

STATE OF NEW YORK

S. 7506--B

A. 9506--B

SENATE - ASSEMBLY

January 18, 2018

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

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

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

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

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

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

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 DD. 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,
7 including the effective date of the Part, which makes a reference to a
8 section "of this act", when used in connection with that particular
9 component, shall be deemed to mean and refer to the corresponding
10 section of the Part in which it is found. Section three of this act sets
11 forth the general effective date of this act.

12

PART A

1 Intentionally Omitted

2 PART B

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

5 § 908. Prohibition against meal shaming. All public school districts,
6 charter schools and non-public schools in the state that participate in
7 the national school lunch program or school breakfast program in which
8 there is a school at which all pupils are not eligible to be served
9 breakfast and lunch under the community eligibility provision or
10 provision two of the federal national school lunch act, 42 U.S.C. Sec.
11 1751 et seq., shall develop a plan to ensure that a pupil whose parent
12 or guardian has unpaid school meal fees is not shamed or treated differ-
13 ently than a pupil whose parent or guardian does not have unpaid school
14 meal fees. The plan shall be submitted to the commissioner by July
15 first, two thousand eighteen, or sixty days from the effective date of
16 this section after enactment in conformance with regulations of the
17 commissioner. After submission of such plan, the school or school
18 district shall adopt and post the plan on its website. The plan shall
19 include, but not be limited to, the following elements:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10 i. A lack of need for a school breakfast program after the instruc-
11 tional day has begun because of a successful existing breakfast program;
12 or

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

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

17 e. The State Education Department shall:

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

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

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

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

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

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

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

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

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

PART C

Intentionally Omitted

PART D

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

28 oo. Notwithstanding any other provision of law, a board of cooperative
 29 educational services is authorized to enter into a memorandum of under-
 30 standing with the trustees or board of education of a non-component
 31 school district, including city school districts of cities with one
 32 hundred twenty-five thousand inhabitants or more, to participate in a
 33 recovery high school program operated by the board of cooperative educa-
 34 tional services for a period not to exceed five years upon such terms as
 35 such trustees or board of education and the board of cooperative educa-
 36 tional services may mutually agree, provided that such agreement may
 37 provide for a charge for administration of the recovery high school
 38 program including capital costs, but participating non-component school
 39 districts shall not be liable for payment of administrative expenses as
 40 defined in paragraph b of this subdivision. Costs allocated to a partic-
 41 ipating non-component school district pursuant to a memorandum of under-
 42 standing shall be aidable pursuant to subdivision five of this section
 43 to the same extent and on the same basis as costs allocated to a compo-
 44 nent school district.

45 § 2. This act shall take effect immediately.

PART E

Intentionally Omitted

PART F

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Intentionally Omitted

PART G

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

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

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

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

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

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

PART H

Intentionally Omitted

PART I

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

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

§ 2. This act shall take effect immediately.

PART J

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

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 Intentionally Omitted

16 PART M

17 Intentionally Omitted

18 PART N

19 Intentionally Omitted

20 PART O

21 Intentionally Omitted

22 PART P

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

25 § 2. This act shall take effect immediately.

26 PART Q

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

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

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

36 PART R

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

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

7 2. On or before December 1, 2019, the working group shall deliver a
8 report to the commissioner of education and the Board of Regents detail-
9 ing the findings of the working group and recommend draft model kinder-
10 garten through grade 12 computer science standards for their approval.

11 § 2. This act shall take effect immediately.

12 PART S

13 Section 1. Section 6523 of the education law, as amended by chapter
14 364 of the laws of 1991, is amended to read as follows:

15 § 6523. State board for medicine. A state board for medicine shall be
16 appointed by the board of regents on recommendation of the commissioner
17 for the purpose of assisting the board of regents and the department on
18 matters of professional licensing in accordance with section sixty-five
19 hundred eight of this title. The board shall be composed of not less
20 than twenty physicians licensed in this state for at least five years,
21 two of whom shall be doctors of osteopathy. To the extent such physician
22 appointees are available for appointment, at least one of the physician
23 appointees to the state board for medicine shall be an expert on reduc-
24 ing health disparities among demographic subgroups, and one shall be an
25 expert on women's health. The board shall also consist of not less than
26 two physician's assistants licensed to practice in this state. The
27 participation of physician's assistant members shall be limited to
28 matters relating to article one hundred thirty-one-B of this chapter. An
29 executive secretary to the board shall be appointed by the board of
30 regents on recommendation of the commissioner and shall be either a
31 physician licensed in this state or a non-physician, deemed qualified by
32 the commissioner and board of regents.

33 § 2. This act shall take effect immediately.

