws of 1994,
20 relating to certain provisions related to the 1994-95 state operations,
21 aid to localities, capital projects and debt service budgets, as amended
22 by section 32 of part A of chapter 54 of the laws of 2016, is amended to
23 read as follows:

24 1. Sections one through seventy of this act shall be deemed to have
25 been in full force and effect as of April 1, 1994 provided, however,
26 that sections one, two, twenty-four, twenty-five and twenty-seven
27 through seventy of this act shall expire and be deemed repealed on March
28 31, 2000; provided, however, that section twenty of this act shall apply
29 only to hearings commenced prior to September 1, 1994, and provided
30 further that section twenty-six of this act shall expire and be deemed
31 repealed on March 31, 1997; and provided further that sections four
32 through fourteen, sixteen, and eighteen, nineteen and twenty-one through
33 twenty-one-a of this act shall expire and be deemed repealed on March
34 31, 1997; and provided further that sections three, fifteen, seventeen,
35 twenty, twenty-two and twenty-three of this act shall expire and be
36 deemed repealed on March 31, [~~2018~~] 2020.

37 § 33. Section 4 of chapter 425 of the laws of 2002, amending the
38 education law relating to the provision of supplemental educational
39 services, attendance at a safe public school and the suspension of
40 pupils who bring a firearm to or possess a firearm at a school, as
41 amended by section 12 of part YYY of chapter 59 of the laws of 2017, is
42 amended to read as follows:

43 § 4. This act shall take effect July 1, 2002 and shall expire and be
44 deemed repealed June 30, [~~2018~~] 2019.

45 § 34. Section 5 of chapter 101 of the laws of 2003, amending the
46 education law relating to the implementation of the No Child Left Behind
47 Act of 2001, as amended by section 13 of part YYY of chapter 59 of the
48 laws of 2017, is amended to read as follows:

49 § 5. This act shall take effect immediately; provided that sections
50 one, two and three of this act shall expire and be deemed repealed on
51 June 30, [~~2018~~] 2019.

52 § 35. Section 2 of subpart B of part AA of chapter 56 of the laws of
53 2014, amending the education law relating to providing that standardized
54 test scores shall not be included on a student's permanent record, is
55 amended to read as follows:

1 § 2. This act shall take effect immediately and shall expire and be
2 deemed repealed on December 31, [~~2018~~] 2019.

3 § 36. School bus driver training. In addition to apportionments other-
4 wise provided by section 3602 of the education law, for aid payable in
5 the 2018-2019 school year, the commissioner of education shall allocate
6 school bus driver training grants to school districts and boards of
7 cooperative educational services pursuant to sections 3650-a, 3650-b and
8 3650-c of the education law, or for contracts directly with not-for-pro-
9 fit educational organizations for the purposes of this section. Such
10 payments shall not exceed four hundred thousand dollars (\$400,000) per
11 school year.

12 § 37. Special apportionment for salary expenses. a. Notwithstanding
13 any other provision of law, upon application to the commissioner of
14 education, not sooner than the first day of the second full business
15 week of June 2019 and not later than the last day of the third full
16 business week of June 2019, a school district eligible for an apportion-
17 ment pursuant to section 3602 of the education law shall be eligible to
18 receive an apportionment pursuant to this section, for the school year
19 ending June 30, 2019, for salary expenses incurred between April 1 and
20 June 30, 2018 and such apportionment shall not exceed the sum of (i) the
21 deficit reduction assessment of 1990--1991 as determined by the commis-
22 sioner of education, pursuant to paragraph f of subdivision 1 of section
23 3602 of the education law, as in effect through June 30, 1993, plus (ii)
24 186 percent of such amount for a city school district in a city with a
25 population in excess of 1,000,000 inhabitants, plus (iii) 209 percent of
26 such amount for a city school district in a city with a population of
27 more than 195,000 inhabitants and less than 219,000 inhabitants accord-
28 ing to the latest federal census, plus (iv) the net gap elimination
29 adjustment for 2010--2011, as determined by the commissioner of educa-
30 tion pursuant to chapter 53 of the laws of 2010, plus (v) the gap elimi-
31 nation adjustment for 2011--2012 as determined by the commissioner of
32 education pursuant to subdivision 17 of section 3602 of the education
33 law, and provided further that such apportionment shall not exceed such
34 salary expenses. Such application shall be made by a school district,
35 after the board of education or trustees have adopted a resolution to do
36 so and in the case of a city school district in a city with a population
37 in excess of 125,000 inhabitants, with the approval of the mayor of such
38 city.

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

55 c. Notwithstanding the provisions of section 3609-a of the education
56 law, an amount equal to the amount paid to a school district pursuant to

1 subdivisions a and b of this section shall first be deducted from the
2 following payments due the school district during the school year
3 following the year in which application was made pursuant to subpara-
4 graphs (1), (2), (3), (4) and (5) of paragraph a of subdivision 1 of
5 section 3609-a of the education law in the following order: the lottery
6 apportionment payable pursuant to subparagraph (2) of such paragraph
7 followed by the fixed fall payments payable pursuant to subparagraph (4)
8 of such paragraph and then followed by the district's payments to the
9 teachers' retirement system pursuant to subparagraph (1) of such para-
10 graph, and any remainder to be deducted from the individualized payments
11 due the district pursuant to paragraph b of such subdivision shall be
12 deducted on a chronological basis starting with the earliest payment due
13 the district.

14 § 38. Special apportionment for public pension accruals. a. Notwith-
15 standing any other provision of law, upon application to the commis-
16 sioner of education, not later than June 30, 2019, a school district eligi-
17 ble for an apportionment pursuant to section 3602 of the education law
18 shall be eligible to receive an apportionment pursuant to this section,
19 for the school year ending June 30, 2019 and such apportionment shall
20 not exceed the additional accruals required to be made by school
21 districts in the 2004--2005 and 2005--2006 school years associated with
22 changes for such public pension liabilities. The amount of such addi-
23 tional accrual shall be certified to the commissioner of education by
24 the president of the board of education or the trustees or, in the case
25 of a city school district in a city with a population in excess of
26 125,000 inhabitants, the mayor of such city. Such application shall be
27 made by a school district, after the board of education or trustees have
28 adopted a resolution to do so and in the case of a city school district
29 in a city with a population in excess of 125,000 inhabitants, with the
30 approval of the mayor of such city.

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

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

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

6 § 39. Intentionally omitted.

7 § 40. Notwithstanding the provision of any law, rule, or regulation to
8 the contrary, the city school district of the city of Rochester, upon
9 the consent of the board of cooperative educational services of the
10 supervisory district serving its geographic region may purchase from
11 such board for the 2018--2019 school year, as a non-component school
12 district, services required by article 19 of the education law.

13 § 41. The amounts specified in this section shall be a setaside from
14 the state funds which each such district is receiving from the total
15 foundation aid:

16 a. for the development, maintenance or expansion of magnet schools or
17 magnet school programs for the 2018--2019 school year. For the city
18 school district of the city of New York there shall be a setaside of
19 foundation aid equal to forty-eight million one hundred seventy-five
20 thousand dollars (\$48,175,000) including five hundred thousand dollars
21 (\$500,000) for the Andrew Jackson High School; for the Buffalo city
22 school district, twenty-one million twenty-five thousand dollars
23 (\$21,025,000); for the Rochester city school district, fifteen million
24 dollars (\$15,000,000); for the Syracuse city school district, thirteen
25 million dollars (\$13,000,000); for the Yonkers city school district,
26 forty-nine million five hundred thousand dollars (\$49,500,000); for the
27 Breakfast after the Bell program, five million dollars (\$5,000,000); for
28 the Newburgh city school district, four million six hundred forty-five
29 thousand dollars (\$4,645,000); for the Poughkeepsie city school
30 district, two million four hundred seventy-five thousand dollars
31 (\$2,475,000); for the Mount Vernon city school district, two million
32 dollars (\$2,000,000); for the New Rochelle city school district, one
33 million four hundred ten thousand dollars (\$1,410,000); for the Schenec-
34 tady city school district, one million eight hundred thousand dollars
35 (\$1,800,000); for the Port Chester city school district, one million one
36 hundred fifty thousand dollars (\$1,150,000); for the White Plains city
37 school district, nine hundred thousand dollars (\$900,000); for the
38 Niagara Falls city school district, six hundred thousand dollars
39 (\$600,000); for the Albany city school district, three million five
40 hundred fifty thousand dollars (\$3,550,000); for the Utica city school
41 district, two million dollars (\$2,000,000); for the Beacon city school
42 district, five hundred sixty-six thousand dollars (\$566,000); for the
43 Middletown city school district, four hundred thousand dollars
44 (\$400,000); for the Freeport union free school district, four hundred
45 thousand dollars (\$400,000); for the Greenburgh central school district,
46 three hundred thousand dollars (\$300,000); for the Amsterdam city school
47 district, eight hundred thousand dollars (\$800,000); for the Peekskill
48 city school district, two hundred thousand dollars (\$200,000); and for
49 the Hudson city school district, four hundred thousand dollars
50 (\$400,000).

51 b. Notwithstanding any inconsistent provision of law to the contrary,
52 a school district setting aside such foundation aid pursuant to this
53 section may use such setaside funds for: (i) any instructional or
54 instructional support costs associated with the operation of a magnet
55 school; or (ii) any instructional or instructional support costs associ-
56 ated with implementation of an alternative approach to promote diversity

1 and/or enhancement of the instructional program and raising of standards
2 in elementary and secondary schools of school districts having substan-
3 tial concentrations of minority students.

4 c. The commissioner of education shall not be authorized to withhold
5 foundation aid from a school district that used such funds in accordance
6 with this paragraph, notwithstanding any inconsistency with a request
7 for proposals issued by such commissioner for the purpose of attendance
8 improvement and dropout prevention for the 2018--2019 school year, and
9 for any city school district in a city having a population of more than
10 one million, the setaside for attendance improvement and dropout
11 prevention shall equal the amount set aside in the base year. For the
12 2018--2019 school year, it is further provided that any city school
13 district in a city having a population of more than one million shall
14 allocate at least one-third of any increase from base year levels in
15 funds set aside pursuant to the requirements of this section to communi-
16 ty-based organizations. Any increase required pursuant to this section
17 to community-based organizations must be in addition to allocations
18 provided to community-based organizations in the base year.

19 d. For the purpose of teacher support for the 2018--2019 school year:
20 for the city school district of the city of New York, sixty-two million
21 seven hundred seven thousand dollars (\$62,707,000); for the Buffalo city
22 school district, one million seven hundred forty-one thousand dollars
23 (\$1,741,000); for the Rochester city school district, one million seven-
24 ty-six thousand dollars (\$1,076,000); for the Yonkers city school
25 district, one million one hundred forty-seven thousand dollars
26 (\$1,147,000); and for the Syracuse city school district, eight hundred
27 nine thousand dollars (\$809,000). All funds made available to a school
28 district pursuant to this section shall be distributed among teachers
29 including prekindergarten teachers and teachers of adult vocational and
30 academic subjects in accordance with this section and shall be in addi-
31 tion to salaries heretofore or hereafter negotiated or made available;
32 provided, however, that all funds distributed pursuant to this section
33 for the current year shall be deemed to incorporate all funds distrib-
34 uted pursuant to former subdivision 27 of section 3602 of the education
35 law for prior years. In school districts where the teachers are repres-
36 ented by certified or recognized employee organizations, all salary
37 increases funded pursuant to this section shall be determined by sepa-
38 rate collective negotiations conducted pursuant to the provisions and
39 procedures of article 14 of the civil service law, notwithstanding the
40 existence of a negotiated agreement between a school district and a
41 certified or recognized employee organization.

42 § 42. Support of public libraries. The moneys appropriated for the
43 support of public libraries by a chapter of the laws of 2017 enacting
44 the aid to localities budget shall be apportioned for the 2018-2019
45 state fiscal year in accordance with the provisions of sections 271,
46 272, 273, 282, 284, and 285 of the education law as amended by the
47 provisions of this chapter and the provisions of this section, provided
48 that library construction aid pursuant to section 273-a of the education
49 law shall not be payable from the appropriations for the support of
50 public libraries and provided further that no library, library system or
51 program, as defined by the commissioner of education, shall receive less
52 total system or program aid than it received for the year 2001-2002
53 except as a result of a reduction adjustment necessary to conform to the
54 appropriations for support of public libraries.

55 Notwithstanding any other provision of law to the contrary the moneys
56 appropriated for the support of public libraries for the year 2018-2019

1 by a chapter of the laws of 2018 enacting the education, labor and fami-
2 ly assistance budget shall fulfill the state's obligation to provide
3 such aid and, pursuant to a plan developed by the commissioner of educa-
4 tion and approved by the director of the budget, the aid payable to
5 libraries and library systems pursuant to such appropriations shall be
6 reduced proportionately to assure that the total amount of aid payable
7 does not exceed the total appropriations for such purpose.

8 § 43. Severability. The provisions of this act shall be severable, and
9 if the application of any clause, sentence, paragraph, subdivision,
10 section or part of this act to any person or circumstance shall be
11 adjudged by any court of competent jurisdiction to be invalid, such
12 judgment shall not necessarily affect, impair or invalidate the applica-
13 tion of any such clause, sentence, paragraph, subdivision, section, part
14 of this act or remainder thereof, as the case may be, to any other
15 person or circumstance, but shall be confined in its operation to the
16 clause, sentence, paragraph, subdivision, section or part thereof
17 directly involved in the controversy in which such judgment shall have
18 been rendered.

19 § 44. This act shall take effect immediately, and shall be deemed to
20 have been in full force and effect on and after April 1, 2018; provided,
21 however, that:

22 1. Sections one, four, five, six, nine, ten, thirteen, fourteen,
23 fifteen, sixteen, seventeen, eighteen, nineteen, twenty-one, twenty-two,
24 twenty-three, thirty-six, forty and forty-one of this act shall take
25 effect July 1, 2018; and

26 2. The amendments to chapter 756 of the laws of 1992, relating to
27 funding a program for work force education conducted by the consortium
28 for worker education in New York city made by sections twenty-five and
29 twenty-six of this act shall not affect the repeal of such chapter and
30 shall be deemed repealed therewith; and

31 3. Section twenty-eight of this act shall be deemed to have been in
32 full force and effect on and after the effective date of section 140 of
33 chapter 82 of the laws of 1995.

34

PART A-1

35 Section 1. Subdivision 4 of section 3602 of the education law, as
36 amended by section 16-a of part YYY of chapter 59 of the laws of 2017,
37 is amended to read as follows:

38 4. Total foundation aid. In addition to any other apportionment pursu-
39 ant to this chapter, a school district, other than a special act school
40 district as defined in subdivision eight of section four thousand one of
41 this chapter, shall be eligible for total foundation aid equal to the
42 product of total aidable foundation pupil units multiplied by the
43 district's selected foundation aid, which shall be the greater of five
44 hundred dollars (\$500) or foundation formula aid, provided, however that
45 for the two thousand seven--two thousand eight through two thousand
46 eight--two thousand nine school years, no school district shall receive
47 total foundation aid in excess of the sum of the total foundation aid
48 base for aid payable in the two thousand seven--two thousand eight
49 school year computed pursuant to subparagraph (i) of paragraph j of
50 subdivision one of this section, plus the phase-in foundation increase
51 computed pursuant to paragraph b of this subdivision, and provided
52 further that for the two thousand twelve--two thousand thirteen school
53 year, no school district shall receive total foundation aid in excess of
54 the sum of the total foundation aid base for aid payable in the two

1 thousand eleven--two thousand twelve school year computed pursuant to
2 subparagraph (ii) of paragraph j of subdivision one of this section,
3 plus the phase-in foundation increase computed pursuant to paragraph b
4 of this subdivision, and provided further that for the two thousand
5 thirteen--two thousand fourteen school year and thereafter, no school
6 district shall receive total foundation aid in excess of the sum of the
7 total foundation aid base computed pursuant to subparagraph (ii) of
8 paragraph j of subdivision one of this section, plus the phase-in foun-
9 dation increase computed pursuant to paragraph b of this subdivision,
10 and provided further that for the two thousand sixteen--two thousand
11 seventeen school year, no eligible school districts shall receive total
12 foundation aid in excess of the sum of the total foundation aid base
13 computed pursuant to subparagraph (ii) of paragraph j of subdivision one
14 of this section plus the sum of (A) the phase-in foundation increase,
15 (B) the executive foundation increase with a minimum increase pursuant
16 to paragraph b-2 of this subdivision, and (C) an amount equal to "COMMU-
17 NITY SCHOOLS AID" in the computer listing produced by the commissioner
18 in support of the executive budget request for the two thousand
19 sixteen--two thousand seventeen school year and entitled "BT161-7",
20 where (1) "eligible school district" shall be defined as a district with
21 (a) an unrestricted aid increase of less than seven percent (0.07) and
22 (b) a three year average free and reduced price lunch percent greater
23 than fifteen percent (0.15), and (2) "unrestricted aid increase" shall
24 mean the quotient arrived at when dividing (a) the sum of the executive
25 foundation aid increase plus the gap elimination adjustment for the base
26 year, by (b) the difference of foundation aid for the base year less the
27 gap elimination adjustment for the base year, and (3) "executive founda-
28 tion increase" shall mean the difference of (a) the amounts set forth
29 for each school district as "FOUNDATION AID" under the heading "2016-17
30 ESTIMATED AIDS" in the school aid computer listing produced by the
31 commissioner in support of the executive budget request for the two
32 thousand sixteen--two thousand seventeen school year and entitled
33 "BT161-7" less (b) the amounts set forth for each school district as
34 "FOUNDATION AID" under the heading "2015-16 BASE YEAR AIDS" in such
35 computer listing and provided further that total foundation aid shall
36 not be less than the product of the total foundation aid base computed
37 pursuant to paragraph j of subdivision one of this section and the due-
38 minimum percent which shall be, for the two thousand twelve--two thou-
39 sand thirteen school year, one hundred and six-tenths percent (1.006)
40 and for the two thousand thirteen--two thousand fourteen school year for
41 city school districts of those cities having populations in excess of
42 one hundred twenty-five thousand and less than one million inhabitants
43 one hundred and one and one hundred and seventy-six thousandths percent
44 (1.01176), and for all other districts one hundred and three-tenths
45 percent (1.003), and for the two thousand fourteen--two thousand fifteen
46 school year one hundred and eighty-five hundredths percent (1.0085), and
47 for the two thousand fifteen--two thousand sixteen school year, one
48 hundred thirty-seven hundredths percent (1.0037), subject to allocation
49 pursuant to the provisions of subdivision eighteen of this section and
50 any provisions of a chapter of the laws of New York as described there-
51 in, nor more than the product of such total foundation aid base and one
52 hundred fifteen percent for any school year other than the two thousand
53 seventeen--two thousand eighteen school year, provided, however, that
54 for the two thousand sixteen--two thousand seventeen school year such
55 maximum shall be no more than the sum of (i) the product of such total
56 foundation aid base and one hundred fifteen percent plus (ii) the execu-

1 tive foundation increase and plus (iii) "COMMUNITY SCHOOLS AID" in the
 2 computer listing produced by the commissioner in support of the execu-
 3 tive budget request for the two thousand sixteen--two thousand seventeen
 4 school year and entitled "BT161-7" and provided further that for the two
 5 thousand nine--two thousand ten through two thousand eleven--two thou-
 6 sand twelve school years, each school district shall receive total foun-
 7 dation aid in an amount equal to the amount apportioned to such school
 8 district for the two thousand eight--two thousand nine school year
 9 pursuant to this subdivision. Total aidable foundation pupil units shall
 10 be calculated pursuant to paragraph g of subdivision two of this
 11 section. For the purposes of calculating aid pursuant to this subdivi-
 12 sion, aid for the city school district of the city of New York shall be
 13 calculated on a citywide basis.

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

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

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

42	Labor Force Region	Index
43	Capital District	1.124
44	Southern Tier	1.045
45	Western New York	1.091
46	Hudson Valley	1.314
47	Long Island/NYC	1.425
48	Finger Lakes	1.141
49	Central New York	1.103
50	Mohawk Valley	1.000
51	North Country	1.000

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

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

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

41 (2) (i) Phase-in foundation percent. The phase-in foundation percent
42 shall equal one hundred thirteen and fourteen one hundredths percent
43 (1.1314) for the two thousand eleven--two thousand twelve school year,
44 one hundred ten and thirty-eight hundredths percent (1.1038) for the two
45 thousand twelve--two thousand thirteen school year, one hundred seven
46 and sixty-eight hundredths percent (1.0768) for the two thousand thir-
47 teen--two thousand fourteen school year, one hundred five and six
48 hundredths percent (1.0506) for the two thousand fourteen--two thousand
49 fifteen school year, and one hundred two and five tenths percent
50 (1.0250) for the two thousand fifteen--two thousand sixteen school year.

51 (ii) Phase-in foundation increase factor. For the two thousand
52 eleven--two thousand twelve school year, the phase-in foundation
53 increase factor shall equal thirty-seven and one-half percent (0.375)
54 and the phase-in due minimum percent shall equal nineteen and forty-one
55 hundredths percent (0.1941), for the two thousand twelve--two thousand
56 thirteen school year the phase-in foundation increase factor shall equal

1 one and seven-tenths percent (0.017), for the two thousand thirteen--two
2 thousand fourteen school year the phase-in foundation increase factor
3 shall equal (1) for a city school district in a city having a population
4 of one million or more, five and twenty-three hundredths percent
5 (0.0523) or (2) for all other school districts zero percent, for the two
6 thousand fourteen--two thousand fifteen school year the phase-in founda-
7 tion increase factor shall equal (1) for a city school district of a
8 city having a population of one million or more, four and thirty-two
9 hundredths percent (0.0432) or (2) for a school district other than a
10 city school district having a population of one million or more for
11 which (A) the quotient of the positive difference of the foundation
12 formula aid minus the foundation aid base computed pursuant to paragraph
13 j of subdivision one of this section divided by the foundation formula
14 aid is greater than twenty-two percent (0.22) and (B) a combined wealth
15 ratio less than thirty-five hundredths (0.35), seven percent (0.07) or
16 (3) for all other school districts, four and thirty-one hundredths
17 percent (0.0431), and for the two thousand fifteen--two thousand sixteen
18 school year the phase-in foundation increase factor shall equal: (1) for
19 a city school district of a city having a population of one million or
20 more, thirteen and two hundred seventy-four thousandths percent
21 (0.13274); or (2) for districts where the quotient arrived at when
22 dividing (A) the product of the total aidable foundation pupil units
23 multiplied by the district's selected foundation aid less the total
24 foundation aid base computed pursuant to paragraph j of subdivision one
25 of this section divided by (B) the product of the total aidable founda-
26 tion pupil units multiplied by the district's selected foundation aid is
27 greater than nineteen percent (0.19), and where the district's combined
28 wealth ratio is less than thirty-three hundredths (0.33), seven and
29 seventy-five hundredths percent (0.0775); or (3) for any other district
30 designated as high need pursuant to clause (c) of subparagraph two of
31 paragraph c of subdivision six of this section for the school aid
32 computer listing produced by the commissioner in support of the enacted
33 budget for the two thousand seven--two thousand eight school year and
34 entitled "SA0708", four percent (0.04); or (4) for a city school
35 district in a city having a population of one hundred twenty-five thou-
36 sand or more but less than one million, fourteen percent (0.14); or (5)
37 for school districts that were designated as small city school districts
38 or central school districts whose boundaries include a portion of a
39 small city for the school aid computer listing produced by the commis-
40 sioner in support of the enacted budget for the two thousand fourteen--
41 two thousand fifteen school year and entitled "SA1415", four and seven
42 hundred fifty-one thousandths percent (0.04751); or (6) for all other
43 districts one percent (0.01), and for the two thousand sixteen--two
44 thousand seventeen school year the foundation aid phase-in increase
45 factor shall equal for an eligible school district the greater of: (1)
46 for a city school district in a city with a population of one million or
47 more, seven and seven hundred eighty four thousandths percent (0.07784);
48 or (2) for a city school district in a city with a population of more
49 than two hundred fifty thousand but less than one million as of the most
50 recent federal decennial census, seven and three hundredths percent
51 (0.0703); or (3) for a city school district in a city with a population
52 of more than two hundred thousand but less than two hundred fifty thou-
53 sand as of the most recent federal decennial census, six and seventy-two
54 hundredths percent (0.0672); or (4) for a city school district in a city
55 with a population of more than one hundred fifty thousand but less than
56 two hundred thousand as of the most recent federal decennial census, six

1 and seventy-four hundredths percent (0.0674); or (5) for a city school
2 district in a city with a population of more than one hundred twenty-
3 five thousand but less than one hundred fifty thousand as of the most
4 recent federal decennial census, nine and fifty-five hundredths percent
5 (0.0955); or (6) for school districts that were designated as small city
6 school districts or central school districts whose boundaries include a
7 portion of a small city for the school aid computer listing produced by
8 the commissioner in support of the enacted budget for the two thousand
9 fourteen--two thousand fifteen school year and entitled "SA141-5" with a
10 combined wealth ratio less than one and four tenths (1.4), nine percent
11 (0.09), provided, however, that for such districts that are also
12 districts designated as high need urban-suburban pursuant to clause (c)
13 of subparagraph two of paragraph c of subdivision six of this section
14 for the school aid computer listing produced by the commissioner in
15 support of the enacted budget for the two thousand seven--two thousand
16 eight school year and entitled "SA0708", nine and seven hundred and
17 nineteen thousandths percent (0.09719); or (7) for school districts
18 designated as high need rural pursuant to clause (c) of subparagraph two
19 of paragraph c of subdivision six of this section for the school aid
20 computer listing produced by the commissioner in support of the enacted
21 budget for the two thousand seven--two thousand eight school year and
22 entitled "SA0708", thirteen and six tenths percent (0.136); or (8) for
23 school districts designated as high need urban-suburban pursuant to
24 clause (c) of subparagraph two of paragraph c of subdivision six of this
25 section for the school aid computer listing produced by the commissioner
26 in support of the enacted budget for the two thousand seven--two thou-
27 sand eight school year and entitled "SA0708", seven hundred nineteen
28 thousandths percent (0.00719); or (9) for all other eligible school
29 districts, forty-seven hundredths percent (0.0047), provided further
30 that for the two thousand seventeen--two thousand eighteen school year
31 the foundation aid increase phase-in factor shall equal (1) for school
32 districts with a census 2000 poverty rate computed pursuant to paragraph
33 q of subdivision one of this section equal to or greater than twenty-six
34 percent (0.26), ten and three-tenths percent (0.103), or (2) for a
35 school district in a city with a population in excess of one million or
36 more, seventeen and seventy-seven one-hundredths percent (0.1777), or
37 (3) for a city school district in a city with a population of more than
38 two hundred fifty thousand but less than one million, as of the most
39 recent decennial census, twelve and sixty-nine hundredths percent
40 (0.1269) or (4) for a city school district in a city with a population
41 of more than one hundred fifty thousand but less than two hundred thou-
42 sand, as of the most recent federal decennial census, ten and seventy-
43 eight one hundredths percent (0.1078), or (5) for a city school district
44 in a city with a population of more than one hundred twenty-five thou-
45 sand but less than one hundred fifty thousand as of the most recent
46 federal decennial census, nineteen and one hundred eight one-thousandths
47 percent (0.19108), or (6) for a city school district in a city with a
48 population of more than two hundred thousand but less than two hundred
49 fifty thousand as of the most recent federal decennial census, ten and
50 six-tenths percent (0.106), or (7) for all other districts, four and
51 eighty-seven one-hundredths percent (0.0487), and for the two thousand
52 [~~eighteen~~] ~~nineteen~~--two thousand [~~nineteen~~] ~~twenty~~ school year and
53 thereafter the commissioner shall annually determine the phase-in foun-
54 dation increase factor subject to allocation pursuant to the provisions
55 of subdivision eighteen of this section and any provisions of a chapter
56 of the laws of New York as described therein.

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

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

26 b-3. Due minimum for the two thousand seventeen--two thousand eighteen
27 school year. Notwithstanding any other provision of law to the contrary,
28 for the two thousand seventeen--two thousand eighteen school year the
29 total foundation aid shall not be less than (A) the sum of the total
30 foundation aid base computed pursuant to paragraph j of subdivision one
31 of this section plus the product of (i) the difference of the amount set
32 forth for such school district as "FOUNDATION AID" under the heading
33 "2017-18 ESTIMATED AIDS" in the school aid computer listing produced by
34 the commissioner in support of the executive budget request for the two
35 thousand seventeen--two thousand eighteen school year and entitled
36 "BT171-8" less the amount set forth for such school district as "FOUNDA-
37 TION AID" under the heading "2016-17 BASE YEAR AIDS" in the school aid
38 computer listing produced by the commissioner in support of the execu-
39 tive budget request for the two thousand seventeen--two thousand eigh-
40 teen school year and entitled "BT171-8" multiplied by (ii) one and eigh-
41 teen one-hundredths (1.18), or (B) the product of forty-four and
42 seventy-five one-hundredths percent (0.4475) multiplied by total founda-
43 tion aid as computed pursuant to paragraph a of this subdivision, or (C)
44 the sum of the total foundation aid base computed pursuant to paragraph
45 j of subdivision one of this section plus the due minimum for the two
46 thousand seventeen--two thousand eighteen school year, where such due
47 minimum shall equal (1) for school districts with a census 2000 poverty
48 rate computed pursuant to paragraph q of subdivision one of this
49 section, equal to or greater than eleven and nine-tenths percent
50 (0.119), the product of the foundation aid base for the two thousand
51 seventeen--two thousand eighteen school year computed pursuant to
52 subparagraph (iii) of paragraph j of subdivision one of this section
53 multiplied by three hundred thirty-five ten-thousandths (0.0335), or (2)
54 for all other school districts the product of the foundation aid base
55 for the two thousand seventeen--two thousand eighteen school year
56 computed pursuant to subparagraph (iii) of paragraph j of subdivision

1 one of this section multiplied by two and seventy-four one-hundredths
2 percent (0.0274).

3 b-4. Additional increase for the two thousand seventeen-two thousand
4 eighteen school year. For the two thousand seventeen-two thousand eigh-
5 teen school year, any school district eligible to receive a phase-in
6 foundation increase pursuant to this subdivision shall receive an addi-
7 tional foundation increase equal to the sum of tiers A, B, C, and D as
8 defined herein.

9 (i) Tier A. For all school districts other than a district within a
10 city with a population of one million or more, with a combined wealth
11 ratio less than two (2.0), where either (A) the quotient arrived at by
12 dividing the English language learner count pursuant to paragraph o of
13 subdivision one of this section for the base year by the public school
14 district enrollment for the base year pursuant to paragraph n of subdivi-
15 sion one of this section is greater than two one-hundredths (0.02) or
16 (B) the quotient arrived at by dividing the difference of the English
17 language learner count pursuant to paragraph o of subdivision one of
18 this section for the base year less such count for one year prior to the
19 base year by the public school district enrollment for one year prior to
20 the base year pursuant to paragraph n of subdivision one of this section
21 is greater than one one-thousandth (0.001), tier A shall equal the prod-
22 uct of (A) the difference of two minus the combined wealth ratio multi-
23 plied by (B) one hundred dollars (\$100.00) multiplied by (C) the English
24 language learner count for the base year.

25 (ii) Tier B. For any school district (A) where the amount set forth as
26 "25% LIMIT CAP ON INCREASE" on the computer file produced by the commis-
27 sioner in support of the enacted budget for the two thousand seven--two
28 thousand eight school year and entitled "SA070-8" is less than zero and
29 (B) with a combined wealth ratio computed pursuant to paragraph c of
30 subdivision three of this section greater than one (1.0), tier B shall
31 equal the product of (A) the sum of (1) the difference of total founda-
32 tion aid less the foundation aid base plus (2) the difference of the
33 amount set forth for such school district as "FOUNDATION AID" under the
34 heading "2017-18 ESTIMATED AIDS" in the school aid computer listing
35 produced by the commissioner in support of the executive budget request
36 and entitled "BT1718" less the foundation aid base multiplied by (B) ten
37 and two-tenths percent (0.102).

38 (iii) Tier C. For all school districts with a combined wealth ratio
39 for total foundation aid computed pursuant to paragraph c of subdivision
40 three of this section less than one (1.0), tier C shall be the greater
41 of (A) for districts that were designated as small city school districts
42 or central school districts whose boundaries include a portion of a
43 small city for the school aid computer listing produced by the commis-
44 sioner in support of the enacted budget for the two thousand fourteen--
45 two thousand fifteen school year and entitled "SA1415", the product of
46 the public school district enrollment for the base year pursuant to
47 paragraph n of subdivision one of this section multiplied by one hundred
48 sixty-seven dollars and forty cents (\$167.40) or (B) for school
49 districts with a sparsity factor as set forth on the computer listing
50 produced by the commissioner in support of the enacted budget for the
51 two thousand seventeen--two thousand eighteen school year and entitled
52 "SA171-8" of greater than zero, the product of the public school
53 district enrollment for the base year multiplied by one hundred eighty-
54 eight dollars (\$188.00).

55 (iv) Tier D. For all school districts, other than districts within a
56 city with a population of one hundred twenty-five thousand or more, with

1 a selected poverty rate of greater than eighteen hundredths (0.18), tier
2 D shall equal the product of the selected poverty rate multiplied by the
3 school district public enrollment for the base year multiplied by two
4 hundred forty dollars (\$240.00), provided, however, that for districts
5 within a city with a population of greater than one hundred twenty-five
6 thousand but less than one million and a selected poverty rate of great-
7 er than eighteen hundredths (0.18), tier D shall equal the product of
8 the selected poverty rate multiplied by school district public enroll-
9 ment for the base year multiplied by three hundred forty-four dollars
10 (\$344.00), and for a city school district in a city with a population of
11 one million or more, tier D shall equal the product of the selected
12 poverty rate multiplied by school district public enrollment for the
13 base year multiplied by twenty-nine cents (\$0.29).

14 c. Public excess cost aid setaside. Each school district shall set
15 aside from its total foundation aid computed for the current year pursu-
16 ant to this subdivision an amount equal to the product of: (i) the
17 difference between the amount the school district was eligible to
18 receive in the two thousand six--two thousand seven school year pursuant
19 to or in lieu of paragraph six of subdivision nineteen of this section
20 as such paragraph existed on June thirtieth, two thousand seven, minus
21 the amount such district was eligible to receive pursuant to or in lieu
22 of paragraph five of subdivision nineteen of this section as such para-
23 graph existed on June thirtieth, two thousand seven, in such school
24 year, and (ii) the sum of one and the percentage increase in the consum-
25 er price index for the current year over such consumer price index for
26 the two thousand six--two thousand seven school year, as computed pursu-
27 ant to section two thousand twenty-two of this chapter. Notwithstanding
28 any other provision of law to the contrary, the public excess cost aid
29 setaside shall be paid pursuant to section thirty-six hundred nine-b of
30 this part.

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

36 e. Community schools aid set-aside. Each school district shall set
37 aside from its total foundation aid computed for the current year pursu-
38 ant to this subdivision an amount equal to the sum of (i) the amount, if
39 any, set forth for such district as "COMMUNITY SCHL AID (BT1617)" in the
40 data file produced by the commissioner in support of the enacted budget
41 for the two thousand sixteen--two thousand seventeen school year and
42 entitled "SA161-7" [~~and~~], (ii) the amount, if any, set forth for such
43 district as "COMMUNITY SCHL INCR" in the data file produced by the
44 commissioner in support of the executive budget request for the two
45 thousand seventeen--two thousand eighteen school year and entitled
46 "BT171-8", and (iii) the amount, if any, set forth for such district as
47 "COMMUNITY SCHOOLS INCREASE" in the data file produced by the commis-
48 sioner in support of the executive budget for the two thousand eigh-
49 teen--two thousand nineteen school year and entitled "BT181-9". Each
50 school district shall use such "COMMUNITY SCHL AID (BT1617)" amount to
51 support the transformation of school buildings into community hubs to
52 deliver co-located or school-linked academic, health, mental health,
53 nutrition, counseling, legal and/or other services to students and their
54 families, including but not limited to providing a community school site
55 coordinator, or to support other costs incurred to maximize students'
56 academic achievement. Each school district shall use such "COMMUNITY

1 SCHL INCR" amount to support the transformation of school buildings into
2 community hubs to deliver co-located or school linked academic, health,
3 mental health services and personnel, after-school programming, dual
4 language programs, nutrition, counseling, legal and/or other services to
5 students and their families, including but not limited to providing a
6 community school site coordinator and programs for English language
7 learners, or to support other costs incurred to maximize students'
8 academic achievement, provided however that a school district whose
9 "COMMUNITY SCHL INCR" amount exceeds one million dollars (\$1,000,000)
10 shall use an amount equal to the greater of one hundred fifty thousand
11 dollars (\$150,000) or ten percent of such "COMMUNITY SCHL INCR" amount
12 to support such transformation at schools with extraordinary high levels
13 of student need as identified by the commissioner, subject to the
14 approval of the director of the budget. Each school district may use
15 such "COMMUNITY SCHOOLS INCREASE" in the data file produced by the
16 commissioner in support of the executive budget for the two thousand
17 eighteen--two thousand nineteen school year and entitled "BT181-9" to
18 support the transformation of school buildings into community hubs to
19 deliver co-located or school linked academic, health, mental health
20 services and personnel, after-school programming, dual language
21 programs, nutrition, counseling, legal and/or other services to students
22 and their families, or to support other costs incurred to maximize
23 students' academic achievement, including but not limited to providing a
24 community school site coordinator and programs for English language
25 learners or to maximize student achievement.

26 f. Foundation aid payable in the two thousand eighteen--two thousand
27 nineteen school year. Notwithstanding any provision of law to the
28 contrary, foundation aid payable in the two thousand eighteen--two thou-
29 sand nineteen school year shall be equal to the sum of (1) the valuation
30 increase, (2) the adjusted foundation aid increase, and (3) the execu-
31 tive foundation aid increase. For the purposes of this paragraph, the
32 "executive foundation aid increase" shall be equal to the difference of
33 (a) the amounts set forth for each school district as "FOUNDATION AID"
34 under the heading "2018-19 ESTIMATED AIDS" in the school aid computer
35 listing produced by the commissioner in support of the executive budget
36 request for the two thousand eighteen--two thousand nineteen school year
37 and entitled "BT181-9" less (b) the amounts set forth for each school
38 district as "FOUNDATION AID" under the heading "2017-18 BASE YEAR AIDS"
39 in such computer listing.

