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.

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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:

Section 1. This act enacts into law major components of legislation which are necessary to implement the state fiscal plan for the 2019-2020 state fiscal year. Each component is wholly contained within a Part identified as Parts A through Z. The effective date for each particular provision contained within such Part is set forth in the last section of such Part. Any provision in any section contained within a Part, including the effective date of the Part, which makes reference to a section "of this act", when used in connection with that particular component, shall be deemed to mean and refer to the corresponding section of the Part in which it is found. Section three of this act sets forth the general effective date of this act.

PART A

Section 1. Paragraph e of subdivision 1 of section 211-d of the education law, as amended by section 1 of part CCC of chapter 59 of the laws of 2018, is amended to read as follows:

e. Notwithstanding paragraphs a and b of this subdivision, a school district that submitted a contract for excellence for the two thousand eight--two thousand nine school year shall submit a contract for excellence for the two thousand nine--two thousand ten school year in conformity with the requirements of subparagraph (vi) of paragraph a of subdivision two of this section unless all schools in the district are identified as in good standing and provided further that, a school district that submitted a contract for excellence for the two thousand nine--two thousand ten school year, unless all schools in the district are identified as in good standing, shall submit a contract for excellence for the two thousand eleven--two thousand twelve school year which shall, notwithstanding the requirements of subparagraph (vi) of paragraph a of subdivision two of this section, provide for the expenditure of an amount which shall be not less than the product of the amount approved by the commissioner in the contract for excellence for the two thousand nine--two thousand ten school year, multiplied by the district's gap elimination adjustment percentage and provided further that, a school district that submitted a contract for excellence for the two thousand eleven--two thousand twelve school year, unless all schools in the district are identified as in good standing, shall submit a contract for excellence for the two thousand twelve--two thousand thirteen school year which shall, notwithstanding the requirements of subparagraph (vi) of paragraph a of subdivision two of this section, provide for the expenditure of an amount which shall be not less than the amount approved by the commissioner in the contract for excellence for the two thousand eleven--two thousand twelve school year and provided further that, a school district that submitted a contract for excellence for the two thousand twelve--two thousand thirteen school year, unless all schools in the district are identified as in good standing, shall submit a contract for excellence for the two thousand thirteen--two thousand fourteen school year which shall, notwithstanding the requirements of subparagraph (vi) of paragraph a of subdivision two

of this section, provide for the expenditure of an amount which shall be not less than the amount approved by the commissioner in the contract for excellence for the two thousand twelve--two thousand thirteen school year and provided further that, a school district that submitted a contract for excellence for the two thousand thirteen--two thousand fourteen school year, unless all schools in the district are identified as in good standing, shall submit a contract for excellence for the two thousand fourteen--two thousand fifteen school year which shall, notwithstanding the requirements of subparagraph (vi) of paragraph a of subdivision two of this section, provide for the expenditure of an amount which shall be not less than the amount approved by the commissioner in the contract for excellence for the two thousand thirteen--two thousand fourteen school year; and provided further that, a school district that submitted a contract for excellence for the two thousand fourteen--two thousand fifteen school year, unless all schools in the district are identified as in good standing, shall submit a contract for excellence for the two thousand fifteen--two thousand sixteen school year which shall, notwithstanding the requirements of subparagraph (vi) of paragraph a of subdivision two of this section, provide for the expenditure of an amount which shall be not less than the amount approved by the commissioner in the contract for excellence for the two thousand fourteen--two thousand fifteen school year; and provided further that a school district that submitted a contract for excellence for the two thousand fifteen--two thousand sixteen school year, unless all schools in the district are identified as in good standing, shall submit a contract for excellence for the two thousand sixteen--two thousand seventeen school year which shall, notwithstanding the requirements of subparagraph (vi) of paragraph a of subdivision two of this section, provide for the expenditure of an amount which shall be not less than the amount approved by the commissioner in the contract for excellence for the two thousand fifteen--two thousand sixteen school year; and provided further that, a school district that submitted a contract for excellence for the two thousand sixteen--two thousand seventeen school year, unless all schools in the district are identified as in good standing, shall submit a contract for excellence for the two thousand seventeen--two thousand eighteen school year which shall, notwithstanding the requirements of subparagraph (vi) of paragraph a of subdivision two of this section, provide for the expenditure of an amount which shall be not less than the amount approved by the commissioner in the contract for excellence for the two thousand sixteen--two thousand seventeen school year; and provided further that a school district that submitted a contract for excellence for the two thousand seventeen--two thousand eighteen school year, unless all schools in the district are identified as in good standing, shall submit a contract for excellence for the two thousand eighteen--two thousand nineteen school year which shall, notwithstanding the requirements of subparagraph (vi) of paragraph a of subdivision two of this section, provide for the expenditure of an amount which shall be not less than the amount approved by the commissioner in the contract for excellence for the two thousand seventeen--two thousand eighteen school year**; and provided further that, a school district that submitted a contract for excellence for the two thousand eighteen--two thousand nineteen school year, unless all schools in the district are identified as in good standing, shall submit a contract for excellence for the two thousand nineteen--two thousand twenty school year which shall, notwithstanding the requirements of subparagraph (vi) of paragraph a of subdivision two of this section,**

provide for the expenditure of an amount which shall be not less than the amount approved by the commissioner in the contract for excellence for the two thousand eighteen--two thousand nineteen school year. For purposes of this paragraph, the "gap elimination adjustment percentage" shall be calculated as the sum of one minus the quotient of the sum of the school district's net gap elimination adjustment for two thousand ten--two thousand eleven computed pursuant to chapter fifty-three of the laws of two thousand ten, making appropriations for the support of government, plus the school district's gap elimination adjustment for two thousand eleven--two thousand twelve as computed pursuant to chapter fifty-three of the laws of two thousand eleven, making appropriations for the support of the local assistance budget, including support for general support for public schools, divided by the total aid for adjustment computed pursuant to chapter fifty-three of the laws of two thousand eleven, making appropriations for the local assistance budget, including support for general support for public schools. Provided, further, that such amount shall be expended to support and maintain allowable programs and activities approved in the two thousand nine--two thousand ten school year or to support new or expanded allowable programs and activities in the current year.

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

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

a. Such statements shall be in a statewide uniform form developed by the director of the budget, in consultation with the commissioner, provided that when preparing statements districts shall adhere to and complete the prescribed form accurately and fully, and provided further that the director of the budget shall request in such form only information that is known to, or may be ascertained or estimated by, the district. Provided, further, that each local educational agency shall include in such statement the approach used to allocate funds to each school and that such statement shall include but not be limited to separate entries for each individual school, demographic data for the

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

b. Within [~~thirty~~] **ninety** days of submission of such statement by a school district, the commissioner and director of the budget shall review such statement and determine whether the statement is complete and is in the format required by paragraph a of this subdivision. If such statement is determined to be complete and in the format required by paragraph a of this subdivision, a written acknowledgement of such shall be sent to the school district. If no determination is made by the commissioner and the director of the budget within [~~thirty~~] **ninety** days of submission of the statement, such statement shall be deemed approved. Should the commissioner or the director of the budget request additional information from the school district to determine completeness, **the district shall submit such requested information to the commissioner and the director of the budget within thirty days of such request and** the **commissioner and the director of the budget's** deadline **for review and determination** shall be extended by [~~thirty~~] **ninety** days from the date of submission of the additional requested information. If the commissioner or director of the budget determine a school district's spending statement to be noncompliant, such school district shall be allowed to submit a revised spending statement at any time.

c. If a school district fails to submit a statement that is complete and in the format required by paragraph a of this subdivision [~~by the first day~~] **on or before the Friday prior to Labor Day** of such school year or if the commissioner or director of the budget determine the school district's spending statement to be noncompliant, a written explanation shall be provided and the school district will have thirty days to cure. If the school district does not cure within thirty days, **at the joint direction of the director of the budget and the commissioner,** the comptroller of the city in which such school district is situated, or if the city does not have an elected comptroller, the chief financial officer of the city, or for school districts not located in a city, the chief financial officer of the town in which the majority of the school district is situated shall be authorized, at his or her discretion, to obtain appropriate information from the school district, and shall be authorized to complete such form and submit such statement to the director of the budget and the commissioner for approval in accordance with paragraph b of this subdivision. Where the comptroller or chief financial officer exercises the authority to submit such form, such submission shall occur within sixty days following notification of the school district's failure to cure. Nothing in this paragraph shall preclude a school district from submitting a spending statement for approval by the director of the budget and the commissioner at any time.

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

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

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

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

c. In the event that a school district designated as requiring an equity plan for any such school year has not submitted an equity plan pursuant to this subdivision that has been approved by the commissioner by September first of the school year, the commissioner shall develop such plan for the school district, specifying the increase in per pupil expenditures required by paragraph a of this subdivision at each underfunded high-need school within the school district, and shall order the officers of the school district to implement such plan fully and faithfully.

d. For purposes of this subdivision:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

bb. "Personal income growth index" shall mean (1) for the two thousand twelve--two thousand thirteen school year, the average of the quotients for each year in the period commencing with the two thousand five--two thousand six state fiscal year and finishing with the two thousand nine--two thousand ten state fiscal year of the total personal income of the state for each such year divided by the total personal income of the state for the immediately preceding state fiscal year, but not less than one [~~and~~], (2) for the two thousand thirteen--two thousand fourteen [~~school year and each school year thereafter~~] through two thousand eighteen--two thousand nineteen school years, the quotient of the total personal income of the state for the state fiscal year one year prior to the state fiscal year in which the base year commenced divided by the total personal income of the state for the immediately preceding state fiscal year, but not less than one and (3) for the two thousand nineteen--two thousand twenty school year and each school year thereafter, the average of the quotients for each year in the period commencing with the state fiscal year nine years prior to the state fiscal year in which

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

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

e. Community schools aid set-aside. Each school district shall set aside from its total foundation aid computed for the current year pursuant to this subdivision an amount equal to the sum of (i) the amount, if any, set forth for such district as "COMMUNITY SCHL AID (BT1617)" in the data file produced by the commissioner in support of the enacted budget for the two thousand sixteen--two thousand seventeen school year and entitled "SA161-7", (ii) the amount, if any, set forth for such district as "COMMUNITY SCHL INCR" in the data file produced by the commissioner in support of the executive budget request for the two thousand seventeen--two thousand eighteen school year and entitled "BT171-8", [~~and~~] (iii) the amount, if any, set forth for such district as "COMMUNITY SCHOOLS INCREASE" in the data file produced by the commissioner in support of the executive budget for the two thousand eighteen--two thousand nineteen school year and entitled "BT181-9"**, and (iv) the amount, if any, set forth for such district as "19-20 COMMUNITY SCHOOLS INCR" in the data file produced by the commissioner in support of the executive budget for the two thousand nineteen--two thousand twenty school year and entitled "BT192-0"**. Each school district shall use such "COMMUNITY SCHL AID (BT1617)" amount to support the transformation of school buildings into community hubs to deliver co-located or school-linked academic, health, mental health, nutrition, counseling, legal and/or other services to students and their families, including but not limited to providing a community school site coordinator, or to support other costs incurred to maximize students' academic achievement. Each school district shall use such "COMMUNITY SCHL INCR" amount to support the transformation of school buildings into community hubs to deliver co-located or school linked academic, health, mental health services and personnel, after-school programming, dual language programs, nutrition, counseling, legal and/or other services to students and their families, including but not limited to providing a community school site coordinator and programs for English language learners, or to support other costs incurred to maximize students' academic achievement, provided however that a school district whose "COMMUNITY SCHL INCR" amount exceeds one million dollars ($1,000,000) shall use an amount equal to the greater of one hundred fifty thousand dollars ($150,000) or ten percent of such "COMMUNITY SCHL INCR" amount to support such transformation at schools with extraordinary high levels of student need as identified by the commissioner, subject to the approval of the director of the budget. Each school district shall use such "COMMUNITY SCHOOLS INCREASE" to support the transformation of school buildings into community hubs to deliver co-located or school linked academic, health, mental health services and personnel, after-school programming, dual language programs, nutrition, counseling, legal and/or other services to students and their families, including but not limited to providing a community school site coordinator and programs for English language learners, or to support other costs incurred to maximize students' academic achievement. **Each school district shall use such "19-20 COMMUNITY SCHOOLS INCR" to support the transformation of school buildings**

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

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

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

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

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

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

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

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

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

(A) Tier one shall equal, for eligible school districts, the tier one per pupil amount multiplied by public school district enrollment computed pursuant to paragraph n of subdivision one of this section, where the tier one per pupil amount shall equal the product of eighty-two dollars and sixty-three cents ($82.63) multiplied by the tier one ratio, where the tier one ratio shall equal the difference of one less the product of the combined wealth ratio for total foundation aid multiplied by sixty-four hundredths (0.64), provided that such ratio shall not be less than zero nor greater than nine-tenths (0.9). An "eligible school district" shall mean a school district with (i) at least one school designated as failing or persistently failing by the commissioner pursuant to paragraph (a) or (b) of subdivision one of section two hundred eleven-f of this chapter as of January first, two thousand eighteen or, (ii) a combined wealth ratio for total foundation aid computed pursuant to paragraph c of subdivision three of this section less than nine-tenths (0.9), and five year ELL growth greater than the greater of one hundred (100) pupils or the growth threshold, where "five year ELL growth" shall equal the positive difference of the English language learner count for the two thousand eighteen--two thousand nineteen school year less such count for the two thousand thirteen--two thousand fourteen school year, and where "growth threshold" shall equal the product of the English language learner count for the two thousand thirteen--two thousand fourteen school year multiplied by one-tenth (0.1).

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

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

(ii) Phase-in foundation increase factor. For the two thousand eleven--two thousand twelve school year, the phase-in foundation increase factor shall equal thirty-seven and one-half percent (0.375) and the phase-in due minimum percent shall equal nineteen and forty-one hundredths percent (0.1941), for the two thousand twelve--two thousand thirteen school year the phase-in foundation increase factor shall equal one and seven-tenths percent (0.017), for the two thousand thirteen--two thousand fourteen school year the phase-in foundation increase factor shall equal (1) for a city school district in a city having a population of one million or more, five and twenty-three hundredths percent (0.0523) or (2) for all other school districts zero percent, for the two thousand fourteen--two thousand fifteen school year the phase-in foundation increase factor shall equal (1) for a city school district of a city having a population of one million or more, four and thirty-two hundredths percent (0.0432) or (2) for a school district other than a city school district having a population of one million or more for which (A) the quotient of the positive difference of the foundation formula aid minus the foundation aid base computed pursuant to paragraph j of subdivision one of this section divided by the foundation formula

aid is greater than twenty-two percent (0.22) and (B) a combined wealth ratio less than thirty-five hundredths (0.35), seven percent (0.07) or (3) for all other school districts, four and thirty-one hundredths percent (0.0431), and for the two thousand fifteen--two thousand sixteen school year the phase-in foundation increase factor shall equal: (1) for a city school district of a city having a population of one million or more, thirteen and two hundred seventy-four thousandths percent (0.13274); or (2) for districts where the quotient arrived at when dividing (A) the product of the total aidable foundation pupil units multiplied by the district's selected foundation aid less the total foundation aid base computed pursuant to paragraph j of subdivision one of this section divided by (B) the product of the total aidable foundation pupil units multiplied by the district's selected foundation aid is greater than nineteen percent (0.19), and where the district's combined wealth ratio is less than thirty-three hundredths (0.33), seven and seventy-five hundredths percent (0.0775); or (3) for any other district designated as high need pursuant to clause (c) of subparagraph two of paragraph c of subdivision six of this section for the school aid computer listing produced by the commissioner in support of the enacted budget for the two thousand seven--two thousand eight school year and entitled "SA0708", four percent (0.04); or (4) for a city school district in a city having a population of one hundred twenty-five thousand or more but less than one million, fourteen percent (0.14); or (5) for school districts that were designated as small city school districts or central school districts whose boundaries include a portion of a small city for the school aid computer listing produced by the commissioner in support of the enacted budget for the two thousand fourteen--two thousand fifteen school year and entitled "SA1415", four and seven hundred fifty-one thousandths percent (0.04751); or (6) for all other districts one percent (0.01), and for the two thousand sixteen--two thousand seventeen school year the foundation aid phase-in increase factor shall equal for an eligible school district the greater of: (1) for a city school district in a city with a population of one million or more, seven and seven hundred eighty four thousandths percent (0.07784); or (2) for a city school district in a city with a population of more than two hundred fifty thousand but less than one million as of the most recent federal decennial census, seven and three hundredths percent (0.0703); or (3) for a city school district in a city with a population of more than two hundred thousand but less than two hundred fifty thousand as of the most recent federal decennial census, six and seventy-two hundredths percent (0.0672); or (4) for a city school district in a city with a population of more than one hundred fifty thousand but less than two hundred thousand as of the most recent federal decennial census, six and seventy-four hundredths percent (0.0674); or (5) for a city school district in a city with a population of more than one hundred twenty-five thousand but less than one hundred fifty thousand as of the most recent federal decennial census, nine and fifty-five hundredths percent (0.0955); or (6) for school districts that were designated as small city school districts or central school districts whose boundaries include a portion of a small city for the school aid computer listing produced by the commissioner in support of the enacted budget for the two thousand fourteen--two thousand fifteen school year and entitled "SA141-5" with a combined wealth ratio less than one and four tenths (1.4), nine percent (0.09), provided, however, that for such districts that are also districts designated as high need urban-suburban pursuant to clause (c) of subparagraph two of paragraph c of subdivision six of this section

for the school aid computer listing produced by the commissioner in support of the enacted budget for the two thousand seven--two thousand eight school year and entitled "SA0708", nine and seven hundred and nineteen thousandths percent (0.09719); or (7) for school districts designated as high need rural pursuant to clause (c) of subparagraph two of paragraph c of subdivision six of this section for the school aid computer listing produced by the commissioner in support of the enacted budget for the two thousand seven--two thousand eight school year and entitled "SA0708", thirteen and six tenths percent (0.136); or (8) for school districts designated as high need urban-suburban pursuant to clause (c) of subparagraph two of paragraph c of subdivision six of this section for the school aid computer listing produced by the commissioner in support of the enacted budget for the two thousand seven--two thousand eight school year and entitled "SA0708", seven hundred nineteen thousandths percent (0.00719); or (9) for all other eligible school districts, forty-seven hundredths percent (0.0047), provided further that for the two thousand seventeen--two thousand eighteen school year the foundation aid increase phase-in factor shall equal (1) for school districts with a census 2000 poverty rate computed pursuant to paragraph q of subdivision one of this section equal to or greater than twenty-six percent (0.26), ten and three-tenths percent (0.103), or (2) for a school district in a city with a population in excess of one million or more, seventeen and seventy-seven one-hundredths percent (0.1777), or (3) for a city school district in a city with a population of more than two hundred fifty thousand but less than one million, as of the most recent decennial census, twelve and sixty-nine hundredths percent (0.1269) or (4) for a city school district in a city with a population of more than one hundred fifty thousand but less than two hundred thousand, as of the most recent federal decennial census, ten and seventy-eight one hundredths percent (0.1078), or (5) for a city school district in a city with a population of more than one hundred twenty-five thousand but less than one hundred fifty thousand as of the most recent federal decennial census, nineteen and one hundred eight one-thousandths percent (0.19108), or (6) for a city school district in a city with a population of more than two hundred thousand but less than two hundred fifty thousand as of the most recent federal decennial census, ten and six-tenths percent (0.106), or (7) for all other districts, four and eighty-seven one-hundredths percent (0.0487), and for the two thousand [~~nineteen~~] **twenty**--two thousand [~~twenty~~] **twenty-one** school year and thereafter the commissioner shall annually determine the phase-in foundation increase factor subject to allocation pursuant to the provisions of subdivision eighteen of this section and any provisions of a chapter of the laws of New York as described therein.

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

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

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

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

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

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

(2) Where a school district has expenditures for site purchase, grading or improvement of the site, original furnishings, equipment, machinery or apparatus, or professional fees, or other incidental costs, the cost allowances for new construction and the purchase of existing structures may be increased by the actual expenditures for such purposes but by not more than**: (i) for projects approved prior to July first, two thousand nineteen by the voters of the school district or by the board of education of a city school district in a city with more than one hundred twenty-five thousand inhabitants, and/or the chancellor in a city school district in a city having a population of one million or more, an amount equal to** the product of the applicable cost allowance established pursuant to subparagraph one of this paragraph and twenty per centum for school buildings or additions housing grades prekindergarten through six and by not more than the product of such cost allowance and twenty-five per centum for school buildings or additions housing grades seven through twelve and by not more than the product of such cost allowance and twenty-five per centum for school buildings or additions housing special education programs as approved by the commissioner**; and (ii) for projects approved on or after July first, two thousand nineteen by the voters of the school district or by the board of education of a city school district in a city with more than one hundred twenty-five thousand inhabitants, and/or the chancellor in a city school district in a city having a population of one million or more, an amount equal to the product of the lesser of the cost allowance computed pursuant to subparagraph one of this paragraph or the actual costs relating to the construction, acquisition, reconstruction, rehabilitation or improvement of a school building and twenty per centum for school buildings or additions housing grades prekindergarten through six and by not more than the product of such lesser amount and twenty-five per centum for school buildings or additions housing grades seven through twelve and by not more than the product of such lesser amount and twenty-five per centum for school buildings or additions housing special education programs as approved by the commissioner**.

