

# STATE OF NEW YORK

---

9506--A

## IN ASSEMBLY

January 18, 2018

---

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.

LBD12672-02-8

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  
2 which are necessary to implement the state fiscal plan for the 2018-2019  
3 state fiscal year. Each component is wholly contained within a Part  
4 identified as Parts A through GG. The effective date for each particular  
5 provision contained within such Part is set forth in the last section of  
6 such Part. Any provision in any section contained within a Part, includ-  
7 ing the effective date of the Part, which makes a reference to a section  
8 "of this act", when used in connection with that particular component,  
9 shall be deemed to mean and refer to the corresponding section of the

1 Part in which it is found. Section three of this act sets forth the  
2 general effective date of this act.

3 PART A

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

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

1 excellence for the two thousand fifteen--two thousand sixteen school  
2 year which shall, notwithstanding the requirements of subparagraph (vi)  
3 of paragraph a of subdivision two of this section, provide for the  
4 expenditure of an amount which shall be not less than the amount  
5 approved by the commissioner in the contract for excellence for the two  
6 thousand fourteen--two thousand fifteen school year; and provided  
7 further that a school district that submitted a contract for excellence  
8 for the two thousand fifteen--two thousand sixteen school year, unless  
9 all schools in the district are identified as in good standing, shall  
10 submit a contract for excellence for the two thousand sixteen--two thou-  
11 sand seventeen school year which shall, notwithstanding the requirements  
12 of subparagraph (vi) of paragraph a of subdivision two of this section,  
13 provide for the expenditure of an amount which shall be not less than  
14 the amount approved by the commissioner in the contract for excellence  
15 for the two thousand fifteen--two thousand sixteen school year; and  
16 provided further that, a school district that submitted a contract for  
17 excellence for the two thousand sixteen--two thousand seventeen school  
18 year, unless all schools in the district are identified as in good  
19 standing, shall submit a contract for excellence for the two thousand  
20 seventeen--two thousand eighteen school year which shall, notwithstand-  
21 ing the requirements of subparagraph (vi) of paragraph a of subdivision  
22 two of this section, provide for the expenditure of an amount which  
23 shall be not less than the amount approved by the commissioner in the  
24 contract for excellence for the two thousand sixteen--two thousand  
25 seventeen school year; and provided further that no school district  
26 shall be required to submit a contract for excellence for the two thou-  
27 sand eighteen--two thousand nineteen school year and thereafter. For  
28 purposes of this paragraph, the "gap elimination adjustment percentage"  
29 shall be calculated as the sum of one minus the quotient of the sum of  
30 the school district's net gap elimination adjustment for two thousand  
31 ten--two thousand eleven computed pursuant to chapter fifty-three of the  
32 laws of two thousand ten, making appropriations for the support of  
33 government, plus the school district's gap elimination adjustment for  
34 two thousand eleven--two thousand twelve as computed pursuant to chapter  
35 fifty-three of the laws of two thousand eleven, making appropriations  
36 for the support of the local assistance budget, including support for  
37 general support for public schools, divided by the total aid for adjust-  
38 ment computed pursuant to chapter fifty-three of the laws of two thou-  
39 sand eleven, making appropriations for the local assistance budget,  
40 including support for general support for public schools. Provided,  
41 further, that such amount shall be expended to support and maintain  
42 allowable programs and activities approved in the two thousand nine--two  
43 thousand ten school year or to support new or expanded allowable  
44 programs and activities in the current year.

45 § 2. Section 305 of the education law is amended by adding a new  
46 subdivision 58 to read as follows:

47 58. a. No later than December thirty-first, two thousand nineteen, the  
48 commissioner shall prepare and submit to the governor, the temporary  
49 president of the senate and the speaker of the assembly a report that  
50 provides an overview of teacher diversity throughout the state. Such  
51 report shall:

52 (i) study the potential barriers to: achieving diversity within teach-  
53 er preparation programs; obtaining an initial certificate in the class-  
54 room teaching service; and obtaining teacher certification as a teacher  
55 aide or teaching assistant;

1 (ii) include available data on race, ethnicity, gender, and age; the  
2 efforts higher education institutions with teacher preparation programs  
3 are taking to recruit and retain a diverse student population into such  
4 programs; and the efforts that the state and schools are taking to  
5 attract, hire, and retain certified teachers who reflect the diversity  
6 within New York state's schools; and

7 (iii) make recommendations on programs, practices and policies that  
8 may be implemented by schools and teacher preparation programs to  
9 improve teacher diversity throughout the state.

10 b. The commissioner shall consult with stakeholders and other inter-  
11 ested parties when preparing such report. The state university of New  
12 York, the city university of New York, the commission on independent  
13 colleges and universities, and the proprietary college sector with  
14 registered teacher education programs in this state shall, to the extent  
15 practicable, identify and provide representatives to the department, at  
16 the request of the commissioner, in order to participate in the develop-  
17 ment and drafting of such report.

18 § 3. Intentionally omitted.

19 § 4. Intentionally omitted.

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

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

34 § 6. Subparagraph (vi) of paragraph (a) of subdivision 1 of section  
35 2856 of the education law, as amended by section 4 of part YYY of chap-  
36 ter 59 of the laws of 2017, is amended to read as follows:

37 (vi) for the two thousand eighteen--two thousand nineteen school year,  
38 the charter school basic tuition shall be the lesser of (A) the product  
39 of (i) the charter school basic tuition calculated for the base year  
40 minus the sum of (1) five hundred dollars plus (2) the supplemental  
41 basic tuition calculated for the two thousand sixteen--two thousand  
42 seventeen school year, multiplied by (ii) the average of the quotients  
43 for each school year in the period commencing with the year five years  
44 prior to the base year and finishing with the year prior to the base  
45 year of the total approved operating expense for such school district  
46 calculated pursuant to paragraph t of subdivision one of section thirty-  
47 six hundred two of this chapter for each such year divided by the  
48 total approved operating expense for such district for the immediately  
49 preceding year, provided that the highest and lowest annual quotients  
50 shall be excluded from the calculation of such average or (B) the  
51 quotient of the total general fund expenditures for the school district  
52 calculated pursuant to an electronic data file created for the purpose  
53 of compliance with paragraph b of subdivision twenty-one of section  
54 three hundred five of this chapter published annually on May fifteenth  
55 for the year prior to the base year divided by the total estimated  
56 public enrollment for the school district pursuant to paragraph n of

1 subdivision one of section thirty-six hundred two of this chapter for  
2 the year prior to the base year.

3 § 6-a. The closing paragraph of paragraph (a) of subdivision 1 of  
4 section 2856 of the education law, as amended by section 4 of part YYY  
5 of chapter 59 of the laws of 2017, is amended to read as follows:

6 For the purposes of this subdivision, the "supplemental basic tuition"  
7 shall be (A) for a school district for which the charter school basic  
8 tuition computed for the current year is greater than or equal to the  
9 charter school basic tuition for the two thousand ten--two thousand  
10 eleven school year pursuant to the provisions of subparagraph (i) of  
11 this paragraph, (1) for the two thousand fourteen--two thousand fifteen  
12 school year two hundred and fifty dollars, and (2) for the two thousand  
13 fifteen--two thousand sixteen school year three hundred and fifty  
14 dollars, and (3) for the two thousand sixteen--two thousand seventeen  
15 school year five hundred dollars, and (4) for the two thousand seven-  
16 teen--two thousand eighteen school year [~~and thereafter~~], the sum of (i)  
17 the supplemental basic tuition calculated for the two thousand sixteen-  
18 -two thousand seventeen school year plus (ii) five hundred dollars, and  
19 (B) for school years prior to the two thousand seventeen--two thousand  
20 eighteen school year, for a school district for which the charter school  
21 basic tuition for the two thousand ten--two thousand eleven school year  
22 is greater than the charter school basic tuition for the current year  
23 pursuant to the provisions of subparagraph (i) of this paragraph, the  
24 positive difference of the charter school basic tuition for the two  
25 thousand ten--two thousand eleven school year minus the charter school  
26 basic tuition for the current year pursuant to the provisions of subpar-  
27 agraph (i) of this paragraph and (C) for [~~school years following~~] the  
28 two thousand sixteen--two thousand seventeen and the two thousand seven-  
29 teen--two thousand eighteen school years, for a school district for  
30 which the charter school basic tuition for the two thousand ten--two  
31 thousand eleven school year is greater than the charter school basic  
32 tuition for the current year pursuant to the provisions of subparagraph  
33 (i) of this paragraph, the sum of (i) the supplemental basic tuition  
34 calculated for the two thousand sixteen--two thousand seventeen school  
35 year plus (ii) five hundred dollars.

36 § 7. Subparagraph (vi) of paragraph (a) of subdivision 1 of section  
37 2856 of the education law, as amended by section 4-a of part YYY of  
38 chapter 59 of the laws of 2017, is amended to read as follows:

39 (vi) for the two thousand eighteen--two thousand nineteen school year,  
40 the charter school basic tuition shall be the lesser of (A) the product  
41 of (i) the charter school basic tuition calculated for the base year  
42 minus the sum of (1) five hundred dollars plus (2) the supplemental  
43 basic tuition calculated for the two thousand sixteen--two thousand  
44 seventeen school year, multiplied by (ii) the average of the quotients  
45 for each school year in the period commencing with the year five years  
46 prior to the base year and finishing with the year prior to the base  
47 year of the total approved operating expense for such school district  
48 calculated pursuant to paragraph t of subdivision one of section thir-  
49 ty-six hundred two of this chapter for each such year divided by the  
50 total approved operating expense for such district for the immediately  
51 preceding year, provided that the highest and lowest annual quotients  
52 shall be excluded from the calculation of such average or (B) the  
53 quotient of the total general fund expenditures for the school district  
54 calculated pursuant to an electronic data file created for the purpose  
55 of compliance with paragraph b of subdivision twenty-one of section  
56 three hundred five of this chapter published annually on May fifteenth

1 for the year prior to the base year divided by the total estimated  
2 public enrollment for the school district pursuant to paragraph n of  
3 subdivision one of section thirty-six hundred two of this chapter for  
4 the year prior to the base year.

5 § 7-a. The closing paragraph of paragraph (a) of subdivision 1 of  
6 section 2856 of the education law, as amended by section 4-a of part YYY  
7 of chapter 59 of the laws of 2017, is amended to read as follows:

8 For the purposes of this subdivision, the "supplemental basic tuition"  
9 shall be (A) for a school district for which the charter school basic  
10 tuition computed for the current year is greater than or equal to the  
11 charter school basic tuition for the two thousand ten--two thousand  
12 eleven school year pursuant to the provisions of subparagraph (i) of  
13 this paragraph, (1) for the two thousand fourteen--two thousand fifteen  
14 school year two hundred and fifty dollars, and (2) for the two thousand  
15 fifteen--two thousand sixteen school year three hundred and fifty  
16 dollars, and (3) for the two thousand sixteen--two thousand seventeen  
17 school year five hundred dollars, and (4) for the two thousand seven-  
18 teen--two thousand eighteen school year [~~and thereafter~~], the sum of (i)  
19 the supplemental basic tuition calculated for the two thousand sixteen-  
20 -two thousand seventeen school year plus (ii) five hundred dollars, and  
21 (B) for school years prior to the two thousand seventeen--two thousand  
22 eighteen school year, for a school district for which the charter school  
23 basic tuition for the two thousand ten--two thousand eleven school year  
24 is greater than the charter school basic tuition for the current year  
25 pursuant to the provisions of subparagraph (i) of this paragraph, the  
26 positive difference of the charter school basic tuition for the two  
27 thousand ten--two thousand eleven school year minus the charter school  
28 basic tuition for the current year pursuant to the provisions of subpar-  
29 agraph (i) of this paragraph and (C) for [~~school years following~~]  
30 two thousand sixteen--two thousand seventeen and the two thousand seven-  
31 teen--two thousand eighteen school years, for a school district for  
32 which the charter school basic tuition for the two thousand ten--two  
33 thousand eleven school year is greater than the charter school basic  
34 tuition for the current year pursuant to the provisions of subparagraph  
35 (i) of this paragraph, the sum of (i) the supplemental basic tuition  
36 calculated for the two thousand sixteen--two thousand seventeen school  
37 year plus (ii) five hundred dollars.

38 § 8. Paragraph (d) of subdivision 1 of section 2856 of the education  
39 law, as amended by section 4 of part YYY of chapter 59 of the laws of  
40 2017, is amended to read as follows:

41 (d) School districts shall be eligible for an annual apportionment  
42 equal to the amount of the supplemental basic tuition for the charter  
43 school in the base year for the expenses incurred in the two thousand  
44 fourteen--two thousand fifteen, two thousand fifteen--two thousand  
45 sixteen, two thousand sixteen--two thousand seventeen [~~school years~~]  
46 [~~thereafter~~] two thousand seventeen--two thousand eighteen school years,  
47 provided however such payment shall be made in the current year for  
48 expenses incurred in the two thousand seventeen--two thousand eighteen  
49 school year.

50 § 8-a. Paragraph (c) of subdivision 1 of section 2856 of the education  
51 law, as amended by section 4-a of part YYY of chapter 59 of the laws of  
52 2017, is amended to read as follows:

53 (c) School districts shall be eligible for an annual apportionment  
54 equal to the amount of the supplemental basic tuition for the charter  
55 school in the base year for the expenses incurred in the two thousand  
56 fourteen--two thousand fifteen, two thousand fifteen--two thousand

1 sixteen, two thousand sixteen--two thousand seventeen [~~school years~~] and  
 2 [~~thereafter~~] two thousand seventeen--two thousand eighteen school years,  
 3 provided however such payment shall be made in the current year for  
 4 expenses incurred in the two thousand seventeen--two thousand eighteen  
 5 school year.

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

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

18 § 9-a. Subdivision 4 of section 3602 of the education law, as amended  
 19 by section 16-a of part YYY of chapter 59 of the laws of 2017, is  
 20 amended to read as follows:

21 4. Total foundation aid. In addition to any other apportionment pursu-  
 22 ant to this chapter, a school district, other than a special act school  
 23 district as defined in subdivision eight of section four thousand one of  
 24 this chapter, shall be eligible for total foundation aid equal to the  
 25 product of total aidable foundation pupil units multiplied by the  
 26 district's selected foundation aid, which shall be the greater of five  
 27 hundred dollars (\$500) or foundation formula aid, provided, however that  
 28 for the two thousand seven--two thousand eight through two thousand  
 29 eight--two thousand nine school years, no school district shall receive  
 30 total foundation aid in excess of the sum of the total foundation aid  
 31 base for aid payable in the two thousand seven--two thousand eight  
 32 school year computed pursuant to subparagraph (i) of paragraph j of  
 33 subdivision one of this section, plus the phase-in foundation increase  
 34 computed pursuant to paragraph b of this subdivision, and provided  
 35 further that for the two thousand twelve--two thousand thirteen school  
 36 year, no school district shall receive total foundation aid in excess of  
 37 the sum of the total foundation aid base for aid payable in the two  
 38 thousand eleven--two thousand twelve school year computed pursuant to  
 39 subparagraph (ii) of paragraph j of subdivision one of this section,  
 40 plus the phase-in foundation increase computed pursuant to paragraph b  
 41 of this subdivision, and provided further that for the two thousand  
 42 thirteen--two thousand fourteen school year and thereafter, no school  
 43 district shall receive total foundation aid in excess of the sum of the  
 44 total foundation aid base computed pursuant to subparagraph (ii) of  
 45 paragraph j of subdivision one of this section, plus the phase-in foun-  
 46 dation increase computed pursuant to paragraph b of this subdivision,  
 47 and provided further that for the two thousand sixteen--two thousand  
 48 seventeen school year, no eligible school districts shall receive total  
 49 foundation aid in excess of the sum of the total foundation aid base  
 50 computed pursuant to subparagraph (ii) of paragraph j of subdivision one  
 51 of this section plus the sum of (A) the phase-in foundation increase,  
 52 (B) the executive foundation increase with a minimum increase pursuant  
 53 to paragraph b-2 of this subdivision, and (C) an amount equal to "COMMU-  
 54 NITY SCHOOLS AID" in the computer listing produced by the commissioner  
 55 in support of the executive budget request for the two thousand  
 56 sixteen--two thousand seventeen school year and entitled "BT161-7",

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

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

1 (1) The foundation amount shall reflect the average per pupil cost of  
 2 general education instruction in successful school districts, as deter-  
 3 mined by a statistical analysis of the costs of special education and  
 4 general education in successful school districts, provided that the  
 5 foundation amount shall be adjusted annually to reflect the percentage  
 6 increase in the consumer price index [~~as computed pursuant to section~~  
 7 ~~two thousand twenty-two of this chapter~~] as defined by paragraph hh of  
 8 subdivision one of this section, provided that for the two thousand  
 9 eight--two thousand nine school year, for the purpose of such adjust-  
 10 ment, the percentage increase in the consumer price index shall be  
 11 deemed to be two and nine-tenths percent (0.029), and provided further  
 12 that the foundation amount for the two thousand seven--two thousand  
 13 eight school year shall be five thousand two hundred fifty-eight  
 14 dollars, and provided further that for the two thousand seven--two thou-  
 15 sand eight through two thousand seventeen--two thousand eighteen school  
 16 years, the foundation amount shall be further adjusted by the phase-in  
 17 foundation percent established pursuant to paragraph b of this subdivi-  
 18 sion.

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

25	Labor Force Region	Index
26	Capital District	1.124
27	Southern Tier	1.045
28	Western New York	1.091
29	Hudson Valley	1.314
30	Long Island/NYC	1.425
31	Finger Lakes	1.141
32	Central New York	1.103
33	Mohawk Valley	1.000
34	North Country	1.000

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

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

1 three, provided however that for the two thousand seven--two thousand  
2 eight school year, such local tax factor shall be sixteen thousandths  
3 (0.016), and provided further that for the two thousand eight--two thou-  
4 sand nine school year, such local tax factor shall be one hundred  
5 fifty-four ten thousandths (0.0154). The income wealth index shall be  
6 calculated pursuant to paragraph d of subdivision three of this section,  
7 provided, however, that for the purposes of computing the expected mini-  
8 mum local contribution the income wealth index shall not be less than  
9 sixty-five percent (0.65) and shall not be more than two hundred percent  
10 (2.0) and provided however that such income wealth index shall not be  
11 more than ninety-five percent (0.95) for the two thousand eight--two  
12 thousand nine school year, and provided further that such income wealth  
13 index shall not be less than zero for the two thousand thirteen--two  
14 thousand fourteen school year. The selected actual valuation shall be  
15 calculated pursuant to paragraph c of subdivision one of this section.  
16 Total wealth foundation pupil units shall be calculated pursuant to  
17 paragraph h of subdivision two of this section.

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

24 (2) (i) Phase-in foundation percent. The phase-in foundation percent  
25 shall equal one hundred thirteen and fourteen one hundredths percent  
26 (1.1314) for the two thousand eleven--two thousand twelve school year,  
27 one hundred ten and thirty-eight hundredths percent (1.1038) for the two  
28 thousand twelve--two thousand thirteen school year, one hundred seven  
29 and sixty-eight hundredths percent (1.0768) for the two thousand thir-  
30 teen--two thousand fourteen school year, one hundred five and six  
31 hundredths percent (1.0506) for the two thousand fourteen--two thousand  
32 fifteen school year, and one hundred two and five tenths percent  
33 (1.0250) for the two thousand fifteen--two thousand sixteen school year.

34 (ii) Phase-in foundation increase factor. For the two thousand  
35 eleven--two thousand twelve school year, the phase-in foundation  
36 increase factor shall equal thirty-seven and one-half percent (0.375)  
37 and the phase-in due minimum percent shall equal nineteen and forty-one  
38 hundredths percent (0.1941), for the two thousand twelve--two thousand  
39 thirteen school year the phase-in foundation increase factor shall equal  
40 one and seven-tenths percent (0.017), for the two thousand thirteen--two  
41 thousand fourteen school year the phase-in foundation increase factor  
42 shall equal (1) for a city school district in a city having a population  
43 of one million or more, five and twenty-three hundredths percent  
44 (0.0523) or (2) for all other school districts zero percent, for the two  
45 thousand fourteen--two thousand fifteen school year the phase-in founda-  
46 tion increase factor shall equal (1) for a city school district of a  
47 city having a population of one million or more, four and thirty-two  
48 hundredths percent (0.0432) or (2) for a school district other than a  
49 city school district having a population of one million or more for  
50 which (A) the quotient of the positive difference of the foundation  
51 formula aid minus the foundation aid base computed pursuant to paragraph  
52 j of subdivision one of this section divided by the foundation formula  
53 aid is greater than twenty-two percent (0.22) and (B) a combined wealth  
54 ratio less than thirty-five hundredths (0.35), seven percent (0.07) or  
55 (3) for all other school districts, four and thirty-one hundredths  
56 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 having 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 "SA141-5" 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

1 designated as high need rural pursuant to clause (c) of subparagraph two  
2 of paragraph c of subdivision six of this section for the school aid  
3 computer listing produced by the commissioner in support of the enacted  
4 budget for the two thousand seven--two thousand eight school year and  
5 entitled "SA0708", thirteen and six tenths percent (0.136); or (8) for  
6 school districts designated as high need urban-suburban pursuant to  
7 clause (c) of subparagraph two of paragraph c of subdivision six of this  
8 section for the school aid computer listing produced by the commissioner  
9 in support of the enacted budget for the two thousand seven--two thou-  
10 sand eight school year and entitled "SA0708", seven hundred nineteen  
11 thousandths percent (0.00719); or (9) for all other eligible school  
12 districts, forty-seven hundredths percent (0.0047), provided further  
13 that for the two thousand seventeen--two thousand eighteen school year  
14 the foundation aid increase phase-in factor shall equal (1) for school  
15 districts with a census 2000 poverty rate computed pursuant to paragraph  
16 q of subdivision one of this section equal to or greater than twenty-six  
17 percent (0.26), ten and three-tenths percent (0.103), or (2) for a  
18 school district in a city with a population in excess of one million or  
19 more, seventeen and seventy-seven one-hundredths percent (0.1777), or  
20 (3) for a city school district in a city with a population of more than  
21 two hundred fifty thousand but less than one million, as of the most  
22 recent decennial census, twelve and sixty-nine hundredths percent  
23 (0.1269) or (4) for a city school district in a city with a population  
24 of more than one hundred fifty thousand but less than two hundred thou-  
25 sand, as of the most recent federal decennial census, ten and seventy-  
26 eight one hundredths percent (0.1078), or (5) for a city school district  
27 in a city with a population of more than one hundred twenty-five thou-  
28 sand but less than one hundred fifty thousand as of the most recent  
29 federal decennial census, nineteen and one hundred eight one-thousandths  
30 percent (0.19108), or (6) for a city school district in a city with a  
31 population of more than two hundred thousand but less than two hundred  
32 fifty thousand as of the most recent federal decennial census, ten and  
33 six-tenths percent (0.106), or (7) for all other districts, four and  
34 eighty-seven one-hundredths percent (0.0487), and for the two thousand  
35 ~~[eighteen]~~ nineteen--two thousand ~~[nineteen]~~ twenty school year ~~[and~~  
36 ~~thereafter the commissioner shall annually determine the phase-in foun-~~  
37 ~~ation increase factor subject to allocation pursuant to the provisions~~  
38 ~~of subdivision eighteen of this section and any provisions of a chapter~~  
39 ~~of the laws of New York as described therein]~~ the foundation aid phase-  
40 in increase factor shall be thirty-three percent (0.33), and for the two  
41 thousand twenty--two thousand twenty-one school year the foundation aid  
42 phase-in increase factor shall be fifty percent (0.5), and for the two  
43 thousand twenty-one--two thousand twenty-two school year and thereafter  
44 the foundation aid phase-in increase factor shall be one hundred percent  
45 (1.0).

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

53 b-2. Due minimum for the two thousand sixteen--two thousand seventeen  
54 school year. Notwithstanding any other provision of law to the contrary,  
55 for the two thousand sixteen--two thousand seventeen school year the  
56 total foundation aid shall not be less than the sum of the total founda-

1 tion aid base computed pursuant to paragraph j of subdivision one of  
2 this section plus the due minimum for the two thousand sixteen--two  
3 thousand seventeen school year, where such due minimum shall equal the  
4 difference of (1) the product of (A) two percent (0.02) multiplied by  
5 (B) the difference of total foundation aid for the base year less the  
6 gap elimination adjustment for the base year, less (2) the sum of (A)  
7 the difference of the amounts set forth for each school district as  
8 "FOUNDATION AID" under the heading "2016-17 ESTIMATED AIDS" in the  
9 school aid computer listing produced by the commissioner in support of  
10 the executive budget request for the two thousand sixteen--two thousand  
11 seventeen school year and entitled "BT161-7" less the amounts set forth  
12 for each school district as "FOUNDATION AID" under the heading "2015-16  
13 BASE YEAR AIDS" in such computer listing plus (B) the gap elimination  
14 adjustment for the base year.