40 (1) For a city school district in a city with a population of more
41 than one million, the "valuation increase" shall be equal to one hundred
42 sixty million, three hundred fifty thousand dollars (\$160,350,000). For
43 a city school district with a population of more than one hundred twen-
44 ty-five thousand inhabitants but less than one million inhabitants, the
45 "valuation increase" shall be equal to the product of (a) the actual
46 valuation change factor, multiplied by (b) public school district
47 enrollment for the current year pursuant to paragraph n of subdivision
48 one of this section, multiplied by (c) five hundred fifty dollars
49 (\$550). For purposes of this subparagraph, the "actual valuation change
50 factor" shall be equal to the difference of nineteen hundredths (0.19)
51 less the absolute value of the quotient arrived at when dividing (i) the
52 difference of actual valuation defined pursuant to paragraph c of subdi-
53 vision one of this section less such actual valuation for the calendar
54 year three years prior to the calendar year in which the base year
55 commenced by (ii) actual valuation for the calendar year three years
56 prior to the calendar year in which the base year commenced.

1 (2) The "adjusted foundation aid increase" shall be the greater of the
2 following five tiers for all districts other than city school districts
3 in a city with a population of more than one hundred twenty-five thou-
4 sand inhabitants.

5 (i) Tier one shall be equal to the difference of the product of the
6 tier one percent multiplied by the foundation aid base. For purposes of
7 this subparagraph, the "tier one percent" shall be equal to (a) for
8 districts with a combined wealth ratio computed pursuant to subparagraph
9 one of paragraph c of subdivision three of this section less than five-
10 tenths (0.50), one hundred fifty thousandths (0.015), (b) for districts
11 with a combined wealth ratio greater than or equal to five-tenths (0.50)
12 and less than one and thirteen hundredths (1.13), one thousand four
13 hundred ninety five hundred-thousandths (0.01495), (c) for districts
14 with a combined wealth ratio greater than or equal to one and thirteen
15 hundredths (1.13) and less than three and four-tenths (3.4), one hundred
16 forty-nine ten-thousandths (0.0149), or (d) for districts with a
17 combined wealth ratio greater than or equal to three and four-tenths
18 (3.4), one hundred forty-eight ten-thousandths (0.0148).

19 (ii) For eligible districts, tier two shall be equal to the product of
20 the (a) English language learner factor, multiplied by (b) the product
21 of public school district enrollment for the current year pursuant to
22 paragraph n of subdivision one of this section, multiplied by (c) seven-
23 ty-nine dollars and fifty cents (\$79.50). A district is eligible for
24 tier two if the quotient arrived at when dividing (a) the product of the
25 English language learner count, multiplied by 50 percent (0.50), by (b)
26 public school district enrollment for the current year pursuant to para-
27 graph n of subdivision one of this section, is greater than three
28 percent (0.03). For purposes of this subparagraph, the English language
29 learner factor shall be equal to the positive difference, if any, of (a)
30 three (3.0) less (b) the lesser of one or the combined wealth ratio.

31 (iii) For eligible districts, tier three shall be equal to the product
32 of (a) public school district enrollment for the current year pursuant
33 to paragraph n of subdivision one of this section, multiplied by (b) the
34 sum of five-tenths (0.5) plus the three-year average free and reduced
35 price lunch percent calculated pursuant to subparagraph (ii) of para-
36 graph p of subdivision one of this section, multiplied by (c) two
37 hundred sixty-two dollars (\$262.00). A district is eligible for tier
38 three if the sparsity count defined pursuant to paragraph r of subdivi-
39 sion one of this section is greater than zero.

40 (iv) Tier four shall be equal to the product of foundation aid remain-
41 ing multiplied by the tier four percent. For purposes of this subpara-
42 graph, "foundation aid remaining" shall be equal to the positive differ-
43 ence, if any, of (a) the product of the total aidable foundation pupil
44 units multiplied by the district's selected foundation aid less (b) the
45 total foundation aid base computed pursuant to paragraph j of subdivi-
46 sion one of this section; and "tier four percent" shall be equal to (a)
47 for districts with a combined wealth ratio less than twenty-five
48 hundredths (0.25), six-tenths (0.60), (b) for districts with a combined
49 wealth ratio greater than or equal to twenty-five hundredths (0.25) and
50 less than one and twenty-two hundredths (1.22), three hundredths (0.03),
51 or (c) for districts with a combined wealth ratio greater than or equal
52 to one and twenty-two hundredths (1.22), zero.

53 (v) Tier five shall be equal to: for districts with a combined wealth
54 ratio of less than ninety-one hundredths (0.91), the product of (a)
55 school district enrollment for the base year pursuant to paragraph n of
56 subdivision one of this section multiplied by ninety-four dollars and

1 forty cents (\$94.40), (b) for districts with a combined wealth ratio
 2 greater than or equal to ninety-one hundredths (0.91) and less than
 3 three (3.0), the product of (1) the phase-in minimum factor multiplied
 4 by (2) twenty dollars (\$20) multiplied by (3) the public school district
 5 enrollment for the current year pursuant to paragraph n of subdivision
 6 one of this section, or (c) for districts with a combined wealth ratio
 7 greater than or equal to three (3.0), zero. For purposes of this subpar-
 8 agraph, the phase-in minimum factor shall be equal to the lesser of (a)
 9 three (3.0) or (b) the positive difference, if any, of five (5.0) less
 10 the combined wealth ratio.

11 § 2. Subdivision 9 of section 2852 of the education law, as amended by
 12 section 2 of subpart A of part B of chapter 20 of the laws of 2015, is
 13 amended to read as follows:

14 9. The total number of charters issued pursuant to this article state-
 15 wide shall not [~~exceed four hundred sixty. (a) All charters issued on or~~
 16 ~~after July first, two thousand fifteen and counted toward the numerical~~
 17 ~~limits established by this subdivision shall be issued by the board of~~
 18 ~~regents upon application directly to the board of regents or on the~~
 19 ~~recommendation of the board of trustees of the state university of New~~
 20 ~~York pursuant to a competitive process in accordance with subdivision~~
 21 ~~nine-a of this section. Fifty of such charters issued on or after July~~
 22 ~~first, two thousand fifteen, and no more, shall be granted to a charter~~
 23 ~~for a school to be located in a city having a population of one million~~
 24 ~~or more. The failure of any body to issue the regulations authorized~~
 25 ~~pursuant to this article shall not affect the authority of a charter~~
 26 ~~entity to propose a charter to the board of regents or the board of~~
 27 ~~regents' authority to grant such charter. A conversion of an existing~~
 28 ~~public school to a charter school, or the renewal or extension of a~~
 29 ~~charter approved by any charter entity, shall not be counted toward the~~
 30 ~~numerical limits established by this subdivision.~~

31 ~~(b) A charter that has been surrendered, revoked or terminated on or~~
 32 ~~before July first, two thousand fifteen, including a charter that has~~
 33 ~~not been renewed by action of its charter entity, may be reissued pursu-~~
 34 ~~ant to paragraph (a) of this subdivision by the board of regents either~~
 35 ~~upon application directly to the board of regents or on the recommenda-~~
 36 ~~tion of the board of trustees of the state university of New York pursu-~~
 37 ~~ant to a competitive process in accordance with subdivision nine-a of~~
 38 ~~this section. Provided that such reissuance shall not be counted toward~~
 39 ~~the statewide numerical limit established by this subdivision, and~~
 40 ~~provided further that no more than twenty two charters may be reissued~~
 41 ~~pursuant to this paragraph.~~

42 ~~(c) For purposes of determining the total number of charters issued~~
 43 ~~within the numerical limits established by this subdivision, the~~
 44 ~~approval date of the charter entity shall be the determining factor.~~

45 ~~(d)]~~ be subject to restrictions. Notwithstanding any provision of this
 46 article to the contrary, any charter authorized to be issued by chapter
 47 fifty-seven of the laws of two thousand seven effective July first, two
 48 thousand seven, and that remains unissued as of July first, two thousand
 49 fifteen, may be issued pursuant to the provisions of law applicable to a
 50 charter authorized to be issued by such chapter in effect as of June
 51 fifteenth, two thousand fifteen[~~, provided however that nothing in this~~
 52 ~~paragraph shall be construed to increase the numerical limit applicable~~
 53 ~~to a city having a population of one million or more as provided in~~
 54 ~~paragraph (a) of this subdivision, as amended by a chapter of the laws~~
 55 ~~of two thousand fifteen which added this paragraph].~~

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

4 b. The cost of services herein referred to shall be the amount allo-
5 cated to each component school district by the board of cooperative
6 educational services to defray expenses of such board, including
7 approved expenses from the testing of potable water systems of occupied
8 school buildings under the board's jurisdiction as required pursuant to
9 section eleven hundred ten of the public health law, except that that
10 part of the salary paid any teacher, supervisor or other employee of the
11 board of cooperative educational services which is in excess of thirty
12 thousand dollars shall not be such an approved expense, and except also
13 that administrative and clerical expenses shall not exceed ten percent
14 of the total expenses for purposes of this computation. Provided howev-
15 er, that for teachers providing instruction in career and technical
16 education to school age students, the salary, to be considered as an
17 approved expense, shall not exceed thirty-five thousand dollars for the
18 two thousand eighteen--two thousand nineteen school year and thereafter.
19 Any gifts, donations or interest earned by the board of cooperative
20 educational services or on behalf of the board of cooperative educa-
21 tional services by the dormitory authority or any other source shall not
22 be deducted in determining the cost of services allocated to each compo-
23 nent school district. Any payments made to a component school district
24 by the board of cooperative educational services pursuant to subdivision
25 eleven of section six-p of the general municipal law attributable to an
26 approved cost of service computed pursuant to this subdivision shall be
27 deducted from the cost of services allocated to such component school
28 district. The expense of transportation provided by the board of coop-
29 erative educational services pursuant to paragraph q of subdivision four
30 of this section shall be eligible for aid apportioned pursuant to subdivi-
31 sion seven of section thirty-six hundred two of this chapter and no
32 board of cooperative educational services transportation expense shall
33 be an approved cost of services for the computation of aid under this
34 subdivision. Transportation expense pursuant to paragraph q of subdivi-
35 sion four of this section shall be included in the computation of the
36 ten percent limitation on administrative and clerical expenses.

37 § 4. The education law is amended by adding a new section 3006-b to
38 read as follows:

39 § 3006-b. Compliance with part 154 of the commissioner's regulations.
40 1. Notwithstanding any provision of law, rule, or regulation, this
41 section shall apply to public school districts for purposes of complying
42 with part 154 of the commissioner's regulations (8 NYCRR 154).

43 2. School districts that make a good faith effort to hire a teacher
44 that is dual-certified, but cannot hire such teacher due to a lack of
45 qualified or acceptable candidates, may satisfy such by hiring an indi-
46 vidual who is not dual-certified, but who meets one of the following
47 criteria: (i) has at least an initial teaching certificate and has
48 scored proficiently on a content specialty test in the language to be
49 instructed in; or (ii) is certified for "Teaching English to Speakers of
50 Other Languages" (TESOL). Such individuals shall be deemed to satisfy
51 instances where a second certified teacher is required for instruction
52 in the native language of the student because the primary teacher is not
53 dual-certified and the primary teacher is providing content specific
54 instruction.

1 3. Individuals meeting either of the criteria in subdivision two of
2 this section may also be used for purposes of administering the home
3 language questionnaire that is used for initial identification purposes.

4 § 5. Paragraph a of subdivision 5 of section 3604 of the education
5 law, as amended by chapter 161 of the laws of 2005, is amended to read
6 as follows:

7 a. State aid adjustments. All errors or omissions in the apportionment
8 shall be corrected by the commissioner. Whenever a school district has
9 been apportioned less money than that to which it is entitled, the
10 commissioner may allot to such district the balance to which it is enti-
11 tled. Whenever a school district has been apportioned more money than
12 that to which it is entitled, the commissioner may, by an order, direct
13 such moneys to be paid back to the state to be credited to the general
14 fund local assistance account for state aid to the schools, or may
15 deduct such amount from the next apportionment to be made to said
16 district, provided that any recovery initiated by the commissioner under
17 this subdivision shall first be offset by any pending payment of moneys
18 due to said district as a prior year adjustment payable pursuant to
19 paragraph c of this subdivision, and that the commissioner shall remove
20 such claim from the ordered list he or she prepares for such paragraph

21 c, and provided, however, that, upon notification of excess payments of
22 aid for which a recovery must be made by the state through deduction of
23 future aid payments, a school district may request that such excess
24 payments be recovered by deducting such excess payments from the
25 payments due to such school district and payable in the month of June in
26 (i) the school year in which such notification was received and (ii) the
27 two succeeding school years, provided further that there shall be no
28 interest penalty assessed against such district or collected by the
29 state. Such request shall be made to the commissioner in such form as
30 the commissioner shall prescribe, and shall be based on documentation
31 that the total amount to be recovered is in excess of one percent of the
32 district's total general fund expenditures for the preceding school
33 year. The amount to be deducted in the first year shall be the greater
34 of (i) the sum of the amount of such excess payments that is recognized
35 as a liability due to other governments by the district for the preced-
36 ing school year and the positive remainder of the district's unreserved
37 fund balance at the close of the preceding school year less the product
38 of the district's total general fund expenditures for the preceding
39 school year multiplied by five percent, or (ii) one-third of such excess
40 payments. The amount to be recovered in the second year shall equal the
41 lesser of the remaining amount of such excess payments to be recovered
42 or one-third of such excess payments, and the remaining amount of such
43 excess payments shall be recovered in the third year. Provided further
44 that, notwithstanding any other provisions of this subdivision, any
45 pending payment of moneys due to such district as a prior year adjust-
46 ment payable pursuant to paragraph c of this subdivision for aid claims
47 that had been previously paid as current year aid payments in excess of
48 the amount to which the district is entitled and for which recovery of
49 excess payments is to be made pursuant to this paragraph, shall be
50 reduced at the time of actual payment by any remaining unrecovered
51 balance of such excess payments, and the remaining scheduled deductions
52 of such excess payments pursuant to this paragraph shall be reduced by
53 the commissioner to reflect the amount so recovered. The commissioner
54 shall certify no payment to a school district based on a claim submitted
55 later than three years after the close of the school year in which such
56 payment was first to be made. For claims for which payment is first to

1 be made in the nineteen hundred ninety-six--ninety-seven school year,
2 the commissioner shall certify no payment to a school district based on
3 a claim submitted later than two years after the close of such school
4 year. For claims for which payment is first to be made in the nineteen
5 hundred ninety-seven--ninety-eight school year and thereafter, the
6 commissioner shall certify no payment to a school district based on a
7 claim submitted later than one year after the close of such school year.
8 Provided, however, no payments shall be barred or reduced where such
9 payment is required as a result of a final audit of the state. It is
10 further provided that, until June thirtieth, nineteen hundred ninety-
11 six, the commissioner may grant a waiver from the provisions of this
12 section for any school district if it is in the best educational inter-
13 ests of the district pursuant to guidelines developed by the commission-
14 er and approved by the director of the budget.

15 § 6. a. All the acts done and proceedings heretofore had and taken or
16 caused to be had and taken by a school district and by all officers,
17 employees or agents of each such school district relating to or in
18 connection with transportation contracts (1) identified by the state
19 education department as having been filed or executed late prior to June
20 30, 2018, and (2) for which an aid adjustment or recovery has not been
21 initiated by the state education department as of the effective date of
22 this act are hereby legalized, validated, ratified and confirmed,
23 notwithstanding any failure to comply with the contract filing
24 provisions of the education law, other than those filing provisions
25 defined in paragraph a of subdivision 5 of section 3604 of the education
26 law, in relation to any omission, error, defect, irregularity or ille-
27 gality in such proceeding had and taken.

28 b. The education department is hereby directed to consider the afore-
29 mentioned contracts for transportation aid as valid and proper obli-
30 gations of such school district.

31 § 7. a. Notwithstanding any other provision of law to the contrary,
32 the actions or omissions of a school district which failed to submit a
33 final building project cost report by June 30 of the school year follow-
34 ing June 30 of the school year in which the certificate of substantial
35 completion of the project is issued by the architect or engineer, or six
36 months after issuance of such certificate, whichever is later, are here-
37 by ratified and validated, provided the following conditions have been
38 met: (i) that such building project was eligible for aid in a year for
39 which the commissioner of education is required to prepare an estimate
40 of apportionments due and owing pursuant to paragraph c of subdivision
41 21 of section 305 of the education law, and (ii) (A) that the school
42 district was notified in writing by the state education department after
43 March 1, 2015 but before July 1, 2018 that such final building cost
44 reports were late, or (B) such building project was eligible for an
45 installment recovery pursuant to section 11 of part YYY of chapter 59 of
46 the laws of 2017 or sections 48, 49, 50, 51, and 52 of part A of chapter
47 54 of the laws of 2016 or sections 25-a, 25-b, 25-c, 25-d, and 25-e of
48 part A of chapter 56 of the laws of 2015 or section 9-a of part A of
49 chapter 56 of the laws of 2014 or section 24-a of part A of chapter 57
50 of the laws of 2013; provided, however, that notwithstanding any other
51 provision of law to the contrary, the state education department shall
52 not refund any monies for which recovery of excess payments has already
53 been made pursuant to paragraph c of subdivision 5 of section 3604 of
54 the education law and this act.

55 b. The education department is hereby directed to adjust the approved
56 costs of the aforementioned projects for the 2017--2018 school year and

1 thereafter to reflect the ratification and validation provided in this
2 act and to consider such adjusted approved costs as valid and proper
3 obligations of such school districts.

4 § 8. Subdivisions 1, 2 and 7 of section 2116-b of the education law,
5 subdivisions 1 and 7 as added by chapter 263 of the laws of 2005, and
6 subdivision 2 as amended by section 4 of part A of chapter 57 of the
7 laws of 2013, are amended to read as follows:

8 1. No later than July first, two thousand six, each school district
9 shall establish an internal audit function to be in operation no later
10 than the following December thirty-first. Such function shall include:
11 (a) development of a risk assessment of district operations, including
12 but not limited to, a review of financial policies and procedures and
13 the testing and evaluation of district internal controls; (b) [~~an annu-~~
14 ~~al~~] a review and update of such risk assessment; and (c) preparation of
15 reports[~~, at least annually or more frequently as the trustees or board~~
16 ~~of education may direct,~~] which analyze significant risk assessment
17 findings, recommend changes for strengthening controls and reducing
18 identified risks, and specify timeframes for implementation of such
19 recommendations. Audits performed pursuant to this section shall be
20 completed every five years.

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

29 7. Nothing in this section shall be construed as requiring a school
30 district in any city with a population of one hundred twenty-five thou-
31 sand or more to replace or modify an existing internal audit function
32 where such function already exists by special or local law, so long as
33 the superintendent of the district [~~annually~~] certifies to the commis-
34 sioner that the existing internal audit function meets or exceeds the
35 requirements of this section; provided, however, notwithstanding any
36 special or local law to the contrary, school districts shall perform
37 such internal audits every five years.

38 § 9. The opening paragraph of section 3609-b of the education law, as
39 amended by section 33 of part B of chapter 57 of the laws of 2007, is
40 amended to read as follows:

41 Moneys apportioned to school districts for the excess cost aid seta-
42 side pursuant to subdivision four of section thirty-six hundred two of
43 this article and the apportionments for students with disabilities due
44 in accordance with the provisions of subdivisions five and five-a of
45 section thirty-six hundred two of this article and section forty-four
46 hundred five of this chapter, shall be paid to or on behalf of school
47 districts in accordance with the provisions of this section, provided,
48 however, that payments made to or on behalf of any school district
49 pursuant to this section shall be adjusted subsequent to the filing, in
50 an acceptable manner, of aid claim forms prescribed by the commissioner,
51 provided, that the apportionments for students with disabilities due in
52 accordance with the provisions of subdivision five of section thirty-six
53 hundred two of this article and section forty-four hundred five of this
54 chapter, who enroll in school districts after October first, shall be
55 based on attendance in the current school year and shall be paid in the

1 current school year subject to this section and subject to the STAC and
2 AVL filing deadlines established by the commissioner.

3 § 10. Section 207 of the education law is amended to read as follows:

4 § 207. Legislative power. 1. Subject and in conformity to the consti-
5 tution and laws of the state, the regents shall exercise legislative
6 functions concerning the educational system of the state, determine its
7 educational policies, and, except, as to the judicial functions of the
8 commissioner [~~of education~~], establish rules for carrying into effect
9 the laws and policies of the state, relating to education, and the func-
10 tions, powers, duties and trusts conferred or charged upon the universi-
11 ty and the [~~education~~] department. But no enactment of the regents
12 shall modify in any degree the freedom of the governing body of any
13 seminary for the training of priests or clergymen to determine and regu-
14 late the entire course of religious, doctrinal or theological instruc-
15 tion to be given in such institution. No rule by which more than a
16 majority vote shall be required for any specified action by the regents
17 shall be amended, suspended or repealed by a smaller vote than that
18 required for action thereunder. Rules or regulations, or amendments or
19 repeals thereof, adopted or prescribed by the commissioner [~~of educa-~~
20 ~~tion~~] as provided by law shall not be effective unless and until
21 approved by the regents, except where authority is conferred by the
22 regents upon the commissioner [~~of education~~] to adopt, prescribe, amend
23 or repeal such rules or regulations.

24 2. Prior to promulgation of any rule, regulation, amendment or repeal,
25 pursuant to this section of any other provision of law granting rulemak-
26 ing or regulatory authority, the regents shall request a fiscal note
27 from the division of budget. No rule, regulation, amendment, or repeal
28 shall be promulgated unless a fiscal note from the division of budget
29 has been filed with the secretary of the board of regents. Such fiscal
30 note shall state the estimated annual costs of implementing the rule,
31 regulation, amendment, or repeal to the state, school districts, and any
32 other applicable political subdivisions. The requirement for a fiscal
33 note may be waived at the discretion of the director of the division of
34 budget for rules, regulations, amendments, or repeals promulgated pursu-
35 ant to subdivision six of section two hundred two of the state adminis-
36 trative procedure act.

37 § 11. Section 3 of chapter 507 of the laws of 1974, relating to
38 providing for the apportionment of state monies to certain nonpublic
39 schools, to reimburse them for their expenses in complying with certain
40 state requirements for the administration of state testing and evalu-
41 ation programs and for participation in state programs for the reporting
42 of basic educational data, as amended by section 17 of part YYY of chap-
43 ter 59 of the laws of 2017, is amended to read as follows:

44 § 3. Apportionment. a. The commissioner shall annually apportion to
45 each qualifying school, for school years beginning on and after July
46 first, nineteen hundred seventy-four, an amount equal to the actual cost
47 incurred by each such school during the preceding school year for
48 providing services required by law to be rendered to the state in
49 compliance with the requirements of the state's pupil evaluation
50 program, the basic educational data system, regents examinations, the
51 statewide evaluation plan, the uniform procedure for pupil attendance
52 reporting, the state's immunization program and other similar state
53 prepared examinations and reporting procedures.

54 b. Such nonpublic schools shall be eligible to receive aid based on
55 the number of days or portion of days attendance is taken and either a
56 5.0/5.5 hour standard instructional day, or another work day as certi-

1 fied by the nonpublic school officials. The average hourly rate shall be
2 computed using the following methodology: the total salary and benefits
3 of the individual divided by the total number of hours worked, with the
4 total number of hours worked being the total number of days claimed
5 multiplied by the total number of hours claimed pursuant to this subdivi-
6 vision.

7 c. The commissioner shall annually apportion to each qualifying school
8 in the cities of New York, Buffalo and Rochester, for school years
9 beginning on or after July first, two thousand sixteen, an amount equal
10 to the actual cost incurred by each such school during the preceding
11 school year in meeting the recording and reporting requirements of the
12 state school immunization program, provided that the state's liability
13 shall be limited to the amount appropriated for this purpose.

14 § 12. Subdivision 7 of section 3602 of the education law is amended by
15 adding a new paragraph f to read as follows:

16 f. In addition to any other apportionment under this subdivision, for
17 the two thousand eighteen--two thousand nineteen school year and there-
18 after, a public school district other than a city school district in a
19 city having a population of one million or more inhabitants that
20 receives revenue from another public school district or BOCES for eligi-
21 ble shared transportation services, shall be eligible to offset a
22 portion of such revenue received that reduces total expenses allowable
23 for an apportionment under this subdivision. The amount of such offset
24 under this paragraph shall be equal to the product of (1) the amount of
25 revenue received from another public school district or BOCES for
26 providing eligible shared transportation services and (2) the providing
27 school district's transportation aid ratio under this subdivision. For
28 the purpose of this paragraph, the commissioner shall be authorized to
29 promulgate regulations including but not limited to the identification
30 of transportation services eligible for sharing among participants, a
31 methodology for calculating the cost of such shared transportation
32 services among participants, and a reporting mechanism by which school
33 districts will be required to demonstrate to the commissioner that such
34 shared transportation services results in a cost savings to participants
35 as well as to the state.

36 § 13. Intentionally omitted.

37 § 14. Intentionally omitted.

38 § 15. Subdivision 2 of section 3037 of the education law, as added by
39 section 18 of part YYY of chapter 59 of the laws of 2017, is amended to
40 read as follows:

41 2. (a) [~~Within amounts appropriated therefor,~~ For claims submitted on
42 or before August first, two thousand nineteen, nonpublic schools shall,
43 upon application, be reimbursed by the department for the salaries of
44 eligible teachers. Each school which seeks a reimbursement pursuant to
45 this section shall submit to the office of religious and independent
46 schools an application therefor, together with such additional documents
47 as the commissioner may reasonably require, at such times, in such form
48 and containing such information as the commissioner may prescribe by
49 regulation. Applications for reimbursement pursuant to this section must
50 be received by August first of each year for schools to be reimbursed
51 for the salaries of eligible teachers in the prior year.

52 (b) For claims submitted for the salaries of eligible teachers in the
53 two thousand nineteen--two thousand twenty school year and thereafter,
54 nonpublic schools shall, upon application, be reimbursed by the depart-
55 ment for the salaries of eligible teachers. Each school which seeks a
56 reimbursement pursuant to this section shall submit to the office of

1 religious and independent schools an application therefor, together with
2 such additional documents as the commissioner may reasonably require, at
3 such times, in such form and containing such information as the commis-
4 sioner may prescribe by regulation. Applications for reimbursement
5 pursuant to this section must be received by August first of each year
6 for schools to be reimbursed for the salaries of eligible teachers in
7 the prior year.

8 (c) Pursuant to paragraph (a) of this subdivision, reimbursement for
9 eligible teachers shall be the average comparable teacher salary and
10 personal service, per subject area, of public school teachers in the
11 school district in which such nonpublic schools are located, multiplied
12 by the percentage of full time equivalent secular instructional hours
13 completed in the school day per subject area. Reimbursements shall not
14 be provided for eligible teachers who provide instruction in mathemat-
15 ics, science or technology if such teachers also provide non-secular
16 instruction in any capacity.

17 [~~e~~-In] (d) For claims submitted on or before August first, two thou-
18 sand nineteen, in the event that the applications for reimbursement
19 under this section exceed the appropriation available for this program,
20 then each applicant shall only be reimbursed an amount equal to the
21 percentage that each such applicant represents to the total of all
22 applications submitted.

23 § 16. Subdivision 4 of section 3627 of the education law, as amended
24 by section 53 of part A of chapter 54 of the laws of 2016, is amended to
25 read as follows:

26 4. Notwithstanding any other provision of law to the contrary, any
27 expenditures for transportation provided pursuant to this section in the
28 two thousand thirteen--two thousand fourteen school year and thereafter
29 and otherwise eligible for transportation aid pursuant to subdivision
30 seven of section thirty-six hundred two of this article shall be consid-
31 ered approved transportation expenses eligible for transportation aid,
32 provided further that for the two thousand thirteen--two thousand four-
33 teen school year such aid shall be limited to eight million one hundred
34 thousand dollars and for the two thousand fourteen--two thousand fifteen
35 school year such aid shall be limited to the sum of twelve million six
36 hundred thousand dollars plus the base amount and for the two thousand
37 fifteen--two thousand sixteen school year and thereafter such aid shall
38 be limited to the sum of [~~seventeen~~] eighteen million [~~one~~] six hundred
39 thousand dollars plus the base amount. The cost of qualified tuition
40 reductions authorized for reimbursement pursuant to paragraph b of
41 subdivision one of this section shall be limited on an annual basis to
42 four million dollars, which amount shall be subject to the limitations
43 described in the preceding sentence of this subdivision and shall not be
44 in addition to any amount authorized by the preceding sentence of this
45 subdivision. For purposes of this subdivision, "base amount" means the
46 amount of transportation aid paid to the school district for expendi-
47 tures incurred in the two thousand twelve--two thousand thirteen school
48 year for transportation that would have been eligible for aid pursuant
49 to this section had this section been in effect in such school year,
50 except that subdivision six of this section shall be deemed not to have
51 been in effect. And provided further that the school district shall
52 continue to annually expend for the transportation described in subdivi-
53 sion one of this section at least the expenditures used for the base
54 amount.

1 § 16-a. Paragraph (b) of subdivision 1 of section 3627 of the educa-
2 tion law, as amended by section 7 of part A of chapter 56 of the laws of
3 2014, is amended to read as follows:

4 (b) reimbursing the cost, which may include fringe benefits including,
5 but not limited to, qualified tuition reductions allowable under federal
6 law, incurred by licensed transportation carriers pursuant to contracts
7 with such school district for providing transportation for those chil-
8 dren attending public and nonpublic schools in grades kindergarten
9 through six who remain at the same school for which they are enrolled
10 for regularly scheduled academic classes from half-past nine o'clock in
11 the morning or earlier until four o'clock in the afternoon or later, on
12 weekdays, and reside at least one mile from their school of attendance
13 for grades three through six, and at least one-half mile from their
14 school of attendance for grades kindergarten through two.

15 § 16-b. Subparagraph 11 of paragraph e and paragraph f of subdivision
16 1 of section 3623-a of the education law, as added by chapter 474 of the
17 laws of 1996, is amended and a new paragraph g is added to read as
18 follows:

19 (11) other expenses for district operated transportation systems, as
20 approved pursuant to regulations of the commissioner[+];

21 f. Other transportation operating expenses as approved pursuant to
22 regulations of the commissioner[+];

23 g. For reimbursement of the cost incurred by licensed transportation
24 carriers pursuant to paragraph (b) of subdivision one of section thir-
25 ty-six hundred twenty-seven of this part, such cost may include fringe
26 benefits including, but not limited to, qualified tuition reductions
27 allowable under federal law. Provided however that the cost of qualified
28 tuition reductions authorized to be reimbursed pursuant to paragraph (b)
29 of subdivision one of section thirty-six hundred twenty-seven of this
30 part shall be limited on an annual basis to four million dollars.

31 § 17. Notwithstanding any provision of law, rule, or regulation to the
32 contrary, any special act school district established pursuant to Chap-
33 ter 566 of the Laws of 1967, as amended, subject to an intake closure or
34 limit on the entry of new student placements during the two thousand
35 sixteen--two thousand seventeen school year or the two thousand seven-
36 teen--two thousand eighteen school year by the New York State Office of
37 Children and Family Services or the New York State Office of Mental
38 Health, where student enrollment in such district in the two thousand
39 seventeen--two thousand eighteen school year is at least forty percent
40 less than such school district's enrollment in the two thousand four-
41 teen--two thousand fifteen school year, shall be held harmless from any
42 reduction in tuition revenue or any tuition rate calculation and/or rate
43 reconciliation arising out of such intake closure or limit on the entry
44 of new student placements during the two thousand sixteen--two thousand
45 seventeen school year or the two thousand seventeen--two thousand eigh-
46 teen school year. The commissioner of education is hereby directed to
47 substitute two thousand fifteen--two thousand sixteen school year pupil
48 counts reported by any special act school district under this section to
49 calculate and finalize any tuition rate and/or tuition rate reconcil-
50 iation for such special act school district and shall submit such
51 tuition rate and/or tuition rate reconciliation to the director of the
52 budget and the director of the budget is hereby directed to approve such
53 submittal. In the event such special act school district under this
54 section sustains a reduction in tuition revenue for the two thousand
55 sixteen--two thousand seventeen school year or the two thousand seven-
56 teen--two thousand eighteen school year, the school district shall

1 submit a claim for reimbursement to the commissioner of education no
2 later than July 31, 2018 for the amount of such reduction in tuition
3 revenue including an accounting in writing of how such reduction in
4 tuition revenue was calculated and the director of the budget is hereby
5 directed to approve and pay such claim.

6 § 18. Section 1527-c of the education law, as added by section 21 of
7 subpart F of part C of chapter 97 of the laws of 2011, is amended to
8 read as follows:

9 § 1527-c. Shared superintendent program. 1. Notwithstanding any other
10 provision of law, rule or regulation to the contrary, the governing
11 board of a public school district eligible for an apportionment under
12 subdivision four of section thirty-six hundred two of this chapter and
13 with an enrollment of less than one thousand students in the previous
14 year shall be authorized to enter into a school superintendent sharing
15 contract with no more than two additional public school districts each
16 of which had fewer than one thousand in enrolled pupils in the previous
17 year. Each shared superintendent arrangement shall be governed by the
18 boards of education of the public school districts participating in the
19 shared contract, provided that such shared superintendent contract must
20 be approved by a duly adopted board resolution of each participating
21 public school district prior to the commencement of services. Provided
22 however, that this section shall not be construed to alter, affect or
23 impair any employment contract which is in effect on or before July
24 first, two thousand [~~thirteen~~] eighteen. Any public school district
25 which has entered into a school superintendent sharing program will
26 continue to be eligible to complete such contract notwithstanding that
27 the enrollment of the public school district exceeded one thousand
28 students after entering into a shared superintendent contract. Provided
29 further, that this program shall only apply to shared superintendents
30 and shall not apply to shared associate superintendents, shared assist-
31 ant superintendents, or shared deputy superintendents.

32 2. (a) The commissioner is authorized to provide an apportionment to
33 each school district participating in a shared superintendent program
34 equal to (i) twenty-five percent of such superintendent's annual salary
35 where there are two participating school districts, or (ii) seventeen
36 percent of such superintendent's annual salary where there are three
37 participating school districts.

38 (b) For purposes of calculating the apportionment: (i) the superinten-
39 dent's annual salary shall be equal to the lesser of (A) the district's
40 net cost of the superintendent's prorated annual salary without benefits
41 pursuant to an inter-municipal agreement, contract or memorandum of
42 understanding, or (B) the median salary without benefits of all current
43 full-time public school superintendents in a public school district
44 eligible for an apportionment under subdivision four of section thirty-
45 six hundred two of this chapter in the county where such shared super-
46 intendent program is located;

47 (ii) in the event the public school districts participating in such
48 shared superintendent program are located in different counties, the
49 superintendent's salary shall be equal to the lesser of (A) the
50 district's net cost of the superintendent's prorated annual salary with-
51 out benefits pursuant to an inter-municipal agreement, contract or memo-
52 randum of understanding, or (B) the average of the median salary without
53 benefits of all current full-time public school superintendents in a
54 public school district eligible for an apportionment under subdivision
55 four of section thirty-six hundred two of this chapter in each county
56 where such shared superintendent program is located. (C) No apportion-

1 ment shall be provided to any school district subject to the provisions
2 of section two thousand twenty-three-a of this chapter and that has
3 adopted a budget or where voters have approved a budget in excess of the
4 tax levy limit prescribed by such section where such budget is in effect
5 during the term of such shared superintendent program. Provided further,
6 that in no event shall districts that have entered into an aidable coop-
7 erative educational services agreement for any such services with a
8 board of cooperative educational services pursuant to section nineteen
9 hundred fifty of this title be eligible for an award pursuant to this
10 section for the same purpose.

11 3. The claim for an apportionment to be paid to each public school
12 district under this section shall be submitted to the commissioner on a
13 form prescribed for such purpose, and shall be payable no later than the
14 first of September of the year following the year of participation in
15 such shared superintendent program. Claims for an apportionment shall
16 document (a) the district's net cost of the superintendent's prorated
17 annual salary without benefits pursuant to an inter-municipal agreement,
18 contract or memorandum of understanding, and (b) the savings obtained as
19 a result of a district's participation in the shared superintendent
20 program. The commissioner shall calculate the median salary without
21 benefits of all current full-time public school superintendents in a
22 public school district eligible for an apportionment under subdivision
23 four of section thirty-six hundred two of this chapter in the county or
24 counties where such shared superintendent program is located.

25 4. A superintendent working as an employee of one or more school
26 districts under this section shall not be eligible to earn additional
27 retirement service credit in any public retirement system as defined in
28 section eight hundred of the retirement and social security law.