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

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

paragraph c of this subdivision is subtracted from the enhanced building aid ratio. The enhanced building aid ratio shall equal the sum of the building aid ratio selected for use in the current year pursuant to paragraph c of this subdivision and one-tenth, computed to three decimals without rounding, but not more than (a) ninety-eight hundredths for a high need school district, as defined pursuant to regulations of the commissioner, for all school building projects approved by the voters of the school district or by the board of education of a city school district in a city with more than one hundred twenty-five thousand inhabitants, and/or the chancellor in a city school district in a city having a population of one million or more, on or after July first, two thousand five, or (b) ninety-five hundredths for any other school building project or school district, nor less than one-tenth**; and (B) for projects approved on or after July first, two thousand nineteen by the voters of the school district or by the board of education of a city school district in a city with more than one hundred twenty-five thousand inhabitants, and/or the chancellor in a city school district in a city having a population of one million or more, the positive remainder resulting when the district's current year building aid ratio pursuant to clause d of subparagraph two of paragraph c of this subdivision is subtracted from the enhanced building aid ratio. The enhanced building aid ratio shall equal the sum of the building aid ratio selected for use in the current year pursuant to clause d of subparagraph two of paragraph c of this subdivision and scaled incentive decimal, computed to three decimals without rounding, but not more than (a) ninety-eight hundredths for a high-need school district, as defined pursuant to regulations of the commissioner and used for the school aid computer listing produced by the commissioner in support of the enacted budget for the two thousand seven--two thousand eight school year and entitled "SA0708", for all school building projects approved by the voters of the school district or by the board of education of a city school district in a city with more than one hundred twenty-five thousand inhabitants, and/or the chancellor in a city school district in a city having a population of one million or more, or (b) ninety-five hundredths for any other school building project or school district. The scaled incentive decimal shall equal (a) one-tenth for a high-need school district, as defined pursuant to regulations of the commissioner and used for the school aid computer listing produced by the commissioner in support of the enacted budget for the two thousand seven--two thousand eight school year and entitled "SA0708", for all school building projects approved by the voters of the school district or by the board of education of a city school district in a city with more than one hundred twenty-five thousand inhabitants, and/or the chancellor in a city school district in a city having a population of one million or more, or (b) the product of one-tenth multiplied by the state sharing ratio computed pursuant to paragraph g of subdivision three of this section for any other school building project or school district**.

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

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

having a population of one million or more, on or after July first, two thousand, **and prior to July first, two thousand nineteen,** any school district shall compute aid under the provisions of this subdivision using the sum of the high-need supplemental building aid ratio, if any, computed pursuant to clause (c) of this subparagraph and the greater of (i) the building aid ratio computed for use in the current year; or (ii) a building aid ratio equal to the difference of the aid ratio that was used or that would have been used to compute an apportionment pursuant to this subdivision in the nineteen hundred ninety-nine--two thousand school year as such aid ratio is computed by the commissioner based on data on file with the department on or before July first of the third school year following the school year in which aid is first payable, less one-tenth; or (iii) for all such school building projects approved by the voters of the school district or by the board of education of a city school district in a city with more than one hundred twenty-five thousand inhabitants, and/or the chancellor in a city school district in a city having a population of one million or more, on or after July first, two thousand and on or before June thirtieth, two thousand four, for any school district for which the pupil wealth ratio is greater than two and five-tenths in the school year in which such school building project was approved by the voters of the school district or by the board of education of a city school district in a city with more than one hundred twenty-five thousand inhabitants, and/or the chancellor in a city school district in a city having a population of one million or more and for which the alternate pupil wealth ratio is less than eighty-five hundredths in such school year, and for all such school building projects approved by the voters of the school district or by the board of education of a city school district in a city with more than one hundred twenty-five thousand inhabitants, and/or the chancellor in a city school district in a city having a population of one million or more, on or after July first, two thousand five and on or before June thirtieth, two thousand eight, for any school district for which the pupil wealth ratio was greater than two and five-tenths in the two thousand--two thousand one school year and for which the alternate pupil wealth ratio was less than eighty-five hundredths in the two thousand--two thousand one school year, the additional building aid ratio; provided that, school districts who are eligible for aid under paragraph f of subdivision fourteen of this section may compute aid under the provisions of this subdivision using the difference of the highest of the aid ratios so computed for the reorganized district or the highest of the aid ratios so computed for any of the individual school districts which existed prior to the date of the reorganized school district less one-tenth.

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

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

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

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

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

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

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

(4) instructional computer hardware and technology equipment apportionment computed pursuant to section seven hundred fifty-three of this chapter;

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

(6) supplemental public excess cost aid computed pursuant to subdivision five-a of this section;

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

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

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

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

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

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

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

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

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

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

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

Notwithstanding the provisions of section thirty-six hundred nine-a of this article, apportionments payable pursuant to section nineteen hundred fifty of this chapter**, and the BOCES payment adjustment payable pursuant to subdivision nineteen of section thirty-six hundred two of this chapter** shall be paid pursuant to this section. For aid payable in the two thousand four--two thousand five school year and thereafter, "moneys apportioned" shall mean the lesser of (i) one hundred percent of the respective amount set forth for each school district as payable pursuant to this section in the school aid computer listing produced by the commissioner in support of the budget including the appropriation for support of boards of cooperative educational services for payments due prior to April first for the current year, or (ii) the apportionment calculated by the commissioner based on data on file at the time the payment is processed; provided however, that for the purposes of any payment to be made in the month of June of two thousand six such calculation shall be based on the school aid computer listing for the current year using updated data at the time of each payment. For districts subject to chapter five hundred sixty-three of the laws of nineteen hundred eighty, thirty-six hundred two-b, or two thousand forty of this chapter, for aid payable in the two thousand four--two thousand five school year and thereafter, "moneys apportioned" shall mean the apportionment calculated by the commissioner based on data on file at the time the payment is processed. The "school aid computer listing for the current year" shall be as defined in the opening paragraph of section thirty-six hundred nine-a of this article. The definitions "base year" and "current year" as set forth in subdivision one of section thirty-six hundred two of this article shall apply to this section.

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

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

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

ARTICLE 39-A

REGIONAL STEM MAGNET SCHOOLS

Section 1918. Establishment of regional STEM magnet schools.

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

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

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

d. The board of cooperative educational services shall have responsibility for the operation, supervision and maintenance of the school and shall be responsible for the administration of the school, including curriculum, grading, and staffing.

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

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

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

h. For purposes of all state aid calculations pursuant to this chapter, students attending such school shall continue to be treated and counted as students of their school district of residence.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

a. State aid adjustments. All errors or omissions in the apportionment shall be corrected by the commissioner. Whenever a school district has been apportioned less money than that to which it is entitled, the commissioner may allot to such district the balance to which it is entitled. Whenever a school district has been apportioned more money than that to which it is entitled, the commissioner may, by an order, direct such moneys to be paid back to the state to be credited to the general fund local assistance account for state aid to the schools, or may deduct such amount from the next apportionment to be made to said district, provided, however, that, upon notification of excess payments of aid for which a recovery must be made by the state through deduction of future aid payments, a school district may request that such excess payments be recovered by deducting such excess payments from the payments due to such school district and payable in the month of June in (i) the school year in which such notification was received and (ii) the two succeeding school years, provided further that there shall be no interest penalty assessed against such district or collected by the state. Such request shall be made to the commissioner in such form as the commissioner shall prescribe, and shall be based on documentation that the total amount to be recovered is in excess of one percent of the district's total general fund expenditures for the preceding school year. The amount to be deducted in the first year shall be the greater of (i) the sum of the amount of such excess payments that is recognized as a liability due to other governments by the district for the preceding school year and the positive remainder of the district's unreserved fund balance at the close of the preceding school year less the product of the district's total general fund expenditures for the preceding school year multiplied by five percent, or (ii) one-third of such excess payments. The amount to be recovered in the second year shall equal the lesser of the remaining amount of such excess payments to be recovered or one-third of such excess payments, and the remaining amount of such excess payments shall be recovered in the third year. Provided further

that, notwithstanding any other provisions of this subdivision, any pending payment of moneys due to such district as a prior year adjustment payable pursuant to paragraph c of this subdivision for aid claims that had been previously paid as current year aid payments in excess of the amount to which the district is entitled and for which recovery of excess payments is to be made pursuant to this paragraph, shall be reduced at the time of actual payment by any remaining unrecovered balance of such excess payments, and the remaining scheduled deductions of such excess payments pursuant to this paragraph shall be reduced by the commissioner to reflect the amount so recovered. [~~The commissioner shall certify no payment to a school district based on a claim submitted later than three years after the close of the school year in which such payment was first to be made. For claims for which payment is first to be made in the nineteen hundred ninety-six--ninety-seven school year, the commissioner shall certify no payment to a school district based on a claim submitted later than two years after the close of such school year.~~] For claims for which payment is first to be made [~~in the nineteen hundred ninety-seven--ninety-eight~~] **prior to the two thousand eighteen--two thousand nineteen** school year [~~and thereafter~~], the commissioner shall certify no payment to a school district based on a claim submitted later than one year after the close of such school year. **For claims for which payment is first to be made in the two thousand eighteen--two thousand nineteen school year and thereafter, the commissioner shall certify no payment to a school district based on a claim submitted later than the first of November of such school year.** Provided, however, no payments shall be barred or reduced where such payment is required as a result of a final audit of the state. [~~It is further provided that, until June thirtieth, nineteen hundred ninety-six, the commissioner may grant a waiver from the provisions of this section for any school district if it is in the best educational interests of the district pursuant to guidelines developed by the commissioner and approved by the director of the budget.~~] **Further provided that for any apportionments provided pursuant to sections seven hundred one, seven hundred eleven, seven hundred fifty-one, seven hundred fifty-three, nineteen hundred fifty, thirty-six hundred two, thirty-six hundred two-b, thirty-six hundred two-c, thirty-six hundred two-e and forty-four hundred five of this chapter for the two thousand eighteen--two thousand nineteen and two thousand nineteen--two thousand twenty school years, the commissioner shall certify no payment to a school district, other than payments pursuant to subdivisions six-a, eleven, thirteen and fifteen of section thirty-six hundred two of this part, in excess of the payment computed based on an electronic data file used to produce the school aid computer listing produced by the commissioner in support of the executive budget request submitted for the two thousand nineteen--two thousand twenty state fiscal year and entitled "BT192-0", and further provided that for any apportionments provided pursuant to sections seven hundred one, seven hundred eleven, seven hundred fifty-one, seven hundred fifty-three, nineteen hundred fifty, thirty-six hundred two, thirty-six hundred two-b, thirty-six hundred two-c, thirty-six hundred two-e and forty-four hundred five of this chapter for the two thousand twenty--two thousand twenty-one school year and thereafter, the commissioner shall certify no payment to a school district, other than payments pursuant to subdivisions six-a, eleven, thirteen and fifteen of section thirty-six hundred two of this part, in excess of the payment computed based on an electronic data file used to produce the school aid computer listing**

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

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

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

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

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

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

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

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

of students in middle and secondary schools as defined by the commissioner for purposes of this section by up to but not to exceed one and two tenths times the applicable maximum class size specified in regulations of the commissioner rounded up to the nearest whole number, provided that in a city school district having a population of one million or more, classes that have a maximum class size of fifteen may be increased by no more than one student and provided that the projected average class size shall not exceed the maximum specified in the applicable regulation, provided that such authorization shall terminate on June thirtieth, two thousand. Such authorization shall be granted upon filing of a notice by such a board of education with the commissioner stating the board's intention to increase such class sizes and a certification that the board will conduct a study of attendance problems at the secondary level and will implement a corrective action plan to increase the rate of attendance of students in such classes to at least the rate for students attending regular education classes in secondary schools of the district. Such corrective action plan shall be submitted for approval by the commissioner by a date during the school year in which such board increases class sizes as provided pursuant to this subdivision to be prescribed by the commissioner. Upon at least thirty days notice to the board of education, after conclusion of the school year in which such board increases class sizes as provided pursuant to this subdivision, the commissioner shall be authorized to terminate such authorization upon a finding that the board has failed to develop or implement an approved corrective action plan.

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

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

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

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

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

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

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

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

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

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

d. Notwithstanding any provision of subdivision twelve of this section to the contrary, nothing in this section shall be construed to abrogate any conflicting provisions of any collective bargaining agreement in effect on the date this subdivision takes effect and until the entry into a successor collective bargaining agreement, provided that notwithstanding any other provision of law to the contrary, upon expiration of such term and the entry into a successor collective bargaining agreement the provisions of this subdivision shall apply; and, provided further, however, that any assessments used in determining transition scores and ratings shall be used in determining scores and ratings pursuant to this section instead of the grades three through eight English language arts and mathematics state assessments until the entry into a successor collective bargaining agreement.

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

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

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

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

§ 27. Subdivision 5 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:

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

a. [~~The following rules shall apply: a teacher or principal who is (1) rated using two subcomponents in the student performance category and receives a rating of ineffective in such category shall be rated ineffective overall; provided, however, that if the measure used in the second subcomponent is a state-provided growth score on a state-created or administered test pursuant to clause (A) of subparagraph one of paragraph a of subdivision four of this section, a teacher or principal who receives a rating of ineffective in such category shall not be eligible to receive a rating of effective or highly effective overall; (2) 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 (3) rated ineffective in the teacher observations category shall not be eligible to receive a rating of effective or highly effective overall.~~

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

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

[~~(2)~~] b. If a teacher receives an H in the teacher observation category, and an E in the student performance category, the teacher's composite score shall be H;

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

[~~(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;

[~~(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;

[~~(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;

[~~(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;

[~~(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;

[~~(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;

[~~(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;

[~~(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;

[~~(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;

[~~(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;

[~~(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;

[~~(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;

[~~(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.

§ 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:

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:~~

~~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.

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

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

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

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

(i) identification and examination of ideas about healthy relationships and behaviors learned from home, family and the media;

(ii) self-esteem and self-worth;

(iii) friendship and empathy;

(iv) a definition of teen dating violence;

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

(vi) characteristics of a healthy relationship;

(vii) links between bullying and teen dating violence;

(viii) safe use of technology;

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

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

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

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

(xiii) instruction to identify and report sexual harassment.

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

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

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

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

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

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

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

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

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

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

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

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

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

§ 36. Section 4 of chapter 756 of the laws of 1992, relating to funding a program for work force education conducted by the consortium for worker education in New York city, is amended by adding a new subdivision x to read as follows:

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

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

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

§ 38. Subdivisions 22 and 24 of section 140 of 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, as amended by section 28 of part CCC of chapter 59 of the laws of 2018, are amended to read as follows:

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

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

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

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

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

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

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

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

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

§ 42. Section 34 of 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, as amended by section 1 of part G of chapter 61 of the laws of 2017, is amended to read as follows:

§ 34. This act shall take effect July 1, 2002; provided, that sections one through twenty, twenty-four, and twenty-six through thirty of this act shall expire and be deemed repealed June 30, [~~2019~~] **2022** provided, further, that notwithstanding any provision of article 5 of the general construction law, on June 30, [~~2019~~] **2022** the provisions of subdivisions 3, 5, and 8, paragraph b of subdivision 13, subdivision 14, paragraphs b, d, and e of subdivision 15, and subdivisions 17 and 21 of section 2554 of the education law as repealed by section three of this act, subdivision 1 of section 2590-b of the education law as repealed by section six of this act, paragraph (a) of subdivision 2 of section 2590-b of the education law as repealed by section seven of this act, section 2590-c of the education law as repealed by section eight of this act, paragraph c of subdivision 2 of section 2590-d of the education law as repealed by section twenty-six of this act, subdivision 1 of section 2590-e of the education law as repealed by section twenty-seven of this act, subdivision 28 of section 2590-h of the education law as repealed by section twenty-eight of this act, subdivision 30 of section 2590-h of the education law as repealed by section twenty-nine of this act, subdivision 30-a of section 2590-h of the education law as repealed by section thirty of this act shall be revived and be read as such provisions existed in law on the date immediately preceding the effective date of this act; provided, however, that sections seven and eight of this act shall take effect on November 30, 2003; provided further that the amendments to subdivision 25 of section 2554 of the education law made by section two of this act shall be subject to the expiration and reversion of such subdivision pursuant to section 12 of chapter 147 of the laws of 2001, as amended, when upon such date the provisions of section four of this act shall take effect.

§ 43. Subdivision 12 of section 17 of 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, as amended by section 2 of part G of chapter 61 of the laws of 2017, is amended to read as follows:

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

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

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

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

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

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

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

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

§ 48. Special apportionment for salary expenses. a. Notwithstanding any other provision of law, upon application to the commissioner of education, not sooner than the first day of the second full business week of June 2020 and not later than the last day of the third full business week of June 2020, a school district eligible for an apportionment pursuant to section 3602 of the education law shall be eligible to receive an apportionment pursuant to this section, for the school year ending June 30, 2020, for salary expenses incurred between April 1 and June 30, 2019 and such apportionment shall not exceed the sum of (i) the deficit reduction assessment of 1990--1991 as determined by the commissioner of education, pursuant to paragraph f of subdivision 1 of section 3602 of the education law, as in effect through June 30, 1993, plus (ii) 186 percent of such amount for a city school district in a city with a population in excess of 1,000,000 inhabitants, plus (iii) 209 percent of such amount for a city school district in a city with a population of more than 195,000 inhabitants and less than 219,000 inhabitants according to the latest federal census, plus (iv) the net gap elimination adjustment for 2010--2011, as determined by the commissioner of education pursuant to chapter 53 of the laws of 2010, plus (v) the gap elimination adjustment for 2011--2012 as determined by the commissioner of education pursuant to subdivision 17 of section 3602 of the education law, and provided further that such apportionment shall not exceed such

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

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

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

§ 49. Special apportionment for public pension accruals. a. Notwithstanding any other provision of law, upon application to the commissioner of education, not later than June 30, 2020, a school district eligible for an apportionment pursuant to section 3602 of the education law shall be eligible to receive an apportionment pursuant to this section, for the school year ending June 30, 2020 and such apportionment shall not exceed the additional accruals required to be made by school districts in the 2004--2005 and 2005--2006 school years associated with changes for such public pension liabilities. The amount of such additional accrual shall be certified to the commissioner of education by the president of the board of education or the trustees or, in the case of a city school district in a city with a population in excess of 125,000 inhabitants, the mayor of such city. Such application shall be made by a school district, after the board of education or trustees have adopted a resolution to do so and in the case of a city school district in a city with a population in excess of 125,000 inhabitants, with the approval of the mayor of such city.

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

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

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

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

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

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

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

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

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

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

d. For the purpose of teacher support for the 2019--2020 school year: for the city school district of the city of New York, sixty-two million seven hundred seven thousand dollars ($62,707,000); for the Buffalo city school district, one million seven hundred forty-one thousand dollars ($1,741,000); for the Rochester city school district, one million seventy six thousand dollars ($1,076,000); for the Yonkers city school district, one million one hundred forty-seven thousand dollars ($1,147,000); and for the Syracuse city school district, eight hundred nine thousand dollars ($809,000). All funds made available to a school district pursuant to this section shall be distributed among teachers including prekindergarten teachers and teachers of adult vocational and academic subjects in accordance with this section and shall be in addition to salaries heretofore or hereafter negotiated or made available; provided, however, that all funds distributed pursuant to this section for the current year shall be deemed to incorporate all funds distributed pursuant to former subdivision 27 of section 3602 of the education law for prior years. In school districts where the teachers are repres-

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

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

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

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

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

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

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

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

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

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

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

PART B

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

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

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

(h) Any firm established for the business purpose of incorporating as a professional service corporation formed to lawfully engage in the practice of public accountancy, as such practice is respectively defined under article one hundred forty-nine of the education law shall be required to show (1) that a simple majority of the ownership of the firm, in terms of financial interests, including ownership-based compensation, and voting rights held by the firm's owners, belongs to individuals licensed to practice public accountancy in some state, and (2) that all shareholders of a professional service corporation whose principal place of business is in this state, and who are engaged in the practice of public accountancy in this state, hold a valid license issued under section seventy-four hundred four of the education law or are public accountants licensed under section seventy-four hundred five of the education law. Although firms may include non-licensee owners, the firm and its owners must comply with rules promulgated by the state board of regents. Notwithstanding the provisions of this paragraph, a firm incorporated under this section may not have non-licensee owners if the firm's name includes the words "certified public accountant," or "certified public accountants," or the abbreviations "CPA" or "CPAs". Each non-licensee owner of a firm that is incorporated under this section shall be a natural person who actively participates in the business of the firm or its affiliated entities. For purposes of this subdivision, "actively participate" means to provide services to clients or to otherwise individually take part in the day-to-day business or management of the firm. Such a firm shall have attached to its certificate of incorporation a certificate or certificates demonstrating the firm's compliance with this paragraph, in lieu of the certificate or certificates required by subparagraph (ii) of paragraph (b) of this section.

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

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

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

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

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

(iv) the president, the chairperson of the board of directors and the chief executive officer or officers are certified public accountants. No shareholder of a firm established for the business purpose of incorporating as a professional service corporation pursuant to paragraph (h) of section fifteen hundred three of this article shall enter into a voting trust agreement, proxy or any other type of agreement vesting in another person, other than another shareholder of the same corporation, the authority to exercise voting power of any or all of his or her shares. All shares issued, agreements made or proxies granted in violation of this section shall be void.

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

(c) The directors and officers of any firm established for the business purpose of incorporating as a professional service corporation pursuant to paragraph (h) of section fifteen hundred three of this article may include individuals who are not licensed to practice public accountancy, provided however that at least fifty-one percent of the directors, at least fifty-one percent of the officers and the president, the chairperson of the board of directors and the chief executive officer or officers are authorized by law to practice in this state a profession which such corporation is authorized to practice, and are either shareholders of such corporation or engaged in the practice of their professions in such corporation.

§ 5. Section 1509 of the business corporation law, as amended by chapter 550 of the laws of 2011, is amended to read as follows:

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

If any shareholder, director, officer or employee of a professional service corporation, including a design professional service corporation, or any firm established for the business purpose of incorporating as a professional service corporation pursuant to paragraph (h) of section fifteen hundred three of this article, who has been rendering professional service to the public becomes legally disqualified to practice his profession within this state, he shall sever all employment with, and financial interests (other than interests as a creditor) in, such corporation forthwith or as otherwise provided in section 1510 of this article. All provisions of law regulating the rendering of professional services by a person elected or appointed to a public office shall be applicable to a shareholder, director, officer and employee of such corporation in the same manner and to the same extent as if fully set forth herein. Such legal disqualification to practice his profession within this state shall be deemed to constitute an irrevocable offer by the disqualified shareholder to sell his shares to the corporation, pursuant to the provisions of section 1510 of this article or of the certificate of incorporation, by-laws or agreement among the corporation and all shareholders, whichever is applicable. Compliance with the terms of such offer shall be specifically enforceable in the courts of this state. A professional service corporation's failure to enforce compliance with this provision shall constitute a ground for forfeiture of its certificate of incorporation and its dissolution.

