

STATE OF NEW YORK

S. 1506

A. 2006

SENATE - ASSEMBLY

January 18, 2019

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 a statement of the total funding allocation; to amend the education law, in relation to services aid; to amend the education law, in relation to moneys apportioned for boards of cooperative educational services aidable expenditures; to amend the education law, in relation to establishing regional STEM magnet schools; to amend the education law, in relation to supplemental public excess cost 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 the statewide universal full-day pre-kindergarten program; 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 waivers from duties; to amend the education law, in relation to annual teacher and principal evaluations; to amend the education law, in relation to the education of homeless children; to amend the education law, in relation to the suspension of pupils; to amend the education law, in relation to school safety plans; to amend the education law, in relation to including healthy relationships in health education; to amend the education law, in relation to authorizing and directing the commissioner of education to require that every school district adopt and distribute a policy regarding sex discrimination; 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 2019-2020 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

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

LBD12572-01-9

city, in relation to withholding a portion of employment preparation education aid and in relation to the effectiveness thereof; to amend chapter 82 of the laws of 1995, amending the education law and 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 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 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 91 of the laws of 2002, amending the education law and other laws relating to reorganization of the New York city school construction authority, board of education and community boards, in relation to the effectiveness thereof; to amend chapter 345 of the laws of 2009, amending the education law and other laws relating to the New York city board of education, chancellor, community councils, and community superintendents, in relation to the effectiveness thereof; to amend chapter 472 of the laws of 1998, amending the education law relating to the lease of school buses by school districts, in relation to the effectiveness thereof; to amend chapter 552 of the laws of 1995, amending the education law relating to contracts for the transportation of school children, in relation to the effectiveness thereof; to amend chapter 97 of the laws of 2011, amending the education law relating to census reporting, in relation to the effectiveness thereof; in relation to school bus driver training; in relation to special apportionment for salary expenses and public pension accruals; in relation to the city school district of the city of Rochester; in relation to total foundation aid for the purpose of the development, maintenance or expansion of certain magnet schools or magnet school programs for the 2019-2020 school year; in relation to the support of public libraries; to repeal subparagraphs 2 and 3 of paragraph a of subdivision 1 of section 3609-a of the education law, relating to lottery apportionment and lottery textbook apportionment; and to repeal subparagraphs 1 and 2 of paragraph b of subdivision 4 of section 92-c of the state finance law, relating to the state lottery fund (Part A); 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 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 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 D); to amend the education law, in relation to the accountability of proprietary institutions (Part E); to amend the state finance law, in relation to the arts capital grants fund (Part F); to utilize reserves in the mortgage insurance fund for various housing purposes (Part G); to amend the social services law, in relation to the initial period of licensure or registration and required inspections, background clearances and training for child care providers; and to repeal certain provisions of such law relating thereto (Part H); to amend the social services law, in relation to federally required background clearances for persons working in residential foster care programs (Part I); to amend the social services law, in relation to residential programs for domestic violence victims; and repealing certain provisions of such law relating thereto (Part J); to amend the family court act, the social services law and the executive law, in relation to persons in need of supervision; and to repeal certain provisions of the family court act and the executive law relating thereto (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 appointment of a temporary operator authority (Subpart A); and to amend part W of chapter 54 of the laws of 2016, amending the social services law relating to the powers and duties of the commissioner of social services relating to the appointment of a temporary operator, in relation to the effectiveness thereof (Subpart B) (Part M); to amend the social services law, in relation to permitting social services districts to assign individuals to participate in time-limited job try-outs as an allowable work activity leading to unsubsidized employment (Part N); to amend the labor law, in relation to increasing criminal penalties for convictions of failures to pay wages (Part O); to amend the labor law, in relation to amending unemployment insurance benefits for earnings disregard (Part P); to amend the executive law, in relation to prohibiting wage or salary history inquiries; and to amend the labor law, in relation to the prohibition of a differential rate of pay on the basis of protected class status (Part Q); to amend the executive law, the civil rights law and the education law, in relation to prohibiting discrimination based on gender identity or expression; and to amend the penal law and the criminal procedure law, in relation to including offenses regarding gender identity or expression within the list of offenses subject to treatment as hate crimes (Part R); to amend the executive law, in relation to expanding the scope of unlawful discriminatory practices to include public educational institutions (Part S); to amend the executive law, in relation to preventing discrimination based on lawful source of income in housing (Part T); to amend the general obligations law, in relation to the amount of security deposit that a landlord may charge a tenant (Part U); to amend the executive law, the general obligations law and the labor law, in relation to the implementation of sexual harassment protocols (Part V); to amend the general business law, in relation to enacting the pension poaching prevention act (Part W); to amend the executive law, in relation to amending the definition of pregnancy-related condition (Part X); to amend the education law, in relation to prohibiting mental health professionals from engaging in sexual orientation change efforts with a patient under the age of eighteen years and expanding the definition of professional misconduct with respect to mental

health professionals (Part Y); and establishing the "rent regulation act of 2019" (Part Z)

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 2019-2020
3 state fiscal year. Each component is wholly contained within a Part
4 identified as Parts A through Z. The effective date for each particular
5 provision contained within such Part is set forth in the last section of
6 such Part. Any provision in any section contained within a Part,
7 including the effective date of the Part, which makes reference to a
8 section "of this act", when used in connection with that particular
9 component, shall be deemed to mean and refer to the corresponding
10 section of the Part in which it is found. Section three of this act sets
11 forth the general effective date of this act.

12

PART A

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 CCC of chapter 59 of the laws
15 of 2018, 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
18 eight--two thousand nine school year shall submit a contract for excel-
19 lence for the two thousand nine--two thousand ten school year in
20 conformity with the requirements of subparagraph (vi) of paragraph a of
21 subdivision two of this section unless all schools in the district are
22 identified as in good standing and provided further that, a school
23 district that submitted a contract for excellence for the two thousand
24 nine--two thousand ten school year, unless all schools in the district
25 are identified as in good standing, shall submit a contract for excel-
26 lence for the two thousand eleven--two thousand twelve school year which
27 shall, notwithstanding the requirements of subparagraph (vi) of para-
28 graph a of subdivision two of this section, provide for the expenditure
29 of an amount which shall be not less than the product of the amount
30 approved by the commissioner in the contract for excellence for the two
31 thousand nine--two thousand ten school year, multiplied by the
32 district's gap elimination adjustment percentage and provided further
33 that, a school district that submitted a contract for excellence for the
34 two thousand eleven--two thousand twelve school year, unless all schools
35 in the district are identified as in good standing, shall submit a
36 contract for excellence for the two thousand twelve--two thousand thir-
37 teen school year which shall, notwithstanding the requirements of
38 subparagraph (vi) of paragraph a of subdivision two of this section,
39 provide for the expenditure of an amount which shall be not less than
40 the amount approved by the commissioner in the contract for excellence
41 for the two thousand eleven--two thousand twelve school year and
42 provided further that, a school district that submitted a contract for
43 excellence for the two thousand twelve--two thousand thirteen school
44 year, unless all schools in the district are identified as in good
45 standing, shall submit a contract for excellence for the two thousand
46 thirteen--two thousand fourteen school year which shall, notwithstanding
47 the requirements of subparagraph (vi) of paragraph a of subdivision two

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

1 provide for the expenditure of an amount which shall be not less than
2 the amount approved by the commissioner in the contract for excellence
3 for the two thousand eighteen--two thousand nineteen school year. For
4 purposes of this paragraph, the "gap elimination adjustment percentage"
5 shall be calculated as the sum of one minus the quotient of the sum of
6 the school district's net gap elimination adjustment for two thousand
7 ten--two thousand eleven computed pursuant to chapter fifty-three of the
8 laws of two thousand ten, making appropriations for the support of
9 government, plus the school district's gap elimination adjustment for
10 two thousand eleven--two thousand twelve as computed pursuant to chapter
11 fifty-three of the laws of two thousand eleven, making appropriations
12 for the support of the local assistance budget, including support for
13 general support for public schools, divided by the total aid for adjust-
14 ment computed pursuant to chapter fifty-three of the laws of two thou-
15 sand eleven, making appropriations for the local assistance budget,
16 including support for general support for public schools. Provided,
17 further, that such amount shall be expended to support and maintain
18 allowable programs and activities approved in the two thousand nine--two
19 thousand ten school year or to support new or expanded allowable
20 programs and activities in the current year.

21 § 2. Section 3614 of the education law, as added by section 4 of part
22 CCC of chapter 59 of the laws of 2018, is amended to read as follows:

23 § 3614. Statement of the total funding allocation. 1. Notwithstanding
24 any provision of law, rule or regulation to the contrary, commencing
25 with the two thousand eighteen--two thousand nineteen school year for
26 school districts which contain at least four schools as reported in the
27 school report card database produced by the commissioner for the two
28 thousand sixteen--two thousand seventeen school year and which receive
29 at least fifty percent of total revenue from state aid as reported in
30 the fiscal profiles master files report produced by the commissioner
31 concerning data on school district expenditures and revenues for the two
32 thousand fifteen--two thousand sixteen school year and for school
33 districts located in a city with a population of more than one million,
34 and commencing with the two thousand nineteen--two thousand twenty
35 school year for school districts containing at least four schools as
36 reported in the school report card database produced by the commissioner
37 for the two thousand sixteen--two thousand seventeen school year, and
38 commencing with the two thousand twenty--two thousand twenty-one school
39 year for all [~~other~~] school districts eligible for an apportionment
40 pursuant to subdivision four of section thirty-six hundred two of this
41 part, such school districts shall annually submit to the commissioner
42 and the director of the budget and shall make publicly available and on
43 the district website a detailed statement of the total funding allo-
44 cation for each school in the district for the upcoming school budget
45 year [~~prior to the first day of~~] on or before the Friday prior to Labor
46 Day of such school year, provided that:

47 a. Such statements shall be in a statewide uniform form developed by
48 the director of the budget, in consultation with the commissioner,
49 provided that when preparing statements districts shall adhere to and
50 complete the prescribed form accurately and fully, and provided further
51 that the director of the budget shall request in such form only informa-
52 tion that is known to, or may be ascertained or estimated by, the
53 district. Provided, further, that each local educational agency shall
54 include in such statement the approach used to allocate funds to each
55 school and that such statement shall include but not be limited to sepa-
56 rate entries for each individual school, demographic data for the

1 school, per pupil funding level, source of funds, and uniform decision
2 rules regarding allocation of centralized spending to individual schools
3 from all funding sources.

4 b. Within [~~thirty~~] ninety days of submission of such statement by a
5 school district, the commissioner and director of the budget shall
6 review such statement and determine whether the statement is complete
7 and is in the format required by paragraph a of this subdivision. If
8 such statement is determined to be complete and in the format required
9 by paragraph a of this subdivision, a written acknowledgement of such
10 shall be sent to the school district. If no determination is made by the
11 commissioner and the director of the budget within [~~thirty~~] ninety days
12 of submission of the statement, such statement shall be deemed approved.
13 Should the commissioner or the director of the budget request additional
14 information from the school district to determine completeness, the
15 district shall submit such requested information to the commissioner and
16 the director of the budget within thirty days of such request and the
17 commissioner and the director of the budget's deadline for review and
18 determination shall be extended by [~~thirty~~] ninety days from the date of
19 submission of the additional requested information. If the commissioner
20 or director of the budget determine a school district's spending state-
21 ment to be noncompliant, such school district shall be allowed to submit
22 a revised spending statement at any time.

23 c. If a school district fails to submit a statement that is complete
24 and in the format required by paragraph a of this subdivision [~~by the~~
25 ~~first day~~] on or before the Friday prior to Labor Day of such school
26 year or if the commissioner or director of the budget determine the
27 school district's spending statement to be noncompliant, a written
28 explanation shall be provided and the school district will have thirty
29 days to cure. If the school district does not cure within thirty days,
30 at the joint direction of the director of the budget and the commission-
31 er, the comptroller of the city in which such school district is situ-
32 ated, or if the city does not have an elected comptroller, the chief
33 financial officer of the city, or for school districts not located in a
34 city, the chief financial officer of the town in which the majority of
35 the school district is situated shall be authorized, at his or her
36 discretion, to obtain appropriate information from the school district,
37 and shall be authorized to complete such form and submit such statement
38 to the director of the budget and the commissioner for approval in
39 accordance with paragraph b of this subdivision. Where the comptroller
40 or chief financial officer exercises the authority to submit such form,
41 such submission shall occur within sixty days following notification of
42 the school district's failure to cure. Nothing in this paragraph shall
43 preclude a school district from submitting a spending statement for
44 approval by the director of the budget and the commissioner at any time.

45 2. Nothing in this section shall alter or suspend statutory school
46 district budget and voting or approval requirements.

47 3. a. For the two thousand nineteen--two thousand twenty school year
48 and thereafter, school districts designated as requiring an equity plan
49 shall submit such plan as defined in this section on or before July
50 first of such school year to the commissioner for his or her approval.
51 Such plan shall specify how the school district will increase per pupil
52 expenditures, from all sources, in underfunded high-need schools under
53 this subdivision within such district above the level at which the
54 school district would have otherwise funded such schools in the current
55 year in order to maintain a level of current services from the base
56 year, including but not limited to contractual salary increases and

1 other continuations. Such plan shall specify how the district will
2 utilize for this purpose an amount at least equal to the product of the
3 equity percentage multiplied by the increase in foundation aid in the
4 current year pursuant to subdivision four of section thirty-six hundred
5 two of this part.

6 b. On or before May first of the base year, the director of the budget
7 shall produce a list of underfunded high-need schools, as defined in
8 paragraph c of this subdivision. Provided, however, that the director of
9 the budget shall exclude from this list schools within district seven-
10 ty-five of the city school district of New York, schools that are of the
11 same school type within a district but do not serve any grade levels
12 that overlap, schools serving only students in prekindergarten, or any
13 other schools with irregular or outlying properties.

14 c. In the event that a school district designated as requiring an
15 equity plan for any such school year has not submitted an equity plan
16 pursuant to this subdivision that has been approved by the commissioner
17 by September first of the school year, the commissioner shall develop
18 such plan for the school district, specifying the increase in per pupil
19 expenditures required by paragraph a of this subdivision at each under-
20 funded high-need school within the school district, and shall order the
21 officers of the school district to implement such plan fully and faith-
22 fully.

23 d. For purposes of this subdivision:

24 (1) "school districts designated as requiring an equity plan" shall
25 mean any school district that is required to submit a statement under
26 subdivision one of this section for the base year with an underfunded
27 high-need school;

28 (2) "equity percentage" shall mean the product of ten percent multi-
29 plied by the number of underfunded high-need schools within the school
30 district, but shall not exceed: (A) fifty percent for any school
31 district which receives at least fifty percent of total revenue from
32 state aid as reported in the fiscal profiles master files report
33 produced by the commissioner concerning data on school district expendi-
34 tures and revenues for the two thousand fifteen--two thousand sixteen
35 school year; and (B) seventy-five percent for any other school district;

36 (3) "school type" for any school shall mean elementary, middle, high,
37 pre-k only, or K-12, as defined by the commissioner, provided that for
38 purposes of this subdivision, a "middle" school shall include any school
39 with the grade organization of either a middle school or a junior high
40 school, and a "high" school shall include any school with the grade
41 organization of either a senior high school or a junior-senior high
42 school;

43 (4) "underfunded high-need school" shall mean a school within a school
44 district that has been deemed both a significantly high-need school and
45 a significantly low funded school;

46 (5) "student need index" for any school shall mean the quotient
47 arrived at when dividing the weighted student enrollment as defined
48 herein by the K-12 enrollment for the base year as reported on the
49 statement required pursuant to this section;

50 (6) "average student need index by school type" shall mean the
51 quotient arrived at when dividing the sum of weighted student enrollment
52 as defined herein for all schools within a school district of the same
53 school type by the K-12 enrollment for the base year for all schools in
54 a school district of the same school type as reported on the statement
55 required pursuant to this section;

1 (7) "weighted student enrollment" for any school shall mean the sum
2 of: (A) K-12 enrollment plus (B) the product of the number of students
3 eligible to receive free and reduced price lunch multiplied by sixty-
4 five one-hundredths (0.65) plus (C) the product of the number of English
5 language learners multiplied by one-half (0.5), plus (D) the product of
6 the number of students with disabilities multiplied by one and forty-one
7 one-hundredths (1.41), for the base year as reported on the statement
8 required pursuant to this section;

9 (8) "significantly high-need school" shall mean a school with a
10 student need index greater than the product of the average student need
11 index by school type within the school district multiplied by one and
12 five one-hundredths (1.05);

13 (9) "per pupil expenditures" for any school shall mean the quotient
14 arrived at when dividing the expenditure amount as reported for the base
15 year in the statement required pursuant to this section, excluding
16 expenditures for prekindergarten and preschool special education
17 programs and central district costs by the weighted student enrollment
18 of the school;

19 (10) "average per pupil expenditures by school type" shall mean the
20 quotient arrived at when dividing (A) the sum of the expenditure amounts
21 reported for the base year in the statement required pursuant to this
22 section, excluding expenditures for prekindergarten and preschool
23 special education programs and central district costs, for all schools
24 within a school district of the same school type by (B) the weighted
25 student enrollment for the base year for all schools in a school
26 district of the same school type as reported on the statement required
27 pursuant to this section;

28 (11) "significantly low funded school" shall mean a school within a
29 school district that has per pupil expenditures less than the product of
30 the average per pupil expenditures by school type within the school
31 district multiplied by one and five one-hundredths (1.05).

32 (12) "base year" shall mean the base year as defined in paragraph b of
33 subdivision one of section thirty-six hundred two of this part.

34 (13) "current year" shall mean the current year as defined in para-
35 graph a of subdivision one of section thirty-six hundred two of this
36 part.

37 § 3. Paragraph bb of subdivision 1 of section 3602 of the education
38 law, as added by section 25 of part A of chapter 58 of the laws of 2011,
39 is amended to read as follows:

40 bb. "Personal income growth index" shall mean (1) for the two thousand
41 twelve--two thousand thirteen school year, the average of the quotients
42 for each year in the period commencing with the two thousand five--two
43 thousand six state fiscal year and finishing with the two thousand nine--
44 two thousand ten state fiscal year of the total personal income of the
45 state for each such year divided by the total personal income of the
46 state for the immediately preceding state fiscal year, but not less than
47 one ~~[and]~~, (2) for the two thousand thirteen--two thousand fourteen
48 ~~[school year and each school year thereafter]~~ through two thousand eigh-
49 teen--two thousand nineteen school years, the quotient of the total
50 personal income of the state for the state fiscal year one year prior to
51 the state fiscal year in which the base year commenced divided by the
52 total personal income of the state for the immediately preceding state
53 fiscal year, but not less than one and (3) for the two thousand nine-
54 teen--two thousand twenty school year and each school year thereafter,
55 the average of the quotients for each year in the period commencing with
56 the state fiscal year nine years prior to the state fiscal year in which

1 the base year began and finishing with the state fiscal year prior to
2 the state fiscal year in which the base year began of the total personal
3 income of the state for each such year divided by the total personal
4 income of the state for the immediately preceding state fiscal year, but
5 not less than one.

6 § 4. Paragraph e of subdivision 4 of section 3602 of the education
7 law, as amended by section 9-b of part CCC of chapter 59 of the laws of
8 2018, is amended to read as follows:

9 e. Community schools aid set-aside. Each school district shall set
10 aside from its total foundation aid computed for the current year pursu-
11 ant to this subdivision an amount equal to the sum of (i) the amount, if
12 any, set forth for such district as "COMMUNITY SCHL AID (BT1617)" in the
13 data file produced by the commissioner in support of the enacted budget
14 for the two thousand sixteen--two thousand seventeen school year and
15 entitled "SA161-7", (ii) the amount, if any, set forth for such district
16 as "COMMUNITY SCHL INCR" in the data file produced by the commissioner
17 in support of the executive budget request for the two thousand seven-
18 teen--two thousand eighteen school year and entitled "BT171-8", [and]
19 (iii) the amount, if any, set forth for such district as "COMMUNITY
20 SCHOOLS INCREASE" in the data file produced by the commissioner in
21 support of the executive budget for the two thousand eighteen--two thou-
22 sand nineteen school year and entitled "BT181-9", and (iv) the amount,
23 if any, set forth for such district as "19-20 COMMUNITY SCHOOLS INCR" in
24 the data file produced by the commissioner in support of the executive
25 budget for the two thousand nineteen--two thousand twenty school year
26 and entitled "BT192-0". Each school district shall use such "COMMUNITY
27 SCHL AID (BT1617)" amount to support the transformation of school build-
28 ings into community hubs to deliver co-located or school-linked academ-
29 ic, health, mental health, nutrition, counseling, legal and/or other
30 services to students and their families, including but not limited to
31 providing a community school site coordinator, or to support other costs
32 incurred to maximize students' academic achievement. Each school
33 district shall use such "COMMUNITY SCHL INCR" amount to support the
34 transformation of school buildings into community hubs to deliver co-lo-
35 cated or school linked academic, health, mental health services and
36 personnel, after-school programming, dual language programs, nutrition,
37 counseling, legal and/or other services to students and their families,
38 including but not limited to providing a community school site coordina-
39 tor and programs for English language learners, or to support other
40 costs incurred to maximize students' academic achievement, provided
41 however that a school district whose "COMMUNITY SCHL INCR" amount
42 exceeds one million dollars (\$1,000,000) shall use an amount equal to
43 the greater of one hundred fifty thousand dollars (\$150,000) or ten
44 percent of such "COMMUNITY SCHL INCR" amount to support such transforma-
45 tion at schools with extraordinary high levels of student need as iden-
46 tified by the commissioner, subject to the approval of the director of
47 the budget. Each school district shall use such "COMMUNITY SCHOOLS
48 INCREASE" to support the transformation of school buildings into commu-
49 nity hubs to deliver co-located or school linked academic, health,
50 mental health services and personnel, after-school programming, dual
51 language programs, nutrition, counseling, legal and/or other services to
52 students and their families, including but not limited to providing a
53 community school site coordinator and programs for English language
54 learners, or to support other costs incurred to maximize students'
55 academic achievement. Each school district shall use such "19-20 COMMU-
56 NITY SCHOOLS INCR" to support the transformation of school buildings

1 into community hubs to deliver co-located or school linked academic,
2 health, mental health services and personnel, after-school programming,
3 dual language programs, nutrition, counseling, legal and/or other
4 services to students and their families, including but not limited to
5 providing a community school site coordinator and programs for English
6 language learners.

7 § 5. Subdivision 4 of section 3602 of the education law is amended by
8 adding a new paragraph g to read as follows:

9 g. Foundation aid payable in the two thousand nineteen--two thousand
10 twenty school year. Notwithstanding any provision of law to the contra-
11 ry, foundation aid payable in the two thousand nineteen--two thousand
12 twenty school year shall equal the sum of the foundation aid base
13 computed pursuant to paragraph j of subdivision one of this section plus
14 the base increase plus the two thousand nineteen--two thousand twenty
15 community schools increase, both as defined in this paragraph.

16 (1) The base increase shall equal the greater of tiers A, B, C, or D
17 as defined in this subparagraph.

18 (A) Tier A shall equal the product of the phase-in factor multiplied
19 by the positive difference, if any, of (a) the product of the total
20 aidable foundation pupil units multiplied by the district's selected
21 foundation aid less (b) the total foundation aid base computed pursuant
22 to paragraph j of subdivision one of this section, where "phase-in
23 factor" shall mean (1) for a city school district in a city with a popu-
24 lation of one million or more, eleven thousand nine hundred thirty-four
25 hundred thousandths (0.11934), and (2) for all other school districts,
26 five one-thousandths (0.005).

27 (B) Tier B shall equal, for districts with a combined wealth ratio for
28 total foundation aid computed pursuant to paragraph c of subdivision
29 three of this section less than one and an extraordinary needs percent
30 for the district computed pursuant to paragraph w of subdivision one of
31 this section greater than three hundred fifteen one-thousandths (0.315),
32 the product of public school district enrollment computed pursuant to
33 paragraph n of subdivision one of this section multiplied by the sum of
34 the EN base increase plus the sparsity increase, where "EN base
35 increase" shall mean the product, truncated to two decimals, of the
36 extraordinary needs index multiplied by ninety-seven dollars and three
37 cents (\$97.03); "extraordinary needs index" shall mean the quotient
38 arrived at when dividing the extraordinary needs percent by the quotient
39 arrived at when dividing the statewide extraordinary needs count
40 computed pursuant to paragraph s of subdivision one of this section by
41 the statewide total public school district enrollment computed pursuant
42 to paragraph n of subdivision one of this section; "sparsity increase"
43 shall mean, for districts with a sparsity factor computed pursuant to
44 paragraph r of subdivision one of this section greater than zero and
45 otherwise eligible for this tier, the product of the extraordinary needs
46 index as computed herein multiplied by thirty dollars (\$30.00).

47 (C) Tier C shall equal, for all school districts, the product of
48 public school district enrollment computed pursuant to paragraph n of
49 subdivision one of this section multiplied by the product of the tier C
50 ratio multiplied by one hundred seventy-three dollars and two and one-
51 half cents (\$173.025), where the "tier C ratio" shall be the difference
52 of one and thirty-seven hundredths (1.37) less the product of one and
53 seventy-two hundredths (1.72) multiplied by the pupil wealth ratio for
54 total foundation aid computed pursuant to paragraph a of subdivision
55 three of this section, provided that such ratio shall not be less than
56 zero nor more than nine-tenths (0.9).

1 (D) Tier D shall equal, for all school districts, the product of the
2 foundation aid base computed pursuant to paragraph j of subdivision one
3 of this section multiplied by twenty-five ten thousandths (0.0025).

4 (2) The two thousand nineteen--two thousand twenty community schools
5 increase shall equal the greater of tiers one or two, where:

6 (A) Tier one shall equal, for eligible school districts, the tier one
7 per pupil amount multiplied by public school district enrollment
8 computed pursuant to paragraph n of subdivision one of this section,
9 where the tier one per pupil amount shall equal the product of eighty-
10 two dollars and sixty-three cents (\$82.63) multiplied by the tier one
11 ratio, where the tier one ratio shall equal the difference of one less
12 the product of the combined wealth ratio for total foundation aid multi-
13 plied by sixty-four hundredths (0.64), provided that such ratio shall
14 not be less than zero nor greater than nine-tenths (0.9). An "eligible
15 school district" shall mean a school district with (i) at least one
16 school designated as failing or persistently failing by the commissioner
17 pursuant to paragraph (a) or (b) of subdivision one of section two
18 hundred eleven-f of this chapter as of January first, two thousand eigh-
19 teen or, (ii) a combined wealth ratio for total foundation aid computed
20 pursuant to paragraph c of subdivision three of this section less than
21 nine-tenths (0.9), and five year ELL growth greater than the greater of
22 one hundred (100) pupils or the growth threshold, where "five year ELL
23 growth" shall equal the positive difference of the English language
24 learner count for the two thousand eighteen--two thousand nineteen
25 school year less such count for the two thousand thirteen--two thousand
26 fourteen school year, and where "growth threshold" shall equal the prod-
27 uct of the English language learner count for the two thousand thir-
28 teen--two thousand fourteen school year multiplied by one-tenth (0.1).

29 (B) Tier two shall equal, for all school districts with a community
30 schools setaside pursuant to paragraph e of this subdivision greater
31 than zero, the positive difference, if any, of one hundred thousand
32 dollars (\$100,000) less such community schools setaside for the two
33 thousand eighteen--two thousand nineteen school year pursuant to para-
34 graph e of this subdivision.

35 § 5-a. Clause (ii) of subparagraph 2 of paragraph b of subdivision 4
36 of section 3602 of the education law, as amended by section 9-b of part
37 CCC of chapter 59 of the laws of 2018, is amended to read as follows:

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

1 aid is greater than twenty-two percent (0.22) and (B) a combined wealth
2 ratio less than thirty-five hundredths (0.35), seven percent (0.07) or
3 (3) for all other school districts, four and thirty-one hundredths
4 percent (0.0431), and for the two thousand fifteen--two thousand sixteen
5 school year the phase-in foundation increase factor shall equal: (1) for
6 a city school district of a city having a population of one million or
7 more, thirteen and two hundred seventy-four thousandths percent
8 (0.13274); or (2) for districts where the quotient arrived at when
9 dividing (A) the product of the total aidable foundation pupil units
10 multiplied by the district's selected foundation aid less the total
11 foundation aid base computed pursuant to paragraph j of subdivision one
12 of this section divided by (B) the product of the total aidable founda-
13 tion pupil units multiplied by the district's selected foundation aid is
14 greater than nineteen percent (0.19), and where the district's combined
15 wealth ratio is less than thirty-three hundredths (0.33), seven and
16 seventy-five hundredths percent (0.0775); or (3) for any other district
17 designated as high need pursuant to clause (c) of subparagraph two of
18 paragraph c of subdivision six of this section for the school aid
19 computer listing produced by the commissioner in support of the enacted
20 budget for the two thousand seven--two thousand eight school year and
21 entitled "SA0708", four percent (0.04); or (4) for a city school
22 district in a city having a population of one hundred twenty-five thou-
23 sand or more but less than one million, fourteen percent (0.14); or (5)
24 for school districts that were designated as small city school districts
25 or central school districts whose boundaries include a portion of a
26 small city for the school aid computer listing produced by the commis-
27 sioner in support of the enacted budget for the two thousand fourteen--
28 two thousand fifteen school year and entitled "SA1415", four and seven
29 hundred fifty-one thousandths percent (0.04751); or (6) for all other
30 districts one percent (0.01), and for the two thousand sixteen--two
31 thousand seventeen school year the foundation aid phase-in increase
32 factor shall equal for an eligible school district the greater of: (1)
33 for a city school district in a city with a population of one million or
34 more, seven and seven hundred eighty four thousandths percent (0.07784);
35 or (2) for a city school district in a city with a population of more
36 than two hundred fifty thousand but less than one million as of the most
37 recent federal decennial census, seven and three hundredths percent
38 (0.0703); or (3) for a city school district in a city with a population
39 of more than two hundred thousand but less than two hundred fifty thou-
40 sand as of the most recent federal decennial census, six and seventy-two
41 hundredths percent (0.0672); or (4) for a city school district in a city
42 with a population of more than one hundred fifty thousand but less than
43 two hundred thousand as of the most recent federal decennial census, six
44 and seventy-four hundredths percent (0.0674); or (5) for a city school
45 district in a city with a population of more than one hundred twenty-
46 five thousand but less than one hundred fifty thousand as of the most
47 recent federal decennial census, nine and fifty-five hundredths percent
48 (0.0955); or (6) for school districts that were designated as small city
49 school districts or central school districts whose boundaries include a
50 portion of a small city for the school aid computer listing produced by
51 the commissioner in support of the enacted budget for the two thousand
52 fourteen--two thousand fifteen school year and entitled "SA141-5" with a
53 combined wealth ratio less than one and four tenths (1.4), nine percent
54 (0.09), provided, however, that for such districts that are also
55 districts designated as high need urban-suburban pursuant to clause (c)
56 of subparagraph two of paragraph c of subdivision six of this section

1 for the school aid computer listing produced by the commissioner in
2 support of the enacted budget for the two thousand seven--two thousand
3 eight school year and entitled "SA0708", nine and seven hundred and
4 nineteen thousandths percent (0.09719); or (7) for school districts
5 designated as high need rural pursuant to clause (c) of subparagraph two
6 of paragraph c of subdivision six of this section for the school aid
7 computer listing produced by the commissioner in support of the enacted
8 budget for the two thousand seven--two thousand eight school year and
9 entitled "SA0708", thirteen and six tenths percent (0.136); or (8) for
10 school districts designated as high need urban-suburban pursuant to
11 clause (c) of subparagraph two of paragraph c of subdivision six of this
12 section for the school aid computer listing produced by the commissioner
13 in support of the enacted budget for the two thousand seven--two thou-
14 sand eight school year and entitled "SA0708", seven hundred nineteen
15 thousandths percent (0.00719); or (9) for all other eligible school
16 districts, forty-seven hundredths percent (0.0047), provided further
17 that for the two thousand seventeen--two thousand eighteen school year
18 the foundation aid increase phase-in factor shall equal (1) for school
19 districts with a census 2000 poverty rate computed pursuant to paragraph
20 q of subdivision one of this section equal to or greater than twenty-six
21 percent (0.26), ten and three-tenths percent (0.103), or (2) for a
22 school district in a city with a population in excess of one million or
23 more, seventeen and seventy-seven one-hundredths percent (0.1777), or
24 (3) for a city school district in a city with a population of more than
25 two hundred fifty thousand but less than one million, as of the most
26 recent decennial census, twelve and sixty-nine hundredths percent
27 (0.1269) or (4) for a city school district in a city with a population
28 of more than one hundred fifty thousand but less than two hundred thou-
29 sand, as of the most recent federal decennial census, ten and seventy-
30 eight one hundredths percent (0.1078), or (5) for a city school district
31 in a city with a population of more than one hundred twenty-five thou-
32 sand but less than one hundred fifty thousand as of the most recent
33 federal decennial census, nineteen and one hundred eight one-thousandths
34 percent (0.19108), or (6) for a city school district in a city with a
35 population of more than two hundred thousand but less than two hundred
36 fifty thousand as of the most recent federal decennial census, ten and
37 six-tenths percent (0.106), or (7) for all other districts, four and
38 eighty-seven one-hundredths percent (0.0487), and for the two thousand
39 ~~nineteen~~ twenty--two thousand ~~twenty~~ twenty-one school year and
40 thereafter the commissioner shall annually determine the phase-in foun-
41 dation increase factor subject to allocation pursuant to the provisions
42 of subdivision eighteen of this section and any provisions of a chapter
43 of the laws of New York as described therein.

44 § 6. Paragraph d of subdivision 4 of section 3602 of the education
45 law, as amended by section 9-b of part CCC of chapter 59 of the laws of
46 2018, is amended to read as follows:

47 d. For the two thousand fourteen--two thousand fifteen through two
48 thousand ~~eighteen~~ nineteen--two thousand ~~nineteen~~ twenty school
49 years a city school district of a city having a population of one
50 million or more may use amounts apportioned pursuant to this subdivision
51 for afterschool programs.

52 § 7. Subparagraph 4 of paragraph e of subdivision 3 of section 3602 of
53 the education law, as added by section 13 of part B of chapter 57 of the
54 laws of 2007, is amended to read as follows:

55 (4) The building aid ratio shall be computed by subtracting from one
56 the product obtained by multiplying the resident weighted average daily

1 attendance wealth ratio by fifty-one percent. Such aid ratio shall be
2 expressed as a decimal carried to three places without rounding, but
3 shall not be less than (i) for the two thousand nineteen--two thousand
4 twenty and prior school years, zero , or (ii) for the two thousand twen-
5 ty--two thousand twenty-one school year and thereafter, five one-hun-
6 dredths (0.05).

7 § 8. Subparagraph 2 of paragraph a of subdivision 6 of section 3602 of
8 the education law, as amended by section 5 of part A of chapter 60 of
9 the laws of 2000, is amended to read as follows:

10 (2) Where a school district has expenditures for site purchase, grad-
11 ing or improvement of the site, original furnishings, equipment, machin-
12 ery or apparatus, or professional fees, or other incidental costs, the
13 cost allowances for new construction and the purchase of existing struc-
14 tures may be increased by the actual expenditures for such purposes but
15 by not more than: (i) for projects approved prior to July first, two
16 thousand nineteen by the voters of the school district or by the board
17 of education of a city school district in a city with more than one
18 hundred twenty-five thousand inhabitants, and/or the chancellor in a
19 city school district in a city having a population of one million or
20 more, an amount equal to the product of the applicable cost allowance
21 established pursuant to subparagraph one of this paragraph and twenty
22 per centum for school buildings or additions housing grades prekinder-
23 garten through six and by not more than the product of such cost allow-
24 ance and twenty-five per centum for school buildings or additions hous-
25 ing grades seven through twelve and by not more than the product of such
26 cost allowance and twenty-five per centum for school buildings or addi-
27 tions housing special education programs as approved by the
28 commissioner; and (ii) for projects approved on or after July first, two
29 thousand nineteen by the voters of the school district or by the board
30 of education of a city school district in a city with more than one
31 hundred twenty-five thousand inhabitants, and/or the chancellor in a
32 city school district in a city having a population of one million or
33 more, an amount equal to the product of the lesser of the cost allowance
34 computed pursuant to subparagraph one of this paragraph or the actual
35 costs relating to the construction, acquisition, reconstruction, reha-
36 ilitation or improvement of a school building and twenty per centum for
37 school buildings or additions housing grades prekindergarten through six
38 and by not more than the product of such lesser amount and twenty-five
39 per centum for school buildings or additions housing grades seven
40 through twelve and by not more than the product of such lesser amount
41 and twenty-five per centum for school buildings or additions housing
42 special education programs as approved by the commissioner.

43 § 9. Clause (ii) of subparagraph 2 of paragraph b of subdivision 6 of
44 section 3602 of the education law, as amended by section 12-a of part L
45 of chapter 57 of the laws of 2005, is amended to read as follows:

46 (ii) Apportionment. The apportionment pursuant to this subparagraph
47 shall equal the product of such eligible approved expenses determined in
48 accordance with the provisions of clause (i) of this subparagraph and
49 this section and the incentive decimal computed for use in the year in
50 which the project was approved. The incentive decimal shall equal: (A)
51 for projects approved prior to July first, two thousand nineteen by the
52 voters of the school district or by the board of education of a city
53 school district in a city with more than one hundred twenty-five thou-
54 sand inhabitants, and/or the chancellor in a city school district in a
55 city having a population of one million or more, the positive remainder
56 resulting when the district's building aid ratio selected pursuant to

1 paragraph c of this subdivision is subtracted from the enhanced building
2 aid ratio. The enhanced building aid ratio shall equal the sum of the
3 building aid ratio selected for use in the current year pursuant to
4 paragraph c of this subdivision and one-tenth, computed to three deci-
5 mals without rounding, but not more than (a) ninety-eight hundredths for
6 a high need school district, as defined pursuant to regulations of the
7 commissioner, for all school building projects approved by the voters of
8 the school district or by the board of education of a city school
9 district in a city with more than one hundred twenty-five thousand
10 inhabitants, and/or the chancellor in a city school district in a city
11 having a population of one million or more, on or after July first, two
12 thousand five, or (b) ninety-five hundredths for any other school build-
13 ing project or school district, nor less than one-tenth; and (B) for
14 projects approved on or after July first, two thousand nineteen by the
15 voters of the school district or by the board of education of a city
16 school district in a city with more than one hundred twenty-five thou-
17 sand inhabitants, and/or the chancellor in a city school district in a
18 city having a population of one million or more, the positive remainder
19 resulting when the district's current year building aid ratio pursuant
20 to clause d of subparagraph two of paragraph c of this subdivision is
21 subtracted from the enhanced building aid ratio. The enhanced building
22 aid ratio shall equal the sum of the building aid ratio selected for use
23 in the current year pursuant to clause d of subparagraph two of para-
24 graph c of this subdivision and scaled incentive decimal, computed to
25 three decimals without rounding, but not more than (a) ninety-eight
26 hundredths for a high-need school district, as defined pursuant to regu-
27 lations of the commissioner and used for the school aid computer listing
28 produced by the commissioner in support of the enacted budget for the
29 two thousand seven--two thousand eight school year and entitled
30 "SA0708", for all school building projects approved by the voters of the
31 school district or by the board of education of a city school district
32 in a city with more than one hundred twenty-five thousand inhabitants,
33 and/or the chancellor in a city school district in a city having a popu-
34 lation of one million or more, or (b) ninety-five hundredths for any
35 other school building project or school district. The scaled incentive
36 decimal shall equal (a) one-tenth for a high-need school district, as
37 defined pursuant to regulations of the commissioner and used for the
38 school aid computer listing produced by the commissioner in support of
39 the enacted budget for the two thousand seven--two thousand eight school
40 year and entitled "SA0708", for all school building projects approved by
41 the voters of the school district or by the board of education of a city
42 school district in a city with more than one hundred twenty-five thou-
43 sand inhabitants, and/or the chancellor in a city school district in a
44 city having a population of one million or more, or (b) the product of
45 one-tenth multiplied by the state sharing ratio computed pursuant to
46 paragraph g of subdivision three of this section for any other school
47 building project or school district.

48 § 10. Clause (b) of subparagraph 2 of paragraph c of subdivision 6 of
49 section 3602 of the education law, as amended by section 15 of part B of
50 chapter 57 of the laws of 2008, is amended and a new clause (d) is added
51 to read as follows:

52 (b) For aid payable in the school years two thousand--two thousand one
53 and thereafter for all school building projects approved by the voters
54 of the school district or by the board of education of a city school
55 district in a city with more than one hundred twenty-five thousand
56 inhabitants, and/or the chancellor in a city school district in a city

1 having a population of one million or more, on or after July first, two
2 thousand, and prior to July first, two thousand nineteen, any school
3 district shall compute aid under the provisions of this subdivision
4 using the sum of the high-need supplemental building aid ratio, if any,
5 computed pursuant to clause (c) of this subparagraph and the greater of
6 (i) the building aid ratio computed for use in the current year; or (ii)
7 a building aid ratio equal to the difference of the aid ratio that was
8 used or that would have been used to compute an apportionment pursuant
9 to this subdivision in the nineteen hundred ninety-nine--two thousand
10 school year as such aid ratio is computed by the commissioner based on
11 data on file with the department on or before July first of the third
12 school year following the school year in which aid is first payable,
13 less one-tenth; or (iii) for all such school building projects approved
14 by the voters of the school district or by the board of education of a
15 city school district in a city with more than one hundred twenty-five
16 thousand inhabitants, and/or the chancellor in a city school district in
17 a city having a population of one million or more, on or after July
18 first, two thousand and on or before June thirtieth, two thousand four,
19 for any school district for which the pupil wealth ratio is greater than
20 two and five-tenths in the school year in which such school building
21 project was approved by the voters of the school district or by the
22 board of education of a city school district in a city with more than
23 one hundred twenty-five thousand inhabitants, and/or the chancellor in a
24 city school district in a city having a population of one million or
25 more and for which the alternate pupil wealth ratio is less than eight-
26 y-five hundredths in such school year, and for all such school building
27 projects approved by the voters of the school district or by the board
28 of education of a city school district in a city with more than one
29 hundred twenty-five thousand inhabitants, and/or the chancellor in a
30 city school district in a city having a population of one million or
31 more, on or after July first, two thousand five and on or before June
32 thirtieth, two thousand eight, for any school district for which the
33 pupil wealth ratio was greater than two and five-tenths in the two thou-
34 sand--two thousand one school year and for which the alternate pupil
35 wealth ratio was less than eighty-five hundredths in the two thousand--
36 two thousand one school year, the additional building aid ratio;
37 provided that, school districts who are eligible for aid under paragraph
38 f of subdivision fourteen of this section may compute aid under the
39 provisions of this subdivision using the difference of the highest of
40 the aid ratios so computed for the reorganized district or the highest
41 of the aid ratios so computed for any of the individual school districts
42 which existed prior to the date of the reorganized school district less
43 one-tenth.

44 (d) For aid payable in the school years two thousand twenty--two thou-
45 sand twenty-one and thereafter for all school building projects approved
46 by the voters of the school district or by the board of education of a
47 city school district in a city with more than one hundred twenty-five
48 thousand inhabitants, and/or the chancellor in a city school district in
49 a city having a population of one million or more, on or after July
50 first, two thousand nineteen, any school district shall compute aid
51 under the provisions of this subdivision using the sum of the high-need
52 supplemental building aid ratio, if any, computed pursuant to clause (c)
53 of this subparagraph and the building aid ratio computed for use in the
54 current year as computed pursuant to subparagraph four of paragraph e of
55 subdivision three of this section; provided that, school districts who
56 are eligible for aid under paragraph f of subdivision fourteen of this

1 section may compute aid under the provisions of this subdivision using
2 the difference of the highest of the aid ratios so computed pursuant to
3 this clause for the reorganized district or the highest of the aid
4 ratios so computed for any of the individual school districts which
5 existed prior to the date of the reorganized school district.