34 PART T

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

38 1. Eligibility. An excelsior scholarship award shall be made to an
39 applicant who: (a) is matriculated in an approved program leading to an
40 undergraduate degree at a New York state public institution of higher
41 education; (b) if enrolled in (i) a public institution of higher educa-
42 tion prior to application, has completed at least thirty combined cred-
43 its per year following the student's start date, or its equivalent,
44 applicable to his or her program or programs of study or (ii) an insti-
45 tution of higher education prior to application, has completed at least
46 thirty combined credits per year following the student's start date, or
47 its equivalent, applicable to his or her program or programs of study
48 and which were accepted upon transfer to a public institution of higher
49 education; (c) enrolls in at least twelve credits per semester and
50 completes at least thirty combined credits per year following the
51 student's start date, or its equivalent, applicable to his or her
52 program or programs of study except in limited circumstances as

1 prescribed by the corporation in regulation. Notwithstanding, in the
2 student's last semester, the student may take at least one course needed
3 to meet his or her graduation requirements and enroll in and complete at
4 least twelve credit hours or its equivalent. For students who are disa-
5 bled as defined by the Americans With Disabilities Act of 1990, 42 USC
6 12101, the corporation shall prescribe rules and regulations that allow
7 applicants who are disabled to be eligible for an award pursuant to this
8 section based on modified criteria; (d) has an adjusted gross income for
9 the qualifying year, as such terms are defined in this subdivision,
10 equal to or less than: (i) one hundred thousand dollars for recipients
11 receiving an award in the two thousand seventeen--two thousand eighteen
12 academic year; (ii) one hundred ten thousand dollars for recipients
13 receiving an award in the two thousand eighteen--two thousand nineteen
14 academic year; and (iii) one hundred twenty-five thousand dollars for
15 recipients receiving an award in the two thousand nineteen--two thousand
16 twenty academic year and thereafter; and (e) complies with the applica-
17 ble provisions of this article and all requirements promulgated by the
18 corporation for the administration of the program. Adjusted gross income
19 shall be the total of the combined adjusted gross income of the appli-
20 cant and the applicant's parents or the applicant and the applicant's
21 spouse, if married[~~r~~]. Qualifying year shall be the adjusted gross
22 income as reported on the federal income tax return, or as otherwise
23 obtained by the corporation, for the calendar year coinciding with the
24 tax year established by the U.S. department of education to qualify
25 applicants for federal student financial aid programs authorized by
26 Title IV of the Higher Education Act of nineteen hundred sixty-five, as
27 amended, for the school year in which application for assistance is
28 made. Provided, however, if an applicant demonstrates to the corpo-
29 ration that there has been a change in such applicant's adjusted gross
30 income in the year(s) subsequent to the qualifying year which would
31 qualify such applicant for an award, the corporation shall review and
32 make a determination as to whether such applicant meets the requirement
33 set forth in paragraph (d) of this subdivision based on such year.
34 Provided, further that such change was caused by the death, permanent
35 and total physical or mental disability, divorce, or separation by judi-
36 cial decree or pursuant to an agreement of separation which is filed
37 with a court of competent jurisdiction of any person whose income was
38 required to be used to compute the applicant's total adjusted gross
39 income.

40 2. Amount. Within amounts appropriated therefor and based on avail-
41 ability of funds, awards shall be granted beginning with the two thou-
42 sand seventeen--two thousand eighteen academic year and thereafter to
43 applicants that the corporation has determined are eligible to receive
44 such awards. The corporation shall grant such awards in an amount up to
45 five thousand five hundred dollars or actual tuition, whichever is less;
46 provided, however, (a) a student who receives educational grants and/or
47 scholarships that cover the student's full cost of attendance shall not
48 be eligible for an award under this program; and (b) an award under this
49 program shall be applied to tuition after the application of payments
50 received under the tuition assistance program pursuant to section six
51 hundred sixty-seven of this subpart, tuition credits pursuant to section
52 six hundred eighty-nine-a of this article, federal Pell grant pursuant
53 to section one thousand seventy of title twenty of the United States
54 code, et. seq., and any other program that covers the cost of attendance
55 unless exclusively for non-tuition expenses, and the award under this
56 program shall be reduced in the amount equal to such payments, provided

1 that the combined benefits do not exceed five thousand five hundred
2 dollars. Upon notification of an award under this program, the institu-
3 tion shall defer the amount of tuition. Notwithstanding paragraph h of
4 subdivision two of section three hundred fifty-five and paragraph (a) of
5 subdivision seven of section six thousand two hundred six of this chap-
6 ter, and any other law, rule or regulation to the contrary, the under-
7 graduate tuition charged by the institution to recipients of an award
8 shall not exceed the tuition rate established by the institution for the
9 two thousand sixteen--two thousand seventeen academic year provided,
10 however, that in the two thousand twenty-one--two thousand twenty-two
11 academic year and every four years thereafter, the undergraduate tuition
12 charged by the institution to recipients of an award shall be reset to
13 equal the tuition rate established by the institution for the forthcom-
14 ing academic year, provided further that the tuition credit calculated
15 pursuant to section six hundred eighty-nine-a of this article shall be
16 applied toward the tuition rate charged for recipients of an award under
17 this program. Provided further that the state university of New York and
18 the city university of New York shall provide an additional tuition
19 credit to students receiving an award to cover the remaining cost of
20 tuition.

21 § 2. This act shall take effect immediately.

