

# STATE OF NEW YORK

S. 7506

A. 9506

## SENATE - ASSEMBLY

January 18, 2018

IN SENATE -- A BUDGET BILL, submitted by the Governor pursuant to article seven of the Constitution -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

IN ASSEMBLY -- A BUDGET BILL, submitted by the Governor pursuant to article seven of the Constitution -- read once and referred to the Committee on Ways and Means

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 to charter school tuition and 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 total foundation aid; to amend the education law, in relation to building 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 state aid adjustments; to amend the education law, in relation to the teachers of tomorrow teacher recruitment and retention program; to amend the education law, in relation to class sizes for special classes containing certain students with disabilities; to amend the education law, in relation to summer programs for 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

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

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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 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 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 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); to amend the education law, in relation to eligibility requirements and conditions governing general awards, academic performance awards and student loans; eligibility requirements for assistance under the higher education opportunity programs and the collegiate science and technology entry program; the definition of "resident"; financial aid opportunities for students of the state university of New York, the city university of New York and community colleges; and the program requirements for the New York state college choice tuition savings program; and to repeal subdivision 3 of section 661 of the education law relating thereto (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); in relation to authorizing the closure of the Ella McQueen reception center for boys and girls (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); to amend the social services law, in relation to a rental subsidy for public assistance recipients living with HIV/AIDS (Part M); to utilize reserves in the mortgage insurance fund for various housing purposes (Part N); and 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 (Part O)

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 O. 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.

12 PART A

13 Section 1. Paragraph e of subdivision 1 of section 211-d of the educa-  
 14 tion law, as amended by section 1 of part YYY of chapter 59 of the laws  
 15 of 2017, is amended to read as follows:  
 16 e. Notwithstanding paragraphs a and b of this subdivision, a school  
 17 district that submitted a contract for excellence for the two thousand

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

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

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

44 § 210-d. Data reporting requirements for graduate-level teacher and  
45 educational leader programs. Each institution registered by the depart-  
46 ment with graduate-level teacher and leader education programs shall  
47 report to the department data in a form prescribed by the commissioner  
48 regarding demographic data, on students participating in and completing  
49 registered graduate-level teacher and educational leader programs.

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

52 57. The commissioner, in cooperation with the commissioner of the  
53 division of human rights, shall establish and develop a respect for  
54 diversity program within the department for the eighth and ninth grade.  
55 Such program shall include but not be limited to age-appropriate model  
56 curriculum, exemplar lesson plans, and best practice instructional

1 resources designed to promote awareness and respect for diversity,  
2 including but not limited to respect for diversity of race, color,  
3 weight, national origin, ethnic group, religion, religious practice,  
4 disability, sexual orientation, gender, or sex.

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

7 § 3614. Statement of the total funding allocation. 1. Notwithstanding  
8 any provision of law, rule or regulation to the contrary, commencing  
9 with the two thousand eighteen--two thousand nineteen school year for  
10 school districts located in a city with a population of more than one  
11 hundred twenty-five thousand, and commencing with the two thousand nine-  
12 teen--two thousand twenty school year for school districts containing at  
13 least nine schools as reported in the school report card database  
14 produced by the commissioner for the two thousand sixteen--two thousand  
15 seventeen school year and which receive at least fifty percent of total  
16 revenue from state aid as reported in the fiscal profiles master files  
17 report produced by the commissioner concerning data on school district  
18 expenditures and revenues for the two thousand fifteen--two thousand  
19 sixteen school year, such school districts shall annually submit for the  
20 approval of the commissioner and the director of the budget and shall  
21 make publicly available and on the district website a detailed statement  
22 of the total funding allocation for each school in the district for the  
23 upcoming school budget year prior to the first day of such school year,  
24 provided that:

25 a. Such statements shall be in a form developed by the commissioner  
26 and approved by the director of the budget, provided that when preparing  
27 statements districts shall adhere to and complete the prescribed form  
28 accurately and fully. Provided, further, that each local educational  
29 agency shall include in such statement the approach used to allocate  
30 funds to each school and that such statement shall include but not be  
31 limited to separate entries for each individual school, demographic data  
32 for the school, per pupil funding level, source of funds, and uniform  
33 decision rules regarding allocation of centralized spending to individ-  
34 ual schools from both state and local funds.

35 b. The commissioner and director of the budget shall review and  
36 approve or disapprove of such statement of the approach used to allocate  
37 state and local funds, based on criteria which shall include but not be  
38 limited to student need, per pupil funding, and total funding, provided  
39 that no such approach shall use state or federal funds to supplant local  
40 funds.

41 c. If the commissioner or director of the budget disapprove a school  
42 district's spending statement, such school district shall be allowed to  
43 submit a revised spending statement for approval.

44 d. Nothing in this subdivision shall alter or suspend statutory school  
45 district budget and voting requirements.

46 2. Notwithstanding any inconsistent provision of law, no school  
47 district subject to this section shall be eligible for an apportionment  
48 of general support for public schools from the funds appropriated for  
49 the current school year in excess of the amount apportioned to such  
50 school district in the respective base year unless such school district  
51 has submitted a statement for the current school year that has been  
52 approved by the commissioner and the director of the budget as required  
53 by subdivision one of this section. For purposes of this subdivision,  
54 "base year" shall mean the base year as defined in paragraph b of subdi-  
55 vision one of section thirty-six hundred two of this part, and "current



1 year" shall mean the current year as defined in paragraph a of subdivi-  
2 sion one of section thirty-six hundred two of this part.

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

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

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

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

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

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

22 § 7. Paragraph (d) of subdivision 1 of section 2856 of the education  
23 law, as amended by section 4 of part YY of chapter 59 of the laws of  
24 2017, is amended to read as follows:

25 (d) School districts shall be eligible for an annual apportionment  
26 equal to the amount of the supplemental basic tuition for the charter  
27 school in the base year for the expenses incurred in the two thousand  
28 fourteen--two thousand fifteen, two thousand fifteen--two thousand  
29 sixteen, two thousand sixteen--two thousand seventeen [~~school-years~~],  
30 and [~~thereafter~~] two thousand seventeen--two thousand eighteen school  
31 years. School districts other than a school district located in a city  
32 with a population of one million people or more shall be eligible for an  
33 annual apportionment in the two thousand nineteen--two thousand twenty  
34 school year and thereafter equal to the amount of the supplemental basic  
35 tuition for the charter school in the base year.

36 § 8. Paragraph d of subdivision 1 of section 2856 of the education  
37 law, as amended by section 4-a of part YY of chapter 59 of the laws of  
38 2017, is amended to read as follows:

39 (d) 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, two thousand sixteen--two thousand seventeen [~~school-years~~],  
44 and [~~thereafter~~] two thousand seventeen--two thousand eighteen school  
45 years. School districts other than a school district located in a city  
46 with a population of one million people or more shall be eligible for an  
47 annual apportionment in the two thousand nineteen--two thousand twenty  
48 school year and thereafter equal to the amount of the supplemental basic  
49 tuition for the charter school in the base year.

50 § 9. Paragraph r of subdivision 1 of section 3602 of the education  
51 law, as amended by section 11 of part B of chapter 57 of the laws of  
52 2007, is amended to read as follows:

53 r. "Sparsity count", for districts operating a kindergarten through  
54 grade twelve school program, shall mean the product of (i) the base year  
55 public school enrollment of the district and (ii) the sparsity factor,  
56 which shall mean the quotient, computed to three decimals without round-

1 ing, of the positive remainder of twenty-five minus the enrollment per  
2 square mile divided by fifty and nine tenths, but not less than zero.  
3 Enrollment per square mile shall be the quotient, computed to two deci-  
4 mals without rounding, of the public school enrollment of the school  
5 district on the date enrollment was counted in accordance with this  
6 subdivision for the base year divided by the square miles of the  
7 district, as determined by the commissioner.

8 § 9-a. Subdivision 4 of section 3602 of the education law, as amended  
9 by section 16-a of part YYY of chapter 59 of the laws of 2017, is  
10 amended to read as follows:

11 4. Total foundation aid. In addition to any other apportionment pursu-  
12 ant to this chapter, a school district, other than a special act school  
13 district as defined in subdivision eight of section four thousand one of  
14 this chapter, shall be eligible for total foundation aid equal to the  
15 product of total aidable foundation pupil units multiplied by the  
16 district's selected foundation aid, which shall be the greater of five  
17 hundred dollars (\$500) or foundation formula aid, provided, however that  
18 for the two thousand seven--two thousand eight through two thousand  
19 eight--two thousand nine school years, no school district shall receive  
20 total foundation aid in excess of the sum of the total foundation aid  
21 base for aid payable in the two thousand seven--two thousand eight  
22 school year computed pursuant to subparagraph (i) of paragraph j of  
23 subdivision one of this section, plus the phase-in foundation increase  
24 computed pursuant to paragraph b of this subdivision, and provided  
25 further that for the two thousand twelve--two thousand thirteen school  
26 year, no school district shall receive total foundation aid in excess of  
27 the sum of the total foundation aid base for aid payable in the two  
28 thousand eleven--two thousand twelve school year computed pursuant to  
29 subparagraph (ii) of paragraph j of subdivision one of this section,  
30 plus the phase-in foundation increase computed pursuant to paragraph b  
31 of this subdivision, and provided further that for the two thousand  
32 thirteen--two thousand fourteen school year and thereafter, no school  
33 district shall receive total foundation aid in excess of the sum of the  
34 total foundation aid base computed pursuant to subparagraph (ii) of  
35 paragraph j of subdivision one of this section, plus the phase-in foun-  
36 dation increase computed pursuant to paragraph b of this subdivision,  
37 and provided further that for the two thousand sixteen--two thousand  
38 seventeen school year, no eligible school districts shall receive total  
39 foundation aid in excess of the sum of the total foundation aid base  
40 computed pursuant to subparagraph (ii) of paragraph j of subdivision one  
41 of this section plus the sum of (A) the phase-in foundation increase,  
42 (B) the executive foundation increase with a minimum increase pursuant  
43 to paragraph b-2 of this subdivision, and (C) an amount equal to "COMMU-  
44 NITY SCHOOLS AID" in the computer listing produced by the commissioner  
45 in support of the executive budget request for the two thousand  
46 sixteen--two thousand seventeen school year and entitled "BT161-7",  
47 where (1) "eligible school district" shall be defined as a district with  
48 (a) an unrestricted aid increase of less than seven percent (0.07) and  
49 (b) a three year average free and reduced price lunch percent greater  
50 than fifteen percent (0.15), and (2) "unrestricted aid increase" shall  
51 mean the quotient arrived at when dividing (a) the sum of the executive  
52 foundation aid increase plus the gap elimination adjustment for the base  
53 year, by (b) the difference of foundation aid for the base year less the  
54 gap elimination adjustment for the base year, and (3) "executive founda-  
55 tion increase" shall mean the difference of (a) the amounts set forth  
56 for each school district as "FOUNDATION AID" under the heading "2016-17



1 ESTIMATED AIDS" in the school aid computer listing produced by the  
2 commissioner in support of the executive budget request for the two  
3 thousand sixteen--two thousand seventeen school year and entitled  
4 "BT161-7" less (b) the amounts set forth for each school district as  
5 "FOUNDATION AID" under the heading "2015-16 BASE YEAR AIDS" in such  
6 computer listing and provided further that total foundation aid shall  
7 not be less than the product of the total foundation aid base computed  
8 pursuant to paragraph j of subdivision one of this section and the due-  
9 minimum percent which shall be, for the two thousand twelve--two thou-  
10 sand thirteen school year, one hundred and six-tenths percent (1.006)  
11 and for the two thousand thirteen--two thousand fourteen school year for  
12 city school districts of those cities having populations in excess of  
13 one hundred twenty-five thousand and less than one million inhabitants  
14 one hundred and one and one hundred and seventy-six thousandths percent  
15 (1.01176), and for all other districts one hundred and three-tenths  
16 percent (1.003), and for the two thousand fourteen--two thousand fifteen  
17 school year one hundred and eighty-five hundredths percent (1.0085), and  
18 for the two thousand fifteen--two thousand sixteen school year, one  
19 hundred thirty-seven hundredths percent (1.0037), subject to allocation  
20 pursuant to the provisions of subdivision eighteen of this section and  
21 any provisions of a chapter of the laws of New York as described there-  
22 in, nor more than the product of such total foundation aid base and one  
23 hundred fifteen percent for any school year other than the two thousand  
24 seventeen--two thousand eighteen school year, provided, however, that  
25 for the two thousand sixteen--two thousand seventeen school year such  
26 maximum shall be no more than the sum of (i) the product of such total  
27 foundation aid base and one hundred fifteen percent plus (ii) the execu-  
28 tive foundation increase and plus (iii) "COMMUNITY SCHOOLS AID" in the  
29 computer listing produced by the commissioner in support of the execu-  
30 tive budget request for the two thousand sixteen--two thousand seventeen  
31 school year and entitled "BT161-7" and provided further that for the two  
32 thousand nine--two thousand ten through two thousand eleven--two thou-  
33 sand twelve school years, each school district shall receive total founda-  
34 tion aid in an amount equal to the amount apportioned to such school  
35 district for the two thousand eight--two thousand nine school year  
36 pursuant to this subdivision. Total aidable foundation pupil units shall  
37 be calculated pursuant to paragraph g of subdivision two of this  
38 section. For the purposes of calculating aid pursuant to this subdivi-  
39 sion, aid for the city school district of the city of New York shall be  
40 calculated on a citywide basis.

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

46 (1) The foundation amount shall reflect the average per pupil cost of  
47 general education instruction in successful school districts, as deter-  
48 mined by a statistical analysis of the costs of special education and  
49 general education in successful school districts, provided that the  
50 foundation amount shall be adjusted annually to reflect the percentage  
51 increase in the consumer price index as computed pursuant to section two  
52 thousand twenty-two of this chapter, provided that for the two thousand  
53 eight--two thousand nine school year, for the purpose of such adjust-  
54 ment, the percentage increase in the consumer price index shall be  
55 deemed to be two and nine-tenths percent (0.029), and provided further  
56 that the foundation amount for the two thousand seven--two thousand

1 eight school year shall be five thousand two hundred fifty-eight  
 2 dollars, and provided further that for the two thousand seven--two thou-  
 3 sand eight through two thousand seventeen--two thousand eighteen school  
 4 years, the foundation amount shall be further adjusted by the phase-in  
 5 foundation percent established pursuant to paragraph b of this subdivi-  
 6 sion.

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

13	Labor Force Region	Index
14	Capital District	1.124
15	Southern Tier	1.045
16	Western New York	1.091
17	Hudson Valley	1.314
18	Long Island/NYC	1.425
19	Finger Lakes	1.141
20	Central New York	1.103
21	Mohawk Valley	1.000
22	North Country	1.000

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

28 (4) The expected minimum local contribution shall equal the lesser of  
 29 (i) the product of (A) the quotient arrived at when the selected actual  
 30 valuation is divided by total wealth foundation pupil units, multiplied  
 31 by (B) the product of the local tax factor, multiplied by the income  
 32 wealth index, or (ii) the product of (A) the product of the foundation  
 33 amount, the regional cost index, and the pupil need index, multiplied by  
 34 (B) the positive difference, if any, of one minus the state sharing  
 35 ratio for total foundation aid. The local tax factor shall be estab-  
 36 lished by May first of each year by determining the product, computed to  
 37 four decimal places without rounding, of ninety percent multiplied by  
 38 the quotient of the sum of the statewide average tax rate as computed by  
 39 the commissioner for the current year in accordance with the provisions  
 40 of paragraph e of subdivision one of section thirty-six hundred nine-e  
 41 of this part plus the statewide average tax rate computed by the commis-  
 42 sioner for the base year in accordance with such provisions plus the  
 43 statewide average tax rate computed by the commissioner for the year  
 44 prior to the base year in accordance with such provisions, divided by  
 45 three, provided however that for the two thousand seven--two thousand  
 46 eight school year, such local tax factor shall be sixteen thousandths  
 47 (0.016), and provided further that for the two thousand eight--two thou-  
 48 sand nine school year, such local tax factor shall be one hundred  
 49 fifty-four ten thousandths (0.0154). The income wealth index shall be  
 50 calculated pursuant to paragraph d of subdivision three of this section,  
 51 provided, however, that for the purposes of computing the expected mini-  
 52 mum local contribution the income wealth index shall not be less than  
 53 sixty-five percent (0.65) and shall not be more than two hundred percent  
 54 (2.0) and provided however that such income wealth index shall not be  
 55 more than ninety-five percent (0.95) for the two thousand eight--two  
 56 thousand nine school year, and provided further that such income wealth

1 index shall not be less than zero for the two thousand thirteen--two  
2 thousand fourteen school year. The selected actual valuation shall be  
3 calculated pursuant to paragraph c of subdivision one of this section.  
4 Total wealth foundation pupil units shall be calculated pursuant to  
5 paragraph h of subdivision two of this section.

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

12 (2) (i) Phase-in foundation percent. The phase-in foundation percent  
13 shall equal one hundred thirteen and fourteen one hundredths percent  
14 (1.1314) for the two thousand eleven--two thousand twelve school year,  
15 one hundred ten and thirty-eight hundredths percent (1.1038) for the two  
16 thousand twelve--two thousand thirteen school year, one hundred seven  
17 and sixty-eight hundredths percent (1.0768) for the two thousand thir-  
18 teen--two thousand fourteen school year, one hundred five and six  
19 hundredths percent (1.0506) for the two thousand fourteen--two thousand  
20 fifteen school year, and one hundred two and five tenths percent  
21 (1.0250) for the two thousand fifteen--two thousand sixteen school year.

