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

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 a teacher diversity study; to amend the education law, in relation to reporting requirements of school level funding; to amend the education law, in relation to supplemental basic tuition; 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 the amount of the supplemental basic tuition for charter schools; to amend the education law, in relation to the consumer price index; to amend the education law, in relation to total foundation aid; to amend the education law, in relation to the effectiveness of provisions relating to BOCES intermediate districts; to amend the education law, in relation to aid for career education; 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 ratify and validate the actions or omissions of any school district relating to the submission of a fiscal building cost report; to amend the education law, in relation to state aid adjustments; to amend the education law, in relation to payment of moneys due for prior years; 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 teacher certification; to amend the education law, in relation to universal pre-kindergarten expansion; 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 a fiscal stabilization fund; to amend the education law, in relation to tuition methodology; to amend chapter 756 of the laws of 1992, relating to funding a program

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

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for work force education conducted by the consortium for worker education in New York city, in relation to reimbursements for the 2018-2019 school year; to amend chapter 756 of the laws of 1992, relating to funding a program for work force education conducted by the consortium for worker education in New York city, in relation to withholding a portion of employment preparation education aid and in relation to the effectiveness thereof; to amend the education law, in relation to class sizes for special classes containing certain students with disabilities; to amend the education law, in relation to employment preparation education programs; to amend chapter 82 of the laws of 1995, amending the education law and certain other laws relating to state aid to school districts and the appropriation of funds for the support of government, in relation to the effectiveness thereof; to provide for an increase in reimbursable costs for special services or programs; 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; relating to the support of public libraries; to amend chapter 507 of the laws of 1974, relating to providing for the apportionment of state monies to certain nonpublic schools, to reimburse them for their expenses in complying with certain state requirements for the administration of state testing and evaluation programs and for participation in state programs for the reporting of basic educational data, in relation to the calculation of nonpublic schools' eligibility to receive aid; to amend chapter 121 of the laws of 1996 relating to authorizing the Roosevelt union free school district to finance deficits by the issuance of serial bonds, in relation to certain apportionments; to amend the education law, in relation to exempting BOCES capital expenditures from certain limitations; to amend the general municipal law, in relation to insurance reserve funds of the Mamaroneck union free school district; to amend the
general municipal law, in relation to allowing certain school districts and boards of cooperative educational services to establish a retirement contribution reserve fund for the purposes of the New York state teachers' retirement system; providing for the repeal of such provisions upon expiration thereof; to repeal section 3602-ee of the education law relating thereto (Part A); to amend the education law and chapter 537 of the laws of 1976, relating to paid, free and reduced price breakfast for eligible pupils in certain school districts, in relation to prohibiting lunch shaming and to school breakfast and lunch programs (Part B); intentionally omitted (Part C); to amend the education law, in relation to participation in recovery high school programs (Part D); to amend the education law, in relation to creating the New York DREAM fund commission; eligibility requirements and conditions governing general awards, academic performance awards and student loans; eligibility requirements for assistance under the higher education opportunity programs and the collegiate science and technology entry program; financial aid opportunities for students of the state university of New York, the city university of New York and community colleges; and the program requirements for the New York state college choice tuition savings program; and to repeal subdivision 3 of section 661 of such law relating thereto (Part E); intentionally omitted (Part F); to amend 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 (Part G); intentionally omitted (Part H); to amend part G of chapter 57 of the laws of 2013, amending the executive law and the social services law relating to consolidating the youth development and delinquency prevention program and the special delinquency prevention program, in relation to extending such provisions (Part I); to amend part K of chapter 57 of the laws of 2012, amending the education law, relating to authorizing the board of cooperative educational services to enter into contracts with the commissioner of children and family services to provide certain services, in relation to the effectiveness thereof (Part J); to amend the public authorities law, in relation to adding the office of children and family services to the list of entities to whom the dormitory authority of the state of New York (DASNY) is authorized to provide capital design and construction services (Part K); to amend the social services law, in relation to increasing the standards of monthly need for aged, blind and disabled persons living in the community (Part L); 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; and to amend chapter 56 of the laws of 2017, relating to utilizing reserves in the mortgage insurance fund for various housing purposes, in relation to transferring reserves to the general fund (Part N); to amend chapter 85 of the laws of 2017, relating to creating the Lake Ontario-St. Lawrence Seaway flood recovery and International Joint Commission Plan 2014 mitigation grant program, in relation to utilizing reserves in the mortgage insurance fund for various housing purposes (Part O); to amend the labor law, in relation to hours, wages and supplements in contracts for public work (Part P); to amend the lien law, in relation to employee liens; to amend the labor law, in
relation to employee complaints; to amend the civil practice law and rules, in relation to grounds for attachment; to amend the business corporation law, in relation to streamlining procedures where employees may hold shareholders of non-publicly traded corporations personally liable for wage theft; and to amend the limited liability company law, in relation to creating a right for victims of wage theft to hold the ten members with the largest ownership interests in a company personally liable for wage theft (Part Q); to amend the education law, in relation to public university and foundation oversight (Part R); to amend the education law, in relation to funding for SUNY, CUNY and SUNY health sciences centers (Part S); to amend the state finance law, in relation to five-year capital plans for the state university of New York and the city university of New York (Part T); to amend the state finance law, in relation to establishing the SUNY Stony Brook Eastern Long Island Hospital Affiliation escrow fund (Part U); to amend the education law, in relation to creating a firearm violence research institute (Part V); to amend the education law, in relation to the excelsior scholarship (Part W); to amend the education law, in relation to establishing the Martin Luther King, Jr. scholarship (Part X); to amend the education law, in relation to the enhanced tuition awards (Part Y); to amend the social services law, in relation to exemption from participation in work activities for applicants or recipients of public assistance providing child care (Part Z); to amend the state finance law, in relation to the local share requirements associated with increasing the age of juvenile jurisdiction; repealing section 54-m of the state finance law relating thereto; and to repeal section 104-a of part WWW of chapter 59 of the laws of 2017 relating to proceedings against juvenile and adolescent offenders, relating to costs associated with the transport of youth (Part AA); to amend the education law, in relation to the New York state science, technology, engineering and mathematics incentive program (Part BB); to amend the education law, in relation to authorizing reduced tuition for residents of areas impacted by a declared disaster (Part CC); to amend the social services law, in relation to establishing the homeless rental supplement pilot program (Part DD); to amend the social services law, in relation to authorizing certain social services district to offer a savings plan for individuals to contribute to in lieu of applying a portion of a temporary housing assistance recipient's earned income (Part EE); to amend the education law and the state finance law, in relation to charter schools (Part FF); and to amend the labor law, in relation to the administration of certain workforce investment funds (Part GG)

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 which are necessary to implement the state fiscal plan for the 2018-2019 state fiscal year. Each component is wholly contained within a Part identified as Parts A through GG. The effective date for each particular provision contained within such Part is set forth in the last section of such Part. Any provision in any section contained within a Part, including the effective date of the Part, which makes a reference to a section "of this act", when used in connection with that particular component, shall be deemed to mean and refer to the corresponding section of the
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1 Part in which it is found. Section three of this act sets forth the
general effective date of this act.

2

PART A

3 Section 1. Paragraph e of subdivision 1 of section 211-d of the educa-
tion law, as amended by section 1 of part YYY of chapter 59 of the laws
of 2017, is amended to read as follows:
e. Notwithstanding paragraphs a and b of this subdivision, a school
district that submitted a contract for excellence for the two thousand
eight--two thousand nine school year shall submit a contract for excel-
lence for the two thousand nine--two thousand ten school year in
conformity with the requirements of subparagraph (vi) of paragraph a of
subdivision two of this section unless all schools in the district are
identified as in good standing and provided further that, a school
district that submitted a contract for excellence for the two thousand
nine--two thousand ten school year, unless all schools in the district
are identified as in good standing, shall submit a contract for excel-
lence for the two thousand eleven--two thousand twelve school year which
shall, notwithstanding the requirements of subparagraph (vi) of para-
graph a of subdivision two of this section, provide for the expenditure
of an amount which shall be not less than the product of the amount
approved by the commissioner in the contract for excellence for the two
thousand nine--two thousand ten school year, multiplied by the
district’s gap elimination adjustment percentage and provided further
that, a school district that submitted a contract for excellence for the
two thousand eleven--two thousand twelve school year, unless all schools
in the district are identified as in good standing, shall submit a
contract for excellence for the two thousand eleven--two thousand twelve school year which
shall, notwithstanding the requirements of subparagraph (vi) of paragraph a of subdivision two of this section, provide for the expenditure
of an amount which shall be not less than the amount approved by the commissioner in the contract for excellence for the two
thousand eleven--two thousand twelve school year and provided further that, a school district that submitted a contract for
excellence for the two thousand twelve--two thousand thirteen school
year, unless all schools in the district are identified as in good
standing, shall submit a contract for excellence for the two thousand
eleven--two thousand twelve school year and provided further that, a school district that submitted a contract for
excellence for the two thousand twelve--two thousand thirteen school
year, unless all schools in the district are identified as in good
standing, shall submit a contract for excellence for the two thousand
eleven--two thousand twelve school year which shall, notwithstanding the requirements of subparagraph (vi) of paragraph a of subdivision two of this section, provide for the expenditure of an
amount which shall be not less than the amount approved by the commis-
sioner in the contract for excellence for the two thousand eleven--two
thousand twelve school year; and provided further that, a school
district that submitted a contract for excellence for the two thousand
fourteen--two thousand fifteen school year, unless all schools in the
district are identified as in good standing, shall submit a contract for


excellence for the two thousand fifteen--two thousand sixteen school
year which shall, notwithstanding the requirements of subparagraph (vi)
of paragraph a of subdivision two of this section, provide for the
expenditure of an amount which shall be not less than the amount
approved by the commissioner in the contract for excellence for the two
thousand fourteen--two thousand fifteen school year; and provided
further that a school district that submitted a contract for excellence
for the two thousand fifteen--two thousand sixteen school year, unless
all schools in the district are identified as in good standing, shall
submit a contract for excellence for the two thousand sixteen--two thou-
sand seventeen school year which shall, notwithstanding the requirements
of subparagraph (vi) of paragraph a of subdivision two of this section,
provide for the expenditure of an amount which shall be not less than
the amount approved by the commissioner in the contract for excellence
for the two thousand fifteen--two thousand sixteen school year; and
provided further that, a school district that submitted a contract for
excellence for the two thousand sixteen--two thousand seventeen school
year, unless all schools in the district are identified as in good
standing, shall submit a contract for excellence for the two thousand
seventeen--two thousand eighteen school year which shall, notwithstand-
ing the requirements of subparagraph (vi) of paragraph a of subdivision
two of this section, provide for the expenditure of an amount which
shall be not less than the amount approved by the commissioner in the
contract for excellence for the two thousand sixteen--two thousand
seventeen school year; and provided further that no school district
shall be required to submit a contract for excellence for the two thou-
sand eighteen--two thousand nineteen school year and thereafter. For
purposes of this paragraph, the "gap elimination adjustment percentage"
shall be calculated as the sum of one minus the quotient of the sum of
the school district's net gap elimination adjustment for two thousand
ten--two thousand eleven computed pursuant to chapter fifty-three of the
laws of two thousand ten, making appropriations for the support of
government, plus the school district's gap elimination adjustment for
two thousand eleven--two thousand twelve as computed pursuant to chapter
fifty-three of the laws of two thousand eleven, making appropriations
for the support of the local assistance budget, including support for
general support for public schools, divided by the total aid for adjust-
ment computed pursuant to chapter fifty-three of the laws of two thou-
sand eleven, making appropriations for the local assistance budget,
including support for general support for public schools. Provided,
进一步, that such amount shall be expended to support and maintain
allowable programs and activities approved in the two thousand nine--two
thousand ten school year or to support new or expanded allowable
programs and activities in the current year.
§ 2. Section 305 of the education law is amended by adding a new
subdivision 58 to read as follows:
58. a. No later than December thirty-first, two thousand nineteen, the
commissioner shall prepare and submit to the governor, the temporary
president of the senate and the speaker of the assembly a report that
provides an overview of teacher diversity throughout the state. Such
report shall:
(i) study the potential barriers to: achieving diversity within teacher
preparation programs; obtaining an initial certificate in the classroom
teaching service; and obtaining teacher certification as a teacher
aide or teaching assistant;
(ii) include available data on race, ethnicity, gender, and age; the efforts higher education institutions with teacher preparation programs are taking to recruit and retain a diverse student population into such programs; and the efforts that the state and schools are taking to attract, hire, and retain certified teachers who reflect the diversity within New York state's schools; and (iii) make recommendations on programs, practices and policies that may be implemented by schools and teacher preparation programs to improve teacher diversity throughout the state.

b. The commissioner shall consult with stakeholders and other interested parties when preparing such report. The state university of New York, the city university of New York, the commission on independent colleges and universities, and the proprietary college sector with registered teacher education programs in this state shall, to the extent practicable, identify and provide representatives to the department, at the request of the commissioner, in order to participate in the development and drafting of such report.

§ 3. Intentionally omitted.
§ 4. Intentionally omitted.

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

In a city school district in a city having a population of one million or more inhabitants, charter schools that first commence instruction or that require additional space due to an expansion of grade level, pursuant to this article, approved by their charter entity for the two thousand fourteen--two thousand fifteen school year [or thereafter] through the two thousand seventeen--two thousand eighteen school year and request co-location in a public school building shall be provided access to facilities pursuant to this paragraph for such charter schools that first commence instruction or that require additional space due to an expansion of grade level, pursuant to this article, approved by their charter entity for those grades newly provided.

§ 6. Subparagraph (vi) of paragraph (a) of subdivision 1 of section 2856 of the education law, as amended by section 4 of part YYY of chapter 59 of the laws of 2017, is amended to read as follows:

(vi) for the two thousand eighteen--two thousand nineteen school year, the charter school basic tuition shall be the lesser of (A) the product of (i) the charter school basic tuition calculated for the base year minus the sum of (1) five hundred dollars plus (2) the supplemental basic tuition calculated for the two thousand sixteen--two thousand seventeen school year, multiplied by (ii) the average of the quotients for each school year in the period commencing with the year five years prior to the base year and finishing with the year prior to the base year of the total approved operating expense for such school district calculated pursuant to paragraph t of subdivision one of section thirty-six hundred two of this chapter for each such year divided by the total approved operating expense for such district for the immediately preceding year, provided that the highest and lowest annual quotients shall be excluded from the calculation of such average or (B) the quotient of the total general fund expenditures for the school district calculated pursuant to an electronic data file created for the purpose of compliance with paragraph b of subdivision twenty-one of section three hundred five of this chapter published annually on May fifteenth for the year prior to the base year divided by the total estimated public enrollment for the school district pursuant to paragraph n of
subdivision one of section thirty-six hundred two of this chapter for
the year prior to the base year.
§ 6-a. The closing paragraph of paragraph (a) of subdivision 1 of
section 2856 of the education law, as amended by section 4 of part YYY
of chapter 59 of the laws of 2017, is amended to read as follows:
For the purposes of this subdivision, the "supplemental basic tuition"
shall be (A) for a school district for which the charter school basic
tuition computed for the current year is greater than or equal to the
charter school basic tuition for the two thousand ten--two thousand
eleven school year pursuant to the provisions of subparagraph (i) of
this paragraph, (1) for the two thousand fourteen--two thousand fifteen
school year two hundred and fifty dollars, and (2) for the two thousand
fifteen--two thousand sixteen school year three hundred and fifty
dollars, and (3) for the two thousand sixteen--two thousand seventeen
school year five hundred dollars, and (4) for the two thousand seven-
ten--two thousand eighteen school year [and thereafter], the sum of (i)
the supplemental basic tuition calculated for the two thousand sixteen--
two thousand seventeen school year plus (ii) five hundred dollars, and
(B) for school years prior to the two thousand seventeen--two thousand
eighteen school year, for a school district for which the charter school
basic tuition for the two thousand ten--two thousand eleven school year
is greater than the charter school basic tuition for the current year
pursuant to the provisions of subparagraph (i) of this paragraph, the
positive difference of the charter school basic tuition for the two
ten--two thousand eleven school year minus the charter school
basic tuition for the current year pursuant to the provisions of subpar-
agraph (i) of this paragraph and (C) for [school years following] the
two thousand sixteen--two thousand seventeen and the two thousand seven-
ten--two thousand eighteen school years, for a school district for
which the charter school basic tuition for the two thousand ten--two
thousand eleven school year is greater than the charter school basic
tuition for the current year pursuant to the provisions of subparagraph
(i) of this paragraph, the sum of (i) the supplemental basic tuition
calculated for the two thousand sixteen--two thousand seventeen school
year plus (ii) five hundred dollars.
§ 7. Subparagraph (vi) of paragraph (a) of subdivision 1 of section
2856 of the education law, as amended by section 4-a of part YYY of
chapter 59 of the laws of 2017, is amended to read as follows:
(vi) for the two thousand eighteen--two thousand nineteen school year,
the charter school basic tuition shall be the lesser of (A) the product
of (i) the charter school basic tuition calculated for the base year
minus the sum of (1) five hundred dollars plus (2) the supplemental
basic tuition calculated for the two thousand sixteen--two thousand
seventeen school year, multiplied by (ii) the average of the quotients
for each school year in the period commencing with the year five years
prior to the base year and finishing with the year prior to the base
year of the total approved operating expense for such school district
calculated pursuant to paragraph t of subdivision one of section thir-
ty-six hundred two of this chapter for each such year divided by the
total approved operating expense for such district for the immediately
preceding year, provided that the highest and lowest annual quotients
shall be excluded from the calculation of such average or (B) the
quotient of the total general fund expenditures for the school district
calculated pursuant to an electronic data file created for the purpose
of compliance with paragraph b of subdivision twenty-one of section
three hundred five of this chapter published annually on May fifteenth
for the year prior to the base year divided by the total estimated
public enrollment for the school district pursuant to paragraph n of
subdivision one of section thirty-six hundred two of this chapter for
the year prior to the base year.
§ 7-a. The closing paragraph of paragraph (a) of subdivision 1 of
section 2856 of the education law, as amended by section 4-a of part YYY
of chapter 59 of the laws of 2017, is amended to read as follows:
For the purposes of this subdivision, the "supplemental basic tuition"
shall be (A) for a school district for which the charter school basic
tuition computed for the current year is greater than or equal to the
charter school basic tuition for the two thousand ten--two thousand
eleven school year pursuant to the provisions of subparagraph (i) of
this paragraph, (1) for the two thousand fourteen--two thousand fifteen
school year two hundred and fifty dollars, and (2) for the two thousand
fifteen--two thousand sixteen school year three hundred and fifty
dollars, and (3) for the two thousand sixteen--two thousand seventeen
school year five hundred dollars, and (4) for the two thousand seven-
teen--two thousand eighteen school year [and thereafter], the sum of (i)
the supplemental basic tuition calculated for the two thousand sixteen-
two thousand seventeen school year plus (ii) five hundred dollars, and
(B) for school years prior to the two thousand seventeen--two thousand
eighteen school year, for a school district for which the charter school
basic tuition for the two thousand ten--two thousand eleven school year
is greater than the charter school basic tuition for the current year
pursuant to the provisions of subparagraph (i) of this paragraph, the
positive difference of the charter school basic tuition for the two
thousand ten--two thousand eleven school year minus the charter school
basic tuition for the current year pursuant to the provisions of subpar-
agraph (i) of this paragraph and (C) for [and the two thousand seven-
teen--two thousand eighteen school years, for a school district for
which the charter school basic tuition for the two thousand ten--two
thousand eleven school year is greater than the charter school basic
tuition for the current year pursuant to the provisions of subparagraph
(i) of this paragraph, the sum of (i) the supplemental basic tuition
calculated for the two thousand sixteen--two thousand seventeen school
year plus (ii) five hundred dollars.
§ 8. Paragraph (d) of subdivision 1 of section 2856 of the education
law, as amended by section 4 of part YYY of chapter 59 of the laws of
2017, is amended to read as follows:
(d) School districts shall be eligible for an annual apportionment
equal to the amount of the supplemental basic tuition for the charter
school in the base year for the expenses incurred in the two thousand
fourteen--two thousand fifteen, two thousand fifteen--two thousand
sixteen, two thousand sixteen--two thousand seventeen [school years] and
[thereafter] two thousand seventeen--two thousand eighteen school years,
provided however such payment shall be made in the current year for
expenses incurred in the two thousand seventeen--two thousand eighteen
school year.
§ 8-a. Paragraph (c) of subdivision 1 of section 2856 of the education
law, as amended by section 4-a of part YYY of chapter 59 of the laws of
2017, is amended to read as follows:
(c) School districts shall be eligible for an annual apportionment
equal to the amount of the supplemental basic tuition for the charter
school in the base year for the expenses incurred in the two thousand
fourteen--two thousand fifteen, two thousand fifteen--two thousand
sixteen, two thousand sixteen--two thousand seventeen [school years] and
thereafter, two thousand seventeen--two thousand eighteen school years,
provided however such payment shall be made in the current year for
expenses incurred in the two thousand seventeen--two thousand eighteen
school year.

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

hh. "Consumer price index" shall mean the quotient of: (i) the average
of the national consumer price indexes determined by the United States
department of labor for the twelve-month period preceding January first
of the current year minus the average of the national consumer price
indexes determined by the United States department of labor for the
twelve-month period preceding January first of the prior year; divided
by (ii) the average of the national consumer price indexes determined by
the United States department of labor for the twelve-month period
preceding January first of the prior year, with the result expressed as
a decimal to three places.

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

4. Total foundation aid. In addition to any other apportionment pursu-
ant to this chapter, a school district, other than a special act school
district as defined in subdivision eight of section four thousand one of
this chapter, shall be eligible for total foundation aid equal to the
product of total aidable foundation pupil units multiplied by the
district's selected foundation aid, which shall be the greater of five
hundred dollars ($500) or foundation formula aid, provided, however that
for the two thousand seven--two thousand eight through two thousand
eight--two thousand nine school years, no school district shall receive
total foundation aid in excess of the sum of the total foundation aid
base for aid payable in the two thousand seven--two thousand eight
school year computed pursuant to subparagraph (i) of paragraph jj of
subdivision one of this section, plus the phase-in foundation increase
computed pursuant to paragraph bb of this subdivision, and provided
further that for the two thousand twelve--two thousand thirteen school
year, no school district shall receive total foundation aid in excess of
the sum of the total foundation aid base for aid payable in the two
thousand eleven--two thousand twelve school year computed pursuant to
subparagraph (ii) of paragraph jj of subdivision one of this section,
plus the phase-in foundation increase computed pursuant to paragraph bb of
this subdivision, and provided further that for the two thousand thirteen--two thousand
fourteen school year and thereafter, no school
district shall receive total foundation aid in excess of the sum of the
total foundation aid base computed pursuant to subparagraph (ii) of
paragraph jj of subdivision one of this section, plus the phase-in foun-
dation increase computed pursuant to paragraph bb of this subdivision,
and provided further that for the two thousand sixteen--two thousand
seventeen school year, no eligible school districts shall receive total
foundation aid in excess of the sum of the total foundation aid base
computed pursuant to subparagraph (ii) of paragraph jj of subdivision one
of this section plus the sum of (A) the phase-in foundation increase,
(B) the executive foundation increase with a minimum increase pursuant
to paragraph bb-2 of this subdivision, and (C) an amount equal to "COMMU-
NITY SCHOOLS AID" in the computer listing produced by the commissioner
in support of the executive budget request for the two thousand
sixteen--two thousand seventeen school year and entitled "BT161-7", 
where (1) "eligible school district" shall be defined as a district with
(a) an unrestricted aid increase of less than seven percent (0.07) and
(b) a three year average free and reduced price lunch percent greater
than fifteen percent (0.15), and (2) "unrestricted aid increase" shall
mean the quotient arrived at when dividing (a) the sum of the executive
foundation aid increase plus the gap elimination adjustment for the base
year, by (b) the difference of foundation aid for the base year less the
gap elimination adjustment for the base year, and (3) "executive founda-
tion increase" shall mean the difference of (a) the amounts set forth
for each school district as "FOUNDATION AID" under the heading "2016-17
ESTIMATED AIDS" in the school aid computer listing produced by the
commissioner in support of the executive budget request for the two
thousand sixteen--two thousand seventeen school year and entitled
"BT161-7" less (b) the amounts set forth for each school district as
"FOUNDATION AID" under the heading "2015-16 BASE YEAR AIDS" in such
computer listing and provided further that total foundation aid shall
not be less than the product of the total foundation aid base computed
pursuant to paragraph j of subdivision one of this section and the due-
minimum percent which shall be, for the two thousand twelve--two thou-
sand thirteen school year, one hundred and six-tenths percent (1.006)
and for the two thousand thirteen--two thousand fourteen school year for
city school districts of those cities having populations in excess of
one hundred twenty-five thousand and less than one million inhabitants
one hundred and one and one hundred and seventy-six thousandths percent
(1.01176), and for all other districts one hundred and three-tenths
percent (1.003), and for the two thousand fourteen--two thousand fifteen
school year one hundred and eighty-five hundredths percent (1.0085), and
for the two thousand fifteen--two thousand sixteen school year, one
hundred thirty-seven hundredths percent (1.0037), subject to allocation
pursuant to the provisions of subdivision eighteen of this section and
any provisions of a chapter of the laws of New York as described there-
in, nor more than the product of such total foundation aid base and one
hundred fifteen percent for any school year other than the two thousand
seventeen--two thousand eighteen school year, provided, however, that
for the two thousand sixteen--two thousand seventeen school year such
maximum shall be no more than the sum of (i) the product of such total
foundation aid base and one hundred fifteen percent plus (ii) the execu-
tive foundation increase and plus (iii) "COMMUNITY SCHOOLS AID" in the
computer listing produced by the commissioner in support of the execu-
tive budget request for the two thousand sixteen--two thousand seventeen
school year and entitled "BT161-7" and provided further that for the two
thousand nine--two thousand ten through two thousand eleven--two thou-
sand twelve school years, each school district shall receive total foun-
dation aid in an amount equal to the amount apportioned to such school
district for the two thousand eight--two thousand nine school year
pursuant to this subdivision. Total aidable foundation pupil units shall
be calculated pursuant to paragraph g of subdivision two of this
section. For the purposes of calculating aid pursuant to this subdivi-
sion, aid for the city school district of the city of New York shall be
calculated on a citywide basis.

a. Foundation formula aid. Foundation formula aid shall equal the
remainder when the expected minimum local contribution is subtracted
from the product of the foundation amount, the regional cost index, and
the pupil need index, or: (foundation amount x regional cost index x
pupil need index) - expected minimum local contribution.
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(1) The foundation amount shall reflect the average per pupil cost of
general education instruction in successful school districts, as deter-
mined by a statistical analysis of the costs of special education and
general education in successful school districts, provided that the
foundation amount shall be adjusted annually to reflect the percentage
increase in the consumer price index [as computed pursuant to section
two thousand twenty-two of this chapter] as defined by paragraph hh of
subdivision one of this section, provided that for the two thousand
eight--two thousand nine school year, for the purpose of such adjust-
ment, the percentage increase in the consumer price index shall be
deemed to be two and nine-tenths percent (0.029), and provided further
that the foundation amount for the two thousand seven--two thousand
eight school year shall be five thousand two hundred fifty-eight
dollars, and provided further that for the two thousand seven--two thou-
sand eight through two thousand eighteen school years, the foundation amount shall be further adjusted by the phase-in
foundation percent established pursuant to paragraph b of this subdivi-
sion.