15 b-3. Due minimum for the two thousand seventeen--two thousand eighteen  
16 school year. Notwithstanding any other provision of law to the contrary,  
17 for the two thousand seventeen--two thousand eighteen school year the  
18 total foundation aid shall not be less than (A) the sum of the total  
19 foundation aid base computed pursuant to paragraph j of subdivision one  
20 of this section plus the product of (i) the difference of the amount set  
21 forth for such school district as "FOUNDATION AID" under the heading  
22 "2017-18 ESTIMATED AIDS" in the school aid computer listing produced by  
23 the commissioner in support of the executive budget request for the two  
24 thousand seventeen--two thousand eighteen school year and entitled  
25 "BT171-8" less the amount set forth for such school district as "FOUNDA-  
26 TION AID" under the heading "2016-17 BASE YEAR AIDS" in the school aid  
27 computer listing produced by the commissioner in support of the execu-  
28 tive budget request for the two thousand seventeen--two thousand eigh-  
29 teen school year and entitled "BT171-8" multiplied by (ii) one and eigh-  
30 teen one-hundredths (1.18), or (B) the product of forty-four and  
31 seventy-five one-hundredths percent (0.4475) multiplied by total founda-  
32 tion aid as computed pursuant to paragraph a of this subdivision, or (C)  
33 the sum of the total foundation aid base computed pursuant to paragraph  
34 j of subdivision one of this section plus the due minimum for the two  
35 thousand seventeen--two thousand eighteen school year, where such due  
36 minimum shall equal (1) for school districts with a census 2000 poverty  
37 rate computed pursuant to paragraph q of subdivision one of this  
38 section, equal to or greater than eleven and nine-tenths percent  
39 (0.119), the product of the foundation aid base for the two thousand  
40 seventeen--two thousand eighteen school year computed pursuant to  
41 subparagraph (iii) of paragraph j of subdivision one of this section  
42 multiplied by three hundred thirty-five ten-thousandths (0.0335), or (2)  
43 for all other school districts the product of the foundation aid base  
44 for the two thousand seventeen--two thousand eighteen school year  
45 computed pursuant to subparagraph (iii) of paragraph j of subdivision  
46 one of this section multiplied by two and seventy-four one-hundredths  
47 percent (0.0274).

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

54 (i) Tier A. For all school districts other than a district within a  
55 city with a population of one million or more, with a combined wealth  
56 ratio less than two (2.0), where either (A) the quotient arrived at by

1 dividing the English language learner count pursuant to paragraph o of  
2 subdivision one of this section for the base year by the public school  
3 district enrollment for the base year pursuant to paragraph n of subdivi-  
4 sion one of this section is greater than two one-hundredths (0.02) or  
5 (B) the quotient arrived at by dividing the difference of the English  
6 language learner count pursuant to paragraph o of subdivision one of  
7 this section for the base year less such count for one year prior to the  
8 base year by the public school district enrollment for one year prior to  
9 the base year pursuant to paragraph n of subdivision one of this section  
10 is greater than one one-thousandth (0.001), tier A shall equal the prod-  
11 uct of (A) the difference of two minus the combined wealth ratio multi-  
12 plied by (B) one hundred dollars (\$100.00) multiplied by (C) the English  
13 language learner count for the base year.

14 (ii) Tier B. For any school district (A) where the amount set forth as  
15 "25% LIMIT CAP ON INCREASE" on the computer file produced by the commis-  
16 sioner in support of the enacted budget for the two thousand seven--two  
17 thousand eight school year and entitled "SA070-8" is less than zero and  
18 (B) with a combined wealth ratio computed pursuant to paragraph c of  
19 subdivision three of this section greater than one (1.0), tier B shall  
20 equal the product of (A) the sum of (1) the difference of total founda-  
21 tion aid less the foundation aid base plus (2) the difference of the  
22 amount set forth for such school district as "FOUNDATION AID" under the  
23 heading "2017-18 ESTIMATED AIDS" in the school aid computer listing  
24 produced by the commissioner in support of the executive budget request  
25 and entitled "BT1718" less the foundation aid base multiplied by (B) ten  
26 and two-tenths percent (0.102).

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

44 (iv) Tier D. For all school districts, other than districts within a  
45 city with a population of one hundred twenty-five thousand or more, with  
46 a selected poverty rate of greater than eighteen hundredths (0.18), tier  
47 D shall equal the product of the selected poverty rate multiplied by the  
48 school district public enrollment for the base year multiplied by two  
49 hundred forty dollars (\$240.00), provided, however, that for districts  
50 within a city with a population of greater than one hundred twenty-five  
51 thousand but less than one million and a selected poverty rate of great-  
52 er than eighteen hundredths (0.18), tier D shall equal the product of  
53 the selected poverty rate multiplied by school district public enroll-  
54 ment for the base year multiplied by three hundred forty-four dollars  
55 (\$344.00), and for a city school district in a city with a population of  
56 one million or more, tier D shall equal the product of the selected

1 poverty rate multiplied by school district public enrollment for the  
2 base year multiplied by twenty-nine cents (\$0.29).

3 c. Public excess cost aid set aside. Each school district shall set  
4 aside from its total foundation aid computed for the current year pursu-  
5 ant to this subdivision an amount equal to the product of: (i) the  
6 difference between the amount the school district was eligible to  
7 receive in the two thousand six--two thousand seven school year pursuant  
8 to or in lieu of paragraph six of subdivision nineteen of this section  
9 as such paragraph existed on June thirtieth, two thousand seven, minus  
10 the amount such district was eligible to receive pursuant to or in lieu  
11 of paragraph five of subdivision nineteen of this section as such para-  
12 graph existed on June thirtieth, two thousand seven, in such school  
13 year, and (ii) the sum of one and the percentage increase in the consum-  
14 er price index for the current year over such consumer price index for  
15 the two thousand six--two thousand seven school year, [~~as computed~~  
16 ~~pursuant to section two thousand twenty-two of this chapter~~] as defined  
17 by paragraph hh of subdivision one of this section. Notwithstanding any  
18 other provision of law to the contrary, the public excess cost aid set-  
19 aside shall be paid pursuant to section thirty-six hundred nine-b of this  
20 part.

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

26 e. Community schools aid set-aside. Each school district shall set  
27 aside from its total foundation aid computed for the current year pursu-  
28 ant to this subdivision an amount equal to the sum of (i) the amount, if  
29 any, set forth for such district as "COMMUNITY SCHL AID (BT1617)" in the  
30 data file produced by the commissioner in support of the enacted budget  
31 for the two thousand sixteen--two thousand seventeen school year and  
32 entitled "SA161-7" [~~and~~]; (ii) the amount, if any, set forth for such  
33 district as "COMMUNITY SCHL INCR" in the data file produced by the  
34 commissioner in support of the executive budget request for the two  
35 thousand seventeen--two thousand eighteen school year and entitled  
36 "BT171-8". [~~Each school district shall use such "COMMUNITY SCHL AID~~  
37 ~~(BT1617)" amount to support the transformation of school buildings into~~  
38 ~~community hubs to deliver co-located or school-linked academic, health,~~  
39 ~~mental health, nutrition, counseling, legal and/or other services to~~  
40 ~~students and their families, including but not limited to providing a~~  
41 ~~community school site coordinator, or to support other costs incurred to~~  
42 ~~maximize students' academic achievement.~~]; and (iii) the amount, if any  
43 set forth for such districts as "COMMUNITY SCHOOL INCREASE" in the data  
44 file produced by the commissioner in support of the executive budget for  
45 the two thousand eighteen--two thousand nineteen school year and enti-  
46 tled "BT181-9", provided however that for the two thousand eighteen--two  
47 thousand nineteen school year and thereafter, the community school aid  
48 set-aside shall not exceed two and five-tenths percent (0.025) of the  
49 foundation aid payable computed for the current year pursuant to this  
50 subdivision, provided further that such annual increase in the community  
51 school set-aside shall not exceed twenty percent (0.20) of the founda-  
52 tion aid payable for the current year less the total foundational aid  
53 base. Nothing in this subdivision shall prevent a school district from  
54 using amounts above these limits to support community school programs.  
55 Each school district shall use such [~~"COMMUNITY SCHL INCR"~~] community  
56 school aid set-aside amount to support the transformation of school

1 buildings into community hubs to deliver co-located or school linked  
2 academic, health, mental health services and personnel, after-school  
3 programming, dual language programs, nutrition, counseling, legal and/or  
4 other services to students and their families, including but not limited  
5 to providing a community school site coordinator and programs for  
6 English language learners, or to support other costs incurred to maxi-  
7 mize students' academic achievement[~~, provided however that a school~~  
8 ~~district whose "COMMUNITY SCHL INCR" amount exceeds one million dollars~~  
9 ~~(\$1,000,000) shall use an amount equal to the greater of one hundred~~  
10 ~~fifty thousand dollars (\$150,000) or ten percent of such "COMMUNITY SCHL~~  
11 ~~INCR" amount to support such transformation at schools with extraor-~~  
12 ~~inary high levels of student need as identified by the commissioner,~~  
13 ~~subject to the approval of the director of the budget].~~

14 f. Foundation aid payable in the two thousand eighteen--two thousand  
15 nineteen school year. Notwithstanding any provision of law to the  
16 contrary, foundation aid payable in the two thousand eighteen--two thou-  
17 sand nineteen school year shall equal the sum of (1) the foundation aid  
18 base plus (2) the greater of (I) the two thousand eighteen--two thousand  
19 nineteen school year phase-in increases or (II) the two thousand eigh-  
20 teen--two thousand nineteen school year due minimum plus (3) the low  
21 capacity small city phase-in increase plus (4) the executive foundation  
22 aid increase. For the purposes of this paragraph, "foundation aid  
23 remaining" shall mean the positive difference, if any, of (I) the prod-  
24 uct of the total aidable foundation pupil units; multiplied by the  
25 district's selected foundation aid less (II) the total foundation aid  
26 base computed pursuant to paragraph j of subdivision one of this  
27 section.

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

32 (A) six hundredths (0.06);

33 (B) for school districts: (1) with a three year average free and  
34 reduced price lunch percent greater than or equal to fifteen percent  
35 (0.15), (2) where the difference of the three year average free and  
36 reduced price lunch percent for the current year less such average for  
37 the base year is greater than or equal to one one-hundredth (0.01), and  
38 (3) with a combined wealth ratio for total foundation aid computed  
39 pursuant to paragraph c of subdivision three of this section less than  
40 or equal to eight tenths (0.8), thirteen hundredths (0.13);

41 (C) For school districts with enrollment growth of greater than or  
42 equal to two and eighty-five hundredths percent (0.0285), two tenths  
43 (0.2), where "enrollment growth" shall be the quotient arrived at when  
44 dividing the difference of public school district enrollment for the  
45 current year pursuant to paragraph n of subdivision one of this section  
46 less such enrollment for the base year divided by such enrollment for  
47 the base year, provided that such difference is greater than or equal to  
48 twenty-five;

49 (D) For school districts (1) with a three year average free and  
50 reduced price lunch percent greater or equal to twenty percent (0.20);  
51 (2) where the difference of the three year average free and reduced  
52 price lunch percent for the current year less such percent for the base  
53 year is greater than or equal to twenty-five thousandths (0.025); (3)  
54 with a combined wealth ratio for total foundation aid computed pursuant  
55 to paragraph c of subdivision three of this section less than or equal  
56 to eight tenths (0.8); (4) where the difference of the extraordinary

1 needs percent for the current year less such percent for the base year  
2 is greater than or equal to two tenths (0.02); and (5) where the  
3 quotient arrived at by dividing the difference of the English language  
4 learner count pursuant to paragraph o of subdivision one of this section  
5 for the base year less such count for the two thousand twelve-two thou-  
6 sand thirteen school year divided by such two thousand twelve-two thou-  
7 sand thirteen school year count is greater than or equal to thirty-five  
8 percent (0.35), twenty-five hundredths (0.25).

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

19 (F) For school districts with an extraordinary needs percent greater  
20 than or equal to eighty three percent (0.83), twenty-five hundredths  
21 (0.25);

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

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

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

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

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

47 (C) For school districts with (i) a three year average free and  
48 reduced price lunch percent for the current year greater than or equal  
49 to twenty-four percent (0.24) and (ii) a combined wealth ratio for foun-  
50 deration aid less than or equal to one (1.0), the product of the total  
51 foundation aid base multiplied by three hundred two ten thousandths  
52 (0.0302); or

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

55 (iii) The low capacity small city phase-in increase, for school  
56 districts that were designated as small city school districts or central

1 school districts whose boundaries include a portion of a small city for  
 2 the school aid computer listing produced by the commissioner in support  
 3 of the enacted budget for the two thousand fourteen--two thousand  
 4 fifteen school year and entitled "SA1415", and have a pupil wealth ratio  
 5 of less than or equal to one and three-tenths (1.3), the product of one  
 6 tenth (0.1) multiplied by foundation aid remaining.

7 (iv) The executive foundation aid increase shall be equal to the  
 8 difference of (a) the amounts set forth for each school district as  
 9 "FOUNDATION AID" under the heading "2018-19 ESTIMATED AIDS" in the  
 10 school aid computer listing produced by the commissioner in support of  
 11 the executive budget request for the two thousand eighteen--two thousand  
 12 nineteen school year and entitled "BT181-9" less (b) the amounts set  
 13 forth for each school district as "FOUNDATION AID" under the heading  
 14 "2017-18 BASE YEAR AIDS" in such computer listing.

15 § 9-b. Section 3602 of the education law is amended by adding a new  
 16 subdivision 6-i to read as follows:

17 6-i. Building aid for approved expenditures for debt service for tax  
 18 certiorari financing. In addition to the apportionments payable to a  
 19 school district pursuant to subdivision six of this section, beginning  
 20 with debt service in the two thousand eighteen--two thousand nineteen  
 21 school year and thereafter, the commissioner is hereby authorized to  
 22 apportion to any school district additional building aid pursuant to  
 23 this subdivision for its approved debt service expenditures for financ-  
 24 ing the cost of a tax certiorari, where the total value of the bond  
 25 exceeds the total general fund expenditures for the school district for  
 26 the year prior to the year in which the school district first receives  
 27 bond proceeds. In order to have such debt service expenditures approved,  
 28 the school district shall submit to the commissioner, in a form he or  
 29 she prescribes, documentation relating to the issuance of such bond,  
 30 including but not limited to the original tax certiorari, the amorti-  
 31 zation schedule of such bond, and any other documentation deemed neces-  
 32 sary. Provided, however, that in the event the school district refunds  
 33 the original bond at any point, the school district shall provide such  
 34 updated documentation as required by the commissioner, who shall adjust  
 35 the annual approved expenditures accordingly. Such aid shall equal the  
 36 product of the sum of (1) the building aid ratio defined pursuant to  
 37 paragraph c of subdivision six of this section plus (2) one-tenth (0.1)  
 38 multiplied by the actual approved debt service expenditures incurred in  
 39 the base year pursuant to this subdivision.

40 § 9-c. Subparagraph 2 of paragraph a of subdivision 4 of section 1950  
 41 of the education law, as amended by chapter 698 of the laws of 2003, is  
 42 amended to read as follows:

43 (2) Notwithstanding any inconsistent provision of law in no event  
 44 shall the total salary including amounts paid pursuant to section twen-  
 45 ty-two hundred nine of this chapter for district superintendents [~~for~~  
 46 ~~each school year through the two thousand two--two thousand three school~~  
 47 ~~year exceed ninety-eight percent of that earned by the commissioner for~~  
 48 ~~state fiscal year nineteen hundred ninety two--ninety three, and in no~~  
 49 ~~event shall such total salary for a district superintendent]~~ for the two  
 50 thousand [~~three~~] eighteen--two thousand [~~four~~] nineteen school year or  
 51 any subsequent school year exceed: (i) one hundred six percent of the  
 52 salary cap applicable in the preceding school year, or (ii) ninety-eight  
 53 percent of that earned by the commissioner in the two thousand [~~three~~]  
 54 seventeen--two thousand [~~four~~] eighteen state fiscal year, whichever is  
 55 less. In no event shall any district superintendent be permitted to  
 56 accumulate vacation or sick leave credits in excess of the vacation and

1 sick leave credits managerial/confidential employees of the state are  
2 permitted to accumulate pursuant to regulations promulgated by the state  
3 civil service commission, nor may any district superintendent at the  
4 time of separation from service be compensated for accrued and unused  
5 vacation credits or sick leave, or use accrued and unused sick leave for  
6 retirement service credit or to pay for health insurance in retirement,  
7 at a rate in excess of the rate permitted to managerial/confidential  
8 employees of the state pursuant to regulations of the state civil  
9 service commission. In addition to the payment of supplementary salary,  
10 a board of cooperative educational services may provide for the payment  
11 of all or a portion of the cost of insurance benefits for the district  
12 superintendent of schools, including but not limited to health insur-  
13 ance, disability insurance, life insurance or any other form of insur-  
14 ance benefit made available to managerial/confidential employees of the  
15 state; provided that any such payments for whole life, split dollar or  
16 other life insurance policies having a cash value shall be included in  
17 the total salary of the district superintendent for purposes of this  
18 subparagraph, and provided further that any payments for the employee  
19 contribution, co-pay or uncovered medical expenses under a health insur-  
20 ance plan also shall be included in the total salary of the district  
21 superintendent. Notwithstanding any other provision of law, payments  
22 for such insurance benefits may be based on the district superinten-  
23 dent's total salary or the amount of his or her supplementary salary  
24 only. Any payments for transportation or travel expenses in excess of  
25 actual, documented expenses incurred in the performance of duties for  
26 the board of cooperative educational services or the state, and any  
27 other lump sum payment not specifically excluded from total salary  
28 pursuant to this subparagraph, shall be included in the total salary of  
29 the district superintendent for purposes of this subparagraph. Nothing  
30 herein shall prohibit a district superintendent from waiving any rights  
31 provided for in an existing contract or agreement as hereafter prohibit-  
32 ed in favor of revised compensation or benefit provisions as permitted  
33 herein. In no event shall the terms of the district superintendent's  
34 contract, including any provisions relating to an increase in salary,  
35 compensation or other benefits, be contingent upon the terms of any  
36 contract or collective bargaining agreement between the board of cooper-  
37 ative educational services and its teachers or other employees. The  
38 commissioner may adopt regulations for the purpose of implementing the  
39 provisions of this paragraph.

40 § 9-d. Paragraph b of subdivision 5 of section 1950 of the education  
41 law, as amended by chapter 296 of the laws of 2016, is amended to read  
42 as follows:

43 b. The cost of services herein referred to shall be the amount allo-  
44 cated to each component school district by the board of cooperative  
45 educational services to defray expenses of such board, including  
46 approved expenses from the testing of potable water systems of occupied  
47 school buildings under the board's jurisdiction as required pursuant to  
48 section eleven hundred ten of the public health law, except that that  
49 part of the salary paid any teacher, supervisor or other employee of the  
50 board of cooperative educational services which is, (i) for the two  
51 thousand eighteen--two thousand nineteen and prior school years, in  
52 excess of thirty thousand dollars, (ii) for aid payable in the two thou-  
53 sand nineteen--two thousand twenty school year in excess of thirty-four  
54 thousand dollars, (iii) for aid payable in the two thousand twenty--two  
55 thousand twenty-one school year, in excess of forty thousand dollars,  
56 (iv) for aid payable in the two thousand twenty-one--two thousand twen-

1 ty-two school year, in excess of forty-six thousand dollars, and (v) for  
2 aid payable in the two thousand twenty--two thousand twenty-three school  
3 year and thereafter, in excess of fifty-two thousand dollars, shall not  
4 be such an approved expense, and except also that administrative and  
5 clerical expenses shall not exceed ten percent of the total expenses for  
6 purposes of this computation. Any gifts, donations or interest earned by  
7 the board of cooperative educational services or on behalf of the board  
8 of cooperative educational services by the dormitory authority or any  
9 other source shall not be deducted in determining the cost of services  
10 allocated to each component school district. Any payments made to a  
11 component school district by the board of cooperative educational  
12 services pursuant to subdivision eleven of section six-p of the general  
13 municipal law attributable to an approved cost of service computed  
14 pursuant to this subdivision shall be deducted from the cost of services  
15 allocated to such component school district. The expense of transporta-  
16 tion provided by the board of cooperative educational services pursuant  
17 to paragraph q of subdivision four of this section shall be eligible for  
18 aid apportioned pursuant to subdivision seven of section thirty-six  
19 hundred two of this chapter and no board of cooperative educational  
20 services transportation expense shall be an approved cost of services  
21 for the computation of aid under this subdivision. Transportation  
22 expense pursuant to paragraph q of subdivision four of this section  
23 shall be included in the computation of the ten percent limitation on  
24 administrative and clerical expenses.

25 § 9-e. Paragraph b of subdivision 10 of section 3602 of the education  
26 law, as amended by section 16 of part B of chapter 57 of the laws of  
27 2007, is amended to read as follows:

28 b. Aid for career education. There shall be apportioned to such city  
29 school districts and other school districts which were not components of  
30 a board of cooperative educational services in the base year for pupils  
31 in grades ~~ten~~ nine through twelve in attendance in career education  
32 programs as such programs are defined by the commissioner, subject for  
33 the purposes of this paragraph to the approval of the director of the  
34 budget, an amount for each such pupil to be computed by multiplying the  
35 career education aid ratio by three thousand nine hundred dollars. Such  
36 aid will be payable for weighted pupils attending career education  
37 programs operated by the school district and for weighted pupils for  
38 whom such school district contracts with boards of cooperative educa-  
39 tional services to attend career education programs operated by a board  
40 of cooperative educational services. Weighted pupils for the purposes of  
41 this paragraph shall mean the sum of (i) the product of the attendance  
42 of students in grade nine multiplied by the special services phase-in  
43 factor plus (ii) the attendance of students in grades ten through twelve  
44 in career education sequences in trade, industrial, technical, agricul-  
45 tural or health programs plus the product of sixteen hundredths multi-  
46 plied by the sum of (i) the product of the attendance of students in  
47 grade nine multiplied by the special services phase-in factor plus (ii)  
48 the attendance of students in grades ten through twelve in career educa-  
49 tion sequences in business and marketing as defined by the commissioner  
50 in regulations; provided that the special services phase-in factor shall  
51 be (i) for the two thousand nineteen--two thousand twenty school year,  
52 twenty-five percent (0.25), (ii) for the two thousand twenty--two thou-  
53 sand twenty-one school year, fifty percent (0.5), (iii) for the two  
54 thousand twenty-one--two thousand twenty-two school year, seventy-five  
55 percent (0.75), and (iv) for the two thousand twenty-two--two thousand  
56 twenty-three school year and thereafter, one hundred percent (1.0). The

1 career education aid ratio shall be computed by subtracting from one the  
2 product obtained by multiplying fifty-nine percent by the combined  
3 wealth ratio. This aid ratio shall be expressed as a decimal carried to  
4 three places without rounding, but not less than thirty-six percent.

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

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

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

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

32 § 11. Paragraph b of subdivision 6-c of section 3602 of the education  
33 law, as amended by section 23 of part YYY of chapter 59 of the laws of  
34 2017, is amended to read as follows:

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

1 § 12. Subdivision 4 of section 3602 of the education law is amended by  
2 adding a new paragraph f to read as follows:

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

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

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

29 For the two thousand nine--two thousand ten through two thousand four-  
30 teen--two thousand fifteen school years, each school district shall be  
31 entitled to an apportionment equal to the amount set forth for such  
32 school district as "EDUCATION GRANTS, ACADEMIC EN" under the heading  
33 "2008-09 BASE YEAR AIDS" in the school aid computer listing produced by  
34 the commissioner in support of the budget for the two thousand nine--two  
35 thousand ten school year and entitled "SA0910", and such apportionment  
36 shall be deemed to satisfy the state obligation to provide an apportion-  
37 ment pursuant to subdivision eight of section thirty-six hundred forty-  
38 one of this article.

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

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

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

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

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

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

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

54 Notwithstanding any provision of law to the contrary, (i) for aid  
55 payable in the two thousand eight--two thousand nine school year, the  
56 grant to each eligible school district for universal prekindergarten aid

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

1 the Department of Defense and Full-Year Continuing Appropriations Act,  
 2 2011 (Pub. L. 112-10), and the Department of Education Appropriations  
 3 Act, 2012 (Title III Division F of Pub. L. 112-74, the Consolidated  
 4 Appropriations Act, 2012)[~~, and (vii) for the two thousand nineteen--two~~  
 5 ~~thousand twenty school year, each school district shall be eligible to~~  
 6 ~~receive a grant amount equal to the sum of (A) the amount set forth for~~  
 7 ~~such school district as "UNIVERSAL PREKINDERGARTEN ALLOCATION" on the~~  
 8 ~~computer file produced by the commissioner in support of the enacted~~  
 9 ~~budget for the two thousand eighteen--two thousand nineteen school year]~~  
 10 plus (C) the amount awarded to such school district for the statewide  
 11 universal full-day prekindergarten program for the two thousand eigh-  
 12 teen--two thousand nineteen school year pursuant to chapter fifty-three  
 13 of the laws of two thousand fourteen plus (D) the amount awarded to such  
 14 school district for the expanded prekindergarten for three- and four-  
 15 year-old students program for the two thousand eighteen--two thousand  
 16 nineteen school year pursuant to the chapter of the laws of 2018 estab-  
 17 lishing such program plus [~~(B)~~] (E) the amount awarded to such school  
 18 district for the expanded prekindergarten program for three and four  
 19 year-olds for the two thousand eighteen--two thousand nineteen school  
 20 year pursuant to chapter sixty-one of the laws of two thousand fifteen  
 21 plus [~~(C)~~] (F) the amount awarded to such school district for the  
 22 expanded prekindergarten for three-year-olds in high need districts  
 23 program for the two thousand eighteen--two thousand nineteen school year  
 24 pursuant to chapter fifty-three of the laws of two thousand sixteen plus  
 25 [~~(D)~~] (G) the amount awarded to such school district for the expanded  
 26 prekindergarten program for three- and four-year-olds for the two thou-  
 27 sand eighteen--two thousand nineteen school year pursuant to a chapter  
 28 of the laws of two thousand seventeen plus [~~(E)~~] (H) the amount awarded  
 29 to such school district, subject to an available appropriation, through  
 30 the pre-kindergarten expansion grant for the two thousand eighteen--two  
 31 thousand nineteen school year, provided that such school district has  
 32 met all requirements pursuant to this section, and [~~(viii)~~] (vii) for  
 33 the two thousand twenty--two thousand twenty-one school year and there-  
 34 after, each school district shall be eligible to receive a grant amount  
 35 equal to the sum of (A) the amount set forth for such school district as  
 36 "UNIVERSAL PREKINDERGARTEN ALLOCATION" on the computer file produced by  
 37 the commissioner in support of the enacted budget for the prior year  
 38 plus (B) the amount awarded to such school district, subject to an  
 39 available appropriation, through the pre-kindergarten expansion grant  
 40 for the prior year, provided that such school district has met all  
 41 requirements pursuant to this section, and provided further that the  
 42 maximum grant shall not exceed the total actual grant expenditures  
 43 incurred by the school district in the current school year as approved  
 44 by the commissioner.