22

PART U

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

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

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

37

PART V

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

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

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

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

52 § 3. This act shall take effect immediately.

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PART W

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

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

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

35 3. Income. An award shall be made to an applicant who has an adjusted
36 gross income for the qualifying year, as such terms are defined in this
37 subdivision, equal to or less than: (i) one hundred thousand dollars for
38 recipients receiving an award in the two thousand seventeen--two thou-
39 sand eighteen academic year; (ii) one hundred ten thousand dollars for
40 recipients receiving an award in the two thousand eighteen--two thousand
41 nineteen academic year; and (iii) one hundred twenty-five thousand
42 dollars for recipients receiving an award in the two thousand nineteen-
43 -two thousand twenty academic year and thereafter. Adjusted gross income
44 shall be the total of the combined adjusted gross income of the appli-
45 cant and the applicant's parents or the applicant and the applicant's
46 spouse, if married[~~r~~]. Qualifying year shall be the adjusted gross
47 income as reported on the federal income tax return, or as otherwise
48 obtained by the corporation, for the calendar year coinciding with the
49 tax year established by the U.S. department of education to qualify
50 applicants for federal student financial aid programs authorized by
51 Title IV of the Higher Education Act of nineteen hundred sixty-five, as
52 amended, for the school year in which application for assistance is
53 made. Provided, however, if an applicant demonstrates to the corporation
54 that there has been a change in such applicant's adjusted gross income
55 in the year or years subsequent to the qualifying year which would qual-

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

9 4. Amount. Within the amounts appropriated therefor and based on
 10 availability of funds, awards shall be granted beginning with the two
 11 thousand seventeen--two thousand eighteen academic year and thereafter
 12 to applicants that the corporation has determined are eligible to
 13 receive such awards. [~~The amount~~] Recipients of [~~the~~] an award under
 14 this program shall [~~be such that the sum~~] receive six thousand dollars
 15 through a combination of the enhanced tuition award plus a student's
 16 tuition assistance program award pursuant to section six hundred sixty-
 17 seven of this subpart plus the institution's matching award pursuant to
 18 subdivision five of this section [~~shall equal six thousand dollars~~].
 19 Provided, however, any institution that charges tuition that is reduced
 20 by greater than fifteen percent from the level of tuition charged six
 21 years prior to the academic year in which the award is to be applied
 22 shall be exempt from the requirement to provide such match and students
 23 attending such institutions shall receive an enhanced tuition award
 24 without such institutional match.

25 5. Matching awards. Commencing with the two thousand seventeen--two
 26 thousand eighteen academic year and thereafter, participating insti-
 27 tutions shall credit each recipient's remaining tuition expenses in an
 28 amount equal to the recipient's award under this section. [~~Such credit~~
 29 ~~shall be applied after the recipient has received an institutional aid~~
 30 ~~package, if any, to ensure that this program does not reduce institu-~~
 31 ~~tional aid that would otherwise be granted.~~] Provided, however that any
 32 institution that charges tuition that is reduced by greater than fifteen
 33 percent from the level of tuition charged six years prior to the academ-
 34 ic year in which the award is to be applied shall be exempt from the
 35 requirement to provide such match, and shall remain exempt from provid-
 36 ing such match to such recipient in any academic year in which such
 37 recipient receives an award under this section.

38 § 2. This act shall take effect immediately.

39 PART X

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

42 ARTICLE XXIX

43 RESIDENTIAL EMERGENCY SERVICES TO OFFER HOME REPAIRS TO
 44 THE ELDERLY PROGRAM

45 Section 1260. Statement of legislative findings.

46 1261. Definitions.

47 1262. Residential emergency services to offer home repairs to
 48 the elderly contracts.

49 § 1260. Statement of legislative findings. The legislature hereby
 50 finds and declares that there exists in New York state a need for finan-
 51 cial resources to assist senior citizen homeowners with the cost of
 52 addressing emergencies and code violations that pose a threat to their
 53 health and safety, or affecting the livability of their home. Providing

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

3 § 1261. Definitions. As used in this article:

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

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

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

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

21 § 1262. Residential emergency services to offer home repairs to the
22 elderly contracts. 1. Within the limit of funds available in the resi-
23 dential emergency services to offer home repairs to the elderly program,
24 the corporation is hereby authorized to enter into contracts with eligi-
25 ble applicants to provide financial assistance for the actual costs of a
26 residential emergency services to offer home repairs to the elderly
27 program. The financial assistance shall be either in the form of grants
28 or loans, as the corporation shall determine. Funds must be used for
29 one- to four-unit dwellings that are owned and occupied by eligible
30 households, and work undertaken cannot exceed ten thousand dollars per
31 building. No more than fifty percent of the total amount awarded pursu-
32 ant to this article in any fiscal year shall be allocated to any resi-
33 dential emergency services to offer home repairs to the elderly program
34 located within any single municipality.

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

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

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

52 § 2. This act shall take effect immediately.