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

<table>
<thead>
<tr>
<th>Labor Force Region</th>
<th>Index</th>
</tr>
</thead>
<tbody>
<tr>
<td>Capital District</td>
<td>1.124</td>
</tr>
<tr>
<td>Southern Tier</td>
<td>1.045</td>
</tr>
<tr>
<td>Western New York</td>
<td>1.091</td>
</tr>
<tr>
<td>Hudson Valley</td>
<td>1.314</td>
</tr>
<tr>
<td>Long Island/NYC</td>
<td>1.425</td>
</tr>
<tr>
<td>Finger Lakes</td>
<td>1.141</td>
</tr>
<tr>
<td>Central New York</td>
<td>1.103</td>
</tr>
<tr>
<td>Mohawk Valley</td>
<td>1.000</td>
</tr>
<tr>
<td>North Country</td>
<td>1.000</td>
</tr>
</tbody>
</table>

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

(4) The expected minimum local contribution shall equal the lesser of
(i) the product of (A) the quotient arrived at when the selected actual
valuation is divided by total wealth foundation pupil units, multiplied
by (B) the product of the local tax factor, multiplied by the income
wealth index, or (ii) the product of (A) the product of the foundation
amount, the regional cost index, and the pupil need index, multiplied by
(B) the positive difference, if any, of one minus the state sharing
ratio for total foundation aid. The local tax factor shall be estab-
lished by May first of each year by determining the product, computed to
four decimal places without rounding, of ninety percent multiplied by
the quotient of the sum of the statewide average tax rate as computed by
the commissioner for the current year in accordance with the provisions
of paragraph e of subdivision one of section thirty-six hundred nine-e
of this part plus the statewide average tax rate computed by the commis-
sioner for the base year in accordance with such provisions plus the
statewide average tax rate computed by the commissioner for the year
prior to the base year in accordance with such provisions, divided by
three, provided however that for the two thousand seven--two thousand eight school year, such local tax factor shall be sixteen thousandths (0.016), and provided further that for the two thousand eight--two thousand nine school year, such local tax factor shall be one hundred fifty-four ten thousandths (0.0154). The income wealth index shall be calculated pursuant to paragraph d of subdivision three of this section, provided, however, that for the purposes of computing the expected minimum local contribution the income wealth index shall not be less than sixty-five percent (0.65) and shall not be more than two hundred percent (2.0) and provided however that such income wealth index shall not be more than ninety-five percent (0.95) for the two thousand eight--two thousand nine school year, and provided further that such income wealth index shall not be less than zero for the two thousand thirteen--two thousand fourteen school year. The selected actual valuation shall be calculated pursuant to paragraph c of subdivision one of this section.

Total wealth foundation pupil units shall be calculated pursuant to paragraph h of subdivision two of this section.

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

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

(ii) Phase-in foundation increase factor. For the two thousand eleven--two thousand twelve school year, the phase-in foundation increase factor shall equal thirty-seven and one-half percent (0.375) and the phase-in due minimum percent shall equal nineteen and forty-one hundredths percent (0.1941), for the two thousand twelve--two thousand thirteen school year the phase-in foundation increase factor shall equal (1) for a city school district in a city having a population of one million or more, five and twenty-three hundredths percent (0.0523) or (2) for all other school districts zero percent, for the two thousand fourteen--two thousand fifteen school year the phase-in foundation increase factor shall equal one and seven-tenths percent (0.017), for the two thousand thirteen--two thousand fourteen school year the phase-in foundation increase factor shall equal (1) for a city school district in a city having a population of one million or more, four and thirty-two hundredths percent (0.0432) or (2) for a school district other than a city school district having a population of one million or more for which (A) the quotient of the positive difference of the foundation formula aid minus the foundation aid base computed pursuant to paragraph j of subdivision one of this section divided by the foundation formula aid is greater than twenty-two percent (0.22) and (B) a combined wealth ratio less than thirty-five hundredths (0.35), seven percent (0.07) or (3) for all other school districts, four and thirty-one hundredths percent (0.0431), and for the two thousand fifteen--two thousand sixteen
1 school year the phase-in foundation increase factor shall equal: (1) for
2 a city school district of a city having a population of one million or
3 more, thirteen and two hundred seventy-four thousandths percent
4 (0.13274); or (2) for districts where the quotient arrived at when
5 dividing (A) the product of the total aidable foundation pupil units
6 multiplied by the district's selected foundation aid less the total
7 foundation aid base computed pursuant to paragraph j of subdivision one
8 of this section divided by (B) the product of the total aidable founda-
9 tion pupil units multiplied by the district's selected foundation aid is
10 greater than nineteen percent (0.19), and where the district's combined
11 wealth ratio is less than thirty-three hundredths (0.33), seven and
12 seventy-five hundredths percent (0.0775); or (3) for any other district
13 designated as high need pursuant to clause (c) of subparagraph two of
14 paragraph c of subdivision six of this section for the school aid
15 computer listing produced by the commissioner in support of the enacted
16 budget for the two thousand seven--two thousand eight school year and
17 entitled "SA0708", four percent (0.04); or (4) for a city school
18 district in a city with a population of one hundred twenty-five thou-
19 sand or more but less than one million, fourteen percent (0.14); or (5)
20 for school districts that were designated as small city school districts
21 or central school districts whose boundaries include a portion of a
22 small city for the school aid computer listing produced by the commis-
23 sioner in support of the enacted budget for the two thousand fourteen--
24 two thousand fifteen school year and entitled "SA1415", four and seven
25 hundred fifty-one thousandths percent (0.04751); or (6) for all other
26 districts one percent (0.01), and for the two thousand sixteen--two
27 thousand seventeen school year the foundation aid phase-in increase
28 factor shall equal for an eligible school district the greater of: (1)
29 for a city school district in a city with a population of one million or
30 more, seven and seven hundred eighty four thousandths percent (0.07784);
31 or (2) for a city school district in a city with a population of more
32 than two hundred fifty thousand but less than one million as of the most
33 recent federal decennial census, seven and three hundredths percent
34 (0.0703); or (3) for a city school district in a city with a population
35 of more than two hundred thousand but less than two hundred fifty thou-
36 sand as of the most recent federal decennial census, six and seventy-two
37 hundredths percent (0.0672); or (4) for a city school district in a city
38 with a population of more than one hundred fifty thousand but less than
39 two hundred thousand as of the most recent federal decennial census, six
40 and seventy-four hundredths percent (0.0674); or (5) for a city school
41 district in a city with a population of more than one hundred twenty-
42 five thousand but less than one hundred fifty thousand as of the most
43 recent federal decennial census, nine and fifty-five hundredths percent
44 (0.0955); or (6) for school districts that were designated as small city
45 school districts or central school districts whose boundaries include a
46 portion of a small city for the school aid computer listing produced by
47 the commissioner in support of the enacted budget for the two thousand
48 fourteen--two thousand fifteen school year and entitled "SA1415" with a
49 combined wealth ratio less than one and four tenths (1.4), nine percent
50 (0.09), provided, however, that for such districts that are also
51 districts designated as high need urban-suburban pursuant to clause (c)
52 of subparagraph two of paragraph c of subdivision six of this section
53 for the school aid computer listing produced by the commissioner in
54 support of the enacted budget for the two thousand seven--two thousand
55 eight school year and entitled "SA0708", nine and seven hundred and
56 nineteen thousandths percent (0.09719); or (7) for school districts
designated as high need rural pursuant to clause (c) of subparagraph two of paragraph c of subdivision six of this section for the school aid computer listing produced by the commissioner in support of the enacted budget for the two thousand seven--two thousand eight school year and entitled "SA0708", thirteen and six tenths percent (0.136); or (8) for school districts designated as high need urban-suburban pursuant to clause (c) of subparagraph two of paragraph c of subdivision six of this section for the school aid computer listing produced by the commissioner in support of the enacted budget for the two thousand seven--two thousand eight school year entitled "SA0708", seven hundred nineteen thousandths percent (0.00719); or (9) for all other eligible school districts, forty-seven hundredths percent (0.0047), provided further that for the two thousand seventeen--two thousand eighteen school year the foundation aid increase phase-in factor shall equal (1) for school districts with a census 2000 poverty rate computed pursuant to paragraph q of subdivision one of this section equal to or greater than twenty-six percent (0.26), ten and three-tenths percent (0.103), or (2) for a school district in a city with a population in excess of one million or more, seventeen and seventy-seven one-hundredths percent (0.1777), or (3) for a city school district in a city with a population of more than two hundred fifty thousand but less than one million, as of the most recent decennial census, twelve and sixty-nine hundredths percent (0.1269) or (4) for a city school district in a city with a population of more than one hundred fifty thousand but less than two hundred thousand, as of the most recent federal decennial census, ten and seventy-eight one-hundredths percent (0.1078), or (5) for a city school district in a city with a population of more than one hundred twenty-five thousand but less than one hundred fifty thousand as of the most recent federal decennial census, ten and six-tenths percent (0.106), or (6) for a city school district in a city with a population of more than one hundred twenty-five thousand but less than one hundred fifty thousand as of the most recent federal decennial census, ten and eighty-seven one-hundredths percent (0.1087), and for the two thousand [eighteen] nineteen--two thousand [nineteen] twenty school year [and thereafter the commissioner shall annually determine the phase-in foundation increase factor subject to allocation pursuant to the provisions of subdivision eighteen of this section and any provisions of a chapter of the laws of New York as described therein; the foundation aid phase-in increase factor shall be thirty-three percent (0.33), and for the two thousand twenty--two thousand twenty-one school year the foundation aid phase-in increase factor shall be fifty percent (0.5), and for the two thousand twenty-one--two thousand twenty-two school year and thereafter the foundation aid phase-in increase factor shall be one hundred percent (1.0).

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

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

b-3. Due minimum for the two thousand seventeen--two thousand eighteen school year. Notwithstanding any other provision of law to the contrary, for the two thousand seventeen--two thousand eighteen school year the total foundation aid shall not be less than (A) the sum of the total foundation aid base computed pursuant to paragraph j of subdivision one of this section plus the product of (i) the difference of the amount set forth for such school district as "FOUNDATION AID" under the heading "2017-18 ESTIMATED AIDS" in the school aid computer listing produced by the commissioner in support of the executive budget request for the two thousand seventeen--two thousand eighteen school year and entitled "BT171-8" multiplied by (ii) one and eighteen one-hundredths (1.18), or (B) the product of forty-four and seventy-five one-hundredths percent (0.4475) multiplied by total foundation aid as computed pursuant to paragraph a of this subdivision, or (C) the sum of the total foundation aid base computed pursuant to paragraph j of subdivision one of this section plus the due minimum for the two thousand seventeen--two thousand eighteen school year, where such due minimum shall equal (1) for school districts with a census 2000 poverty rate computed pursuant to paragraph q of subdivision one of this section, equal to or greater than eleven and nine-tenths percent (0.119), the product of the foundation aid base for the two thousand seventeen--two thousand eighteen school year computed pursuant to subparagraph (iii) of paragraph j of subdivision one of this section multiplied by three hundred thirty-five ten-thousandths (0.0335), or (2) for all other school districts the product of the foundation aid base for the two thousand seventeen--two thousand eighteen school year computed pursuant to subparagraph (iii) of paragraph j of subdivision one of this section multiplied by two and seventy-four one-hundredths percent (0.0274).

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

(i) Tier A. For all school districts other than a district within a city with a population of one million or more, with a combined wealth ratio less than two (2.0), where either (A) the quotient arrived at by
dividing the English language learner count pursuant to paragraph o of subdivision one of this section for the base year by the public school district enrollment for the base year pursuant to paragraph n of subdivision one of this section is greater than two one-hundredths (0.02) or (B) the quotient arrived at by dividing the difference of the English language learner count pursuant to paragraph o of subdivision one of this section for the base year less such count for one year prior to the base year by the public school district enrollment for one year prior to the base year pursuant to paragraph n of subdivision one of this section is greater than one one-thousandth (0.001), tier A shall equal the product of (A) the difference of two minus the combined wealth ratio multiplied by (B) one hundred dollars ($100.00) multiplied by (C) the English language learner count for the base year.

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

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

(iv) Tier D. For all school districts, other than districts within a city with a population of one hundred twenty-five thousand or more, with a selected poverty rate of greater than eighteen hundredths (0.18), tier D shall equal the product of the selected poverty rate multiplied by the school district public enrollment for the base year multiplied by two hundred forty dollars ($240.00), provided, however, that for districts within a city with a population of greater than one hundred twenty-five thousand but less than one million and a selected poverty rate of greater than eighteen hundredths (0.18), tier D shall equal the product of the selected poverty rate multiplied by school district public enrollment for the base year multiplied by three hundred forty-four dollars ($344.00), and for a city school district in a city with a population of one million or more, tier D shall equal the product of the selected poverty rate multiplied by school district public enrollment for the base year multiplied by three hundred forty-four dollars ($344.00).
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poverty rate multiplied by school district public enrollment for the base
rate multiplied by twenty-nine cents ($0.29).

c. Public excess cost aid setaside. Each school district shall set
aside from its total foundation aid computed for the current year pursuant
to this subdivision an amount equal to the product of: (i) the
difference between the amount the school district was eligible to
receive in the two thousand six--two thousand seven school year pursuant
to or in lieu of paragraph six of subdivision nineteen of this section
as such paragraph existed on June thirtieth, two thousand seven, minus
the amount such district was eligible to receive pursuant to or in lieu
of paragraph five of subdivision nineteen of this section as such para-
graph existed on June thirtieth, two thousand seven, in such school
year, and (ii) the sum of one and the percentage increase in the consum-
er price index for the current year over such consumer price index for
the two thousand six--two thousand seven school year, \[as computed
pursuant to section two thousand twenty-two of this chapter\] as defined
by paragraph hh of subdivision one of this section. Notwithstanding any
other provision of law to the contrary, the public excess cost aid seta-
side shall be paid pursuant to section thirty-six hundred nine-b of this
part.
d. For the two thousand fourteen--two thousand fifteen through two
thousand seventeen eighteen--two thousand nineteen school
years a city school district of a city having a population of one
million or more may use amounts apportioned pursuant to this subdivision
for afterschool programs.
e. Community schools aid set-aside. Each school district shall set
aside from its total foundation aid computed for the current year pursuant
to this subdivision an amount equal to the sum of (i) the amount, if
any, set forth for such district as "COMMUNITY SCHL AID (BT1617)" in the
data file produced by the commissioner in support of the enacted budget
for the two thousand sixteen--two thousand seventeen school year and
entitled "SA161-7" \[and\]; (ii) the amount, if any, set forth for such
district as "COMMUNITY SCHL INCR" in the data file produced by the
commissioner in support of the executive budget request for the two
thousand seventeen--two thousand eighteen school year and entitled
"BT171-8". \[Each school district shall use such "COMMUNITY SCHL AID
(BT1617)" amount to support the transformation of school buildings into
community hubs to deliver co-located or school-linked academic, health,
mental health, nutrition, counseling, legal and/or other services to
students and their families, including but not limited to providing a
community school site coordinator, or to support other costs incurred to
maximize students’ academic achievement\]; and (iii) the amount, if any
set forth for such districts as "COMMUNITY SCHOOL INCREASE" in the data
file produced by the commissioner in support of the executive budget for
the two thousand eighteen--two thousand nineteen school year and enti-
tiled "BT181-9", provided however that for the two thousand eighteen--two
thousand nineteen school year and thereafter, the community school aid
set-aside shall not exceed two and five-tenths percent (0.025) of the
foundation aid payable computed for the current year pursuant to this
subdivision, provided further that such annual increase in the community
school set-aside shall not exceed twenty percent (0.20) of the founda-
tion aid payable for the current year less the total foundational aid
base. Nothing in this subdivision shall prevent a school district from
using amounts above these limits to support community school programs.
Each school district shall use such "COMMUNITY SCHL INCR" community
school aid set-aside amount to support the transformation of school
buildings into community hubs to deliver co-located or school linked academic, health, mental health services and personnel, after-school programming, dual language programs, nutrition, counseling, legal and/or other services to students and their families, including but not limited to providing a community school site coordinator and programs for English language learners, or to support other costs incurred to maximize students' academic achievement. provided however that a school district whose "COMMUNITY SCHL INCR" amount exceeds one million dollars ($1,000,000) shall use an amount equal to the greater of one hundred fifty thousand dollars ($150,000) or ten percent of such "COMMUNITY SCHL INCR" amount to support such transformation at schools with extraordinary high levels of student need as identified by the commissioner, subject to the approval of the director of the budget.

f. Foundation aid payable in the two thousand eighteen--two thousand nineteen school year. Notwithstanding any provision of law to the contrary, foundation aid payable in the two thousand eighteen--two thousand nineteen school year shall equal the sum of (1) the foundation aid base plus (2) the greater of (I) the two thousand eighteen--two thousand nineteen school year phase-in increases or (II) the two thousand eighteen--two thousand nineteen school year due minimum plus (3) the low capacity small city phase-in increase plus (4) the executive foundation aid increase. For the purposes of this paragraph, "foundation aid remaining" shall mean the positive difference, if any, of (I) the product of the total aidable foundation pupil units; multiplied by the district's selected foundation aid less (II) the total foundation aid base computed pursuant to paragraph j of subdivision one of this section.

(i) The two thousand eighteen--two thousand nineteen school year phase-in increases shall be equal to the product of foundation aid remaining multiplied by the greater of the following phase-in percentages:

(A) six hundredths (0.06);

(B) for school districts: (1) with a three year average free and reduced price lunch percent greater than or equal to fifteen percent (0.15), (2) where the difference of the three year average free and reduced price lunch percent for the current year less such average for the base year is greater than or equal to one one-hundredth (0.01), and (3) with a combined wealth ratio for total foundation aid computed pursuant to paragraph c of subdivision three of this section less than or equal to eight tenths (0.8), thirteen hundredths (0.13);

(C) for school districts with enrollment growth of greater than or equal to two and eighty-five hundredths percent (0.0285), two tenths (0.2), where "enrollment growth" shall be the quotient arrived at when dividing the difference of public school district enrollment for the current year pursuant to paragraph n of subdivision one of this section less such enrollment for the base year divided by such enrollment for the base year, provided that such difference is greater than or equal to twenty-five;

(D) for school districts (1) with a three year average free and reduced price lunch percent greater or equal to twenty percent (0.20); (2) where the difference of the three year average free and reduced price lunch percent for the current year less such percent for the base year is greater than or equal to twenty-five thousandths (0.025); (3) with a combined wealth ratio for total foundation aid computed pursuant to paragraph c of subdivision three of this section less than or equal to eight tenths (0.8); (4) where the difference of the extraordinary
needs percent for the current year less such percent for the base year is greater than or equal to two tenths (0.02); and (5) where the quotient arrived at by dividing the difference of the English language learner count pursuant to paragraph o of subdivision one of this section for the base year less such count for the two thousand twelve--two thousand thirteen school year divided by such two thousand twelve--two thousand thirteen school year count is greater than or equal to thirty-five percent (0.35), twenty-five hundredths (0.25).

(E) For school districts with a FRPL index greater than or equal to eight, twenty-five one hundredths (0.25), where "FRPL index" shall be the quotient arrived at when dividing the lunch count computed pursuant to paragraph q of subdivision one of this section divided the state average lunch count, and where "state average lunch count" shall be the quotient arrived at when dividing the sum of all school district lunch counts, exclusive of central high school districts, by six hundred seventy-one, provided that no school district in a city with a population of one million or more shall be eligible for this phase-in percentage;

(F) For school districts with an extraordinary needs percent greater than or equal to eighty three percent (0.83), twenty-five hundredths (0.25);

(G) For school districts in a city with a population of one million or more, two thousand four hundred sixty-three ten thousandths (0.2463); or

(H) For school districts that were designated as small city school districts or central school districts whose boundaries include a portion of a small city for the school aid computer listing produced by the commissioner in support of the enacted budget for the two thousand four--two thousand fifteen school year and entitled "SA1415", sixteen hundredths (0.16);

(ii) The two thousand eighteen--two thousand nineteen school year due minimum shall equal the greater of:

(A) For school districts where the quotient arrived at when dividing foundation aid remaining by total foundation aid is greater than five tenths (0.5), the difference of the product of total foundation aid multiplied by five tenths (0.5) less the total foundation aid base;

(B) For school districts where (i) the quotient arrived at when divid-
ing foundation aid remaining by total foundation aid is greater than forty-four one-hundredths (0.44), (ii) the pupil wealth ratio is less than or equal to one and one-tenth (1.1), and (iii) where the difference of the three year average free and reduced price lunch percent for the current year less such average for the base year is greater than or equal to two percent (0.02), and (iv) where the three year average free and reduced price lunch percent for the current year is greater than or equal to fifty percent (0.50), the difference of the product of total foundation aid multiplied by fifty-six hundredths (0.56) less the total foundation aid base;

(C) For school districts with (i) a three year average free and reduced price lunch percent for the current year greater than or equal to twenty-four percent (0.24) and (ii) a combined wealth ratio for found-
dation aid less than or equal to one (1.0), the product of the total foundation aid base multiplied by three hundred two ten thousandths (0.0302); or

(D) For all other school districts, the product of the total founda-
tion aid base multiplied by twenty-one one-thousandths (0.021).

(iii) The low capacity small city phase-in increase, for school districts that were designated as small city school districts or central
school districts whose boundaries include a portion of a small city for the school aid computer listing produced by the commissioner in support of the enacted budget for the two thousand fourteen--two thousand fifteen school year and entitled "SA1415", and have a pupil wealth ratio of less than or equal to one and three-tenths (1.3), the product of one tenth (0.1) multiplied by foundation aid remaining.

(iv) The executive foundation aid increase shall be equal to the difference of (a) the amounts set forth for each school district as "FOUNDATION AID" under the heading "2018-19 ESTIMATED AIDS" in the school aid computer listing produced by the commissioner in support of the executive budget request for the two thousand eighteen--two thousand nineteen school year and entitled "BT181-9" less (b) the amounts set forth for each school district as "FOUNDATION AID" under the heading "2017-18 BASE YEAR AIDS" in such computer listing.

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

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

§ 9-c. Subparagraph 2 of paragraph a of subdivision 4 of section 1950 of the education law, as amended by chapter 698 of the laws of 2003, is amended to read as follows:

(2) Notwithstanding any inconsistent provision of law in no event shall the total salary including amounts paid pursuant to section twenty-two hundred nine of this chapter for district superintendents for each school year through the two thousand two--two thousand three school year exceed ninety-eight percent of the salary cap applicable in the preceding school year, or (ii) ninety-eight percent of that earned by the commissioner for state fiscal year nineteen hundred ninety-two--nineteen ninety-three, and in no event shall such total salary for a district superintendent for any subsequent school year exceed: (i) one hundred six percent of the salary cap applicable in the preceding school year, or (ii) ninety-eight percent of that earned by the commissioner in the two thousand seventeen--two thousand eighteen state fiscal year, whichever is less. In no event shall any district superintendent be permitted to accumulate vacation or sick leave credits in excess of the vacation and
sick leave credits managerial/confidential employees of the state are permitted to accumulate pursuant to regulations promulgated by the state civil service commission, nor may any district superintendent at the time of separation from service be compensated for accrued and unused vacation credits or sick leave, or use accrued and unused sick leave for retirement service credit or to pay for health insurance in retirement, at a rate in excess of the rate permitted to managerial/confidential employees of the state pursuant to regulations of the state civil service commission. In addition to the payment of supplementary salary, a board of cooperative educational services may provide for the payment of all or a portion of the cost of insurance benefits for the district superintendent of schools, including but not limited to health insurance, disability insurance, life insurance or any other form of insurance benefit made available to managerial/confidential employees of the state; provided that any such payments for whole life, split dollar or other life insurance policies having a cash value shall be included in the total salary of the district superintendent for purposes of this subparagraph, and provided further that any payments for the employee contribution, co-pay or uncovered medical expenses under a health insurance plan also shall be included in the total salary of the district superintendent. Notwithstanding any other provision of law, payments for such insurance benefits may be based on the district superintendent's total salary or the amount of his or her supplementary salary only. Any payments for transportation or travel expenses in excess of actual, documented expenses incurred in the performance of duties for the board of cooperative educational services or the state, and any other lump sum payment not specifically excluded from total salary pursuant to this subparagraph, shall be included in the total salary of the district superintendent for purposes of this subparagraph. Nothing herein shall prohibit a district superintendent from waiving any rights provided for in an existing contract or agreement as hereafter prohibited in favor of revised compensation or benefit provisions as permitted herein. In no event shall the terms of the district superintendent's contract, including any provisions relating to an increase in salary, compensation or other benefits, be contingent upon the terms of any contract or collective bargaining agreement between the board of cooperative educational services and its teachers or other employees. The commissioner may adopt regulations for the purpose of implementing the provisions of this paragraph.