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

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

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

54 For the two thousand eighteen--two thousand nineteen school year the  
 55 sum of, from [~~each of (A)~~] the programs pursuant to this section [~~and~~  
 56 ~~(B) the federal preschool development expansion grant, (1)~~], (A) the

1 maximum aidable full-day prekindergarten pupils such district was eligi-  
 2 ble to serve in the base year plus [~~(+2)~~] (B) the maximum aidable number  
 3 of half-day prekindergarten pupils converted into a full-day prekinde-  
 4 rgarten pupil in the base year;

5 For the two thousand nineteen--two thousand twenty school year the sum  
 6 of, from each of (A) the programs pursuant to this section, (B) the  
 7 federal preschool development expansion grant, (C) the expanded prekin-  
 8 dergarten program, [~~(+G)~~] (D) the expanded prekindergarten for three-  
 9 year-olds, [~~(+D)~~] (E) the expanded prekindergarten program for three- and  
 10 four-year-olds, and [~~(+E)~~] (F) the statewide universal full-day prekin-  
 11 dergarten program, (G) the expanded prekindergarten for three- and four-  
 12 year-old students program, (H) the prekindergarten expansion grant, (1)  
 13 the maximum aidable full-day prekindergarten pupils such district was  
 14 eligible to serve in the base year, plus (2) the maximum aidable number  
 15 of half-day prekindergarten pupils converted into a full-day prekinde-  
 16 rgarten pupil in the base year;

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

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

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

32 For the two thousand eighteen--two thousand nineteen school year the  
 33 maximum aidable half-day prekindergarten pupils such district was eligi-  
 34 ble to serve for the base year from [~~(A) the program pursuant to this~~  
 35 ~~section less (B) the maximum aidable number of half-day prekindergarten~~  
 36 ~~pupils converted into a full-day prekindergarten pupil under the federal~~  
 37 ~~preschool development expansion grant for the base year]~~ the program  
 38 pursuant to this section;

39 For the two thousand nineteen--two thousand twenty school year the sum  
 40 of the maximum aidable half-day prekindergarten pupils such district was  
 41 eligible to serve for the base year from (A) the program pursuant to  
 42 this section plus such pupils from (B) the expanded prekindergarten  
 43 program plus such pupils from (C) the expanded prekindergarten for  
 44 three-year-olds plus such pupils from (D) the expanded prekindergarten  
 45 program for three- and four-year-olds plus such pupils from (E) the  
 46 prekindergarten expansion grant, less the sum of the maximum aidable  
 47 number of half-day prekindergarten pupils converted into a full-day  
 48 prekindergarten pupil under each of (1) the federal preschool expansion  
 49 grant for the base year plus such pupils from (2) the expanded prekin-  
 50 dergarten program plus such pupils from [~~(+2)~~] (3) the expanded prekin-  
 51 dergarten for three-year-olds plus such pupils from [~~(+3)~~] (4) the  
 52 expanded prekindergarten program for three- and four-year-olds plus such  
 53 pupils from [~~(+4)~~] (5) the statewide universal full-day prekindergarten  
 54 program plus such pupils from (6) the expanded prekindergarten for  
 55 three- and four-year-old students program plus such pupils from (7) the  
 56 prekindergarten expansion grant for the base year;

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

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

11 For the purposes of this paragraph:

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

16 (B) "Federal preschool development expansion grant" shall mean the  
 17 federal preschool development expansion grant pursuant to the American  
 18 Recovery and Reinvestment Act of 2009 (ARRA), Sections 14005, 14006, and  
 19 14013, Title XIV, (Public Law 112-10), as amended by section 1832(b) of  
 20 Division B of the Department of Defense and Full-Year Continuing Appro-  
 21 priations Act, 2011 (Pub. L. 112-10), and the Department of Education  
 22 Appropriations Act, 2012 (Title III Division F of Pub. L. 112-74, the  
 23 Consolidated Appropriations Act, 2012);

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

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

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

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

37 (G) "The expanded prekindergarten for three- and four-year-old  
 38 students program" shall mean the expanded prekindergarten for three- and  
 39 four-year-old students program pursuant to the chapter of the laws of  
 40 2018 establishing such program;

41 [~~F~~] (H) "Prekindergarten expansion grant" shall mean the prekin-  
 42 dergarten expansion grant for the two thousand eighteen--two thousand nine-  
 43 teen school year and thereafter, pursuant to subdivision eighteen of  
 44 this section, to the extent such program was available subject to appro-  
 45 priation, and provided that such school district has met all require-  
 46 ments pursuant to this section.

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

50 11. Maintenance of effort reduction. Where a school district's current  
 51 year prekindergarten pupils served is less than its prekindergarten  
 52 maintenance of effort base, the school district shall have its current  
 53 year apportionment [~~reduced by~~ equal to the product of the maintenance  
 54 of effort factor computed in paragraph b of subdivision ten of this  
 55 section multiplied by the grant amount it was eligible to receive pursu-  
 56 ant to subdivision ten of this section.

1 § 18-a. Subparagraph (ii) of paragraph (c) of subdivision 8 of section  
2 3602-ee of the education law, as amended by section 31-a of part YYY of  
3 chapter 59 of the laws of 2017, is amended to read as follows:

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

15 § 18-b. Subdivision 18 of section 3602-e of the education law, as  
16 added by section 30 of part YYY of chapter 59 of the laws of 2017, is  
17 amended to read as follows:

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

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

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

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

49 § 19-a. Section 3602-ee of the education law is REPEALED.

50 § 20. a. Notwithstanding any other provision of law to the contrary,  
51 the actions or omissions of any school district which failed to submit a  
52 final building project cost report by June 30 of the school year follow-  
53 ing June 30 of the school year in which the certificate of substantial  
54 completion of the project is issued by the architect or engineer, or six  
55 months after issuance of such certificate, whichever is later, are here-  
56 by ratified and validated, provided that such building project was

1 eligible for aid in a year for which the commissioner of education is  
2 required to prepare an estimate of apportionments due and owing pursuant  
3 to paragraph c of subdivision 21 of section 305 of the education law,  
4 provided further that such school district submits a final cost report  
5 on or before December 31, 2018 and such report is approved by the  
6 commissioner of education, and provided further that any amount due and  
7 payable for school years prior to the 2019--2020 school year as a result  
8 of this act shall be paid pursuant to the provisions of paragraph c of  
9 subdivision 5 of section 3604 of the education law, provided however if  
10 such aid has already been paid to the district then such district may  
11 retain such aid net any disallowances calculated under subdivision c of  
12 this section.

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

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

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

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

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

1 of the state finance law, less any grants provided pursuant to subdivi-  
2 sion twelve of section thirty-six hundred forty-one of this article, or  
3 (ii) the apportionment calculated by the commissioner based on data on  
4 file at the time the payment is processed; provided however, that for  
5 the purposes of any payments made pursuant to this section prior to the  
6 first business day of June of the current year, moneys apportioned shall  
7 not include any aids payable pursuant to subdivisions six and fourteen,  
8 if applicable, of section thirty-six hundred two of this part as current  
9 year aid for debt service on bond anticipation notes and/or bonds first  
10 issued in the current year or any aids payable for full-day kindergarten  
11 for the current year pursuant to subdivision nine of section thirty-six  
12 hundred two of this part. The definitions of "base year" and "current  
13 year" as set forth in subdivision one of section thirty-six hundred two  
14 of this part shall apply to this section. For aid payable in the two  
15 thousand [~~seventeen~~] eighteen--two thousand [~~eighteen~~] nineteen school  
16 year, reference to such "school aid computer listing for the current  
17 year" shall mean the printouts entitled [~~"SA171-8"~~] "SA181-9".

18 § 22. Paragraph b of subdivision 2 of section 3612 of the education  
19 law, as amended by section 34 of part YYY of chapter 59 of the laws of  
20 2017, is amended to read as follows:

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

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

42 6. Notwithstanding any other law, rule or regulation to the contrary,  
43 the board of education of a city school district with a population of  
44 one hundred twenty-five thousand or more inhabitants shall be permitted  
45 to establish maximum class sizes for special classes for certain  
46 students with disabilities in accordance with the provisions of this  
47 subdivision. For the purpose of obtaining relief from any adverse fiscal  
48 impact from under-utilization of special education resources due to low  
49 student attendance in special education classes at the middle and  
50 secondary level as determined by the commissioner, such boards of educa-  
51 tion shall, during the school years nineteen hundred ninety-five--nine-  
52 ty-six through June thirtieth, two thousand [~~eighteen~~] nineteen of the  
53 two thousand [~~seventeen~~] eighteen--two thousand [~~eighteen~~] nineteen  
54 school year, be authorized to increase class sizes in special classes  
55 containing students with disabilities whose age ranges are equivalent to  
56 those of students in middle and secondary schools as defined by the

1 commissioner for purposes of this section by up to but not to exceed one  
2 and two tenths times the applicable maximum class size specified in  
3 regulations of the commissioner rounded up to the nearest whole number,  
4 provided that in a city school district having a population of one  
5 million or more, classes that have a maximum class size of fifteen may  
6 be increased by no more than one student and provided that the projected  
7 average class size shall not exceed the maximum specified in the appli-  
8 cable regulation, provided that such authorization shall terminate on  
9 June thirtieth, two thousand. Such authorization shall be granted upon  
10 filing of a notice by such a board of education with the commissioner  
11 stating the board's intention to increase such class sizes and a certif-  
12 ication that the board will conduct a study of attendance problems at  
13 the secondary level and will implement a corrective action plan to  
14 increase the rate of attendance of students in such classes to at least  
15 the rate for students attending regular education classes in secondary  
16 schools of the district. Such corrective action plan shall be submitted  
17 for approval by the commissioner by a date during the school year in  
18 which such board increases class sizes as provided pursuant to this  
19 subdivision to be prescribed by the commissioner. Upon at least thirty  
20 days notice to the board of education, after conclusion of the school  
21 year in which such board increases class sizes as provided pursuant to  
22 this subdivision, the commissioner shall be authorized to terminate such  
23 authorization upon a finding that the board has failed to develop or  
24 implement an approved corrective action plan.

25 § 24. Paragraph c of subdivision 5 of section 3604 of the education  
26 law, as added by chapter 82 of the laws of 1995, is amended to read as  
27 follows:

28 c. Payment of moneys due for prior years. State aid payments due for  
29 prior years in accordance with the provisions of this subdivision shall  
30 be paid either: (i) from funds available in the general support for  
31 public school appropriation as a result of the deduction of excess  
32 payments of aid pursuant to paragraph a of this subdivision, or (ii)  
33 within the limit of the appropriation designated therefor provided,  
34 however, that each eligible claim shall be payable in the order that it  
35 has been approved for payment by the commissioner, but in no case shall  
36 a single claim draw down more than forty percent of the appropriation so  
37 designated for a single year, and provided further that no claim shall  
38 be set aside for insufficiency of funds to make a complete payment, but  
39 shall be eligible for a partial payment in one year and shall retain its  
40 priority date status for appropriations designated for such purposes in  
41 future years.

42 § 25. Subdivision b of section 2 of chapter 756 of the laws of 1992,  
43 relating to funding a program for work force education conducted by the  
44 consortium for worker education in New York city, as amended by section  
45 44 of part YYY of chapter 59 of the laws of 2017, is amended to read as  
46 follows:

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

1 percent of the lesser of such approvable costs per contact hour or four-  
 2 teen dollars and ninety-five cents per contact hour, where a contact  
 3 hour represents sixty minutes of instruction services provided to an  
 4 eligible adult. Notwithstanding any other provision of law to the  
 5 contrary, [~~for the 2015--2016 school year such contact hours shall not~~  
 6 ~~exceed one million five hundred ninety-nine thousand fifteen (1,599,015)~~  
 7 ~~hours, whereas~~] for the 2016--2017 school year such contact hours shall  
 8 not exceed one million five hundred fifty-one thousand three hundred  
 9 twelve (1,551,312); [~~and~~] whereas for the 2017--2018 school year such  
 10 contact hours shall not exceed one million five hundred forty-nine thou-  
 11 sand four hundred sixty-three (1,549,463); and for the 2018--2019 school  
 12 year such contact hours shall not exceed one million four hundred  
 13 sixty-three thousand nine hundred sixty-three (1,463,963). Notwith-  
 14 standing any other provision of law to the contrary, the apportionment  
 15 calculated for the city school district of the city of New York pursuant  
 16 to subdivision 11 of section 3602 of the education law shall be computed  
 17 as if such contact hours provided by the consortium for worker educa-  
 18 tion, not to exceed the contact hours set forth herein, were eligible  
 19 for aid in accordance with the provisions of such subdivision 11 of  
 20 section 3602 of the education law.

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

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

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

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

39 § 27-a. Paragraph a-1 of subdivision 11 of section 3602 of the educa-  
 40 tion law, as amended by section 60 of part YYY of chapter 59 of the laws  
 41 of 2017, is amended to read as follows:

42 a-1. Notwithstanding the provisions of paragraph a of this subdivi-  
 43 sion, for aid payable in the school years two thousand--two thousand one  
 44 through two thousand nine--two thousand ten, and two thousand eleven--  
 45 two thousand twelve through two thousand [~~seventeen~~] eighteen--two thou-  
 46 sand [~~eighteen~~] nineteen, the commissioner may set aside an amount not  
 47 to exceed two million five hundred thousand dollars from the funds  
 48 appropriated for purposes of this subdivision for the purpose of serving  
 49 persons twenty-one years of age or older who have not been enrolled in  
 50 any school for the preceding school year, including persons who have  
 51 received a high school diploma or high school equivalency diploma but  
 52 fail to demonstrate basic educational competencies as defined in regu-  
 53 lation by the commissioner, when measured by accepted standardized  
 54 tests, and who shall be eligible to attend employment preparation educa-  
 55 tion programs operated pursuant to this subdivision.

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

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

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

16 § 29. Tuition rates approved for the two thousand eighteen--two thou-  
17 sand nineteen school year for special services or programs provided to  
18 school-age students by special act school districts; approved private  
19 residential or non-residential schools for the education of students  
20 with disabilities that are located within the state; and providers of  
21 education to preschool children with disabilities pursuant to section  
22 4410 of the education law shall provide for an increase of at least four  
23 percent in reimbursable costs.

24 § 29-a. Section 4004 of the education law is amended by adding a new  
25 subdivision 5 to read as follows:

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

31 § 29-b. Subdivision 4 of section 4405 of the education law is amended  
32 by adding a new paragraph k to read as follows:

33 k. The tuition methodology established pursuant to this subdivision  
34 for the two thousand eighteen--two thousand nineteen school year and  
35 thereafter shall authorize approved private residential or non-residen-  
36 tial schools for the education of students with disabilities that are  
37 located within the state, and special act school districts, to retain  
38 funds in excess of their allowable and reimbursable costs incurred for  
39 services and programs provided to school-age students. The amount of  
40 funds that may be annually retained shall not exceed one percent of the  
41 school's or school district's total allowable and reimbursable costs for  
42 services and programs provided to school-age students for the school  
43 year from which the funds are to be retained; provided that the total  
44 accumulated balance that may be retained shall not exceed four percent  
45 of such total costs for such school year. Funds may be expended only  
46 pursuant to an authorization of the governing board of the school or  
47 school district, for a purpose expressly authorized as part of the  
48 approved tuition methodology for the year in which the funds are to be  
49 expended. The director of the budget, in consultation with the commis-  
50 sioner, shall establish the authorized uses for the expenditures of such  
51 funds as part of the approved tuition methodology. Any school or school  
52 district that retains funds pursuant to this paragraph shall be required  
53 to annually report a statement of the total balance of any such retained  
54 funds, the amount, if any, retained in the prior school year, an amount,  
55 if any, dispersed in the prior school year, and any additional informa-

1 tion requested by the department as part of the financial reports that  
2 are required to be annually submitted to the department.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

53 c. Notwithstanding the provisions of section 3609-a of the education  
54 law, an amount equal to the amount paid to a school district pursuant to  
55 subdivisions a and b of this section shall first be deducted from the  
56 following payments due the school district during the school year

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

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

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

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

1 due the district pursuant to paragraph b of such subdivision shall be  
2 deducted on a chronological basis starting with the earliest payment due  
3 the district.

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

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

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

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

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

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

33 a. for the development, maintenance or expansion of magnet schools or  
34 magnet school programs for the 2018--2019 school year. For the city  
35 school district of the city of New York there shall be a setaside of  
36 foundation aid equal to forty-eight million one hundred seventy-five  
37 thousand dollars (\$48,175,000) including five hundred thousand dollars  
38 (\$500,000) for the Andrew Jackson High School; for the Buffalo city  
39 school district, twenty-one million twenty-five thousand dollars  
40 (\$21,025,000); for the Rochester city school district, fifteen million  
41 dollars (\$15,000,000); for the Syracuse city school district, thirteen  
42 million dollars (\$13,000,000); for the Yonkers city school district,  
43 forty-nine million five hundred thousand dollars (\$49,500,000); for the  
44 Newburgh city school district, four million six hundred forty-five thou-  
45 sand dollars (\$4,645,000); for the Poughkeepsie city school district,  
46 two million four hundred seventy-five thousand dollars (\$2,475,000); for  
47 the Mount Vernon city school district, two million dollars (\$2,000,000);  
48 for the New Rochelle city school district, one million four hundred ten  
49 thousand dollars (\$1,410,000); for the Schenectady city school district,  
50 one million eight hundred thousand dollars (\$1,800,000); for the Port  
51 Chester city school district, one million one hundred fifty thousand  
52 dollars (\$1,150,000); for the White Plains city school district, nine  
53 hundred thousand dollars (\$900,000); for the Niagara Falls city school  
54 district, six hundred thousand dollars (\$600,000); for the Albany city  
55 school district, three million five hundred fifty thousand dollars  
56 (\$3,550,000); for the Utica city school district, two million dollars

1 (\$2,000,000); for the Beacon city school district, five hundred sixty-  
2 six thousand dollars (\$566,000); for the Middletown city school  
3 district, four hundred thousand dollars (\$400,000); for the Freeport  
4 union free school district, four hundred thousand dollars (\$400,000);  
5 for the Greenburgh central school district, three hundred thousand  
6 dollars (\$300,000); for the Amsterdam city school district, eight  
7 hundred thousand dollars (\$800,000); for the Peekskill city school  
8 district, two hundred thousand dollars (\$200,000); and for the Hudson  
9 city school district, four hundred thousand dollars (\$400,000).

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

19 c. The commissioner of education shall not be authorized to withhold  
20 foundation aid from a school district that used such funds in accordance  
21 with this paragraph, notwithstanding any inconsistency with a request  
22 for proposals issued by such commissioner for the purpose of attendance  
23 improvement and dropout prevention for the 2018--2019 school year, and  
24 for any city school district in a city having a population of more than  
25 one million, the setaside for attendance improvement and dropout  
26 prevention shall equal the amount set aside in the base year. For the  
27 2018--2019 school year, it is further provided that any city school  
28 district in a city having a population of more than one million shall  
29 allocate at least one-third of any increase from base year levels in  
30 funds set aside pursuant to the requirements of this section to communi-  
31 ty-based organizations. Any increase required pursuant to this section  
32 to community-based organizations must be in addition to allocations  
33 provided to community-based organizations in the base year.

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

1 § 42. Support of public libraries. The moneys appropriated for the  
2 support of public libraries by a chapter of the laws of 2017 enacting  
3 the aid to localities budget shall be apportioned for the 2018-2019  
4 state fiscal year in accordance with the provisions of sections 271,  
5 272, 273, 282, 284, and 285 of the education law as amended by the  
6 provisions of this chapter and the provisions of this section, provided  
7 that library construction aid pursuant to section 273-a of the education  
8 law shall not be payable from the appropriations for the support of  
9 public libraries and provided further that no library, library system or  
10 program, as defined by the commissioner of education, shall receive less  
11 total system or program aid than it received for the year 2001-2002  
12 except as a result of a reduction adjustment necessary to conform to the  
13 appropriations for support of public libraries.

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

23 § 42-a. Section 3 of chapter 507 of the laws of 1974, relating to  
24 providing for the apportionment of state monies to certain nonpublic  
25 schools, to reimburse them for their expenses in complying with certain  
26 state requirements for the administration of state testing and evalu-  
27 ation programs and for participation in state programs for the reporting  
28 of basic educational data, as amended by section 17 of part YY of chap-  
29 ter 59 of the laws of 2017, is amended to read as follows:

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

40 b. Such nonpublic schools shall be eligible to receive aid based on  
41 the number of days or portion of days attendance is taken and either a  
42 5.0/5.5 hour standard instructional day, or another work day as certi-  
43 fied by the nonpublic school officials, in accordance with the methodol-  
44 ogy for computing salary and benefits applied by the department in  
45 paying aid for the two thousand twelve--two thousand thirteen and prior  
46 school years.

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

54 § 42-b. Subdivision a of section 5 of chapter 121 of the laws of 1996,  
55 relating to authorizing the Roosevelt union free school district to  
56 finance deficits by the issuance of serial bonds, as amended by section

1 38 of part YYY of chapter 59 of the laws of 2017, is amended to read as  
2 follows:

3 a. Notwithstanding any other provisions of law, upon application to  
4 the commissioner of education submitted not sooner than April first and  
5 not later than June thirtieth of the applicable school year, the Roose-  
6 velt union free school district shall be eligible to receive an appor-  
7 tionment pursuant to this chapter for salary expenses, including related  
8 benefits, incurred between April first and June thirtieth of such school  
9 year. Such apportionment shall not exceed: for the 1996-97 school year  
10 through the [~~2017-18~~] 2018-19 school year, four million dollars  
11 (\$4,000,000); for the [~~2018-19~~] 2019-20 school year, three million  
12 dollars (\$3,000,000); for the [~~2019-20~~] 2020-21 school year, two million  
13 dollars (\$2,000,000); for the [~~2020-21~~] 2021-22 school year, one million  
14 dollars (\$1,000,000); and for the [~~2021-22~~] 2022-23 school year, zero  
15 dollars. Such annual application shall be made after the board of  
16 education has adopted a resolution to do so with the approval of the  
17 commissioner of education.