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

3 ARTICLE XXX

4 NEW YORK ACCESS TO HOME FOR HEROES PROGRAM

5 Section 1270. Statement of legislative findings and purpose.

6 1271. Definitions.

7 1272. Access to home for heroes contracts.

8 § 1270. Statement of legislative findings and purpose. The legislature
9 hereby finds and declares that many disabled veterans in New York state
10 face a significant impediment to accessible and affordable housing as a
11 result of service related injuries, age or health related disabilities.
12 These men and women have served our country and state with honor and
13 distinction and deserve to achieve maximum independence, social inter-
14 action and community integration. Providing financial assistance with
15 the cost of adapting the dwelling units of our disabled veterans, is
16 fundamental to providing for the promise of living safely, comfortably
17 and productively in the most integrated setting of their choice.

18 § 1271. Definitions. As used in this article:

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

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

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

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

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

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

55 § 1272. Access to home for heroes contracts. 1. Within the limit of
56 funds available in the access to home for heroes program, the corpo-

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

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

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

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

23 § 2. This act shall take effect immediately.

24 PART Z

25 Section 1. The state finance law is amended by adding a new section
26 99-bb to read as follows:

27 § 99-bb. SUNY Stony Brook Eastern Long Island Hospital Affiliation
28 escrow fund. 1. Notwithstanding any other provision of law, rule, regu-
29 lation, or practice to the contrary, there is hereby established in the
30 joint custody of the comptroller and the chancellor of the state univer-
31 sity of New York (SUNY) a trust and agency fund, to be known as the
32 "SUNY Stony Brook Eastern Long Island Hospital Affiliation escrow fund"
33 which shall be available without fiscal year limitation.

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

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

49 § 2. This act shall take effect immediately.

50 PART AA

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

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

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

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

10 (i) teach in a shortage subject area;

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

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

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

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

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

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

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

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

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

47 § 2. This act shall take effect immediately.

48

PART BB

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

52 § 669-e. New York state science, technology, engineering and mathemat-
53 ics incentive program. 1. Undergraduate students who are matriculated in
54 an approved undergraduate program leading to a career in science, tech-

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

19 2. Awards shall be granted beginning with the two thousand fourteen--
20 two thousand fifteen academic year and thereafter to applicants at New
21 York state public institutions of higher education that the corporation
22 has determined are eligible to receive such awards. The corporation
23 shall grant such awards in an amount equal to the amount of undergradu-
24 ate tuition for residents of New York state charged by the state univer-
25 sity of New York or actual tuition charged, whichever is less; provided,
26 however, (i) a student who receives educational grants and/or scholar-
27 ships that cover the student's full cost of attendance shall not be
28 eligible for an award under this program; (ii) for a student who
29 receives educational grants and/or scholarships that cover less than the
30 student's full cost of attendance, such grants and/or scholarships shall
31 not be deemed duplicative of this program and may be held concurrently
32 with an award under this program, provided that the combined benefits do
33 not exceed the student's full cost of attendance; and (iii) an award
34 under this program shall be applied to tuition after the application of
35 all other educational grants and scholarships limited to tuition and
36 shall be reduced in an amount equal to such educational grants and/or
37 scholarships. Upon notification of an award under this program, the
38 institution shall defer the amount of tuition equal to the award. No
39 award shall be final until the recipient's successful completion of a
40 term has been certified by the institution.

41 2-a. Within amounts appropriated therefor and based on availability of
42 funds, beginning with the two thousand eighteen--two thousand nineteen
43 academic year and thereafter, awards shall be granted to applicants at
44 New York state private degree granting institutions of higher education
45 that the corporation has determined are eligible to receive such awards.
46 The corporation shall grant such awards in an amount equal to the amount
47 of undergraduate tuition for residents of New York state charged by the
48 state university of New York or actual tuition charged, whichever is
49 less; provided, however, (i) a student who receives educational grants
50 and/or scholarships that cover the student's full cost of attendance
51 shall not be eligible for an award under this program; (ii) for a
52 student who receives educational grants and/or scholarships that cover
53 less than the student's full cost of attendance, such grants and/or
54 scholarships shall not be deemed duplicative of this program and may be
55 held concurrently with an award under this program, provided that the
56 combined benefits do not exceed the student's full cost of attendance;