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

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

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

b. Aid for career education. There shall be apportioned to such city school districts and other school districts which were not components of a board of cooperative educational services in the base year for pupils in grades [see] nine through twelve in attendance in career education programs as such programs are defined by the commissioner, subject for the purposes of this paragraph to the approval of the director of the budget, an amount for each such pupil to be computed by multiplying the career education aid ratio by three thousand nine hundred dollars. Such aid will be payable for weighted pupils attending career education programs operated by the school district and for weighted pupils for whom such school district contracts with boards of cooperative educational services to attend career education programs operated by a board of cooperative educational services. Weighted pupils for the purposes of this paragraph shall mean the sum of (i) the product of the attendance of students in grade nine multiplied by the special services phase-in factor plus (ii) the attendance of students in grades ten through twelve in career education sequences in trade, industrial, technical, agricultural or health programs plus the product of sixteen hundredths multiplied by the sum of (i) the product of students in grade nine multiplied by the special services phase-in factor plus (ii) the attendance of students in grades ten through twelve in career education sequences in business and marketing as defined by the commissioner in regulations; provided that the special services phase-in factor shall be (i) for the two thousand nineteen--two thousand twenty school year, twenty-five percent (0.25), (ii) for the two thousand twenty--two thousand twenty-one school year, fifty percent (0.5), (iii) for the two thousand twenty-one--two thousand twenty-two school year, seventy-five percent (0.75), and (iv) for the two thousand twenty-two--two thousand twenty-three school year and thereafter, one hundred percent (1.0). The
career education aid ratio shall be computed by subtracting from one the
product obtained by multiplying fifty-nine percent by the combined
wealth ratio. This aid ratio shall be expressed as a decimal carried to
three places without rounding, but not less than thirty-six percent.

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

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

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

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

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

b. For projects approved by the commissioner authorized to receive
additional building aid pursuant to this subdivision for the purchase of
stationary metal detectors, security cameras or other security devices
approved by the commissioner that increase the safety of students and
school personnel, provided that for purposes of this paragraph such
other security devices shall be limited to electronic security systems
and hardened doors, and provided that for projects approved by the
commissioner on or after the first day of July two thousand thirteen and
before the first day of July two thousand [eighteen] nineteen such addi-
tional aid shall equal the product of (i) the building aid ratio
computed for use in the current year pursuant to paragraph c of subdivi-
sion six of this section plus ten percentage points, except that in no
case shall this amount exceed one hundred percent, and (ii) the actual
approved expenditures incurred in the base year pursuant to this subdivi-
sion, provided that the limitations on cost allowances prescribed by
paragraph a of subdivision six of this section shall not apply, and
provided further that any projects aided under this paragraph must be
included in a district's school safety plan. The commissioner shall
annually prescribe a special cost allowance for metal detectors, and
security cameras, and the approved expenditures shall not exceed such
cost allowance.
§ 12. Subdivision 4 of section 3602 of the education law is amended by adding a new paragraph f to read as follows:

f. Notwithstanding any inconsistent provision to the contrary, for the two thousand nineteen--two thousand twenty school year and thereafter, in addition to other amounts received in such school year under this subdivision, a school district shall also receive the amount, if any, of aid for conversion to full day kindergarten that such school district was eligible to receive in the base year pursuant to subdivision nine of this section. In the subsequent school year, such additional amount shall be included in the foundation aid base for the purposes of paragraph j of subdivision one of this section.

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

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

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

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

For the two thousand sixteen--two thousand seventeen school year, each school district shall be entitled to an apportionment equal to the amount set forth for such school district as "ACADEMIC ENHANCEMENT" under the heading "2015-16 ESTIMATED AIDS" in the school aid computer listing produced by the commissioner in support of the budget for the two thousand fifteen--two thousand sixteen school year and entitled "SA151-6", and such apportionment shall be deemed to satisfy the state obligation to provide an apportionment pursuant to subdivision eight of section thirty-six hundred forty-one of this article.
For the two thousand seventeen--two thousand eighteen school year, each school district shall be entitled to an apportionment equal to the amount set forth for such school district as "ACADEMIC ENHANCEMENT" under the heading "2016-17 ESTIMATED AIDS" in the school aid computer listing produced by the commissioner in support of the budget for the two thousand sixteen--two thousand seventeen school year and entitled "SA161-7", and such apportionment shall be deemed to satisfy the state obligation to provide an apportionment pursuant to subdivision eight of section thirty-six hundred forty-one of this article.

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

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

Each school district shall be eligible to receive a high tax aid apportionment in the two thousand eight--two thousand nine school year, which shall equal the greater of (i) the sum of the tier 1 high tax aid apportionment, the tier 2 high tax aid apportionment and the tier 3 high tax aid apportionment or (ii) the product of the apportionment received by the school district pursuant to this subdivision in the two thousand seven--two thousand eight school year, multiplied by the due-minimum factor, which shall equal, for districts with an alternate pupil wealth ratio computed pursuant to paragraph b of subdivision three of this section that is less than two, seventy percent (0.70), and for all other districts, fifty percent (0.50). Each school district shall be eligible to receive a high tax aid apportionment in the two thousand nine--two thousand ten through two thousand nineteen school years in the amount set forth for such school district as "HIGH TAX AID" under the heading "2008-09 BASE YEAR AIDS" in the school aid computer listing produced by the commissioner in support of the budget for the two thousand nine--two thousand ten school year and entitled "SA0910". Each school district shall be eligible to receive a high tax aid apportionment in the two thousand [seventeen] eighteen--two thousand [eighteen] nineteen school years equal to the greater of (1) the amount set forth for such school district as "HIGH TAX AID" under the heading "2008-09 BASE YEAR AIDS" in the school aid computer listing produced by the commissioner in support of the budget for the two thousand nine--two thousand ten school year and entitled "SA0910" or (2) the amount set forth for such school district as "HIGH TAX AID" under the heading "2013-14 ESTIMATED AIDS" in the school aid computer listing produced by the commissioner in support of the executive budget for the 2013-14 fiscal year and entitled "BT131-4".

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

Notwithstanding any provision of law to the contrary, (i) for aid payable in the two thousand eight--two thousand nine school year, the grant to each eligible school district for universal prekindergarten aid
shall be computed pursuant to this subdivision, and (ii) for the two thousand nine--two thousand ten and two thousand ten--two thousand eleven school years, each school district shall be eligible for a maximum grant equal to the amount computed for such school district for the base year in the electronic data file produced by the commissioner in support of the two thousand nine--two thousand ten education, labor and family assistance budget, provided, however, that in the case of a district implementing programs for the first time or implementing expansion programs in the two thousand eight--two thousand nine school year where such programs operate for a minimum of ninety days in any one school year as provided in section 151-1.4 of the regulations of the commissioner, for the two thousand nine--two thousand ten and two thousand ten--two thousand eleven school years, such school district shall be eligible for a maximum grant equal to the amount computed pursuant to paragraph a of subdivision nine of this section in the two thousand eight--two thousand nine school year, and (iii) for the two thousand eleven--two thousand twelve school year each school district shall be eligible for a maximum grant equal to the amount set forth for such school district as "UNIVERSAL PREKINDERGARTEN" under the heading "2011-12 ESTIMATED AIDS" in the school aid computer listing produced by the commissioner in support of the enacted budget for the two thousand eleven--two thousand twelve school year and entitled "SA111-2", and (iv) for two thousand twelve--two thousand thirteen through two thousand sixteen--two thousand seventeen school years each school district shall be eligible for a maximum grant equal to the greater of (A) the amount set forth for such school district as "UNIVERSAL PREKINDERGARTEN" under the heading "2010-11 BASE YEAR AIDS" in the school aid computer listing produced by the commissioner in support of the enacted budget for the two thousand eleven--two thousand twelve school year and entitled "SA111-2", or (B) the amount set forth for such school district as "UNIVERSAL PREKINDERGARTEN" under the heading "2010-11 BASE YEAR AIDS" in the school aid computer listing produced by the commissioner on May fifteenth, two thousand eleven pursuant to paragraph b of subdivision twenty-one of section three hundred five of this chapter, and (v) for the two thousand seventeen--two thousand eighteen and two thousand nineteen school years, each school district shall be eligible to receive a grant amount equal to the sum of (A) the amount set forth for such school district as "UNIVERSAL PREKINDERGARTEN" under the heading "2014-15 ESTIMATED AIDS" in the school aid computer listing produced by the commissioner in support of the enacted budget for the two thousand sixteen--two thousand seventeen school year and entitled "SA161-7" plus (B) the amount awarded to such school district for the priority full-day prekindergarten and expanded half-day prekindergarten grant program for high need students for the two thousand sixteen--two thousand seventeen school year pursuant to chapter fifty-three of the laws of two thousand thirteen, and (vi) for the two thousand [eighteen] nineteen--two thousand [nineteen] twenty school year, each school district shall be eligible to receive a grant amount equal to the sum of (A) the amount set forth for such school district as "UNIVERSAL PREKINDERGARTEN" in the school aid computer listing produced by the commissioner in support of the enacted budget for the two thousand [eighteen] nineteen--two thousand [eighteen] nineteen school year plus (B) the amount awarded to such school district for the federal preschool development expansion grant for the two thousand seventeen--two thousand eighteen school year pursuant to the American Recovery and Reinvestment Act of 2009 (ARRA), Sections 14005, 14006, and 14013, Title XIV, (Public Law 112-10), as amended by section 1832(b) of Division B of
the Department of Defense and Full-Year Continuing Appropriations Act, 2011 (Pub. L. 112-10), and the Department of Education Appropriations Act, 2012 (Title III Division F of Pub. L. 112-74, the Consolidated Appropriations Act, 2012) and (vii) for the two thousand nineteen--two thousand twenty school year, each school district shall be eligible to receive a grant amount equal to the sum of (A) the amount set forth for such school district as "UNIVERSAL PREKINDERGARTEN ALLOCATION" on the computer file produced by the commissioner in support of the enacted budget for the two thousand eighteen--two thousand nineteen school year plus (C) the amount awarded to such school district for the statewide universal full-day prekindergarten program for the two thousand eighteen--two thousand nineteen school year pursuant to chapter fifty-three of the laws of two thousand four plus (D) the amount awarded to such school district for the expanded prekindergarten for three- and four-year-old students program for the two thousand eighteen--two thousand nineteen school year pursuant to chapter sixty-one of the laws of two thousand fifteen plus (E) the amount awarded to such school district for the expanded prekindergarten for three-year-olds in high need districts program for the two thousand eighteen--two thousand nineteen school year pursuant to chapter fifty-three of the laws of two thousand sixteen plus (F) the amount awarded to such school district for the expanded prekindergarten program for three- and four-year-olds for the two thousand eighteen--two thousand nineteen school year pursuant to chapter sixty-one of the laws of two thousand fifteen plus (G) the amount awarded to such school district for the expanded prekindergarten program for three- and four-year-olds for the two thousand twenty--two thousand twenty-one school year and thereafter, each school district shall be eligible to receive a grant amount equal to the sum of (A) the amount set forth for such school district as "UNIVERSAL PREKINDERGARTEN ALLOCATION" on the computer file produced by the commissioner in support of the enacted budget for the prior year plus (B) the amount awarded to such school district, subject to an available appropriation, through the pre-kindergarten expansion grant for the prior year, provided that such school district has met all requirements pursuant to this section, and (viii) for the two thousand twenty--two thousand twenty-one school year and thereafter, each school district shall be eligible to receive a grant amount equal to the sum of (A) the amount set forth for such school district as "UNIVERSAL PREKINDERGARTEN ALLOCATION" on the computer file produced by the commissioner in support of the enacted budget for the prior year plus (B) the amount awarded to such school district, subject to an available appropriation, through the pre-kindergarten expansion grant for the prior year, provided that such school district has met all requirements pursuant to this section, and provided further that the maximum grant shall not exceed the total actual grant expenditures incurred by the school district in the current school year as approved by the commissioner.

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

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

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

For the two thousand eighteen--two thousand nineteen school year the sum of, from [each of (A)] the programs pursuant to this section and (B) the federal preschool development expansion grant, (i) (A) the
maximum aidable full-day prekindergarten pupils such district was eligible to serve in the base year plus (2) the maximum aidable number of half-day prekindergarten pupils converted into a full-day prekindergarten pupil in the base year;

For the two thousand nineteen--two thousand twenty school year the sum of, from each of (A) the programs pursuant to this section, (B) the federal preschool development expansion grant, (C) the expanded prekindergarten program, (D) the expanded prekindergarten for three- and four-year-olds, (E) the expanded prekindergarten program for three- and four-year-olds, and (F) the statewide universal full-day prekindergarten program, (G) the expanded prekindergarten for three- and four-year-old students program, (H) the prekindergarten expansion grant, (1) the maximum aidable full-day prekindergarten pupils such district was eligible to serve in the base year, plus (2) the maximum aidable number of half-day prekindergarten pupils converted into a full-day prekindergarten pupil in the base year;

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

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

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

For the two thousand eighteen--two thousand nineteen school year the maximum aidable half-day prekindergarten pupils such district was eligible to serve for the base year from (A) the program pursuant to this section plus such pupils from (B) the federal preschool expansion grant for the base year;

For the two thousand nineteen--two thousand twenty school year the sum of the maximum aidable half-day prekindergarten pupils such district was eligible to serve for the base year from (A) the program pursuant to this section plus such pupils from (B) the expanded prekindergarten program for three- and four-year-olds plus such pupils from (C) the expanded prekindergarten program for three- and four-year-olds plus such pupils from (D) the expanded prekindergarten program for three- and four-year-olds plus such pupils from (E) the expanded prekindergarten program for three- and four-year-olds plus such pupils from (F) the statewide universal full-day prekindergarten program plus such pupils from (G) the expanded prekindergarten program for three- and four-year-old students program plus such pupils from (H) the prekindergarten expansion grant for the base year;
For the two thousand twenty-two thousand twenty-one school year and thereafter the sum of the maximum aidable half-day prekindergarten pupils such district was eligible to serve for the base year from (A) the program pursuant to this section plus such pupils from (B) the prekindergarten expansion grant, less the maximum aidable number of half-day prekindergarten pupils converted into a full-day prekindergarten pupil under the prekindergarten expansion grant for the base year;

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

For the purposes of this paragraph:

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

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

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

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

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

(F) "Statewide universal full-day prekindergarten program" shall mean the statewide universal full-day prekindergarten program pursuant to chapter fifty-three of the laws of two thousand fourteen;

(G) "The expanded prekindergarten for three- and four-year-old students program" shall mean the expanded prekindergarten for three- and four-year-old students program pursuant to chapter of the laws of 2018 establishing such program;

(H) "Prekindergarten expansion grant" shall mean the prekindergarten expansion grant for the two thousand eighteen-two thousand nineteen school year and thereafter, pursuant to subdivision eighteen of this section, to the extent such program was available subject to appropriation, and provided that such school district has met all requirements pursuant to this section.

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

11. Maintenance of effort reduction. Where a school district's current year prekindergarten pupils served is less than its prekindergarten maintenance of effort base, the school district shall have its current year apportionment [reduced-by] equal to the product of the maintenance of effort factor computed in paragraph b of subdivision ten of this section multiplied by the grant amount it was eligible to receive pursuant to subdivision ten of this section.
§ 18-a. Subparagraph (ii) of paragraph (c) of subdivision 8 of section 3602-ee of the education law, as amended by section 31-a of part YYY of chapter 59 of the laws of 2017, is amended to read as follows:

(ii) Provided that, notwithstanding any provisions of this paragraph to the contrary, for the two thousand seventeen-two thousand eighteen and two thousand eighteen-two thousand nineteen school years, an exemption to the certification requirement of subparagraph (i) of this paragraph may be made for a teacher without certification valid for service in the early childhood grades who possesses a written plan to obtain certification and who has registered in the ASPIRE workforce registry as required under regulations of the commissioner of the office of children and family services. [Notwithstanding any exemption provided by this subparagraph, certification shall be required for employment no later than June thirtieth, two thousand eighteen.

§ 18-b. Subdivision 18 of section 3602-e of the education law, as added by section 30 of part YYY of chapter 59 of the laws of 2017, is amended to read as follows:

18. Universal [prekindergarten] pre-kindergarten expansion [grants].

a. Subject to available appropriation, any additional funding for pre-kindergarten in the two thousand eighteen-two thousand nineteen school year and thereafter shall be made available for additional grants for pre-kindergarten programs for four-year-old students; provided that such grants shall be awarded to school districts to establish new full-day and half-day pre-kindergarten placements for four-year-olds. All school districts shall be eligible to apply for such grants, which shall be awarded based on factors including, but not limited to, the following: (i) measures of school district need, (ii) measures of the need of students to be served by the school district, (iii) the school district's proposal to target the highest-need schools and students, and (iv) the extent to which the district's proposal would prioritize funds to maximize the total number of eligible children in the district served in pre-kindergarten programs.

b. Grants appropriated herein shall only be available to support programs: (i) that agree to offer instruction consistent with applicable New York state pre-kindergarten early learning standards; and (ii) that otherwise comply with all of the same rules and requirements as universal pre-kindergarten programs pursuant to this section.

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

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

§ 19-a. Section 3602-ee of the education law is REPEALED.

§ 20. a. Notwithstanding any other provision of law to the contrary, the actions or omissions of any school district which failed to submit a final building project cost report by June 30 of the school year following June 30 of the school year in which the certificate of substantial completion of the project is issued by the architect or engineer, or six months after issuance of such certificate, whichever is later, are hereby ratified and validated, provided that such building project was
eligible for aid in a year for which the commissioner of education is
required to prepare an estimate of apportionments due and owing pursuant
to paragraph c of subdivision 21 of section 305 of the education law,
provided further that such school district submits a final cost report
on or before December 31, 2018 and such report is approved by the
commissioner of education, and provided further that any amount due and
payable for school years prior to the 2019--2020 school year as a result
of this act shall be paid pursuant to the provisions of paragraph c of
subdivision 5 of section 3604 of the education law, provided however if
such aid has already been paid to the district then such district may
retain such aid net any disallowances calculated under subdivision c of
this section.

b. Notwithstanding any other provision of law to the contrary, any
pending payment of moneys due to such district as a prior year adjust-
ment payable pursuant to paragraph c of subdivision 5 of section 3604 of
the education law for aid claims that had been previously paid in excess
as current year aid payments and for which recovery of excess payments
is to be made pursuant to this act, shall be reduced by any remaining
unrecovered balance of such excess payments, and the remaining scheduled
deductions of such excess payments pursuant to this act shall be reduced
by the commissioner of education to reflect the amount so recovered.

c. The education department is hereby directed to adjust the approved
costs of the aforementioned projects on a pro-rata basis to reflect the
number of years between June 30 of the school year following June 30 of
the school year in which the certificate of substantial completion of
the project is issued by the architect or engineer, or six months after
issuance of such certificate, whichever is later and the date upon which
the district filed a final cost report as a proportion of the useful
life of the project, provided that in no case shall such adjustment be
larger than five percent, and to consider such adjusted approved costs
as valid and proper obligations of such school districts.

d. The office of the state comptroller shall review the state aid
claims process of any district which files a final cost report under the
provisions of subdivision a of this section.

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

For aid payable in the two thousand seven--two thousand eight school
year through the two thousand [seventeen] eighteen--two thousand [eight-
teen] nineteen school year, "moneys apportioned" shall mean the lesser
of (i) the sum of one hundred percent of the respective amount set forth
for each school district as payable pursuant to this section in the
school aid computer listing for the current year produced by the commis-
sioner in support of the budget which includes the appropriation for the
general support for public schools for the prescribed payments and indi-
vidualized payments due prior to April first for the current year plus
the apportionment payable during the current school year pursuant to
subdivision six-a and subdivision fifteen of section thirty-six hundred
two of this part minus any reductions to current year aids pursuant to
subdivision seven of section thirty-six hundred four of this part or any
deduction from apportionment payable pursuant to this chapter for
collection of a school district basic contribution as defined in subdivi-
sion eight of section forty-four hundred one of this chapter, less any
grants provided pursuant to subparagraph two-a of paragraph b of subdivi-
sion four of section ninety-two-c of the state finance law, less any
grants provided pursuant to subdivision six of section ninety-seven-nnnn
of the state finance law, less any grants provided pursuant to subdivision twelve of section thirty-six hundred forty-one of this article, or (ii) the apportionment calculated by the commissioner based on data on file at the time the payment is processed; provided however, that for the purposes of any payments made pursuant to this section prior to the first business day of June of the current year, moneys apportioned shall not include any aids payable pursuant to subdivisions six and fourteen, if applicable, of section thirty-six hundred two of this part as current year aid for debt service on bond anticipation notes and/or bonds first issued in the current year or any aids payable for full-day kindergarten for the current year pursuant to subdivision nine of section thirty-six hundred two of this part. The definitions of "base year" and "current year" as set forth in subdivision one of section thirty-six hundred two of this part shall apply to this section. For aid payable in the two thousand [seventeen] eighteen--two thousand [eighteen] nineteen school year, reference to such "school aid computer listing for the current year" shall mean the printouts entitled ["SA171-8"] "SA181-9".

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

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

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

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

§ 24. Paragraph c of subdivision 5 of section 3604 of the education law, as added by chapter 82 of the laws of 1995, is amended to read as follows:
c. Payment of moneys due for prior years. State aid payments due for prior years in accordance with the provisions of this subdivision shall be paid either: (i) from funds available in the general support for public school appropriation as a result of the deduction of excess payments of aid pursuant to paragraph a of this subdivision, or (ii) within the limit of the appropriation designated therefor provided, however, that each eligible claim shall be payable in the order that it has been approved for payment by the commissioner, but in no case shall a single claim draw down more than forty percent of the appropriation so designated for a single year, and provided further that no claim shall be set aside for insufficiency of funds to make a complete payment, but shall be eligible for a partial payment in one year and shall retain its priority date status for appropriations designated for such purposes in future years.

§ 25. Subdivision b of section 2 of chapter 756 of the laws of 1992, relating to funding a program for work force education conducted by the consortium for worker education in New York city, as amended by section 44 of part YYY of chapter 59 of the laws of 2017, is amended to read as follows:
b. Reimbursement for programs approved in accordance with subdivision a of this section for the [2015--2016 school year shall not exceed 60.7 percent of the lesser of such approvable costs per contact hour or thirteen dollars and forty cents per contact hour, reimbursement for the] 2016--2017 school year shall not exceed 60.3 percent of the lesser of such approvable costs per contact hour or thirteen dollars ninety cents per contact hour, [and] reimbursement for the 2017--2018 school year shall not exceed 60.4 percent of the lesser of such approvable costs per contact hour or thirteen dollars and ninety cents per contact hour, and reimbursement for the 2018--2019 school year shall not exceed 59.4
percent of the lesser of such approvable costs per contact hour or four-
teen dollars and ninety-five cents per contact hour, where a contact
hour represents sixty minutes of instruction services provided to an
eligible adult. Notwithstanding any other provision of law to the
contrary, for the 2015--2016 school year such contact hours shall not
exceed one million five hundred ninety-nine thousand fifteen (1,599,015)
hours; whereas for the 2016--2017 school year such contact hours shall
not exceed one million fifty-one thousand three hundred
dollars and ninety-five cents per contact hour, for the 2017--2018 school year such
costs of the work force education program. Such moneys shall be credited
to the elementary and secondary education fund-local assistance account
and shall not exceed thirteen million dollars ($13,000,000).

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

§ 27-a. Paragraph a-1 of subdivision 11 of section 3602 of the educa-
tion law, as amended by section 60 of part YYY of chapter 59 of the laws
of 2017, is amended to read as follows:

a-1. Notwithstanding the provisions of paragraph a of this subdivi-
sion, for aid payable in the school years two thousand--two thousand one
two thousand nine--two thousand ten, and two thousand eleven--
two thousand twelve through two thousand [seventeen] eighteen--two thou-
sand [eighteen] nineteen, the commissioner may set aside an amount not
to exceed two million five hundred thousand dollars from the funds
appropriated for purposes of this subdivision for the purpose of serving
persons twenty-one years of age or older who have not been enrolled in
any school for the preceding school year, including persons who have
received a high school diploma or high school equivalency diploma but
fail to demonstrate basic educational competencies as defined in regu-
lation by the commissioner, when measured by accepted standardized
tests, and who shall be eligible to attend employment preparation educa-
tion programs operated pursuant to this subdivision.
§ 28. Subdivisions 22 and 24 of section 140 of chapter 82 of the laws of 1995, amending the education law and certain other laws relating to state aid to school districts and the appropriation of funds for the support of government, as amended by section 47 of part YYY of chapter 59 of the laws of 2017, are amended to read as follows:

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

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

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

§ 29-a. Section 4004 of the education law is amended by adding a new subdivision 5 to read as follows:

5. The board of education of a special act school district shall be authorized to establish a fiscal stabilization reserve fund. There may be paid into such fund an amount as may be provided pursuant to the requirements of paragraph k of subdivision four of section forty-four hundred five of this title.

§ 29-b. Subdivision 4 of section 4405 of the education law is amended by adding a new paragraph k to read as follows:

k. The tuition methodology established pursuant to this subdivision for the two thousand eighteen--two thousand nineteen school year and thereafter shall authorize approved private residential or non-residential schools for the education of students with disabilities that are located within the state, and special act school districts, to retain funds in excess of their allowable and reimbursable costs incurred for services and programs provided to school-age students. The amount of funds that may be annually retained shall not exceed one percent of the school's or school district's total allowable and reimbursable costs for services and programs provided to school-age students for the school year from which the funds are to be retained; provided that the total accumulated balance that may be retained shall not exceed four percent of such total costs for such school year. Funds may be expended only pursuant to an authorization of the governing board of the school or school district, for a purpose expressly authorized as part of the approved tuition methodology for the year in which the funds are to be expended. The director of the budget, in consultation with the commissioner, shall establish the authorized uses for the expenditures of such funds as part of the approved tuition methodology. Any school or school district that retains funds pursuant to this paragraph shall be required to annually report a statement of the total balance of any such retained funds, the amount, if any, retained in the prior school year, an amount, if any, dispersed in the prior school year, and any additional informa—
tion requested by the department as part of the financial reports that are required to be annually submitted to the department.