18 § 42-c. Paragraph c of subdivision 2 of section 2023-a of the educa-  
19 tion law, as amended by section 1 of subpart C of part C of chapter 20  
20 of the laws of 2015, is amended to read as follows:

21 c. "Capital local expenditures" means (i) the taxes associated with  
22 budgeted expenditures resulting from the financing, refinancing, acqui-  
23 sition, design, construction, reconstruction, rehabilitation, improve-  
24 ment, furnishing and equipping of, or otherwise providing for school  
25 district capital facilities or school district capital equipment,  
26 including debt service and lease expenditures, and transportation capi-  
27 tal debt service, and (ii) the school district's share of capital local  
28 expenditures, as defined in subparagraph (i) of this paragraph, for  
29 boards of cooperative educational services as authorized pursuant to  
30 section nineteen hundred fifty of this title and approved by the commis-  
31 sioner, subject to the approval of the qualified voters where required  
32 by law. [~~The commissioner of taxation and finance shall, as appropri-~~  
33 ~~ate, promulgate rules and regulations which may provide for adjustment~~  
34 ~~of capital local expenditures to reflect a school district's share of~~  
35 ~~additional budgeted capital expenditures made by a board of cooperative~~  
36 ~~educational services.]~~

37 § 42-d. Subparagraph 1 of paragraph b of subdivision 4 of section 1950  
38 of the education law, as amended by chapter 474 of the laws of 1996, is  
39 amended to read as follows:

40 (1) Prepare, prior to the annual meeting of members of the boards of  
41 education and school trustees, held as provided in paragraph o of this  
42 subdivision, a tentative budget of expenditures for the program costs, a  
43 tentative budget for capital costs, and a tentative budget for the  
44 administration costs of the board of cooperative educational services.  
45 Such budgets shall include the proposed budget for the upcoming school  
46 year, the previous school year's actual costs and the current school  
47 year's projected costs for each object of expenditure. Such program,  
48 capital and administrative budgets shall be separately delineated in  
49 accordance with the definition of program, capital and administrative  
50 costs which shall be promulgated by the commissioner after consultation  
51 with school district officials and the director of the budget. Personal  
52 service costs for each budget shall include the number of full-time  
53 equivalent positions funded and total salary and, except as noted here-  
54 in, fringe benefit costs for such positions by program. Each program  
55 budget shall also include the local and statewide unit costs of such  
56 programs and services proposed for the upcoming school year, such actual

1 unit costs for the previous school year, and the current school year's  
2 projected unit costs, all established in accordance with paragraph d of  
3 this subdivision. The capital budget shall include facility construction  
4 and lease expenditures authorized pursuant to paragraphs p, t and u of  
5 this subdivision, payments for the repayment of indebtedness related to  
6 capital projects, payments for the acquisition or construction of facil-  
7 ities, sites or additions, provided that such budget shall contain a  
8 rental, operations and maintenance section that will include base rent  
9 costs, total rent costs, operations and maintenance charges, cost per  
10 square foot for each facility rented or leased by such board of cooper-  
11 ative educational services, and any and all expenditures associated with  
12 custodial salaries and benefits, service contracts, supplies, utilities,  
13 maintenance and repairs for such facilities, and that such budget shall  
14 include the annual debt service and total debt for all facilities  
15 financed by bonds or notes of the component districts, annual rental and  
16 lease payments and total rental and lease costs for all facilities rent-  
17 ed by such board; such capital budget shall also include expenditures  
18 resulting from court judgments and orders from administrative bodies or  
19 officers, and, to the extent a board's administrative budget has been  
20 adopted, one-time costs incurred in the first year in which an employee  
21 retires. The administrative budget shall include, but need not be limit-  
22 ed to, office and central administrative expenses, traveling expenses  
23 and salaries and benefits of supervisors and administrative personnel  
24 necessary to carry out the central administrative duties of the supervi-  
25 sory district, any and all expenditures associated with the board, the  
26 office of district superintendent, general administration, central  
27 support services, planning, and all other administrative activities.  
28 Such administrative budget shall also specify the amount of supplementa-  
29 ry salary and benefits, if any, which the board determines should be  
30 paid to the district superintendent of schools and the board shall  
31 append to such budget a detailed statement of the total compensation to  
32 be paid the district superintendent of schools by the board, including a  
33 delineation of the salary, annualized cost of benefits and any in-kind  
34 or other form of remuneration to be paid, plus, commencing with the  
35 presentation of the budget for the nineteen hundred ninety-seven--nine-  
36 ty-eight school year, a list of items of expense eligible for reimburse-  
37 ment on expense accounts in the ensuing school year and a statement of  
38 the amount of expenses paid to the district superintendent of schools in  
39 the prior year for purposes of carrying out his or her official duties;  
40 provided, however, any school district's share of capital local expendi-  
41 tures of a board of cooperative educational services, as defined in  
42 subparagraph (ii) of paragraph c of subdivision two of section two thou-  
43 sand twenty-three-a of this title, and approved by the commissioner  
44 shall not be included in a school district's tax levy pursuant to such  
45 section.

46 § 42-e. Paragraph (a) of subdivision 2 of section 6-n of the general  
47 municipal law, as separately amended by chapters 414 and 416 of the laws  
48 of 2016, is amended to read as follows:

49 (a) The governing board of any municipal corporation may establish a  
50 reserve fund to be known as the insurance reserve fund. Upon the  
51 creation of the fund, the municipality may make expenditures from the  
52 fund for any loss, claim, action or judgment for which the municipal  
53 corporation is authorized or required to purchase or maintain insurance,  
54 except those kinds of risks for which insurance is authorized pursuant  
55 to paragraph one, two, three, fifteen, sixteen, seventeen, eighteen,  
56 twenty-two or twenty-three of subsection (a) of section one thousand one

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.

20 § 42-f. Paragraphs b and c of subdivision 1 of section 6-r of the  
21 general municipal law, as added by chapter 260 of the laws of 2004, are  
22 amended to read as follows:

23 b. "Participating employer" means: (i) a participating employer as  
24 defined in subdivision twenty of section two of the retirement and  
25 social security law or in subdivision twenty of section three hundred  
26 two of such law; or (ii) a participating employer as defined in subdivi-  
27 sion three of section five hundred one of the education law.

28 c. "Retirement contribution" shall mean all or any portion of the  
29 amount payable by a municipal corporation to: (i) either the New York  
30 state and local employees' retirement system or the New York state and  
31 local police and fire retirement system pursuant to section seventeen or  
32 three hundred seventeen of the retirement and social security law; or  
33 (ii) the New York state teachers' retirement system pursuant to section  
34 five hundred twenty-one of the education law.

35 § 42-g. Subdivision 2 of section 6-r of the general municipal law, as  
36 added by chapter 260 of the laws of 2004, is amended to read as follows:

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

47 § 42-h. Section 6-r of the general municipal law is amended by adding  
48 a new subdivision 2-a to read as follows:

49 2-a. With respect to a municipal corporation which is a participating  
50 employer as defined in subdivision three of section five hundred one of  
51 the education law, which elects to utilize a retirement contribution  
52 reserve fund (a) to finance retirement contributions to the New York  
53 state teachers' retirement system pursuant to section five hundred twen-  
54 ty-one of the education law and/or (b) to offset all or a portion of the  
55 amount deducted from the moneys apportioned to the municipal corporation  
56 from the state for the support of common schools pursuant to section

1 five hundred twenty-one of the education law, such municipal corporation  
2 shall establish a sub-fund within the retirement contribution reserve  
3 fund, which shall be separately administered consistent with the  
4 provisions of this section. Such municipal corporation may pay into such  
5 sub-fund during any particular fiscal year an amount not to exceed two  
6 per centum of the total compensation or salaries of all teachers in the  
7 employ of said municipal corporation who are members of the New York  
8 state teachers' retirement system paid during the immediately preceding  
9 fiscal year. The balance of such sub-fund may not exceed ten per centum  
10 of the total compensation or salaries of all teachers in the employ of  
11 the municipal corporation who are members of the New York state teach-  
12 ers' retirement system paid during the immediately preceding fiscal  
13 year. For the purposes of this subdivision, the term "teacher" shall  
14 have the same meaning as such term is defined under subdivision four of  
15 section five hundred one of the education law.

16 § 42-i. Subdivision 5 of section 6-r of the general municipal law, as  
17 added by chapter 260 of the laws of 2004, is amended to read as follows:

18 5. The governing board of such municipal corporation by resolution may  
19 authorize expenditures from a retirement contribution reserve fund.  
20 Except as otherwise provided by law, moneys in a retirement contribution  
21 reserve fund may only be expended (a) to finance retirement contrib-  
22 utions, and/or (b) in the case of a municipal corporation which is a  
23 participating employer, as defined in subdivision three of section five  
24 hundred one of the education law, for appropriations authorized by law  
25 in order to offset all or a portion of the amount deducted from the  
26 moneys apportioned to the participating employer from the state for the  
27 support of common schools pursuant to section five hundred twenty-one of  
28 the education law. With respect to a municipal corporation which is a  
29 participating employer as defined in subdivision three of section five  
30 hundred one of the education law, expenditures from the retirement  
31 contribution reserve fund to finance retirement contributions to the New  
32 York State teachers' retirement system pursuant to section five hundred  
33 twenty-one of the education law and/or to offset all or a portion of the  
34 amount deducted from the moneys apportioned to the municipal corporation  
35 from the state for the support of common schools pursuant to section  
36 five hundred twenty-one of the education law may only be made from the  
37 sub-fund established pursuant to subdivision two-a of this section.

38 § 42-j. Section 6-r of the general municipal law is amended by adding  
39 a new subdivision 11 to read as follows:

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

51 § 43. Severability. The provisions of this act shall be severable, and  
52 if the application of any clause, sentence, paragraph, subdivision,  
53 section or part of this act to any person or circumstance shall be  
54 adjudged by any court of competent jurisdiction to be invalid, such  
55 judgment shall not necessarily affect, impair or invalidate the applica-  
56 tion of any such clause, sentence, paragraph, subdivision, section, part

1 of this act or remainder thereof, as the case may be, to any other  
2 person or circumstance, but shall be confined in its operation to the  
3 clause, sentence, paragraph, subdivision, section or part thereof  
4 directly involved in the controversy in which such judgment shall have  
5 been rendered.

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

9 1. Sections one, five, seven, nine, nine-a, nine-c, ten, eleven,  
10 twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nine-  
11 teen, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five,  
12 twenty-seven-a, thirty-six, forty, forty-one, forty-two-a and  
13 forty-two-b of this act shall take effect July 1, 2018;

14 1-a. Section nineteen-a of this act shall take effect July 1, 2019;

15 2. The amendments to subdivision 1 of section 2856 of the education  
16 law made by section six of this act shall be subject to the expiration  
17 and reversion of such subdivision pursuant to section 27 of chapter 378  
18 of the laws of 2007, as amended, when upon such date the provisions of  
19 section seven of this act shall take effect;

20 2-a. The amendments to the closing paragraph of paragraph (a) of  
21 subdivision 1 of section 2856 of the education law made by section six-a  
22 of this act shall be subject to the expiration and reversion of such  
23 subdivision pursuant to section 27 of chapter 378 of the laws of 2007,  
24 as amended, when upon such date the provisions of section seven-a of  
25 this act shall take effect;

26 3. The amendments to subdivision 1 of section 2856 of the education  
27 law made by section eight of this act shall be subject to the expiration  
28 and reversion of such subdivision pursuant to subdivision d of section  
29 27 of chapter 378 of the laws of 2007, as amended, when upon such date  
30 the provisions of section eight-a of this act shall take effect;  
31 provided, further, that if this act shall become a law after June 30,  
32 2018, section eight-b of this act shall take effect immediately and  
33 shall be deemed to have been in full force and effect on and after June  
34 30, 2018;

35 4. The amendments to chapter 756 of the laws of 1992, relating to  
36 funding a program for work force education conducted by the consortium  
37 for worker education in New York city made by sections twenty-five and  
38 twenty-six of this act shall not affect the repeal of such chapter and  
39 shall be deemed repealed therewith;

40 5. Section twenty-eight of this act shall be deemed to have been in  
41 full force and effect on and after the effective date of section 140 of  
42 chapter 82 of the laws of 1995;

43 6. The amendments to paragraph b-1 of subdivision 4 of section 3602 of  
44 the education law made by section nine-a of this act shall not affect  
45 the expiration of such paragraph and shall expire therewith;

46 7. The amendments to paragraph c of subdivision 2 of section 2023-a of  
47 the education law made by section forty-two-c of this act shall not  
48 affect the repeal of such section and shall be deemed repealed there-  
49 with; and

50 8. The amendments to subparagraph 1 of paragraph b of subdivision 4 of  
51 section 1950 of the education law made by section forty-two-d of this  
52 act shall expire on the same date and in the same manner as section 13  
53 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.

1 PART B

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

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

18 a. a requirement stating that the school provide the student with the  
19 student's meal of choice from the available reimbursable meal choices  
20 for such school day, if the student requests one, provided that the

1 school is only required to provide access to reimbursable meals, not a  
2 la carte items, adult meals, or other similar items;

3 b. an explanation of how staff will be trained to ensure that the  
4 policy is implemented correctly and to assist parents or guardians in  
5 determining whether their child is eligible for free or reduced-price  
6 meals;

7 c. actions that the school will take to collect a student's unpaid  
8 school meal fees from the student's parent or guardian including a  
9 procedure for notifying the student's parent or guardian that the  
10 student's meal card or account balance is exhausted and unpaid meal  
11 charges are due. The school may use a repayment schedule to collect  
12 unpaid school meal fees from a parent or guardian, but the school shall  
13 not charge any interest or fees in connection with any meals charged and  
14 shall not use a debt collector, as defined in section 1692a of title 15  
15 of the United States Code. Nothing in this section, however, is intended  
16 to allow for the unlimited accrual of debt; and

17 d. a procedure designed to inform and assist eligible families in  
18 enrolling their child for free or reduced price meals. Such procedure  
19 shall include a process for determining eligibility when a student owes  
20 money for five or more meals, wherein the school shall:

21 i. make every attempt to determine if a student is directly certified  
22 to be eligible for free or reduced price meals;

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

27 iii. require a designated school administrator or other school person-  
28 nel to contact the parent or guardian to offer assistance with a meal  
29 application, determine if there are other issues within the household  
30 that have caused the child to have insufficient funds to purchase a  
31 school meal and offer any other assistance that is appropriate.

32 2. No school shall:

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

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

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

41 d. take any action directed at a student to collect unpaid school meal  
42 fees. A school or school district shall only communicate directly with a  
43 parent or guardian about payment of school meal fees or collection of  
44 unpaid school meal fees. A school or school district may, however,  
45 direct actions or communications about such fees to or through a student  
46 if a parent or guardian provides written consent.

47 3. If a school becomes aware that a student who has not submitted a  
48 meal application is eligible for free or reduced price meals, the school  
49 shall complete and file an application for the student pursuant to part  
50 245 of the code of federal regulations , as such regulations may, from  
51 time to time, be amended.

52 4. School liaisons designated under subdivision two-a of section thir-  
53 ty-two hundred nine of this chapter for homeless students and school  
54 district points of contact designated for foster students shall ensure  
55 eligible students receive school meals, in accordance with federal law.

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

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

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

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

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

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

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

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

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

1 b. The State Education Department, in cooperation with the Department  
2 of Agriculture and Markets, shall develop an application for school food  
3 authorities to seek an additional State subsidy pursuant to this section  
4 in a timeline and format prescribed by the commissioner of education.  
5 Such application shall include, but not be limited to, documentation  
6 demonstrating the school food authority's total food purchases for its  
7 school lunch service programs, including its total food purchases for  
8 its school lunch service programs and percentages for such programs from  
9 New York State farmers, growers, producers or processors that process  
10 food in facilities located in New York state in the preceding school  
11 year. The application shall also include an attestation from the school  
12 food authority's chief operating officer that at least thirty percent of  
13 the total cost of food products for the school lunch service program of  
14 such food authority is purchased from New York State farmers, growers,  
15 producers or processors that process food in facilities located in New  
16 York state in the preceding school year in order to meet the require-  
17 ments for this additional State subsidy. School food authorities shall  
18 be required to annually apply for this subsidy.

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

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

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

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

35 PART C

36 Intentionally Omitted

37 PART D

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

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

1 ipating non-component school district pursuant to a memorandum of under-  
2 standing shall be aidable pursuant to subdivision five of this section  
3 to the same extent and on the same basis as costs allocated to a compo-  
4 nent school district.

5 § 2. This act shall take effect immediately.

6 PART E

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

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

11 § 609-a. New York DREAM fund commission. 1. (a) There shall be  
12 created a New York DREAM fund commission which shall be committed to  
13 advancing the educational opportunities of the children of immigrants.

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

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

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

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

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

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

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

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

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

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

34 (i) Administer the provisions of this section;

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

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

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

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

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

49 (vii) Establish, publicize, and administer training programs for high  
50 school counselors, admissions officers, and financial aid officers of  
51 institutions of higher education. The training programs shall instruct  
52 participants on the educational opportunities available to college-bound  
53 students who are the children of immigrants, including, but not limited  
54 to, in-state tuition and scholarship programs. To the extent practica-

1 ble, the New York DREAM fund commission shall offer the training program  
2 to school districts and boards of cooperative educational services  
3 throughout the state, provided however, that priority shall be given to  
4 school districts and boards of cooperative educational services with  
5 larger number of students who are the children of immigrants over school  
6 districts and boards of cooperative educational services with lesser  
7 number of students who are the children of immigrants;

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

11 (ix) Establish, by rule, procedures for accepting and evaluating  
12 applications for scholarships from the children of immigrants and issu-  
13 ing scholarships to selected student applicants;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

55 Provided, further, that a student without lawful immigration status  
56 shall also be required to file an affidavit with such institution of

1 higher education stating that the student has filed an application to  
2 legalize his or her immigration status, or will file such an application  
3 as soon as he or she is eligible to do so.

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

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

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

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

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

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

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

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

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

52 8-a. The payment of tuition and other fees and charges of a student  
53 who is attending a community college and who is not a legal resident of  
54 New York state but is a United States citizen, a permanent lawful resi-  
55 dent, a lawful non-immigrant alien or an applicant without lawful immi-  
56 gration status may be reduced by state-aided programs, scholarships and

1 other financial assistance awarded under the provisions of articles  
2 thirteen, thirteen-A, fourteen and fourteen-A of this chapter, provided  
3 that the student meets the requirements set forth in subparagraph (ii)  
4 of paragraph a or subparagraph (ii) of paragraph b of subdivision five  
5 of section six hundred sixty-one of this chapter, as applicable.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

53 Provided, further, that a student without lawful immigration status  
54 shall also be required to file an affidavit with such institution of  
55 higher education stating that the student has filed an application to

1 legalize his or her immigration status, or will file such an application  
2 as soon as he or she is eligible to do so.

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

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

13 § 16. Subparagraph (iii) of paragraph a of subdivision 2 of section  
14 695-e of the education law, as amended by chapter 593 of the laws of  
15 2003, is amended to read as follows:

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

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

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

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

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

40 (c) sections three through fourteen and section seventeen of this act  
41 shall take effect on the ninetieth day after the issuance of regulations  
42 and the development of an application form by the president of the high-  
43 er education services corporation and commissioner of education or on  
44 the ninetieth day after it shall have become a law, whichever shall be  
45 later; provided, further, however that effective immediately the addi-  
46 tion, amendment and/or repeal of any rule or regulation necessary for  
47 the implementation of this act on its effective date are authorized and  
48 directed to be made and completed on or before such date; provided,  
49 further, however, that the president of the higher education services  
50 corporation and the commissioner of education shall notify the legisla-  
51 tive bill drafting commission upon the occurrence of the issuance of the  
52 regulations and the development of an application form in order that the  
53 commission may maintain an accurate and timely effective data base of  
54 the official text of the laws of the state of New York in furtherance of  
55 effectuating the provisions of section 44 of the legislative law and  
56 section 70-b of the public officers law.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47

PART F

Intentionally Omitted

PART G

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

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

4 § 4. This act shall take effect July 1, 2012 and shall expire June 30,  
 5 [~~2018~~] 2021 when upon such date the provisions of this act shall be  
 6 deemed repealed.

7 § 2. This act shall take effect immediately.

8 PART K

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

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

13 § 2. This act shall take effect immediately.

14 PART L

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

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

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

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

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

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

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

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

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

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

49 (c) On and after January first, two thousand [~~seventeen~~] eighteen, (i)  
 50 for an eligible individual receiving family care, [~~\$1,001.48~~] \$1,016.48  
 51 if he or she is receiving such care in the city of New York or the coun-  
 52 ty of Nassau, Suffolk, Westchester or Rockland; and (ii) for an eligible

1 couple receiving family care in the city of New York or the county of  
2 Nassau, Suffolk, Westchester or Rockland, two times the amount set forth  
3 in subparagraph (i) of this paragraph; or (iii) for an eligible individ-  
4 ual receiving such care in any other county in the state, [~~\$963.48~~  
5 \$978.48; and (iv) for an eligible couple receiving such care in any  
6 other county in the state, two times the amount set forth in subpara-  
7 graph (iii) of this paragraph.

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

19 (e) (i) On and after January first, two thousand [~~seventeen~~] eighteen,  
20 for an eligible individual receiving enhanced residential care,  
21 [~~\$1,429.00~~] \$1,444.00; and (ii) for an eligible couple receiving  
22 enhanced residential care, two times the amount set forth in subpara-  
23 graph (i) of this paragraph.

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

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

30 PART M

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

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

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

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

1 direct obligation to pay; this provision shall not apply to room and  
2 board arrangements.

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

8 PART N

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

33 § 2. Notwithstanding any other provision of law, the housing trust  
34 fund corporation may provide, for purposes of the neighborhood preserva-  
35 tion program, a sum not to exceed \$14,779,000 for the fiscal year ending  
36 March 31, 2019. Within this total amount, one hundred fifty thousand  
37 dollars shall be used for the purpose of entering into a contract with  
38 the neighborhood preservation coalition to provide technical assistance  
39 and services to companies funded pursuant to article XVI of the private  
40 housing finance law. Notwithstanding any other provision of law, and  
41 subject to the approval of the New York state director of the budget,  
42 the board of directors of the state of New York mortgage agency shall  
43 authorize the transfer to the housing trust fund corporation, for the  
44 purposes of reimbursing any costs associated with neighborhood preserva-  
45 tion program contracts authorized by this section, a total sum not to  
46 exceed \$14,779,000, such transfer to be made from (i) the special  
47 account of the mortgage insurance fund created pursuant to section  
48 2429-b of the public authorities law, in an amount not to exceed the  
49 actual excess balance in the special account of the mortgage insurance  
50 fund, as determined and certified by the state of New York mortgage  
51 agency for the fiscal year 2017-2018 in accordance with section 2429-b  
52 of the public authorities law, if any, and/or (ii) provided that the  
53 reserves in the project pool insurance account of the mortgage insurance  
54 fund created pursuant to section 2429-b of the public authorities law

1 are sufficient to attain and maintain the credit rating (as determined  
2 by the state of New York mortgage agency) required to accomplish the  
3 purposes of such account, the project pool insurance account of the  
4 mortgage insurance fund, such transfer to be made as soon as practicable  
5 but no later than June 30, 2018.

6 § 3. Notwithstanding any other provision of law, the housing trust  
7 fund corporation may provide, for purposes of the rural preservation  
8 program, a sum not to exceed \$6,239,000 for the fiscal year ending March  
9 31, 2019. Within this total amount, one hundred fifty thousand dollars  
10 shall be used for the purpose of entering into a contract with the rural  
11 housing coalition to provide technical assistance and services to compa-  
12 nies funded pursuant to article XVII of the private housing finance law.  
13 Notwithstanding any other provision of law, and subject to the approval  
14 of the New York state director of the budget, the board of directors of  
15 the state of New York mortgage agency shall authorize the transfer to  
16 the housing trust fund corporation, for the purposes of reimbursing any  
17 costs associated with rural preservation program contracts authorized by  
18 this section, a total sum not to exceed \$6,239,000, such transfer to be  
19 made from (i) the special account of the mortgage insurance fund created  
20 pursuant to section 2429-b of the public authorities law, in an amount  
21 not to exceed the actual excess balance in the special account of the  
22 mortgage insurance fund, as determined and certified by the state of New  
23 York mortgage agency for the fiscal year 2017-2018 in accordance with  
24 section 2429-b of the public authorities law, if any, and/or (ii)  
25 provided that the reserves in the project pool insurance account of the  
26 mortgage insurance fund created pursuant to section 2429-b of the public  
27 authorities law are sufficient to attain and maintain the credit rating  
28 (as determined by the state of New York mortgage agency) required to  
29 accomplish the purposes of such account, the project pool insurance  
30 account of the mortgage insurance fund, such transfer to be made as soon  
31 as practicable but no later than June 30, 2018.

32 § 4. Notwithstanding any other provision of law, the homeless housing  
33 and assistance corporation may provide, for purposes of the New York  
34 state supportive housing program, the solutions to end homelessness  
35 program or the operational support for AIDS housing program, or to qual-  
36 ified grantees under those programs, in accordance with the requirements  
37 of those programs, a sum not to exceed \$8,333,000 for the fiscal year  
38 ending March 31, 2019. The homeless housing and assistance corporation  
39 may enter into an agreement with the office of temporary and disability  
40 assistance to administer such sum in accordance with the requirements of  
41 the programs. Notwithstanding any other provision of law, and subject to  
42 the approval of the New York state director of the budget, the board of  
43 directors of the state of New York mortgage agency shall authorize the  
44 transfer to the homeless housing and assistance corporation, a total sum  
45 not to exceed \$8,333,000, such transfer to be made from (i) the special  
46 account of the mortgage insurance fund created pursuant to section  
47 2429-b of the public authorities law, in an amount not to exceed the  
48 actual excess balance in the special account of the mortgage insurance  
49 fund, as determined and certified by the state of New York mortgage  
50 agency for the fiscal year 2017-2018 in accordance with section 2429-b  
51 of the public authorities law, if any, and/or (ii) provided that the  
52 reserves in the project pool insurance account of the mortgage insurance  
53 fund created pursuant to section 2429-b of the public authorities law  
54 are sufficient to attain and maintain the credit rating (as determined  
55 by the state of New York mortgage agency) required to accomplish the  
56 purposes of such account, the project pool insurance account of the

1 mortgage insurance fund, such transfer to be made as soon as practicable  
2 but no later than March 31, 2019.