22 (ii) Phase-in foundation increase factor. For the two thousand  
23 eleven--two thousand twelve school year, the phase-in foundation  
24 increase factor shall equal thirty-seven and one-half percent (0.375)  
25 and the phase-in due minimum percent shall equal nineteen and forty-one  
26 hundredths percent (0.1941), for the two thousand twelve--two thousand  
27 thirteen school year the phase-in foundation increase factor shall equal  
28 one and seven-tenths percent (0.017), for the two thousand thirteen--two  
29 thousand fourteen school year the phase-in foundation increase factor  
30 shall equal (1) for a city school district in a city having a population  
31 of one million or more, five and twenty-three hundredths percent  
32 (0.0523) or (2) for all other school districts zero percent, for the two  
33 thousand fourteen--two thousand fifteen school year the phase-in founda-  
34 tion increase factor shall equal (1) for a city school district of a  
35 city having a population of one million or more, four and thirty-two  
36 hundredths percent (0.0432) or (2) for a school district other than a  
37 city school district having a population of one million or more for  
38 which (A) the quotient of the positive difference of the foundation  
39 formula aid minus the foundation aid base computed pursuant to paragraph  
40 j of subdivision one of this section divided by the foundation formula  
41 aid is greater than twenty-two percent (0.22) and (B) a combined wealth  
42 ratio less than thirty-five hundredths (0.35), seven percent (0.07) or  
43 (3) for all other school districts, four and thirty-one hundredths  
44 percent (0.0431), and for the two thousand fifteen--two thousand sixteen  
45 school year the phase-in foundation increase factor shall equal: (1) for  
46 a city school district of a city having a population of one million or  
47 more, thirteen and two hundred seventy-four thousandths percent  
48 (0.13274); or (2) for districts where the quotient arrived at when  
49 dividing (A) the product of the total aidable foundation pupil units  
50 multiplied by the district's selected foundation aid less the total  
51 foundation aid base computed pursuant to paragraph j of subdivision one  
52 of this section divided by (B) the product of the total aidable founda-  
53 tion pupil units multiplied by the district's selected foundation aid is  
54 greater than nineteen percent (0.19), and where the district's combined  
55 wealth ratio is less than thirty-three hundredths (0.33), seven and  
56 seventy-five hundredths percent (0.0775); or (3) for any other district

1 designated as high need pursuant to clause (c) of subparagraph two of  
2 paragraph c of subdivision six of this section for the school aid  
3 computer listing produced by the commissioner in support of the enacted  
4 budget for the two thousand seven--two thousand eight school year and  
5 entitled "SA0708", four percent (0.04); or (4) for a city school  
6 district in a city having a population of one hundred twenty-five thou-  
7 sand or more but less than one million, fourteen percent (0.14); or (5)  
8 for school districts that were designated as small city school districts  
9 or central school districts whose boundaries include a portion of a  
10 small city for the school aid computer listing produced by the commis-  
11 sioner in support of the enacted budget for the two thousand fourteen--  
12 two thousand fifteen school year and entitled "SA1415", four and seven  
13 hundred fifty-one thousandths percent (0.04751); or (6) for all other  
14 districts one percent (0.01), and for the two thousand sixteen--two  
15 thousand seventeen school year the foundation aid phase-in increase  
16 factor shall equal for an eligible school district the greater of: (1)  
17 for a city school district in a city with a population of one million or  
18 more, seven and seven hundred eighty four thousandths percent (0.07784);  
19 or (2) for a city school district in a city with a population of more  
20 than two hundred fifty thousand but less than one million as of the most  
21 recent federal decennial census, seven and three hundredths percent  
22 (0.0703); or (3) for a city school district in a city with a population  
23 of more than two hundred thousand but less than two hundred fifty thou-  
24 sand as of the most recent federal decennial census, six and seventy-two  
25 hundredths percent (0.0672); or (4) for a city school district in a city  
26 with a population of more than one hundred fifty thousand but less than  
27 two hundred thousand as of the most recent federal decennial census, six  
28 and seventy-four hundredths percent (0.0674); or (5) for a city school  
29 district in a city with a population of more than one hundred twenty-  
30 five thousand but less than one hundred fifty thousand as of the most  
31 recent federal decennial census, nine and fifty-five hundredths percent  
32 (0.0955); or (6) for school districts that were designated as small city  
33 school districts or central school districts whose boundaries include a  
34 portion of a small city for the school aid computer listing produced by  
35 the commissioner in support of the enacted budget for the two thousand  
36 fourteen--two thousand fifteen school year and entitled "SA141-5" with a  
37 combined wealth ratio less than one and four tenths (1.4), nine percent  
38 (0.09), provided, however, that for such districts that are also  
39 districts designated as high need urban-suburban pursuant to clause (c)  
40 of subparagraph two of paragraph c of subdivision six of this section  
41 for the school aid computer listing produced by the commissioner in  
42 support of the enacted budget for the two thousand seven--two thousand  
43 eight school year and entitled "SA0708", nine and seven hundred and  
44 nineteen thousandths percent (0.09719); or (7) for school districts  
45 designated as high need rural pursuant to clause (c) of subparagraph two  
46 of paragraph c of subdivision six of this section for the school aid  
47 computer listing produced by the commissioner in support of the enacted  
48 budget for the two thousand seven--two thousand eight school year and  
49 entitled "SA0708", thirteen and six tenths percent (0.136); or (8) for  
50 school districts designated as high need urban-suburban pursuant to  
51 clause (c) of subparagraph two of paragraph c of subdivision six of this  
52 section for the school aid computer listing produced by the commissioner  
53 in support of the enacted budget for the two thousand seven--two thou-  
54 sand eight school year and entitled "SA0708", seven hundred nineteen  
55 thousandths percent (0.00719); or (9) for all other eligible school  
56 districts, forty-seven hundredths percent (0.0047), provided further

1 that for the two thousand seventeen--two thousand eighteen school year  
2 the foundation aid increase phase-in factor shall equal (1) for school  
3 districts with a census 2000 poverty rate computed pursuant to paragraph  
4 q of subdivision one of this section equal to or greater than twenty-six  
5 percent (0.26), ten and three-tenths percent (0.103), or (2) for a  
6 school district in a city with a population in excess of one million or  
7 more, seventeen and seventy-seven one-hundredths percent (0.1777), or  
8 (3) for a city school district in a city with a population of more than  
9 two hundred fifty thousand but less than one million, as of the most  
10 recent decennial census, twelve and sixty-nine hundredths percent  
11 (0.1269) or (4) for a city school district in a city with a population  
12 of more than one hundred fifty thousand but less than two hundred thou-  
13 sand, as of the most recent federal decennial census, ten and seventy-  
14 eight one hundredths percent (0.1078), or (5) for a city school district  
15 in a city with a population of more than one hundred twenty-five thou-  
16 sand but less than one hundred fifty thousand as of the most recent  
17 federal decennial census, nineteen and one hundred eight one-thousandths  
18 percent (0.19108), or (6) for a city school district in a city with a  
19 population of more than two hundred thousand but less than two hundred  
20 fifty thousand as of the most recent federal decennial census, ten and  
21 six-tenths percent (0.106), or (7) for all other districts, four and  
22 eighty-seven one-hundredths percent (0.0487), and for the two thousand  
23 [~~eighteen~~] ~~nineteen~~--two thousand [~~nineteen~~] ~~twenty~~ school year and  
24 thereafter the commissioner shall annually determine the phase-in foun-  
25 dation increase factor subject to allocation pursuant to the provisions  
26 of subdivision eighteen of this section and any provisions of a chapter  
27 of the laws of New York as described therein.

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

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

53 b-3. Due minimum for the two thousand seventeen--two thousand eighteen  
54 school year. Notwithstanding any other provision of law to the contrary,  
55 for the two thousand seventeen--two thousand eighteen school year the  
56 total foundation aid shall not be less than (A) the sum of the total

1 foundation aid base computed pursuant to paragraph j of subdivision one  
2 of this section plus the product of (i) the difference of the amount set  
3 forth for such school district as "FOUNDATION AID" under the heading  
4 "2017-18 ESTIMATED AIDS" in the school aid computer listing produced by  
5 the commissioner in support of the executive budget request for the two  
6 thousand seventeen--two thousand eighteen school year and entitled  
7 "BT171-8" less the amount set forth for such school district as "FOUNDA-  
8 TION AID" under the heading "2016-17 BASE YEAR AIDS" in the school aid  
9 computer listing produced by the commissioner in support of the execu-  
10 tive budget request for the two thousand seventeen--two thousand eigh-  
11 teen school year and entitled "BT171-8" multiplied by (ii) one and eigh-  
12 teen one-hundredths (1.18), or (B) the product of forty-four and  
13 seventy-five one-hundredths percent (0.4475) multiplied by total founda-  
14 tion aid as computed pursuant to paragraph a of this subdivision, or (C)  
15 the sum of the total foundation aid base computed pursuant to paragraph  
16 j of subdivision one of this section plus the due minimum for the two  
17 thousand seventeen--two thousand eighteen school year, where such due  
18 minimum shall equal (1) for school districts with a census 2000 poverty  
19 rate computed pursuant to paragraph q of subdivision one of this  
20 section, equal to or greater than eleven and nine-tenths percent  
21 (0.119), the product of the foundation aid base for the two thousand  
22 seventeen--two thousand eighteen school year computed pursuant to  
23 subparagraph (iii) of paragraph j of subdivision one of this section  
24 multiplied by three hundred thirty-five ten-thousandths (0.0335), or (2)  
25 for all other school districts the product of the foundation aid base  
26 for the two thousand seventeen--two thousand eighteen school year  
27 computed pursuant to subparagraph (iii) of paragraph j of subdivision  
28 one of this section multiplied by two and seventy-four one-hundredths  
29 percent (0.0274).

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

36 (i) Tier A. For all school districts other than a district within a  
37 city with a population of one million or more, with a combined wealth  
38 ratio less than two (2.0), where either (A) the quotient arrived at by  
39 dividing the English language learner count pursuant to paragraph o of  
40 subdivision one of this section for the base year by the public school  
41 district enrollment for the base year pursuant to paragraph n of subdivi-  
42 sion one of this section is greater than two one-hundredths (0.02) or  
43 (B) the quotient arrived at by dividing the difference of the English  
44 language learner count pursuant to paragraph o of subdivision one of  
45 this section for the base year less such count for one year prior to the  
46 base year by the public school district enrollment for one year prior to  
47 the base year pursuant to paragraph n of subdivision one of this section  
48 is greater than one one-thousandth (0.001), tier A shall equal the prod-  
49 uct of (A) the difference of two minus the combined wealth ratio multi-  
50 plied by (B) one hundred dollars (\$100.00) multiplied by (C) the English  
51 language learner count for the base year.

52 (ii) Tier B. For any school district (A) where the amount set forth as  
53 "25% LIMIT CAP ON INCREASE" on the computer file produced by the commis-  
54 sioner in support of the enacted budget for the two thousand seven--two  
55 thousand eight school year and entitled "SA070-8" is less than zero and  
56 (B) with a combined wealth ratio computed pursuant to paragraph c of

1 subdivision three of this section greater than one (1.0), tier B shall  
2 equal the product of (A) the sum of (1) the difference of total founda-  
3 tion aid less the foundation aid base plus (2) the difference of the  
4 amount set forth for such school district as "FOUNDATION AID" under the  
5 heading "2017-18 ESTIMATED AIDS" in the school aid computer listing  
6 produced by the commissioner in support of the executive budget request  
7 and entitled "BT1718" less the foundation aid base multiplied by (B) ten  
8 and two-tenths percent (0.102).

9 (iii) Tier C. For all school districts with a combined wealth ratio  
10 for total foundation aid computed pursuant to paragraph c of subdivision  
11 three of this section less than one (1.0), tier C shall be the greater  
12 of (A) for districts that were designated as small city school districts  
13 or central school districts whose boundaries include a portion of a  
14 small city for the school aid computer listing produced by the commis-  
15 sioner in support of the enacted budget for the two thousand fourteen--  
16 two thousand fifteen school year and entitled "SA1415", the product of  
17 the public school district enrollment for the base year pursuant to  
18 paragraph n of subdivision one of this section multiplied by one hundred  
19 sixty-seven dollars and forty cents (\$167.40) or (B) for school  
20 districts with a sparsity factor as set forth on the computer listing  
21 produced by the commissioner in support of the enacted budget for the  
22 two thousand seventeen--two thousand eighteen school year and entitled  
23 "SA171-8" of greater than zero, the product of the public school  
24 district enrollment for the base year multiplied by one hundred eighty-  
25 eight dollars (\$188.00).

26 (iv) Tier D. For all school districts, other than districts within a  
27 city with a population of one hundred twenty-five thousand or more, with  
28 a selected poverty rate of greater than eighteen hundredths (0.18), tier  
29 D shall equal the product of the selected poverty rate multiplied by the  
30 school district public enrollment for the base year multiplied by two  
31 hundred forty dollars (\$240.00), provided, however, that for districts  
32 within a city with a population of greater than one hundred twenty-five  
33 thousand but less than one million and a selected poverty rate of great-  
34 er than eighteen hundredths (0.18), tier D shall equal the product of  
35 the selected poverty rate multiplied by school district public enroll-  
36 ment for the base year multiplied by three hundred forty-four dollars  
37 (\$344.00), and for a city school district in a city with a population of  
38 one million or more, tier D shall equal the product of the selected  
39 poverty rate multiplied by school district public enrollment for the  
40 base year multiplied by twenty-nine cents (\$0.29).

41 c. Public excess cost aid setaside. Each school district shall set  
42 aside from its total foundation aid computed for the current year pursu-  
43 ant to this subdivision an amount equal to the product of: (i) the  
44 difference between the amount the school district was eligible to  
45 receive in the two thousand six--two thousand seven school year pursuant  
46 to or in lieu of paragraph six of subdivision nineteen of this section  
47 as such paragraph existed on June thirtieth, two thousand seven, minus  
48 the amount such district was eligible to receive pursuant to or in lieu  
49 of paragraph five of subdivision nineteen of this section as such para-  
50 graph existed on June thirtieth, two thousand seven, in such school  
51 year, and (ii) the sum of one and the percentage increase in the consum-  
52 er price index for the current year over such consumer price index for  
53 the two thousand six--two thousand seven school year, as computed pursu-  
54 ant to section two thousand twenty-two of this chapter. Notwithstanding  
55 any other provision of law to the contrary, the public excess cost aid



1 setaside shall be paid pursuant to section thirty-six hundred nine-b of  
2 this part.

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

8 e. Community schools aid set-aside. Each school district shall set  
9 aside from its total foundation aid computed for the current year pursu-  
10 ant to this subdivision an amount equal to the sum of (i) the amount, if  
11 any, set forth for such district as "COMMUNITY SCHL AID (BT1617)" in the  
12 data file produced by the commissioner in support of the enacted budget  
13 for the two thousand sixteen--two thousand seventeen school year and  
14 entitled "SA161-7" [~~and~~], (ii) the amount, if any, set forth for such  
15 district as "COMMUNITY SCHL INCR" in the data file produced by the  
16 commissioner in support of the executive budget request for the two  
17 thousand seventeen--two thousand eighteen school year and entitled  
18 "BT171-8", and (iii) the amount, if any, set forth for such district as  
19 "COMMUNITY SCHOOLS INCREASE" in the data file produced by the commis-  
20 sioner in support of the executive budget for the two thousand eigh-  
21 teen--two thousand nineteen school year and entitled "BT181-9". Each  
22 school district shall use such "COMMUNITY SCHL AID (BT1617)" amount to  
23 support the transformation of school buildings into community hubs to  
24 deliver co-located or school-linked academic, health, mental health,  
25 nutrition, counseling, legal and/or other services to students and their  
26 families, including but not limited to providing a community school site  
27 coordinator, or to support other costs incurred to maximize students'  
28 academic achievement. Each school district shall use such "COMMUNITY  
29 SCHL INCR" amount to support the transformation of school buildings into  
30 community hubs to deliver co-located or school linked academic, health,  
31 mental health services and personnel, after-school programming, dual  
32 language programs, nutrition, counseling, legal and/or other services to  
33 students and their families, including but not limited to providing a  
34 community school site coordinator and programs for English language  
35 learners, or to support other costs incurred to maximize students'  
36 academic achievement, provided however that a school district whose  
37 "COMMUNITY SCHL INCR" amount exceeds one million dollars (\$1,000,000)  
38 shall use an amount equal to the greater of one hundred fifty thousand  
39 dollars (\$150,000) or ten percent of such "COMMUNITY SCHL INCR" amount  
40 to support such transformation at schools with extraordinary high levels  
41 of student need as identified by the commissioner, subject to the  
42 approval of the director of the budget. Each school district shall use  
43 such "COMMUNITY SCHOOLS INCREASE" in the data file produced by the  
44 commissioner in support of the executive budget for the two thousand  
45 eighteen--two thousand nineteen school year and entitled "BT181-9" to  
46 support the transformation of school buildings into community hubs to  
47 deliver co-located or school linked academic, health, mental health  
48 services and personnel, after-school programming, dual language  
49 programs, nutrition, counseling, legal and/or other services to students  
50 and their families, including but not limited to providing a community  
51 school site coordinator and programs for English language learners.  
52 f. Foundation aid payable in the two thousand eighteen--two thousand  
53 nineteen school year. Notwithstanding any provision of law to the  
54 contrary, foundation aid payable in the two thousand eighteen--two thou-  
55 sand nineteen school year shall equal the sum of the foundation aid base

1 plus the base increase plus the community schools increase, as defined  
2 in this paragraph.

3 (i) Base increase. The base increase for the two thousand eighteen--  
4 two thousand nineteen school year shall equal the greater of tiers A, B,  
5 or C.

6 (A) Tier A. Tier A shall equal the product of the phase-in factor and  
7 the positive difference, if any, of total foundation aid less the foun-  
8 ation aid base. The phase-in factor shall equal, for a city school  
9 district in a city having a population of one million or more, nine  
10 thousand nine hundred five hundred thousandths (0.09905), and for all  
11 other districts, the product of three hundred fifty-six ten thousandths  
12 (0.0356) multiplied by a CWR sliding scale, where the CWR sliding scale  
13 shall be equal to the positive difference, if any, of one and six  
14 hundred sixteen thousandths (1.616) less the product of (a) one and one  
15 thousand twenty-five ten thousandths (1.1025) multiplied by (b) the  
16 combined wealth ratio for total foundation aid computed pursuant to  
17 paragraph c of subdivision three of this section multiplied again by (c)  
18 the combined wealth ratio for total foundation aid computed pursuant to  
19 paragraph c of subdivision three of this section, provided that such  
20 ratio shall be no more than one.

21 (B) Tier B. For districts with a combined wealth ratio for total foun-  
22 ation aid computed pursuant to paragraph c of subdivision three of this  
23 section less than one (1.0), Tier B shall be equal to the product of  
24 district public enrollment for the base year pursuant to paragraph n of  
25 subdivision one of this section multiplied by the sum of (I) the EN  
26 percent base increase, (II) the EN percent sparsity increase, (III) the  
27 EN percent growth increase, and (IV) the scaled per pupil amount. For  
28 purposes of this subparagraph, the extraordinary needs index shall be  
29 equal to a district's extraordinary needs percent calculated pursuant to  
30 paragraph w of subdivision one of this section divided by five hundred  
31 fifty-seven thousandths (0.557).

32 (I) EN percent base increase. For all school districts with an  
33 extraordinary needs percent calculated pursuant to paragraph w of subdi-  
34 vision one of this section greater than twenty-five hundredths (0.25),  
35 the EN percent base increase shall be equal to the product of the  
36 extraordinary needs index multiplied by thirty-two dollars and fifty  
37 cents (\$32.50).

38 (II) EN percent sparsity increase. For all school districts with an EN  
39 percent base increase greater than zero and with a sparsity factor  
40 pursuant to paragraph r of subdivision one of this section greater than  
41 zero, the EN percent sparsity increase shall be equal to the product of  
42 the extraordinary needs index multiplied by nine dollars and forty-two  
43 cents (\$9.42).

44 (III) EN percent growth increase. For all school districts with an EN  
45 percent base increase greater than zero and where the extraordinary  
46 needs percent calculated for the two thousand eighteen--two thousand  
47 nineteen school year is more than three hundred twenty-five ten thou-  
48 sandths (0.0325) greater than the extraordinary needs percent calculated  
49 for the two thousand sixteen--two thousand seventeen school year, the EN  
50 percent growth increase shall be equal to the product of the extraor-  
51 dinary needs index multiplied by thirty dollars (\$30.00).

52 (IV) Scaled per pupil amount. The scaled per pupil amount shall equal  
53 for all school districts with a combined wealth ratio for total founda-  
54 tion aid computed pursuant to paragraph c of subdivision three of this  
55 section less than one (1.0), the product of sixty-nine dollars (\$69.00)  
56 multiplied by the positive difference, if any, of one and six hundred

1 sixteen thousandths (1.616) less the product of (a) one and one thousand  
2 twenty-five ten thousandths (1.1025) multiplied by (b) the combined  
3 wealth ratio for total foundation aid computed pursuant to paragraph c  
4 of subdivision three of this section multiplied again by (c) the  
5 combined wealth ratio for total foundation aid computed pursuant to  
6 paragraph c of subdivision three of this section, provided that such  
7 ratio shall be no more than one.

8 (C) Tier C. For all school districts, tier C shall be equal to the  
9 product of twenty-five ten thousandths (0.0025) multiplied by the foun-  
10 duction aid base.

11 (ii) Community schools increase. The community schools increase for  
12 the two thousand eighteen--two thousand nineteen school year shall equal  
13 the greater of the community schools formula increase or the community  
14 schools level-up increase.