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

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

12 4. The corporation shall convert to a student loan the full amount of
13 the award given pursuant to this section, plus interest, according to a
14 schedule to be determined by the corporation if: (a) a recipient fails
15 to complete an approved undergraduate program in science, technology,
16 engineering or mathematics or changes majors to a program of undergradu-
17 ate study other than in science, technology, engineering or mathematics;
18 or (b) upon completion of such undergraduate degree program a recipient
19 fails to either (i) complete five years of continuous full time employ-
20 ment in the science, technology, engineering or mathematics field with a
21 public or private entity located within New York state, or (ii) maintain
22 residency in New York state for such period of employment; or (c) a
23 recipient fails to respond to requests by the corporation for the status
24 of his or her academic or professional progress. The terms and condi-
25 tions of this subdivision shall be deferred for individuals who graduate
26 with a degree in an approved undergraduate program in science, technolo-
27 gy, engineering or mathematics and enroll on at least a half-time basis
28 in a graduate or higher degree program or other professional licensure
29 degree program until they are conferred a degree, and shall also be
30 deferred for any interruption in undergraduate study or employment as
31 established by the rules and regulations of the corporation. The terms
32 and conditions of this subdivision may also be deferred for a grace
33 period, to be established by the corporation, following the completion
34 of an approved undergraduate program in science, technology, engineering
35 or mathematics a graduate or higher degree program or other professional
36 licensure degree program. Any obligation to comply with such provisions
37 as outlined in this section shall be cancelled upon the death of the
38 recipient. Notwithstanding any provisions of this subdivision to the
39 contrary, the corporation is authorized to promulgate rules and regu-
40 lations to provide for the waiver or suspension of any financial obli-
41 gation which would involve extreme hardship.

42 5. The corporation is authorized to promulgate rules and regulations,
43 and may promulgate emergency regulations, necessary for the implementa-
44 tion of the provisions of this section, including, but not limited to,
45 the rate of interest charged for repayment of the student loan and the
46 criteria for distributing the awards, which may include a lottery or
47 other form of random selection for awards distributed pursuant to subdi-
48 vision two-a of this section.

49 § 2. This act shall take effect immediately.

50 PART CC

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

53 § 3244. Education of children in foster care. 1. Definitions. For
54 purposes of this section only, the following definitions shall apply:

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

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

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

18 d. Feeder school. The term "feeder school" shall mean:

19 (1) a preschool whose students are entitled to attend a specified
20 elementary school or group of elementary schools upon completion of that
21 preschool;

22 (2) a school whose students are entitled to attend a specified elemen-
23 tary, middle, intermediate, or high school or group of specified elemen-
24 tary, middle, intermediate, or high schools upon completion of the
25 terminal grade of such school; or

26 (3) a school that sends its students to a receiving school in a neigh-
27 boring school district pursuant to section two thousand forty of this
28 chapter.

29 e. Preschool. The term "preschool" shall mean a publicly funded pre-
30 kindergarten program administered by the department or a local educa-
31 tional agency or a Head Start program administered by a local educa-
32 tional agency and/or services under the Individuals with Disabilities
33 Education Act administered by a local educational agency.

34 f. Receiving school. The term "receiving school" shall mean:

35 (1) a school that enrolls students from a specified or group of
36 preschools, elementary schools, middle schools, intermediate schools, or
37 high schools; or

38 (2) a school that enrolls students from a feeder school in a neighbor-
39 ing local educational agency pursuant to section two thousand forty of
40 this chapter.

41 g. School of origin. The term "school of origin" shall mean a public
42 school that a child or youth attended at the time of placement into
43 foster care, or the school in which the child or youth was last
44 enrolled, including a preschool or a charter school. Provided that, for
45 a child or youth in foster care who completes the final grade level
46 served by the school of origin, the term "school of origin" shall
47 include the designated receiving school at the next grade level for all
48 feeder schools. Where the child is eligible to attend school in the
49 school district of origin because the child was placed in foster care
50 after such child is eligible to apply, register, or enroll in the public
51 preschool or kindergarten or the child is living with a school-age
52 sibling who attends school in the school district of origin, the school
53 of origin shall include any public school or preschool in which such
54 child would have been entitled or eligible to attend based on such
55 child's last residence before the circumstances arose which caused such
56 child to be placed in foster care.

1 2. Choice of district and school. a. Notwithstanding any other
2 provision of law to the contrary, the social services district, in
3 consultation with the appropriate local educational agency or agencies,
4 shall designate either the school district of origin or the school
5 district of residence within which the child in foster care shall be
6 entitled to attend in accordance with a best interest determination made
7 by the applicable social services district or voluntary authorized agen-
8 cy, as defined in paragraph (a) of subdivision ten of section three
9 hundred seventy-one of the social services law, in accordance with the
10 regulations of the office of children and family services. The child
11 shall be entitled to attend the school of origin or any school that
12 children and youth who live in the attendance area in which the foster
13 care placement is located are eligible to attend, including a preschool,
14 subject to a best interest determination made by the applicable social
15 services district or voluntary authorized agency, as defined in para-
16 graph (a) of subdivision ten of section three hundred seventy-one of the
17 social services law, for the duration of the child's placement in foster
18 care and until the end of the school year in which such child is no
19 longer in foster care and for one additional year if that year consti-
20 tutes the child's terminal year in such building.