3 § 5. Notwithstanding any other provision of law to the contrary, the  
4 housing trust fund corporation may provide, for purposes of the access  
5 to home program pursuant to article 25 of the private housing finance  
6 law, a sum not to exceed \$3,000,000 for the fiscal year ending March 31,  
7 2019. Notwithstanding any other provision of law, and subject to the  
8 approval of the New York state director of the budget, the board of  
9 directors of the state of New York mortgage agency shall authorize the  
10 transfer to the housing trust fund corporation, for the purposes of  
11 reimbursing any costs associated with access to home contracts author-  
12 ized by this section, a total sum not to exceed \$3,000,000, such trans-  
13 fer to be made from (i) the special account of the mortgage insurance  
14 fund created pursuant to section 2429-b of the public authorities law,  
15 in an amount not to exceed the actual excess balance in the special  
16 account of the mortgage insurance fund, as determined and certified by  
17 the state of New York mortgage agency for the fiscal year 2017-2018 in  
18 accordance with section 2429-b of the public authorities law, if any,  
19 and/or (ii) provided that the reserves in the project pool insurance  
20 account of the mortgage insurance fund created pursuant to section  
21 2429-b of the public authorities law are sufficient to attain and main-  
22 tain the credit rating (as determined by the state of New York mortgage  
23 agency) required to accomplish the purposes of such account, the project  
24 pool insurance account of the mortgage insurance fund, such transfer to  
25 be made as soon as practicable but not later than June 30, 2018.

26 § 6. Notwithstanding any other provision of law to the contrary, the  
27 state office for the aging may provide, for costs associated with  
28 naturally occurring retirement communities, a sum not to exceed one  
29 million dollars for the fiscal year ending March 31, 2019. Notwith-  
30 standing any other provision of law to the contrary, and subject to the  
31 approval of the New York state director of the budget, the board of  
32 directors of the state of New York mortgage agency shall authorize the  
33 transfer to the general fund, for the purposes of reimbursing any costs  
34 associated with naturally occurring retirement communities authorized by  
35 this section, a total sum not to exceed one million dollars, such trans-  
36 fer to be made from (i) the special account of the mortgage insurance  
37 fund created pursuant to section 2429-b of the public authorities law,  
38 in an amount not to exceed the actual excess balance in the special  
39 account of the mortgage insurance fund, as determined and certified by  
40 the state of New York mortgage agency for the fiscal year 2017-2018 in  
41 accordance with section 2429-b of the public authorities law, if any,  
42 and/or (ii) provided that the reserves in the project pool insurance  
43 account of the mortgage insurance fund created pursuant to section  
44 2429-b of the public authorities law are sufficient to attain and main-  
45 tain the credit rating (as determined by the state of New York mortgage  
46 agency) required to accomplish the purposes of such account, the project  
47 pool insurance account of the mortgage insurance fund, such transfer to  
48 be made as soon as practicable but no later than June 30, 2019.

49 § 7. Notwithstanding any other provision of law to the contrary, the  
50 state office for the aging may provide, for costs associated with neigh-  
51 borhood naturally occurring retirement communities, a sum not to exceed  
52 one million dollars for the fiscal year ending March 31, 2019. Notwith-  
53 standing any other provision of law to the contrary, and subject to the  
54 approval of the New York state director of the budget, the board of  
55 directors of the state of New York mortgage agency shall authorize the  
56 transfer to the general fund, for the purposes of reimbursing any costs

1 associated with neighborhood naturally occurring retirement communities  
2 authorized by this section, a total sum not to exceed one million  
3 dollars, such transfer to be made from (i) the special account of the  
4 mortgage insurance fund created pursuant to section 2429-b of the public  
5 authorities law, in an amount not to exceed the actual excess balance in  
6 the special account of the mortgage insurance fund, as determined and  
7 certified by the state of New York mortgage agency for the fiscal year  
8 2017-2018 in accordance with section 2429-b of the public authorities  
9 law, if any, and/or (ii) provided that the reserves in the project pool  
10 insurance account of the mortgage insurance fund created pursuant to  
11 section 2429-b of the public authorities law are sufficient to attain  
12 and maintain the credit rating (as determined by the state of New York  
13 mortgage agency) required to accomplish the purposes of such account,  
14 the project pool insurance account of the mortgage insurance fund, such  
15 transfer to be made as soon as practicable but no later than June 30,  
16 2019.

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

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

44 § 13. Notwithstanding any other provision of law to the contrary, the  
45 state office for the aging may provide, for costs associated with neigh-  
46 borhood naturally occurring retirement communities, a sum not to exceed  
47 one million dollars for the fiscal year ending March 31, 2018. Notwith-  
48 standing any other provision of law to the contrary, and subject to the  
49 approval of the New York state director of the budget, the board of  
50 directors of the state of New York mortgage agency shall authorize the  
51 transfer to the [~~state office for the aging~~ general fund, for the  
52 purposes of reimbursing any costs associated with neighborhood naturally  
53 occurring retirement communities authorized by this section, a total sum  
54 not to exceed one million dollars, such transfer to be made from (i) the  
55 special account of the mortgage insurance fund created pursuant to  
56 section 2429-b of the public authorities law, in an amount not to exceed

1 the actual excess balance in the special account of the mortgage insur-  
2 ance fund, as determined and certified by the state of New York mortgage  
3 agency for the fiscal year 2016-2017 in accordance with section 2429-b  
4 of the public authorities law, if any, and/or (ii) provided that the  
5 reserves in the project pool insurance account of the mortgage insurance  
6 fund created pursuant to section 2429-b of the public authorities law  
7 are sufficient to attain and maintain the credit rating (as determined  
8 by the state of New York mortgage agency) required to accomplish the  
9 purposes of such account, the project pool insurance account of the  
10 mortgage insurance fund, such transfer to be made as soon as practicable  
11 but no later than June 30, 2018.

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

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

44

## PART O

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

50 (c) The New York state urban development corporation shall administer  
51 this grant program, which shall not exceed in the aggregate \$15,000,000  
52 plus any funds directed from the programs authorized in subdivisions 3  
53 and 4 of this section. Such corporation and other relevant state agen-  
54 cies and state authorities are hereby empowered to establish grant

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

12 § 2. Paragraph (c) of subdivision 3 of section 1 of part A of chapter  
13 85 of the laws of 2017, relating to creating the Lake Ontario-St.  
14 Lawrence Seaway flood recovery and International Joint Commission Plan  
15 2014 mitigation grant program, as amended by section 2 of part J of  
16 chapter 61 of the laws of 2017, is amended to read as follows:

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

33 § 3. Paragraph (c) of subdivision 4 of section 1 of part A of chapter  
34 85 of the laws of 2017, relating to creating the Lake Ontario-St.  
35 Lawrence Seaway flood recovery and International Joint Commission Plan  
36 2014 mitigation grant program, as amended by section 2 of part J of  
37 chapter 61 of the laws of 2017, is amended to read as follows:

38 (c) The housing trust fund corporation shall administer this grant  
39 program, which shall not exceed in the aggregate \$15,000,000 plus any  
40 funds directed from the programs authorized in subdivisions 2 and 3 of  
41 this section. Such corporation, and other relevant state agencies or  
42 state authorities, is hereby empowered to establish grant guidelines and  
43 additional eligibility criteria, based on available flood damage data  
44 provided by applicable state and/or federal agencies, as it deems neces-  
45 sary to effectuate the administration of this program. Any grant guide-  
46 lines and eligibility criteria established by the corporation pursuant  
47 to this subdivision shall be equivalent to, and shall not be more  
48 restrictive than, those established by the New York State Urban Develop-  
49 ment Corporation, doing business as the Empire State Development Corpo-  
50 ration, in the grant programs it administered pursuant to part H of  
51 chapter 56 of the laws of 2011. In providing assistance pursuant to  
52 this subdivision, the corporation shall give preference to applicants  
53 that demonstrate the greatest need, based on available flood damage data  
54 provided by applicable state and/or federal agencies.

55 § 4. This act shall take effect immediately.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50  
51  
52  
53  
54

PART P

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

1 limits of cities and villages may be made up during that week and/or the  
2 succeeding three weeks.

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

5 m. For the purposes of this article, "public work" means any of the  
6 following:

7 (i) Construction paid for in whole or in part out of public funds;

8 (ii) Construction work performed under private contract when all of  
9 the following conditions exist:

10 (A) The construction contract is between private parties;

11 (B) The property subject to the construction contract is privately  
12 owned, but upon completion of the construction work, any portion of the  
13 property is leased or will be leased to the state or any public entity,  
14 and one of the following conditions exist:

15 (1) The public entity entered into or bargained for the lease agree-  
16 ment prior to the construction contract; or

17 (2) The construction work is performed according to plans, specifica-  
18 tions, or criteria furnished by the public entity, and the lease agree-  
19 ment between the lessor and public entity, as lessee, is entered into  
20 during, or upon completion of, the construction work, or within six  
21 months following completion of the construction work; or

22 (iii) Construction work performed on property owned by a public entity  
23 in whole or in part or will be owned or maintained by a public entity in  
24 whole or in part upon completion of the project.

25 (iv) For the purposes of this article, "public work" shall not mean  
26 any of the following:

27 (A) Construction work on one or two family dwellings where the proper-  
28 ty is the owner's primary residence or construction work done on proper-  
29 ty where the owner of the property owns no more than four dwelling  
30 units;

31 (B) Construction work performed under a contract with a non-profit as  
32 defined in section one hundred two of the not-for-profit corporation law  
33 where the value of the public funds provided to the non-profit for the  
34 project is less than one hundred thousand dollars and the non-profit has  
35 gross annual revenue and support less than one million dollars; or

36 (C) Construction work performed on a multiple dwelling where no less  
37 than seventy-five percent of the residential units are affordable for  
38 households up to sixty percent of the area median income, adjusted for  
39 family size, as calculated by the United States department of housing  
40 and urban development, provided however, that any construction performed  
41 on non-residential space in connection with a multiple dwelling project  
42 shall be considered public work if it meets any of the criteria in this  
43 paragraph. Further, any construction work performed on a project eligi-  
44 ble for benefits under section four hundred twenty-one-a of the real  
45 property tax law shall not be considered public work for the purposes of  
46 this article.

47 n. "Paid for in whole or in part out of public funds" means all of the  
48 following:

49 (i) The payment of money or the equivalent of money, including the  
50 issuance of bonds and grants, by the state or a public entity, or a  
51 third party acting on behalf of and for the benefit of the state or  
52 public entity, directly to or on behalf of the public works contractor,  
53 subcontractor, or developer.

54 (ii) Performance of construction work by the state or any public enti-  
55 ty in the execution of the project.

1 (iii) Transfer by the state or a public entity of an asset of value  
2 for less than fair market value.

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

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

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

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

25 p. (i) "Construction" includes, but is not limited to, demolition,  
26 reconstruction, excavation, rehabilitation, repair, installation, reno-  
27 vation, alteration, and custom fabrication. "Construction" also includes  
28 work preformed during the design and preconstruction phases of  
29 construction, including but not limited to, inspection and land survey-  
30 ing work and work performed during the post-construction phases of  
31 construction, including, but not limited to, all cleanup work at the  
32 jobsite. "Construction" also includes the delivery to and hauling from  
33 the jobsite of aggregate supply construction materials, such as sand,  
34 gravel, stone, dirt, fill, as well as any necessary return hauls, wheth-  
35 er empty or loaded.

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

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

47 § 224-a. Stop-work orders. Where a complaint is received pursuant to  
48 this article, or where the fiscal officer upon his or her own investi-  
49 gation, finds cause to believe that any person, in connection with the  
50 performance of any contract for public work, has substantially and mate-  
51 rially failed to comply with or intentionally evaded the provisions of  
52 this article, the commissioner may notify such person in writing of his  
53 or her intention to issue a stop-work order. Such notice shall (i) be  
54 served in a manner consistent with section three hundred eight of the  
55 civil practice law and rules; (ii) notify such person of his or her  
56 right to a hearing; and (iii) state the factual basis upon which the

1 commissioner has based his or her decision to issue a stop-work order.  
 2 Any documents, reports, or information that form a basis for such deci-  
 3 sion shall be provided to such person within a reasonable time before  
 4 the hearing. Such hearing shall be expeditiously conducted.

5 Following the hearing, if the commissioner issues a stop-work order,  
 6 it shall be served by regular mail, and a second copy may be served by  
 7 telefacsimile or by electronic mail, with service effective upon receipt  
 8 of any of such order. Such stop-work order shall also be served with  
 9 regard to a worksite by posting a copy of such order in a conspicuous  
 10 location at the worksite. The order shall remain in effect until the  
 11 commissioner directs that the stop-work order be removed, upon a final  
 12 determination on the complaint or where such failure to comply or evade  
 13 has been deemed corrected. If the person against whom such order is  
 14 issued shall within thirty days after issuance of the stop-work order  
 15 makes an application in affidavit form for a redetermination review of  
 16 such order the commissioner shall make a decision in writing on the  
 17 issues raised in such application. The commissioner may direct a condi-  
 18 tional release from a stop-work order upon a finding that such person  
 19 has taken meaningful and good faith steps to comply with the provisions  
 20 of this article.

21 § 4. This act shall take effect immediately.

22 PART Q

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

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

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

33 23. Wage claim. The term "wage claim", when used in this chapter,  
 34 means a claim that an employee has suffered a violation of sections one  
 35 hundred seventy, one hundred ninety-one, one hundred ninety-three, one  
 36 hundred ninety-six-d, six hundred fifty-two or six hundred seventy-three  
 37 of the labor law or the related regulations and wage orders promulgated  
 38 by the commissioner, a claim for wages due to an employee pursuant to an  
 39 employment contract that were unpaid in violation of that contract, or a  
 40 claim that an employee has suffered a violation of 29 U.S.C. § 206 or  
 41 207.

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

44 § 3. Mechanic's lien and employee's lien on [~~real~~] property. 1.  
 45 Mechanic's lien. A contractor, subcontractor, laborer, materialman,  
 46 landscape gardener, nurseryman or person or corporation selling fruit or  
 47 ornamental trees, roses, shrubbery, vines and small fruits, who performs  
 48 labor or furnishes materials for the improvement of real property with  
 49 the consent or at the request of the owner thereof, or of his agent,  
 50 contractor or subcontractor, and any trust fund to which benefits and  
 51 wage supplements are due or payable for the benefit of such laborers,  
 52 shall have a lien for the principal and interest, of the value, or the  
 53 agreed price, of such labor, including benefits and wage supplements due  
 54 or payable for the benefit of any laborer, or materials upon the real

1 property improved or to be improved and upon such improvement, from the  
2 time of filing a notice of such lien as prescribed in this chapter.  
3 Where the contract for an improvement is made with a husband or wife and  
4 the property belongs to the other or both, the husband or wife contract-  
5 ing shall also be presumed to be the agent of the other, unless such  
6 other having knowledge of the improvement shall, within ten days after  
7 learning of the contract give the contractor written notice of his or  
8 her refusal to consent to the improvement. Within the meaning of the  
9 provisions of this chapter, materials actually manufactured for but not  
10 delivered to the real property, shall also be deemed to be materials  
11 furnished.

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

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

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

34 (1) [~~Such~~] A mechanic's or employee's lien and employee's lien against  
35 real property shall extend to the owner's right, title or interest in  
36 the real property and improvements, existing at the time of filing the  
37 notice of lien, or thereafter acquired, except as hereinafter in this  
38 article provided. If an owner assigns his interest in such real property  
39 by a general assignment for the benefit of creditors, within thirty days  
40 prior to such filing, the lien shall extend to the interest thus  
41 assigned. If any part of the real property subjected to such lien be  
42 removed by the owner or by any other person, at any time before the  
43 discharge thereof, such removal shall not affect the rights of the  
44 lienor, either in respect to the remaining real property, or the part so  
45 removed. If labor is performed for, or materials furnished to, a  
46 contractor or subcontractor for an improvement, the mechanic's lien  
47 shall not be for a sum greater than the sum earned and unpaid on the  
48 contract at the time of filing the notice of lien, and any sum subse-  
49 quently earned thereon. In no case shall the owner be liable to pay by  
50 reason of all mechanic's liens created pursuant to this article a sum  
51 greater than the value or agreed price of the labor and materials  
52 remaining unpaid, at the time of filing notices of such liens, except as  
53 hereinafter provided.

54 (2) [~~Such~~] A mechanic's or employee's lien shall not extend to the  
55 owner's right, title or interest in real property and improvements,  
56 existing at the time of filing the notice of lien if such lien arises

1 from the failure of a lessee of the right to explore, develop or produce  
2 natural gas or oil, to pay for, compensate or render value for improve-  
3 ments made with the consent or at the request of such lessee by a  
4 contractor, subcontractor, materialman, equipment operator or owner,  
5 landscaper, nurseryman, or person or corporation who performs labor or  
6 furnishes materials for the exploration, development, or production of  
7 oil or natural gas or otherwise improves such leased property. Such  
8 mechanic's or employee's lien shall extend to the improvements made for  
9 the exploration, development and production of oil and natural gas, and  
10 the working interest held by a lessee of the right to explore, develop  
11 or produce oil and natural gas.

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

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

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

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

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

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

39 § 6. Subdivision 1 of section 10 of the lien law, as amended by chap-  
40 ter 367 of the laws of 2011, is amended to read as follows:

41 1. (a) Notice of mechanic's lien may be filed at any time during the  
42 progress of the work and the furnishing of the materials, or, within  
43 eight months after the completion of the contract, or the final perform-  
44 ance of the work, or the final furnishing of the materials, dating from  
45 the last item of work performed or materials furnished; provided, howev-  
46 er, that where the improvement is related to real property improved or  
47 to be improved with a single family dwelling, the notice of mechanic's  
48 lien may be filed at any time during the progress of the work and the  
49 furnishing of the materials, or, within four months after the completion  
50 of the contract, or the final performance of the work, or the final  
51 furnishing of the materials, dating from the last item of work performed  
52 or materials furnished; and provided further where the notice of mechan-  
53 ic's lien is for retainage, the notice of mechanic's lien may be filed  
54 within ninety days after the date the retainage was due to be released;  
55 except that in the case of a mechanic's lien by a real estate broker,  
56 the notice of mechanic's lien may be filed only after the performance of

1 the brokerage services and execution of lease by both lessor and lessee  
2 and only if a copy of the alleged written agreement of employment or  
3 compensation is annexed to the notice of lien, provided that where the  
4 payment pursuant to the written agreement of employment or compensation  
5 is to be made in installments, then a notice of lien may be filed within  
6 eight months after the final payment is due, but in no event later than  
7 a date five years after the first payment was made. For purposes of this  
8 section, the term "single family dwelling" shall not include a dwelling  
9 unit which is a part of a subdivision that has been filed with a municipi-  
10 pality in which the subdivision is located when at the time the lien is  
11 filed, such property in the subdivision is owned by the developer for  
12 purposes other than his personal residence. For purposes of this  
13 section, "developer" shall mean and include any private individual,  
14 partnership, trust or corporation which improves two or more parcels of  
15 real property with single family dwellings pursuant to a common scheme  
16 or plan. [The]

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

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

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

39 § 11. Service of copy of notice of lien. 1. Within five days before  
40 or thirty days after filing the notice of a mechanic's lien, the lienor  
41 shall serve a copy of such notice upon the owner, if a natural person,  
42 (a) by delivering the same to him personally, or if the owner cannot be  
43 found, to his agent or attorney, or (b) by leaving it at his last known  
44 place of residence in the city or town in which the real property or  
45 some part thereof is situated, with a person of suitable age and  
46 discretion, or (c) by registered or certified mail addressed to his last  
47 known place of residence, or (d) if such owner has no such residence in  
48 such city or town, or cannot be found, and he has no agent or attorney,  
49 by affixing a copy thereof conspicuously on such property, between the  
50 hours of nine o'clock in the forenoon and four o'clock in the afternoon;  
51 if the owner be a corporation, said service shall be made (i) by deliv-  
52 ering such copy to and leaving the same with the president, vice-presi-  
53 dent, secretary or clerk to the corporation, the cashier, treasurer or a  
54 director or managing agent thereof, personally, within the state, or  
55 (ii) if such officer cannot be found within the state by affixing a copy  
56 thereof conspicuously on such property between the hours of nine o'clock

1 in the forenoon and four o'clock in the afternoon, or (iii) by regis-  
2 tered or certified mail addressed to its last known place of business.  
3 Failure to file proof of such a service with the county clerk within  
4 thirty-five days after the notice of lien is filed shall terminate the  
5 notice as a lien. Until service of the notice has been made, as above  
6 provided, an owner, without knowledge of the lien, shall be protected in  
7 any payment made in good faith to any contractor or other person claim-  
8 ing a lien.

9 2. Within five days before or thirty days after filing the notice of  
10 an employee's lien, the lienor shall serve a copy of such notice upon  
11 the employer, if a natural person, (a) by delivering the same to him  
12 personally, or if the employer cannot be found, to his agent or attor-  
13 ney, or (b) by leaving it as his last known place of residence or busi-  
14 ness, with a person of suitable age and discretion, or (c) by registered  
15 or certified mail addressed to his last known place of residence or  
16 business, or (d) if such employer owns real property, by affixing a copy  
17 thereof conspicuously on such property, between the hours of nine  
18 o'clock in the forenoon and four o'clock in the afternoon. The lienor  
19 also shall, within thirty days after filing the notice of employee's  
20 lien, affix a copy thereof conspicuously on the real property identified  
21 in the notice of employee's lien, between the hours of nine o'clock in  
22 the forenoon and four o'clock in the afternoon. If the employer be a  
23 corporation, said service shall be made (i) by delivering such copy to  
24 and leaving the same with the president, vice-president, secretary or  
25 clerk to the corporation, the cashier, treasurer or a director or manag-  
26 ing agent thereof, personally, within the state, or (ii) if such officer  
27 cannot be found within the state by affixing a copy thereof conspicu-  
28 ously on such property between the hours of nine o'clock in the forenoon  
29 and four o'clock in the afternoon, or (iii) by registered or certified  
30 mail addressed to its last known place of business, or (iv) by delivery  
31 to the secretary of the department of state in the same manner as  
32 required by subparagraph one of paragraph (b) of section three hundred  
33 six of the business corporation law. Failure to file proof of such a  
34 service with the county clerk within thirty-five days after the notice  
35 of lien is filed shall terminate the notice as a lien. Until service of  
36 the notice has been made, as above provided, an owner, without knowledge  
37 of the lien, shall be protected in any payment made in good faith to any  
38 other person claiming a lien.

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

41 § 11-b. Copy of notice of mechanic's lien to a contractor or subcon-  
42 tractor. Within five days before or thirty days after filing a notice  
43 of mechanic's lien in accordance with section ten of this chapter or the  
44 filing of an amendment of notice of mechanic's lien in accordance with  
45 section twelve-a of this [~~chapter~~] article the lienor shall serve a copy  
46 of such notice or amendment by certified mail on the contractor, subcon-  
47 tractor, assignee or legal representative for whom he was employed or to  
48 whom he furnished materials or if the lienor is a contractor or subcon-  
49 tractor to the person, firm or corporation with whom the contract was  
50 made. A lienor having a direct contractual relationship with a subcon-  
51 tractor or a sub-subcontractor but not with a contractor shall also  
52 serve a copy of such notice or amendment by certified mail to the  
53 contractor. Failure to file proof of such a service with the county  
54 clerk within thirty-five days after the notice of lien is filed shall  
55 terminate the notice as a lien. Any lienor, or a person acting on behalf  
56 of a lienor, who fails to serve a copy of the notice of mechanic's lien

1 as required by this section shall be liable for reasonable attorney's  
2 fees, costs and expenses, as determined by the court, incurred in  
3 obtaining such copy.

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

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

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

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

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

47 § 17. Duration of lien. 1. (a) No mechanic's lien specified in this  
48 article shall be a lien for a longer period than one year after the  
49 notice of lien has been filed, unless within that time an action is  
50 commenced to foreclose the lien, and a notice of the pendency of such  
51 action, whether in a court of record or in a court not of record, is  
52 filed with the county clerk of the county in which the notice of lien is  
53 filed, containing the names of the parties to the action, the object of  
54 the action, a brief description of the real property affected thereby,  
55 and the time of filing the notice of lien; or unless an extension to  
56 such lien, except for a lien on real property improved or to be improved

1 with a single family dwelling, is filed with the county clerk of the  
2 county in which the notice of lien is filed within one year from the  
3 filing of the original notice of lien, continuing such lien and such  
4 lien shall be redocketed as of the date of filing such extension. Such  
5 extension shall contain the names of the lienor and the owner of the  
6 real property against whose interest therein such lien is claimed, a  
7 brief description of the real property affected by such lien, the amount  
8 of such lien, and the date of filing the notice of lien. No lien shall  
9 be continued by such extension for more than one year from the filing  
10 thereof. In the event an action is not commenced to foreclose the lien  
11 within such extended period, such lien shall be extinguished unless an  
12 order be granted by a court of record or a judge or justice thereof,  
13 continuing such lien, and such lien shall be redocketed as of the date  
14 of granting such order and a statement made that such lien is continued  
15 by virtue of such order. A lien on real property improved or to be  
16 improved with a single family dwelling may only be extended by an order  
17 of a court of record, or a judge or justice thereof. No lien shall be  
18 continued by court order for more than one year from the granting there-  
19 of, but a new order and entry may be made in each of two successive  
20 years. If a lienor is made a party defendant in an action to enforce  
21 another lien, and the plaintiff or such defendant has filed a notice of  
22 the pendency of the action within the time prescribed in this section,  
23 the lien of such defendant is thereby continued. Such action shall be  
24 deemed an action to enforce the lien of such defendant lienor. The fail-  
25 ure to file a notice of pendency of action shall not abate the action as  
26 to any person liable for the payment of the debt specified in the notice  
27 of lien, and the action may be prosecuted to judgment against such  
28 person. The provisions of this section in regard to continuing liens  
29 shall apply to liens discharged by deposit or by order on the filing of  
30 an undertaking. Where a lien is discharged by deposit or by order, a  
31 notice of pendency of action shall not be filed.