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

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

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

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

§ 32. Subdivision 1 of section 167 of 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, as amended by section 32 of part A of chapter 54 of the laws of 2016, is amended to read as follows:

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

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

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

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

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

§ 35. Section 2 of subpart B of part AA of 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, is amended to read as follows:

§ 2. This act shall take effect immediately and shall expire and be deemed repealed on December 31, [2018] 2019.
§ 36. School bus driver training. In addition to apportionments otherwise provided by section 3602 of the education law, for aid payable in the 2018-2019 school year, the commissioner of education shall allocate school bus driver training grants to school districts and boards of cooperative educational services pursuant to sections 3650-a, 3650-b and 3650-c of the education law, or for contracts directly with not-for-profit educational organizations for the purposes of this section. Such payments shall not exceed four hundred thousand dollars ($400,000) per school year.

§ 37. Special apportionment for salary expenses. a. Notwithstanding any other provision of law, upon application to the commissioner of education, not sooner than the first day of the second full business week of June 2019 and not later than the last day of the third full business week of June 2019, a school district eligible for an apportionment pursuant to section 3602 of the education law shall be eligible to receive an apportionment pursuant to this section, for the school year ending June 30, 2019, for salary expenses incurred between April 1 and June 30, 2018 and such apportionment shall not exceed the sum of (i) the deficit reduction assessment of 1990--1991 as determined by the commissioner of education, pursuant to paragraph f of subdivision 1 of section 3602 of the education law, as in effect through June 30, 1993, plus (ii) 186 percent of such amount for a city school district in a city with a population in excess of 1,000,000 inhabitants, plus (iii) 209 percent of such amount for a city school district in a city with a population of more than 195,000 inhabitants and less than 219,000 inhabitants according to the latest federal census, plus (iv) the net gap elimination adjustment for 2010--2011, as determined by the commissioner of education pursuant to chapter 53 of the laws of 2010, plus (v) the gap elimination adjustment for 2011--2012 as determined by the commissioner of education pursuant to subdivision 17 of section 3602 of the education law, and provided further that such apportionment shall not exceed such salary expenses. Such application shall be made by a school district, after the board of education or trustees have adopted a resolution to do so and in the case of a city school district in a city with a population in excess of 125,000 inhabitants, with the approval of the mayor of such city.

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

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

§ 38. Special apportionment for public pension accruals. a. Notwithstanding any other provision of law, upon application to the commissioner of education, not later than June 30, 2019, a school district eligible for an apportionment pursuant to section 3602 of the education law shall be eligible to receive an apportionment pursuant to this section, for the school year ending June 30, 2019 and such apportionment shall not exceed the additional accruals required to be made by school districts in the 2004--2005 and 2005--2006 school years associated with changes for such public pension liabilities. The amount of such additional accrual shall be certified to the commissioner of education by the president of the board of education or the trustees or, in the case of a city school district in a city with a population in excess of 125,000 inhabitants, the mayor of such city. Such application shall be made by a school district, after the board of education or trustees have adopted a resolution to do so and in the case of a city school district in a city with a population in excess of 125,000 inhabitants, with the approval of the mayor of such city.

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

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

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

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

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

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

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

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

a. for the development, maintenance or expansion of magnet schools or magnet school programs for the 2018--2019 school year. For the city school district of the city of New York there shall be a setaside of foundation aid equal to forty-eight million one hundred seventy-five thousand dollars ($48,175,000) including five hundred thousand dollars ($500,000) for the Andrew Jackson High School; for the Buffalo city school district, twenty-one million twenty-five thousand dollars ($21,025,000); for the Rochester city school district, fifteen million dollars ($15,000,000); for the Syracuse city school district, thirteen million dollars ($13,000,000); for the Yonkers city school district, forty-nine million five hundred thousand dollars ($49,500,000); for the Newburgh city school district, four million six hundred forty-five thousand dollars ($4,645,000); for the Poughkeepsie city school district, two million four hundred seventy-five thousand dollars ($2,475,000); for the Mount Vernon city school district, two million dollars ($2,000,000); for the New Rochelle city school district, one million eight hundred thousand dollars ($1,800,000); for the Port Chester city school district, one million one hundred fifty thousand dollars ($1,150,000); for the White Plains city school district, nine hundred thousand dollars ($900,000); for the Niagara Falls city school district, six hundred thousand dollars ($600,000); for the Albany city school district, three million five hundred fifty thousand dollars ($3,550,000); for the Utica city school district, two million dollars
A. ($2,000,000); for the Beacon city school district, five hundred sixty-six thousand dollars ($566,000); for the Middletown city school district, four hundred thousand dollars ($400,000); for the Freeport union free school district, four hundred thousand dollars ($400,000); for the Greenburgh central school district, three hundred thousand dollars ($300,000); for the Amsterdam city school district, eight hundred thousand dollars ($800,000); for the Peekskill city school district, two hundred thousand dollars ($200,000); and for the Hudson city school district, four hundred thousand dollars ($400,000).

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

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

d. For the purpose of teacher support for the 2018--2019 school year: for the city school district of the city of New York, sixty-two million seven hundred seven thousand dollars ($62,707,000); for the Buffalo city school district, one million seven hundred forty-one thousand dollars ($1,741,000); for the Rochester city school district, one million seventy-six thousand dollars ($1,076,000); for the Yonkers city school district, one million one hundred forty-seven thousand dollars ($1,147,000); and for the Syracuse city school district, eight hundred nine thousand dollars ($809,000). All funds made available to a school district pursuant to this section shall be distributed among teachers including prekindergarten teachers and teachers of adult vocational and academic subjects in accordance with this section and shall be in addition to salaries heretofore or hereafter negotiated or made available; provided, however, that all funds distributed pursuant to this section for the current year shall be deemed to incorporate all funds distributed pursuant to former subdivision 27 of section 3602 of the education law for prior years. In school districts where the teachers are represented by certified or recognized employee organizations, all salary increases funded pursuant to this section shall be determined by separate collective negotiations conducted pursuant to the provisions and procedures of article 14 of the civil service law, notwithstanding the existence of a negotiated agreement between a school district and a certified or recognized employee organization.
§ 42. Support of public libraries. The moneys appropriated for the support of public libraries by a chapter of the laws of 2017 enacting the aid to localities budget shall be apportioned for the 2018-2019 state fiscal year in accordance with the provisions of sections 271, 272, 273, 282, 284, and 285 of the education law as amended by the provisions of this chapter and the provisions of this section, provided that library construction aid pursuant to section 273-a of the education law shall not be payable from the appropriations for the support of public libraries and provided further that no library, library system or program, as defined by the commissioner of education, shall receive less total system or program aid than it received for the year 2001-2002 except as a result of a reduction adjustment necessary to conform to the appropriations for support of public libraries.

Notwithstanding any other provision of law to the contrary the moneys appropriated for the support of public libraries for the year 2018-2019 by a chapter of the laws of 2018 enacting the education, labor and family assistance budget shall fulfill the state's obligation to provide such aid and, pursuant to a plan developed by the commissioner of education and approved by the director of the budget, the aid payable to libraries and library systems pursuant to such appropriations shall be reduced proportionately to assure that the total amount of aid payable does not exceed the total appropriations for such purpose.

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

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

b. Such nonpublic schools shall be eligible to receive aid based on the number of days or portion of days attendance is taken and either a 5.0/5.5 hour standard instructional day, or another work day as certified by the nonpublic school officials, in accordance with the methodology for computing salary and benefits applied by the department in paying aid for the two thousand twelve--two thousand thirteen and prior school years.

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

§ 42-b. Subdivision a of section 5 of chapter 121 of the laws of 1996, relating to authorizing the Roosevelt union free school district to finance deficits by the issuance of serial bonds, as amended by section
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38 of part YYY of chapter 59 of the laws of 2017, is amended to read as
follows:

a. Notwithstanding any other provisions of law, upon application to
the commissioner of education submitted not sooner than April first and
not later than June thirtieth of the applicable school year, the Roose-
velt union free school district shall be eligible to receive an apportion-
ment pursuant to this chapter for salary expenses, including related
benefits, incurred between April first and June thirtieth of such school
year. Such apportionment shall not exceed: for the 1996-97 school year
through the [2017-18] 2018-19 school year, four million dollars
($4,000,000); for the [2018-19] 2019-20 school year, three million
dollars ($3,000,000); for the [2019-20] 2020-21 school year, two million
dollars ($2,000,000); for the [2020-21] 2021-22 school year, one million
dollars ($1,000,000); and for the [2021-22] 2022-23 school year, zero
dollars. Such annual application shall be made after the board of
education has adopted a resolution to do so with the approval of the
commissioner of education.

§ 42-c. Paragraph c of subdivision 2 of section 2023-a of the educa-
tion law, as amended by section 1 of subpart C of part C of chapter 20
of the laws of 2015, is amended to read as follows:

c. "Capital local expenditures" means (i) the taxes associated with
budgeted expenditures resulting from the financing, refinancing, acquisi-
tion, design, construction, reconstruction, rehabilitation, improve-
ment, furnishing and equipping of, or otherwise providing for school
district facilities or school district capital equipment, including debt service and lease expenditures, and transportation capital
debt service, and (ii) the school district's share of capital local
expenditures, as defined in subparagraph (i) of this paragraph, for
boards of cooperative educational services as authorized pursuant to
section nineteen hundred fifty of this title and approved by the commis-
sioner, subject to the approval of the qualified voters where required
by law. [The commissioner of taxation and finance shall, as appropr-
iate, promulgate rules and regulations which may provide for adjustment
of capital local expenditures to reflect a school district's share of
additional budgeted capital expenditures made by a board of cooperative
educational services.]

§ 42-d. Subparagraph 1 of paragraph b of subdivision 4 of section 1950
of the education law, as amended by chapter 474 of the laws of 1996, is
amended to read as follows:

(1) Prepare, prior to the annual meeting of members of the boards of
education and school trustees, held as provided in paragraph o of this
subdivision, a tentative budget of expenditures for the program costs, a
tentative budget for capital costs, and a tentative budget for the
administration costs of the board of cooperative educational services.
Such budgets shall include the proposed budget for the upcoming school
year, the previous school year's actual costs and the current school
year's projected costs for each object of expenditure. Such program,
capital and administrative budgets shall be separately delineated in
accordance with the definition of program, capital and administrative
costs which shall be promulgated by the commissioner after consultation
with school district officials and the director of the budget. Personal
service costs for each budget shall include the number of full-time
equivalent positions funded and total salary and, except as noted here-
in, fringe benefit costs for such positions by program. Each program
budget shall also include the local and statewide unit costs of such
programs and services proposed for the upcoming school year, such actual
unit costs for the previous school year, and the current school year's
projected unit costs, all established in accordance with paragraph d of
this subdivision. The capital budget shall include facility construction
and lease expenditures authorized pursuant to paragraphs p, t and u of
this subdivision, payments for the repayment of indebtedness related to
capital projects, payments for the acquisition or construction of facil-
ities, sites or additions, provided that such budget shall contain a
rental, operations and maintenance section that will include base rent
costs, total rent costs, operations and maintenance charges, cost per
square foot for each facility rented or leased by such board of cooper-
ative educational services, and any and all expenditures associated with
custodial salaries and benefits, service contracts, supplies, utilities,
maintenance and repairs for such facilities, and that such budget shall
include the annual debt service and total debt for all facilities
financed by bonds or notes of the component districts, annual rental and
lease payments and total rental and lease costs for all facilities rent-
ed by such board; such capital budget shall also include expenditures
resulting from court judgments and orders from administrative bodies or
officers, and, to the extent a board's administrative budget has been
adopted, one-time costs incurred in the first year in which an employee
retires. The administrative budget shall include, but need not be limit-
ed to, office and central administrative expenses, traveling expenses
and salaries and benefits of supervisors and administrative personnel
necessary to carry out the central administrative duties of the supervi-
sory district, any and all expenditures associated with the board, the
office of district superintendent, general administration, central
support services, planning, and all other administrative activities.
Such administrative budget shall also specify the amount of supplementa-
ry salary and benefits, if any, which the board determines should be
paid to the district superintendent of schools and the board shall
append to such budget a detailed statement of the total compensation to
be paid the district superintendent of schools by the board, including a
delineation of the salary, annualized cost of benefits and any in-kind
or other form of remuneration to be paid, plus, commencing with the
presentation of the budget for the nineteen hundred ninety-seven--nine-
ty-eight school year, a list of items of expense eligible for reimburse-
ment on expense accounts in the ensuing school year and a statement of
the amount of expenses paid to the district superintendent of schools in
the prior year for purposes of carrying out his or her official duties;
provided, however, any school district's share of capital local expendi-
tures of a board of cooperative educational services, as defined in
subparagraph (ii) of paragraph c of subdivision two of section two thou-
sand twenty-three-a of this title, and approved by the commissioner
shall not be included in a school district's tax levy pursuant to such
section.

§ 42-e. Paragraph (a) of subdivision 2 of section 6-n of the general
municipal law, as separately amended by chapters 414 and 416 of the laws
of 2016, is amended to read as follows:
(a) The governing board of any municipal corporation may establish a
reserve fund to be known as the insurance reserve fund. Upon the
creation of the fund, the municipality may make expenditures from the
fund for any loss, claim, action or judgment for which the municipal
corporation is authorized or required to purchase or maintain insurance,
except those kinds of risks for which insurance is authorized pursuant
to paragraph one, two, three, fifteen, sixteen, seventeen, eighteen,
twenty-two or twenty-three of subsection (a) of section one thousand one
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1 hundred thirteen of the insurance law, or for payments in lieu of
2 contributions under article eighteen of the labor law; provided however,
3 that no municipality shall make an expenditure from such fund for any
4 loss, claim, action or judgment for which the municipal corporation has
5 established a reserve fund under any other provision of law; provided,
6 further that the Scarsdale union free school district, the Mamaroneck
7 union free school district, the Minisink Valley central school district
8 and the Vernon Verona Sherrill central school district may establish
9 insurance reserve funds in compliance with this section and article
10 seventy-four of the education law [and the Minisink Valley central
11 school district may establish insurance reserve funds in compliance with
12 this section and article seventy-four of the education law] and such
13 school districts may make expenditures in compliance with this section
14 and article seventy-four of the education law from such reserve fund for
15 any loss, claim, action or judgment for which the school districts are
16 authorized or required to purchase or maintain insurance for the kinds
17 of risks for which insurance is authorized pursuant to paragraph three
18 of subsection (a) of section one thousand one hundred thirteen of the
19 insurance law.

§ 42-f. Paragraphs b and c of subdivision 1 of section 6-r of the
20 general municipal law, as added by chapter 260 of the laws of 2004, are
21 amended to read as follows:
22 b. "Participating employer" means: (i) a participating employer as
23 defined in subdivision twenty of section two of the retirement and
24 social security law or subdivision twenty of section three hundred
25 two of such law; or (ii) a participating employer as defined in subdivi-
26 sion three of section five hundred one of the education law.
27 c. "Retirement contribution" shall mean all or any portion of the
28 amount payable by a municipal corporation to: (i) the New York
29 state and local employees' retirement system or the New York state and
30 local police and fire retirement system pursuant to section seventeen or
31 three hundred seventeen of the retirement and social security law; or
32 (ii) the New York state teachers' retirement system pursuant to section
33 five hundred twenty-one of the education law.

§ 42-g. Subdivision 2 of section 6-r of the general municipal law, as
35 added by chapter 260 of the laws of 2004, is amended to read as follows:
36 2. The governing board of any municipal corporation which is also a
37 participating employer by resolution may establish a retirement contrib-
38 ution reserve fund for the purpose of (a) financing retirement contrib-
39 utions, and/or (b) in the case of a municipal corporation which is a
40 participating employer as defined in subdivision three of section five
41 hundred one of the education law, financing appropriations authorized by
42 law in order to offset all or a portion of the amount deducted from the
43 moneys apportioned to the municipal corporation from the state for the
44 support of common schools pursuant to section five hundred twenty-one of
45 the education law.

§ 42-h. Section 6-r of the general municipal law is amended by adding
47 a new subdivision 2-a to read as follows:
48 2-a. With respect to a municipal corporation which is a participating
49 employer as defined in subdivision three of section five hundred one of
50 the education law, which elects to utilize a retirement contribution
51 reserve fund (a) to finance retirement contributions to the New York
52 state teachers' retirement system pursuant to section five hundred twen-
53 ty-one of the education law and/or (b) to offset all or a portion of the
54 amount deducted from the moneys apportioned to the municipal corporation
55 from the state for the support of common schools pursuant to section
five hundred twenty-one of the education law, such municipal corporation shall establish a sub-fund within the retirement contribution reserve fund, which shall be separately administered consistent with the provisions of this section. Such municipal corporation may pay into such sub-fund during any particular fiscal year an amount not to exceed two per centum of the total compensation or salaries of all teachers in the employ of said municipal corporation who are members of the New York state teachers' retirement system paid during the immediately preceding fiscal year. The balance of such sub-fund may not exceed ten per centum of the total compensation or salaries of all teachers in the employ of the municipal corporation who are members of the New York state teachers' retirement system paid during the immediately preceding fiscal year. For the purposes of this subdivision, the term "teacher" shall have the same meaning as such term is defined under subdivision four of section five hundred one of the education law.

§ 42-i. Subdivision 5 of section 6-r of the general municipal law, as added by chapter 260 of the laws of 2004, is amended to read as follows:

5. The governing board of such municipal corporation by resolution may authorize expenditures from a retirement contribution reserve fund. Except as otherwise provided by law, moneys in a retirement contribution reserve fund may only be expended (a) to finance retirement contributions, and/or (b) in the case of a municipal corporation which is a participating employer, as defined in subdivision three of section five hundred one of the education law, for appropriations authorized by law in order to offset all or a portion of the amount deducted from the moneys apportioned to the participating employer from the state for the support of common schools pursuant to section five hundred twenty-one of the education law. With respect to a municipal corporation which is a participating employer as defined in subdivision three of section five hundred one of the education law by resolution may authorize the transfer of all or a portion of the monies in the separately administered sub-fund as established under subdivision two-a of this section to the retirement contribution reserve fund to finance retirement contributions to the New York State teachers' retirement system pursuant to section five hundred twenty-one of the education law and/or to offset all or a portion of the amount deducted from the moneys apportioned to the municipal corporation from the state for the support of common schools pursuant to section five hundred twenty-one of the education law only be made from the sub-fund established pursuant to subdivision two-a of this section.

§ 42-j. Section 6-r of the general municipal law is amended by adding a new subdivision 11 to read as follows:

11. The governing board of a municipal corporation which is a participating employer as defined in subdivision three of section five hundred one of the education law by resolution may (a) authorize the transfer of all or a portion of the monies in the separately administered sub-fund as established under subdivision two-a of this section to the retirement contribution reserve fund, and/or (b) authorize the transfer of all or a portion of the monies in the retirement contribution reserve fund to the separately administered sub-fund as provided in subdivision two-a of this section, subject to the limits on annual payments into the sub-fund and the balance of the sub-fund specified by the subdivision two-a of this section.

§ 43. Severability. The provisions of this act shall be severable, and if the application of any clause, sentence, paragraph, subdivision, section or part of this act to any person or circumstance shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not necessarily affect, impair or invalidate the application of any such clause, sentence, paragraph, subdivision, section, part
of this act or remainder thereof, as the case may be, to any other
person or circumstance, but shall be confined in its operation to the
clause, sentence, paragraph, subdivision, section or part thereof
directly involved in the controversy in which such judgment shall have
been rendered.
§ 44. This act shall take effect immediately, and shall be deemed to
have been in full force and effect on and after April 1, 2018; provided,
however, that:
1. Sections one, five, seven, nine, nine-a, nine-c, ten, eleven,
twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen,
twenty-one, twenty-two, twenty-three, twenty-four, twenty-five,
twenty-seven-a, thirty-six, forty, forty-one, forty-two-a and
forty-two-b of this act shall take effect July 1, 2018;
1-a. Section nineteen-a of this act shall take effect July 1, 2019;
2. The amendments to subdivision 1 of section 2856 of the education
law made by section six of this act shall be subject to the expiration
and reversion of such subdivision pursuant to section 27 of chapter 378
of the laws of 2007, as amended, when upon such date the provisions of
section seven of this act shall take effect;
2-a. The amendments to the closing paragraph of paragraph (a) of
subdivision 1 of section 2856 of the education law made by section six-a
of this act shall be subject to the expiration and reversion of such
subdivision pursuant to section 27 of chapter 378 of the laws of 2007,
as amended, when upon such date the provisions of section seven-a of
this act shall take effect;
3. The amendments to subdivision 1 of section 2856 of the education
law made by section eight of this act shall be subject to the expiration
and reversion of such subdivision pursuant to subdivision d of section
27 of chapter 378 of the laws of 2007, as amended, when upon such date
the provisions of section eight-a of this act shall take effect;
provided, further, that if this act shall become a law after June 30,
2018, section eight-b of this act shall take effect immediately and
shall be deemed to have been in full force and effect on and after June
30, 2018;
4. The amendments to 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 made by sections twenty-five and
twenty-six of this act shall not affect the repeal of such chapter and
shall be deemed repealed therewith;
5. Section twenty-eight of this act shall be deemed to have been in
full force and effect on and after the effective date of section 140 of
chapter 82 of the laws of 1995;
6. The amendments to paragraph b-1 of subdivision 4 of section 3602 of
the education law made by section nine-a of this act shall not affect
the expiration of such paragraph and shall expire therewith;
7. The amendments to paragraph c of subdivision 2 of section 2023-a of
the education law made by section forty-two-c of this act shall not
affect the repeal of such section and shall be deemed repealed there-
with; and
8. The amendments to subparagraph 1 of paragraph b of subdivision 4 of
section 1950 of the education law made by section forty-two-d of this
act shall expire on the same date and in the same manner as section 13
of part A of chapter 97 of the laws of 2011, as amended, expires.
FISCAL NOTE.--Pursuant to Legislative Law, Section 50:
This bill would amend Section 6-r of the General Municipal Law to
allow eligible participating employers of the New York State Teachers'
Retirement System (NYSTRS) to establish a reserve sub-fund within the retirement contribution reserve fund for the purpose of reserving money to offset future required contributions to NYSTRS. An employer may pay into such sub-fund during any particular fiscal year an amount not to exceed two percent of the total compensation or salaries of all teachers employed by the employer who are members of NYSTRS paid during the immediately preceding fiscal year. Additionally, the total balance in the sub-fund shall not exceed ten percent of the total compensation or salaries of all teachers employed by the employer who are members of NYSTRS paid during the immediately preceding final year.

The governing board of the employer may by resolution authorize expenditures from the retirement contribution reserve fund. The governing board of the employer may also by resolution authorize the transfer of money between the separately administered sub-fund and the retirement contribution reserve fund subject to the limits on annual payments into the sub-fund and the balance of the sub-fund as provided in this bill.

It is estimated that there will be no annual cost to the employers of members of the New York State Teachers' Retirement System if this bill is enacted.

Member data is from the System's most recent actuarial valuation files, consisting of data provided by the employers to the Retirement System. Data distributions and statistics can be found in the System's Comprehensive Annual Financial Report (CAFR). System assets are as reported in the System's financial statements, and can also be found in the CAFR. Actuarial assumptions and methods are provided in the System's Actuarial Valuation Report.

The source of this estimate is Fiscal Note 2018-2 dated October 6, 2017 prepared by the Actuary of the New York State Teachers' Retirement System and is intended for use only during the 2018 Legislative Session. I, Richard A. Young, am the Actuary for the New York State Teachers' Retirement System. I am a member of the American Academy of Actuaries and I meet the Qualification Standards of the American Academy of Actuaries to render the actuarial opinion contained herein.

