

# STATE OF NEW YORK

S. 1506

A. 2006

## SENATE - ASSEMBLY

January 18, 2019

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

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

AN ACT to amend the education law, in relation to contracts for excellence and the apportionment of public moneys; to amend the education law, in relation to a statement of the total funding allocation; to amend the education law, in relation to services aid; to amend the education law, in relation to moneys apportioned for boards of cooperative educational services aidable expenditures; to amend the education law, in relation to establishing regional STEM magnet schools; to amend the education law, in relation to supplemental public excess cost aid; to amend the education law, in relation to academic enhancement aid; to amend the education law, in relation to high tax aid; to amend the education law, in relation to the statewide universal full-day pre-kindergarten program; to amend the education law, in relation to the teachers of tomorrow teacher recruitment and retention program; to amend the education law, in relation to class sizes for special classes containing certain students with disabilities; to amend the education law, in relation to waivers from duties; to amend the education law, in relation to annual teacher and principal evaluations; to amend the education law, in relation to the education of homeless children; to amend the education law, in relation to the suspension of pupils; to amend the education law, in relation to school safety plans; to amend the education law, in relation to including healthy relationships in health education; to amend the education law, in relation to authorizing and directing the commissioner of education to require that every school district adopt and distribute a policy regarding sex discrimination; to amend chapter 756 of the laws of 1992, relating to funding a program for work force education conducted by the consortium for worker education in New York city, in relation to reimbursements for the 2019-2020 school year; to amend chapter 756 of the laws of 1992, relating to funding a program for work force education conducted by the consortium for worker education in New York

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

LBD12572-01-9

city, in relation to withholding a portion of employment preparation education aid and in relation to the effectiveness thereof; to amend chapter 82 of the laws of 1995, amending the education law and other laws relating to state aid to school districts and the appropriation of funds for the support of government, in relation to the effectiveness thereof; to amend chapter 147 of the laws of 2001, amending the education law relating to conditional appointment of school district, charter school or BOCES employees, in relation to the effectiveness thereof; to amend chapter 425 of the laws of 2002, amending the education law relating to the provision of supplemental educational services, attendance at a safe public school and the suspension of pupils who bring a firearm to or possess a firearm at a school, in relation to the effectiveness thereof; to amend chapter 101 of the laws of 2003, amending the education law relating to implementation of the No Child Left Behind Act of 2001, in relation to the effectiveness thereof; to amend chapter 91 of the laws of 2002, amending the education law and other laws relating to reorganization of the New York city school construction authority, board of education and community boards, in relation to the effectiveness thereof; to amend chapter 345 of the laws of 2009, amending the education law and other laws relating to the New York city board of education, chancellor, community councils, and community superintendents, in relation to the effectiveness thereof; to amend chapter 472 of the laws of 1998, amending the education law relating to the lease of school buses by school districts, in relation to the effectiveness thereof; to amend chapter 552 of the laws of 1995, amending the education law relating to contracts for the transportation of school children, in relation to the effectiveness thereof; to amend chapter 97 of the laws of 2011, amending the education law relating to census reporting, in relation to the effectiveness thereof; in relation to school bus driver training; in relation to special apportionment for salary expenses and public pension accruals; in relation to the city school district of the city of Rochester; in relation to total foundation aid for the purpose of the development, maintenance or expansion of certain magnet schools or magnet school programs for the 2019-2020 school year; in relation to the support of public libraries; to repeal subparagraphs 2 and 3 of paragraph a of subdivision 1 of section 3609-a of the education law, relating to lottery apportionment and lottery textbook apportionment; and to repeal subparagraphs 1 and 2 of paragraph b of subdivision 4 of section 92-c of the state finance law, relating to the state lottery fund (Part A); to amend the education law, the business corporation law, the partnership law and the limited liability company law, in relation to certified public accountants (Part B); to amend the education law, in relation to authorizing school bus stop cameras; and to amend the vehicle and traffic law, in relation to owner liability for operator illegally overtaking or passing a school bus and increasing fines for passing a stopped school bus (Part C); to amend the education law, in relation to eligibility requirements and conditions governing general awards, academic performance awards and student loans; eligibility requirements for assistance under the higher education opportunity programs and the collegiate science and technology entry program; the definition of "resident"; financial aid opportunities for students of the state university of New York, the city university of New York and community colleges; and the program requirements for the New York state college choice tuition savings program; and to repeal subdivision 3 of section 661 of the education