29 § 19. Subdivision 1 of section 2856 of the education law, as amended
30 by section 4 of part YY of chapter 59 of the laws of 2017, is amended
31 to read as follows:

32 1. (a) The enrollment of students attending charter schools shall be
33 included in the enrollment, attendance, membership and, if applicable,
34 count of students with disabilities of the school district in which the
35 pupil resides. The charter school shall report all such data to the
36 school districts of residence in a timely manner. Each school district
37 shall report such enrollment, attendance and count of students with
38 disabilities to the department. The school district of residence shall
39 pay directly to the charter school for each student enrolled in the
40 charter school who resides in the school district the charter school
41 basic tuition, which shall be:

42 (i) for school years prior to the two thousand nine--two thousand ten
43 school year, an amount equal to one hundred percent of the amount calcu-
44 lated pursuant to paragraph f of subdivision one of section thirty-six
45 hundred two of this chapter for the school district for the year prior
46 to the base year increased by the percentage change in the state total
47 approved operating expense calculated pursuant to paragraph t of subdi-
48 vision one of section thirty-six hundred two of this chapter from two
49 years prior to the base year to the base year;

50 (ii) for the two thousand nine--two thousand ten school year, the
51 charter school basic tuition shall be the amount payable by such
52 district as charter school basic tuition for the two thousand eight--two
53 thousand nine school year;

54 (iii) for the two thousand ten--two thousand eleven through two thou-
55 sand thirteen--two thousand fourteen school years, the charter school
56 basic tuition shall be the basic tuition computed for the two thousand

1 ten--two thousand eleven school year pursuant to the provisions of
2 subparagraph (i) of this paragraph;

3 (iv) for the two thousand fourteen--two thousand fifteen, two thousand
4 fifteen--two thousand sixteen and two thousand sixteen--two thousand
5 seventeen school years, the charter school basic tuition shall be the
6 sum of the lesser of the charter school basic tuition computed for the
7 two thousand ten--two thousand eleven school year pursuant to the
8 provisions of subparagraph (i) of this paragraph or the charter school
9 basic tuition computed for the current year pursuant to the provisions
10 of subparagraph (i) of this paragraph plus the supplemental basic
11 tuition;

12 (v) for the two thousand seventeen--two thousand eighteen school year,
13 the charter school basic tuition shall be the sum of (A) the charter
14 school basic tuition for the two thousand sixteen--two thousand seven-
15 teen school year plus (B) five hundred dollars;

16 (vi) for the two thousand eighteen--two thousand nineteen school
17 year ~~[, the charter school basic tuition shall be the lesser of (A) the~~
18 ~~product of (i) the charter school basic tuition calculated for the base~~
19 ~~year multiplied by (ii) the average of the quotients for each school~~
20 ~~year in the period commencing with the year five years prior to the base~~
21 ~~year and finishing with the year prior to the base year of the total~~
22 ~~approved operating expense for such school district calculated pursuant~~
23 ~~to paragraph t of subdivision one of section thirty six hundred two of~~
24 ~~this chapter for each such year divided by the total approved operating~~
25 ~~expense for such district for the immediately preceding year, provided~~
26 ~~that the highest and lowest annual quotients shall be excluded from the~~
27 ~~calculation of such average or (B) the quotient of the total general~~
28 ~~fund expenditures for the school district calculated pursuant to an~~
29 ~~electronic data file created for the purpose of compliance with para-~~
30 ~~graph b of subdivision twenty one of section three hundred five of this~~
31 ~~chapter published annually on May fifteenth for the year prior to the~~
32 ~~base year divided by the total estimated public enrollment for the~~
33 ~~school district pursuant to paragraph n of subdivision one of section~~
34 ~~thirty six hundred two of this chapter for the year prior to the base~~
35 ~~year.~~

36 (vii) for the two thousand nineteen--two thousand twenty school year
37 ~~the charter school basic tuition shall be the lesser of (A) the product~~
38 ~~of (i) the charter school basic tuition calculated for the base year~~
39 ~~multiplied by (ii) the average of the quotients for each school year in~~
40 ~~the period commencing with the year three years prior to the base year~~
41 ~~and finishing with the year prior to the base year of the total approved~~
42 ~~operating expense for such school district calculated pursuant to para-~~
43 ~~graph t of subdivision one of section thirty six hundred two of this~~
44 ~~chapter for each such year divided by the total approved operating~~
45 ~~expense for such district for the immediately preceding year provided~~
46 ~~that the highest annual quotient calculated pursuant to this subpara-~~
47 ~~graph shall be replaced by the average quotient calculated pursuant to~~
48 ~~subparagraph (vi) of this paragraph or (B) the quotient of the total~~
49 ~~general fund expenditures for the school district calculated pursuant to~~
50 ~~an electronic data file created for the purpose of compliance with para-~~
51 ~~graph b of subdivision twenty one of section three hundred five of this~~
52 ~~chapter published annually on May fifteenth for the year prior to the~~
53 ~~base year divided by the total estimated public enrollment for the~~
54 ~~school district pursuant to paragraph n of subdivision one of section~~
55 ~~thirty six hundred two of this chapter for the year prior to the base~~
56 ~~year.~~

~~(viii) for the two thousand twenty-two thousand twenty-one school year and thereafter, the charter school basic tuition shall be the lesser of (A) the product of (i) the charter school basic tuition calculated for the base year multiplied by (ii) the average of the quotients for each school year in the period commencing with the year three years prior to the base year and finishing with the year prior to the base year of the total approved operating expense for such school district calculated pursuant to paragraph t of subdivision one of section thirty-six hundred two of this chapter for each such year divided by the total approved operating expense for such district for the immediately preceding year or (B) the quotient of the total general fund expenditures for the school district calculated pursuant to an electronic data file created for the purpose of compliance with paragraph b of subdivision twenty one of section three hundred five of this chapter published annually on May fifteenth for the year prior to the base year divided by the total estimated public enrollment for the school district pursuant to paragraph n of subdivision one of section thirty-six hundred two of this chapter for the year prior to the base year.] and thereafter, the charter school basic tuition shall be equal to the sum of (1) the formula charter school tuition amount, which shall equal one hundred percent of the amount calculated pursuant to paragraph f of subdivision one of section thirty-six hundred two of this chapter for the school district for the year prior to the base year increased by the percentage change in the state total approved operating expense calculated pursuant to paragraph t of subdivision one of section thirty-six hundred two of this chapter from two years prior to the base year to the base year plus (2) the additional charter school tuition amount;~~

~~(a-1) (i) For the purposes of this subdivision, the "supplemental basic tuition" shall be (A) for a school district for which the charter school basic tuition computed for the current year is greater than or equal to the charter school basic tuition for the two thousand ten--two thousand eleven school year pursuant to the provisions of subparagraph (i) of [this] paragraph (a) of this subdivision, (1) for the two thousand fourteen--two thousand fifteen school year two hundred and fifty dollars, and (2) for the two thousand fifteen--two thousand sixteen school year three hundred and fifty dollars, and (3) for the two thousand sixteen--two thousand seventeen school year five hundred dollars, and (4) for the two thousand seventeen--two thousand eighteen school year [and thereafter], the sum of (i) the supplemental basic tuition calculated for the two thousand sixteen--two thousand seventeen school year plus (ii) five hundred dollars, and (B) for school years prior to the two thousand seventeen--two thousand eighteen school year, for a school district for which the charter school basic tuition for the two thousand ten--two thousand eleven school year is greater than the charter school basic tuition for the current year pursuant to the provisions of subparagraph (i) of [this] paragraph (a) of this subdivision, the positive difference of the charter school basic tuition for the two thousand ten--two thousand eleven school year minus the charter school basic tuition for the current year pursuant to the provisions of subparagraph (i) of [this] paragraph (a) of this subdivision and (C) for school years following the two thousand sixteen--two thousand seventeen school years, for a school district for which the charter school basic tuition for the two thousand ten--two thousand eleven school year is greater than the charter school basic tuition for the current year pursuant to the provisions of subparagraph (i) of [this] paragraph (a) of this subdivision, the sum of (i) the supplemental basic tuition~~

1 calculated for the two thousand sixteen--two thousand seventeen school
2 year plus (ii) five hundred dollars.

3 (ii) For the purposes of this subdivision, the "additional charter
4 school tuition amount" shall equal the sum of the per pupil calculated
5 pursuant to resolution R3049 of 2015, plus the per pupil calculated
6 pursuant to resolution R6505 of 2016, plus four hundred dollars (\$400).

7 (b) The school district shall also pay directly to the charter school
8 any federal or state aid attributable to a student with a disability
9 attending charter school in proportion to the level of services for such
10 student with a disability that the charter school provides directly or
11 indirectly. Notwithstanding anything in this section to the contrary,
12 amounts payable pursuant to this subdivision from state or local funds
13 may be reduced pursuant to an agreement between the school and the char-
14 ter entity set forth in the charter. Payments made pursuant to this
15 subdivision shall be made by the school district in six substantially
16 equal installments each year beginning on the first business day of July
17 and every two months thereafter. Amounts payable under this subdivision
18 shall be determined by the commissioner. Amounts payable to a charter
19 school in its first year of operation shall be based on the projections
20 of initial-year enrollment set forth in the charter until actual enroll-
21 ment data is reported to the school district by the charter school. Such
22 projections shall be reconciled with the actual enrollment as actual
23 enrollment data is so reported and at the end of the school's first year
24 of operation and each subsequent year based on a final report of actual
25 enrollment by the charter school, and any necessary adjustments result-
26 ing from such final report shall be made to payments during the school's
27 following year of operation.

28 (c) Notwithstanding any other provision of this subdivision to the
29 contrary, payment of the federal aid attributable to a student with a
30 disability attending a charter school shall be made in accordance with
31 the requirements of section 8065-a of title twenty of the United States
32 code and sections 76.785-76.799 and 300.209 of title thirty-four of the
33 code of federal regulations.

34 (d) School districts shall be eligible for an annual apportionment
35 equal to the amount of the supplemental basic tuition for the charter
36 school in the base year for the expenses incurred in the two thousand
37 fourteen--two thousand fifteen, two thousand fifteen--two thousand
38 sixteen, and two thousand sixteen--two thousand seventeen school years
39 [and thereafter]. For the two thousand eighteen--two thousand nineteen
40 school year and thereafter, charter schools shall be eligible for an
41 annual apportionment equal to the amount of the additional charter
42 school tuition paid in the base year defined pursuant to subparagraph
43 (ii) of paragraph a-one of this subdivision.

44 § 20. Subdivision 1 of section 2856 of the education law, as amended
45 by section 4-a of part YYY of chapter 59 of the laws of 2017, is amended
46 to read as follows:

47 1. (a) The enrollment of students attending charter schools shall be
48 included in the enrollment, attendance and, if applicable, count of
49 students with disabilities of the school district in which the pupil
50 resides. The charter school shall report all such data to the school
51 districts of residence in a timely manner. Each school district shall
52 report such enrollment, attendance and count of students with disabili-
53 ties to the department. The school district of residence shall pay
54 directly to the charter school for each student enrolled in the charter
55 school who resides in the school district the charter school basic
56 tuition which shall be:

1 (i) for school years prior to the two thousand nine--two thousand ten
2 school year, an amount equal to one hundred percent of the amount calcu-
3 lated pursuant to paragraph f of subdivision one of section thirty-six
4 hundred two of this chapter for the school district for the year prior
5 to the base year increased by the percentage change in the state total
6 approved operating expense calculated pursuant to paragraph t of subdivi-
7 sion one of section thirty-six hundred two of this chapter from two
8 years prior to the base year to the base year;

9 (ii) for the two thousand nine--two thousand ten school year, the
10 charter school basic tuition shall be the amount payable by such
11 district as charter school basic tuition for the two thousand eight--two
12 thousand nine school year;

13 (iii) for the two thousand ten--two thousand eleven through two thou-
14 sand thirteen--two thousand fourteen school years, the charter school
15 basic tuition shall be the basic tuition computed for the two thousand
16 ten--two thousand eleven school year pursuant to the provisions of
17 subparagraph (i) of this paragraph;

18 (iv) for the two thousand fourteen--two thousand fifteen, two thousand
19 fifteen--two thousand sixteen and two thousand sixteen--two thousand
20 seventeen school years, the charter school basic tuition shall be the
21 sum of the lesser of the charter school basic tuition computed for the
22 two thousand ten--two thousand eleven school year pursuant to the
23 provisions of subparagraph (i) of this paragraph or the charter school
24 basic tuition computed for the current year pursuant to the provisions
25 of subparagraph (i) of this paragraph plus the supplemental basic
26 tuition;

27 (v) for the two thousand seventeen--two thousand eighteen school year,
28 the charter school basic tuition shall be the sum of (A) the charter
29 school basic tuition for the two thousand sixteen--two thousand seven-
30 teen school year plus (B) five hundred dollars;

31 (vi) for the two thousand eighteen--two thousand nineteen school
32 year, ~~the charter school basic tuition shall be the lesser of (A) the~~
33 ~~product of (i) the charter school basic tuition calculated for the base~~
34 ~~year multiplied by (ii) the average of the quotients for each school~~
35 ~~year in the period commencing with the year five years prior to the base~~
36 ~~year and finishing with the year prior to the base year of the total~~
37 ~~approved operating expense for such school district calculated pursuant~~
38 ~~to paragraph t of subdivision one of section thirty six hundred two of~~
39 ~~this chapter for each such year divided by the total approved operating~~
40 ~~expense for such district for the immediately preceding year, provided~~
41 ~~that the highest and lowest annual quotients shall be excluded from the~~
42 ~~calculation of such average or (B) the quotient of the total general~~
43 ~~fund expenditures for the school district calculated pursuant to an~~
44 ~~electronic data file created for the purpose of compliance with para-~~
45 ~~graph b of subdivision twenty one of section three hundred five of this~~
46 ~~chapter published annually on May fifteenth for the year prior to the~~
47 ~~base year divided by the total estimated public enrollment for the~~
48 ~~school district pursuant to paragraph n of subdivision one of section~~
49 ~~thirty six hundred two of this chapter for the year prior to the base~~
50 ~~year.~~

51 ~~(vii) for the two thousand nineteen--two thousand twenty school year~~
52 ~~the charter school basic tuition shall be the lesser of (A) the product~~
53 ~~of (i) the charter school basic tuition calculated for the base year~~
54 ~~multiplied by (ii) the average of the quotients for each school year in~~
55 ~~the period commencing with the year three years prior to the base year~~
56 ~~and finishing with the year prior to the base year of the total approved~~

~~operating expense for such school district calculated pursuant to paragraph t of subdivision one of section thirty-six hundred two of this chapter for each such year divided by the total approved operating expense for such district for the immediately preceding year provided that the highest annual quotient calculated pursuant to this subparagraph shall be replaced by the average quotient calculated pursuant to subparagraph (vi) of this paragraph or (B) the quotient of the total general fund expenditures for the school district calculated pursuant to an electronic data file created for the purpose of compliance with paragraph b of subdivision twenty one of section three hundred five of this chapter published annually on May fifteenth for the year prior to the base year divided by the total estimated public enrollment for the school district pursuant to paragraph n of subdivision one of section thirty-six hundred two of this chapter for the year prior to the base year.~~

~~(viii) for the two thousand twenty-two thousand twenty-one school year and thereafter, the charter school basic tuition shall be the lesser of (A) the product of (i) the charter school basic tuition calculated for the base year multiplied by (ii) the average of the quotients for each school year in the period commencing with the year three years prior to the base year and finishing with the year prior to the base year of the total approved operating expense for such school district calculated pursuant to paragraph t of subdivision one of section thirty-six hundred two of this chapter for each such year divided by the total approved operating expense for such district for the immediately preceding year or (B) the quotient of the total general fund expenditures for the school district calculated pursuant to an electronic data file created for the purpose of compliance with paragraph b of subdivision twenty one of section three hundred five of this chapter published annually on May fifteenth for the year prior to the base year divided by the total estimated public enrollment for the school district pursuant to paragraph n of subdivision one of section thirty-six hundred two of this chapter for the year prior to the base year.] and thereafter, the charter school basic tuition shall be equal to the sum of (1) the formula charter school tuition amount, which shall equal one hundred percent of the amount calculated pursuant to paragraph f of subdivision one of section thirty-six hundred two of this chapter for the school district for the year prior to the base year increased by the percentage change in the state total approved operating expense calculated pursuant to paragraph t of subdivision one of section thirty-six hundred two of this chapter from two years prior to the base year to the base year plus (2) the additional charter school tuition amount;~~

(a-1) (i) For the purposes of this subdivision, the "supplemental basic tuition" shall be (A) for a school district for which the charter school basic tuition computed for the current year is greater than or equal to the charter school basic tuition for the two thousand ten--two thousand eleven school year pursuant to the provisions of subparagraph (i) of [~~this~~] paragraph (a) of this subdivision, (1) for the two thousand fourteen--two thousand fifteen school year two hundred and fifty dollars, and (2) for the two thousand fifteen--two thousand sixteen school year three hundred and fifty dollars, and (3) for the two thousand sixteen--two thousand seventeen school year five hundred dollars, and (4) for the two thousand seventeen--two thousand eighteen school year [~~and thereafter~~], the sum of (i) the supplemental basic tuition calculated for the two thousand sixteen--two thousand seventeen school year plus (ii) five hundred dollars, and (B) for school years prior to

1 the two thousand seventeen--two thousand eighteen school year, for a
2 school district for which the charter school basic tuition for the two
3 thousand ten--two thousand eleven school year is greater than the char-
4 ter school basic tuition for the current year pursuant to the provisions
5 of subparagraph (i) of [~~this~~] paragraph (a) of this subdivision, the
6 positive difference of the charter school basic tuition for the two
7 thousand ten--two thousand eleven school year minus the charter school
8 basic tuition for the current year pursuant to the provisions of subpar-
9 agraph (i) of [~~this~~] paragraph (a) of this subdivision and (C) for
10 school years following the two thousand sixteen--two thousand seventeen
11 school years, for a school district for which the charter school basic
12 tuition for the two thousand ten--two thousand eleven school year is
13 greater than the charter school basic tuition for the current year
14 pursuant to the provisions of subparagraph (i) of [~~this~~] paragraph (a)
15 of this subdivision, the sum of (i) the supplemental basic tuition
16 calculated for the two thousand sixteen--two thousand seventeen school
17 year plus (ii) five hundred dollars.

18 (ii) For the purposes of this subdivision, the "additional charter
19 school tuition amount" shall equal the sum of the per pupil calculated
20 pursuant to resolution R3049 of 2015, plus the per pupil calculated
21 pursuant to resolution R6505 of 2016, plus four hundred dollars (\$400).

22 (b) The school district shall also pay directly to the charter school
23 any federal or state aid attributable to a student with a disability
24 attending charter school in proportion to the level of services for such
25 student with a disability that the charter school provides directly or
26 indirectly. Notwithstanding anything in this section to the contrary,
27 amounts payable pursuant to this subdivision may be reduced pursuant to
28 an agreement between the school and the charter entity set forth in the
29 charter. Payments made pursuant to this subdivision shall be made by the
30 school district in six substantially equal installments each year begin-
31 ning on the first business day of July and every two months thereafter.
32 Amounts payable under this subdivision shall be determined by the
33 commissioner. Amounts payable to a charter school in its first year of
34 operation shall be based on the projections of initial-year enrollment
35 set forth in the charter. Such projections shall be reconciled with the
36 actual enrollment at the end of the school's first year of operation,
37 and any necessary adjustments shall be made to payments during the
38 school's second year of operation.

39 (c) School districts shall be eligible for an annual apportionment
40 equal to the amount of the supplemental basic tuition for the charter
41 school in the base year for the expenses incurred in the two thousand
42 fourteen--two thousand fifteen, two thousand fifteen--two thousand
43 sixteen, and two thousand sixteen--two thousand seventeen school years
44 [~~and thereafter~~]. For the two thousand eighteen--two thousand nineteen
45 school year and thereafter, charter schools shall be eligible for an
46 annual apportionment equal to the amount of the additional charter
47 school tuition paid in the base year defined pursuant to subparagraph
48 (i) of paragraph a-one of this subdivision.

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

51 6-i. Building aid for schools authorized pursuant to article fifty-six
52 of this chapter. a. Schools authorized pursuant to article fifty-six of
53 this chapter shall be eligible for building aid to the same extent as
54 school districts in a process prescribed by the commissioner, provided,
55 that (1) aid apportionments for such schools shall be calculated based
56 on the actual amortization and actual interest rate, (2) the building

1 aid ratio used shall be the ratio for the school district in which the
2 school is located, and the charter school shall be responsible for
3 payment of the local share of any aidable building expenses, and (3) aid
4 on expenditures for lease payments shall be apportioned only if the
5 lease has been approved by the school's board of trustees, the authoriz-
6 ing entity, and the commissioner.

7 b. The commissioner shall be authorized to grant specific waivers from
8 building aid program requirements to schools authorized pursuant to
9 article fifty-six of this chapter upon a showing that compliance with
10 such requirements would create an undue economic hardship or that some
11 other good cause exists that makes compliance extremely impractical.

12 c. School districts that collect payments from a school authorized
13 pursuant to article fifty-six of this chapter under a lease or any other
14 arrangement for the use of district-owned facilities shall have its
15 building aid apportionment reduced by an amount equal to the school's
16 payments to the district provided, however, nothing in this subdivision
17 shall be construed to authorize a reduction in building aid attributable
18 to building projects subject to the provisions of subdivision four of
19 section twenty-seven hundred ninety-nine-~~tt~~ of the public authorities
20 law.

21 d. In the event that a school is no longer authorized pursuant to
22 article fifty-six of this chapter, building aid payments shall cease
23 immediately.

24 e. A charter school authorized under this article shall not be enti-
25 tled to receive both building aid under this subdivision and under
26 subdivision three of section twenty-eight hundred fifty-three of this
27 chapter.

28 § 22. Subdivision 1 of section 273-a of the education law, as amended
29 by section 1 of chapter 480 of the laws of 2015, is amended to read as
30 follows:

31 1. State aid shall be provided for up to fifty percent of the total
32 project approved costs, excluding feasibility studies, plans or similar
33 activities, for projects for the installation and infrastructure of
34 broadband services, and for the acquisition of vacant land and the
35 acquisition, construction, renovation or rehabilitation, including
36 leasehold improvements, of buildings of public libraries and library
37 systems chartered by the regents of the state of New York or established
38 by act of the legislature subject to the limitations provided in subdi-
39 vision five of this section and upon approval by the commissioner,
40 except that state aid may be provided for up to [~~seventy-five~~] ninety
41 percent of the total project approved costs for buildings of public
42 libraries that are located in an economically disadvantaged community.
43 Provided however that the state liability for aid paid pursuant to this
44 section shall be limited to funds appropriated for such purpose. Aid
45 shall be provided on approved expenses incurred during the period
46 commencing July first and ending June thirtieth for up to three years,
47 or until the project is completed, whichever occurs first. Fifty percent
48 of such aid shall be payable to each system or library upon approval of
49 the application by the department. Forty percent of such aid shall be
50 payable in the next state fiscal year. The remaining ten percent shall
51 be payable upon project completion.

52 § 23. The Education Department shall establish student-specific
53 tuition rate enhancements for three of the largest children's residen-
54 tial project education programs established pursuant to paragraph d of
55 subdivision 5 of section 3202 of the education law, known as the Centers
56 of Excellence in the treatment of children with Autism Spectrum Disor-

1 ders (ASD) and other complex disabilities. Such funds shall be used, as
2 part of the State's broader efforts to address out-of-state placements,
3 to annually provide enhanced clinical, educational and behavioral
4 support programs for up to 30 students with autism and related disabili-
5 ties whose behaviors are of such frequency, severity and intensity that
6 their needs cannot currently be fully addressed through the resources
7 provided to NYS school programs. The enhanced rates shall provide these
8 programs with the staff, expertise and specially-designed environments
9 necessary to effectively educate those students with the most severe and
10 complex needs. Such programs shall submit evidence of effectiveness data
11 to the education department annually, for up to three years, at which
12 time the education department, in consultation with the office for
13 people with developmental disabilities and the division of the budget
14 shall determine whether to continue such programs on a permanent basis.

15 § 24. The subdivision heading and paragraphs a and b of subdivision 10
16 of section 3602 of the education law, the subdivision heading and para-
17 graph a of subdivision 10 as amended by section 32 of part H of chapter
18 83 of the laws of 2002, paragraph b of subdivision 10 as amended and
19 such subdivision as renumbered by section 16 of part B of chapter 57 of
20 the laws of 2007, are amended to read as follows:

21 Special services aid for large city school districts and other school
22 districts which were not components of a board of cooperative educa-
23 tional services in the base year and any school district located in a
24 city with a population between sixty-two thousand and sixty-five thou-
25 sand or between sixty-seven thousand and seventy thousand as recorded in
26 the two thousand ten census. a. The city school districts of those
27 cities having populations in excess of one hundred twenty-five thousand
28 and any other school district which was not a component of a board of
29 cooperative educational services in the base year shall be entitled to
30 an apportionment under the provisions of this section. Any school
31 district located in a city with a population between sixty-two thousand
32 and sixty-five thousand or between sixty-seven thousand and seventy
33 thousand as recorded in the two thousand ten census shall be entitled to
34 an apportionment under the provisions of paragraph b of this subdivi-
35 sion.

36 b. Aid for career education. There shall be apportioned to such city
37 school districts and other school districts which were not components of
38 a board of cooperative educational services in the base year and any
39 school district located in a city with a population between sixty-two
40 thousand and sixty-five thousand or between sixty-seven thousand and
41 seventy thousand as recorded in the two thousand ten census for pupils
42 in grades ten through twelve in attendance in career education programs
43 as such programs are defined by the commissioner, subject for the
44 purposes of this paragraph to the approval of the director of the budg-
45 et, an amount for each such pupil to be computed by multiplying the
46 career education aid ratio by three thousand nine hundred dollars. Such
47 aid will be payable for weighted pupils attending career education
48 programs operated by the school district and, for city school districts
49 of those cities having populations in excess of one hundred twenty-five
50 thousand and any other school district which was not a component of a
51 board of cooperative educational services in the base year for weighted
52 pupils for whom such school district contracts with boards of cooper-
53 ative educational services to attend career education programs operated
54 by a board of cooperative educational services. Weighted pupils for the
55 purposes of this paragraph shall mean the sum of the attendance of
56 students in grades ten through twelve in career education sequences in

1 trade, industrial, technical, agricultural or health programs plus the
2 product of sixteen hundredths multiplied by the attendance of students
3 in grades ten through twelve in career education sequences in business
4 and marketing as defined by the commissioner in regulations. The career
5 education aid ratio shall be computed by subtracting from one the prod-
6 uct obtained by multiplying fifty-nine percent by the combined wealth
7 ratio. This aid ratio shall be expressed as a decimal carried to three
8 places without rounding, but not less than thirty-six percent.

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

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

21 § 25. This act shall take effect immediately and section eleven of
22 this act shall apply to apportionments made after July 1, 2014;
23 provided, however, the amendments to paragraph b-1 of subdivision 4 of
24 section 3602 of the education law made by section one of this act shall
25 not affect the expiration of such paragraph and shall expire therewith;
26 provided however, that sections sixteen, sixteen-a, and sixteen-b of
27 this act shall be deemed to have been in full force and effect on the
28 same date as section 23 of part A of chapter 57 of the laws of 2013 took
29 effect; provided that the amendments to subdivision 1 of section 2856 of
30 the education law made by section nineteen of this act shall be subject
31 to the expiration and reversion of such subdivision pursuant to subdivi-
32 sion d of section 27 of chapter 378 of the laws of 2007, as amended,
33 when upon such date the provisions of section twenty of this act shall
34 take effect; provided further however that the amendments to subdivision
35 1 of section 273-a of the education law made by section twenty-two of
36 this act shall not affect the expiration of such section as provided in
37 chapter 498 of the laws of 2011, as amended, and shall be deemed to
38 expire therewith.

39 PART A-2

40 Section 1. Section 305 of the education law is amended by adding a new
41 subdivision 57 to read as follows:

42 57. a. The commissioner shall consult and collaborate with the commis-
43 sioner of health and appropriate organizations that have expertise in
44 the prevention of child sexual exploitation and child abuse, as well as
45 other interested parties, to establish and develop a program within the
46 department related to the prevention of child sexual exploitation and
47 child abuse in grades kindergarten through eight. Such program shall be
48 defined by the commissioner in regulations after consultation with the
49 department of health and be designed to educate students, parents and
50 school personnel about the prevention of child sexual exploitation and
51 child abuse in grades kindergarten through eight. Such program shall
52 include, but not be limited to:

53 (i) age-appropriate model curriculum, exemplar lesson plans, and best
54 practice instructional resources for students, parents and school

1 personnel designed to promote the prevention of child sexual exploita-
2 tion and child abuse. Such model curriculum, lesson plans and instruc-
3 tional resources shall include but not be limited to guidelines and
4 methods of prevention, including recommendations to address this issue;

5 (ii) instructional tools and materials for students, parents and
6 school personnel developed in collaboration with the commissioner of
7 health, which shall include updated data and information on the
8 prevention of child sexual exploitation and child abuse, with a review
9 of such data and information to occur periodically, at intervals deemed
10 appropriate by the commissioner and the commissioner of health; and

11 (iii) public availability of all materials related to such awareness,
12 prevention and education programs on a dedicated webpage on the depart-
13 ment's internet website, and provided at no cost to every school
14 district, board of cooperative educational services, charter school and
15 nonpublic school upon request.

16 b. The commissioner shall issue a guidance memorandum to every school
17 district, board of cooperative educational services, charter school and
18 nonpublic school, to inform them of the availability of the prevention
19 of child sexual exploitation and child abuse program. The commissioner
20 shall annually remind school districts, boards of cooperative educa-
21 tional services, charter schools and nonpublic schools, of the avail-
22 ability of prevention of child sexual exploitation and child abuse mate-
23 rials in grades kindergarten through eight.

24 § 2. Paragraph a of subdivision 6 of section 3602 of the education law
25 is amended by adding a new subparagraph 8 to read as follows:

26 (8) Notwithstanding any other provision of law to the contrary, for
27 the purpose of computation of building aid for up to four new
28 construction projects, authorized pursuant to a March seventh, two thou-
29 sand seventeen Mount Vernon city school district bond proposal approved
30 by the voters of such district, multi-year cost allowances for each
31 project shall be established and utilized two times in the first five-
32 year period. Subsequent multi-year cost allowances shall be established
33 no sooner than ten years after establishment of the first maximum cost
34 allowance authorized pursuant to this subparagraph.

35 § 3. The education law is amended by adding a new section 319 to read
36 as follows:

37 § 319. Youth violence prevention pilot program. 1. Subject to avail-
38 able appropriations, the commissioner shall establish a pilot program
39 for the prevention of youth violence. The commissioner shall select
40 school districts to participate in the pilot program that have demon-
41 strated a need based on factors, including, but not limited to, high
42 rates of absenteeism, high rates of suspensions, designation of persis-
43 tently dangerous school, and other factors as determined by the commis-
44 sioner.

45 2. The program shall provide grant aid for the employment of mental
46 health professionals within participating school districts including,
47 but not limited to, social workers, school psychologists, and counse-
48 lors.

49 3. To be considered for the pilot program, a school district shall
50 submit a proposal to the commissioner detailing:

51 (a) the reasons why the district seeks to participate in this pilot;

52 (b) the school district's barriers to hiring mental health profes-
53 sionals; and

54 (c) the role that mental health professionals would provide if
55 selected for the pilot.

1 4. The commissioner shall establish rules and regulations necessary to
2 implement the provisions of this section.

3 § 4. Subdivisions 1 and 4 of section 57.52 of the arts and cultural
4 affairs law, as added by chapter 404 of the laws of 2005, are amended to
5 read as follows:

6 1. The Amistad commission (commission), so named in honor of the group
7 of enslaved Africans led by Joseph Cinque who, while being transported
8 in eighteen hundred thirty-nine on a vessel named the Amistad, gained
9 their freedom after overthrowing the crew and eventually having their
10 case successfully argued before the United States Supreme Court, is
11 hereby created and established. The commission shall consist of nineteen
12 members, including the [~~secretary of state~~] commissioner of education or
13 his or her designee, the [~~commissioner of education~~] secretary of state
14 or his or her designee, and the chancellor of the state university of
15 New York or his or her designee, serving ex officio, and sixteen public
16 members. Public members shall be appointed as follows: four public
17 members, no more than two of whom shall be of the same political party,
18 shall be appointed by the temporary president of the senate; four public
19 members, no more than two of whom shall be of the same political party,
20 shall be appointed by the speaker of the assembly; and eight public
21 members, no more than four of whom shall be of the same political party,
22 shall be appointed by the governor. The public members shall be resi-
23 dents of the state, chosen with due regard to broad geographic represen-
24 tation and ethnic diversity, who have an interest in the history of the
25 African slave trade and slavery in America and the contributions of
26 African-Americans to our society.

27 4. The [~~secretary of state~~] commissioner of education, or his or her
28 designee, shall serve as the chair and the [~~commissioner of education~~]
29 secretary of state, or his or her designee, shall serve as the vice-
30 chair of the commission. The presence of a majority of the authorized
31 membership of the commission shall be required for the conduct of offi-
32 cial business.

33 § 5. Title 1 of the education law is amended by adding a new article
34 25 to read as follows:

35 ARTICLE 25

36 PEACE/CONFLICT RESOLUTION

37 CENTERS PILOT PROGRAM

38 Section 1220. Peace/conflict resolution centers pilot program.

39 § 1220. Peace/conflict resolution centers pilot program. 1. The
40 commissioner shall establish a pilot program to provide peace/conflict
41 resolution centers within school districts. The commissioner shall
42 select up to five school districts to participate in the pilot program,
43 provided at least one center established pursuant to this section shall
44 be located in a city with a population of one million or more. The
45 pilot program shall begin with the two thousand eighteen--two thousand
46 nineteen school year.

47 2. To be considered for the pilot program, a school district shall
48 submit a proposal to the commissioner with the goal of facilitating
49 peaceful resolutions to student conflicts, and include methods to
50 achieve the following goals: (a) provide for the supervised peer medi-
51 ation of conflicts; (b) develop pupil leadership skills; and (c) promote
52 peaceful atmospheres in schools and the surrounding communities. Noth-
53 ing in this article shall prevent a proposal for a collaboration to
54 provide such services in collaboration with boards of cooperative educa-
55 tional services. Each peace/conflict resolution shall be authorized to
56 operate for at least two full school years.

1 3. The commissioner shall submit an annual report on or before July
2 thirty-first, two thousand nineteen and on or before the same date every
3 year thereafter to the governor and the legislature. Such report shall
4 include, but not be limited to, the number of cases and resolutions,
5 details on the subject matter of the cases, the commissioner's evalu-
6 ation of the results of the pilot program and legislative recommenda-
7 tions on whether to continue, expand or make changes to the pilot
8 program.

9 4. The commissioner shall promulgate any rules and regulations neces-
10 sary to implement the provisions of this article.

11 § 6. This act shall take effect immediately; provided, however,
12 section one of this act shall take effect on the first of July next
13 succeeding the date on which it shall have become a law; provided
14 further, however, section three of this act shall take effect April 1,
15 2019; and provided further, section five of this act shall expire and be
16 deemed repealed July 31, 2020. Effective immediately, the addition,
17 amendment and/or repeal of any rule or regulation necessary for the
18 implementation of this act on its effective date are authorized to be
19 made or completed on or before such effective date.

20 PART A-3

21 Section 1. This Part enacts into law components of legislation relat-
22 ing to school safety. Each component is wholly contained within a
23 Subpart identified as Subparts A through H. The effective date for each
24 particular provision contained within such Subpart as set forth in the
25 last section of such Subpart. Any provision in any section contained
26 within a Subpart, including the effective date of the Subpart, which
27 makes a reference to a section "of this act", when used in connection
28 with that particular component, shall be deemed to mean and refer to the
29 corresponding section of the Subpart in which it is found. Section three
30 of this Part sets forth the general effective date of this Part.

31 SUBPART A

32 Section 1. Subdivision 1 of section 807 of the education law, as
33 amended by section 2 of part B of chapter 54 of the laws of 2016, is
34 amended to read as follows:

35 1. It shall be the duty of the principal or other person in charge of
36 every public or private school or educational institution within the
37 state, other than colleges or universities, to instruct and train the
38 pupils by means of drills, so that they may in a sudden emergency be
39 able to respond appropriately in the shortest possible time and without
40 confusion or panic. Such drills shall be held at least twelve times in
41 each school year, eight of which required drills shall be held between
42 September first and December thirty-first of each such year. Eight of
43 all such drills shall be evacuation drills, four of which shall be
44 through use of the fire escapes on buildings where fire escapes are
45 provided or through the use of identified secondary means of egress.
46 Four of all such required drills shall be emergency attack drills, with
47 two of such drills being lock-down drills and two of such drills being
48 active shooter drills. Upon request of the principal or other person in
49 charge of such public or private educational institution, the New York
50 state school safety improvement teams, established pursuant to section
51 twenty-eight hundred one-b of this chapter, shall provide recommenda-
52 tions on how to perform such lock-down and active shooter drills at such

1 public or private educational institution. Drills shall be conducted at
2 different times of the school day. Pupils shall be instructed in the
3 procedure to be followed in the event that a fire occurs during the
4 lunch period or assembly, provided however, that such additional
5 instruction may be waived where a drill is held during the regular
6 school lunch period or assembly. Four additional drills shall be held in
7 each school year during the hours after sunset and before sunrise in
8 school buildings in which students are provided with sleeping accommo-
9 dations. At least two additional drills shall be held during summer
10 school in buildings where summer school is conducted, and one of such
11 drills shall be held during the first week of summer school.
12 § 2. This act shall take effect immediately.

13

SUBPART B

14 Section 1. The executive law is amended by adding a new section 214-f
15 to read as follows:

16 § 214-f. School safety. The superintendent, in consultation with the
17 commissioner of education, shall establish a school safety program, that
18 school districts may opt into at local option, in which teachers and
19 other school personnel who have significant daily student contact are
20 equipped with personal safety alarms. The superintendent shall set mini-
21 imum requirements for the development and functionality of such personal
22 safety alarms including, but not limited to, the alert system estab-
23 lished between each district and their local police department, fire
24 station and medical assistance provider. For purposes of this section, a
25 "personal safety alarm" shall mean a wearable device that once acti-
26 ivated, by the pressing of an emergency button, shall alert first respon-
27 ders, including but not limited to police, firefighters and medical
28 assistance, of an emergency.

29 § 2. Section 305 of the education law is amended by adding a new
30 subdivision 57 to read as follows:

31 57. a. The commissioner, in consultation with the superintendent of
32 state police, shall promulgate rules and regulations to allow the board
33 of education or trustees of any school district in the state to provide
34 for the use by, and distribution of personal safety alarms to teachers
35 and other school personnel who have significant daily student contact.

36 b. For purposes of this section, a "personal safety alarm" shall mean
37 a wearable device that once activated, by the pressing of an emergency
38 button, shall alert first responders, including but not limited to
39 police, firefighters and medical assistance, of an emergency.

40 c. The commissioner shall submit an annual report containing the
41 amount of distributed personal safety alarms by school district to the
42 speaker of the assembly and the temporary president of the senate.