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

39 2. (a) No employee's lien on real property shall be a lien for a long-  
40 er period than one year after the notice of lien has been filed, unless  
41 an extension to such lien is filed with the county clerk of the county  
42 in which the notice of lien is filed within one year from the filing of  
43 the original notice of lien, continuing such lien and such lien shall be  
44 redocketed as of the date of filing such extension. Such extension shall  
45 contain the names of the lienor and the owner of the real property  
46 against whose interest therein such lien is claimed, a brief description  
47 of the property affected by such lien, the amount of such lien, and the  
48 date of filing the notice of lien. No lien shall be continued by such  
49 extension for more than one year from the filing thereof. In the event  
50 an action is not commenced to obtain judgment on the wage claim or to  
51 foreclose the lien within such extended period, such lien shall be  
52 extinguished unless an order be granted by a court of record or a judge  
53 or justice thereof, continuing such lien, and such lien shall be redock-  
54 eted as of the date of granting such order and a statement made that  
55 such lien is continued by virtue of such order.

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

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

30 (d) Notwithstanding the foregoing, if a lienor commences a foreclosure  
31 action or an action to obtain a judgment on the wage claim within one  
32 year from the filing of the notice of lien on real property or the  
33 recording of the financing statement creating lien on personal property,  
34 the lien shall be extended during the pendency of the action and for one  
35 hundred twenty days following the entry of final judgment in such  
36 action, unless the action results in a final judgment or administrative  
37 order in the lienor's favor on the wage claims and the lienor commences  
38 a foreclosure action, in which instance the lien shall be valid during  
39 the pendency of the foreclosure action. If a lien is extended due to the  
40 pendency of a foreclosure action or an action to obtain a judgment on  
41 the wage claim, the lienor shall file a notice of such pendency and  
42 extension with the county clerk of the county in which the notice of  
43 lien is filed, containing the names of the parties to the action, the  
44 object of the action, a brief description of the property affected  
45 thereby, and the time of filing the notice of lien, or in the case of a  
46 lien on personal property shall file such notice with the office author-  
47 ized to accept financing statements pursuant to section 9-501 of the  
48 uniform commercial code. For purposes of this section, an action to  
49 obtain judgment on a wage claim includes an action brought in any court  
50 of competent jurisdiction, the submission of a complaint to the depart-  
51 ment of labor or the submission of a claim to arbitration pursuant to an  
52 arbitration agreement. An action also includes an investigation of wage  
53 claims by the commissioner of labor or the attorney general of the state  
54 of New York, regardless of whether such investigation was initiated by a  
55 complaint.

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

8 § 12. Subdivisions 2 and 4 of section 19 of the lien law, subdivision  
9 2 as amended by chapter 310 of the laws of 1962, subdivision 4 as added  
10 by chapter 582 of the laws of 2002 and paragraph a of subdivision 4 as  
11 further amended by section 104 of part A of chapter 62 of the laws of  
12 2011, are amended to read as follows:

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

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

29 a. The execution of any such bond or undertaking by any fidelity or  
30 surety company authorized by the laws of this state to transact busi-  
31 ness, shall be sufficient; and where a certificate of qualification has  
32 been issued by the superintendent of financial services under the  
33 provisions of section one thousand one hundred eleven of the insurance  
34 law, and has not been revoked, no justification or notice thereof shall  
35 be necessary. Any such company may execute any such bond or undertaking  
36 as surety by the hand of its officers, or attorney, duly authorized  
37 thereto by resolution of its board of directors, a certified copy of  
38 which resolution, under the seal of said company, shall be filed with  
39 each bond or undertaking. Any such bond or undertaking shall be filed  
40 with the clerk of the county in which the notice of lien is filed, and a  
41 copy shall be served upon the adverse party. The undertaking is effec-  
42 tive when so served and filed. If a certificate of qualification issued  
43 pursuant to subsections (b), (c) and (d) of section one thousand one  
44 hundred eleven of the insurance law is not filed with the undertaking, a  
45 party may except, to the sufficiency of a surety and by a written notice  
46 of exception served upon the adverse party within ten days after  
47 receipt, a copy of the undertaking. Exceptions deemed by the court to  
48 have been taken unnecessarily, or for vexation or delay, may, upon  
49 notice, be set aside, with costs. Where no exception to sureties is  
50 taken within ten days or where exceptions taken are set aside, the  
51 undertaking shall be allowed.

52 b. In the case of bonds or undertakings not executed pursuant to para-  
53 graph a of this subdivision, the employer, owner or contractor shall  
54 execute an undertaking with two or more sufficient sureties, who shall  
55 be free holders, to the clerk of the county where the premises are situ-  
56 ated. The sureties must together justify in at least double the sum

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.

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

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

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

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

45 § 26. Subordination of liens after agreement with owner. In case an  
46 owner of real property shall execute to one or more persons, or a corpo-  
47 ration, as trustee or trustees, a bond and mortgage or a note and mort-  
48 gage affecting such property in whole or in part, or an assignment of  
49 the moneys due or to become due under a contract for a building loan in  
50 relation to such property, and in case such mortgage, if any, shall be  
51 recorded in the office of the register of the county where such real  
52 property is situated, or if such county has no register then in the  
53 office of the clerk of such county, and in case such assignment, if any,  
54 shall be filed in the office of the clerk of the county where such real  
55 property is situated; and in case lienors having [~~mechanics'~~] liens  
56 against said real property, notices of which have been filed up to and

1 not later than fifteen days after the recording of such mortgage or the  
2 filing of such assignment, and which liens have not been discharged as  
3 in this article provided, shall, to the extent of at least fifty-five  
4 per centum of the aggregate amount for which such notices of liens have  
5 been so filed, approve such bond and mortgage or such note and mortgage,  
6 if any, and such assignment, if any, by an instrument or instruments in  
7 writing, duly acknowledged and filed in the office of such county clerk,  
8 then all mechanics' liens for labor performed or material furnished  
9 prior to the recording of such mortgage or filing of such assignment,  
10 whether notices thereof have been theretofore or are thereafter filed  
11 and which have not been discharged as in this article provided, shall be  
12 subordinate to the lien of such trust bond and mortgage or such trust  
13 note and mortgage to the extent of the aggregate amount of all certifi-  
14 cates of interest therein issued by such trustee or trustees, or their  
15 successors, for moneys loaned, materials furnished, labor performed and  
16 any other indebtedness incurred after said trust mortgage shall have  
17 been recorded, and for expenses in connection with said trust mortgage,  
18 and shall also be subordinate to the lien of the bond and mortgage or  
19 note and mortgage, given to secure the amount agreed to be advanced  
20 under such contract for a building loan to the extent of the amount  
21 which shall be advanced by the holder of such bond and mortgage or such  
22 note and mortgage to the trustee or trustees, or their successors, under  
23 such assignment. The provisions of this section shall apply to all bonds  
24 and mortgages and notes and mortgages and all assignments of moneys due,  
25 or to become due under building loan contracts executed by such owner,  
26 in like manner, and recorded or filed, from time to time as hereinbefore  
27 provided. In case of an assignment to trustees under the provisions of  
28 this section, the trustees and their successors shall be the agents of  
29 the assignor to receive and receipt for any and all sums advanced by the  
30 holder of the building loan bond and mortgage or the building loan note  
31 and mortgage under the building loan contract and such assignment. No  
32 lienor shall have any priority over the bond and mortgage or note and  
33 mortgage given to secure the money agreed to be advanced under a build-  
34 ing loan contract or over the advances made thereunder, by reason of any  
35 act preceding the making and approval of such assignment.

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

38 § 38. Itemized statement may be required of lienor. A lienor who has  
39 filed a notice of **mechanic's** lien shall, on demand in writing, deliver  
40 to the owner or contractor making such demand a statement in writing  
41 which shall set forth the items of labor and/or material and the value  
42 thereof which make up the amount for which he claims a lien, and which  
43 shall also set forth the terms of the contract under which such items  
44 were furnished. The statement shall be verified by the lienor or his  
45 agent in the form required for the verification of notices in section  
46 nine of this [~~chapter~~ **article**. If the lienor shall fail to comply with  
47 such a demand within five days after the same shall have been made by  
48 the owner or contractor, or if the lienor delivers an insufficient  
49 statement, the person aggrieved may petition the supreme court of this  
50 state or any justice thereof, or the county court of the county where  
51 the premises are situated, or the county judge of such county for an  
52 order directing the lienor within a time specified in the order to  
53 deliver to the petitioner the statement required by this section. Two  
54 days' notice in writing of such application shall be served upon the  
55 lienor. Such service shall be made in the manner provided by law for the  
56 personal service of a summons. The court or a justice or judge thereof

1 shall hear the parties and upon being satisfied that the lienor has  
2 failed, neglected or refused to comply with the requirements of this  
3 section shall have an appropriate order directing such compliance. In  
4 case the lienor fails to comply with the order so made within the time  
5 specified, then upon five days' notice to the lienor, served in the  
6 manner provided by law for the personal service of a summons, the court  
7 or a justice or judge thereof may make an order cancelling the lien.

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

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

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

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

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

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

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

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

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

50 § 46. Action in a court not of record. If an action to enforce a  
51 mechanic's lien or employee's lien against real property is brought in a  
52 court not of record, it shall be commenced by the personal service upon  
53 the owner of a summons and complaint verified in the same manner as a  
54 complaint in an action in a court of record. The complaint must set  
55 forth substantially the facts contained in the notice of lien, and the  
56 substance of the agreement under which the labor was performed or the

1 materials were furnished, or if the lien is based upon a wage claim as  
2 defined in section two of this chapter, the basis for such wage claim.

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

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

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

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

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

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

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

49 2. An employee's lien notice of which has been filed on real property  
50 or a bond given to discharge the same may be vacated and cancelled or a  
51 deposit made to discharge a lien pursuant to section twenty of this  
52 chapter may be returned, by an order of a court of record. Before such  
53 order shall be granted, a notice shall be served upon the lienor, either  
54 personally or by leaving it at his last known place of residence or  
55 attorney's place of business, with a person of suitable age, with  
56 directions to deliver it to the lienor. Such notice shall require the

1 lienor to commence an action to enforce the lien, or to commence an  
2 action to obtain judgment on the wage claim upon which the lien was  
3 established, within a time specified in the notice, not less than ninety  
4 days from the time of service, or show cause at a special term of a  
5 court of record, or at a county court, in a county in which the property  
6 is situated, at a time and place specified therein, why the notice of  
7 lien filed or the bond given should not be vacated and cancelled, or the  
8 deposit returned, as the case may be. Proof of such service and that the  
9 lienor has not commenced the action to foreclose such lien or an action  
10 to obtain judgment on the wage claim upon which the lien was estab-  
11 lished, as directed in the notice, shall be made by affidavit, at the  
12 time of applying for such order.

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

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

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

42 3. Each employee and his or her authorized representative shall be  
43 notified in writing, of the termination of the commissioner's investi-  
44 gation of the employee's complaint and the result of such investigation,  
45 of any award and collection of back wages and civil penalties, and of  
46 any intent to seek criminal penalties. In the event that criminal penal-  
47 ties are sought the employee and his or her authorized representative  
48 shall be notified of the outcome of prosecution.

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

51 2. By commissioner. On behalf of any employee paid less than the wage  
52 to which the employee is entitled under the provisions of this article,  
53 the commissioner may bring any legal action necessary, including admin-  
54 istrative action, to collect such claim, and the employer shall be  
55 required to pay the full amount of the underpayment, plus costs, and  
56 unless the employer proves a good faith basis to believe that its under-

1 payment was in compliance with the law, an additional amount as liqui-  
2 dated damages. Liquidated damages shall be calculated by the commission-  
3 er as no more than one hundred percent of the total amount of  
4 underpayments found to be due the employee. In any action brought by the  
5 commissioner in a court of competent jurisdiction, liquidated damages  
6 shall be calculated as an amount equal to one hundred percent of under-  
7 payments found to be due the employee. Each employee or his or her  
8 authorized representative shall be notified in writing of the outcome of  
9 any legal action brought on the employee's behalf pursuant to this  
10 section.

11 § 27. Subdivision 5 of section 6201 of the civil practice law and  
12 rules, as amended by chapter 860 of the laws of 1977 and as renumbered  
13 by chapter 618 of the laws of 1992, is amended and a new subdivision 6  
14 is added to read as follows:

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

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

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

34 § 6210. Order of attachment on notice; temporary restraining order;  
35 contents. Upon a motion on notice for an order of attachment, the court  
36 may, without notice to the defendant, grant a temporary restraining  
37 order prohibiting the transfer of assets by a garnishee as provided in  
38 subdivision (b) of section 6214. When attachment is sought pursuant to  
39 subdivision six of section 6201, and if the employer contests the  
40 motion, the court shall hold a hearing within ten days of when the  
41 employer's response to plaintiffs' motion for attachment is due. The  
42 contents of the order of attachment granted pursuant to this section  
43 shall be as provided in subdivision (a) of section 6211.

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

47 (b) Confirmation of order. Except where an order of attachment is  
48 granted on the ground specified in subdivision one or six of section  
49 6201, an order of attachment granted without notice shall provide that  
50 within a period not to exceed five days after levy, the plaintiff shall  
51 move, on such notice as the court shall direct to the defendant, the  
52 garnishee, if any, and the sheriff, for an order confirming the order of  
53 attachment. Where an order of attachment without notice is granted on  
54 the ground specified in subdivision one or six of section 6201, the  
55 court shall direct that the statement required by section 6219 be served  
56 within five days, that a copy thereof be served upon the plaintiff, and

1 the plaintiff shall move within ten days after levy for an order  
2 confirming the order of attachment. If the plaintiff upon such motion  
3 shall show that the statement has not been served and that the plaintiff  
4 will be unable to satisfy the requirement of subdivision (b) of section  
5 6223 until the statement has been served, the court may grant one exten-  
6 sion of the time to move for confirmation for a period not to exceed ten  
7 days. If plaintiff fails to make such motion within the required period,  
8 the order of attachment and any levy thereunder shall have no further  
9 effect and shall be vacated upon motion. Upon the motion to confirm, the  
10 provisions of subdivision (b) of section 6223 shall apply. An order of  
11 attachment granted without notice may provide that the sheriff refrain  
12 from taking any property levied upon into his actual custody, pending  
13 further order of the court.

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

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

29 2. On a motion for an attachment pursuant to subdivision six of  
30 section 6201, the court shall order that the plaintiff give an accessi-  
31 ble undertaking of no more than five hundred dollars, or in the alterna-  
32 tive, may waive the undertaking altogether. The attorney for the plain-  
33 tiff shall not be liable to the sheriff for such fees. The surety on the  
34 undertaking shall not be discharged except upon notice to the sheriff.

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

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

45 § 6223. Vacating or modifying attachment. (a) Motion to vacate or  
46 modify. Prior to the application of property or debt to the satisfac-  
47 tion of a judgment, the defendant, the garnishee or any person having an  
48 interest in the property or debt may move, on notice to each party and  
49 the sheriff, for an order vacating or modifying the order of attachment.  
50 Upon the motion, the court may give the plaintiff a reasonable opportu-  
51 nity to correct any defect. [~~If~~] Except as provided under subdivision  
52 (b), if, after the defendant has appeared in the action, the court  
53 determines that the attachment is unnecessary to the security of the  
54 plaintiff, it shall vacate the order of attachment. Such a motion shall  
55 not of itself constitute an appearance in the action.

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

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

14 (b) Any person who shall have been a shareholder of record of a corpo-  
 15 ration, or who is or shall have been a laborer, servant or employee,  
 16 upon at least five days' written demand shall have the right to examine  
 17 in person or by agent or attorney, during usual business hours, its  
 18 minutes of the proceedings of its shareholders and record of sharehold-  
 19 ers and to make extracts therefrom for any purpose reasonably related to  
 20 such person's interest as a shareholder, laborer, servant or employee.  
 21 Holders of voting trust certificates representing shares of the corpo-  
 22 ration shall be regarded as shareholders for the purpose of this  
 23 section. Any such agent or attorney shall be authorized in a writing  
 24 that satisfies the requirements of a writing under paragraph (b) of  
 25 section 609 (Proxies). A corporation requested to provide information  
 26 pursuant to this paragraph shall make available such information in  
 27 written form and in any other format in which such information is main-  
 28 tained by the corporation and shall not be required to provide such  
 29 information in any other format. If a request made pursuant to this  
 30 paragraph includes a request to furnish information regarding beneficial  
 31 owners, the corporation shall make available such information in its  
 32 possession regarding beneficial owners as is provided to the corporation  
 33 by a registered broker or dealer or a bank, association or other entity  
 34 that exercises fiduciary powers in connection with the forwarding of  
 35 information to such owners. The corporation shall not be required to  
 36 obtain information about beneficial owners not in its possession.

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

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

42 (a) The ten largest shareholders, as determined by the fair value of  
 43 their beneficial interest as of the beginning of the period during which  
 44 the unpaid services referred to in this section are performed, of every  
 45 domestic corporation or of any foreign corporation, when the unpaid  
 46 services were performed in the state, no shares of which are listed on a  
 47 national securities exchange or regularly quoted in an over-the-counter  
 48 market by one or more members of a national or an affiliated securities  
 49 association, shall jointly and severally be personally liable for all  
 50 debts, wages or salaries due and owing to any of its laborers, servants  
 51 or employees other than contractors, for services performed by them for  
 52 such corporation. [~~Before such laborer, servant or employee shall charge~~  
 53 ~~such shareholder for such services, he shall give notice in writing to~~  
 54 ~~such shareholder that he intends to hold him liable under this section.~~  
 55 ~~Such notice shall be given within one hundred and eighty days after~~  
 56 ~~termination of such services, except that if, within such period, the~~

1 ~~laborer, servant or employee demands an examination of the record of~~  
2 ~~shareholders under paragraph (b) of section 624 (Books and records,~~  
3 ~~right of inspection, prima facie evidence) of this article, such notice~~  
4 ~~may be given within sixty days after he has been given the opportunity~~  
5 ~~to examine the record of shareholders. An action to enforce such liabil-~~  
6 ~~ity shall be commenced within ninety days after the return of an~~  
7 ~~execution unsatisfied against the corporation upon a judgment recovered~~  
8 ~~against it for such services.]~~ The provisions of this paragraph shall  
9 not apply to an investment company registered as such under an act of  
10 congress entitled "Investment Company Act of 1940."

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

20 (c) A shareholder who has paid more than his pro rata share under this  
21 section shall be entitled to contribution pro rata from the other share-  
22 holders liable under this section with respect to the excess so paid,  
23 over and above his pro rata share, and may sue them jointly or severally  
24 or any number of them to recover the amount due from them. Such recov-  
25 ery may be had in a separate action. As used in this paragraph, "pro  
26 rata" means in proportion to beneficial share interest. Before a share-  
27 holder may claim contribution from other shareholders under this para-  
28 graph, he shall [~~unless they have been given notice by a laborer, serv-~~  
29 ~~ant or employee under paragraph (a),~~] give them notice in writing that  
30 he intends to hold them so liable to him. Such notice shall be given by  
31 him within twenty days after the date that [~~notice was given to him by~~  
32 he became aware that a laborer, servant or employee may seek to hold him  
33 liable under paragraph (a).

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

37 (c) Notwithstanding the provisions of subdivisions (a) and (b) of this  
38 section, the ten members with the largest percentage ownership interest,  
39 as determined as of the beginning of the period during which the unpaid  
40 services referred to in this section are performed, of every limited  
41 liability company, shall jointly and severally be personally liable for  
42 all debts, wages or salaries due and owing to any of its laborers, serv-  
43 ants or employees, for services performed by them for such limited  
44 liability company. [~~Before such laborer, servant or employee shall~~  
45 ~~charge such member for such services, he or she shall give notice in~~  
46 ~~writing to such member that he or she intends to hold such member liable~~  
47 ~~under this section. Such notice shall be given within one hundred eighty~~  
48 ~~days after termination of such services. An action to enforce such~~  
49 ~~liability shall be commenced within ninety days after the return of an~~  
50 ~~execution unsatisfied against the limited liability company upon a judg-~~  
51 ~~ment recovered against it for such services.]~~ A member who has paid more  
52 than his or her pro rata share under this section shall be entitled to  
53 contribution pro rata from the other members liable under this section  
54 with respect to the excess so paid, over and above his or her pro rata  
55 share, and may sue them jointly or severally or any number of them to  
56 recover the amount due from them. Such recovery may be had in a separate

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 ee 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.

36 PART R

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

39 ARTICLE 128

40 PUBLIC UNIVERSITY AFFILIATED ORGANIZATIONS AND FOUNDATIONS

41 Section 6360. Public university and foundation oversight.

42 § 6360. Public university and foundation oversight. 1. Definition.

43 For purposes of this section, the term "affiliated organization or foun-  
44 ation" shall mean an organization or foundation formed under the not-  
45 for-profit corporation law or any other entity formed for the benefit of  
46 or controlled by the state university of New York or the city university  
47 of New York or their respective universities, colleges, community  
48 colleges, campuses or subdivisions, including the research foundation of  
49 the state university of New York and the research foundation of the city  
50 university of New York, to assist in meeting the specific needs of, or  
51 providing a direct benefit to, the respective university, college,  
52 community college, campus or subdivision or the university as a whole,  
53 that has control of, manages or receives one hundred thousand dollars or  
54 more annually, including alumni associations. For the purposes of this

1 section, this term does not include a student-run organization comprised  
2 solely of enrolled students and formed for the purpose of advancing a  
3 student objective.

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

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

15 3. Reporting requirements. (a) The trustees of the state university of  
16 New York and the city university of New York shall require, on or before  
17 November first of each year, an annual report of any affiliated organ-  
18 ization or foundation, in a standardized format developed by the chan-  
19 cellor. The annual reports required by this subdivision shall be posted  
20 publicly on the website of the state university of New York or the city  
21 university of New York, respectively, in a readable format by November  
22 first of each year. The reports shall include, but not be limited to:

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

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

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

33 (b) The reports required by this subdivision shall not require disclo-  
34 sure of information that: (i) is specifically exempted from disclosure  
35 by state or federal law; (ii) if disclosed would constitute an unwar-  
36 ranted invasion of personal privacy under the provisions of subdivision  
37 two of section eighty-nine of the public officers law; (iii) if  
38 disclosed would impair imminent contract awards or collective bargaining  
39 negotiations; (iv) are trade secrets or is information that if disclosed  
40 would cause substantial injury to a competitive business position; (v)  
41 are records of an affiliated organization or foundation relating to  
42 charitable donors or prospective donors, provided that records relating  
43 to fundraising strategies would, if disclosed, impair the ability of  
44 such affiliated organization or foundation to attract or gain donations,  
45 and provided, however, that the name of any donor and the amount of  
46 donation made by such donor shall be subject to disclosure if such  
47 donor, or any entity in which such donor has a substantial interest,  
48 seeks to transact business, or does transact business, with such affil-  
49 iated organization or foundation to which the donation is made within  
50 three years of the date of such donation; and (vi) are academic or  
51 scientific research or research-related records, including any draft,  
52 preliminary or unfunded grant or contract document, whether sponsored by  
53 the affiliated organization or foundation itself or in conjunction with  
54 a third party, or records relating to such affiliated organization or  
55 foundation's intellectual property, which, if disclosed, would adversely  
56 affect license, patent, copyright or other rights of such affiliated

1 organization or foundation. This paragraph shall not be construed to  
2 permit an affiliated organization or foundation to withhold records or  
3 portions thereof pertaining to the name, title, expenditure, source or  
4 amount of public funding relating to such research or intellectual prop-  
5 erty.

6 4. Access to records. a. Access to records of each affiliated organ-  
7 ization or foundation which receives or distributes any public money,  
8 and which provides grants, funding or other support for economic devel-  
9 opment purposes, construction purposes, or other capital purposes, shall  
10 be governed pursuant to article six of the public officers law,  
11 provided, however, that such affiliated organization or foundation may  
12 also deny access to records or portions thereof that: (i) are records of  
13 an affiliated organization or foundation relating to charitable donors  
14 or prospective donors provided that records relating to fundraising  
15 strategies would, if disclosed, impair the ability of such affiliated  
16 organization or foundation to attract or gain donations, and provided,  
17 however, that the name of any donor and the amount of any donation made  
18 by such donor shall be subject to disclosure if such donor, or any enti-  
19 ty in which such donor has a substantial interest, seeks to transact  
20 business, or does transact business, with such affiliated organization  
21 or foundation to which the donation is made within three years of the  
22 date of such donation; or (ii) are academic or scientific research or  
23 research-related records, including any draft, preliminary or unfunded  
24 grant or contract document, whether sponsored by the affiliated organ-  
25 ization or foundation itself or in conjunction with a third party, or  
26 records relating to such affiliated organization or foundation's intel-  
27 lectual property, which, if disclosed, would adversely affect license,  
28 patent, copyright or other rights of such affiliated organization or  
29 foundation;

30 b. This subdivision shall not be construed to permit an affiliated  
31 organization or foundation to withhold records or portions thereof  
32 pertaining to the name, title, expenditure, source or amount of public  
33 funding relating to such research or intellectual property.