15 (A) Community schools formula increase. For all eligible school  
16 districts, the community schools formula increase shall equal the prod-  
17 uct of (1) the difference of one (1.0) less the product of sixty-four  
18 hundredths (0.64) multiplied by the combined wealth ratio for total  
19 foundation aid, provided that such ratio shall be no more than nine  
20 tenths (0.9) nor less than zero, multiplied by (2) eighty-three dollars  
21 and seventeen cents (\$83.17), multiplied by (3) school district public  
22 enrollment for the base year pursuant to paragraph n of subdivision one  
23 of this section, provided that the community schools formula increase  
24 shall not be less than seventy-five thousand dollars (\$75,000) for any  
25 eligible districts.

26 (B) A school district shall be eligible for the community schools  
27 formula increase if it is (i) a school district that contains at least  
28 one school designated as failing or persistently failing by the commis-  
29 sioner pursuant to paragraphs (a) or (b) of subdivision one of section  
30 two hundred eleven-f of this chapter as of January first, two thousand  
31 eighteen or (ii) a school district (1) that has a combined wealth ratio  
32 for total foundation aid less than one (1.0), and (2) where the positive  
33 difference, if any, of the English language learner count pursuant to  
34 paragraph o of subdivision one of this section less the amount equal to  
35 "2012-13 ENGLISH LANG. LEARNERS" in the computer listing produced by the  
36 commissioner in support of the executive budget request for the two  
37 thousand eighteen--two thousand nineteen school year entitled "BT181-9"  
38 is greater than both (a) one hundred pupils and (b) the product of one-  
39 tenth (0.10) multiplied by the amount equal to "2012-13 ENGLISH LANG.  
40 LEARNERS" in the computer listing produced by the commissioner in  
41 support of the executive budget request for the two thousand eighteen--  
42 two thousand nineteen school year and entitled "BT181-9", and (3) where  
43 the quotient arrived at when dividing the English language learner count  
44 by the base year public school district enrollment as computed pursuant  
45 to subparagraph two of paragraph n of subdivision one of this section  
46 exceeds five percent (0.05); or (iii) a school district where (1) the  
47 quotient arrived at when dividing the amount equal to "2016-17 HOMELESS  
48 PUPILS" in the computer listing produced by the commissioner in support  
49 of the executive budget request for the two thousand eighteen--two thou-  
50 sand nineteen school year entitled "BT181-9" by the amount equal to  
51 "2012-13 HOMELESS PUPILS" in the computer listing produced by the  
52 commissioner in support of the executive budget request for the two  
53 thousand eighteen--two thousand nineteen school year entitled "BT181-9"  
54 is greater than one and four tenths (1.4), and (2) the quotient arrived  
55 at when dividing the amount equal to "2016-17 HOMELESS PUPILS" in the  
56 computer listing produced by the commissioner in support of the execu-

1 tive budget request for the two thousand eighteen--two thousand nineteen  
2 school year entitled "BT181-9" by public school district enrollment as  
3 computed pursuant to subparagraph two of paragraph n of subdivision one  
4 of this section, for the year prior to the base year, is greater than  
5 five hundredths (0.05), and (3) where the amount equal to "2016-17 HOME-  
6 LESS PUPILS" in the computer listing produced by the commissioner in  
7 support of the executive budget request for the two thousand eighteen--  
8 two thousand nineteen school year entitled "BT181-9" is greater than one  
9 hundred pupils.

10 (B) Community schools level-up increase. For all school districts with  
11 a community schools aid set-aside amount pursuant to paragraph e of this  
12 subdivision greater than zero, the community schools level-up increase  
13 shall be equal to the positive difference, if any, of (1) seventy-five  
14 thousand dollars less (2) the community schools aid set-aside amount for  
15 the two thousand seventeen--two thousand eighteen school year pursuant  
16 to paragraph e of this subdivision.

17 § 9-b. Subdivision 6 of section 3602 of the education law is amended  
18 by adding a new paragraph k to read as follows:

19 k. (1) Notwithstanding any inconsistent provision of law, for appor-  
20 tionments provided in the two thousand nineteen-two thousand twenty  
21 school year and thereafter, all apportionments otherwise payable pursu-  
22 ant to this subdivision shall be further multiplied by the efficiency  
23 factor as defined pursuant to this paragraph, provided, however, that  
24 apportionments for projects for a city school district in a city having  
25 a population of one million or more approved by the commissioner prior  
26 to July first, two thousand eighteen shall not be subject to such effi-  
27 ciency factor.

28 (2) Efficiency factor calculation. At the time of each data file  
29 update pursuant to paragraph b of subdivision twenty-one of section  
30 three hundred five of this chapter, beginning in the two thousand nine-  
31 teen-two thousand twenty school year, the commissioner shall compute an  
32 efficiency factor equal to the quotient arrived at when dividing (i) the  
33 statewide sum of all such apportionments for the base year pursuant to  
34 this subdivision multiplied by one and two one-hundredths (1.02) by (ii)  
35 the statewide sum of all such apportionments otherwise payable for the  
36 current year pursuant to this subdivision, provided, however, that such  
37 efficiency factor shall not be more than one, and shall be deemed final  
38 and not subject to change as of the update produced by the commissioner  
39 pursuant to subdivision twenty-one of section three hundred five of this  
40 chapter on November fifteenth of the school year immediately following  
41 the close of such base year.

42 § 9-c. Section 1950 of the education law is amended by adding a new  
43 subdivision 20 to read as follows:

44 20. Aid payable in the two thousand nineteen-two thousand twenty  
45 school year and thereafter. Notwithstanding any inconsistent provision  
46 of law, beginning in the two thousand nineteen-two thousand twenty  
47 school year, a school district's apportionment pursuant to this section  
48 shall not exceed the product of the apportionment calculated pursuant to  
49 this section for the base year, as of the update produced by the commis-  
50 sioner pursuant to subdivision twenty-one of section three hundred five  
51 of this chapter on November fifteenth of the school year immediately  
52 following the close of such base year, multiplied by one and two one-  
53 hundredths (1.02).

54 § 9-d. Subdivision 7 of section 3602 of the education law is amended  
55 by adding a new paragraph f to read as follows:

1 f. Aid payable in the two thousand nineteen--two thousand twenty school  
2 year and thereafter. Notwithstanding any inconsistent provision of law,  
3 beginning in the two thousand nineteen--two thousand twenty school year,  
4 a school district's apportionment pursuant to this subdivision shall not  
5 exceed the product of the apportionment calculated pursuant to this  
6 subdivision for the base year, as of the update produced by the commis-  
7 sioner pursuant to subdivision twenty-one of section three hundred five  
8 of this chapter on November fifteenth of the school year immediately  
9 following the close of such base year, multiplied by one and two one-  
10 hundredths (1.02).

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

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

26 § 11. Paragraph b of subdivision 6-c of section 3602 of the education  
27 law, as amended by section 23 of part YYY of chapter 59 of the laws of  
28 2017, is amended to read as follows:

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

50 § 12. Subdivision 9 of section 3602 of the education law is amended by  
51 adding a new paragraph c to read as follows:

52 c. Notwithstanding the provisions of paragraph a of this subdivision,  
53 school districts receiving an apportionment pursuant to paragraph a of  
54 this subdivision in the two thousand eighteen--two thousand nineteen  
55 school year shall be eligible for an apportionment in the two thousand  
56 nineteen--two thousand twenty school year equal to the product of fifty



1 percent multiplied by the aid received by the district pursuant to para-  
2 graph a of this subdivision in the two thousand eighteen--two thousand  
3 nineteen school year.

4 § 13. Subdivision 12 of section 3602 of the education law, as amended  
5 by section 3 of part A of chapter 56 of the laws of 2015, the fourth  
6 undesignated paragraph as added by section 3 of part A of chapter 54 of  
7 the laws of 2016, the closing paragraph as added by section 24 of part  
8 YYY of chapter 59 of the laws of 2017, is amended to read as follows:

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

21 For the two thousand nine--two thousand ten through two thousand four-  
22 teen--two thousand fifteen school years, each school district shall be  
23 entitled to an apportionment equal to the amount set forth for such  
24 school district as "EDUCATION GRANTS, ACADEMIC EN" under the heading  
25 "2008-09 BASE YEAR AIDS" in the school aid computer listing produced by  
26 the commissioner in support of the budget for the two thousand nine--two  
27 thousand ten school year and entitled "SA0910", and such apportionment  
28 shall be deemed to satisfy the state obligation to provide an apportion-  
29 ment pursuant to subdivision eight of section thirty-six hundred forty-  
30 one of this article.

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

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

49 For the two thousand seventeen--two thousand eighteen school year,  
50 each school district shall be entitled to an apportionment equal to the  
51 amount set forth for such school district as "ACADEMIC ENHANCEMENT"  
52 under the heading "2016-17 ESTIMATED AIDS" in the school aid computer  
53 listing produced by the commissioner in support of the budget for the  
54 two thousand sixteen--two thousand seventeen school year and entitled  
55 "SA161-7", and such apportionment shall be deemed to satisfy the state

1 obligation to provide an apportionment pursuant to subdivision eight of  
2 section thirty-six hundred forty-one of this article.

3 For the two thousand eighteen--two thousand nineteen school year, each  
4 school district shall be entitled to an apportionment equal to the  
5 amount set forth for such school district as "ACADEMIC ENHANCEMENT"  
6 under the heading "2017-18 ESTIMATED AIDS" in the school aid computer  
7 listing produced by the commissioner in support of the budget for the  
8 two thousand seventeen--two thousand eighteen school year and entitled  
9 "SA171-8", and such apportionment shall be deemed to satisfy the state  
10 obligation to provide an apportionment pursuant to subdivision eight of  
11 section thirty-six hundred forty-one of this article.

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

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

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

47 Notwithstanding any provision of law to the contrary, (i) for aid  
48 payable in the two thousand eight--two thousand nine school year, the  
49 grant to each eligible school district for universal prekindergarten aid  
50 shall be computed pursuant to this subdivision, and (ii) for the two  
51 thousand nine--two thousand ten and two thousand ten--two thousand elev-  
52 en school years, each school district shall be eligible for a maximum  
53 grant equal to the amount computed for such school district for the base  
54 year in the electronic data file produced by the commissioner in support  
55 of the two thousand nine--two thousand ten education, labor and family  
56 assistance budget, provided, however, that in the case of a district



1 implementing programs for the first time or implementing expansion  
2 programs in the two thousand eight--two thousand nine school year where  
3 such programs operate for a minimum of ninety days in any one school  
4 year as provided in section 151-1.4 of the regulations of the commis-  
5 sioner, for the two thousand nine--two thousand ten and two thousand  
6 ten--two thousand eleven school years, such school district shall be  
7 eligible for a maximum grant equal to the amount computed pursuant to  
8 paragraph a of subdivision nine of this section in the two thousand  
9 eight--two thousand nine school year, and (iii) for the two thousand  
10 eleven--two thousand twelve school year each school district shall be  
11 eligible for a maximum grant equal to the amount set forth for such  
12 school district as "UNIVERSAL PREKINDERGARTEN" under the heading "2011-  
13 12 ESTIMATED AIDS" in the school aid computer listing produced by the  
14 commissioner in support of the enacted budget for the 2011-12 school  
15 year and entitled "SA111-2", and (iv) for two thousand twelve--two thou-  
16 sand thirteen through two thousand sixteen--two thousand seventeen  
17 school years each school district shall be eligible for a maximum grant  
18 equal to the greater of (A) the amount set forth for such school  
19 district as "UNIVERSAL PREKINDERGARTEN" under the heading "2010-11 BASE  
20 YEAR AIDS" in the school aid computer listing produced by the commis-  
21 sioner in support of the enacted budget for the 2011-12 school year and  
22 entitled "SA111-2", or (B) the amount set forth for such school district  
23 as "UNIVERSAL PREKINDERGARTEN" under the heading "2010-11 BASE YEAR  
24 AIDS" in the school aid computer listing produced by the commissioner on  
25 May fifteenth, two thousand eleven pursuant to paragraph b of subdivi-  
26 sion twenty-one of section three hundred five of this chapter, and (v)  
27 for the two thousand seventeen--two thousand eighteen and two thousand  
28 eighteen--two thousand nineteen school [~~year~~] years, each school  
29 district shall be eligible to receive a grant amount equal to the sum of  
30 (A) the amount set forth for such school district as "UNIVERSAL PREKIN-  
31 DERGARTEN" under the heading "2016-17 ESTIMATED AIDS" in the school aid  
32 computer listing produced by the commissioner in support of the enacted  
33 budget for the two thousand sixteen--two thousand seventeen school year  
34 and entitled "SA161-7" plus (B) the amount awarded to such school  
35 district for the priority full-day prekindergarten and expanded half-day  
36 prekindergarten grant program for high need students for the two thou-  
37 sand sixteen--two thousand seventeen school year pursuant to chapter  
38 fifty-three of the laws of two thousand thirteen, and (vi) for the two  
39 thousand [~~eighteen~~] nineteen--two thousand [~~nineteen~~] twenty school  
40 year, each school district shall be eligible to receive a grant amount  
41 equal to the sum of (A) the amount set forth for such school district as  
42 "UNIVERSAL PREKINDERGARTEN" in the school aid computer listing produced  
43 by the commissioner in support of the enacted budget for the two thou-  
44 sand [~~seventeen~~] eighteen--two thousand [~~eighteen~~] nineteen school year  
45 plus (B) the amount awarded to such school district for the federal  
46 preschool development expansion grant for the two thousand seventeen--  
47 two thousand eighteen school year pursuant to the American Recovery and  
48 Reinvestment Act of 2009 (ARRA), Sections 14005, 14006, and 14013, Title  
49 XIV, (Public Law 112-10), as amended by section 1832(b) of Division B of  
50 the Department of Defense and Full-Year Continuing Appropriations Act,  
51 2011 (Pub. L. 112-10), and the Department of Education Appropriations  
52 Act, 2012 (Title III Division F of Pub. L. 112-74, the Consolidated  
53 Appropriations Act, 2012)[~~, and (vii) for the two thousand nineteen--two~~  
54 ~~thousand twenty school year, each school district shall be eligible to~~  
55 ~~receive a grant amount equal to the sum of (A) the amount set forth for~~  
56 ~~such school district as "UNIVERSAL PREKINDERGARTEN ALLOCATION" on the~~

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

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

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

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

40 For the two thousand eighteen--two thousand nineteen school year the  
41 sum of, from ~~each of (A)~~ the programs pursuant to this section ~~and~~  
42 ~~(B) the federal preschool development expansion grant, (1)~~, (A) the  
43 maximum aidable full-day prekindergarten pupils such district was eligi-  
44 ble to serve in the base year plus ~~(2)~~ (B) the maximum aidable number  
45 of half-day prekindergarten pupils converted into a full-day prekinde-  
46 rgarten pupil in the base year;

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

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

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

9 For the two thousand seventeen--two thousand eighteen school year the  
10 sum of the maximum aidable half-day prekindergarten pupils such district  
11 was eligible to serve for the base year from (A) the program pursuant to  
12 this section plus such pupils from (B) the priority full-day prekinde-  
13 rgarten program, less the maximum aidable number of half-day prekinde-  
14 rgarten pupils converted into a full-day prekindergarten pupil under the  
15 priority full-day prekindergarten program for the base year;

16 For the two thousand eighteen--two thousand nineteen school year the  
17 maximum aidable half-day prekindergarten pupils such district was eligi-  
18 ble to serve for the base year from [~~(A) the program pursuant to this~~  
19 ~~section less (B) the maximum aidable number of half-day prekindergarten~~  
20 ~~pupils converted into a full-day prekindergarten pupil under the federal~~  
21 ~~preschool development expansion grant for the base year]~~ the program  
22 pursuant to this section;

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

39 For the two thousand twenty--two thousand twenty-one school year and  
40 thereafter the sum of the maximum aidable half-day prekindergarten  
41 pupils such district was eligible to serve for the base year from (A)  
42 the program pursuant to this section plus such pupils from (B) the pre-  
43 kindergarten expansion grant, less the maximum aidable number of half-  
44 day prekindergarten pupils converted into a full-day prekindergarten  
45 pupil under the prekindergarten expansion grant for the base year;

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

49 For the purposes of this paragraph:

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

54 (B) "Federal preschool development expansion grant" shall mean the  
55 federal preschool development expansion grant pursuant to the American  
56 Recovery and Reinvestment Act of 2009 (ARRA), Sections 14005, 14006, and

1 14013, Title XIV, (Public Law 112-10), as amended by section 1832(b) of  
2 Division B of the Department of Defense and Full-Year Continuing Appro-  
3 priations Act, 2011 (Pub. L. 112-10), and the Department of Education  
4 Appropriations Act, 2012 (Title III Division F of Pub. L. 112-74, the  
5 Consolidated Appropriations Act, 2012);

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

9 (D) "Expanded prekindergarten for three-year-olds" shall mean the  
10 expanded prekindergarten for three-year-olds in high need districts  
11 program pursuant to chapter fifty-three of the laws of two thousand  
12 sixteen;

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

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

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

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

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

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

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

42 a. State aid adjustments. All errors or omissions in the apportionment  
43 shall be corrected by the commissioner. Whenever a school district has  
44 been apportioned less money than that to which it is entitled, the  
45 commissioner may allot to such district the balance to which it is enti-  
46 tled. Whenever a school district has been apportioned more money than  
47 that to which it is entitled, the commissioner may, by an order, direct  
48 such moneys to be paid back to the state to be credited to the general  
49 fund local assistance account for state aid to the schools, or may  
50 deduct such amount from the next apportionment to be made to said  
51 district, provided, however, that, upon notification of excess payments  
52 of aid for which a recovery must be made by the state through deduction  
53 of future aid payments, a school district may request that such excess  
54 payments be recovered by deducting such excess payments from the  
55 payments due to such school district and payable in the month of June in  
56 (i) the school year in which such notification was received and (ii) the