43 § 3. Section 3602 of the education law is amended by adding a new
44 subdivision 19 to read as follows:

45 19. In addition to the apportionments payable to a school district
46 pursuant to this section, the commissioner is hereby authorized to
47 apportion to any school district additional aid pursuant to this subdi-
48 vision for its approved expenditures in the base year for the purchase
49 of personal safety alarms. The commissioner shall annually prescribe a
50 special cost allowance for such personal safety alarms and the approved
51 expenditures shall not exceed such cost allowance.

52 § 4. This act shall take effect on the ninetieth day after it shall
53 have become a law. Effective immediately, the addition, amendment and/or
54 repeal of any rule or regulation necessary for the implementation of

1 this act on its effective date are authorized to be made and completed
2 on or before such effective date.

3 SUBPART C

4 Section 1. The education law is amended by adding a new section 2801-c
5 to read as follows:

6 § 2801-c. New York state school resource officer program. 1. For
7 purposes of this section, the term "school resource officer" shall mean
8 a school resource officer, school safety officer, school security offi-
9 cer, or any other substantially similar position or office, that is
10 designed to provide improved public safety and/or security on school
11 grounds. Such school resource officer may be a retired police officer, a
12 retired state trooper, a retired deputy sheriff, a state trooper, a
13 police officer in the active duty service of a town, city or village, or
14 a deputy sheriff from a county sheriff's department.

15 2. Any public, nonpublic or charter school, or a board of cooperative
16 educational services, may employ, in either the classified or unclassi-
17 fied service, any school resource officer for the purpose of providing
18 improved public safety and/or security on school grounds. Any such
19 public, nonpublic or charter school, or a board of cooperative educa-
20 tional services, may also contract with the state of New York, or a
21 county, city, town or village, for the provision of a state trooper,
22 police officer or deputy sheriff, to serve as a school resource officer,
23 for the purpose of providing improved public safety and/or security on
24 school grounds. A school district, nonpublic school, charter school, or
25 a board of cooperative educational services, shall be authorized to
26 employ or contract for as many school resource officers as such district
27 deems necessary.

28 3. It shall be the primary role of the school resource officer to
29 provide improved public safety and/or security on school grounds. In
30 addition, to this primary role, school resource officers also may serve
31 additional roles, including but not limited to:

32 (a) Proposing and enforcing policies and administrative procedures
33 related to school safety;

34 (b) Utilizing technology in the implementation of a comprehensive
35 safety program;

36 (c) Serving as a liaison with other school officials and other commu-
37 nity agencies, including but not limited to, other law enforcement enti-
38 ties, courts, health care entities, and mental health entities;

39 (d) Proposing and implementing strategies concerning prevention,
40 response and recovery efforts for incidents and/or emergency situations
41 occurring on school grounds and/or involving students, faculty, adminis-
42 tration or visitors to the school;

43 (e) Proposing and assisting in the execution of school emergency
44 drills and proposing and assisting in the creation of school safety
45 plans;

46 (f) Providing educational and mentoring services to students;

47 (g) Assisting in the design, explanation and enforcement of school
48 safety and security policies and procedures; and

49 (h) Performing such other and further roles, responsibilities and
50 activities as the school district may deem appropriate and proper for a
51 law enforcement officer to perform, in order to advance the security,
52 safety and well-being of students, faculty, administration and visitors
53 to the school district's schools, transportation vehicles and school
54 grounds.

1 4. Such school resource officer may carry and possess firearms during
2 the course of their duties at such school district, nonpublic school,
3 charter school, or a board of cooperative educational services, but
4 nothing in this subdivision shall be deemed to authorize such school
5 resource officer to carry, possess, repair or dispose of a firearm
6 unless the appropriate license therefor has been issued pursuant to
7 section 400.00 of the penal law.

8 § 2. Subparagraph 1 of paragraph d of subdivision 4 of section 1950 of
9 the education law, as amended by chapter 474 of the laws of 1996, is
10 amended and a new subparagraph 1-a is added to read as follows:

11 (1) Aidable shared services. At the request of component school
12 districts, and with the approval of the commissioner, provide any of the
13 following services on a cooperative basis: school nurse teacher, attend-
14 ance supervisor, supervisor of teachers, dental hygienist, psychologist,
15 school resource officer, as such term is defined in section twenty-eight
16 hundred one-c of this chapter, teachers of art, music, physical educa-
17 tion, career education subjects, guidance counsellors, operation of
18 special classes for students with disabilities, as such term is defined
19 in article eighty-nine of this chapter; pupil and financial accounting
20 service by means of mechanical equipment; maintenance and operation of
21 cafeteria or restaurant service for the use of pupils and teachers while
22 at school, and such other services as the commissioner may approve. Such
23 cafeteria or restaurant service may be used by the community for school
24 related functions and activities and to furnish meals to the elderly
25 residents of the district, sixty years of age or older. Utilization by
26 elderly residents or school related groups shall be subject to the
27 approval of the board of education. Charges shall be sufficient to bear
28 the direct cost of preparation and serving of such meals, exclusive of
29 any other available reimbursements.

30 (1-a) Notwithstanding any other provision of law, rule, or regulation
31 to the contrary, school resource officers may be requested by charter
32 schools and school districts for up to six days per week throughout the
33 entire school year.

34 § 3. Paragraph h of subdivision 4 of section 1950 of the education law
35 is amended by adding two new subparagraphs 12 and 13 to read as follows:

36 (12) To enter into contracts with charter schools to provide school
37 resource officers, as such term is defined in section twenty-eight
38 hundred one-c of this chapter, provided that the costs of such school
39 resource officers shall be aidable pursuant to subdivision five of this
40 section to the same extent and on the same basis as costs allocated to a
41 component school district, and further provided that the aid ratio shall
42 be the aid ratio for the public school district where the charter school
43 is located, and further provided that charter schools shall not be
44 liable for payment of administrative expenses as defined in paragraph b
45 of this subdivision.

46 (13) To enter into contracts with non-component school districts
47 including city school districts of cities with one hundred twenty-five
48 thousand inhabitants or more, to provide school resource officers, as
49 such term is defined in section twenty-eight hundred one-c of this chap-
50 ter, provided that the costs of such school resource officers shall be
51 aidable pursuant to subdivision five of this section to the same extent
52 and on the same basis as costs allocated to a component school district,
53 and further provided that non-component school districts shall not be
54 liable for payment of administrative expenses as defined in paragraph b
55 of this subdivision.

1 § 4. The education law is amended by adding a new section 3038 to read
2 as follows:

3 § 3038. Grants for school resource officers. 1. For purposes of this
4 section, school resource officers shall have the same meaning as defined
5 in section twenty-eight hundred one-c of this chapter.

6 2. Nonpublic schools shall, upon application, be reimbursed by the
7 department for the salaries of school resource officers. Each school
8 which seeks a reimbursement pursuant to this section shall submit to the
9 office of religious and independent schools an application therefor,
10 together with such additional documents as the commissioner may reason-
11 ably require, at such times, in such form and containing such informa-
12 tion as the commissioner may prescribe by regulation. Applications for
13 reimbursement pursuant to this section must be received by August first
14 of each year for schools to be reimbursed for the salaries of eligible
15 school resource officers in the prior year.

16 3. The commissioner may promulgate any rules or regulations necessary
17 to carry out the provisions of this section.

18 § 5. This act shall take effect immediately.

19 SUBPART D

20 Section 1. Section 2801-b of the education law, as amended by section
21 3-a of part A of chapter 57 of the laws of 2013, is amended to read as
22 follows:

23 § 2801-b. New York state school safety improvement teams. 1. The
24 governor shall establish New York state school safety improvement teams,
25 which may be composed of representatives from the division of homeland
26 security and emergency services, the division of state police, the divi-
27 sion of criminal justice services, the office of general services and
28 the department. Such New York State School Safety Improvement Teams
29 shall review and assess school safety plans submitted, on a voluntary
30 basis, by school districts [~~having a population of less than one hundred~~
31 ~~twenty-five thousand inhabitants~~], boards of cooperative educational
32 services, nonpublic schools, charter schools and county vocational
33 education and extension boards, and may make recommendations to improve
34 such school safety plans.

35 2. Any request for a security review and assessment under this section
36 shall be submitted to the commissioner of the division of homeland secu-
37 rity and emergency services, and shall be responded to by a school safe-
38 ty improvement team within one hundred twenty days of the submission of
39 such request. At the request of the school district, board of cooper-
40 ative educational services, nonpublic school, charter school or county
41 vocational and educational board, the school safety improvement team
42 shall, in addition to a review of such entity's school safety plan,
43 perform an on-site examination of such entity's facilities, and upon
44 such examination shall include in its recommendations how the entity may
45 improve the physical security of such facility examined.

46 3. Any school district, board of cooperative educational services,
47 nonpublic school, charter school or county vocational and educational
48 board, that requests and receives any recommendation from a school safe-
49 ty improvement team, shall not be held liable in any action for the
50 failure to address any recommendation made by a school safety improve-
51 ment team, within three years of the entity's receipt of such recommen-
52 dation from the school safety improvement team.

53 § 2. Subdivision 6-c of section 3602 of the education law, as amended
54 by chapter 1 of the laws of 2013, paragraph b as amended by section 23

1 of part YYY of chapter 59 of the laws of 2017, is amended to read as
2 follows:

3 6-c. a. Building aid for metal detectors, security upgrades made
4 pursuant to recommendation from a school safety improvement team in
5 accordance with section twenty-eight hundred one-b of this chapter, and
6 safety devices for electrically operated partitions, room dividers and
7 doors. In addition to the apportionments payable to a school district
8 pursuant to subdivision six of this section, the commissioner is hereby
9 authorized to apportion to any school district additional building aid
10 pursuant to this subdivision for its approved expenditures in the base
11 year for the purchase of stationary metal detectors, security cameras,
12 security upgrades made pursuant to recommendation from a school safety
13 improvement team in accordance with section twenty-eight hundred one-b
14 of this chapter, and safety devices for electrically operated partitions
15 and room dividers required pursuant to section four hundred nine-f of
16 this chapter, or other security devices approved by the commissioner
17 that increase the safety of students and school personnel, provided,
18 however, that funds apportioned to school districts pursuant to this
19 section shall not supplant funds for existing district expenditures or
20 for existing contractual obligations of the district for stationary
21 metal detectors, security cameras, security upgrades made pursuant to
22 recommendation from a school safety improvement team in accordance with
23 section twenty-eight hundred one-b of this chapter, and partition and
24 room divider safety devices, or security devices. Portable or hand held
25 metal detectors shall not be eligible for aid pursuant to this subdivi-
26 sion. Such additional aid shall equal the product of the building aid
27 ratio computed for use in the current year pursuant to paragraph c of
28 subdivision six of this section and the actual approved expenditures
29 incurred in the base year pursuant to this subdivision, provided that
30 the limitations on cost allowances prescribed by paragraph a of subdivi-
31 sion six of this section shall not apply. The commissioner shall annual-
32 ly prescribe a special cost allowance for metal detectors, security
33 upgrades made pursuant to recommendation from a school safety improve-
34 ment team in accordance with section twenty-eight hundred one-b of this
35 chapter, and security cameras, and the approved expenditures shall not
36 exceed such cost allowance. The commissioner shall annually prescribe a
37 special cost allowance for partition and room divider safety devices,
38 and the approved expenditures shall not exceed such cost allowance.

39 b. For projects approved by the commissioner authorized to receive
40 additional building aid pursuant to this subdivision for the purchase of
41 stationary metal detectors, security upgrades made pursuant to recommen-
42 dation from a school safety improvement team in accordance with section
43 twenty-eight hundred one-b of this chapter, security cameras or other
44 security devices approved by the commissioner that increase the safety
45 of students and school personnel, provided that for purposes of this
46 paragraph such other security devices shall be limited to electronic
47 security systems and hardened doors, and provided that for projects
48 approved by the commissioner on or after the first day of July two thou-
49 sand thirteen and [~~before the first day of July two thousand eighteen~~]
50 thereafter such additional aid shall equal the product of (i) the build-
51 ing aid ratio computed for use in the current year pursuant to paragraph
52 c of subdivision six of this section plus ten percentage points, except
53 that in no case shall this amount exceed one hundred percent, and (ii)
54 the actual approved expenditures incurred in the base year pursuant to
55 this subdivision, provided that the limitations on cost allowances
56 prescribed by paragraph a of subdivision six of this section shall not

1 apply, and provided further that any projects aided under this paragraph
2 must be included in a district's school safety plan. The commissioner
3 shall annually prescribe a special cost allowance for metal detectors,
4 and security cameras, and the approved expenditures shall not exceed
5 such cost allowance.

6 § 3. Section 3602-c of the education law is amended by adding a new
7 subdivision 11 to read as follows:

8 11. Aid shall be made available to all nonpublic schools, charter
9 schools and boards of cooperative educational services under this
10 section, for security upgrades made pursuant to a recommendation from a
11 school safety improvement team in accordance with section twenty-eight
12 hundred one-b of this chapter, in the same manner as for public schools
13 in subdivision six-c of section thirty-six hundred two of this part.

14 § 4. This act shall take effect immediately.

15 SUBPART E

16 Section 1. Paragraph c of subdivision 2 of section 753 of the educa-
17 tion law, as added by section 7-a of part B of chapter 57 of the laws of
18 2007, is amended to read as follows:

19 c. "Technology equipment", for the purposes of this article, shall
20 mean (1) equipment with a useful life used in conjunction with or in
21 support of educational programs including but not limited to video,
22 solar energy, robotic, satellite, laser and such other equipment as the
23 commissioner shall approve or, (2) security and safety hardware technol-
24 ogy provided that expenses for the purchase or lease of such equipment
25 shall not be eligible for aid under any other provisions of this chap-
26 ter.

27 § 2. Subdivisions 1 and 2 of section 751 of the education law, subdivi-
28 sion 1 as added by chapter 53 of the laws of 1984 and subdivision 2 as
29 amended by section 3 of part A-1 of chapter 58 of the laws of 2011, are
30 amended to read as follows:

31 1. In the several cities and school districts of the state, boards of
32 education, trustees or such body or officers as perform the functions of
33 such boards, shall designate software programs to be used in conjunction
34 with computers of the school district or in conjunction with security
35 and safety technology platforms.

36 2. A software program, for the purposes of this article shall mean (a)
37 a computer program which a pupil is required to use as a learning aid in
38 a particular class in the school the pupil legally attends, or (b) for
39 expenses incurred after July first, two thousand nine, any content-based
40 instructional materials in an electronic format that are aligned with
41 state standards which are accessed or delivered through the internet
42 based on a subscription model. Such electronic format materials may
43 include a variety of media assets and learning tools, including video,
44 audio, images, teacher guides, and student access capabilities as such
45 terms are defined in the regulations of the commissioner. For expenses
46 incurred on or after July first, two thousand eleven, a software program
47 shall also mean security and safety software technology including items
48 of expenditure that are eligible for an apportionment pursuant to
49 sections seven hundred one, seven hundred eleven and/or seven hundred
50 fifty-three of this title, where such items are designated by the school
51 district as eligible for aid pursuant to this section, provided, howev-
52 er, that if aided pursuant to this section, such expenses shall not be
53 aidable pursuant to any other section of law.

1 § 3. Subdivision 6-c of section 3602 of the education law, as amended
2 by chapter 1 of the laws of 2013, paragraph b as amended by section 23
3 of part YYY of chapter 59 of the laws of 2017, is amended to read as
4 follows:

5 6-c. a. Building aid for metal detectors, security hardware and soft-
6 ware safety technology, and safety devices for electrically operated
7 partitions, room dividers and doors. In addition to the apportionments
8 payable to a school district pursuant to subdivision six of this
9 section, the commissioner is hereby authorized to apportion to any
10 school district additional building aid pursuant to this subdivision for
11 its approved expenditures in the base year for the purchase of station-
12 ary metal detectors, security cameras, security hardware and software
13 safety technology, and safety devices for electrically operated parti-
14 tions and room dividers required pursuant to section four hundred nine-f
15 of this chapter, or other security devices approved by the commissioner
16 that increase the safety of students and school personnel, provided,
17 however, that funds apportioned to school districts pursuant to this
18 section shall not supplant funds for existing district expenditures or
19 for existing contractual obligations of the district for stationary
20 metal detectors, security cameras, security hardware and software safety
21 technology, and partition and room divider safety devices, or security
22 devices. Portable or hand held metal detectors shall not be eligible
23 for aid pursuant to this subdivision. Such additional aid shall equal
24 the product of the building aid ratio computed for use in the current
25 year pursuant to paragraph c of subdivision six of this section and the
26 actual approved expenditures incurred in the base year pursuant to this
27 subdivision, provided that the limitations on cost allowances prescribed
28 by paragraph a of subdivision six of this section shall not apply. The
29 commissioner shall annually prescribe a special cost allowance for metal
30 detectors, and security cameras, and the approved expenditures shall not
31 exceed such cost allowance. The commissioner shall annually prescribe a
32 special cost allowance for partition and room divider safety devices,
33 and the approved expenditures shall not exceed such cost allowance.

34 b. For projects approved by the commissioner authorized to receive
35 additional building aid pursuant to this subdivision for the purchase of
36 stationary metal detectors, security cameras or other security devices
37 approved by the commissioner that increase the safety of students and
38 school personnel, provided that for purposes of this paragraph such
39 other security devices shall be limited to electronic security systems
40 and hardened doors, and provided that for projects approved by the
41 commissioner on or after the first day of July two thousand thirteen
42 [~~and before the first day of July two thousand eighteen~~] and thereafter
43 such additional aid shall equal the product of (i) the building aid
44 ratio computed for use in the current year pursuant to paragraph c of
45 subdivision six of this section plus ten percentage points, except that
46 in no case shall this amount exceed one hundred percent, and (ii) the
47 actual approved expenditures incurred in the base year pursuant to this
48 subdivision, provided that the limitations on cost allowances prescribed
49 by paragraph a of subdivision six of this section shall not apply, and
50 provided further that any projects aided under this paragraph must be
51 included in a district's school safety plan. The commissioner shall
52 annually prescribe a special cost allowance for metal detectors, and
53 security cameras, and the approved expenditures shall not exceed such
54 cost allowance.

55 § 4. This act shall take effect immediately.

1

SUBPART F

2 Section 1. Section 305 of the education law is amended by adding a new
3 subdivision 57 to read as follows:

4 57. a. The commissioner shall submit to the governor, the temporary
5 president of the senate and the speaker of the assembly, a report
6 regarding school counselors, school social workers and school psychol-
7 ogists for the current school year. Such report shall include, but not
8 be limited to: (i) the number of full and part-time school counselors,
9 school social workers and school psychologists in each school, (ii) the
10 ratio of students to the number of school counselors, the ratio of
11 students to the number of school social workers, and the ratio of
12 students to the number of school psychologists in each school, and (iii)
13 whether the school counselor, school social worker or school psychol-
14 ogist is providing counseling assistance to more than one school.

15 b. After such report is issued, the commissioner shall prepare a
16 proposal on how to increase the number of school counselors, school
17 social workers and school psychologists to meet the nationally accepted
18 ratio of students to the number of school counselors, ratio of students
19 to the number of school social workers, and ratio of students to the
20 number of school psychologists within New York state such as those
21 recommended by the school social work association of America, the Ameri-
22 can school counselors association and the national association of school
23 psychiatrists. When preparing such proposal, the commissioner shall take
24 into consideration the specific needs of individual school districts and
25 the region in which such school district is located.

26 c. For purposes of this subdivision, the following terms shall have
27 the following meanings:

28 (i) "school counselor" shall mean any personnel, licensed and certi-
29 fied by New York state as school counselor, hired to provide individual
30 or group counseling assistance to students in the elementary, middle, or
31 high school grades;

32 (ii) "school social worker" shall mean any personnel, licensed and
33 certified by New York state as a school social worker, hired to provide
34 individual or group counseling assistance to students in the elementary,
35 middle, or high school grades; and

36 (iii) "school psychologist" shall mean any personnel, licensed and
37 certified by New York state as a school psychologist, hired to provide
38 individual or group counseling assistance to students in the elementary,
39 middle, or high school grades.

40 (iv) "school" shall mean any public school, nonpublic school, charter
41 school or board of cooperative educational services.

42 § 2. Subparagraph 1 of paragraph d of subdivision 4 of section 1950 of
43 the education law, as amended by chapter 474 of the laws of 1996, is
44 amended and a new subparagraph 1-a is added to read as follows:

45 (1) Aidable shared services. At the request of component school
46 districts, and with the approval of the commissioner, provide any of the
47 following services on a cooperative basis: school nurse teacher, attend-
48 ance supervisor, supervisor of teachers, dental hygienist, psychologist,
49 school counselor, as such term is defined in subdivision fifty-seven of
50 section three hundred five of this chapter, school social worker, as
51 such term is defined in subdivision fifty-seven of section three hundred
52 five of this chapter, school psychologist, as such term is defined in
53 subdivision fifty-seven of section three hundred five of this chapter,
54 teachers of art, music, physical education, career education subjects,
55 guidance counsellors, operation of special classes for students with

1 disabilities, as such term is defined in article eighty-nine of this
2 chapter; pupil and financial accounting service by means of mechanical
3 equipment; maintenance and operation of cafeteria or restaurant service
4 for the use of pupils and teachers while at school, and such other
5 services as the commissioner may approve. Such cafeteria or restaurant
6 service may be used by the community for school related functions and
7 activities and to furnish meals to the elderly residents of the
8 district, sixty years of age or older. Utilization by elderly residents
9 or school related groups shall be subject to the approval of the board
10 of education. Charges shall be sufficient to bear the direct cost of
11 preparation and serving of such meals, exclusive of any other available
12 reimbursements.

13 (1-a) Notwithstanding any other provision of law, rule, or regulation
14 to the contrary, school counselors, school social workers, and school
15 psychologists may be requested by charter schools and school districts
16 for up to five days per week throughout the entire school year.

17 § 3. Paragraph h of subdivision 4 of section 1950 of the education law
18 is amended by adding two new subparagraphs 12 and 13 to read as follows:

19 (12) To enter into contracts with charter schools to provide school
20 counselors, as such term is defined in subdivision fifty-seven of
21 section three hundred five of this chapter, school social workers, as
22 such term is defined in subdivision fifty-seven of section three hundred
23 five of this chapter, and school psychologists, as such term is defined
24 in subdivision fifty-seven of section three hundred five of this chap-
25 ter, provided that the costs of such school counselors, school social
26 workers, and school psychologists, shall be aidable pursuant to subdivi-
27 sion five of this section to the same extent and on the same basis as
28 costs allocated to a component school district, and further provided
29 that the aid ratio shall be the aid ratio for the public school district
30 where the charter school is located and further provided that charter
31 schools shall not be liable for payment of administrative expenses as
32 defined in paragraph b of this subdivision.

33 (13) To enter into contracts with non-component school districts
34 including city school districts of cities with one hundred twenty-five
35 thousand inhabitants or more, to provide school counselors, as such term
36 is defined in subdivision fifty-seven of section three hundred five of
37 this chapter, school social workers, as such term is defined in subdivi-
38 sion fifty-seven of section three hundred five of this chapter, and
39 school psychologists, as such term is defined in subdivision fifty-seven
40 of section three hundred five of this chapter, provided that the costs
41 of such school counselors, school social workers, and school psychol-
42 ogists, shall be aidable pursuant to subdivision five of this section to
43 the same extent and on the same basis as costs allocated to a component
44 school district, and further provided that non-component school
45 districts shall not be liable for payment of administrative expenses as
46 defined in paragraph b of this subdivision.

47 § 4. The education law is amended by adding a new section 3040 to read
48 as follows:

49 § 3040. Grants for school counselors, school social workers, and
50 school psychologists. 1. For purposes of this section, school counse-
51 lors, school social workers, and school psychologists shall have the
52 same meaning as defined in subdivision fifty-seven of section three
53 hundred five of this chapter.

54 2. Nonpublic schools shall, upon application, be reimbursed by the
55 department for the salaries of school counselors, school social workers,
56 and school psychologists. Each school which seeks a reimbursement pursu-

1 ant to this section shall submit to the office of religious and inde-
 2 pendent schools an application therefor, together with such additional
 3 documents as the commissioner may reasonably require, at such times, in
 4 such form and containing such information as the commissioner may
 5 prescribe by regulation. Applications for reimbursement pursuant to this
 6 section must be received by August first of each year for schools to be
 7 reimbursed for the salaries of eligible school counselors, school social
 8 workers, and school psychologists in the prior year.

9 3. The commissioner may promulgate any rules or regulations necessary
 10 to carry out the provisions of this section.

11 § 5. This act shall take effect immediately.

12 SUBPART G

13 Section 1. The education law is amended by adding a new section 2801-d
 14 to read as follows:

15 § 2801-d. New York state school mental health services program coordi-
 16 nator. 1. For purposes of this section, the term "school mental health
 17 services program coordinator" shall mean a mental health services
 18 professional, with qualifications determined by regulation by the
 19 commissioner, whose role and responsibility shall be to work with
 20 students, faculty and other mental health and health care professionals
 21 to identify, report and address mental health issues of students, facul-
 22 ty and administration at any public or non-public school that could pose
 23 a risk to public safety.

24 2. Any public or non-public school, charter school or board of cooper-
 25 ative educational services may employ a mental health services profes-
 26 sional, in either the classified or unclassified service, determined in
 27 regulation by the commissioner to be qualified, as a mental health
 28 services program coordinator. Any such public or non-public school,
 29 charter school or board of cooperative educational services may also
 30 contract with the state of New York, a county, city, town or village, or
 31 with a private mental health services provider, for the provision of a
 32 mental health services professional, determined in regulation by the
 33 commissioner to be qualified, to serve as a mental health services
 34 program coordinator.

35 3. The commissioner shall, by regulation, determine the qualifications
 36 for a mental health services program coordinator. A school district,
 37 nonpublic school, charter school or board of cooperative educational
 38 services shall be authorized to employ or contract for as many mental
 39 health services program coordinators, as such district, school or board
 40 of cooperative educational services deems necessary. The commissioner
 41 shall by regulation, establish the mandatory reports, the persons or
 42 entities with whom such reports shall be filed, and the treatment
 43 services that may be offered or directed by a mental health services
 44 program coordinator.

45 § 2. Subparagraph 1 of paragraph d of subdivision 4 of section 1950 of
 46 the education law, as amended by chapter 474 of the laws of 1996, is
 47 amended and a new subparagraph 1-a is added to read as follows:

48 (1) Aidable shared services. At the request of component school
 49 districts, and with the approval of the commissioner, provide any of the
 50 following services on a cooperative basis: school nurse teacher, attend-
 51 ance supervisor, supervisor of teachers, dental hygienist, psychologist,
 52 school mental health services program coordinator, as such term is
 53 defined in section twenty-eight hundred one-d of this chapter, teachers
 54 of art, music, physical education, career education subjects, guidance

1 counsellors, operation of special classes for students with disabili-
2 ties, as such term is defined in article eighty-nine of this chapter;
3 pupil and financial accounting service by means of mechanical equipment;
4 maintenance and operation of cafeteria or restaurant service for the use
5 of pupils and teachers while at school, and such other services as the
6 commissioner may approve. Such cafeteria or restaurant service may be
7 used by the community for school related functions and activities and to
8 furnish meals to the elderly residents of the district, sixty years of
9 age or older. Utilization by elderly residents or school related groups
10 shall be subject to the approval of the board of education. Charges
11 shall be sufficient to bear the direct cost of preparation and serving
12 of such meals, exclusive of any other available reimbursements.

13 (1-a) Notwithstanding any other provision of law, rule, or regulation
14 to the contrary, school mental health services program coordinators may
15 be requested by charter schools and school districts for up to five days
16 per week throughout the entire school year.

17 § 3. Paragraph h of subdivision 4 of section 1950 of the education law
18 is amended by adding two new subparagraphs 12 and 13 to read as follows:

19 (12) To enter into contracts with charter schools to provide school
20 mental health services program coordinators, as such term is defined in
21 section twenty-eight hundred one-d of this chapter, provided that the
22 costs of such school mental health services program coordinators shall
23 be aidable pursuant to subdivision five of this section to the same
24 extent and on the same basis as costs allocated to a component school
25 district, and further provided that the aid ratio shall be the aid ratio
26 for the public school district where the charter school is located and
27 further provided that charter schools shall not be liable for payment of
28 administrative expenses as defined in paragraph b of this subdivision.

29 (13) To enter into contracts with non-component school districts
30 including city school districts of cities with one hundred twenty-five
31 thousand inhabitants or more, to provide school mental health services
32 program coordinators, as such term is defined in section twenty-eight
33 hundred one-d of this chapter, provided that the costs of such school
34 mental health services program coordinators shall be aidable pursuant to
35 subdivision five of this section to the same extent and on the same
36 basis as costs allocated to a component school district, and further
37 provided that non-component school districts shall not be liable for
38 payment of administrative expenses as defined in paragraph b of this
39 subdivision.

40 § 4. The education law is amended by adding a new section 3039 to read
41 as follows:

42 § 3039. Grants for school mental health services program coordinators.

43 1. For purposes of this section, school mental health services program
44 coordinator shall have the same meaning as defined under section twen-
45 ty-eight hundred one-d of this chapter.

46 2. Nonpublic schools shall, upon application, be reimbursed by the
47 department for the salaries of school mental health services program
48 coordinators. Each school which seeks a reimbursement pursuant to this
49 section shall submit to the office of religious and independent schools
50 an application therefor, together with such additional documents as the
51 commissioner may reasonably require, at such times, in such form and
52 containing such information as the commissioner may prescribe by regu-
53 lation. Applications for reimbursement pursuant to this section must be
54 received by August first of each year for schools to be reimbursed for
55 the salaries of eligible school mental health services program coordina-
56 tors in the prior year.

1 3. The commissioner may promulgate any rules or regulations necessary
2 to carry out the provisions of this section.

3 § 5. This act shall take effect immediately.

4 SUBPART H

5 Section 1. The education law is amended by adding a new section 411 to
6 read as follows:

7 § 411. Comprehensive school security grant program. 1. Within amounts
8 appropriated for the installation and operation of comprehensive securi-
9 ty systems in every school of the state, the commissioner is hereby
10 authorized and directed to award grants to every public, parochial and
11 private school in the state. Such grants shall be for the total capital
12 costs of quick capacity smart sensor threat detection, and 360 degree
13 security awareness including services, expenses and indirect costs.
14 Grantees receiving funding pursuant to this subdivision may expend no
15 more than five percent of grants for administration and no more than
16 five percent for grantee training.

17 2. In the event the appropriation for the purposes of this section in
18 any year is insufficient to pay all claims pursuant to this subdivision,
19 the commissioner shall pay such claims on a prorated basis among all
20 schools filing such claims until the appropriation is exhausted.

21 § 2. This act shall take effect immediately.

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

31 § 3. This act shall take effect immediately; provided, however, that
32 the applicable effective date of Subparts A through H of this Part shall
33 be as specifically set forth in the last section of such Subparts.

34 PART B

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

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

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

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

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

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

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

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

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

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

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

40 ii. require a student who cannot pay for a meal or who owes a meal
41 debt to do chores or other work to pay for meals, provided that chores
42 or work required of all students regardless of a meal debt is permitted;

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

46 iv. take any action directed at a pupil to collect unpaid school meal
47 fees. A school or school district may attempt to collect unpaid school
48 meal fees from a parent or guardian; or

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

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

54 g. Procedures to enroll in the free and reduced price lunch program,
55 provided that such procedures shall include that, at the beginning of
56 each school year, a school or school district shall provide:

1 i. a free, printed meal application in every school enrollment packet,
2 or if the school or school district chooses to use an electronic meal
3 application, provide in school enrollment packets with an explanation of
4 the electronic meal application process and instructions for how parents
5 or guardians may request a paper application at no cost; and

6 ii. meal applications and instructions in a language that parents and
7 guardians understand. If a parent or guardian cannot read or understand
8 a meal application, the school or school district shall offer assistance
9 in completing the application;

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

15 i. School or school district liaisons shall coordinate with the nutri-
16 tion department to make sure homeless, foster, and migrant students
17 receive free school meals, in accordance with federal law.

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

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

30 b. Each public school may determine the breakfast service delivery
31 model that best suits its students. Service delivery models may include,
32 but are not limited to, breakfast in the classroom, grab and go break-
33 fast, and breakfast served in the cafeteria. Time spent by students
34 consuming breakfast may be considered instructional time when students
35 consume breakfast in the students' classrooms and instruction is being
36 provided while students are consuming breakfast. In determining a
37 service delivery model, schools shall consult with teachers, parents,
38 students and members of the community.

39 c. Schools subject to this requirement shall provide notice to
40 students' parents and guardians that the school will be offering break-
41 fast to all students after the instructional day has begun.

42 d. The State Education Department shall:

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

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

50 iii. provide technical assistance relating to the implementation of
51 such program; and

52 iv. annually publish by December 2019, and each December thereafter,
53 on its website information relating to each school subject to this
54 requirement, as well as any other schools operating such program which
55 are not subject to this requirement, in the prior school year. Such
56 information shall include, but not be limited to: the school name,

1 service delivery models implemented, student enrollment, the free and
2 reduced-price lunch percentage, the average daily breakfast partic-
3 ipation rate, the total number of breakfast meals served during the
4 school year, the total cost of the breakfast program during the school
5 year, the total federal reimbursement for breakfast meals during the
6 school year, and the total state reimbursement for breakfast meals
7 during the school year.

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

21 b. The State Education Department, in cooperation with the Department
22 of Agriculture and Markets, shall develop an application for school food
23 authorities to seek an additional State subsidy pursuant to this section
24 in a timeline and format prescribed by the commissioner of education.
25 Such application shall include, but not be limited to, documentation
26 demonstrating the school food authority's total lunch purchases for its
27 school food service programs and documentation demonstrating its total
28 lunch purchases and percentages for such programs from New York State
29 farmers, growers, producers or processors in the preceding school year.
30 The application shall also include an attestation from the school food
31 authority's chief operating officer that it purchased at least twenty-
32 five percent of its total cost of lunch products for its school food
33 service program from New York State farmers, growers, producers or
34 processors in the preceding school year in order to meet the require-
35 ments for this additional State subsidy. School food authorities shall
36 be required to annually apply for this subsidy.

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

47 § 2-a. Subparagraph 3 of paragraph b of subdivision 6-f of section
48 3602 of the education law, as added by section 19 of part H of chapter
49 83 of the laws of 2002, is amended to read as follows:

50 (3) is to implement the breakfast after the bell school breakfast
51 program, for eligible school districts beginning in the two thousand
52 eighteen--two thousand nineteen school year, pursuant to section four of
53 chapter five hundred thirty-seven of the laws of nineteen hundred seven-
54 ty-six for equipment purchases, provided, however, that such expenses
55 shall be limited to no more than five thousand dollars per school.
56 Eligible equipment purchases shall include, but not be limited to,

1 equipment used for the storage, preservation, or distribution of food;
2 and/or

3 (4) if bonded pursuant to paragraph j of subdivision six of this
4 section, would cause a city school district in a city having a popu-
5 lation of less than one hundred twenty-five thousand inhabitants to
6 exceed ninety-five percent of its constitutional debt limit provided,
7 however, that any debt issued pursuant to paragraph c of section 104.00
8 of the local finance law shall not be included in such calculation.

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

12 PART C

13 Section 1. Section 1604 of the education law is amended by adding a
14 new subdivision 43 to read as follows:

15 43. To pass, in the discretion of the trustees, a resolution authoriz-
16 ing the use of school bus cameras pursuant to section eleven hundred
17 eighteen of the vehicle and traffic law, provided that the trustees may
18 also enter into contracts with a third party for the installation,
19 administration, operation, notice processing, and maintenance of such
20 cameras, and for the sharing of revenue derived from such cameras pursu-
21 ant to section eleven hundred eighteen of the vehicle and traffic law,
22 provided that the lease, installation, operation and maintenance, or any
23 other costs associated with such cameras other than purchases shall not
24 be considered an aidable expense pursuant to section thirty-six hundred
25 twenty-three-a of this chapter. The commissioner shall annually
26 prescribe a special cost allowance for such school bus cameras, and the
27 approved expenditures shall not exceed such cost allowance.

28 § 2. Section 1709 of the education law is amended by adding a new
29 subdivision 43 to read as follows:

30 43. To pass a resolution, in the discretion of the board, authorizing
31 the use of school bus cameras pursuant to section eleven hundred eigh-
32 teen of the vehicle and traffic law, provided that the board may also
33 enter into contracts with a third party for the installation, adminis-
34 tration, operation, notice processing, and maintenance of such cameras,
35 and for the sharing of revenue derived from such cameras pursuant to
36 section eleven hundred eighteen of the vehicle and traffic law, provided
37 that the lease, installation, operation and maintenance, or any other
38 costs associated with such cameras other than purchases shall not be
39 considered an aidable expense pursuant to section thirty-six hundred
40 twenty-three-a of this chapter. The commissioner shall annually
41 prescribe a special cost allowance for such school bus cameras, and the
42 approved expenditures shall not exceed such cost allowance.

43 § 2-a. Paragraph c of subdivision 2 of section 3623-a of the education
44 law, as amended by chapter 453 of the laws of 2005, is amended to read
45 as follows:

46 c. The purchase of equipment deemed a proper school district expense,
47 including: (i) the purchase of two-way radios to be used on old and new
48 school buses, (ii) the purchase of stop-arms, to be used on old and new
49 school buses, (iii) the purchase and installation of seat safety belts
50 on school buses in accordance with the provisions of section thirty-six
51 hundred thirty-five-a of this article, (iv) the purchase of school bus
52 back up beepers, (v) the purchase of school bus front crossing arms,
53 (vi) the purchase of school bus safety sensor devices, (vii) the

1 purchase and installation of exterior reflective marking on school
2 buses, (viii) the purchase of automatic engine fire extinguishing
3 systems for school buses used to transport students who use wheelchairs
4 or other assistive mobility devices, [~~and~~] (ix) the purchase of school
5 bus cameras, and (x) the purchase of other equipment as prescribed in
6 the regulations of the commissioner; and

7 § 3. The vehicle and traffic law is amended by adding a new section
8 1118 to read as follows:

9 § 1118. Owner liability for operator illegally overtaking or passing a
10 school bus. (a) 1. Notwithstanding any other provision of law, each
11 board of education or trustees of a school district is hereby authorized
12 and empowered to adopt and amend a resolution establishing a school bus
13 safety camera program imposing monetary liability on the owner of a
14 vehicle for failure of an operator thereof to comply with section eleven
15 hundred seventy-four of this title. Such program shall empower a board
16 of education or school district or school bus transportation contractor
17 that has contracted with such school district to install school bus
18 safety cameras upon school buses operated by or contracted with such
19 district.