PART B

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

§ 908. Prohibition against meal shaming. 1. All school districts, charter schools and non-public schools in the state that participate in the national school lunch program or school breakfast program in which there is a school where not all students are eligible to participate in the community eligibility provision or provision two of the federal national school lunch act shall develop a policy, consistent with federal and state guidance on meal charge policies, to ensure that a student whose parent or guardian has unpaid school meal fees is not shamed or treated differently than a student whose parent or guardian does not have unpaid school meal fees. The school district, charter school or non-public school shall adopt and post the policy on its website by July first, two thousand eighteen. The policy shall be provided annually, in writing, to all students at the start of each school year. The plan shall include, but not be limited to:

a. a requirement stating that the school provide the student with the student's meal of choice from the available reimbursable meal choices for such school day, if the student requests one, provided that the
school is only required to provide access to reimbursable meals, not a
la carte items, adult meals, or other similar items;
b. an explanation of how staff will be trained to ensure that the
policy is implemented correctly and to assist parents or guardians in
determining whether their child is eligible for free or reduced-price
meals;
c. actions that the school will take to collect a student's unpaid
school meal fees from a parent or guardian including a
procedure for notifying the student's parent or guardian that the
student's meal card or account balance is exhausted and unpaid meal
charges are due. The school may use a repayment schedule to collect
unpaid school meal fees from a parent or guardian, but the school shall
not charge any interest or fees in connection with any meals charged and
shall not use a debt collector, as defined in section 1692a of title 15
of the United States Code. Nothing in this section, however, is intended
to allow for the unlimited accrual of debt; and
d. a procedure designed to inform and assist eligible families in
enrolling their child for free or reduced price meals. Such procedure
shall include a process for determining eligibility when a student owes
money for five or more meals, wherein the school shall:
i. make every attempt to determine if a student is directly certified
to be eligible for free or reduced price meals;
ii. make at least two attempts, not including the application or
instructions included in a school enrollment packet, to reach the
student's parent or guardian and have the parent or guardian fill out a
meal application; and
iii. require a designated school administrator or other school person-
nel to contact the parent or guardian to offer assistance with a meal
application, determine if there are other issues within the household
that have caused the child to have insufficient funds to purchase a
school meal and offer any other assistance that is appropriate.
2. No school shall:
a. publicly identify or stigmatize a student who cannot pay for a meal
or who owes a meal debt by any means including, but not limited to,
requiring that a student wear a wristband or hand stamp;
b. require a student who cannot pay for a meal or who owes a meal debt
to do chores or other work to pay for meals;
c. require that a student throw away a meal after it has been served
because of the student's inability to pay for the meal or because money
is owed for earlier meals; or
d. take any action directed at a student to collect unpaid school meal
fees. A school or school district shall only communicate directly with a
parent or guardian about payment of school meal fees or collection of
unpaid school meal fees. A school or school district may, however,
direct actions or communications about such fees to or through a student
if a parent or guardian provides written consent.
3. If a school becomes aware that a student who has not submitted a
meal application is eligible for free or reduced price meals, the school
shall complete and file an application for the student pursuant to part
245 of the code of federal regulations , as such regulations may, from
time to time, be amended.
4. School liaisons designated under subdivision two-a of section thir-
ty-two hundred nine of this chapter for homeless students and school
district points of contact designated for foster students shall ensure
eligible students receive school meals, in accordance with federal law.
§ 2. Section 4 of chapter 537 of the laws of 1976, relating to paid, free and reduced price breakfast for eligible pupils in certain school districts, is renumbered section 6 and two new sections 4 and 5 are added to read as follows:

§ 4. a. All public elementary and secondary schools in this state, including charter schools authorized by article 56 of the education law, with at least seventy percent or more of its pupils eligible for free or reduced-price meals under the National School Lunch Program in the prior school year, as determined by the State Education Department, shall be required to offer all pupils a school breakfast after the instructional day has begun. The commissioner of education shall develop and distribute guidelines, consistent with applicable federal and state laws governing the national school breakfast program, for schools to use to implement such a program.

b. Each school may determine the breakfast service delivery model that best suits its pupils. Service delivery models may include, but are not limited to, breakfast in the classroom, grab and go breakfast, and second chance breakfast. Time spent by pupils consuming breakfast may be considered instructional time when pupils consume breakfast while instruction is being provided. In determining a service delivery model, schools shall consult with teachers, parents or guardians, pupils, local food authorities and members of the community. Every school shall notify a pupil’s parent or guardian that the school will be offering a breakfast after the instructional day has begun program.

c. On or before May 1, 2018 and each year thereafter, the commissioner of education shall identify and publish a list of schools that shall comply with the requirements of this subdivision in the following school year. Any school identified pursuant to this subdivision may apply to the commissioner of education, in accordance with regulations established by the commissioner of education, for a waiver from establishing a breakfast after the instructional day has begun program pursuant to this section. A waiver may be granted upon demonstrating one or more of the following:

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

ii. a lack of need for a school breakfast after the instructional day has begun program due to documented projections of low participation;

iii. providing a breakfast after the instructional day has begun program would cause economic hardship for the school; or

iv. other good cause shown that makes the establishment of a school breakfast after the instructional day has begun program impractical.

§ 5. a. Notwithstanding any monetary limitations with respect to school lunch programs contained in any law or regulation, for school lunch meals served in the school year commencing July 1, 2019 and each July 1 thereafter, a school food authority shall be eligible for a lunch meal State subsidy of twenty-five cents, which shall include any annual State subsidy received by such school food authority under any other provision of State law, for any school lunch meal served by such school food authority; provided that the school food authority certifies to the State Education Department through the application submitted pursuant to subdivision b of this section that at least thirty percent of the total cost of food products for the school lunch service program of such food authority is purchased from New York state farmers, growers, producers or processors that process food in facilities located in New York state in the preceding school year.
b. The State Education Department, in cooperation with the Department of Agriculture and Markets, shall develop an application for school food authorities to seek an additional State subsidy pursuant to this section in a timeline and format prescribed by the commissioner of education. Such application shall include, but not be limited to, documentation demonstrating the school food authority’s total food purchases for its school lunch service programs, including its total food purchases for New York State farmers, growers, producers or processors that process food in facilities located in New York state in the preceding school year. The application shall also include an attestation from the school food authority's chief operating officer that at least thirty percent of the total cost of food products for the school lunch service program of such food authority is purchased from New York State farmers, growers, producers or processors that process food in facilities located in New York state in the preceding school year in order to meet the requirements for this additional State subsidy. School food authorities shall be required to annually apply for this subsidy.

c. The State Education Department shall annually publish information on its website commencing on September 1, 2019 and each September 1 thereafter, relating to each school food authority that applied for and received this additional State subsidy.

§ 3. Paragraph i of subdivision a of section 1 of chapter 537 of the laws of 1976, relating to paid, free and reduced price breakfast for eligible pupils in certain school districts, is amended to read as follows:

i. The term "pupil" means a child attending any public school or charter school in any grade from pre-kindergarten through high school, whether such pupil attends classes on either a full day, split session or half day basis, provided, however, a pupil attending an afternoon session shall be eligible only for the school lunch program.

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

PART C

Intentionally Omitted

PART D

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

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

to the same extent and on the same basis as costs allocated to a compo-
nent school district.

§ 2. This act shall take effect immediately.

PART E

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

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

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

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

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

(iii) Three members shall be appointed by the speaker of the assembly;
(iv) One member shall be appointed by the minority leader of the
senate;

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

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

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

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

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

(i) Administer the provisions of this section;
(ii) Create and raise funds for the New York DREAM fund;

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

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

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

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

(vii) Establish, publicize, and administer training programs for high
school counselors, admissions officers, and financial aid officers of
institutions of higher education. The training programs shall instruct
participants on the educational opportunities available to college-bound
students who are the children of immigrants, including, but not limited
to, in-state tuition and scholarship programs. To the extent practica-
ble, the New York DREAM fund commission shall offer the training program to school districts and boards of cooperative educational services throughout the state, provided however, that priority shall be given to school districts and boards of cooperative educational services with larger number of students who are the children of immigrants over school districts and boards of cooperative educational services with lesser number of students who are the children of immigrants;
(viii) Establish a public awareness campaign regarding educational opportunities available to college bound students who are the children of immigrants; and
(ix) Establish, by rule, procedures for accepting and evaluating applications for scholarships from the children of immigrants and issuing scholarships to selected student applicants;
(b) To receive a scholarship pursuant to this section, a student applicant must meet the following qualifications:
(i) Have resided with his or her parents or guardians while attending a public or private high school in this state;
(ii) Have graduated from a public or private high school or received the equivalent of a high school diploma in this state;
(iii) Have attended a public or private high school in this state for at least two years as of the date he or she graduated from high school or received the equivalent of a high school diploma;
(iv) Have at least one parent or guardian who immigrated to the United States.
(c) The New York DREAM fund commission and the New York DREAM fund shall be funded entirely by private contributions and no state funds shall be appropriated to or used by the New York DREAM fund. No funds of the New York DREAM fund or the New York DREAM fund commission shall be transferred to the general fund or any special revenue fund or shall be used for any purpose other than the purposes set forth in this section.
3. The New York DREAM fund commission and the New York DREAM fund shall be subject to the provisions of articles six and seven and section seventy-four of the public officers law.
§ 3. Subdivision 3 of section 661 of the education law is REPEALED.
§ 4. Paragraph a of subdivision 5 of section 661 of the education law, as amended by chapter 466 of the laws of 1977, is amended to read as follows:
a. (i) Except as provided in subdivision two of section six hundred seventy-four of this part and subparagraph (ii) of this paragraph, an applicant for an award at the undergraduate level of study must either [ ] (a) have been a legal resident of the state for at least one year immediately preceding the beginning of the semester, quarter or term of attendance for which application for assistance is made, or [ ] (b) be a legal resident of the state and have been a legal resident during his last two semesters of high school either prior to graduation, or prior to admission to college. Provided further that persons shall be eligible to receive awards under section six hundred sixty-eight or section six hundred sixty-nine of this part who are currently legal residents of the state and are otherwise qualified.
(ii) An applicant who is not a legal resident of the state eligible pursuant to subparagraph (i) of this paragraph, but is a United States citizen, a permanent lawful resident, a lawful non-immigrant alien or an applicant without lawful immigration status shall be eligible for an award at the undergraduate level of study provided that the student:
(a) attended a registered New York state high school for two or more years, graduated from a registered New York state high school and applied for attendance at the institution of higher education for the undergraduate study for which an award is sought within five years of receiving a New York state high school diploma; or
(b) attended an approved New York state program for a state high school equivalency diploma, received a state high school equivalency diploma and applied for attendance at the institution of higher education for the undergraduate study for which an award is sought within five years of receiving a state high school equivalency diploma; or
(c) is otherwise eligible for the payment of tuition and fees at a rate no greater than that imposed for resident students of the state university of New York, the city university of New York or community colleges as prescribed in subparagraph eight of paragraph h of subdivision two of section three hundred fifty-five or paragraph (a) of subdivision seven of section sixty-two hundred six of this chapter.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8-a. The payment of tuition and other fees and charges of a student
who is attending a community college and who is not a legal resident of
New York state but is a United States citizen, a permanent lawful resi-
dent, a lawful non-immigrant alien or an applicant without lawful immi-
grant status may be reduced by state-aided programs, scholarships and
other financial assistance awarded under the provisions of articles 
thirteen, thirteen-A, fourteen and fourteen-A of this chapter, provided 
that the student meets the requirements set forth in subparagraph (ii) 
of paragraph a or subparagraph (ii) of paragraph b of subdivision five 
of section six hundred sixty-one of this chapter, as applicable.
§ 11. Paragraph d of subdivision 3 of section 6451 of the education 
law, as amended by chapter 494 of the laws of 2016, is amended to read 
as follows:
d. Any necessary supplemental financial assistance, which may include 
the cost of books and necessary maintenance for such enrolled students, 
including students without lawful immigration status provided that the 
student meets the requirements set forth in subparagraph (ii) of para-
graph a or subparagraph (ii) of paragraph b of subdivision five of 
section six hundred sixty-one of this chapter, as applicable; provided, 
however, that such supplemental financial assistance shall be furnished 
pursuant to criteria promulgated by the commissioner with the approval 
of the director of the budget;
§ 12. Subparagraph (v) of paragraph a of subdivision 4 of section 6452 
of the education law, as added by chapter 917 of the laws of 1970, is 
amended to read as follows:
(v) Any necessary supplemental financial assistance, which may include 
the cost of books and necessary maintenance for such students, including 
students without lawful immigration status provided that the student 
meets the requirements set forth in subparagraph (ii) of paragraph a or 
subparagraph (ii) of paragraph b of subdivision five of section six 
hundred sixty-one of this chapter, as applicable; provided, however, 
that such supplemental financial assistance shall be furnished pursuant 
to criteria promulgated by such universities and approved by the regents 
and the director of the budget.
§ 13. Paragraph (a) of subdivision 2 of section 6455 of the education 
law, as added by chapter 285 of the laws of 1986, is amended to read as 
follows:
(a) (i) Undergraduate science and technology entry program moneys may 
be used for tutoring, counseling, remedial and special summer courses, 
supplemental financial assistance, program administration, and other 
activities which the commissioner may deem appropriate. To be eligible 
for undergraduate collegiate science and technology entry program 
support, a student must be a resident of New York [who is], or meet the 
requirements of subparagraph (ii) of this paragraph, and must be either 
economically disadvantaged or from a minority group historically under 
represented in the scientific, technical, health and health-related 
professions, and [who demonstrates] must demonstrate interest in and a 
potential for a professional career if provided special services. Eligible 
students must be in good academic standing, enrolled full time in an 
approved, undergraduate level program of study, as defined by the 
regents.
(ii) An applicant who is not a legal resident of New York state, but 
who is a United States citizen, a permanent lawful resident, a lawful 
non-immigrant alien or an applicant without lawful immigration status, 
shall be eligible for an award at the undergraduate level of study 
provided that the student:
(1) attended a registered New York state high school for two or more 
years, graduated from a registered New York state high school and 
applied for attendance at the institution of higher education for the 
undergraduate study for which an award is sought within five years of 
receiving a New York state high school diploma; or
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(2) attended an approved New York state program for a state high
school equivalency diploma, received a state high school equivalency
diploma and applied for attendance at the institution of higher educa-
tion for the undergraduate study for which an award is sought within
five years of receiving a state high school equivalency diploma; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) section two of this act shall take effect January 1, 2019;

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

(c) sections three through fourteen and section seventeen of this act shall take effect on the ninetieth day after the issuance of regulations and the development of an application form by the president of the higher education services corporation and commissioner of education or on the ninetieth day after it shall have become a law, whichever shall be later; provided, further, however that effective immediately the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized and directed to be made and completed on or before such date; provided, further, however, that the president of the higher education services corporation and the commissioner of education shall notify the legislative bill drafting commission upon the occurrence of the issuance of the regulations and the development of an application form in order that the commission may maintain an accurate and timely effective data base of the official text of the laws of the state of New York in furtherance of effectuating the provisions of section 44 of the legislative law and section 70-b of the public officers law.
Section 1. Section 11 of subpart A of part G of chapter 57 of the laws of 2012, amending the social services law and the family court act relating to establishing a juvenile justice services close to home initiative, is amended to read as follows:
§ 11. This act shall take effect April 1, 2012 and shall expire on March 31, [2018] 2023 when upon such date the provisions of this act shall be deemed repealed; provided, however, that effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized and directed to be made and completed on or before such effective date; provided, however, upon the repeal of this act, a social services district that has custody of a juvenile delinquent pursuant to an approved juvenile justice services close to home initiative shall retain custody of such juvenile delinquent until custody may be legally transferred in an orderly fashion to the office of children and family services.
§ 2. Section 7 of subpart B of part G of chapter 57 of the laws of 2012, amending the social services law, the family court act and the executive law relating to juvenile delinquents, is amended to read as follows:
§ 7. This act shall take effect April 1, 2012 and shall expire on March 31, [2018] 2023 when upon such date the provisions of this act shall be deemed repealed; provided, however, that effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date is authorized and directed to be made and completed on or before such effective date.
§ 3. This act shall take effect immediately and shall be deemed to have been in full force and effect on March 31, 2018.

PART H

Intentionally Omitted

PART I

Section 1. Section 9 of part G of chapter 57 of the laws of 2013, amending the executive law and the social services law relating to consolidating the youth development and delinquency prevention program and the special delinquency prevention program, is amended to read as follows:
§ 9. This act shall take effect January 1, 2014 and shall expire and be deemed repealed on December 31, [2018] 2021.
§ 2. This act shall take effect immediately.

PART J

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

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

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

§ 2. This act shall take effect immediately.

PART L

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

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

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

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

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

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

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

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

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

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

(c) On and after January first, two thousand [seventeen] eighteen, (i) for an eligible individual receiving family care, $1,001.48; and (ii) for an eligible
couple receiving family care in the city of New York or the county of Nassau, Suffolk, Westchester or Rockland, two times the amount set forth in subparagraph (i) of this paragraph; or (iii) for an eligible individual receiving such care in any other county in the state, $978.48; and (iv) for an eligible couple receiving such care in any other county in the state, two times the amount set forth in subparagraph (iii) of this paragraph.

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

(e) (i) On and after January first, two thousand [seventeen] eighteen, for an eligible individual receiving enhanced residential care, $1,429.00; and (ii) for an eligible couple receiving enhanced residential care, two times the amount set forth in subparagraph (i) of this paragraph.

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

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

PART M

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

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

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

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

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

PART N

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

§ 2. Notwithstanding any other provision of law, the housing trust
fund corporation may provide, for purposes of the neighborhood preserva-
tion program, a sum not to exceed $14,779,000 for the fiscal year ending
March 31, 2019. Within this total amount, one hundred fifty thousand
dollars shall be used for the purpose of entering into a contract with
the neighborhood preservation coalition to provide technical assistance
and services to companies funded pursuant to article XVI of the private
housing finance law. Notwithstanding any other provision of law, and
subject to the approval of the New York state director of the budget,
the board of directors of the state of New York mortgage agency shall
authorize the transfer to the housing trust fund corporation, for the
purposes of reimbursing any costs associated with neighborhood preserv-
ation program contracts authorized by this section, a total sum not to
exceed $14,779,000, such transfer to be made from (i) the special
account of the mortgage insurance fund created pursuant to section
2429-b of the public authorities law, in an amount not to exceed the
actual excess balance in the special account of the mortgage insurance
fund, as determined and certified by the state of New York mortgage
agency for the fiscal year 2017-2018 in accordance with section 2429-b
of the public authorities law, if any, and/or (ii) provided that the
reserves in the project pool insurance account of the mortgage insurance
fund created pursuant to section 2429-b of the public authorities law
are sufficient to attain and maintain the credit rating (as determined by the state of New York mortgage agency) required to accomplish the purposes of such account, the project pool insurance account of the mortgage insurance fund, such transfer to be made as soon as practicable but no later than June 30, 2018.

§ 3. Notwithstanding any other provision of law, the housing trust fund corporation may provide, for purposes of the rural preservation program, a sum not to exceed $6,239,000 for the fiscal year ending March 31, 2019. Within this total amount, one hundred fifty thousand dollars shall be used for the purpose of entering into a contract with the rural housing coalition to provide technical assistance and services to companies funded pursuant to article XVII of the private housing finance law. Notwithstanding any other provision of law, and subject to the approval of the New York state director of the budget, the board of directors of the state of New York mortgage agency shall authorize the transfer to the housing trust fund corporation, for the purposes of reimbursing any costs associated with rural preservation program contracts authorized by this section, a total sum not to exceed $6,239,000, such transfer to be made from (i) the special account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law, in an amount not to exceed the actual excess balance in the special account of the mortgage insurance fund, as determined and certified by the state of New York mortgage agency for the fiscal year 2017-2018 in accordance with section 2429-b of the public authorities law, if any, and/or (ii) provided that the reserves in the project pool insurance account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law are sufficient to attain and maintain the credit rating (as determined by the state of New York mortgage agency) required to accomplish the purposes of such account, the project pool insurance account of the

§ 4. Notwithstanding any other provision of law, the homeless housing and assistance corporation may provide, for purposes of the New York state supportive housing program, the solutions to end homelessness program or the operational support for AIDS housing program, or to qualified grantees under those programs, in accordance with the requirements of those programs, a sum not to exceed $8,333,000 for the fiscal year ending March 31, 2019. The homeless housing and assistance corporation may enter into an agreement with the office of temporary and disability assistance to administer such sum in accordance with the requirements of the programs. Notwithstanding any other provision of law, and subject to the approval of the New York state director of the budget, the board of directors of the state of New York mortgage agency shall authorize the transfer to the homeless housing and assistance corporation, a total sum not to exceed $8,333,000, such transfer to be made from (i) the special account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law, in an amount not to exceed the actual excess balance in the special account of the mortgage insurance fund, as determined and certified by the state of New York mortgage agency for the fiscal year 2017-2018 in accordance with section 2429-b of the public authorities law, if any, and/or (ii) provided that the reserves in the project pool insurance account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law are sufficient to attain and maintain the credit rating (as determined by the state of New York mortgage agency) required to accomplish the purposes of such account, the project pool insurance account of the
mortgage insurance fund, such transfer to be made as soon as practicable
but no later than March 31, 2019.
§ 5. Notwithstanding any other provision of law to the contrary, the
housing trust fund corporation may provide, for purposes of the access
to home program pursuant to article 25 of the private housing finance
law, a sum not to exceed $3,000,000 for the fiscal year ending March 31,
2019. Notwithstanding any other provision of law, and subject to the
approval of the New York state director of the budget, the board of
directors of the state of New York mortgage agency shall authorize the
transfer to the housing trust fund corporation, for the purposes of
reimbursing any costs associated with access to home contracts author-
ized by this section, a total sum not to exceed $3,000,000, such trans-
fer to be made from (i) the special account of the mortgage insurance
fund created pursuant to section 2429-b of the public authorities law,
in an amount not to exceed the actual excess balance in the special
account of the mortgage insurance fund, as determined and certified by
the state of New York mortgage agency for the fiscal year 2017-2018 in
accordance with section 2429-b of the public authorities law, if any,
and/or (ii) provided that the reserves in the project pool insurance
account of the mortgage insurance fund created pursuant to section
2429-b of the public authorities law are sufficient to attain and main-
tain the credit rating (as determined by the state of New York mortgage
agency) required to accomplish the purposes of such account, the project
pool insurance account of the mortgage insurance fund, such transfer to
be made as soon as practicable but not later than June 30, 2018.
§ 6. Notwithstanding any other provision of law to the contrary, the
state office for the aging may provide, for costs associated with
naturally occurring retirement communities, a sum not to exceed one
million dollars for the fiscal year ending March 31, 2019. Notwith-
standing any other provision of law to the contrary, and subject to the
approval of the New York state director of the budget, the board of
directors of the state of New York mortgage agency shall authorize the
transfer to the general fund, for the purposes of reimbursing any costs
associated with naturally occurring retirement communities authorized by
this section, a total sum not to exceed one million dollars, such trans-
fer to be made from (i) the special account of the mortgage insurance
fund created pursuant to section 2429-b of the public authorities law,
in an amount not to exceed the actual excess balance in the special
account of the mortgage insurance fund, as determined and certified by
the state of New York mortgage agency for the fiscal year 2017-2018 in
accordance with section 2429-b of the public authorities law, if any,
and/or (ii) provided that the reserves in the project pool insurance
account of the mortgage insurance fund created pursuant to section
2429-b of the public authorities law are sufficient to attain and main-
tain the credit rating (as determined by the state of New York mortgage
agency) required to accomplish the purposes of such account, the project
pool insurance account of the mortgage insurance fund, such transfer to
be made as soon as practicable but no later than June 30, 2019.
§ 7. Notwithstanding any other provision of law to the contrary, the
state office for the aging may provide, for costs associated with neigh-
borhood naturally occurring retirement communities, a sum not to exceed
one million dollars for the fiscal year ending March 31, 2019. Notwith-
standing any other provision of law to the contrary, and subject to the
approval of the New York state director of the budget, the board of
directors of the state of New York mortgage agency shall authorize the
transfer to the general fund, for the purposes of reimbursing any costs
associated with neighborhood naturally occurring retirement communities authorized by this section, a total sum not to exceed one million dollars, such transfer to be made from (i) the special account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law, in an amount not to exceed the actual excess balance in the special account of the mortgage insurance fund, as determined and certified by the state of New York mortgage agency for the fiscal year 2017-2018 in accordance with section 2429-b of the public authorities law, if any, and/or (ii) provided that the reserves in the project pool insurance account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law are sufficient to attain and maintain the credit rating (as determined by the state of New York mortgage agency) required to accomplish the purposes of such account, the project pool insurance account of the mortgage insurance fund, such transfer to be made as soon as practicable but no later than June 30, 2019.

§ 8. Sections 12 and 13 of part R of chapter 56 of the laws of 2017, relating to utilizing reserves in the mortgage insurance fund for various housing purposes, are amended to read as follows:

§ 12. Notwithstanding any other provision of law to the contrary, the state office for the aging may provide, for costs associated with naturally occurring retirement communities, a sum not to exceed one million dollars for the fiscal year ending March 31, 2018. Notwithstanding any other provision of law to the contrary, and subject to the approval of the New York state director of the budget, the board of directors of the state of New York mortgage agency shall authorize the transfer to the state office for the aging general fund, for the purposes of reimbursing any costs associated with naturally occurring retirement communities authorized by this section, a total sum not to exceed one million dollars, such transfer to be made from (i) the special account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law, in an amount not to exceed the actual excess balance in the special account of the mortgage insurance fund, as determined and certified by the state of New York mortgage agency for the fiscal year 2016-2017 in accordance with section 2429-b of the public authorities law, if any, and/or (ii) provided that the reserves in the project pool insurance account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law are sufficient to attain and maintain the credit rating (as determined by the state of New York mortgage agency) required to accomplish the purposes of such account, the project pool insurance account of the mortgage insurance fund, such transfer to be made as soon as practicable but no later than June 30, 2018.

§ 13. Notwithstanding any other provision of law to the contrary, the state office for the aging may provide, for costs associated with neighborhood naturally occurring retirement communities, a sum not to exceed one million dollars for the fiscal year ending March 31, 2018. Notwithstanding any other provision of law to the contrary, and subject to the approval of the New York state director of the budget, the board of directors of the state of New York mortgage agency shall authorize the transfer to the state office for the aging general fund, for the purposes of reimbursing any costs associated with neighborhood naturally occurring retirement communities authorized by this section, a total sum not to exceed one million dollars, such transfer to be made from (i) the special account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law, in an amount not to exceed
the actual excess balance in the special account of the mortgage insurance fund, as determined and certified by the state of New York mortgage agency for the fiscal year 2016-2017 in accordance with section 2429-b of the public authorities law, if any, and/or (ii) provided that the reserves in the project pool insurance account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law are sufficient to attain and maintain the credit rating (as determined by the state of New York mortgage agency) required to accomplish the purposes of such account, the project pool insurance account of the mortgage insurance fund, such transfer to be made as soon as practicable but no later than June 30, 2018.

§ 9. Notwithstanding any other provision of law, and in addition to the powers currently authorized to be exercised by the state of New York municipal bond bank agency, the state of New York municipal bond bank agency may provide, for purposes of municipal relief to the city of Albany, a sum not to exceed $9,500,000 dollars for the city fiscal year ending December 31, 2018, to the city of Albany. Notwithstanding any other provision of law, and subject to the approval of the New York state director of the budget, the state of New York mortgage agency shall transfer to the state of New York municipal bond bank agency for distribution as municipal relief to the city of Albany, a total sum not to exceed $9,500,000 dollars, such transfer to be made from (i) the special account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law, in an amount not to exceed the actual excess balance in the special account of the mortgage insurance fund, as determined and certified by the state of New York mortgage agency for the fiscal year 2017-2018 in accordance with section 2429-b of the public authorities law, if any, and/or (ii) provided that the reserves in the project pool insurance account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law are sufficient to attain and maintain the credit rating (as determined by the agency) required to accomplish the purposes of such account, the project pool insurance account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law, such transfer to be made as soon as practicable after May 15, 2018, but no later than December 31, 2018, and provided further that the New York state director of the budget may request additional information from the city of Albany regarding the utilization of these funds and the finances and operations of the city, as appropriate.

§ 10. This act shall take effect immediately; provided, however, that the amendments to sections 12 and 13 of chapter 56 of the laws of 2017, made by section eight of this act, shall be deemed to have been in full force and effect on and after April 1, 2017.