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

8 ii. "Services aid base" for the purposes of this section for aid paya-
9 ble in the (i) two thousand twenty--two thousand twenty-one school year,
10 shall equal the total amount a district was eligible to receive in the
11 base year, as computed by the commissioner based on data on file with
12 the education department on November fifteenth, two thousand nineteen
13 for:

14 (1) the apportionment for textbooks provided and computed pursuant to
15 section seven hundred one of this chapter;

16 (2) aid for the purchase of school library materials computed pursuant
17 to section seven hundred eleven of this chapter;

18 (3) aid for computer software purchases computed pursuant to section
19 seven hundred fifty-one of this chapter;

20 (4) instructional computer hardware and technology equipment appor-
21 tionment computed pursuant to section seven hundred fifty-three of this
22 chapter;

23 (5) BOCES aid computed pursuant to section nineteen hundred fifty of
24 this chapter;

25 (6) supplemental public excess cost aid computed pursuant to subdivi-
26 sion five-a of this section;

27 (7) transportation aid computed pursuant to subdivision seven of this
28 section;

29 (8) special services aid for large city school districts and other
30 school districts which were not components of a board of cooperative
31 educational services in the base year computed pursuant to subdivision
32 ten of this section;

33 (9) academic enhancement aid computed pursuant to subdivision twelve
34 of this section;

35 (10) high tax aid computed pursuant to subdivision sixteen of this
36 section;

37 (11) transitional aid for charter school payments computed pursuant to
38 subdivision forty-one of this section; and

39 (ii) in the two thousand twenty-one--two thousand twenty--two school
40 year and thereafter shall equal the total amount a district was eligible
41 to receive in the base year pursuant to subdivision nineteen of this
42 section.

43 § 12. Section 3602 of the education law is amended by adding a new
44 subdivision 19 to read as follows:

45 19. Services aid. a. Notwithstanding sections seven hundred one, seven
46 hundred eleven, seven hundred fifty-one, seven hundred fifty-three, and
47 nineteen hundred fifty of this chapter and subdivisions five-a, seven,
48 ten, twelve, sixteen, and forty-one of this section, for the two thou-
49 sand twenty--two thousand twenty-one school year and thereafter, in lieu
50 of such apportionments, a school district shall be eligible to receive a
51 services aid apportionment in the amount of the product of the services
52 aid base computed pursuant to paragraph ii of subdivision one of this
53 section multiplied by the sum of (a) the consumer price index computed
54 pursuant to paragraph hh of subdivision one of this section for the
55 current year and (b) the annual change in resident weighted average
56 daily attendance, provided that such sum is not less than one (1.0).

1 Provided further, for the purposes of this section, "annual change in
2 resident weighted average daily attendance" shall mean the quotient of
3 (a) the difference of the resident weighted average daily attendance
4 pursuant to subparagraph two of paragraph d of subdivision one of this
5 section for the year prior to the base year less such resident weighted
6 average daily attendance for the year two years prior to the base year
7 divided by (b) the resident weighted average daily attendance for the
8 year two years prior to the base year.

9 b. For the purposes of this chapter, "BOCES payment adjustment" shall
10 mean the amount computed for the apportionment pursuant to section nine-
11 teen hundred fifty of this chapter for the two thousand nineteen--two
12 thousand twenty school year as computed by the commissioner based on
13 data on file with the education department on November fifteenth, two
14 thousand nineteen. Notwithstanding any provision of law to the contrary
15 the BOCES payment adjustment shall be paid pursuant to section thirty-
16 six hundred nine-d of this chapter.

17 § 13. The opening paragraph of section 3609-d of the education law, as
18 amended by section 20 of part L of chapter 57 of the laws of 2005, is
19 amended to read as follows:

20 Notwithstanding the provisions of section thirty-six hundred nine-a of
21 this article, apportionments payable pursuant to section nineteen
22 hundred fifty of this chapter, and the BOCES payment adjustment payable
23 pursuant to subdivision nineteen of section thirty-six hundred two of
24 this chapter shall be paid pursuant to this section. For aid payable in
25 the two thousand four--two thousand five school year and thereafter,
26 "moneys apportioned" shall mean the lesser of (i) one hundred percent of
27 the respective amount set forth for each school district as payable
28 pursuant to this section in the school aid computer listing produced by
29 the commissioner in support of the budget including the appropriation
30 for support of boards of cooperative educational services for payments
31 due prior to April first for the current year, or (ii) the apportionment
32 calculated by the commissioner based on data on file at the time the
33 payment is processed; provided however, that for the purposes of any
34 payment to be made in the month of June of two thousand six such calcu-
35 lation shall be based on the school aid computer listing for the current
36 year using updated data at the time of each payment. For districts
37 subject to chapter five hundred sixty-three of the laws of nineteen
38 hundred eighty, thirty-six hundred two-b, or two thousand forty of this
39 chapter, for aid payable in the two thousand four--two thousand five
40 school year and thereafter, "moneys apportioned" shall mean the appor-
41 tionment calculated by the commissioner based on data on file at the
42 time the payment is processed. The "school aid computer listing for the
43 current year" shall be as defined in the opening paragraph of section
44 thirty-six hundred nine-a of this article. The definitions "base year"
45 and "current year" as set forth in subdivision one of section thirty-six
46 hundred two of this article shall apply to this section.

47 § 14. Subparagraphs 2 and 3 of paragraph a of subdivision 1 of section
48 3609-a of the education law are REPEALED.

49 § 14-a. Subparagraphs 1 and 2 of paragraph b of subdivision 4 of
50 section 92-c of the state finance law are REPEALED.

51 § 15. The education law is amended by adding a new article 39-A to
52 read as follows:

53 ARTICLE 39-A

54 REGIONAL STEM MAGNET SCHOOLS

55 Section 1918. Establishment of regional STEM magnet schools.

1 § 1918. Establishment of regional STEM magnet schools. 1. a. A
2 regional science, technology, engineering, and mathematics (STEM) magnet
3 school may be established by a board of cooperative educational services
4 pursuant to this section for students in grades nine through twelve, and
5 shall be subject to the approval of the commissioner of education.

6 b. A board of cooperative educational services shall submit to the
7 commissioner a proposed plan for the operation of such school for his or
8 her approval, in a form and manner prescribed by the commissioner.

9 c. Such school shall be governed by the board of education of the
10 board of cooperative educational services.

11 d. The board of cooperative educational services shall have responsi-
12 bility for the operation, supervision and maintenance of the school and
13 shall be responsible for the administration of the school, including
14 curriculum, grading, and staffing.

15 e. The board of cooperative educational services shall be authorized
16 to enter into contracts as necessary or convenient to operate such
17 school.

18 f. For purposes of this section, the board of cooperative educational
19 services shall be deemed a school district for accountability purposes.

20 g. Students attending such school shall continue to be enrolled in
21 their school district of residence, and each school district of resi-
22 dence shall be responsible for the issuance of a high school diploma to
23 their resident students who attended the school based on such students'
24 successful completion of the school's educational program.

25 h. For purposes of all state aid calculations pursuant to this chap-
26 ter, students attending such school shall continue to be treated and
27 counted as students of their school district of residence.

28 i. Notwithstanding any other provision of law to the contrary, each
29 student's school district of residence shall be responsible for provid-
30 ing or arranging for transportation to its resident students attending
31 such school, in accordance with its school district policy, but without
32 regard to any maximum mileage limitation.

33 j. All employees of the school shall be considered employees of the
34 board of cooperative educational services.

35 k. The board of cooperative educational services may enter into a
36 lease with respect to suitable land, classrooms, offices or buildings in
37 which to maintain and conduct such school pursuant to subdivision four
38 of section nineteen hundred fifty of this title.

39 l. The board of cooperative educational services shall establish a
40 methodology for the apportionment of operational and administrative
41 costs of such school between participating school districts; provided,
42 however, that no costs shall be apportioned to component school
43 districts that elect not to participate in such school.

44 m. The trustees or board of education of a non-component school
45 district, including city school districts of cities in excess of one
46 hundred twenty-five thousand inhabitants, may enter into a memorandum of
47 understanding with a board of cooperative educational services to
48 participate in such school program for a period not to exceed five years
49 upon such terms as such trustees or board of education and the board of
50 cooperative educational services may mutually agree, provided that such
51 agreement may provide for a charge for administration costs of such
52 program, but participating non-component school districts shall not be
53 liable for payment of administrative expenses as defined in paragraph b
54 of subdivision four of section nineteen hundred fifty of this title.

55 n. A school may be jointly operated by two boards of cooperative
56 educational services pursuant to an intermunicipal sharing agreement

1 entered into pursuant to section one hundred nineteen-o of the general
 2 municipal law. Upon adoption of a budget for the program for a school
 3 year, costs shall be allocated between each board of cooperative educa-
 4 tional services in a manner provided in the intermunicipal sharing
 5 agreement and included in the budgets of each board of cooperative
 6 educational service.

7 o. The commissioner is authorized to promulgate rules and regulations
 8 for the implementation of the provisions of this section.

9 § 16. The closing paragraph of subdivision 5-a of section 3602 of the
 10 education law, as amended by section 10 of part CCC of chapter 59 of the
 11 laws of 2018, is amended to read as follows:

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

24 § 17. Subdivision 12 of section 3602 of the education law, as amended
 25 by section 13 of part CCC of chapter 59 of the laws of 2018, is amended
 26 to read as follows:

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

39 For the two thousand nine--two thousand ten through two thousand four-
 40 teen--two thousand fifteen school years, each school district shall be
 41 entitled to an apportionment equal to the amount set forth for such
 42 school district as "EDUCATION GRANTS, ACADEMIC EN" under the heading
 43 "2008-09 BASE YEAR AIDS" in the school aid computer listing produced by
 44 the commissioner in support of the budget for the two thousand nine--two
 45 thousand ten school year and entitled "SA0910", and such apportionment
 46 shall be deemed to satisfy the state obligation to provide an apportion-
 47 ment pursuant to subdivision eight of section thirty-six hundred forty-
 48 one of this article.

49 For the two thousand fifteen--two thousand sixteen year, each school
 50 district shall be entitled to an apportionment equal to the amount set
 51 forth for such school district as "ACADEMIC ENHANCEMENT" under the head-
 52 ing "2014-15 ESTIMATED AIDS" in the school aid computer listing produced
 53 by the commissioner in support of the budget for the two thousand four-
 54 teen--two thousand fifteen school year and entitled "SA141-5", and such
 55 apportionment shall be deemed to satisfy the state obligation to provide

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

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

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

30 For the two thousand nineteen--two thousand twenty school year, each
31 school district shall be entitled to an apportionment equal to the
32 amount set forth for such school district as "ACADEMIC ENHANCEMENT"
33 under the heading "2018-19 ESTIMATED AIDS" in the school aid computer
34 listing produced by the commissioner in support of the budget for the
35 two thousand eighteen--two thousand nineteen school year and entitled
36 "SA181-9", and such apportionment shall be deemed to satisfy the state
37 obligation to provide an apportionment pursuant to subdivision eight of
38 section thirty-six hundred forty-one of this article.

39 § 18. The opening paragraph of subdivision 16 of section 3602 of the
40 education law, as amended by section 14 of part CCC of chapter 59 of the
41 laws of 2018, is amended to read as follows:

42 Each school district shall be eligible to receive a high tax aid
43 apportionment in the two thousand eight--two thousand nine school year,
44 which shall equal the greater of (i) the sum of the tier 1 high tax aid
45 apportionment, the tier 2 high tax aid apportionment and the tier 3 high
46 tax aid apportionment or (ii) the product of the apportionment received
47 by the school district pursuant to this subdivision in the two thousand
48 seven--two thousand eight school year, multiplied by the due-minimum
49 factor, which shall equal, for districts with an alternate pupil wealth
50 ratio computed pursuant to paragraph b of subdivision three of this
51 section that is less than two, seventy percent (0.70), and for all other
52 districts, fifty percent (0.50). Each school district shall be eligible
53 to receive a high tax aid apportionment in the two thousand nine--two
54 thousand ten through two thousand twelve--two thousand thirteen school
55 years in the amount set forth for such school district as "HIGH TAX AID"
56 under the heading "2008-09 BASE YEAR AIDS" in the school aid computer

1 listing produced by the commissioner in support of the budget for the
2 two thousand nine--two thousand ten school year and entitled "SA0910".
3 Each school district shall be eligible to receive a high tax aid appor-
4 tionment in the two thousand thirteen--two thousand fourteen through two
5 thousand [~~eighteen~~] ~~nineteen~~--two thousand [~~nineteen~~] ~~twenty~~ school
6 years equal to the greater of (1) the amount set forth for such school
7 district as "HIGH TAX AID" under the heading "2008-09 BASE YEAR AIDS" in
8 the school aid computer listing produced by the commissioner in support
9 of the budget for the two thousand nine--two thousand ten school year
10 and entitled "SA0910" or (2) the amount set forth for such school
11 district as "HIGH TAX AID" under the heading "2013-14 ESTIMATED AIDS" in
12 the school aid computer listing produced by the commissioner in support
13 of the executive budget for the 2013-14 fiscal year and entitled
14 "BT131-4".

15 § 19. Subdivision 16 of section 3602-ee of the education law, as
16 amended by section 19 of part CCC of chapter 59 of the laws of 2018, is
17 amended to read as follows:

18 16. The authority of the department to administer the universal full-
19 day pre-kindergarten program shall expire June thirtieth, two thousand
20 [~~nineteen~~] ~~twenty~~; provided that the program shall continue and remain
21 in full effect.

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

25 a. State aid adjustments. All errors or omissions in the apportionment
26 shall be corrected by the commissioner. Whenever a school district has
27 been apportioned less money than that to which it is entitled, the
28 commissioner may allot to such district the balance to which it is enti-
29 tled. Whenever a school district has been apportioned more money than
30 that to which it is entitled, the commissioner may, by an order, direct
31 such moneys to be paid back to the state to be credited to the general
32 fund local assistance account for state aid to the schools, or may
33 deduct such amount from the next apportionment to be made to said
34 district, provided, however, that, upon notification of excess payments
35 of aid for which a recovery must be made by the state through deduction
36 of future aid payments, a school district may request that such excess
37 payments be recovered by deducting such excess payments from the
38 payments due to such school district and payable in the month of June in
39 (i) the school year in which such notification was received and (ii) the
40 two succeeding school years, provided further that there shall be no
41 interest penalty assessed against such district or collected by the
42 state. Such request shall be made to the commissioner in such form as
43 the commissioner shall prescribe, and shall be based on documentation
44 that the total amount to be recovered is in excess of one percent of the
45 district's total general fund expenditures for the preceding school
46 year. The amount to be deducted in the first year shall be the greater
47 of (i) the sum of the amount of such excess payments that is recognized
48 as a liability due to other governments by the district for the preced-
49 ing school year and the positive remainder of the district's unreserved
50 fund balance at the close of the preceding school year less the product
51 of the district's total general fund expenditures for the preceding
52 school year multiplied by five percent, or (ii) one-third of such excess
53 payments. The amount to be recovered in the second year shall equal the
54 lesser of the remaining amount of such excess payments to be recovered
55 or one-third of such excess payments, and the remaining amount of such
56 excess payments shall be recovered in the third year. Provided further

1 that, notwithstanding any other provisions of this subdivision, any
2 pending payment of moneys due to such district as a prior year adjust-
3 ment payable pursuant to paragraph c of this subdivision for aid claims
4 that had been previously paid as current year aid payments in excess of
5 the amount to which the district is entitled and for which recovery of
6 excess payments is to be made pursuant to this paragraph, shall be
7 reduced at the time of actual payment by any remaining unrecovered
8 balance of such excess payments, and the remaining scheduled deductions
9 of such excess payments pursuant to this paragraph shall be reduced by
10 the commissioner to reflect the amount so recovered. [~~The commissioner
11 shall certify no payment to a school district based on a claim submitted
12 later than three years after the close of the school year in which such
13 payment was first to be made. For claims for which payment is first to
14 be made in the nineteen hundred ninety six--ninety seven school year,
15 the commissioner shall certify no payment to a school district based on
16 a claim submitted later than two years after the close of such school
17 year.~~] For claims for which payment is first to be made [~~in the nineteen
18 hundred ninety seven--ninety eight~~] prior to the two thousand eighteen--
19 two thousand nineteen school year [~~and thereafter~~], the commissioner
20 shall certify no payment to a school district based on a claim submitted
21 later than one year after the close of such school year. For claims for
22 which payment is first to be made in the two thousand eighteen--two
23 thousand nineteen school year and thereafter, the commissioner shall
24 certify no payment to a school district based on a claim submitted later
25 than the first of November of such school year. Provided, however, no
26 payments shall be barred or reduced where such payment is required as a
27 result of a final audit of the state. [~~It is further provided that,
28 until June thirtieth, nineteen hundred ninety six, the commissioner may
29 grant a waiver from the provisions of this section for any school
30 district if it is in the best educational interests of the district
31 pursuant to guidelines developed by the commissioner and approved by the
32 director of the budget.~~] Further provided that for any apportionments
33 provided pursuant to sections seven hundred one, seven hundred eleven,
34 seven hundred fifty-one, seven hundred fifty-three, nineteen hundred
35 fifty, thirty-six hundred two, thirty-six hundred two-b, thirty-six
36 hundred two-c, thirty-six hundred two-e and forty-four hundred five of
37 this chapter for the two thousand eighteen--two thousand nineteen and
38 two thousand nineteen--two thousand twenty school years, the commision-
39 er shall certify no payment to a school district, other than payments
40 pursuant to subdivisions six-a, eleven, thirteen and fifteen of section
41 thirty-six hundred two of this part, in excess of the payment computed
42 based on an electronic data file used to produce the school aid computer
43 listing produced by the commissioner in support of the executive budget
44 request submitted for the two thousand nineteen--two thousand twenty
45 state fiscal year and entitled "BT192-0", and further provided that for
46 any apportionments provided pursuant to sections seven hundred one,
47 seven hundred eleven, seven hundred fifty-one, seven hundred fifty-
48 three, nineteen hundred fifty, thirty-six hundred two, thirty-six
49 hundred two-b, thirty-six hundred two-c, thirty-six hundred two-e and
50 forty-four hundred five of this chapter for the two thousand twenty--two
51 thousand twenty-one school year and thereafter, the commissioner shall
52 certify no payment to a school district, other than payments pursuant to
53 subdivisions six-a, eleven, thirteen and fifteen of section thirty-six
54 hundred two of this part, in excess of the payment computed based on an
55 electronic data file used to produce the school aid computer listing

1 produced by the commissioner in support of the executive budget request
2 submitted for the state fiscal year in which the school year commences.

3 § 21. The opening paragraph of section 3609-a of the education law, as
4 amended by section 21 of part CCC of chapter 59 of the laws of 2018, is
5 amended to read as follows:

6 For aid payable in the two thousand seven--two thousand eight school
7 year through the two thousand eighteen--two thousand nineteen school
8 year, "moneys apportioned" shall mean the lesser of (i) the sum of one
9 hundred percent of the respective amount set forth for each school
10 district as payable pursuant to this section in the school aid computer
11 listing for the current year produced by the commissioner in support of
12 the budget which includes the appropriation for the general support for
13 public schools for the prescribed payments and individualized payments
14 due prior to April first for the current year plus the apportionment
15 payable during the current school year pursuant to subdivision six-a and
16 subdivision fifteen of section thirty-six hundred two of this part minus
17 any reductions to current year aids pursuant to subdivision seven of
18 section thirty-six hundred four of this part or any deduction from
19 apportionment payable pursuant to this chapter for collection of a
20 school district basic contribution as defined in subdivision eight of
21 section forty-four hundred one of this chapter, less any grants provided
22 pursuant to subparagraph two-a of paragraph b of subdivision four of
23 section ninety-two-c of the state finance law, less any grants provided
24 pursuant to subdivision six of section ninety-seven-nnnn of the state
25 finance law, less any grants provided pursuant to subdivision twelve of
26 section thirty-six hundred forty-one of this article, or (ii) the appor-
27 tionment calculated by the commissioner based on data on file at the
28 time the payment is processed; provided however, that for the purposes
29 of any payments made pursuant to this section prior to the first busi-
30 ness day of June of the current year, moneys apportioned shall not
31 include any aids payable pursuant to subdivisions six and fourteen, if
32 applicable, of section thirty-six hundred two of this part as current
33 year aid for debt service on bond anticipation notes and/or bonds first
34 issued in the current year or any aids payable for full-day kindergarten
35 for the current year pursuant to subdivision nine of section thirty-six
36 hundred two of this part. The definitions of "base year" and "current
37 year" as set forth in subdivision one of section thirty-six hundred two
38 of this part shall apply to this section. [~~For aid payable in the two
39 thousand eighteen--two thousand nineteen school year, reference to such
40 "school aid computer listing for the current year" shall mean the print-
41 outs entitled "SA181-9".~~] For aid payable in the two thousand nineteen-
42 -two thousand twenty school year and thereafter, "moneys apportioned"
43 shall mean the lesser of: (i) the sum of one hundred percent of the
44 respective amount set forth for each school district as payable pursuant
45 to this section in the school aid computer listing for the current year
46 produced by the commissioner in support of the executive budget request
47 which includes the appropriation for the general support for public
48 schools for the prescribed payments and individualized payments due
49 prior to April first for the current year plus the apportionment payable
50 during the current school year pursuant to subdivisions six-a and
51 fifteen of section thirty-six hundred two of this part minus any
52 reductions to current year aids pursuant to subdivision seven of section
53 thirty-six hundred four of this part or any deduction from apportionment
54 payable pursuant to this chapter for collection of a school district
55 basic contribution as defined in subdivision eight of section forty-four
56 hundred one of this chapter, less any grants provided pursuant to

1 subparagraph two-a of paragraph b of subdivision four of section nine-
2 ty-two-c of the state finance law, less any grants provided pursuant to
3 subdivision six of section ninety-seven-nnnn of the state finance law,
4 less any grants provided pursuant to subdivision twelve of section thir-
5 ty-six hundred forty-one of this article, or (ii) the apportionment
6 calculated by the commissioner based on data on file at the time the
7 payment is processed; provided however, that for the purposes of any
8 payments made pursuant to this section prior to the first business day
9 of June of the current year, moneys apportioned shall not include any
10 aids payable pursuant to subdivisions six and fourteen, if applicable,
11 of section thirty-six hundred two of this part as current year aid for
12 debt service on bond anticipation notes and/or bonds first issued in the
13 current year or any aids payable for full-day kindergarten for the
14 current year pursuant to subdivision nine of section thirty-six hundred
15 two of this part. For aid payable in the two thousand nineteen--two
16 thousand twenty school year, reference to such "school aid computer
17 listing for the current year" shall mean the printouts entitled
18 "BT192-0".

19 § 22. Paragraph b of subdivision 2 of section 3612 of the education
20 law, as amended by section 22 of part CCC of chapter 59 of the laws of
21 2018, is amended to read as follows:

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

40 § 23. Subdivision 6 of section 4402 of the education law, as amended
41 by section 23 of part CCC of chapter 59 of the laws of 2018, is amended
42 to read as follows:

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

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

26 § 24. The education law is amended by adding a new section 4403-a to
27 read as follows:

28 § 4403-a. Waivers from certain duties. 1. A local school district,
29 approved private school or board of cooperative educational services may
30 submit an application for a waiver from any requirement imposed on such
31 district, school or board of cooperative educational services pursuant
32 to section forty-four hundred two or section forty-four hundred three of
33 this article, and regulations promulgated thereunder, for a specific
34 school year. Such application must be submitted at least sixty days in
35 advance of the proposed date on which the waiver would be effective and
36 shall be in a form prescribed by the commissioner.

37 2. Before submitting an application for a waiver, the local school
38 district, approved private school or board of cooperative educational
39 services shall provide notice of the proposed waiver to the parents or
40 persons in parental relationship to the students that would be impacted
41 by the waiver if granted. Such notice shall be in a form and manner that
42 will ensure that such parents and persons in parental relationship will
43 be aware of all relevant changes that would occur under the waiver, and
44 shall include information on the form, manner and date by which parents
45 and persons in parental relationship may submit written comments on the
46 proposed waiver. The local school district, approved private school, or
47 board of cooperative educational services shall provide at least sixty
48 days for such parents and persons in parental relationship to submit
49 written comments, and shall include in the waiver application submitted
50 to the commissioner pursuant to subdivision one of this section any
51 written comments received from such parents or persons in parental
52 relationship to such students.

53 3. The commissioner may grant a waiver from any requirement imposed on
54 a local school district, approved private school or board of cooperative
55 educational services pursuant to section forty-four hundred two or
56 section forty-four hundred three of this article, upon a finding that

1 such waiver will enable a local school district, approved private school
2 or board of cooperative educational services to implement an innovative
3 special education program that is consistent with applicable federal
4 requirements, and will enhance student achievement and/or opportunities
5 for placement in regular classes and programs. In making such determi-
6 nation, the commissioner shall consider any comments received by the
7 local school district, approved private school or board of cooperative
8 educational services from parents or persons in parental relationship to
9 the students that would be directly affected by the waiver if granted.

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

15 § 25. Section 3012-d of the education law is amended by adding a new
16 subdivision 16 to read as follows:

17 16. a. Notwithstanding any other provision of law, rule or regulation
18 to the contrary, the grades three through eight English language arts
19 and mathematics state assessments and all other state-created or admin-
20 istered tests shall not be required to be utilized in any manner to
21 determine a teacher or principal evaluation required by this section.

22 b. The commissioner shall promulgate rules and regulations providing
23 alternative assessments that may be used in grades three through eight
24 instead of all other state-created or administered tests, which shall
25 include all of the assessments that have been approved by the commis-
26 sioner for use in determining transition scores and ratings.

27 c. The selection and use of an assessment in a teacher or principal's
28 evaluation pursuant to paragraphs a and b of this subdivision and subdi-
29 vision four of this section shall be subject to collective bargaining
30 pursuant to article fourteen of the civil service law.

31 d. Notwithstanding any provision of subdivision twelve of this section
32 to the contrary, nothing in this section shall be construed to abrogate
33 any conflicting provisions of any collective bargaining agreement in
34 effect on the date this subdivision takes effect and until the entry
35 into a successor collective bargaining agreement, provided that notwith-
36 standing any other provision of law to the contrary, upon expiration of
37 such term and the entry into a successor collective bargaining agreement
38 the provisions of this subdivision shall apply; and, provided further,
39 however, that any assessments used in determining transition scores and
40 ratings shall be used in determining scores and ratings pursuant to this
41 section instead of the grades three through eight English language arts
42 and mathematics state assessments until the entry into a successor
43 collective bargaining agreement.

44 § 26. Subparagraphs 1 and 2 of paragraph a of subdivision 4 of section
45 3012-d of the education law, subparagraph 1 as amended by section 3 of
46 subpart C of part B of chapter 20 of the laws of 2015 and subparagraph 2
47 as added by section 2 of subpart E of part EE of chapter 56 of the laws
48 of 2015, are amended to read as follows:

49 (1) ~~For the first subcomponent, [(A) for a teacher whose course ends~~
50 ~~in a state created or administered test for which there is a state pro-~~
51 ~~vided growth model, such teacher shall have a state provided growth~~
52 ~~score based on such model, which shall take into consideration certain~~
53 ~~student characteristics, as determined by the commissioner, including~~
54 ~~but not limited to students with disabilities, poverty, English language~~
55 ~~learner status and prior academic history and which shall identify~~
56 ~~educators whose students' growth is well above or well below average~~

1 ~~compared to similar students for a teacher's or principal's students~~
2 ~~after the certain student characteristics above are taken into account,~~
3 ~~and (B) for a teacher whose course does not end in a state-created or~~
4 ~~administered test such teacher] a teacher~~ shall have a student learning
5 objective (SLO) consistent with a goal-setting process determined or
6 developed by the commissioner, that results in a student growth score;
7 provided that, for any teacher whose course ends in a state-created or
8 administered assessment [~~for which there is no state-provided growth~~
9 ~~model~~], such assessment [~~must~~] may be used as the underlying assessment
10 for such SLO;

11 (2) For the optional second subcomponent, a district may locally
12 select a second measure in accordance with this subparagraph. Such
13 second measure shall apply in a consistent manner, to the extent practi-
14 cable, across the district and be either: (A) [~~a second state-provided~~
15 ~~growth score~~] based on a state-created or administered test [~~under~~
16 ~~clause (A) of subparagraph one of this paragraph~~], or (B) [~~a growth~~
17 ~~score~~] based on a state-designed supplemental assessment[~~, calculated~~
18 ~~using a state-provided or approved growth model~~]. The optional second
19 subcomponent shall provide options for multiple assessment measures that
20 are aligned to existing classroom and school best practices and take
21 into consideration the recommendations in the testing reduction report
22 as required by section one of subpart F of [~~the chapter~~] part EE of
23 chapter fifty-six of the laws of two thousand fifteen which added this
24 section regarding the reduction of unnecessary additional testing.

25 § 27. Subdivision 5 of section 3012-d of the education law, as added
26 by section 2 of subpart E of part EE of chapter 56 of the laws of 2015,
27 is amended to read as follows:

28 5. Rating determination. The overall rating determination shall be
29 determined [~~according to a methodology~~] as follows:

30 a. [~~The following rules shall apply: a teacher or principal who is (1)~~
31 ~~rated using two subcomponents in the student performance category and~~
32 ~~receives a rating of ineffective in such category shall be rated inef-~~
33 ~~fective overall; provided, however, that if the measure used in the~~
34 ~~second subcomponent is a state provided growth score on a state created~~
35 ~~or administered test pursuant to clause (A) of subparagraph one of para-~~
36 ~~graph a of subdivision four of this section, a teacher or principal who~~
37 ~~receives a rating of ineffective in such category shall not be eligible~~
38 ~~to receive a rating of effective or highly effective overall; (2) rated~~
39 ~~using only the state measure subcomponent in the student performance~~
40 ~~category and receives a rating of ineffective in such category shall not~~
41 ~~be eligible to receive a rating of effective or highly effective over-~~
42 ~~all; and (3) rated ineffective in the teacher observations category~~
43 ~~shall not be eligible to receive a rating of effective or highly effec-~~
44 ~~tive overall.~~

45 b. ~~Except as otherwise provided in paragraph a of this subdivision, a~~
46 ~~teacher's composite score shall be determined as follows:~~

47 (1) If a teacher receives an H in the teacher observation category,
48 and an H in the student performance category, the teacher's composite
49 score shall be H;

50 [(2)] b. If a teacher receives an H in the teacher observation catego-
51 ry, and an E in the student performance category, the teacher's compos-
52 ite score shall be H;

53 [(3)] c. If a teacher receives an H in the teacher observation catego-
54 ry, and a D in the student performance category, the teacher's composite
55 score shall be E;

1 ~~(4)~~ **d.** If a teacher receives an H in the teacher observation category, and an I in the student performance category, the teacher's composite score shall be D;

4 ~~(5)~~ **e.** If a teacher receives an E in the teacher observation category, and an H in the student performance category, the teacher's composite score shall be H;

7 ~~(6)~~ **f.** If a teacher receives an E in the teacher observation category, and an E in the student performance category, the teacher's composite score shall be E;

10 ~~(7)~~ **g.** If a teacher receives an E in the teacher observation category, and a D in the student performance category, the teacher's composite score shall be E;

13 ~~(8)~~ **h.** If a teacher receives an E in the teacher observation category, and an I in the student performance category, the teacher's composite score shall be D;

16 ~~(9)~~ **i.** If a teacher receives a D in the teacher observation category, and an H in the student performance category, the teacher's composite score shall be E;

19 ~~(10)~~ **j.** If a teacher receives a D in the teacher observation category, and an E in the student performance category, the teacher's composite score shall be E;

22 ~~(11)~~ **k.** If a teacher receives a D in the teacher observation category, and a D in the student performance category, the teacher's composite score shall be D;

25 ~~(12)~~ **l.** If a teacher receives a D in the teacher observation category, and an I in the student performance category, the teacher's composite score shall be I;

28 ~~(13)~~ **m.** If a teacher receives an I in the teacher observation category, and an H in the student performance category, the teacher's composite score shall be D;

31 ~~(14)~~ **n.** If a teacher receives an I in the teacher observation category, and an E in the student performance category, the teacher's composite score shall be D;

34 ~~(15)~~ **o.** If a teacher receives an I in the teacher observation category, and a D in the student performance category, the teacher's composite score shall be I;

37 ~~(16)~~ **p.** If a teacher receives an I in the teacher observation category, and an I in the student performance category, the teacher's composite score shall be I.

40 § 28. Subdivision 7 of section 3012-d of the education law, as added by section 2 of subpart E of part EE of chapter 56 of the laws of 2015, is amended to read as follows:

43 7. The commissioner shall ensure that the process by which weights and scoring ranges are assigned to subcomponents and categories is transparent and available to those being rated before the beginning of each school year. Such process must ensure that it is possible for a teacher or principal to obtain any number of points in the applicable scoring ranges, including zero, in each subcomponent. The superintendent, district superintendent or chancellor and the representative of the collective bargaining unit (where one exists) shall certify in the district's plan that the evaluation process shall use the standards for the scoring ranges provided by the commissioner. ~~[Provided, however, that in any event, the following rules shall apply: a teacher or principal who is:~~

55 ~~a. rated using two subcomponents in the student performance category and receives a rating of ineffective in such category shall be rated~~

~~ineffective overall, except that if the measure used in the second subcomponent is a second state provided growth score on a state administered or sponsored test pursuant to clause (A) of subparagraph one of paragraph a of subdivision four of this section, a teacher or principal that receives a rating of ineffective in such category shall not be eligible to receive a rating of effective or highly effective overall, b. rated using only the state measure subcomponent in the student performance category and receives a rating of ineffective in such category shall not be eligible to receive a rating of effective or highly effective overall, and c. rated ineffective in the observations category shall not be eligible to receive a rating of effective or highly effective overall.]~~

§ 29. Subdivision 10 of section 3012-d of the education law, as added by section 2 of subpart E of part EE of chapter 56 of the laws of 2015, is amended to read as follows:

10. The local collective bargaining representative shall negotiate with the district:

a. whether to use a second measure, and, in the event that a second measure is used, which measure to use, pursuant to subparagraph two of paragraph a of subdivision four of this section ~~[and];~~

b. how to implement the provisions of paragraph b of subdivision four of this section, and associated regulations as established by the commissioner, in accordance with article fourteen of the civil service law; ~~and~~

c. the selection and use of an assessment in a teacher or principal's evaluation pursuant to subdivision four of this section and paragraphs a and b of subdivision sixteen of this section.

§ 30. Section 2 of subpart B of part AA of chapter 56 of the laws of 2014 amending the education law relating to providing that standardized test scores shall not be included on a student's permanent record, as amended by section 35 of part CCC of chapter 59 of the laws of 2018, is amended to read as follows:

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

§ 31. Subdivision 10 of section 3209 of the education law is renumbered subdivision 11 and a new subdivision 10 is added to read as follows:

10. Every school district receiving funds pursuant to this section shall annually submit to the department an accounting of the use of such funds in the prior school year before the end of the succeeding school year. The commissioner shall review such accounting and develop, in consultation with the commissioner of the office of temporary and disability assistance, an identification of best practices to support homeless youth.

§ 32. Section 2801-a of the education law is amended by adding a new subdivision 10 to read as follows:

10. Every school shall define the roles and areas of responsibility of school personnel, security personnel and law enforcement in response to student misconduct that violates the code of conduct. A school district or charter school that employs, contracts with, or otherwise retains law enforcement or public or private security personnel, including school resource officers, shall establish a written contract or memorandum of understanding that is developed with stakeholder input. Such written contract or memorandum of understanding shall define the relationship between a school district or charter school, school personnel, students, visitors, law enforcement, and public or private security personnel.

1 Such contract or memorandum of understanding shall be consistent with
2 the code of conduct, define law enforcement or security personnel's
3 roles, responsibilities and involvement within a school and clearly
4 delegate the role of school discipline to the school administration.
5 Such written contract or memorandum of understanding shall be incorpo-
6 rated into and published as part of the district safety plan.

7 § 33. The section heading of section 804 of the education law, as
8 amended by chapter 390 of the laws of 2016, is amended and a new subdi-
9 vision 7-a is added to read as follows:

10 Health education regarding mental health, alcohol, drugs, tobacco
11 abuse, and healthy relationships and the prevention and detection of
12 certain cancers.

13 7-a. (a) A healthy relationships education instruction program shall
14 be included within the health education provided to all students in
15 grades six through twelve. Such programs shall include, but not be
16 limited to age-appropriate, medically accurate instruction teaching
17 comprehensive sexual education, sexual health and healthy relationship
18 practices. Such program shall be inclusive and respectful of all pupils
19 regardless of race, ethnicity, gender, disability, sexual orientation,
20 or gender identity and include, but not be limited to:

21 (i) identification and examination of ideas about healthy relation-
22 ships and behaviors learned from home, family and the media;

23 (ii) self-esteem and self-worth;

24 (iii) friendship and empathy;

25 (iv) a definition of teen dating violence;

26 (v) recognition of warning signs established by a dating partner;

27 (vi) characteristics of a healthy relationship;

28 (vii) links between bullying and teen dating violence;

29 (viii) safe use of technology;

30 (ix) a discussion of local community resources for those in a teen
31 dating violence relationship;

32 (x) an age-appropriate definition of affirmative consent consistent
33 with that used in section sixty-four hundred forty-one of this chapter;

34 (xi) age-appropriate, medically accurate sexual health;

35 (xii) age-appropriate instructing to identify and report sexual
36 exploitation and abuse; and

37 (xiii) instruction to identify and report sexual harassment.

38 (b) The Educational Standards for such program shall be added to the
39 Health Education Standards after consultation with the commissioner of
40 health and the commissioner of children and family services and be
41 designed to educate students about healthy relationships. Prior to
42 adopting the Education Standards, the commissioner shall establish a
43 task force to study and make recommendations regarding the scope and
44 substance of the standards. The task force shall:

45 (i) seek the recommendations of teachers, school administrators,
46 teacher educators and others with educational expertise in the proposed
47 subject areas;

48 (ii) seek the recommendations of experts and organizations experienced
49 in the proposed subject areas; and

50 (iii) seek comment from parents, students and other interested
51 parties.

52 (c) The commissioner shall develop age-appropriate model instructional
53 resources for parents and educators for potential use in instructing
54 students about physical self-awareness and healthy relationships. Such
55 resources shall be developed after consultation with experts in the
56 field.

1 (d) A webpage on the department's website shall be dedicated to
2 providing information and resources to parents, students, teachers and
3 school district officials related to comprehensive sexual education and
4 healthy relationships.

5 (e) For the purposes of this section "age-appropriate" shall mean
6 topics, messages, and teaching methods suitable to particular age and
7 developmental levels, based on cognitive, emotional, social and experi-
8 ence level of most students at that age level, and "medically accurate"
9 shall mean information supported by peer reviewed, evidence-based
10 research recognized as accurate by leading professional organizations
11 and agencies with relevant experience such as the American Medical Asso-
12 ciation and the Centers for Disease Control and Prevention.

13 (f) Notwithstanding the provisions of this subdivision, a school
14 district shall provide reasonable notice to parents and guardians of
15 students in grades six through twelve that such instruction will be
16 given and the nature of the curriculum. Any parent or guardian of a
17 student in grades six through twelve may direct the removal of the
18 student from such instruction upon written notice to the school
19 district.

20 § 34. Section 305 of the education law is amended by adding a new
21 subdivision 60 to read as follows:

22 60. The commissioner is authorized and directed to require that every
23 school district adopt and distribute a policy regarding sex discrimi-
24 nation pursuant to Title IX of the Education Amendments of 1972, 20
25 U.S.C. § 1681 et seq., and that such policy shall specifically address
26 discrimination against pregnant and parenting students. Provided that
27 such policies shall include: a. students' rights to attend classes and
28 participate in extracurricular activities regardless of pregnant or
29 parenting status; b. opportunities to make up missed classwork or to
30 excuse absences due to pregnancy, childbirth or related conditions; c.
31 protections of students from harassment; and d. a formal grievance
32 procedure.

33 § 35. Subdivision b of section 2 of chapter 756 of the laws of 1992,
34 relating to funding a program for work force education conducted by the
35 consortium for worker education in New York city, as amended by section
36 25 of part CCC of chapter 59 of the laws of 2018, is amended to read as
37 follows:

38 b. Reimbursement for programs approved in accordance with subdivision
39 a of this section for the 2016--2017 school year shall not exceed 60.3
40 percent of the lesser of such approvable costs per contact hour or thir-
41 teen dollars ninety cents per contact hour, reimbursement for the 2017-
42 -2018 school year shall not exceed 60.4 percent of the lesser of such
43 approvable costs per contact hour or thirteen dollars and ninety cents
44 per contact hour, [~~and~~] reimbursement for the 2018--2019 school year
45 shall not exceed 59.4 percent of the lesser of such approvable costs per
46 contact hour or fourteen dollars and ninety-five cents per contact hour,
47 and reimbursement for the 2019--2020 school year shall not exceed 57.7
48 percent of the lesser of such approvable costs per contact hour or
49 fifteen dollars and fifty-five cents per contact hour, where a contact
50 hour represents sixty minutes of instruction services provided to an
51 eligible adult. Notwithstanding any other provision of law to the
52 contrary, for the 2016--2017 school year such contact hours shall not
53 exceed one million five hundred fifty-one thousand three hundred twelve
54 (1,551,312); whereas for the 2017--2018 school year such contact hours
55 shall not exceed one million five hundred forty-nine thousand four
56 hundred sixty-three (1,549,463); [~~and~~] whereas for the 2018--2019 school

1 year such contact hours shall not exceed one million four hundred
2 sixty-three thousand nine hundred sixty-three (1,463,963), and for the
3 2019--2020 school year such contact hours shall not exceed one million
4 two hundred eighty-two thousand fifty-one (1,282,051). Notwithstanding
5 any other provision of law to the contrary, the apportionment calculated
6 for the city school district of the city of New York pursuant to subdivi-
7 sion 11 of section 3602 of the education law shall be computed as if
8 such contact hours provided by the consortium for worker education, not
9 to exceed the contact hours set forth herein, were eligible for aid in
10 accordance with the provisions of such subdivision 11 of section 3602 of
11 the education law.

12 § 36. Section 4 of chapter 756 of the laws of 1992, relating to fund-
13 ing a program for work force education conducted by the consortium for
14 worker education in New York city, is amended by adding a new subdivi-
15 sion x to read as follows:

16 x. The provisions of this subdivision shall not apply after the
17 completion of payments for the 2019--2020 school year. Notwithstanding
18 any inconsistent provisions of law, the commissioner of education shall
19 withhold a portion of employment preparation education aid due to the
20 city school district of the city of New York to support a portion of the
21 costs of the work force education program. Such moneys shall be credited
22 to the elementary and secondary education fund-local assistance account
23 and shall not exceed eleven million five hundred thousand dollars
24 (\$11,500,000).

25 § 37. Section 6 of chapter 756 of the laws of 1992, relating to fund-
26 ing a program for work force education conducted by the consortium for
27 worker education in New York city, as amended by section 27 of part CCC
28 of chapter 59 of the laws of 2018, is amended to read as follows:

29 § 6. This act shall take effect July 1, 1992, and shall be deemed
30 repealed on June 30, [~~2019~~] 2020.

31 § 38. Subdivisions 22 and 24 of section 140 of chapter 82 of the laws
32 of 1995, amending the education law and other laws relating to state aid
33 to school districts and the appropriation of funds for the support of
34 government, as amended by section 28 of part CCC of chapter 59 of the
35 laws of 2018, are amended to read as follows:

36 (22) sections one hundred twelve, one hundred thirteen, one hundred
37 fourteen, one hundred fifteen and one hundred sixteen of this act shall
38 take effect on July 1, 1995; provided, however, that section one hundred
39 thirteen of this act shall remain in full force and effect until July 1,
40 [~~2019~~] 2020 at which time it shall be deemed repealed;

41 (24) sections one hundred eighteen through one hundred thirty of this
42 act shall be deemed to have been in full force and effect on and after
43 July 1, 1995; provided further, however, that the amendments made pursu-
44 ant to section one hundred twenty-four of this act shall be deemed to be
45 repealed on and after July 1, [~~2019~~] 2020;

46 § 39. Section 12 of chapter 147 of the laws of 2001, amending the
47 education law relating to conditional appointment of school district,
48 charter school or BOCES employees, as amended by section 31 of part CCC
49 of chapter 59 of the laws of 2018, is amended to read as follows:

50 § 12. This act shall take effect on the same date as chapter 180 of
51 the laws of 2000 takes effect, and shall expire July 1, [~~2019~~] 2020 when
52 upon such date the provisions of this act shall be deemed repealed.