20 2. Such program shall utilize necessary technologies to ensure, to the
21 extent practicable, that photographs produced by such school bus safety
22 cameras shall not include images that identify the driver, the passen-
23 gers, or the contents of the vehicle. Provided, however, that no notice
24 of liability issued pursuant to this section shall be dismissed solely
25 because a photograph or photographs allow for the identification of the
26 contents of a vehicle, provided that such school district has made a
27 reasonable effort to comply with the provisions of this paragraph.

28 (b) In any school district which has adopted a resolution pursuant to
29 subdivision (a) of this section, the owner of a vehicle shall be liable
30 for a penalty imposed pursuant to this section if such vehicle was used
31 or operated with the permission of the owner, express or implied, in
32 violation of subdivision (a) of section eleven hundred seventy-four of
33 this title, and such violation is evidenced by information obtained from
34 a school bus safety camera; provided however that no owner of a vehicle
35 shall be liable for a penalty imposed pursuant to this section where the
36 operator of such vehicle has been convicted of the underlying violation
37 of subdivision (a) of section eleven hundred seventy-four of this title.

38 (c) For purposes of this section, "owner" shall have the meaning
39 provided in article two-B of this chapter. For purposes of this section,
40 "school bus safety camera" shall mean an automated photo monitoring
41 device affixed to the outside of a school bus and designated to detect
42 and store videotape and one or more images of motor vehicles that over-
43 take or pass school buses in violation of subdivision (a) of section
44 eleven hundred seventy-four of this title.

45 (d) No school district or school bus transportation contractor that
46 has installed cameras pursuant to this section shall access the images
47 from such cameras but shall provide, pursuant to an agreement with the
48 appropriate law enforcement agency or agencies, for the proper handling
49 and custody of such images for the forwarding of such images from such
50 cameras to a law enforcement agency having jurisdiction in the area in
51 which the violation occurred for the purpose of imposing monetary
52 liability on the owner of a motor vehicle for illegally overtaking or
53 passing a school bus in violation of subdivision (a) of section eleven
54 hundred seventy-four of this title. After receipt of such images a
55 police officer shall inspect such videotape and images to determine
56 whether a violation of subdivision (a) of section eleven hundred seven-

1 ty-four of this title was committed. Upon such a finding a certificate,
2 sworn to or affirmed by an officer of such agency, or a facsimile there-
3 of, based upon inspection of photographs, microphotographs, videotape or
4 other recorded images produced by a school bus safety camera, shall be
5 prima facie evidence of the facts contained therein. Any photographs,
6 microphotographs, videotape or other recorded images evidencing such a
7 violation shall be available for inspection in any proceeding to adjudi-
8 cate the liability for such violation.

9 (e) An owner found liable pursuant to this section for a violation of
10 subdivision (a) of section eleven hundred seventy-four of this title
11 shall be liable for a monetary penalty of two hundred fifty dollars.

12 (e-1) Payment of the monetary penalty imposed by subdivision (e) of
13 this section shall be payable to the school district. Nothing herein
14 shall prevent the school district from entering into a memorandum of
15 understanding with a local law enforcement agency to return a portion of
16 such penalty received to the local law enforcement agency, provided
17 however, in no case shall such portion returned to a local law enforce-
18 ment agency exceed twenty percent of the amount received by the school
19 district.

20 (e-2) In the event an owner is charged pursuant to this section with a
21 violation of subdivision (a) of section eleven hundred seventy-four of
22 this title where a sworn certificate has been issued pursuant to subdivi-
23 vision (d) of this section where such owner elects to plead guilty to a
24 lesser charge, the payment of the monetary penalty imposed by subdivi-
25 sion (e) of this section shall not be reduced and shall be payable to
26 the school district.

27 (f) An imposition of liability under this section shall not be deemed
28 a conviction as an operator and shall not be made part of the operating
29 record of the person upon whom such liability is imposed nor shall it be
30 used for insurance purposes in the provision of motor vehicle insurance
31 coverage.

32 (g) 1. A notice of liability shall be sent by the respective law
33 enforcement agency by first class mail to each person alleged to be
34 liable as an owner for a violation of subdivision (a) of section eleven
35 hundred seventy-four of this title pursuant to this section. Personal
36 delivery on the owner shall not be required. A manual or automatic
37 record of mailing prepared in the ordinary course of business shall be
38 prima facie evidence of the facts contained therein.

39 2. A notice of liability shall contain the name and address of the
40 person alleged to be liable as an owner for a violation of subdivision
41 (a) of section eleven hundred seventy-four of this title pursuant to
42 this section, the registration number of the vehicle involved in such
43 violation, the location where such violation took place, the date and
44 time of such violation and the identification number of the camera which
45 recorded the violation or other document locator number.

46 3. The notice of liability shall contain information advising the
47 person charged of the manner and the time in which he may contest the
48 liability alleged in the notice. Such notice of liability shall also
49 contain a warning to advise the persons charged that failure to contest
50 in the manner and time provided shall be deemed an admission of liabil-
51 ity and that a default judgment may be entered thereon.

52 4. The notice of liability shall be prepared and mailed by the respec-
53 tive law enforcement agency having jurisdiction over the location where
54 the violation occurred.

55 (h) Adjudication of the liability imposed upon owners by this section
56 shall be by a traffic violations bureau established pursuant to section

1 three hundred seventy of the general municipal law or, if there be none,
2 by the court having jurisdiction over traffic infractions, except that
3 any city which has established or designated an administrative tribunal
4 to hear and determine owner liability established by this article for
5 failure to comply with traffic-control indications shall use such tribu-
6 nal to adjudicate the liability imposed by this section.

7 (i) If an owner receives a notice of liability pursuant to this
8 section for any time period during which the vehicle was reported to a
9 police department as having been stolen, it shall be a valid defense to
10 an allegation of liability for a violation of subdivision (a) of section
11 eleven hundred seventy-four of this title pursuant to this section that
12 the vehicle had been reported to the police as stolen prior to the time
13 the violation occurred and had not been recovered by such time. For
14 purposes of asserting the defense provided by this subdivision it shall
15 be sufficient that a certified copy of the police report on the stolen
16 vehicle be sent by first class mail to the traffic violations bureau,
17 court having jurisdiction or parking violations bureau.

18 (j) Where the adjudication of liability imposed upon owners pursuant
19 to this section is by an administrative tribunal, traffic violations
20 bureau, or a court having jurisdiction, an owner who is a lessor of a
21 vehicle to which a notice of liability was issued pursuant to subdivi-
22 sion (g) of this section shall not be liable for the violation of subdivi-
23 vision (a) of section eleven hundred seventy-four of this title,
24 provided that he or she sends to the administrative tribunal, traffic
25 violations bureau, or court having jurisdiction a copy of the rental,
26 lease or other such contract document covering such vehicle on the date
27 of the violation, with the name and address of the lessee clearly legi-
28 ble, within thirty-seven days after receiving notice from the bureau or
29 court of the date and time of such violation, together with the other
30 information contained in the original notice of liability. Failure to
31 send such information within such thirty-seven day time period shall
32 render the owner liable for the penalty prescribed by this section.
33 Where the lessor complies with the provisions of this paragraph, the
34 lessee of such vehicle on the date of such violation shall be deemed to
35 be the owner of such vehicle for purposes of this section, shall be
36 subject to liability for the violation of subdivision (a) of section
37 eleven hundred seventy-four of this title pursuant to this section and
38 shall be sent a notice of liability pursuant to subdivision (g) of this
39 section.

40 (k) 1. If the owner liable for a violation of subdivision (a) of
41 section eleven hundred seventy-four of this title pursuant to this
42 section was not the operator of the vehicle at the time of the
43 violation, the owner may maintain an action for indemnification against
44 the operator.

45 2. Notwithstanding any other provision of this section, no owner of a
46 vehicle shall be subject to a monetary fine imposed pursuant to this
47 section if the operator of such vehicle was operating such vehicle with-
48 out the consent of the owner at the time such operator was found to have
49 been overtaking or passing a school bus. For purposes of this subdivi-
50 sion there shall be a presumption that the operator of such vehicle was
51 operating such vehicle with the consent of the owner at the time such
52 operator was found to have been overtaking or passing a school bus.

53 (l) Nothing in this section shall be construed to limit the liability
54 of an operator of a vehicle for any violation of subdivision (a) of
55 section eleven hundred seventy-four of this title.

1 (m) In any school district which adopts a school bus safety camera
 2 program pursuant to subdivision (a) of this section, such school
 3 district shall submit an annual report on the results of the use of its
 4 school bus safety cameras to the governor, the temporary president of
 5 the senate and the speaker of the assembly on or before June first, two
 6 thousand nineteen and on the same date in each succeeding year in which
 7 the demonstration program is operable. Such report shall include, but
 8 not be limited to:

- 9 1. a description of the number of busses and routes where school bus
 10 safety cameras were used;
- 11 2. the aggregate number of annual incidents of violations of subdivi-
 12 sion (a) of section eleven hundred seventy-four of this title within the
 13 district;
- 14 3. the number of violations recorded by school bus safety cameras in
 15 the aggregate and on a daily, weekly and monthly basis;
- 16 4. the total number of notices of liability issued for violations
 17 recorded by such systems;
- 18 5. the number of fines and total amount of fines paid after first
 19 notice of liability issued for violations recorded by such systems;
- 20 6. the number of violations adjudicated and results of such adjudi-
 21 cations including breakdowns of dispositions made for violations
 22 recorded by such systems;
- 23 7. the total amount of revenue realized by such school district from
 24 such adjudications;
- 25 8. expenses incurred by such school district in connection with the
 26 program; and
- 27 9. quality of the adjudication process and its results.

28 (n) It shall be a defense to any prosecution for a violation of subdivi-
 29 vision (a) of section eleven hundred seventy-four of this title that
 30 such school bus safety cameras were malfunctioning at the time of the
 31 alleged violation.

32 § 4. Subdivision (c) of section 1174 of the vehicle and traffic law,
 33 as amended by chapter 254 of the laws of 2002, is amended to read as
 34 follows:

35 (c) Every person convicted of a violation of subdivision (a) of this
 36 section shall: for a first conviction thereof, be punished by a fine of
 37 not less than [~~two hundred fifty~~] five hundred dollars nor more than
 38 [~~four~~] seven hundred fifty dollars or by imprisonment for not more than
 39 thirty days or by both such fine and imprisonment; for a conviction of a
 40 second violation, both of which were committed within a period of three
 41 years, such person shall be punished by a fine of not less than [~~six~~
 42 hundred] one thousand dollars nor more than [~~seven~~] one thousand two
 43 hundred fifty dollars or by imprisonment for not more than one hundred
 44 eighty days or by both such fine and imprisonment; upon a conviction of
 45 a third or subsequent violation, all of which were committed within a
 46 period of three years, such person shall be punished by a fine of not
 47 less than [~~seven hundred fifty~~] one thousand two hundred fifty dollars
 48 nor more than one thousand five hundred dollars or by imprisonment for
 49 not more than one hundred eighty days or by both such fine and imprison-
 50 ment.

51 § 5. This act shall take effect immediately.

52 PART D

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

1 oo. Notwithstanding any other provision of law, a board of cooperative
2 educational services is authorized to enter into a memorandum of under-
3 standing with the trustees or board of education of a non-component
4 school district, including city school districts of cities with one
5 hundred twenty-five thousand inhabitants or more, to participate in a
6 recovery high school program operated by the board of cooperative educa-
7 tional services for a period not to exceed five years upon such terms as
8 such trustees or board of education and the board of cooperative educa-
9 tional services may mutually agree, provided that such agreement may
10 provide for a charge for administration of the recovery high school
11 program including capital costs, but participating non-component school
12 districts shall not be liable for payment of administrative expenses as
13 defined in paragraph b of this subdivision. Costs allocated to a partic-
14 ipating non-component school district pursuant to a memorandum of under-
15 standing shall be aidable pursuant to subdivision five of this section
16 to the same extent and on the same basis as costs allocated to a compo-
17 nent school district.

18 § 2. This act shall take effect immediately.

19 PART E

20 Intentionally Omitted

21 PART F

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

24 6. Notwithstanding any other provision of law, any firm established to
25 lawfully engage in the practice of public accountancy pursuant to arti-
26 cle fifteen of the business corporation law, articles one and eight-B of
27 the partnership law, or articles twelve and thirteen of the limited
28 liability company law shall be deemed eligible to register pursuant to
29 this section.

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

32 (h) Any firm established for the business purpose of incorporating as
33 a professional service corporation formed to lawfully engage in the
34 practice of public accountancy, as such practice is respectively defined
35 under article one hundred forty-nine of the education law shall be
36 required to show (1) that a simple majority of the ownership of the
37 firm, in terms of financial interests, including ownership-based compen-
38 sation, and voting rights held by the firm's owners, belongs to individ-
39 uals licensed to practice public accountancy in some state, and (2) that
40 all shareholders of a professional service corporation whose principal
41 place of business is in this state, and who are engaged in the practice
42 of public accountancy in this state, hold a valid license issued under
43 section seventy-four hundred four of the education law or are public
44 accountants licensed under section seventy-four hundred five of the
45 education law. Although firms may include non-licensee owners, the firm
46 and its owners must comply with rules promulgated by the state board of
47 regents. Notwithstanding the provisions of this paragraph, a firm
48 incorporated under this section may not have non-licensee owners if the
49 firm's name includes the words "certified public accountant," or "certi-
50 fied public accountants," or the abbreviations "CPA" or "CPAs". Each
51 non-licensee owner of a firm that is incorporated under this section
52 shall be a natural person who actively participates in the business of

1 the firm or its affiliated entities. For purposes of this subdivision,
2 "actively participate" means to provide services to clients or to other-
3 wise individually take part in the day-to-day business or management of
4 the firm. Such a firm shall have attached to its certificate of incorpor-
5 ation a certificate or certificates demonstrating the firm's compliance
6 with this paragraph, in lieu of the certificate or certificates required
7 by subparagraph (ii) of paragraph (b) of this section.

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

10 (c) Any firm established for the business purpose of incorporating as
11 a professional service corporation pursuant to paragraph (h) of section
12 fifteen hundred three of this article may issue shares to individuals
13 who are authorized by law to practice in this state a profession which
14 such corporation is authorized to practice and who are or have been
15 engaged in the practice of such profession in such corporation or a
16 predecessor entity, or who will engage in the practice of such profes-
17 sion in such corporation within thirty days of the date such shares are
18 issued and may also issue shares to employees of the corporation not
19 licensed as certified public accountants, provided that:

20 (i) at least fifty-one percent of the outstanding shares of stock of
21 the corporation are owned by certified public accountants,

22 (ii) at least fifty-one percent of the directors are certified public
23 accountants,

24 (iii) at least fifty-one percent of the officers are certified public
25 accountants,

26 (iv) the president, the chairperson of the board of directors and the
27 chief executive officer or officers are certified public accountants.

28 No shareholder of a firm established for the business purpose of incor-
29 porating as a professional service corporation pursuant to paragraph (h)
30 of section fifteen hundred three of this article shall enter into a
31 voting trust agreement, proxy or any other type of agreement vesting in
32 another person, other than another shareholder of the same corporation,
33 the authority to exercise voting power of any or all of his or her
34 shares. All shares issued, agreements made or proxies granted in
35 violation of this section shall be void.

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

38 (c) The directors and officers of any firm established for the busi-
39 ness purpose of incorporating as a professional service corporation
40 pursuant to paragraph (h) of section fifteen hundred three of this arti-
41 cle may include individuals who are not licensed to practice public
42 accountancy, provided however that at least fifty-one percent of the
43 directors, at least fifty-one percent of the officers and the president,
44 the chairperson of the board of directors and the chief executive offi-
45 cer or officers are authorized by law to practice in this state a
46 profession which such corporation is authorized to practice, and are
47 either shareholders of such corporation or engaged in the practice of
48 their professions in such corporation.

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

51 § 1509. Disqualification of shareholders, directors, officers and
52 employees.

53 If any shareholder, director, officer or employee of a professional
54 service corporation, including a design professional service corpo-
55 ration, or any firm established for the business purpose of incorporat-
56 ing as a professional service corporation pursuant to paragraph (h) of

1 section fifteen hundred three of this article, who has been rendering
2 professional service to the public becomes legally disqualified to prac-
3 tice his profession within this state, he shall sever all employment
4 with, and financial interests (other than interests as a creditor) in,
5 such corporation forthwith or as otherwise provided in section 1510 of
6 this article. All provisions of law regulating the rendering of profes-
7 sional services by a person elected or appointed to a public office
8 shall be applicable to a shareholder, director, officer and employee of
9 such corporation in the same manner and to the same extent as if fully
10 set forth herein. Such legal disqualification to practice his profession
11 within this state shall be deemed to constitute an irrevocable offer by
12 the disqualified shareholder to sell his shares to the corporation,
13 pursuant to the provisions of section 1510 of this article or of the
14 certificate of incorporation, by-laws or agreement among the corporation
15 and all shareholders, whichever is applicable. Compliance with the terms
16 of such offer shall be specifically enforceable in the courts of this
17 state. A professional service corporation's failure to enforce compli-
18 ance with this provision shall constitute a ground for forfeiture of its
19 certificate of incorporation and its dissolution.

20 § 6. Paragraph (a) of section 1511 of the business corporation law, as
21 amended by chapter 550 of the laws of 2011, is amended and a new para-
22 graph (c) is added to read as follows:

23 (a) No shareholder of a professional service corporation [~~ex~~], includ-
24 ing a design professional service corporation, or any firm established
25 for the business purpose of incorporating as a professional service
26 corporation pursuant to paragraph (h) of section fifteen hundred three
27 of this article, may sell or transfer his shares in such corporation
28 except to another individual who is eligible to have shares issued to
29 him by such corporation or except in trust to another individual who
30 would be eligible to receive shares if he were employed by the corpo-
31 ration. Nothing herein contained shall be construed to prohibit the
32 transfer of shares by operation of law or by court decree. No transfer-
33 ee of shares by operation of law or court decree may vote the shares for
34 any purpose whatsoever except with respect to corporate action under
35 sections 909 and 1001 of this chapter. The restriction in the preceding
36 sentence shall not apply, however, where such transferee would be eligi-
37 ble to have shares issued to him if he were an employee of the corpo-
38 ration and, if there are other shareholders, a majority of such other
39 shareholders shall fail to redeem the shares so transferred, pursuant to
40 section 1510 of this article, within sixty days of receiving written
41 notice of such transfer. Any sale or transfer, except by operation of
42 law or court decree or except for a corporation having only one share-
43 holder, may be made only after the same shall have been approved by the
44 board of directors, or at a shareholders' meeting specially called for
45 such purpose by such proportion, not less than a majority, of the
46 outstanding shares as may be provided in the certificate of incorpo-
47 ration or in the by-laws of such professional service corporation. At
48 such shareholders' meeting the shares held by the shareholder proposing
49 to sell or transfer his shares may not be voted or counted for any
50 purpose, unless all shareholders consent that such shares be voted or
51 counted. The certificate of incorporation or the by-laws of the profes-
52 sional service corporation, or the professional service corporation and
53 the shareholders by private agreement, may provide, in lieu of or in
54 addition to the foregoing provisions, for the alienation of shares and
55 may require the redemption or purchase of such shares by such corpo-
56 ration at prices and in a manner specifically set forth therein. The

1 existence of the restrictions on the sale or transfer of shares, as
2 contained in this article and, if applicable, in the certificate of
3 incorporation, by-laws, stock purchase or stock redemption agreement,
4 shall be noted conspicuously on the face or back of every certificate
5 for shares issued by a professional service corporation. Any sale or
6 transfer in violation of such restrictions shall be void.

7 (c) A firm established for the business purpose of incorporating as a
8 professional service corporation pursuant to paragraph (h) of section
9 fifteen hundred three of this article, shall purchase or redeem the
10 shares of a non-licensed professional shareholder in the case of his or
11 her termination of employment within thirty days after such termination.
12 A firm established for the business purpose of incorporating as a
13 professional service corporation pursuant to paragraph (h) of section
14 fifteen hundred three of this article, shall not be required to purchase
15 or redeem the shares of a terminated non-licensed professional share-
16 holder if such shares, within thirty days after such termination, are
17 sold or transferred to another employee of the corporation pursuant to
18 this article.

19 § 7. Paragraph (a) of section 1512 of the business corporation law, as
20 amended by chapter 550 of the laws of 2011, is amended to read as
21 follows:

22 (a) Notwithstanding any other provision of law, the name of a profes-
23 sional service corporation, including a design professional service
24 corporation and any firm established for the business purpose of incor-
25 porating as a professional service corporation pursuant to paragraph (h)
26 of section fifteen hundred three of this article, may contain any word
27 which, at the time of incorporation, could be used in the name of a
28 partnership practicing a profession which the corporation is authorized
29 to practice, and may not contain any word which could not be used by
30 such a partnership. Provided, however, the name of a professional
31 service corporation may not contain the name of a deceased person unless

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

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

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

39 (c) Each firm established for the business purpose of incorporating as
40 a professional service corporation pursuant to paragraph (h) of section
41 fifteen hundred three of this article shall, at least once every three
42 years on or before the date prescribed by the licensing authority,
43 furnish a statement to the licensing authority listing the names and
44 residence addresses of each shareholder, director and officer of such
45 corporation and certify as the date of certification and at all times
46 over the entire three year period that:

47 (i) at least fifty-one percent of the outstanding shares of stock of
48 the corporation are and were owned by certified public accountants,

49 (ii) at least fifty-one percent of the directors are and were certi-
50 fied public accountants,

51 (iii) at least fifty-one percent of the officers are and were certi-
52 fied public accountants,

53 (iv) the president, the chairperson of the board of directors and the
54 chief executive officer or officers are and were certified public
55 accountants.

1 The statement shall be signed by the president or any certified public
2 accountant vice-president and attested to by the secretary or any
3 assistant secretary of the corporation.

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

6 (d) "Foreign professional service corporation" means a professional
7 service corporation, whether or not denominated as such, organized under
8 the laws of a jurisdiction other than this state, all of the sharehold-
9 ers, directors and officers of which are authorized and licensed to
10 practice the profession for which such corporation is licensed to do
11 business; except that all shareholders, directors and officers of a
12 foreign professional service corporation which provides health services
13 in this state shall be licensed in this state. Notwithstanding any other
14 provision of law a foreign professional service corporation formed to
15 lawfully engage in the practice of public accountancy, as such practice
16 is defined under article one hundred forty-nine of the education law, or
17 equivalent state law, shall be required to show (1) that a simple major-
18 ity of the ownership of the firm, in terms of financial interests,
19 including ownership-based compensation, and voting rights held by the
20 firm's owners, belongs to individuals licensed to practice public
21 accountancy in some state, and (2) that all shareholders of a foreign
22 professional service corporation whose principal place of business is in
23 this state, and who are engaged in the practice of public accountancy in
24 this state, hold a valid license issued under section seventy-four
25 hundred four of the education law or are public accountants licensed
26 under section seventy-four hundred five of the education law. Although
27 firms may include non-licensee owners, the firm and its owners must
28 comply with rules promulgated by the state board of regents. Notwith-
29 standing the foregoing, a firm registered under this section may not
30 have non-licensee owners if the firm's name includes the words "certi-
31 fied public accountant," or "certified public accountants," or the
32 abbreviations "CPA" or "CPAs." Each non-licensee owner of a firm that is
33 operating under this section shall be a natural person who actively
34 participates in the business of the firm or its affiliated entities,
35 provided each beneficial owner of an equity interest in such entity is a
36 natural person who actively participates in the business conducted by
37 the firm or its affiliated entities. For purposes of this subdivision,
38 "actively participate" means to provide services to clients or to other-
39 wise individually take part in the day-to-day business or management of
40 the firm.

41 § 10. Subdivision (q) of section 121-1500 of the partnership law, as
42 amended by chapter 475 of the laws of 2014, is amended to read as
43 follows:

44 (q) Each partner of a registered limited liability partnership formed
45 to provide medical services in this state must be licensed pursuant to
46 article 131 of the education law to practice medicine in this state and
47 each partner of a registered limited liability partnership formed to
48 provide dental services in this state must be licensed pursuant to arti-
49 cle 133 of the education law to practice dentistry in this state. Each
50 partner of a registered limited liability partnership formed to provide
51 veterinary services in this state must be licensed pursuant to article
52 135 of the education law to practice veterinary medicine in this state.
53 Each partner of a registered limited liability partnership formed to
54 provide public accountancy services, whose principal place of business
55 is in this state and who provides public accountancy services, must be
56 licensed pursuant to article 149 of the education law to practice public

1 accountancy in this state. Each partner of a registered limited liability
2 partnership formed to provide professional engineering, land survey-
3 ing, geological services, architectural and/or landscape architectural
4 services in this state must be licensed pursuant to article 145, article
5 147 and/or article 148 of the education law to practice one or more of
6 such professions in this state. Each partner of a registered limited
7 liability partnership formed to provide licensed clinical social work
8 services in this state must be licensed pursuant to article 154 of the
9 education law to practice clinical social work in this state. Each part-
10 ner of a registered limited liability partnership formed to provide
11 creative arts therapy services in this state must be licensed pursuant
12 to article 163 of the education law to practice creative arts therapy in
13 this state. Each partner of a registered limited liability partnership
14 formed to provide marriage and family therapy services in this state
15 must be licensed pursuant to article 163 of the education law to prac-
16 tice marriage and family therapy in this state. Each partner of a regis-
17 tered limited liability partnership formed to provide mental health
18 counseling services in this state must be licensed pursuant to article
19 163 of the education law to practice mental health counseling in this
20 state. Each partner of a registered limited liability partnership formed
21 to provide psychoanalysis services in this state must be licensed pursu-
22 ant to article 163 of the education law to practice psychoanalysis in
23 this state. Each partner of a registered limited liability partnership
24 formed to provide applied behavior analysis service in this state must
25 be licensed or certified pursuant to article 167 of the education law to
26 practice applied behavior analysis in this state. Notwithstanding any
27 other provisions of law a limited liability partnership formed to
28 lawfully engage in the practice of public accountancy, as such practice
29 is respectively defined under article 149 of the education law, shall be
30 required to show (1) that a simple majority of the ownership of the
31 firm, in terms of financial interests, including ownership-based compen-
32 sation, and voting rights held by the firm's owners, belongs to individ-
33 uals licensed to practice public accountancy in some state, and (2) that
34 all partners of a limited liability partnership whose principal place of
35 business is in this state, and who are engaged in the practice of public
36 accountancy in this state, hold a valid license issued under section
37 7404 of the education law or are public accountants licensed under
38 section 7405 of the education law. Although firms may include non-licen-
39 see owners, the firm and its owners must comply with rules promulgated
40 by the state board of regents. Notwithstanding the foregoing, a firm
41 registered under this section may not have non-licensee owners if the
42 firm's name includes the words "certified public accountant," or "certi-
43 fied public accounts," or the abbreviations "CPA" or "CPAs." Each non-
44 licensee owner of a firm that is incorporated under this section shall
45 be (1) a natural person who actively participates in the business of the
46 firm or its affiliated entities, or (2) an entity, including, but not
47 limited to, a partnership or professional corporation, provided each
48 beneficial owner of an equity interest in such entity is a natural
49 person who actively participates in the business conducted by the firm
50 or its affiliated entities. For purposes of this subdivision, "actively
51 participate" means to provide services to clients or to otherwise indi-
52 vidually take part in the day-to-day business or management of the firm.

53 § 11. Subdivision (q) of section 121-1502 of the partnership law, as
54 amended by chapter 475 of the laws of 2014, is amended to read as
55 follows:

1 (q) Each partner of a foreign limited liability partnership which
2 provides medical services in this state must be licensed pursuant to
3 article 131 of the education law to practice medicine in the state and
4 each partner of a foreign limited liability partnership which provides
5 dental services in the state must be licensed pursuant to article 133 of
6 the education law to practice dentistry in this state. Each partner of a
7 foreign limited liability partnership which provides veterinary service
8 in the state shall be licensed pursuant to article 135 of the education
9 law to practice veterinary medicine in this state. Each partner of a
10 foreign limited liability partnership which provides professional engi-
11 neering, land surveying, geological services, architectural and/or land-
12 scape architectural services in this state must be licensed pursuant to
13 article 145, article 147 and/or article 148 of the education law to
14 practice one or more of such professions. Each partner of a foreign
15 registered limited liability partnership formed to provide public
16 accountancy services, whose principal place of business is in this state
17 and who provides public accountancy services, must be licensed pursuant
18 to article 149 of the education law to practice public accountancy in
19 this state. Each partner of a foreign limited liability partnership
20 which provides licensed clinical social work services in this state must
21 be licensed pursuant to article 154 of the education law to practice
22 licensed clinical social work in this state. Each partner of a foreign
23 limited liability partnership which provides creative arts therapy
24 services in this state must be licensed pursuant to article 163 of the
25 education law to practice creative arts therapy in this state. Each
26 partner of a foreign limited liability partnership which provides
27 marriage and family therapy services in this state must be licensed
28 pursuant to article 163 of the education law to practice marriage and
29 family therapy in this state. Each partner of a foreign limited liabil-
30 ity partnership which provides mental health counseling services in this
31 state must be licensed pursuant to article 163 of the education law to
32 practice mental health counseling in this state. Each partner of a
33 foreign limited liability partnership which provides psychoanalysis
34 services in this state must be licensed pursuant to article 163 of the
35 education law to practice psychoanalysis in this state. Each partner of
36 a foreign limited liability partnership which provides applied behavior
37 analysis services in this state must be licensed or certified pursuant
38 to article 167 of the education law to practice applied behavior analy-
39 sis in this state. Notwithstanding any other provisions of law a
40 foreign limited liability partnership formed to lawfully engage in the
41 practice of public accountancy, as such practice is respectively defined
42 under article 149 of the education law, shall be required to show (1)
43 that a simple majority of the ownership of the firm, in terms of finan-
44 cial interests, including ownership-based compensation, and voting
45 rights held by the firm's owners, belongs to individuals licensed to
46 practice public accountancy in some state, and (2) that all partners of
47 a foreign limited liability partnership whose principal place of busi-
48 ness is in this state, and who are engaged in the practice of public
49 accountancy in this state, hold a valid licence issued under section
50 7404 of the education law or are public accountants licensed under
51 section 7405 of the education law. Although firms may include non-licen-
52 see owners, the firm and its owners must comply with rules promulgated
53 by the state board of regents. Notwithstanding the foregoing, a firm
54 registered under this section may not have non-licensee owners if the
55 firm's name includes the words "certified public accountant," or "certi-
56 fied public accountants," or the abbreviations "CPA" or "CPAs." Each

1 non-licensee owner of a firm that is incorporated under this section
2 shall be (1) a natural person who actively participates in the business
3 of the firm or its affiliated entities, or (2) an entity, including, but
4 not limited to, a partnership or professional corporation, provided each
5 beneficial owner of an equity interest in such entity is a natural
6 person who actively participates in the business conducted by the firm
7 or its affiliated entities. For purposes of this subdivision, "actively
8 participate" means to provide services to clients or to otherwise indi-
9 vidually take part in the day-to-day business or management of the firm.

10 § 12. Subdivision (h) of section 121-101 of the partnership law, as
11 added by chapter 950 of the laws of 1990, is amended to read as follows:

12 (h) "Limited partnership" and "domestic limited partnership" mean,
13 unless the context otherwise requires, a partnership (i) formed by two
14 or more persons pursuant to this article or which complies with subdivi-
15 sion (a) of section 121-1202 of this article and (ii) having one or more
16 general partners and one or more limited partners. Notwithstanding any
17 other provisions of law a limited partnership or domestic limited part-
18 nership formed to lawfully engage in the practice of public accountancy,
19 as such practice is respectively defined under article 149 of the educa-
20 tion law shall be required to show (1) that a simple majority of the
21 ownership of the firm, in terms of financial interests, including owner-
22 ship-based compensation, and voting rights held by the firm's owners,
23 belongs to individuals licensed to practice public accountancy in some
24 state, and (2) that all partners of a limited partnership or domestic
25 limited partnership, whose principal place of business is in this state,
26 and who are engaged in the practice of public accountancy in this state,
27 hold a valid license issued under section 7404 of the education law or
28 are public accountants licensed under section 7405 of the education law.
29 Although firms may include non-licensee owners, the firm and its owners
30 must comply with rules promulgated by the state board of regents.
31 Notwithstanding the foregoing, a firm registered under this section may
32 not have non-licensee owners if the firm's name includes the words
33 "certified public accountant," or "certified public accountants," or the
34 abbreviations "CPA" or "CPAs." Each non-licensee owner of a firm that is
35 registered under this section shall be (1) a natural person who actively
36 participates in the business of the firm or its affiliated entities, or
37 (2) an entity, including, but not limited to, a partnership or profes-
38 sional corporation, provided each beneficial owner of an equity interest
39 in such entity is a natural person who actively participates in the
40 business conducted by the firm or its affiliated entities. For purposes
41 of this subdivision, "actively participate" means to provide services to
42 clients or to otherwise individually take part in the day-to-day busi-
43 ness or management of the firm.

44 § 13. Subdivision (b) of section 1207 of the limited liability company
45 law, as amended by chapter 475 of the laws of 2014, is amended to read
46 as follows:

47 (b) With respect to a professional service limited liability company
48 formed to provide medical services as such services are defined in arti-
49 cle 131 of the education law, each member of such limited liability
50 company must be licensed pursuant to article 131 of the education law to
51 practice medicine in this state. With respect to a professional service
52 limited liability company formed to provide dental services as such
53 services are defined in article 133 of the education law, each member of
54 such limited liability company must be licensed pursuant to article 133
55 of the education law to practice dentistry in this state. With respect
56 to a professional service limited liability company formed to provide

1 veterinary services as such services are defined in article 135 of the
2 education law, each member of such limited liability company must be
3 licensed pursuant to article 135 of the education law to practice veter-
4 inary medicine in this state. With respect to a professional service
5 limited liability company formed to provide professional engineering,
6 land surveying, architectural, landscape architectural and/or geological
7 services as such services are defined in article 145, article 147 and
8 article 148 of the education law, each member of such limited liability
9 company must be licensed pursuant to article 145, article 147 and/or
10 article 148 of the education law to practice one or more of such
11 professions in this state. With respect to a professional service
12 limited liability company formed to provide public accountancy services
13 as such services are defined in article 149 of the education law each
14 member of such limited liability company whose principal place of busi-
15 ness is in this state and who provides public accountancy services, must
16 be licensed pursuant to article 149 of the education law to practice
17 public accountancy in this state. With respect to a professional service
18 limited liability company formed to provide licensed clinical social
19 work services as such services are defined in article 154 of the educa-
20 tion law, each member of such limited liability company shall be
21 licensed pursuant to article 154 of the education law to practice
22 licensed clinical social work in this state. With respect to a profes-
23 sional service limited liability company formed to provide creative arts
24 therapy services as such services are defined in article 163 of the
25 education law, each member of such limited liability company must be
26 licensed pursuant to article 163 of the education law to practice crea-
27 tive arts therapy in this state. With respect to a professional service
28 limited liability company formed to provide marriage and family therapy
29 services as such services are defined in article 163 of the education
30 law, each member of such limited liability company must be licensed
31 pursuant to article 163 of the education law to practice marriage and
32 family therapy in this state. With respect to a professional service
33 limited liability company formed to provide mental health counseling
34 services as such services are defined in article 163 of the education
35 law, each member of such limited liability company must be licensed
36 pursuant to article 163 of the education law to practice mental health
37 counseling in this state. With respect to a professional service limited
38 liability company formed to provide psychoanalysis services as such
39 services are defined in article 163 of the education law, each member of
40 such limited liability company must be licensed pursuant to article 163
41 of the education law to practice psychoanalysis in this state. With
42 respect to a professional service limited liability company formed to
43 provide applied behavior analysis services as such services are defined
44 in article 167 of the education law, each member of such limited liabil-
45 ity company must be licensed or certified pursuant to article 167 of the
46 education law to practice applied behavior analysis in this state.
47 Notwithstanding any other provisions of law a professional service
48 limited liability company formed to lawfully engage in the practice of
49 public accountancy, as such practice is respectively defined under arti-
50 cle 149 of the education law shall be required to show (1) that a simple
51 majority of the ownership of the firm, in terms of financial interests,
52 including ownership-based compensation, and voting rights held by the
53 firm's owners, belongs to individuals licensed to practice public
54 accountancy in some state, and (2) that all members of a limited profes-
55 sional service limited liability company, whose principal place of busi-
56 ness is in this state, and who are engaged in the practice of public

1 accountancy in this state, hold a valid license issued under section
2 7404 of the education law or are public accountants licensed under
3 section 7405 of the education law. Although firms may include non-licen-
4 see owners, the firm and its owners must comply with rules promulgated
5 by the state board of regents. Notwithstanding the foregoing, a firm
6 registered under this section may not have non-licensee owners if the
7 firm's name includes the words "certified public accountant," or "certi-
8 fied public accountants," or the abbreviations "CPA" or "CPAs." Each
9 non-licensee owner of a firm that is registered under this section shall
10 be (1) a natural person who actively participates in the business of the
11 firm or its affiliated entities, or (2) an entity, including, but not
12 limited to, a partnership or professional corporation, provided each
13 beneficial owner of an equity interest in such entity is a natural
14 person who actively participates in the business conducted by the firm
15 or its affiliated entities. For purposes of this subdivision, "actively
16 participate" means to provide services to clients or to otherwise indi-
17 vidually take part in the day-to-day business or management of the firm.