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

(a) No shareholder of a professional service corporation [~~or~~]**, including** a design professional service corporation**, or any firm established for the business purpose of incorporating as a professional service corporation pursuant to paragraph (h) of section fifteen hundred three of this article,** may sell or transfer his shares in such corporation except to another individual who is eligible to have shares issued to him by such corporation or except in trust to another individual who would be eligible to receive shares if he were employed by the corporation. Nothing herein contained shall be construed to prohibit the transfer of shares by operation of law or by court decree. No transferee of shares by operation of law or court decree may vote the shares for any purpose whatsoever except with respect to corporate action under sections 909 and 1001 of this chapter. The restriction in the preceding sentence shall not apply, however, where such transferee would be eligible to have shares issued to him if he were an employee of the corporation and, if there are other shareholders, a majority of such other shareholders shall fail to redeem the shares so transferred, pursuant to section 1510 of this article, within sixty days of receiving written notice of such transfer. Any sale or transfer, except by operation of law or court decree or except for a corporation having only one shareholder, may be made only after the same shall have been approved by the board of directors, or at a shareholders' meeting specially called for such purpose by such proportion, not less than a majority, of the outstanding shares as may be provided in the certificate of incorporation or in the by-laws of such professional service corporation. At such shareholders' meeting the shares held by the shareholder proposing to sell or transfer his shares may not be voted or counted for any purpose, unless all shareholders consent that such shares be voted or counted. The certificate of incorporation or the by-laws of the professional service corporation, or the professional service corporation and the shareholders by private agreement, may provide, in lieu of or in addition to the foregoing provisions, for the alienation of shares and may require the redemption or purchase of such shares by such corporation at prices and in a manner specifically set forth therein. The existence of the restrictions on the sale or transfer of shares, as contained in this article and, if applicable, in the certificate of incorporation, by-laws, stock purchase or stock redemption agreement, shall be noted conspicuously on the face or back of every certificate for shares issued by a professional service corporation. Any sale or transfer in violation of such restrictions shall be void.

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

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

(a) Notwithstanding any other provision of law, the name of a professional service corporation, including a design professional service corporation **and any firm established for the business purpose of incorporating as a professional service corporation pursuant to paragraph (h) of section fifteen hundred three of this article**, may contain any word which, at the time of incorporation, could be used in the name of a partnership practicing a profession which the corporation is authorized to practice, and may not contain any word which could not be used by such a partnership. Provided, however, the name of a professional service corporation may not contain the name of a deceased person unless

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

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

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

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

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

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

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

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

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

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

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

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

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

(q) Each partner of a registered limited liability partnership formed to provide medical services in this state must be licensed pursuant to article 131 of the education law to practice medicine in this state and each partner of a registered limited liability partnership formed to provide dental services in this state must be licensed pursuant to article 133 of the education law to practice dentistry in this state. Each partner of a registered limited liability partnership formed to provide veterinary services in this state must be licensed pursuant to article 135 of the education law to practice veterinary medicine in this state. Each partner of a registered limited liability partnership formed to provide public accountancy services, whose principal place of business is in this state and who provides public accountancy services, must be licensed pursuant to article 149 of the education law to practice public accountancy in this state. Each partner of a registered limited liability partnership formed to provide professional engineering, land surveying, geological services, architectural and/or landscape architectural services in this state must be licensed pursuant to article 145, article 147 and/or article 148 of the education law to practice one or more of such professions in this state. Each partner of a registered limited liability partnership formed to provide licensed clinical social work services in this state must be licensed pursuant to article 154 of the education law to practice clinical social work in this state. Each partner of a registered limited liability partnership formed to provide creative arts therapy services in this state must be licensed pursuant to article 163 of the education law to practice creative arts therapy in this state. Each partner of a registered limited liability partnership formed to provide marriage and family therapy services in this state must be licensed pursuant to article 163 of the education law to practice marriage and family therapy in this state. Each partner of a registered limited liability partnership formed to provide mental health counseling services in this state must be licensed pursuant to article 163 of the education law to practice mental health counseling in this

state. Each partner of a registered limited liability partnership formed to provide psychoanalysis services in this state must be licensed pursuant to article 163 of the education law to practice psychoanalysis in this state. Each partner of a registered limited liability partnership formed to provide applied behavior analysis service in this state must be licensed or certified pursuant to article 167 of the education law to practice applied behavior analysis in this state. **Notwithstanding any other provisions of law a limited liability partnership formed to lawfully engage in the practice of public accountancy, as such practice is respectively defined under article 149 of the education law, shall be required to show (1) that a simple majority of the ownership of the firm, in terms of financial interests, including ownership-based compensation, and voting rights held by the firm's owners, belongs to individuals licensed to practice public accountancy in some state, and (2) that all partners of a limited liability partnership whose principal place of business is in this state, and who are engaged in the practice of public accountancy in this state, hold a valid license issued under section 7404 of the education law or are public accountants licensed under section 7405 of the education law. Although firms may include non-licensee owners, the firm and its owners must comply with rules promulgated by the state board of regents. Notwithstanding the foregoing, a firm registered under this section may not have non-licensee owners if the firm's name includes the words "certified public accountant," or "certified public accounts," or the abbreviations "CPA" or "CPAs." Each non-licensee owner of a firm that is incorporated under this section shall be (1) a natural person who actively participates in the business of the firm or its affiliated entities, or (2) an entity, including, but not limited to, a partnership or professional corporation, provided each beneficial owner of an equity interest in such entity is a natural person who actively participates in the business conducted by the firm or its affiliated entities. For purposes of this subdivision, "actively participate" means to provide services to clients or to otherwise individually take part in the day-to-day business or management of the firm.**

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

(q) Each partner of a foreign limited liability partnership which provides medical services in this state must be licensed pursuant to article 131 of the education law to practice medicine in the state and each partner of a foreign limited liability partnership which provides dental services in the state must be licensed pursuant to article 133 of the education law to practice dentistry in this state. Each partner of a foreign limited liability partnership which provides veterinary service in the state shall be licensed pursuant to article 135 of the education law to practice veterinary medicine in this state. Each partner of a foreign limited liability partnership which provides professional engineering, land surveying, geological services, architectural and/or landscape architectural services in this state must be licensed pursuant to article 145, article 147 and/or article 148 of the education law to practice one or more of such professions. **Each partner of a foreign registered limited liability partnership formed to provide public accountancy services, whose principal place of business is in this state and who provides public accountancy services, must be licensed pursuant to article 149 of the education law to practice public accountancy in this state.** Each partner of a foreign limited liability partnership which provides licensed clinical social work services in this state must

be licensed pursuant to article 154 of the education law to practice licensed clinical social work in this state. Each partner of a foreign limited liability partnership which provides creative arts therapy services in this state must be licensed pursuant to article 163 of the education law to practice creative arts therapy in this state. Each partner of a foreign limited liability partnership which provides marriage and family therapy services in this state must be licensed pursuant to article 163 of the education law to practice marriage and family therapy in this state. Each partner of a foreign limited liability partnership which provides mental health counseling services in this state must be licensed pursuant to article 163 of the education law to practice mental health counseling in this state. Each partner of a foreign limited liability partnership which provides psychoanalysis services in this state must be licensed pursuant to article 163 of the education law to practice psychoanalysis in this state. Each partner of a foreign limited liability partnership which provides applied behavior analysis services in this state must be licensed or certified pursuant to article 167 of the education law to practice applied behavior analysis in this state. **Notwithstanding any other provisions of law a foreign limited liability partnership formed to lawfully engage in the practice of public accountancy, as such practice is respectively defined under article 149 of the education law, shall be required to show (1) that a simple majority of the ownership of the firm, in terms of financial interests, including ownership-based compensation, and voting rights held by the firm's owners, belongs to individuals licensed to practice public accountancy in some state, and (2) that all partners of a foreign limited liability partnership whose principal place of business is in this state, and who are engaged in the practice of public accountancy in this state, hold a valid licence issued under section 7404 of the education law or are public accountants licensed under section 7405 of the education law. Although firms may include non-licensee owners, the firm and its owners must comply with rules promulgated by the state board of regents. Notwithstanding the foregoing, a firm registered under this section may not have non-licensee owners if the firm's name includes the words "certified public accountant," or "certified public accountants," or the abbreviations "CPA" or "CPAs." Each non-licensee owner of a firm that is incorporated under this section shall be (1) a natural person who actively participates in the business of the firm or its affiliated entities, or (2) an entity, including, but not limited to, a partnership or professional corporation, provided each beneficial owner of an equity interest in such entity is a natural person who actively participates in the business conducted by the firm or its affiliated entities. For purposes of this subdivision, "actively participate" means to provide services to clients or to otherwise individually take part in the day-to-day business or management of the firm.**

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

(h) "Limited partnership" and "domestic limited partnership" mean, unless the context otherwise requires, a partnership (i) formed by two or more persons pursuant to this article or which complies with subdivision (a) of section 121-1202 of this article and (ii) having one or more general partners and one or more limited partners. **Notwithstanding any other provisions of law a limited partnership or domestic limited partnership formed to lawfully engage in the practice of public accountancy, as such practice is respectively defined under article 149 of the education law shall be required to show (1) that a simple majority of the**

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

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

(b) With respect to a professional service limited liability company formed to provide medical services as such services are defined in article 131 of the education law, each member of such limited liability company must be licensed pursuant to article 131 of the education law to practice medicine in this state. With respect to a professional service limited liability company formed to provide dental services as such services are defined in article 133 of the education law, each member of such limited liability company must be licensed pursuant to article 133 of the education law to practice dentistry in this state. With respect to a professional service limited liability company formed to provide veterinary services as such services are defined in article 135 of the education law, each member of such limited liability company must be licensed pursuant to article 135 of the education law to practice veterinary medicine in this state. With respect to a professional service limited liability company formed to provide professional engineering, land surveying, architectural, landscape architectural and/or geological services as such services are defined in article 145, article 147 and article 148 of the education law, each member of such limited liability company must be licensed pursuant to article 145, article 147 and/or article 148 of the education law to practice one or more of such professions in this state. With respect to a professional service limited liability company formed to provide public accountancy services as such services are defined in article 149 of the education law each member of such limited liability company whose principal place of business is in this state and who provides public accountancy services, must be licensed pursuant to article 149 of the education law to practice public accountancy in this state. With respect to a professional service limited liability company formed to provide licensed clinical social work services as such services are defined in article 154 of the education law, each member of such limited liability company shall be

licensed pursuant to article 154 of the education law to practice licensed clinical social work in this state. With respect to a professional service limited liability company formed to provide creative arts therapy services as such services are defined in article 163 of the education law, each member of such limited liability company must be licensed pursuant to article 163 of the education law to practice creative arts therapy in this state. With respect to a professional service limited liability company formed to provide marriage and family therapy services as such services are defined in article 163 of the education law, each member of such limited liability company must be licensed pursuant to article 163 of the education law to practice marriage and family therapy in this state. With respect to a professional service limited liability company formed to provide mental health counseling services as such services are defined in article 163 of the education law, each member of such limited liability company must be licensed pursuant to article 163 of the education law to practice mental health counseling in this state. With respect to a professional service limited liability company formed to provide psychoanalysis services as such services are defined in article 163 of the education law, each member of such limited liability company must be licensed pursuant to article 163 of the education law to practice psychoanalysis in this state. With respect to a professional service limited liability company formed to provide applied behavior analysis services as such services are defined in article 167 of the education law, each member of such limited liability company must be licensed or certified pursuant to article 167 of the education law to practice applied behavior analysis in this state. **Notwithstanding any other provisions of law a professional service limited liability company formed to lawfully engage in the practice of public accountancy, as such practice is respectively defined under article 149 of the education law shall be required to show (1) that a simple majority of the ownership of the firm, in terms of financial interests, including ownership-based compensation, and voting rights held by the firm's owners, belongs to individuals licensed to practice public accountancy in some state, and (2) that all members of a limited professional service limited liability company, whose principal place of business is in this state, and who are engaged in the practice of public accountancy in this state, hold a valid license issued under section 7404 of the education law or are public accountants licensed under section 7405 of the education law. Although firms may include non-licensee owners, the firm and its owners must comply with rules promulgated by the state board of regents. Notwithstanding the foregoing, a firm registered under this section may not have non-licensee owners if the firm's name includes the words "certified public accountant," or "certified public accountants," or the abbreviations "CPA" or "CPAs." Each non-licensee owner of a firm that is registered under this section shall be (1) a natural person who actively participates in the business of the firm or its affiliated entities, or (2) an entity, including, but not limited to, a partnership or professional corporation, provided each beneficial owner of an equity interest in such entity is a natural person who actively participates in the business conducted by the firm or its affiliated entities. For purposes of this subdivision, "actively participate" means to provide services to clients or to otherwise individually take part in the day-to-day business or management of the firm.**

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

(a) "Foreign professional service limited liability company" means a professional service limited liability company, whether or not denominated as such, organized under the laws of a jurisdiction other than this state, (i) each of whose members and managers, if any, is a professional authorized by law to render a professional service within this state and who is or has been engaged in the practice of such profession in such professional service limited liability company or a predecessor entity, or will engage in the practice of such profession in the professional service limited liability company within thirty days of the date such professional becomes a member, or each of whose members and managers, if any, is a professional at least one of such members is authorized by law to render a professional service within this state and who is or has been engaged in the practice of such profession in such professional service limited liability company or a predecessor entity, or will engage in the practice of such profession in the professional service limited liability company within thirty days of the date such professional becomes a member, or (ii) authorized by, or holding a license, certificate, registration or permit issued by the licensing authority pursuant to, the education law to render a professional service within this state; except that all members and managers, if any, of a foreign professional service limited liability company that provides health services in this state shall be licensed in this state. With respect to a foreign professional service limited liability company which provides veterinary services as such services are defined in article 135 of the education law, each member of such foreign professional service limited liability company shall be licensed pursuant to article 135 of the education law to practice veterinary medicine. With respect to a foreign professional service limited liability company which provides medical services as such services are defined in article 131 of the education law, each member of such foreign professional service limited liability company must be licensed pursuant to article 131 of the education law to practice medicine in this state. With respect to a foreign professional service limited liability company which provides dental services as such services are defined in article 133 of the education law, each member of such foreign professional service limited liability company must be licensed pursuant to article 133 of the education law to practice dentistry in this state. With respect to a foreign professional service limited liability company which provides professional engineering, land surveying, geologic, architectural and/or landscape architectural services as such services are defined in article 145, article 147 and article 148 of the education law, each member of such foreign professional service limited liability company must be licensed pursuant to article 145, article 147 and/or article 148 of the education law to practice one or more of such professions in this state. **With respect to a foreign professional service limited liability company which provides public accountancy services as such services are defined in article 149 of the education law, each member of such foreign professional service limited liability company whose principal place of business is in this state and who provides public accountancy services, shall be licensed pursuant to article 149 of the education law to practice public accountancy in this state.** With respect to a foreign professional service limited liability company which provides licensed clinical social work services as such services are defined in article 154 of the education law, each member of such foreign professional service limited liability company shall be licensed pursuant to article 154 of the education law to practice clinical social work in this state. With

respect to a foreign professional service limited liability company which provides creative arts therapy services as such services are defined in article 163 of the education law, each member of such foreign professional service limited liability company must be licensed pursuant to article 163 of the education law to practice creative arts therapy in this state. With respect to a foreign professional service limited liability company which provides marriage and family therapy services as such services are defined in article 163 of the education law, each member of such foreign professional service limited liability company must be licensed pursuant to article 163 of the education law to practice marriage and family therapy in this state. With respect to a foreign professional service limited liability company which provides mental health counseling services as such services are defined in article 163 of the education law, each member of such foreign professional service limited liability company must be licensed pursuant to article 163 of the education law to practice mental health counseling in this state. With respect to a foreign professional service limited liability company which provides psychoanalysis services as such services are defined in article 163 of the education law, each member of such foreign professional service limited liability company must be licensed pursuant to article 163 of the education law to practice psychoanalysis in this state. With respect to a foreign professional service limited liability company which provides applied behavior analysis services as such services are defined in article 167 of the education law, each member of such foreign professional service limited liability company must be licensed or certified pursuant to article 167 of the education law to practice applied behavior analysis in this state. **Notwithstanding any other provisions of law a foreign professional service limited liability company formed to lawfully engage in the practice of public accountancy, as such practice is respectively defined under article 149 of the education law shall be required to show (1) that a simple majority of the ownership of the firm, in terms of financial interests, including ownership-based compensation, and voting rights held by the firm's owners, belongs to individuals licensed to practice public accountancy in some state, and (2) that all members of a foreign limited professional service limited liability company, whose principal place of business is in this state, and who are engaged in the practice of public accountancy in this state, hold a valid license issued under section 7404 of the education law or are public accountants licensed under section 7405 of the education law. Although firms may include non-licensee owners, the firm and its owners must comply with rules promulgated by the state board of regents. Notwithstanding the foregoing, a firm registered under this section may not have non-licensee owners if the firm's name includes the words "certified public accountant," or "certified public accountants," or the abbreviations "CPA" or "CPAs." Each non-licensee owner of a firm that is registered under this section shall be (1) a natural person who actively participates in the business of the firm or its affiliated entities, or (2) an entity, including, but not limited to, a partnership or professional corporation, provided each beneficial owner of an equity interest in such entity is a natural person who actively participates in the business conducted by the firm or its affiliated entities. For purposes of this subdivision, "actively participate" means to provide services to clients or to otherwise individually take part in the day-to-day business or management of the firm.**

§ 15. This act shall take effect immediately.

PART C

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

43. To pass, in the discretion of the trustees, a resolution authorizing the use of school bus cameras pursuant to section eleven hundred eighteen of the vehicle and traffic law, provided that the trustees may also enter into contracts with a third party for the installation, administration, operation, notice processing, and maintenance of such cameras, and for the sharing of revenue derived from such cameras pursuant to section eleven hundred eighteen of the vehicle and traffic law, provided that the purchase, lease, installation, operation and maintenance, or any other costs associated with such cameras shall not be considered an aidable expense pursuant to section thirty-six hundred twenty-three-a of this chapter.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4. The notice of liability shall be prepared and mailed by the respective law enforcement agency having jurisdiction over the location where the violation occurred.

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

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

(j) Where the adjudication of liability imposed upon owners pursuant to this section is by an administrative tribunal, traffic violations bureau, or a court having jurisdiction, an owner who is a lessor of a vehicle to which a notice of liability was issued pursuant to subdivision (g) of this section shall not be liable for the violation of subdivision (a) of section eleven hundred seventy-four of this title, provided that he or she sends to the administrative tribunal, traffic violations bureau, or court having jurisdiction a copy of the rental, lease or other such contract document covering such vehicle on the date of the violation, with the name and address of the lessee clearly legible, within thirty-seven days after receiving notice from the bureau or court of the date and time of such violation, together with the other information contained in the original notice of liability. Failure to send such information within such thirty-seven day time period shall render the owner liable for the penalty prescribed by this section. Where the lessor complies with the provisions of this paragraph, the lessee of such vehicle on the date of such violation shall be deemed to be the owner of such vehicle for purposes of this section, shall be subject to liability for the violation of subdivision (a) of section eleven hundred seventy-four of this title pursuant to this section and shall be sent a notice of liability pursuant to subdivision (g) of this section.

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

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

2. Notwithstanding any other provision of this section, no owner of a vehicle shall be subject to a monetary fine imposed pursuant to this section if the operator of such vehicle was operating such vehicle without the consent of the owner at the time such operator was found to have been overtaking or passing a school bus. For purposes of this subdivision there shall be a presumption that the operator of such vehicle was operating such vehicle with the consent of the owner at the time such operator was found to have been overtaking or passing a school bus.

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

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

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

2. the aggregate number of annual incidents of violations of subdivision (a) of section eleven hundred seventy-four of this title within the district;

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

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

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

6. the number of violations adjudicated and results of such adjudications including breakdowns of dispositions made for violations recorded by such systems;

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

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

9. quality of the adjudication process and its results.

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

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

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

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

§ 5. This act shall take effect immediately.

PART D

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(ii) attended an approved New York state program for general equivalency diploma exam preparation, received a general equivalency diploma issued within New York state**, lived continuously in New York state while attending an approved New York state program for general equivalency diploma exam preparation,** and **subsequently** applied for attendance [~~at an institution or educational unit of the state university~~]**, earned admission based on that general equivalency diploma, and attended a community college** within five years of receiving a general equivalency diploma issued within New York state; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

§ 19. This act shall take effect on the ninetieth day after the issuance of regulations and the development of an application form by the president of the higher education services corporation or on the ninetieth day after it shall have become a law, whichever shall be later; provided, however, that:

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

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

PART E

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

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

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

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

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

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

(c) is neither a public or nonprofit institution.

2. (a) Commencing in the two thousand nineteen--two thousand twenty academic year and thereafter, a proprietary institution of higher education, shall derive not less than twenty percent of such institution's annual revenues from sources other than the combined revenues from limited revenue sources as defined in subparagraph (i) of this paragraph.

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

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

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

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

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

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

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

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

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

(D) interest or investment income;

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

(F) the amount charged for books, supplies, and equipment, unless the institution includes that amount as tuition, fees, or other institutional charges.

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

(b) A proprietary institution of higher education that fails to meet the requirement of paragraph (a) of this subdivision for two consecutive academic years shall be ineligible to enroll new students participating in any program authorized under this chapter for a period of not less than two academic years, commencing with the academic year immediately following the year in which the institution's financial statement demonstrating failure to meet the requirement for the second consecutive academic year is submitted to the commissioner pursuant to subdivision four of this section. To regain eligibility to enroll new students participating in the programs authorized under this chapter, a proprietary institution of higher education shall demonstrate compliance with paragraph (a) of this subdivision for a minimum of two academic years after the academic year in which the institution became ineligible.

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

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

5. No proprietary institution of higher education shall include any provision requiring arbitration of disputes within any student enrollment contract or agreement.

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

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

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

(c) A proprietary institution of higher education that fails to meet the requirement of paragraph (a) of this subdivision for two consecutive academic years shall be ineligible to enroll new students participating in any program authorized under this chapter for a period of not less than two academic years, commencing with the academic year immediately following the year in which the institution's financial statement demonstrating failure to meet the requirement for the second consecutive academic year is submitted to the commissioner pursuant to subdivision four of this section. To regain eligibility to enroll new students participating in the programs authorized under this chapter, a proprietary institution of higher education shall demonstrate compliance with paragraph (a) of this subdivision for a minimum of two academic years after the academic year in which the institution became ineligible.

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

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

§ 3. This act shall take effect immediately.