PART O

Section 1. Paragraph (c) of subdivision 2 of section 1 of part A of 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, as amended by section 2 of part J of chapter 61 of the laws of 2017, is amended to read as follows:

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

§ 2. Paragraph (c) of subdivision 3 of section 1 of part A of 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, as amended by section 2 of part J of chapter 61 of the laws of 2017, is amended to read as follows:

(c) The affordable housing corporation shall administer this grant program, which shall not exceed in the aggregate $15,000,000 plus any funds directed from the programs authorized in subdivisions 2 and 4 of this section. Such corporation and other relevant state agency or state authorities are hereby empowered to establish grant guidelines and additional eligibility criteria as deemed necessary to effectuate the administration of this program. Any grant guidelines and eligibility criteria established by the corporation pursuant to this subdivision shall be equivalent to, and shall not be more restrictive than, those established by the New York State Urban Development Corporation, doing business as the Empire State Development Corporation, in the grant programs it administered pursuant to part H of chapter 56 of the laws of 2011. In providing assistance pursuant to this subdivision, the affordable housing corporation shall give preference to applicants that demonstrate the greatest need, based on available flood damage data provided by applicable state and/or federal agencies.

§ 3. Paragraph (c) of subdivision 4 of section 1 of part A of 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, as amended by section 2 of part J of chapter 61 of the laws of 2017, is amended to read as follows:

(c) The housing trust fund corporation shall administer this grant program, which shall not exceed in the aggregate $15,000,000 plus any funds directed from the programs authorized in subdivisions 2 and 3 of this section. Such corporation, and other relevant state agencies or state authorities, is hereby empowered to establish grant guidelines and additional eligibility criteria, based on available flood damage data provided by applicable state and/or federal agencies, as it deems necessary to effectuate the administration of this program. Any grant guidelines and eligibility criteria established by the corporation pursuant to this subdivision shall be equivalent to, and shall not be more restrictive than, those established by the New York State Urban Development Corporation, doing business as the Empire State Development Corporation, in the grant programs it administered pursuant to part H of chapter 56 of the laws of 2011. In providing assistance pursuant to this subdivision, the corporation shall give preference to applicants that demonstrate the greatest need, based on available flood damage data provided by applicable state and/or federal agencies.

§ 4. This act shall take effect immediately.
Section 1. Subdivision 2 of section 220 of the labor law, as amended by chapter 678 of the laws of 2007, is amended to read as follows:

2. [Each] **Every** contract [to which the state or a public benefit corporation or a municipal corporation or a commission appointed pursuant to law is a party, and any contract for public work entered into by a third party acting in place of, on behalf of and for the benefit of such public entity pursuant to any lease, permit or other agreement between such third party and the public entity, and which may involve the employment of laborers, workers or mechanics] **for public work** shall contain a stipulation that no laborer, worker or mechanic in the employ of the contractor, subcontractor or other person doing or contracting to do the whole or a part of the work contemplated by the contract shall be permitted or required to work more than eight hours in any one calendar day or more than five days in any one week except in cases of extraordinary emergency including fire, flood or danger to life or property. No such person shall be so employed more than eight hours in any day or more than five days in any one week except in such emergency. Extraordinary emergency within the meaning of this section shall be deemed to include situations in which sufficient laborers, workers and mechanics cannot be employed to carry on public work expeditiously as a result of such restrictions upon the number of hours and days of labor and the immediate commencement or prosecution or completion without undue delay of the public work is necessary in the judgment of the commissioner for the preservation of the contract site and for the protection of the life and limb of the persons using the same. Upon the application of any person interested, the commissioner shall make a determination as to whether or not on any public project or on all public projects in any area of this state, sufficient laborers, workers and mechanics of any or all classifications can be employed to carry on work expeditiously if their labor is restricted to eight hours per day and five days per week, and in the event that the commissioner determines that there are not sufficient workers, laborers and mechanics of any or all classifications which may be employed to carry on such work expeditiously if their labor is restricted to eight hours per day and five days per week, and the immediate commencement or prosecution or completion without undue delay of the public work is necessary in the judgment of the commissioner for the preservation of the contract site and for the protection of the life and limb of the persons using the same, the commissioner shall grant a dispensation permitting all laborers, workers and mechanics, or any classification of such laborers, workers and mechanics, to work such additional hours or days per week on such public project or in such areas the commissioner shall determine. Whenever such a dispensation is granted, all work in excess of eight hours per day and five days per week shall be considered overtime work, and the laborers, workers and mechanics performing such work shall be paid a premium wage commensurate with the premium wages prevailing in the area in which the work is performed. No such dispensation shall be effective with respect to any public work unless and until the department of jurisdiction, as defined in this section, certifies to the commissioner that such public work is of an important nature and that a delay in carrying it to completion would result in serious disadvantage to the public. Time lost in any week because of inclement weather by employees engaged in the construction, reconstruction and maintenance of highways outside of the
limits of cities and villages may be made up during that week and/or the
succeeding three weeks.

§ 2. Subdivision 5 of section 220 of the labor law is amended by
adding four new paragraphs m, n, o and p to read as follows:

m. For the purposes of this article, "public work" means any of the
following:
   (i) Construction paid for in whole or in part out of public funds;
   (ii) Construction work performed under private contract when all of
the following conditions exist:
      (A) The construction contract is between private parties;
      (B) The property subject to the construction contract is privately
owned, but upon completion of the construction work, any portion of the
property is leased or will be leased to the state or any public entity,
and one of the following conditions exist:
         (1) The public entity entered into or bargained for the lease agree-
ment prior to the construction contract; or
         (2) The construction work is performed according to plans, specifica-
tions, or criteria furnished by the public entity, and the lease agree-
ment between the lessor and public entity, as lessee, is entered into
during, or upon completion of, the construction work, or within six
months following completion of the construction work; or
         (iii) Construction work performed on property owned by a public entity
in whole or in part or will be owned or maintained by a public entity in
whole or in part upon completion of the project.
   (iv) For the purposes of this article, "public work" shall not mean
any of the following:
      (A) Construction work on one or two family dwellings where the proper-
ty is the owner's primary residence or construction work done on proper-
ty where the owner of the property owns no more than four dwelling
units;
      (B) Construction work performed under a contract with a non-profit as
defined in section one hundred two of the not-for-profit corporation law
where the value of the public funds provided to the non-profit for the
project is less than one hundred thousand dollars and the non-profit has
gross annual revenue and support less than one million dollars; or
      (C) Construction work performed on a multiple dwelling where no less
than seventy-five percent of the residential units are affordable for
households up to sixty percent of the area median income, adjusted for
family size, as calculated by the United States department of housing
and urban development, provided however, that any construction performed
on non-residential space in connection with a multiple dwelling project
shall be considered public work if it meets any of the criteria in this
paragraph. Further, any construction work performed on a project eligi-
able for benefits under section four hundred twenty-one-a of the real
property tax law shall not be considered public work for the purposes of
this article.

n. "Paid for in whole or in part out of public funds" means all of the
following:
   (i) The payment of money or the equivalent of money, including the
issuance of bonds and grants, by the state or a public entity, or a
third party acting on behalf of and for the benefit of the state or
public entity, directly to or on behalf of the public works contractor,
subcontractor, or developer.
   (ii) Performance of construction work by the state or any public enti-
ty in the execution of the project.
(iii) Transfer by the state or a public entity of an asset of value for less than fair market value.

(iv) Fees, costs, rents, insurance or bond premiums, loans, interest rates, taxes, or other obligations that would normally be required in the execution of the project, that are paid, reduced, charged at less than fair market value, waived, or forgiven by the state or public entity.

(v) Money loaned by the state or public entity that is to be repaid on a contingent basis.

(vi) Credits that are applied by the state or public entity against repayment obligations to the state or public entity.

o. "Public entity" includes, but is not limited to, the state, a local development corporation as defined in subdivision eight of section eighteen hundred one of the public authorities law or section fourteen hundred eleven of the not-for-profit corporation law, municipal corporation as defined in section one hundred nineteen-n of the general municipal law, industrial development agencies formed pursuant to article eighteen-a of the general municipal law or industrial development authorities formed pursuant to article eight of the public authorities law, educational corporation established under article fifty-six of the education law, commission appointed pursuant to law, as well as state, local and interstate and international authorities as defined in section two of the public authorities law; and shall include any trust created by any such entities.

p. (i) "Construction" includes, but is not limited to, demolition, reconstruction, excavation, rehabilitation, repair, installation, renovation, alteration, and custom fabrication. "Construction" also includes work performed during the design and preconstruction phases of construction, including but not limited to, inspection and land surveying work and work performed during the post-construction phases of construction, including, but not limited to, all cleanup work at the jobsite. "Construction" also includes the delivery to and hauling from the jobsite of aggregate supply construction materials, such as sand, gravel, stone, dirt, fill, as well as any necessary return hauls, whether empty or loaded.

(ii) For the purposes of this article, "custom fabrication" means the fabrication and all drafting related to the fabrication of all masonry panels, woodwork, cases, cabinets, or counters, and the fabrication of plumbing, heating, cooling, ventilation, or exhaust duct systems, and mechanical insulation solely and specifically designed and engineered for installation in the construction, repair, or renovation of a building, regardless of where the custom fabrication is performed. The applicable prevailing wage for any off-site custom fabrication work shall be the on-site prevailing wage for the public work site.

§ 3. The labor law is amended by adding a new section 224-a to read as follows:

§ 224-a. Stop-work orders. Where a complaint is received pursuant to this article, or where the fiscal officer upon his or her own investigation, finds cause to believe that any person, in connection with the performance of any contract for public work, has substantially and materially failed to comply with or intentionally evaded the provisions of this article, the commissioner may notify such person in writing of his or her intention to issue a stop-work order. Such notice shall (i) be served in a manner consistent with section three hundred eight of the civil practice law and rules; (ii) notify such person of his or her right to a hearing; and (iii) state the factual basis upon which the
commissioner has based his or her decision to issue a stop-work order. Any documents, reports, or information that form a basis for such decision shall be provided to such person within a reasonable time before the hearing. Such hearing shall be expeditiously conducted. Following the hearing, if the commissioner issues a stop-work order, it shall be served by regular mail, and a second copy may be served by telefacsimile or by electronic mail, with service effective upon receipt of any of such order. Such stop-work order shall also be served with regard to a worksite by posting a copy of such order in a conspicuous location at the worksite. The order shall remain in effect until the commissioner directs that the stop-work order be removed, upon a final determination on the complaint or where such failure to comply or evade has been deemed corrected. If the person against whom such order is issued shall within thirty days after issuance of the stop-work order makes an application in affidavit form for a redetermination review of such order the commissioner shall make a decision in writing on the issues raised in such application. The commissioner may direct a conditional release from a stop-work order upon a finding that such person has taken meaningful and good faith steps to comply with the provisions of this article.

§ 4. This act shall take effect immediately.

PART Q

Section 1. Section 2 of the lien law is amended by adding three new subdivisions 21, 22 and 23 to read as follows:

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

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

23. Wage claim. The term "wage claim", when used in this chapter, means a claim that an employee has suffered a violation of sections one hundred seventy, one hundred ninety-one, one hundred ninety-three, one hundred ninety-six-d, six hundred fifty-two or six hundred seventy-three of the labor law or the related regulations and wage orders promulgated by the commissioner, a claim for wages due to an employee pursuant to an employment contract that were unpaid in violation of that contract, or a claim that an employee has suffered a violation of 29 U.S.C. § 206 or 207.

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

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

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

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

§ 3. Subdivisions 1 and 2 of section 4 of the lien law, subdivision 1
as amended by chapter 515 of the laws of 1929 and subdivision 2 as added
by chapter 704 of the laws of 1985, are amended to read as follows:
(1) A mechanic's or employee's lien against
real property shall extend to the owner's right, title or interest in
the real property and improvements, existing at the time of filing the
notice of lien, or thereafter acquired, except as hereinafter in this
article provided. If an owner assigns his interest in such real property
by a general assignment for the benefit of creditors, within thirty days
prior to such filing, the lien shall extend to the interest thus
assigned. If any part of the real property subjected to such lien be
removed by the owner or by any other person, at any time before the
discharge thereof, such removal shall not affect the rights of the
lienor, either in respect to the remaining real property, or the part so
removed. If labor is performed for, or materials furnished to, a
contractor or subcontractor for an improvement, the mechanic's lien
shall not be for a sum greater than the sum earned and unpaid on the
contract at the time of filing the notice of lien, and any sum subse-
quently earned thereon. In no case shall the owner be liable to pay by
reason of all mechanic's liens created pursuant to this article a sum
greater than the value or agreed price of the labor and materials
remaining unpaid, at the time of filing notices of such liens, except as
hereinafter provided.

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

§ 4. The opening paragraph of section 4-a of the lien law, as amended by chapter 696 of the laws of 1959, is amended to read as follows:
The proceeds of any insurance which by the terms of the policy are payable to the owner of real property improved, and actually received or to be received by him because of the destruction or removal by fire or other casualty of an improvement on which lienors have performed labor or services or for which they have furnished materials, or upon which an employee has established an employee's lien, shall after the owner has been reimbursed therefrom for premiums paid by him, if any, for such insurance, be subject to liens provided by this act to the same extent and in the same order of priority as the real property would have been had such improvement not been so destroyed or removed.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(d) Notwithstanding the foregoing, if a lienor commences a foreclosure action or an action to obtain a judgment on the wage claim within one year from the filing of the notice of lien on real property or the recording of the financing statement creating lien on personal property, the lien shall be extended during the pendency of the action and for one hundred twenty days following the entry of final judgment in such action, unless the action results in a final judgment or administrative order in the lienor's favor on the wage claims and the lienor commences a foreclosure action, in which instance the lien shall be valid during the pendency of the foreclosure action. If a lien is extended due to the pendency of a foreclosure action or an action to obtain a judgment on the wage claim, the lienor shall file a notice of such pendency and extension with the county clerk of the county in which the notice of lien is filed, containing the names of the parties to the action, the object of the action, a brief description of the property affected thereby, and the time of filing the notice of lien, or in the case of a lien on personal property shall file such notice with the office authorized to accept financing statements pursuant to section 9-501 of the uniform commercial code. For purposes of this section, an action to obtain judgment on a wage claim includes an action brought in any court of competent jurisdiction, the submission of a complaint to the department of labor or the submission of a claim to arbitration pursuant to an arbitration agreement. An action also includes an investigation of wage claims by the commissioner of labor or the attorney general of the state of New York, regardless of whether such investigation was initiated by a complaint.
A lien, the duration of which has been extended by the filing of a notice of the pendency of an action as above provided, shall nevertheless terminate as a lien after such notice has been canceled as provided in section sixty-five hundred fourteen of the civil practice law and rules or has ceased to be effective as constructive notice as provided in section sixty-five hundred thirteen of the civil practice law and rules.

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

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

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

a. The execution of any such bond or undertaking by any fidelity or surety company authorized by the laws of this state to transact business, shall be sufficient; and where a certificate of qualification has been issued by the superintendent of financial services under the provisions of section one thousand one hundred eleven of the insurance law, and has not been revoked, no justification or notice thereof shall be necessary. Any such company may execute any such bond or undertaking as surety by the hand of its officers, or attorney, duly authorized thereto by resolution of its board of directors, a certified copy of which resolution, under the seal of said company, shall be filed with each bond or undertaking. Any such bond or undertaking shall be filed with the clerk of the county in which the notice of lien is filed, and a copy shall be served upon the adverse party. The undertaking is effective when so served and filed. If a certificate of qualification issued pursuant to subsections (b), (c) and (d) of section one thousand one hundred eleven of the insurance law is not filed with the undertaking, a party may except, to the sufficiency of a surety and by a written notice of exception served upon the adverse party within ten days after receipt, a copy of the undertaking. Exceptions deemed by the court to have been taken unnecessarily, or for vexation or delay, may, upon notice, be set aside, with costs. Where no exception to sureties is taken within ten days or where exceptions taken are set aside, the undertaking shall be allowed.

b. In the case of bonds or undertakings not executed pursuant to paragraph a of this subdivision, the employer, owner or contractor shall execute an undertaking with two or more sufficient sureties, who shall be free holders, to the clerk of the county where the premises are situated. The sureties must together justify in at least double the sum
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1 named in the undertaking. A copy of the undertaking, with notice that
2 the sureties will justify before the court, or a judge or justice there-
3 of, at the time and place therein mentioned, must be served upon the
4 lienor or his attorney, not less than five days before such time. Upon
5 the approval of the undertaking by the court, judge or justice an order
6 shall be made by such court, judge or justice discharging such lien.
7  c. If the lienor cannot be found, or does not appear by attorney,
8 service under this subsection may be made by leaving a copy of such
9 undertaking and notice at the lienor's place of residence, or if a
10 corporation at its principal place of business within the state as stat-
11 ed in the notice of lien, with a person of suitable age and discretion
12 therein, or if the house of his abode or its place of business is not
13 stated in said notice of lien and is not known, then in such manner as
14 the court may direct. The premises, if any, described in the notice of
15 lien as the lienor's residence or place of business shall be deemed to
16 be his said residence or its place of business for the purposes of said
17 service at the time thereof, unless it is shown affirmatively that the
18 person servicing the papers or directing the service had knowledge to
19 the contrary. Notwithstanding the other provisions of this subdivision
20 relating to service of notice, in any case where the mailing address of
21 the lienor is outside the state such service may be made by registered
22 or certified mail, return receipt requested, to such lienor at the mail-
23 ing address contained in the notice of lien.
24  d. Except as otherwise provided in this subdivision, the provisions of
25 article twenty-five of the civil practice law and rules regulating
26 undertakings is applicable to a bond or undertaking given for the
27 discharge of a lien on account of private improvements or of an employ-
28 ee's lien.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

§ 43. Action in a court of record; consolidation of actions. The provisions of the real property actions and proceedings law relating to actions for the foreclosure of a mortgage upon real property, and the sale and the distribution of the proceeds thereof apply to actions in a court of record, to enforce mechanics' liens and employees' liens on real property, except as otherwise provided in this article. If actions are brought by different lienors in a court of record, the court in which the first action was brought, may, upon its own motion, or upon the application of any party in any of such actions, consolidate all of such actions.

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

§ 46. Action in a court not of record. If an action to enforce a mechanic's lien or employee's lien against real property is brought in a court not of record, it shall be commenced by the personal service upon the owner of a summons and complaint verified in the same manner as a complaint in an action in a court of record. The complaint must set forth substantially the facts contained in the notice of lien, and the substance of the agreement under which the labor was performed or the
materials were furnished, **or if the lien is based upon a wage claim as defined in section two of this chapter, the basis for such wage claim.**

The form and contents of the summons shall be the same as provided by law for the commencement of an action upon a contract in such court. The summons must be returnable not less than twelve nor more than twenty days after the date of the summons, or if service is made by publication, after the day of the last publication of the summons. Service must be made at least eight days before the return day.

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

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

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

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

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

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

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

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

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

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

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

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

2. By commissioner. On behalf of any employee paid less than the wage to which the employee is entitled under the provisions of this article, the commissioner may bring any legal action necessary, including administrative action, to collect such claim, and the employer shall be required to pay the full amount of the underpayment, plus costs, and unless the employer proves a good faith basis to believe that its under-
payment was in compliance with the law, an additional amount as liqui-
dated damages. Liquidated damages shall be calculated by the commissi-
er as no more than one hundred percent of the total amount of
underpayments found to be due the employee. In any action brought by the
commissioner in a court of competent jurisdiction, liquidated damages
shall be calculated as an amount equal to one hundred percent of under-
payments found to be due the employee. Each employee or his or her
authorized representative shall be notified in writing of the outcome of
any legal action brought on the employee's behalf pursuant to this
section.
§ 27. Subdivision 5 of section 6201 of the civil practice law and
rules, as amended by chapter 860 of the laws of 1977 and as renumbered
by chapter 618 of the laws of 1992, is amended and a new subdivision 6
is added to read as follows:
5. the cause of action is based on a judgment, decree or order of a
court of the United States or of any other court which is entitled to
full faith and credit in this state, or on a judgment which qualifies
for recognition under the provisions of article 53[+] of this chapter; or
6. the cause of action is based on wage claims. "Wage claims," when
used in this chapter, shall include any claims of violations of articles
five, six, and nineteen of the labor law, section two hundred fifteen of
the labor law, and the related regulations or wage orders promulgated by
the commissioner of labor, including but not limited to any claims of
unpaid, minimum, overtime, and spread-of-hours pay, unlawfully retained
gratuities, unlawful deductions from wages, unpaid commissions, unpaid
benefits and wage supplements, and retaliation, and any claims pursuant
to 18 U.S.C. § 1595, 29 U.S.C. § 201 et seq., and/or employment contract
as well as the concomitant liquidated damages and penalties authorized
pursuant to the labor law, the Fair Labor Standards Act, or any employ-
ment contract.
§ 28. Section 6210 of the civil practice law and rules, as added by
chapter 860 of the laws of 1977, is amended to read as follows:
§ 6210. Order of attachment on notice; temporary restraining order;
contents. Upon a motion on notice for an order of attachment, the court
may, without notice to the defendant, grant a temporary restraining
order prohibiting the transfer of assets by a garnishee as provided in
subdivision (b) of section 6214. When attachment is sought pursuant to
subdivision six of section 6201, and if the employer contests the
motion, the court shall hold a hearing within ten days of when the
employer's response to plaintiffs' motion for attachment is due. The
contents of the order of attachment granted pursuant to this section
shall be as provided in subdivision (a) of section 6211.
§ 29. Subdivision (b) of section 6211 of the civil practice law and
rules, as amended by chapter 566 of the laws of 1985, is amended to read
as follows:
(b) Confirmation of order. Except where an order of attachment is
granted on the ground specified in subdivision one or six of section
6201, an order of attachment granted without notice shall provide that
within a period not to exceed five days after levy, the plaintiff shall
move, on such notice as the court shall direct to the defendant, the
garnishee, if any, and the sheriff, for an order confirming the order of
attachment. Where an order of attachment without notice is granted on
the ground specified in subdivision one or six of section 6201, the
court shall direct that the statement required by section 6219 be served
within five days, that a copy thereof be served upon the plaintiff, and
the plaintiff shall move within ten days after levy for an order confirming the order of attachment. If the plaintiff upon such motion shall show that the statement has not been served and that the plaintiff will be unable to satisfy the requirement of subdivision (b) of section 6223 until the statement has been served, the court may grant one extension of the time to move for confirmation for a period not to exceed ten days. If plaintiff fails to make such motion within the required period, the order of attachment and any levy thereunder shall have no further effect and shall be vacated upon motion. Upon the motion to confirm, the provisions of subdivision (b) of section 6223 shall apply. An order of attachment granted without notice may provide that the sheriff refrain from taking any property levied upon into his actual custody, pending further order of the court.

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

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

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

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

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

§ 6223. Vacating or modifying attachment. (a) Motion to vacate or modify. Prior to the application of property or debt to the satisfaction of a judgment, the defendant, the garnishee or any person having an interest in the property or debt may move, on notice to each party and the sheriff, for an order vacating or modifying the order of attachment. Upon the motion, the court may give the plaintiff a reasonable opportunity to correct any defect. [If] Except as provided under subdivision (b), if, after the defendant has appeared in the action, the court determines that the attachment is unnecessary to the security of the plaintiff, it shall vacate the order of attachment. Such a motion shall not of itself constitute an appearance in the action.
(b) Burden of proof. Except where an order of attachment is granted pursuant to subdivision six of section 6201, upon a motion to vacate or modify an order of attachment the plaintiff shall have the burden of establishing the grounds for the attachment, the need for continuing the levy and the probability that he will succeed on the merits. Upon a motion to vacate or modify an order of attachment granted pursuant to subdivision six of section 6201, the defendant shall have the burden to demonstrate that the attachment is unnecessary to the security of the plaintiff, in order to vacate or modify the attachment order.

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

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

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

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

(a) The ten largest shareholders, as determined by the fair value of their beneficial interest as of the beginning of the period during which the unpaid services referred to in this section are performed, of every domestic corporation or of any foreign corporation, when the unpaid services were performed in the state, no shares of which are listed on a national securities exchange or regularly quoted in an over-the-counter market by one or more members of a national or an affiliated securities association, shall jointly and severally be personally liable for all debts, wages or salaries due and owing to any of its laborers, servants or employees other than contractors, for services performed by them for such corporation. Before such laborer, servant or employee shall charge such shareholder for such services, he shall give notice in writing to such shareholder that he intends to hold him liable under this section. Such notice shall be given within one hundred and eighty days after termination of such services, except that if, within such period, the
laborer, servant or employee demands an examination of the record of
shareholders under paragraph (b) of section 621 (Books and records; right of inspection, prima-facie evidence) of this article, such notice may be given within sixty days after he has been given the opportunity to examine the record of shareholders. An action to enforce such liability shall be commenced within ninety days after the return of an execution unsatisfied against the corporation upon a judgment recovered against it for such services.] The provisions of this paragraph shall not apply to an investment company registered as such under an act of congress entitled "Investment Company Act of 1940."