1 two succeeding school years, provided further that there shall be no  
2 interest penalty assessed against such district or collected by the  
3 state. Such request shall be made to the commissioner in such form as  
4 the commissioner shall prescribe, and shall be based on documentation  
5 that the total amount to be recovered is in excess of one percent of the  
6 district's total general fund expenditures for the preceding school  
7 year. The amount to be deducted in the first year shall be the greater  
8 of (i) the sum of the amount of such excess payments that is recognized  
9 as a liability due to other governments by the district for the preced-  
10 ing school year and the positive remainder of the district's unreserved  
11 fund balance at the close of the preceding school year less the product  
12 of the district's total general fund expenditures for the preceding  
13 school year multiplied by five percent, or (ii) one-third of such excess  
14 payments. The amount to be recovered in the second year shall equal the  
15 lesser of the remaining amount of such excess payments to be recovered  
16 or one-third of such excess payments, and the remaining amount of such  
17 excess payments shall be recovered in the third year. Provided further  
18 that, notwithstanding any other provisions of this subdivision, any  
19 pending payment of moneys due to such district as a prior year adjust-  
20 ment payable pursuant to paragraph c of this subdivision for aid claims  
21 that had been previously paid as current year aid payments in excess of  
22 the amount to which the district is entitled and for which recovery of  
23 excess payments is to be made pursuant to this paragraph, shall be  
24 reduced at the time of actual payment by any remaining unrecovered  
25 balance of such excess payments, and the remaining scheduled deductions  
26 of such excess payments pursuant to this paragraph shall be reduced by  
27 the commissioner to reflect the amount so recovered. [~~The commissioner~~  
28 ~~shall certify no payment to a school district based on a claim submitted~~  
29 ~~later than three years after the close of the school year in which such~~  
30 ~~payment was first to be made. For claims for which payment is first to~~  
31 ~~be made in the nineteen hundred ninety-six--ninety-seven school year,~~  
32 ~~the commissioner shall certify no payment to a school district based on~~  
33 ~~a claim submitted later than two years after the close of such school~~  
34 ~~year.] For claims for which payment is first to be made [~~in the nineteen~~  
35 ~~hundred ninety-seven--ninety-eight~~] prior to the two thousand seven-  
36 teen--two thousand eighteen school year [~~and thereafter~~], the commis-  
37 sioner shall certify no payment to a school district based on a claim  
38 submitted later than one year after the close of such school year. For  
39 claims for which payment is first to be made in the two thousand seven-  
40 teen--two thousand eighteen school year and thereafter, the commissioner  
41 shall certify no payment to a school district based on a claim submitted  
42 later than the first of November of such school year. Provided, however,  
43 no payments shall be barred or reduced where such payment is required as  
44 a result of a final audit of the state. [~~It is further provided that,~~  
45 ~~until June thirtieth, nineteen hundred ninety-six, the commissioner may~~  
46 ~~grant a waiver from the provisions of this section for any school~~  
47 ~~district if it is in the best educational interests of the district~~  
48 ~~pursuant to guidelines developed by the commissioner and approved by the~~  
49 ~~director of the budget.] Further provided that for any apportionments  
50 provided pursuant to sections seven hundred one, seven hundred eleven,  
51 seven hundred fifty-one, seven hundred fifty-three, nineteen hundred  
52 fifty, thirty-six hundred two, thirty-six hundred two-b, thirty-six  
53 hundred two-c, thirty-six hundred two-e and forty-four hundred five of  
54 this chapter for the two thousand seventeen--two thousand eighteen and  
55 two thousand eighteen--two thousand nineteen school years, the commis-  
56 sioner shall certify no payment to a school district, other than~~~~



1 payments pursuant to subdivisions six-a, eleven, thirteen and fifteen of  
2 section thirty-six hundred two of this part, in excess of the payment  
3 computed based on an electronic data file used to produce the school aid  
4 computer listing produced by the commissioner in support of the execu-  
5 tive budget request submitted for the two thousand eighteen--two thou-  
6 sand nineteen state fiscal year and entitled "BT181-9", and further  
7 provided that for any apportionments provided pursuant to sections seven  
8 hundred one, seven hundred eleven, seven hundred fifty-one, seven  
9 hundred fifty-three, nineteen hundred fifty, thirty-six hundred two,  
10 thirty-six hundred two-b, thirty-six hundred two-c, thirty-six hundred  
11 two-e and forty-four hundred five of this chapter for the two thousand  
12 nineteen--two thousand twenty school year and thereafter, the commis-  
13 sioner shall certify no payment to a school district, other than  
14 payments pursuant to subdivisions six-a, eleven, thirteen and fifteen of  
15 section thirty-six hundred two of this part, in excess of the payment  
16 computed based on an electronic data file used to produce the school aid  
17 computer listing produced by the commissioner in support of the execu-  
18 tive budget request submitted for the state fiscal year in which the  
19 school year commences.

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

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

1 ~~"school aid computer listing for the current year" shall mean the print-~~  
2 ~~outs entitled "SA171-8"]~~ For aid payable in the two thousand eighteen--  
3 two thousand nineteen school year and thereafter, "moneys apportioned"  
4 shall mean the lesser of: (i) the sum of one hundred percent of the  
5 respective amount set forth for each school district as payable pursuant  
6 to this section in the school aid computer listing for the current year  
7 produced by the commissioner in support of the executive budget request  
8 which includes the appropriation for the general support for public  
9 schools for the prescribed payments and individualized payments due  
10 prior to April first for the current year plus the apportionment payable  
11 during the current school year pursuant to subdivisions six-a and  
12 fifteen of section thirty-six hundred two of this part minus any  
13 reductions to current year aids pursuant to subdivision seven of section  
14 thirty-six hundred four of this part or any deduction from apportionment  
15 payable pursuant to this chapter for collection of a school district  
16 basic contribution as defined in subdivision eight of section forty-four  
17 hundred one of this chapter, less any grants provided pursuant to  
18 subparagraph two-a of paragraph b of subdivision four of section nine-  
19 ty-two-c of the state finance law, less any grants provided pursuant to  
20 subdivision six of section ninety-seven-nnnn of the state finance law,  
21 less any grants provided pursuant to subdivision twelve of section thir-  
22 ty-six hundred forty-one of this article, or (ii) the apportionment  
23 calculated by the commissioner based on data on file at the time the  
24 payment is processed; provided however, that for the purposes of any  
25 payments made pursuant to this section prior to the first business day  
26 of June of the current year, moneys apportioned shall not include any  
27 aids payable pursuant to subdivisions six and fourteen, if applicable,  
28 of section thirty-six hundred two of this part as current year aid for  
29 debt service on bond anticipation notes and/or bonds first issued in the  
30 current year or any aids payable for full-day kindergarten for the  
31 current year pursuant to subdivision nine of section thirty-six hundred  
32 two of this part. For aid payable in the two thousand eighteen--two  
33 thousand nineteen school year, reference to such "school aid computer  
34 listing for the current year" shall mean the printouts entitled  
35 "BT181-9".

36 § 22. Paragraph b of subdivision 2 of section 3612 of the education  
37 law, as amended by section 34 of part YYY of chapter 59 of the laws of  
38 2017, is amended to read as follows:

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



1 § 23. Subdivision 6 of section 4402 of the education law, as amended  
2 by section 35 of part YY of chapter 59 of the laws of 2017, is amended  
3 to read as follows:

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

43 § 24. Section 4408 of the education law, as amended by chapter 82 of  
44 the laws of 1995, subdivision 1 as amended by section 32 of part A-1 of  
45 chapter 58 of the laws of 2006, subdivision 3 as amended by section 59  
46 and subdivision 5 as amended by section 60 of part A of chapter 58 of  
47 the laws of 2011, is amended to read as follows:

48 § 4408. Payment for July and August programs for students with disa-  
49 bilities. 1. State aid. The commissioner shall make payments for  
50 approved July and August programs for students with disabilities in  
51 accordance with this section in an amount equal to the sum of the  
52 tuition state payment amount pursuant to subdivision five of this  
53 section, plus the product of eighty percent [~~of~~] multiplied by the sum  
54 of the [~~approved tuition and~~] maintenance rates and the transportation  
55 expense for the current year enrollment of students with disabilities  
56 ages five through twenty-one or students eligible for services during

1 July and August pursuant to article eighty-five, eighty-seven or eight-  
2 y-eight of this chapter, where such costs are determined pursuant to  
3 section forty-four hundred five of this article, provided that the  
4 placement of such students was approved by the commissioner, if  
5 required. Such programs shall operate for six weeks and shall be funded  
6 for thirty days of service, provided, however, that the observance of  
7 the legal holiday for Independence day may constitute a day of service.  
8 Upon certification by the school district in which the student resides,  
9 that such services were provided, such payment shall be made to the  
10 provider of such services, in accordance with the provisions of subdivi-  
11 sion three of this section.

12 2. Chargeback to a municipality. Ten percent of the approved cost of  
13 July and August services provided pursuant to this section for each  
14 student shall be a charge against the municipality in which the parent,  
15 or person in parental relationship to such student, resided on July  
16 first of the school year in which such services were provided. The comp-  
17 troller shall deduct from any state funds which become due to a munici-  
18 pality an amount equal to such ten percent required in accordance with  
19 this subdivision which amount shall be credited to the local assistance  
20 account of the state education department as designated by the division  
21 of the budget.

22 3. Payment schedule. For aid payable in the two thousand six--two  
23 thousand seven school year and thereafter, moneys appropriated annually  
24 to the department from the general fund - local assistance account under  
25 the office of prekindergarten through grade twelve education program for  
26 July and August programs for students with disabilities, shall be used  
27 as follows: (i) for remaining base year and prior school years obli-  
28 gations, (ii) for the purposes of subdivision four of this section for  
29 schools operated under articles eighty-seven and eighty-eight of this  
30 [~~chapter~~] title, and (iii) notwithstanding any inconsistent provisions  
31 of this chapter, for payments made pursuant to this section for current  
32 school year obligations, provided, however, that such payments shall not  
33 exceed seventy percent of the state aid due for the sum of the approved  
34 tuition and maintenance rates and transportation expense provided for  
35 herein; provided, however, that payment of eligible claims shall be  
36 payable in the order that such claims have been approved for payment by  
37 the commissioner, but in no case shall a single payee draw down more  
38 than forty-five percent of the appropriation provided for the purposes  
39 of this section, and provided further that no claim shall be set aside  
40 for insufficiency of funds to make a complete payment, but shall be  
41 eligible for a partial payment in one year and shall retain its priority  
42 date status for appropriations provided for this section in future  
43 years.

44 4. Of the amount so appropriated to the department for the July and  
45 August programs for schools operated under articles eighty-seven and  
46 eighty-eight of this [~~chapter~~] title, an amount shall be transferred to  
47 the special revenue funds - other, Batavia school for the blind and Rome  
48 school for the deaf accounts, pursuant to a plan to be developed by the  
49 commissioner and approved by the director of the budget for students  
50 with disabilities attending July and August programs pursuant to this  
51 section at such schools pursuant to such articles. Such amount shall be  
52 determined by the tuition and maintenance rates and the total number of  
53 students with disabilities approved by the commissioner for placement  
54 for the July and August program. The commissioner shall establish the  
55 methodology for computation of such tuition and maintenance rates for  
56 each school which shall take into account all pertinent expenditures

1 including administration, direct care staff, nondirect care staff and  
2 other than personal service costs.

3 5. [~~State share~~] Tuition state payment amount. a. For school years  
4 commencing prior to July first, two thousand eighteen, the tuition state  
5 payment amount shall be eighty percent of the sum of such approved  
6 tuition expense.

7 b. For school years commencing on or after July first, two thousand  
8 eighteen, the tuition state payment amount shall be equal to (i) for  
9 students placed pursuant to section thirty-two hundred two and articles  
10 eighty-five, eighty-seven, and eighty-eight of this title, eighty  
11 percent of such tuition expense, or (ii) for all other students, such  
12 approved tuition expense multiplied by the state sharing ratio for  
13 public high cost excess cost aid computed pursuant to subdivision five  
14 of section thirty-six hundred two of this chapter, but shall not be less  
15 than one quarter (0.25) nor more than nine tenths (0.9).

16 c. Nothing in this subdivision shall be construed to alter the charge-  
17 back to the municipality requirement pursuant to subdivision two of this  
18 section.

19 6. Medicaid adjustment. In accordance with the provisions of subpara-  
20 graph four of paragraph b of subdivision one of section thirty-six  
21 hundred nine-a of this chapter for services provided during the two  
22 thousand eight--two thousand nine and prior school years, any moneys due  
23 the school district shall be reduced by an amount equal to fifty percent  
24 of any federal participation, pursuant to title XIX of the social secu-  
25 rity act, in special education programs provided pursuant to this  
26 section. For services provided during the two thousand nine--two thou-  
27 sand ten school year and thereafter, or for services provided in a prior  
28 school year that were not reimbursed by the state on or before April  
29 first, two thousand eleven, such state share shall be designated and  
30 transferred pursuant to section thirty-six hundred nine-b of this chap-  
31 ter.

32 [~~6-~~] 7. Notwithstanding any other provision of law to the contrary, no  
33 payments shall be made by the commissioner pursuant to this section on  
34 or after July first, nineteen hundred ninety-six based on a claim  
35 submitted later than three years after the end of the school year in  
36 which services were rendered, provided however that no payment shall be  
37 barred or reduced where such payment is required as a result of a court  
38 order or judgment or a final audit.

39 § 25. Subdivision b of section 2 of chapter 756 of the laws of 1992,  
40 relating to funding a program for work force education conducted by the  
41 consortium for worker education in New York city, as amended by section  
42 44 of part YYY of chapter 59 of the laws of 2017, is amended to read as  
43 follows:

44 b. Reimbursement for programs approved in accordance with subdivision  
45 a of this section for the 2015--2016 school year shall not exceed 60.7  
46 percent of the lesser of such approvable costs per contact hour or thir-  
47 teen dollars and forty cents per contact hour, reimbursement for the  
48 2016--2017 school year shall not exceed 60.3 percent of the lesser of  
49 such approvable costs per contact hour or thirteen dollars ninety cents  
50 per contact hour, [~~and~~] reimbursement for the 2017--2018 school year  
51 shall not exceed 60.4 percent of the lesser of such approvable costs per  
52 contact hour or thirteen dollars and ninety cents per contact hour, and  
53 reimbursement for the 2018--2019 school year shall not exceed 59.4  
54 percent of the lesser of such approvable costs per contact hour or four-  
55 teen dollars and seventy-five cents per contact hour, where a contact  
56 hour represents sixty minutes of instruction services provided to an

1 eligible adult. Notwithstanding any other provision of law to the  
2 contrary, for the 2015--2016 school year such contact hours shall not  
3 exceed one million five hundred ninety-nine thousand fifteen (1,599,015)  
4 hours; whereas for the 2016--2017 school year such contact hours shall  
5 not exceed one million five hundred fifty-one thousand three hundred  
6 twelve (1,551,312); [~~and~~] whereas for the 2017--2018 school year such  
7 contact hours shall not exceed one million five hundred forty-nine thou-  
8 sand four hundred sixty-three (1,549,463); and for the 2018--2019 school  
9 year such contact hours shall not exceed one million three hundred  
10 twelve thousand seven hundred eighty-five (1,312,785). Notwithstanding  
11 any other provision of law to the contrary, the apportionment calculated  
12 for the city school district of the city of New York pursuant to subdi-  
13 vision 11 of section 3602 of the education law shall be computed as if  
14 such contact hours provided by the consortium for worker education, not  
15 to exceed the contact hours set forth herein, were eligible for aid in  
16 accordance with the provisions of such subdivision 11 of section 3602 of  
17 the education law.

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

22 w. The provisions of this subdivision shall not apply after the  
23 completion of payments for the 2018--2019 school year. Notwithstanding  
24 any inconsistent provisions of law, the commissioner of education shall  
25 withhold a portion of employment preparation education aid due to the  
26 city school district of the city of New York to support a portion of the  
27 costs of the work force education program. Such moneys shall be credited  
28 to the elementary and secondary education fund-local assistance account  
29 and shall not exceed eleven million five hundred thousand dollars  
30 (\$11,500,000).

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

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

37 § 28. Subdivisions 22 and 24 of section 140 of chapter 82 of the laws  
38 of 1995, amending the education law and certain other laws relating to  
39 state aid to school districts and the appropriation of funds for the  
40 support of government, as amended by section 47 of part YYY of chapter  
41 59 of the laws of 2017, are amended to read as follows:

42 (22) sections one hundred twelve, one hundred thirteen, one hundred  
43 fourteen, one hundred fifteen and one hundred sixteen of this act shall  
44 take effect on July 1, 1995; provided, however, that section one hundred  
45 thirteen of this act shall remain in full force and effect until July 1,  
46 [~~2018~~] 2019 at which time it shall be deemed repealed;

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

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

54 § 4403-a. Waivers from certain duties. 1. A local school district,  
55 approved private school or board of cooperative educational services may  
56 submit an application for a waiver from any requirement imposed on such

1 district, school or board of cooperative educational services pursuant  
2 to section forty-four hundred two or section forty-four hundred three of  
3 this article, and regulations promulgated thereunder, for a specific  
4 school year. Such application must be submitted at least sixty days in  
5 advance of the proposed date on which the waiver would be effective and  
6 shall be in a form prescribed by the commissioner.

7 2. Before submitting an application for a waiver, the local school  
8 district, approved private school or board of cooperative educational  
9 services shall provide notice of the proposed waiver to the parents or  
10 persons in parental relationship to the students that would be impacted  
11 by the waiver if granted. Such notice shall be in a form and manner that  
12 will ensure that such parents and persons in parental relationship will  
13 be aware of all relevant changes that would occur under the waiver, and  
14 shall include information on the form, manner and date by which parents  
15 may submit written comments on the proposed waiver. The local school  
16 district, approved private school, or board of cooperative educational  
17 services shall provide at least sixty days for such parents and persons  
18 in parental relationship to submit written comments, and shall include  
19 in the waiver application submitted to the commissioner pursuant to  
20 subdivision one of this section any written comments received from such  
21 parents or persons in parental relationship to such students.

22 3. The commissioner may grant a waiver from any requirement imposed on  
23 a local school district, approved private school or board of cooperative  
24 educational services pursuant to section forty-four hundred two or  
25 section forty-four hundred three of this article, upon a finding that  
26 such waiver will enable a local school district, approved private school  
27 or board of cooperative educational services to implement an innovative  
28 special education program that is consistent with applicable federal  
29 requirements, and will enhance student achievement and/or opportunities  
30 for placement in regular classes and programs. In making such determi-  
31 nation, the commissioner shall consider any comments received by the  
32 local school district, approved private school or board of cooperative  
33 educational services from parents or persons in parental relation to the  
34 students that would be directly affected by the waiver if granted.

35 4. Any local school district, approved private school or board of  
36 cooperative educational services granted a waiver shall submit an annual  
37 report to the commissioner regarding the operation and evaluation of the  
38 program no later than thirty days after the end of each school year for  
39 which a waiver is granted.

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

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

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

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

55 § 32. Subdivision 1 of section 167 of chapter 169 of the laws of 1994,  
56 relating to certain provisions related to the 1994-95 state operations,



1 aid to localities, capital projects and debt service budgets, as amended  
2 by section 32 of part A of chapter 54 of the laws of 2016, is amended to  
3 read as follows:

4 1. Sections one through seventy of this act shall be deemed to have  
5 been in full force and effect as of April 1, 1994 provided, however,  
6 that sections one, two, twenty-four, twenty-five and twenty-seven  
7 through seventy of this act shall expire and be deemed repealed on March  
8 31, 2000; provided, however, that section twenty of this act shall apply  
9 only to hearings commenced prior to September 1, 1994, and provided  
10 further that section twenty-six of this act shall expire and be deemed  
11 repealed on March 31, 1997; and provided further that sections four  
12 through fourteen, sixteen, and eighteen, nineteen and twenty-one through  
13 twenty-one-a of this act shall expire and be deemed repealed on March  
14 31, 1997; and provided further that sections three, fifteen, seventeen,  
15 twenty, twenty-two and twenty-three of this act shall expire and be  
16 deemed repealed on March 31, ~~2018~~ 2020.

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

23 § 4. This act shall take effect July 1, 2002 and shall expire and be  
24 deemed repealed June 30, ~~2018~~ 2019.

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

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

32 § 35. Section 2 of subpart B of part AA of chapter 56 of the laws of  
33 2014, amending the education law relating to providing that standardized  
34 test scores shall not be included on a student's permanent record, is  
35 amended to read as follows:

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

38 § 36. School bus driver training. In addition to apportionments other-  
39 wise provided by section 3602 of the education law, for aid payable in  
40 the 2018-2019 school year, the commissioner of education shall allocate  
41 school bus driver training grants to school districts and boards of  
42 cooperative educational services pursuant to sections 3650-a, 3650-b and  
43 3650-c of the education law, or for contracts directly with not-for-pro-  
44 fit educational organizations for the purposes of this section. Such  
45 payments shall not exceed four hundred thousand dollars (\$400,000) per  
46 school year.