PART F

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

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

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

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

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

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

§ 2. This act shall take effect immediately.

PART G

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

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

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

§ 3. This act shall take effect immediately.

PART H

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

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

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

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

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

(i) a grandparent;

(ii) a great-grandparent;

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

(iv) an aunt; or

(v) an uncle.

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

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

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

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

to four years so long as the provider remains substantially in compliance with applicable law and regulations during such period.

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

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

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

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

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

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

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

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

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

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

(i) principles of childhood development, focusing on the developmental stages of the age groups for which the program provides care;

(ii) nutrition and health needs of infants and children;

(iii) child day care program development;

(iv) safety and security procedures;

(v) business record maintenance and management;

(vi) child abuse and maltreatment identification and prevention;

(vii) statutes and regulations pertaining to child day care;

(viii) statutes and regulations pertaining to child abuse and maltreatment; and

(ix) for operators, program directors, employees and assistants of family day care homes, group family day care homes and child day care centers, education and information on the identification, diagnosis and prevention of shaken baby syndrome.

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

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

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

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

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

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

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

services and, where applicable, the division of criminal justice services, the following clearances shall be conducted for entities specified in subdivision two of this section in the time and manner as required by this section:

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

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

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

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

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

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

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

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

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

2. In relation to any child day care program and any enrolled legally-exempt provider:

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

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

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

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

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

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

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:

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

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

(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;

(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.

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:

(i) refuses to consent to such clearance;

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

(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

(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.

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

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

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

(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

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

(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.

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

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

(b) 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 employee or volunteer with the potential for unsupervised contact with children 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 of family services shall conduct a safety assessment of the program and take all appropriate steps to protect the health and safety of the children in the program. The office of children of family services may direct the program or provider to terminate the employee or volunteer based on such a conviction, consistent with article twenty-three-A of the correction law.

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

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

(ii) Where a clearance conducted pursuant to this section reveals that the current operator or director of a child day care program or any person over the age of eighteen that resides in a home where child day care is provided has been charged with a crime, 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 of children in the program. The office of children and family services may suspend a license or registration or terminate enrollment based on such a charge when necessary to protect the health and safety of children in the program.

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

(A) conduct a safety assessment; or

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

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

(v) Where a clearance conducted pursuant to this section reveals that a current employee, or current volunteer with the potential for unsupervised contact with children of a child day care program or enrolled legally-exempt provider has been charged with a crime, 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 of the children in the program.

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

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

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

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

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

9. (a) Any criminal history record provided by the division of criminal justice services, and any summary of the criminal history record provided by the office of children and family services to a [~~child day care provider~~] person that receives a clearance pursuant to this section, is confidential and shall not be available for public inspection; provided, however, nothing herein shall prevent [~~a child day care provider or~~] the office of children and family services from disclosing criminal history information or the individual from disclosing his or her criminal history information at any administrative or judicial proceeding relating to the denial or revocation of an application, employment, license or registration. The subject of a criminal history review conducted pursuant to this section shall be entitled to receive, upon written request, a copy of the summary of the criminal history record [~~provided by the office of children and family services~~

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

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

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

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

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

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

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

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

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

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

4. For purposes of this section, the term "licensing agency" shall mean an authorized agency which has received an application to become an adoptive parent or an authorized agency which has received an application for a certificate or license to receive, board or keep any child pursuant to the provisions of section three hundred seventy-six or three hundred seventy-seven of this article or an authorized agency which has received an application from a relative within the second degree or third degree of consanguinity of the parent of a child or a relative within the second degree or third degree of consanguinity of the stepparent of a child or children, or the child's legal guardian for approval to receive, board or keep such child, or an authorized agency that conducts a clearance pursuant to paragraph (d) of subdivision two of section four hundred fifty-eight-b of this article, or a state or local governmental agency which receives an application to provide child day care services in a child day care center, school-age child care program, family day care home or group family day care home **or enrolled legally-exempt provider as such term is defined in subdivision one-a of section three hundred ninety-b of this article** pursuant to the provisions of section three hundred ninety of this article, or the department of health and mental hygiene of the city of New York, when such department receives an application for a certificate of approval to provide child day care services in a child day care center pursuant to the provisions of the health code of the city of New York, or the office of mental health or the office for people with developmental disabilities when such office receives an application for an operating certificate pursuant to the provisions of the mental hygiene law to operate a family care home, or a state or local governmental official who receives an application for a permit to operate a camp which is subject to the provisions of article thirteen-B of the public health law or the office of children and family services which has received an application for a certificate to receive, board or keep any child at a foster family home pursuant to articles nineteen-G and nineteen-H of the executive law or any other facility or provider agency, as defined in subdivision four of section four hundred eighty-eight of this chapter, in regard to any licensing or certification function carried out by such facility or agency.

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

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

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

PART I

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

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

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

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

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

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

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

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

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

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

(i) **(A)** Subject to the provisions of subdivision seven of this section, a provider agency shall inquire of the office and the office shall, subject to the provisions of paragraph (e) of this subdivision, inform such agency and the subject of the inquiry whether any person who is actively being considered for employment and who will have the potential for regular and substantial contact with individuals who are cared for by the agency, is the subject of an indicated child abuse and maltreatment report on file with the statewide central register of child abuse and maltreatment prior to permitting such person to have unsupervised contact with such individuals. Such agency may inquire of the office and the office shall inform such agency and the subject of the inquiry whether any person who is currently employed and who has the potential for regular and substantial contact with individuals who are cared for by such agency is the subject of an indicated child abuse and maltreatment report on file with the statewide central register of child abuse and maltreatment. A provider agency shall also inquire of the office and the office shall inform such agency and the subject of the inquiry whether any person who is employed by an individual, corporation, partnership or association which provides goods or services to such agency who has the potential for regular and substantial contact with individuals who are cared for by the agency, is the subject of an indicated child abuse and maltreatment report on file with the statewide central register of child abuse and maltreatment prior to permitting such person to have unsupervised contact with such individuals. Inquiries made to the office pursuant to this subparagraph by a provider agency on current employees shall be made no more often than once in any six month period.

(B) Notwithstanding clause (A) of this subparagraph, where the provider agency is an authorized agency that operates a residential program for foster children that is licensed or certified by the office of children and family services such agency shall inquire of the office and the office shall, subject to the provisions of paragraph (e) of this subdivision, inform such agency and the subject of the inquiry whether:

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

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

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

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

PART J

Section 1. The section heading and the opening paragraph of subdivision 1 of section 131-u of the social services law, as amended by chapter 169 of the laws of 1994, is amended to read as follows:

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

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

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

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

2. The department [~~shall~~] **may** annually establish, subject to the approval of the director of the budget, a daily rate of reimbursement for each residential program for victims of domestic violence, as defined in article six-A of this chapter, certified by the department which provides emergency shelter and services to persons eligible for such emergency shelter and services pursuant to this section. A social services district financially responsible for a victim of domestic violence shall reimburse a residential program for victims of domestic violence for the costs of emergency shelter and services provided to such victim at the daily reimbursement rate established by the department reduced by [~~the sum of all fees which such victim is able to pay toward the costs of such shelter and services as determined in accordance with the public assistance budgeting rules set forth in the regulations of the department and by~~] any [~~third party~~] **other** reimbursement available for such costs.

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

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

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

PART K

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

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

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

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

~~(c) "Secure detention facility". A facility characterized by physically restricting construction, hardware and procedures.~~

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

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

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

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

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

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

child has a substance use disorder or is in need of immediate detoxification or substance use disorder services, an assessment for substance use disorder; 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 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.

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

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

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

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

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

CUSTODY [~~AND DETENTION~~]

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

§ 720. Detention **precluded**. [~~1.~~] **The detention of a child shall not be directed under any of the provisions of this article, except as otherwise authorized by the interstate compact on juveniles.** No child to whom the provisions of this article may apply, shall be detained in any prison, jail, lockup, or other place used for adults convicted of crime or under arrest and charged with a crime.

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

~~3. Detention of a person alleged to be or adjudicated as a person in need of supervision shall, except as provided in subdivision four of this section, be authorized only in a foster care program certified by the office of children and family services, or a certified or approved family boarding home, or a non-secure detention facility certified by the office and in accordance with section seven hundred thirty-nine of this article. The setting of the detention shall take into account (a) 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 (b) the existing educational setting of such person and the proximity of such setting to the location of the detention setting.~~

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

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

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

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

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

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

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

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

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

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

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

~~(iii) where appropriate, whether reasonable efforts were made prior to the date of the court hearing that resulted in the detention order, to prevent or eliminate the need for removal of the child from his or her home or, if the child had been removed from his or her home prior to the court appearance pursuant to this section, where appropriate, whether reasonable efforts were made to make it possible for the child to safely 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-l 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

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

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

§ 739. Release or [~~detention~~] **referral** after filing of petition and prior to order of disposition. [~~(a)~~] After the filing of a petition under section seven hundred thirty-two of this part, the court in its discretion may release the respondent [~~or direct his or her detention~~]. If the respondent may be a sexually exploited child as defined in subdivision one of section four hundred forty-seven-a of the social services law, the court may direct the respondent to an available short-term safe house [~~as an alternative to detention. However, the court shall not direct detention unless it finds and states the facts and reasons for so finding that unless the respondent is detained there is a substantial probability that the respondent will not appear in court on the return date and all available alternatives to detention have been exhausted.~~

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

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

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

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

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

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

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

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

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

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

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

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

(a) The order shall state the court's reasons for the particular disposition. If the court places the child in accordance with section seven hundred fifty-six of this part, the court in its order shall determine: (i) whether continuation in the child's home would be contrary to the best interest of the child and where appropriate, that reasonable efforts were made prior to the date of the dispositional hearing held pursuant to this article to prevent or eliminate the need for removal of the child from his or her home and, if the child was removed from his or her home prior to the date of such hearing, that such removal was in the child's best interest and, where appropriate, reasonable efforts were made to make it possible for the child to return safely home. If the court determines that reasonable efforts to prevent or eliminate the need for removal of the child from the home were not made but that the lack of such efforts was appropriate under the circumstances, the court order shall include such a finding; and (ii) in the case of a child who has attained the age of fourteen, the services needed, if any, to assist the child to make the transition from foster care to independent living. [~~Nothing in this subdivision shall be construed to modify the standards for directing detention set forth in section seven hundred thirty-nine of this article.~~]

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

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

(ii) [~~Where the child is placed~~] **If the court finds that the respondent is a sexually exploited child as defined in subdivision one of**

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

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

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

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

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

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

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

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

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

(b) order as a condition of placement, probation, or suspended judgment, services for the public good including in the case of a crime involving willful, malicious, or unlawful damage or destruction to real or personal property maintained as a cemetery plot, grave, burial place, or other place of interment of human remains, services for the maintenance and repair thereof, taking into consideration the age and physical condition of the [~~infant~~] **child**.

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

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

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

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

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

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

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

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

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

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

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

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

~~(a)~~] **(d)** (1) Conditionally release any juvenile delinquent placed with the district to aftercare whenever the district determines conditional release to be consistent with the needs and best interests of such juvenile delinquent, that suitable care and supervision can be provided, and that there is a reasonable probability that such juvenile delinquent can be conditionally released without endangering public safety; provided, however, that such conditional release shall be made in accordance with the regulations of the office of children and family services, and provided further that no juvenile delinquent while absent from a facility or program without the consent of the director of such facility or program shall be conditionally released by the district solely by reason of the absence.

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

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

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

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

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

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

educational program leading to a high school diploma, he or she shall be enrolled in a school or educational program leading to a high school diploma following release, or, if such release occurs during the summer recess, upon the commencement of the next school term. If a conditionally released juvenile delinquent is not subject to article sixty-five of the education law, and does not elect to participate in an educational program leading to a high school diploma, steps shall be taken, to the extent possible, to facilitate his or her gainful employment or enrollment in a vocational program following release.

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

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

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

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

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

12. A social services official shall be permitted to place persons adjudicated [~~in need of supervision or~~] delinquent[~~, and alleged persons to be in need of supervision~~] in detention pending transfer to a placement, in the same foster care facilities as are providing care to destitute, neglected, abused or abandoned children. Such foster care facilities shall not provide care to a youth in the care of a social services official as a convicted juvenile offender.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) Notwithstanding any provision of law to the contrary, eligible expenditures by a municipality during a particular program year for the care, maintenance and supervision [~~in foster care programs certified by the office of children and family services, certified or approved family boarding homes, and non-secure detention facilities certified by the office for those youth alleged to be persons in need of supervision or adjudicated persons in need of supervision held pending transfer to a facility upon placement; and~~] in secure and non-secure detention facilities certified by the office in accordance with section five hundred three of this article for those youth alleged to be juvenile delinquents; adjudicated juvenile delinquents held pending transfer to a facility upon placement, and juvenile delinquents held at the request of the office of children and family services pending extension of placement hearings or release revocation hearings or while awaiting disposition of such hearings; and youth alleged to be or convicted as juvenile offenders, youthful offenders and adolescent offenders **and prior to January first, two thousand twenty, youth alleged to be persons in need of supervision or adjudicated persons in need of supervision held pending transfer to a facility upon placement in foster care programs certified by the office of children and family services, certified or approved foster boarding homes and non-secure detention facilities certified by the office,** shall be subject to state reimbursement for up to fifty percent of the municipality's expenditures, exclusive of any federal funds made available for such purposes, not to exceed the municipality's distribution from funds that have been appropriated specifically therefor for that program year. Municipalities shall implement the use of detention risk assessment instruments in a manner prescribed by the office so as to inform detention decisions. Notwithstanding any other provision of state law to the contrary, data necessary for completion of a detention risk assessment instrument may be shared among law enforcement, probation, courts, detention administrators, detention providers, and the attorney for the child upon retention or appointment; solely for the purpose of accurate completion of such risk assessment instrument, and a copy of the completed detention risk assessment instrument shall be made available to the applicable detention provider, the attorney for the child and the court.

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

family services, pending adjudication of alleged delinquency [~~or alleged need of supervision~~] by the family court, or pending transfer to institutions to which committed or placed by such court or while awaiting disposition by such court after adjudication or held pursuant to a securing order of a criminal court if the person named therein as principal is under seventeen years of age; or

(4) **prior to January first, two thousand twenty** temporary care, maintenance and supervision provided youth detained in foster care facilities or certified or approved family boarding homes pursuant to article seven of the family court act.

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

7. The agency administering detention for each county and the city of New York shall submit to the office of children and family services, at such times and in such form and manner and containing such information as required by the office of children and family services, an annual report on youth remanded pursuant to article three or seven of the family court act who are detained during each calendar year including, commencing January first, two thousand twelve, the risk level of each detained youth as assessed by a detention risk assessment instrument approved by the office of children and family services **provided, however, that the report due January first, two thousand twenty-one and thereafter shall not be required to contain any information on youth who are subject to article seven of the family court act**. The office may require that such data on detention use be submitted to the office electronically. Such report shall include, but not be limited to, the reason for the court's determination in accordance with section 320.5 or seven hundred thirty-nine of the family court act to detain the youth; the offense or offenses with which the youth is charged; and all other reasons why the youth remains detained. The office shall submit a compilation of all the separate reports to the governor and the legislature.

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

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

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

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

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

PART L

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

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

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

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

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

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

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

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

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

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

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

other county in the state, two times the amount set forth in subparagraph (iii) of this paragraph.

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

(e) (i) On and after January first, two thousand [~~eighteen~~] **nineteen**, for an eligible individual receiving enhanced residential care, [~~$1,444.00~~] **$1,465.00**; and (ii) for an eligible couple receiving enhanced residential care, two times the amount set forth in subparagraph (i) of this paragraph.

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

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

PART M

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

SUBPART A

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

§ 462-c. Appointment of a temporary operator of a foster care program. 1. The office of children and family services shall have the authority to appoint a temporary operator in accordance with this section.

2. For the purposes of this section:

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

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

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

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

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

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

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

(iii) prior to appointment as temporary operator, develops a plan determined to be satisfactory by the commissioner to address the established operator's deficiencies.

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

3. (a) (i) A temporary operator may only be appointed after the established operator has been provided notice of alleged violations and the ability to cure such violations.

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

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

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

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

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

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

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

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

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

the youth by the established operator until either the established operator can resume operations or until the office revokes the authority of the established operator to operate a foster care program.

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

(d) The temporary operator shall not be required to file any bond. No security interest in any real or personal property comprising the established operator, contained within the established operator, or in any fixture of the building or buildings owned by the established operator, shall be impaired or diminished in priority by the temporary operator. Neither the temporary operator nor the office shall engage in any activity that constitutes a confiscation of property.

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

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

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

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

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

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

(c) The term of the initial appointment and of any subsequent reappointment of a temporary operator in accordance with this section may be terminated prior to the expiration of the designated term, if the established operator and the commissioner agree on a plan of correction and the implementation of such plan.

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

a temporary operator, and the date and time of a required meeting with the commissioner within ten business days of the receipt of such notice. At such meeting, the established operator, and the commissioner shall have the opportunity to review and discuss all relevant findings. At such meeting, the commissioner and the established operator shall attempt to develop a mutually satisfactory plan of correction and schedule for implementation. If a mutually satisfactory plan of correction and schedule for implementation is developed, the commissioner shall notify the established operator that the commissioner will abstain from appointing a temporary operator contingent upon the established operator remediating the identified deficiencies within the agreed upon timeframe.

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

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

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

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

8. Notwithstanding the appointment of a temporary operator, the established operator shall remain obligated for the continued provision of care and services for the foster care youth. No provision contained in this section shall be deemed to relieve the established operator or any other person of any civil or criminal liability incurred, or any duty imposed by law, by reason of acts or omissions of the established operator or any other person prior to the appointment of any temporary operator of the building hereunder; nor shall anything contained in this section be construed to suspend during the term of the appointment of the temporary operator of the building any obligation of the established operator or any other person for the maintenance and repair of the building, provision of utility services, payment of taxes or other operating and maintenance expenses of the building, nor of the established operator or any other person for the payment of mortgages or liens.

§ 2. This act shall take effect immediately.

SUBPART B

Section 1. Section 4 of 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, is amended to read as follows:

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

§ 2. This act shall take effect immediately.

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

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

PART N

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

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

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

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

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

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

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

be attributable to the activities described in paragraphs (a) through (h) [~~and~~], (l) and (o) of subdivision one of section three hundred thirty-six of this title, or for households without dependent children at least twenty hours of participation shall be attributable to the activities set forth in paragraphs (a) through (h) [~~and~~], (l) and (o) of subdivision one of section three hundred thirty-six of this title, and further provided that participation in job search and job readiness assistance as identified in paragraph (f) of subdivision one of section three hundred thirty-six of this title shall only be determined as engaged in work for a maximum period of six weeks, only four of which may be consecutive as otherwise limited by federal law; and that individuals in all families and in two parent families may be engaged in work for a month by reason of participation in vocational training to the extent allowed by federal law. Any non-graduate student participating or approved by CUNY, SUNY or another degree granting institution, or any other state or local district approved education, training or vocational rehabilitation agency to participate in work-study, or in internships, externships, or other work placements that are part of the curriculum of that student, shall not be unreasonably denied the ability to participate in such programs and each hour of participation shall count toward satisfaction of such student's work activity requirements of this title provided that the district may consider, among other factors, (a) whether the student has voluntarily terminated his or her employment or voluntarily reduced his or her earnings to qualify for public assistance pursuant to subdivision ten of section one hundred thirty-one of this article; (b) whether a comparable job or on the job training position can reasonably be expected to exist in the private, public or not-for-profit sector; (c) that the student has a cumulative C average or its equivalent, which may be waived by the district for undue hardship based on (1) the death of a relative of the student, (2) the personal injury or illness of the student, or (3) other extenuating circumstances; and (d) whether the institution cooperates in monitoring students attendance and performance and reports to the local social services department monthly on each student. Failure of the institution to monitor and report monthly to local social services districts on attendance and performance of the student's work study, internship, externship or other work placement shall be cause for the department to reasonably deny the student's ability to participate in such programs. Students shall be subject to sanctions equivalent to those associated with failure to adequately satisfy their other required work activities. In assigning a non-graduate student participating in work-study, internships, externships or other work placements, pursuant to this section, to other work activities the district shall make reasonable effort to assign the student to hours that do not conflict with the student's academic schedule.

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

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

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

2. A recipient may be assigned to participate in [~~such~~] **a** work experience program only if:

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

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

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

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

(e) such assignment would not result in (i) the displacement of any currently employed worker or loss of position (including partial displacement such as reduction in the hours of non-overtime work, wages or employment benefits) or result in the impairment of existing contracts for services or collective bargaining agreements; (ii) **the loss of exclusivity, if any, to any employee organization with regard to the work performed by any employees as part of a negotiating unit pursuant to article fourteen of the civil service law; (iii)** the employment or assignment of a participant or the filling of a position when any other person is on layoff from the same or any equivalent position **consistent with article five of the civil service law** or the employer has terminated the employment of any regular employee or otherwise reduced its workforce with the effect of filling the vacancy so created with a participant assigned pursuant to this section; [~~(iii)~~] **(iv)** any infringement of the promotional opportunities of any current employed person **when a participant is assigned pursuant to paragraph (b) of subdivision one of this section**; [~~or (iv)~~] **(v)** the performance, by such participant, of a substantial portion of the work ordinarily and actually performed by regular employees; or [~~(v)~~] **(vi)** the loss of a bargaining unit position as a result of work experience participants performing, in part or in whole, the work normally performed by the employee in such position;

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

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

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

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

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

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

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

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

(A) the human rights law as set forth in article fifteen of the executive law;

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

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

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

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

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

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

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

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

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

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

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

(i) a first violation shall result in a one-month ban on new assignments with the private for-profit, non-profit or public sector entity;

(ii) a second violation, within one year of the first violation, shall result in a three-month ban on new assignments with the private for-profit, non-profit or public sector entity; and

(iii) a third violation, and any further violations, within two years of the first violation, shall result in a one-year ban on new assignment placements with the private for-profit, non-profit or public sector entity.

§ 7. This act shall take effect on the one hundred twentieth day after it shall have become a law; provided that the commissioner of the office of temporary and disability assistance may promulgate any rules or regulations necessary to implement this act on or before its effective date.

