

STATE OF NEW YORK

S. 7506

A. 9506

SENATE - ASSEMBLY

January 18, 2018

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

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

AN ACT to amend the education law, in relation to contracts for excellence and the apportionment of public moneys; to amend the education law, in relation to the reporting of teacher diversity; to amend the education law, in relation to teaching tolerance; to amend the education law, in relation to reporting requirements of school level funding; to amend the education law, in relation to charter school tuition and facility aid for charter schools; to amend the education law, in relation to supplemental public excess cost aid; to amend the education law, in relation to total foundation aid; to amend the education law, in relation to building aid; to amend the education law, in relation to full day kindergarten aid; to amend the education law, in relation to academic enhancement aid; to amend the education law, in relation to high tax aid; to amend the education law, in relation to universal pre-kindergarten aid; to amend the education law, in relation to the statewide universal full-day pre-kindergarten program; to amend the education law, in relation to state aid adjustments; to amend the education law, in relation to the teachers of tomorrow teacher recruitment and retention program; to amend the education law, in relation to class sizes for special classes containing certain students with disabilities; to amend the education law, in relation to summer programs for students with disabilities; to amend chapter 756 of the laws of 1992, relating to funding a program for work force education conducted by the consortium for worker education in New York city, in relation to reimbursements for the 2018-2019 school year; to amend chapter 756 of the laws of 1992, relating to funding a program for work force education conducted by the consortium for worker education in New York city, in relation to withholding a portion of employment preparation education aid and in relation to the effectiveness thereof; to amend the education law, in relation to class sizes for special classes containing certain students with disabilities; to

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

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amend chapter 82 of the laws of 1995, amending the education law and certain other laws relating to state aid to school districts and the appropriation of funds for the support of government, in relation to the effectiveness thereof; to amend the education law, in relation to authorizing the granting of waivers for certain duties owed by school districts to children with handicapping conditions; to amend chapter 89 of the laws of 2016, relating to supplementary funding for dedicated programs for public school students in the East Ramapo central school district, in relation to the effectiveness thereof; to amend chapter 147 of the laws of 2001, amending the education law relating to conditional appointment of school district, charter school or BOCES employees, in relation to the effectiveness thereof; to amend chapter 169 of the laws of 1994, relating to certain provisions related to the 1994-95 state operations, aid to localities, capital projects and debt service budgets, in relation to the expiration of certain provisions; to amend chapter 425 of the laws of 2002, amending the education law relating to the provision of supplemental educational services, attendance at a safe public school and the suspension of pupils who bring a firearm to or possess a firearm at a school, in relation to the effectiveness thereof; to amend chapter 101 of the laws of 2003, amending the education law relating to implementation of the No Child Left Behind Act of 2001, in relation to the effectiveness thereof; to amend chapter 56 of the laws of 2014, amending the education law relating to providing that standardized test scores shall not be included on a student's permanent record, in relation to the expiration of certain provisions; to amend the education law, in relation to requiring the commissioner of education to include certain information in the official score report of all students; relating to school bus driver training; relating to special apportionment for salary expenses and public pension accruals; relating to suballocations of appropriations; relating to the city school district of the city of Rochester; relating to total foundation aid for the purpose of the development, maintenance or expansion of certain magnet schools or magnet school programs for the 2017-2018 school year; and relating to the support of public libraries (Part A); to amend the education law and chapter 537 of the laws of 1976, relating to paid, free and reduced price breakfast for eligible pupils in certain school districts, in relation prohibiting lunch shaming and to school breakfast and lunch programs (Part B); to amend the education law, in relation to authorizing school bus stop cameras; and to amend the vehicle and traffic law, in relation to owner liability for operator illegally overtaking or passing a school bus and increasing fines for passing a stopped school bus (Part C); to amend the education law, in relation to participation in recovery high school programs (Part D); to amend the education law, in relation to eligibility requirements and conditions governing general awards, academic performance awards and student loans; eligibility requirements for assistance under the higher education opportunity programs and the collegiate science and technology entry program; the definition of "resident"; financial aid opportunities for students of the state university of New York, the city university of New York and community colleges; and the program requirements for the New York state college choice tuition savings program; and to repeal subdivision 3 of section 661 of the education law relating thereto (Part E); to amend the education law, the business corporation law, the partnership law and the limited liability company law, in relation to certified public accountants (Part F); to amend chapter 57 of the laws of

2012 amending the social services law and the family court act relating to establishing a juvenile justice services close to home initiative, and amending the social services law, the family court act and the executive law relating to juvenile delinquents, in relation to extending the close to home (CTH) initiative and juvenile justice reforms an additional five years; and to repeal certain provisions of paragraph (a) of subdivision 8 of section 404 of the social services law relating to CTH funding and reimbursement (Part G); in relation to authorizing the closure of the Ella McQueen reception center for boys and girls (Part H); to amend part G of chapter 57 of the laws of 2013, amending the executive law and the social services law relating to consolidating the youth development and delinquency prevention program and the special delinquency prevention program, in relation to extending such provisions (Part I); to amend part K of chapter 57 of the laws of 2012, amending the education law, relating to authorizing the board of cooperative educational services to enter into contracts with the commissioner of children and family services to provide certain services, in relation to the effectiveness thereof (Part J); to amend the public authorities law, in relation to adding the office of children and family services to the list of entities to whom the dormitory authority of the state of New York (DASNY) is authorized to provide capital design and construction services (Part K); to amend the social services law, in relation to increasing the standards of monthly need for aged, blind and disabled persons living in the community (Part L); to amend the social services law, in relation to a rental subsidy for public assistance recipients living with HIV/AIDS (Part M); to utilize reserves in the mortgage insurance fund for various housing purposes (Part N); and to amend chapter 85 of the laws of 2017, relating to creating the Lake Ontario-St. Lawrence Seaway flood recovery and International Joint Commission Plan 2014 mitigation grant program, in relation to utilizing reserves in the mortgage insurance fund for various housing purposes (Part O)

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

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

12 PART A

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

49 For the purposes of this paragraph:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PART B

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

44 d. The State Education Department shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8 § 5. This act shall take effect immediately.

9

PART D

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

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

29 § 2. This act shall take effect immediately.

30

PART E

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

47 PART F

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

43

PART G

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

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

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

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

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

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

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

21 PART H

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

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

32 § 2. This act shall take effect immediately.

33 PART I

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

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

41 § 2. This act shall take effect immediately.

42 PART J

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

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

4 § 2. This act shall take effect immediately.

5 PART K

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

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

10 § 2. This act shall take effect immediately.

11 PART L

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27 PART M

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

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

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

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

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

6 PART N

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

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

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

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

51 § 5. This act shall take effect immediately.

52

PART O

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

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

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

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

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

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

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

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

7 § 4. This act shall take effect immediately.

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

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