law relating thereto (Part D); to amend the education law, in relation to the accountability of proprietary institutions (Part E); to amend the state finance law, in relation to the arts capital grants fund (Part F); to utilize reserves in the mortgage insurance fund for various housing purposes (Part G); to amend the social services law, in relation to the initial period of licensure or registration and required inspections, background clearances and training for child care providers; and to repeal certain provisions of such law relating thereto (Part H); to amend the social services law, in relation to federally required background clearances for persons working in residential foster care programs (Part I); to amend the social services law, in relation to residential programs for domestic violence victims; and repealing certain provisions of such law relating thereto (Part J); to amend the family court act, the social services law and the executive law, in relation to persons in need of supervision; and to repeal certain provisions of the family court act and the executive law relating thereto (Part K); to amend the social services law, in relation to increasing the standards of monthly need for aged, blind and disabled persons living in the community (Part L); to amend the social services law, in relation to appointment of a temporary operator authority (Subpart A); and to amend part W of chapter 54 of the laws of 2016, amending the social services law relating to the powers and duties of the commissioner of social services relating to the appointment of a temporary operator, in relation to the effectiveness thereof (Subpart B) (Part M); to amend the social services law, in relation to permitting social services districts to assign individuals to participate in time-limited job try-outs as an allowable work activity leading to unsubsidized employment (Part N); to amend the labor law, in relation to increasing criminal penalties for convictions of failures to pay wages (Part O); to amend the labor law, in relation to amending unemployment insurance benefits for earnings disregard (Part P); to amend the executive law, in relation to prohibiting wage or salary history inquiries; and to amend the labor law, in relation to the prohibition of a differential rate of pay on the basis of protected class status (Part Q); to amend the executive law, the civil rights law and the education law, in relation to prohibiting discrimination based on gender identity or expression; and to amend the penal law and the criminal procedure law, in relation to including offenses regarding gender identity or expression within the list of offenses subject to treatment as hate crimes (Part R); to amend the executive law, in relation to expanding the scope of unlawful discriminatory practices to include public educational institutions (Part S); to amend the executive law, in relation to preventing discrimination based on lawful source of income in housing (Part T); to amend the general obligations law, in relation to the amount of security deposit that a landlord may charge a tenant (Part U); to amend the executive law, the general obligations law and the labor law, in relation to the implementation of sexual harassment protocols (Part V); to amend the general business law, in relation to enacting the pension poaching prevention act (Part W); to amend the executive law, in relation to amending the definition of pregnancy-related condition (Part X); to amend the education law, in relation to prohibiting mental health professionals from engaging in sexual orientation change efforts with a patient under the age of eighteen years and expanding the definition of professional misconduct with respect to mental

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

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

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

12

## PART A

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 d. For purposes of this subdivision:

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

53 ARTICLE 39-A

54 REGIONAL STEM MAGNET SCHOOLS

55 Section 1918. Establishment of regional STEM magnet schools.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 1    ~~(4)~~ **d.** If a teacher receives an H in the teacher observation category, and an I in the student performance category, the teacher's composite score shall be D;
- 2
- 3
- 4    ~~(5)~~ **e.** If a teacher receives an E in the teacher observation category, and an H in the student performance category, the teacher's composite score shall be H;
- 5
- 6
- 7    ~~(6)~~ **f.** If a teacher receives an E in the teacher observation category, and an E in the student performance category, the teacher's composite score shall be E;
- 8
- 9
- 10   ~~(7)~~ **g.** If a teacher receives an E in the teacher observation category, and a D in the student performance category, the teacher's composite score shall be E;
- 11
- 12
- 13   ~~(8)~~ **h.** If a teacher receives an E in the teacher observation category, and an I in the student performance category, the teacher's composite score shall be D;
- 14
- 15
- 16   ~~(9)~~ **i.** If a teacher receives a D in the teacher observation category, and an H in the student performance category, the teacher's composite score shall be E;
- 17
- 18
- 19   ~~(10)~~ **j.** If a teacher receives a D in the teacher observation category, and an E in the student performance category, the teacher's composite score shall be E;
- 20
- 21
- 22   ~~(11)~~ **k.** If a teacher receives a D in the teacher observation category, and a D in the student performance category, the teacher's composite score shall be D;
- 23
- 24
- 25   ~~(12)~~ **l.** If a teacher receives a D in the teacher observation category, and an I in the student performance category, the teacher's composite score shall be I;
- 26
- 27
- 28   ~~(13)~~ **m.** If a teacher receives an I in the teacher observation category, and an H in the student performance category, the teacher's composite score shall be D;
- 29
- 30
- 31   ~~(14)~~ **n.** If a teacher receives an I in the teacher observation category, and an E in the student performance category, the teacher's composite score shall be D;
- 32
- 33
- 34   ~~(15)~~ **o.** If a teacher receives an I in the teacher observation category, and a D in the student performance category, the teacher's composite score shall be I;
- 35
- 36
- 37   ~~(16)~~ **p.** If a teacher receives an I in the teacher observation category, and an I in the student performance category, the teacher's composite score shall be I.