47 § 37. Special apportionment for salary expenses. a. Notwithstanding  
48 any other provision of law, upon application to the commissioner of  
49 education, not sooner than the first day of the second full business  
50 week of June 2019 and not later than the last day of the third full  
51 business week of June 2019, a school district eligible for an appor-  
52 tionment pursuant to section 3602 of the education law shall be eligible to  
53 receive an apportionment pursuant to this section, for the school year  
54 ending June 30, 2019, for salary expenses incurred between April 1 and  
55 June 30, 2018 and such apportionment shall not exceed the sum of (i) the  
56 deficit reduction assessment of 1990--1991 as determined by the commis-

1 sioner of education, pursuant to paragraph f of subdivision 1 of section  
2 3602 of the education law, as in effect through June 30, 1993, plus (ii)  
3 186 percent of such amount for a city school district in a city with a  
4 population in excess of 1,000,000 inhabitants, plus (iii) 209 percent of  
5 such amount for a city school district in a city with a population of  
6 more than 195,000 inhabitants and less than 219,000 inhabitants accord-  
7 ing to the latest federal census, plus (iv) the net gap elimination  
8 adjustment for 2010--2011, as determined by the commissioner of educa-  
9 tion pursuant to chapter 53 of the laws of 2010, plus (v) the gap elimi-  
10 nation adjustment for 2011--2012 as determined by the commissioner of  
11 education pursuant to subdivision 17 of section 3602 of the education  
12 law, and provided further that such apportionment shall not exceed such  
13 salary expenses. Such application shall be made by a school district,  
14 after the board of education or trustees have adopted a resolution to do  
15 so and in the case of a city school district in a city with a population  
16 in excess of 125,000 inhabitants, with the approval of the mayor of such  
17 city.

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

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

49 § 38. Special apportionment for public pension accruals. a. Notwith-  
50 standing any other provision of law, upon application to the commission-  
51 er of education, not later than June 30, 2019, a school district eligi-  
52 ble for an apportionment pursuant to section 3602 of the education law  
53 shall be eligible to receive an apportionment pursuant to this section,  
54 for the school year ending June 30, 2019 and such apportionment shall  
55 not exceed the additional accruals required to be made by school  
56 districts in the 2004--2005 and 2005--2006 school years associated with



1 changes for such public pension liabilities. The amount of such addi-  
2 tional accrual shall be certified to the commissioner of education by  
3 the president of the board of education or the trustees or, in the case  
4 of a city school district in a city with a population in excess of  
5 125,000 inhabitants, the mayor of such city. Such application shall be  
6 made by a school district, after the board of education or trustees have  
7 adopted a resolution to do so and in the case of a city school district  
8 in a city with a population in excess of 125,000 inhabitants, with the  
9 approval of the mayor of such city.

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

26 c. Notwithstanding the provisions of section 3609-a of the education  
27 law, an amount equal to the amount paid to a school district pursuant to  
28 subdivisions a and b of this section shall first be deducted from the  
29 following payments due the school district during the school year  
30 following the year in which application was made pursuant to subpara-  
31 graphs (1), (2), (3), (4) and (5) of paragraph a of subdivision 1 of  
32 section 3609-a of the education law in the following order: the lottery  
33 apportionment payable pursuant to subparagraph (2) of such paragraph  
34 followed by the fixed fall payments payable pursuant to subparagraph (4)  
35 of such paragraph and then followed by the district's payments to the  
36 teachers' retirement system pursuant to subparagraph (1) of such para-  
37 graph, and any remainder to be deducted from the individualized payments  
38 due the district pursuant to paragraph b of such subdivision shall be  
39 deducted on a chronological basis starting with the earliest payment due  
40 the district.

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

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

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

55 d. Notwithstanding any other law, rule or regulation to the contrary,  
56 moneys appropriated to the state education department for general

1 support for public schools may be interchanged with any other item of  
2 appropriation for general support for public schools within the general  
3 fund local assistance account office of prekindergarten through grade  
4 twelve education programs.

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

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

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

47 b. Notwithstanding any inconsistent provision of law to the contrary,  
48 a school district setting aside such foundation aid pursuant to this  
49 section may use such setaside funds for: (i) any instructional or  
50 instructional support costs associated with the operation of a magnet  
51 school; or (ii) any instructional or instructional support costs associ-  
52 ated with implementation of an alternative approach to promote diversity  
53 and/or enhancement of the instructional program and raising of standards  
54 in elementary and secondary schools of school districts having substan-  
55 tial concentrations of minority students.

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

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

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

52 Notwithstanding any other provision of law to the contrary the moneys  
53 appropriated for the support of public libraries for the year 2018-2019  
54 by a chapter of the laws of 2018 enacting the education, labor and fami-  
55 ly assistance budget shall fulfill the state's obligation to provide  
56 such aid and, pursuant to a plan developed by the commissioner of educa-

1 tion and approved by the director of the budget, the aid payable to  
2 libraries and library systems pursuant to such appropriations shall be  
3 reduced proportionately to assure that the total amount of aid payable  
4 does not exceed the total appropriations for such purpose.

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

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

19 1. Sections one, four, five, six, seven, nine, nine-a, nine-b, nine-c,  
20 nine-d, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen,  
21 seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-  
22 three, thirty-six, forty and forty-one of this act shall take effect  
23 July 1, 2018; and

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

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

32 4. The amendments to paragraph (d) of subdivision 1 of section 2856 of  
33 the education law made by section seven of this act shall be subject to  
34 the expiration and reversion of such subdivision pursuant to subdivision  
35 d of section 27 of chapter 378 of the laws of 2007, as amended, when  
36 upon such date the provisions of section eight of this act shall take  
37 effect; and the amendments to paragraph b-1 of subdivision 4 of section  
38 3602 of the education law made by section nine-a of this act shall not  
39 affect the expiration of such paragraph and shall expire therewith.

40 PART B

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

43 § 908. Prohibition against lunch shaming. All public schools, includ-  
44 ing charter schools and non-public schools in the state that participate  
45 in the national school lunch program or school breakfast program in  
46 which there is a school at which all pupils are not eligible to be  
47 served breakfast and lunch under the community eligibility provision or  
48 provision two of the federal national school lunch act, 42 U.S.C. Sec.  
49 1751 et seq., shall develop a plan to ensure that a pupil whose parent  
50 or guardian has unpaid school meal fees is not shamed or treated differ-  
51 ently than a pupil whose parent or guardian does not have unpaid school  
52 meal fees. The plan shall be submitted to the commissioner by July  
53 first, two thousand eighteen, or sixty days from the effective date of  
54 this section after enactment in conformance with regulations of the

1 commissioner. After submission of such plan, the school shall adopt and  
2 post the plan on its website. The plan shall include, but not be limited  
3 to, the following elements:

4 a. A policy stating that the school shall provide the student with the  
5 student's meal of choice for that school day of the available reimbursa-  
6 ble meal choices for such school day, if the student requests one,  
7 unless the student's parent or guardian has specifically provided writ-  
8 ten permission to the school to withhold a meal, provided that such  
9 policy shall only require the school to provide access to reimbursable  
10 meals, not a la carte items, adult meals, or other similar items;

11 b. An explanation of how staff will be trained to ensure that the  
12 policy is carried out correctly and how the affected parents and guardi-  
13 ans will be provided with assistance in establishing eligibility for  
14 free or reduced-price meals for their children;

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

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

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

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

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

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

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

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

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

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

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

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

1 g. Procedures to enroll in the free and reduced price lunch program,  
2 provided that such procedures shall include that, at the beginning of  
3 each school year, a school shall provide:

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

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

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

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

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

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

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

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

44 d. The State Education Department shall:

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

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

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

55 iv. annually publish by December 2019, and each December thereafter,  
56 on its website information relating to each school subject to this

1 requirement, as well as any other schools operating such program which  
2 are not subject to this requirement, in the prior school year. Such  
3 information shall include, but not be limited to: the school name,  
4 service delivery models implemented, student enrollment, the free and  
5 reduced-price lunch percentage, the average daily breakfast partic-  
6 ipation rate, the total number of breakfast meals served during the  
7 school year, the total cost of the breakfast program during the school  
8 year, the total federal reimbursement for breakfast meals during the  
9 school year, and the total state reimbursement for breakfast meals  
10 during the school year.

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

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

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

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



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

3 43. To pass, in the discretion of the trustees, a resolution authoriz-  
4 ing the use of school bus cameras pursuant to section eleven hundred  
5 eighteen of the vehicle and traffic law, provided that the trustees may  
6 also enter into contracts with a third party for the installation,  
7 administration, operation, notice processing, and maintenance of such  
8 cameras, and for the sharing of revenue derived from such cameras pursu-  
9 ant to section eleven hundred eighteen of the vehicle and traffic law,  
10 provided that the purchase, lease, installation, operation and mainte-  
11 nance, or any other costs associated with such cameras shall not be  
12 considered an aidable expense pursuant to section thirty-six hundred  
13 twenty-three-a of this chapter.

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

16 43. To pass a resolution, in the discretion of the board, authorizing  
17 the use of school bus cameras pursuant to section eleven hundred eigh-  
18 teen of the vehicle and traffic law, provided that the board may also  
19 enter into contracts with a third party for the installation, adminis-  
20 tration, operation, notice processing, and maintenance of such cameras,  
21 and for the sharing of revenue derived from such cameras pursuant to  
22 section eleven hundred eighteen of the vehicle and traffic law, provided  
23 that the purchase, lease, installation, operation and maintenance, or  
24 any other costs associated with such cameras shall not be considered an  
25 aidable expense pursuant to section thirty-six hundred twenty-three-a of  
26 this chapter.

27 § 3. The vehicle and traffic law is amended by adding a new section  
28 1118 to read as follows:

29 § 1118. Owner liability for operator illegally overtaking or passing a  
30 school bus. (a) 1. Notwithstanding any other provision of law, each  
31 board of education or trustees of a school district is hereby authorized  
32 and empowered to adopt and amend a resolution establishing a school bus  
33 safety camera program imposing monetary liability on the owner of a  
34 vehicle for failure of an operator thereof to comply with section eleven  
35 hundred seventy-four of this title. Such program shall empower a board  
36 of education or school district or school bus transportation contractor  
37 that has contracted with such school district to install school bus  
38 safety cameras upon school buses operated by or contracted with such  
39 district.

40 2. Such program shall utilize necessary technologies to ensure, to the  
41 extent practicable, that photographs produced by such school bus safety  
42 cameras shall not include images that identify the driver, the passen-  
43 gers, or the contents of the vehicle. Provided, however, that no notice  
44 of liability issued pursuant to this section shall be dismissed solely  
45 because a photograph or photographs allow for the identification of the  
46 contents of a vehicle, provided that such school district has made a  
47 reasonable effort to comply with the provisions of this paragraph.

48 (b) In any school district which has adopted a resolution pursuant to  
49 subdivision (a) of this section, the owner of a vehicle shall be liable  
50 for a penalty imposed pursuant to this section if such vehicle was used  
51 or operated with the permission of the owner, express or implied, in  
52 violation of subdivision (a) of section eleven hundred seventy-four of  
53 this title, and such violation is evidenced by information obtained from  
54 a school bus safety camera; provided however that no owner of a vehicle  
55 shall be liable for a penalty imposed pursuant to this section where the



1 operator of such vehicle has been convicted of the underlying violation  
2 of subdivision (a) of section eleven hundred seventy-four of this title.

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

10 (d) No school district or school bus transportation contractor that  
11 has installed cameras pursuant to this section shall access the images  
12 from such cameras but shall provide, pursuant to an agreement with the  
13 appropriate law enforcement agency or agencies, for the proper handling  
14 and custody of such images for the forwarding of such images from such  
15 cameras to a law enforcement agency having jurisdiction in the area in  
16 which the violation occurred for the purpose of imposing monetary  
17 liability on the owner of a motor vehicle for illegally overtaking or  
18 passing a school bus in violation of subdivision (a) of section eleven  
19 hundred seventy-four of this title. After receipt of such images a  
20 police officer shall inspect such videotape and images to determine  
21 whether a violation of subdivision (a) of section eleven hundred seven-  
22 ty-four of this title was committed. Upon such a finding a certificate,  
23 sworn to or affirmed by an officer of such agency, or a facsimile there-  
24 of, based upon inspection of photographs, microphotographs, videotape or  
25 other recorded images produced by a school bus safety camera, shall be  
26 prima facie evidence of the facts contained therein. Any photographs,  
27 microphotographs, videotape or other recorded images evidencing such a  
28 violation shall be available for inspection in any proceeding to adjudi-  
29 cate the liability for such violation.

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

33 (e-1) Payment of the monetary penalty imposed by subdivision (e) of  
34 this section shall be payable to the school district. Nothing herein  
35 shall prevent the school district from entering into a memorandum of  
36 understanding with a local law enforcement agency to return a portion of  
37 such penalty received to the local law enforcement agency, provided  
38 however, in no case shall such portion returned to a local law enforce-  
39 ment agency exceed twenty percent of the amount received by the school  
40 district.

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

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

53 2. A notice of liability shall contain the name and address of the  
54 person alleged to be liable as an owner for a violation of subdivision  
55 (a) of section eleven hundred seventy-four of this title pursuant to  
56 this section, the registration number of the vehicle involved in such

1 violation, the location where such violation took place, the date and  
2 time of such violation and the identification number of the camera which  
3 recorded the violation or other document locator number.

4 3. The notice of liability shall contain information advising the  
5 person charged of the manner and the time in which he may contest the  
6 liability alleged in the notice. Such notice of liability shall also  
7 contain a warning to advise the persons charged that failure to contest  
8 in the manner and time provided shall be deemed an admission of liabil-  
9 ity and that a default judgment may be entered thereon.

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

13 (h) Adjudication of the liability imposed upon owners by this section  
14 shall be by a traffic violations bureau established pursuant to section  
15 three hundred seventy of the general municipal law or, if there be none,  
16 by the court having jurisdiction over traffic infractions, except that  
17 any city which has established or designated an administrative tribunal  
18 to hear and determine owner liability established by this article for  
19 failure to comply with traffic-control indications shall use such tribu-  
20 nal to adjudicate the liability imposed by this section.

21 (i) If an owner receives a notice of liability pursuant to this  
22 section for any time period during which the vehicle was reported to a  
23 police department as having been stolen, it shall be a valid defense to  
24 an allegation of liability for a violation of subdivision (a) of section  
25 eleven hundred seventy-four of this title pursuant to this section that  
26 the vehicle had been reported to the police as stolen prior to the time  
27 the violation occurred and had not been recovered by such time. For  
28 purposes of asserting the defense provided by this subdivision it shall  
29 be sufficient that a certified copy of the police report on the stolen  
30 vehicle be sent by first class mail to the traffic violations bureau,  
31 court having jurisdiction or parking violations bureau.

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

54 (k) 1. If the owner liable for a violation of subdivision (a) of  
55 section eleven hundred seventy-four of this title pursuant to this  
56 section was not the operator of the vehicle at the time of the

1 violation, the owner may maintain an action for indemnification against  
2 the operator.

3 2. Notwithstanding any other provision of this section, no owner of a  
4 vehicle shall be subject to a monetary fine imposed pursuant to this  
5 section if the operator of such vehicle was operating such vehicle with-  
6 out the consent of the owner at the time such operator was found to have  
7 been overtaking or passing a school bus. For purposes of this subdivi-  
8 sion there shall be a presumption that the operator of such vehicle was  
9 operating such vehicle with the consent of the owner at the time such  
10 operator was found to have been overtaking or passing a school bus.

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

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

22 1. a description of the number of busses and routes where school bus  
23 safety cameras were used;

24 2. the aggregate number of annual incidents of violations of subdivi-  
25 sion (a) of section eleven hundred seventy-four of this title within the  
26 district;

27 3. the number of violations recorded by school bus safety cameras in  
28 the aggregate and on a daily, weekly and monthly basis;

29 4. the total number of notices of liability issued for violations  
30 recorded by such systems;

31 5. the number of fines and total amount of fines paid after first  
32 notice of liability issued for violations recorded by such systems;

33 6. the number of violations adjudicated and results of such adjudi-  
34 cations including breakdowns of dispositions made for violations  
35 recorded by such systems;

36 7. the total amount of revenue realized by such school district from  
37 such adjudications;

38 8. expenses incurred by such school district in connection with the  
39 program; and

40 9. quality of the adjudication process and its results.

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

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

48 (c) Every person convicted of a violation of subdivision (a) of this  
49 section shall: for a first conviction thereof, be punished by a fine of  
50 not less than [~~two hundred fifty~~] five hundred dollars nor more than  
51 [~~four~~] seven hundred fifty dollars or by imprisonment for not more than  
52 thirty days or by both such fine and imprisonment; for a conviction of a  
53 second violation, both of which were committed within a period of three  
54 years, such person shall be punished by a fine of not less than [~~six~~  
55 hundred] one thousand dollars nor more than [~~seven~~] one thousand two  
56 hundred fifty dollars or by imprisonment for not more than one hundred

1 eighty days or by both such fine and imprisonment; upon a conviction of  
2 a third or subsequent violation, all of which were committed within a  
3 period of three years, such person shall be punished by a fine of not  
4 less than [~~seven hundred fifty~~] one thousand two hundred fifty dollars  
5 nor more than one thousand five hundred dollars or by imprisonment for  
6 not more than one hundred eighty days or by both such fine and imprison-  
7 ment.

8 § 5. This act shall take effect immediately.

9

## PART D

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

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

29 § 2. This act shall take effect immediately.

30

## PART E

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

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

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

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

49 (ii) An applicant who is not a legal resident of the state eligible  
50 pursuant to subparagraph (i) of this paragraph, but is a United States  
51 citizen, an alien lawfully admitted for permanent residence in the  
52 United States, an individual of a class of refugees paroled by the

1 attorney general of the United States under his or her parole authority  
2 pertaining to the admission of aliens to the United States, or an appli-  
3 cant without lawful immigration status shall be eligible for an award at  
4 the undergraduate level of study provided that the student:

5 (a) attended a registered New York state high school for two or more  
6 years, graduated from a registered New York state high school, lived  
7 continuously in New York state while attending an approved New York  
8 state high school, applied for attendance at the institution of higher  
9 education for the undergraduate study for which an award is sought, and  
10 attended within five years of receiving a New York state high school  
11 diploma; or

12 (b) attended an approved New York state program for a state high  
13 school equivalency diploma, lived continuously in New York state while  
14 attending an approved New York state program for a general equivalency  
15 diploma, received a state high school equivalency diploma, subsequently  
16 applied for attendance at the institution of higher education for the  
17 undergraduate study for which an award is sought, earned admission based  
18 on that general equivalency diploma, and attended the institution of  
19 higher education for the undergraduate study for which an award is  
20 sought within five years of receiving a state high school equivalency  
21 diploma; or

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

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

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

36 b. ~~[(a)]~~ (i) Except as otherwise provided in subparagraph (ii) of this  
37 paragraph, an applicant for an award at the graduate level of study must  
38 either ~~[(a)]~~ (a) have been a legal resident of the state for at least  
39 one year immediately preceding the beginning of the semester, quarter or  
40 term of attendance for which application for assistance is made, or  
41 ~~[(a)]~~ (b) be a legal resident of the state and have been a legal resi-  
42 dent during his or her last academic year of undergraduate study and  
43 have continued to be a legal resident until matriculation in the gradu-  
44 ate program.