PART O

Section 1. Subdivision 1 of section 198-a of the labor law, as amended by chapter 564 of the laws of 2010, is amended to read as follows:

1. Every employer who does not pay the wages of all of his or her employees in accordance with the provisions of this chapter, and the officers and agents of any corporation, partnership, or limited liability company who knowingly permit the corporation, partnership, or limited liability company to violate this chapter by failing to pay the wages of any of its employees in accordance with the provisions thereof, shall be guilty [~~of a misdemeanor for the first offense and upon conviction therefor shall be fined not less than five hundred nor more than twenty thousand dollars or imprisoned for not more than one year, and, in the event that any second or subsequent offense occurs within six years of the date of conviction for a prior offense, shall be guilty of a felony for the second or subsequent offense, and upon conviction therefor, shall be fined not less than five hundred nor more than twenty thousand dollars or imprisoned for not more than one year plus one day, or punished by both such fine and imprisonment, for each such offense. An indictment of a person or corporation operating a steam surface railroad for an offense specified in this section may be found and tried in any county within the state in which such railroad ran at the time of such offense~~] , except as otherwise provided in this chapter or in the penal law, of a class A misdemeanor for failure to pay a single employee less than one thousand dollars or less than twenty-five thousand dollars to more than one employee; of a class E felony for failure to pay a single employee greater than one thousand dollars or greater than twenty-five thousand dollars to more than one employee; of a class D felony for failure to pay a single employee greater than three thousand dollars or one hundred thousand dollars to more than one employee; and a class C felony for failure to pay a single employee greater than fifty thousand dollars or greater than five hundred thousand dollars to more than one employee. Further, a court may order restitution of wages in the amount of the underpayment and together with such amounts provided for by section two hundred eighteen of this chapter.

§ 2. Section 213 of the labor law, as amended by chapter 729 of the laws of 1980, is amended to read as follows:

§ 213. Violations of provisions of labor law; the rules, regulations or orders of the industrial commissioner and the industrial board of appeals. Any person who violates or does not comply with any provision of the labor law, any rule, regulation or lawful order of the industrial commissioner or the industrial board of appeals, and the officers and agents of any corporation who knowingly permit the corporation to violate such provisions, are guilty of a **class A** misdemeanor and upon conviction shall be punished **in accordance with the penal law**, [~~except as in this chapter or in the penal law otherwise provided, for a first offense by a fine of not more than one hundred dollars, provided, however, that if the first offense is a violation of a rule or provision for the protection of the safety or health of employees or persons lawfully frequenting a place to which this chapter applies, the punishment shall be a fine of not more than one hundred dollars or by imprisonment for not more than fifteen days or by both such fine and imprisonment;~~] **and,** for a second [~~offense by a fine of not less than one hundred nor more than five hundred dollars, or by imprisonment for not more than thirty days or by both such fine and imprisonment; for a subsequent offense by a fine of not less than three hundred dollars, or by imprisonment for not more than sixty days, or by both such fine and imprisonment~~] **or subsequent offense committed within six years of the date of conviction of a prior offense, are guilty of a class E felony and upon conviction shall be punished in accordance with the penal law**. This section shall not apply to any person covered by section twenty-seven-a of this chapter.

§ 3. This act shall take effect immediately.

PART P

Section 1. Section 522 of the labor law, as amended by chapter 720 of the laws of 1953, is amended to read as follows:

§ 522. Total unemployment. "Total unemployment" **or "totally unemployed"** means the [~~total~~] lack of any employment [~~on~~] **in** any [~~day~~] **week**. The term "employment" as used in this section means any employment including that not defined in this title.

§ 2. Section 523 of the labor law, as amended by chapter 675 of the laws of 1977, is amended to read as follows:

§ 523. [~~Effective day. "Effective day" means a full day of total unemployment provided such day falls within a week in which a claimant had four or more days of total unemployment and provided further that only those days of total unemployment in excess of three days within such week are deemed "effective days". No effective day is deemed to occur in a week in which the claimant has days of employment for which he is paid compensation exceeding the highest benefit rate which is applicable to any claimant in such week. A claimant who is employed on a shift continuing through midnight is deemed to have been employed on the day beginning before midnight with respect to such shift, except where night shift employees are regularly scheduled to start their work week at seven post meridiem or thereafter on Sunday night, their regularly scheduled starting time on Sunday shall be considered as starting on Monday.~~] **Partial unemployment. "Partial unemployment" or "partially unemployed" means any week if the total remuneration of any nature payable for services of any kind during such week amounts to less than one and one-half times the claimant's benefit rate for total unemployment rounded to the lowest next dollar. For purposes of this section, remuneration shall also include any holiday or vacation pay payable with**

respect to any such week, whether or not any service was performed during such week or was in any other way required for receipt of such holiday or vacation pay. For purposes of this section, the commissioner shall consider earnings derived from self-employment, but only to the extent such earnings are actually received or payable with respect to a given week of partial unemployment.

§ 3. Section 524 of the labor law, as added by chapter 5 of the laws of 2000, is amended to read as follows:

§ 524. Week of employment. For purposes of this article, "week of employment" shall mean a Monday through Sunday period during which a claimant was paid remuneration for employment for an employer or employers liable for contributions or for payments in lieu of contributions under this article. A claimant who is employed on a shift continuing through midnight is deemed to have been employed on the day beginning before midnight with respect to such shift, except where night shift employees are regularly scheduled to start their work week at seven post meridiem or thereafter on Sunday night, their regularly scheduled starting time on Sunday shall be considered as starting on Monday.

§ 4. Subdivision 4 of section 527 of the labor law, as amended by chapter 832 of the laws of 1968 and as renumbered by chapter 381 of the laws of 1984, is amended to read as follows:

4. General condition. A valid original claim may be filed only in a week in which the claimant [~~has at least one effective day of unemployment~~] is totally unemployed or partially unemployed as defined in this article.

§ 5. Clauses (i), (ii), (iii) and (iv) of subparagraph 2 of paragraph (e) of subdivision 1 of section 581 of the labor law, as amended by chapter 282 of the laws of 2002, are amended to read as follows:

(i) In those instances where the claimant may not utilize wages paid to establish entitlement based upon subdivision ten of section five hundred ninety of this article and an educational institution is the claimant's last employer prior to the filing of the claim for benefits, or the claimant performed services in such educational institution in such capacity while employed by an educational service agency which is the claimant's last employer prior to the filing of the claim for benefits, such employer shall not be liable for benefit charges [~~for the first twenty-eight effective days of benefits paid~~] in an amount equal to the benefits paid for seven weeks of total unemployment as otherwise provided by this section. Under such circumstances, benefits paid shall be charged to the general account. In addition, wages paid during the base period by such educational institutions, or for services in such educational institutions for claimants employed by an educational service agency shall not be considered base period wages during periods that such wages may not be used to gain entitlement to benefits pursuant to subdivision ten of section five hundred ninety of this article.

(ii) In those instances where the claimant may not utilize wages paid to establish entitlement based upon subdivision eleven of section five hundred ninety of this article and an educational institution is the claimant's last employer prior to the filing of the claim for benefits, or the claimant performed services in such educational institution in such capacity while employed by an educational service agency which is the claimant's last employer prior to the filing of the claim for benefits, such employer shall not be liable for benefit charges [~~for the first twenty-eight effective days of benefits paid~~] in an amount equal to the benefits paid for seven weeks of total unemployment as otherwise provided by this section. Under such circumstances, benefits paid will

be charged to the general account. In addition, wages paid during the base period by such educational institutions, or for services in such educational institutions for claimants employed by an educational service agency shall not be considered base period wages during periods that such wages may not be used to gain entitlement to benefits pursuant to subdivision eleven of section five hundred ninety of this article. However, in those instances where a claimant was not afforded an opportunity to perform services for the educational institution for the next academic year or term after reasonable assurance was provided, such employer shall be liable for benefit charges as provided for in this paragraph for any retroactive payments made to the claimant.

(iii) In those instances where the federal government is the claimant's last employer prior to the filing of the claim for benefits and such employer is not a base-period employer, payments [~~equaling the first twenty-eight effective days of benefits~~] **in an amount equal to the benefits paid for seven weeks of total unemployment** as otherwise prescribed by this section shall be charged to the general account. In those instances where the federal government is the claimant's last employer prior to the filing of the claim for benefits and a base-period employer, such employer shall be liable for charges for all benefits paid on such claim in the same proportion that the remuneration paid by such employer during the base period bears to the remuneration paid by all employers during the base period. In addition, benefit payment charges [~~for the first twenty-eight effective days of benefits~~] **in an amount equal to the benefits paid for seven weeks of total unemployment** other than those chargeable to the federal government as prescribed above shall be made to the general account.

(iv) In those instances where a combined wage claim is filed pursuant to interstate reciprocal agreements and the claimant's last employer prior to the filing of the claim is an out-of-state employer and such employer is not a base-period employer, benefit payments [~~equaling the first twenty-eight effective days of benefits~~] **in an amount equal to the benefits paid for seven weeks of total unemployment** as otherwise prescribed by this section shall be charged to the general account. In those instances where the out-of-state employer is the last employer prior to the filing of the claim for benefits and a base-period employer such employer shall be liable for charges for all benefits paid on such claim in the same proportion that the remuneration paid by such employer during the base period bears to the remuneration paid by all employers during the base period. In addition, benefit payment charges [~~for the twenty-eight effective days of benefits~~] **in an amount equal to the benefits paid for seven weeks of total unemployment** other than those chargeable to the out-of-state employer as prescribed above shall be made to the general account.

§ 6. Subdivisions 1, 3, 4, paragraph (a) of subdivision 5 and subdivisions 6 and 7 of section 590 of the labor law, subdivisions 1 and 3 as amended by chapter 645 of the laws of 1951, subdivision 4 as amended by chapter 457 of the laws of 1987, paragraph (a) of subdivision 5 as amended by section 8 of part O of chapter 57 of the laws of 2013, subdivision 6 as added by chapter 720 of the laws of 1953 and as renumbered by chapter 675 of the laws of 1977, and subdivision 7 as amended by chapter 415 of the laws of 1983, are amended and two new paragraphs (c) and (d) are added to subdivision 5 to read as follows:

1. Entitlement to benefits. A claimant shall be entitled to [~~accumulate effective days for the purpose of benefit rights~~] **the payment of benefits** only if he **or she** has complied with the provisions of this

article regarding the filing of his **or her** claim, including the filing of a valid original claim, registered as totally **unemployed or partially** unemployed, reported his **or her** subsequent employment and unemployment, and reported for work or otherwise given notice of the continuance of his **or her** unemployment.

3. Compensable periods. Benefits shall be paid for each [~~accumulation of effective days within a~~] week **of partial unemployment or total unemployment**.

4. Duration. Benefits shall not be paid for more than [~~one hundred and four effective days~~] **an amount exceeding twenty-six times the claimant's weekly benefit rate** in any benefit year, except as provided in section six hundred one and subdivision two of section five hundred ninety-nine of this [~~chapter~~] **title**.

(a) A claimant's weekly benefit amount shall be one twenty-sixth of the remuneration paid during the highest calendar quarter of the base period by employers, liable for contributions or payments in lieu of contributions under this article, provided the claimant has remuneration paid in all four calendar quarters during his or her base period or alternate base period. However, for any claimant who has remuneration paid in all four calendar quarters during his or her base period or alternate base period and whose high calendar quarter remuneration during the base period is three thousand five hundred seventy-five dollars or less, the benefit amount shall be one twenty-fifth of the remuneration paid during the highest calendar quarter of the base period by employers liable for contributions or payments in lieu of contributions under this article. A claimant's weekly benefit shall be one twenty-sixth of the average remuneration paid in the two highest quarters paid during the base period or alternate base period by employers liable for contributions or payments in lieu of contributions under this article when the claimant has remuneration paid in two or three calendar quarters provided however, that a claimant whose high calendar quarter is four thousand dollars or less but greater than three thousand five hundred seventy-five dollars shall have a weekly benefit amount of one twenty-sixth of such high calendar quarter. However, for any claimant who has remuneration paid in two or three calendar quarters during his or her base period or alternate base period and whose high calendar quarter remuneration during the base period is three thousand five hundred seventy-five dollars or less, the benefit amount shall be one twenty-fifth of the remuneration paid during the highest calendar quarter of the base period by employers liable for contributions or payments in lieu of contributions under this article. Any claimant whose high calendar quarter remuneration during the base period is more than three thousand five hundred seventy-five dollars shall not have a weekly benefit amount less than one hundred forty-three dollars. The weekly benefit amount, so computed, that is not a multiple of one dollar shall be lowered to the next multiple of one dollar. On the first Monday of September, nineteen hundred ninety-eight the weekly benefit amount shall not exceed three hundred sixty-five dollars nor be less than forty dollars, until the first Monday of September, two thousand, at which time the maximum benefit payable pursuant to this subdivision shall equal one-half of the state average weekly wage for covered employment as calculated by the department no sooner than July first, two thousand and no later than August first, two thousand, rounded down to the lowest dollar. On and after the first Monday of October, two thousand fourteen, the weekly benefit shall not be less than one hundred dollars, nor shall it exceed four hundred twenty dollars until the first Monday of October,

two thousand fifteen when the maximum benefit amount shall be four hundred twenty-five dollars, until the first Monday of October, two thousand sixteen when the maximum benefit amount shall be four hundred thirty dollars, until the first Monday of October, two thousand seventeen when the maximum benefit amount shall be four hundred thirty-five dollars, until the first Monday of October, two thousand eighteen when the maximum benefit amount shall be four hundred fifty dollars, until the first Monday of October, two thousand nineteen when the maximum benefit amount shall be thirty-six percent of the average weekly wage until the first Monday of October, two thousand twenty when the maximum benefit amount shall be thirty-eight percent of the average weekly wage, until the first Monday of October two thousand twenty-one when the maximum benefit amount shall be forty percent of the average weekly wage, until the first Monday of October, two thousand twenty-two when the maximum benefit amount shall be forty-two percent of the average weekly wage, until the first Monday of October, two thousand twenty-three when the maximum benefit amount shall be forty-four percent of the average weekly wage, until the first Monday of October, two thousand twenty-four when the maximum benefit amount shall be forty-six percent of the average weekly wage, until the first Monday of October, two thousand twenty-five when the maximum benefit amount shall be forty-eight percent of the average weekly wage, until the first Monday of October, two thousand twenty-six and each year thereafter on the first Monday of October when the maximum benefit amount shall be fifty percent of the average weekly wage provided, however, that in no event shall the maximum benefit amount be reduced from the previous year. **A claimant shall receive his or her full benefit rate for each week of total unemployment.**

(c) Any claimant who is partially unemployed throughout a week shall be paid with respect to such week an amount equal to the claimant's benefit rate for total unemployment reduced by an amount equal to two-thirds, rounded to the next lower whole dollar, of the total remuneration, rounded to the lower whole dollar, of any nature payable to the claimant for services of any kind during such week.

(d) Any claimant who is partially unemployed whose employment is limited to one or two days during any week of unemployment and whose paid or payable remuneration for such week is equal to or less than the weekly maximum benefit amount shall be paid:

(1) for employment limited to one day, a benefit amount equal to three quarters of his or her weekly benefit amount, if that amount is greater than what the claimant would have received had his or her benefit amount been computed pursuant to paragraph (c) of this subdivision.

(2) for employment limited to two days, a benefit amount equal to fifty percent of his or her weekly benefit amount, if that amount is greater than what the claimant would have received had his or her benefit amount been computed pursuant to paragraph (c) of this subdivision.

6. Notification requirement. [~~No effective day shall be counted for any purposes except effective days as to~~] **Benefits shall be payable only for any week for** which notification has been given in a manner prescribed by the commissioner.

7. Waiting period. A claimant shall not be entitled to [~~accumulate effective days for the purpose of~~] **receive** benefit payments until he **or she** has [~~accumulated~~] **completed** a waiting period of [~~four effective days either wholly within the~~] **one** week **of total unemployment or partial unemployment** in which he **or she** established [~~his~~] **a** valid original claim [~~or partly within such week and partly~~] within his **or her** benefit year initiated by such claim.

§ 7. Subdivisions 1 and 2, paragraph (a) of subdivision 3 and paragraph (a) of subdivision 6 of section 591 of the labor law, subdivisions 1 and 2 as amended by chapter 413 of the laws of 2003, paragraph (a) of subdivision 3 as amended by chapter 794 of the laws of 1963 and paragraph (a) of subdivision 6 as added by section 13 of part O of chapter 57 of laws of 2013, are amended to read as follows:

1. Unemployment. Benefits, except as provided in section five hundred ninety-one-a of this title, shall be paid only to a claimant who is totally **unemployed or partially** unemployed and who is unable to engage in his **or her** usual employment or in any other for which he **or she** is reasonably fitted by training and experience. A claimant who is receiving benefits under this article shall not be denied such benefits pursuant to this subdivision or to subdivision two of this section because of such claimant's service on a grand or petit jury of any state or of the United States.

2. Availability and capability. Except as provided in section five hundred ninety-one-a of this title, no benefits shall be payable to any claimant who is not capable of work or who is not ready, willing and able to work in his usual employment or in any other for which he is reasonably fitted by training and experience. **The commissioner shall promulgate regulations defining a claimant's eligibility for benefits when such claimant is not capable of work or not ready, willing and able to work in his or her usual employment or in any other which he or she is reasonably fitted by training and experience.**

(a) [~~No benefits shall be~~] **Benefits** payable to a claimant for any day during a paid vacation period, or for a paid holiday, [~~nor shall any such day be considered a day of total unemployment under section five hundred twenty-two~~] **shall be calculated as provided in section five hundred twenty-three and subdivision five of section five hundred ninety** of this article.

(a) No benefits shall be payable to a claimant for any week during a dismissal period for which a claimant receives dismissal pay[~~, nor shall any day within such week be considered a day of total unemployment under section five hundred twenty-two of this article,~~] if such weekly dismissal pay exceeds the maximum weekly benefit rate.

§ 8. Subdivisions 1 and 2 of section 591 of the labor law, subdivision 1 as amended by chapter 446 of the laws of 1981 and subdivision 2 as amended by section 12 of part O of chapter 57 of the laws of 2013, are amended to read as follows:

1. Unemployment. Benefits shall be paid only to a claimant who is totally **unemployed or partially** unemployed and who is unable to engage in his **or her** usual employment or in any other for which he **or she** is reasonably fitted by training and experience. A claimant who is receiving benefits under this article shall not be denied such benefits pursuant to this subdivision or to subdivision two of this section because of such claimant's service on a grand or petit jury of any state or of the United States.

2. Availability, capability, and work search. No benefits shall be payable to any claimant who is not capable of work or who is not ready, willing and able to work in his or her usual employment or in any other for which he or she is reasonably fitted by training and experience and who is not actively seeking work. In order to be actively seeking work a claimant must be engaged in systematic and sustained efforts to find work. The commissioner shall promulgate regulations defining systematic and sustained efforts to find work and setting standards for the proof of work search efforts. **The commissioner shall promulgate regulations**

defining a claimant's eligibility for benefits when such claimant is not capable of work or not ready, willing and able to work in his or her usual employment or in any other which he or she is reasonably fitted by training and experience.

§ 9. Subdivision 2 of section 592 of the labor law, as amended by chapter 415 of the laws of 1983, is amended to read as follows:

2. Concurrent payments prohibited. No [~~days of total unemployment shall be deemed to occur~~] **benefits shall be payable** in any week with respect to which or a part of which a claimant has received or is seeking unemployment benefits under an unemployment compensation law of any other state or of the United States, provided that this provision shall not apply if the appropriate agency of such other state or of the United States finally determines that he **or she** is not entitled to such unemployment benefits.

§ 10. Paragraph (a) of subdivision 1, the opening paragraph of subdivision 2 and subdivisions 3 and 4 of section 593 of the labor law, paragraph (a) of subdivision 1, the opening paragraph of subdivision 2 and subdivision 3 as amended by section 15 of part O of chapter 57 of the laws of 2013 and subdivision 4 as amended by chapter 589 of the laws of 1998, are amended to read as follows:

(a) No [~~days of total unemployment shall be deemed to occur~~] **benefits shall be payable for any week of total unemployment or partial unemployment that occurs** after a claimant's voluntary separation without good cause from employment until he or she has subsequently worked in employment and earned remuneration at least equal to ten times his or her weekly benefit rate. In addition to other circumstances that may be found to constitute good cause, including a compelling family reason as set forth in paragraph (b) of this subdivision, voluntary separation from employment shall not in itself disqualify a claimant if circumstances have developed in the course of such employment that would have justified the claimant in refusing such employment in the first instance under the terms of subdivision two of this section or if the claimant, pursuant to an option provided under a collective bargaining agreement or written employer plan which permits waiver of his or her right to retain the employment when there is a temporary layoff because of lack of work, has elected to be separated for a temporary period and the employer has consented thereto.

No [~~days of total unemployment shall be deemed to occur~~] **benefits shall be payable for any week of total unemployment or partial unemployment** beginning with the day on which a claimant, without good cause, refuses to accept an offer of employment for which he or she is reasonably fitted by training and experience, including employment not subject to this article, until he or she has subsequently worked in employment and earned remuneration at least equal to ten times his or her weekly benefit rate. Except that claimants who are not subject to a recall date or who do not obtain employment through a union hiring hall and who are still unemployed after receiving ten weeks of benefits shall be required to accept any employment proffered that such claimants are capable of performing, provided that such employment would result in a wage not less than eighty percent of such claimant's high calendar quarter wages received in the base period and not substantially less than the prevailing wage for similar work in the locality as provided for in paragraph (d) of this subdivision. No refusal to accept employment shall be deemed without good cause nor shall it disqualify any claimant otherwise eligible to receive benefits if:

3. Misconduct. No [~~days of total unemployment shall be deemed to occur~~] **benefits shall be payable for any week of total unemployment or partial unemployment that occurs** after a claimant lost employment through misconduct in connection with his or her employment until he or she has subsequently worked in employment and earned remuneration at least equal to ten times his or her weekly benefit rate.