53 § 40. Section 4 of chapter 425 of the laws of 2002, amending the
54 education law relating to the provision of supplemental educational
55 services, attendance at a safe public school and the suspension of
56 pupils who bring a firearm to or possess a firearm at a school, as

1 amended by section 33 of part CCC of chapter 59 of the laws of 2018, is
2 amended to read as follows:

3 § 4. This act shall take effect July 1, 2002 and section one of this
4 act shall expire and be deemed repealed June 30, 2019, and sections two
5 and three of this act shall expire and be deemed repealed on June 30,
6 2020.

7 § 41. Section 5 of chapter 101 of the laws of 2003, amending the
8 education law relating to implementation of the No Child Left Behind Act
9 of 2001, as amended by section 34 of part CCC of chapter 59 of the laws
10 of 2018, is amended to read as follows:

11 § 5. This act shall take effect immediately; provided that sections
12 one, two and three of this act shall expire and be deemed repealed on
13 June 30, [~~2019~~] 2020.

14 § 42. Section 34 of chapter 91 of the laws of 2002 amending the educa-
15 tion law and other laws relating to reorganization of the New York city
16 school construction authority, board of education and community boards,
17 as amended by section 1 of part G of chapter 61 of the laws of 2017, is
18 amended to read as follows:

19 § 34. This act shall take effect July 1, 2002; provided, that sections
20 one through twenty, twenty-four, and twenty-six through thirty of this
21 act shall expire and be deemed repealed June 30, [~~2019~~] 2022 provided,
22 further, that notwithstanding any provision of article 5 of the general
23 construction law, on June 30, [~~2019~~] 2022 the provisions of subdivisions
24 3, 5, and 8, paragraph b of subdivision 13, subdivision 14, paragraphs
25 b, d, and e of subdivision 15, and subdivisions 17 and 21 of section
26 2554 of the education law as repealed by section three of this act,
27 subdivision 1 of section 2590-b of the education law as repealed by
28 section six of this act, paragraph (a) of subdivision 2 of section
29 2590-b of the education law as repealed by section seven of this act,
30 section 2590-c of the education law as repealed by section eight of this
31 act, paragraph c of subdivision 2 of section 2590-d of the education law
32 as repealed by section twenty-six of this act, subdivision 1 of section
33 2590-e of the education law as repealed by section twenty-seven of this
34 act, subdivision 28 of section 2590-h of the education law as repealed
35 by section twenty-eight of this act, subdivision 30 of section 2590-h of
36 the education law as repealed by section twenty-nine of this act, subdi-
37 vision 30-a of section 2590-h of the education law as repealed by
38 section thirty of this act shall be revived and be read as such
39 provisions existed in law on the date immediately preceding the effec-
40 tive date of this act; provided, however, that sections seven and eight
41 of this act shall take effect on November 30, 2003; provided further
42 that the amendments to subdivision 25 of section 2554 of the education
43 law made by section two of this act shall be subject to the expiration
44 and reversion of such subdivision pursuant to section 12 of chapter 147
45 of the laws of 2001, as amended, when upon such date the provisions of
46 section four of this act shall take effect.

47 § 43. Subdivision 12 of section 17 of chapter 345 of the laws of 2009
48 amending the education law and other laws relating to the New York city
49 board of education, chancellor, community councils, and community super-
50 intendants, as amended by section 2 of part G of chapter 61 of the laws
51 of 2017, is amended to read as follows:

52 12. any provision in sections one, two, three, four, five, six, seven,
53 eight, nine, ten and eleven of this act not otherwise set to expire
54 pursuant to section 34 of chapter 91 of the laws of 2002, as amended, or
55 section 17 of chapter 123 of the laws of 2003, as amended, shall expire
56 and be deemed repealed June 30, [~~2019~~] 2022.

1 § 44. Section 7 of chapter 472 of the laws of 1998, amending the
2 education law relating to the lease of school buses by school districts,
3 as amended by section 40 of part YYY of chapter 59 of the laws of 2017,
4 is amended to read as follows:

5 § 7. This act shall take effect September 1, 1998, and shall expire
6 and be deemed repealed September 1, [~~2019~~] 2021.

7 § 45. Section 2 of chapter 552 of the laws of 1995, amending the
8 education law relating to contracts for the transportation of school
9 children, as amended by section 25 of part A of chapter 54 of the laws
10 of 2016, is amended to read as follows:

11 § 2. This act shall take effect on the first day of January next
12 succeeding the date on which it shall have become a law and shall remain
13 in full force and effect until January 1, [~~2020~~] 2023, when upon such
14 date the provisions of this act shall be deemed repealed.

15 § 46. Section 26 of subpart F of part C of chapter 97 of the laws of
16 2011 amending the education law relating to census reporting, as amended
17 by section 21-a of part A of chapter 56 of the laws of 2014, is amended
18 to read as follows:

19 § 26. This act shall take effect immediately provided, however, that
20 the provisions of section three of this act shall expire June 30, [~~2019~~]
21 2024 when upon such date the provisions of such section shall be deemed
22 repealed; provided, further that the provisions of sections eight, elev-
23 en, twelve, thirteen and twenty of this act shall expire July 1, 2014
24 when upon such date the provisions of such sections shall be deemed
25 repealed.

26 § 47. School bus driver training. In addition to apportionments other-
27 wise provided by section 3602 of the education law, for aid payable in
28 the 2019--2020 school year, the commissioner of education shall allocate
29 school bus driver training grants to school districts and boards of
30 cooperative educational services pursuant to sections 3650-a, 3650-b and
31 3650-c of the education law, or for contracts directly with not-for-pro-
32 fit educational organizations for the purposes of this section. Such
33 payments shall not exceed four hundred thousand dollars (\$400,000) per
34 school year.

35 § 48. Special apportionment for salary expenses. a. Notwithstanding
36 any other provision of law, upon application to the commissioner of
37 education, not sooner than the first day of the second full business
38 week of June 2020 and not later than the last day of the third full
39 business week of June 2020, a school district eligible for an appor-
40 tionment pursuant to section 3602 of the education law shall be eligible to
41 receive an apportionment pursuant to this section, for the school year
42 ending June 30, 2020, for salary expenses incurred between April 1 and
43 June 30, 2019 and such apportionment shall not exceed the sum of (i) the
44 deficit reduction assessment of 1990--1991 as determined by the commis-
45 sioner of education, pursuant to paragraph f of subdivision 1 of section
46 3602 of the education law, as in effect through June 30, 1993, plus (ii)
47 186 percent of such amount for a city school district in a city with a
48 population in excess of 1,000,000 inhabitants, plus (iii) 209 percent of
49 such amount for a city school district in a city with a population of
50 more than 195,000 inhabitants and less than 219,000 inhabitants accord-
51 ing to the latest federal census, plus (iv) the net gap elimination
52 adjustment for 2010--2011, as determined by the commissioner of educa-
53 tion pursuant to chapter 53 of the laws of 2010, plus (v) the gap elimi-
54 nation adjustment for 2011--2012 as determined by the commissioner of
55 education pursuant to subdivision 17 of section 3602 of the education
56 law, and provided further that such apportionment shall not exceed such

1 salary expenses. Such application shall be made by a school district,
2 after the board of education or trustees have adopted a resolution to do
3 so and in the case of a city school district in a city with a population
4 in excess of 125,000 inhabitants, with the approval of the mayor of such
5 city.

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

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

37 § 49. Special apportionment for public pension accruals. a. Notwith-
38 standing any other provision of law, upon application to the commis-
39 sioner of education, not later than June 30, 2020, a school district eligi-
40 ble for an apportionment pursuant to section 3602 of the education law
41 shall be eligible to receive an apportionment pursuant to this section,
42 for the school year ending June 30, 2020 and such apportionment shall
43 not exceed the additional accruals required to be made by school
44 districts in the 2004--2005 and 2005--2006 school years associated with
45 changes for such public pension liabilities. The amount of such addi-
46 tional accrual shall be certified to the commissioner of education by
47 the president of the board of education or the trustees or, in the case
48 of a city school district in a city with a population in excess of
49 125,000 inhabitants, the mayor of such city. Such application shall be
50 made by a school district, after the board of education or trustees have
51 adopted a resolution to do so and in the case of a city school district
52 in a city with a population in excess of 125,000 inhabitants, with the
53 approval of the mayor of such city.

54 b. The claim for an apportionment to be paid to a school district
55 pursuant to subdivision a of this section shall be submitted to the
56 commissioner of education on a form prescribed for such purpose, and

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

14 c. Notwithstanding the provisions of section 3609-a of the education
15 law, an amount equal to the amount paid to a school district pursuant to
16 subdivisions a and b of this section shall first be deducted from the
17 following payments due the school district during the school year
18 following the year in which application was made pursuant to subpara-
19 graphs (1), (2), (3), (4) and (5) of paragraph a of subdivision 1 of
20 section 3609-a of the education law in the following order: the lottery
21 apportionment payable pursuant to subparagraph (2) of such paragraph
22 followed by the fixed fall payments payable pursuant to subparagraph (4)
23 of such paragraph and then followed by the district's payments to the
24 teachers' retirement system pursuant to subparagraph (1) of such para-
25 graph, and any remainder to be deducted from the individualized payments
26 due the district pursuant to paragraph b of such subdivision shall be
27 deducted on a chronological basis starting with the earliest payment due
28 the district.

29 § 50. Notwithstanding the provision of any law, rule, or regulation to
30 the contrary, the city school district of the city of Rochester, upon
31 the consent of the board of cooperative educational services of the
32 supervisory district serving its geographic region may purchase from
33 such board for the 2019--2020 school year, as a non-component school
34 district, services required by article 19 of the education law.

35 § 51. The amounts specified in this section shall be a set-aside from
36 the state funds which each such district is receiving from the total
37 foundation aid:

38 a. for the development, maintenance or expansion of magnet schools or
39 magnet school programs for the 2019--2020 school year. For the city
40 school district of the city of New York there shall be a setaside of
41 foundation aid equal to forty-eight million one hundred seventy-five
42 thousand dollars (\$48,175,000) including five hundred thousand dollars
43 (\$500,000) for the Andrew Jackson High School; for the Buffalo city
44 school district, twenty-one million twenty-five thousand dollars
45 (\$21,025,000); for the Rochester city school district, fifteen million
46 dollars (\$15,000,000); for the Syracuse city school district, thirteen
47 million dollars (\$13,000,000); for the Yonkers city school district,
48 forty-nine million five hundred thousand dollars (\$49,500,000); for the
49 Newburgh city school district, four million six hundred forty-five thou-
50 sand dollars (\$4,645,000); for the Poughkeepsie city school district,
51 two million four hundred seventy-five thousand dollars (\$2,475,000); for
52 the Mount Vernon city school district, two million dollars (\$2,000,000);
53 for the New Rochelle city school district, one million four hundred ten
54 thousand dollars (\$1,410,000); for the Schenectady city school district,
55 one million eight hundred thousand dollars (\$1,800,000); for the Port
56 Chester city school district, one million one hundred fifty thousand

1 dollars (\$1,150,000); for the White Plains city school district, nine
2 hundred thousand dollars (\$900,000); for the Niagara Falls city school
3 district, six hundred thousand dollars (\$600,000); for the Albany city
4 school district, three million five hundred fifty thousand dollars
5 (\$3,550,000); for the Utica city school district, two million dollars
6 (\$2,000,000); for the Beacon city school district, five hundred sixty-
7 six thousand dollars (\$566,000); for the Middletown city school
8 district, four hundred thousand dollars (\$400,000); for the Freeport
9 union free school district, four hundred thousand dollars (\$400,000);
10 for the Greenburgh central school district, three hundred thousand
11 dollars (\$300,000); for the Amsterdam city school district, eight
12 hundred thousand dollars (\$800,000); for the Peekskill city school
13 district, two hundred thousand dollars (\$200,000); and for the Hudson
14 city school district, four hundred thousand dollars (\$400,000).

15 b. Notwithstanding any inconsistent provision of law to the contrary,
16 a school district setting aside such foundation aid pursuant to this
17 section may use such setaside funds for: (i) any instructional or
18 instructional support costs associated with the operation of a magnet
19 school; or

20 (ii) any instructional or instructional support costs associated with
21 implementation of an alternative approach to promote diversity and/or
22 enhancement of the instructional program and raising of standards in
23 elementary and secondary schools of school districts having substantial
24 concentrations of minority students.

25 c. The commissioner of education shall not be authorized to withhold
26 foundation aid from a school district that used such funds in accordance
27 with this paragraph, notwithstanding any inconsistency with a request
28 for proposals issued by such commissioner for the purpose of attendance
29 improvement and dropout prevention for the 2019--2020 school year, and
30 for any city school district in a city having a population of more than
31 one million, the setaside for attendance improvement and dropout
32 prevention shall equal the amount set aside in the base year. For the
33 2019--2020 school year, it is further provided that any city school
34 district in a city having a population of more than one million shall
35 allocate at least one-third of any increase from base year levels in
36 funds set aside pursuant to the requirements of this section to communi-
37 ty-based organizations. Any increase required pursuant to this section
38 to community-based organizations must be in addition to allocations
39 provided to community-based organizations in the base year.

40 d. For the purpose of teacher support for the 2019--2020 school year:
41 for the city school district of the city of New York, sixty-two million
42 seven hundred seven thousand dollars (\$62,707,000); for the Buffalo city
43 school district, one million seven hundred forty-one thousand dollars
44 (\$1,741,000); for the Rochester city school district, one million seven-
45 ty six thousand dollars (\$1,076,000); for the Yonkers city school
46 district, one million one hundred forty-seven thousand dollars
47 (\$1,147,000); and for the Syracuse city school district, eight hundred
48 nine thousand dollars (\$809,000). All funds made available to a school
49 district pursuant to this section shall be distributed among teachers
50 including prekindergarten teachers and teachers of adult vocational and
51 academic subjects in accordance with this section and shall be in addi-
52 tion to salaries heretofore or hereafter negotiated or made available;
53 provided, however, that all funds distributed pursuant to this section
54 for the current year shall be deemed to incorporate all funds distrib-
55 uted pursuant to former subdivision 27 of section 3602 of the education
56 law for prior years. In school districts where the teachers are repres-

1 ented by certified or recognized employee organizations, all salary
2 increases funded pursuant to this section shall be determined by sepa-
3 rate collective negotiations conducted pursuant to the provisions and
4 procedures of article 14 of the civil service law, notwithstanding the
5 existence of a negotiated agreement between a school district and a
6 certified or recognized employee organization.

7 § 52. Support of public libraries. The moneys appropriated for the
8 support of public libraries by a chapter of the laws of 2018 enacting
9 the aid to localities budget shall be apportioned for the 2019--2020
10 state fiscal year in accordance with the provisions of sections 271,
11 272, 273, 282, 284, and 285 of the education law as amended by the
12 provisions of this chapter and the provisions of this section, provided
13 that library construction aid pursuant to section 273-a of the education
14 law shall not be payable from the appropriations for the support of
15 public libraries and provided further that no library, library system or
16 program, as defined by the commissioner of education, shall receive less
17 total system or program aid than it received for the year 2001--2002
18 except as a result of a reduction adjustment necessary to conform to the
19 appropriations for support of public libraries.

20 Notwithstanding any other provision of law to the contrary the moneys
21 appropriated for the support of public libraries for the year 2019--2020
22 by a chapter of the laws of 2019 enacting the education, labor and fami-
23 ly assistance budget shall fulfill the state's obligation to provide
24 such aid and, pursuant to a plan developed by the commissioner of educa-
25 tion and approved by the director of the budget, the aid payable to
26 libraries and library systems pursuant to such appropriations shall be
27 reduced proportionately to assure that the total amount of aid payable
28 does not exceed the total appropriations for such purpose.

29 § 53. Severability. The provisions of this act shall be severable, and
30 if the application of any clause, sentence, paragraph, subdivision,
31 section or part of this act to any person or circumstance shall be
32 adjudged by any court of competent jurisdiction to be invalid, such
33 judgment shall not necessarily affect, impair or invalidate the applica-
34 tion of any such clause, sentence, paragraph, subdivision, section, part
35 of this act or remainder thereof, as the case may be, to any other
36 person or circumstance, but shall be confined in its operation to the
37 clause, sentence, paragraph, subdivision, section or part thereof
38 directly involved in the controversy in which such judgment shall have
39 been rendered.

40 § 54. This act shall take effect immediately, and shall be deemed to
41 have been in full force and effect on and after April 1, 2019, provided,
42 however, that:

43 1. Sections one, three, four, five, five-a, six, seven, eight, nine,
44 ten, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twen-
45 ty-two, twenty-three, thirty-two, thirty-four, forty-seven, fifty and
46 fifty-one of this act shall take effect July 1, 2019;

47 2. Sections eleven, twelve, thirteen and fourteen of this act shall
48 take effect July 1, 2020;

49 3. Paragraph (a) of subdivision 7-a of section 804 of the education
50 law, as added by section thirty-three of this act, shall take effect
51 July 1, 2019;

52 4. The amendments to section 3614 of the education law made by section
53 two of this act shall not affect the repeal of such section and shall be
54 deemed repealed therewith; and

55 5. The amendments to chapter 756 of the laws of 1992, relating to
56 funding a program for work force education conducted by the consortium

1 for worker education in New York City made by sections thirty-five and
2 thirty-six of this act shall not affect the repeal of such chapter and
3 shall be deemed repealed therewith.

4 PART B

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

7 6. Notwithstanding any other provision of law, any firm established to
8 lawfully engage in the practice of public accountancy pursuant to arti-
9 cle fifteen of the business corporation law, articles one and eight-B of
10 the partnership law, or articles twelve and thirteen of the limited
11 liability company law shall be deemed eligible to register pursuant to
12 this section.

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

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

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

45 (c) Any firm established for the business purpose of incorporating as
46 a professional service corporation pursuant to paragraph (h) of section
47 fifteen hundred three of this article may issue shares to individuals
48 who are authorized by law to practice in this state a profession which
49 such corporation is authorized to practice and who are or have been
50 engaged in the practice of such profession in such corporation or a
51 predecessor entity, or who will engage in the practice of such profes-
52 sion in such corporation within thirty days of the date such shares are
53 issued and may also issue shares to employees of the corporation not
54 licensed as certified public accountants, provided that:

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

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

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

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

9 No shareholder of a firm established for the business purpose of incor-
10 porating as a professional service corporation pursuant to paragraph (h)
11 of section fifteen hundred three of this article shall enter into a
12 voting trust agreement, proxy or any other type of agreement vesting in
13 another person, other than another shareholder of the same corporation,
14 the authority to exercise voting power of any or all of his or her
15 shares. All shares issued, agreements made or proxies granted in
16 violation of this section shall be void.

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

19 (c) The directors and officers of any firm established for the busi-
20 ness purpose of incorporating as a professional service corporation
21 pursuant to paragraph (h) of section fifteen hundred three of this arti-
22 cle may include individuals who are not licensed to practice public
23 accountancy, provided however that at least fifty-one percent of the
24 directors, at least fifty-one percent of the officers and the president,
25 the chairperson of the board of directors and the chief executive offi-
26 cer or officers are authorized by law to practice in this state a
27 profession which such corporation is authorized to practice, and are
28 either shareholders of such corporation or engaged in the practice of
29 their professions in such corporation.

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

32 § 1509. Disqualification of shareholders, directors, officers and
33 employees.

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

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

4 (a) No shareholder of a professional service corporation [~~ex~~], includ-
5 ing a design professional service corporation, or any firm established
6 for the business purpose of incorporating as a professional service
7 corporation pursuant to paragraph (h) of section fifteen hundred three
8 of this article, may sell or transfer his shares in such corporation
9 except to another individual who is eligible to have shares issued to
10 him by such corporation or except in trust to another individual who
11 would be eligible to receive shares if he were employed by the corpo-
12 ration. Nothing herein contained shall be construed to prohibit the
13 transfer of shares by operation of law or by court decree. No transfer-
14 ee of shares by operation of law or court decree may vote the shares for
15 any purpose whatsoever except with respect to corporate action under
16 sections 909 and 1001 of this chapter. The restriction in the preceding
17 sentence shall not apply, however, where such transferee would be eligi-
18 ble to have shares issued to him if he were an employee of the corpo-
19 ration and, if there are other shareholders, a majority of such other
20 shareholders shall fail to redeem the shares so transferred, pursuant to
21 section 1510 of this article, within sixty days of receiving written
22 notice of such transfer. Any sale or transfer, except by operation of
23 law or court decree or except for a corporation having only one share-
24 holder, may be made only after the same shall have been approved by the
25 board of directors, or at a shareholders' meeting specially called for
26 such purpose by such proportion, not less than a majority, of the
27 outstanding shares as may be provided in the certificate of incorpo-
28 ration or in the by-laws of such professional service corporation. At
29 such shareholders' meeting the shares held by the shareholder proposing
30 to sell or transfer his shares may not be voted or counted for any
31 purpose, unless all shareholders consent that such shares be voted or
32 counted. The certificate of incorporation or the by-laws of the profes-
33 sional service corporation, or the professional service corporation and
34 the shareholders by private agreement, may provide, in lieu of or in
35 addition to the foregoing provisions, for the alienation of shares and
36 may require the redemption or purchase of such shares by such corpo-
37 ration at prices and in a manner specifically set forth therein. The
38 existence of the restrictions on the sale or transfer of shares, as
39 contained in this article and, if applicable, in the certificate of
40 incorporation, by-laws, stock purchase or stock redemption agreement,
41 shall be noted conspicuously on the face or back of every certificate
42 for shares issued by a professional service corporation. Any sale or
43 transfer in violation of such restrictions shall be void.

44 (c) A firm established for the business purpose of incorporating as a
45 professional service corporation pursuant to paragraph (h) of section
46 fifteen hundred three of this article, shall purchase or redeem the
47 shares of a non-licensed professional shareholder in the case of his or
48 her termination of employment within thirty days after such termination.
49 A firm established for the business purpose of incorporating as a
50 professional service corporation pursuant to paragraph (h) of section
51 fifteen hundred three of this article, shall not be required to purchase
52 or redeem the shares of a terminated non-licensed professional share-
53 holder if such shares, within thirty days after such termination, are
54 sold or transferred to another employee of the corporation pursuant to
55 this article.

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

4 (a) Notwithstanding any other provision of law, the name of a profes-
5 sional service corporation, including a design professional service
6 corporation and any firm established for the business purpose of incor-
7 porating as a professional service corporation pursuant to paragraph (h)
8 of section fifteen hundred three of this article, may contain any word

9 which, at the time of incorporation, could be used in the name of a
10 partnership practicing a profession which the corporation is authorized
11 to practice, and may not contain any word which could not be used by
12 such a partnership. Provided, however, the name of a professional

13 service corporation may not contain the name of a deceased person unless
14 (1) such person's name was part of the corporate name at the time of
15 such person's death; or

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

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

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

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

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

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

35 (iv) the president, the chairperson of the board of directors and the
36 chief executive officer or officers are and were certified public
37 accountants.

38 The statement shall be signed by the president or any certified public
39 accountant vice-president and attested to by the secretary or any
40 assistant secretary of the corporation.

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

43 (d) "Foreign professional service corporation" means a professional
44 service corporation, whether or not denominated as such, organized under
45 the laws of a jurisdiction other than this state, all of the sharehold-
46 ers, directors and officers of which are authorized and licensed to
47 practice the profession for which such corporation is licensed to do
48 business; except that all shareholders, directors and officers of a
49 foreign professional service corporation which provides health services
50 in this state shall be licensed in this state. Notwithstanding any other
51 provision of law a foreign professional service corporation formed to
52 lawfully engage in the practice of public accountancy, as such practice
53 is defined under article one hundred forty-nine of the education law, or
54 equivalent state law, shall be required to show (1) that a simple major-
55 ity of the ownership of the firm, in terms of financial interests,
56 including ownership-based compensation, and voting rights held by the

1 firm's owners, belongs to individuals licensed to practice public
2 accountancy in some state, and (2) that all shareholders of a foreign
3 professional service corporation whose principal place of business is in
4 this state, and who are engaged in the practice of public accountancy in
5 this state, hold a valid license issued under section seventy-four
6 hundred four of the education law or are public accountants licensed
7 under section seventy-four hundred five of the education law. Although
8 firms may include non-licensee owners, the firm and its owners must
9 comply with rules promulgated by the state board of regents. Notwith-
10 standing the foregoing, a firm registered under this section may not
11 have non-licensee owners if the firm's name includes the words "certi-
12 fied public accountant," or "certified public accountants," or the
13 abbreviations "CPA" or "CPAs." Each non-licensee owner of a firm that is
14 operating under this section shall be a natural person who actively
15 participates in the business of the firm or its affiliated entities,
16 provided each beneficial owner of an equity interest in such entity is a
17 natural person who actively participates in the business conducted by
18 the firm or its affiliated entities. For purposes of this subdivision,
19 "actively participate" means to provide services to clients or to other-
20 wise individually take part in the day-to-day business or management of
21 the firm.

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

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

1 state. Each partner of a registered limited liability partnership formed
2 to provide psychoanalysis services in this state must be licensed pursu-
3 ant to article 163 of the education law to practice psychoanalysis in
4 this state. Each partner of a registered limited liability partnership
5 formed to provide applied behavior analysis service in this state must
6 be licensed or certified pursuant to article 167 of the education law to
7 practice applied behavior analysis in this state. Notwithstanding any
8 other provisions of law a limited liability partnership formed to
9 lawfully engage in the practice of public accountancy, as such practice
10 is respectively defined under article 149 of the education law, shall be
11 required to show (1) that a simple majority of the ownership of the
12 firm, in terms of financial interests, including ownership-based compen-
13 sation, and voting rights held by the firm's owners, belongs to individ-
14 uals licensed to practice public accountancy in some state, and (2) that
15 all partners of a limited liability partnership whose principal place of
16 business is in this state, and who are engaged in the practice of public
17 accountancy in this state, hold a valid license 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 accounts," or the abbreviations "CPA" or "CPAs." Each non-
25 licensee owner of a firm that is incorporated under this section shall
26 be (1) a natural person who actively participates in the business of the
27 firm or its affiliated entities, or (2) an entity, including, but not
28 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 § 11. Subdivision (q) of section 121-1502 of the partnership law, as
35 amended by chapter 475 of the laws of 2014, is amended to read as
36 follows:

37 (q) Each partner of a foreign limited liability partnership which
38 provides medical services in this state must be licensed pursuant to
39 article 131 of the education law to practice medicine in the state and
40 each partner of a foreign limited liability partnership which provides
41 dental services in the state must be licensed pursuant to article 133 of
42 the education law to practice dentistry in this state. Each partner of a
43 foreign limited liability partnership which provides veterinary service
44 in the state shall be licensed pursuant to article 135 of the education
45 law to practice veterinary medicine in this state. Each partner of a
46 foreign limited liability partnership which provides professional engi-
47 neering, land surveying, geological services, architectural and/or land-
48 scape architectural services in this state must be licensed pursuant to
49 article 145, article 147 and/or article 148 of the education law to
50 practice one or more of such professions. Each partner of a foreign
51 registered limited liability partnership formed to provide public
52 accountancy services, whose principal place of business is in this state
53 and who provides public accountancy services, must be licensed pursuant
54 to article 149 of the education law to practice public accountancy in
55 this state. Each partner of a foreign limited liability partnership
56 which provides licensed clinical social work services in this state must

1 be licensed pursuant to article 154 of the education law to practice
2 licensed clinical social work in this state. Each partner of a foreign
3 limited liability partnership which provides creative arts therapy
4 services in this state must be licensed pursuant to article 163 of the
5 education law to practice creative arts therapy in this state. Each
6 partner of a foreign limited liability partnership which provides
7 marriage and family therapy services in this state must be licensed
8 pursuant to article 163 of the education law to practice marriage and
9 family therapy in this state. Each partner of a foreign limited liability
10 partnership which provides mental health counseling services in this
11 state must be licensed pursuant to article 163 of the education law to
12 practice mental health counseling in this state. Each partner of a
13 foreign limited liability partnership which provides psychoanalysis
14 services in this state must be licensed pursuant to article 163 of the
15 education law to practice psychoanalysis in this state. Each partner of
16 a foreign limited liability partnership which provides applied behavior
17 analysis services in this state must be licensed or certified pursuant
18 to article 167 of the education law to practice applied behavior analy-
19 sis in this state. Notwithstanding any other provisions of law a
20 foreign limited liability partnership formed to lawfully engage in the
21 practice of public accountancy, as such practice is respectively defined
22 under article 149 of the education law, shall be required to show (1)
23 that a simple majority of the ownership of the firm, in terms of finan-
24 cial interests, including ownership-based compensation, and voting
25 rights held by the firm's owners, belongs to individuals licensed to
26 practice public accountancy in some state, and (2) that all partners of
27 a foreign limited liability partnership whose principal place of busi-
28 ness is in this state, and who are engaged in the practice of public
29 accountancy in this state, hold a valid licence issued under section
30 7404 of the education law or are public accountants licensed under
31 section 7405 of the education law. Although firms may include non-licen-
32 see owners, the firm and its owners must comply with rules promulgated
33 by the state board of regents. Notwithstanding the foregoing, a firm
34 registered under this section may not have non-licensee owners if the
35 firm's name includes the words "certified public accountant," or "certi-
36 fied public accountants," or the abbreviations "CPA" or "CPAs." Each
37 non-licensee owner of a firm that is incorporated under this section
38 shall be (1) a natural person who actively participates in the business
39 of the firm or its affiliated entities, or (2) an entity, including, but
40 not limited to, a partnership or professional corporation, provided each
41 beneficial owner of an equity interest in such entity is a natural
42 person who actively participates in the business conducted by the firm
43 or its affiliated entities. For purposes of this subdivision, "actively
44 participate" means to provide services to clients or to otherwise indi-
45 vidually take part in the day-to-day business or management of the firm.
46 § 12. Subdivision (h) of section 121-101 of the partnership law, as
47 added by chapter 950 of the laws of 1990, is amended to read as follows:
48 (h) "Limited partnership" and "domestic limited partnership" mean,
49 unless the context otherwise requires, a partnership (i) formed by two
50 or more persons pursuant to this article or which complies with subdivi-
51 sion (a) of section 121-1202 of this article and (ii) having one or more
52 general partners and one or more limited partners. Notwithstanding any
53 other provisions of law a limited partnership or domestic limited part-
54 nership formed to lawfully engage in the practice of public accountancy,
55 as such practice is respectively defined under article 149 of the educa-
56 tion law shall be required to show (1) that a simple majority of the

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

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

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

1 licensed pursuant to article 154 of the education law to practice
2 licensed clinical social work in this state. With respect to a profes-
3 sional service limited liability company formed to provide creative arts
4 therapy services as such services are defined in article 163 of the
5 education law, each member of such limited liability company must be
6 licensed pursuant to article 163 of the education law to practice crea-
7 tive arts therapy in this state. With respect to a professional service
8 limited liability company formed to provide marriage and family therapy
9 services as such services are defined in article 163 of the education
10 law, each member of such limited liability company must be licensed
11 pursuant to article 163 of the education law to practice marriage and
12 family therapy in this state. With respect to a professional service
13 limited liability company formed to provide mental health counseling
14 services as such services are defined in article 163 of the education
15 law, each member of such limited liability company must be licensed
16 pursuant to article 163 of the education law to practice mental health
17 counseling in this state. With respect to a professional service limited
18 liability company formed to provide psychoanalysis services as such
19 services are defined in article 163 of the education law, each member of
20 such limited liability company must be licensed pursuant to article 163
21 of the education law to practice psychoanalysis in this state. With
22 respect to a professional service limited liability company formed to
23 provide applied behavior analysis services as such services are defined
24 in article 167 of the education law, each member of such limited liabil-
25 ity company must be licensed or certified pursuant to article 167 of the
26 education law to practice applied behavior analysis in this state.

27 Notwithstanding any other provisions of law a professional service
28 limited liability company formed to lawfully engage in the practice of
29 public accountancy, as such practice is respectively defined under arti-
30 cle 149 of the education law shall be required to show (1) that a simple
31 majority of the ownership of the firm, in terms of financial interests,
32 including ownership-based compensation, and voting rights held by the
33 firm's owners, belongs to individuals licensed to practice public
34 accountancy in some state, and (2) that all members of a limited profes-
35 sional service limited liability company, whose principal place of busi-
36 ness is in this state, and who are engaged in the practice of public
37 accountancy in this state, hold a valid license issued under section
38 7404 of the education law or are public accountants licensed under
39 section 7405 of the education law. Although firms may include non-licen-
40 see owners, the firm and its owners must comply with rules promulgated
41 by the state board of regents. Notwithstanding the foregoing, a firm
42 registered under this section may not have non-licensee owners if the
43 firm's name includes the words "certified public accountant," or "certi-
44 fied public accountants," or the abbreviations "CPA" or "CPAs." Each
45 non-licensee owner of a firm that is registered under this section shall
46 be (1) a natural person who actively participates in the business of the
47 firm or its affiliated entities, or (2) an entity, including, but not
48 limited to, a partnership or professional corporation, provided each
49 beneficial owner of an equity interest in such entity is a natural
50 person who actively participates in the business conducted by the firm
51 or its affiliated entities. For purposes of this subdivision, "actively
52 participate" means to provide services to clients or to otherwise indi-
53 vidually take part in the day-to-day business or management of the firm.

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

1 (a) "Foreign professional service limited liability company" means a
2 professional service limited liability company, whether or not denomi-
3 nated as such, organized under the laws of a jurisdiction other than
4 this state, (i) each of whose members and managers, if any, is a profes-
5 sional authorized by law to render a professional service within this
6 state and who is or has been engaged in the practice of such profession
7 in such professional service limited liability company or a predecessor
8 entity, or will engage in the practice of such profession in the profes-
9 sional service limited liability company within thirty days of the date
10 such professional becomes a member, or each of whose members and manag-
11 ers, if any, is a professional at least one of such members is author-
12 ized by law to render a professional service within this state and who
13 is or has been engaged in the practice of such profession in such
14 professional service limited liability company or a predecessor entity,
15 or will engage in the practice of such profession in the professional
16 service limited liability company within thirty days of the date such
17 professional becomes a member, or (ii) authorized by, or holding a
18 license, certificate, registration or permit issued by the licensing
19 authority pursuant to, the education law to render a professional
20 service within this state; except that all members and managers, if any,
21 of a foreign professional service limited liability company that
22 provides health services in this state shall be licensed in this state.
23 With respect to a foreign professional service limited liability company
24 which provides veterinary services as such services are defined in arti-
25 cle 135 of the education law, each member of such foreign professional
26 service limited liability company shall be licensed pursuant to article
27 135 of the education law to practice veterinary medicine. With respect
28 to a foreign professional service limited liability company which
29 provides medical services as such services are defined in article 131 of
30 the education law, each member of such foreign professional service
31 limited liability company must be licensed pursuant to article 131 of
32 the education law to practice medicine in this state. With respect to a
33 foreign professional service limited liability company which provides
34 dental services as such services are defined in article 133 of the
35 education law, each member of such foreign professional service limited
36 liability company must be licensed pursuant to article 133 of the educa-
37 tion law to practice dentistry in this state. With respect to a foreign
38 professional service limited liability company which provides profes-
39 sional engineering, land surveying, geologic, architectural and/or land-
40 scape architectural services as such services are defined in article
41 145, article 147 and article 148 of the education law, each member of
42 such foreign professional service limited liability company must be
43 licensed pursuant to article 145, article 147 and/or article 148 of the
44 education law to practice one or more of such professions in this state.
45 With respect to a foreign professional service limited liability company
46 which provides public accountancy services as such services are defined
47 in article 149 of the education law, each member of such foreign profes-
48 sional service limited liability company whose principal place of busi-
49 ness is in this state and who provides public accountancy services,
50 shall be licensed pursuant to article 149 of the education law to prac-
51 tice public accountancy in this state. With respect to a foreign profes-
52 sional service limited liability company which provides licensed clin-
53 ical social work services as such services are defined in article 154 of
54 the education law, each member of such foreign professional service
55 limited liability company shall be licensed pursuant to article 154 of
56 the education law to practice clinical social work in this state. With

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

55 § 15. This act shall take effect immediately.

1

PART C

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

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

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

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

28 § 3. The vehicle and traffic law is amended by adding a new section
29 1118 to read as follows:

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

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

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

1 shall be liable for a penalty imposed pursuant to this section where the
2 operator of such vehicle has been convicted of the underlying violation
3 of subdivision (a) of section eleven hundred seventy-four of this title.

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

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

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

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

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

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

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

1 this section, the registration number of the vehicle involved in such
2 violation, the location where such violation took place, the date and
3 time of such violation and the identification number of the camera which
4 recorded the violation or other document locator number.

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

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

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

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

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

55 (k) 1. If the owner liable for a violation of subdivision (a) of
56 section eleven hundred seventy-four of this title pursuant to this

1 section was not the operator of the vehicle at the time of the
 2 violation, the owner may maintain an action for indemnification against
 3 the operator.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9 § 5. This act shall take effect immediately.

10

PART D

11 Section 1. This act shall be known and may be cited as the "Senator
12 Jose R. Peralta New York State DREAM Act".

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

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

17 a. (i) Except as provided in subdivision two of section six hundred
18 seventy-four of this part and subparagraph (ii) of this paragraph, an
19 applicant for an award at the undergraduate level of study must either
20 [~~(i)~~] (a) have been a legal resident of the state for at least one year
21 immediately preceding the beginning of the semester, quarter or term of
22 attendance for which application for assistance is made, or [~~(ii)~~] (b)
23 be a legal resident of the state and have been a legal resident during
24 his or her last two semesters of high school either prior to graduation,
25 or prior to admission to college. Provided further that persons shall be
26 eligible to receive awards under section six hundred sixty-eight or
27 section six hundred sixty-nine of this part who are currently legal
28 residents of the state and are otherwise qualified.

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

37 (a) attended a registered New York state high school for two or more
38 years, graduated from a registered New York state high school, lived
39 continuously in New York state while attending an approved New York
40 state high school, applied for attendance at the institution of higher
41 education for the undergraduate study for which an award is sought, and
42 attended within five years of receiving a New York state high school
43 diploma; or

44 (b) attended an approved New York state program for a state high
45 school equivalency diploma, lived continuously in New York state while
46 attending an approved New York state program for a general equivalency
47 diploma, received a state high school equivalency diploma, subsequently
48 applied for attendance at the institution of higher education for the
49 undergraduate study for which an award is sought, earned admission based
50 on that general equivalency diploma, and attended the institution of
51 higher education for the undergraduate study for which an award is
52 sought within five years of receiving a state high school equivalency
53 diploma; or

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

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

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

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

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

32 (a) attended a registered New York state high school for two or more
33 years, graduated from a registered New York state high school, lived
34 continuously in New York state while attending an approved New York
35 state high school, applied for attendance at the institution of higher
36 education for the graduate study for which an award is sought, and
37 attended within ten years of receiving a New York state high school
38 diploma; or

39 (b) attended an approved New York state program for a state high
40 school equivalency diploma, lived continuously in New York state while
41 attending an approved New York state program for a general equivalency
42 diploma, received a state high school equivalency diploma, subsequently
43 applied for attendance at the institution of higher education for the
44 graduate study for which an award is sought, and attended the institu-
45 tion of higher education for the graduate study for which an award is
46 sought within ten years of receiving a state high school equivalency
47 diploma; or

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

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

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

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

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

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

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

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

28 (i) attended an approved New York high school for two or more years,
29 graduated from an approved New York high school, lived continuously in
30 New York state while attending an approved New York high school, and
31 applied for attendance [~~at~~] and attended an institution or educational
32 unit of the state university within five years of receiving a New York
33 state high school diploma; or

34 (ii) attended an approved New York state program for general equiv-
35 alency diploma exam preparation, received a general equivalency diploma
36 issued within New York state, lived continuously in New York state while
37 attending an approved New York state program for general equivalency
38 diploma exam preparation, and subsequently applied for attendance [~~at~~],
39 earned admission based on that general equivalency diploma, and attended
40 an institution or educational unit of the state university within five
41 years of receiving a general equivalency diploma issued within New York
42 state; or

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

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

52 (ii) attended an approved New York state program for general equiv-
53 alency diploma exam preparation, received a general equivalency diploma
54 issued within New York state, lived continuously in New York state while
55 attending an approved New York state program for general equivalency
56 diploma exam preparation, and subsequently applied for attendance [~~at~~],

1 earned admission based on that general equivalency diploma, and attended
2 an institution or educational unit of the city university within five
3 years of receiving a general equivalency diploma issued within New York
4 state; or

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

9 (a) The board of trustees shall establish positions, departments,
10 divisions and faculties; appoint and in accordance with the provisions
11 of law fix salaries of instructional and non-instructional employees
12 therein; establish and conduct courses and curricula; prescribe condi-
13 tions of student admission, attendance and discharge; and shall have the
14 power to determine in its discretion whether tuition shall be charged
15 and to regulate tuition charges, and other instructional and non-in-
16 structional fees and other fees and charges at the educational units of
17 the city university. The trustees shall review any proposed community
18 college tuition increase and the justification for such increase. The
19 justification provided by the community college for such increase shall
20 include a detailed analysis of ongoing operating costs, capital, debt
21 service expenditures, and all revenues. The trustees shall not impose a
22 differential tuition charge based upon need or income. All students
23 enrolled in programs leading to like degrees at the senior colleges
24 shall be charged a uniform rate of tuition, except for differential
25 tuition rates based on state residency. Notwithstanding any other
26 provision of this paragraph, the trustees may authorize the setting of a
27 separate category of tuition rate, that shall be greater than the
28 tuition rate for resident students and less than the tuition rate for
29 non-resident students, only for students enrolled in distance learning
30 courses who are not residents of the state. The trustees shall further
31 provide that the payment of tuition and fees by any student who is not a
32 resident of New York state, other than a non-immigrant alien within the
33 meaning of paragraph (15) of subsection (a) of section 1101 of title 8
34 of the United States Code, shall be paid at a rate or charge no greater
35 than that imposed for students who are residents of the state if such
36 student:

37 (i) attended an approved New York high school for two or more years,
38 graduated from an approved New York high school, lived continuously in
39 New York state while attending an approved New York high school, and
40 applied for attendance [~~at~~] and attended an institution or educational
41 unit of the city university within five years of receiving a New York
42 state high school diploma; or

43 (ii) attended an approved New York state program for general equiv-
44 alency diploma exam preparation, received a general equivalency diploma
45 issued within New York state, lived continuously in New York state while
46 attending an approved New York state program for general equivalency
47 diploma exam preparation, and subsequently applied for attendance [~~at~~],
48 earned admission based on that general equivalency diploma, and attended
49 an institution or educational unit of the city university within five
50 years of receiving a general equivalency diploma issued within New York
51 state; or

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

1 A student without lawful immigration status shall also be required to
2 file an affidavit with such institution or educational unit stating that
3 the student has filed an application to legalize his or her immigration
4 status, or will file such an application as soon as he or she is eligi-
5 ble to do so. The trustees shall not adopt changes in tuition charges
6 prior to the enactment of the annual budget. The board of trustees may
7 accept as partial reimbursement for the education of veterans of the
8 armed forces of the United States who are otherwise qualified such sums
9 as may be authorized by federal legislation to be paid for such educa-
10 tion. The board of trustees may conduct on a fee basis extension courses
11 and courses for adult education appropriate to the field of higher
12 education. In all courses and courses of study it may, in its
13 discretion, require students to pay library, laboratory, locker, break-
14 age and other instructional and non-instructional fees and meet the cost
15 of books and consumable supplies. In addition to the foregoing fees and
16 charges, the board of trustees may impose and collect fees and charges
17 for student government and other student activities and receive and
18 expend them as agent or trustee.