45 (ii) An applicant who is not a legal resident of the state eligible  
46 pursuant to subparagraph (i) of this paragraph, but is a United States  
47 citizen, an alien lawfully admitted for permanent residence in the  
48 United States, an individual of a class of refugees paroled by the  
49 attorney general of the United States under his or her parole authority  
50 pertaining to the admission of aliens to the United States, or an appli-  
51 cant without lawful immigration status shall be eligible for an award at  
52 the graduate level of study provided that the student:

53 (a) attended a registered New York state high school for two or more  
54 years, graduated from a registered New York state high school, lived  
55 continuously in New York state while attending an approved New York  
56 state high school, applied for attendance at the institution of higher



1 education for the graduate study for which an award is sought, and  
2 attended within ten years of receiving a New York state high school  
3 diploma; or

4 (b) attended an approved New York state program for a state high  
5 school equivalency diploma, lived continuously in New York state while  
6 attending an approved New York state program for a general equivalency  
7 diploma, received a state high school equivalency diploma, subsequently  
8 applied for attendance at the institution of higher education for the  
9 graduate study for which an award is sought, and attended the institu-  
10 tion of higher education for the graduate study for which an award is  
11 sought within ten years of receiving a state high school equivalency  
12 diploma; or

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

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

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

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

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

40 e. Notwithstanding any other provision of this article to the contra-  
41 ry, the New York state [~~residency~~] eligibility [~~requirement~~] require-  
42 ments for receipt of awards [~~is~~] set forth in paragraphs a and b of this  
43 subdivision are waived for a member, or the spouse or dependent of a  
44 member, of the armed forces of the United States on full-time active  
45 duty and stationed in this state.

46 § 7. Clauses (i) and (ii) of subparagraph 8 of paragraph h of subdivi-  
47 sion 2 of section 355 of the education law, as added by chapter 327 of  
48 the laws of 2002, are amended to read as follows:

49 (i) attended an approved New York high school for two or more years,  
50 graduated from an approved New York high school, lived continuously in  
51 New York state while attending an approved New York high school, and  
52 applied for attendance [~~at~~] and attended an institution or educational  
53 unit of the state university within five years of receiving a New York  
54 state high school diploma; or

55 (ii) attended an approved New York state program for general equiv-  
56 alency diploma exam preparation, received a general equivalency diploma



1 issued within New York state, lived continuously in New York state while  
2 attending an approved New York state program for general equivalency  
3 diploma exam preparation, and subsequently applied for attendance [~~at~~],  
4 earned admission based on that general equivalency diploma, and attended  
5 an institution or educational unit of the state university within five  
6 years of receiving a general equivalency diploma issued within New York  
7 state; or

8 § 8. Subparagraphs (i) and (ii) of paragraph (a-1) of subdivision 7 of  
9 section 6206 of the education law, as amended by chapter 260 of the laws  
10 of 2011, are amended to read as follows:

11 (i) attended an approved New York high school for two or more years,  
12 graduated from an approved New York high school, lived continuously in  
13 New York state while attending an approved New York high school, and  
14 applied for attendance [~~at~~] and attended an institution or educational  
15 unit of the city university within five years of receiving a New York  
16 state high school diploma; or

17 (ii) attended an approved New York state program for general equiv-  
18 alency diploma exam preparation, received a general equivalency diploma  
19 issued within New York state, lived continuously in New York state while  
20 attending an approved New York state program for general equivalency  
21 diploma exam preparation, and subsequently applied for attendance [~~at~~],  
22 earned admission based on that general equivalency diploma, and attended  
23 an institution or educational unit of the city university within five  
24 years of receiving a general equivalency diploma issued within New York  
25 state; or

26 § 9. Paragraph (a) of subdivision 7 of section 6206 of the education  
27 law, as amended by chapter 327 of the laws of 2002, the opening para-  
28 graph as amended by section 4 of chapter 437 of the laws of 2015, is  
29 amended to read as follows:

30 (a) The board of trustees shall establish positions, departments,  
31 divisions and faculties; appoint and in accordance with the provisions  
32 of law fix salaries of instructional and non-instructional employees  
33 therein; establish and conduct courses and curricula; prescribe condi-  
34 tions of student admission, attendance and discharge; and shall have the  
35 power to determine in its discretion whether tuition shall be charged  
36 and to regulate tuition charges, and other instructional and non-in-  
37 structional fees and other fees and charges at the educational units of  
38 the city university. The trustees shall review any proposed community  
39 college tuition increase and the justification for such increase. The  
40 justification provided by the community college for such increase shall  
41 include a detailed analysis of ongoing operating costs, capital, debt  
42 service expenditures, and all revenues. The trustees shall not impose a  
43 differential tuition charge based upon need or income. All students  
44 enrolled in programs leading to like degrees at the senior colleges  
45 shall be charged a uniform rate of tuition, except for differential  
46 tuition rates based on state residency. Notwithstanding any other  
47 provision of this paragraph, the trustees may authorize the setting of a  
48 separate category of tuition rate, that shall be greater than the  
49 tuition rate for resident students and less than the tuition rate for  
50 non-resident students, only for students enrolled in distance learning  
51 courses who are not residents of the state. The trustees shall further  
52 provide that the payment of tuition and fees by any student who is not a  
53 resident of New York state, other than a non-immigrant alien within the  
54 meaning of paragraph (15) of subsection (a) of section 1101 of title 8  
55 of the United States Code, shall be paid at a rate or charge no greater

1 than that imposed for students who are residents of the state if such  
2 student:

3 (i) attended an approved New York high school for two or more years,  
4 graduated from an approved New York high school, lived continuously in  
5 New York state while attending an approved New York high school, and  
6 applied for attendance [~~at~~] and attended an institution or educational  
7 unit of the city university within five years of receiving a New York  
8 state high school diploma; or

9 (ii) attended an approved New York state program for general equiv-  
10 alency diploma exam preparation, received a general equivalency diploma  
11 issued within New York state, lived continuously in New York state while  
12 attending an approved New York state program for general equivalency  
13 diploma exam preparation, and subsequently applied for attendance [~~at~~],  
14 earned admission based on that general equivalency diploma, and attended  
15 an institution or educational unit of the city university within five  
16 years of receiving a general equivalency diploma issued within New York  
17 state; or

18 (iii) was enrolled in an institution or educational unit of the city  
19 university in the fall semester or quarter of the two thousand one--two  
20 thousand two academic year and was authorized by such institution or  
21 educational unit to pay tuition at the rate or charge imposed for  
22 students who are residents of the state.

23 A student without lawful immigration status shall also be required to  
24 file an affidavit with such institution or educational unit stating that  
25 the student has filed an application to legalize his or her immigration  
26 status, or will file such an application as soon as he or she is eligi-  
27 ble to do so. The trustees shall not adopt changes in tuition charges  
28 prior to the enactment of the annual budget. The board of trustees may  
29 accept as partial reimbursement for the education of veterans of the  
30 armed forces of the United States who are otherwise qualified such sums  
31 as may be authorized by federal legislation to be paid for such educa-  
32 tion. The board of trustees may conduct on a fee basis extension courses  
33 and courses for adult education appropriate to the field of higher  
34 education. In all courses and courses of study it may, in its  
35 discretion, require students to pay library, laboratory, locker, break-  
36 age and other instructional and non-instructional fees and meet the cost  
37 of books and consumable supplies. In addition to the foregoing fees and  
38 charges, the board of trustees may impose and collect fees and charges  
39 for student government and other student activities and receive and  
40 expend them as agent or trustee.

41 § 10. Subdivision 5 of section 6301 of the education law, as amended  
42 by chapter 327 of the laws of 2002, is amended to read as follows:

43 5. "Resident." A person who has resided in the state for a period of  
44 at least one year and in the county, city, town, intermediate school  
45 district, school district or community college region, as the case may  
46 be, for a period of at least six months, both immediately preceding the  
47 date of such person's registration in a community college or, for the  
48 purposes of section sixty-three hundred five of this article, his or her  
49 application for a certificate of residence; provided, however, that this  
50 term shall include any student who is not a resident of New York state,  
51 other than a non-immigrant alien within the meaning of paragraph (15) of  
52 subsection (a) of section 1101 of title 8 of the United States Code, if  
53 such student:

54 (i) attended an approved New York high school for two or more years,  
55 graduated from an approved New York high school, lived continuously in  
56 New York state while attending an approved New York high school, and

1 applied for attendance [~~at an institution or educational unit of the~~  
2 ~~state university~~] and attended a community college within five years of  
3 receiving a New York state high school diploma; or

4 (ii) attended an approved New York state program for general equiv-  
5 alency diploma exam preparation, received a general equivalency diploma  
6 issued within New York state, lived continuously in New York state while  
7 attending an approved New York state program for general equivalency  
8 diploma exam preparation, and subsequently applied for attendance [~~at an~~  
9 ~~institution or educational unit of the state university~~], earned admis-  
10 sion based on that general equivalency diploma, and attended a community  
11 college within five years of receiving a general equivalency diploma  
12 issued within New York state; or

13 (iii) was enrolled in [~~an institution or educational unit of the state~~  
14 ~~university~~] a community college in the fall semester or quarter of the  
15 two thousand one--two thousand two academic year and was authorized by  
16 such [~~institution or educational unit~~] community college to pay tuition  
17 at the rate or charge imposed for students who are residents of the  
18 state.

19 Provided, further, that a student without lawful immigration status  
20 shall also be required to file an affidavit with such [~~institution or~~  
21 ~~educational unit~~] community college stating that the student has filed  
22 an application to legalize his or her immigration status, or will file  
23 such an application as soon as he or she is eligible to do so.

24 In the event that a person qualified as above for state residence, but  
25 has been a resident of two or more counties in the state during the six  
26 months immediately preceding his or her application for a certificate of  
27 residence pursuant to section sixty-three hundred five of this [~~chapter~~  
28 article], the charges to the counties of residence shall be allocated  
29 among the several counties proportional to the number of months, or  
30 major fraction thereof, of residence in each county.

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

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

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

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

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

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

18 (ii) An applicant who is not a legal resident of the state eligible  
19 pursuant to subparagraph (i) of this paragraph, but is a United States  
20 citizen, an alien lawfully admitted for permanent residence in the  
21 United States, an individual of a class of refugees paroled by the  
22 attorney general of the United States under his or her parole authority  
23 pertaining to the admission of aliens to the United States, or an appli-  
24 cant without lawful immigration status shall be eligible for an award at  
25 the undergraduate level of study provided that the student:

26 (A) attended a registered New York state high school for two or more  
27 years, graduated from a registered New York state high school, lived  
28 continuously in New York state while attending an approved New York  
29 state high school, applied for attendance at the institution of higher  
30 education for the undergraduate study for which an award is sought, and  
31 attended within five years of receiving a New York state high school  
32 diploma; or

33 (B) attended an approved New York state program for a state high  
34 school equivalency diploma, lived continuously in New York state while  
35 attending an approved New York state program for a general equivalency  
36 diploma, received a state high school equivalency diploma, subsequently  
37 applied for attendance at the institution of higher education for the  
38 undergraduate study for which an award is sought, earned admission based  
39 on that general equivalency diploma, and attended the institution of  
40 higher education for the undergraduate study for which an award is  
41 sought within five years of receiving a state high school equivalency  
42 diploma; or

43 (C) is otherwise eligible for the payment of tuition and fees at a  
44 rate no greater than that imposed for resident students of the state  
45 university of New York, the city university of New York or community  
46 colleges as prescribed in subparagraph eight of paragraph h of subdivi-  
47 sion two of section three hundred fifty-five or paragraph (a) of subdivi-  
48 seven of section six thousand two hundred six of this chapter.

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

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

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

13 (ii) An applicant who is not a legal resident of the state eligible  
14 pursuant to subparagraph (i) of this paragraph, but is a United States  
15 citizen, an alien lawfully admitted for permanent residence in the  
16 United States, an individual of a class of refugees paroled by the  
17 attorney general of the United States under his or her parole authority  
18 pertaining to the admission of aliens to the United States, or an appli-  
19 cant without lawful immigration status shall be eligible for an award at  
20 the graduate level of study provided that the student:

21 (A) attended a registered New York state high school for two or more  
22 years, graduated from a registered New York state high school, lived  
23 continuously in New York state while attending an approved New York  
24 state high school, applied for attendance at the institution of higher  
25 education for the graduate study for which an award is sought, and  
26 attended within ten years of receiving a New York state high school  
27 diploma; or

28 (B) attended an approved New York state program for a state high  
29 school equivalency diploma, lived continuously in New York state while  
30 attending an approved New York state program for a general equivalency  
31 diploma, received a state high school equivalency diploma, subsequently  
32 applied for attendance at the institution of higher education for the  
33 graduate study for which an award is sought, and attended the institu-  
34 tion of higher education for the graduate study for which an award is  
35 sought within ten years of receiving a state high school equivalency  
36 diploma; or

37 (C) is otherwise eligible for the payment of tuition and fees at a  
38 rate no greater than that imposed for resident students of the state  
39 university of New York, the city university of New York or community  
40 college as prescribed in subparagraph eight of paragraph h of subdivi-  
41 sion two of section three hundred fifty-five or paragraph (a) of subdivi-  
42 sion seven of section six thousand two hundred six of this chapter.

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

48 § 15. Subparagraph (i) of paragraph a of subdivision 2 of section  
49 695-e of the education law, as amended by chapter 593 of the laws of  
50 2003, is amended to read as follows:

51 (i) the name, address and social security number [~~or~~], employer iden-  
52 tification number, or individual taxpayer identification number of the  
53 account owner unless a family tuition account that was in effect prior  
54 to the effective date of the chapter of the laws of two thousand eigh-  
55 teen that amended this subparagraph does not allow for a taxpayer iden-



1 tification number, in which case a taxpayer identification number shall  
2 be allowed upon the expiration of the contract;

3 § 16. Subparagraph (iii) of paragraph a of subdivision 2 of section  
4 695-e of the education law, as amended by chapter 593 of the laws of  
5 2003, is amended to read as follows:

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

13 § 17. The president of the higher education services corporation shall  
14 establish an application form and procedures that shall allow a student  
15 applicant that meets the requirements set forth in subparagraph (ii) of  
16 paragraph a or subparagraph (ii) of paragraph b of subdivision 5 of  
17 section 661 of the education law to apply directly to the higher educa-  
18 tion services corporation for applicable awards without having to submit  
19 information to any other state or federal agency. All information  
20 contained with the applications filed with such corporation shall be  
21 deemed confidential, except that the corporation shall be entitled to  
22 release information to participating institutions as necessary for the  
23 administration of financial aid programs and to the extent required  
24 pursuant to article 6 of the public officers law or otherwise required  
25 by law.

26 § 18. The higher education services corporation is authorized to  
27 promulgate rules and regulations, and may promulgate emergency regu-  
28 lations, necessary for the implementation of the provisions of this act.

29 § 19. This act shall take effect on the ninetieth day after the issu-  
30 ance of regulations and the development of an application form by the  
31 president of the higher education services corporation or on the nineti-  
32 eth day after it shall have become a law, whichever shall be later;  
33 provided, however, that:

34 a. the amendments to subparagraphs (i) and (ii) of paragraph (a-1) of  
35 subdivision 7 of section 6206 of the education law made by section eight  
36 of this act shall not affect the expiration of such paragraph and shall  
37 be deemed to expire therewith, when upon such date the provisions of  
38 section nine of this act shall take effect; and

39 b. the president of the higher education services corporation shall  
40 notify the legislative bill drafting commission upon the occurrence of  
41 the issuance of regulations and the development of an application form  
42 provided for in this section in order that the commission may maintain  
43 an accurate and timely effective data base of the official text of the  
44 laws of the state of New York in furtherance of effectuating the  
45 provisions of section 44 of the legislative law and section 70-b of the  
46 public officers law.

47 PART F

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

50 6. Notwithstanding any other provision of law, any firm established to  
51 lawfully engage in the practice of public accountancy pursuant to arti-  
52 cle fifteen of the business corporation law, articles one and eight-B of  
53 the partnership law, or articles twelve and thirteen of the limited



1 liability company law shall be deemed eligible to register pursuant to  
2 this section.

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

5 (h) Any firm established for the business purpose of incorporating as  
6 a professional service corporation formed to lawfully engage in the  
7 practice of public accountancy, as such practice is respectively defined  
8 under article one hundred forty-nine of the education law shall be  
9 required to show (1) that a simple majority of the ownership of the  
10 firm, in terms of financial interests, including ownership-based compen-  
11 sation, and voting rights held by the firm's owners, belongs to individ-  
12 uals licensed to practice public accountancy in some state, and (2) that  
13 all shareholders of a professional service corporation whose principal  
14 place of business is in this state, and who are engaged in the practice  
15 of public accountancy in this state, hold a valid license issued under  
16 section seventy-four hundred four of the education law or are public  
17 accountants licensed under section seventy-four hundred five of the  
18 education law. Although firms may include non-licensee owners, the firm  
19 and its owners must comply with rules promulgated by the state board of  
20 regents. Notwithstanding the provisions of this paragraph, a firm  
21 incorporated under this section may not have non-licensee owners if the  
22 firm's name includes the words "certified public accountant," or "certi-  
23 fied public accountants," or the abbreviations "CPA" or "CPAs". Each  
24 non-licensee owner of a firm that is incorporated under this section  
25 shall be a natural person who actively participates in the business of  
26 the firm or its affiliated entities. For purposes of this subdivision,  
27 "actively participate" means to provide services to clients or to other-  
28 wise individually take part in the day-to-day business or management of  
29 the firm. Such a firm shall have attached to its certificate of incorpo-  
30 ration a certificate or certificates demonstrating the firm's compliance  
31 with this paragraph, in lieu of the certificate or certificates required  
32 by subparagraph (ii) of paragraph (b) of this section.

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

35 (c) Any firm established for the business purpose of incorporating as  
36 a professional service corporation pursuant to paragraph (h) of section  
37 fifteen hundred three of this article may issue shares to individuals  
38 who are authorized by law to practice in this state a profession which  
39 such corporation is authorized to practice and who are or have been  
40 engaged in the practice of such profession in such corporation or a  
41 predecessor entity, or who will engage in the practice of such profes-  
42 sion in such corporation within thirty days of the date such shares are  
43 issued and may also issue shares to employees of the corporation not  
44 licensed as certified public accountants, provided that:

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

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

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

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

53 No shareholder of a firm established for the business purpose of incor-  
54 porating as a professional service corporation pursuant to paragraph (h)  
55 of section fifteen hundred three of this article shall enter into a  
56 voting trust agreement, proxy or any other type of agreement vesting in

1 another person, other than another shareholder of the same corporation,  
2 the authority to exercise voting power of any or all of his or her  
3 shares. All shares issued, agreements made or proxies granted in  
4 violation of this section shall be void.

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

7 (c) The directors and officers of any firm established for the busi-  
8 ness purpose of incorporating as a professional service corporation  
9 pursuant to paragraph (h) of section fifteen hundred three of this arti-  
10 cle may include individuals who are not licensed to practice public  
11 accountancy, provided however that at least fifty-one percent of the  
12 directors, at least fifty-one percent of the officers and the president,  
13 the chairperson of the board of directors and the chief executive offi-  
14 cer or officers are authorized by law to practice in this state a  
15 profession which such corporation is authorized to practice, and are  
16 either shareholders of such corporation or engaged in the practice of  
17 their professions in such corporation.

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

20 § 1509. Disqualification of shareholders, directors, officers and  
21 employees.

22 If any shareholder, director, officer or employee of a professional  
23 service corporation, including a design professional service corpo-  
24 ration, or any firm established for the business purpose of incorporat-  
25 ing as a professional service corporation pursuant to paragraph (h) of  
26 section fifteen hundred three of this article, who has been rendering  
27 professional service to the public becomes legally disqualified to prac-  
28 tice his profession within this state, he shall sever all employment  
29 with, and financial interests (other than interests as a creditor) in,  
30 such corporation forthwith or as otherwise provided in section 1510 of  
31 this article. All provisions of law regulating the rendering of profes-  
32 sional services by a person elected or appointed to a public office  
33 shall be applicable to a shareholder, director, officer and employee of  
34 such corporation in the same manner and to the same extent as if fully  
35 set forth herein. Such legal disqualification to practice his profession  
36 within this state shall be deemed to constitute an irrevocable offer by  
37 the disqualified shareholder to sell his shares to the corporation,  
38 pursuant to the provisions of section 1510 of this article or of the  
39 certificate of incorporation, by-laws or agreement among the corporation  
40 and all shareholders, whichever is applicable. Compliance with the terms  
41 of such offer shall be specifically enforceable in the courts of this  
42 state. A professional service corporation's failure to enforce compli-  
43 ance with this provision shall constitute a ground for forfeiture of its  
44 certificate of incorporation and its dissolution.