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

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

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

53 (1) enroll the child or youth in foster care even if the child or
54 youth is unable to produce records normally a requirement for enroll-
55 ment, such as previous academic records, records of immunization and/or
56 other required health records, proof of residency or other documentation

1 and/or even if the child has missed application or enrollment deadlines
2 during any period of placement in foster care, if applicable. Provided
3 that nothing herein shall be construed to require the immediate attend-
4 ance of an enrolled student lawfully excluded from school temporarily
5 pursuant to section nine hundred six of this chapter because of a commu-
6 nicable or infectious disease that imposes a significant risk of
7 infection of others;

8 (2) treat the child or youth in foster care as a resident for all
9 purposes; and

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

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

18 f. Where the school of origin is a charter school, the school district
19 designated pursuant to this subdivision shall be deemed to be the school
20 district of residence of such child for purposes of fiscal and program-
21 matic responsibility under article fifty-six of this chapter and shall
22 be responsible for transportation of the child in foster care. If the
23 designated school district of attendance is not the school district of
24 origin, the designated school district of attendance may seek reimburse-
25 ment from the school district of origin in accordance with the
26 provisions of subdivision four of section thirty-two hundred two of this
27 article.

28 g. Notwithstanding any other provision of law to the contrary, each
29 local educational agency, as such term is defined in subsection twenty-
30 six of section ninety-one hundred one of the Elementary and Secondary
31 Education Act of 1965, as amended by the Every Student Succeeds Act of
32 2015, shall designate a local educational agency point of contact for
33 children and youth in foster care. Provided that such point of contact
34 shall not be the same as the liaison designated pursuant to the subtitle
35 B of title VII of the McKinney-Vento Assistance Act, unless the McKin-
36 ney-Vento liaison has sufficient ability to carry out the responsibil-
37 ities of the McKinney-Vento liaison in addition to the responsibilities
38 of the point of contact for children and youth in foster care.

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

43 4. Transportation. a. Notwithstanding any other provision of law, any
44 child or youth in foster care who requires transportation in order to
45 attend a school of origin designated pursuant to subdivision two of this
46 section, shall be entitled to receive such transportation pursuant to
47 this paragraph. The designated school district of attendance shall
48 provide transportation to and from the child's foster care placement
49 location and the school of origin. Any cost incurred for such transpor-
50 tation that is allowable up to fifty miles each way pursuant to the
51 applicable provision of parts two and three of article seventy-three of
52 this chapter or herein, shall be aidable pursuant to subdivision seven
53 of section thirty-six hundred two of this chapter, provided that the
54 approved transportation expense shall not exceed an amount determined by
55 the commissioner to be the total cost for providing the most cost-effec-

1 tive mode of such transportation in a manner consistent with the commis-
2 sioner's regulations.

3 b. Notwithstanding any other provision of law, where any child or
4 youth in foster care attends the school district of residence and such
5 child does not attend the school of origin, such school district shall
6 provide transportation to such child on the same basis as a resident
7 student. Any cost incurred for such transportation that is allowable
8 pursuant to the applicable provisions of parts two and three of article
9 seventy-three of this chapter or herein, shall be aidable pursuant to
10 subdivision seven of section thirty-six hundred two of this chapter,
11 provided that the approved transportation expense shall not exceed an
12 amount determined by the commissioner to be the total cost for providing
13 the most cost-effective mode of such transportation in a manner consist-
14 ent with the commissioner's regulations.

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

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

44 5. Each child or youth in foster care to be assisted under this
45 section shall be provided services comparable to services offered to
46 other students in the school selected under this section, including the
47 following: transportation services; educational services for which the
48 child or youth meets the eligibility criteria, such as services provided
49 under Title I of the Elementary and Secondary Education Act of 1965 or
50 similar state or local programs; educational programs for children with
51 disabilities; educational programs for English learners; programs in
52 career and technical education; programs for gifted and talented
53 students; and school nutrition programs.

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

1 § 2. Subdivision 4 of section 3202 of the education law, as added by
2 chapter 867 of the laws of 1973 and renumbered by chapter 563 of the
3 laws of 1980, paragraph a, the opening paragraph of paragraph e, the
4 opening paragraph of paragraph f and subparagraph (viii) of paragraph f
5 as amended and paragraph f as designated by chapter 82 of the laws of
6 1995, paragraphs e and g as amended and subparagraphs (i), (ii), (iii),
7 (iv), (v), (vi) and (vii) of paragraph f as added by chapter 170 of the
8 laws of 1994, and paragraph g as relettered by chapter 82 of the laws of
9 1995, is amended to read as follows:

10 4. a. Definitions. For purposes of this subdivision only, the follow-
11 ing definitions shall apply.