18 § 14. Subdivision (a) of section 1301 of the limited liability company
19 law, as amended by chapter 475 of the laws of 2014, is amended to read
20 as follows:

21 (a) "Foreign professional service limited liability company" means a
22 professional service limited liability company, whether or not denomi-
23 nated as such, organized under the laws of a jurisdiction other than
24 this state, (i) each of whose members and managers, if any, is a profes-
25 sional authorized by law to render a professional service within this
26 state and who is or has been engaged in the practice of such profession
27 in such professional service limited liability company or a predecessor
28 entity, or will engage in the practice of such profession in the profes-
29 sional service limited liability company within thirty days of the date
30 such professional becomes a member, or each of whose members and manag-
31 ers, if any, is a professional at least one of such members is author-
32 ized by law to render a professional service within this state and who
33 is or has been engaged in the practice of such profession in such
34 professional service limited liability company or a predecessor entity,
35 or will engage in the practice of such profession in the professional
36 service limited liability company within thirty days of the date such
37 professional becomes a member, or (ii) authorized by, or holding a
38 license, certificate, registration or permit issued by the licensing
39 authority pursuant to, the education law to render a professional
40 service within this state; except that all members and managers, if any,
41 of a foreign professional service limited liability company that
42 provides health services in this state shall be licensed in this state.
43 With respect to a foreign professional service limited liability company
44 which provides veterinary services as such services are defined in arti-
45 cle 135 of the education law, each member of such foreign professional
46 service limited liability company shall be licensed pursuant to article
47 135 of the education law to practice veterinary medicine. With respect
48 to a foreign professional service limited liability company which
49 provides medical services as such services are defined in article 131 of
50 the education law, each member of such foreign professional service
51 limited liability company must be licensed pursuant to article 131 of
52 the education law to practice medicine in this state. With respect to a
53 foreign professional service limited liability company which provides
54 dental services as such services are defined in article 133 of the
55 education law, each member of such foreign professional service limited
56 liability company must be licensed pursuant to article 133 of the educa-

1 tion law to practice dentistry in this state. With respect to a foreign
2 professional service limited liability company which provides profes-
3 sional engineering, land surveying, geologic, architectural and/or land-
4 scape architectural services as such services are defined in article
5 145, article 147 and article 148 of the education law, each member of
6 such foreign professional service limited liability company must be
7 licensed pursuant to article 145, article 147 and/or article 148 of the
8 education law to practice one or more of such professions in this state.

9 With respect to a foreign professional service limited liability company
10 which provides public accountancy services as such services are defined
11 in article 149 of the education law, each member of such foreign profes-
12 sional service limited liability company whose principal place of busi-
13 ness is in this state and who provides public accountancy services,
14 shall be licensed pursuant to article 149 of the education law to prac-
15 tice public accountancy in this state. With respect to a foreign profes-

16 sional service limited liability company which provides licensed clin-
17 ical social work services as such services are defined in article 154 of
18 the education law, each member of such foreign professional service
19 limited liability company shall be licensed pursuant to article 154 of
20 the education law to practice clinical social work in this state. With
21 respect to a foreign professional service limited liability company
22 which provides creative arts therapy services as such services are
23 defined in article 163 of the education law, each member of such foreign
24 professional service limited liability company must be licensed pursuant
25 to article 163 of the education law to practice creative arts therapy in
26 this state. With respect to a foreign professional service limited
27 liability company which provides marriage and family therapy services as
28 such services are defined in article 163 of the education law, each
29 member of such foreign professional service limited liability company
30 must be licensed pursuant to article 163 of the education law to prac-
31 tice marriage and family therapy in this state. With respect to a
32 foreign professional service limited liability company which provides
33 mental health counseling services as such services are defined in arti-
34 cle 163 of the education law, each member of such foreign professional
35 service limited liability company must be licensed pursuant to article
36 163 of the education law to practice mental health counseling in this
37 state. With respect to a foreign professional service limited liability
38 company which provides psychoanalysis services as such services are
39 defined in article 163 of the education law, each member of such foreign
40 professional service limited liability company must be licensed pursuant
41 to article 163 of the education law to practice psychoanalysis in this
42 state. With respect to a foreign professional service limited liability
43 company which provides applied behavior analysis services as such
44 services are defined in article 167 of the education law, each member of
45 such foreign professional service limited liability company must be
46 licensed or certified pursuant to article 167 of the education law to
47 practice applied behavior analysis in this state. Notwithstanding any

48 other provisions of law a foreign professional service limited liability
49 company formed to lawfully engage in the practice of public accountancy,
50 as such practice is respectively defined under article 149 of the educa-
51 tion law shall be required to show (1) that a simple majority of the
52 ownership of the firm, in terms of financial interests, including owner-
53 ship-based compensation, and voting rights held by the firm's owners,
54 belongs to individuals licensed to practice public accountancy in some
55 state, and (2) that all members of a foreign limited professional
56 service limited liability company, whose principal place of business is

1 in this state, and who are engaged in the practice of public accountancy
2 in this state, hold a valid license issued under section 7404 of the
3 education law or are public accountants licensed under section 7405 of
4 the education law, Although firms may include non-licensee owners, the
5 firm and its owners must comply with rules promulgated by the state
6 board of regents. Notwithstanding the foregoing, a firm registered
7 under this section may not have non-licensee owners if the firm's name
8 includes the words "certified public accountant," or "certified public
9 accountants," or the abbreviations "CPA" or "CPAs." Each non-licensee
10 owner of a firm that is registered under this section shall be (1) a
11 natural person who actively participates in the business of the firm or
12 its affiliated entities, or (2) an entity, including, but not limited
13 to, a partnership or professional corporation, provided each beneficial
14 owner of an equity interest in such entity is a natural person who
15 actively participates in the business conducted by the firm or its
16 affiliated entities. For purposes of this subdivision, "actively partic-
17 ipate" means to provide services to clients or to otherwise individually
18 take part in the day-to-day business or management of the firm.

19 § 15. This act shall take effect immediately.

20

PART G

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

23 § 2. Section 11 of subpart A of part G of chapter 57 of the laws of
24 2012, amending the social services law and the family court act relating
25 to establishing a juvenile justice services close to home initiative, is
26 amended to read as follows:

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

39 § 3. Section 7 of subpart B of part G of chapter 57 of the laws of
40 2012, amending the social services law, the family court act and the
41 executive law relating to juvenile delinquents, is amended to read as
42 follows:

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

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

52

PART H

1 Intentionally Omitted

2 PART I

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

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

10 § 2. This act shall take effect immediately.

11 PART J

12 Section 1. Section 4 of part K of chapter 57 of the laws of 2012,
13 amending the education law, relating to authorizing the board of cooper-
14 ative educational services to enter into contracts with the commissioner
15 of children and family services to provide certain services, as amended
16 by section 5 of part J of chapter 56 of the laws of 2015, is amended to
17 read as follows:

18 § 4. This act shall take effect July 1, 2012 and shall expire June 30,
19 [~~2018~~] 2021 when upon such date the provisions of this act shall be
20 deemed repealed.

21 § 2. This act shall take effect immediately.

22 PART K

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

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

27 § 2. This act shall take effect immediately.

28 PART L

29 Section 1. Paragraphs (a), (b), (c) and (d) of subdivision 1 of
30 section 131-o of the social services law, as amended by section 1 of
31 part P of chapter 56 of the laws of 2017, are amended to read as
32 follows:

33 (a) in the case of each individual receiving family care, an amount
34 equal to at least [~~\$141.00~~] \$144.00 for each month beginning on or after
35 January first, two thousand [~~seventeen~~] eighteen.

36 (b) in the case of each individual receiving residential care, an
37 amount equal to at least [~~\$163.00~~] \$166.00 for each month beginning on
38 or after January first, two thousand [~~seventeen~~] eighteen.

39 (c) in the case of each individual receiving enhanced residential
40 care, an amount equal to at least [~~\$194.00~~] \$198.00 for each month
41 beginning on or after January first, two thousand [~~seventeen~~] eighteen.

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

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

1 (2) the amount in subparagraph one of this paragraph, multiplied by
2 the percentage of any federal supplemental security income cost of
3 living adjustment which becomes effective on or after January first, two
4 thousand ~~eighteen~~ nineteen, but prior to June thirtieth, two thousand
5 ~~eighteen~~ nineteen, rounded to the nearest whole dollar.

6 § 2. Paragraphs (a), (b), (c), (d), (e) and (f) of subdivision 2 of
7 section 209 of the social services law, as amended by section 2 of part
8 P of chapter 56 of the laws of 2017, are amended to read as follows:

9 (a) On and after January first, two thousand ~~seventeen~~ eighteen, for
10 an eligible individual living alone, [~~\$822.00~~] \$837.00; and for an
11 eligible couple living alone, [~~\$1,207.00~~] \$1,229.00.

12 (b) On and after January first, two thousand ~~seventeen~~ eighteen, for
13 an eligible individual living with others with or without in-kind
14 income, [~~\$758.00~~] \$773.00; and for an eligible couple living with others
15 with or without in-kind income, [~~\$1,149.00~~] \$1,171.00.

16 (c) On and after January first, two thousand ~~seventeen~~ eighteen, (i)
17 for an eligible individual receiving family care, [~~\$1,001.48~~] \$1,016.48
18 if he or she is receiving such care in the city of New York or the coun-
19 ty of Nassau, Suffolk, Westchester or Rockland; and (ii) for an eligible
20 couple receiving family care in the city of New York or the county of
21 Nassau, Suffolk, Westchester or Rockland, two times the amount set forth
22 in subparagraph (i) of this paragraph; or (iii) for an eligible individ-
23 ual receiving such care in any other county in the state, [~~\$963.48~~]
24 \$978.48; and (iv) for an eligible couple receiving such care in any
25 other county in the state, two times the amount set forth in subpara-
26 graph (iii) of this paragraph.

27 (d) On and after January first, two thousand ~~seventeen~~ eighteen, (i)
28 for an eligible individual receiving residential care, [~~\$1,170.00~~]
29 \$1,185.00 if he or she is receiving such care in the city of New York or
30 the county of Nassau, Suffolk, Westchester or Rockland; and (ii) for an
31 eligible couple receiving residential care in the city of New York or
32 the county of Nassau, Suffolk, Westchester or Rockland, two times the
33 amount set forth in subparagraph (i) of this paragraph; or (iii) for an
34 eligible individual receiving such care in any other county in the
35 state, [~~\$1,140.00~~] \$1,155.00; and (iv) for an eligible couple receiving
36 such care in any other county in the state, two times the amount set
37 forth in subparagraph (iii) of this paragraph.

38 (e) (i) ~~On and after~~ (1) From January first, two thousand ~~seventeen~~
39 to March thirty-first, two thousand eighteen, for an eligible individual
40 receiving enhanced residential care, \$1,429.00; and ~~(ii)~~ (2) for an
41 eligible couple receiving enhanced residential care, two times the
42 amount set forth in [~~subparagraph (i)~~] clause one of this [~~paragraph~~]
43 subparagraph.

44 (ii) (1) From April first, two thousand eighteen to March thirty-
45 first, two thousand nineteen, for an eligible individual receiving
46 enhanced residential care, \$1,549.00; and (2) for an eligible couple
47 receiving enhanced residential care, two times the amount set forth in
48 clause one of this subparagraph.

49 (iii) (1) From April first, two thousand nineteen to March thirty-
50 first, two thousand twenty, for an eligible individual receiving
51 enhanced residential care, \$1,669.00; and (2) for an eligible couple
52 receiving enhanced residential care, two times the amount set forth in
53 clause one of this subparagraph.

54 (iv) (1) From April first, two thousand twenty to March thirty-first,
55 two thousand twenty-one, for an eligible individual receiving enhanced
56 residential care, \$1,789.00; and (2) for an eligible couple receiving

enhanced residential care, two times the amount set forth in clause one of this subparagraph.

(v) (1) From April first, two thousand twenty-one to March thirty-first, two thousand twenty-two, for an eligible individual receiving enhanced residential care, \$1,909.00; and (2) for an eligible couple receiving enhanced residential care, two times the amount set forth in clause one of this subparagraph.

(vi) (1) From April first, two thousand twenty-two and thereafter, for an eligible individual receiving enhanced residential care, \$2,029.00; and (2) for an eligible couple receiving enhanced residential care, two times the amount set forth in clause one of this subparagraph.

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

§ 3. This act shall take effect December 31, 2018; provided, however, that the amendments to paragraph (e) of subdivision 2 of section 209 of the social services law made by section two of this act shall take effect April 1, 2018.

PART M

Intentionally Omitted

PART N

Section 1. Notwithstanding any other provision of law, the housing trust fund corporation may provide, for purposes of the rural rental assistance program pursuant to article 17-a of the private housing finance law, a sum not to exceed \$23,649,000 for the fiscal year ending March 31, 2019. Notwithstanding any other provision of law, and subject to the approval of the New York state director of the budget, the board of directors of the state of New York mortgage agency shall authorize the transfer to the housing trust fund corporation, for the purposes of reimbursing any costs associated with rural rental assistance program contracts authorized by this section, a total sum not to exceed \$23,649,000, such transfer to be made from (i) the special account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law, in an amount not to exceed the actual excess balance in the special account of the mortgage insurance fund, as determined and certified by the state of New York mortgage agency for the fiscal year 2017-2018 in accordance with section 2429-b of the public authorities law, if any, and/or (ii) provided that the reserves in the project pool insurance account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law are sufficient to attain and maintain the credit rating (as determined by the state of New York mortgage agency) required to accomplish the purposes of such account, the project pool insurance account of the mortgage insurance fund, such transfer to be made as soon as practicable but no later than June 30, 2018.

§ 2. Notwithstanding any other provision of law, the housing trust fund corporation may provide, for purposes of the neighborhood preservation program, a sum not to exceed \$14,550,000 for the fiscal year ending March 31, 2019. Within this amount, \$250,000 shall be used for the purpose of entering into a contract with the neighborhood preservation

1 coalition to provide technical assistance and service to companies fund-
2 ed pursuant to article 16 of the private housing finance law. Notwith-
3 standing any other provision of law, and subject to the approval of the
4 New York state director of the budget, the board of directors of the
5 state of New York mortgage agency shall authorize the transfer to the
6 housing trust fund corporation, for the purposes of reimbursing any
7 costs associated with neighborhood preservation program contracts
8 authorized by this section, a total sum not to exceed \$14,550,000, such
9 transfer to be made from (i) the special account of the mortgage insur-
10 ance fund created pursuant to section 2429-b of the public authorities
11 law, in an amount not to exceed the actual excess balance in the special
12 account of the mortgage insurance fund, as determined and certified by
13 the state of New York mortgage agency for the fiscal year 2017-2018 in
14 accordance with section 2429-b of the public authorities law, if any,
15 and/or (ii) provided that the reserves in the project pool insurance
16 account of the mortgage insurance fund created pursuant to section
17 2429-b of the public authorities law are sufficient to attain and main-
18 tain the credit rating (as determined by the state of New York mortgage
19 agency) required to accomplish the purposes of such account, the project
20 pool insurance account of the mortgage insurance fund, such transfer to
21 be made as soon as practicable but no later than June 30, 2018.

22 § 3. Notwithstanding any other provision of law, the housing trust
23 fund corporation may provide, for purposes of the rural preservation
24 program, a sum not to exceed \$6,250,000 for the fiscal year ending March
25 31, 2019. Within this amount, \$250,000 shall be used for the purpose of
26 entering into a contract with the rural preservation coalition to
27 provide technical assistance and service to companies funded pursuant to
28 article 17 of the private housing finance law. Notwithstanding any
29 other provision of law, and subject to the approval of the New York
30 state director of the budget, the board of directors of the state of New
31 York mortgage agency shall authorize the transfer to the housing trust
32 fund corporation, for the purposes of reimbursing any costs associated
33 with rural preservation program contracts authorized by this section, a
34 total sum not to exceed \$6,250,000, such transfer to be made from (i)
35 the special account of the mortgage insurance fund created pursuant to
36 section 2429-b of the public authorities law, in an amount not to exceed
37 the actual excess balance in the special account of the mortgage insur-
38 ance fund, as determined and certified by the state of New York mortgage
39 agency for the fiscal year 2017-2018 in accordance with section 2429-b
40 of the public authorities law, if any, and/or (ii) provided that the
41 reserves in the project pool insurance account of the mortgage insurance
42 fund created pursuant to section 2429-b of the public authorities law
43 are sufficient to attain and maintain the credit rating (as determined
44 by the state of New York mortgage agency) required to accomplish the
45 purposes of such account, the project pool insurance account of the
46 mortgage insurance fund, such transfer to be made as soon as practicable
47 but no later than June 30, 2018.

48 § 4. Notwithstanding any other provision of law, the homeless housing
49 and assistance corporation may provide, for purposes of the New York
50 state supportive housing program, the solutions to end homelessness
51 program or the operational support for AIDS housing program, or to qual-
52 ified grantees under those programs, in accordance with the requirements
53 of those programs, a sum not to exceed \$6,522,000 for the fiscal year
54 ending March 31, 2019. The homeless housing and assistance corporation
55 may enter into an agreement with the office of temporary and disability
56 assistance to administer such sum in accordance with the requirements of

1 the programs. Notwithstanding any other provision of law, and subject to
2 the approval of the New York state director of the budget, the board of
3 directors of the state of New York mortgage agency shall authorize the
4 transfer to the homeless housing and assistance corporation, a total sum
5 not to exceed \$6,522,000, such transfer to be made from (i) the special
6 account of the mortgage insurance fund created pursuant to section
7 2429-b of the public authorities law, in an amount not to exceed the
8 actual excess balance in the special account of the mortgage insurance
9 fund, as determined and certified by the state of New York mortgage
10 agency for the fiscal year 2017-2018 in accordance with section 2429-b
11 of the public authorities law, if any, and/or (ii) provided that the
12 reserves in the project pool insurance account of the mortgage insurance
13 fund created pursuant to section 2429-b of the public authorities law
14 are sufficient to attain and maintain the credit rating (as determined
15 by the state of New York mortgage agency) required to accomplish the
16 purposes of such account, the project pool insurance account of the
17 mortgage insurance fund, such transfer to be made as soon as practicable
18 but no later than March 31, 2019.

19 § 5. Notwithstanding any other provision of law, the housing trust
20 fund corporation may provide, for the purposes of the access to home
21 program pursuant to article 25 of the private housing finance law, a sum
22 not to exceed \$4,000,000 for the fiscal year ending March 31, 2019.
23 Notwithstanding any other provision of law, and subject to the approval
24 of the New York state director of the budget, the board of directors of
25 the state of New York mortgage agency shall authorize the transfer to
26 the housing trust fund corporation, for the purposes of reimbursing any
27 costs associated with access to home contracts authorized by this
28 section, a total sum not to exceed \$4,000,000, such transfer to be made
29 from (i) the special account of the mortgage insurance fund created
30 pursuant to section 2429-b of the public authorities law, in an amount
31 not to exceed the actual excess balance in the special account of the
32 mortgage insurance fund, as determined and certified by the state of New
33 York mortgage agency for the fiscal year 2017-18 in accordance with
34 section 2429-b of the public authorities law, if any, and/or (ii)
35 provided that the reserves in the project pool insurance account of the
36 mortgage insurance fund created pursuant to section 2429-b of the public
37 authorities law are sufficient to attain and maintain the credit rating
38 (as determined by the state of New York mortgage agency) required to
39 accomplish the purpose of such account, the project pool insurance
40 amount of the mortgage insurance fund, such transfer to be made as soon
41 as practicable but no later than June 30, 2018.

42 § 6. Notwithstanding any other provision of law, the housing trust
43 fund corporation may provide, for the purposes of the residential emer-
44 gency services to offer (Home) repairs to the elderly (RESTORE) program,
45 a sum not to exceed \$3,600,000 for the fiscal year ending March 31,
46 2019. Notwithstanding any other provision of law, and subject to the
47 approval of the New York state director of the budget, the board of
48 directors of the state of New York mortgage agency shall authorize the
49 transfer to the housing trust fund corporation, for the purposes of
50 reimbursing any costs associated with residential emergency services to
51 offer (Home) repairs to the elderly (RESTORE) program contracts author-
52 ized by this section, a total sum not to exceed \$3,600,000, such trans-
53 fer to be made from (i) the special account of the mortgage insurance
54 fund created pursuant to section 2429-b of the public authorities law,
55 in an amount not to exceed the actual excess balance in the special
56 account of the mortgage insurance fund, as determined and certified by

1 the state of New York mortgage agency for the fiscal year 2017-18 in
2 accordance with section 2429-b of the public authorities law, if any,
3 and/or (ii) provided that the reserves in the project pool insurance
4 account of the mortgage insurance fund created pursuant to section
5 2429-b of the public authorities law are sufficient to attain and main-
6 tain the credit rating (as determined by the state of New York mortgage
7 agency) required to accomplish the purpose of such account, the project
8 pool insurance amount of the mortgage insurance fund, such transfer to
9 be made as soon as practicable but no later than June 30, 2018.

10 § 7. This act shall take effect immediately.

11 PART O

12 Section 1. This Part enacts into law components of legislation relat-
13 ing to the prevention, response and recovery of flooding on Lake Ontario
14 and the St. Lawrence River. Each component is wholly contained within a
15 Subpart identified as Subparts A through E. The effective date for each
16 particular provision contained within such Subpart as set forth in the
17 last section of such Subpart. Any provision in any section contained
18 within a Subpart, including the effective date of the Subpart, which
19 makes a reference to a section "of this act", when used in connection
20 with that particular component, shall be deemed to mean and refer to the
21 corresponding section of the Subpart in which it is found. Section three
22 of this Part sets forth the general effective date of this Part.

23 SUBPART A

24 Section 1. Paragraph (c) of subdivision 2 of section 1 of part A of
25 chapter 85 of the laws of 2017, relating to creating the Lake Ontario-
26 St. Lawrence Seaway flood recovery and International Joint Commission
27 Plan 2014 mitigation grant program, as amended by section 2 of part J of
28 chapter 61 of the laws of 2017, is amended to read as follows:

29 (c) The New York state urban development corporation shall administer
30 this grant program, which shall not exceed in the aggregate \$15,000,000
31 plus any funds directed from the programs authorized in subdivisions 3
32 and 4 of this section. Such corporation and other relevant state agen-
33 cies and state authorities are hereby empowered to establish grant
34 guidelines and additional eligibility criteria as deemed necessary to
35 effectuate the administration of this program. Any grant guidelines and
36 eligibility criteria established by the corporation pursuant to this
37 subdivision shall be equivalent to, and shall not be more restrictive
38 than, those established by the New York State Urban Development Corpo-
39 ration, doing business as the Empire State Development Corporation, in
40 the grant programs it administered pursuant to part H of chapter 56 of
41 the laws of 2011. In providing assistance pursuant to this subdivision,
42 the New York state urban development corporation shall give preference
43 to applicants that demonstrate the greatest need, based on available
44 flood damage data provided by applicable state and/or federal agencies.

45 § 2. Paragraph (c) of subdivision 3 of section 1 of part A of chapter
46 85 of the laws of 2017, relating to creating the Lake Ontario-St.
47 Lawrence Seaway flood recovery and International Joint Commission Plan
48 2014 mitigation grant program, as amended by section 2 of part J of
49 chapter 61 of the laws of 2017, is amended to read as follows:

50 (c) The affordable housing corporation shall administer this grant
51 program, which shall not exceed in the aggregate [~~\$15,000,000~~]
52 \$90,000,000 plus any funds directed from the programs authorized in

1 subdivisions 2 and 4 of this section. Such corporation and other rele-
2 vant state agency or state authorities are hereby empowered to establish
3 grant guidelines and additional eligibility criteria as deemed necessary
4 to effectuate the administration of this program. Any grant guidelines
5 and eligibility criteria established by the corporation pursuant to this
6 subdivision shall be equivalent to, and shall not be more restrictive
7 than, those established by the New York State Urban Development Corpo-
8 ration, doing business as the Empire State Development Corporation, in
9 the grant programs it administered pursuant to part H of chapter 56 of
10 the laws of 2011. In providing assistance pursuant to this subdivision,
11 the affordable housing corporation shall give preference to applicants
12 that demonstrate the greatest need, based on available flood damage data
13 provided by applicable state and/or federal agencies.

14 § 3. Paragraph (c) of subdivision 4 of section 1 of part A of chapter
15 85 of the laws of 2017, relating to creating the Lake Ontario-St.
16 Lawrence Seaway flood recovery and International Joint Commission Plan
17 2014 mitigation grant program, as amended by section 2 of part J of
18 chapter 61 of the laws of 2017, is amended to read as follows:

19 (c) The housing trust fund corporation shall administer this grant
20 program, which shall not exceed in the aggregate \$15,000,000 plus any
21 funds directed from the programs authorized in subdivisions 2 and 3 of
22 this section. Such corporation, and other relevant state agencies or
23 state authorities, is hereby empowered to establish grant guidelines and
24 additional eligibility criteria, based on available flood damage data
25 provided by applicable state and/or federal agencies, as it deems neces-
26 sary to effectuate the administration of this program. Any grant guide-
27 lines and eligibility criteria established by the corporation pursuant
28 to this subdivision shall be equivalent to, and shall not be more
29 restrictive than, those established by the New York State Urban Develop-
30 ment Corporation, doing business as the Empire State Development Corpo-
31 ration, in the grant programs it administered pursuant to part H of
32 chapter 56 of the laws of 2011. In providing assistance pursuant to
33 this subdivision, the corporation shall give preference to applicants
34 that demonstrate the greatest need, based on available flood damage data
35 provided by applicable state and/or federal agencies.

36 § 4. This act shall take effect immediately.

37

SUBPART B

38 Section 1. Paragraph (b) of subdivision 3 of section 1 of part A of
39 chapter 85 of the laws of 2017, relating to creating the Lake Ontario-
40 St. Lawrence Seaway flood recovery and International Joint Commission
41 Plan 2014 mitigation grant program, as amended by section 2 of part J of
42 chapter 61 of the laws of 2017, is amended to read as follows:

43 (b) Such grant shall be in an amount of no more than \$50,000 and shall
44 be used for flood-related repairs and restoration to structures, docks,
45 equipment, and for other flood-related costs, all of which were not
46 covered by any other federal, state or local recovery program or any
47 third-party payors.

48 § 2. This act shall take effect immediately.

49

SUBPART C

50 Section 1. Section 6 of the military law is amended by adding a new
51 subdivision 3 to read as follows:

1 3. Upon the request of the sheriff of an impacted county, or upon the
2 request of any county legislature or county board of supervisors in any
3 impacted county, or upon the request of a mayor of any city or village
4 in any impacted county, or upon the request of a supervisor of any town
5 in any impacted county, the governor may order into the active service
6 of the state, for such period, to such extent and in such manner as he
7 may deem necessary, all or any part of the organized militia, in accord-
8 ance with the provisions and purposes of the Lake Ontario-St. Lawrence
9 River Flood Prevention, Response and Recovery Program as set forth in
10 article five of this chapter. The compensation of all officers and
11 enlisted men, while on duty or assembled pursuant to this subdivision,
12 and all expenses incurred in connection with such duty or as a result
13 thereof shall be paid in the manner prescribed by section two hundred
14 twelve-a of this chapter. For purposes of this section, the term
15 "impacted county" shall mean Niagara County, Orleans County, Monroe
16 County, Wayne County, Cayuga County, Onondaga County, Oswego County,
17 Jefferson County, St. Lawrence County, and/or Franklin County, if and
18 when such county or counties have sustained an impact due to flooding
19 caused at least in part by the rising levels of Lake Ontario or the St.
20 Lawrence River, or their adjoining waterways.

21 § 2. The military law is amended by adding a new article 5 to read as
22 follows:

23 ARTICLE V

24 LAKE ONTARIO-ST. LAWRENCE RIVER FLOOD PREVENTION, RESPONSE
25 AND RECOVERY PROGRAM

26 Section 100. Lake Ontario-St. Lawrence River Flood Prevention, Response
27 and Recovery Program

28 § 100. Lake Ontario-St. Lawrence River Flood Prevention, Response and
29 Recovery Program. There is hereby established within the division, under
30 the command, control and direction of the adjutant general, a Lake
31 Ontario-St. Lawrence River Flood Prevention, Response and Recovery
32 Program. It shall be the purpose of this program to provide flood
33 prevention, response and recovery services to the persons, homeowners,
34 business owners, employees and localities of an impacted county, in the
35 event of flooding caused at least in part by the rising levels or Lake
36 Ontario or the St. Lawrence River, or their adjoining waterways. For
37 purposes of this section, the term "impacted county" shall mean Niagara
38 County, Orleans County, Monroe County, Wayne County, Cayuga County,
39 Onondaga County, Oswego County, Jefferson County, St. Lawrence County,
40 and/or Franklin County, if and when such county or counties have
41 sustained an impact due to flooding caused at least in part by the
42 rising levels of Lake Ontario or the St. Lawrence River, or their
43 adjoining waterways.

44 1. In accordance with a call by the governor pursuant to subdivision
45 three of section six of this chapter, the adjutant general shall respond
46 to a request for, and shall provide, flood prevention, response and
47 recovery services in any impacted county. Such services shall include:

48 a. Prevention services. The adjutant general shall direct the perform-
49 ance of any services that would assist in the prevention or mitigation
50 of the impact of flooding caused at least in part by the rising levels
51 of Lake Ontario or the St. Lawrence River, or their adjoining waterways.
52 Such services shall include, but not be limited to:

53 (i) Providing personnel, material and logistical support in deploying
54 measures to prevent or mitigate any effects of flooding, including but
55 not limited to, the procurement, filing and placement of sand bags;
56 procurement and deployment of flood booms; and the construction and

1 placement of levies, seawalls, flood barriers, water diversion channels,
2 or other emergency or permanent flood arresting, controlling or
3 protection measures;

4 (ii) The development, in consultation with the state department of
5 environmental conservation, the state division of homeland security and
6 emergency services, the division of state police, and all the local
7 governments of Niagara County, Orleans County, Monroe County, Wayne
8 County, Cayuga County, Onondaga County, Oswego County, Jefferson County,
9 St. Lawrence County, and Franklin County, of a Lake/River Flooding
10 Prevention Action Plan, that identifies potential flooding hazards and
11 conditions and makes recommendations concerning actions that will
12 prevent and/or mitigate such hazards and effectively execute such
13 prevention plan; and

14 (iii) Such other and further prevention services as the adjutant
15 general, in consultation with the local governments of Niagara, Orleans,
16 Monroe, Wayne, Cayuga, Onondaga, Oswego, Jefferson, St. Lawrence, and
17 Franklin Counties may deem necessary, effective, prudent and/or expedi-
18 ent to effectively accomplish the purposes of this program and provide
19 meaningful prevention services.

20 b. Response services. The adjutant general shall direct the perform-
21 ance of any services that would assist in the response to flooding
22 caused at least in part by the rising levels of Lake Ontario or the St.
23 Lawrence River, or their adjoining waterways. Such services shall
24 include, but not be limited to:

25 (i) Providing personnel, material and logistical support in deploying
26 measures to immediately respond to any effects of flooding, including
27 but not limited to, the procurement, filing and placement of sand bags;
28 procurement and deployment of flood booms; the construction and place-
29 ment of levies, seawalls, flood barriers, water diversion channels, or
30 other emergency flood arresting or controlling measures; and the
31 provision of rescue, support and emergency relief services for those
32 persons in an impacted county whose home, business, life or property are
33 endangered by flooding;

34 (ii) The development, in consultation with the state department of
35 environmental conservation, the state division of homeland security and
36 emergency services, the division of state police, and all the local
37 governments of Niagara County, Orleans County, Monroe County, Wayne
38 County, Cayuga County, Onondaga County, Oswego County, Jefferson County,
39 St. Lawrence County, and Franklin County, of a Lake/River Flooding
40 Response Action Plan, that identifies potential required responses and
41 makes recommendations concerning action steps to effectively execute
42 such response plan; and

43 (iii) Such other and further response services as the adjutant gener-
44 al, in consultation with the local governments of Niagara, Orleans,
45 Monroe, Wayne, Cayuga, Onondaga, Oswego, Jefferson, St. Lawrence, and
46 Franklin Counties may deem necessary, effective, prudent and/or expedi-
47 ent to effectively accomplish the purposes of this program and provide
48 meaningful response services.

49 c. Recovery services. The adjutant general shall direct the perform-
50 ance of any services that would assist in the recovery from the impact
51 of flooding caused at least in part by the rising levels of Lake Ontario
52 or the St. Lawrence River, or their adjoining waterways. Such services
53 shall include, but not be limited to:

54 (i) Providing personnel, material and logistical support in deploying
55 measures to immediately assist persons, businesses and localities to
56 recover from any adverse effects of flooding, including but not limited

1 to, the construction or reconstruction of infrastructure, transportation
2 systems, levies, seawalls, flood barriers, water diversion channels, or
3 other flood arresting or controlling measures; and the provision of
4 recovery, support and relief services for those persons in an impacted
5 county whose home, business, life or property are endangered by flood-
6 ing, and the stabilization and mitigation of damage caused by such
7 flooding;

8 (ii) The development, in consultation with the state department of
9 environmental conservation, the state division of homeland security and
10 emergency services, the division of state police, and all the local
11 governments of Niagara County, Orleans County, Monroe County, Wayne
12 County, Cayuga County, Onondaga County, Oswego County, Jefferson County,
13 St. Lawrence County, and Franklin County, of a Lake/River Flooding
14 Recovery Action Plan, that identifies potential required recovery meas-
15 ures and makes recommendations concerning actions to effectively execute
16 such recovery plan; and

17 (iii) Such other and further recovery services as the adjutant gener-
18 al, in consultation with the local governments of Niagara, Orleans,
19 Monroe, Wayne, Cayuga, Onondaga, Oswego, Jefferson, St. Lawrence, and
20 Franklin Counties may deem necessary, effective, prudent and/or expedi-
21 ent to effectively accomplish the purposes of this program and provide
22 meaningful recovery services.

23 2. In executing the provision of flood prevention, response and recov-
24 ery services under this program, the adjutant general may call upon
25 assistance from any department, agency, division, office, commission or
26 public authority in the state government, and shall further coordinate
27 such services with all local governments within the impacted county
28 receiving such services. The adjutant, in his discretion and judgment,
29 may also invite the participation of federal or out of state entities to
30 assist him in accomplishing the purposes of this program, including but
31 not limited to, the army corps of engineers, the United States depart-
32 ment of homeland security, the United States department of state, the
33 United States department of defense, or any of its component commands
34 thereof, and any such other federal or out of state entities as he or
35 she may deem necessary, effective, prudent and/or expedient.

36 3. The adjutant general may make requests for financing support for
37 any of the construction projects performed in accordance with the
38 program established by this section from the New York state urban devel-
39 opment corporation. The principal and interest for any bonds or notes
40 issued for such financing by the New York state urban development corpo-
41 ration shall be paid from the state operations special emergency appro-
42 riation through a transfer by the governor to the general, special
43 revenue, capital projects, proprietary or fiduciary funds to meet unan-
44 ticipated emergencies pursuant to section fifty-three of the state
45 finance law.

46 § 3. The military law is amended by adding a new section 212-a to read
47 as follows:

48 § 212-a. Pay of troops when used for the Lake Ontario-St. Lawrence
49 River Flood Prevention, Response and Recovery Program. All officers and
50 enlisted men while on duty, or assembled therefor, by order of the
51 governor, upon a request made in accordance with subdivision three of
52 section six of this chapter, shall receive the pay set forth in subdivi-
53 sion one of section two hundred ten of this article. One hundred percent
54 of such compensation and expenses incurred in connection with such duty
55 or as a result thereof including quartering, caring for, transporting
56 and subsisting the troops, and other expenses including the expense

1 incurred for pay, care, and subsistence of officers and enlisted men
2 temporarily disabled in the line of duty, while on such duty, as set
3 forth in section two hundred sixteen of this article, shall be paid by
4 the state.

5 § 4. This act shall take effect immediately.

6 SUBPART D

7 Section 1. Section 2 of section 1 of chapter 174 of the laws of 1968,
8 constituting the New York state urban development corporation act is
9 amended by adding a new fifth undesignated paragraph to read as follows:

10 It is further found and declared that there continues to exist an
11 ongoing and repeated threat of flooding and flood related damage along
12 the shoreline of Lake Ontario and the St. Lawrence River. This condition
13 is contrary to the public interest and threatens the safety, security,
14 health, welfare, well-being and repose of the people of the localities
15 adjoining the shoreline as well as the people of the entire state. The
16 ordinary operations of public and private funding, as well as the
17 support of private enterprise, has proven inadequate to provide suffi-
18 cient prevention against, response to and recovery from this flooding,
19 and cannot support and provide the infrastructure projects that are
20 necessary to achieve the level of prevention, response and recovery that
21 the state's residents deserve, need and expect, and that the state
22 requires. It is further declared to be the policy of the state to
23 provide a means and mechanism to support and provide the adequate
24 infrastructure that is necessary to achieve this level of prevention,
25 response and recovery that the state's residents deserve, need and
26 expect, and that the state requires.

27 § 2. The opening paragraph of subdivision 6 of section 3 of section 1
28 of chapter 174 of the laws of 1968, constituting the New York state
29 urban development corporation act, as amended by chapter 603 of the laws
30 of 2003, is amended and a new paragraph (i) is added to read as follows:

31 (6) PROJECT: A specific work or improvement including lands, build-
32 ings, improvements, real and personal properties or any interest there-
33 in, acquired, owned, constructed, reconstructed, rehabilitated or
34 improved by the corporation or any subsidiary thereof, whether or not
35 still owned or financed by the corporation or any subsidiary thereof,
36 including a residential project, an industrial project, a land use
37 improvement project, a civic project, an industrial effectiveness
38 project, a small and medium-sized business assistance project, a fruit
39 growing, fruit processing, or winery business project, a school safety
40 infrastructure project or an economic development project, all as
41 defined herein, or any combination thereof, which combination shall
42 hereinafter be called and known as a "multi-purpose project". The term
43 "project" as used herein shall include projects, or any portion of a
44 project.

45 (i) "flooding prevention, response and recovery infrastructure
46 project". A project or that portion of a multi-purpose project designed
47 and intended for the purpose of bolstering and improving infrastructure,
48 in order to provide sufficient prevention against, response to and
49 recovery from flooding events, or effects therefrom, and such other and
50 further infrastructure and facilities as may be incidental or appurten-
51 ant thereto.