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

48 (a) No shareholder of a professional service corporation [~~or~~], includ-  
49 ing a design professional service corporation, or any firm established  
50 for the business purpose of incorporating as a professional service  
51 corporation pursuant to paragraph (h) of section fifteen hundred three  
52 of this article, may sell or transfer his shares in such corporation  
53 except to another individual who is eligible to have shares issued to  
54 him by such corporation or except in trust to another individual who  
55 would be eligible to receive shares if he were employed by the corpo-  
56 ration. Nothing herein contained shall be construed to prohibit the

1 transfer of shares by operation of law or by court decree. No transfer-  
2 ee of shares by operation of law or court decree may vote the shares for  
3 any purpose whatsoever except with respect to corporate action under  
4 sections 909 and 1001 of this chapter. The restriction in the preceding  
5 sentence shall not apply, however, where such transferee would be eligi-  
6 ble to have shares issued to him if he were an employee of the corpo-  
7 ration and, if there are other shareholders, a majority of such other  
8 shareholders shall fail to redeem the shares so transferred, pursuant to  
9 section 1510 of this article, within sixty days of receiving written  
10 notice of such transfer. Any sale or transfer, except by operation of  
11 law or court decree or except for a corporation having only one share-  
12 holder, may be made only after the same shall have been approved by the  
13 board of directors, or at a shareholders' meeting specially called for  
14 such purpose by such proportion, not less than a majority, of the  
15 outstanding shares as may be provided in the certificate of incorpo-  
16 ration or in the by-laws of such professional service corporation. At  
17 such shareholders' meeting the shares held by the shareholder proposing  
18 to sell or transfer his shares may not be voted or counted for any  
19 purpose, unless all shareholders consent that such shares be voted or  
20 counted. The certificate of incorporation or the by-laws of the profes-  
21 sional service corporation, or the professional service corporation and  
22 the shareholders by private agreement, may provide, in lieu of or in  
23 addition to the foregoing provisions, for the alienation of shares and  
24 may require the redemption or purchase of such shares by such corpo-  
25 ration at prices and in a manner specifically set forth therein. The  
26 existence of the restrictions on the sale or transfer of shares, as  
27 contained in this article and, if applicable, in the certificate of  
28 incorporation, by-laws, stock purchase or stock redemption agreement,  
29 shall be noted conspicuously on the face or back of every certificate  
30 for shares issued by a professional service corporation. Any sale or  
31 transfer in violation of such restrictions shall be void.

32 (c) A firm established for the business purpose of incorporating as a  
33 professional service corporation pursuant to paragraph (h) of section  
34 fifteen hundred three of this article, shall purchase or redeem the  
35 shares of a non-licensed professional shareholder in the case of his or  
36 her termination of employment within thirty days after such termination.  
37 A firm established for the business purpose of incorporating as a  
38 professional service corporation pursuant to paragraph (h) of section  
39 fifteen hundred three of this article, shall not be required to purchase  
40 or redeem the shares of a terminated non-licensed professional share-  
41 holder if such shares, within thirty days after such termination, are  
42 sold or transferred to another employee of the corporation pursuant to  
43 this article.

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

47 (a) Notwithstanding any other provision of law, the name of a profes-  
48 sional service corporation, including a design professional service  
49 corporation and any firm established for the business purpose of incor-  
50 porating as a professional service corporation pursuant to paragraph (h)  
51 of section fifteen hundred three of this article, may contain any word  
52 which, at the time of incorporation, could be used in the name of a  
53 partnership practicing a profession which the corporation is authorized  
54 to practice, and may not contain any word which could not be used by  
55 such a partnership. Provided, however, the name of a professional  
56 service corporation may not contain the name of a deceased person unless

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

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

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

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

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

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

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

22 (iv) the president, the chairperson of the board of directors and the  
23 chief executive officer or officers are and were certified public  
24 accountants.

25 The statement shall be signed by the president or any certified public  
26 accountant vice-president and attested to by the secretary or any  
27 assistant secretary of the corporation.

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

30 (d) "Foreign professional service corporation" means a professional  
31 service corporation, whether or not denominated as such, organized under  
32 the laws of a jurisdiction other than this state, all of the sharehold-  
33 ers, directors and officers of which are authorized and licensed to  
34 practice the profession for which such corporation is licensed to do  
35 business; except that all shareholders, directors and officers of a  
36 foreign professional service corporation which provides health services  
37 in this state shall be licensed in this state. Notwithstanding any other  
38 provision of law a foreign professional service corporation formed to  
39 lawfully engage in the practice of public accountancy, as such practice  
40 is defined under article one hundred forty-nine of the education law, or  
41 equivalent state law, shall be required to show (1) that a simple major-  
42 ity of the ownership of the firm, in terms of financial interests,  
43 including ownership-based compensation, and voting rights held by the  
44 firm's owners, belongs to individuals licensed to practice public  
45 accountancy in some state, and (2) that all shareholders of a foreign  
46 professional service corporation whose principal place of business is in  
47 this state, and who are engaged in the practice of public accountancy in  
48 this state, hold a valid license issued under section seventy-four  
49 hundred four of the education law or are public accountants licensed  
50 under section seventy-four hundred five of the education law. Although  
51 firms may include non-licensee owners, the firm and its owners must  
52 comply with rules promulgated by the state board of regents. Notwith-  
53 standing the foregoing, a firm registered under this section may not  
54 have non-licensee owners if the firm's name includes the words "certi-  
55 fied public accountant," or "certified public accountants," or the  
56 abbreviations "CPA" or "CPAs." Each non-licensee owner of a firm that is

1 operating under this section shall be a natural person who actively  
2 participates in the business of the firm or its affiliated entities,  
3 provided each beneficial owner of an equity interest in such entity is a  
4 natural person who actively participates in the business conducted by  
5 the firm or its affiliated entities. For purposes of this subdivision,  
6 "actively participate" means to provide services to clients or to other-  
7 wise individually take part in the day-to-day business or management of  
8 the firm.

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

12 (q) Each partner of a registered limited liability partnership formed  
13 to provide medical services in this state must be licensed pursuant to  
14 article 131 of the education law to practice medicine in this state and  
15 each partner of a registered limited liability partnership formed to  
16 provide dental services in this state must be licensed pursuant to arti-  
17 cle 133 of the education law to practice dentistry in this state. Each  
18 partner of a registered limited liability partnership formed to provide  
19 veterinary services in this state must be licensed pursuant to article  
20 135 of the education law to practice veterinary medicine in this state.  
21 Each partner of a registered limited liability partnership formed to  
22 provide public accountancy services, whose principal place of business  
23 is in this state and who provides public accountancy services, must be  
24 licensed pursuant to article 149 of the education law to practice public  
25 accountancy in this state. Each partner of a registered limited liabil-  
26 ity partnership formed to provide professional engineering, land survey-  
27 ing, geological services, architectural and/or landscape architectural  
28 services in this state must be licensed pursuant to article 145, article  
29 147 and/or article 148 of the education law to practice one or more of  
30 such professions in this state. Each partner of a registered limited  
31 liability partnership formed to provide licensed clinical social work  
32 services in this state must be licensed pursuant to article 154 of the  
33 education law to practice clinical social work in this state. Each part-  
34 ner of a registered limited liability partnership formed to provide  
35 creative arts therapy services in this state must be licensed pursuant  
36 to article 163 of the education law to practice creative arts therapy in  
37 this state. Each partner of a registered limited liability partnership  
38 formed to provide marriage and family therapy services in this state  
39 must be licensed pursuant to article 163 of the education law to prac-  
40 tice marriage and family therapy in this state. Each partner of a regis-  
41 tered limited liability partnership formed to provide mental health  
42 counseling services in this state must be licensed pursuant to article  
43 163 of the education law to practice mental health counseling in this  
44 state. Each partner of a registered limited liability partnership formed  
45 to provide psychoanalysis services in this state must be licensed pursu-  
46 ant to article 163 of the education law to practice psychoanalysis in  
47 this state. Each partner of a registered limited liability partnership  
48 formed to provide applied behavior analysis service in this state must  
49 be licensed or certified pursuant to article 167 of the education law to  
50 practice applied behavior analysis in this state. Notwithstanding any  
51 other provisions of law a limited liability partnership formed to  
52 lawfully engage in the practice of public accountancy, as such practice  
53 is respectively defined under article 149 of the education law, shall be  
54 required to show (1) that a simple majority of the ownership of the  
55 firm, in terms of financial interests, including ownership-based compen-  
56 sation, and voting rights held by the firm's owners, belongs to individ-



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

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

24 (q) Each partner of a foreign limited liability partnership which  
25 provides medical services in this state must be licensed pursuant to  
26 article 131 of the education law to practice medicine in the state and  
27 each partner of a foreign limited liability partnership which provides  
28 dental services in the state must be licensed pursuant to article 133 of  
29 the education law to practice dentistry in this state. Each partner of a  
30 foreign limited liability partnership which provides veterinary service  
31 in the state shall be licensed pursuant to article 135 of the education  
32 law to practice veterinary medicine in this state. Each partner of a  
33 foreign limited liability partnership which provides professional engi-  
34 neering, land surveying, geological services, architectural and/or land-  
35 scape architectural services in this state must be licensed pursuant to  
36 article 145, article 147 and/or article 148 of the education law to  
37 practice one or more of such professions. Each partner of a foreign  
38 registered limited liability partnership formed to provide public  
39 accountancy services, whose principal place of business is in this state  
40 and who provides public accountancy services, must be licensed pursuant  
41 to article 149 of the education law to practice public accountancy in  
42 this state. Each partner of a foreign limited liability partnership  
43 which provides licensed clinical social work services in this state must  
44 be licensed pursuant to article 154 of the education law to practice  
45 licensed clinical social work in this state. Each partner of a foreign  
46 limited liability partnership which provides creative arts therapy  
47 services in this state must be licensed pursuant to article 163 of the  
48 education law to practice creative arts therapy in this state. Each  
49 partner of a foreign limited liability partnership which provides  
50 marriage and family therapy services in this state must be licensed  
51 pursuant to article 163 of the education law to practice marriage and  
52 family therapy in this state. Each partner of a foreign limited liabil-  
53 ity partnership which provides mental health counseling services in this  
54 state must be licensed pursuant to article 163 of the education law to  
55 practice mental health counseling in this state. Each partner of a  
56 foreign limited liability partnership which provides psychoanalysis



1 services in this state must be licensed pursuant to article 163 of the  
2 education law to practice psychoanalysis in this state. Each partner of  
3 a foreign limited liability partnership which provides applied behavior  
4 analysis services in this state must be licensed or certified pursuant  
5 to article 167 of the education law to practice applied behavior analy-  
6 sis in this state.

7 Notwithstanding any other provisions of law a  
8 foreign limited liability partnership formed to lawfully engage in the  
9 practice of public accountancy, as such practice is respectively defined  
10 under article 149 of the education law, shall be required to show (1)  
11 that a simple majority of the ownership of the firm, in terms of finan-  
12 cial interests, including ownership-based compensation, and voting  
13 rights held by the firm's owners, belongs to individuals licensed to  
14 practice public accountancy in some state, and (2) that all partners of  
15 a foreign limited liability partnership whose principal place of busi-  
16 ness is in this state, and who are engaged in the practice of public  
17 accountancy in this state, hold a valid licence issued under section  
18 7404 of the education law or are public accountants licensed under  
19 section 7405 of the education law. Although firms may include non-licen-  
20 see owners, the firm and its owners must comply with rules promulgated  
21 by the state board of regents. Notwithstanding the foregoing, a firm  
22 registered under this section may not have non-licensee owners if the  
23 firm's name includes the words "certified public accountant," or "certi-  
24 fied public accountants," or the abbreviations "CPA" or "CPAs." Each  
25 non-licensee owner of a firm that is incorporated under this section  
26 shall be (1) a natural person who actively participates in the business  
27 of the firm or its affiliated entities, or (2) an entity, including, but  
28 not limited to, a partnership or professional corporation, provided each  
29 beneficial owner of an equity interest in such entity is a natural  
30 person who actively participates in the business conducted by the firm  
31 or its affiliated entities. For purposes of this subdivision, "actively  
32 participate" means to provide services to clients or to otherwise indi-  
33 vidually take part in the day-to-day business or management of the firm.

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

36 (h) "Limited partnership" and "domestic limited partnership" mean,  
37 unless the context otherwise requires, a partnership (i) formed by two  
38 or more persons pursuant to this article or which complies with subdivi-  
39 sion (a) of section 121-1202 of this article and (ii) having one or more  
40 general partners and one or more limited partners. Notwithstanding any  
41 other provisions of law a limited partnership or domestic limited part-  
42 nership formed to lawfully engage in the practice of public accountancy,  
43 as such practice is respectively defined under article 149 of the educa-  
44 tion law shall be required to show (1) that a simple majority of the  
45 ownership of the firm, in terms of financial interests, including owner-  
46 ship-based compensation, and voting rights held by the firm's owners,  
47 belongs to individuals licensed to practice public accountancy in some  
48 state, and (2) that all partners of a limited partnership or domestic  
49 limited partnership, whose principal place of business is in this state,  
50 and who are engaged in the practice of public accountancy in this state,  
51 hold a valid license issued under section 7404 of the education law or  
52 are public accountants licensed under section 7405 of the education law.  
53 Although firms may include non-licensee owners, the firm and its owners  
54 must comply with rules promulgated by the state board of regents.  
55 Notwithstanding the foregoing, a firm registered under this section may  
56 not have non-licensee owners if the firm's name includes the words  
"certified public accountant," or "certified public accountants," or the

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

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

14 (b) With respect to a professional service limited liability company  
15 formed to provide medical services as such services are defined in arti-  
16 cle 131 of the education law, each member of such limited liability  
17 company must be licensed pursuant to article 131 of the education law to  
18 practice medicine in this state. With respect to a professional service  
19 limited liability company formed to provide dental services as such  
20 services are defined in article 133 of the education law, each member of  
21 such limited liability company must be licensed pursuant to article 133  
22 of the education law to practice dentistry in this state. With respect  
23 to a professional service limited liability company formed to provide  
24 veterinary services as such services are defined in article 135 of the  
25 education law, each member of such limited liability company must be  
26 licensed pursuant to article 135 of the education law to practice veter-  
27 inary medicine in this state. With respect to a professional service  
28 limited liability company formed to provide professional engineering,  
29 land surveying, architectural, landscape architectural and/or geological  
30 services as such services are defined in article 145, article 147 and  
31 article 148 of the education law, each member of such limited liability  
32 company must be licensed pursuant to article 145, article 147 and/or  
33 article 148 of the education law to practice one or more of such  
34 professions in this state. With respect to a professional service  
35 limited liability company formed to provide public accountancy services  
36 as such services are defined in article 149 of the education law each  
37 member of such limited liability company whose principal place of busi-  
38 ness is in this state and who provides public accountancy services, must  
39 be licensed pursuant to article 149 of the education law to practice  
40 public accountancy in this state. With respect to a professional service  
41 limited liability company formed to provide licensed clinical social  
42 work services as such services are defined in article 154 of the educa-  
43 tion law, each member of such limited liability company shall be  
44 licensed pursuant to article 154 of the education law to practice  
45 licensed clinical social work in this state. With respect to a profes-  
46 sional service limited liability company formed to provide creative arts  
47 therapy services as such services are defined in article 163 of the  
48 education law, each member of such limited liability company must be  
49 licensed pursuant to article 163 of the education law to practice crea-  
50 tive arts therapy in this state. With respect to a professional service  
51 limited liability company formed to provide marriage and family therapy  
52 services as such services are defined in article 163 of the education  
53 law, each member of such limited liability company must be licensed  
54 pursuant to article 163 of the education law to practice marriage and  
55 family therapy in this state. With respect to a professional service  
56 limited liability company formed to provide mental health counseling

1 services as such services are defined in article 163 of the education  
2 law, each member of such limited liability company must be licensed  
3 pursuant to article 163 of the education law to practice mental health  
4 counseling in this state. With respect to a professional service limited  
5 liability company formed to provide psychoanalysis services as such  
6 services are defined in article 163 of the education law, each member of  
7 such limited liability company must be licensed pursuant to article 163  
8 of the education law to practice psychoanalysis in this state. With  
9 respect to a professional service limited liability company formed to  
10 provide applied behavior analysis services as such services are defined  
11 in article 167 of the education law, each member of such limited liabil-  
12 ity company must be licensed or certified pursuant to article 167 of the  
13 education law to practice applied behavior analysis in this state.  
14 Notwithstanding any other provisions of law a professional service  
15 limited liability company formed to lawfully engage in the practice of  
16 public accountancy, as such practice is respectively defined under arti-  
17 cle 149 of the education law shall be required to show (1) that a simple  
18 majority 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 members of a limited profes-  
22 sional service limited liability company, whose principal place of busi-  
23 ness is in this state, and who are engaged in the practice of public  
24 accountancy in this state, hold a valid license issued under section  
25 7404 of the education law or are public accountants licensed under  
26 section 7405 of the education law. Although firms may include non-licen-  
27 see owners, the firm and its owners must comply with rules promulgated  
28 by the state board of regents. Notwithstanding the foregoing, a firm  
29 registered under this section may not have non-licensee owners if the  
30 firm's name includes the words "certified public accountant," or "certi-  
31 fied public accountants," or the abbreviations "CPA" or "CPAs." Each  
32 non-licensee owner of a firm that is registered under this section shall  
33 be (1) a natural person who actively participates in the business of the  
34 firm or its affiliated entities, or (2) an entity, including, but not  
35 limited to, a partnership or professional corporation, provided each  
36 beneficial owner of an equity interest in such entity is a natural  
37 person who actively participates in the business conducted by the firm  
38 or its affiliated entities. For purposes of this subdivision, "actively  
39 participate" means to provide services to clients or to otherwise indi-  
40 vidually take part in the day-to-day business or management of the firm.