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

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

23 b. Except as provided in subdivision five of this section, the cost of
24 instruction of [~~pupils placed in family homes at board by a social~~
25 services district or a state department or agency] children in foster
26 care shall be borne by the school district [~~in which each such pupil~~
27 resided at the time the social services district or state department or
28 agency assumed responsibility for the placement, support and maintenance
29 of such pupil, provided, however, that such cost of instruction shall
30 continue to be borne, while such pupil remains under the age of twenty-
31 one years, by any social services district or state department or agency
32 which assumed responsibility for tuition costs for any such pupil prior
33 to January one, nineteen hundred seventy four] of origin. Where a
34 [~~pupil is placed pursuant to this subdivision outside the pupil's school~~
35 district of residence at the time of such placement] school district
36 other than the school district of origin is designated in accordance
37 with paragraph e of subdivision two of section thirty-two hundred
38 forty-four of this article, the cost of instruction shall be borne by
39 the [~~district of residence] school district of origin and the tuition~~
40 paid to the designated school district [~~furnishing instruction] of~~
41 attendance shall be computed as provided in paragraph d of this subdivi-
42 sion, except that, where the [~~family home at board] foster care place-~~
43 ment receives program support from a child care institution affiliated
44 with a special act school district as defined in subdivision eight of
45 section four thousand one of this chapter, and the [~~board of education~~
46 of such district furnishing instruction] designated school district of
47 attendance, upon the recommendation of its committee on special educa-
48 tion, contracts for such pupil's education pursuant to paragraph c, d,
49 e, or f of subdivision two of section forty-four hundred one of this
50 chapter or for a nonresidential placement pursuant to paragraph 1 of
51 such subdivision, costs incurred shall be reimbursed in accordance with
52 paragraph e of this subdivision. Notwithstanding any inconsistent
53 provision of law, where the permanent residence of a pupil is outside of
54 the state, the school district in which the pupil was located at the
55 time the public agency placed such pupil shall be deemed the [~~district~~
56 of residence] school district of origin of such pupil for purposes of

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

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

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

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

25 e. Where the ~~[board of education of a school district furnishing
26 instruction for a pupil placed pursuant to this subdivision in a family
27 home at board]~~ designated school district of attendance for a child or
28 youth in foster care that receives program support from a child care
29 institution affiliated with a special act school district, other than
30 the board of the pupil's school district of [~~residence~~] origin as
31 defined in paragraph a of this subdivision, upon the recommendation of
32 its committee on special education, contracts for the instruction of
33 such pupil pursuant to paragraph c, d, e, or f of subdivision two of
34 section forty-four hundred one of this chapter or for a nonresidential
35 placement pursuant to paragraph 1 of such subdivision, such board shall
36 submit a claim to the commissioner for current year reimbursement of
37 costs incurred for such pupil. The commissioner shall pay such claim in
38 accordance with the applicable provisions of section thirty-six hundred
39 nine-b of this chapter and shall be reimbursed by the school district
40 identified as the pupil's school district of [~~residence~~] origin as
41 defined in paragraph a of this subdivision. The commissioner shall
42 deduct the amount of such claim from moneys otherwise due the school
43 district of [~~residence~~] origin.

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

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

55 (ii) A board of education of a school district which receives notifi-
56 cation pursuant to subparagraph (i) of this paragraph may submit to the

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

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

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

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

38 (vi) Notwithstanding any inconsistent provisions of law, during the
39 pendency of all proceedings to review a denial of financial responsibil-
40 ity, the commissioner shall issue an interim order assigning such finan-
41 cial responsibility to the school district or, alternatively, upon a
42 determination that the public agency failed to make reasonable efforts
43 to identify the [~~residence~~ school district of origin] of such child, to
44 the public agency. In the event the public agency fails to provide
45 timely notice pursuant to subparagraph (i) of this paragraph, or fails
46 to render its final determination in a timely manner, the public agency
47 responsible for such pupil's residential placement shall reimburse the
48 commissioner for the payments made to the district furnishing instruc-
49 tion pursuant to this paragraph during the pendency of all proceedings
50 or for the duration of the current school year, whichever is longer, and
51 the state comptroller shall withhold such amount from any moneys due the
52 county or the city of New York, on vouchers certified or approved by the
53 commissioner, in the manner prescribed by law or shall transfer such
54 amount from the account of such state department or agency upon certifi-
55 cation of the commissioner, and such funds shall be credited to the

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

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

14 (viii) Upon completion of all proceedings to review the denial of
15 financial responsibility for the costs of instruction pursuant to this
16 paragraph, the commissioner shall refund any payments made by a party
17 cleared of such responsibility and shall collect any payments owed by a
18 party found to have such responsibility. Where such transactions involve
19 a school district liable for reimbursement pursuant to paragraph e of
20 this subdivision, the commissioner shall appropriately increase or
21 decrease the moneys due a school district by such amount in accordance
22 with the provisions of section thirty-six hundred nine-b of this chap-
23 ter. Where such transactions involve the public agency making a place-
24 ment pursuant to this subdivision, the comptroller shall increase or
25 decrease the moneys due such public agency by such amount upon certif-
26 ication of the commissioner, transferring such amount to or from the
27 account of such state department or agency to or from the general
28 support for public schools local assistance account of the department.