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

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

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

(c) Notwithstanding the provisions of subdivisions (a) and (b) of this section, the ten members with the largest percentage ownership interest, as determined as of the beginning of the period during which the unpaid services referred to in this section are performed, of every limited liability company, shall jointly and severally be personally liable for all debts, wages or salaries due and owing to any of its laborers, servants or employees, for services performed by them for such limited liability company. [Before such laborer, servant or employee shall charge such member for such services, he or she shall give notice in writing to such member that he or she intends to hold such member liable under this section. Such notice shall be given within one hundred eighty days after termination of such services. An action to enforce such liability shall be commenced within ninety days after the return of an execution unsatisfied against the limited liability company upon a judgment recovered against it for such services.] A member who has paid more than his or her pro rata share under this section shall be entitled to contribution pro rata from the other members liable under this section with respect to the excess so paid, over and above his or her pro rata share, and may sue them jointly or severally or any number of them to recover the amount due from them. Such recovery may be had in a separate
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1 action. As used in this subdivision, "pro rata" means in proportion to
2 percentage ownership interest. Before a member may claim contribution
3 from other members under this section, he or she shall give them notice
4 in writing that he or she intends to hold them so liable to him or her.
5 § 35. Section 1102 of the limited liability company law is amended by
6 adding a new subdivision (e) to read as follows:
7  (e) Any person who is or shall have been a laborer, servant or employ-
8 see of a limited liability company, upon at least five days' written
9 demand shall have the right to examine in person or by agent or attor-
10 ney, during usual business hours, records described in paragraph two of
11 subdivision (a) of this section throughout the period of time during
12 which such laborer, servant or employee provided services to such compa-
13 ny. A company requested to provide information pursuant to this para-
14 graph shall make available such records in written form and in any other
15 format in which such information is maintained by the company and shall
16 not be required to provide such information in any other format. Upon
17 refusal by the company or by an officer or agent of the company to
18 permit an inspection of the records described in this paragraph, the
19 person making the demand for inspection may apply to the supreme court
20 in the judicial district where the office of the company is located,
21 upon such notice as the court may direct, for an order directing the
22 company, its members or managers to show cause why an order should not
23 be granted permitting such inspection by the applicant. Upon the return
24 day of the order to show cause, the court shall hear the parties summar-
25 ily, by affidavit or otherwise, and if it appears that the applicant is
26 qualified and entitled to such inspection, the court shall grant an
27 order compelling such inspection and awarding such further relief as to
28 the court may seem just and proper. If the applicant is found to be
29 qualified and entitled to such inspection, the company shall pay all
30 reasonable attorney's fees and costs of said applicant related to the
31 demand for inspection of the records.
32 § 36. This act shall take effect on the thirtieth day after it shall
33 have become a law. The procedures and rights created in this act may be
34 used by employees, laborers or servants in connection with claims for
35 liabilities that arose prior to the effective date.

PART R

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

ARTICLE 128
PUBLIC UNIVERSITY AFFILIATED ORGANIZATIONS AND FOUNDATIONS

Section 6360. Public university and foundation oversight.

§ 6360. Public university and foundation oversight. 1. Definition.
For purposes of this section, the term "affiliated organization or foun-
dation" shall mean an organization or foundation formed under the not-
for-profit corporation law or any other entity formed for the benefit of
or controlled by the state university of New York or the city university
of New York or their respective universities, colleges, community
colleges, campuses or subdivisions, including the research foundation of
the state university of New York and the research foundation of the city
university of New York, to assist in meeting the specific needs of, or
providing a direct benefit to, the respective university, college,
community college, campus or subdivision or the university as a whole,
that has control of, manages or receives one hundred thousand dollars or
more annually, including alumni associations. For the purposes of this
section, this term does not include a student-run organization comprised solely of enrolled students and formed for the purpose of advancing a student objective.

2. Financial control policies. (a) The trustees of the state university of New York and the city university of New York and each affiliated organization or foundation shall respectively adopt financial control policies designed to prevent corruption, fraud, criminal activity, conflicts of interest or abuse.

(b) The state university of New York, the city university of New York, and each affiliated organization or foundation shall each appoint compliance officers to provide assistance in oversight and monitoring of the financial control policies established pursuant to this section by the respective state university of New York, city university of New York or affiliated organization or foundation.

3. Reporting requirements. (a) The trustees of the state university of New York and the city university of New York shall require, on or before November first of each year, an annual report of any affiliated organization or foundation, in a standardized format developed by the chancellor. The annual reports required by this subdivision shall be posted publicly on the website of the state university of New York or the city university of New York, respectively, in a readable format by November first of each year. The reports shall include, but not be limited to:

(i) financial reports, including: audited financials following generally accepted accounting principles as defined in subdivision ten of section two of the state finance law; and any long-term liabilities;

(ii) a list of all contracts including amount, purpose and identifying vendor information of each; and

(iii) the total number of employees of such organization or foundation by department and job location and amount spent on personnel by department and job location, which shall include annual employee salaries, or other compensation, employee job titles and descriptions and employee benefits.

(b) The reports required by this subdivision shall not require disclosure of information that: (i) is specifically exempted from disclosure by state or federal law; (ii) if disclosed would constitute an unwarranted invasion of personal privacy under the provisions of subdivision two of section eighty-nine of the public officers law; (iii) if disclosed would impair imminent contract awards or collective bargaining negotiations; (iv) are trade secrets or is information that if disclosed would cause substantial injury to a competitive business position; (v) are records of an affiliated organization or foundation relating to charitable donors or prospective donors, provided that records relating to fundraising strategies would, if disclosed, impair the ability of such affiliated organization or foundation to attract or gain donations, and provided, however, that the name of any donor and the amount of donation made by such donor shall be subject to disclosure if such donor, or any entity in which such donor has a substantial interest, seeks to transact business, or does transact business, with such affiliated organization or foundation to which the donation is made within three years of the date of such donation; and (vi) are academic or scientific research or research-related records, including any draft, preliminary or unfunded grant or contract document, whether sponsored by the affiliated organization or foundation itself or in conjunction with a third party, or records relating to such affiliated organization or foundation’s intellectual property, which, if disclosed, would adversely affect license, patent, copyright or other rights of such affiliated
organization or foundation. This paragraph shall not be construed to
permit an affiliated organization or foundation to withhold records or
portions thereof pertaining to the name, title, expenditure, source or
amount of public funding relating to such research or intellectual prop-
erty.

4. Access to records. a. Access to records of each affiliated organ-
ization or foundation which receives or distributes any public money,
and which provides grants, funding or other support for economic devel-
oping purposes, construction purposes, or other capital purposes, shall
be governed pursuant to article six of the public officers law,
provided, however, that such affiliated organization or foundation may
also deny access to records or portions thereof that: (i) are records of
an affiliated organization or foundation relating to charitable donors
or prospective donors provided that records relating to fundraising
strategies would, if disclosed, impair the ability of such affiliated
organization or foundation to attract or gain donations, and provided,
however, that the name of any donor and the amount of any donation made
by such donor shall be subject to disclosure if such donor, or any enti-
ty in which such donor has a substantial interest, seeks to transact
business, or does transact business, with such affiliated organization
or foundation to which the donation is made within three years of the
date of such donation; or (ii) are academic or scientific research or
research-related records, including any draft, preliminary or unfunded
grant or contract document, whether sponsored by the affiliated organ-
ization or foundation itself or in conjunction with a third party, or
records relating to such affiliated organization or foundation's intel-
lectual property, which, if disclosed, would adversely affect license,
patent, copyright or other rights of such affiliated organization or
foundation;
b. This subdivision shall not be construed to permit an affiliated
organization or foundation to withhold records or portions thereof
pertaining to the name, title, expenditure, source or amount of public
funding relating to such research or intellectual property.
c. This subdivision shall be liberally construed to provide access to
records to the greatest extent possible.

5. Open meetings. a. Meetings of each affiliated organization or foun-
dation which receives or distributes any public money, and which
provides grants, funding or other support for economic development
purposes, construction purposes, or other capital purposes, shall be
open to the public pursuant to article seven of the public officers law,
provided, however, that an affiliated organization or foundation may
upon a majority vote of its total membership, taken in an open meeting
pursuant to a motion identifying the specific subject to be considered
may also conduct an executive session to discuss: (i) matters relating
to charitable donors or prospective donors provided that discussion of
such fundraising strategies would, if discussed in public, impair the
ability of such affiliated organization or foundation to attract or gain
donations; or (ii) matters that are academic or scientific research or
research-related, including discussion of any draft, preliminary or
unfunded grant or contract document, whether sponsored by the affiliated
organization or foundation itself or in conjunction with a third party;
or (iii) matters relating to such affiliated organization or founda-
tion's intellectual property, which, if disclosed, would adversely
affect license, patent, copyright or other rights of such affiliated
organization or foundation.
b. This subdivision shall be liberally construed to permit public access to meetings of the affiliated organization or foundation to the greatest extent possible.

§ 2. This act shall take effect immediately.

PART S

Section 1. Clauses (v) and (vi) of subparagraph 4 of paragraph h of subdivision 2 of section 355 of the education law, as amended by section 1 of part JJJ of chapter 59 of the laws of 2017, are amended and a new clause (vi) is added to read as follows:

(v) Beginning in state fiscal year two thousand seventeen--two thousand eighteen, the state shall appropriate and make available general fund operating support, including fringe benefits, for the state university in an amount not less than the amount appropriated and made available in the prior state fiscal year; provided, however, that if the governor declares a fiscal emergency, and communicates such emergency to the temporary president of the senate and speaker of the assembly, state support for operating expenses at the state university and city university may be reduced in a manner proportionate to one another, and the aforementioned provisions shall not apply; provided further, the state shall appropriate and available general fund support to fully fund the tuition credit pursuant to subdivision two of section six hundred sixty-nine-h of this title.

(vi) Beginning in state fiscal year two thousand nineteen--two thousand twenty and thereafter, the state shall appropriate and make available general fund operating support and fringe benefits, for the state university and the state university health science centers in an amount not less than the amounts separately appropriated and made available in the prior state fiscal year; provided, further, the state shall appropriate and make available general fund operating support to cover all mandatory costs of the state university and the state university health science centers, which shall include, but not be limited to, collective bargaining costs including salary increments, fringe benefits, and other non-personal service costs such as utility costs, building rentals and other inflationary expenses incurred by the state university and the state university health science centers, and any increase in the tuition credit pursuant to section six hundred eighty-nine-a of this title as tuition increases are enacted by the board of trustees of the state university; provided, however, that if the governor declares a fiscal emergency, and communicates such emergency to the temporary president of the senate and speaker of the assembly, state support for operating expenses at the state university and city university may be reduced in a manner proportionate to one another, and the aforementioned provisions shall not apply; provided further, the state shall appropriate and make available general fund support to fully fund the tuition credit pursuant to subdivision two of section six hundred sixty-nine-h of this title.

(vii) For the state university fiscal years commencing two thousand eleven--two thousand twelve and ending two thousand fifteen--two thousand sixteen, each university center may set aside a portion of its tuition revenues derived from tuition increases to provide increased financial aid for New York state resident undergraduate students whose net taxable income is eighty thousand dollars or more subject to the approval of a NY-SUNY 2020 proposal by the governor and the chancellor of the state university of New York. Nothing in this paragraph shall be
1 construed as to authorize that students whose net taxable income is
2 eighty thousand dollars or more are eligible for tuition assistance
3 program awards pursuant to section six hundred sixty-seven of this chap-
4 ter.
5 § 2. Subparagraph (v) of paragraph (a) of subdivision 7 of section
6 6206 of the education law, as amended by section 2 of part JJJ of chap-
7 ter 59 of the laws of 2017, is amended and a new subparagraph (vi) is
8 added to read as follows:
9 (v) Beginning in state fiscal year two thousand seventeen--two thou-
10 sand eighteen and ending in state fiscal year two thousand [twenty]
11 eighteen--two thousand [twenty-one] nineteen, the state shall appropr-
12 iate and make available general fund operating support, including fringe
13 benefits, for the city university in an amount not less than the amount
14 appropriated and made available in the prior state fiscal year; provided,
15 however, that if the governor declares a fiscal emergency, and
16 communicates such emergency to the temporary president of the senate and
17 speaker of the assembly, state support for operating expenses at the
18 state university and city university may be reduced in a manner propor-
19 tionate to one another, and the aforementioned provisions shall not
20 apply; provided further, the state shall appropriate and make available
21 general fund support to fully fund the tuition credit pursuant to subdi-
22 vision two of section six hundred sixty-nine-h of this chapter.
23 (vi) Beginning in state fiscal year two thousand nineteen--two thou-
24 sand twenty and thereafter, the state shall appropriate and make avail-
25 able general fund operating support and fringe benefits, for the city
26 university in an amount not less than the amounts separately appropri-
27 ated and made available in the prior state fiscal year; provided,
28 further, the state shall appropriate and make available general fund
29 operating support to cover all mandatory costs of the city university,
30 which shall include, but not be limited to, collective bargaining costs,
31 including salary increments, fringe benefits, and other non-personal
32 service costs such as utility costs, building rentals and other infla-
33 tionary expenses incurred by the city university, and any increase in
34 the tuition credit pursuant to section six hundred eighty-nine-a of this
35 chapter as tuition increases are enacted by the board of trustees of the
36 city university; provided, however, that if the governor declares a
37 fiscal emergency, and communicates such emergency to the temporary pres-
38 ident of the senate and speaker of the assembly, state support for oper-
39 ating expenses at the state university and city university may be
40 reduced in a manner proportionate to one another, and the aforementioned
41 provisions shall not apply; provided further, the state shall appropri-
42 ate and make available general fund support to fully fund the tuition
43 credit pursuant to subdivision two of section six hundred sixty-nine-h
44 of this chapter.
45 § 3. This act shall take effect immediately provided that:
46 (a) the amendments to subparagraph 4 of paragraph h of subdivision 2
47 of section 355 of the education law made by section one of this act
48 shall not affect the expiration and reversion of such subparagraph
49 pursuant to chapter 260 of the laws of 2011, as amended, and shall
50 expire therewith; and
51 (b) the amendments to paragraph (a) of subdivision 7 of section 6206
52 of the education law made by section two of this act shall not affect
53 the expiration and reversion of such paragraph pursuant to chapter 260
54 of the laws of 2011, as amended, and shall expire therewith.
Section 1. Section 22-c of the state finance law is amended by adding a new subdivision 7 to read as follows:

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

§ 2. This act shall take effect immediately.

PART U

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

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

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

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

§ 2. This act shall take effect immediately.
Section 1. The education law is amended by adding a new article 120 to read as follows:

ARTICLE 120

NEW YORK STATE FIREARM VIOLENCE RESEARCH

§ 5950. New York state firearm violence research institute. 1. Institute formation and goals. The New York state firearm violence research institute, hereinafter the "institute", is hereby created within the state university of New York. The purposes of the institute shall include:

(a) advising the governor, governmental agencies, the regents, and the legislature on matters relating to firearm violence in New York state;
(b) fostering, pursuing and sponsoring collaborative firearm violence research;
(c) increasing understanding by establishing and reporting on what is known and what is not known about firearm violence of the state;
(d) identifying priority needs for firearm violence research and inventory work within New York that currently are not receiving adequate attention, and identifying public or private entities that are best situated to address such needs, thereby leading to better coordination of firearm violence research efforts in the state;
(e) promoting awareness of existing and new sources of firearm violence information and firearm violence while educating elected officials, governmental agencies, and the general public on firearm violence issues through such means as it may determine;
(f) organizing and sponsoring meetings on firearm violence topics;
(g) encouraging the establishment of networks of collaborating experts engaged in related aspects of firearm violence research;
(h) raising sensitivity to firearm violence concerns among state and local government agencies, and serving as a forum for enhanced interagency information sharing and cooperation;
(i) working on a continuing basis with policymakers in the legislature and state agencies to identify, implement, and evaluate innovative firearm violence prevention policies and programs;
(j) recruiting and providing specialized training opportunities for new researchers, including postdoctoral scholars, doctoral students, and undergraduates; and
(k) providing copies of their research publications to the legislature and to agencies supplying data used in the conduct of such research as soon as is practicable following publication.

2. Research. The institute shall foster, pursue, and sponsor basic, translational, and transformative research, field studies, and all other such activities to research:
(a) the nature of firearm violence, including individual and societal determinants of risk for involvement in firearm violence, whether as a victim or a perpetrator;
(b) the individual, community, and societal consequences of firearm violence;
(c) the prevention and treatment of firearm violence at the individual, community, and societal levels; and
(d) the effectiveness of existing laws and policies intended to reduce firearm violence and efforts to promote the responsible ownership and use of firearms.
3. **Education and information transfer programs.** The institute shall foster the collection, transfer, and application of firearm violence information in the state by:
   (a) fostering access, compatibility, interchange, and synthesis of data about firearm violence maintained by public entities, academic and research institutions, and private organizations;
   (b) employing advanced technology to coordinate for ease of use of the scattered firearm violence resources of the state; and
   (c) supporting the preparation and publication of interpretative works that draw upon firearm violence resources.

4. **Quinquennial reports.** The institute shall prepare and submit a report on or before January first, two thousand nineteen and every five years thereafter to the governor and the legislature describing programs undertaken or sponsored by the institute, the status of knowledge regarding the state's firearm violence, and research needs related thereto.

5. **Executive committee.** The institute shall be guided by an executive committee. Members of the committee shall be from varying backgrounds with members selected from the scientific community, academic community, as well as from government service. Such committee shall consist of seventeen members including the commissioner, the commissioner of criminal justice services, the commissioner of health, the chancellor of the university or their designees, seven at large members appointed by the governor, one of whom shall be chairperson, two members appointed by the temporary president of the senate, one member appointed by the minority leader of the senate, two members appointed by the speaker of the assembly and one member appointed by the minority leader of the assembly. Appointed members shall serve for a term of three years, provided that such members may be reappointed. The executive committee shall:
   (a) adopt policies, procedures, and criteria governing the programs and operations of the institute;
   (b) recommend to the governor and legislature appropriate actions to deal with firearm violence within the state;
   (c) develop and implement the research, education and information transfer programs of the institute;
   (d) identify proposals for firearm violence research; and
   (e) meet publicly at least twice a year. The committee shall widely disseminate notice of its meetings at least two weeks prior to each meeting. The commissioners on the executive committee and the chancellor of the university shall aid in such dissemination.

6. **Scientific working group.** The executive committee shall appoint a scientific working group composed of not more than fifteen individuals representing governmental agencies, academic or research institutions, educational organizations, the firearm industry and related non-profit organizations. Members of the scientific working group shall have knowledge and expertise in firearm violence research and shall serve for a term of three years, provided that members may be reappointed for more than one term at the discretion of the executive committee. The scientific working group shall make recommendations to the executive committee with respect to:
   (a) the identification of priority firearm violence research needs in the state;
   (b) the development and implementation of the institute's research, education, and information transfer programs; and
   (c) identification of proposals for firearm violence research.
7. **Institute director.** The institute shall have a director who shall be appointed by the executive committee and shall after appointment be an employee of the state university. The institute director shall serve at the pleasure of the executive committee. The institute director shall serve as chief administrative officer of the institute and provide the necessary support for the executive committee.

8. **Compensation.** The members of the executive committee and the scientific working group shall serve without additional compensation, provided however, members of the executive committee representing state agencies may receive reimbursement for their actual and necessary expenses from their respective agencies. Members of the executive committee and scientific working group shall be considered state employees for the purposes of sections seventeen and nineteen of the public officers law.

9. **Memorandum of understanding.** The department, the department of health, the department of motor vehicles, and the division of criminal justice services shall enter into a written memorandum of understanding to facilitate the appropriate implementation of the firearm violence research institute and the goals, responsibilities, and programs established by this section.

$2. This act shall take effect on the ninetieth day after it shall have become a law.

**PART W**

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

1. Eligibility. An excelsior scholarship award shall be made to an applicant who: (a) is matriculated in an approved program leading to an undergraduate degree at a New York state public institution of higher education; (b) if enrolled in (i) a public institution of higher education prior to application, has completed at least thirty combined credits per year following the student's start date, or its equivalent, applicable to his or her program or programs of study or (ii) an institution of higher education prior to application, has completed at least thirty combined credits per year following the student's start date, or its equivalent, applicable to his or her program or programs of study and which were accepted upon transfer to a public institution of higher education; (c) enrolls in at least twelve credits per semester and completes at least thirty combined credits per year following the student's start date, or its equivalent, applicable to his or her program or programs of study except in limited circumstances as prescribed by the corporation in regulation. Notwithstanding, in the student's last semester, the student may take at least one course needed to meet his or her graduation requirements and enroll in and complete at least twelve credit hours or its equivalent. For students who are disabled as defined by the Americans With Disabilities Act of 1990, 42 USC 12101, the corporation shall prescribe rules and regulations that allow applicants who are disabled to be eligible for an award pursuant to this section based on modified criteria; (d) has an adjusted gross income for the qualifying year, as such terms are defined in this subdivision, equal to or less than: (i) one hundred thousand dollars for recipients receiving an award in the two thousand seventeen--two thousand eighteen academic year; (ii) one hundred ten thousand dollars for recipients receiving an award in the two thousand eighteen--two thousand nineteen...
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1 academic year; and (iii) one hundred twenty-five thousand dollars for
2 recipients receiving an award in the two thousand nineteen--two thousand
3 twenty academic year and thereafter; and (e) complies with the applica-
4 ble provisions of this article and all requirements promulgated by the
5 corporation for the administration of the program. Adjusted gross income
6 shall be the total of the combined adjusted gross income of the appli-
7 cant and the applicant's parents or the applicant and the applicant's
8 spouse, if married. Qualifying year shall be the adjusted gross
9 income as reported on the federal income tax return, or as otherwise
10 obtained by the corporation, for the calendar year coinciding with the
11 tax year established by the U.S. department of education to qualify
12 applicants for federal student financial aid programs authorized by
13 Title IV of the Higher Education Act of nineteen hundred sixty-five, as
14 amended, for the school year in which application for assistance is
15 made.

Provided, however, if an applicant demonstrates to the corpo-
ration that there has been a change in such applicant's adjusted gross
income in the year subsequent to the qualifying year which would qualify
such applicant for an award, the corporation shall review and make a
determination as to whether such applicant meets the requirement set
forth in paragraph (d) of this subdivision based on such year.

§ 2. This act shall take effect immediately.

PART X

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

§ 669-i. Martin Luther King, Jr. scholarship. 1. Purpose. The New York
state Martin Luther King, Jr. scholarship is hereby established for the
purpose of granting awards to assist students with the expenses of non-
tuition costs and fees associated with attending an institution of high-
er education in the state of New York.

2. Eligibility. A Martin Luther King, Jr. scholarship award shall be
made to an applicant who is eligible for an award under the tuition
assistance program as set forth in section six hundred sixty-seven of
this subpart.

3. Amount. Within amounts appropriated therefor and based on the
availability of funds, awards shall be granted beginning with the two-
thousand eighteen--two thousand nineteen academic year and thereafter to
applicants that the corporation has determined are eligible to receive
such awards. The corporation shall grant an annual award in the amount
of three thousand five hundred dollars to each applicant.

4. Qualified non-tuition costs. An award pursuant to this section
shall be applied toward a recipient's non-tuition costs and fees. For
the purposes of this section non-tuition costs shall include room and
board, transportation expenses, textbooks and instructional materials,
technology and electronic devices, and personal expenses including
clothing, food, or medical, vision, and dental insurance.

5. Duration. An eligible recipient shall not receive an award for more
than four academic years of full-time undergraduate study or five
academic years if the program of study normally requires five years. An
eligible recipient enrolled in an eligible two-year program of study
shall not receive an award for more than two academic years.

6. Recipient selection. The president may establish: (a) an applica-
tion deadline and (b) a method of selecting recipients in accordance
with the demonstrated financial needs if in any given year there are
insufficient funds to cover the needs of all applicants as determined by
the corporation, provided that priority shall be given to eligible applicants who have received an award pursuant to this section in a prior year.

7. Other awards. Recipients shall be eligible to apply for other awards under this article. Awards pursuant to this section shall not be included within the calculation for determining a student's eligibility or award amount for an excelsior scholarship pursuant to section six hundred sixty-nine-h of this subpart or an enhanced tuition award pursuant to section six hundred sixty-seven-d of this subpart.

8. Rules and regulations. The corporation is authorized to promulgate rules and regulations, and may promulgate emergency regulations, necessary for the implementation of the provisions of this section.

§ 2. This section shall take effect immediately.

PART Y

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

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

d. Credit requirements. An award shall be made to an applicant who:

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

§ 2. This act shall take effect immediately.

PART Z

Section 1. Paragraph (d) of subdivision 1 of section 332 of the social services law, as amended by section 148 of part B of chapter 436 of the laws of 1997, is amended to read as follows:
(d) a parent or other relative of a child who is personally providing care for such child under one year of age [for a maximum period of twelve months, only three months of which shall be attributable to any one child, except as otherwise extended up to the twelve month period by the social services official];
§ 2. Subdivision 2 of section 410-x of the social services law, as amended by chapter 416 of the laws of 2000, is amended to read as follows:
2. (a) A social services district may establish priorities for the families which will be eligible to receive funding; provided that the priorities provide that eligible families will receive equitable access to child care assistance funds to the extent that these funds are available.
(b) A social services district shall set forth its priorities for child care assistance in the district's consolidated services plan. The commissioner of the office of children and family services shall not approve any plan that does not provide for equitable access to child care assistance funds.
(c) A social services district shall be authorized to set aside portions of its block grant allocation to serve one or more of its priority groups and/or to discontinue funding to families with lower priorities in order to serve families with higher priorities; provided that the method of disbursement to priority groups provides that eligible families within a priority group will receive equitable access to child care assistance funds to the extent that these funds are available.
(d) Notwithstanding any other provision of law to the contrary, the commissioner in any social services district that does not have sufficient funding to serve all eligible working families under two hundred percent of the state income standard, shall offer the twelve month work exemption provided in paragraph (d) of subdivision one of section three hundred thirty-two of this chapter, to all parents or other relatives in receipt of public assistance who are personally providing care for a child under one year of age regardless of whether such parent or other relative has previously been offered an exemption under such section three hundred thirty-two. This section shall not apply to individuals who:
   (i) solely participate in work activities that provide earned income;
   or
   (ii) participate in a combination of work activities; for the portion of work activities that provide earned income.
(e) In the event that a social services district must discontinue funding to a priority group it shall notify the office of children and family services within ten days of such action, identifying the particular group affected. In the event that funding is restored, the social services district shall notify the office of children and family services within ten days of such restoration.
(f) Each social services district shall collect and submit to the commissioner of the office of children and family services in a manner to be specified by the commissioner of the office of children and family services information concerning the disbursement of child care assistance funds showing geographic distribution of children receiving assistance within the district, the number of working families who were otherwise eligible for child care assistance but who were denied because the district lacked sufficient funding to serve all eligible families and the number and age of children who could not be served as a result.
The commissioner of the office of children and family services shall submit a report to the governor, temporary president of the senate and the speaker of the assembly on or before August thirty-first, two thousand one of every year concerning the implementation of this section. This report shall include information concerning the disbursement of child care assistance funds showing geographic distribution of children receiving assistance within the state. Beginning August thirty-first, one year after the chapter of the laws of two thousand eighteen that amended this subdivision shall take effect, and each subsequent report thereafter, such report shall also:

(i) identify the counties that have discontinued or restored funding to priority groups, as set forth in subdivision (e) of this section;
(ii) list the priority groups affected;
(iii) provide for each county for each of the twelve months covered by this report the number of working families who were otherwise eligible for child care assistance but who were denied because the district lacked sufficient funding to serve all eligible families; and
(iv) the number and age of children who could not be served as a result.