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

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

1 professional service limited liability company or a predecessor entity,  
2 or will engage in the practice of such profession in the professional  
3 service limited liability company within thirty days of the date such  
4 professional becomes a member, or (ii) authorized by, or holding a  
5 license, certificate, registration or permit issued by the licensing  
6 authority pursuant to, the education law to render a professional  
7 service within this state; except that all members and managers, if any,  
8 of a foreign professional service limited liability company that  
9 provides health services in this state shall be licensed in this state.  
10 With respect to a foreign professional service limited liability company  
11 which provides veterinary services as such services are defined in arti-  
12 cle 135 of the education law, each member of such foreign professional  
13 service limited liability company shall be licensed pursuant to article  
14 135 of the education law to practice veterinary medicine. With respect  
15 to a foreign professional service limited liability company which  
16 provides medical services as such services are defined in article 131 of  
17 the education law, each member of such foreign professional service  
18 limited liability company must be licensed pursuant to article 131 of  
19 the education law to practice medicine in this state. With respect to a  
20 foreign professional service limited liability company which provides  
21 dental services as such services are defined in article 133 of the  
22 education law, each member of such foreign professional service limited  
23 liability company must be licensed pursuant to article 133 of the educa-  
24 tion law to practice dentistry in this state. With respect to a foreign  
25 professional service limited liability company which provides profes-  
26 sional engineering, land surveying, geologic, architectural and/or land-  
27 scape architectural services as such services are defined in article  
28 145, article 147 and article 148 of the education law, each member of  
29 such foreign professional service limited liability company must be  
30 licensed pursuant to article 145, article 147 and/or article 148 of the  
31 education law to practice one or more of such professions in this state.  
32 With respect to a foreign professional service limited liability company  
33 which provides public accountancy services as such services are defined  
34 in article 149 of the education law, each member of such foreign profes-  
35 sional service limited liability company whose principal place of busi-  
36 ness is in this state and who provides public accountancy services,  
37 shall be licensed pursuant to article 149 of the education law to prac-  
38 tice public accountancy in this state. With respect to a foreign profes-  
39 sional service limited liability company which provides licensed clin-  
40 ical social work services as such services are defined in article 154 of  
41 the education law, each member of such foreign professional service  
42 limited liability company shall be licensed pursuant to article 154 of  
43 the education law to practice clinical social work in this state. With  
44 respect to a foreign professional service limited liability company  
45 which provides creative arts therapy services as such services are  
46 defined in article 163 of the education law, each member of such foreign  
47 professional service limited liability company must be licensed pursuant  
48 to article 163 of the education law to practice creative arts therapy in  
49 this state. With respect to a foreign professional service limited  
50 liability company which provides marriage and family therapy services as  
51 such services are defined in article 163 of the education law, each  
52 member of such foreign professional service limited liability company  
53 must be licensed pursuant to article 163 of the education law to prac-  
54 tice marriage and family therapy in this state. With respect to a  
55 foreign professional service limited liability company which provides  
56 mental health counseling services as such services are defined in arti-

1 cle 163 of the education law, each member of such foreign professional  
 2 service limited liability company must be licensed pursuant to article  
 3 163 of the education law to practice mental health counseling in this  
 4 state. With respect to a foreign professional service limited liability  
 5 company which provides psychoanalysis services as such services are  
 6 defined in article 163 of the education law, each member of such foreign  
 7 professional service limited liability company must be licensed pursuant  
 8 to article 163 of the education law to practice psychoanalysis in this  
 9 state. With respect to a foreign professional service limited liability  
 10 company which provides applied behavior analysis services as such  
 11 services are defined in article 167 of the education law, each member of  
 12 such foreign professional service limited liability company must be  
 13 licensed or certified pursuant to article 167 of the education law to  
 14 practice applied behavior analysis in this state. Notwithstanding any  
 15 other provisions of law a foreign professional service limited liability  
 16 company formed to lawfully engage in the practice of public accountancy,  
 17 as such practice is respectively defined under article 149 of the educa-  
 18 tion law shall be required to show (1) that a simple majority of the  
 19 ownership of the firm, in terms of financial interests, including owner-  
 20 ship-based compensation, and voting rights held by the firm's owners,  
 21 belongs to individuals licensed to practice public accountancy in some  
 22 state, and (2) that all members of a foreign limited professional  
 23 service limited liability company, whose principal place of business is  
 24 in this state, and who are engaged in the practice of public accountancy  
 25 in this state, hold a valid license issued under section 7404 of the  
 26 education law or are public accountants licensed under section 7405 of  
 27 the education law, Although firms may include non-licensee owners, the  
 28 firm and its owners must comply with rules promulgated by the state  
 29 board of regents. Notwithstanding the foregoing, a firm registered  
 30 under this section may not have non-licensee owners if the firm's name  
 31 includes the words "certified public accountant," or "certified public  
 32 accountants," or the abbreviations "CPA" or "CPAs." Each non-licensee  
 33 owner of a firm that is registered under this section shall be (1) a  
 34 natural person who actively participates in the business of the firm or  
 35 its affiliated entities, or (2) an entity, including, but not limited  
 36 to, a partnership or professional corporation, provided each beneficial  
 37 owner of an equity interest in such entity is a natural person who  
 38 actively participates in the business conducted by the firm or its  
 39 affiliated entities. For purposes of this subdivision, "actively partic-  
 40 ipate" means to provide services to clients or to otherwise individually  
 41 take part in the day-to-day business or management of the firm.

42 § 15. This act shall take effect immediately.

43 PART G

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

46 § 2. Section 11 of subpart A of part G of chapter 57 of the laws of  
 47 2012, amending the social services law and the family court act relating  
 48 to establishing a juvenile justice services close to home initiative, is  
 49 amended to read as follows:

50 § 11. This act shall take effect April 1, 2012 and shall expire on  
 51 March 31, [~~2018~~] 2023 when upon such date the provisions of this act  
 52 shall be deemed repealed; provided, however, that effective immediately,  
 53 the addition, amendment and/or repeal of any rule or regulation neces-  
 54 sary for the implementation of this act on its effective date are



1 authorized and directed to be made and completed on or before such  
 2 effective date; provided, however, upon the repeal of this act, a social  
 3 services district that has custody of a juvenile delinquent pursuant to  
 4 an approved juvenile justice services close to home initiative shall  
 5 retain custody of such juvenile delinquent until custody may be legally  
 6 transferred in an orderly fashion to the office of children and family  
 7 services.

8 § 3. Section 7 of subpart B of part G of chapter 57 of the laws of  
 9 2012, amending the social services law, the family court act and the  
 10 executive law relating to juvenile delinquents, is amended to read as  
 11 follows:

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

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

21 PART H

22 Section 1. 1. Notwithstanding the time period required for notice  
 23 pursuant to subdivision 15 of section 501 of the executive law, the  
 24 office of children and family services may close the Ella McQueen recep-  
 25 tion center for boys and girls. At least thirty days prior to taking any  
 26 such action, the commissioner of such office shall provide notice of  
 27 such action to the speaker of the assembly and the temporary president  
 28 of the senate and shall post such notice upon its public website.

29 2. The commissioner of the office of children and family services  
 30 shall be authorized to conduct any and all preparatory actions which may  
 31 be required to effectuate this closure.

32 § 2. This act shall take effect immediately.

33 PART I

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

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

41 § 2. This act shall take effect immediately.

42 PART J

43 Section 1. Section 4 of part K of chapter 57 of the laws of 2012,  
 44 amending the education law, relating to authorizing the board of cooper-  
 45 ative educational services to enter into contracts with the commissioner  
 46 of children and family services to provide certain services, as amended  
 47 by section 5 of part J of chapter 56 of laws of 2015, is amended to read  
 48 as follows:



1 § 4. This act shall take effect July 1, 2012 and shall expire June 30,  
2 [~~2018~~] 2021 when upon such date the provisions of this act shall be  
3 deemed repealed.

4 § 2. This act shall take effect immediately.

5 PART K

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

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

10 § 2. This act shall take effect immediately.

11 PART L

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

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

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

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

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

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

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

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

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

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

46 (c) On and after January first, two thousand [~~seventeen~~] eighteen, (i)  
47 for an eligible individual receiving family care, [~~\$1,001.48~~] \$1,016.48  
48 if he or she is receiving such care in the city of New York or the coun-  
49 ty of Nassau, Suffolk, Westchester or Rockland; and (ii) for an eligible  
50 couple receiving family care in the city of New York or the county of  
51 Nassau, Suffolk, Westchester or Rockland, two times the amount set forth  
52 in subparagraph (i) of this paragraph; or (iii) for an eligible individ-

1 ual receiving such care in any other county in the state, [~~\$963.48~~  
2 ~~\$978.48~~]; and (iv) for an eligible couple receiving such care in any  
3 other county in the state, two times the amount set forth in subpara-  
4 graph (iii) of this paragraph.

5 (d) On and after January first, two thousand [~~seventeen~~] eighteen, (i)  
6 for an eligible individual receiving residential care, [~~\$1,170.00~~  
7 ~~\$1,185.00~~] if he or she is receiving such care in the city of New York or  
8 the county of Nassau, Suffolk, Westchester or Rockland; and (ii) for an  
9 eligible couple receiving residential care in the city of New York or  
10 the county of Nassau, Suffolk, Westchester or Rockland, two times the  
11 amount set forth in subparagraph (i) of this paragraph; or (iii) for an  
12 eligible individual receiving such care in any other county in the  
13 state, [~~\$1,140.00~~] \$1,155.00; and (iv) for an eligible couple receiving  
14 such care in any other county in the state, two times the amount set  
15 forth in subparagraph (iii) of this paragraph.

16 (e) (i) On and after January first, two thousand [~~seventeen~~] eighteen,  
17 for an eligible individual receiving enhanced residential care,  
18 [~~\$1,429.00~~] \$1,444.00; and (ii) for an eligible couple receiving  
19 enhanced residential care, two times the amount set forth in subpara-  
20 graph (i) of this paragraph.

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

26 § 3. This act shall take effect December 31, 2018.

27 PART M

28 Section 1. Subdivision 14 of section 131-a of the social services law,  
29 as added by section 1 of part H of chapter 58 of the laws of 2014, is  
30 amended to read as follows:

31 14. In determining the need for aid provided pursuant to public  
32 assistance programs, each person living with [~~clinical/symptomatic HIV~~  
33 ~~illness or AIDS~~] medically diagnosed HIV infection as defined by the  
34 AIDS institute of the department of health in social services districts  
35 with a population over five million who is receiving services through  
36 such district's administrative unit providing HIV/AIDS services, public  
37 assistance and earned and/or unearned income, shall not be required to  
38 pay more than thirty percent of his or her monthly earned and/or  
39 unearned income toward the cost of rent that such person has a direct  
40 obligation to pay; this provision shall not apply to room and board  
41 arrangements.

42 § 2. Section 131-a of the social services law is amended by adding a  
43 new subdivision 15 to read as follows:

44 15. In determining the need for aid provided pursuant to public  
45 assistance programs, each public assistance recipient living with  
46 medically diagnosed HIV infection as defined by the AIDS institute of  
47 the department of health in social services districts with a population  
48 of five million or fewer, at local option and in accordance with a plan  
49 approved by the office of temporary and disability assistance, may not  
50 be required to pay more than thirty percent of his or her monthly earned  
51 and/or unearned income toward the cost of rent that such person has a  
52 direct obligation to pay; this provision shall not apply to room and  
53 board arrangements.

1 § 3. This act shall take effect on the ninetieth day after it shall  
2 have become a law; provided, that the commissioner of the office of  
3 temporary and disability assistance may promulgate all rules and regu-  
4 lations necessary to implement the provisions of this act on an emergen-  
5 cy basis.

6 PART N

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

31 § 2. Notwithstanding any other provision of law, the housing trust  
32 fund corporation may provide, for purposes of the neighborhood preserva-  
33 tion program, a sum not to exceed \$8,479,000 for the fiscal year ending  
34 March 31, 2019. Notwithstanding any other provision of law, and subject  
35 to the approval of the New York state director of the budget, the board  
36 of directors of the state of New York mortgage agency shall authorize  
37 the transfer to the housing trust fund corporation, for the purposes of  
38 reimbursing any costs associated with neighborhood preservation program  
39 contracts authorized by this section, a total sum not to exceed  
40 \$8,479,000, such transfer to be made from (i) the special account of the  
41 mortgage insurance fund created pursuant to section 2429-b of the public  
42 authorities law, in an amount not to exceed the actual excess balance in  
43 the special account of the mortgage insurance fund, as determined and  
44 certified by the state of New York mortgage agency for the fiscal year  
45 2017-2018 in accordance with section 2429-b of the public authorities  
46 law, if any, and/or (ii) provided that the reserves in the project pool  
47 insurance account of the mortgage insurance fund created pursuant to  
48 section 2429-b of the public authorities law are sufficient to attain  
49 and maintain the credit rating (as determined by the state of New York  
50 mortgage agency) required to accomplish the purposes of such account,  
51 the project pool insurance account of the mortgage insurance fund, such  
52 transfer to be made as soon as practicable but no later than June 30,  
53 2018.

1 § 3. Notwithstanding any other provision of law, the housing trust  
2 fund corporation may provide, for purposes of the rural preservation  
3 program, a sum not to exceed \$3,539,000 for the fiscal year ending March  
4 31, 2019. Notwithstanding any other provision of law, and subject to  
5 the approval of the New York state director of the budget, the board of  
6 directors of the state of New York mortgage agency shall authorize the  
7 transfer to the housing trust fund corporation, for the purposes of  
8 reimbursing any costs associated with rural preservation program  
9 contracts authorized by this section, a total sum not to exceed  
10 \$3,539,000, such transfer to be made from (i) the special account of the  
11 mortgage insurance fund created pursuant to section 2429-b of the public  
12 authorities law, in an amount not to exceed the actual excess balance in  
13 the special account of the mortgage insurance fund, as determined and  
14 certified by the state of New York mortgage agency for the fiscal year  
15 2017-2018 in accordance with section 2429-b of the public authorities  
16 law, if any, and/or (ii) provided that the reserves in the project pool  
17 insurance account of the mortgage insurance fund created pursuant to  
18 section 2429-b of the public authorities law are sufficient to attain  
19 and maintain the credit rating (as determined by the state of New York  
20 mortgage agency) required to accomplish the purposes of such account,  
21 the project pool insurance account of the mortgage insurance fund, such  
22 transfer to be made as soon as practicable but no later than June 30,  
23 2018.

24 § 4. Notwithstanding any other provision of law, the homeless housing  
25 and assistance corporation may provide, for purposes of the New York  
26 state supportive housing program, the solutions to end homelessness  
27 program or the operational support for AIDS housing program, or to qual-  
28 ified grantees under those programs, in accordance with the requirements  
29 of those programs, a sum not to exceed \$8,333,000 for the fiscal year  
30 ending March 31, 2019. The homeless housing and assistance corporation  
31 may enter into an agreement with the office of temporary and disability  
32 assistance to administer such sum in accordance with the requirements of  
33 the programs. Notwithstanding any other provision of law, and subject to  
34 the approval of the New York state director of the budget, the board of  
35 directors of the state of New York mortgage agency shall authorize the  
36 transfer to the homeless housing and assistance corporation, a total sum  
37 not to exceed \$8,333,000, such transfer to be made from (i) the special  
38 account of the mortgage insurance fund created pursuant to section  
39 2429-b of the public authorities law, in an amount not to exceed the  
40 actual excess balance in the special account of the mortgage insurance  
41 fund, as determined and certified by the state of New York mortgage  
42 agency for the fiscal year 2017-2018 in accordance with section 2429-b  
43 of the public authorities law, if any, and/or (ii) provided that the  
44 reserves in the project pool insurance account of the mortgage insurance  
45 fund created pursuant to section 2429-b of the public authorities law  
46 are sufficient to attain and maintain the credit rating (as determined  
47 by the state of New York mortgage agency) required to accomplish the  
48 purposes of such account, the project pool insurance account of the  
49 mortgage insurance fund, such transfer to be made as soon as practicable  
50 but no later than March 31, 2019.

51 § 5. This act shall take effect immediately.

52

PART O

53 Section 1. Paragraph (c) of subdivision 2 of section 1 of part A of  
54 chapter 85 of the laws of 2017, relating to creating the Lake Ontario-

1 St. Lawrence Seaway flood recovery and International Joint Commission  
2 Plan 2014 mitigation grant program, as amended by section 2 of part J of  
3 chapter 61 of the laws of 2017, is amended to read as follows:

4 (c) The New York state urban development corporation shall administer  
5 this grant program, which shall not exceed in the aggregate \$15,000,000  
6 plus any funds directed from the programs authorized in subdivisions 3  
7 and 4 of this section. Such corporation and other relevant state agen-  
8 cies and state authorities are hereby empowered to establish grant  
9 guidelines and additional eligibility criteria as deemed necessary to  
10 effectuate the administration of this program. Any grant guidelines and  
11 eligibility criteria established by the corporation pursuant to this  
12 subdivision shall be equivalent to, and shall not be more restrictive  
13 than, those established by the New York State Urban Development Corpo-  
14 ration, doing business as the Empire State Development Corporation, in  
15 the grant programs it administered pursuant to part H of chapter 56 of  
16 the laws of 2011. In providing assistance pursuant to this subdivision,  
17 the New York state urban development corporation shall give preference  
18 to applicants that demonstrate the greatest need, based on available  
19 flood damage data provided by applicable state and/or federal agencies.

20 § 2. Paragraph (c) of subdivision 3 of section 1 of part A of chapter  
21 85 of the laws of 2017, relating to creating the Lake Ontario-St.  
22 Lawrence Seaway flood recovery and International Joint Commission Plan  
23 2014 mitigation grant program, as amended by section 2 of part J of  
24 chapter 61 of the laws of 2017, is amended to read as follows:

25 (c) The affordable housing corporation shall administer this grant  
26 program, which shall not exceed in the aggregate \$15,000,000 plus any  
27 funds directed from the programs authorized in subdivisions 2 and 4 of  
28 this section. Such corporation and other relevant state agency or state  
29 authorities are hereby empowered to establish grant guidelines and addi-  
30 tional eligibility criteria as deemed necessary to effectuate the admin-  
31 istration of this program. Any grant guidelines and eligibility crite-  
32 ria established by the corporation pursuant to this subdivision shall be  
33 equivalent to, and shall not be more restrictive than, those established  
34 by the New York State Urban Development Corporation, doing business as  
35 the Empire State Development Corporation, in the grant programs it  
36 administered pursuant to part H of chapter 56 of the laws of 2011. In  
37 providing assistance pursuant to this subdivision, the affordable hous-  
38 ing corporation shall give preference to applicants that demonstrate the  
39 greatest need, based on available flood damage data provided by applica-  
40 ble state and/or federal agencies.

41 § 3. Paragraph (c) of subdivision 4 of section 1 of part A of chapter  
42 85 of the laws of 2017, relating to creating the Lake Ontario-St.  
43 Lawrence Seaway flood recovery and International Joint Commission Plan  
44 2014 mitigation grant program, as amended by section 2 of part J of  
45 chapter 61 of the laws of 2017, is amended to read as follows:

46 (c) The housing trust fund corporation shall administer this grant  
47 program, which shall not exceed in the aggregate \$15,000,000 plus any  
48 funds directed from the programs authorized in subdivisions 2 and 3 of  
49 this section. Such corporation, and other relevant state agencies or  
50 state authorities, is hereby empowered to establish grant guidelines and  
51 additional eligibility criteria, based on available flood damage data  
52 provided by applicable state and/or federal agencies, as it deems neces-  
53 sary to effectuate the administration of this program. Any grant guide-  
54 lines and eligibility criteria established by the corporation pursuant  
55 to this subdivision shall be equivalent to, and shall not be more  
56 restrictive than, those established by the New York State Urban Develop-

1 ment Corporation, doing business as the Empire State Development Corpo-  
2 ration, in the grant programs it administered pursuant to part H of  
3 chapter 56 of the laws of 2011. In providing assistance pursuant to  
4 this subdivision, the corporation shall give preference to applicants  
5 that demonstrate the greatest need, based on available flood damage data  
6 provided by applicable state and/or federal agencies.

7 § 4. This act shall take effect immediately.

8 § 2. Severability clause. If any clause, sentence, paragraph, subdivi-  
9 sion, section or part of this act shall be adjudged by any court of  
10 competent jurisdiction to be invalid, such judgment shall not affect,  
11 impair, or invalidate the remainder thereof, but shall be confined in  
12 its operation to the clause, sentence, paragraph, subdivision, section  
13 or part thereof directly involved in the controversy in which such judg-  
14 ment shall have been rendered. It is hereby declared to be the intent of  
15 the legislature that this act would have been enacted even if such  
16 invalid provisions had not been included herein.

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