52 § 3. The opening paragraph of section 18 of section 1 of chapter 174
53 of the laws of 1968, constituting the New York state urban development

1 corporation act, as amended by chapter 839 of the laws of 1987, is
2 amended to read as follows:

3 The corporation shall not issue bonds and notes in an aggregate prin-
4 cipal amount exceeding one billion two hundred ninety-five million
5 dollars, excluding (1) bonds and notes issued to refund or otherwise
6 repay outstanding bonds and notes of the corporation or of the New York
7 state project finance agency, (2) notes issued by the corporation to
8 evidence eligible loans made to the corporation pursuant to the New York

9 state project finance agency act, [~~and~~] (3) bonds and notes issued by
10 the corporation to perform a flooding prevention, response and recovery
11 infrastructure project in accordance with paragraph (i) of subdivision
12 (6) of section three of this act, and (4) bonds and notes issued with

13 the approval of the state director of the budget and the New York state
14 public authorities control board which are secured by and payable solely
15 out of a specific project, other than a residential project, undertaken
16 by the corporation subsequent to June first, nineteen hundred seventy-
17 seven, and the revenues and receipts derived therefrom, without recourse
18 against other assets of the corporation or against a debt service
19 reserve fund to which state funds are apportionable pursuant to subdivi-
20 sion three of section twenty of this act, provided that the corporation

21 shall not issue bonds or notes pursuant to this clause [~~(3)~~] if (a) (i)
22 the arrangements under which the project is undertaken do not provide
23 for annual real property taxes, or payments in lieu of real property
24 taxes, on the real property included in the project securing such bonds
25 or notes which together at least equal the average annual real property
26 taxes which were paid with respect to such real property for three years
27 prior to the acquisition of such project or any portion thereof by the
28 corporation or a subsidiary thereof, and (ii) after a public hearing,
29 the local legislative body of the city, town or village in which such
30 project is to be located has not consented to such arrangements,

31 provided, however, that in a city having a population of one million or
32 more such consent shall be given by the board of estimate of such city,
33 or (b) the aggregate principal amount of any such bonds and notes is
34 less than twice the amount of any moneys appropriated by the state and
35 made available by the corporation to the project securing such bonds and
36 notes, or (c) the aggregate principal amount of the bonds and notes

37 issued pursuant to this clause [~~(3)~~] will thereby exceed three hundred
38 seventy-nine million dollars, excluding bonds and notes issued to refund
39 or otherwise repay outstanding bonds and notes issued pursuant to this
40 clause [~~(3)~~], provided, however, that the corporation may provide for a
41 pooled financing arrangement with regard to bonds issued for the
42 purposes of financing the construction of the Center for Computers,

43 Microelectronics and Telecommunications at Columbia University, the
44 Center for Science and Technology at Syracuse University, the Cornell
45 Super Computer Center at Cornell University, the Onondaga County Conven-
46 tion Center Complex, the Center for Advanced Materials Processing at
47 Clarkson University, the Center for Electro-Optic Imaging at University
48 of Rochester, the Center for Neural Science at New York University, the
49 Alfred University Incubator Facilities in Allegany County and Steuben

50 County, the Broadway Redevelopment Project, and the Sematech Semiconduc-
51 tor facility, and, that the aggregate amount of bonds which may be
52 issued pursuant to this clause [~~(3)~~] shall be increased above the
53 amounts in the following schedule for the purposes of providing for the
54 costs of issuance including any debt service reserve requirements that
55 may be necessary in accordance with the following schedule:

1 § 4. The state finance law is amended by adding a new article 17 to
2 read as follows:

3 ARTICLE 17
4 FINANCING OF SPECIAL INFRASTRUCTURE PROJECTS RELATED TO
5 FLOODING

6 Section 250. Infrastructure projects financed by the urban development
7 corporation in accordance with the Lake Ontario-St.
8 Lawrence River flood prevention, response and recovery
9 program.

10 § 250. Infrastructure projects financed by the urban development
11 corporation in accordance with the Lake Ontario-St. Lawrence River
12 flood prevention, response and recovery program. Principal and interest
13 debt service on bonds or notes issued by the urban development corpo-
14 ration in accordance with a flooding prevention, response and recovery
15 infrastructure project performed pursuant to with paragraph (i) of
16 subdivision six of section three of the New York state urban development
17 corporation act, shall be paid from the state operations special emer-
18 gency appropriation through a transfer by the governor to the general,
19 special revenue, capital projects, proprietary or fiduciary funds to
20 meet unanticipated emergencies pursuant to section fifty-three of this
21 chapter.

22 § 5. This act shall take effect immediately.

23 SUBPART E

24 Section 1. The environmental conservation law is amended by adding a
25 new article 74 to read as follows:

26 ARTICLE 74
27 TITLE 2
28 NEW YORK STATE LAKE ONTARIO - ST. LAWRENCE RIVER FLOOD
29 PREVENTION, RESPONSE, RECOVERY AND MITIGATION TASK FORCE

30 Section 74-0101. Flood prevention, response, recovery and mitigation
31 task force.

32 74-0103. Definitions.

33 74-0105. Task force composition.

34 74-0107. Task force duties.

35 § 74-0101. Flood prevention, response, recovery and mitigation task
36 force.

37 The New York state Lake Ontario-St. Lawrence River flood prevention,
38 response, recovery and mitigation task force, referred to in this arti-
39 cle as the task force, is hereby established to determine what measures
40 should be taken to enhance flood prevention, recovery, response, manage-
41 ment and mitigation in and along the shoreline and adjoining waterways
42 of Lake Ontario and the St. Lawrence River, and to develop recommenda-
43 tions to accomplish such goal.

44 § 74-0103. Definitions.

45 When used in this article:

46 1. "Adaptive measures" means any adjustment, whether passive, reactive
47 or anticipatory, that may be taken to ameliorate the anticipated adverse
48 consequences associated with flood events.

49 2. "Flood control study sector" means a particular aspect of the
50 natural or built environment, economy, or society that could potentially
51 be adversely impacted by flood events. Such term includes, but is not
52 limited to, lake, stream and river banks, locks and dams, wetlands and
53 waterfront areas, water resources, transportation infrastructure, water

1 supply and wastewater infrastructure, human health, recreation, tourism,
2 power generation and business, residential, farm and municipal sectors.

3 3. "Flood event" means an overflow or inundation that comes from a
4 lake, river or other body of water, whether caused by rainfall, waterway
5 operation, dam operation, waterflow management, dam break, water runoff
6 or other means, and causes or threatens damage.

7 4. "Lake Ontario" and "St. Lawrence River" shall mean the lake, river
8 shoreline, lands and infrastructure of Lake Ontario and the St. Lawrence
9 River, or its adjoining or affected communities of Niagara, Orleans,
10 Monroe, Wayne, Cayuga, Onondaga, Oswego, Jefferson, St. Lawrence, and
11 Franklin Counties.

12 § 74-0105. Task force composition.

13 1. The task force shall consist of thirteen members; eight of whom
14 shall be the adjutant general of the state division of military and
15 naval affairs, the commissioner of the division of homeland security and
16 emergency services, the commissioner of the department of environmental
17 conservation, the secretary of state, the commissioner of transporta-
18 tion, the commissioner of the department of parks, recreation and
19 historic preservation, the commissioner of the department of agriculture
20 and markets and the chairman of the state economic development office or
21 designee; and five additional members who shall be from outside the
22 public offices listed in this section and one of each of whom shall be a
23 hydrologist, civil engineer, climatologist, county emergency manager and
24 soil and water conservation professional. The governor shall appoint
25 three of the five additional members and the temporary president of the
26 senate and speaker of the assembly shall each appoint one of each of the
27 five additional members.

28 2. The task force shall appoint a chairperson from among its members.

29 3. The members of the task force shall receive no compensation for
30 their services, but shall be allowed their actual and necessary expenses
31 incurred in the performance of their duties.

32 4. The task force shall consult with each of the emergency management
33 officers, or appropriate county officer, from Niagara, Orleans, Monroe,
34 Wayne, Cayuga, Onondaga, Oswego, Jefferson, St. Lawrence, and Franklin
35 counties, and each said officer shall provide to the task force a docu-
36 ment listing their concerns and recommendations related to flooding
37 along Lake Ontario and/or the St. Lawrence River. The task force shall
38 consider such concerns and recommendations in its deliberations and in
39 the formulation of its determinations and recommendations.

40 5. The task force shall meet at least six times over an eighteen month
41 period at the call of the chairperson.

42 § 74-0107. Task force duties.

43 The role of the task force includes, but is not limited to:

44 1. Conducting an in-depth examination of flood prevention, response
45 and recovery issues, and flood control study sectors and issues, related
46 to flood prevention, response and recovery, water management, flood
47 control and flood mitigation in and along the shoreline and adjoining
48 waterways of Lake Ontario and the St. Lawrence River, including:

49 (a) Adaptive measures that can be taken to effectuate flood
50 prevention, response and recovery programs, and mitigate flood damages,
51 including but not limited to feasible flood prevention, response and
52 recovery measures, flood management activities, wetland restoration,
53 flood control infrastructure, communication systems and related public
54 safety and flood control structures and associated costs;

55 (b) Evaluation which should include impacts on agriculture, transpor-
56 tation, land use, health, insurance and economic sectors such as ship-

1 ping, fisheries, power generation, tourism, and recreation. Impacts on
2 infrastructure, including bridges, low-lying roads, dams, locks, cause-
3 ways, water and wastewater treatment plants and docks shall be included
4 in the evaluation; and

5 (c) Evaluation of Lake Ontario and St. Lawrence River operation and
6 management, and plans or agreements or treaties which may have a direct
7 or indirect impact on flood control, prevention, response, recovery or
8 mitigation and flood management including, but not limited to, debris
9 management, communication, and water management and water level manipu-
10 lation.

11 2. Evaluating and assessing of any flood prevention, response and
12 recovery measures, flood control or flood mitigation measures, or water
13 management procedures, agreements or treaties, identified in terms of
14 feasibility, economic and public health impacts, and effectiveness, as
15 well as identifying impediments to implementing effective flood
16 prevention, response and recovery, flood control and flood mitigation
17 measures, and where possible, actions that could be taken to resolve
18 flooding issues.

19 3. Arranging through the department and the division of military and
20 naval affairs, for the provision of such facilities, assistance and data
21 as will enable the task force to carry out its powers and duties. Addi-
22 tionally, all other agencies of the state or subdivisions thereof shall,
23 at the request of the chair provide the task force with such facilities,
24 assistance, and data as will enable the task force to carry out its
25 powers and duties.

26 § 2. Report to the governor and legislature. 1. Within 18 months of
27 the effective date of this act, the New York state flood prevention,
28 response, recovery and mitigation task force shall issue a draft report,
29 which shall be submitted to the governor, the temporary president of the
30 senate, and the speaker of the assembly assessing flood mitigation and
31 control in New York state with particular focus on Lake Ontario and the
32 St. Lawrence River; including, but not limited to, recommendations on
33 how such impacts should be addressed. At least three public hearings
34 shall be held by the task force to provide the public with the opportu-
35 nity to comment on the report. Notice of such hearings shall be provided
36 on the department of environmental conservation website, and in the
37 environmental notice bulletin.

38 2. Within 90 days of the date of the last public hearing, the New York
39 state flood prevention, response, recovery and mitigation task force
40 shall submit a final report to the governor, the temporary president of
41 the senate, and the speaker of the assembly. Copies of such report shall
42 also be made available to the public and posted on the websites of the
43 department of environmental conservation and the division of naval and
44 military affairs.

45 § 3. This act shall take effect immediately and shall expire and be
46 deemed repealed one hundred twenty days after the New York state flood
47 prevention, response, recovery and mitigation task force has submitted
48 its final, completed report.

49 § 2. Severability. If any clause, sentence, paragraph, subdivision,
50 section, subpart or part of this act shall be adjudged by any court of
51 competent jurisdiction to be invalid, such judgment shall not affect,
52 impair, or invalidate the remainder thereof, but shall be confined in
53 its operation to the clause, sentence, paragraph, subdivision, section,
54 subpart or part thereof directly involved in the controversy in which
55 such judgment shall have been rendered. It is hereby declared to be the

1 intent of the legislature that this act would have been enacted even if
2 such invalid provisions had not been included herein.

3 § 3. This act shall take effect immediately; provided, however, that
4 the applicable effective date of Subparts A through E of this Part shall
5 be as specifically set forth in the last section of such Subparts.

6 PART P

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

9 § 2. This act shall take effect immediately.

10 PART Q

11 Section 1. The state finance law is amended by adding a new section
12 99-bb to read as follows:

13 § 99-bb. SUNY Stony Brook Eastern Long Island hospital affiliation
14 escrow fund. 1. Notwithstanding any other provision of law, rule, regu-
15 lation, or practice to the contrary, there is hereby established in the
16 joint custody of the comptroller and the chancellor of the state univer-
17 sity of New York (SUNY) a trust and agency fund, to be known as the
18 "SUNY Stony Brook Eastern Long Island hospital affiliation escrow fund"
19 which shall be available without fiscal year limitation.

20 2. The SUNY Stony Brook Eastern Long Island hospital affiliation
21 escrow fund shall consist of: (a) all monies generated through the
22 activities of Stony Brook at Eastern Long Island hospital, including but
23 not limited to patient revenue, federal reimbursement, and other associ-
24 ated revenue sources; (b) rent payments made by Stony Brook University
25 hospital to the Eastern Long Island hospital association under a certain
26 lease agreement approved by the director of the budget, the office of
27 the New York state attorney general and the office of the New York state
28 comptroller; and (c) to the extent permitted under the lease agreement
29 referred to in paragraph (b) of this subdivision, working capital
30 advances and capital acquisition advances made by Stony Brook University
31 hospital to the Eastern Long Island hospital association.

32 § 2. This act shall take effect immediately.

33 PART R

34 Section 1. Paragraphs a and d of subdivision 1 and subdivisions 4, 5
35 and 6 of section 667-d of the education law, as added by section 1 of
36 part III of chapter 59 of the laws of 2017, are amended to read as
37 follows:

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

46 d. Credit requirements. An award shall be made to an applicant who:
47 (i) if enrolled in (A) a private degree granting institution of higher
48 education prior to application, has completed at least thirty combined
49 credits per year following the student's start date, or its equivalent,
50 applicable to his or her program or programs of study or (B) a public

1 degree granting institution of higher education prior to application,
2 has completed at least thirty combined credits per year following the
3 student's start date, or its equivalent, applicable to his or her
4 program or programs of study and which were accepted upon transfer to a
5 private degree granting institution of higher education; (ii) enrolls in
6 at least twelve credits per semester and completes at least thirty
7 combined credits per year following the student's start date, or its
8 equivalent, applicable to his or her program or programs of study except
9 in limited circumstances as prescribed by the corporation in regulation.
10 Notwithstanding, in the student's last semester, the student may take at
11 least one course needed to meet his or her graduation requirements and
12 enroll in and complete at least twelve credit hours or its equivalent.
13 For students who are disabled as defined by the Americans With Disabili-
14 ties Act of 1990, 42 USC 12101, the corporation shall prescribe rules
15 and regulations that allow applicants who are disabled to be eligible
16 for an award pursuant to this section based on modified criteria.

17 4. Amount. Within the amounts appropriated therefor and based on
18 availability of funds, awards shall be granted beginning with the two
19 thousand seventeen--two thousand eighteen academic year and thereafter
20 to applicants that the corporation has determined are eligible to
21 receive such awards. The amount of the award under this program shall be
22 such that the sum of the award plus a student's tuition assistance
23 program award pursuant to section six hundred sixty-seven of this
24 subpart plus the institution's matching award pursuant to subdivision
25 five of this section shall equal six thousand dollars. Any institution
26 that has lowered its tuition by more than fifteen percent over the last
27 five years shall be exempt from having to provide such match until two
28 thousand twenty-six and provided that such amount of award shall be
29 adjusted as if such match had been provided.

30 5. Matching awards. Commencing with the two thousand seventeen--two
31 thousand eighteen academic year and thereafter, participating insti-
32 tutions shall credit each recipient's remaining tuition expenses in an
33 amount equal to the recipient's award under this section. [~~Such credit~~
34 ~~shall be applied after the recipient has received an institutional aid~~
35 ~~package, if any, to ensure that this program does not reduce institu-~~
36 ~~tional aid that would otherwise be granted.] Any institution that has
37 lowered its tuition by more than fifteen percent over the last five
38 years shall be exempt from having to provide such match until two thou-
39 sand twenty-six.~~

40 6. Tuition. The rate of tuition charged to an individual receiving an
41 award shall not be increased for the duration of time that such individ-
42 ual receives an award. Provided, that beginning with the two thousand
43 eighteen--two thousand nineteen freshman class tuition shall not be
44 increased by more than the five-year rolling average of the higher
45 education price index per year for enhanced tuition award recipients.
46 Provided, further however, that such requirement shall be waived for any
47 institution that has lowered its tuition by more than fifteen percent
48 over the last five years, provided that the tuition level charged by
49 such institution is not increased by more than three percent per year
50 over the next eight years.

51 § 2. This act shall take effect immediately.

52

PART S

53 Section 1. Section 6306 of the education law is amended by adding a
54 new subdivision 11 to read as follows:

1 11. The state university of New York shall consult with the boards of
2 trustees of the state university of New York community colleges and
3 compile a report on compliance with subdivision ten of this section.
4 Such report shall be provided to the governor, the temporary president
5 of the senate, the speaker of the assembly, the chair of the senate
6 higher education committee and the chair of the assembly higher educa-
7 tion committee on or before January first, two thousand nineteen.

8 § 2. This act shall take effect immediately.

9

PART T

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

13 1. Undergraduate students who are matriculated in an approved under-
14 graduate program leading to a career in science, technology, engineering
15 or mathematics at a New York state [~~public institution of higher educa-~~
16 ~~tion~~] college as defined in subdivision two of section six hundred one
17 of this title shall be eligible for an award under this section,
18 provided the applicant: (a) graduates from a high school located in New
19 York state during or after the two thousand thirteen--fourteen school
20 year; and (b) graduates within the top ten percent of his or her high
21 school class; and (c) enrolls in full-time study each term beginning in
22 the fall term after his or her high school graduation in an approved
23 undergraduate program in science, technology, engineering or mathemat-
24 ics, as defined by the corporation, at a New York state [~~public institu-~~
25 ~~tion of higher education~~] college as defined in subdivision two of
26 section six hundred one of this title; and (d) signs a contract with the
27 corporation agreeing that his or her award will be converted to a
28 student loan in the event the student fails to comply with the terms of
29 this program as set forth in subdivision four of this section; and (e)
30 complies with the applicable provisions of this article and all require-
31 ments promulgated by the corporation for the administration of the
32 program.

33 § 2. This act shall take effect immediately.

34

PART U

35 Section 1. Clause (v) of subparagraph 4 of paragraph h of subdivision
36 2 of section 355 of the education law, as amended by section 1 of part
37 JJJ of chapter 59 of the laws of 2017, is amended to read as follows:

38 (v) Beginning in state fiscal year two thousand seventeen--two thou-
39 sand eighteen [~~and ending in state fiscal year two thousand twenty-two~~
40 ~~thousand twenty-one~~] and thereafter, the state shall appropriate and
41 make available general fund operating support[, ~~including~~] and fringe
42 benefits, for the state university and the state university health
43 science centers in an amount not less than the [~~amount~~] amounts sepa-
44 rately appropriated and made available in the prior state fiscal year;
45 provided, further, the state shall appropriate and make available gener-
46 al fund operating support to cover all mandatory costs of the state
47 university and the state university health science centers, which shall
48 include, but not be limited to, collective bargaining costs including
49 salary increments, fringe benefits, and other non-personal service costs
50 such as utility costs, building rentals and other inflationary expenses
51 incurred by the state university and the state university health science
52 centers, and any increase in the tuition credit pursuant to section six

1 hundred eighty-nine-a of this title as tuition increases are enacted by
2 the board of trustees of the state university; provided, however, that
3 if the governor declares a fiscal emergency, and communicates such emer-
4 gency to the temporary president of the senate and speaker of the assem-
5 bly, state support for operating expenses at the state university and
6 city university may be reduced in a manner proportionate to one another,
7 and the aforementioned provisions shall not apply; provided further, the
8 state shall appropriate and make available general fund support to fully
9 fund the tuition credit pursuant to subdivision two of section six
10 hundred sixty-nine-h of this title.

11 § 2. Subparagraph (v) of paragraph (a) of subdivision 7 of section
12 6206 of the education law, as amended by section 2 of part JJJ of chap-
13 ter 59 of the laws of 2017, is amended to read as follows:

14 (v) Beginning in state fiscal year two thousand seventeen--two thou-
15 sand eighteen and [~~ending in state fiscal year two thousand twenty-two~~
16 ~~thousand twenty-one~~] thereafter, the state shall appropriate and make
17 available general fund operating support[~~, including~~] and fringe bene-
18 fits, for the city university in an amount not less than the [~~amount~~]
19 amounts separately appropriated and made available in the prior state
20 fiscal year; provided, further, the state shall appropriate and make
21 available general fund operating support to cover all mandatory costs of
22 the city university, which shall include, but not be limited to, collec-
23 tive bargaining costs, including salary increments, fringe benefits, and
24 other non-personal service costs such as utility costs, building rentals
25 and other inflationary expenses incurred by the city university, and any
26 increase in the tuition credit pursuant to section six hundred eighty-
27 nine-a of this chapter as tuition increases are enacted by the board of
28 trustees of the city university; provided, however, that if the governor
29 declares a fiscal emergency, and communicates such emergency to the
30 temporary president of the senate and speaker of the assembly, state
31 support for operating expenses at the state university and city univer-
32 sity may be reduced in a manner proportionate to one another, and the
33 aforementioned provisions shall not apply; provided further, the state
34 shall appropriate and make available general fund support to fully fund
35 the tuition credit pursuant to subdivision two of section six hundred
36 sixty-nine-h of this chapter.

37 § 3. This act shall take effect immediately provided that:

38 (a) the amendments to subparagraph 4 of paragraph h of subdivision 2
39 of section 355 of the education law made by section one of this act
40 shall not affect the expiration and reversion of such subparagraph
41 pursuant to chapter 260 of the laws of 2011, as amended, and shall
42 expire therewith; and

43 (b) the amendments to paragraph (a) of subdivision 7 of section 6206
44 of the education law made by section two of this act shall not affect
45 the expiration and reversion of such paragraph pursuant to chapter 260
46 of the laws of 2011, as amended, and shall expire therewith.

47

PART V

48 Section 1. Section 22-c of the state finance law is amended by adding
49 a new subdivision 7 to read as follows:

50 7. For the fiscal year beginning on April first, two thousand nineteen
51 and every fifth fiscal year thereafter, the governor shall submit to the
52 legislature as part of the annual executive budget, five-year capital
53 plans for the state university of New York state-operated campuses and
54 city university of New York senior colleges. Such plans shall provide

1 for the annual appropriation of capital funds to cover one hundred
2 percent of the annual critical maintenance needs identified by each
3 university system, and may include funds for new infrastructure or other
4 major capital initiatives, provided that such funding for new infras-
5 tructure or other major capital initiatives shall not count towards
6 meeting the overall critical maintenance requirement. In the event that
7 such plan is unable to fund one hundred percent of the critical mainte-
8 nance needs due to the limitation imposed by article five-B of this
9 chapter, the director of the budget shall develop five-year capital
10 plans whereby the implementation of each capital plan would annually
11 reduce the overall facility condition index (FCI) for each university
12 system. For the purposes of this subdivision, "facility condition index"
13 shall mean an industry benchmark that measures the ratio of deferred
14 maintenance dollars to replacement dollars for the purposes of analyzing
15 the effect of investing in facility improvements. The apportionment of
16 capital appropriations to each state-operated campus or senior college
17 shall be based on a methodology to be developed by the director of the
18 budget, in consultation with the state university of New York and city
19 university of New York.

20 § 2. This act shall take effect immediately.

21 PART W

22 Section 1. Paragraph c of subdivision 2 and subdivisions 3, 4, 5 and 8
23 of section 652 of the education law, paragraph c of subdivision 2 as
24 added by chapter 202 of the laws of 1996, subdivisions 3 and 4 as
25 amended by chapter 339 of the laws of 2010, subdivision 5 as amended by
26 chapter 240 of the laws of 1986 and subdivision 8 as added by chapter
27 193 of the laws of 1989, are amended to read as follows:

28 c. To support the administration by the federal government, other
29 states, and institutions of post-secondary education of the federal
30 student aid programs established under Title IV of the Higher Education
31 Act of nineteen hundred sixty-five, as amended, or any successor
32 statute; and

33 d. To provide information requested by the legislature, including, but
34 not limited to, information on costs associated with policy proposals,
35 statistics and state budget proposals.

36 3. The corporation shall be governed and all of its corporate powers
37 exercised by a board of trustees which shall consist of fifteen members,
38 [~~nine~~ five of whom shall be appointed by the governor with the advice
39 and consent of the senate, two of whom shall be appointed by the tempo-
40 rary president of the senate, and two of whom shall be appointed by the
41 speaker of the assembly. The members not requiring the advice and
42 consent of the senate shall be the commissioner of education, the chan-
43 cellor of the state university, the chancellor of the city university of
44 the city of New York, the president of the organization representing the
45 majority of the non-profit degree granting colleges within the state,
46 and [~~three~~ two students. One such student shall be the president of the
47 student assembly of the state university of New York, and one such
48 student shall be the chair of the united student senate of city univer-
49 sity of New York[, ~~and one such student shall be a student registered in~~
50 ~~a full time course of study at a state university community college~~]. In
51 the event a student who shall be a member by reason of his or her office
52 in a student organization shall fail to qualify, the student who holds
53 the next highest office in the organization shall be the member of the
54 board.

1 4. All members shall be at least eighteen years of age, citizens of
2 the United States and residents of the state. [~~The appointed members
3 shall consist of two representatives of banking institutions within the
4 state, two such members shall be the presidents of independent insti-
5 tutions of higher education within the state, one such member shall be a
6 president or chief executive officer of a school licensed or registered
7 pursuant to section five thousand one of this chapter, one such member
8 shall be a financial aid officer at a higher education institution in
9 New York, one such member shall be a president or chief executive offi-
10 cer of a degree granting proprietary college located within the state,
11 one such member shall be a student currently registered and in full time
12 attendance at a degree granting independent institution of higher educa-
13 tion in New York, and one shall be representative of the public.~~] The
14 appointed members shall consist of two representatives from the state
15 university of New York, two representatives from the city university of
16 New York, two representatives from non-profit degree granting colleges
17 within the state, one representative from a degree granting for-profit
18 college located within the state, and two representatives that are
19 financial aid officers, at higher education institutions within the
20 state.

21 5. The appointed members shall serve for terms of six years each and
22 shall be eligible for reappointment to successive terms; provided,
23 however, that the student [~~representative of the state university commu-
24 nity colleges~~] representatives shall serve for a term of one year.

25 a. Procedure and designation of appointments. On the effective date of
26 this paragraph, the governor shall appoint one representative from the
27 state university of New York, one representative from the city universi-
28 ty of New York, one representative from a non-profit degree granting
29 college within the state, one representative from a degree granting
30 for-profit college located within the state, and one representative that
31 is a financial aid officer at a higher education institution within the
32 state. The temporary president of the senate and the speaker of the
33 assembly shall appoint the four remaining board members.

34 b. Procedures when vacancies occur. Vacancies shall be filled in the
35 same manner as the original appointment and within the soonest time
36 practicable but under no circumstances shall a seat remain vacant due to
37 lack of appointment for more than twelve months.

38 8. The commissioner of education, the chancellor of the state univer-
39 sity and the chancellor of the city university, the president of the
40 organization representing the majority of the non-profit degree granting
41 colleges within the state each may, by official authority filed in his
42 or her respective department or university, and with the secretary of
43 the board, designate an officer of his or her respective department or
44 university to represent and exercise all the powers of such commissioner
45 or chancellor as the case may be at all meetings of the board from which
46 such commissioner or chancellor may be absent.

47 § 2. This act shall take effect immediately.

48

PART X

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

52 1. Eligibility. An excelsior scholarship award shall be made to an
53 applicant who: (a) is matriculated in an approved program leading to an
54 undergraduate degree at a New York state public institution of higher

1 education; (b) if enrolled in (i) a public institution of higher educa-
2 tion prior to application, has completed at least thirty combined cred-
3 its per year following the student's start date, or its equivalent,
4 applicable to his or her program or programs of study or (ii) an insti-
5 tution of higher education prior to application, has completed at least
6 thirty combined credits per year following the student's start date, or
7 its equivalent, applicable to his or her program or programs of study
8 and which were accepted upon transfer to a public institution of higher
9 education; (c) enrolls in at least twelve credits per semester and
10 completes at least thirty combined credits per year following the
11 student's start date, or its equivalent, applicable to his or her
12 program or programs of study except in limited circumstances as
13 prescribed by the corporation in regulation provided that such regu-
14 lation include provisions authorizing students enrolled in remedial
15 courses at New York state community colleges to qualify for an award,
16 under the following circumstances: (i) if a student is enrolled in two
17 remedial courses per semester, the credit requirement shall be nine
18 credits per semester; and (ii) if a student is enrolled in one remedial
19 course per semester, the credit requirement shall be twelve credits per
20 semester. Notwithstanding, in the student's last semester, the student
21 may take at least one course needed to meet his or her graduation
22 requirements and enroll in and complete at least twelve credit hours or
23 its equivalent. For students who are disabled as defined by the Ameri-
24 cans With Disabilities Act of 1990, 42 USC 12101, the corporation shall
25 prescribe rules and regulations that allow applicants who are disabled
26 to be eligible for an award pursuant to this section based on modified
27 criteria; (d) has an adjusted gross income, as defined in this subdivi-
28 sion, equal to or less than: (i) one hundred thousand dollars for recip-
29 ients receiving an award in the two thousand seventeen--two thousand
30 eighteen academic year; (ii) one hundred ten thousand dollars for recip-
31 ients receiving an award in the two thousand eighteen--two thousand
32 nineteen academic year; and (iii) one hundred twenty-five thousand
33 dollars for recipients receiving an award in the two thousand nineteen-
34 -two thousand twenty academic year and thereafter; and (e) complies with
35 the applicable provisions of this article and all requirements promul-
36 gated by the corporation for the administration of the program. Adjusted
37 gross income shall be the total of the combined adjusted gross income of
38 the applicant and the applicant's parents or the applicant and the
39 applicant's spouse, if married, as reported on the federal income tax
40 return, or as otherwise obtained by the corporation, for the calendar
41 year coinciding with the tax year established by the U.S. department of
42 education to qualify applicants for federal student financial aid
43 programs authorized by Title IV of the Higher Education Act of nineteen
44 hundred sixty-five, as amended, for the school year in which application
45 for assistance is made.

46 2. Amount. Within amounts appropriated therefor and based on avail-
47 ability of funds, awards shall be granted beginning with the two thou-
48 sand seventeen--two thousand eighteen academic year and thereafter to
49 applicants that the corporation has determined are eligible to receive
50 such awards. The corporation shall grant such awards in an amount up to
51 five thousand five hundred dollars or actual tuition, whichever is less;
52 provided, however, (a) a student who receives educational grants and/or
53 scholarships that cover the student's full cost of attendance shall not
54 be eligible for an award under this program; and (b) an award under this
55 program shall be applied to tuition after the application of payments
56 received under the tuition assistance program pursuant to section six

1 hundred sixty-seven of this subpart, tuition credits pursuant to section
2 six hundred eighty-nine-a of this article, federal Pell grant pursuant
3 to section one thousand seventy of title twenty of the United States
4 code, et. seq., and any other program that covers the cost of attend-
5 ance, and the award under this program shall be reduced in the amount
6 equal to such payments, provided that the combined benefits do not
7 exceed five thousand five hundred dollars. Upon notification of an award
8 under this program, the institution shall defer the amount of tuition.

9 Notwithstanding paragraphs (a) and (b) of this subdivision, a scholar-
10 ship shall not reduce the amount of an award under this program if such
11 scholarship is funded exclusively through private donations. Notwith-

12 standing paragraph h of subdivision two of section three hundred fifty-
13 five and paragraph (a) of subdivision seven of section six thousand two
14 hundred six of this chapter, and any other law, rule or regulation to
15 the contrary, the undergraduate tuition charged by the institution to
16 recipients of an award shall not exceed the tuition rate established by
17 the institution for the two thousand sixteen--two thousand seventeen
18 academic year provided, however, that in the two thousand twenty-one--
19 two thousand twenty-two academic year and every four years thereafter,
20 the undergraduate tuition charged by the institution to recipients of an
21 award shall be reset to equal the tuition rate established by the insti-
22 tution for the forthcoming academic year, provided further that the
23 tuition credit calculated pursuant to section six hundred eighty-nine-a
24 of this article shall be applied toward the tuition rate charged for
25 recipients of an award under this program. Provided further that the
26 state university of New York and the city university of New York shall
27 provide an additional tuition credit to students receiving an award to
28 cover the remaining cost of tuition.

29 § 2. This act shall take effect immediately.

30 PART Y

31 Section 1. The education law is amended by adding a new section 301-a
32 to read as follows:

33 § 301-a. Commissioner of education; certain accreditation services.
34 The commissioner shall promulgate rules and regulations requiring the
35 department to provide accreditation services to institutions of higher
36 education.

37 § 2. This act shall take effect immediately.

38 PART Z

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

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

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

1

PART AA

2 Section 1. The state finance law is amended by adding a new section
3 99-bb to read as follows:

4 § 99-bb. State university of New York hospital operations escrow fund.
5 1. Notwithstanding any other provision of law, rule, regulation, or
6 practice to the contrary, there is hereby established in the joint
7 custody of the comptroller and the chancellor of the state university of
8 New York (SUNY) a trust and agency fund, to be known as the "state
9 university of New York hospital operations escrow fund." Within the
10 account may be available up to two hundred eighty-one million three
11 hundred seventy-six thousand dollars per fiscal year.

12 2. Such fund may consist of monies generated through the activities of
13 the teaching hospitals at Downstate Medical, Upstate Medical, and Stony
14 Brook, including but not limited to patient revenue, federal reimburse-
15 ment, and other associated revenue sources.

16 § 2. This act shall take effect immediately.

17

PART BB

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

20 § 679-j. The New York state teacher loan forgiveness program. 1.

21 Purpose. The president shall grant student loan forgiveness awards for
22 the purpose of increasing the number of teachers serving in the state.

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

29 (i) teach in a shortage subject area;

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

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

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

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

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

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

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

51 5. Awards. The corporation shall grant awards pursuant to the amount
52 appropriated for such purpose and based on availability of funds in an
53 amount up to six thousand five hundred dollars to individuals who are

1 employed full-time as teachers for the school year prior to such appli-
2 cation, provided that no recipient shall receive an award that exceeds
3 the total remaining balance of the student loan debt pursuant to this
4 section, in excess of thirty-two thousand five hundred dollars.

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

12 § 2. This act shall take effect April 1, 2019, provided however that
13 effective immediately, the higher education services corporation shall
14 promulgate rules and regulations necessary to implement the provisions
15 of this act.

16 PART CC

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

19 ARTICLE XXIX

20 AFFORDABLE INDEPENDENT SENIOR HOUSING ASSISTANCE PROGRAM

21 Section 1260. Affordable independent senior housing assistance program.

22 § 1260. Affordable independent senior housing assistance program. 1.
23 Establishment. The commissioner, in conjunction with the commissioner of
24 health, shall develop an affordable independent senior housing assist-
25 ance program, which shall provide grants within amounts appropriated or
26 otherwise available therefor to affordable independent senior housing
27 properties to establish and operate resident assistance programs. The
28 grants shall be distributed by the commissioner of health.

29 2. Definitions. For purposes of this article, the following terms
30 shall have the following meanings: (a) "affordable independent senior
31 housing property" shall mean apartment buildings or apartment complexes
32 occupied by individuals over sixty years of age, who live independently
33 and at least eighty percent of whom have a total household income that
34 does not exceed sixty percent of the area median income; and

35 (b) "resident assistance" shall mean support offered to residents of
36 affordable independent senior housing properties to help promote healthy
37 living by extending independence and improving quality of life.

38 3. Assistance. Resident assistance shall be determined by the commis-
39 sioner of health; provided however, that the provision of such assist-
40 ance shall not include any services or assistance that requires the
41 property to be licensed as an adult care facility pursuant to article
42 seven of the social services law or an assisted living residence pursu-
43 ant to article forty-six-B of the public health law. Prior to issuing
44 any grants pursuant to this article, the department of health shall
45 solicit input from various stakeholders to determine what would consti-
46 tute assistance to ensure that such assistance would not require such
47 licensure. A summary of such input and the determination by the depart-
48 ment of health as to whether the assistance provided by the grant appli-
49 cant would require licensure as an adult care facility or assisted
50 living residence shall be in writing and shared with the various stake-
51 holders prior to the approval of any grants pursuant to this section.

52 4. Allocation. Sixty percent of the total funds awarded pursuant to
53 this article in any fiscal year shall be allocated to projects located
54 in urban areas of the state, as such term is defined in subdivision four

of section twelve hundred thirty-one of this chapter. Forty percent of the total funds awarded pursuant to this article in any fiscal year shall be allocated to projects located in rural areas of the state, as such term is defined in subdivision three of section twelve hundred thirty-one of this chapter. Any funds appropriated or otherwise available therefor for the program may be transferred to the department of health. A portion of any amounts appropriated or otherwise available therefor may be used by the commissioner of health to administer the program.

§ 2. This act shall take effect immediately.

PART DD

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

1 households, and work undertaken cannot exceed ten thousand dollars per
2 building. No more than fifty percent of the total amount awarded pursu-
3 ant to this article in any fiscal year shall be allocated to any resi-
4 dential emergency services to offer home repairs to the elderly program
5 located within any single municipality.

6 2. From the date of the emergency referral, the eligible applicant has
7 up to three business days to respond and inspect the eligible property;
8 from the date of the inspection and assessment of emergency repair need,
9 the eligible applicant must start the repairs within fourteen business
10 days; all repairs must be completed within sixty business days of the
11 start of the repairs.