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

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

32 (i) attended an approved New York high school for two or more years,
33 graduated from an approved New York high school, lived continuously in
34 New York state while attending an approved New York high school, and
35 applied for attendance [~~at an institution or educational unit of the~~
36 ~~state university~~] and attended a community college within five years of
37 receiving a New York state high school diploma; or

38 (ii) attended an approved New York state program for general equiv-
39 alency diploma exam preparation, received a general equivalency diploma
40 issued within New York state, lived continuously in New York state while
41 attending an approved New York state program for general equivalency
42 diploma exam preparation, and subsequently applied for attendance [~~at an~~
43 ~~institution or educational unit of the state university~~], earned admis-
44 sion based on that general equivalency diploma, and attended a community
45 college within five years of receiving a general equivalency diploma
46 issued within New York state; or

47 (iii) was enrolled in [~~an institution or educational unit of the state~~
48 ~~university~~] a community college in the fall semester or quarter of the
49 two thousand one--two thousand two academic year and was authorized by
50 such [~~institution or educational unit~~] community college to pay tuition
51 at the rate or charge imposed for students who are residents of the
52 state.

53 Provided, further, that a student without lawful immigration status
54 shall also be required to file an affidavit with such [~~institution or~~
55 ~~educational unit~~] community college stating that the student has filed

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

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

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

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

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

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

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

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

51 (ii) An applicant who is not a legal resident of the state eligible
52 pursuant to subparagraph (i) of this paragraph, but is a United States
53 citizen, an alien lawfully admitted for permanent residence in the
54 United States, an individual of a class of refugees paroled by the
55 attorney general of the United States under his or her parole authority
56 pertaining to the admission of aliens to the United States, or an appli-

1 cant without lawful immigration status shall be eligible for an award at
2 the undergraduate level of study provided that the student:

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

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

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

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

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

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

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

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

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

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

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

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

25 § 15. Subparagraph (i) of paragraph a of subdivision 2 of section
26 695-e of the education law, as amended by chapter 593 of the laws of
27 2003, is amended to read as follows:

28 (i) the name, address and social security number ~~[e#]~~, employer iden-
29 tification number, or individual taxpayer identification number of the
30 account owner unless a family tuition account that was in effect prior
31 to the effective date of the chapter of the laws of two thousand nine-
32 teen that amended this subparagraph does not allow for a taxpayer iden-
33 tification number, in which case a taxpayer identification number shall
34 be allowed upon the expiration of the contract;

35 § 16. Subparagraph (iii) of paragraph a of subdivision 2 of section
36 695-e of the education law, as amended by chapter 593 of the laws of
37 2003, is amended to read as follows:

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

45 § 17. The president of the higher education services corporation shall
46 establish an application form and procedures that shall allow a student
47 applicant that meets the requirements set forth in subparagraph (ii) of
48 paragraph a or subparagraph (ii) of paragraph b of subdivision 5 of
49 section 661 of the education law to apply directly to the higher educa-
50 tion services corporation for applicable awards without having to submit
51 information to any other state or federal agency. All information
52 contained with the applications filed with such corporation shall be
53 deemed confidential, except that the corporation shall be entitled to
54 release information to participating institutions as necessary for the
55 administration of financial aid programs and to the extent required

1 pursuant to article 6 of the public officers law or otherwise required
2 by law.

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

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

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

16 b. the president of the higher education services corporation shall
17 notify the legislative bill drafting commission upon the occurrence of
18 the issuance of regulations and the development of an application form
19 provided for in this section in order that the commission may maintain
20 an accurate and timely effective data base of the official text of the
21 laws of the state of New York in furtherance of effectuating the
22 provisions of section 44 of the legislative law and section 70-b of the
23 public officers law.

24 PART E

25 Section 1. This act shall be known and be cited as the "For-Profit
26 College Accountability Act".

27 § 2. The education law is amended by adding a new section 239-c to
28 read as follows:

29 § 239-c. Standards for for-profit higher education institutions. 1.
30 For the purposes of this section a "proprietary institution of higher
31 education" means a school that:

32 (a) (i) provides an eligible program of training to prepare students
33 for gainful employment in a recognized occupation; or

34 (ii) provides a program leading to an associates or baccalaureate
35 degree;

36 (b) is legally authorized in New York state to provide a program of
37 education beyond secondary education; and

38 (c) is neither a public or nonprofit institution.

39 2. (a) Commencing in the two thousand nineteen--two thousand twenty
40 academic year and thereafter, a proprietary institution of higher educa-
41 tion, shall derive not less than twenty percent of such institution's
42 annual revenues from sources other than the combined revenues from
43 limited revenue sources as defined in subparagraph (i) of this para-
44 graph.

45 (i) For the purposes of this subdivision "limited revenue sources"
46 means: (A) the tuition assistance program pursuant to section six
47 hundred sixty-seven of this title;

48 (B) the enhanced tuition award pursuant to section six hundred sixty-
49 seven-d of this title;

50 (C) all federal student loan and grant programs authorized under
51 Subchapter IV of Chapter 28 of Title 20 of the United States Code; and

52 (D) any other local, state, or federal government loan, grant, or
53 scholarship program utilized to pay tuition, institutional fees, room

1 and board, or other costs of attendance on behalf of a student or
2 students utilizing public funds.

3 (ii) For purposes of this subdivision "limited revenue sources" shall
4 not include:

5 (A) the amount of funds the institution received from private or non-
6 government sources;

7 (B) the amount of funds received by students in the form of direct
8 payment;

9 (C) the amount of funds provided by the institution as matching funds
10 for a limited revenue source;

11 (D) interest or investment income;

12 (E) the amount of funds provided by the institution for a limited
13 revenue source that are required to be refunded or returned; and

14 (F) the amount charged for books, supplies, and equipment, unless the
15 institution includes that amount as tuition, fees, or other institu-
16 tional charges.

17 (iii) For purposes of this subdivision, institutional aid provided to
18 students by the institution shall not be included within the calculation
19 of annual revenues.

20 (b) A proprietary institution of higher education that fails to meet
21 the requirement of paragraph (a) of this subdivision for two consecutive
22 academic years shall be ineligible to enroll new students participating
23 in any program authorized under this chapter for a period of not less
24 than two academic years, commencing with the academic year immediately
25 following the year in which the institution's financial statement demon-
26 strating failure to meet the requirement for the second consecutive
27 academic year is submitted to the commissioner pursuant to subdivision
28 four of this section. To regain eligibility to enroll new students
29 participating in the programs authorized under this chapter, a proprie-
30 tary institution of higher education shall demonstrate compliance with
31 paragraph (a) of this subdivision for a minimum of two academic years
32 after the academic year in which the institution became ineligible.

33 3. On or before September first, a proprietary institution of higher
34 education shall annually submit to the commissioner and the commissioner
35 shall publish on the department's website a detailed financial statement
36 disclosing the institution's revenues and expenditures for the prior
37 academic year and shall disclose the sources of revenue by type as well
38 as types of expenditures. Such statement shall also include a listing of
39 the total individual compensation from the institution to all officers,
40 directors, board members, trustees, shareholders, members, owners, and
41 senior administrators, including all fringe benefits, bonuses, and
42 performance incentives paid in the prior academic year. Such statement
43 shall adhere to generally accepted accounting principles and shall be
44 certified by an independent certified public accountant and certified by
45 the president of the institution. Such statement shall be submitted in a
46 form and manner as determined by the commissioner.

47 4. No proprietary institution of higher education shall permit any
48 senior staff or board member of the institution to serve on the board of
49 any regional or national accrediting agency or association which is an
50 accreditor of the institution.

51 5. No proprietary institution of higher education shall include any
52 provision requiring arbitration of disputes within any student enroll-
53 ment contract or agreement.

54 6. (a) Commencing in the two thousand nineteen--two thousand twenty
55 academic year and thereafter, no less than fifty percent of a proprie-

1 tary institution of higher education's annual expenditures shall be made
2 in the area of student instruction.

3 (b) for the purposes of this subdivision "student instruction" means
4 expenditures for salaries, fringe benefits, professional development
5 expenses, and other payments made to instructors related to classroom
6 instruction. Such term does not include expenditures for staff training
7 required under state or federal laws, or for student recruitment,
8 marketing, direct mailing, or expenses of non-instructional staff.

9 (c) A proprietary institution of higher education that fails to meet
10 the requirement of paragraph (a) of this subdivision for two consecutive
11 academic years shall be ineligible to enroll new students participating
12 in any program authorized under this chapter for a period of not less
13 than two academic years, commencing with the academic year immediately
14 following the year in which the institution's financial statement demon-
15 strating failure to meet the requirement for the second consecutive
16 academic year is submitted to the commissioner pursuant to subdivision
17 four of this section. To regain eligibility to enroll new students
18 participating in the programs authorized under this chapter, a proprie-
19 tary institution of higher education shall demonstrate compliance with
20 paragraph (a) of this subdivision for a minimum of two academic years
21 after the academic year in which the institution became ineligible.

22 7. Failure to comply with the provisions of this section or a direc-
23 tive of the commissioner arising therefrom shall constitute a violation
24 of the laws governing state financial aid programs for the purposes of
25 section six hundred sixty-five-a of this title, and the president of the
26 higher education services corporation shall be authorized to terminate
27 existing agreements with the institution to participate in state finan-
28 cial aid programs and may prohibit participation of the institution in
29 state financial aid programs with respect to students enrolled after the
30 date of termination of such agreements. Further, where a proprietary
31 institution of higher education fails to comply with the provisions of
32 this section or a directive of the commissioner arising therefrom, the
33 commissioner shall be authorized to rescind such institution's authority
34 to enroll new students in academic programs in the state.

35 8. The commissioner is authorized to promulgate rules and regulations,
36 and may promulgate emergency regulations, necessary for the implementa-
37 tion of the provisions of this section.

38 § 3. This act shall take effect immediately.

39 PART F

40 Section 1. Section 97-z of the state finance law, as added by chapter
41 625 of the laws of 1987, subdivision 3 as amended by chapter 83 of the
42 laws of 1995, is amended to read as follows:

43 § 97-z. Arts capital [~~revolving~~] **grants** fund. 1. A special fund to be
44 known as the "arts capital [~~revolving~~] **grants** fund" is hereby estab-
45 lished in the custody of the state comptroller and the commissioner of
46 taxation and finance.

47 2. The fund shall consist of all monies appropriated for its purpose,
48 all monies transferred to such fund pursuant to law, all monies required
49 by this section or any other provision of law to be paid into or credit-
50 ed to the fund[~~, including payments of principal of and interest on~~
51 ~~loans made from the fund~~] and any interest earnings which may accrue
52 from the investment of monies in the fund. Nothing contained herein
53 shall prevent the New York state council on the arts from receiving

1 grants, gifts or bequests for the purposes of the fund as defined in
2 this section and depositing them into the fund according to law.

3 3. Monies of the fund, when allocated, shall be available for adminis-
4 trative costs of the council and to make [~~loans~~] grants to eligible
5 not-for-profit arts organizations as provided in section 3.07 of the
6 arts and cultural affairs law [~~and to pay the reasonable administrative
7 costs of the dormitory authority incurred in monitoring construction on
8 eligible projects and costs associated with contracts with outside enti-
9 ties to disburse loans and receive payments on such loans, as provided
10 in such section~~].

11 4. Monies shall be payable from the fund on the audit and warrant of
12 the comptroller on vouchers approved and certified by the chairman of
13 the New York state council on the arts.

14 § 2. This act shall take effect immediately.

15 PART G

16 Section 1. Notwithstanding any other provision of law, the housing
17 trust fund corporation may provide, for purposes of the neighborhood
18 preservation program, a sum not to exceed \$8,479,000 for the fiscal year
19 ending March 31, 2020. Notwithstanding any other provision of law, and
20 subject to the approval of the New York state director of the budget,
21 the board of directors of the state of New York mortgage agency shall
22 authorize the transfer to the housing trust fund corporation, for the
23 purposes of reimbursing any costs associated with neighborhood preserva-
24 tion program contracts authorized by this section, a total sum not to
25 exceed \$8,479,000, such transfer to be made from (i) the special account
26 of the mortgage insurance fund created pursuant to section 2429-b of the
27 public authorities law, in an amount not to exceed the actual excess
28 balance in the special account of the mortgage insurance fund, as deter-
29 mined and certified by the state of New York mortgage agency for the
30 fiscal year 2018-2019 in accordance with section 2429-b of the public
31 authorities law, if any, and/or (ii) provided that the reserves in the
32 project pool insurance account of the mortgage insurance fund created
33 pursuant to section 2429-b of the public authorities law are sufficient
34 to attain and maintain the credit rating (as determined by the state of
35 New York mortgage agency) required to accomplish the purposes of such
36 account, the project pool insurance account of the mortgage insurance
37 fund, such transfer to be made as soon as practicable but no later than
38 June 30, 2019.

39 § 2. Notwithstanding any other provision of law, the housing trust
40 fund corporation may provide, for purposes of the rural preservation
41 program, a sum not to exceed \$3,539,000 for the fiscal year ending March
42 31, 2020. Notwithstanding any other provision of law, and subject to
43 the approval of the New York state director of the budget, the board of
44 directors of the state of New York mortgage agency shall authorize the
45 transfer to the housing trust fund corporation, for the purposes of
46 reimbursing any costs associated with rural preservation program
47 contracts authorized by this section, a total sum not to exceed
48 \$3,539,000, such transfer to be made from (i) the special account of the
49 mortgage insurance fund created pursuant to section 2429-b of the public
50 authorities law, in an amount not to exceed the actual excess balance in
51 the special account of the mortgage insurance fund, as determined and
52 certified by the state of New York mortgage agency for the fiscal year
53 2018-2019 in accordance with section 2429-b of the public authorities
54 law, if any, and/or (ii) provided that the reserves in the project pool

1 insurance account of the mortgage insurance fund created pursuant to
2 section 2429-b of the public authorities law are sufficient to attain
3 and maintain the credit rating (as determined by the state of New York
4 mortgage agency) required to accomplish the purposes of such account,
5 the project pool insurance account of the mortgage insurance fund, such
6 transfer to be made as soon as practicable but no later than June 30,
7 2019.

8 § 3. This act shall take effect immediately.

9

PART H

10 Section 1. Subparagraph (i) of paragraph (a) of subdivision 1 of
11 section 390 of the social services law, as added by chapter 750 of the
12 laws of 1990, is amended to read as follows:

13 (i) "Child day care" shall mean child care where a license or regis-
14 tration pursuant to this section is required and shall include care for
15 a child on a regular basis provided away from the child's residence for
16 less than twenty-four hours per day by someone other than: (1) the
17 parent, step-parent, guardian, or relative within the third degree of
18 consanguinity of the parents or step-parents of such child; or (2) an
19 enrolled legally-exempt provider as such term is defined in paragraph
20 (g) of this subdivision.

21 § 2. Subdivision 1 of section 390 of the social services law is
22 amended by adding two new paragraphs (g) and (h) to read as follows:

23 (g) "Enrolled legally-exempt provider" shall mean a person or entity
24 that is not required to be licensed or registered pursuant to this
25 section and that is enrolled to provide subsidized child care services
26 to eligible families in accordance with title five-C of this article and
27 the regulations of the office of children and family services.

28 (h) "Relative enrolled legally-exempt provider" shall mean an enrolled
29 legally-exempt provider who is an individual, age eighteen or older, and
30 who, by virtue of blood, marriage or court decree, is, to all of the
31 children that such person is enrolled to provide subsidized child care
32 services to in accordance with title five-C of this article:

33 (i) a grandparent;

34 (ii) a great-grandparent;

35 (iii) a sibling provided that such sibling resides in a separate
36 household from the child;

37 (iv) an aunt; or

38 (v) an uncle.

39 § 3. Paragraph (a) of subdivision 2 of section 390 of the social
40 services law, as amended by chapter 117 of the laws of 2010, is amended
41 to read as follows:

42 (a) Child day care centers caring for seven or more children and group
43 family day care programs, as defined in subdivision one of this section,
44 shall obtain a license from the office of children and family services
45 and shall operate in accordance with the terms of such license and the
46 regulations of such office. Initial licenses [~~shall be valid for a peri-~~
47 ~~od of up to two years,~~] and subsequent licenses shall be valid for a
48 period of up to four years so long as the provider remains substantially
49 in compliance with applicable law and regulations during such period.

50 § 4. Clause (A) of subparagraph (ii) of paragraph (d) of subdivision 2
51 of section 390 of the social services law, as amended by chapter 117 of
52 the laws of 2010, is amended to read as follows:

53 (A) Initial registrations [~~shall be valid for a period of up to two~~
54 ~~years,~~] and subsequent registrations shall be valid for a period of up

1 to four years so long as the provider remains substantially in compli-
2 ance with applicable law and regulations during such period.

3 § 5. Paragraphs (a) and (b) of subdivision 3 of section 390 of the
4 social services law, paragraph (a) as amended by chapter 416 of the laws
5 of 2000, and paragraph (b) as amended by chapter 117 of the laws of
6 2010, are amended to read as follows:

7 (a) The office of children and family services may make announced or
8 unannounced inspections of the records and premises of any child [~~day~~]
9 care provider, whether or not such provider has a license from, or is
10 registered with, the office of children and family services. The office
11 of children and family services shall make unannounced inspections of
12 the records and premises of any child day care provider within fifteen
13 days after the office of children and family services receives a
14 complaint that, if true, would indicate such provider does not comply
15 with the applicable regulations of the office of children and family
16 services or with statutory requirements. If the complaint indicates that
17 there may be imminent danger to the children, the office of children and
18 family services shall investigate the complaint no later than the next
19 day of operation of the provider. The office of children and family
20 services may provide for inspections through the purchase of services.

21 (b) (i) Where inspections have been made and violations of applicable
22 statutes or regulations have been found, the office of children and
23 family services shall within ten days advise the child day care provider
24 in writing of the violations and require the provider to correct such
25 violations. The office of children and family services may also act
26 pursuant to subdivisions ten and eleven of this section.

27 (ii) Where inspections have been made and violations of applicable
28 statutes or regulations have been found, the office of children and
29 family services or its designee shall, within ten days, advise the
30 enrolled legally-exempt provider in writing of the violations and
31 require the provider to correct such violations.

32 § 6. Paragraph (a) of subdivision 4 of section 390 of the social
33 services law, as amended by chapter 416 of the laws of 2000, is amended
34 to read as follows:

35 (a) The office of children and family services on an annual basis
36 shall inspect [~~at least twenty percent of all registered family day care~~
37 ~~homes, registered child day care centers and registered school age child~~
38 ~~care programs to determine whether such homes, centers and programs are~~
39 ~~operating in compliance with applicable statutes and regulations. The~~
40 ~~office of children and family services shall increase the percentage of~~
41 ~~family day care homes, child day care centers and school age child care~~
42 ~~programs which are inspected pursuant to this subdivision as follows: to~~
43 ~~at least thirty percent by the thirty first of December two thousand,~~
44 ~~and to at least fifty percent by the thirty first of December two thou-~~
45 ~~sand one] all child day care programs and all enrolled legally-exempt
46 providers other than relative enrolled legally-exempt providers. The
47 office of children and family services may provide for such inspections
48 through purchase of services. [~~Priority shall be given to family day~~
49 ~~care homes which have never been licensed or certified prior to initial~~
50 ~~registration.]~~~~

51 § 7. Subdivision 3 of section 390-a of the social services law, as
52 added by chapter 416 of the laws of 2000, paragraph (b) as amended by
53 chapter 552 of the laws of 2003, subparagraph (ix) as amended by chapter
54 117 of the laws of 2010, is amended to read as follows:

55 3. (a) The office of children and family services shall promulgate
56 regulations requiring operators, program directors, employees and

1 assistants of family day care homes, group family day care homes,
2 school-age child care programs and child day care centers to receive
3 pre-service and annual training, as applicable. Provided however that
4 such providers shall be required to receive thirty hours of training
5 every two years; provided, further however, that fifteen hours of such
6 training must be received within the first six months of the initial
7 licensure, registration or employment. Such training requirements shall
8 also apply to any volunteer in such day care homes, programs or centers
9 who has the potential for regular and substantial contact with children.
10 The thirty hours of training required during the first biennial cycle
11 after initial licensure or registration shall include training received
12 while an application for licensure or registration pursuant to section
13 three hundred ninety of this title is pending. The office of children
14 and family services may provide this training through purchase of
15 services.

16 (b) The training required in paragraph (a) of this subdivision shall
17 address topics and subject matters required by federal law and the
18 following topics or subject matters, unless such topics or subject
19 matters are substantially covered in training that is required pursuant
20 to federal law:

21 (i) principles of childhood development, focusing on the developmental
22 stages of the age groups for which the program provides care;
23 (ii) nutrition and health needs of infants and children;
24 (iii) child day care program development;
25 (iv) safety and security procedures;
26 (v) business record maintenance and management;
27 (vi) child abuse and maltreatment identification and prevention;
28 (vii) statutes and regulations pertaining to child day care;
29 (viii) statutes and regulations pertaining to child abuse and
30 maltreatment; and
31 (ix) for operators, program directors, employees and assistants of
32 family day care homes, group family day care homes and child day care
33 centers, education and information on the identification, diagnosis and
34 prevention of shaken baby syndrome.

35 (c) For the thirty hours of biennial training required after the
36 initial period of licensure or registration, each provider who can
37 demonstrate basic competency shall determine in which of the specified
38 topics he or she needs further study, based on the provider's experience
39 and the needs of the children in the provider's care.

40 (d) Family day care home and group family day care home operators
41 shall obtain training pertaining to protection of the health and safety
42 of children, as required by regulation, prior to the issuance of a
43 license or registration by the office of children and family services.

44 (e) Upon request by the office of children and family services, the
45 child day care applicant or provider shall submit documentation demon-
46 strating compliance with the training requirements of this section.

47 § 8. The section heading of section 390-b of the social services law,
48 as added by chapter 416 of the laws of 2000, is amended to read as
49 follows:

50 Criminal history review and background clearances of child care
51 providers, generally.

52 § 9. Subdivisions 1, 2 and 3 of section 390-b of the social services
53 law are REPEALED and five new subdivisions 1, 1-a, 2, 3 and 3-a are
54 added to read as follows:

55 1. Notwithstanding any other provision of law to the contrary, and
56 subject to rules and regulations of the office of children and family

1 services and, where applicable, the division of criminal justice
2 services, the following clearances shall be conducted for entities spec-
3 ified in subdivision two of this section in the time and manner as
4 required by this section:

5 (a) a criminal history record check with the division of criminal
6 justice services;

7 (b) a search of the criminal history repository in each state other
8 than New York where such person resides or resided during the preceding
9 five years, if applicable unless such state's criminal history record
10 information will be provided as part of the results or the clearance
11 conducted pursuant to paragraph (c) of this subdivision;

12 (c) a national criminal record check with the federal bureau of inves-
13 tigation; the division of criminal justice services is directed to
14 submit fingerprints to the federal bureau of investigation for the
15 purpose of a nationwide criminal history record check, pursuant to and
16 consistent with public law 113-186 to determine whether such persons
17 shall have a criminal history in any state or federal jurisdiction;

18 (d) a search of the New York state sex offender registry;

19 (e) a search of any state sex offender registry or repository in each
20 state other than New York where such person resides or resided during
21 the preceding five years, if applicable unless such state's sex offender
22 registry information will be provided as part of the clearance conducted
23 pursuant to paragraph (f) of this subdivision;

24 (f) a search of the national sex offender registry using the national
25 crime and information center, established under the Adam Walsh child
26 protection and safety act of 2006 (42 U.S.C. 16901 et seq.);

27 (g) a database check of the statewide central register of child abuse
28 and maltreatment in accordance with section four hundred twenty-four-a
29 of this article; and

30 (h) a search of a state-based child abuse or neglect repository of any
31 state other than New York where such person resides or resided during
32 the preceding five years; if applicable.

33 1-a. For purposes of this section, and in accordance with federal law,
34 the term "enrolled legally-exempt provider" shall refer to a person who
35 meets the definition of "enrolled legally-exempt provider" as defined in
36 paragraph (g) of subdivision one of section three hundred ninety of this
37 title and who is not an individual who is related to all children for
38 whom child care services are provided.

39 2. In relation to any child day care program and any enrolled legal-
40 ly-exempt provider:

41 (a) the clearances required pursuant to paragraphs (a), (c), (d) and
42 (g) of subdivision one of this section shall be conducted for:

43 (i) every prospective volunteer with the potential for unsupervised
44 contact with children in care;

45 (ii) every applicant to become an enrolled legally-exempt provider;

46 (iii) every prospective caregiver or employee, including directors and
47 operators of such a program; and

48 (iv) where the child care services will be or are provided in a home
49 setting where the child does not reside, any individual age eighteen or
50 older who, for a prospective program, resides, or who, for an existing
51 program, begins residing on the premises where the child care services
52 are provided;

53 (b) notwithstanding any other provision of law to the contrary, prior
54 to October first, two thousand twenty, all clearances listed in subdivi-
55 sion one of this section that have not previously been conducted pursu-
56 ant to paragraph (a) of this subdivision and for which on-going criminal

1 history results are not already provided, shall be conducted in accordance with a schedule developed by the office of children and family services, for all:

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4 (i) existing volunteers with the potential for unsupervised contact with children in care;

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6 (ii) existing caregivers and employees including directors and operators of any such program; and

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8 (iii) where the child care services are provided in a home setting where the child does not reside, any individual age eighteen or older who resides on the premises where the child care services are provided;

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11 (c) notwithstanding any other provision of law to the contrary, the clearances required pursuant to this section other than those for which on-going criminal history results are provided, shall be conducted for a person listed in subparagraphs (i), (ii) and (iii) of paragraph (b) of this subdivision at least once every five years in accordance with a schedule developed by the office of children and family services.

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17 3. (a) Notwithstanding any other provision of law to the contrary, in relation to the clearances required pursuant this section, an individual or a program shall be deemed ineligible, as such term is defined in paragraph (b) of this subdivision, if such individual:

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21 (i) refuses to consent to such clearance;

22 (ii) knowingly makes a materially false statement in connection with such a clearance;

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24 (iii) is registered, or is required to be registered, on a state sex offender registry or repository or the national sex offender registry established under the Adam Walsh child protection and safety act of 2006 (42 U.S.C. 16901 et seq.); or

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27 (iv) has been convicted of a crime enumerated in subparagraph (E) or clauses (i) through (viii) of subparagraph (D) of paragraph (1) of subdivision (C) of 42 U.S.C. 9858f.

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31 (b) For purpose of this subdivision, the term "ineligible" shall mean:

32 (i) the individual who engaged in conduct listed in paragraph (a) of this subdivision shall not be permitted to:

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34 (1) operate, direct, be the caregiver for, or be employed by a child day care program or an enrolled legally-exempt provider; or

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36 (2) be a volunteer with the potential for unsupervised contact with children in a child day care program or with an enrolled legally-exempt provider; or

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39 (3) be an enrolled legally-exempt provider; or

40 (ii) in relation to child day care programs or any enrolled legally-exempt providers, where child care is, or is proposed to be provided, to a child in a home setting where such child does not reside, such program or provider shall not be eligible to operate or to be enrolled to serve children receiving child care subsidies pursuant to title five-C of this article, if an individual over the age of eighteen who resides in the household where child care is, or is proposed to be provided, engaged in conduct listed in paragraph (a) of this subdivision.

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48 3-a. (a) In relation to child day care programs and any enrolled legally-exempt provider, when a clearance conducted pursuant to this section reveals that any existing operator, director, caregiver, or person over the age of eighteen that resides in a home where child care is provided in a home setting where the child does not reside has been convicted of a crime other than one set forth in subparagraph (iv) of paragraph (a) of subdivision three of this section, the office of children and family services shall conduct a safety assessment of the program and take all appropriate steps to protect the health and safety

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1 of the children in the program, and may deny, limit, suspend, revoke or
2 reject such program's license or registration or terminate or reject
3 such program's enrollment, as applicable, unless the office of children
4 and family services, determines in its discretion, that continued opera-
5 tion by the child day care program or enrolled legally-exempt provider
6 will not in any way jeopardize the health, safety or welfare of the
7 children cared for in the program or by the provider.

8 (b) In relation to child day care programs and any enrolled legally-
9 exempt provider, when a clearance conducted pursuant to this section
10 reveals that any existing employee or volunteer with the potential for
11 unsupervised contact with children has been convicted of a crime other
12 than one set forth in subparagraph (iv) of paragraph (a) of subdivision
13 three of this section, the office of children of family services shall
14 conduct a safety assessment of the program and take all appropriate
15 steps to protect the health and safety of the children in the program.
16 The office of children of family services may direct the program or
17 provider to terminate the employee or volunteer based on such a
18 conviction, consistent with article twenty-three-A of the correction
19 law.

20 (c) In relation to any child day care programs and any enrolled legal-
21 ly-exempt providers or any applicants to become an enrolled legally-ex-
22 empt provider, where a clearance conducted pursuant to this section
23 reveals a conviction for a crime other than one set forth in subpara-
24 graph (iv) of paragraph (a) of subdivision three of this section, for
25 any prospective employee, volunteer, or applicant seeking enrollment,
26 the office of children and family services may direct that such person
27 not be hired or be enrolled, as applicable, based on such a conviction,
28 consistent with article twenty-three-A of the correction law.

29 (d) (i) Where a clearance conducted pursuant to this section reveals
30 that an applicant to be the operator or director of a child day care
31 program, or anyone who resides in the home over the age of eighteen
32 where child day care is proposed to be provided to children in a home-
33 based setting has been charged with a crime, the office of children and
34 family services shall hold the application in abeyance until the charge
35 is finally resolved.

36 (ii) Where a clearance conducted pursuant to this section reveals that
37 the current operator or director of a child day care program or any
38 person over the age of eighteen that resides in a home where child day
39 care is provided has been charged with a crime, the office of children
40 and family services shall conduct a safety assessment of the program and
41 take all appropriate steps to protect the health and safety of children
42 in the program. The office of children and family services may suspend a
43 license or registration or terminate enrollment based on such a charge
44 when necessary to protect the health and safety of children in the
45 program.

46 (iii) Where a clearance conducted pursuant to this section reveals
47 that an existing caregiver, volunteer or an existing employee of an
48 enrolled legally-exempt provider or any person over the age of eighteen
49 that resides in a home where child care is provided by an enrolled
50 legally-exempt provider in a home setting where the child does not
51 reside, has been charged with a crime, the office of children and family
52 services shall take one or more of the following steps:

53 (A) conduct a safety assessment; or

54 (B) take all appropriate steps to protect the health and safety of
55 children in the program.

1 (iv) Where a clearance conducted pursuant to this section reveals that
2 an applicant to be an employee or volunteer with the potential for unsu-
3 pervised contact with children of a child day care program has been
4 charged with a crime, the office shall hold the application in abeyance
5 until the charge is finally resolved.

6 (v) Where a clearance conducted pursuant to this section reveals that
7 a current employee, or current volunteer with the potential for unsuper-
8 vised contact with children of a child day care program or enrolled
9 legally-exempt provider has been charged with a crime, the office of
10 children and family services shall conduct a safety assessment of the
11 program and take all appropriate steps to protect the health and safety
12 of the children in the program.

13 § 10. Subdivision 6 of section 390-b of the social services law is
14 REPEALED and a new subdivision 6 is added to read as follows:

15 6. The office of children and family services shall pay any required
16 processing fee for a criminal history or sex offender clearance pursuant
17 to this section. The office of children and family services shall
18 promptly submit fingerprints obtained pursuant to this section and such
19 processing fee to the division of criminal justice services.

20 § 11. Subdivision 7 of section 390-b of the social services law, as
21 added by chapter 416 of the laws of 2000, is amended to read as follows:

22 7. Where the office of children and family services or its designee
23 denies or directs a child day care or an enrolled legally-exempt provid-
24 er to deny an application based on the criminal history record^[7]; (a)
25 the provider must notify the applicant that such record is the basis of
26 the denial; and (b) the office of children and family services shall
27 also notify as the case may be, such current or prospective operator,
28 director, employee, assistant, legally exempt provider, volunteer with
29 the potential for unsupervised contact with children or other person
30 eighteen years of age or older, who resides in the home where care is
31 provided, other than the child's home, that the criminal record check
32 was the basis for the denial of clearance and shall provide such indi-
33 vidual with a copy of the results of the national criminal record check
34 upon which such denial was based together with a written statement
35 setting forth the reasons for such denial, as well as a copy of article
36 twenty-three-A of the correction law and inform such individual of his
37 or her right to seek correction of any incorrect information contained
38 in such national record check provided by the federal bureau of investi-
39 gation.

40 § 12. Subdivisions 9 and 10 of section 390-b of the social services
41 law, as added by chapter 416 of the laws of 2000, are amended and a new
42 subdivision 11 is added to read as follows:

43 9. (a) Any criminal history record provided by the division of crimi-
44 nal justice services, and any summary of the criminal history record
45 provided by the office of children and family services to a [~~child-day~~
46 ~~care provider~~] person that receives a clearance pursuant to this
47 section, is confidential and shall not be available for public
48 inspection; provided, however, nothing herein shall prevent [~~a child-day~~
49 ~~care provider or~~] the office of children and family services from
50 disclosing criminal history information or the individual from disclos-
51 ing his or her criminal history information at any administrative or
52 judicial proceeding relating to the denial or revocation of an applica-
53 tion, employment, license or registration. The subject of a criminal
54 history review conducted pursuant to this section shall be entitled to
55 receive, upon written request, a copy of the summary of the criminal
56 history record [~~provided by the office of children and family services~~

1 ~~to the child day care provider~~]. Unauthorized disclosure of such
2 records or reports shall be subject [~~the provider~~] to civil penalties in
3 accordance with the provisions of subdivision eleven of section three
4 hundred ninety of this title.

5 (b) The office of children and family services shall not release the
6 content of the results of the nationwide criminal history record check
7 conducted by the federal bureau of investigation in accordance with this
8 subdivision to any non-public entity.

9 10. A child day care or enrolled legally-exempt provider shall advise
10 the office of children and family services when an individual who is
11 subject to criminal history record review in accordance with subdivision
12 one or two of this section is no longer subject to such review. The
13 office of children and family services shall inform the division of
14 criminal justice services when an individual who is subject to criminal
15 history review is no longer subject to such review so that the division
16 of criminal justice services may terminate its retain processing with
17 regard to such person. At least once a year, the office of children and
18 family services will be required to conduct a validation of the records
19 maintained by the division of criminal justice services.

20 11. Child day care centers which are not subject to the provisions of
21 section three hundred ninety of this title shall not be subject to the
22 provisions of this section, provided however, that the city of New York
23 shall require that such child day care centers meet the requirements of
24 any federal laws and regulations pertaining to the child care develop-
25 ment and block grant and the related federally approved plans of the
26 state of New York.

27 § 13. Subparagraph (z) of paragraph (A) of subdivision 4 of section
28 422 of the social services law, as amended by section 11 of part L of
29 chapter 56 of the laws of 2015, is amended to read as follows:

30 (z) an entity with appropriate legal authority in another state to
31 license, certify or otherwise approve prospective foster parents,
32 prospective adoptive parents, prospective relative guardians [~~or~~],
33 prospective successor guardians or child care program where disclosure
34 of information regarding such prospective foster or prospective adoptive
35 parents or prospective relative or prospective successor guardians and
36 other persons over the age of eighteen residing in the home of such
37 persons [~~is~~] or where child care is provided, as required under either
38 title IV-E of the federal social security act or the federal child care
39 and development block grant act (section nine thousand eight hundred
40 fifty-eight, et seq. of title forty-two of the United States Code); and

41 § 14. Paragraph (a) of subdivision 1 of section 424-a of the social
42 services law, as amended by section 12 of part L of chapter 56 of the
43 laws of 2015, is amended to read as follows:

44 (a) A licensing agency shall inquire of the [~~department~~] office of
45 children and family services and the [~~department~~] office shall, subject
46 to the provisions of paragraph (e) of this subdivision, inform such
47 agency and the subject of the inquiry whether an applicant for a certifi-
48 cate, license, enrollment or permit, [~~assistants to group~~] or to become
49 an employee or volunteer with the potential for unsupervised contact
50 with children in care of a family day care [~~providers~~] provider or an
51 enrolled legally-exempt provider as such term is defined in subdivision
52 one-a of section three hundred ninety-b of this article the director of
53 a camp subject to the provisions of article thirteen-B of the public
54 health law, a prospective successor guardian when a clearance is
55 conducted pursuant to paragraph (d) of subdivision two of section four
56 hundred fifty-eight-b of this article, and any person over the age of

1 eighteen who resides in the home of a person who has applied to become
2 an adoptive parent or a foster parent or to operate a family day care
3 home or group family day care home or any person over the age of eigh-
4 teen residing in the home of a prospective successor guardian when a
5 clearance is conducted of a prospective successor guardian pursuant to
6 this paragraph, or any person age eighteen or older that resides on the
7 premises of where child care is provided in a setting that is not the
8 child's own home by an enrolled legally-exempt provider as such term is
9 defined in subdivision one-a of section three hundred ninety-b of this
10 article has been or is currently the subject of an indicated child abuse
11 and maltreatment report on file with the statewide central register of
12 child abuse and maltreatment.

13 § 15. Subdivision 4 of section 424-a of the social services law, as
14 amended by section 14 of part L of chapter 56 of the laws of 2015, is
15 amended to read as follows:

16 4. For purposes of this section, the term "licensing agency" shall
17 mean an authorized agency which has received an application to become an
18 adoptive parent or an authorized agency which has received an applica-
19 tion for a certificate or license to receive, board or keep any child
20 pursuant to the provisions of section three hundred seventy-six or three
21 hundred seventy-seven of this article or an authorized agency which has
22 received an application from a relative within the second degree or
23 third degree of consanguinity of the parent of a child or a relative
24 within the second degree or third degree of consanguinity of the step-
25 parent of a child or children, or the child's legal guardian for
26 approval to receive, board or keep such child, or an authorized agency
27 that conducts a clearance pursuant to paragraph (d) of subdivision two
28 of section four hundred fifty-eight-b of this article, or a state or
29 local governmental agency which receives an application to provide child
30 day care services in a child day care center, school-age child care
31 program, family day care home or group family day care home or enrolled
32 legally-exempt provider as such term is defined in subdivision one-a of
33 section three hundred ninety-b of this article pursuant to the
34 provisions of section three hundred ninety of this article, or the
35 department of health and mental hygiene of the city of New York, when
36 such department receives an application for a certificate of approval to
37 provide child day care services in a child day care center pursuant to
38 the provisions of the health code of the city of New York, or the office
39 of mental health or the office for people with developmental disabili-
40 ties when such office receives an application for an operating certif-
41 icate pursuant to the provisions of the mental hygiene law to operate a
42 family care home, or a state or local governmental official who receives
43 an application for a permit to operate a camp which is subject to the
44 provisions of article thirteen-B of the public health law or the office
45 of children and family services which has received an application for a
46 certificate to receive, board or keep any child at a foster family home
47 pursuant to articles nineteen-G and nineteen-H of the executive law or
48 any other facility or provider agency, as defined in subdivision four of
49 section four hundred eighty-eight of this chapter, in regard to any
50 licensing or certification function carried out by such facility or
51 agency.

52 § 16. Severability. If any clause, sentence, paragraph, subdivision,
53 section or part contained in any part of this act shall be adjudged by
54 any court of competent jurisdiction to be invalid, such judgment shall
55 not affect, impair, or invalidate the remained thereof, but shall by
56 confined in its operation to the clause, sentence, paragraph, subdivi-

1 sion, section or part contained in any part thereof directly involved in
2 the controversy in which such judgment shall have been rendered. It is
3 hereby declared to be the intent of the legislature that this act would
4 have been enacted even if such invalid provisions had not be included
5 herein.

6 § 17. This act shall take effect immediately; provided, however that
7 sections one, two, eight, nine, ten, eleven, twelve, thirteen, fourteen
8 and fifteen of this act shall take effect September 1, 2019; and
9 provided, further that sections three, four, five and six of this act
10 shall take effect September 30, 2019; and provided, further, that the
11 office of children and family services is authorized to promulgate any
12 rules or regulations necessary for the implementation of this act on its
13 effective date.

14 PART I

15 Section 1. Subdivision 1 of section 378-a of the social services law,
16 as amended by chapter 83 of the laws of 2013, is amended to read as
17 follows:

18 1. (a) Every authorized agency which operates a residential program
19 for children licensed or certified by the office of children and family
20 services, and the office of children and family services in relation to
21 any juvenile justice program it operates, shall request that the justice
22 center for the protection of people with special needs check, and upon
23 such request, such justice center shall request and shall be authorized
24 to receive from the division of criminal justice services and the feder-
25 al bureau of investigation criminal history information, as such phrase
26 is defined in paragraph (c) of subdivision one of section eight hundred
27 forty-five-b of the executive law concerning each prospective operator,
28 employee or volunteer of such a residential program who will have regu-
29 lar and substantial unsupervised or unrestricted physical contact with
30 children in such program.

31 (b) Every authorized agency that operates a residential program for
32 foster children that is licensed or certified by the office of children
33 and family services shall request that the justice center for the
34 protection of people with special needs check, and upon such request,
35 such justice center shall request and shall be authorized to receive
36 from the division of criminal justice services and the federal bureau of
37 investigation criminal history information, as such phrase is defined in
38 paragraph (c) of subdivision one of the section eight hundred forty-
39 five-b of the executive law, for every:

40 (i) prospective employee of such program that is not already required
41 to be cleared pursuant to paragraph (a) of this subdivision; and

42 (ii) notwithstanding any other provision of law to the contrary, prior
43 to April first, two thousand twenty and in accordance with a schedule
44 developed by the office of children and family services, any person who
45 is employed in a residential foster care program that has not previously
46 had a clearance conducted pursuant to this section in connection to such
47 employment.

48 (c) For the purposes of this section, "operator" shall include any
49 natural person with an ownership interest in the authorized agency.

50 (d) Access to and the use of [~~such~~] information obtained pursuant to
51 this subdivision shall be governed by the provisions of section eight
52 hundred forty-five-b of the executive law.

1 § 2. Paragraph A of subdivision 4 of section 422 of the social
2 services law, is amended by adding a new subparagraph (bb) to read as
3 follows:

4 (bb) an entity with appropriate legal authority in another state to
5 license, certify or otherwise approve residential programs for foster
6 children where disclosure of information regarding any prospective or
7 current employee of such program is required by paragraph twenty of
8 subdivision (a) of section six hundred seventy-one of title forty-two of
9 the United States code.

10 § 3. Subparagraph (i) of paragraph (b) of subdivision 1 of section
11 424-a of the social services law, as amended by section 8-a of part D of
12 chapter 501 of the laws of 2012, is amended to read as follows:

13 (i) (A) Subject to the provisions of subdivision seven of this
14 section, a provider agency shall inquire of the office and the office
15 shall, subject to the provisions of paragraph (e) of this subdivision,
16 inform such agency and the subject of the inquiry whether any person who
17 is actively being considered for employment and who will have the poten-
18 tial for regular and substantial contact with individuals who are cared
19 for by the agency, is the subject of an indicated child abuse and
20 maltreatment report on file with the statewide central register of child
21 abuse and maltreatment prior to permitting such person to have unsuper-
22 vised contact with such individuals. Such agency may inquire of the
23 office and the office shall inform such agency and the subject of the
24 inquiry whether any person who is currently employed and who has the
25 potential for regular and substantial contact with individuals who are
26 cared for by such agency is the subject of an indicated child abuse and
27 maltreatment report on file with the statewide central register of child
28 abuse and maltreatment. A provider agency shall also inquire of the
29 office and the office shall inform such agency and the subject of the
30 inquiry whether any person who is employed by an individual, corpo-
31 ration, partnership or association which provides goods or services to
32 such agency who has the potential for regular and substantial contact
33 with individuals who are cared for by the agency, is the subject of an
34 indicated child abuse and maltreatment report on file with the statewide
35 central register of child abuse and maltreatment prior to permitting
36 such person to have unsupervised contact with such individuals.
37 Inquiries made to the office pursuant to this subparagraph by a provider
38 agency on current employees shall be made no more often than once in any
39 six month period.