29 g. If within ninety days from the entry of an order or judgment of a
30 court of competent jurisdiction or the receipt of a decision of the
31 commissioner pursuant to section three hundred ten of this chapter,
32 determining the responsibility of a school district to pay tuition for a
33 pupil in accordance with the provisions of paragraph a of this subdivi-
34 sion or of section five hundred four of the executive law, such school
35 district has not made payment to the designated school district [~~provid-~~
36 ~~ing instruction to such pupil~~] of attendance, the school district enti-
37 tled to such payment may make application to the commissioner to receive
38 a sum in the amount of such tuition from the apportionment of public
39 money payable to the school district required to pay such tuition. The
40 application for payment shall be accompanied by a certified copy of the
41 order or judgment of a court, or a copy of the decision of the commis-
42 sioner, and by proof of service by first class mail of a copy of such
43 application upon the school district required to pay such tuition.
44 Unless the school district required to pay such tuition shall have noti-
45 fied the commissioner of such payment within thirty days from the
46 receipt of such application, the commissioner shall withhold an amount
47 equal to the tuition for such pupil from the public money payable to the
48 school district responsible for such tuition and shall pay such amount
49 to the school district which has provided instruction to such pupil. The
50 commissioner is authorized to promulgate regulations to implement the
51 provisions of this paragraph.

52 § 3. Paragraph (a) of subdivision 2 of section 153-k of the social
53 services law, as amended by section 2 of subpart B of part K of chapter
54 56 of the laws of 2017, is amended to read as follows:

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

1 foster care services shall be subject to reimbursement with state funds
2 only to the extent of annual appropriations to the state foster care
3 block grant. Such foster care services shall include expenditures for
4 the provision and administration of: care, maintenance, supervision
5 [~~and~~], tuition, and transportation costs related to the education of a
6 foster child or youth incurred in accordance with paragraph c of subdivi-
7 vision four of section thirty-two hundred forty-four of the education
8 law; supervision of foster children placed in federally funded job corps
9 programs; and care, maintenance, supervision and tuition for adjudicated
10 juvenile delinquents and persons in need of supervision placed in resi-
11 dential programs operated by authorized agencies and in out-of-state
12 residential programs; except that, notwithstanding any other provision
13 of law to the contrary, reimbursement with state funds pursuant to the
14 state foster care block grant shall not be available for tuition expend-
15 itures for foster children, including persons in need of supervision and
16 adjudicated juvenile delinquents, made by a social services district
17 located within a city having a population of one million or more. Social
18 services districts must develop and implement children and family
19 services delivery systems that are designed to reduce the need for and
20 the length of foster care placements and must document their efforts in
21 the multi-year consolidated services plan and the annual implementation
22 reports submitted pursuant to section thirty-four-a of this chapter.
23 § 4. This act shall take effect immediately, provided however, that
24 the amendments to paragraph (a) of subdivision 2 of section 153-k of the
25 social services law as made by section three of this act shall be
26 subject to the repeal of such section pursuant to section 28 of part C
27 of chapter 83 of the laws of 2002, as amended.

28

PART DD

29 Section 1. The section heading and subdivisions 1 and 2 of section
30 36-c of the social services law, as added by section 1 of part K of
31 chapter 58 of the laws of 2010, are amended to read as follows:

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

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

1 the [~~other~~] provisions of this [~~chapter~~] section, would be applied to
2 reduce the need for the shelter component of temporary housing assist-
3 ance provided in a temporary emergency shelter, shall direct such a
4 recipient to participate in a savings plan with such funds and, as long
5 as such funds are not withdrawn, they shall not be applied to reduce the
6 need for the shelter component of the temporary housing assistance
7 granted for the duration of his or her residence in temporary emergency
8 shelter; provided, however, that the provisions of this section shall
9 only apply to a person receiving temporary housing assistance in a shel-
10 ter or other facility [~~funded and~~] overseen by the New York city depart-
11 ment of homeless services or the New York city department of housing
12 preservation and development. Failure by a recipient of temporary hous-
13 ing assistance to contribute to such a savings plan shall [~~not in~~
14 ~~itself~~] result in the discontinuance of temporary housing assistance[
15 ~~unless the recipient separately fails to comply with conditions of~~
16 ~~eligibility that could result in the discontinuance of temporary housing~~
17 ~~assistance~~]. Provided however, such discontinuance shall be immediately
18 curable by compliance with this section.

19 § 2. Subdivision c of section 2 of part K of chapter 58 of the laws of
20 2010 amending the social services law, relating to establishing the
21 savings plan demonstration project, as amended by section 1 of part V of
22 chapter 56 of the laws of 2017, is amended to read as follows:

23 c. this act shall expire and be deemed repealed March 31, [~~2018,~~
24 ~~provided, however that at such time that the office of temporary and~~
25 ~~disability assistance approves a revised savings demonstration plan that~~
26 ~~has been submitted to the office by the City of New York, this act shall~~
27 ~~expire and be deemed repealed. Upon approval of the revised plan, the~~
28 ~~office shall notify the chair of the senate finance committee and the~~
29 ~~chair of the assembly ways and means committee, provided, further, that~~
30 ~~the office of temporary and disability assistance shall notify the~~
31 ~~legislative bill drafting commission upon the approval of the revised~~
32 ~~savings demonstration plan in order that the commission may maintain an~~
33 ~~accurate and timely effective data base of the official text of the laws~~
34 ~~of the state of New York in furtherance of effectuating the provisions~~
35 ~~of section 44 of the legislative law and section 70 b of the public~~
36 ~~officers law~~] 2022.

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

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

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