4. Criminal acts. No [~~days of total unemployment shall be deemed to occur during~~] **benefits shall be payable for any week of total unemployment or partial unemployment for** a period of twelve months after a claimant loses employment as a result of an act constituting a felony in connection with such employment, provided the claimant is duly convicted thereof or has signed a statement admitting that he or she has committed such an act. Determinations regarding a benefit claim may be reviewed at any time. Any benefits paid to a claimant prior to a determination that the claimant has lost employment as a result of such act shall not be considered to have been accepted by the claimant in good faith. In addition, remuneration paid to the claimant by the affected employer prior to the claimant's loss of employment due to such criminal act may not be utilized for the purpose of establishing entitlement to a subsequent, valid original claim. The provisions of this subdivision shall apply even if the employment lost as a result of such act is not the claimant's last employment prior to the filing of his or her claim.

§ 11. Section 594 of the labor law, as amended by section 16 of part O of chapter 57 of the laws of 2013, is amended to read as follows:

§ 594. [~~Reduction and recovery~~] **Recovery** of benefits and penalties for wilful false statement. (1) A claimant who has wilfully made a false statement or representation to obtain any benefit under the provisions of this article shall [~~forfeit benefits for at least the first four but not more than the first eighty effective days following discovery of such offense for which he or she otherwise would have been entitled to receive benefits. Such penalty shall apply only once with respect to each such offense.~~

~~(2) For the purpose of subdivision four of section five hundred ninety of this article, the claimant shall be deemed to have received benefits for such forfeited effective days.~~

~~(3) The penalty provided in this section shall not be confined to a single benefit year but shall no longer apply in whole or in part after the expiration of two years from the date of the final determination. Such two-year period shall be tolled during the time period a claimant has an appeal pending~~] **be subject to the penalties set forth in this section**.

[~~(4)~~] **(2)** A claimant shall refund all moneys received because of such false statement or representation and pay a civil penalty in an amount equal to [~~the greater of one hundred dollars or fifteen~~] **twenty-five** percent of the total overpaid benefits determined pursuant to this section. [~~The~~] **If a claimant is found to have made a second false statement or representation within five years of the first determination, the penalty shall be fifty percent of the total overpaid benefits. Fifteen percent of the** penalties collected hereunder **for the first and second occurrences** shall be deposited in the fund. **The remaining percentage of the penalties shall be deposited in the unemployment insurance control fund.** The penalties assessed under this subdivision shall apply and be assessed for any benefits paid under federal unemployment and extended unemployment programs administered by the department in the same manner as provided in this article. The penalties in this section shall be in addition to any penalties imposed under this

chapter or any state or federal criminal statute. No penalties or interest assessed pursuant to this section may be deducted or withheld from benefits.

[~~(5)~~] **(3)** (a) Upon a determination based upon a willful false statement or representation becoming final through exhaustion of appeal rights or failure to exhaust hearing rights, the commissioner may recover the amount found to be due by commencing a civil action, or by filing with the county clerk of the county where the claimant resides the final determination of the commissioner or the final decision by an administrative law judge, the appeal board, or a court containing the amount found to be due including interest and civil penalty. The commissioner may only make such a filing with the county clerk when:

(i) The claimant has responded to requests for information prior to a determination and such requests for information notified the claimant of his or her rights to a fair hearing as well as the potential consequences of an investigation and final determination under this section including the notice required by subparagraph (iii) of paragraph (b) of this subdivision. Additionally if the claimant requested a fair hearing or appeal subsequent to a determination, that the claimant was present either in person or through electronic means at such hearing, or subsequent appeal from which a final determination was rendered;

(ii) The commissioner has made efforts to collect on such final determination; and

(iii) The commissioner has sent a notice, in accordance with paragraph (b) of this subdivision, of intent to docket such final determination by first class or certified mail, return receipt requested, ten days prior to the docketing of such determination.

(b) The notice required in subparagraph (iii) of paragraph (a) of this subdivision shall include the following:

(i) That the commissioner intends to docket a final determination against such claimant as a judgment;

(ii) The total amount to be docketed; and

(iii) Conspicuous language that reads as follows: "Once entered, a judgment is good and can be used against you for twenty years, and your money, including a portion of your paycheck and/or bank account, may be taken. Also, a judgment will hurt your credit score and can affect your ability to rent a home, find a job, or take out a loan."

§ 11-a. Section 11 of this act shall apply to all false statements and representations determined on or after the effective date of this act and all forfeited effective days determined prior to such effective date shall remain in full force and effect for two years from the expiration of the initial determination. For purposes of applying such forfeited benefits, four effective days shall be considered one week of forfeited benefits and any remaining amount of less than four days shall not be applied to future benefits.

§ 12. Subdivisions 1 and 4 of section 596 of the labor law, subdivision 1 as amended by chapter 204 of the laws of 1982 and subdivision 4 as added by chapter 705 of the laws of 1944 and as renumbered by section 148-a of part B of chapter 436 of the laws of 1997, are amended to read as follows:

1. Claim filing and certification to unemployment. A claimant shall file a claim for benefits [~~at~~] **with** the [~~local state employment office serving the area in which he was last employed or in which he resides~~] **department of labor** within such time and in such manner as the commissioner shall prescribe. He **or she** shall disclose whether he **or she** owes child support obligations, as hereafter defined. If a claimant making

such disclosure is eligible for benefits, the commissioner shall notify the state or local child support enforcement agency, as hereafter defined, that the claimant is eligible.

A claimant shall correctly report any [~~days of~~] employment and any compensation [~~he~~] received for such employment, including [~~employments~~] **employment** not subject to this article, and the days on which he **or she** was totally **unemployed or partially** unemployed and shall make such reports in accordance with such regulations as the commissioner shall prescribe.

4. Registration and reporting for work. A claimant shall register as totally **unemployed or partially** unemployed at a local state employment office serving the area in which he **or she** was last employed or in which he **or she** resides in accordance with such regulations as the commissioner shall prescribe. After so registering, such claimant shall report for work at the same local state employment office or otherwise give notice of the continuance of his **or her** unemployment as often and in such manner as the commissioner shall prescribe.

§ 12-a. Subdivision 3 of section 597 of the labor law, as amended by chapter 42 of the laws of 1961, is amended to read as follows:

3. Limitation on review of determinations. Any determination regarding a benefit claim may, in the absence of fraud or wilful misrepresentation, be reviewed only within [~~one year~~] **two years** from the date it is issued because of new or corrected information, or, if the review is based thereon, within six months from a retroactive payment of remuneration, provided that no decision on the merits of the case has been made upon hearing or appeal. Such review shall be conducted and a new determination issued in accordance with the provisions of this article and regulations and procedure prescribed thereunder with respect to the adjudication and payment of claims, including the right of appeal.

§ 13. Paragraph (a) of subdivision 2 of section 599 of the labor law, as amended by chapter 593 of the laws of 1991, is amended to read as follows:

(a) Notwithstanding any other provision of this chapter, a claimant attending an approved training course or program under this section may receive additional benefits of up to [~~one hundred four effective days~~] **twenty-six times his or her weekly benefit amount** following exhaustion of regular and, if in effect, any other extended benefits, provided that entitlement to a new benefit claim cannot be established. Certification of continued satisfactory participation and progress in such training course or program must be submitted to the commissioner prior to the payment of any such benefits. The [~~duration~~] **amount** of such additional benefits shall in no case exceed twice the [~~number of effective days~~] **amount** of regular benefits to which the claimant is entitled at the time the claimant is accepted in, or demonstrates application for appropriate training.

§ 14. The opening paragraph and paragraph (e) of subdivision 2 of section 601 of the labor law, as amended by chapter 35 of the laws of 2009, are amended to read as follows:

Extended benefits shall be payable to a claimant for [~~effective days occurring in~~] any week **of total unemployment or partial unemployment** within an eligibility period, provided the claimant

(e) is not claiming benefits pursuant to an interstate claim filed under the interstate benefit payment plan in a state where an extended benefit period is not in effect, except that this condition shall not apply with respect to the first [~~eight effective days~~] **two weeks of total unemployment or partial unemployment** for which extended benefits

shall otherwise be payable pursuant to an interstate claim filed under the interstate benefit payment plan; and

§ 15. Subdivisions 3 and 4 and paragraphs (b) and (e) of subdivision 5 of section 601 of the labor law, as amended by chapter 35 of the laws of 2009, are amended to read as follows:

3. Extended benefit amounts; rate and duration. Extended benefits shall be paid to a claimant

(a) at a rate equal to his or her rate for regular benefits during his or her applicable benefit year but

(b) for not more than [~~fifty-two effective days with respect to his or her applicable benefit year, with a total maximum amount equal to~~] fifty percentum of the total maximum amount of regular benefits payable in such benefit year, and

(c) if a claimant's benefit year ends within an extended benefit period, the remaining balance of extended benefits to which he or she would be entitled, if any, shall be reduced by the [~~number of effective days~~] **amount of benefits** for which he or she was entitled to receive trade readjustment allowances under the federal trade act of nineteen hundred seventy-four during such benefit year, and

(d) for periods of high unemployment for not more than [~~eighty effective days with respect to the applicable benefit year with a total maximum amount equal to~~] eighty percent of the total maximum amount of regular benefits payable in such benefit year.

4. Charging of extended benefits. The provisions of paragraph (e) of subdivision one of section five hundred eighty-one of this article shall apply to benefits paid pursuant to the provisions of this section, and if they were paid for [~~effective days~~] **weeks of total unemployment or partial unemployment** occurring in weeks following the end of a benefit year, they shall be deemed paid with respect to that benefit year. However, except for governmental entities as defined in section five hundred sixty-five and Indian tribes as defined in section five hundred sixty-six of this article, only one-half of the amount of such benefits shall be debited to the employers' account; the remainder thereof shall be debited to the general account, and such account shall be credited with the amount of payments received in the fund pursuant to the provisions of the federal-state extended unemployment compensation act. Notwithstanding the foregoing, where the state has entered an extended benefit period triggered pursuant to subparagraph one of paragraph (a) of subdivision one of this section for which federal law provides for one hundred percent federal sharing of the costs of benefits, all charges shall be debited to the general account and such account shall be credited with the amount of payments received in the fund pursuant to the provisions of the federal-state extended unemployment compensation act or other federal law providing for one hundred percent federal sharing for the cost of such benefits.

(b) No [~~days of total unemployment shall be deemed to occur in~~] **benefits shall be payable for** any week within an eligibility period during which a claimant fails to accept any offer of suitable work or fails to apply for suitable work to which he or she was referred by the commissioner, who shall make such referral if such work is available, or during which he or she fails to engage actively in seeking work by making a systematic and sustained effort to obtain work and providing tangible evidence of such effort, and until he or she has worked in employment during at least four subsequent weeks and earned remuneration of at least four times his or her benefit rate.

(e) No [~~days of total unemployment~~] **benefits** shall be [~~deemed to occur in~~] **payable for** any week within an eligibility period under section five hundred ninety-three of this [~~article~~] **title**, until he or she has subsequently worked in employment in accordance with the requirements set forth in section five hundred ninety-three of this [~~article~~] **title**.

§ 16. Section 603 of the labor law, as amended by section 21 of part O of chapter 57 of the laws of 2013, is amended to read as follows:

§ 603. Definitions. For purposes of this title: "Total unemployment" **and "partial unemployment"** shall [~~mean the total lack of any employment on any day,~~] **have the same meanings as defined in this article,** other than with an employer applying for a shared work program. "Work force" shall mean the total work force, a clearly identifiable unit or units thereof, or a particular shift or shifts. The work force subject to reduction shall consist of no less than two employees.

§ 17. Severability. If any amendment contained in a clause, sentence, paragraph, section or part of this act shall be adjudged by the United States Department of Labor to violate requirements for maintaining benefit standards required of the state in order to be eligible for any financial benefit offered through federal law or regulation, such amendments shall be severed from this act and shall not affect, impair or invalidate the remainder thereof.

§ 18. This act shall take effect on the ninetieth day after the commissioner of labor certifies that the department of labor has an information technology system capable of accommodating the provisions in this act; provided that the commissioner of labor shall notify the legislative bill drafting commission of the date of such certification in order that the commission may maintain an accurate and timely effective database of the official text of the laws of the state of New York in furtherance of effecting the provisions of section 44 of the legislative law and section 70-b of the public officers law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date. Provided further that the amendments to subdivisions 1 and 2 of section 591 of the labor law made by section seven of this act shall be subject to the expiration and reversion of such subdivisions pursuant to section 10 of chapter 413 of the laws of 2003, when upon such date the provisions of section eight of this act shall take effect.

PART Q

Section 1. Subdivision 1 of section 296 of the executive law is amended by adding a new paragraph (h) to read as follows:

(h) For an employer or employment agency in writing or otherwise, to rely on, or inquire about, the salary history information of an applicant for employment as a factor in determining whether to offer employment to an applicant or what salary to offer an applicant. Nothing in this subdivision shall prevent an applicant from voluntarily and without prompting disclosing salary history information to a prospective employer. If an applicant volunteers salary history information, nothing shall prohibit that employer from considering or relying on that information. Nothing in this subdivision shall prohibit an employer, without inquiring about salary history, from engaging in discussion with the applicant about their expectations with respect to salary, benefits, and other compensation.

§ 2. The section heading and subdivision 1 of section 194 of the labor law, the section heading as added by chapter 548 of the laws of 1966 and subdivision 1 as amended by chapter 362 of the laws of 2015, are amended to read as follows:

Differential in rate of pay because of [~~sex~~] **protected class status** prohibited. 1. No employee **who is a member of a protected class** shall be paid a wage at a rate less than the rate at which an employee [~~of the opposite sex~~] **who is not a member of the protected class** in the same establishment is paid for [~~equal work on a job the performance of which requires equal skill, effort and responsibility, and which is performed under similar working conditions~~] **substantially similar work, when viewed as a composite of skill, effort, and responsibility, and performed under similar working conditions**, except where payment is made pursuant to a differential based on:

a. a seniority system;

b. a merit system;

c. a system which measures earnings by quantity or quality of production; or

d. a bona fide factor other than [~~sex~~] **the protected class status**, such as education, training, or experience. Such factor: (i) shall not be based upon [~~or derived from~~] a [~~sex based~~] differential in compensation **that was originally derived from a protected class status** and (ii) shall be job-related with respect to the position in question and shall be consistent with business necessity. Such exception under this paragraph shall not apply when the employee demonstrates (A) that an employer uses a particular employment practice that causes a disparate impact on the basis of [~~sex~~] **protected class status**, (B) that an alternative employment practice exists that would serve the same business purpose and not produce such differential, and (C) that the employer has refused to adopt such alternative practice.

§ 3. This act shall take effect on the one hundred eightieth day after it shall have become a law.

PART R

Section 1. Subdivisions 1 and 2 of section 291 of the executive law, as amended by chapter 196 of the laws of 2010, are amended to read as follows:

1. The opportunity to obtain employment without discrimination because of age, race, creed, color, national origin, sexual orientation, **gender identity or expression,** military status, sex, marital status, or disability, is hereby recognized as and declared to be a civil right.

2. The opportunity to obtain education, the use of places of public accommodation and the ownership, use and occupancy of housing accommodations and commercial space without discrimination because of age, race, creed, color, national origin, sexual orientation, **gender identity or expression,** military status, sex, marital status, or disability, as specified in section two hundred ninety-six of this article, is hereby recognized as and declared to be a civil right.

§ 2. Section 292 of the executive law is amended by adding a new subdivision 35 to read as follows:

35. The term "gender identity or expression" means a person's actual or perceived gender-related identity, appearance, behavior, expression, or other gender-related characteristic regardless of the sex assigned to that person at birth, including, but not limited to, the status of being transgender.

§ 3. Subdivisions 8 and 9 of section 295 of the executive law, as amended by chapter 106 of the laws of 2003, are amended to read as follows:

8. To create such advisory councils, local, regional or state-wide, as in its judgment will aid in effectuating the purposes of this article and of section eleven of article one of the constitution of this state, and the division may empower them to study the problems of discrimination in all or specific fields of human relationships or in specific instances of discrimination because of age, race, creed, color, national origin, sexual orientation, **gender identity or expression,** military status, sex, disability or marital status and make recommendations to the division for the development of policies and procedures in general and in specific instances. The advisory councils also shall disseminate information about the division's activities to organizations and individuals in their localities. Such advisory councils shall be composed of representative citizens, serving without pay, but with reimbursement for actual and necessary traveling expenses; and the division may make provision for technical and clerical assistance to such councils and for the expenses of such assistance.

9. To develop human rights plans and policies for the state and assist in their execution and to make investigations and studies appropriate to effectuate this article and to issue such publications and such results of investigations and research as in its judgement will tend to inform persons of the rights assured and remedies provided under this article, to promote good-will and minimize or eliminate discrimination because of age, race, creed, color, national origin, sexual orientation, **gender identity or expression,** military status, sex, disability or marital status.

§ 4. Paragraphs (a), (b), (c) and (d) of subdivision 1 of section 296 of the executive law, as amended by chapter 365 of the laws of 2015, are amended to read as follows:

(a) For an employer or licensing agency, because of an individual's age, race, creed, color, national origin, sexual orientation, **gender identity or expression,** military status, sex, disability, predisposing genetic characteristics, familial status, marital status, or domestic violence victim status, to refuse to hire or employ or to bar or to discharge from employment such individual or to discriminate against such individual in compensation or in terms, conditions or privileges of employment.

(b) For an employment agency to discriminate against any individual because of age, race, creed, color, national origin, sexual orientation, **gender identity or expression,** military status, sex, disability, predisposing genetic characteristics, familial status, or marital status, in receiving, classifying, disposing or otherwise acting upon applications for its services or in referring an applicant or applicants to an employer or employers.

(c) For a labor organization, because of the age, race, creed, color, national origin, sexual orientation, **gender identity or expression,** military status, sex, disability, predisposing genetic characteristics, familial status, or marital status of any individual, to exclude or to expel from its membership such individual or to discriminate in any way against any of its members or against any employer or any individual employed by an employer.

(d) For any employer or employment agency to print or circulate or cause to be printed or circulated any statement, advertisement or publication, or to use any form of application for employment or to make any

inquiry in connection with prospective employment, which expresses directly or indirectly, any limitation, specification or discrimination as to age, race, creed, color, national origin, sexual orientation, **gender identity or expression,** military status, sex, disability, predisposing genetic characteristics, familial status, or marital status, or any intent to make any such limitation, specification or discrimination, unless based upon a bona fide occupational qualification; provided, however, that neither this paragraph nor any provision of this chapter or other law shall be construed to prohibit the department of civil service or the department of personnel of any city containing more than one county from requesting information from applicants for civil service examinations concerning any of the aforementioned characteristics, other than sexual orientation, for the purpose of conducting studies to identify and resolve possible problems in recruitment and testing of members of minority groups to insure the fairest possible and equal opportunities for employment in the civil service for all persons, regardless of age, race, creed, color, national origin, sexual orientation **or gender identity or expression**, military status, sex, disability, predisposing genetic characteristics, familial status, or marital status.

§ 5. Paragraphs (b), (c) and (d) of subdivision 1-a of section 296 of the executive law, as amended by chapter 365 of the laws of 2015, are amended to read as follows:

(b) To deny to or withhold from any person because of race, creed, color, national origin, sexual orientation, **gender identity or expression,** military status, sex, age, disability, familial status, or marital status, the right to be admitted to or participate in a guidance program, an apprenticeship training program, on-the-job training program, executive training program, or other occupational training or retraining program;

(c) To discriminate against any person in his or her pursuit of such programs or to discriminate against such a person in the terms, conditions or privileges of such programs because of race, creed, color, national origin, sexual orientation, **gender identity or expression,** military status, sex, age, disability, familial status or marital status;

(d) To print or circulate or cause to be printed or circulated any statement, advertisement or publication, or to use any form of application for such programs or to make any inquiry in connection with such program which expresses, directly or indirectly, any limitation, specification or discrimination as to race, creed, color, national origin, sexual orientation, **gender identity or expression,** military status, sex, age, disability, familial status or marital status, or any intention to make any such limitation, specification or discrimination, unless based on a bona fide occupational qualification.

§ 6. Paragraph (a) of subdivision 2 of section 296 of the executive law, as amended by chapter 106 of the laws of 2003, is amended to read as follows:

(a) It shall be an unlawful discriminatory practice for any person, being the owner, lessee, proprietor, manager, superintendent, agent or employee of any place of public accommodation, resort or amusement, because of the race, creed, color, national origin, sexual orientation, **gender identity or expression,** military status, sex, [~~or~~] disability or marital status of any person, directly or indirectly, to refuse, withhold from or deny to such person any of the accommodations, advantages, facilities or privileges thereof, including the extension of credit, or, directly or indirectly, to publish, circulate, issue, display, post or

mail any written or printed communication, notice or advertisement, to the effect that any of the accommodations, advantages, facilities and privileges of any such place shall be refused, withheld from or denied to any person on account of race, creed, color, national origin, sexual orientation, **gender identity or expression,** military status, sex, [~~or~~] disability or marital status, or that the patronage or custom thereat of any person of or purporting to be of any particular race, creed, color, national origin, sexual orientation, **gender identity or expression,** military status, sex or marital status, or having a disability is unwelcome, objectionable or not acceptable, desired or solicited.

§ 7. Paragraphs (a), (b), (c) and (c-1) of subdivision 2-a of section 296 of the executive law, paragraphs (a), (b) and (c) as amended and paragraph (c-1) as added by chapter 106 of the laws of 2003, are amended to read as follows:

(a) To refuse to sell, rent or lease or otherwise to deny to or withhold from any person or group of persons such housing accommodations because of the race, creed, color, disability, national origin, sexual orientation, **gender identity or expression,** military status, age, sex, marital status, or familial status of such person or persons, or to represent that any housing accommodation or land is not available for inspection, sale, rental or lease when in fact it is so available.

(b) To discriminate against any person because of his or her race, creed, color, disability, national origin, sexual orientation, **gender identity or expression,** military status, age, sex, marital status, or familial status in the terms, conditions or privileges of any publicly-assisted housing accommodations or in the furnishing of facilities or services in connection therewith.

(c) To cause to be made any written or oral inquiry or record concerning the race, creed, color, disability, national origin, sexual orientation, **gender identity or expression,** membership in the reserve armed forces of the United States or in the organized militia of the state, age, sex, marital status, or familial status of a person seeking to rent or lease any publicly-assisted housing accommodation; provided, however, that nothing in this subdivision shall prohibit a member of the reserve armed forces of the United States or in the organized militia of the state from voluntarily disclosing such membership.