40 (B) Notwithstanding clause (A) of this subparagraph, where the provid-
41 er agency is an authorized agency that operates a residential program
42 for foster children that is licensed or certified by the office of chil-
43 drren and family services such agency shall inquire of the office and the
44 office shall, subject to the provisions of paragraph (e) of this subdi-
45 vision, inform such agency and the subject of the inquiry whether:

46 (I) any person who is actively being considered for employment in such
47 program who is not already required to be cleared pursuant to clause (A)
48 of this subparagraph is the subject of an indicated child abuse and
49 maltreatment report on file with the statewide central register of child
50 abuse and maltreatment; and

51 (II) Notwithstanding any other provision of law to the contrary, prior
52 to April first, two thousand twenty and in accordance with a schedule
53 developed by the office of children and family services, whether any
54 person who is employed in a residential foster care program that has not
55 previously had a clearance conducted pursuant to this subparagraph in
56 connection to such employment is the subject of an indicated child abuse

1 and maltreatment report on file with the statewide central register of
2 child abuse and maltreatment.

3 § 4. This act shall take effect July 1, 2019.

4 PART J

5 Section 1. The section heading and the opening paragraph of subdivi-
6 sion 1 of section 131-u of the social services law, as amended by chap-
7 ter 169 of the laws of 1994, is amended to read as follows:

8 Domestic violence services [~~to eligible persons~~].

9 Notwithstanding any inconsistent provision of law, a social services
10 district shall, in accordance with the provisions of this section and
11 regulations of the department, offer and provide emergency shelter and
12 services at a residential program for victims of domestic violence, as
13 defined in article six-A of this chapter, to the extent that such shel-
14 ter and services are necessary and available to a victim of domestic
15 violence, as defined in article six-A of this chapter, and in need of
16 emergency shelter and services, who was residing in the social services
17 district at the time of the alleged domestic violence [~~and who~~].

18 § 2. Paragraphs (a) and (b) of subdivision 1 of section 131-u of the
19 social services law are REPEALED.

20 § 3. Subdivision 2 of section 131-u of the social services law, as
21 amended by chapter 169 of the laws of 1994, is amended to read as
22 follows:

23 2. The department [~~shall~~] may annually establish, subject to the
24 approval of the director of the budget, a daily rate of reimbursement
25 for each residential program for victims of domestic violence, as
26 defined in article six-A of this chapter, certified by the department
27 which provides emergency shelter and services to persons eligible for
28 such emergency shelter and services pursuant to this section. A social
29 services district financially responsible for a victim of domestic
30 violence shall reimburse a residential program for victims of domestic
31 violence for the costs of emergency shelter and services provided to
32 such victim at the daily reimbursement rate established by the depart-
33 ment reduced by [~~the sum of all fees which such victim is able to pay~~
34 ~~toward the costs of such shelter and services as determined in accord-~~
35 ~~ance with the public assistance budgeting rules set forth in the regu-~~
36 ~~lations of the department and by~~] any [~~third party~~] other reimbursement
37 available for such costs.

38 § 4. Section 459-f of the social services law, as amended by chapter
39 169 of the laws of 1994, is amended to read as follows:

40 § 459-f. [~~Fees~~] Payment for services. [~~Any program defined in subdivi-~~
41 ~~sion four of section four hundred fifty nine a of this article may~~
42 ~~charge a service fee to a victim of domestic violence who is able to pay~~
43 ~~all or part of the costs of the emergency shelter and services provided~~
44 ~~to the victim.~~] Payments by a social services district to a residential
45 program for victims of domestic violence for the costs of emergency
46 shelter and services provided to a victim of domestic violence at the
47 daily reimbursement rate determined by the department in accordance with
48 section one hundred thirty-one-u of this chapter shall be reduced by the
49 sum of [~~all fees which such victim is able to pay toward the costs of~~
50 ~~such shelter and services as determined in accordance with the public~~
51 ~~assistance budgeting rules set forth in the regulations of the depart-~~
52 ~~ment and by~~] any [~~third party~~] other reimbursement available for such
53 costs.

54 § 5. This act shall take effect April 1, 2019.

1

PART K

2 Section 1. Section 712 of the family court act, as amended by chapter
3 920 of the laws of 1982, subdivision (a) as amended by section 7 of part
4 G of chapter 58 of the laws of 2010, subdivision (b) as amended by chap-
5 ter 465 of the laws of 1992, subdivision (g) as amended by section 2 of
6 part B of chapter 3 of the laws of 2005, subdivision (h) as added by
7 chapter 7 of the laws of 1999, subdivision (i) as amended and subdivi-
8 sions (j), (k), (l) and (m) as added by chapter 38 of the laws of 2014,
9 is amended to read as follows:

10 § 712. Definitions. As used in this article, the following terms shall
11 have the following meanings:

12 (a) "Person in need of supervision". A person less than eighteen years
13 of age who does not attend school in accordance with the provisions of
14 part one of article sixty-five of the education law or who is incorrigi-
15 ble, ungovernable or habitually disobedient and beyond the lawful
16 control of a parent or other person legally responsible for such child's
17 care, or other lawful authority, or who violates the provisions of
18 section 221.05 or 230.00 of the penal law, or who appears to be a sexu-
19 ally exploited child as defined in paragraph (a), (c) or (d) of subdivi-
20 sion one of section four hundred forty-seven-a of the social services
21 law, but only if the child consents to the filing of a petition under
22 this article.

23 (b) [~~"Detention". The temporary care and maintenance of children away~~
24 ~~from their own homes as defined in section five hundred two of the exec-~~
25 ~~utive law.~~

26 [~~(c) "Secure detention facility". A facility characterized by phys-~~
27 ~~ically restricting construction, hardware and procedures.~~

28 [~~(d) "Non-secure detention facility". A facility characterized by the~~
29 ~~absence of physically restricting construction, hardware and procedures.~~

30 (e) "Fact-finding hearing". A hearing to determine whether the
31 respondent did the acts alleged to show that he or she violated a law or
32 is incorrigible, ungovernable or habitually disobedient and beyond the
33 control of his or her parents, guardian or legal custodian.

34 [~~(f)~~ (c) "Dispositional hearing". A hearing to determine whether the
35 respondent requires supervision or treatment.

36 [~~(g)~~ (d) "Aggravated circumstances". Aggravated circumstances shall
37 have the same meaning as the definition of such term in subdivision (j)
38 of section one thousand twelve of this act.

39 [~~(h)~~ (e) "Permanency hearing". A hearing held in accordance with
40 paragraph (b) of subdivision two of section seven hundred fifty-four or
41 section seven hundred fifty-six-a of this article for the purpose of
42 reviewing the foster care status of the respondent and the appropriate-
43 ness of the permanency plan developed by the social services official on
44 behalf of such respondent.

45 [~~(i)~~ (f) "Diversion services". Services provided to children and
46 families pursuant to section seven hundred thirty-five of this article
47 for the purpose of avoiding the need to file a petition [~~or direct the~~
48 ~~detention of the child~~]. Diversion services shall include: efforts to
49 adjust cases pursuant to this article before a petition is filed, or by
50 order of the court, after the petition is filed but before fact-finding
51 is commenced; and preventive services provided in accordance with
52 section four hundred nine-a of the social services law to avert the
53 placement of the child [~~into foster care~~], including crisis intervention
54 and respite services. Diversion services may also include, in cases
55 where any person is seeking to file a petition that alleges that the

1 child has a substance use disorder or is in need of immediate detoxifi-
2 cation or substance use disorder services, an assessment for substance
3 use disorder; provided, however, that notwithstanding any other
4 provision of law to the contrary, the designated lead agency shall not
5 be required to pay for all or any portion of the costs of such assess-
6 ment or substance use disorder or detoxification services, except in
7 cases where medical assistance for needy persons may be used to pay for
8 all or any portion of the costs of such assessment or services.

9 ~~[(f)]~~ (g) "Substance use disorder". The misuse of, dependence on, or
10 addiction to alcohol and/or legal or illegal drugs leading to effects
11 that are detrimental to the person's physical and mental health or the
12 welfare of others.

13 ~~[(k)]~~ (h) "Assessment for substance use disorder". Assessment by a
14 provider that has been certified by the office of alcoholism and
15 substance abuse services of a person less than eighteen years of age
16 where it is alleged that the youth is suffering from a substance use
17 disorder which could make a youth a danger to himself or herself or
18 others.

19 ~~[(l)]~~ (i) "A substance use disorder which could make a youth a danger
20 to himself or herself or others". A substance use disorder that is
21 accompanied by the dependence on, or the repeated use or abuse of, drugs
22 or alcohol to the point of intoxication such that the person is in need
23 of immediate detoxification or other substance use disorder services.

24 ~~[(m)]~~ (j) "Substance use disorder services". Substance use disorder
25 services shall have the same meaning as provided for in section 1.03 of
26 the mental hygiene law.

27 § 2. The part heading of part 2 of article 7 of the family court act
28 is amended to read as follows:

29 CUSTODY ~~[AND DETENTION]~~

30 § 3. Section 720 of the family court act, as amended by chapter 419 of
31 the laws of 1987, subdivision 3 as amended by section 9 of subpart B of
32 part Q of chapter 58 of the laws of 2011, subdivision 5 as amended by
33 section 3 of part E of chapter 57 of the laws of 2005, and paragraph (c)
34 of subdivision 5 as added by section 8 of part G of chapter 58 of the
35 laws of 2010, is amended to read as follows:

36 § 720. Detention precluded. ~~1.~~ The detention of a child shall not be
37 directed under any of the provisions of this article, except as other-
38 wise authorized by the interstate compact on juveniles. No child to whom
39 the provisions of this article may apply, shall be detained in any pris-
40 on, jail, lockup, or other place used for adults convicted of crime or
41 under arrest and charged with a crime.

42 ~~2. The detention of a child in a secure detention facility shall not~~
43 ~~be directed under any of the provisions of this article.~~

44 ~~3. Detention of a person alleged to be or adjudicated as a person in~~
45 ~~need of supervision shall, except as provided in subdivision four of~~
46 ~~this section, be authorized only in a foster care program certified by~~
47 ~~the office of children and family services, or a certified or approved~~
48 ~~family boarding home, or a non-secure detention facility certified by~~
49 ~~the office and in accordance with section seven hundred thirty nine of~~
50 ~~this article. The setting of the detention shall take into account (a)~~
51 ~~the proximity to the community in which the person alleged to be or~~
52 ~~adjudicated as a person in need of supervision lives with such person's~~
53 ~~parents or to which such person will be discharged, and (b) the existing~~
54 ~~educational setting of such person and the proximity of such setting to~~
55 ~~the location of the detention setting.~~

1 ~~4. Whenever detention is authorized and ordered pursuant to this arti-~~
2 ~~cle, for a person alleged to be or adjudicated as a person in need of~~
3 ~~supervision, a family court in a city having a population of one million~~
4 ~~or more shall, notwithstanding any other provision of law, direct~~
5 ~~detention in a foster care facility established and maintained pursuant~~
6 ~~to the social services law. In all other respects, the detention of such~~
7 ~~a person in a foster care facility shall be subject to the identical~~
8 ~~terms and conditions for detention as are set forth in this article and~~
9 ~~in section two hundred thirty five of this act.~~

10 ~~5. (a) The court shall not order or direct detention under this arti-~~
11 ~~cle, unless the court determines that there is no substantial likelihood~~
12 ~~that the youth and his or her family will continue to benefit from~~
13 ~~diversion services and that all available alternatives to detention have~~
14 ~~been exhausted; and~~

15 ~~(b) Where the youth is sixteen years of age or older, the court shall~~
16 ~~not order or direct detention under this article, unless the court~~
17 ~~determines and states in its order that special circumstances exist to~~
18 ~~warrant such detention.~~

19 ~~(c) If the respondent may be a sexually exploited child as defined in~~
20 ~~subdivision one of section four hundred forty seven a of the social~~
21 ~~services law, the court may direct the respondent to an available short-~~
22 ~~term safe house as defined in subdivision two of section four hundred~~
23 ~~forty seven a of the social services law as an alternative to~~
24 ~~detention.]~~

25 § 4. Section 727 of the family court act is REPEALED.

26 § 5. The section heading and subdivisions (c) and (d) of section 728
27 of the family court act, subdivision (d) as added by chapter 145 of the
28 laws of 2000, paragraph (i) as added and paragraph (ii) of subdivision
29 (d) as renumbered by section 5 of part E of chapter 57 of the laws of
30 2005, and paragraph (iii) as amended and paragraph (iv) of subdivision
31 (d) as added by section 10 of subpart B of part Q of chapter 58 of the
32 laws of 2011, are amended to read as follows:

33 Discharge[7] or release [~~or detention~~] by judge after hearing and
34 before filing of petition in custody cases.

35 (c) An order of release under this section may, but need not, be
36 conditioned upon the giving of a recognizance in accord with [~~sections~~
37 ~~seven hundred twenty-four (b)~~] paragraph (i) of subdivision (b) of
38 section seven hundred twenty-four of this article.

39 [~~(d) Upon a finding of facts and reasons which support a detention~~
40 ~~order pursuant to this section, the court shall also determine and state~~
41 ~~in any order directing detention:~~

42 ~~(i) that there is no substantial likelihood that the youth and his or~~
43 ~~her family will continue to benefit from diversion services and that all~~
44 ~~available alternatives to detention have been exhausted; and~~

45 ~~(ii) whether continuation of the child in the child's home would be~~
46 ~~contrary to the best interests of the child based upon, and limited to,~~
47 ~~the facts and circumstances available to the court at the time of the~~
48 ~~hearing held in accordance with this section; and~~

49 ~~(iii) where appropriate, whether reasonable efforts were made prior to~~
50 ~~the date of the court hearing that resulted in the detention order, to~~
51 ~~prevent or eliminate the need for removal of the child from his or her~~
52 ~~home or, if the child had been removed from his or her home prior to the~~
53 ~~court appearance pursuant to this section, where appropriate, whether~~
54 ~~reasonable efforts were made to make it possible for the child to safely~~
55 ~~return home; and~~

~~(iv) whether the setting of the detention takes into account the proximity to the community in which the person alleged to be or adjudicated as a person in need of supervision lives with such person's parents or to which such person will be discharged, and the existing educational setting of such person and the proximity of such setting to the location of the detention setting.]~~

§ 6. Section 729 of the family court act is REPEALED.

§ 7. Subdivisions (b), paragraph (i) of subdivision (d) and subdivision (f) of section 735 of the family court act, subdivision (b) as amended by chapter 38 of the laws of 2014, paragraph (i) of subdivision (d) as amended by chapter 535 of the laws of 2011 and subdivision (f) as added by section 7 of part E of chapter 57 of the laws of 2005, are amended to read as follows:

(b) The designated lead agency shall:

(i) confer with any person seeking to file a petition, the youth who may be a potential respondent, his or her family, and other interested persons, concerning the provision of diversion services before any petition may be filed; and

(ii) diligently attempt to prevent the filing of a petition under this article or, after the petition is filed, to prevent the placement of the youth into foster care; and

(iii) assess whether the youth would benefit from residential respite services; and

(iv) assess whether the youth is a sexually exploited child as defined in section four hundred forty-seven-a of the social services law and, if so, whether such youth should be referred to a safe house; and

(v) determine whether alternatives to detention are appropriate to avoid remand of the youth to detention; and

~~(v)~~ (vi) determine whether an assessment of the youth for substance use disorder by an office of alcoholism and substance abuse services certified provider is necessary when a person seeking to file a petition alleges in such petition that the youth is suffering from a substance use disorder which could make the youth a danger to himself or herself or others. Provided, however, that notwithstanding any other provision of law to the contrary, the designated lead agency shall not be required to pay for all or any portion of the costs of such assessment or for any substance use disorder or detoxification services, except in cases where medical assistance for needy persons may be used to pay for all or any portion of the costs of such assessment or services. The office of alcoholism and substance abuse services shall make a list of its certified providers available to the designated lead agency.

(i) providing, at the first contact, information on the availability of or a referral to services in the geographic area where the youth and his or her family are located that may be of benefit in avoiding the need to file a petition under this article; including the availability, for up to twenty-one days, of a residential respite program, if the youth and his or her parent or other person legally responsible for his or her care agree, and the availability of other non-residential crisis intervention programs such as family crisis counseling or alternative dispute resolution programs or an educational program as defined in section four hundred fifty-eight-1 of the social services law.

(f) Efforts to prevent the filing of a petition pursuant to this section may extend until the designated lead agency determines that there is no substantial likelihood that the youth and his or her family will benefit from further attempts. Efforts at diversion pursuant to this section may continue after the filing of a petition where the

1 designated lead agency determines that the youth and his or her family
2 will benefit from further attempts to prevent placement of the youth
3 ~~[from entering foster care]~~ in accordance with section seven hundred
4 fifty-six of this article.

5 § 8. Section 739 of the family court act, as amended by chapter 920 of
6 the laws of 1982, subdivision (a) as amended by section 10 of part G of
7 chapter 58 of the laws of 2010, subdivision (c) as added by chapter 145
8 of the laws of 2000, is amended to read as follows:

9 § 739. Release or ~~[detention]~~ referral after filing of petition and
10 prior to order of disposition. ~~[(a)]~~ After the filing of a petition
11 under section seven hundred thirty-two of this part, the court in its
12 discretion may release the respondent ~~[or direct his or her detention]~~.

13 If the respondent may be a sexually exploited child as defined in subdi-
14 vision one of section four hundred forty-seven-a of the social services
15 law, the court may direct the respondent to an available short-term safe
16 house ~~[as an alternative to detention. However, the court shall not~~
17 ~~direct detention unless it finds and states the facts and reasons for so~~
18 ~~finding that unless the respondent is detained there is a substantial~~
19 ~~probability that the respondent will not appear in court on the return~~
20 ~~date and all available alternatives to detention have been exhausted.~~

21 ~~(b) Unless the respondent waives a determination that probable cause~~
22 ~~exists to believe that he is a person in need of supervision, no~~
23 ~~detention under this section may last more than three days (i) unless~~
24 ~~the court finds, pursuant to the evidentiary standards applicable to a~~
25 ~~hearing on a felony complaint in a criminal court, that such probable~~
26 ~~cause exists, or (ii) unless special circumstances exist, in which cases~~
27 ~~such detention may be extended not more than an additional three days~~
28 ~~exclusive of Saturdays, Sundays and public holidays.~~

29 ~~(c) Upon a finding of facts and reasons which support a detention~~
30 ~~order pursuant to subdivision (a) of this section, the court shall also~~
31 ~~determine and state in any order directing detention:~~

32 ~~(i) whether continuation of the respondent in the respondent's home~~
33 ~~would be contrary to the best interests of the respondent based upon,~~
34 ~~and limited to, the facts and circumstance available to the court at the~~
35 ~~time of the court's determination in accordance with this section; and~~

36 ~~(ii) where appropriate, whether reasonable efforts were made prior to~~
37 ~~the date of the court order directing detention in accordance with this~~
38 ~~section, to prevent or eliminate the need for removal of the respondent~~
39 ~~from his or her home or, if the respondent had been removed from his or~~
40 ~~her home prior to the court appearance pursuant to this section, where~~
41 ~~appropriate, whether reasonable efforts were made to make it possible~~
42 ~~for the respondent to safely return home].~~

43 § 9. Section 741-a of the family court act, as amended by section 3 of
44 part B of chapter 327 of the laws of 2007, is amended to read as
45 follows:

46 § 741-a. Notice and right to be heard. The foster parent caring for
47 ~~[the child]~~ a sexually exploited child placed in accordance with section
48 seven hundred fifty-six of this article or any pre-adoptive parent or
49 relative providing care for the respondent shall be provided with notice
50 of any permanency hearing held pursuant to this article by the social
51 services official. Such foster parent, pre-adoptive parent or relative
52 shall have the right to be heard at any such hearing; provided, however,
53 no such foster parent, pre-adoptive parent or relative shall be
54 construed to be a party to the hearing solely on the basis of such
55 notice and right to be heard. The failure of the foster parent, pre-a-
56 adoptive parent, or relative caring for the child to appear at a perman-

1 ency hearing shall constitute a waiver of the right to be heard and such
2 failure to appear shall not cause a delay of the permanency hearing nor
3 shall such failure to appear be a ground for the invalidation of any
4 order issued by the court pursuant to this section.

5 § 10. Section 747 of the family court act is REPEALED.

6 § 11. Section 748 of the family court act is REPEALED.

7 § 12. Subdivision (b) of section 749 of the family court act, as
8 amended by chapter 806 of the laws of 1973, is amended to read as
9 follows:

10 (b) On its own motion, the court may adjourn the proceedings on
11 conclusion of a fact-finding hearing or during a dispositional hearing
12 to enable it to make inquiry into the surroundings, conditions and
13 capacities of the respondent. An ~~[adjournment on the court's motion may
14 not be for a period of more than ten days if the respondent is detained,
15 in which case not more than a total of two such adjournments may be
16 granted in the absence of special circumstances. If the respondent is
17 not detained, an]~~ adjournment may be for a reasonable time, but the
18 total number of adjourned days may not exceed two months.

19 § 13. Paragraph (a) of subdivision 2 of section 754 of the family
20 court act, as amended by chapter 7 of the laws of 1999, subparagraph
21 (ii) of paragraph (a) as amended by section 20 of part L of chapter 56
22 of the laws of 2015, is amended to read as follows:

23 (a) The order shall state the court's reasons for the particular
24 disposition. If the court places the child in accordance with section
25 seven hundred fifty-six of this part, the court in its order shall
26 determine: (i) whether continuation in the child's home would be contra-
27 ry to the best interest of the child and where appropriate, that reason-
28 able efforts were made prior to the date of the dispositional hearing
29 held pursuant to this article to prevent or eliminate the need for
30 removal of the child from his or her home and, if the child was removed
31 from his or her home prior to the date of such hearing, that such
32 removal was in the child's best interest and, where appropriate, reason-
33 able efforts were made to make it possible for the child to return safe-
34 ly home. If the court determines that reasonable efforts to prevent or
35 eliminate the need for removal of the child from the home were not made
36 but that the lack of such efforts was appropriate under the circum-
37 stances, the court order shall include such a finding; and (ii) in the
38 case of a child who has attained the age of fourteen, the services need-
39 ed, if any, to assist the child to make the transition from foster care
40 to independent living. ~~[Nothing in this subdivision shall be construed
41 to modify the standards for directing detention set forth in section
42 seven hundred thirty-nine of this article.]~~

43 § 14. Section 756 of the family court act, as amended by chapter 920
44 of the laws of 1982, paragraph (i) of subdivision (a) as amended by
45 chapter 309 of the laws of 1996, the opening paragraph of paragraph (ii)
46 of subdivision (a) as amended by section 11 of part G of chapter 58 of
47 the laws of 2010, subdivision (b) as amended by chapter 7 of the laws of
48 1999, and subdivision (c) as amended by section 10 of part E of chapter
49 57 of the laws of 2005, is amended to read as follows:

50 § 756. Placement. (a) (i) For purposes of section seven hundred
51 fifty-four of this part, the court may place the child in its own home
52 or in the custody of a suitable relative or other suitable private
53 person ~~[or a commissioner of social services]~~, subject to the orders of
54 the court.

55 (ii) ~~[where the child is placed]~~ If the court finds that the respond-
56 ent is a sexually exploited child as defined in subdivision one of

1 ~~section four hundred forty-seven-a of the social services law, the court~~
2 ~~may place the child~~ with the commissioner of the local social services
3 district[~~, the court~~] and may direct the commissioner to place the child
4 with an authorized agency or class of authorized agencies, including[~~,~~
5 ~~if the court finds that the respondent is a sexually exploited child as~~
6 ~~defined in subdivision one of section four hundred forty-seven-a of the~~
7 ~~social services law,~~] an available long-term safe house. Unless the
8 dispositional order provides otherwise, the court so directing shall
9 include one of the following alternatives to apply in the event that the
10 commissioner is unable to so place the child:

11 (1) the commissioner shall apply to the court for an order to stay,
12 modify, set aside, or vacate such directive pursuant to the provisions
13 of section seven hundred sixty-two or seven hundred sixty-three of this
14 part; or

15 (2) the commissioner shall return the child to the family court for a
16 new dispositional hearing and order.

17 (b) Placements under this section may be for an initial period of
18 twelve months. The court may extend a placement pursuant to section
19 seven hundred fifty-six-a. In its discretion, the court may recommend
20 restitution or require services for public good pursuant to section
21 seven hundred fifty-eight-a of this part in conjunction with an order of
22 placement. For the purposes of calculating the initial period of place-
23 ment, such placement shall be deemed to have commenced sixty days after
24 the date the child was removed from his or her home in accordance with
25 the provisions of this article. [~~If the respondent has been in detention~~
26 ~~pending disposition, the initial period of placement ordered under this~~
27 ~~section shall be credited with and diminished by the amount of time~~
28 ~~spent by the respondent in detention prior to the commencement of the~~
29 ~~placement unless the court finds that all or part of such credit would~~
30 ~~not serve the best interests of the respondent.~~

31 [~~(c) A placement pursuant to this section with the commissioner of~~
32 ~~social services shall not be directed in any detention facility, but the~~
33 ~~court may direct detention pending transfer to a placement authorized~~
34 ~~and ordered under this section for no more than than fifteen days after~~
35 ~~such order of placement is made. Such direction shall be subject to~~
36 ~~extension pursuant to subdivision three of section three hundred nine-~~
37 ~~ty-eight of the social services law, upon written documentation to the~~
38 ~~office of children and family services that the youth is in need of~~
39 ~~specialized treatment or placement and the diligent efforts by the~~
40 ~~commissioner of social services to locate an appropriate placement.]~~

41 § 15. Section 758-a of the family court act, as amended by chapter 73
42 of the laws of 1979, subdivision 1 as amended by chapter 4 of the laws
43 of 1987, paragraph (b) of subdivision 1 as amended by chapter 575 of the
44 laws of 2007, subdivision 2 as amended by chapter 309 of the laws of
45 1996, and subdivision 3 as separately amended by chapter 568 of the laws
46 of 1979, is amended to read as follows:

47 § 758-a. Restitution. 1. In cases involving acts of [~~infants~~] children
48 over [~~ten~~] twelve and less than [~~sixteen~~] eighteen years of age, the
49 court may

50 (a) recommend as a condition of placement, or order as a condition of
51 probation or suspended judgment, restitution in an amount representing a
52 fair and reasonable cost to replace the property or repair the damage
53 caused by the [~~infant~~] child, not, however, to exceed one thousand
54 dollars. [~~In the case of a placement, the court may recommend that the~~
55 ~~infant pay out of his or her own funds or earnings the amount of~~
56 ~~replacement or damage, either in a lump sum or in periodic payments in~~

1 ~~amounts set by the agency with which he is placed, and in the case of~~
2 ~~probation or suspended judgment, the~~ The court may require that the
3 [infant] child pay out of his or her own funds or earnings the amount of
4 replacement or damage, either in a lump sum or in periodic payments in
5 amounts set by the court; and/or

6 (b) order as a condition of placement, probation, or suspended judg-
7 ment, services for the public good including in the case of a crime
8 involving willful, malicious, or unlawful damage or destruction to real
9 or personal property maintained as a cemetery plot, grave, burial place,
10 or other place of interment of human remains, services for the mainte-
11 nance and repair thereof, taking into consideration the age and physical
12 condition of the [infant] child.

13 2. ~~[If the court recommends restitution or requires services for the~~
14 ~~public good in conjunction with an order of placement pursuant to~~
15 ~~section seven hundred fifty six, the placement shall be made only to an~~
16 ~~authorized agency which has adopted rules and regulations for the super-~~
17 ~~vision of such a program, which rules and regulations shall be subject~~
18 ~~to the approval of the state department of social services. Such rules~~
19 ~~and regulations shall include, but not be limited to provisions (i)~~
20 ~~assuring that the conditions of work, including wages, meet the stand-~~
21 ~~ards therefor prescribed pursuant to the labor law; (ii) affording~~
22 ~~coverage to the child under the workers' compensation law as an employee~~
23 ~~of such agency, department or institution; (iii) assuring that the enti-~~
24 ~~ty receiving such services shall not utilize the same to replace its~~
25 ~~regular employees; and (iv) providing for reports to the court not less~~
26 ~~frequently than every six months, unless the order provides otherwise.~~

27 3.] If the court requires restitution or services for the public good
28 ~~[as a condition of probation or suspended judgment]~~, it shall provide
29 that an agency or person supervise the restitution or services and that
30 such agency or person report to the court not less frequently than every
31 six months, unless the order provides otherwise. Upon the written notice
32 sent by a school district to the court and the appropriate probation
33 department or agency which submits probation recommendations or reports
34 to the court, the court may provide that such school district shall
35 supervise the performance of services for the public good.

36 [4.] 3. The court, upon receipt of the reports provided for in subdivi-
37 sion two ~~[or three]~~ of this section may, on its own motion or the
38 motion of any party or the agency, hold a hearing to determine whether
39 the [placement] condition should be altered or modified.

40 § 16. Section 774 of the family court act is amended to read as
41 follows:

42 § 774. Action on petition for transfer. On receiving a petition under
43 section seven hundred seventy-three of this part, the court may proceed
44 under sections seven hundred thirty-seven, seven hundred thirty-eight or
45 seven hundred thirty-nine of this article with respect to the issuance
46 of a summons or warrant ~~[and sections seven hundred twenty-seven and~~
47 ~~seven hundred twenty-nine govern questions of detention and failure to~~
48 ~~comply with a promise to appear].~~ Due notice of the petition and a copy
49 of the petition shall also be served personally or by mail upon the
50 office of the locality chargeable for the support of the person involved
51 and upon the person involved and his or her parents and other persons.

52 § 17. Subdivisions 3, 3-a, 11 and 12 of section 398 of the social
53 services law, subdivision 3 as amended by chapter 419 of the laws of
54 1987, paragraph (c) of subdivision 3 as amended by section 19 of part E
55 of chapter 57 of the laws of 2005, subdivision 3-a as added by section 1
56 of subpart B of part G of chapter 57 of the laws of 2012, subdivision 11

1 as added by chapter 514 of the laws of 1976 and subdivision 12 as
2 amended by section 12 of subpart B of part Q of chapter 58 of the laws
3 of 2011, are amended to read as follows:

4 3. As to delinquent children [~~and persons in need of supervision~~]:

5 (a) Investigate complaints as to alleged delinquency of a child.

6 (b) Bring such case of alleged delinquency when necessary before the
7 family court.

8 (c) Receive within fifteen days from the order of placement as a
9 public charge any delinquent child committed or placed [~~or person in
10 need of supervision placed~~] in his or her care by the family court
11 provided, however, that the commissioner of the social services district
12 with whom the child is placed may apply to the state commissioner or his
13 or her designee for approval of an additional fifteen days, upon written
14 documentation to the office of children and family services that the
15 youth is in need of specialized treatment or placement and the diligent
16 efforts by the commissioner of social services to locate an appropriate
17 placement.

18 [~~3-a. As to delinquent children:~~

19 ~~(a)~~ (d) (1) Conditionally release any juvenile delinquent placed with
20 the district to aftercare whenever the district determines conditional
21 release to be consistent with the needs and best interests of such juve-
22 nile delinquent, that suitable care and supervision can be provided, and
23 that there is a reasonable probability that such juvenile delinquent can
24 be conditionally released without endangering public safety; provided,
25 however, that such conditional release shall be made in accordance with
26 the regulations of the office of children and family services, and
27 provided further that no juvenile delinquent while absent from a facili-
28 ty or program without the consent of the director of such facility or
29 program shall be conditionally released by the district solely by reason
30 of the absence.

31 (2) It shall be a condition of such release that a juvenile delinquent
32 so released shall continue to be the responsibility of the social
33 services district for the period provided in the order of placement.

34 (3) The social services district may provide clothing, services and
35 other necessities for any conditionally released juvenile delinquent, as
36 may be required, including medical care and services not provided to
37 such juvenile delinquent as medical assistance for needy persons pursu-
38 ant to title eleven of article five of this chapter.

39 (4) The social services district, pursuant to the regulations of the
40 office of children and family services, may cause a juvenile delinquent
41 to be returned to a facility operated and maintained by the district, or
42 an authorized agency under contract with the district, at any time with-
43 in the period of placement, where there is a violation of the conditions
44 of release or a change of circumstances.

45 (5) Juvenile delinquents conditionally released by a social services
46 district may be provided for as follows:

47 (i) If, in the opinion of the social services district, there is no
48 suitable parent, relative or guardian to whom a juvenile delinquent can
49 be conditionally released, and suitable care cannot otherwise be
50 secured, the district may conditionally release such juvenile delinquent
51 to the care of any other suitable person; provided that where such suit-
52 able person has no legal relationship with the juvenile, the district
53 shall advise such person of the procedures for obtaining custody or
54 guardianship of the juvenile.

55 (ii) If a conditionally released juvenile delinquent is subject to
56 article sixty-five of the education law or elects to participate in an

1 educational program leading to a high school diploma, he or she shall be
2 enrolled in a school or educational program leading to a high school
3 diploma following release, or, if such release occurs during the summer
4 recess, upon the commencement of the next school term. If a condi-
5 tionally released juvenile delinquent is not subject to article sixty-
6 five of the education law, and does not elect to participate in an
7 educational program leading to a high school diploma, steps shall be
8 taken, to the extent possible, to facilitate his or her gainful employ-
9 ment or enrollment in a vocational program following release.

10 [~~(b)~~] (e) When a juvenile delinquent placed with the social services
11 district is absent from placement without consent, such absence shall
12 interrupt the calculation of time for his or her placement. Such inter-
13 ruption shall continue until such juvenile delinquent returns to the
14 facility or authorized agency in which he or she was placed. Provided,
15 however, that any time spent by a juvenile delinquent in custody from
16 the date of absence to the date placement resumes shall be credited
17 against the time of such placement provided that such custody:

18 (1) was due to an arrest or surrender based upon the absence; or

19 (2) arose from an arrest or surrender on another charge which did not
20 culminate in a conviction, adjudication or adjustment.

21 [~~(e)~~] (f) In addition to the other requirements of this section, no
22 juvenile delinquent placed with a social services district operating an
23 approved juvenile justice services close to home initiative pursuant to
24 section four hundred four of this chapter pursuant to a restrictive
25 placement under the family court act shall be released except pursuant
26 to section 353.5 of the family court act.

27 11. In the case of a child who is adjudicated [~~a person in need of~~
28 ~~supervision or~~] a juvenile delinquent and is placed by the family court
29 with the [~~division for youth~~] office of children and family services and
30 who is placed by [~~the division for youth~~] such office with an authorized
31 agency pursuant to court order, the social services official shall make
32 expenditures in accordance with the regulations of the department for
33 the care and maintenance of such child during the term of such placement
34 subject to state reimbursement pursuant to section one hundred fifty-
35 three-k of this [title, or article nineteen C of the executive law in
36 applicable cases] article.

37 12. A social services official shall be permitted to place persons
38 adjudicated [~~in need of supervision or~~] delinquent[, ~~and alleged persons~~
39 ~~to be in need of supervision~~] in detention pending transfer to a place-
40 ment, in the same foster care facilities as are providing care to desti-
41 tute, neglected, abused or abandoned children. Such foster care facili-
42 ties shall not provide care to a youth in the care of a social services
43 official as a convicted juvenile offender.

44 § 18. Paragraph (a) of subdivision 1 of section 409-a of the social
45 services law, as amended by chapter 87 of the laws of 1993, subparagraph
46 (i) as amended by chapter 342 of the laws of 2010, and subparagraph (ii)
47 as amended by section 22 of part C of chapter 83 of the laws of 2002, is
48 amended to read as follows:

49 (a) A social services official shall provide preventive services to a
50 child and his or her family, in accordance with the family's service
51 plan as required by section four hundred nine-e of this [~~chapter~~] arti-
52 cle and the social services district's child welfare services plan
53 submitted and approved pursuant to section four hundred nine-d of this
54 [~~chapter~~] article, upon a finding by such official that [~~(i)~~] the child
55 will be placed, returned to or continued in foster care unless such
56 services are provided and that it is reasonable to believe that by

1 providing such services the child will be able to remain with or be
2 returned to his or her family, and for a former foster care youth under
3 the age of twenty-one who was previously placed in the care and custody
4 or custody and guardianship of the local commissioner of social services
5 or other officer, board or department authorized to receive children as
6 public charges where it is reasonable to believe that by providing such
7 services the former foster care youth will avoid a return to foster care
8 ~~[or (ii) the child is the subject of a petition under article seven of~~
9 ~~the family court act, or has been determined by the assessment service~~
10 ~~established pursuant to section two hundred forty three a of the execu-~~
11 ~~tive law, or by the probation service where no such assessment service~~
12 ~~has been designated, to be at risk of being the subject of such a peti-~~
13 ~~tion, and the social services official determines that the child is at~~
14 ~~risk of placement into foster care].~~

15 Such finding shall be entered in the child's uniform case record
16 established and maintained pursuant to section four hundred nine-f of
17 this [~~chapter~~] article. The commissioner shall promulgate regulations to
18 assist social services officials in making determinations of eligibility
19 for mandated preventive services pursuant to this [~~subparagraph~~] para-
20 graph.

21 § 18-a. Subparagraph (ii) of paragraph (a) of subdivision 1 of section
22 409-a of the social services law, as amended by chapter 87 of the laws
23 of 1993, is amended to read as follows:

24 ~~[(ii) the child is the subject of a petition under article seven of~~
25 ~~the family court act, or has been determined by the assessment service~~
26 ~~established pursuant to section two hundred forty three a of the execu-~~
27 ~~tive law, or by the probation service where no such assessment service~~
28 ~~has been designated, to be at risk of being the subject of such a peti-~~
29 ~~tion, and the social services official determines according to standards~~
30 ~~promulgated pursuant to section three hundred ninety eight b of this~~
31 ~~chapter that the child is at risk of placement into foster care.]~~

32 Such finding shall be entered in the child's uniform case record
33 established and maintained pursuant to section four hundred nine-f of
34 this [~~chapter~~] article. The commissioner shall promulgate regulations to
35 assist social services officials in making determinations of eligibility
36 for mandated preventive services pursuant to [~~clause (ii) of~~] this para-
37 graph.

38 § 19. Subdivision 3 of section 502 of the executive law, as amended by
39 section 79 of part WWW of chapter 59 of the laws of 2017, is amended to
40 read as follows:

41 3. "Detention" means the temporary care and maintenance of youth held
42 away from their homes pursuant to article three [~~or seven~~] of the family
43 court act, or held pending a hearing for alleged violation of the condi-
44 tions of release from an office of children and family services facility
45 or authorized agency, or held pending a hearing for alleged violation of
46 the condition of parole as a juvenile offender, youthful offender or
47 adolescent offender or held pending return to a jurisdiction other than
48 the one in which the youth is held, or held pursuant to a securing order
49 of a criminal court if the youth named therein as principal is charged
50 as a juvenile offender, youthful offender or adolescent offender or held
51 pending a hearing on an extension of placement or held pending transfer
52 to a facility upon commitment or placement by a court. Only alleged or
53 convicted juvenile offenders, youthful offenders or adolescent offenders
54 who have not attained their eighteenth or, commencing October first, two
55 thousand eighteen, their twenty-first birthday shall be subject to
56 detention in a detention facility. Commencing October first, two thou-

1 sand eighteen, a youth who on or after such date committed an offense
2 when the youth was sixteen years of age; or commencing October first,
3 two thousand nineteen, a youth who committed an offense on or after such
4 date when the youth was seventeen years of age held pursuant to a secur-
5 ing order of a criminal court if the youth is charged as an adolescent
6 offender or held pending a hearing for alleged violation of the condi-
7 tion of parole as an adolescent offender, must be held in a specialized
8 secure juvenile detention facility for older youth certified by the
9 state office of children and family services in conjunction with the
10 state commission of correction.

11 § 20. Subdivision 1, the opening paragraph of subdivision 2 and
12 subparagraph (i) of paragraph (a) of subdivision 3 of section 529-b of
13 the executive law, as amended by section 99 of part WWW of chapter 59 of
14 the laws of 2017, are amended to read as follows:

15 1. (a) Notwithstanding any provision of law to the contrary, eligible
16 expenditures by an eligible municipality for services to divert youth at
17 risk of, ~~alleged to be, or adjudicated as juvenile delinquents [or~~
18 ~~persons alleged or adjudicated to be in need of supervision]~~, or youth
19 alleged to be or convicted as juvenile offenders, youthful offenders or
20 adolescent offenders from placement in detention or in residential care
21 shall be subject to state reimbursement under the supervision and treat-
22 ment services for juveniles program for up to sixty-two percent of the
23 municipality's expenditures, subject to available appropriations and
24 exclusive of any federal funds made available for such purposes, not to
25 exceed the municipality's distribution under the supervision and treat-
26 ment services for juveniles program.

27 (b) The state funds appropriated for the supervision and treatment
28 services for juveniles program shall be distributed to eligible munici-
29 palities by the office of children and family services based on a plan
30 developed by the office which may consider historical information
31 regarding the number of youth seen at probation intake for an alleged
32 act of delinquency, the number of alleged persons in need of supervision
33 receiving diversion services under section seven hundred thirty-five of
34 the family court act, the number of youth remanded to detention, the
35 number of juvenile delinquents placed with the office, the number of
36 juvenile delinquents [~~and persons in need of supervision]~~ placed in
37 residential care with the municipality, the municipality's reduction in
38 the use of detention and residential placements, and other factors as
39 determined by the office. Such plan developed by the office shall be
40 subject to the approval of the director of the budget. The office is
41 authorized, in its discretion, to make advance distributions to a muni-
42 cipality in anticipation of state reimbursement.

43 As used in this section, the term "municipality" shall mean a county,
44 or a city having a population of one million or more, and "supervision
45 and treatment services for juveniles" shall mean community-based
46 services or programs designed to safely maintain youth in the community
47 pending a family court disposition or conviction in criminal court and
48 services or programs provided to youth adjudicated as juvenile delin-
49 quents [~~or persons in need of supervision]~~, or youth alleged to be juve-
50 nile offenders, youthful offenders or adolescent offenders to prevent
51 residential placement of such youth or a return to placement where such
52 youth have been released to the community from residential placement or
53 programs provided to youth alleged to be adjudicated persons in need of
54 supervision to prevent such youth from further involvement in the juve-
55 nile or criminal justice systems. Supervision and treatment services for
56 juveniles may include but are not limited to services or programs that:

1 (i) an analysis that identifies the neighborhoods or communities from
2 which the greatest number of juvenile delinquents [~~and persons in need~~
3 ~~of supervision~~] are remanded to detention or residentially placed;

4 § 21. The opening paragraph and paragraph (a) of subdivision 2,
5 subparagraphs 1 and 4 of paragraph (a) and paragraph (b) of subdivision
6 5, and subdivision 7 of section 530 of the executive law, the opening
7 paragraph and paragraph (a) of subdivision 2 and subparagraphs 1 and 4
8 of paragraph (a) and paragraph (b) of subdivision 5 as amended by
9 section 100 of part WWW of chapter 59 of the laws of 2017 and subdivi-
10 sion 7 as amended by section 6 of subpart B of part Q of chapter 58 of
11 the laws of 2011, are amended to read as follows:

12 Expenditures made by municipalities in providing care, maintenance and
13 supervision to youth in detention facilities designated pursuant to
14 [~~sections seven hundred twenty and~~] section 305.2 of the family court
15 act and certified by office of children and family services, shall be
16 subject to reimbursement by the state, as follows:

17 (a) Notwithstanding any provision of law to the contrary, eligible
18 expenditures by a municipality during a particular program year for the
19 care, maintenance and supervision [~~in foster care programs certified by~~
20 ~~the office of children and family services, certified or approved family~~
21 ~~boarding homes, and non-secure detention facilities certified by the~~
22 ~~office for those youth alleged to be persons in need of supervision or~~
23 ~~adjudicated persons in need of supervision held pending transfer to a~~
24 ~~facility upon placement, and~~] in secure and non-secure detention facili-
25 ties certified by the office in accordance with section five hundred
26 three of this article for those youth alleged to be juvenile delin-
27 quents; adjudicated juvenile delinquents held pending transfer to a
28 facility upon placement, and juvenile delinquents held at the request of
29 the office of children and family services pending extension of place-
30 ment hearings or release revocation hearings or while awaiting disposi-
31 tion of such hearings; and youth alleged to be or convicted as juvenile
32 offenders, youthful offenders and adolescent offenders and prior to
33 January first, two thousand twenty, youth alleged to be persons in need
34 of supervision or adjudicated persons in need of supervision held pend-
35 ing transfer to a facility upon placement in foster care programs certi-
36 fied by the office of children and family services, certified or
37 approved foster boarding homes and non-secure detention facilities
38 certified by the office, shall be subject to state reimbursement for up
39 to fifty percent of the municipality's expenditures, exclusive of any
40 federal funds made available for such purposes, not to exceed the
41 municipality's distribution from funds that have been appropriated
42 specifically therefor for that program year. Municipalities shall imple-
43 ment the use of detention risk assessment instruments in a manner
44 prescribed by the office so as to inform detention decisions. Notwith-
45 standing any other provision of state law to the contrary, data neces-
46 sary for completion of a detention risk assessment instrument may be
47 shared among law enforcement, probation, courts, detention administra-
48 tors, detention providers, and the attorney for the child upon retention
49 or appointment; solely for the purpose of accurate completion of such
50 risk assessment instrument, and a copy of the completed detention risk
51 assessment instrument shall be made available to the applicable
52 detention provider, the attorney for the child and the court.