34 c. This subdivision shall be liberally construed to provide access to  
35 records to the greatest extent possible.

36 5. Open meetings. a. Meetings of each affiliated organization or foun-  
37 ation which receives or distributes any public money, and which  
38 provides grants, funding or other support for economic development  
39 purposes, construction purposes, or other capital purposes, shall be  
40 open to the public pursuant to article seven of the public officers law,  
41 provided, however, that an affiliated organization or foundation may  
42 upon a majority vote of its total membership, taken in an open meeting  
43 pursuant to a motion identifying the specific subject to be considered  
44 may also conduct an executive session to discuss: (i) matters relating  
45 to charitable donors or prospective donors provided that discussion of  
46 such fundraising strategies would, if discussed in public, impair the  
47 ability of such affiliated organization or foundation to attract or gain  
48 donations; or (ii) matters that are academic or scientific research or  
49 research-related, including discussion of any draft, preliminary or  
50 unfunded grant or contract document, whether sponsored by the affiliated  
51 organization or foundation itself or in conjunction with a third party;  
52 or (iii) matters relating to such affiliated organization or founda-  
53 tion's intellectual property, which, if disclosed, would adversely  
54 affect license, patent, copyright or other rights of such affiliated  
55 organization or foundation.

1 b. This subdivision shall be liberally construed to permit public  
2 access to meetings of the affiliated organization or foundation to the  
3 greatest extent possible.

4 § 2. This act shall take effect immediately.

5 PART S

6 Section 1. Clauses (v) and (vi) of subparagraph 4 of paragraph h of  
7 subdivision 2 of section 355 of the education law, as amended by section  
8 1 of part JJJ of chapter 59 of the laws of 2017, are amended and a new  
9 clause (vi) is added to read as follows:

10 (v) Beginning in state fiscal year two thousand seventeen--two thou-  
11 sand eighteen and ending in state fiscal year two thousand [~~twenty~~  
12 ~~eighteen~~--two thousand [~~twenty-one~~ nineteen, the state shall appropri-  
13 ate and make available general fund operating support, including fringe  
14 benefits, for the state university in an amount not less than the amount  
15 appropriated and made available in the prior state fiscal year;  
16 provided, however, that if the governor declares a fiscal emergency, and  
17 communicates such emergency to the temporary president of the senate and  
18 speaker of the assembly, state support for operating expenses at the  
19 state university and city university may be reduced in a manner propor-  
20 tionate to one another, and the aforementioned provisions shall not  
21 apply; provided further, the state shall appropriate and make available  
22 general fund support to fully fund the tuition credit pursuant to subdi-  
23 vision two of section six hundred sixty-nine-h of this title.

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

47 [~~(vi)~~] (vii) For the state university fiscal years commencing two  
48 thousand eleven--two thousand twelve and ending two thousand fifteen--  
49 two thousand sixteen, each university center may set aside a portion of  
50 its tuition revenues derived from tuition increases to provide increased  
51 financial aid for New York state resident undergraduate students whose  
52 net taxable income is eighty thousand dollars or more subject to the  
53 approval of a NY-SUNY 2020 proposal by the governor and the chancellor  
54 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 appropri-  
12 ate 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;  
15 provided, 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.

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

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

27 § 2. This act shall take effect immediately.

28 PART U

29 Section 1. The state finance law is amended by adding a new section  
30 99-bb to read as follows:

31 § 99-bb. SUNY Stony Brook Eastern Long Island Hospital Affiliation  
32 escrow fund. 1. Notwithstanding any other provision of law, rule, regu-  
33 lation, or practice to the contrary, there is hereby established in the  
34 joint custody of the comptroller and the chancellor of the state univer-  
35 sity of New York (SUNY) a trust and agency fund, to be known as the  
36 "SUNY Stony Brook Eastern Long Island Hospital Affiliation escrow fund"  
37 which shall be available without fiscal year limitation.

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

50 3. Monies of the SUNY Stony Brook Eastern Long Island Hospital Affil-  
51 iation escrow fund shall be expended only for the purposes of Stony  
52 Brook at Eastern Long Island Hospital.

53 § 2. This act shall take effect immediately.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50  
51  
52  
53  
54

PART V

Section 1. The education law is amended by adding a new article 120 to read as follows:

ARTICLE 120

NEW YORK STATE FIREARM VIOLENCE RESEARCH

Section 5950. New York state firearm violence research institute.

§ 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 inter-agency 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.

1 3. Education and information transfer programs. The institute shall  
2 foster the collection, transfer, and application of firearm violence  
3 information in the state by:

4 (a) fostering access, compatibility, interchange, and synthesis of  
5 data about firearm violence maintained by public entities, academic and  
6 research institutions, and private organizations;

7 (b) employing advanced technology to coordinate for ease of use of the  
8 scattered firearm violence resources of the state; and

9 (c) supporting the preparation and publication of interpretative works  
10 that draw upon firearm violence resources.

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

17 5. Executive committee. The institute shall be guided by an executive  
18 committee. Members of the committee shall be from varying backgrounds  
19 with members selected from the scientific community, academic community,  
20 as well as from government service. Such committee shall consist of  
21 seventeen members including the commissioner, the commissioner of crimi-  
22 nal justice services, the commissioner of health, the chancellor of the  
23 university or their designees, seven at large members appointed by the  
24 governor, one of whom shall be chairperson, two members appointed by the  
25 temporary president of the senate, one member appointed by the minority  
26 leader of the senate, two members appointed by the speaker of the assem-  
27 bly and one member appointed by the minority leader of the assembly.  
28 Appointed members shall serve for a term of three years, provided that  
29 such members may be reappointed. The executive committee shall:

30 (a) adopt policies, procedures, and criteria governing the programs  
31 and operations of the institute;

32 (b) recommend to the governor and legislature appropriate actions to  
33 deal with firearm violence within the state;

34 (c) develop and implement the research, education and information  
35 transfer programs of the institute;

36 (d) identify proposals for firearm violence research; and

37 (e) meet publicly at least twice a year. The committee shall widely  
38 disseminate notice of its meetings at least two weeks prior to each  
39 meeting. The commissioners on the executive committee and the chancellor  
40 of the university shall aid in such dissemination.

41 6. Scientific working group. The executive committee shall appoint a  
42 scientific working group composed of not more than fifteen individuals  
43 representing governmental agencies, academic or research institutions,  
44 educational organizations, the firearm industry and related non-profit  
45 organizations. Members of the scientific working group shall have know-  
46 ledge and expertise in firearm violence research and shall serve for a  
47 term of three years, provided, however that members may be reappointed  
48 for more than one term at the discretion of the executive committee. The  
49 scientific working group shall make recommendations to the executive  
50 committee with respect to:

51 (a) the identification of priority firearm violence research needs in  
52 the state;

53 (b) the development and implementation of the institute's research,  
54 education, and information transfer programs; and

55 (c) identification of proposals for firearm violence research.

1 7. Institute director. The institute shall have a director who shall  
2 be appointed by the executive committee and shall after appointment be  
3 an employee of the state university. The institute director shall serve  
4 at the pleasure of the executive committee. The institute director shall  
5 serve as chief administrative officer of the institute and provide the  
6 necessary support for the executive committee.

7 8. Compensation. The members of the executive committee and the scien-  
8 tific working group shall serve without additional compensation,  
9 provided however, members of the executive committee representing state  
10 agencies may receive reimbursement for their actual and necessary  
11 expenses from their respective agencies. Members of the executive  
12 committee and scientific working group shall be considered state employ-  
13 ees for the purposes of sections seventeen and nineteen of the public  
14 officers law.

15 9. Memorandum of understanding. The department, the department of  
16 health, the department of motor vehicles, and the division of criminal  
17 justice services shall enter into a written memorandum of understanding  
18 to facilitate the appropriate implementation of the firearm violence  
19 research institute and the goals, responsibilities, and programs estab-  
20 lished by this section.

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

23 PART W

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

27 1. Eligibility. An excelsior scholarship award shall be made to an  
28 applicant who: (a) is matriculated in an approved program leading to an  
29 undergraduate degree at a New York state public institution of higher  
30 education; (b) if enrolled in (i) a public institution of higher educa-  
31 tion prior to application, has completed at least thirty combined cred-  
32 its per year following the student's start date, or its equivalent,  
33 applicable to his or her program or programs of study or (ii) an insti-  
34 tution of higher education prior to application, has completed at least  
35 thirty combined credits per year following the student's start date, or  
36 its equivalent, applicable to his or her program or programs of study  
37 and which were accepted upon transfer to a public institution of higher  
38 education; (c) enrolls in at least twelve credits per semester and  
39 completes at least thirty combined credits per year following the  
40 student's start date, or its equivalent, applicable to his or her  
41 program or programs of study except in limited circumstances as  
42 prescribed by the corporation in regulation. Notwithstanding, in the  
43 student's last semester, the student may take at least one course needed  
44 to meet his or her graduation requirements and enroll in and complete at  
45 least twelve credit hours or its equivalent. For students who are disa-  
46 bled as defined by the Americans With Disabilities Act of 1990, 42 USC  
47 12101, the corporation shall prescribe rules and regulations that allow  
48 applicants who are disabled to be eligible for an award pursuant to this  
49 section based on modified criteria; (d) has an adjusted gross income for  
50 the qualifying year, as such terms are defined in this subdivision,  
51 equal to or less than: (i) one hundred thousand dollars for recipients  
52 receiving an award in the two thousand seventeen--two thousand eighteen  
53 academic year; (ii) one hundred ten thousand dollars for recipients  
54 receiving an award in the two thousand eighteen--two thousand nineteen

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[7]. 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-  
 16 ration that there has been a change in such applicant's adjusted gross  
 17 income in the year subsequent to the qualifying year which would qualify  
 18 such applicant for an award, the corporation shall review and make a  
 19 determination as to whether such applicant meets the requirement set  
 20 forth in paragraph (d) of this subdivision based on such year.

21 § 2. This act shall take effect immediately.

22 PART X

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

25 § 669-i. Martin Luther King, Jr. scholarship. 1. Purpose. The New York  
 26 state Martin Luther King, Jr. scholarship is hereby established for the  
 27 purpose of granting awards to assist students with the expenses of non-  
 28 tuition costs and fees associated with attending an institution of high-  
 29 er education in the state of New York.

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

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

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

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

51 6. Recipient selection. The president may establish: (a) an applica-  
 52 tion deadline and (b) a method of selecting recipients in accordance  
 53 with the demonstrated financial needs if in any given year there are  
 54 insufficient funds to cover the needs of all applicants as determined by

1 the corporation, provided that priority shall be given to eligible  
2 applicants who have received an award pursuant to this section in a  
3 prior year.

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

10 8. Rules and regulations. The corporation is authorized to promulgate  
11 rules and regulations, and may promulgate emergency regulations, neces-  
12 sary for the implementation of the provisions of this section.

13 § 2. This section shall take effect immediately.

14 PART Y

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

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

26 d. Credit requirements. An award shall be made to an applicant who:  
27 (i) if enrolled in (A) a private degree granting institution of higher  
28 education prior to application, has completed at least thirty combined  
29 credits per year following the student's start date, or its equivalent,  
30 applicable to his or her program or programs of study or (B) a public  
31 degree granting institution of higher education prior to application,  
32 has completed at least thirty combined credits per year following the  
33 student's start date, or its equivalent, applicable to his or her  
34 program or programs of study and which were accepted upon transfer to a  
35 private degree granting institution of higher education; (ii) enrolls in  
36 at least twelve credits per semester and completes at least thirty  
37 combined credits per year following the student's start date, or its  
38 equivalent, applicable to his or her program or programs of study except  
39 in limited circumstances as prescribed by the corporation in regulation.  
40 Notwithstanding, in the student's last semester, the student may take at  
41 least one course needed to meet his or her graduation requirements and  
42 enroll in and complete at least twelve credit hours or its equivalent.  
43 For students who are disabled as defined by the Americans With Disabili-  
44 ties Act of 1990, 42 USC 12101, the corporation shall prescribe rules  
45 and regulations that allow applicants who are disabled to be eligible  
46 for an award pursuant to this section based on modified criteria.

47 § 2. This act shall take effect immediately.

48 PART Z

49 Section 1. Paragraph (d) of subdivision 1 of section 332 of the social  
50 services law, as amended by section 148 of part B of chapter 436 of the  
51 laws of 1997, is amended to read as follows:

1 (d) a parent or other relative of a child who is personally providing  
2 care for such child under one year of age [~~for a maximum period of~~  
3 ~~twelve months, only three months of which shall be attributable to any~~  
4 ~~one child, except as otherwise extended up to the twelve month period by~~  
5 ~~the social services official~~];

6 § 2. Subdivision 2 of section 410-x of the social services law, as  
7 amended by chapter 416 of the laws of 2000, is amended to read as  
8 follows:

9 2. (a) A social services district may establish priorities for the  
10 families which will be eligible to receive funding; provided that the  
11 priorities provide that eligible families will receive equitable access  
12 to child care assistance funds to the extent that these funds are avail-  
13 able.

14 (b) A social services district shall set forth its priorities for  
15 child care assistance in the district's consolidated services plan. The  
16 commissioner of the office of children and family services shall not  
17 approve any plan that does not provide for equitable access to child  
18 care assistance funds.

19 (c) A social services district shall be authorized to set aside  
20 portions of its block grant allocation to serve one or more of its  
21 priority groups and/or to discontinue funding to families with lower  
22 priorities in order to serve families with higher priorities; provided  
23 that the method of disbursement to priority groups provides that eligi-  
24 ble families within a priority group will receive equitable access to  
25 child care assistance funds to the extent that these funds are avail-  
26 able.

27 (d) Notwithstanding any other provision of law to the contrary, the  
28 commissioner in any social services district that does not have suffi-  
29 cient funding to serve all eligible working families under two hundred  
30 percent of the state income standard, shall offer the twelve month work  
31 exemption provided in paragraph (d) of subdivision one of section three  
32 hundred thirty-two of this chapter, to all parents or other relatives in  
33 receipt of public assistance who are personally providing care for a  
34 child under one year of age regardless of whether such parent or other  
35 relative has previously been offered an exemption under such section  
36 three hundred thirty-two. This section shall not apply to individuals  
37 who:

38 (i) solely participate in work activities that provide earned income;  
39 or

40 (ii) participate in a combination of work activities; for the portion  
41 of work activities that provide earned income.

42 (e) In the event that a social services district must discontinue  
43 funding to a priority group it shall notify the office of children and  
44 family services within ten days of such action, identifying the partic-  
45 ular group affected. In the event that funding is restored, the social  
46 services district shall notify the office of children and family  
47 services within ten days of such restoration.

48 (f) Each social services district shall collect and submit to the  
49 commissioner of the office of children and family services in a manner  
50 to be specified by the commissioner of the office of children and family  
51 services information concerning the disbursement of child care assist-  
52 ance funds showing geographic distribution of children receiving assist-  
53 ance within the district, the number of working families who were other-  
54 wise eligible for child care assistance but who were denied because the  
55 district lacked sufficient funding to serve all eligible families and  
56 the number and age of children who could not be served as a result.

1 ~~(e)~~ (g) The commissioner of the office of children and family  
2 services shall submit a report to the governor, temporary president of  
3 the senate and the speaker of the assembly on or before August thirty-  
4 first~~[, two thousand one]~~ of every year concerning the implementation of  
5 this section. This report shall include information concerning the  
6 disbursement of child care assistance funds showing geographic distrib-  
7 ution of children receiving assistance within the state. Beginning  
8 August thirty-first, one year after the chapter of the laws of two thou-  
9 sand eighteen that amended this subdivision shall take effect, and each  
10 subsequent report thereafter, such report shall also:

11 (i) identify the counties that have discontinued or restored funding  
12 to priority groups, as set forth in subdivision (e) of this section;

13 (ii) list the priority groups affected;

14 (iii) provide for each county for each of the twelve months covered by  
15 this report the number of working families who were otherwise eligible  
16 for child care assistance but who were denied because the district  
17 lacked sufficient funding to serve all eligible families; and

18 (iv) the number and age of children who could not be served as a  
19 result.

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

21 PART AA

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

24 § 54-m. Local share requirements associated with increasing the age of  
25 juvenile jurisdiction above fifteen years of age. Notwithstanding any  
26 other provision of law to the contrary, counties and the city of New  
27 York shall not be required to contribute a local share of eligible  
28 expenditures that would not have been incurred absent the provisions of  
29 chapter fifty-nine of the laws of two thousand seventeen that increased  
30 the age of juvenile jurisdiction above fifteen years of age.

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

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

40 § 4. This act shall take effect immediately provided:

41 (a) section one of this act shall take effect April 1, 2018; and

42 (b) section three of this act shall be deemed to be in full force and  
43 effect on and after April 1, 2017.

44 PART BB

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

48 1. Undergraduate students who are matriculated in an approved under-  
49 graduate program leading to a career in science, technology, engineering  
50 or mathematics at a New York state ~~[public institution of higher educa-~~  
51 ~~tion]~~ college as defined in subdivision two of section six hundred one  
52 of this title shall be eligible for an award under this section,

1 provided the applicant: (a) graduates from a high school located in New  
2 York state during or after the two thousand thirteen--fourteen school  
3 year; and (b) graduates within the top ten percent of his or her high  
4 school class; and (c) enrolls in full-time study each term beginning in  
5 the fall term after his or her high school graduation in an approved  
6 undergraduate program in science, technology, engineering or mathemat-  
7 ics, as defined by the corporation, at a New York state [~~public institu-~~  
8 ~~tion of higher education~~] college as defined in subdivision two of  
9 section six hundred one of this title; and (d) signs a contract with the  
10 corporation agreeing that his or her award will be converted to a  
11 student loan in the event the student fails to comply with the terms of  
12 this program as set forth in subdivision four of this section; and (e)  
13 complies with the applicable provisions of this article and all require-  
14 ments promulgated by the corporation for the administration of the  
15 program.

16 § 2. This act shall take effect immediately.

17 PART CC

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

20 (3-a) Upon a formal declaration of a disaster in accordance with the  
21 Robert T. Stafford Disaster Relief and Emergency Assistance Act, the  
22 state university trustees shall be authorized to set a reduced rate of  
23 tuition and/or fees for residents of the area impacted by the declara-  
24 tion provided that such reduced rate of tuition and fees is no less than  
25 that imposed for students who are residents of the state.

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

28 8-a. Upon a formal declaration of a disaster in accordance with the  
29 Robert T. Stafford Disaster Relief and Emergency Assistance Act, a  
30 community college shall be authorized to set a reduced rate of tuition  
31 and/or fees for residents of the area impacted by the declaration  
32 provided that such reduced rate of tuition and fees is no less than the  
33 tuition rate charged for residents as approved by the state university  
34 trustees.

35 § 3. This act shall take effect immediately.

36 PART DD

37 Section 1. The social services law is amended by adding a new section  
38 131-bb to read as follows:

39 § 131-bb. Homeless rental supplement pilot program. 1. Establishment.  
40 Notwithstanding any other provision of law to the contrary, participat-  
41 ing local social services districts shall establish a homeless rental  
42 supplement pilot program for eligible individuals and families in  
43 accordance with this section.

44 2. Homeless rental supplement. (a) On and after October first, two  
45 thousand eighteen, participating local social services districts shall,  
46 within amounts appropriated therefor, provide a supplement to eligible  
47 individuals and families as defined in subdivision three of this  
48 section, that, in addition to their shelter allowance, is equal to one  
49 hundred percent of the fair market rent in the district, as established  
50 by the two thousand eighteen federal department of housing and urban  
51 development, for the particular household composition. Provided however,  
52 nothing herein shall require a participating local social services

1 district to provide a shelter supplement that is more than the actual  
2 cost of rent. The shelter supplement shall be issued by the local social  
3 services district directly to the landlord or vendor and shall not be  
4 considered as part of the standard of need as defined in paragraph (b)  
5 of subdivision ten of section one hundred thirty-one-a of this title.

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

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

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

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

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

50 (b) Such contracted agencies shall issue an initial report on January  
51 first, two thousand twenty and a final report on January first, two  
52 thousand twenty-two to the governor, the speaker of the assembly, the  
53 temporary president of the senate, the chairs of the senate and assembly  
54 social services committees, the chairs of the assembly ways and means  
55 committee and the senate finance committee.

1 § 2. This act shall take effect October 1, 2018. Effective immediate-  
2 ly, the addition, amendment and/or repeal of any rule or regulation  
3 necessary for the implementation of this act on its effective date are  
4 authorized to be made and completed by the commissioner of the office of  
5 temporary and disability assistance on or before such date.

6

## PART EE

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

9 21. (a)(i) Notwithstanding any other provision of law, rule or regu-  
10 lation to the contrary, a local social services district with a popu-  
11 lation of five million or more shall offer a savings plan approved by  
12 the office of temporary and disability assistance, which individuals may  
13 contribute to in lieu of applying a portion of a temporary housing  
14 assistance recipient's earned income that, but for the other provisions  
15 of this subdivision, would be applied to reduce the need for the shelter  
16 component of temporary housing assistance provided in a temporary emer-  
17 gency shelter.

18 (ii) Individuals or families in receipt of temporary housing assist-  
19 ance who are participating in a plan as established by this subdivision  
20 shall not be denied or have their temporary housing assistance discon-  
21 tinued if they fail to immediately participate in such plan.

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

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

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

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

44

## PART FF

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

48 1. An application to establish a charter school may be submitted by  
49 teachers, parents, school administrators, community residents or any  
50 combination thereof. Such application may be filed in conjunction with  
51 a college, university, museum, educational institution, not-for-profit  
52 corporation exempt from taxation under paragraph 3 of subsection (c) of

1 section 501 of the internal revenue code or for-profit business or  
2 corporate entity authorized to do business in New York state. Provided  
3 however, for-profit business or corporate entities shall not be eligible  
4 to submit an application to establish a charter school pursuant to  
5 subdivision nine-a of section twenty-eight hundred fifty-two of this  
6 article, or operate or manage a charter school for a charter issued  
7 pursuant to subdivision nine-a of section twenty-eight hundred fifty-two  
8 of this article. For charter schools established in conjunction with a  
9 for-profit or not-for-profit business or corporate entity, the charter  
10 shall specify the extent of the entity's participation in the management  
11 and operation of the school.

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

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

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

29 (e) The means by which the charter school will meet or exceed the  
30 enrollment [~~and retention targets as prescribed by the board of regents~~  
31 ~~or the board of trustees of the state university of New York, as appli-~~  
32 ~~cable, of students with disabilities, English language learners, and~~  
33 ~~students who are eligible applicants for the free and reduced price~~  
34 ~~lunch program which shall be considered by the charter entity prior to~~  
35 ~~approving such charter school's application for renewal. When developing~~  
36 ~~such targets, the board of regents and the board of trustees of the~~  
37 ~~state university of New York shall ensure (1) that such enrollment~~  
38 ~~targets are comparable to the enrollment figures of such categories of~~  
39 ~~students attending the public schools within the school district, or in~~  
40 ~~a city school district in a city having a population of one million or~~  
41 ~~more inhabitants, the community school district, in which the charter~~  
42 ~~school is located; and (2) that such retention targets are comparable to~~  
43 ~~the rate of retention of such categories of students attending the~~  
44 ~~public schools within the school district, or in a city school district~~  
45 ~~in a city having a population of one million or more inhabitants, the~~  
46 ~~community school district, in which the proposed charter school would be~~  
47 ~~located]~~ requirements of subparagraph (ii) of paragraph (b) of subdivi-  
48 sion two of section two thousand eight hundred fifty-four of this arti-  
49 cle.

50 Such renewal application shall be submitted to the charter entity no  
51 sooner than one calendar year prior to the expiration of the charter and  
52 no later than six months prior to the expiration of the charter;  
53 provided, however, that the charter entity may waive such deadline for  
54 good cause shown.

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

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

6 (a) the charter school described in the application meets the require-  
7 ments set out in this article and all other applicable laws, rules and  
8 regulations;

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

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

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

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

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

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

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

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

16 § 6. Subparagraph (i) of paragraph (b) of subdivision 9-a of section  
17 2852 of the education law, as amended by section 2 of subpart A of part  
18 B of chapter 20 of the laws of 2015, is amended to read as follows:

19 (i) that the proposed charter school would meet or exceed the enroll-  
20 ment [~~and retention targets, as prescribed by the board of regents or~~  
21 ~~the board of trustees of the state university of New York, as applica-~~  
22 ~~ble, of students with disabilities, English language learners, and~~  
23 ~~students who are eligible applicants for the free and reduced price~~  
24 ~~lunch program. When developing such targets, the board of regents and~~  
25 ~~the board of trustees of the state university of New York, shall ensure~~  
26 ~~(1) that such enrollment targets are comparable to the enrollment~~  
27 ~~figures of such categories of students attending the public schools~~  
28 ~~within the school district, or in a city school district in a city~~  
29 ~~having a population of one million or more inhabitants, the community~~  
30 ~~school district, in which the proposed charter school would be located,~~  
31 ~~and (2) that such retention targets are comparable to the rate of~~  
32 ~~retention of such categories of students attending the public schools~~  
33 ~~within the school district, or in a city school district in a city~~  
34 ~~having a population of one million or more inhabitants, the community~~  
35 ~~school district, in which the proposed charter school would be located]~~

36 requirements of subparagraph (ii) of paragraph (b) of subdivision two of  
37 section two thousand eight hundred fifty-four of this article; and

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

40 2-b. In any case where a charter school enters into, renews or extends  
41 any agreement with a for-profit or not-for-profit business or corporate  
42 entity for the administration, management or operation of a charter  
43 school, the charter school is required to have a formal contract with  
44 such entity. Any such contract shall be reviewed and approved by the  
45 charter entity.