12 3. The total payment pursuant to any one contract shall not exceed
13 five hundred thousand dollars and the contract shall provide for
14 completion of the program within a reasonable period, as specified ther-
15 ein, which shall not in any event exceed three years from its commence-
16 ment. Upon request, the corporation may extend the term of the contract
17 for up to two additional one year periods for good cause shown by the
18 eligible applicant.

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

22 § 2. This act shall take effect on the one hundred eightieth day after
23 it shall have become a law; provided, however, that effective immediate-
24 ly, the addition, amendment and/or repeal of any rule or regulation
25 necessary for the implementation of this act on its effective date are
26 authorized and directed to be made and completed on or before such
27 effective date.

28 PART EE

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

31 ARTICLE XXIX

32 NEW YORK ACCESS TO HOME FOR HEROES PROGRAM

33 Section 1260. Statement of legislative findings and purpose.

34 1261. Definitions.

35 1262. Access to home for heroes contracts.

36 § 1260. Statement of legislative findings and purpose. The legislature
37 hereby finds and declares that many disabled veterans in New York state
38 face a significant impediment to accessible and affordable housing as a
39 result of service related injuries, age or health related disabilities.
40 These men and women have served our country and state with honor and
41 distinction and deserve to achieve maximum independence, social inter-
42 action and community integration. Providing financial assistance with
43 the cost of adapting the dwelling units of our disabled veterans, is
44 fundamental to providing for the promise of living safely, comfortably
45 and productively in the most integrated setting of their choice.

46 § 1261. Definitions. As used in this article:

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

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

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

10 4. "Disabled veteran" shall mean a veteran with a permanent anatomical
11 or physiological impairment, which substantially limits a major life
12 activity, demonstrable by medically accepted clinical or diagnostic
13 techniques. A recent professional evaluation must be provided which
14 identifies the disability, describes the substantial limitation caused
15 by the disability, and recommends potential structural modifications to
16 improve the activities of daily living within and/or access to such
17 residence in consideration of such disability.

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

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

28 § 1262. Access to home for heroes contracts. 1. Within the limit of
29 funds available in the access to home for heroes program, the corpo-
30 ration is hereby authorized to enter into contracts with eligible appli-
31 cants to provide financial assistance for the actual costs of an access
32 to home for heroes program. The financial assistance shall be in the
33 form of grants. No more than fifty percent of the total amount awarded
34 pursuant to this article in any fiscal year shall be allocated to access
35 to home programs located within any single municipality.

36 2. The total payment pursuant to any one contract shall not exceed
37 five hundred thousand dollars and the contract shall provide for
38 completion of the program within a reasonable period, as specified ther-
39 ein, which shall not in any event exceed three years from its commence-
40 ment. Upon request, the corporation may extend the term of the contract
41 for up to two additional one year periods for good cause shown by the
42 eligible applicant.

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

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

52 § 2. This act shall take effect immediately.

1 Section 1. Subdivision 3 of section 26 of the multiple dwelling law,
2 as amended by chapter 748 of the laws of 1961, is amended to read as
3 follows:

4 3. Floor area ratio (FAR). [~~The~~] Except as otherwise provided in the
5 zoning resolution of the city of New York, the floor area ratio (FAR) of
6 any dwelling or dwellings on a lot shall not exceed 12.0, except that a
7 fireproof class B dwelling in which six or more passenger elevators are
8 maintained and operated in any city having a local zoning law, ordinance
9 or resolution restricting districts in such city to residential use, may
10 be erected in accordance with the provisions of such zoning law, ordi-
11 nance or resolution, if such class B dwelling is erected in a district
12 no part of which is restricted by such zoning law, ordinance or resol-
13 ution to residential uses.

14 § 2. This act shall take effect immediately.

15 PART GG

16 Section 1. Section 25 of the public housing law is amended by adding a
17 new subdivision 3 to read as follows:

18 3. As of April first, two thousand eighteen, the credits allowed to a
19 taxpayer pursuant to section twenty-two of this article may be trans-
20 ferred, sold or assigned to any other party without regard to how the
21 federal low-income housing tax credit with respect to the low-income
22 building is allocated; provided, however, prior to such transfer, sale
23 or assignment, such taxpayer shall submit to the commissioner a state-
24 ment which describes the amount of the low-income housing tax credit for
25 transfer, sale or assignment, the proposed recipient of the credit and
26 any other information required by the commissioner.

27 § 2. This act shall take effect immediately.

28 PART HH

29 Section 1. The section heading of section 467-b of the real property
30 tax law, as amended by section 1 of chapter 188 of the laws of 2005, is
31 amended to read as follows:

32 Tax abatement for rent-controlled and rent regulated property occupied
33 by senior citizens or persons with disabilities or persons paying a
34 maximum rent or legal regulated rent which exceeds one-half of the
35 combined income of all members of their household.

36 § 2. Paragraph b of subdivision 1 of section 467-b of the real proper-
37 ty tax law, as amended by section 1 of chapter 188 of the laws of 2005,
38 is amended to read as follows:

39 b. "Head of the household" means a person (i) who is sixty-two years
40 of age or older, or (ii) who qualifies as a person with a disability
41 pursuant to subdivision five of this section, or (iii) who pays a maxi-
42 imum rent or legal regulated rent which exceeds one-half of the combined
43 income of all members of their household, and is entitled to the
44 possession or to the use or occupancy of a dwelling unit;

45 § 3. Subdivision 2 of section 467-b of the real property tax law, as
46 amended by chapter 747 of the laws of 1985, paragraph (c) as added by
47 chapter 553 of the laws of 2015, paragraph (d) as added by chapter 343
48 of the laws of 2016, is amended to read as follows:

49 2. The governing body of any municipal corporation is hereby author-
50 ized and empowered to adopt, after public hearing, in accordance with
51 the provisions of this section, a local law, ordinance or resolution
52 providing for the abatement of taxes of said municipal corporation

1 imposed on real property containing a dwelling unit as defined herein by
2 one of the following amounts: (a) where the head of the household does
3 not receive a monthly allowance for shelter pursuant to the social
4 services law, an amount not in excess of that portion of any increase in
5 maximum rent or legal regulated rent which causes such maximum rent or
6 legal regulated rent to exceed one-third of the combined income of all
7 members of the household; or

8 (b) where the head of the household qualifies as a person paying a
9 maximum rent or legal regulated rent which exceeds one-half of the
10 combined income of all members of the household and does not receive a
11 monthly allowance for shelter pursuant to the social services law, an
12 amount not in excess of that portion of any increase in maximum rent or
13 legal regulated rent which causes such maximum rent or legal regulated
14 rent to exceed one-half of the combined income of all members of the
15 household; or

16 (c) where the head of the household receives a monthly allowance for
17 shelter pursuant to the social services law, an amount not in excess of
18 that portion of any increase in maximum rent or legal regulated rent
19 which is not covered by the maximum allowance for shelter which such
20 person is entitled to receive pursuant to the social services law.

21 [~~(a)~~] (d) Provided, however, that in a city of a population of one
22 million or more, where the head of household has been granted a rent
23 increase exemption order that is in effect as of January first, two
24 thousand fifteen or takes effect on or before July first, two thousand
25 fifteen, the amount determined by paragraph (a) of this subdivision
26 shall be an amount not in excess of the difference between the maximum
27 rent or legal regulated rent and the amount specified in such order, as
28 adjusted by any other provision of this section.

29 [~~(d)~~] (e) (1) Provided, however, that in a city with a population of
30 one million or more, a head of the household who has received a rent
31 increase exemption order that has expired and who, upon renewal applica-
32 tion for the period commencing immediately after such expiration, is
33 determined to be ineligible for a rent increase exemption order because
34 the combined income of all members of the household exceeds the maximum
35 amount allowed by this section or the maximum rent or legal regulated
36 rent does not exceed one-third of the combined income of all members of
37 the household, may submit a new application during the following calen-
38 dar year, and if such head of the household receives a rent increase
39 exemption order that commences during such calendar year, the tax abate-
40 ment amount for such order shall be calculated as if such prior rent
41 increase exemption order had not expired. However, no tax abatement
42 benefits may be provided for the period of ineligibility.

43 (2) No head of the household may receive more than three rent increase
44 exemption orders calculated as if a prior rent increase exemption order
45 had not expired, as described in subparagraph one of this paragraph.

46 § 4. Paragraph a of subdivision 3 of section 467-b of the real proper-
47 ty tax law, as amended by section 1 of part U of chapter 55 of the laws
48 of 2014, is amended to read as follows:

49 a. for a dwelling unit where the head of the household is a person
50 sixty-two years of age or older or where the head of the household pays
51 a maximum rent or legal regulated rent which exceeds one-half of the
52 combined income of all members of the household, no tax abatement shall
53 be granted if the combined income of all members of the household for
54 the income tax year immediately preceding the date of making application
55 exceeds four thousand dollars, or such other sum not more than twenty-
56 five thousand dollars beginning July first, two thousand five, twenty-

1 six thousand dollars beginning July first, two thousand six, twenty-sev-
2 en thousand dollars beginning July first, two thousand seven,
3 twenty-eight thousand dollars beginning July first, two thousand eight,
4 twenty-nine thousand dollars beginning July first, two thousand nine,
5 and fifty thousand dollars beginning July first, two thousand fourteen,
6 as may be provided by the local law, ordinance or resolution adopted
7 pursuant to this section, provided that when the head of the household
8 retires before the commencement of such income tax year and the date of
9 filing the application, the income for such year may be adjusted by
10 excluding salary or earnings and projecting his or her retirement income
11 over the entire period of such year.

12 § 5. Paragraph d of subdivision 1 of section 467-c of the real proper-
13 ty tax law, as separately amended by chapters 188 and 205 of the laws of
14 2005, subparagraph 1 as amended by section 2 of part U of chapter 55 of
15 the laws of 2014, is amended to read as follows:

16 d. "Eligible head of the household" means (1) a person or his or her
17 spouse who is sixty-two years of age or older, or a person who pays a
18 maximum rent which exceeds one-half of the combined income of all
19 members of the household, and is entitled to the possession or to the
20 use and occupancy of a dwelling unit, provided, however, with respect to
21 a dwelling which was subject to a mortgage insured or initially insured
22 by the federal government pursuant to section two hundred thirteen of
23 the National Housing Act, as amended "eligible head of the household"
24 shall be limited to that person or his or her spouse who was entitled to
25 possession or the use and occupancy of such dwelling unit at the time of
26 termination of such mortgage, and whose income when combined with the
27 income of all other members of the household, does not exceed six thou-
28 sand five hundred dollars for the taxable period, or such other sum not
29 less than sixty-five hundred dollars nor more than twenty-five thousand
30 dollars beginning July first, two thousand five, twenty-six thousand
31 dollars beginning July first, two thousand six, twenty-seven thousand
32 dollars beginning July first, two thousand seven, twenty-eight thousand
33 dollars beginning July first, two thousand eight, twenty-nine thousand
34 dollars beginning July first, two thousand nine, and fifty thousand
35 dollars beginning July first, two thousand fourteen, as may be provided
36 by local law; or (2) a person with a disability as defined in this
37 subdivision.

38 § 6. Subparagraph 1 of paragraph a of subdivision 3 of section 467-c
39 of the real property tax law, as amended by chapter 747 of the laws of
40 1985, is amended to read as follows:

41 (1) where the eligible head of the household who is either sixty-two
42 years of age or older or is disabled does not receive a monthly allow-
43 ance for shelter pursuant to the social services law, the amount by
44 which increases in the maximum rent subsequent to such person's eligi-
45 bility date have resulted in the maximum rent exceeding one-third of the
46 combined income of all members of the household for the taxable period,
47 or where the eligible head of the household is a person who pays a maxi-
48 imum rent which exceeds one-half of the combined income of all members of
49 the household and does not receive a monthly allowance for shelter
50 pursuant to the social services law, the amount by which increases in
51 the maximum rent subsequent to such person's date have resulted in the
52 maximum rent exceeding one-half of the combined income of all members of
53 the household for the taxable period, except that in no event shall a
54 rent increase exemption order/tax abatement certificate become effective
55 prior to January first, nineteen hundred seventy-six; or

1 § 7. The state comptroller shall annually pay to each city providing
2 real property tax abatements pursuant to sections 467-b and 467-c of the
3 real property tax law an amount equal to 10 per centum of the real prop-
4 erty tax revenue lost during the city fiscal year due to the implementa-
5 tion of the provisions of this act. Each city eligible for state
6 payments pursuant to this section shall provide the state comptroller
7 with such information as he or she shall deem necessary.

8 § 8. This act shall take effect July 1, 2018; provided however, that

9 a. the amendments to section 467-b of the real property tax law, made
10 by sections one, two, three and four of this act shall be subject to the
11 expiration and reversion of such section pursuant to section 17 of chap-
12 ter 576 of the laws of 1974, and shall expire and be deemed repealed
13 therewith;

14 b. the amendments to paragraph a of subdivision 3 of section 467-b of
15 the real property tax law, made by section four of this act shall be
16 subject to the expiration of such paragraph pursuant to section 4 of
17 part U of chapter 55 of the laws of 2014, as amended, and shall be
18 deemed to expire therewith; and

19 c. the amendments to subparagraph 1 of paragraph d of subdivision 1 of
20 section 467-c of the real property tax law, made by section five of this
21 act shall not affect the expiration of such subparagraph pursuant to
22 section 4 of part U of chapter 55 of the laws of 2014, as amended, and
23 shall expire and be deemed repealed therewith.

24 PART II

25 Section 1. There is hereby established the New York city tax reform
26 study commission to provide the governor and the legislature with a
27 blueprint for reforming the local real property tax system in the city
28 of New York.

29 § 2. The New York city tax reform study commission shall consist of 11
30 members appointed by the governor: three members shall be appointed upon
31 the recommendation of the temporary president of the senate, three
32 members shall be appointed upon the recommendation of the speaker of the
33 assembly, two members shall be appointed upon the recommendation of the
34 mayor of the city of New York, one member shall be appointed upon the
35 recommendation of the speaker of the city council of the city of New
36 York, one member shall be appointed upon the recommendation of the
37 minority leader of the senate, and one member shall be appointed upon
38 the recommendation of the minority leader of the assembly. Such commis-
39 sion shall include at least one member representative of each of the
40 following: the New York city municipal government, academia, real
41 estate industry and a recognized labor organization, all based in the
42 city of New York.

43 § 3. On or before January 1, 2020, the New York city tax reform study
44 commission shall provide the governor and the legislature with recommen-
45 dations on any changes that should be made to, at a minimum, the class
46 share system, assessment process and tax rate formulae utilized within
47 the city of New York.

48 § 4. The New York city tax reform study commission shall be assisted
49 in its powers and duties pursuant to this act by personnel employed by
50 state and city of New York agencies including, but not limited to, the
51 state department of taxation and finance and the department of finance
52 of the city of New York.

53 § 5. This act shall take effect immediately.

1

PART JJ

2 Section 1. Paragraph e of subdivision 1 of section 467-b of the real
3 property tax law, as amended by chapter 555 of the laws of 1977, is
4 amended to read as follows:

5 e. "Increase in maximum rent or legal regulated rent" means any
6 increase in the maximum rent or the legal regulated rent for the dwell-
7 ing unit in question pursuant to the applicable rent control law or to
8 the emergency tenant protection act of nineteen seventy-four, respec-
9 tively, or such classes of increase thereunder as may be specified in a
10 local law, ordinance or resolution enacted pursuant to this section,
11 over such base period rent as shall be provided therein or an exemption
12 from the maximum rent or legal regulated rent as specified in paragraph
13 c or d of subdivision three of this section; provided, however, that, in
14 cities having a population of one million or more, if the rent for the
15 dwelling unit, at the time a tax abatement certificate is issued, is
16 less than the maximum rent or the legal regulated rent for such dwelling
17 unit pursuant to the applicable rent control law or to the emergency
18 tenant protection act of nineteen seventy-four, then "increase in maxi-
19 imum rent or legal regulated rent" means any increase in the rent paid
20 for the dwelling unit, which shall not exceed the maximum rent or the
21 legal regulated rent, at the time a tax abatement certificate is to be
22 issued;

23 § 2. This act shall take effect immediately; provided, however, that
24 the amendments to paragraph e of subdivision 1 of section 467-b of the
25 real property tax law made by section one of this act shall not affect
26 the expiration of such section and shall be deemed to expire therewith.

27

PART KK

28 Section 1. Subparagraph (ii) of paragraph 3 of subdivision d of
29 section 11-243 of the administrative code of the city of New York, as
30 amended by local law number 49 of the city of New York for the year
31 1993, is amended to read as follows:

32 (ii) is owned as a condominium and is occupied as the residence or
33 home of three or more families living independently of each other;
34 provided, however, that, in addition to all other conditions of eligi-
35 bility for the benefits of this section, except for multiple dwellings
36 in which units have been newly created by substantial rehabilitation of
37 vacant buildings or conversions of non-residential buildings, the avail-
38 ability of benefits under this section for such multiple dwellings,
39 buildings or structures shall be conditioned on the following: (a)
40 alterations or improvements to at least one building-wide system are
41 part of the application for benefits, and (b) (i) the assessed valuation
42 of such multiple dwelling, building, or structure, including land, shall
43 not exceed an average of [~~thirty~~ fifty thousand dollars per dwelling
44 unit at the time of the commencement of the alterations or improvements,
45 and (ii) during the three years immediately preceding the commencement
46 of the alterations or improvements the average per room sale price of
47 the dwelling units or the stock allocated to such dwelling units shall
48 have been no greater than thirty-five percent of the maximum mortgage
49 amount for a single family home eligible for purchase by the Federal
50 National Mortgage Association; provided that if less than ten percent of
51 the dwelling units or an amount of stock less than the amount allocable
52 to ten percent of such dwelling units was not transferred during such
53 preceding three year period, eligibility for benefits shall be condi-

1 tioned upon the multiple dwelling, building, or structure having an
2 assessed valuation per dwelling unit of no more than twenty-five thou-
3 sand dollars at the time of the commencement of the alterations or
4 improvements. Provided, further, that such benefits shall be available
5 only for alterations or improvements commenced on or after June first,
6 nineteen hundred eighty-six.

7 § 2. The opening paragraph of paragraph (a) of subdivision 1 of
8 section 489 of the real property tax law, as amended by section 19 of
9 part A of chapter 20 of the laws of 2015, is amended to read as follows:

10 Any city to which the multiple dwelling law is applicable, acting
11 through its local legislative body or other governing agency, is hereby
12 authorized and empowered, to and including January first, two thousand
13 [~~nineteen~~ twenty-two], to adopt and amend local laws or ordinances
14 providing that any increase in assessed valuation of real property shall
15 be exempt from taxation for local purposes, as provided herein, to the
16 extent such increase results from:

17 § 3. The closing paragraph of subparagraph 6 of paragraph (a) of
18 subdivision 1 of section 489 of the real property tax law, as amended by
19 section 20 of part A of chapter 20 of the laws of 2015, is amended to
20 read as follows:

21 Such conversion, alterations or improvements shall be completed within
22 thirty months after the date on which same shall be started except that
23 such thirty month limitation shall not apply to conversions of residen-
24 tial units which are registered with the loft board in accordance with
25 article seven-C of the multiple dwelling law pursuant to subparagraph
26 one of this paragraph. Notwithstanding the foregoing, a sixty month
27 period for completion shall be available for alterations or improvements
28 undertaken by a housing development fund company organized pursuant to
29 article eleven of the private housing finance law, which are carried out
30 with the substantial assistance of grants, loans or subsidies from any
31 federal, state or local governmental agency or instrumentality or which
32 are carried out in a property transferred from such city if alterations
33 and improvements are completed within seven years after the date of
34 transfer. In addition, the local housing agency is hereby empowered to
35 grant an extension of the period of completion for any project carried
36 out with the substantial assistance of grants, loans or subsidies from
37 any federal, state or local governmental agency or instrumentality, if
38 such alterations or improvements are completed within sixty months from
39 commencement of construction. Provided, further, that such conversion,
40 alterations or improvements shall in any event be completed prior to
41 June thirtieth, two thousand [~~nineteen~~ twenty-two]. Exemption for
42 conversions, alterations or improvements pursuant to subparagraph one,
43 two, three or four of this paragraph shall continue for a period not to
44 exceed fourteen years and begin no sooner than the first quarterly tax
45 bill immediately following the completion of such conversion, alter-
46 ations or improvements. Exemption for alterations or improvements pursu-
47 ant to this subparagraph or subparagraph five of this paragraph shall
48 continue for a period not to exceed thirty-four years and shall begin no
49 sooner than the first quarterly tax bill immediately following the
50 completion of such alterations or improvements. Such exemption shall be
51 equal to the increase in the valuation which is subject to exemption in
52 full or proportionally under this subdivision for ten or thirty years,
53 whichever is applicable. After such period of time, the amount of such
54 exempted assessed valuation of such improvements shall be reduced by
55 twenty percent in each succeeding year until the assessed value of the
56 improvements are fully taxable. Provided, however, exemption for any

1 conversion, alterations or improvements which are aided by a loan or
 2 grant under article eight, eight-A, eleven, twelve, fifteen or twenty-
 3 two of the private housing finance law, section six hundred ninety-six-a
 4 or section ninety-nine-h of the general municipal law, or section three
 5 hundred twelve of the housing act of nineteen hundred sixty-four (42
 6 U.S.C.A. 1452b), or the Cranston-Gonzalez national affordable housing
 7 act (42 U.S.C.A. 12701 et. seq.), or started after July first, nineteen
 8 hundred eighty-three by a housing development fund company organized
 9 pursuant to article eleven of the private housing finance law which are
 10 carried out with the substantial assistance of grants, loans or subsi-
 11 dies from any federal, state or local governmental agency or instrumen-
 12 tality or which are carried out in a property transferred from any city
 13 and where alterations and improvements are completed within seven years
 14 after the date of transfer may commence at the beginning of any tax
 15 quarter subsequent to the start of such conversion, alterations or
 16 improvements and prior to the completion of such conversion, alterations
 17 or improvements.

18 § 4. This act shall take effect immediately.

19 PART LL

20 Section 1. Subdivision 4 of section 933 of the labor law, as amended
 21 by chapter 90 of the laws of 2015, is amended to read as follows:

22 4. a federal, state or local governmental unit or public authority and
 23 employees thereof that perform mold assessment, remediation, or abate-
 24 ment on any property owned, managed or remediated by such governmental
 25 unit or authority; provided, however, that the exemption under this
 26 subdivision shall not apply to the New York city housing authority.

27 § 2. This act shall take effect immediately.

28 PART MM

29 Section 1. The administrative code of the city of New York is amended
 30 by adding a new section 25-116 to read as follows:

31 § 25-116 New York city housing authority repair certificate program.

32 a. The city planning commission shall establish the New York city hous-
 33 ing authority repair certificate program, in cooperation with the New
 34 York city housing authority. Under such program, the city planning
 35 commission shall grant amendments to zoning resolutions which increase
 36 the allowable development in areas covered by a New York city housing
 37 authority repair certificate issued pursuant to section four hundred
 38 two-d of the public housing law.

39 b. The city planning commission shall for each application for an
 40 amendment of a zoning resolution, establish the per foot value of any
 41 New York city housing authority repair certificate issued in the areas
 42 covered by such amendment and the maximum allowed foot area ratio that
 43 may be granted to the holder of such certificate in the newly zoned
 44 area. Such per foot value shall be updated annually based upon increases
 45 in the consumer price index for housing costs in the New York city
 46 metropolitan area.

47 c. A developer who seeks to obtain an increased foot area ratio in a
 48 newly zoned area, by means of being the holder of a New York city hous-
 49 ing authority repair certificate, shall submit an application therefor
 50 to the city planning commission. Such commission shall within seven days
 51 of receiving an application pursuant to this subdivision, forward it to
 52 the New York city housing authority, along with the per foot value to be

1 granted if the applicant receives a repair certificate from such author-
2 ity.

3 d. Upon certification by the New York city housing authority that a
4 developer has been awarded a repair certificate, the city planning
5 commission shall approve such developer's application submitted pursuant
6 to this section.

7 e. The transfer of a certificate must be registered with the city
8 planning commission within seven days of the transfer.

9 § 2. The public housing law is amended by adding a new section 402-d
10 to read as follows:

11 § 402-d. Issuance of repair certificate. 1. The New York city housing
12 authority, in consultation with the New York city planning commission,
13 shall establish procedures and guidelines for the awarding of repair
14 certificates by such authority to developers which perform capital
15 repairs to a project operated by the authority. No such certificate
16 shall be awarded based upon the performance of any work which would
17 constitute regular maintenance upon any project operated by such author-
18 ity. The procedures and guidelines established pursuant to this subdivi-
19 sion shall provide maximum allowable costs for various kinds and types
20 of capital repair projects.

21 2. There shall be established, within the New York city housing
22 authority, an office of repair certification. Such office shall adminis-
23 ter the repair certificate program. The office shall establish lists of
24 repair projects, to authority facilities, which shall be eligible for
25 the repair certificate program, the estimated value of each such repair
26 project, and the priority of each repair project based upon its urgency
27 and/or importance.

28 3. The office of repair certification shall receive each application
29 forwarded to the New York city housing authority pursuant to subdivision
30 c of section 25-116 of the administrative code of the city of New York.
31 Within ten days of receiving an application, the office shall contact
32 the applicant and provide it with a list of eligible repair projects
33 equal in value to the benefit to be provided to such applicant by the
34 city planning commission. Such list shall, to the extent practicable,
35 include only those eligible repair projects within the same neighborhood
36 included in the area to which the requested amendment to the zoning
37 resolution relates, regardless of the importance or urgency of the
38 repair project. Provided, however, if no such eligible repair projects
39 exist in the neighborhood, then the projects shall be listed in order of
40 priority.

41 4. Upon receipt of a list from the office, an applicant must reply
42 within thirty days. If the applicant fails to do so, its application
43 shall be terminated. Such reply to the office shall include designation
44 of the project or projects the applicant desires to complete, the appli-
45 cant's estimate of the cost of completing the repair project, and a
46 timeline for the completion of the project.

47 5. The office of repair certification shall, within fourteen days of
48 receiving an applicant's reply, review the costs and project plan
49 submitted, and either approve or disapprove such reply. If an appli-
50 cant's submission is disapproved, it shall have fifteen days to resubmit
51 a new project plan and estimate of costs for review by the office. Upon
52 a second submission, the office shall again make a determination within
53 fourteen days, and, if the plan is disapproved, the office shall provide
54 the applicant with a written explanation therefor.

55 6. For any repair project plan that is approved by the office of
56 repair certification where the applicant's estimated cost thereof

1 exceeds the value of the project established by the office, such office
2 shall provide notice to the city planning commission that the zoning
3 valuation of the zoning amendment must be adjusted within seven days.

4 7. Upon completion of the agreed upon repair project or projects by
5 the applicant, the office shall award the applicant a certificate of
6 completion and provide a copy thereof to the city planning commission
7 within fourteen days of certifying the completion of the project.

8 § 3. This act shall take effect on the one hundred eightieth day after
9 it shall have become a law; provided, however, that effective immediate-
10 ly, the addition, amendment and/or repeal of any rule or regulation
11 necessary for the implementation of this act on its effective date are
12 authorized and directed to be made and completed on or before such
13 effective date.

14 PART NN

15 Section 1. The public housing law is amended by adding a new section
16 402-d to read as follows:

17 § 402-d. New York city council oversight. The New York city council
18 as established in section twenty-one of the New York city charter is
19 empowered to mandate that the New York city housing authority produce
20 reports about any facets of its operations or the condition of the
21 projects under its management, including any project based section eight
22 voucher developments in which the authority has an ownership stake,
23 through the passage of a local law. Such a law shall determine which
24 information is to be included in the report, the deadline for the
25 production of the report, whether the reporting mandate applies once or
26 is recurring, and which local authorities shall receive copies. A copy
27 of any such reports must be provided to the commissioner and shall be
28 considered an agency document for the purposes of article six of the
29 public officers law.

30 § 2. Subdivision a of section 29 of the New York city charter, as
31 added by a vote of the people of the city of New York at the general
32 election held in November 1989, is amended to read as follows:

33 a. The council, acting as a committee of the whole, and each standing
34 or special committee of the council, through hearings or otherwise:

35 1. ~~may~~ May investigate any matters within its jurisdiction relating
36 to the property, affairs, or government of the city or of any county
37 within the city, or to any other powers of the council, or to the effec-
38 tuation of the purposes or provisions of this charter or any laws relat-
39 ing to the city or to any county within the city.

40 2. ~~shall~~ shall review on a regular and continuous basis the activ-
41 ities of the agencies of the city, including their service goals and
42 performance and management efficiency. Each unit of appropriation in
43 the adopted budget of the city shall be assigned to a standing commit-
44 tee. Each standing committee of the council shall hold at least one
45 hearing each year relating to the activities of each of the agencies
46 under its jurisdiction.

47 3. Shall review on a regular and continuous basis the activities of
48 the New York city housing authority, including the service goals,
49 performance and management efficiency of such authority. Such authority
50 shall be assigned to a standing committee. Such standing committee of
51 the council shall hold at least one hearing each year relating to the
52 activities of the New York city housing authority.

53 § 3. This act shall take effect on the thirtieth day after it shall
54 have become a law.

1

PART OO

2 Section 1. The public housing law is amended by adding a new section
3 402-d to read as follows:

4 § 402-d. Independent monitor. 1. There shall be established within the
5 division of housing and community renewal, an office of independent
6 monitor for the New York city housing authority. The head of such office
7 shall be the New York city housing authority independent monitor. The
8 independent monitor shall be appointed by the governor in consultation
9 with the Citywide Council of Presidents for tenant leaders of the New
10 York city housing authority and with the city council of the city of New
11 York who shall submit recommendations to the governor for appointment of
12 the independent monitor. The independent monitor shall be appointed,
13 with the advice and consent of the senate for a term of three years;
14 provided, however, that an independent monitor may be removed, by the
15 governor, prior to the expiration of his or her term, after an opportu-
16 nity to be heard, for substantial neglect of duty, gross misconduct in
17 office, or inability to carry out the duties of such office. Any vacancy
18 in the office of New York city housing authority independent monitor
19 prior to the expiration of his or her term shall be filled in the same
20 manner as provided for the original appointment for the remainder of
21 such unexpired term. Upon the expiration of the term of any independent
22 monitor, his or her successor shall be appointed for a term of four
23 years.

24 2. The New York city housing authority independent monitor shall
25 employ and may remove such personnel as he or she may deem necessary for
26 the performance of the duties of the office of independent monitor for
27 the New York city housing authority pursuant to this section, and fix
28 their compensation within the amounts made available therefor.

29 3. (a) Such independent monitor, or any officer or employee of the
30 office of independent monitor for the New York city housing authority as
31 shall be designated by him or her, shall have the authority to, and may,
32 in his or her sole discretion, require review and oversight, in whole or
33 in part, of any project, and make recommendations regarding required
34 corrective or other action to the New York city housing authority in
35 connection with such project.

36 (b) For the purposes of this section, the term "project" shall mean
37 any work associated with the planning, acquisition, design, engineering,
38 environmental analysis, construction, reconstruction, restoration, reha-
39 ilitation, establishment, improvement, renovation, extension, repair,
40 revitalization, management and development of a capital asset as defined
41 in section two of the state finance law.

42 (c) The New York city housing authority upon undertaking such project
43 shall fully cooperate with any determination of the New York city hous-
44 ing authority independent monitor, and provide access to all personnel,
45 books, records, plans, specifications, data and other information as may
46 be necessary for such independent monitor to perform his or her duties.

47 (d) In the event the New York city housing authority independent moni-
48 tor determines that corrective or other action is necessary for such a
49 project, then the independent monitor shall have the authority to direct
50 that the New York city housing authority shall implement all corrective
51 or other action as shall be required to accomplish the project, to the
52 extent practicable, on time, within budget and at an acceptable overall
53 cost to such authority. Such corrective or other action shall include,
54 but not be limited to:

1 (i) Modification of such plans, specifications, designs and estimates
 2 of costs for the construction of the project and equipment of facili-
 3 ties;

4 (ii) Detailed analysis of the project schedule;

5 (iii) Detailed analysis of project budget;

6 (iv) Detailed analysis of change orders and/or payments to prime
 7 contractors, subcontractors and other parties;

8 (v) Detailed analysis of records of construction observations,
 9 inspections and deficiencies;

10 (vi) Termination of contracts, contractors, subcontractors or other
 11 consultants;

12 (vii) Procurement of independent auditors, project managers, legal
 13 counsel, or other professionals for the benefit of the project;

14 (viii) Regular reporting of project status and milestones to the
 15 public;

16 (ix) Active project management review and oversight utilizing addi-
 17 tional resources provided by the New York city housing authority inde-
 18 pendent monitor; and

19 (x) Periodic project review and audit by the New York city housing
 20 authority independent monitor on a suitable time interval determined by
 21 such monitor.

22 (e) The New York city housing authority upon proposing a public works
 23 project having a total or aggregate construction value in excess of one
 24 million dollars shall include a summary of the provisions of this subdi-
 25 vision in all such proposal and/or bid documents for such projects.

26 (f) All contract documents shall expressly incorporate the provisions
 27 of this section and include compliance with the provisions hereof as a
 28 condition of performance.

29 4. The independent monitor shall, on or before February first each
 30 year, submit to the governor, each conference of the legislature, the
 31 authority, and the mayor and the city council of the city of New York, a
 32 report on his or her activities pursuant to this section during the
 33 previous calendar year, including any corrective actions that were
 34 required to be taken, and shall also report upon the status of all
 35 projects under taken by the New York city housing authority and whether
 36 such projects are progressing on schedule and within budget.

37 § 2. This act shall take effect immediately.

38 PART PP

39 Section 1. The public housing law is amended by adding a new section
 40 402-d to read as follows:

41 § 402-d. New York City Housing Authority 311 hotline. The New York
 42 City Housing Authority is authorized and directed to establish, in coor-
 43 dination with the department of information technology and telecommuni-
 44 cations of the city of New York, a system whereby residents of any
 45 project operated by such authority may report housing violations and
 46 submit other complaints through the existing 311 citizens service center
 47 that is operated by the New York city department of information technol-
 48 ogy and telecommunications.

49 § 2. The New York city charter is amended by adding a new section 1076
 50 to read as follows:

51 § 1076. New York City Housing Authority 311 hotline. The department is
 52 authorized and directed to establish, in coordination with the New York
 53 City Housing Authority, a system whereby the existing 311 hotline
 54 accepts calls from New York City Housing Authority residents. The

1 department or the city council may promulgate any rules and regulations
 2 necessary to accept and process complaints from tenants of public hous-
 3 ing projects operated by the New York City Housing Authority. The
 4 department shall further establish rules and procedures for the timely
 5 and effective transmission of such resident complaints to the New York
 6 City Housing Authority in coordination with the department of housing
 7 preservation and development.

8 § 3. This act shall take effect on the one hundred eightieth day after
 9 it shall have become a law; provided, however, that effective immediate-
 10 ly, the New York City Housing Authority and the department of informa-
 11 tion technology and telecommunications of the city of New York are
 12 authorized and directed to promulgate any rules and regulations neces-
 13 sary to implement the provisions of this act on its effective date on or
 14 before such date.

15 PART QQ

16 Section 1. Section 26-605 of the administrative code of the city of
 17 New York is amended by adding a new subdivision (c-1) to read as
 18 follows:

19 (c-1) For any eligible head of household who submits an application
 20 for a rent increase exemption order pursuant to subdivision (a) or (b)
 21 of this section, the date of such application shall be deemed to be (i)
 22 the date of the applicant's initial eligibility for a rent increase
 23 exemption order, if the actual date of submission of the application is
 24 two years or less after such date of initial eligibility, or (ii) the
 25 date which is two years prior to the actual date of the submission of
 26 the application, if such application is submitted more than two years
 27 after the applicant's date of initial eligibility for a rent increase
 28 exemption order, and the calculation of such rent increase exemption,
 29 prospectively, shall be based upon the applicant's initial date of
 30 eligibility and not upon the date of such application, provided, howev-
 31 er, that the provisions of this subdivision shall only apply to the
 32 calculation of benefits and no prior rental payments attributable to any
 33 rent increase prior to the date of application shall be subject to
 34 recoupment.

35 § 2. This act shall take effect immediately.

36 PART RR

37 Section 1. Section 54-m of the state finance law, as added by section
 38 104 of part WWW of chapter 59 of the laws of 2017, is amended to read as
 39 follows:

40 § 54-m. Local share requirements associated with increasing the age of
 41 juvenile jurisdiction above fifteen years of age. Notwithstanding any
 42 other provision of law to the contrary, counties and the city of New
 43 York shall not be required to contribute a local share of eligible
 44 expenditures that would not have been incurred absent the provisions of
 45 [a] chapter fifty-nine of the laws of two thousand seventeen that added
 46 this section [~~unless the most recent budget adopted by a county that is~~
 47 ~~subject to the provisions of section three-e of the general municipal~~
 48 ~~law exceeded the tax levy limit prescribed in such section or the local~~
 49 ~~government is not subject to the provisions of section three-e of the~~
 50 ~~general municipal law, provided, however, that the state budget director~~
 51 ~~shall be authorized to waive any local share of expenditures associated~~
 52 ~~with a chapter of the laws of two thousand seventeen that increased the~~

~~1 age of juvenile jurisdiction above fifteen years of age, upon a showing
2 of financial hardship by a county or the city of New York upon applica-
3 tion in the form and manner prescribed by the division of the budget. In
4 evaluating an application for a financial hardship waiver, the budget
5 director shall consider the incremental cost to the locality related to
6 increasing the age of juvenile jurisdiction, changes in state or federal
7 aid payments, and other extraordinary costs, including the occurrence of
8 a disaster as defined in paragraph a of subdivision two of section twen-
9 ty of the executive law, repair and maintenance of infrastructure, annu-
10 al growth in tax receipts, including personal income, business and other
11 taxes, prepayment of debt service and other expenses, or such other
12 factors that the director may determine].~~

13 § 2. This act shall take effect on the same date as section 104 of
14 part WWW of chapter 59 of the laws of 2017 takes effect.

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

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