53 (1) temporary care, maintenance and supervision provided to alleged
54 juvenile delinquents [~~and persons in need of supervision~~] in detention
55 facilities certified pursuant to [~~sections seven hundred twenty and~~]
56 section 305.2 of the family court act by the office of children and

1 family services, pending adjudication of alleged delinquency [~~or alleged~~
2 ~~need of supervision~~] by the family court, or pending transfer to insti-
3 tutions to which committed or placed by such court or while awaiting
4 disposition by such court after adjudication or held pursuant to a
5 securing order of a criminal court if the person named therein as prin-
6 cipal is under seventeen years of age; or

7 (4) prior to January first, two thousand twenty temporary care, main-
8 tenance and supervision provided youth detained in foster care facili-
9 ties or certified or approved family boarding homes pursuant to article
10 seven of the family court act.

11 (b) Payments made for reserved accommodations, whether or not in full
12 time use, approved and certified by the office of children and family
13 services and certified pursuant to [~~sections seven hundred twenty and~~
14 section 305.2 of the family court act, in order to assure that adequate
15 accommodations will be available for the immediate reception and proper
16 care therein of youth for which detention costs are reimbursable pursu-
17 ant to paragraph (a) of this subdivision, shall be reimbursed as expend-
18 itures for care, maintenance and supervision under the provisions of
19 this section, provided the office shall have given its prior approval
20 for reserving such accommodations.

21 7. The agency administering detention for each county and the city of
22 New York shall submit to the office of children and family services, at
23 such times and in such form and manner and containing such information
24 as required by the office of children and family services, an annual
25 report on youth remanded pursuant to article three or seven of the fami-
26 ly court act who are detained during each calendar year including,
27 commencing January first, two thousand twelve, the risk level of each
28 detained youth as assessed by a detention risk assessment instrument
29 approved by the office of children and family services provided, howev-
30 er, that the report due January first, two thousand twenty-one and ther-
31 eafter shall not be required to contain any information on youth who are
32 subject to article seven of the family court act. The office may require
33 that such data on detention use be submitted to the office electron-
34 ically. Such report shall include, but not be limited to, the reason for
35 the court's determination in accordance with section 320.5 or seven
36 hundred thirty-nine of the family court act to detain the youth; the
37 offense or offenses with which the youth is charged; and all other
38 reasons why the youth remains detained. The office shall submit a compi-
39 lation of all the separate reports to the governor and the legislature.

40 § 22. Subdivision 8 of section 530 of the executive law is REPEALED.

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

51 § 24. This act shall take effect January 1, 2020 and shall be deemed
52 to be applicable to the detention or placement of youth pursuant to
53 petitions filed pursuant to article seven of the family court act on or
54 after such effective date; provided, however, that:

1 (a) the amendments to subdivision 3-a of section 398 of the social
2 services law made by section seventeen of this act shall not affect the
3 repeal of such subdivision and shall be deemed repealed therewith; and

4 (b) the amendments to subparagraph (ii) of paragraph (a) of subdivi-
5 sion 1 of section 409-a of the social services law made by section eigh-
6 teen of this act shall be subject to the expiration and reversion of
7 such subparagraph pursuant to section 28 of part C of chapter 83 of the
8 laws of 2002, as amended, when upon such date the provisions of section
9 eighteen-a of this act shall take effect.

10

PART L

11 Section 1. Paragraphs (a), (b), (c) and (d) of subdivision 1 of
12 section 131-o of the social services law, as amended by section 1 of
13 part YY of chapter 59 of the laws of 2018, are amended to read as
14 follows:

15 (a) in the case of each individual receiving family care, an amount
16 equal to at least [~~\$144.00~~] \$148.00 for each month beginning on or after
17 January first, two thousand [~~eighteen~~] nineteen.

18 (b) in the case of each individual receiving residential care, an
19 amount equal to at least [~~\$166.00~~] \$171.00 for each month beginning on
20 or after January first, two thousand [~~eighteen~~] nineteen.

21 (c) in the case of each individual receiving enhanced residential
22 care, an amount equal to at least [~~\$198.00~~] \$204.00 for each month
23 beginning on or after January first, two thousand [~~eighteen~~] nineteen.

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

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

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

35 § 2. Paragraph (a), (b), (c), (d), (e) and (f) of subdivision 2 of
36 section 209 of the social services law, as amended by section 2 of part
37 YY of chapter 59 of the laws of 2018, are amended to read as follows:

38 (a) On and after January first, two thousand [~~eighteen~~] nineteen, for
39 an eligible individual living alone, [~~\$837.00~~] \$858.00; and for an
40 eligible couple living alone, [~~\$1,229.00~~] \$1,261.00.

41 (b) On and after January first, two thousand [~~eighteen~~] nineteen, for
42 an eligible individual living with others with or without in-kind
43 income, [~~\$773.00~~] \$794.00; and for an eligible couple living with others
44 with or without in-kind income, [~~\$1,171.00~~] \$1,203.00.

45 (c) On and after January first, two thousand [~~eighteen~~] nineteen, (i)
46 for an eligible individual receiving family care, [~~\$1,016.48~~] \$1,037.48
47 if he or she is receiving such care in the city of New York or the coun-
48 ty of Nassau, Suffolk, Westchester or Rockland; and (ii) for an eligible
49 couple receiving family care in the city of New York or the county of
50 Nassau, Suffolk, Westchester or Rockland, two times the amount set forth
51 in subparagraph (i) of this paragraph; or (iii) for an eligible individ-
52 ual receiving such care in any other county in the state, [~~\$978.48~~]
53 \$999.48; and (iv) for an eligible couple receiving such care in any

1 other county in the state, two times the amount set forth in subpara-
2 graph (iii) of this paragraph.

3 (d) On and after January first, two thousand [~~eighteen~~] nineteen, (i)
4 for an eligible individual receiving residential care, [~~\$1,185.00~~]
5 \$1,206.00 if he or she is receiving such care in the city of New York or
6 the county of Nassau, Suffolk, Westchester or Rockland; and (ii) for an
7 eligible couple receiving residential care in the city of New York or
8 the county of Nassau, Suffolk, Westchester or Rockland, two times the
9 amount set forth in subparagraph (i) of this paragraph; or (iii) for an
10 eligible individual receiving such care in any other county in the
11 state, [~~\$1,155.00~~] \$1,176.00; and (iv) for an eligible couple receiving
12 such care in any other county in the state, two times the amount set
13 forth in subparagraph (iii) of this paragraph.

14 (e) (i) On and after January first, two thousand [~~eighteen~~] nineteen,
15 for an eligible individual receiving enhanced residential care,
16 [~~\$1,444.00~~] \$1,465.00; and (ii) for an eligible couple receiving
17 enhanced residential care, two times the amount set forth in subpara-
18 graph (i) of this paragraph.

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

24 § 3. This act shall take effect December 31, 2019.

25 PART M

26 Section 1. This Part enacts into law major components of legislation
27 which are necessary to improve the foster care system. Each component is
28 wholly contained within a Subpart identified as Subparts A through B.
29 The effective date for each particular provision contained within such
30 Subpart is set forth in the last section of such Subpart. Any provision
31 in any section contained within a Subpart, including the effective date
32 of the Subpart, which makes a reference to a section "of this act," when
33 used in connection with that particular component, shall be deemed to
34 mean and refer to the corresponding section of the Subpart in which it
35 is found. Section three of this Part sets forth the general effective
36 date of this Part.

37 SUBPART A

38 Section 1. The social services law is amended by adding a new section
39 462-c to read as follows:

40 § 462-c. Appointment of a temporary operator of a foster care program.

41 1. The office of children and family services shall have the authority
42 to appoint a temporary operator in accordance with this section.

43 2. For the purposes of this section:

44 (a) "Commissioner" shall mean the commissioner of the office or his or
45 her designee.

46 (b) "Office" shall mean the office of children and family services.

47 (c) "Foster care agency" shall mean an authorized agency as defined in
48 paragraph (a) of subdivision ten of section three hundred seventy-one of
49 this chapter that operates one or more foster care programs.

50 (d) "Established operator" shall mean a foster care agency.

51 (e) "Temporary operator" shall mean any foster care agency appointed
52 by the commissioner that:

1 (i) agrees to provide foster care on a temporary basis in the best
2 interests of the foster care youth served by the established operator;

3 (ii) has a history of recent compliance with applicable laws, rules,
4 and regulations and a record of providing foster care of good quality,
5 as determined by the commissioner; and

6 (iii) prior to appointment as temporary operator, develops a plan
7 determined to be satisfactory by the commissioner to address the estab-
8 lished operator's deficiencies.

9 (f) "Local social services district" shall include any local social
10 services district with care and custody or custody and guardianship of a
11 foster care youth placed with the established operator that may be
12 subject to the appointment of a temporary operator pursuant to this
13 section, as well as the local social services district where the estab-
14 lished operator is located.

15 3. (a) (i) A temporary operator may only be appointed after the estab-
16 lished operator has been provided notice of alleged violations and the
17 ability to cure such violations.

18 (ii) The local social services district shall also be notified of the
19 alleged violations prior to the appointment of a temporary operator.

20 (iii) If the established operator fails to cure such violations in a
21 timely manner, a temporary operator may be appointed:

22 (A) where the established operator is unable or unwilling to ensure
23 the proper operation of the foster care program and there exist condi-
24 tions that have the potential to seriously endanger or jeopardize the
25 health, safety, or welfare of foster care youth; or

26 (B) when necessary to protect the health, safety or welfare of youth
27 served by the established program.

28 (iv) If the commissioner determines to appoint a temporary operator,
29 the commissioner shall notify the established operator and the local
30 social services district of his or her intention to appoint a temporary
31 operator to assume sole responsibility for the established operator's
32 operations for a limited period of time.

33 (v) The appointment of a temporary operator shall be effectuated
34 pursuant to this section, and shall be in addition to any other remedies
35 provided by law.

36 (b) The established operator may at any time request the commissioner
37 to appoint a temporary operator. Upon receiving such a request, the
38 commissioner may, if he or she determines that such an action is neces-
39 sary, enter into an agreement with the established operator for the
40 appointment of a temporary operator to restore or maintain the provision
41 of services to children and families provided in the foster care
42 program, until the established operator can resume operations within
43 the designated time period or other action is taken to suspend, revoke,
44 or limit the authority of the established operator.

45 4. (a) A temporary operator appointed pursuant to this section shall
46 use his or her best efforts to implement the plan deemed satisfactory by
47 the commissioner to correct or eliminate any concerns regarding health,
48 safety or welfare of the established operator, and promote the quality
49 and accessibility of services provided to foster children and their
50 families in the applicable foster care program.

51 (b) During the term of appointment, the temporary operator shall have
52 the authority to direct the staff of the established operator as neces-
53 sary to appropriately provide care for foster care youth in accordance
54 with the plan approved by the commissioner. The temporary operator
55 shall, during this period, provide programs and services for foster
56 youth in such a manner as to promote the health, safety, and welfare of

1 the youth by the established operator until either the established oper-
2 ator can resume operations or until the office revokes the authority of
3 the established operator to operate a foster care program.

4 (c) The established operator shall grant the temporary operator access
5 to the established operator's accounts and records in order to address
6 any serious health, safety or welfare deficiencies. The temporary opera-
7 tor shall approve any decision related to an established provider's day
8 to day operations or the established provider's ability to provide
9 programs and services for foster youth.

10 (d) The temporary operator shall not be required to file any bond. No
11 security interest in any real or personal property comprising the estab-
12 lished operator, contained within the established operator, or in any
13 fixture of the building or buildings owned by the established operator,
14 shall be impaired or diminished in priority by the temporary operator.
15 Neither the temporary operator nor the office shall engage in any activ-
16 ity that constitutes a confiscation of property.

17 5. Costs associated with the temporary operator, including compen-
18 sation, shall be borne by the established operator and follow the
19 financing structure established in accordance with section one hundred
20 fifty-three-k of this chapter as modified by the current aid to locali-
21 ties provisions for the office of children and family services within
22 the department of family assistance. The temporary operator shall be
23 liable in its capacity as temporary operator for injury to persons and
24 property by reason of its operation of such building; no liability shall
25 incur in the temporary operator's personal capacity, except for gross
26 negligence and intentional acts.

27 6. (a) The initial term of the appointment of the temporary operator
28 shall not exceed ninety days. After ninety days, if the commissioner
29 determines that termination of the temporary operator would cause
30 significant deterioration of the quality of the foster care program run
31 by the established operator or that reappointment is necessary to
32 correct the deficiencies that required the appointment of the temporary
33 operator, the commissioner may authorize additional ninety day terms.

34 (b) Within fourteen days prior to the termination of each term of the
35 appointment of the temporary operator, the temporary operator shall
36 submit to the commissioner, to the local social services district, and
37 to the established operator a report describing:

38 (i) the actions taken during the appointment to address the identified
39 deficiencies, the resumption of operations by the established operator,
40 or the revocation of authority to operate a foster care program;

41 (ii) objectives for the continuation of the temporary operatorship if
42 necessary and a schedule for satisfaction of such objectives; and

43 (iii) if applicable, the recommended actions for the ongoing provision
44 of foster care after the temporary operatorship is complete.

45 (c) The term of the initial appointment and of any subsequent reap-
46 pointment of a temporary operator in accordance with this section may be
47 terminated prior to the expiration of the designated term, if the estab-
48 lished operator and the commissioner agree on a plan of correction and
49 the implementation of such plan.

50 7. (a) The commissioner shall, upon making a determination of an
51 intention to appoint a temporary operator pursuant to this section,
52 cause the established operator and the local social services district
53 to be notified of the intention by registered or certified mail
54 addressed to the principal office of the established operator and the
55 local social services district. Such notification shall include a
56 detailed description of the findings underlying the intention to appoint

1 a temporary operator, and the date and time of a required meeting with
2 the commissioner within ten business days of the receipt of such
3 notice. At such meeting, the established operator, and the commissioner
4 shall have the opportunity to review and discuss all relevant findings.
5 At such meeting, the commissioner and the established operator shall
6 attempt to develop a mutually satisfactory plan of correction and sched-
7 ule for implementation. If a mutually satisfactory plan of correction
8 and schedule for implementation is developed, the commissioner shall
9 notify the established operator that the commissioner will abstain from
10 appointing a temporary operator contingent upon the established operator
11 remediating the identified deficiencies within the agreed upon time-
12 frame.

13 (b) The commissioner shall, upon making a determination of an inten-
14 tion to appoint a temporary operator pursuant to this section, cause the
15 temporary president of the senate, and the speaker of the assembly to
16 receive appropriate and timely notification of the intention to appoint
17 a temporary operator. Such notification shall include a description of
18 the findings underlying the intention to appoint a temporary operator,
19 the identification of the temporary operator when practicable, and the
20 date of expected transfer of operations. Such notice shall be made as
21 soon as practicable under the circumstances.

22 (c) The commissioner, at any time he or she deems necessary, and to
23 the extent practicable, shall consult and may involve the local social
24 services district.

25 (d) Should the commissioner and the established operator be unable to
26 establish a plan of correction pursuant to this subdivision, or should
27 the established operator fail to respond to the commissioner's initial
28 notification, there shall be an administrative hearing on the commis-
29 sioner's determination to appoint a temporary operator to begin no later
30 than thirty days from the date of the notice to the established opera-
31 tor. Any such hearing shall be strictly limited to the issue of whether
32 the determination of the commissioner to appoint a temporary operator is
33 supported by substantial evidence. A copy of the decision shall be sent
34 to the established operator and the local social services district.

35 (e) If the decision to appoint a temporary operator is upheld such
36 temporary operator shall be appointed as soon as is practicable and
37 shall provide appropriate care and services for the foster care youth
38 as well as take any necessary actions pursuant to the provisions of this
39 chapter or the regulations of the office of children and family
40 services.

41 8. Notwithstanding the appointment of a temporary operator, the estab-
42 lished operator shall remain obligated for the continued provision of
43 care and services for the foster care youth. No provision contained in
44 this section shall be deemed to relieve the established operator or any
45 other person of any civil or criminal liability incurred, or any duty
46 imposed by law, by reason of acts or omissions of the established opera-
47 tor or any other person prior to the appointment of any temporary opera-
48 tor of the building hereunder; nor shall anything contained in this
49 section be construed to suspend during the term of the appointment of
50 the temporary operator of the building any obligation of the estab-
51 lished operator or any other person for the maintenance and repair of
52 the building, provision of utility services, payment of taxes or other
53 operating and maintenance expenses of the building, nor of the estab-
54 lished operator or any other person for the payment of mortgages or
55 liens.

56 § 2. This act shall take effect immediately.

1

SUBPART B

2 Section 1. Section 4 of part W of chapter 54 of the laws of 2016,
3 amending the social services law relating to the powers and duties of
4 the commissioner of social services relating to the appointment of a
5 temporary operator, is amended to read as follows:

6 § 4. This act shall take effect immediately and shall be deemed to
7 have been in full force and effect on and after April 1, 2016, provided
8 further that this act shall expire and be deemed repealed March 31,
9 [~~2019~~] 2022.

10 § 2. This act shall take effect immediately.

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

20 § 3. This act shall take effect immediately; provided, however, that
21 the applicable effective date of Subparts A through B of this act shall
22 be as specifically set forth in the last section of such Subparts.

23

PART N

24 Section 1. Paragraph (n) of subdivision 1 of section 336 of the social
25 services law, as amended by section 148 of part B of chapter 436 of the
26 laws of 1997, is amended and a new paragraph (o) is added to read as
27 follows:

28 (n) educational activities pursuant to section three hundred thirty-
29 six-a of this title~~[-]~~;

30 (o) time-limited job try-outs as work experience assignments with
31 private for-profit, non-profit and public sector entities that lead to
32 unsubsidized full-time or part-time employment.

33 § 2. Subparagraph (iii) of paragraph (e) of subdivision 1 of section
34 335-b of the social services law, as amended by section 2 of part J of
35 chapter 58 of the laws of 2006, is amended to read as follows:

36 (iii) In the case of a two-parent family receiving federally funded
37 child care assistance and a parent in the family is not disabled or
38 caring for a severely disabled child, the individual and the other
39 parent in the family are participating in work activities for a total of
40 at least fifty-five hours per week during the month, not fewer than
41 fifty hours of which are attributable to activities described in para-
42 graphs (a) through (h) [~~and~~], (l) and (o) of subdivision one of section
43 three hundred thirty-six of this title.

44 § 3. Subdivision 2 of section 335-b of the social services law, as
45 amended by chapter 380 of the laws of 2004, is amended to read as
46 follows:

47 2. Engaged in work for a month shall mean participating in work activ-
48 ities identified in subdivision one of section three hundred thirty-six
49 of this title for the required number of hours specified in this section
50 provided, however, that at least twenty hours of such participation, or
51 thirty hours for two-parent families, or fifty hours for two-parent
52 families receiving federally funded child care as set forth in subpara-
53 graph (iii) of paragraph (d) of subdivision one of this section, shall

1 be attributable to the activities described in paragraphs (a) through
2 (h) [~~and~~], (1) and (o) of subdivision one of section three hundred thir-
3 ty-six of this title, or for households without dependent children at
4 least twenty hours of participation shall be attributable to the activ-
5 ities set forth in paragraphs (a) through (h) [~~and~~], (1) and (o) of
6 subdivision one of section three hundred thirty-six of this title, and
7 further provided that participation in job search and job readiness
8 assistance as identified in paragraph (f) of subdivision one of section
9 three hundred thirty-six of this title shall only be determined as
10 engaged in work for a maximum period of six weeks, only four of which
11 may be consecutive as otherwise limited by federal law; and that indi-
12 viduals in all families and in two parent families may be engaged in
13 work for a month by reason of participation in vocational training to
14 the extent allowed by federal law. Any non-graduate student participat-
15 ing or approved by CUNY, SUNY or another degree granting institution, or
16 any other state or local district approved education, training or voca-
17 tional rehabilitation agency to participate in work-study, or in intern-
18 ships, externships, or other work placements that are part of the
19 curriculum of that student, shall not be unreasonably denied the ability
20 to participate in such programs and each hour of participation shall
21 count toward satisfaction of such student's work activity requirements
22 of this title provided that the district may consider, among other
23 factors, (a) whether the student has voluntarily terminated his or her
24 employment or voluntarily reduced his or her earnings to qualify for
25 public assistance pursuant to subdivision ten of section one hundred
26 thirty-one of this article; (b) whether a comparable job or on the job
27 training position can reasonably be expected to exist in the private,
28 public or not-for-profit sector; (c) that the student has a cumulative C
29 average or its equivalent, which may be waived by the district for undue
30 hardship based on (1) the death of a relative of the student, (2) the
31 personal injury or illness of the student, or (3) other extenuating
32 circumstances; and (d) whether the institution cooperates in monitoring
33 students attendance and performance and reports to the local social
34 services department monthly on each student. Failure of the institution
35 to monitor and report monthly to local social services districts on
36 attendance and performance of the student's work study, internship,
37 externship or other work placement shall be cause for the department to
38 reasonably deny the student's ability to participate in such programs.
39 Students shall be subject to sanctions equivalent to those associated
40 with failure to adequately satisfy their other required work activities.
41 In assigning a non-graduate student participating in work-study, intern-
42 ships, externships or other work placements, pursuant to this section,
43 to other work activities the district shall make reasonable effort to
44 assign the student to hours that do not conflict with the student's
45 academic schedule.

46 § 4. Subdivision 1 of section 336-c of the social services law is
47 amended by adding a new paragraph (c) to read as follows:

48 (c) A social services district may also establish time-limited, job
49 try-out opportunities with private for-profit, non-profit or public
50 sector entities leading to unsubsidized full-time or part-time employ-
51 ment.

52 § 5. Subdivision 2 of section 336-c of the social services law, as
53 amended by section 148 of part B of chapter 436 of the laws of 1997, is
54 amended to read as follows:

55 2. A recipient may be assigned to participate in [~~such~~] a work experi-
56 ence program only if:

1 (a) appropriate federal and state standards of health, safety and
2 other work conditions are maintained;

3 (b) The maximum number of hours a participant in work experience
4 activities authorized pursuant to this section shall be required to work
5 in such assignment shall not exceed [~~a number~~] forty hours in any week
6 and shall not exceed the number of hours which equals the amount of
7 assistance payable with respect to such [~~individual~~] individual's public
8 assistance household (inclusive of the value of [~~food stamps~~] supple-
9 mental nutrition assistance program benefits received by such [~~individ-
10 ual~~] household, if any) divided by the [~~higher~~] highest of [~~(a)~~] (i) the
11 federal minimum wage [~~provided that such hours shall be limited as set~~
12 ~~forth in subdivision four of section three hundred thirty six of this~~
13 ~~title,~~]; or [~~(b)~~] (ii) the applicable state minimum wage; or (iii) for
14 those placements with a for-profit entity, the wage normally provided
15 for trainees in such positions;

16 (c) such recipients are provided appropriate workers' compensation or
17 equivalent protection for on-the-job injuries and tort claims protection
18 on the same basis, but not necessarily at the same benefit level, as
19 they are provided to other persons in the same or similar positions,
20 while participating in work experience activities under this section;

21 (d) the project to which the participant is assigned [~~serves~~] pursuant
22 to paragraph (b) of subdivision one of this section must serve a useful
23 public purpose in fields such as health, social services, environmental
24 protection, education, urban and rural development and redevelopment,
25 welfare, recreation, operation of public facilities, public safety, and
26 child day care;

27 (e) such assignment would not result in (i) the displacement of any
28 currently employed worker or loss of position (including partial
29 displacement such as reduction in the hours of non-overtime work, wages
30 or employment benefits) or result in the impairment of existing
31 contracts for services or collective bargaining agreements; (ii) the
32 loss of exclusivity, if any, to any employee organization with regard to
33 the work performed by any employees as part of a negotiating unit pursu-
34 ant to article fourteen of the civil service law; (iii) the employment
35 or assignment of a participant or the filling of a position when any
36 other person is on layoff from the same or any equivalent position
37 consistent with article five of the civil service law or the employer
38 has terminated the employment of any regular employee or otherwise
39 reduced its workforce with the effect of filling the vacancy so created
40 with a participant assigned pursuant to this section; [~~(iii)~~] (iv) any
41 infringement of the promotional opportunities of any current employed
42 person when a participant is assigned pursuant to paragraph (b) of
43 subdivision one of this section; [~~or (iv)~~] (v) the performance, by such
44 participant, of a substantial portion of the work ordinarily and actual-
45 ly performed by regular employees; or [~~(v)~~] (vi) the loss of a bargain-
46 ing unit position as a result of work experience participants perform-
47 ing, in part or in whole, the work normally performed by the employee in
48 such position;

49 (f) such assignment is not at any work site at which the regular
50 employees are on a legal strike against the employer or are being
51 subjected to lock out by the employer.

52 § 6. Section 336-c of the social services law is amended by adding a
53 new subdivision 2-a to read as follows:

54 2-a. Job try-out programs in private for-profit, non-profit, and
55 public sector entities leading to unsubsidized full-time or part-time
56 employment. (a) Social services districts may enter agreements with

1 private for-profit, non-profit, or public sector entities to establish
2 job try-out programs which will provide public assistance recipients the
3 training opportunities to learn the skills necessary to perform the job
4 duties for an anticipated job opening. Any such agreements between
5 social services districts and private for-profit, non-profit or public
6 sector entities shall provide that participants will be offered full-
7 time or part-time unsubsidized employment following the end of a nine-
8 ty-day job try-out period absent demonstrated reasonable cause for not
9 hiring the participants. An entity which unreasonably terminates the
10 ninety-day job try-out period or fails to offer full-time or part-time
11 unsubsidized employment to a participant who successfully completes the
12 ninety-day job try-out shall become ineligible to participate in the job
13 try-out program, as provided for in paragraph (c) of this subdivision.

14 (b) A public assistance recipient may be assigned to participate in a
15 job try-out pursuant to this subdivision only if:

16 (i) the private for-profit, non-profit, or public sector entity has
17 entered into an agreement with a social services district pursuant to
18 paragraph (a) of this subdivision;

19 (ii) there is no conflict with laws and regulations regarding collec-
20 tive bargaining in the private for-profit, non-profit, and public
21 sectors;

22 (iii) notwithstanding any other section of law, the job try-out posi-
23 tion to which the participant is assigned shall be unpaid and shall not
24 be considered employment; however, the following provisions shall be
25 excepted and shall apply to job try-out placements:

26 (A) the human rights law as set forth in article fifteen of the execu-
27 tive law;

28 (B) licensure and employment of persons previously convicted of one or
29 more criminal offenses as set forth in article twenty-three-a of the
30 correction law;

31 (C) one day of rest in seven as set forth in section one hundred
32 sixty-one of the labor law;

33 (D) time allowed for meals as set forth in section one hundred sixty-
34 two of the labor law;

35 (E) prohibited discrimination against engagement in certain activities
36 as set forth in section two hundred one-d of the labor law; and

37 (F) prohibited retaliation as set forth in section two hundred fifteen
38 of the labor law;

39 (iv) the household of which the participant is a member will continue
40 to receive any public assistance, supplemental nutrition assistance
41 program, or other benefits that such household is otherwise eligible for
42 throughout the job try-out assignment;

43 (v) the job try-out program to which the participant is assigned shall
44 be limited to ninety days. The assignment may not be extended beyond the
45 ninety days, even if agreed to by the participant and the private for-
46 profit, non-profit or public sector entity;

47 (vi) prior to the job try-out assignment, the participant will receive
48 from the private for-profit, non-profit or public sector entity a writ-
49 ten explanation of his or her training expectations along with a
50 description of the supervision and skills to be learned;

51 (vii) the private sector for-profit, non-profit or public sector enti-
52 ty is required to provide to the social services district, at no less
53 than thirty-day intervals, information regarding the participant's
54 attendance and performance as part of a job try-out assignment;

55 (c) Non-compliance. If a social services district determines that a
56 private for-profit, non-profit or public sector entity without reason-

1 able cause, has not retained the participant for the full ninety day job
2 try-out period or has not offered full-time or part-time unsubsidized
3 employment to the participant on or before the end of the ninety day job
4 try-out period pursuant to the requirements of this subdivision, the
5 social services district shall take the following actions:

6 (i) a first violation shall result in a one-month ban on new assign-
7 ments with the private for-profit, non-profit or public sector entity;

8 (ii) a second violation, within one year of the first violation, shall
9 result in a three-month ban on new assignments with the private for-pro-
10 fit, non-profit or public sector entity; and

11 (iii) a third violation, and any further violations, within two years
12 of the first violation, shall result in a one-year ban on new assignment
13 placements with the private for-profit, non-profit or public sector
14 entity.

15 § 7. This act shall take effect on the one hundred twentieth day after
16 it shall have become a law; provided that the commissioner of the office
17 of temporary and disability assistance may promulgate any rules or regu-
18 lations necessary to implement this act on or before its effective date.

19 PART O

20 Section 1. Subdivision 1 of section 198-a of the labor law, as amended
21 by chapter 564 of the laws of 2010, is amended to read as follows:

22 1. Every employer who does not pay the wages of all of his or her
23 employees in accordance with the provisions of this chapter, and the
24 officers and agents of any corporation, partnership, or limited liabil-
25 ity company who knowingly permit the corporation, partnership, or limit-
26 ed liability company to violate this chapter by failing to pay the wages
27 of any of its employees in accordance with the provisions thereof, shall
28 be guilty [~~of a misdemeanor for the first offense and upon conviction~~
29 ~~therefor shall be fined not less than five hundred nor more than twenty~~
30 ~~thousand dollars or imprisoned for not more than one year, and, in the~~
31 ~~event that any second or subsequent offense occurs within six years of~~
32 ~~the date of conviction for a prior offense, shall be guilty of a felony~~
33 ~~for the second or subsequent offense, and upon conviction therefor,~~
34 ~~shall be fined not less than five hundred nor more than twenty thousand~~
35 ~~dollars or imprisoned for not more than one year plus one day, or~~
36 ~~punished by both such fine and imprisonment, for each such offense. An~~
37 ~~indictment of a person or corporation operating a steam surface railroad~~
38 ~~for an offense specified in this section may be found and tried in any~~
39 ~~county within the state in which such railroad ran at the time of such~~
40 ~~offense] , except as otherwise provided in this chapter or in the penal
41 law, of a class A misdemeanor for failure to pay a single employee less
42 than one thousand dollars or less than twenty-five thousand dollars to
43 more than one employee; of a class E felony for failure to pay a single
44 employee greater than one thousand dollars or greater than twenty-five
45 thousand dollars to more than one employee; of a class D felony for
46 failure to pay a single employee greater than three thousand dollars or
47 one hundred thousand dollars to more than one employee; and a class C
48 felony for failure to pay a single employee greater than fifty thousand
49 dollars or greater than five hundred thousand dollars to more than one
50 employee. Further, a court may order restitution of wages in the amount
51 of the underpayment and together with such amounts provided for by
52 section two hundred eighteen of this chapter.~~

53 § 2. Section 213 of the labor law, as amended by chapter 729 of the
54 laws of 1980, is amended to read as follows:

1 § 213. Violations of provisions of labor law; the rules, regulations
2 or orders of the industrial commissioner and the industrial board of
3 appeals. Any person who violates or does not comply with any provision
4 of the labor law, any rule, regulation or lawful order of the industrial
5 commissioner or the industrial board of appeals, and the officers and
6 agents of any corporation who knowingly permit the corporation to
7 violate such provisions, are guilty of a class A misdemeanor and upon
8 conviction shall be punished in accordance with the penal law, [~~except~~
9 ~~as in this chapter or in the penal law otherwise provided, for a first~~
10 ~~offense by a fine of not more than one hundred dollars, provided, howev-~~
11 ~~er, that if the first offense is a violation of a rule or provision for~~
12 ~~the protection of the safety or health of employees or persons lawfully~~
13 ~~frequenting a place to which this chapter applies, the punishment shall~~
14 ~~be a fine of not more than one hundred dollars or by imprisonment for~~
15 ~~not more than fifteen days or by both such fine and imprisonment,] and,
16 for a second [~~offense by a fine of not less than one hundred nor more~~
17 ~~than five hundred dollars, or by imprisonment for not more than thirty~~
18 ~~days or by both such fine and imprisonment, for a subsequent offense by~~
19 ~~a fine of not less than three hundred dollars, or by imprisonment for~~
20 ~~not more than sixty days, or by both such fine and imprisonment] or
21 subsequent offense committed within six years of the date of conviction
22 of a prior offense, are guilty of a class E felony and upon conviction
23 shall be punished in accordance with the penal law. This section shall
24 not apply to any person covered by section twenty-seven-a of this chap-
25 ter.~~~~

26 § 3. This act shall take effect immediately.

27 PART P

28 Section 1. Section 522 of the labor law, as amended by chapter 720 of
29 the laws of 1953, is amended to read as follows:

30 § 522. Total unemployment. "Total unemployment" or "totally unem-
31 ployed" means the [~~total~~] lack of any employment [~~on~~] in any [day] week.
32 The term "employment" as used in this section means any employment
33 including that not defined in this title.

34 § 2. Section 523 of the labor law, as amended by chapter 675 of the
35 laws of 1977, is amended to read as follows:

36 § 523. [~~Effective day. "Effective day" means a full day of total unem-~~
37 ~~ployment provided such day falls within a week in which a claimant had~~
38 ~~four or more days of total unemployment and provided further that only~~
39 ~~those days of total unemployment in excess of three days within such~~
40 ~~week are deemed "effective days". No effective day is deemed to occur in~~
41 ~~a week in which the claimant has days of employment for which he is paid~~
42 ~~compensation exceeding the highest benefit rate which is applicable to~~
43 ~~any claimant in such week. A claimant who is employed on a shift~~
44 ~~continuing through midnight is deemed to have been employed on the day~~
45 ~~beginning before midnight with respect to such shift, except where night~~
46 ~~shift employees are regularly scheduled to start their work week at~~
47 ~~seven post meridiem or thereafter on Sunday night, their regularly sche-~~
48 ~~duled starting time on Sunday shall be considered as starting on~~
49 ~~Monday.] Partial unemployment. "Partial unemployment" or "partially
50 unemployed" means any week if the total remuneration of any nature paya-
51 ble for services of any kind during such week amounts to less than one
52 and one-half times the claimant's benefit rate for total unemployment
53 rounded to the lowest next dollar. For purposes of this section, remun-
54 eration shall also include any holiday or vacation pay payable with~~

1 respect to any such week, whether or not any service was performed
2 during such week or was in any other way required for receipt of such
3 holiday or vacation pay. For purposes of this section, the commissioner
4 shall consider earnings derived from self-employment, but only to the
5 extent such earnings are actually received or payable with respect to a
6 given week of partial unemployment.

7 § 3. Section 524 of the labor law, as added by chapter 5 of the laws
8 of 2000, is amended to read as follows:

9 § 524. Week of employment. For purposes of this article, "week of
10 employment" shall mean a Monday through Sunday period during which a
11 claimant was paid remuneration for employment for an employer or employ-
12 ers liable for contributions or for payments in lieu of contributions
13 under this article. A claimant who is employed on a shift continuing
14 through midnight is deemed to have been employed on the day beginning
15 before midnight with respect to such shift, except where night shift
16 employees are regularly scheduled to start their work week at seven post
17 meridien or thereafter on Sunday night, their regularly scheduled start-
18 ing time on Sunday shall be considered as starting on Monday.

19 § 4. Subdivision 4 of section 527 of the labor law, as amended by
20 chapter 832 of the laws of 1968 and as renumbered by chapter 381 of the
21 laws of 1984, is amended to read as follows:

22 4. General condition. A valid original claim may be filed only in a
23 week in which the claimant [~~has at least one effective day of unemploy-~~
24 ~~ment~~] is totally unemployed or partially unemployed as defined in this
25 article.

26 § 5. Clauses (i), (ii), (iii) and (iv) of subparagraph 2 of paragraph
27 (e) of subdivision 1 of section 581 of the labor law, as amended by
28 chapter 282 of the laws of 2002, are amended to read as follows:

29 (i) In those instances where the claimant may not utilize wages paid
30 to establish entitlement based upon subdivision ten of section five
31 hundred ninety of this article and an educational institution is the
32 claimant's last employer prior to the filing of the claim for benefits,
33 or the claimant performed services in such educational institution in
34 such capacity while employed by an educational service agency which is
35 the claimant's last employer prior to the filing of the claim for bene-
36 fits, such employer shall not be liable for benefit charges [~~for the~~
37 ~~first twenty-eight effective days of benefits paid~~] in an amount equal
38 to the benefits paid for seven weeks of total unemployment as otherwise
39 provided by this section. Under such circumstances, benefits paid shall
40 be charged to the general account. In addition, wages paid during the
41 base period by such educational institutions, or for services in such
42 educational institutions for claimants employed by an educational
43 service agency shall not be considered base period wages during periods
44 that such wages may not be used to gain entitlement to benefits pursuant
45 to subdivision ten of section five hundred ninety of this article.

46 (ii) In those instances where the claimant may not utilize wages paid
47 to establish entitlement based upon subdivision eleven of section five
48 hundred ninety of this article and an educational institution is the
49 claimant's last employer prior to the filing of the claim for benefits,
50 or the claimant performed services in such educational institution in
51 such capacity while employed by an educational service agency which is
52 the claimant's last employer prior to the filing of the claim for bene-
53 fits, such employer shall not be liable for benefit charges [~~for the~~
54 ~~first twenty-eight effective days of benefits paid~~] in an amount equal
55 to the benefits paid for seven weeks of total unemployment as otherwise
56 provided by this section. Under such circumstances, benefits paid will

1 be charged to the general account. In addition, wages paid during the
2 base period by such educational institutions, or for services in such
3 educational institutions for claimants employed by an educational
4 service agency shall not be considered base period wages during periods
5 that such wages may not be used to gain entitlement to benefits pursuant
6 to subdivision eleven of section five hundred ninety of this article.
7 However, in those instances where a claimant was not afforded an oppor-
8 tunity to perform services for the educational institution for the next
9 academic year or term after reasonable assurance was provided, such
10 employer shall be liable for benefit charges as provided for in this
11 paragraph for any retroactive payments made to the claimant.

12 (iii) In those instances where the federal government is the claim-
13 ant's last employer prior to the filing of the claim for benefits and
14 such employer is not a base-period employer, payments [~~equaling the~~
15 ~~first twenty-eight effective days of benefits~~] in an amount equal to the
16 benefits paid for seven weeks of total unemployment as otherwise
17 prescribed by this section shall be charged to the general account. In
18 those instances where the federal government is the claimant's last
19 employer prior to the filing of the claim for benefits and a base-period
20 employer, such employer shall be liable for charges for all benefits
21 paid on such claim in the same proportion that the remuneration paid by
22 such employer during the base period bears to the remuneration paid by
23 all employers during the base period. In addition, benefit payment
24 charges [~~for the first twenty-eight effective days of benefits~~] in an
25 amount equal to the benefits paid for seven weeks of total unemployment
26 other than those chargeable to the federal government as prescribed
27 above shall be made to the general account.

28 (iv) In those instances where a combined wage claim is filed pursuant
29 to interstate reciprocal agreements and the claimant's last employer
30 prior to the filing of the claim is an out-of-state employer and such
31 employer is not a base-period employer, benefit payments [~~equaling the~~
32 ~~first twenty-eight effective days of benefits~~] in an amount equal to the
33 benefits paid for seven weeks of total unemployment as otherwise
34 prescribed by this section shall be charged to the general account. In
35 those instances where the out-of-state employer is the last employer
36 prior to the filing of the claim for benefits and a base-period employer
37 such employer shall be liable for charges for all benefits paid on such
38 claim in the same proportion that the remuneration paid by such employer
39 during the base period bears to the remuneration paid by all employers
40 during the base period. In addition, benefit payment charges [~~for the~~
41 ~~twenty-eight effective days of benefits~~] in an amount equal to the bene-
42 fits paid for seven weeks of total unemployment other than those charge-
43 able to the out-of-state employer as prescribed above shall be made to
44 the general account.

45 § 6. Subdivisions 1, 3, 4, paragraph (a) of subdivision 5 and subdivi-
46 sions 6 and 7 of section 590 of the labor law, subdivisions 1 and 3 as
47 amended by chapter 645 of the laws of 1951, subdivision 4 as amended by
48 chapter 457 of the laws of 1987, paragraph (a) of subdivision 5 as
49 amended by section 8 of part 0 of chapter 57 of the laws of 2013, subdivi-
50 sion 6 as added by chapter 720 of the laws of 1953 and as renumbered
51 by chapter 675 of the laws of 1977, and subdivision 7 as amended by
52 chapter 415 of the laws of 1983, are amended and two new paragraphs (c)
53 and (d) are added to subdivision 5 to read as follows:

54 1. Entitlement to benefits. A claimant shall be entitled to [~~accumu-~~
55 ~~late effective days for the purpose of benefit rights~~] the payment of
56 benefits only if he or she has complied with the provisions of this

1 article regarding the filing of his or her claim, including the filing
2 of a valid original claim, registered as totally unemployed or partially
3 unemployed, reported his or her subsequent employment and unemployment,
4 and reported for work or otherwise given notice of the continuance of
5 his or her unemployment.

6 3. Compensable periods. Benefits shall be paid for each [~~accumulation~~
7 ~~of effective days within a~~] week of partial unemployment or total unem-
8 ployment.

9 4. Duration. Benefits shall not be paid for more than [~~one hundred and~~
10 ~~four effective days~~] an amount exceeding twenty-six times the claimant's
11 weekly benefit rate in any benefit year, except as provided in section
12 six hundred one and subdivision two of section five hundred ninety-nine
13 of this [~~chapter~~] title.