(c-1) To print or circulate or cause to be printed or circulated any statement, advertisement or publication, or to use any form of application for the purchase, rental or lease of such housing accommodation or to make any record or inquiry in connection with the prospective purchase, rental or lease of such a housing accommodation which expresses, directly or indirectly, any limitation, specification or discrimination as to race, creed, color, national origin, sexual orientation, **gender identity or expression,** military status, sex, age, disability, marital status, or familial status, or any intent to make any such limitation, specification or discrimination.

§ 8. Subdivision 3-b of section 296 of the executive law, as amended by chapter 106 of the laws of 2003, is amended to read as follows:

3-b. It shall be an unlawful discriminatory practice for any real estate broker, real estate salesperson or employee or agent thereof or any other individual, corporation, partnership or organization for the purpose of inducing a real estate transaction from which any such person or any of its stockholders or members may benefit financially, to represent that a change has occurred or will or may occur in the composition with respect to race, creed, color, national origin, sexual orientation, **gender identity or expression,** military status, sex, disability, marital

status, or familial status of the owners or occupants in the block, neighborhood or area in which the real property is located, and to represent, directly or indirectly, that this change will or may result in undesirable consequences in the block, neighborhood or area in which the real property is located, including but not limited to the lowering of property values, an increase in criminal or anti-social behavior, or a decline in the quality of schools or other facilities.

§ 9. Subdivision 4 of section 296 of the executive law, as amended by chapter 106 of the laws of 2003, is amended to read as follows:

4. It shall be an unlawful discriminatory practice for an education corporation or association which holds itself out to the public to be non-sectarian and exempt from taxation pursuant to the provisions of article four of the real property tax law to deny the use of its facilities to any person otherwise qualified, or to permit the harassment of any student or applicant, by reason of his race, color, religion, disability, national origin, sexual orientation, **gender identity or expression,** military status, sex, age or marital status, except that any such institution which establishes or maintains a policy of educating persons of one sex exclusively may admit students of only one sex.

§ 10. Subdivision 5 of section 296 of the executive law, as amended by chapter 106 of the laws of 2003, is amended to read as follows:

5. (a) It shall be an unlawful discriminatory practice for the owner, lessee, sub-lessee, assignee, or managing agent of, or other person having the right to sell, rent or lease a housing accommodation, constructed or to be constructed, or any agent or employee thereof:

(1) To refuse to sell, rent, lease or otherwise to deny to or withhold from any person or group of persons such a housing accommodation because of the race, creed, color, national origin, sexual orientation, **gender identity or expression,** military status, sex, age, disability, marital status, or familial status of such person or persons, or to represent that any housing accommodation or land is not available for inspection, sale, rental or lease when in fact it is so available.

(2) To discriminate against any person because of race, creed, color, national origin, sexual orientation, **gender identity or expression,** military status, sex, age, disability, marital status, or familial status in the terms, conditions or privileges of the sale, rental or lease of any such housing accommodation or in the furnishing of facilities or services in connection therewith.

(3) To print or circulate or cause to be printed or circulated any statement, advertisement or publication, or to use any form of application for the purchase, rental or lease of such housing accommodation or to make any record or inquiry in connection with the prospective purchase, rental or lease of such a housing accommodation which expresses, directly or indirectly, any limitation, specification or discrimination as to race, creed, color, national origin, sexual orientation, **gender identity or expression,** military status, sex, age, disability, marital status, or familial status, or any intent to make any such limitation, specification or discrimination.

The provisions of this paragraph (a) shall not apply (1) to the rental of a housing accommodation in a building which contains housing accommodations for not more than two families living independently of each other, if the owner resides in one of such housing accommodations, (2) to the restriction of the rental of all rooms in a housing accommodation to individuals of the same sex or (3) to the rental of a room or rooms in a housing accommodation, if such rental is by the occupant of the housing accommodation or by the owner of the housing accommodation and

the owner resides in such housing accommodation or (4) solely with respect to age and familial status to the restriction of the sale, rental or lease of housing accommodations exclusively to persons sixty-two years of age or older and the spouse of any such person, or for housing intended and operated for occupancy by at least one person fifty-five years of age or older per unit. In determining whether housing is intended and operated for occupancy by persons fifty-five years of age or older, Sec. 807(b) (2) (c) (42 U.S.C. 3607 (b) (2) (c)) of the federal Fair Housing Act of 1988, as amended, shall apply.

(b) It shall be an unlawful discriminatory practice for the owner, lessee, sub-lessee, or managing agent of, or other person having the right of ownership or possession of or the right to sell, rent or lease, land or commercial space:

(1) To refuse to sell, rent, lease or otherwise deny to or withhold from any person or group of persons land or commercial space because of the race, creed, color, national origin, sexual orientation, **gender identity or expression,** military status, sex, age, disability, marital status, or familial status of such person or persons, or to represent that any housing accommodation or land is not available for inspection, sale, rental or lease when in fact it is so available;

(2) To discriminate against any person because of race, creed, color, national origin, sexual orientation, **gender identity or expression,** military status, sex, age, disability, marital status, or familial status in the terms, conditions or privileges of the sale, rental or lease of any such land or commercial space; or in the furnishing of facilities or services in connection therewith;

(3) To print or circulate or cause to be printed or circulated any statement, advertisement or publication, or to use any form of application for the purchase, rental or lease of such land or commercial space or to make any record or inquiry in connection with the prospective purchase, rental or lease of such land or commercial space which expresses, directly or indirectly, any limitation, specification or discrimination as to race, creed, color, national origin, sexual orientation, **gender identity or expression,** military status, sex, age, disability, marital status, or familial status; or any intent to make any such limitation, specification or discrimination.

(4) With respect to age and familial status, the provisions of this paragraph shall not apply to the restriction of the sale, rental or lease of land or commercial space exclusively to persons fifty-five years of age or older and the spouse of any such person, or to the restriction of the sale, rental or lease of land to be used for the construction, or location of housing accommodations exclusively for persons sixty-two years of age or older, or intended and operated for occupancy by at least one person fifty-five years of age or older per unit. In determining whether housing is intended and operated for occupancy by persons fifty-five years of age or older, Sec. 807(b) (2) (c) (42 U.S.C. 3607(b) (2) (c)) of the federal Fair Housing Act of 1988, as amended, shall apply.

(c) It shall be an unlawful discriminatory practice for any real estate broker, real estate salesperson or employee or agent thereof:

(1) To refuse to sell, rent or lease any housing accommodation, land or commercial space to any person or group of persons or to refuse to negotiate for the sale, rental or lease, of any housing accommodation, land or commercial space to any person or group of persons because of the race, creed, color, national origin, sexual orientation, **gender identity or expression,** military status, sex, age, disability, marital

status, or familial status of such person or persons, or to represent that any housing accommodation, land or commercial space is not available for inspection, sale, rental or lease when in fact it is so available, or otherwise to deny or withhold any housing accommodation, land or commercial space or any facilities of any housing accommodation, land or commercial space from any person or group of persons because of the race, creed, color, national origin, sexual orientation, **gender identity or expression,** military status, sex, age, disability, marital status, or familial status of such person or persons.

(2) To print or circulate or cause to be printed or circulated any statement, advertisement or publication, or to use any form of application for the purchase, rental or lease of any housing accommodation, land or commercial space or to make any record or inquiry in connection with the prospective purchase, rental or lease of any housing accommodation, land or commercial space which expresses, directly or indirectly, any limitation, specification, or discrimination as to race, creed, color, national origin, sexual orientation, **gender identity or expression,** military status, sex, age, disability, marital status, or familial status; or any intent to make any such limitation, specification or discrimination.

(3) With respect to age and familial status, the provisions of this paragraph shall not apply to the restriction of the sale, rental or lease of any **housing accommodation,** land or commercial space exclusively to persons fifty-five years of age or older and the spouse of any such person, or to the restriction of the sale, rental or lease of any housing accommodation or land to be used for the construction or location of housing accommodations for persons sixty-two years of age or older, or intended and operated for occupancy by at least one person fifty-five years of age or older per unit. In determining whether housing is intended and operated for occupancy by persons fifty-five years of age or older, Sec. 807 (b) (2) (c) (42 U.S.C. 3607 (b) (2) (c)) of the federal Fair Housing Act of 1988, as amended, shall apply.

(d) It shall be an unlawful discriminatory practice for any real estate board, because of the race, creed, color, national origin, sexual orientation, **gender identity or expression,** military status, age, sex, disability, marital status, or familial status of any individual who is otherwise qualified for membership, to exclude or expel such individual from membership, or to discriminate against such individual in the terms, conditions and privileges of membership in such board.

(e) It shall be an unlawful discriminatory practice for the owner, proprietor or managing agent of, or other person having the right to provide care and services in, a private proprietary nursing home, convalescent home, or home for adults, or an intermediate care facility, as defined in section two of the social services law, heretofore constructed, or to be constructed, or any agent or employee thereof, to refuse to provide services and care in such home or facility to any individual or to discriminate against any individual in the terms, conditions, and privileges of such services and care solely because such individual is a blind person. For purposes of this paragraph, a "blind person" shall mean a person who is registered as a blind person with the commission for the visually handicapped and who meets the definition of a "blind person" pursuant to section three of chapter four hundred fifteen of the laws of nineteen hundred thirteen entitled "An act to establish a state commission for improving the condition of the blind of the state of New York, and making an appropriation therefor".

(f) The provisions of this subdivision, as they relate to age, shall not apply to persons under the age of eighteen years.

(g) It shall be an unlawful discriminatory practice for any person offering or providing housing accommodations, land or commercial space as described in paragraphs (a), (b), and (c) of this subdivision to make or cause to be made any written or oral inquiry or record concerning membership of any person in the state organized militia in relation to the purchase, rental or lease of such housing accommodation, land, or commercial space, provided, however, that nothing in this subdivision shall prohibit a member of the state organized militia from voluntarily disclosing such membership.

§ 11. Paragraph (a) of subdivision 9 of section 296 of the executive law, as amended by chapter 365 of the laws of 2015, is amended to read as follows:

(a) It shall be an unlawful discriminatory practice for any fire department or fire company therein, through any member or members thereof, officers, board of fire commissioners or other body or office having power of appointment of volunteer firefighters, directly or indirectly, by ritualistic practice, constitutional or by-law prescription, by tacit agreement among its members, or otherwise, to deny to any individual membership in any volunteer fire department or fire company therein, or to expel or discriminate against any volunteer member of a fire department or fire company therein, because of the race, creed, color, national origin, sexual orientation, **gender identity or expression,** military status, sex, marital status, or familial status, of such individual.

§ 12. Subdivision 13 of section 296 of the executive law, as amended by chapter 365 of the laws of 2015, is amended to read as follows:

13. It shall be an unlawful discriminatory practice (i) for any person to boycott or blacklist, or to refuse to buy from, sell to or trade with, or otherwise discriminate against any person, because of the race, creed, color, national origin, sexual orientation, **gender identity or expression,** military status, sex, disability, or familial status, of such person, or of such person's partners, members, stockholders, directors, officers, managers, superintendents, agents, employees, business associates, suppliers or customers, or (ii) for any person wilfully to do any act or refrain from doing any act which enables any such person to take such action. This subdivision shall not apply to:

(a) Boycotts connected with labor disputes; or

(b) Boycotts to protest unlawful discriminatory practices.

§ 13. Subdivisions 1, 2 and 3 of section 296-a of the executive law, as amended by chapter 106 of the laws of 2003, are amended to read as follows:

1. It shall be an unlawful discriminatory practice for any creditor or any officer, agent or employee thereof:

a. In the case of applications for credit with respect to the purchase, acquisition, construction, rehabilitation, repair or maintenance of any housing accommodation, land or commercial space to discriminate against any such applicant because of the race, creed, color, national origin, sexual orientation, **gender identity or expression,** military status, age, sex, marital status, disability, or familial status of such applicant or applicants or any member, stockholder, director, officer or employee of such applicant or applicants, or of the prospective occupants or tenants of such housing accommodation, land or commercial space, in the granting, withholding, extending or renewing, or in the fixing of the rates, terms or conditions of, any such credit;

b. To discriminate in the granting, withholding, extending or renewing, or in the fixing of the rates, terms or conditions of, any form of credit, on the basis of race, creed, color, national origin, sexual orientation, **gender identity or expression,** military status, age, sex, marital status, disability, or familial status;

c. To use any form of application for credit or use or make any record or inquiry which expresses, directly or indirectly, any limitation, specification, or discrimination as to race, creed, color, national origin, sexual orientation, **gender identity or expression,** military status, age, sex, marital status, disability, or familial status;

d. To make any inquiry of an applicant concerning his or her capacity to reproduce, or his or her use or advocacy of any form of birth control or family planning;

e. To refuse to consider sources of an applicant's income or to subject an applicant's income to discounting, in whole or in part, because of an applicant's race, creed, color, national origin, sexual orientation, **gender identity or expression,** military status, age, sex, marital status, childbearing potential, disability, or familial status;

f. To discriminate against a married person because such person neither uses nor is known by the surname of his or her spouse.

This paragraph shall not apply to any situation where the use of a surname would constitute or result in a criminal act.

2. Without limiting the generality of subdivision one of this section, it shall be considered discriminatory if, because of an applicant's or class of applicants' race, creed, color, national origin, sexual orientation, **gender identity or expression,** military status, age, sex, marital status or disability, or familial status, (i) an applicant or class of applicants is denied credit in circumstances where other applicants of like overall credit worthiness are granted credit, or (ii) special requirements or conditions, such as requiring co-obligors or reapplication upon marriage, are imposed upon an applicant or class of applicants in circumstances where similar requirements or conditions are not imposed upon other applicants of like overall credit worthiness.

3. It shall not be considered discriminatory if credit differentiations or decisions are based upon factually supportable, objective differences in applicants' overall credit worthiness, which may include reference to such factors as current income, assets and prior credit history of such applicants, as well as reference to any other relevant factually supportable data; provided, however, that no creditor shall consider, in evaluating the credit worthiness of an applicant, aggregate statistics or assumptions relating to race, creed, color, national origin, sexual orientation, **gender identity or expression,** military status, sex, marital status or disability, or to the likelihood of any group of persons bearing or rearing children, or for that reason receiving diminished or interrupted income in the future.

§ 14. Paragraph (b) of subdivision 2 of section 296-b of the executive law, as added by chapter 481 of the laws of 2010, is amended to read as follows:

(b) Subject a domestic worker to unwelcome harassment based on gender, race, religion**, sexual orientation, gender identity or expression** or national origin, where such harassment has the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile, or offensive working environment.

§ 15. Section 40-c of the civil rights law, as amended by chapter 2 of the laws of 2002, is amended to read as follows:

§ 40-c. Discrimination. 1. All persons within the jurisdiction of this state shall be entitled to the equal protection of the laws of this state or any subdivision thereof.

2. No person shall, because of race, creed, color, national origin, sex, marital status, sexual orientation**, gender identity or expression,** or disability, as such term is defined in section two hundred ninety-two of the executive law, be subjected to any discrimination in his or her civil rights, or to any harassment, as defined in section 240.25 of the penal law, in the exercise thereof, by any other person or by any firm, corporation or institution, or by the state or any agency or subdivision of the state.

§ 16. Paragraph (a) of subdivision 1 of section 313 of the education law, as amended by chapter 2 of the laws of 2002, is amended to read as follows:

(a) It is hereby declared to be the policy of the state that the American ideal of equality of opportunity requires that students, otherwise qualified, be admitted to educational institutions and be given access to all the educational programs and courses operated or provided by such institutions without regard to race, color, sex, religion, creed, marital status, age, sexual orientation as defined in section two hundred ninety-two of the executive law**, gender identity or expression as defined in section two hundred ninety-two of the executive law,** or national origin, except that, with regard to religious or denominational educational institutions, students, otherwise qualified, shall have the equal opportunity to attend therein without discrimination because of race, color, sex, marital status, age, sexual orientation as defined in section two hundred ninety-two of the executive law**, gender identity or expression as defined in section two hundred ninety-two of the executive law,** or national origin. It is a fundamental American right for members of various religious faiths to establish and maintain educational institutions exclusively or primarily for students of their own religious faith or to effectuate the religious principles in furtherance of which they are maintained. Nothing herein contained shall impair or abridge that right.

§ 17. Subdivision 3 of section 313 of the education law, as amended by chapter 2 of the laws of 2002, is amended to read as follows:

(3) Unfair educational practices. It shall be an unfair educational practice for an educational institution after September fifteenth, nineteen hundred forty-eight:

(a) To exclude or limit or otherwise discriminate against any person or persons seeking admission as students to such institution or to any educational program or course operated or provided by such institution because of race, religion, creed, sex, color, marital status, age, sexual orientation as defined in section two hundred ninety-two of the executive law**, gender identity or expression as defined in section two hundred ninety-two of the executive law,** or national origin; except that nothing in this section shall be deemed to affect, in any way, the right of a religious or denominational educational institution to select its students exclusively or primarily from members of such religion or denomination or from giving preference in such selection to such members or to make such selection of its students as is calculated by such institution to promote the religious principles for which it is established or maintained. Nothing herein contained shall impair or abridge the right of an independent institution, which establishes or maintains a policy of educating persons of one sex exclusively, to admit students of only one sex.

(b) To penalize any individual because he or she has initiated, testified, participated or assisted in any proceedings under this section.

(c) To accept any endowment or gift of money or property conditioned upon teaching the doctrine of supremacy of any particular race.

(d) With respect to any individual who withdraws from attendance to serve on active duty in the armed forces of the United States in time of war, including any individual who withdrew from attendance on or after August second, nineteen hundred ninety to serve on active duty in the armed forces of the United States in the Persian Gulf conflict: (i) to deny or limit the readmission of such individual to such institution or to any educational program or course operated or provided by such institution because of such withdrawal from attendance or because of the failure to complete any educational program or course due to such withdrawal; (ii) to impose any academic penalty on such person because of such withdrawal or because of the failure to complete any educational program or course due to such withdrawal; (iii) to reduce or eliminate any financial aid award granted to such individual which could not be used, in whole or part, because of such withdrawal or because of the failure to complete any educational program or course due to such withdrawal; or (iv) to fail to provide a credit or refund of tuition and fees paid by such individual for any semester, term or quarter not completed because of such withdrawal or because of the failure to complete any program or course due to such withdrawal.

(e) It shall not be an unfair educational practice for any educational institution to use criteria other than race, religion, creed, sex, color, marital status, age, sexual orientation as defined in section two hundred ninety-two of the executive law**, gender identity or expression as defined in section two hundred ninety-two of the executive law,** or national origin in the admission of students to such institution or to any of the educational programs and courses operated or provided by such institution.

§ 18. Section 485.00 of the penal law, as added by chapter 107 of the laws of 2000, is amended to read as follows:

§ 485.00 Legislative findings.

The legislature finds and determines as follows: criminal acts involving violence, intimidation and destruction of property based upon bias and prejudice have become more prevalent in New York state in recent years. The intolerable truth is that in these crimes, commonly and justly referred to as "hate crimes", victims are intentionally selected, in whole or in part, because of their race, color, national origin, ancestry, gender, **gender identity or expression,** religion, religious practice, age, disability or sexual orientation. Hate crimes do more than threaten the safety and welfare of all citizens. They inflict on victims incalculable physical and emotional damage and tear at the very fabric of free society. Crimes motivated by invidious hatred toward particular groups not only harm individual victims but send a powerful message of intolerance and discrimination to all members of the group to which the victim belongs. Hate crimes can and do intimidate and disrupt entire communities and vitiate the civility that is essential to healthy democratic processes. In a democratic society, citizens cannot be required to approve of the beliefs and practices of others, but must never commit criminal acts on account of them. Current law does not adequately recognize the harm to public order and individual safety that hate crimes cause. Therefore, our laws must be strengthened to provide clear recognition of the gravity of hate crimes and the compelling importance of preventing their recurrence.

Accordingly, the legislature finds and declares that hate crimes should be prosecuted and punished with appropriate severity.

§ 19. Subdivisions 1, 2 and 4 of section 485.05 of the penal law, as added by chapter 107 of the laws of 2000, are amended to read as follows:

1. A person commits a hate crime when he or she commits a specified offense and either:

(a) intentionally selects the person against whom the offense is committed or intended to be committed in whole or in substantial part because of a belief or perception regarding the race, color, national origin, ancestry, gender, **gender identity or expression,** religion, religious practice, age, disability or sexual orientation of a person, regardless of whether the belief or perception is correct, or

(b) intentionally commits the act or acts constituting the offense in whole or in substantial part because of a belief or perception regarding the race, color, national origin, ancestry, gender, **gender identity or expression,** religion, religious practice, age, disability or sexual orientation of a person, regardless of whether the belief or perception is correct.

2. Proof of race, color, national origin, ancestry, gender, **gender identity or expression,** religion, religious practice, age, disability or sexual orientation of the defendant, the victim or of both the defendant and the victim does not, by itself, constitute legally sufficient evidence satisfying the people's burden under paragraph (a) or (b) of subdivision one of this section.

4. For purposes of this section:

(a) the term "age" means sixty years old or more;

(b) the term "disability" means a physical or mental impairment that substantially limits a major life activity[~~.~~]**;**

(c) the term "gender identity or expression" means a person's actual or perceived gender-related identity, appearance, behavior, expression, or other gender-related characteristic regardless of the sex assigned to that person at birth, including, but not limited to, the status of being transgender.

§ 20. Subdivision 3 of section 240.30 of the penal law, as amended by chapter 188 of the laws of 2014, is amended to read as follows:

3. With the intent to harass, annoy, threaten or alarm another person, he or she strikes, shoves, kicks, or otherwise subjects another person to physical contact, or attempts or threatens to do the same because of a belief or perception regarding such person's race, color, national origin, ancestry, gender, **gender identity or expression,** religion, religious practice, age, disability or sexual orientation, regardless of whether the belief or perception is correct; or

§ 21. The opening paragraph of section 240.31 of the penal law, as amended by chapter 49 of the laws of 2006, is amended to read as follows:

A person is guilty of aggravated harassment in the first degree when with intent to harass, annoy, threaten or alarm another person, because of a belief or perception regarding such person's race, color, national origin, ancestry, gender, **gender identity or expression,** religion, religious practice, age, disability or sexual orientation, regardless of whether the belief or perception is correct, he or she:

§ 22. Section 240.00 of the penal law is amended by adding a new subdivision 7 to read as follows:

7. "Gender identity or expression" means a person's actual or perceived gender-related identity, appearance, behavior, expression, or

other gender-related characteristic regardless of the sex assigned to that person at birth, including, but not limited to, the status of being transgender.