§ 3. This act shall take effect April 1, 2018.

PART AA

Section 1. Section 54-m of the state finance law is REPEALED and a new section 54-m is added to read as follows:

§ 54-m. Local share requirements associated with increasing the age of juvenile jurisdiction above fifteen years of age. Notwithstanding any other provision of law to the contrary, counties and the city of New York shall not be required to contribute a local share of eligible expenditures that would not have been incurred absent the provisions of chapter fifty-nine of the laws of two thousand seventeen that increased the age of juvenile jurisdiction above fifteen years of age.

§ 2. Section 104-a of part WWW of chapter 59 of the laws of 2017, relating to proceedings against juvenile and adolescent offenders, relating to costs associated with the transport of youth is REPEALED.

§ 3. Notwithstanding any other provision of law to the contrary, state funding shall be available for one hundred percent of a county's costs associated with transport of youth by the applicable county sheriff that would not otherwise have occurred absent the provisions of chapter 59 of the laws of 2017 that increased the age of juvenile jurisdiction above fifteen years of age.

§ 4. This act shall take effect immediately provided:
(a) section one of this act shall take effect April 1, 2018; and
(b) section three of this act shall be deemed to be in full force and effect on and after April 1, 2017.

PART BB

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

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

§ 2. This act shall take effect immediately.

PART CC

Section 1. Paragraph h of subdivision 2 of section 355 of the education law is amended by adding a new subparagraph 3-a to read as follows:

(3-a) Upon a formal declaration of a disaster in accordance with the Robert T. Stafford Disaster Relief and Emergency Assistance Act, the state university trustees shall be authorized to set a reduced rate of tuition and/or fees for residents of the area impacted by the declaration provided that such reduced rate of tuition and fees is no less than that imposed for students who are residents of the state.

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

8-a. Upon a formal declaration of a disaster in accordance with the Robert T. Stafford Disaster Relief and Emergency Assistance Act, a community college shall be authorized to set a reduced rate of tuition and/or fees for residents of the area impacted by the declaration provided that such reduced rate of tuition and fees is no less than the tuition rate charged for residents as approved by the state university trustees.

§ 3. This act shall take effect immediately.

PART DD

Section 1. The social services law is amended by adding a new section 131-bb to read as follows:

§ 131-bb. Homeless rental supplement pilot program. 1. Establishment. Notwithstanding any other provision of law to the contrary, participating local social services districts shall establish a homeless rental supplement pilot program for eligible individuals and families in accordance with this section.

2. Homeless rental supplement. (a) On and after October first, two thousand eighteen, participating local social services districts shall, within amounts appropriated therefor, provide a supplement to eligible individuals and families as defined in subdivision three of this section, that, in addition to their shelter allowance, is equal to one hundred percent of the fair market rent in the district, as established by the two thousand eighteen federal department of housing and urban development, for the particular household composition. Provided however, nothing herein shall require a participating local social services
district to provide a shelter supplement that is more than the actual
cost of rent. The shelter supplement shall be issued by the local social
services district directly to the landlord or vendor and shall not be
considered as part of the standard of need as defined in paragraph (b)
of subdivision ten of section one hundred thirty-one-a of this title.

(b) Individuals not in receipt of public assistance, residing in a
household that is benefiting from such supplement shall contribute thir-
ty percent of their gross income, or their pro rata share of the rent,
whichever is less. Minor children without income shall not be counted in
the pro rata share equation. In addition, the income of minor children
shall not be considered part of the gross income.

3. Eligibility. For the purposes of this section, "eligible individ-
uals and families" shall mean individuals and families residing in a
participating local social services district who are eligible for public
assistance and are either homeless and lack a fixed, regular, and
adequate nighttime residence, including but not limited to, the formerly
incarcerated returning to the community who lack such residence, or are
at imminent risk of becoming homeless. A participating local social
services district may establish priority groups for eligible individuals
and families depending on the need within the local social services
district.

4. Supplement availability. Participating local social services
districts shall provide the supplement to eligible individuals and fami-
lies for a period of three years, provided however, that if such indi-
viduals or families are no longer eligible for public assistance, the
local social services district shall continue to provide the supplement
for one year from the date of such determination of ineligibility, so
long as the income of such individual or family does not exceed two
hundred percent of the federal poverty level.

5. Sanction status. The supplement shall not be affected by a recipi-
ent's sanction status.

6. Report. (a) Each participating local social services district shall
contract with a not-for-profit agency with previous experience interact-
ing with and assisting homeless individuals and families to evaluate the
homeless rental supplement pilot program. Such reports shall identify
and evaluate, to the extent practicable, the number of individuals and
families who received a supplement; factors contributing to the partic-
ipants' homelessness; whether any priority groups were identified to be
served and the reason for such prioritization; the program's effective-
ness in keeping individuals and families receiving the supplement stably
housed; estimated avoided costs from such stability, including, but not
limited to avoided costs in temporary shelter; improved outcomes for the
individuals and families receiving the supplement as it pertains to
education and attendance at school, where applicable, job retention, and
health, and general well-being of individuals and families receiving the
supplement, compared to similarly situated individuals not in receipt of
the supplement; and any other information the contracted agencies deem
relevant and necessary for a comprehensive evaluation of the homeless
rental supplement.

(b) Such contracted agencies shall issue an initial report on January
first, two thousand twenty and a final report on January first, two
thousand twenty-two to the governor, the speaker of the assembly, the
temporary president of the senate, the chairs of the senate and assembly
social services committees, the chairs of the assembly ways and means
committee and the senate finance committee.
§ 2. This act shall take effect October 1, 2018. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed by the commissioner of the office of temporary and disability assistance on or before such date.

PART EE

Section 1. Section 131 of the social services law is amended by adding a new subdivision 21 to read as follows:

21. (a)(i) Notwithstanding any other provision of law, rule or regulation to the contrary, a local social services district with a population of five million or more shall offer a savings plan approved by the office of temporary and disability assistance, which individuals may contribute to in lieu of applying a portion of a temporary housing assistance recipient's earned income that, but for the other provisions of this subdivision, would be applied to reduce the need for the shelter component of temporary housing assistance provided in a temporary emergency shelter.

(ii) Individuals or families in receipt of temporary housing assistance who are participating in a plan as established by this subdivision shall not be denied or have their temporary housing assistance discontinued if they fail to immediately participate in such plan.

(iii) Any earned income contributed by an individual or family in receipt of temporary housing assistance to a savings plan established by this subdivision, shall be payable only to such individual or family and may be used to facilitate their transition to, or stabilize their residence in, permanent housing. Such income shall be considered exempt as income or a resource until the twelfth month following the month in which the individual or family ceases to receive temporary housing assistance in a temporary emergency shelter.

(b) Any other local social services district may implement a plan, upon approval from the office of temporary and disability assistance that would assist homeless individuals or families receiving temporary housing assistance to facilitate their transition to, or stabilize their residence in, permanent housing. Provided that any plan established by a local social services district shall, at a minimum include the elements in subparagraphs (ii) and (iii) of paragraph (a) of this subdivision.

(c) Any local social services district implementing a plan pursuant to this subdivision shall be deemed in compliance with section one hundred thirty-one-a of this title for reimbursement of expenditures made for temporary housing assistance, provided such local social services district is implementing the plan fully in accordance with the provisions of this subdivision.

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

PART FF

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

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

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

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

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

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

Such renewal application shall be submitted to the charter entity no sooner than one calendar year prior to the expiration of the charter and no later than six months prior to the expiration of the charter; provided, however, that the charter entity may waive such deadline for good cause shown.
§ 4. Subdivision 2 of section 2852 of the education law, as amended by section 2 of part D-2 of chapter 57 of the laws of 2007, is amended to read as follows:

2. An application for a charter school shall not be approved unless the charter entity finds in writing that:
   (a) the charter school described in the application meets the requirements set out in this article and all other applicable laws, rules and regulations;
   (b) the applicant can demonstrate the ability to operate the school in an educationally and fiscally sound manner;
   (c) granting the application is likely to improve student learning and achievement and materially further the purposes set out in subdivision two of section twenty-eight hundred fifty of this article; and
   (d) in a school district where the total enrollment of resident students attending charter schools in the base year is greater than five percent of the total public school enrollment of the school district in the base year (i) granting the application would have a significant educational benefit to the students expected to attend the proposed charter school and (ii) the school district in which the charter school will be located consents to such application.

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

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

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

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

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

(i) that the proposed charter school would meet or exceed the enrollment
and retention targets, as prescribed by the board of regents or
the board of trustees of the state university of New York, as applica-
able, of students with disabilities, English language learners, and
students who are eligible applicants for the free and reduced price
lunch program. When developing such targets, the board of regents and
the board of trustees of the state university of New York, shall ensure
(1) that such enrollment targets are comparable to the enrollment
figures of such categories of students attending the public schools
within the school district, or in a city school district in a city
having a population of one million or more inhabitants, the community
school district, in which the proposed charter school would be located;
and (2) that such retention targets are comparable to the rate of
retention of such categories of students attending the public schools
within the school district, or in a city school district in a city
having a population of one million or more inhabitants, the community
school district, in which the proposed charter school would be located.

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

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

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

(a) A charter school may be located in part of an existing public
school building, in space provided on a private work site, in a public
building or in any other suitable location. Provided, however, before a
charter school may be located in part of an existing public school
building, the charter entity shall provide notice to the parents or
guardians of the students then enrolled in the existing school building
and shall hold a public hearing for purposes of discussing the location
of the charter school. All contracts entered into by such charter
school; any education corporation organized to operate a charter school; any public entity including the state, a public benefit corporation, municipal corporation; or any private entity acting on behalf of any of these entities, involving the construction, reconstruction, demolition, excavation, rehabilitation, repair, renovation, or alteration of any charter school facility shall be subject to the requirements of section one hundred three of the general municipal law and articles eight and nine of the labor law. A charter school may own, lease or rent its space.

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

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

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

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

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

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

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

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

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

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

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

(ii) the most recent auditor's report on the financial statements of the charter school and any charter affiliate;
(iii) the "unqualified" opinion received from the auditor of the most recent financial statements as to, among other things, compliance with generally accepted accounting principles; and
(iv) any compensation or remuneration, whether paid or given, including but not limited to salary, bonus, and deferred compensation and any benefit having monetary value, including but not limited to, perquisites, fringe benefits, employer contributions to defined contribution retirement plans and other retirement or severance benefits received by a charter executive from any source.

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

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

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

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

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

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

(iii) "charter executive" means: (A) an officer, director, trustee, consultant, supervisory employee of a charter school or charter affiliate or (B) anyone who exerts operational or managerial influence or control over the school including, but not limited to, influence or control over the school through a charter management company.
§ 11. Section 2853 of the education law is amended by adding a new
subdivision 6 to read as follows:

6. Executive compensation. (a) No charter school shall provide any
compensation to any individual who is also an officer, director, trus-
tee, consultant, or employee of a charter affiliate or to any individual
who exerts operational or managerial influence or control over the
school through a charter affiliate.
(b) (i) No charter school or charter affiliate shall permit the total
compensation received by a charter executive to be greater than one
hundred ninety-nine thousand dollars per annum, including not only state
funds and state-authorized payments but also any other sources of fund-
ing, and greater than the seventy-fifth percentile of that compensation
provided to charter executives of other charter schools and charter
affiliates within the same or comparable geographic area as established
by a compensation survey identified, provided, or recognized by the
commissioner and the director of the division of the budget.
(ii) If the commissioner and the director of the division of the budg-
et find good cause after considering the factors set forth in subpara-
graph (iv) of this paragraph, a waiver of the limit on total compen-
sation that a charter executive may receive may be granted, provided,
however, that in no event shall the total compensation exceed one
hundred and fifty percent of Level I of the federal government’s Rates
of Basic Pay for the Executive Schedule promulgated by the United States
Office of Personnel Management.
(iii) The application for a waiver must be filed no later than the
fifteenth day of February of the year for which the waiver is sought.
The application shall be transmitted in the manner and form specified by
the commissioner and the director of the division of the budget. A waiv-
er may be only for the single calendar year in which it is granted.
(iv) The following factors, in addition to any other deemed relevant
by the commissioner and the director of the division of the budget,
shall be considered in the determination of whether good cause exists to
grant a waiver:
(A) the extent to which the executive compensation that is the subject
of the waiver request is comparable to that given to comparable charter
executives of charter schools or charter affiliates of the same size and
within the same or comparable geographic area;
(B) the extent to which the charter school would be unable to provide
educational services at the same levels of quality and availability
without a waiver of the limit on total compensation that a charter exec-
utive may receive;
(C) the nature, size, and complexity of the charter school or charter
affiliate's operations;
(D) the charter school or charter affiliate's review and approval
process for the total compensation that is the subject of the waiver,
including whether such process involved a review and approval by the
board of trustees of the school, whether such review was conducted by at
least two independent directors or independent members of the board of
trustees, whether such review included an assessment of comparability
data including a compensation survey, and a contemporaneous substanti-
ation of the deliberation and decision to approve the total compen-
sation;
(E) the qualifications and experience possessed by or required for the
charter executive's position; and
(F) the charter school or charter affiliate's efforts, if any, to
secure a charter executive with the same levels of experience, exper-
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tise, and skills for the position of the charter executive at lower
2. levels of compensation.
   (v) To be considered, an application for such a waiver shall comply
3. with this paragraph in its entirety.
   (vi) Unless additional information has been requested but not received
4. from the charter school or charter affiliate, a decision on a timely
5. submitted waiver application shall be provided no later than sixty
6. calendar days after submission of the application.
   (vii) If granted, a waiver to a charter executive shall remain in
7. effect for the calendar year it is issued in, but shall be deemed
8. revoked if:
   (A) the total compensation that is the subject of the waiver
9. increases; or
   (B) notice of revocation is provided to the charter executive at the
10. discretion of the department as a result of additional relevant circum-
11. stances.
   (viii) Information provided in connection with a waiver application
12. shall be subject to public disclosure pursuant to article six of the
13. public officers law.
   (ix) Where a waiver is granted, the commissioner shall make it public-
14. ly available via the department’s official internet website within five
15. days.
   (c) No charter school shall use funds received pursuant to section
16. twenty-eight hundred fifty-six of this article or allow a charter affili-
17. ate to use funds received from the charter school to provide a total
18. compensation to a charter executive greater than one hundred ninety-nine
19. thousand dollars per annum.
   (d) Failure to comply with the provisions of this subdivision shall
20. result in the assessment of a penalty against the payor in an amount
21. equal to the amount of compensation paid or provided in violation of
22. this subdivision.
   (e) A charter school’s failure to comply with the provisions of this
23. subdivision shall be a very significant factor in determining whether
24. the charter entity or the board of regents terminates the school’s char-
25. ter.
   (f) As used in this subdivision:
   (i) “total compensation” shall include: (A) any compensation or remun-
26. eration, whether paid or given, by or on behalf of the charter school or
27. any charter affiliate, for services rendered to, on behalf of, or at the
28. request of the charter school, including but not limited to salary,
29. bonus, and deferred compensation and (B) any benefit having monetary
30. value provided by or on behalf of the charter school or any charter
31. affiliate, including but not limited to, perquisites, fringe benefits,
32. employer contributions to defined contribution retirement plans and
33. other retirement or severance benefits.
   (ii) "charter affiliate" means: (A) any entity that is, directly or
34. indirectly, controlled by, in control of, or under common control with
35. the charter school or (B) any entity or affiliate thereof that provides
36. management, fundraising, or other administrative support services to the
37. charter school.
   (iii) "charter executive" means: (A) an officer, director, trustee,
38. consultant, supervisory employee of a charter school or charter affil-
39. iate or (B) anyone who exerts operational or managerial influence or
40. control over the school including, but is not limited to, influence or
41. control over the school through a charter management company.
§ 12. Section 2853 of the education law is amended by adding a new subdivision 7 to read as follows:

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

§ 13. Paragraphs (b) and (c) of subdivision 1 of section 2854 of the education law, as amended by section 10-b of part A of chapter 56 of the laws of 2014, are amended to read as follows:

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

(c) A charter school shall be subject to the financial audits, the audit procedures, and the audit requirements set forth in the charter, and shall be subject to audits of the comptroller of the city school district of the city of New York for charter schools located in New York city, and to the audits of the comptroller of the state of New York for all charter schools located in the state, at his or her discretion, with respect to the school’s financial operations. Such procedures and standards shall be consistent with generally accepted accounting and audit standards. Independent fiscal audits shall be required at least once annually.

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

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

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

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

(iii) Prior to a charter school selecting or enrolling students for
38 the next school year, the commissioner shall provide the charter school
39 with the minimum number of students it shall enroll and continually keep
40 enrolled in each category pursuant to subparagraph (ii) of this para-
41 graph. The minimum number of students each charter school shall enroll
42 and continually keep enrolled in each category pursuant to subparagraph
43 (ii) of this paragraph shall be made public by the commissioner no later
44 than five business days after it has been provided to the charter
45 school.

(iv) A charter school shall enroll each eligible student who submits a
46 timely application by the first day of April each year[7] unless the
47 number of applications exceeds the capacity of the grade level or build-
48 ing or would cause the charter school to be below the minimum number of
49 students it must enroll and continually keep enrolled in each category
50 pursuant to subparagraph (ii) of this paragraph. In such cases, students
51 shall be accepted from among applicants by a random selection process,  
52 provided[7 however] that separate random selection processes shall be
conducted for students that are not in any category set forth in subparagraph (ii) of this paragraph and for students in each category set forth in subparagraph (ii) of this paragraph such that a charter school enrolls at least the minimum number of students required pursuant to subparagraph (ii) of this paragraph.

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

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

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

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

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

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

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

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

(B) Reports pursuant to this subparagraph shall be made to the board of regents, the school's charter entity, the comptroller of the city of New York for charter schools located in New York city and the comptroller of the state of New York for charter schools located outside of the city of New York, and the superintendent of the district in which the charter school is located or, for charter schools located within the geographic area served by the city school district of the city of New York, the chancellor of the city school district of the city of New York. The commissioner shall ensure that such report is made publicly available via such department's official internet website within five days of its receipt.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(iii) For the purposes of this subdivision:

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

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

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

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

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

(b) Serious violations of law;

(c) Material and substantial violation of the charter; including fiscal mismanagement;

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

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

(f) Failure to comply with the data reporting requirements prescribed in subdivisions two and two-a of section twenty-eight hundred fifty-seven of this article.
§ 16. Subdivision 3 of section 2855 of the education law, as added by chapter 4 of the laws of 1998, is amended to read as follows:

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

**(b)** A charter school that is placed on probationary status shall annually notify the parents or guardians of all students and applicants of the placement. The initial notice shall be distributed within two weeks of being placed on probationary status. Such notice shall be written and delivered via mail. The department shall identify all charter schools on probationary status on the department's website and shall also post the remedial action plan.

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

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

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

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

2. In the event that in any school year a charter school receives combined payments from any local, state, or federal source that exceed expenditures for such school year related to the operation of such charter school by seven percent, then any excess funds above such amount shall be returned proportionately to all school districts that have paid tuition to such charter school.
§ 19. Subdivision 3 of section 2856 of the education law, as added by chapter 4 of the laws of 1998 and as renumbered by section eighteen of this act, is amended to read as follows:

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

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

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

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

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

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

(b) discussion of the progress made towards achievement of the goals
set forth in the charter[\textsuperscript{\textregistered}]i;

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

(d) efforts taken by the charter school in the existing school year,
and a plan for efforts to be taken in the succeeding school year, to
meet or exceed the enrollment [and retention targets set by the board of
regents or the board of trustees of the state university of New York, as
applicable, of students with disabilities, English language learners,
and students who are eligible applicants for the free and reduced-price
lunch program established pursuant to paragraph (e) of subdivision four
of section twenty-eight hundred fifty-one of this article.] requirements
of subparagraph (ii) of paragraph (b) of subdivision two of section two
thousand eight hundred fifty-four of this article;

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

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

2-a. Each charter school shall post contact information for the
school's board of trustees as well as the name and contact information
of the school's charter entity on the website of the charter school.
§ 21. Subdivision 7 of section 179-q of the state finance law, as added by chapter 166 of the laws of 1991, is amended to read as follows:

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

§ 22. This act shall take effect immediately.

PART GG

Section 1. Section 851 of the labor law, as added by chapter 624 of the laws of 1999, is amended to read as follows:

§ 851. Administration. The department shall be the state's lead workforce investment and development agency and shall be responsible for the administration of certain workforce investment funds appropriated on or after April first, two thousand eighteen for programs that focus on emerging industries across New York state.

§ 2. Subdivision 3 of section 852 of the labor law, as added by chapter 624 of the laws of 1999, is amended to read as follows:

3. Duties and responsibilities of the board. (a) The board shall assist the governor in fulfilling the requirements of the federal Workforce Investment Act of 1998 (P.L.105-220) including:

- development of the state plan;
- development and continuous improvement of a statewide system of activities that are funded under subtitle B of title I of the federal Workforce Investment Act of 1998 (P.L. 105-220) or carried out through a one-stop delivery system that receives funds under such subtitle, including:
  - development of linkages in order to assure coordination and nonduplication among the programs and activities that comprise the one-stop delivery system; and
  - review of local plans;
- commenting at least once annually on the measures taken pursuant to paragraph fourteen of subdivision (b) of section one hundred thirteen of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C.2323 (b) (14));
- designation of local workforce investment areas. With regard to designations that are not automatic or temporary, the governor may approve a request from any unit of general local government (including a combination of such units) for designation as a local area if the
board determines, taking into account the factors described in clauses
(i) through (v) of subparagraph (B) of paragraph (1) of subdivision (a)
of section one hundred sixteen of the federal Workforce Investment Act
of 1998 (P.L. 105-220), and recommends to the governor that such area
should be so designated;
(v) development of allocation formulas for the distribution of
funds for adult employment and training activities and youth activities
to local areas;
(vi) development and continuous improvement of comprehensive
state performance measures, including state adjusted levels of perform-
ance to assess the effectiveness of the workforce investment activities
in the state;
(vii) development of the statewide employment statistics system
described in subdivision (e) of section fifteen of the Wagner/Peyser
Act; and
(viii) development of an application for incentive grants
awarded by the secretary of labor to states that exceed the state
adjusted levels of performance.
(b) The board shall be responsible for the administration of certain
workforce investment funds appropriated on or after April first, two
thousand eighteen including, but not limited to, the following programs
that focus on emerging industries across New York state:
(i) workforce development and training programs that are administered
by the re-employment service fund established under section five hundred
fifty-two-a of this chapter;
(ii) adult, youth and dislocated worker employment and training local
workforce investment area programs and statewide rapid response activ-
ities that are funded under subtitle B of title I of the federal Work-
force Investment Act of 1998 (P.L. 105-220), provided, however up to one
million dollars shall be used for the development of a job training
program for employment opportunities at John F. Kennedy International
Airport;
(iii) job training funds made available to community colleges based on
a workforce development plan submitted by the state university of New
York or the city university of New York, as approved by the director of
the budget;
(iv) state financial assistance for community college contract courses
and workforce development administered by the state university of New
York or the city university of New York;
(v) services and expenses to support community colleges of the state
university of New York or the city university of New York in establish-
ing and developing registered apprenticeship programs with area busi-
nesses;
(vi) plans for grant awards available to all colleges, universities
and community colleges as defined by section three hundred fifty and
section sixty-two hundred two of the education law that provide exper-
imental learning opportunities that connect students to the workforce,
as approved by the governor and the chancellor of the state university
of New York or the chancellor of the city university of New York;
(vii) tax credits to New York state employers for procuring skills
training that upgrades or improves the productivity of their employees
pursuant to article twenty-two of the economic development law; and
(viii) the development of offshore wind resources pursuant to a plan
administered by the New York state energy research and development
authority.
(c) For the purposes of this subdivision, each of the programs described in paragraph (b) of this subdivision shall be considered a "workforce development funding program" as defined by subdivision fifteen of section twenty-one of this chapter.

§ 3. Section 853 of the labor law, as added by chapter 624 of the laws of 1999, is amended to read as follows:

§ 853. Report. 1. The department shall be responsible for the preparation of the annual report to the secretary of labor describing those activities of the workforce investment board taken to comply with the requirements of the federal Workforce Investment Act of 1998 (P.L. 105-220), as well as a report to the governor and legislature describing such activities, on or before the first day of January, two thousand one and on the first day of January in each consecutive year thereafter.

2. The department shall be responsible for the preparation of an annual report to evaluate the activities of the workforce investment board with respect to its administration of certain workforce investment funds appropriated on or after April first, two thousand eighteen including, but not limited to, programs that focus on emerging industries across New York state, as authorized pursuant to paragraph (b) of subdivision three of section eight hundred fifty-two of this article. Such report shall be submitted to the governor, the temporary president of the senate, and the speaker of the assembly on or before the first day of January, two thousand nineteen and each year thereafter by the first of January and shall include the following information:
   (a) the name and description of each program and a description of the workforce investment funds, which shall include, but not be limited to, the process by which such funds were distributed, any co-investment or matching requirements, and any maintenance of effort requirements;
   (b) the number and types of jobs, training, and other workforce development opportunities that have been created in the state and in each labor market region defined by the department as the result of such funds;
   (c) all amounts appropriated to and disbursed by each program for workforce development purposes in each of the most recent three years;
   (d) a detailed analysis of the distribution and utilization of such funds for workforce development purposes, taking into consideration any programmatic or geographic restrictions, including, but not limited to, a description of the regions and individuals served by each program;
   (e) a detailed analysis of the impact of such funds on the creation and development of jobs, training, and other workforce investment opportunities in New York state; and
   (f) all relevant data pertaining to the outcomes and effectiveness of each program and the number of persons served by such funding.

§ 4. This act shall take effect April 1, 2018.

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

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