14 (a) A claimant's weekly benefit amount shall be one twenty-sixth of
15 the remuneration paid during the highest calendar quarter of the base
16 period by employers, liable for contributions or payments in lieu of
17 contributions under this article, provided the claimant has remuneration
18 paid in all four calendar quarters during his or her base period or
19 alternate base period. However, for any claimant who has remuneration
20 paid in all four calendar quarters during his or her base period or
21 alternate base period and whose high calendar quarter remuneration
22 during the base period is three thousand five hundred seventy-five
23 dollars or less, the benefit amount shall be one twenty-fifth of the
24 remuneration paid during the highest calendar quarter of the base period
25 by employers liable for contributions or payments in lieu of contrib-
26 utions under this article. A claimant's weekly benefit shall be one
27 twenty-sixth of the average remuneration paid in the two highest quar-
28 ters paid during the base period or alternate base period by employers
29 liable for contributions or payments in lieu of contributions under this
30 article when the claimant has remuneration paid in two or three calendar
31 quarters provided however, that a claimant whose high calendar quarter
32 is four thousand dollars or less but greater than three thousand five
33 hundred seventy-five dollars shall have a weekly benefit amount of one
34 twenty-sixth of such high calendar quarter. However, for any claimant
35 who has remuneration paid in two or three calendar quarters during his
36 or her base period or alternate base period and whose high calendar
37 quarter remuneration during the base period is three thousand five
38 hundred seventy-five dollars or less, the benefit amount shall be one
39 twenty-fifth of the remuneration paid during the highest calendar quar-
40 ter of the base period by employers liable for contributions or payments
41 in lieu of contributions under this article. Any claimant whose high
42 calendar quarter remuneration during the base period is more than three
43 thousand five hundred seventy-five dollars shall not have a weekly bene-
44 fit amount less than one hundred forty-three dollars. The weekly benefit
45 amount, so computed, that is not a multiple of one dollar shall be
46 lowered to the next multiple of one dollar. On the first Monday of
47 September, nineteen hundred ninety-eight the weekly benefit amount shall
48 not exceed three hundred sixty-five dollars nor be less than forty
49 dollars, until the first Monday of September, two thousand, at which
50 time the maximum benefit payable pursuant to this subdivision shall
51 equal one-half of the state average weekly wage for covered employment
52 as calculated by the department no sooner than July first, two thousand
53 and no later than August first, two thousand, rounded down to the lowest
54 dollar. On and after the first Monday of October, two thousand fourteen,
55 the weekly benefit shall not be less than one hundred dollars, nor shall
56 it exceed four hundred twenty dollars until the first Monday of October,

1 two thousand fifteen when the maximum benefit amount shall be four
2 hundred twenty-five dollars, until the first Monday of October, two
3 thousand sixteen when the maximum benefit amount shall be four hundred
4 thirty dollars, until the first Monday of October, two thousand seven-
5 teen when the maximum benefit amount shall be four hundred thirty-five
6 dollars, until the first Monday of October, two thousand eighteen when
7 the maximum benefit amount shall be four hundred fifty dollars, until
8 the first Monday of October, two thousand nineteen when the maximum
9 benefit amount shall be thirty-six percent of the average weekly wage
10 until the first Monday of October, two thousand twenty when the maximum
11 benefit amount shall be thirty-eight percent of the average weekly wage,
12 until the first Monday of October two thousand twenty-one when the maxi-
13 mum benefit amount shall be forty percent of the average weekly wage,
14 until the first Monday of October, two thousand twenty-two when the
15 maximum benefit amount shall be forty-two percent of the average weekly
16 wage, until the first Monday of October, two thousand twenty-three when
17 the maximum benefit amount shall be forty-four percent of the average
18 weekly wage, until the first Monday of October, two thousand twenty-four
19 when the maximum benefit amount shall be forty-six percent of the aver-
20 age weekly wage, until the first Monday of October, two thousand twen-
21 ty-five when the maximum benefit amount shall be forty-eight percent of
22 the average weekly wage, until the first Monday of October, two thousand
23 twenty-six and each year thereafter on the first Monday of October when
24 the maximum benefit amount shall be fifty percent of the average weekly
25 wage provided, however, that in no event shall the maximum benefit
26 amount be reduced from the previous year. A claimant shall receive his
27 or her full benefit rate for each week of total unemployment.

28 (c) Any claimant who is partially unemployed throughout a week shall
29 be paid with respect to such week an amount equal to the claimant's
30 benefit rate for total unemployment reduced by an amount equal to two-
31 thirds, rounded to the next lower whole dollar, of the total remunera-
32 tion, rounded to the lower whole dollar, of any nature payable to the
33 claimant for services of any kind during such week.

34 (d) Any claimant who is partially unemployed whose employment is
35 limited to one or two days during any week of unemployment and whose
36 paid or payable remuneration for such week is equal to or less than the
37 weekly maximum benefit amount shall be paid:

38 (1) for employment limited to one day, a benefit amount equal to three
39 quarters of his or her weekly benefit amount, if that amount is greater
40 than what the claimant would have received had his or her benefit amount
41 been computed pursuant to paragraph (c) of this subdivision.

42 (2) for employment limited to two days, a benefit amount equal to
43 fifty percent of his or her weekly benefit amount, if that amount is
44 greater than what the claimant would have received had his or her bene-
45 fit amount been computed pursuant to paragraph (c) of this subdivision.

46 6. Notification requirement. [~~No effective day shall be counted for~~
47 ~~any purposes except effective days as to~~] Benefits shall be payable only
48 for any week for which notification has been given in a manner
49 prescribed by the commissioner.

50 7. Waiting period. A claimant shall not be entitled to [~~accumulate~~
51 ~~effective days for the purpose of~~] receive benefit payments until he or
52 she has [~~accumulated~~] completed a waiting period of [~~four effective days~~
53 ~~either wholly within the~~] one week of total unemployment or partial
54 unemployment in which he or she established [~~his~~] a valid original claim
55 [~~or partly within such week and partly~~] within his or her benefit year
56 initiated by such claim.

1 § 7. Subdivisions 1 and 2, paragraph (a) of subdivision 3 and para-
2 graph (a) of subdivision 6 of section 591 of the labor law, subdivisions
3 1 and 2 as amended by chapter 413 of the laws of 2003, paragraph (a) of
4 subdivision 3 as amended by chapter 794 of the laws of 1963 and para-
5 graph (a) of subdivision 6 as added by section 13 of part 0 of chapter
6 57 of laws of 2013, are amended to read as follows:

7 1. Unemployment. Benefits, except as provided in section five hundred
8 ninety-one-a of this title, shall be paid only to a claimant who is
9 totally unemployed or partially unemployed and who is unable to engage
10 in his or her usual employment or in any other for which he or she is
11 reasonably fitted by training and experience. A claimant who is receiv-
12 ing benefits under this article shall not be denied such benefits pursu-
13 ant to this subdivision or to subdivision two of this section because of
14 such claimant's service on a grand or petit jury of any state or of the
15 United States.

16 2. Availability and capability. Except as provided in section five
17 hundred ninety-one-a of this title, no benefits shall be payable to any
18 claimant who is not capable of work or who is not ready, willing and
19 able to work in his usual employment or in any other for which he is
20 reasonably fitted by training and experience. The commissioner shall
21 promulgate regulations defining a claimant's eligibility for benefits
22 when such claimant is not capable of work or not ready, willing and able
23 to work in his or her usual employment or in any other which he or she
24 is reasonably fitted by training and experience.

25 (a) [~~No benefits shall be~~] Benefits payable to a claimant for any day
26 during a paid vacation period, or for a paid holiday, [~~nor shall any~~
27 ~~such day be considered a day of total unemployment under section five~~
28 ~~hundred twenty-two~~] shall be calculated as provided in section five
29 hundred twenty-three and subdivision five of section five hundred ninety
30 of this article.

31 (a) No benefits shall be payable to a claimant for any week during a
32 dismissal period for which a claimant receives dismissal pay[~~, nor shall~~
33 ~~any day within such week be considered a day of total unemployment under~~
34 ~~section five hundred twenty-two of this article,~~] if such weekly
35 dismissal pay exceeds the maximum weekly benefit rate.

36 § 8. Subdivisions 1 and 2 of section 591 of the labor law, subdivision
37 1 as amended by chapter 446 of the laws of 1981 and subdivision 2 as
38 amended by section 12 of part 0 of chapter 57 of the laws of 2013, are
39 amended to read as follows:

40 1. Unemployment. Benefits shall be paid only to a claimant who is
41 totally unemployed or partially unemployed and who is unable to engage
42 in his or her usual employment or in any other for which he or she is
43 reasonably fitted by training and experience. A claimant who is receiv-
44 ing benefits under this article shall not be denied such benefits pursu-
45 ant to this subdivision or to subdivision two of this section because of
46 such claimant's service on a grand or petit jury of any state or of the
47 United States.

48 2. Availability, capability, and work search. No benefits shall be
49 payable to any claimant who is not capable of work or who is not ready,
50 willing and able to work in his or her usual employment or in any other
51 for which he or she is reasonably fitted by training and experience and
52 who is not actively seeking work. In order to be actively seeking work a
53 claimant must be engaged in systematic and sustained efforts to find
54 work. The commissioner shall promulgate regulations defining systematic
55 and sustained efforts to find work and setting standards for the proof
56 of work search efforts. The commissioner shall promulgate regulations

1 defining a claimant's eligibility for benefits when such claimant is not
2 capable of work or not ready, willing and able to work in his or her
3 usual employment or in any other which he or she is reasonably fitted by
4 training and experience.

5 § 9. Subdivision 2 of section 592 of the labor law, as amended by
6 chapter 415 of the laws of 1983, is amended to read as follows:

7 2. Concurrent payments prohibited. No [~~days of total unemployment~~
8 ~~shall be deemed to occur~~] benefits shall be payable in any week with
9 respect to which or a part of which a claimant has received or is seek-
10 ing unemployment benefits under an unemployment compensation law of any
11 other state or of the United States, provided that this provision shall
12 not apply if the appropriate agency of such other state or of the United
13 States finally determines that he or she is not entitled to such unem-
14 ployment benefits.

15 § 10. Paragraph (a) of subdivision 1, the opening paragraph of subdivi-
16 sion 2 and subdivisions 3 and 4 of section 593 of the labor law, para-
17 graph (a) of subdivision 1, the opening paragraph of subdivision 2 and
18 subdivision 3 as amended by section 15 of part 0 of chapter 57 of the
19 laws of 2013 and subdivision 4 as amended by chapter 589 of the laws of
20 1998, are amended to read as follows:

21 (a) No [~~days of total unemployment shall be deemed to occur~~] benefits
22 shall be payable for any week of total unemployment or partial unemploy-
23 ment that occurs after a claimant's voluntary separation without good
24 cause from employment until he or she has subsequently worked in employ-
25 ment and earned remuneration at least equal to ten times his or her
26 weekly benefit rate. In addition to other circumstances that may be
27 found to constitute good cause, including a compelling family reason as
28 set forth in paragraph (b) of this subdivision, voluntary separation
29 from employment shall not in itself disqualify a claimant if circum-
30 stances have developed in the course of such employment that would have
31 justified the claimant in refusing such employment in the first instance
32 under the terms of subdivision two of this section or if the claimant,
33 pursuant to an option provided under a collective bargaining agreement
34 or written employer plan which permits waiver of his or her right to
35 retain the employment when there is a temporary layoff because of lack
36 of work, has elected to be separated for a temporary period and the
37 employer has consented thereto.

38 No [~~days of total unemployment shall be deemed to occur~~] benefits
39 shall be payable for any week of total unemployment or partial unemploy-
40 ment beginning with the day on which a claimant, without good cause,
41 refuses to accept an offer of employment for which he or she is reason-
42 ably fitted by training and experience, including employment not subject
43 to this article, until he or she has subsequently worked in employment
44 and earned remuneration at least equal to ten times his or her weekly
45 benefit rate. Except that claimants who are not subject to a recall date
46 or who do not obtain employment through a union hiring hall and who are
47 still unemployed after receiving ten weeks of benefits shall be required
48 to accept any employment proffered that such claimants are capable of
49 performing, provided that such employment would result in a wage not
50 less than eighty percent of such claimant's high calendar quarter wages
51 received in the base period and not substantially less than the prevail-
52 ing wage for similar work in the locality as provided for in paragraph
53 (d) of this subdivision. No refusal to accept employment shall be deemed
54 without good cause nor shall it disqualify any claimant otherwise eligi-
55 ble to receive benefits if:

1 3. Misconduct. No [~~days of total unemployment shall be deemed to~~
2 ~~occur~~] benefits shall be payable for any week of total unemployment or
3 partial unemployment that occurs after a claimant lost employment
4 through misconduct in connection with his or her employment until he or
5 she has subsequently worked in employment and earned remuneration at
6 least equal to ten times his or her weekly benefit rate.

7 4. Criminal acts. No [~~days of total unemployment shall be deemed to~~
8 ~~occur during~~] benefits shall be payable for any week of total unemploy-
9 ment or partial unemployment for a period of twelve months after a
10 claimant loses employment as a result of an act constituting a felony in
11 connection with such employment, provided the claimant is duly convicted
12 thereof or has signed a statement admitting that he or she has committed
13 such an act. Determinations regarding a benefit claim may be reviewed
14 at any time. Any benefits paid to a claimant prior to a determination
15 that the claimant has lost employment as a result of such act shall not
16 be considered to have been accepted by the claimant in good faith. In
17 addition, remuneration paid to the claimant by the affected employer
18 prior to the claimant's loss of employment due to such criminal act may
19 not be utilized for the purpose of establishing entitlement to a subse-
20 quent, valid original claim. The provisions of this subdivision shall
21 apply even if the employment lost as a result of such act is not the
22 claimant's last employment prior to the filing of his or her claim.

23 § 11. Section 594 of the labor law, as amended by section 16 of part 0
24 of chapter 57 of the laws of 2013, is amended to read as follows:

25 § 594. [~~Reduction and recovery~~] Recovery of benefits and penalties for
26 wilful false statement. (1) A claimant who has wilfully made a false
27 statement or representation to obtain any benefit under the provisions
28 of this article shall [~~forfeit benefits for at least the first four but~~
29 ~~not more than the first eighty effective days following discovery of~~
30 ~~such offense for which he or she otherwise would have been entitled to~~
31 ~~receive benefits. Such penalty shall apply only once with respect to~~
32 ~~each such offense.~~

33 [~~(2) For the purpose of subdivision four of section five hundred ninety~~
34 ~~of this article, the claimant shall be deemed to have received benefits~~
35 ~~for such forfeited effective days.~~

36 [~~(3) The penalty provided in this section shall not be confined to a~~
37 ~~single benefit year but shall no longer apply in whole or in part after~~
38 ~~the expiration of two years from the date of the final determination.~~
39 ~~Such two year period shall be tolled during the time period a claimant~~
40 ~~has an appeal pending~~] be subject to the penalties set forth in this
41 section.

42 [~~(4)~~] (2) A claimant shall refund all moneys received because of such
43 false statement or representation and pay a civil penalty in an amount
44 equal to [~~the greater of one hundred dollars or fifteen~~] twenty-five
45 percent of the total overpaid benefits determined pursuant to this
46 section. [~~The~~] If a claimant is found to have made a second false
47 statement or representation within five years of the first determi-
48 nation, the penalty shall be fifty percent of the total overpaid bene-
49 fits. Fifteen percent of the penalties collected hereunder for the first
50 and second occurrences shall be deposited in the fund. The remaining
51 percentage of the penalties shall be deposited in the unemployment
52 insurance control fund. The penalties assessed under this subdivision
53 shall apply and be assessed for any benefits paid under federal unem-
54 ployment and extended unemployment programs administered by the depart-
55 ment in the same manner as provided in this article. The penalties in
56 this section shall be in addition to any penalties imposed under this

1 chapter or any state or federal criminal statute. No penalties or inter-
2 est assessed pursuant to this section may be deducted or withheld from
3 benefits.

4 ~~[(5)]~~ (3) (a) Upon a determination based upon a willful false state-
5 ment or representation becoming final through exhaustion of appeal
6 rights or failure to exhaust hearing rights, the commissioner may
7 recover the amount found to be due by commencing a civil action, or by
8 filing with the county clerk of the county where the claimant resides
9 the final determination of the commissioner or the final decision by an
10 administrative law judge, the appeal board, or a court containing the
11 amount found to be due including interest and civil penalty. The commis-
12 sioner may only make such a filing with the county clerk when:

13 (i) The claimant has responded to requests for information prior to a
14 determination and such requests for information notified the claimant of
15 his or her rights to a fair hearing as well as the potential conse-
16 quences of an investigation and final determination under this section
17 including the notice required by subparagraph (iii) of paragraph (b) of
18 this subdivision. Additionally if the claimant requested a fair hearing
19 or appeal subsequent to a determination, that the claimant was present
20 either in person or through electronic means at such hearing, or subse-
21 quent appeal from which a final determination was rendered;

22 (ii) The commissioner has made efforts to collect on such final deter-
23 mination; and

24 (iii) The commissioner has sent a notice, in accordance with paragraph
25 (b) of this subdivision, of intent to docket such final determination by
26 first class or certified mail, return receipt requested, ten days prior
27 to the docketing of such determination.

28 (b) The notice required in subparagraph (iii) of paragraph (a) of this
29 subdivision shall include the following:

30 (i) That the commissioner intends to docket a final determination
31 against such claimant as a judgment;

32 (ii) The total amount to be docketed; and

33 (iii) Conspicuous language that reads as follows: "Once entered, a
34 judgment is good and can be used against you for twenty years, and your
35 money, including a portion of your paycheck and/or bank account, may be
36 taken. Also, a judgment will hurt your credit score and can affect your
37 ability to rent a home, find a job, or take out a loan."

38 § 11-a. Section 11 of this act shall apply to all false statements and
39 representations determined on or after the effective date of this act
40 and all forfeited effective days determined prior to such effective
41 date shall remain in full force and effect for two years from the expi-
42 ration of the initial determination. For purposes of applying such
43 forfeited benefits, four effective days shall be considered one week of
44 forfeited benefits and any remaining amount of less than four days shall
45 not be applied to future benefits.

46 § 12. Subdivisions 1 and 4 of section 596 of the labor law, subdivi-
47 sion 1 as amended by chapter 204 of the laws of 1982 and subdivision 4
48 as added by chapter 705 of the laws of 1944 and as renumbered by section
49 148-a of part B of chapter 436 of the laws of 1997, are amended to read
50 as follows:

51 1. Claim filing and certification to unemployment. A claimant shall
52 file a claim for benefits ~~[at]~~ with the ~~[local state employment office~~
53 ~~servicing the area in which he was last employed or in which he resides]~~
54 department of labor within such time and in such manner as the commis-
55 sioner shall prescribe. He or she shall disclose whether he or she owes
56 child support obligations, as hereafter defined. If a claimant making

1 such disclosure is eligible for benefits, the commissioner shall notify
2 the state or local child support enforcement agency, as hereafter
3 defined, that the claimant is eligible.

4 A claimant shall correctly report any [~~days-of~~] employment and any
5 compensation [~~he~~] received for such employment, including [~~employments~~]
6 employment not subject to this article, and the days on which he or she
7 was totally unemployed or partially unemployed and shall make such
8 reports in accordance with such regulations as the commissioner shall
9 prescribe.

10 4. Registration and reporting for work. A claimant shall register as
11 totally unemployed or partially unemployed at a local state employment
12 office serving the area in which he or she was last employed or in which
13 he or she resides in accordance with such regulations as the commission-
14 er shall prescribe. After so registering, such claimant shall report for
15 work at the same local state employment office or otherwise give notice
16 of the continuance of his or her unemployment as often and in such
17 manner as the commissioner shall prescribe.

18 § 12-a. Subdivision 3 of section 597 of the labor law, as amended by
19 chapter 42 of the laws of 1961, is amended to read as follows:

20 3. Limitation on review of determinations. Any determination regarding
21 a benefit claim may, in the absence of fraud or wilful misrepresen-
22 tation, be reviewed only within [~~one-year~~] two years from the date it is
23 issued because of new or corrected information, or, if the review is
24 based thereon, within six months from a retroactive payment of remunera-
25 tion, provided that no decision on the merits of the case has been made
26 upon hearing or appeal. Such review shall be conducted and a new deter-
27 mination issued in accordance with the provisions of this article and
28 regulations and procedure prescribed thereunder with respect to the
29 adjudication and payment of claims, including the right of appeal.

30 § 13. Paragraph (a) of subdivision 2 of section 599 of the labor law,
31 as amended by chapter 593 of the laws of 1991, is amended to read as
32 follows:

33 (a) Notwithstanding any other provision of this chapter, a claimant
34 attending an approved training course or program under this section may
35 receive additional benefits of up to [~~one hundred four effective days~~]
36 twenty-six times his or her weekly benefit amount following exhaustion
37 of regular and, if in effect, any other extended benefits, provided that
38 entitlement to a new benefit claim cannot be established. Certification
39 of continued satisfactory participation and progress in such training
40 course or program must be submitted to the commissioner prior to the
41 payment of any such benefits. The [~~duration~~] amount of such additional
42 benefits shall in no case exceed twice the [~~number of effective days~~]
43 amount of regular benefits to which the claimant is entitled at the time
44 the claimant is accepted in, or demonstrates application for appropriate
45 training.

46 § 14. The opening paragraph and paragraph (e) of subdivision 2 of
47 section 601 of the labor law, as amended by chapter 35 of the laws of
48 2009, are amended to read as follows:

49 Extended benefits shall be payable to a claimant for [~~effective days~~
50 ~~occurring in~~] any week of total unemployment or partial unemployment
51 within an eligibility period, provided the claimant

52 (e) is not claiming benefits pursuant to an interstate claim filed
53 under the interstate benefit payment plan in a state where an extended
54 benefit period is not in effect, except that this condition shall not
55 apply with respect to the first [~~eight effective days~~] two weeks of
56 total unemployment or partial unemployment for which extended benefits

1 shall otherwise be payable pursuant to an interstate claim filed under
2 the interstate benefit payment plan; and

3 § 15. Subdivisions 3 and 4 and paragraphs (b) and (e) of subdivision 5
4 of section 601 of the labor law, as amended by chapter 35 of the laws of
5 2009, are amended to read as follows:

6 3. Extended benefit amounts; rate and duration. Extended benefits
7 shall be paid to a claimant

8 (a) at a rate equal to his or her rate for regular benefits during his
9 or her applicable benefit year but

10 (b) for not more than [~~fifty two effective days with respect to his or~~
11 ~~her applicable benefit year, with a total maximum amount equal to~~] fifty
12 percentum of the total maximum amount of regular benefits payable in
13 such benefit year, and

14 (c) if a claimant's benefit year ends within an extended benefit peri-
15 od, the remaining balance of extended benefits to which he or she would
16 be entitled, if any, shall be reduced by the [~~number of effective days~~
17 amount of benefits for which he or she was entitled to receive trade
18 readjustment allowances under the federal trade act of nineteen hundred
19 seventy-four during such benefit year, and

20 (d) for periods of high unemployment for not more than [~~eighty effec-~~
21 ~~tive days with respect to the applicable benefit year with a total maxi-~~
22 ~~imum amount equal to~~] eighty percent of the total maximum amount of regu-
23 lar benefits payable in such benefit year.

24 4. Charging of extended benefits. The provisions of paragraph (e) of
25 subdivision one of section five hundred eighty-one of this article shall
26 apply to benefits paid pursuant to the provisions of this section, and
27 if they were paid for [~~effective days~~] weeks of total unemployment or
28 partial unemployment occurring in weeks following the end of a benefit
29 year, they shall be deemed paid with respect to that benefit year.
30 However, except for governmental entities as defined in section five
31 hundred sixty-five and Indian tribes as defined in section five hundred
32 sixty-six of this article, only one-half of the amount of such benefits
33 shall be debited to the employers' account; the remainder thereof shall
34 be debited to the general account, and such account shall be credited
35 with the amount of payments received in the fund pursuant to the
36 provisions of the federal-state extended unemployment compensation act.
37 Notwithstanding the foregoing, where the state has entered an extended
38 benefit period triggered pursuant to subparagraph one of paragraph (a)
39 of subdivision one of this section for which federal law provides for
40 one hundred percent federal sharing of the costs of benefits, all charg-
41 es shall be debited to the general account and such account shall be
42 credited with the amount of payments received in the fund pursuant to
43 the provisions of the federal-state extended unemployment compensation
44 act or other federal law providing for one hundred percent federal shar-
45 ing for the cost of such benefits.

46 (b) No [~~days of total unemployment shall be deemed to occur in~~] bene-
47 fits shall be payable for any week within an eligibility period during
48 which a claimant fails to accept any offer of suitable work or fails to
49 apply for suitable work to which he or she was referred by the commis-
50 sioner, who shall make such referral if such work is available, or
51 during which he or she fails to engage actively in seeking work by
52 making a systematic and sustained effort to obtain work and providing
53 tangible evidence of such effort, and until he or she has worked in
54 employment during at least four subsequent weeks and earned remuneration
55 of at least four times his or her benefit rate.

1 (e) No [~~days of total unemployment~~] benefits shall be [~~deemed to occur~~
 2 ~~in~~] payable for any week within an eligibility period under section five
 3 hundred ninety-three of this [~~article~~] title, until he or she has subse-
 4 quently worked in employment in accordance with the requirements set
 5 forth in section five hundred ninety-three of this [~~article~~] title.

6 § 16. Section 603 of the labor law, as amended by section 21 of part O
 7 of chapter 57 of the laws of 2013, is amended to read as follows:

8 § 603. Definitions. For purposes of this title: "Total unemployment"
 9 and "partial unemployment" shall [~~mean the total lack of any employment~~
 10 ~~on any day,~~] have the same meanings as defined in this article, other
 11 than with an employer applying for a shared work program. "Work force"
 12 shall mean the total work force, a clearly identifiable unit or units
 13 thereof, or a particular shift or shifts. The work force subject to
 14 reduction shall consist of no less than two employees.

15 § 17. Severability. If any amendment contained in a clause, sentence,
 16 paragraph, section or part of this act shall be adjudged by the United
 17 States Department of Labor to violate requirements for maintaining bene-
 18 fit standards required of the state in order to be eligible for any
 19 financial benefit offered through federal law or regulation, such amend-
 20 ments shall be severed from this act and shall not affect, impair or
 21 invalidate the remainder thereof.

22 § 18. This act shall take effect on the ninetieth day after the
 23 commissioner of labor certifies that the department of labor has an
 24 information technology system capable of accommodating the provisions in
 25 this act; provided that the commissioner of labor shall notify the
 26 legislative bill drafting commission of the date of such certification
 27 in order that the commission may maintain an accurate and timely effec-
 28 tive database of the official text of the laws of the state of New York
 29 in furtherance of effecting the provisions of section 44 of the legisla-
 30 tive law and section 70-b of the public officers law. Effective imme-
 31 diately, the addition, amendment and/or repeal of any rule or regulation
 32 necessary for the implementation of this act on its effective date are
 33 authorized to be made and completed on or before such effective date.
 34 Provided further that the amendments to subdivisions 1 and 2 of section
 35 591 of the labor law made by section seven of this act shall be subject
 36 to the expiration and reversion of such subdivisions pursuant to section
 37 10 of chapter 413 of the laws of 2003, when upon such date the
 38 provisions of section eight of this act shall take effect.

39 PART Q

40 Section 1. Subdivision 1 of section 296 of the executive law is
 41 amended by adding a new paragraph (h) to read as follows:

42 (h) For an employer or employment agency in writing or otherwise, to
 43 rely on, or inquire about, the salary history information of an appli-
 44 cant for employment as a factor in determining whether to offer employ-
 45 ment to an applicant or what salary to offer an applicant. Nothing in
 46 this subdivision shall prevent an applicant from voluntarily and without
 47 prompting disclosing salary history information to a prospective employ-
 48 er. If an applicant volunteers salary history information, nothing shall
 49 prohibit that employer from considering or relying on that information.
 50 Nothing in this subdivision shall prohibit an employer, without inquir-
 51 ing about salary history, from engaging in discussion with the applicant
 52 about their expectations with respect to salary, benefits, and other
 53 compensation.

1 § 2. The section heading and subdivision 1 of section 194 of the labor
2 law, the section heading as added by chapter 548 of the laws of 1966 and
3 subdivision 1 as amended by chapter 362 of the laws of 2015, are amended
4 to read as follows:

5 Differential in rate of pay because of [~~sex~~] protected class status
6 prohibited. 1. No employee who is a member of a protected class shall
7 be paid a wage at a rate less than the rate at which an employee [~~of the~~
8 ~~opposite sex~~] who is not a member of the protected class in the same
9 establishment is paid for [~~equal work on a job the performance of which~~
10 ~~requires equal skill, effort and responsibility, and which is performed~~
11 ~~under similar working conditions~~] substantially similar work, when
12 viewed as a composite of skill, effort, and responsibility, and
13 performed under similar working conditions, except where payment is made
14 pursuant to a differential based on:

15 a. a seniority system;
16 b. a merit system;
17 c. a system which measures earnings by quantity or quality of
18 production; or
19 d. a bona fide factor other than [~~sex~~] the protected class status,
20 such as education, training, or experience. Such factor: (i) shall not
21 be based upon [~~or derived from~~] a [~~sex-based~~] differential in compen-
22 sation that was originally derived from a protected class status and
23 (ii) shall be job-related with respect to the position in question and
24 shall be consistent with business necessity. Such exception under this
25 paragraph shall not apply when the employee demonstrates (A) that an
26 employer uses a particular employment practice that causes a disparate
27 impact on the basis of [~~sex~~] protected class status, (B) that an alter-
28 native employment practice exists that would serve the same business
29 purpose and not produce such differential, and (C) that the employer has
30 refused to adopt such alternative practice.

31 § 3. This act shall take effect on the one hundred eightieth day after
32 it shall have become a law.

33 PART R

34 Section 1. Subdivisions 1 and 2 of section 291 of the executive law,
35 as amended by chapter 196 of the laws of 2010, are amended to read as
36 follows:

37 1. The opportunity to obtain employment without discrimination because
38 of age, race, creed, color, national origin, sexual orientation, gender
39 identity or expression, military status, sex, marital status, or disa-
40 bility, is hereby recognized as and declared to be a civil right.

41 2. The opportunity to obtain education, the use of places of public
42 accommodation and the ownership, use and occupancy of housing accommo-
43 dations and commercial space without discrimination because of age,
44 race, creed, color, national origin, sexual orientation, gender identity
45 or expression, military status, sex, marital status, or disability, as
46 specified in section two hundred ninety-six of this article, is hereby
47 recognized as and declared to be a civil right.

48 § 2. Section 292 of the executive law is amended by adding a new
49 subdivision 35 to read as follows:

50 35. The term "gender identity or expression" means a person's actual
51 or perceived gender-related identity, appearance, behavior, expression,
52 or other gender-related characteristic regardless of the sex assigned to
53 that person at birth, including, but not limited to, the status of being
54 transgender.

1 § 3. Subdivisions 8 and 9 of section 295 of the executive law, as
2 amended by chapter 106 of the laws of 2003, are amended to read as
3 follows:

4 8. To create such advisory councils, local, regional or state-wide, as
5 in its judgment will aid in effectuating the purposes of this article
6 and of section eleven of article one of the constitution of this state,
7 and the division may empower them to study the problems of discrimi-
8 nation in all or specific fields of human relationships or in specific
9 instances of discrimination because of age, race, creed, color, national
10 origin, sexual orientation, gender identity or expression, military
11 status, sex, disability or marital status and make recommendations to
12 the division for the development of policies and procedures in general
13 and in specific instances. The advisory councils also shall disseminate
14 information about the division's activities to organizations and indi-
15 viduals in their localities. Such advisory councils shall be composed of
16 representative citizens, serving without pay, but with reimbursement for
17 actual and necessary traveling expenses; and the division may make
18 provision for technical and clerical assistance to such councils and for
19 the expenses of such assistance.

20 9. To develop human rights plans and policies for the state and assist
21 in their execution and to make investigations and studies appropriate to
22 effectuate this article and to issue such publications and such results
23 of investigations and research as in its judgement will tend to inform
24 persons of the rights assured and remedies provided under this article,
25 to promote good-will and minimize or eliminate discrimination because of
26 age, race, creed, color, national origin, sexual orientation, gender
27 identity or expression, military status, sex, disability or marital
28 status.

29 § 4. Paragraphs (a), (b), (c) and (d) of subdivision 1 of section 296
30 of the executive law, as amended by chapter 365 of the laws of 2015, are
31 amended to read as follows:

32 (a) For an employer or licensing agency, because of an individual's
33 age, race, creed, color, national origin, sexual orientation, gender
34 identity or expression, military status, sex, disability, predisposing
35 genetic characteristics, familial status, marital status, or domestic
36 violence victim status, to refuse to hire or employ or to bar or to
37 discharge from employment such individual or to discriminate against
38 such individual in compensation or in terms, conditions or privileges of
39 employment.

40 (b) For an employment agency to discriminate against any individual
41 because of age, race, creed, color, national origin, sexual orientation,
42 gender identity or expression, military status, sex, disability, predis-
43 posing genetic characteristics, familial status, or marital status, in
44 receiving, classifying, disposing or otherwise acting upon applications
45 for its services or in referring an applicant or applicants to an
46 employer or employers.

47 (c) For a labor organization, because of the age, race, creed, color,
48 national origin, sexual orientation, gender identity or expression,
49 military status, sex, disability, predisposing genetic characteristics,
50 familial status, or marital status of any individual, to exclude or to
51 expel from its membership such individual or to discriminate in any way
52 against any of its members or against any employer or any individual
53 employed by an employer.

54 (d) For any employer or employment agency to print or circulate or
55 cause to be printed or circulated any statement, advertisement or publi-
56 cation, or to use any form of application for employment or to make any

1 inquiry in connection with prospective employment, which expresses
2 directly or indirectly, any limitation, specification or discrimination
3 as to age, race, creed, color, national origin, sexual orientation,
4 gender identity or expression, military status, sex, disability, predis-
5 posing genetic characteristics, familial status, or marital status, or
6 any intent to make any such limitation, specification or discrimination,
7 unless based upon a bona fide occupational qualification; provided,
8 however, that neither this paragraph nor any provision of this chapter
9 or other law shall be construed to prohibit the department of civil
10 service or the department of personnel of any city containing more than
11 one county from requesting information from applicants for civil service
12 examinations concerning any of the aforementioned characteristics, other
13 than sexual orientation, for the purpose of conducting studies to iden-
14 tify and resolve possible problems in recruitment and testing of members
15 of minority groups to insure the fairest possible and equal opportu-
16 nities for employment in the civil service for all persons, regardless
17 of age, race, creed, color, national origin, sexual orientation or
18 gender identity or expression, military status, sex, disability, predis-
19 posing genetic characteristics, familial status, or marital status.

20 § 5. Paragraphs (b), (c) and (d) of subdivision 1-a of section 296 of
21 the executive law, as amended by chapter 365 of the laws of 2015, are
22 amended to read as follows:

23 (b) To deny to or withhold from any person because of race, creed,
24 color, national origin, sexual orientation, gender identity or
25 expression, military status, sex, age, disability, familial status, or
26 marital status, the right to be admitted to or participate in a guidance
27 program, an apprenticeship training program, on-the-job training
28 program, executive training program, or other occupational training or
29 retraining program;

30 (c) To discriminate against any person in his or her pursuit of such
31 programs or to discriminate against such a person in the terms, condi-
32 tions or privileges of such programs because of race, creed, color,
33 national origin, sexual orientation, gender identity or expression,
34 military status, sex, age, disability, familial status or marital
35 status;

36 (d) To print or circulate or cause to be printed or circulated any
37 statement, advertisement or publication, or to use any form of applica-
38 tion for such programs or to make any inquiry in connection with such
39 program which expresses, directly or indirectly, any limitation, spec-
40 ification or discrimination as to race, creed, color, national origin,
41 sexual orientation, gender identity or expression, military status, sex,
42 age, disability, familial status or marital status, or any intention to
43 make any such limitation, specification or discrimination, unless based
44 on a bona fide occupational qualification.

45 § 6. Paragraph (a) of subdivision 2 of section 296 of the executive
46 law, as amended by chapter 106 of the laws of 2003, is amended to read
47 as follows:

48 (a) It shall be an unlawful discriminatory practice for any person,
49 being the owner, lessee, proprietor, manager, superintendent, agent or
50 employee of any place of public accommodation, resort or amusement,
51 because of the race, creed, color, national origin, sexual orientation,
52 gender identity or expression, military status, sex, [~~or~~] disability or
53 marital status of any person, directly or indirectly, to refuse, with-
54 hold from or deny to such person any of the accommodations, advantages,
55 facilities or privileges thereof, including the extension of credit, or,
56 directly or indirectly, to publish, circulate, issue, display, post or

1 mail any written or printed communication, notice or advertisement, to
2 the effect that any of the accommodations, advantages, facilities and
3 privileges of any such place shall be refused, withheld from or denied
4 to any person on account of race, creed, color, national origin, sexual
5 orientation, gender identity or expression, military status, sex, [~~or~~]
6 disability or marital status, or that the patronage or custom thereof of
7 any person of or purporting to be of any particular race, creed, color,
8 national origin, sexual orientation, gender identity or expression,
9 military status, sex or marital status, or having a disability is unwell-
10 come, objectionable or not acceptable, desired or solicited.

11 § 7. Paragraphs (a), (b), (c) and (c-1) of subdivision 2-a of section
12 296 of the executive law, paragraphs (a), (b) and (c) as amended and
13 paragraph (c-1) as added by chapter 106 of the laws of 2003, are amended
14 to read as follows:

15 (a) To refuse to sell, rent or lease or otherwise to deny to or with-
16 hold from any person or group of persons such housing accommodations
17 because of the race, creed, color, disability, national origin, sexual
18 orientation, gender identity or expression, military status, age, sex,
19 marital status, or familial status of such person or persons, or to
20 represent that any housing accommodation or land is not available for
21 inspection, sale, rental or lease when in fact it is so available.

22 (b) To discriminate against any person because of his or her race,
23 creed, color, disability, national origin, sexual orientation, gender
24 identity or expression, military status, age, sex, marital status, or
25 familial status in the terms, conditions or privileges of any publicly-
26 assisted housing accommodations or in the furnishing of facilities or
27 services in connection therewith.

28 (c) To cause to be made any written or oral inquiry or record concern-
29 ing the race, creed, color, disability, national origin, sexual orien-
30 tation, gender identity or expression, membership in the reserve armed
31 forces of the United States or in the organized militia of the state,
32 age, sex, marital status, or familial status of a person seeking to rent
33 or lease any publicly-assisted housing accommodation; provided, however,
34 that nothing in this subdivision shall prohibit a member of the reserve
35 armed forces of the United States or in the organized militia of the
36 state from voluntarily disclosing such membership.

37 (c-1) To print or circulate or cause to be printed or circulated any
38 statement, advertisement or publication, or to use any form of applica-
39 tion for the purchase, rental or lease of such housing accommodation or
40 to make any record or inquiry in connection with the prospective
41 purchase, rental or lease of such a housing accommodation which
42 expresses, directly or indirectly, any limitation, specification or
43 discrimination as to race, creed, color, national origin, sexual orien-
44 tation, gender identity or expression, military status, sex, age, disa-
45 bility, marital status, or familial status, or any intent to make any
46 such limitation, specification or discrimination.

47 § 8. Subdivision 3-b of section 296 of the executive law, as amended
48 by chapter 106 of the laws of 2003, is amended to read as follows:

49 3-b. It shall be an unlawful discriminatory practice for any real
50 estate broker, real estate salesperson or employee or agent thereof or
51 any other individual, corporation, partnership or organization for the
52 purpose of inducing a real estate transaction from which any such person
53 or any of its stockholders or members may benefit financially, to repre-
54 sent that a change has occurred or will or may occur in the composition
55 with respect to race, creed, color, national origin, sexual orientation,
56 gender identity or expression, military status, sex, disability, marital

1 status, or familial status of the owners or occupants in the block,
2 neighborhood or area in which the real property is located, and to
3 represent, directly or indirectly, that this change will or may result
4 in undesirable consequences in the block, neighborhood or area in which
5 the real property is located, including but not limited to the lowering
6 of property values, an increase in criminal or anti-social behavior, or
7 a decline in the quality of schools or other facilities.

8 § 9. Subdivision 4 of section 296 of the executive law, as amended by
9 chapter 106 of the laws of 2003, is amended to read as follows:

10 4. It shall be an unlawful discriminatory practice for an education
11 corporation or association which holds itself out to the public to be
12 non-sectarian and exempt from taxation pursuant to the provisions of
13 article four of the real property tax law to deny the use of its facili-
14 ties to any person otherwise qualified, or to permit the harassment of
15 any student or applicant, by reason of his race, color, religion, disa-
16 bility, national origin, sexual orientation, gender identity or
17 expression, military status, sex, age or marital status, except that any
18 such institution which establishes or maintains a policy of educating
19 persons of one sex exclusively may admit students of only one sex.

20 § 10. Subdivision 5 of section 296 of the executive law, as amended by
21 chapter 106 of the laws of 2003, is amended to read as follows:

22 5. (a) It shall be an unlawful discriminatory practice for the owner,
23 lessee, sub-lessee, assignee, or managing agent of, or other person
24 having the right to sell, rent or lease a housing accommodation,
25 constructed or to be constructed, or any agent or employee thereof:

26 (1) To refuse to sell, rent, lease or otherwise to deny to or withhold
27 from any person or group of persons such a housing accommodation because
28 of the race, creed, color, national origin, sexual orientation, gender
29 identity or expression, military status, sex, age, disability, marital
30 status, or familial status of such person or persons, or to represent
31 that any housing accommodation or land is not available for inspection,
32 sale, rental or lease when in fact it is so available.

33 (2) To discriminate against any person because of race, creed, color,
34 national origin, sexual orientation, gender identity or expression,
35 military status, sex, age, disability, marital status, or familial
36 status in the terms, conditions or privileges of the sale, rental or
37 lease of any such housing accommodation or in the furnishing of facili-
38 ties or services in connection therewith.

39 (3) To print or circulate or cause to be printed or circulated any
40 statement, advertisement or publication, or to use any form of applica-
41 tion for the purchase, rental or lease of such housing accommodation or
42 to make any record or inquiry in connection with the prospective
43 purchase, rental or lease of such a housing accommodation which
44 expresses, directly or indirectly, any limitation, specification or
45 discrimination as to race, creed, color, national origin, sexual orien-
46 tation, gender identity or expression, military status, sex, age, disa-
47 bility, marital status, or familial status, or any intent to make any
48 such limitation, specification or discrimination.

49 The provisions of this paragraph (a) shall not apply (1) to the rental
50 of a housing accommodation in a building which contains housing accommo-
51 dations for not more than two families living independently of each
52 other, if the owner resides in one of such housing accommodations, (2)
53 to the restriction of the rental of all rooms in a housing accommodation
54 to individuals of the same sex or (3) to the rental of a room or rooms
55 in a housing accommodation, if such rental is by the occupant of the
56 housing accommodation or by the owner of the housing accommodation and

1 the owner resides in such housing accommodation or (4) solely with
2 respect to age and familial status to the restriction of the sale,
3 rental or lease of housing accommodations exclusively to persons sixty-
4 two years of age or older and the spouse of any such person, or for
5 housing intended and operated for occupancy by at least one person
6 fifty-five years of age or older per unit. In determining whether hous-
7 ing is intended and operated for occupancy by persons fifty-five years
8 of age or older, Sec. 807(b) (2) (c) (42 U.S.C. 3607 (b) (2) (c)) of the
9 federal Fair Housing Act of 1988, as amended, shall apply.

10 (b) It shall be an unlawful discriminatory practice for the owner,
11 lessee, sub-lessee, or managing agent of, or other person having the
12 right of ownership or possession of or the right to sell, rent or lease,
13 land or commercial space:

14 (1) To refuse to sell, rent, lease or otherwise deny to or withhold
15 from any person or group of persons land or commercial space because of
16 the race, creed, color, national origin, sexual orientation, gender
17 identity or expression, military status, sex, age, disability, marital
18 status, or familial status of such person or persons, or to represent
19 that any housing accommodation or land is not available for inspection,
20 sale, rental or lease when in fact it is so available;

21 (2) To discriminate against any person because of race, creed, color,
22 national origin, sexual orientation, gender identity or expression,
23 military status, sex, age, disability, marital status, or familial
24 status in the terms, conditions or privileges of the sale, rental or
25 lease of any such land or commercial space; or in the furnishing of
26 facilities or services in connection therewith;

27 (3) To print or circulate or cause to be printed or circulated any
28 statement, advertisement or publication, or to use any form of applica-
29 tion for the purchase, rental or lease of such land or commercial space
30 or to make any record or inquiry in connection with the prospective
31 purchase, rental or lease of such land or commercial space which
32 expresses, directly or indirectly, any limitation, specification or
33 discrimination as to race, creed, color, national origin, sexual orien-
34 tation, gender identity or expression, military status, sex, age, disa-
35 bility, marital status, or familial status; or any intent to make any
36 such limitation, specification or discrimination.

37 (4) With respect to age and familial status, the provisions of this
38 paragraph shall not apply to the restriction of the sale, rental or
39 lease of land or commercial space exclusively to persons fifty-five
40 years of age or older and the spouse of any such person, or to the
41 restriction of the sale, rental or lease of land to be used for the
42 construction, or location of housing accommodations exclusively for
43 persons sixty-two years of age or older, or intended and operated for
44 occupancy by at least one person fifty-five years of age or older per
45 unit. In determining whether housing is intended and operated for occu-
46 pancy by persons fifty-five years of age or older, Sec. 807(b) (2) (c)
47 (42 U.S.C. 3607(b) (2) (c)) of the federal Fair Housing Act of 1988, as
48 amended, shall apply.