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

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

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

10 § 9. Paragraph (c) of subdivision 4 of section 2853 of the education  
11 law, as amended by section 1 of part BB of chapter 56 of the laws of  
12 2014, is amended to read as follows:

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

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

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

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

25 (ii) within thirty days of receipt, the name and address of any indi-  
26 vidual, corporation, association, or entity providing a contribution,  
27 gift, loan, advance or deposit of one thousand dollars or more to the  
28 charter school or charter affiliate and the amount of each such contrib-  
29 ution, gift, loan, advance or deposit.

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

35 (i) ensure that the financial statements of the charter school and  
36 each charter affiliate conform to and are reported according to general-  
37 ly accepted accounting principles; and

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

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

51 (i) the most recent audited financial statements of the charter school  
52 and any charter affiliate which shall conform to and be reported accord-  
53 ing to generally accepted accounting principles;

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

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

4 (iv) any compensation or remuneration, whether paid or given, includ-  
5 ing but not limited to salary, bonus, and deferred compensation and any  
6 benefit having monetary value, including but not limited to, perqui-  
7 sites, fringe benefits, employer contributions to defined contribution  
8 retirement plans and other retirement or severance benefits received by  
9 a charter executive from any source.

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

16 (ii) A charter school to which paragraphs (b) and (c) of this subdivi-  
17 sion do not apply shall, by the fifteenth day of February of each calen-  
18 dar year, submit a statement as part of its report pursuant to subpara-  
19 graph (ii) of paragraph (a) of this subdivision, under oath, by the  
20 chairperson of the school's board of trustees or other appropriate  
21 member of the board of trustees, that, after the due inquiry, the char-  
22 ter school either alone or together with any charter affiliate does not  
23 have any direct or indirect interest in or may be entitled to receive  
24 any beneficial interest in any asset or assets of any kind or nature,  
25 alone or together, with a value in excess of one million dollars.

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

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

37 (g) As used in this subdivision:

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

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

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

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

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

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

17 (ii) If the commissioner and the director of the division of the budg-  
18 et find good cause after considering the factors set forth in subpara-  
19 graph (iv) of this paragraph, a waiver of the limit on total compen-  
20 sation that a charter executive may receive may be granted, provided,  
21 however, that in no event shall the total compensation exceed one  
22 hundred and fifty percent of Level I of the federal government's Rates  
23 of Basic Pay for the Executive Schedule promulgated by the United States  
24 Office of Personnel Management.

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

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

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

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

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

44 (D) the charter school or charter affiliate's review and approval  
45 process for the total compensation that is the subject of the waiver,  
46 including whether such process involved a review and approval by the  
47 board of trustees of the school, whether such review was conducted by at  
48 least two independent directors or independent members of the board of  
49 trustees, whether such review included an assessment of comparability  
50 data including a compensation survey, and a contemporaneous substanti-  
51 ation of the deliberation and decision to approve the total compen-  
52 sation;

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

55 (F) the charter school or charter affiliate's efforts, if any, to  
56 secure a charter executive with the same levels of experience, exper-

1 tise, and skills for the position of the charter executive at lower  
2 levels of compensation.

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

5 (vi) Unless additional information has been requested but not received  
6 from the charter school or charter affiliate, a decision on a timely  
7 submitted waiver application shall be provided no later than sixty  
8 calendar days after submission of the application.

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

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

14 (B) notice of revocation is provided to the charter executive at the  
15 discretion of the department as a result of additional relevant circum-  
16 stances.

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

20 (ix) Where a waiver is granted, the commissioner shall make it public-  
21 ly available via the department's official internet website within five  
22 days.

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

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

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

36 (f) As used in this subdivision:

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

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

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

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

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

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

13 (b) A charter school shall meet the same health and safety, civil  
14 rights, and student assessment requirements applicable to other public  
15 schools, except as otherwise specifically provided in this article. A  
16 charter school shall be exempt from all other state and local laws,  
17 rules, regulations or policies governing public or private schools,  
18 boards of education, school districts and political subdivisions,  
19 including those relating to school personnel and students, except as  
20 specifically provided in the school's charter or in this article. Noth-  
21 ing in this subdivision shall affect the requirements of compulsory  
22 education of minors established by part one of article sixty-five of  
23 this chapter, nor shall anything in this subdivision affect the require-  
24 ments of the charter school to comply with section one hundred three of  
25 the general municipal law and articles eight and nine of the labor law  
26 with respect to the construction, reconstruction, demolition, exca-  
27 vation, rehabilitation, repair, renovation, or alteration of any charter  
28 school facility.

29 (c) A charter school shall be subject to the financial audits, the  
30 audit procedures, and the audit requirements set forth in the charter,  
31 and shall be subject to audits of the comptroller of the city school  
32 district of the city of New York for charter schools located in New York  
33 city, and to the audits of the comptroller of the state of New York for  
34 all charter schools [~~located~~] in [~~the rest of~~] the state, at his or her  
35 discretion, with respect to the school's financial operations. Such  
36 procedures and standards shall be consistent with generally accepted  
37 accounting and audit standards. Independent fiscal audits shall be  
38 required at least once annually.

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

44 2. Admissions; enrollment; students. (a) A charter school shall be  
45 nonsectarian in its programs, admission policies, employment practices,  
46 and all other operations and shall not charge tuition or fees; provided  
47 that a charter school may require the payment of fees on the same basis  
48 and to the same extent as other public schools. A charter school shall  
49 not discriminate against any student, employee or any other person on  
50 the basis of ethnicity, national origin, gender, or disability or any  
51 other ground that would be unlawful if done by a school. Admission of  
52 students shall not be limited on the basis of intellectual ability,  
53 measures of achievement or aptitude, athletic ability, disability, race,  
54 creed, gender, national origin, religion, or ancestry; provided, howev-  
55 er, that nothing in this article shall be construed to prevent the  
56 establishment of a single-sex charter school or a charter school

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.

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

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

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

49 (iv) A charter school shall enroll each eligible student who submits a  
50 timely application by the first day of April each year[7] unless the  
51 number of applications exceeds the capacity of the grade level or build-  
52 ing or would cause the charter school to be below the minimum number of  
53 students it must enroll and continually keep enrolled in each category  
54 pursuant to subparagraph (ii) of this paragraph. In such cases, students  
55 shall be accepted from among applicants by a random selection process,  
56 provided[~~, however,~~] that separate random selection processes shall be

1 conducted for students that are not in any category set forth in subpar-  
2 agraph (ii) of this paragraph and for students in each category set  
3 forth in subparagraph (ii) of this paragraph such that a charter school  
4 enrolls at least the minimum number of students required pursuant to  
5 subparagraph (ii) of this paragraph.

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

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

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

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

54 (B) A charter school that, at any time, does not have enrolled the  
55 minimum number of students required in each category pursuant to subpar-  
56 agraph (ii) of this paragraph shall notify the superintendent of the

1 district in which the charter school is located or, for charter schools  
2 located within the geographic area served by the city school district of  
3 the city of New York, the chancellor of the city school district of the  
4 city of New York, within five days of the date of the school being below  
5 the minimum number of students. A separate notification shall be  
6 provided each time a charter school's enrollment falls below the minimum  
7 in any category pursuant to subparagraph (ii) of this paragraph.

8 (C) Where the superintendent of the district or the chancellor of the  
9 city school district of the city of New York receives notification  
10 pursuant to clause (B) of this subparagraph, he or she shall first offer  
11 the enrollment spaces to any parents or guardians of students who are in  
12 a category in which the charter school is below the minimum set forth in  
13 subparagraph (ii) of this paragraph who are on the school's waitlist,  
14 then to any parents or guardians of students who are in a category in  
15 which the charter school is below the minimum set forth in subparagraph  
16 (ii) of this paragraph who are on the waitlist of another charter school  
17 in the district in which the charter school is located or, for charter  
18 schools located within the geographic area served by the city school  
19 district of the city of New York geographically located in the community  
20 school district, and then to any other parents or guardians of students  
21 who are in a category in which the charter school is below the minimum  
22 set forth in subparagraph (ii) of this paragraph who reside in the  
23 district; such process of enrollment offers shall continue until the  
24 charter school is no longer below such minimum in any category or such  
25 superintendent or chancellor certifies there are no such students seek-  
26 ing enrollment.

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

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

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

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

55 (x) The commissioner shall establish regulations to require that the  
56 random selection [~~process~~] ~~processes~~ conducted pursuant to this para-

1 graph be performed in a transparent and equitable manner and to require  
2 that the time and place of the random selection process be publicized in  
3 a manner consistent with the requirements of section one hundred four of  
4 the public officers law and be open to the public. [~~For~~] Except where  
5 another definition is provided, for the purposes of this paragraph and  
6 paragraph (a) of this subdivision, the school district in which the  
7 charter school is located shall mean, for the city school district of  
8 the city of New York, the community district in which the charter school  
9 is located.

10 (xi) The commissioner may, by regulation, require the board of educa-  
11 tion of each school district or the chancellor of the city school  
12 district of the city of New York to provide to him or her such informa-  
13 tion as is necessary to calculate the minimum number of students a char-  
14 ter school must enroll and continually have enrolled pursuant to subpar-  
15 agraph (ii) of this paragraph. Such information shall be made public by  
16 the commissioner within five business days of receipt.

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

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

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

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

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

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

49 (b-1) Prior to submission of enrollment counts to a school district  
50 pursuant to subdivision one of section twenty-eight hundred fifty-six of  
51 this article, on or after October first of the two thousand eighteen--  
52 two thousand nineteen school year and October first of each school year  
53 thereafter, a charter school shall determine whether that school  
54 district is the school district of residence of each student for whom  
55 enrollment is claimed. Such residency determination shall be made in  
56 accordance with the regulations of the commissioner and the residency

1 policy of the school district in which the charter school is located,  
2 provided that the charter school may fulfill such requirement by requir-  
3 ing that the parents or other persons in parental relation register  
4 their child with the school district they have identified as their  
5 school district of residence. Notwithstanding any other provision of  
6 law to the contrary, the parents or other persons in parental relation  
7 shall not be required to annually prove their continued residency,  
8 provided that they either annually certify to the charter school and the  
9 school district of residence that their residency has not changed or  
10 notify the charter school and the school district that their residency  
11 has changed and that a new school district of residence should be iden-  
12 tified pursuant to this paragraph. Upon making a residency determi-  
13 nation, a charter school making its own residency determination shall  
14 promptly submit its proof of residence to the school district identified  
15 as the district of residence for purposes of enrollment of the student  
16 in such school district in accordance with subdivision one of section  
17 twenty-eight hundred fifty-six of this article, and the provision of  
18 services pursuant to subdivision four of section twenty-eight hundred  
19 fifty-three of this article. In the event of a dispute over the residen-  
20 cy of a student, the school district shall make its own residency deter-  
21 mination pursuant to the regulations of the commissioner after consider-  
22 ing the proof of residency submitted by the charter school, and such  
23 determination may be appealed to the commissioner by the charter school  
24 or by the parent or other person in parental relation or both pursuant  
25 to section three hundred ten of this chapter. During the pendency of  
26 such appeal, the student shall be deemed enrolled in the school  
27 district, shall be entitled to services pursuant to subdivision four of  
28 section twenty-eight hundred fifty-three of this article, and the school  
29 district shall be liable for charter school tuition, provided that upon  
30 a final determination in such appeal that the student is not a resident  
31 of the school district, the school district may deduct the cost of such  
32 tuition and services from future payments due the charter school. The  
33 provisions of this paragraph shall not apply to charter schools located  
34 in a city having a population of one million or more.

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

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

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

50 (ii) Every charter school shall submit a detailed annual report  
51 regarding disciplinary measures imposed on students. The report shall be  
52 submitted to the charter entity and the board of regents as part of the  
53 annual report required pursuant to subdivision two of section twenty-  
54 eight hundred fifty-seven of this article. The report shall be in a form  
55 prescribed by the commissioner, and shall include, but not be limited  
56 to, number of classroom removals, number of in-school suspensions,

1 number of out-of-school suspensions, number of expulsions, and the  
 2 action the student took that led to each disciplinary measure imposed.  
 3 Such data shall be disaggregated by race/ethnicity, status as a student  
 4 with a disability and status as an English language learner. The report  
 5 shall be posted on the department's website.

6 (iii) For the purposes of this subdivision:

7 (A) the term "superintendent," "superintendent of schools," "district  
 8 superintendent of schools," or "community superintendent," as used in  
 9 subdivision three of section thirty-two hundred fourteen of this chap-  
 10 ter, as such terms relate to charter schools shall mean the chairperson  
 11 of the board of trustees of the charter school or the chief school offi-  
 12 cer of the charter school; and

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

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

19 1. The charter entity, or the board of regents, may terminate a char-  
 20 ter upon any of the following grounds:

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

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

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

29 (d) When the public employment relations board makes a determination  
 30 that the charter school [~~demonstrates a practice and pattern of egre-~~  
 31 ~~gious and intentional violations of~~] has violated subdivision one of  
 32 section two hundred nine-a of the civil service law involving interfer-  
 33 ence with or discrimination against employee rights under article four-  
 34 teen of the civil service law; or the national labor relations board  
 35 created pursuant to subchapter II of chapter seven of title twenty-nine  
 36 of the United States Code, or any person or entity to whom the national  
 37 labor relations board has lawfully delegated its authority, makes a  
 38 determination that the charter school has violated section 158(a) of  
 39 title twenty-nine of the United States Code;

40 (e) [~~Repeated failure~~] Failure to comply with the requirement to meet  
 41 or exceed enrollment and retention targets of students with disabili-  
 42 ties, English language learners, and students who are eligible appli-  
 43 cants for the free and reduced price lunch program pursuant to targets  
 44 established by the board of regents or the board of trustees of the  
 45 state university of New York, as applicable. Provided, however, if no  
 46 grounds for terminating a charter are established pursuant to this  
 47 section other than pursuant to this paragraph, and the charter school  
 48 demonstrates that it has made extensive efforts to recruit and retain  
 49 such students, including outreach to parents and families in the  
 50 surrounding communities, widely publicizing the lottery for such school,  
 51 and efforts to academically support such students in such charter  
 52 school, then the charter entity or board of regents may retain such  
 53 charter; or

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

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

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

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

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

19 4. (a) Any individual or group may bring a complaint to the board of  
20 trustees of a charter school alleging a violation of the provisions of  
21 this article, the charter, or any other provision of law relating to the  
22 management or operation of the charter school. If, after presentation of  
23 the complaint to the board of trustees of a charter school, the individ-  
24 ual or group determines that such board has not adequately addressed the  
25 complaint, they may present that complaint to the charter entity, which  
26 shall investigate and respond. If, after presentation of the complaint  
27 to the charter entity, the individual or group determines that the char-  
28 ter entity has not adequately addressed the complaint, they may present  
29 that complaint to the board of regents, which shall investigate and  
30 respond. The charter entity and the board of regents shall have the  
31 power and the duty to issue appropriate remedial orders to charter  
32 schools under their jurisdiction to effectuate the provisions of this  
33 section.

34 (b) At the beginning of each school year, a charter school shall  
35 provide the parent or guardian of each student enrolled in the charter  
36 school information detailing the process by which a complaint can be  
37 brought against the charter school pursuant to paragraph (a) of this  
38 subdivision. In addition to detailing the process by which a complaint  
39 can be brought, the information provided shall include, but not be  
40 limited to the contact information for the board of trustees of the  
41 charter school in which the student is enrolled, the contact informa-  
42 tion for the charter entity of the charter school, and the contact informa-  
43 tion for the board of regents, if the board of regents is not the char-  
44 ter entity. Such information shall also be posted and updated annually  
45 on the charter school's website.

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

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

1 § 19. Subdivision 3 of section 2856 of the education law, as added by  
2 chapter 4 of the laws of 1998 and as renumbered by section eighteen of  
3 this act, is amended to read as follows:

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

11 (b) At least thirty days prior to submission of a request for an  
12 intercept of state funds pursuant to paragraph (a) of this subdivision,  
13 the charter school shall provide the school district of residence with a  
14 list of students whose tuition is proposed to be included in the inter-  
15 cept and documentation of any special education services provided by the  
16 charter school, the cost of which would be included in the intercept.  
17 If the school district objects to inclusion of the tuition or cost of  
18 services in the intercept, the school district shall provide the charter  
19 school with a written statement of its reasons for objecting to the  
20 intercept that identifies the students whose costs are in dispute and  
21 the charter school shall schedule a resolution session for the purpose  
22 of resolving the dispute, which shall be held within five business days  
23 of receipt of the school district's objection. Each party shall ensure  
24 that their representatives who attend the resolution are fully author-  
25 ized to bind the school district or charter school, and any agreement  
26 reached at the resolution session shall be final and binding upon both  
27 parties. In the event the school district does not notify the charter  
28 school of its objections within ten days of its receipt of the list of  
29 students or fails to participate in a resolution session, the school  
30 district shall be deemed to have waived its objections to the intercept  
31 and the charter school shall not be required to offer a resolution  
32 session. If the parties are unable to reach agreement at a resolution  
33 session, they may agree to schedule additional resolution sessions or,  
34 if one of the parties informs the other that agreement is not possible,  
35 the dispute may be raised by the district as a charter school complaint  
36 pursuant to subdivision four of section twenty-eight hundred fifty-five  
37 of this article, or, if the dispute concerns the residency of a student,  
38 an appeal may be brought pursuant to paragraph (c) of this subdivision.  
39 The department shall not process an intercept for tuition or the cost of  
40 services of a student whose costs are in dispute until the charter  
41 school notifies the department that a resolution session has been held  
42 and no agreement has been reached, or that no resolution session is  
43 required because the school district failed to provide timely notice or  
44 failed to participate in a scheduled resolution session.

45 (c) In the event of a dispute over the residency of a student, the  
46 school district shall make its own residency determination pursuant to  
47 the regulations of the commissioner after considering the proof of resi-  
48 dency submitted by the charter school, and such determination may be  
49 appealed to the commissioner by the charter school or by the parent or  
50 other person in parental relation or both pursuant to section three  
51 hundred ten of this chapter. During the pendency of such appeal, the  
52 student shall be deemed enrolled in the school district, shall be enti-  
53 tled to services pursuant to subdivision four of section twenty-eight  
54 hundred fifty-three of this article, and the school district shall be  
55 liable for charter school tuition, provided that upon a final determi-  
56 nation in such appeal that the student is not a resident of the school

1 district, the school district may deduct the cost of such tuition and  
2 services from future payments due the charter school.

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

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

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

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

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

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

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

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

53 2-a. Each charter school shall post contact information for the  
54 school's board of trustees as well as the name and contact information  
55 of the school's charter entity on the website of the charter school.

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

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

23 § 22. This act shall take effect immediately.

24 PART GG

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

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

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

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

37 [~~(a)~~] (i) development of the state plan;

38 [~~(b)~~] (ii) development and continuous improvement of a statewide  
39 system of activities that are funded under subtitle B of title I of the  
40 federal Workforce Investment Act of 1998 (P.L. 105-220) or carried out  
41 through a one-stop delivery system that receives funds under such subti-  
42 tle, including:

43 [~~(i)~~] (A) development of linkages in order to assure coordination and  
44 nonduplication among the programs and activities that comprise the one-  
45 stop delivery system; and

46 [~~(ii)~~] (B) review of local plans;

47 [~~(c)~~] (iii) commenting at least once annually on the measures taken  
48 pursuant to paragraph fourteen of subdivision (b) of section one hundred  
49 thirteen of the Carl D. Perkins Vocational and Applied Technology Educa-  
50 tion Act (20 U.S.C.2323 (b) (14));

51 [~~(d)~~] (iv) designation of local workforce investment areas. With  
52 regard to designations that are not automatic or temporary, the governor  
53 may approve a request from any unit of general local government (includ-  
54 ing a combination of such units) for designation as a local area if the

1 board determines, taking into account the factors described in clauses  
2 (i) through (v) of subparagraph (B) of paragraph (1) of subdivision (a)  
3 of section one hundred sixteen of the federal Workforce Investment Act  
4 of 1998 (P.L. 105-220), and recommends to the governor that such area  
5 should be so designated;

6 [~~(e)~~] (v) development of allocation formulas for the distribution of  
7 funds for adult employment and training activities and youth activities  
8 to local areas;

9 [~~(f)~~] (vi) development and continuous improvement of comprehensive  
10 state performance measures, including state adjusted levels of perform-  
11 ance to assess the effectiveness of the workforce investment activities  
12 in the state;

13 [~~(g)~~] (vii) development of the statewide employment statistics system  
14 described in subdivision (e) of section fifteen of the Wagner/Peyser  
15 Act; and

16 [~~(h)~~] (viii) development of an application for incentive grants  
17 awarded by the secretary of labor to states that exceed the state  
18 adjusted levels of performance.

19 (b) The board shall be responsible for the administration of certain  
20 workforce investment funds appropriated on or after April first, two  
21 thousand eighteen including, but not limited to, the following programs  
22 that focus on emerging industries across New York state:

23 (i) workforce development and training programs that are administered  
24 by the re-employment service fund established under section five hundred  
25 fifty-two-a of this chapter;

26 (ii) adult, youth and dislocated worker employment and training local  
27 workforce investment area programs and statewide rapid response activ-  
28 ities that are funded under subtitle B of title I of the federal Work-  
29 force Investment Act of 1998 (P.L. 105-220), provided, however up to one  
30 million dollars shall be used for the development of a job training  
31 program for employment opportunities at John F. Kennedy International  
32 Airport;

33 (iii) job training funds made available to community colleges based on  
34 a workforce development plan submitted by the state university of New  
35 York or the city university of New York, as approved by the director of  
36 the budget;

37 (iv) state financial assistance for community college contract courses  
38 and workforce development administered by the state university of New  
39 York or the city university of New York;

40 (v) services and expenses to support community colleges of the state  
41 university of New York or the city university of New York in establish-  
42 ing and developing registered apprenticeship programs with area busi-  
43 nesses;

44 (vi) plans for grant awards available to all colleges, universities  
45 and community colleges as defined by section three hundred fifty and  
46 section sixty-two hundred two of the education law that provide exper-  
47 imental learning opportunities that connect students to the workforce,  
48 as approved by the governor and the chancellor of the state university  
49 of New York or the chancellor of the city university of New York;

50 (vii) tax credits to New York state employers for procuring skills  
51 training that upgrades or improves the productivity of their employees  
52 pursuant to article twenty-two of the economic development law; and

53 (viii) the development of offshore wind resources pursuant to a plan  
54 administered by the New York state energy research and development  
55 authority.

1 (c) For the purposes of this subdivision, each of the programs  
2 described in paragraph (b) of this subdivision shall be considered a  
3 "workforce development funding program" as defined by subdivision  
4 fifteen of section twenty-one of this chapter.

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

7 § 853. Report. 1. The department shall be responsible for the prepara-  
8 tion of the annual report to the secretary of labor describing those  
9 activities of the workforce investment board taken to comply with the  
10 requirements of the federal Workforce Investment Act of 1998 (P.L.  
11 105-220), as well as a report to the governor and legislature describing  
12 such activities, on or before the first day of January, two thousand one  
13 and on the first day of January in each consecutive year thereafter.

14 2. The department shall be responsible for the preparation of an annu-  
15 al report to evaluate the activities of the workforce investment board  
16 with respect to its administration of certain workforce investment funds  
17 appropriated on or after April first, two thousand eighteen including,  
18 but not limited to, programs that focus on emerging industries across  
19 New York state, as authorized pursuant to paragraph (b) of subdivision  
20 three of section eight hundred fifty-two of this article. Such report  
21 shall be submitted to the governor, the temporary president of the  
22 senate, and the speaker of the assembly on or before the first day of  
23 January, two thousand nineteen and each year thereafter by the first of  
24 January and shall include the following information:

25 (a) the name and description of each program and a description of the  
26 workforce investment funds, which shall include, but not be limited to,  
27 the process by which such funds were distributed, any co-investment or  
28 matching requirements, and any maintenance of effort requirements;

29 (b) the number and types of jobs, training, and other workforce devel-  
30 opment opportunities that have been created in the state and in each  
31 labor market region defined by the department as the result of such  
32 funds;

33 (c) all amounts appropriated to and disbursed by each program for  
34 workforce development purposes in each of the most recent three years;

35 (d) a detailed analysis of the distribution and utilization of such  
36 funds for workforce development purposes, taking into consideration any  
37 programmatic or geographic restrictions, including, but not limited to,  
38 a description of the regions and individuals served by each program;

39 (e) a detailed analysis of the impact of such funds on the creation  
40 and development of jobs, training, and other workforce investment oppor-  
41 tunities in New York state; and

42 (f) all relevant data pertaining to the outcomes and effectiveness of  
43 each program and the number of persons served by such funding.

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

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

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