§ 23. Paragraph (c) of subdivision 7 of section 200.50 of the criminal procedure law, as amended by chapter 7 of the laws of 2007, is amended to read as follows:

(c) in the case of any hate crime, as defined in section 485.05 of the penal law, specifies, as applicable, that the defendant or defendants intentionally selected the person against whom the offense was committed or intended to be committed; or intentionally committed the act or acts constituting the offense, in whole or in substantial part because of a belief or perception regarding the race, color, national origin, ancestry, gender, gender identity or expression, religion, religious practice, age, disability or sexual orientation of a person; and

§ 24. This act shall take effect on the thirtieth day after it shall have become a law; provided, however, that sections eighteen through twenty-three of this act shall take effect on the first of November next succeeding the date on which it shall have become a law.

PART S

Section 1. Section 292 of the executive law is amended by adding a new subdivision 35 to read as follows:

35. The term "educational institution" shall mean:

(a) any education corporation or association which holds itself out to the public to be non-sectarian and exempt from taxation pursuant to the provisions of article four of the real property tax law; or

(b) any public school, including any school district, board of cooperative education services, public college or public university.

§ 2. Subdivision 4 of section 296 of the executive law, as amended by chapter 106 of the laws of 2003, is amended to read as follows:

4. It shall be an unlawful discriminatory practice for an [~~education corporation or association which holds itself out to the public to be non-sectarian and exempt from taxation pursuant to the provisions of article four of the real property tax law~~] educational institution to deny the use of its facilities to any person otherwise qualified, or to permit the harassment of any student or applicant, by reason of his race, color, religion, disability, national origin, sexual orientation, military status, sex, age or marital status, except that any such institution which establishes or maintains a policy of educating persons of one sex exclusively may admit students of only one sex.

§ 3. This act shall take effect immediately.

PART T

Section 1. Short title. This act shall be known and may be cited as the "Lawful Source of Income Non-Discrimination Act of 2019".

§ 2. Section 292 of the executive law is amended by adding a new subdivision 35 to read as follows:

35. The term "lawful source of income" shall include, but not be limited to, child support, alimony, foster care subsidies, income derived from social security, or any form of federal, state, or local public assistance or housing assistance including, but not limited to, section 8 vouchers, or any other form of housing assistance payment or credit whether or not such income or credit is paid or attributed directly to a landlord, and any other forms of lawful income.

§ 3. Paragraphs (a), (b), (c) and (c-1) of subdivision 2-a of section 296 of the executive law, paragraphs (a), (b) and (c) as amended and paragraph (c-1) as added by chapter 106 of the laws of 2003, are amended to read as follows:

(a) To refuse to sell, rent or lease or otherwise to deny to or withhold from any person or group of persons such housing accommodations because of the race, creed, color, disability, national origin, sexual orientation, military status, age, sex, marital status, **lawful source of income** or familial status of such person or persons, or to represent that any housing accommodation or land is not available for inspection, sale, rental or lease when in fact it is so available.

(b) To discriminate against any person because of his or her race, creed, color, disability, national origin, sexual orientation, military status, age, sex, marital status, **lawful source of income** or familial status in the terms, conditions or privileges of any publicly-assisted housing accommodations or in the furnishing of facilities or services in connection therewith.

(c) To cause to be made any written or oral inquiry or record concerning the race, creed, color, disability, national origin, sexual orientation, membership in the reserve armed forces of the United States or in the organized militia of the state, age, sex, marital status, **lawful source of income** or familial status of a person seeking to rent or lease any publicly-assisted housing accommodation; provided, however, that nothing in this subdivision shall prohibit a member of the reserve armed forces of the United States or in the organized militia of the state from voluntarily disclosing such membership.

(c-1) To print or circulate or cause to be printed or circulated any statement, advertisement or publication, or to use any form of application for the purchase, rental or lease of such housing accommodation or to make any record or inquiry in connection with the prospective purchase, rental or lease of such a housing accommodation which expresses, directly or indirectly, any limitation, specification or discrimination as to race, creed, color, national origin, sexual orientation, military status, sex, age, disability, marital status, **lawful source of income** or familial status, or any intent to make any such limitation, specification or discrimination.

§ 4. Subparagraphs 1, 2 and 3 of paragraph (a) of subdivision 5 of section 296 of the executive law, as amended by chapter 106 of the laws of 2003, are amended to read as follows:

(1) To refuse to sell, rent, lease or otherwise to deny to or withhold from any person or group of persons such a housing accommodation because of the race, creed, color, national origin, sexual orientation, military status, sex, age, disability, marital status, **lawful source of income** or familial status of such person or persons, or to represent that any housing accommodation or land is not available for inspection, sale, rental or lease when in fact it is so available.

(2) To discriminate against any person because of race, creed, color, national origin, sexual orientation, military status, sex, age, disability, marital status, **lawful source of income** or familial status in the terms, conditions or privileges of the sale, rental or lease of any such housing accommodation or in the furnishing of facilities or services in connection therewith.

(3) To print or circulate or cause to be printed or circulated any statement, advertisement or publication, or to use any form of application for the purchase, rental or lease of such housing accommodation or to make any record or inquiry in connection with the prospective

purchase, rental or lease of such a housing accommodation which expresses, directly or indirectly, any limitation, specification or discrimination as to race, creed, color, national origin, sexual orientation, military status, sex, age, disability, marital status, **lawful source of income** or familial status, or any intent to make any such limitation, specification or discrimination.

§ 5. Subparagraphs 1 and 2 of paragraph (c) of subdivision 5 of section 296 of the executive law, as amended by chapter 106 of the laws of 2003, are amended to read as follows:

(1) To refuse to sell, rent or lease any housing accommodation, land or commercial space to any person or group of persons or to refuse to negotiate for the sale, rental or lease, of any housing accommodation, land or commercial space to any person or group of persons because of the race, creed, color, national origin, sexual orientation, military status, sex, age, disability, marital status, **lawful source of income** or familial status of such person or persons, or to represent that any housing accommodation, land or commercial space is not available for inspection, sale, rental or lease when in fact it is so available, or otherwise to deny or withhold any housing accommodation, land or commercial space or any facilities of any housing accommodation, land or commercial space from any person or group of persons because of the race, creed, color, national origin, sexual orientation, military status, sex, age, disability, marital status, **lawful source of income,** or familial status of such person or persons.

(2) To print or circulate or cause to be printed or circulated any statement, advertisement or publication, or to use any form of application for the purchase, rental or lease of any housing accommodation, land or commercial space or to make any record or inquiry in connection with the prospective purchase, rental or lease of any housing accommodation, land or commercial space which expresses, directly or indirectly, any limitation, specification, or discrimination as to race, creed, color, national origin, sexual orientation, military status, sex, age, disability, marital status, **lawful source of income** or familial status; or any intent to make any such limitation, specification or discrimination.

§ 6. Paragraph (d) of subdivision 5 of section 296 of the executive law, as amended by chapter 106 of the laws of 2003, amended to read as follows:

(d) It shall be an unlawful discriminatory practice for any real estate board, because of the race, creed, color, national origin, sexual orientation, military status, age, sex, disability, marital status, **lawful source of income** or familial status of any individual who is otherwise qualified for membership, to exclude or expel such individual from membership, or to discriminate against such individual in the terms, conditions and privileges of membership in such board.

§ 7. This act shall take effect immediately and shall apply to all causes of action filed on or after such effective date.

PART U

Section 1. Subdivision 2 of section 7-108 of the general obligations law is amended by adding a new paragraph (f) to read as follows:

(f) Except in instances where statutes or regulations provide for a lesser payment, fee, deposit or charge, no landlord, lessor, sub-lessor or grantor may demand any payment, fee, deposit, or charge, including, but not limited to, any payment, fee, deposit, or charge that is imposed

at the beginning of the tenancy to be used to reimburse the landlord for costs associated with processing a new tenant or that is imposed as an advance payment of rent, used or to be used for any purpose, including a security deposit, in an amount or value in excess of an amount equal to two months' rent, including the first month's rent.

§ 2. This act shall take effect immediately.

PART V

Section 1. Section 300 of the executive law, as amended by chapter 166 of the laws of 2000, is amended to read as follows:

§ 300. Construction. The provisions of this article shall be construed liberally for the accomplishment of the purposes thereof. Judicial interpretations of similarly worded provisions of federal civil rights laws are not controlling. Such interpretations of federal civil rights laws establish a floor below which interpretation of this article cannot fall, rather than a ceiling above which interpretation of this article cannot rise. Nothing contained in this article shall be deemed to repeal any of the provisions of the civil rights law or any other law of this state relating to discrimination because of race, creed, color or national origin; but, as to acts declared unlawful by section two hundred ninety-six of this article, the procedure herein provided shall, while pending, be exclusive; and the final determination therein shall exclude any other state civil action[~~, civil or criminal,~~] based on the same grievance of the individual concerned. If such individual institutes any action based on such grievance without resorting to the procedure provided in this article, he or she may not subsequently resort to the procedure herein.

§ 2. Subdivision 21 of section 296 of the executive law, as renumbered by chapter 536 of the laws of 2010, is renumbered subdivision 22 and a new subdivision 21 is added to read as follows:

21. Harassment on the basis of any protected characteristic is an unlawful discriminatory practice in any area of jurisdiction as set forth in this article. Harassment includes the types of actions that have been found by the courts to create a hostile environment or a tangible job detriment. Such actions are an unlawful discriminatory practice when they result in a person or persons being treated not as well as others because of a protected characteristic. Harassment is not limited only to those actions that are severe or pervasive. Harassment does not include what a reasonable person with the same protected characteristic would consider petty slights or trivial inconveniences.

§ 3. Section 5-336 of the general obligations law, as added by section 1 of subpart D of part KK of chapter 57 of the laws of 2018, is amended to read as follows:

§ 5-336. Nondisclosure agreements. 1. Notwithstanding any other law to the contrary, no employer, its officers or employees shall have the authority to include or agree to include in any settlement, agreement or other resolution of any claim, the factual foundation for which involves sexual harassment, any term or condition that would prevent the disclosure of the underlying facts and circumstances to the claim or action unless the condition of confidentiality is the complainant's preference. Any such term or condition must be provided to all parties, and the complainant shall have twenty-one days to consider such term or condition. If after twenty-one days such term or condition is the complainant's preference, such preference shall be memorialized in an agreement signed by all parties. For a period of at least seven days

following the execution of such agreement, the complainant may revoke the agreement, and the agreement shall not become effective or be enforceable until such revocation period has expired.

2. Notwithstanding any other law to the contrary, any provision in a contract or other agreement between an employer or an agent of an employer and any employee or potential employee of that employer entered into on or after January first, two thousand twenty, that prevents the disclosure of factual information related to any future claim of sexual harassment, assault, or discrimination is void or unenforceable unless such provision includes language ensuring that the parties to the agreement still have the right to file a complaint about such factual information with a state or local agency, and testify or otherwise participate in a government investigation.

§ 4. Subdivision 3 of section 201-g of the labor law is renumbered subdivision 4 and a new subdivision 3 is added to read as follows:

3. The department shall consult with the division of human rights to produce and distribute a workplace sexual harassment prevention poster.

a. Such poster shall include an explanation of sexual harassment consistent with guidance issued by the department in consultation with the division of human rights and information concerning employees' rights of redress and all available forums for adjudicating complaints.

b. Every employer shall post such poster or a poster that equals or exceeds the minimum standards of such poster in a conspicuous location.

§ 5. This act shall take effect January 1, 2020.

PART W

Section 1. This act shall be known and may be cited as the "pension poaching prevention act".

§ 2. Legislative findings and intent. Nationally, veterans and their family members are often subject to a practice commonly called pension poaching. This troubling practice, as described in recent reports from the Federal Trade Commission, the Federal Government Accountability Office, the United States Department of Veterans Affairs, and several other entities, generally target elderly or disabled veterans and their family members. Pension poaching involves dishonest financial planners, insurance agents, and other professionals luring veterans and their family members to pay substantial funds for veterans' benefits services that the offering entity is unqualified to provide and that can detrimentally impact the future financial situations of the veteran and his or her dependents.

Entities engaging in pension poaching tend to use high-pressure sales tactics directed toward potential customers, falsely guaranteeing benefits for veterans and their families even when the advertising entity lacks the federal accreditation required by law to file such claims and appeals for federal veterans' benefits. Often, they persuade veterans and their family members to abruptly move most or all of their assets to potentially qualify for certain federal veterans benefits, frequently causing veterans and their family members to unwittingly lose control over their assets and adversely affecting the ability of veterans and their families to qualify for Medicaid and other important benefits in the future. These entities frequently charge extremely high fees for these services, even in matters where federal law expressly prohibits such fees.

Through this legislation, the legislature intends to restrain this harmful and deceptive practice within New York State, providing neces-

sary protections to the men and women of this state who courageously served in our nation's armed forces.

§ 3. The general business law is amended by adding a new section 349-f to read as follows:

§ 349-f. Pension poaching prevention. 1. For purposes of this section:

(a) The term "veteran" means a person who has served on active duty service in the armed forces of the United States, or service in the Army national guard, air national guard, commissioned officer in the public health service, commissioned officer of the national oceanic atmospheric administration or environmental sciences services administration, cadet at a United States armed forces service academy or provisions under 38 U.S.C. § 106, and who has been released from such service under honorable conditions.

(b) The term "veterans' benefits matter" means the preparation, presentation, or prosecution of any claim affecting any person who has filed or expressed an intent to file a claim for any benefit, program, service, commodity, function, or status, entitlement which is determined under the laws and regulations administered by the United States department of veterans affairs or the New York state division of veterans' affairs pertaining to veterans, their dependents, their survivors, and any other party eligible for such benefits.

(c) The term "compensation" means money, property, or anything else of value.

(d) The term "entity" includes, but is not limited to, any natural person, corporation, trust, partnership, alliance, or unincorporated association.

2. (a) No entity shall receive compensation for advising or assisting any party with any veterans' benefits matter, except as permitted under title 38 of the United States code and the corresponding provisions within title 38 of the United States code of federal regulations.

(b) No entity shall receive compensation for referring any party to another individual to advise or assist this party with any veterans' benefits matter.

(c) Any entity seeking to receive compensation for advising or assisting any party with any veterans' benefits matter shall, before rendering any services, memorialize all terms regarding the party's payment of fees for services rendered in a written agreement, signed by both parties, that adheres to all criteria specified within title 38, section 14.636, of the United States code of federal regulations.

(d) No entity shall receive any fees for any services rendered before the date on which a notice of disagreement is filed with respect to the veteran's case.

(e) No entity shall guarantee, either directly or by implication, that any party is certain to receive specific veterans' benefits or that any party is certain to receive a specific level, percentage, or amount of veterans' benefits.

(f) No entity shall receive excessive or unreasonable fees as compensation for advising or assisting any party with any veterans' benefits matter. The factors articulated within title 38, section 14.636 of the code of federal regulations shall govern determinations of whether a fee is excessive or unreasonable.

3. (a) No entity shall advise or assist for compensation any party with any veterans' benefits matter without clearly providing, at the outset of this business relationship, the following disclosure, both orally and in writing: "this business is not sponsored by, or affiliated with, the United States department of veterans affairs, the New York

state division of veterans' affairs, or any other congressionally chartered veterans service organization. Other organizations, including but not limited to the New York state division of veterans' affairs, your local county veterans service agency, and other congressionally chartered veterans service organizations, may be able to provide you with this service free of charge. Products or services offered by this business are not necessarily endorsed by any of these organizations. You may qualify for other veterans' benefits beyond the benefits for which you are receiving services here." The written disclosure must appear in at least twelve-point font and must appear in a readily noticeable and identifiable place in the entity's agreement with the party seeking services. The party must verbally acknowledge understanding of the oral disclosure and must provide his or her signature to represent understanding of these provisions on the document in which the written disclosure appears. The entity offering services must retain a copy of the written disclosure while providing veterans' benefits services for compensation to the party and for at least one year after the date on which this service relationship terminates.

(b) No entity shall advertise for-compensation services in veterans benefits matters without including the following disclosure: "this business is not sponsored by, or affiliated with, the United States department of veterans affairs, the New York state division of veterans' affairs, or any other congressionally chartered veterans service organization. Other organizations, including but not limited to the New York state division of veterans' affairs, your local county veterans service agency, and other congressionally chartered veterans service organizations, may be able to provide you with these services free of charge. Products or services offered by this business are not necessarily endorsed by any of these organizations. You may qualify for other veterans' benefits beyond the services that this business offers." If the advertisement is printed, including but not limited to advertisements visible to internet users, the disclosure must appear in a readily visible place on the advertisement. If the advertisement is verbal, the spoken statement of the disclosure must be clear and intelligible.

4. (a) Any violation of this section shall constitute a deceptive act in the conduct of business, trade, or commerce, and shall be subject to the provisions of section three hundred forty nine of this article, including any right of action and corresponding penalties described within such section.

(b) If an entity's violation of this section concerns a party who is sixty-five years of age or older, said entity may be liable for supplemental civil penalties as established within, and subject of the terms of, section three hundred forty-nine-c of this article.

5. If any provision of this section or its application to any person or circumstance is ever held invalid, the remainder of this act or the application of its provisions to other persons or circumstances shall remain unaffected.

§ 4. This act shall take effect on the one hundred twentieth day after it shall have become a law.

PART X

Section 1. Subdivision 21-f of section 292 of the executive law, as added by chapter 369 of the laws of 2015, is amended to read as follows:

21-f. The term "pregnancy-related condition" means a medical condition related to pregnancy or childbirth that inhibits the exercise of a

normal bodily function or is demonstrable by medically accepted clinical or laboratory diagnostic techniques, **including but not limited to lactation**; provided, however, that in all provisions of this article dealing with employment, the term shall be limited to conditions which, upon the provision of reasonable accommodations, do not prevent the complainant from performing in a reasonable manner the activities involved in the job or occupation sought or held; and provided further, however, that pregnancy-related conditions shall be treated as temporary disabilities for the purposes of this article.

§ 2. This act shall take effect immediately.

PART Y

Section 1. The education law is amended by adding a new section 6509-e to read as follows:

§ 6509-e. Additional definition of professional misconduct; mental health professionals. 1. For the purposes of this section:

a. "Mental health professional" means a person subject to the provisions of article one hundred fifty-three, one hundred fifty-four or one hundred sixty-three of this title; or any other person designated as a mental health professional pursuant to law, rule or regulation.

b. "Sexual orientation change efforts" (i) means any practice by a mental health professional that seeks to change an individual's sexual orientation, including, but not limited to, efforts to change behaviors, gender identity, or gender expressions, or to eliminate or reduce sexual or romantic attractions or feelings towards individuals of the same sex and (ii) shall not include counseling for a person seeking to transition from one gender to another, or psychotherapies that: (A) provide acceptance, support and understanding of patients or the facilitation of patients' coping, social support and identity exploration and development, including sexual orientation-neutral interventions to prevent or address unlawful conduct or unsafe sexual practices; and (B) do not seek to change sexual orientation.

2. It shall be professional misconduct for a mental health professional to engage in sexual orientation change efforts upon any patient under the age of eighteen years, and any mental health professional found guilty of such misconduct under the procedures prescribed in section sixty-five hundred ten of this subarticle shall be subject to the penalties prescribed in section sixty-five hundred eleven of this subarticle.

§ 2. The education law is amended by adding a new section 6531-a to read as follows:

§ 6531-a. Additional definition of professional misconduct; mental health professionals. 1. Definitions. For the purposes of this section:

a. "Mental health professional" means a person subject to the provisions of article one hundred thirty-one of this title.

b. "Sexual orientation change efforts" (i) means any practice by a mental health professional that seeks to change an individual's sexual orientation, including, but not limited to, efforts to change behaviors, gender identity, or gender expressions, or to eliminate or reduce sexual or romantic attractions or feelings towards individuals of the same sex; and (ii) shall not include counseling for a person seeking to transition from one gender to another, or psychotherapies that: (A) provide acceptance, support and understanding of patients or the facilitation of patients' coping, social support, and identity exploration and development, including sexual orientation-neutral interventions to prevent or

address unlawful conduct or unsafe sexual practices; and (B) do not seek to change sexual orientation.

2. It shall be professional misconduct for a mental health professional to engage in sexual orientation change efforts upon any patient under the age of eighteen years, and any mental health professional found guilty of such misconduct under the procedures prescribed in title two-A of article two of the public health law shall be subject to the penalties prescribed in section two hundred thirty-a of the public health law, as added by chapter six hundred six of the laws of nineteen hundred ninety-one.

§ 3. This act shall take effect immediately.

PART Z

Section 1. Short title. This act shall be known and may be cited as the "rent regulation act of 2019".

§ 2. Rent regulation act of 2019. Notwithstanding any other provision of law to the contrary, the New York state system of rent regulation pursuant to chapter 576 of the laws of 1974, chapter 274 of the laws of 1946, chapter 329 of the laws of 1963, chapter 555 of the laws of 1982, chapter 402 of the laws of 1983, chapter 116 of the laws of 1997, and sections 26-501, 26-502, and 26-520 of the administrative code of the city of New York, shall be extended pursuant to a chapter of the laws of 2019. Provided, however, such extension shall include rent regulation reforms to end vacancy decontrol, amend the application of preferential rent, and limit capital improvement charges based on a report on rent regulation delivered to the governor by the commissioner of the division of housing and community renewal ("the division") on or after March 1, 2019 which shall include (i) the number of rent stabilized housing accommodations within the city of New York; (ii) the number of rent stabilized housing accommodations outside the city of New York; (iii) the number of rent controlled housing accommodations in the city of New York; (iv) the number of rent controlled housing accommodations outside the city of New York; (v) the number of applications for major capital improvements filed with such division; (vi) the number of units which are registered with such division where the amount charged to and paid by the tenant is less than the registered rent for the housing accommodation; (vii) for housing accommodations that are registered with such division where the amount charged to and paid by the tenant is less than the registered rent for the housing accommodation the average of the difference between the registered rent for a housing accommodation and the amount charged to and paid by the tenant; (viii) the number of rent overcharge complaints processed by the division; and (ix) the number of final overcharge orders granting an overcharge.

§ 3. This act shall take effect immediately.

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

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