49 (c) It shall be an unlawful discriminatory practice for any real
50 estate broker, real estate salesperson or employee or agent thereof:

51 (1) To refuse to sell, rent or lease any housing accommodation, land
52 or commercial space to any person or group of persons or to refuse to
53 negotiate for the sale, rental or lease, of any housing accommodation,
54 land or commercial space to any person or group of persons because of
55 the race, creed, color, national origin, sexual orientation, gender
56 identity or expression, military status, sex, age, disability, marital

1 status, or familial status of such person or persons, or to represent
2 that any housing accommodation, land or commercial space is not avail-
3 able for inspection, sale, rental or lease when in fact it is so avail-
4 able, or otherwise to deny or withhold any housing accommodation, land
5 or commercial space or any facilities of any housing accommodation, land
6 or commercial space from any person or group of persons because of the
7 race, creed, color, national origin, sexual orientation, gender identity
8 or expression, military status, sex, age, disability, marital status, or
9 familial status of such person or persons.

10 (2) To print or circulate or cause to be printed or circulated any
11 statement, advertisement or publication, or to use any form of applica-
12 tion for the purchase, rental or lease of any housing accommodation,
13 land or commercial space or to make any record or inquiry in connection
14 with the prospective purchase, rental or lease of any housing accommo-
15 dation, land or commercial space which expresses, directly or indirect-
16 ly, any limitation, specification, or discrimination as to race, creed,
17 color, national origin, sexual orientation, gender identity or
18 expression, military status, sex, age, disability, marital status, or
19 familial status; or any intent to make any such limitation, specifica-
20 tion or discrimination.

21 (3) With respect to age and familial status, the provisions of this
22 paragraph shall not apply to the restriction of the sale, rental or
23 lease of any housing accommodation, land or commercial space exclusively
24 to persons fifty-five years of age or older and the spouse of any such
25 person, or to the restriction of the sale, rental or lease of any hous-
26 ing accommodation or land to be used for the construction or location of
27 housing accommodations for persons sixty-two years of age or older, or
28 intended and operated for occupancy by at least one person fifty-five
29 years of age or older per unit. In determining whether housing is
30 intended and operated for occupancy by persons fifty-five years of age
31 or older, Sec. 807 (b) (2) (c) (42 U.S.C. 3607 (b) (2) (c)) of the
32 federal Fair Housing Act of 1988, as amended, shall apply.

33 (d) It shall be an unlawful discriminatory practice for any real
34 estate board, because of the race, creed, color, national origin, sexual
35 orientation, gender identity or expression, military status, age, sex,
36 disability, marital status, or familial status of any individual who is
37 otherwise qualified for membership, to exclude or expel such individual
38 from membership, or to discriminate against such individual in the
39 terms, conditions and privileges of membership in such board.

40 (e) It shall be an unlawful discriminatory practice for the owner,
41 proprietor or managing agent of, or other person having the right to
42 provide care and services in, a private proprietary nursing home, conva-
43 lescent home, or home for adults, or an intermediate care facility, as
44 defined in section two of the social services law, heretofore
45 constructed, or to be constructed, or any agent or employee thereof, to
46 refuse to provide services and care in such home or facility to any
47 individual or to discriminate against any individual in the terms,
48 conditions, and privileges of such services and care solely because such
49 individual is a blind person. For purposes of this paragraph, a "blind
50 person" shall mean a person who is registered as a blind person with the
51 commission for the visually handicapped and who meets the definition of
52 a "blind person" pursuant to section three of chapter four hundred
53 fifteen of the laws of nineteen hundred thirteen entitled "An act to
54 establish a state commission for improving the condition of the blind of
55 the state of New York, and making an appropriation therefor".

1 (f) The provisions of this subdivision, as they relate to age, shall
2 not apply to persons under the age of eighteen years.

3 (g) It shall be an unlawful discriminatory practice for any person
4 offering or providing housing accommodations, land or commercial space
5 as described in paragraphs (a), (b), and (c) of this subdivision to make
6 or cause to be made any written or oral inquiry or record concerning
7 membership of any person in the state organized militia in relation to
8 the purchase, rental or lease of such housing accommodation, land, or
9 commercial space, provided, however, that nothing in this subdivision
10 shall prohibit a member of the state organized militia from voluntarily
11 disclosing such membership.

12 § 11. Paragraph (a) of subdivision 9 of section 296 of the executive
13 law, as amended by chapter 365 of the laws of 2015, is amended to read
14 as follows:

15 (a) It shall be an unlawful discriminatory practice for any fire
16 department or fire company therein, through any member or members there-
17 of, officers, board of fire commissioners or other body or office having
18 power of appointment of volunteer firefighters, directly or indirectly,
19 by ritualistic practice, constitutional or by-law prescription, by tacit
20 agreement among its members, or otherwise, to deny to any individual
21 membership in any volunteer fire department or fire company therein, or
22 to expel or discriminate against any volunteer member of a fire depart-
23 ment or fire company therein, because of the race, creed, color,
24 national origin, sexual orientation, gender identity or expression,
25 military status, sex, marital status, or familial status, of such indi-
26 vidual.

27 § 12. Subdivision 13 of section 296 of the executive law, as amended
28 by chapter 365 of the laws of 2015, is amended to read as follows:

29 13. It shall be an unlawful discriminatory practice (i) for any person
30 to boycott or blacklist, or to refuse to buy from, sell to or trade
31 with, or otherwise discriminate against any person, because of the race,
32 creed, color, national origin, sexual orientation, gender identity or
33 expression, military status, sex, disability, or familial status, of
34 such person, or of such person's partners, members, stockholders, direc-
35 tors, officers, managers, superintendents, agents, employees, business
36 associates, suppliers or customers, or (ii) for any person wilfully to
37 do any act or refrain from doing any act which enables any such person
38 to take such action. This subdivision shall not apply to:

39 (a) Boycotts connected with labor disputes; or

40 (b) Boycotts to protest unlawful discriminatory practices.

41 § 13. Subdivisions 1, 2 and 3 of section 296-a of the executive law,
42 as amended by chapter 106 of the laws of 2003, are amended to read as
43 follows:

44 1. It shall be an unlawful discriminatory practice for any creditor or
45 any officer, agent or employee thereof:

46 a. In the case of applications for credit with respect to the
47 purchase, acquisition, construction, rehabilitation, repair or mainte-
48 nance of any housing accommodation, land or commercial space to discrim-
49 inate against any such applicant because of the race, creed, color,
50 national origin, sexual orientation, gender identity or expression,
51 military status, age, sex, marital status, disability, or familial
52 status of such applicant or applicants or any member, stockholder,
53 director, officer or employee of such applicant or applicants, or of the
54 prospective occupants or tenants of such housing accommodation, land or
55 commercial space, in the granting, withholding, extending or renewing,
56 or in the fixing of the rates, terms or conditions of, any such credit;

1 b. To discriminate in the granting, withholding, extending or renew-
2 ing, or in the fixing of the rates, terms or conditions of, any form of
3 credit, on the basis of race, creed, color, national origin, sexual
4 orientation, gender identity or expression, military status, age, sex,
5 marital status, disability, or familial status;

6 c. To use any form of application for credit or use or make any record
7 or inquiry which expresses, directly or indirectly, any limitation,
8 specification, or discrimination as to race, creed, color, national
9 origin, sexual orientation, gender identity or expression, military
10 status, age, sex, marital status, disability, or familial status;

11 d. To make any inquiry of an applicant concerning his or her capacity
12 to reproduce, or his or her use or advocacy of any form of birth control
13 or family planning;

14 e. To refuse to consider sources of an applicant's income or to
15 subject an applicant's income to discounting, in whole or in part,
16 because of an applicant's race, creed, color, national origin, sexual
17 orientation, gender identity or expression, military status, age, sex,
18 marital status, childbearing potential, disability, or familial status;

19 f. To discriminate against a married person because such person
20 neither uses nor is known by the surname of his or her spouse.

21 This paragraph shall not apply to any situation where the use of a
22 surname would constitute or result in a criminal act.

23 2. Without limiting the generality of subdivision one of this section,
24 it shall be considered discriminatory if, because of an applicant's or
25 class of applicants' race, creed, color, national origin, sexual orien-
26 tation, gender identity or expression, military status, age, sex, mari-
27 tal status or disability, or familial status, (i) an applicant or class
28 of applicants is denied credit in circumstances where other applicants
29 of like overall credit worthiness are granted credit, or (ii) special
30 requirements or conditions, such as requiring co-obligors or reapplica-
31 tion upon marriage, are imposed upon an applicant or class of applicants
32 in circumstances where similar requirements or conditions are not
33 imposed upon other applicants of like overall credit worthiness.

34 3. It shall not be considered discriminatory if credit differen-
35 tiations or decisions are based upon factually supportable, objective
36 differences in applicants' overall credit worthiness, which may include
37 reference to such factors as current income, assets and prior credit
38 history of such applicants, as well as reference to any other relevant
39 factually supportable data; provided, however, that no creditor shall
40 consider, in evaluating the credit worthiness of an applicant, aggregate
41 statistics or assumptions relating to race, creed, color, national
42 origin, sexual orientation, gender identity or expression, military
43 status, sex, marital status or disability, or to the likelihood of any
44 group of persons bearing or rearing children, or for that reason receiv-
45 ing diminished or interrupted income in the future.

46 § 14. Paragraph (b) of subdivision 2 of section 296-b of the executive
47 law, as added by chapter 481 of the laws of 2010, is amended to read as
48 follows:

49 (b) Subject a domestic worker to unwelcome harassment based on gender,
50 race, religion, sexual orientation, gender identity or expression or
51 national origin, where such harassment has the purpose or effect of
52 unreasonably interfering with an individual's work performance by creat-
53 ing an intimidating, hostile, or offensive working environment.

54 § 15. Section 40-c of the civil rights law, as amended by chapter 2 of
55 the laws of 2002, is amended to read as follows:

1 § 40-c. Discrimination. 1. All persons within the jurisdiction of this
2 state shall be entitled to the equal protection of the laws of this
3 state or any subdivision thereof.

4 2. No person shall, because of race, creed, color, national origin,
5 sex, marital status, sexual orientation, gender identity or expression,
6 or disability, as such term is defined in section two hundred ninety-two
7 of the executive law, be subjected to any discrimination in his or her
8 civil rights, or to any harassment, as defined in section 240.25 of the
9 penal law, in the exercise thereof, by any other person or by any firm,
10 corporation or institution, or by the state or any agency or subdivision
11 of the state.

12 § 16. Paragraph (a) of subdivision 1 of section 313 of the education
13 law, as amended by chapter 2 of the laws of 2002, is amended to read as
14 follows:

15 (a) It is hereby declared to be the policy of the state that the Amer-
16 ican ideal of equality of opportunity requires that students, otherwise
17 qualified, be admitted to educational institutions and be given access
18 to all the educational programs and courses operated or provided by such
19 institutions without regard to race, color, sex, religion, creed, mari-
20 tal status, age, sexual orientation as defined in section two hundred
21 ninety-two of the executive law, gender identity or expression as
22 defined in section two hundred ninety-two of the executive law, or
23 national origin, except that, with regard to religious or denominational
24 educational institutions, students, otherwise qualified, shall have the
25 equal opportunity to attend therein without discrimination because of
26 race, color, sex, marital status, age, sexual orientation as defined in
27 section two hundred ninety-two of the executive law, gender identity or
28 expression as defined in section two hundred ninety-two of the executive
29 law, or national origin. It is a fundamental American right for members
30 of various religious faiths to establish and maintain educational insti-
31 tutions exclusively or primarily for students of their own religious
32 faith or to effectuate the religious principles in furtherance of which
33 they are maintained. Nothing herein contained shall impair or abridge
34 that right.

35 § 17. Subdivision 3 of section 313 of the education law, as amended by
36 chapter 2 of the laws of 2002, is amended to read as follows:

37 (3) Unfair educational practices. It shall be an unfair educational
38 practice for an educational institution after September fifteenth, nine-
39 teen hundred forty-eight:

40 (a) To exclude or limit or otherwise discriminate against any person
41 or persons seeking admission as students to such institution or to any
42 educational program or course operated or provided by such institution
43 because of race, religion, creed, sex, color, marital status, age, sexu-
44 al orientation as defined in section two hundred ninety-two of the exec-
45 utive law, gender identity or expression as defined in section two
46 hundred ninety-two of the executive law, or national origin; except that
47 nothing in this section shall be deemed to affect, in any way, the right
48 of a religious or denominational educational institution to select its
49 students exclusively or primarily from members of such religion or
50 denomination or from giving preference in such selection to such members
51 or to make such selection of its students as is calculated by such
52 institution to promote the religious principles for which it is estab-
53 lished or maintained. Nothing herein contained shall impair or abridge
54 the right of an independent institution, which establishes or maintains
55 a policy of educating persons of one sex exclusively, to admit students
56 of only one sex.

1 (b) To penalize any individual because he or she has initiated, testi-
2 fied, participated or assisted in any proceedings under this section.

3 (c) To accept any endowment or gift of money or property conditioned
4 upon teaching the doctrine of supremacy of any particular race.

5 (d) With respect to any individual who withdraws from attendance to
6 serve on active duty in the armed forces of the United States in time of
7 war, including any individual who withdrew from attendance on or after
8 August second, nineteen hundred ninety to serve on active duty in the
9 armed forces of the United States in the Persian Gulf conflict: (i) to
10 deny or limit the readmission of such individual to such institution or
11 to any educational program or course operated or provided by such insti-
12 tution because of such withdrawal from attendance or because of the
13 failure to complete any educational program or course due to such with-
14 drawal; (ii) to impose any academic penalty on such person because of
15 such withdrawal or because of the failure to complete any educational
16 program or course due to such withdrawal; (iii) to reduce or eliminate
17 any financial aid award granted to such individual which could not be
18 used, in whole or part, because of such withdrawal or because of the
19 failure to complete any educational program or course due to such with-
20 drawal; or (iv) to fail to provide a credit or refund of tuition and
21 fees paid by such individual for any semester, term or quarter not
22 completed because of such withdrawal or because of the failure to
23 complete any program or course due to such withdrawal.

24 (e) It shall not be an unfair educational practice for any educational
25 institution to use criteria other than race, religion, creed, sex,
26 color, marital status, age, sexual orientation as defined in section two
27 hundred ninety-two of the executive law, gender identity or expression
28 as defined in section two hundred ninety-two of the executive law, or
29 national origin in the admission of students to such institution or to
30 any of the educational programs and courses operated or provided by such
31 institution.

32 § 18. Section 485.00 of the penal law, as added by chapter 107 of the
33 laws of 2000, is amended to read as follows:

34 § 485.00 Legislative findings.

35 The legislature finds and determines as follows: criminal acts involv-
36 ing violence, intimidation and destruction of property based upon bias
37 and prejudice have become more prevalent in New York state in recent
38 years. The intolerable truth is that in these crimes, commonly and
39 justly referred to as "hate crimes", victims are intentionally selected,
40 in whole or in part, because of their race, color, national origin,
41 ancestry, gender, gender identity or expression, religion, religious
42 practice, age, disability or sexual orientation. Hate crimes do more
43 than threaten the safety and welfare of all citizens. They inflict on
44 victims incalculable physical and emotional damage and tear at the very
45 fabric of free society. Crimes motivated by invidious hatred toward
46 particular groups not only harm individual victims but send a powerful
47 message of intolerance and discrimination to all members of the group to
48 which the victim belongs. Hate crimes can and do intimidate and disrupt
49 entire communities and vitiate the civility that is essential to healthy
50 democratic processes. In a democratic society, citizens cannot be
51 required to approve of the beliefs and practices of others, but must
52 never commit criminal acts on account of them. Current law does not
53 adequately recognize the harm to public order and individual safety that
54 hate crimes cause. Therefore, our laws must be strengthened to provide
55 clear recognition of the gravity of hate crimes and the compelling
56 importance of preventing their recurrence.

1 Accordingly, the legislature finds and declares that hate crimes
2 should be prosecuted and punished with appropriate severity.

3 § 19. Subdivisions 1, 2 and 4 of section 485.05 of the penal law, as
4 added by chapter 107 of the laws of 2000, are amended to read as
5 follows:

6 1. A person commits a hate crime when he or she commits a specified
7 offense and either:

8 (a) intentionally selects the person against whom the offense is
9 committed or intended to be committed in whole or in substantial part
10 because of a belief or perception regarding the race, color, national
11 origin, ancestry, gender, gender identity or expression, religion, reli-
12 gious practice, age, disability or sexual orientation of a person,
13 regardless of whether the belief or perception is correct, or

14 (b) intentionally commits the act or acts constituting the offense in
15 whole or in substantial part because of a belief or perception regarding
16 the race, color, national origin, ancestry, gender, gender identity or
17 expression, religion, religious practice, age, disability or sexual
18 orientation of a person, regardless of whether the belief or perception
19 is correct.

20 2. Proof of race, color, national origin, ancestry, gender, gender
21 identity or expression, religion, religious practice, age, disability or
22 sexual orientation of the defendant, the victim or of both the defendant
23 and the victim does not, by itself, constitute legally sufficient
24 evidence satisfying the people's burden under paragraph (a) or (b) of
25 subdivision one of this section.

26 4. For purposes of this section:

27 (a) the term "age" means sixty years old or more;

28 (b) the term "disability" means a physical or mental impairment that
29 substantially limits a major life activity[-];

30 (c) the term "gender identity or expression" means a person's actual
31 or perceived gender-related identity, appearance, behavior, expression,
32 or other gender-related characteristic regardless of the sex assigned to
33 that person at birth, including, but not limited to, the status of being
34 transgender.

35 § 20. Subdivision 3 of section 240.30 of the penal law, as amended by
36 chapter 188 of the laws of 2014, is amended to read as follows:

37 3. With the intent to harass, annoy, threaten or alarm another person,
38 he or she strikes, shoves, kicks, or otherwise subjects another person
39 to physical contact, or attempts or threatens to do the same because of
40 a belief or perception regarding such person's race, color, national
41 origin, ancestry, gender, gender identity or expression, religion, reli-
42 gious practice, age, disability or sexual orientation, regardless of
43 whether the belief or perception is correct; or

44 § 21. The opening paragraph of section 240.31 of the penal law, as
45 amended by chapter 49 of the laws of 2006, is amended to read as
46 follows:

47 A person is guilty of aggravated harassment in the first degree when
48 with intent to harass, annoy, threaten or alarm another person, because
49 of a belief or perception regarding such person's race, color, national
50 origin, ancestry, gender, gender identity or expression, religion, reli-
51 gious practice, age, disability or sexual orientation, regardless of
52 whether the belief or perception is correct, he or she:

53 § 22. Section 240.00 of the penal law is amended by adding a new
54 subdivision 7 to read as follows:

55 7. "Gender identity or expression" means a person's actual or
56 perceived gender-related identity, appearance, behavior, expression, or

1 other gender-related characteristic regardless of the sex assigned to
2 that person at birth, including, but not limited to, the status of being
3 transgender.

4 § 23. Paragraph (c) of subdivision 7 of section 200.50 of the criminal
5 procedure law, as amended by chapter 7 of the laws of 2007, is amended
6 to read as follows:

7 (c) in the case of any hate crime, as defined in section 485.05 of the
8 penal law, specifies, as applicable, that the defendant or defendants
9 intentionally selected the person against whom the offense was committed
10 or intended to be committed; or intentionally committed the act or acts
11 constituting the offense, in whole or in substantial part because of a
12 belief or perception regarding the race, color, national origin, ances-
13 try, gender, gender identity or expression, religion, religious prac-
14 tice, age, disability or sexual orientation of a person; and

15 § 24. This act shall take effect on the thirtieth day after it shall
16 have become a law; provided, however, that sections eighteen through
17 twenty-three of this act shall take effect on the first of November next
18 succeeding the date on which it shall have become a law.

19 PART S

20 Section 1. Section 292 of the executive law is amended by adding a new
21 subdivision 35 to read as follows:

22 35. The term "educational institution" shall mean:

23 (a) any education corporation or association which holds itself out to
24 the public to be non-sectarian and exempt from taxation pursuant to the
25 provisions of article four of the real property tax law; or

26 (b) any public school, including any school district, board of cooper-
27 ative education services, public college or public university.

28 § 2. Subdivision 4 of section 296 of the executive law, as amended by
29 chapter 106 of the laws of 2003, is amended to read as follows:

30 4. It shall be an unlawful discriminatory practice for an [~~education~~
31 ~~corporation or association which holds itself out to the public to be~~
32 ~~non-sectarian and exempt from taxation pursuant to the provisions of~~
33 ~~article four of the real property tax law]~~ educational institution to
34 deny the use of its facilities to any person otherwise qualified, or to
35 permit the harassment of any student or applicant, by reason of his
36 race, color, religion, disability, national origin, sexual orientation,
37 military status, sex, age or marital status, except that any such insti-
38 tution which establishes or maintains a policy of educating persons of
39 one sex exclusively may admit students of only one sex.

40 § 3. This act shall take effect immediately.

41 PART T

42 Section 1. Short title. This act shall be known and may be cited as
43 the "Lawful Source of Income Non-Discrimination Act of 2019".

44 § 2. Section 292 of the executive law is amended by adding a new
45 subdivision 35 to read as follows:

46 35. The term "lawful source of income" shall include, but not be
47 limited to, child support, alimony, foster care subsidies, income
48 derived from social security, or any form of federal, state, or local
49 public assistance or housing assistance including, but not limited to,
50 section 8 vouchers, or any other form of housing assistance payment or
51 credit whether or not such income or credit is paid or attributed
52 directly to a landlord, and any other forms of lawful income.

1 § 3. Paragraphs (a), (b), (c) and (c-1) of subdivision 2-a of section
2 296 of the executive law, paragraphs (a), (b) and (c) as amended and
3 paragraph (c-1) as added by chapter 106 of the laws of 2003, are amended
4 to read as follows:

5 (a) To refuse to sell, rent or lease or otherwise to deny to or with-
6 hold from any person or group of persons such housing accommodations
7 because of the race, creed, color, disability, national origin, sexual
8 orientation, military status, age, sex, marital status, lawful source of
9 income or familial status of such person or persons, or to represent
10 that any housing accommodation or land is not available for inspection,
11 sale, rental or lease when in fact it is so available.

12 (b) To discriminate against any person because of his or her race,
13 creed, color, disability, national origin, sexual orientation, military
14 status, age, sex, marital status, lawful source of income or familial
15 status in the terms, conditions or privileges of any publicly-assisted
16 housing accommodations or in the furnishing of facilities or services in
17 connection therewith.

18 (c) To cause to be made any written or oral inquiry or record concern-
19 ing the race, creed, color, disability, national origin, sexual orien-
20 tation, membership in the reserve armed forces of the United States or
21 in the organized militia of the state, age, sex, marital status, lawful
22 source of income or familial status of a person seeking to rent or lease
23 any publicly-assisted housing accommodation; provided, however, that
24 nothing in this subdivision shall prohibit a member of the reserve armed
25 forces of the United States or in the organized militia of the state
26 from voluntarily disclosing such membership.

27 (c-1) To print or circulate or cause to be printed or circulated any
28 statement, advertisement or publication, or to use any form of applica-
29 tion for the purchase, rental or lease of such housing accommodation or
30 to make any record or inquiry in connection with the prospective
31 purchase, rental or lease of such a housing accommodation which
32 expresses, directly or indirectly, any limitation, specification or
33 discrimination as to race, creed, color, national origin, sexual orien-
34 tation, military status, sex, age, disability, marital status, lawful
35 source of income or familial status, or any intent to make any such
36 limitation, specification or discrimination.

37 § 4. Subparagraphs 1, 2 and 3 of paragraph (a) of subdivision 5 of
38 section 296 of the executive law, as amended by chapter 106 of the laws
39 of 2003, are amended to read as follows:

40 (1) To refuse to sell, rent, lease or otherwise to deny to or withhold
41 from any person or group of persons such a housing accommodation because
42 of the race, creed, color, national origin, sexual orientation, military
43 status, sex, age, disability, marital status, lawful source of income or
44 familial status of such person or persons, or to represent that any
45 housing accommodation or land is not available for inspection, sale,
46 rental or lease when in fact it is so available.

47 (2) To discriminate against any person because of race, creed, color,
48 national origin, sexual orientation, military status, sex, age, disabili-
49 ty, marital status, lawful source of income or familial status in the
50 terms, conditions or privileges of the sale, rental or lease of any such
51 housing accommodation or in the furnishing of facilities or services in
52 connection therewith.

53 (3) To print or circulate or cause to be printed or circulated any
54 statement, advertisement or publication, or to use any form of applica-
55 tion for the purchase, rental or lease of such housing accommodation or
56 to make any record or inquiry in connection with the prospective

1 purchase, rental or lease of such a housing accommodation which
2 expresses, directly or indirectly, any limitation, specification or
3 discrimination as to race, creed, color, national origin, sexual orien-
4 tation, military status, sex, age, disability, marital status, lawful
5 source of income or familial status, or any intent to make any such
6 limitation, specification or discrimination.

7 § 5. Subparagraphs 1 and 2 of paragraph (c) of subdivision 5 of
8 section 296 of the executive law, as amended by chapter 106 of the laws
9 of 2003, are amended to read as follows:

10 (1) To refuse to sell, rent or lease any housing accommodation, land
11 or commercial space to any person or group of persons or to refuse to
12 negotiate for the sale, rental or lease, of any housing accommodation,
13 land or commercial space to any person or group of persons because of
14 the race, creed, color, national origin, sexual orientation, military
15 status, sex, age, disability, marital status, lawful source of income or
16 familial status of such person or persons, or to represent that any
17 housing accommodation, land or commercial space is not available for
18 inspection, sale, rental or lease when in fact it is so available, or
19 otherwise to deny or withhold any housing accommodation, land or commer-
20 cial space or any facilities of any housing accommodation, land or
21 commercial space from any person or group of persons because of the
22 race, creed, color, national origin, sexual orientation, military
23 status, sex, age, disability, marital status, lawful source of income,
24 or familial status of such person or persons.

25 (2) To print or circulate or cause to be printed or circulated any
26 statement, advertisement or publication, or to use any form of applica-
27 tion for the purchase, rental or lease of any housing accommodation,
28 land or commercial space or to make any record or inquiry in connection
29 with the prospective purchase, rental or lease of any housing accommo-
30 dation, land or commercial space which expresses, directly or indirect-
31 ly, any limitation, specification, or discrimination as to race, creed,
32 color, national origin, sexual orientation, military status, sex, age,
33 disability, marital status, lawful source of income or familial status;
34 or any intent to make any such limitation, specification or discrimi-
35 nation.

36 § 6. Paragraph (d) of subdivision 5 of section 296 of the executive
37 law, as amended by chapter 106 of the laws of 2003, amended to read as
38 follows:

39 (d) It shall be an unlawful discriminatory practice for any real
40 estate board, because of the race, creed, color, national origin, sexual
41 orientation, military status, age, sex, disability, marital status,
42 lawful source of income or familial status of any individual who is
43 otherwise qualified for membership, to exclude or expel such individual
44 from membership, or to discriminate against such individual in the
45 terms, conditions and privileges of membership in such board.

46 § 7. This act shall take effect immediately and shall apply to all
47 causes of action filed on or after such effective date.

48

PART U

49 Section 1. Subdivision 2 of section 7-108 of the general obligations
50 law is amended by adding a new paragraph (f) to read as follows:

51 (f) Except in instances where statutes or regulations provide for a
52 lesser payment, fee, deposit or charge, no landlord, lessor, sub-lessor
53 or grantor may demand any payment, fee, deposit, or charge, including,
54 but not limited to, any payment, fee, deposit, or charge that is imposed

1 at the beginning of the tenancy to be used to reimburse the landlord for
2 costs associated with processing a new tenant or that is imposed as an
3 advance payment of rent, used or to be used for any purpose, including a
4 security deposit, in an amount or value in excess of an amount equal to
5 two months' rent, including the first month's rent.

6 § 2. This act shall take effect immediately.

7 PART V

8 Section 1. Section 300 of the executive law, as amended by chapter 166
9 of the laws of 2000, is amended to read as follows:

10 § 300. Construction. The provisions of this article shall be construed
11 liberally for the accomplishment of the purposes thereof. Judicial
12 interpretations of similarly worded provisions of federal civil rights
13 laws are not controlling. Such interpretations of federal civil rights
14 laws establish a floor below which interpretation of this article cannot
15 fall, rather than a ceiling above which interpretation of this article
16 cannot rise. Nothing contained in this article shall be deemed to repeal
17 any of the provisions of the civil rights law or any other law of this
18 state relating to discrimination because of race, creed, color or
19 national origin; but, as to acts declared unlawful by section two
20 hundred ninety-six of this article, the procedure herein provided shall,
21 while pending, be exclusive; and the final determination therein shall
22 exclude any other state civil action[~~, civil or criminal,~~] based on the
23 same grievance of the individual concerned. If such individual insti-
24 tutes any action based on such grievance without resorting to the proce-
25 dure provided in this article, he or she may not subsequently resort to
26 the procedure herein.

27 § 2. Subdivision 21 of section 296 of the executive law, as renumbered
28 by chapter 536 of the laws of 2010, is renumbered subdivision 22 and a
29 new subdivision 21 is added to read as follows:

30 21. Harassment on the basis of any protected characteristic is an
31 unlawful discriminatory practice in any area of jurisdiction as set
32 forth in this article. Harassment includes the types of actions that
33 have been found by the courts to create a hostile environment or a
34 tangible job detriment. Such actions are an unlawful discriminatory
35 practice when they result in a person or persons being treated not as
36 well as others because of a protected characteristic. Harassment is not
37 limited only to those actions that are severe or pervasive. Harassment
38 does not include what a reasonable person with the same protected char-
39 acteristic would consider petty slights or trivial inconveniences.

40 § 3. Section 5-336 of the general obligations law, as added by section
41 1 of subpart D of part KK of chapter 57 of the laws of 2018, is amended
42 to read as follows:

43 § 5-336. Nondisclosure agreements. 1. Notwithstanding any other law to
44 the contrary, no employer, its officers or employees shall have the
45 authority to include or agree to include in any settlement, agreement or
46 other resolution of any claim, the factual foundation for which involves
47 sexual harassment, any term or condition that would prevent the disclo-
48 sure of the underlying facts and circumstances to the claim or action
49 unless the condition of confidentiality is the complainant's preference.
50 Any such term or condition must be provided to all parties, and the
51 complainant shall have twenty-one days to consider such term or condi-
52 tion. If after twenty-one days such term or condition is the
53 complainant's preference, such preference shall be memorialized in an
54 agreement signed by all parties. For a period of at least seven days

1 following the execution of such agreement, the complainant may revoke
2 the agreement, and the agreement shall not become effective or be
3 enforceable until such revocation period has expired.

4 2. Notwithstanding any other law to the contrary, any provision in a
5 contract or other agreement between an employer or an agent of an
6 employer and any employee or potential employee of that employer entered
7 into on or after January first, two thousand twenty, that prevents the
8 disclosure of factual information related to any future claim of sexual
9 harassment, assault, or discrimination is void or unenforceable unless
10 such provision includes language ensuring that the parties to the agree-
11 ment still have the right to file a complaint about such factual infor-
12 mation with a state or local agency, and testify or otherwise partic-
13 ipate in a government investigation.

14 § 4. Subdivision 3 of section 201-g of the labor law is renumbered
15 subdivision 4 and a new subdivision 3 is added to read as follows:

16 3. The department shall consult with the division of human rights to
17 produce and distribute a workplace sexual harassment prevention poster.

18 a. Such poster shall include an explanation of sexual harassment
19 consistent with guidance issued by the department in consultation with
20 the division of human rights and information concerning employees'
21 rights of redress and all available forums for adjudicating complaints.

22 b. Every employer shall post such poster or a poster that equals or
23 exceeds the minimum standards of such poster in a conspicuous location.

24 § 5. This act shall take effect January 1, 2020.

25 PART W

26 Section 1. This act shall be known and may be cited as the "pension
27 poaching prevention act".

28 § 2. Legislative findings and intent. Nationally, veterans and their
29 family members are often subject to a practice commonly called pension
30 poaching. This troubling practice, as described in recent reports from
31 the Federal Trade Commission, the Federal Government Accountability
32 Office, the United States Department of Veterans Affairs, and several
33 other entities, generally target elderly or disabled veterans and their
34 family members. Pension poaching involves dishonest financial planners,
35 insurance agents, and other professionals luring veterans and their
36 family members to pay substantial funds for veterans' benefits services
37 that the offering entity is unqualified to provide and that can detri-
38 mentally impact the future financial situations of the veteran and his
39 or her dependents.

40 Entities engaging in pension poaching tend to use high-pressure sales
41 tactics directed toward potential customers, falsely guaranteeing bene-
42 fits for veterans and their families even when the advertising entity
43 lacks the federal accreditation required by law to file such claims and
44 appeals for federal veterans' benefits. Often, they persuade veterans
45 and their family members to abruptly move most or all of their assets to
46 potentially qualify for certain federal veterans benefits, frequently
47 causing veterans and their family members to unwittingly lose control
48 over their assets and adversely affecting the ability of veterans and
49 their families to qualify for Medicaid and other important benefits in
50 the future. These entities frequently charge extremely high fees for
51 these services, even in matters where federal law expressly prohibits
52 such fees.

53 Through this legislation, the legislature intends to restrain this
54 harmful and deceptive practice within New York State, providing neces-

1 sary protections to the men and women of this state who courageously
2 served in our nation's armed forces.

3 § 3. The general business law is amended by adding a new section 349-f
4 to read as follows:

5 § 349-f. Pension poaching prevention. 1. For purposes of this section:

6 (a) The term "veteran" means a person who has served on active duty
7 service in the armed forces of the United States, or service in the Army
8 national guard, air national guard, commissioned officer in the public
9 health service, commissioned officer of the national oceanic atmospheric
10 administration or environmental sciences services administration, cadet
11 at a United States armed forces service academy or provisions under 38
12 U.S.C. § 106, and who has been released from such service under honor-
13 able conditions.

14 (b) The term "veterans' benefits matter" means the preparation, pres-
15 entation, or prosecution of any claim affecting any person who has filed
16 or expressed an intent to file a claim for any benefit, program,
17 service, commodity, function, or status, entitlement which is determined
18 under the laws and regulations administered by the United States depart-
19 ment of veterans affairs or the New York state division of veterans'
20 affairs pertaining to veterans, their dependents, their survivors, and
21 any other party eligible for such benefits.

22 (c) The term "compensation" means money, property, or anything else of
23 value.

24 (d) The term "entity" includes, but is not limited to, any natural
25 person, corporation, trust, partnership, alliance, or unincorporated
26 association.

27 2. (a) No entity shall receive compensation for advising or assisting
28 any party with any veterans' benefits matter, except as permitted under
29 title 38 of the United States code and the corresponding provisions
30 within title 38 of the United States code of federal regulations.

31 (b) No entity shall receive compensation for referring any party to
32 another individual to advise or assist this party with any veterans'
33 benefits matter.

34 (c) Any entity seeking to receive compensation for advising or assist-
35 ing any party with any veterans' benefits matter shall, before rendering
36 any services, memorialize all terms regarding the party's payment of
37 fees for services rendered in a written agreement, signed by both
38 parties, that adheres to all criteria specified within title 38, section
39 14.636, of the United States code of federal regulations.

40 (d) No entity shall receive any fees for any services rendered before
41 the date on which a notice of disagreement is filed with respect to the
42 veteran's case.

43 (e) No entity shall guarantee, either directly or by implication, that
44 any party is certain to receive specific veterans' benefits or that any
45 party is certain to receive a specific level, percentage, or amount of
46 veterans' benefits.

47 (f) No entity shall receive excessive or unreasonable fees as compen-
48 sation for advising or assisting any party with any veterans' benefits
49 matter. The factors articulated within title 38, section 14.636 of the
50 code of federal regulations shall govern determinations of whether a fee
51 is excessive or unreasonable.

52 3. (a) No entity shall advise or assist for compensation any party
53 with any veterans' benefits matter without clearly providing, at the
54 outset of this business relationship, the following disclosure, both
55 orally and in writing: "this business is not sponsored by, or affiliated
56 with, the United States department of veterans affairs, the New York

1 state division of veterans' affairs, or any other congressionally char-
2 tered veterans service organization. Other organizations, including but
3 not limited to the New York state division of veterans' affairs, your
4 local county veterans service agency, and other congressionally char-
5 tered veterans service organizations, may be able to provide you with
6 this service free of charge. Products or services offered by this busi-
7 ness are not necessarily endorsed by any of these organizations. You
8 may qualify for other veterans' benefits beyond the benefits for which
9 you are receiving services here." The written disclosure must appear in
10 at least twelve-point font and must appear in a readily noticeable and
11 identifiable place in the entity's agreement with the party seeking
12 services. The party must verbally acknowledge understanding of the oral
13 disclosure and must provide his or her signature to represent under-
14 standing of these provisions on the document in which the written
15 disclosure appears. The entity offering services must retain a copy of
16 the written disclosure while providing veterans' benefits services for
17 compensation to the party and for at least one year after the date on
18 which this service relationship terminates.

19 (b) No entity shall advertise for-compensation services in veterans
20 benefits matters without including the following disclosure: "this busi-
21 ness is not sponsored by, or affiliated with, the United States depart-
22 ment of veterans affairs, the New York state division of veterans'
23 affairs, or any other congressionally chartered veterans service organ-
24 ization. Other organizations, including but not limited to the New York
25 state division of veterans' affairs, your local county veterans service
26 agency, and other congressionally chartered veterans service organiza-
27 tions, may be able to provide you with these services free of charge.
28 Products or services offered by this business are not necessarily
29 endorsed by any of these organizations. You may qualify for other veter-
30 ans' benefits beyond the services that this business offers." If the
31 advertisement is printed, including but not limited to advertisements
32 visible to internet users, the disclosure must appear in a readily visi-
33 ble place on the advertisement. If the advertisement is verbal, the
34 spoken statement of the disclosure must be clear and intelligible.

35 4. (a) Any violation of this section shall constitute a deceptive act
36 in the conduct of business, trade, or commerce, and shall be subject to
37 the provisions of section three hundred forty nine of this article,
38 including any right of action and corresponding penalties described
39 within such section.

40 (b) If an entity's violation of this section concerns a party who is
41 sixty-five years of age or older, said entity may be liable for supple-
42 mental civil penalties as established within, and subject of the terms
43 of, section three hundred forty-nine-c of this article.

44 5. If any provision of this section or its application to any person
45 or circumstance is ever held invalid, the remainder of this act or the
46 application of its provisions to other persons or circumstances shall
47 remain unaffected.

48 § 4. This act shall take effect on the one hundred twentieth day after
49 it shall have become a law.

50

PART X

51 Section 1. Subdivision 21-f of section 292 of the executive law, as
52 added by chapter 369 of the laws of 2015, is amended to read as follows:

53 21-f. The term "pregnancy-related condition" means a medical condition
54 related to pregnancy or childbirth that inhibits the exercise of a

1 normal bodily function or is demonstrable by medically accepted clinical
2 or laboratory diagnostic techniques, including but not limited to lacta-
3 tion; provided, however, that in all provisions of this article dealing
4 with employment, the term shall be limited to conditions which, upon the
5 provision of reasonable accommodations, do not prevent the complainant
6 from performing in a reasonable manner the activities involved in the
7 job or occupation sought or held; and provided further, however, that
8 pregnancy-related conditions shall be treated as temporary disabilities
9 for the purposes of this article.

10 § 2. This act shall take effect immediately.

11 PART Y

12 Section 1. The education law is amended by adding a new section 6509-e
13 to read as follows:

14 § 6509-e. Additional definition of professional misconduct; mental
15 health professionals. 1. For the purposes of this section:

16 a. "Mental health professional" means a person subject to the
17 provisions of article one hundred fifty-three, one hundred fifty-four or
18 one hundred sixty-three of this title; or any other person designated as
19 a mental health professional pursuant to law, rule or regulation.

20 b. "Sexual orientation change efforts" (i) means any practice by a
21 mental health professional that seeks to change an individual's sexual
22 orientation, including, but not limited to, efforts to change behaviors,
23 gender identity, or gender expressions, or to eliminate or reduce sexual
24 or romantic attractions or feelings towards individuals of the same sex
25 and (ii) shall not include counseling for a person seeking to transition
26 from one gender to another, or psychotherapies that: (A) provide accept-
27 ance, support and understanding of patients or the facilitation of
28 patients' coping, social support and identity exploration and develop-
29 ment, including sexual orientation-neutral interventions to prevent or
30 address unlawful conduct or unsafe sexual practices; and (B) do not seek
31 to change sexual orientation.

32 2. It shall be professional misconduct for a mental health profes-
33 sional to engage in sexual orientation change efforts upon any patient
34 under the age of eighteen years, and any mental health professional
35 found guilty of such misconduct under the procedures prescribed in
36 section sixty-five hundred ten of this subarticle shall be subject to
37 the penalties prescribed in section sixty-five hundred eleven of this
38 subarticle.

39 § 2. The education law is amended by adding a new section 6531-a to
40 read as follows:

41 § 6531-a. Additional definition of professional misconduct; mental
42 health professionals. 1. Definitions. For the purposes of this section:

43 a. "Mental health professional" means a person subject to the
44 provisions of article one hundred thirty-one of this title.

45 b. "Sexual orientation change efforts" (i) means any practice by a
46 mental health professional that seeks to change an individual's sexual
47 orientation, including, but not limited to, efforts to change behaviors,
48 gender identity, or gender expressions, or to eliminate or reduce sexual
49 or romantic attractions or feelings towards individuals of the same sex;
50 and (ii) shall not include counseling for a person seeking to transition
51 from one gender to another, or psychotherapies that: (A) provide accept-
52 ance, support and understanding of patients or the facilitation of
53 patients' coping, social support, and identity exploration and develop-
54 ment, including sexual orientation-neutral interventions to prevent or

1 address unlawful conduct or unsafe sexual practices; and (B) do not seek
2 to change sexual orientation.

3 2. It shall be professional misconduct for a mental health profes-
4 sional to engage in sexual orientation change efforts upon any patient
5 under the age of eighteen years, and any mental health professional
6 found guilty of such misconduct under the procedures prescribed in title
7 two-A of article two of the public health law shall be subject to the
8 penalties prescribed in section two hundred thirty-a of the public
9 health law, as added by chapter six hundred six of the laws of nineteen
10 hundred ninety-one.

11 § 3. This act shall take effect immediately.

12 PART Z

13 Section 1. Short title. This act shall be known and may be cited as
14 the "rent regulation act of 2019".

15 § 2. Rent regulation act of 2019. Notwithstanding any other provision
16 of law to the contrary, the New York state system of rent regulation
17 pursuant to chapter 576 of the laws of 1974, chapter 274 of the laws of
18 1946, chapter 329 of the laws of 1963, chapter 555 of the laws of 1982,
19 chapter 402 of the laws of 1983, chapter 116 of the laws of 1997, and
20 sections 26-501, 26-502, and 26-520 of the administrative code of the
21 city of New York, shall be extended pursuant to a chapter of the laws of
22 2019. Provided, however, such extension shall include rent regulation
23 reforms to end vacancy decontrol, amend the application of preferential
24 rent, and limit capital improvement charges based on a report on rent
25 regulation delivered to the governor by the commissioner of the division
26 of housing and community renewal ("the division") on or after March 1,
27 2019 which shall include (i) the number of rent stabilized housing
28 accommodations within the city of New York; (ii) the number of rent
29 stabilized housing accommodations outside the city of New York; (iii)
30 the number of rent controlled housing accommodations in the city of New
31 York; (iv) the number of rent controlled housing accommodations outside
32 the city of New York; (v) the number of applications for major capital
33 improvements filed with such division; (vi) the number of units which
34 are registered with such division where the amount charged to and paid
35 by the tenant is less than the registered rent for the housing accommo-
36 dation; (vii) for housing accommodations that are registered with such
37 division where the amount charged to and paid by the tenant is less than
38 the registered rent for the housing accommodation the average of the
39 difference between the registered rent for a housing accommodation and
40 the amount charged to and paid by the tenant; (viii) the number of rent
41 overcharge complaints processed by the division; and (ix) the number of
42 final overcharge orders granting an overcharge.

43 § 3. This act shall take effect immediately.

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

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