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

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

53 ~~that in any event, the following rules shall apply: a teacher or principal who is:~~

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

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

~~b. rated using only the state measure subcomponent in the student performance category and receives a rating of ineffective in such category shall not be eligible to receive a rating of effective or highly effective overall; and~~

~~c. rated ineffective in the observations category shall not be eligible to receive a rating of effective or highly effective overall.]~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 (iii) friendship and empathy;

25 (iv) a definition of teen dating violence;

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

27 (vi) characteristics of a healthy relationship;

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

29 (viii) safe use of technology;

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

4 PART B

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4 (a) Notwithstanding any other provision of law, the name of a profes-  
5 sional service corporation, including a design professional service  
6 corporation and any firm established for the business purpose of incor-  
7 porating as a professional service corporation pursuant to paragraph (h)  
8 of section fifteen hundred three of this article, may contain any word  
9 which, at the time of incorporation, could be used in the name of a  
10 partnership practicing a profession which the corporation is authorized  
11 to practice, and may not contain any word which could not be used by  
12 such a partnership. Provided, however, the name of a professional  
13 service corporation may not contain the name of a deceased person unless

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

48 (h) "Limited partnership" and "domestic limited partnership" mean,  
49 unless the context otherwise requires, a partnership (i) formed by two  
50 or more persons pursuant to this article or which complies with subdivi-  
51 sion (a) of section 121-1202 of this article and (ii) having one or more  
52 general partners and one or more limited partners. Notwithstanding any  
53 other provisions of law a limited partnership or domestic limited part-  
54 nership formed to lawfully engage in the practice of public accountancy,  
55 as such practice is respectively defined under article 149 of the educa-  
56 tion law shall be required to show (1) that a simple majority of the

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

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

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



1 licensed pursuant to article 154 of the education law to practice  
2 licensed clinical social work in this state. With respect to a profes-  
3 sional service limited liability company formed to provide creative arts  
4 therapy services as such services are defined in article 163 of the  
5 education law, each member of such limited liability company must be  
6 licensed pursuant to article 163 of the education law to practice crea-  
7 tive arts therapy in this state. With respect to a professional service  
8 limited liability company formed to provide marriage and family therapy  
9 services as such services are defined in article 163 of the education  
10 law, each member of such limited liability company must be licensed  
11 pursuant to article 163 of the education law to practice marriage and  
12 family therapy in this state. With respect to a professional service  
13 limited liability company formed to provide mental health counseling  
14 services as such services are defined in article 163 of the education  
15 law, each member of such limited liability company must be licensed  
16 pursuant to article 163 of the education law to practice mental health  
17 counseling in this state. With respect to a professional service limited  
18 liability company formed to provide psychoanalysis services as such  
19 services are defined in article 163 of the education law, each member of  
20 such limited liability company must be licensed pursuant to article 163  
21 of the education law to practice psychoanalysis in this state. With  
22 respect to a professional service limited liability company formed to  
23 provide applied behavior analysis services as such services are defined  
24 in article 167 of the education law, each member of such limited liabil-  
25 ity company must be licensed or certified pursuant to article 167 of the  
26 education law to practice applied behavior analysis in this state.  
27 Notwithstanding any other provisions of law a professional service  
28 limited liability company formed to lawfully engage in the practice of  
29 public accountancy, as such practice is respectively defined under arti-  
30 cle 149 of the education law shall be required to show (1) that a simple  
31 majority of the ownership of the firm, in terms of financial interests,  
32 including ownership-based compensation, and voting rights held by the  
33 firm's owners, belongs to individuals licensed to practice public  
34 accountancy in some state, and (2) that all members of a limited profes-  
35 sional service limited liability company, whose principal place of busi-  
36 ness is in this state, and who are engaged in the practice of public  
37 accountancy in this state, hold a valid license issued under section  
38 7404 of the education law or are public accountants licensed under  
39 section 7405 of the education law. Although firms may include non-licen-  
40 see owners, the firm and its owners must comply with rules promulgated  
41 by the state board of regents. Notwithstanding the foregoing, a firm  
42 registered under this section may not have non-licensee owners if the  
43 firm's name includes the words "certified public accountant," or "certi-  
44 fied public accountants," or the abbreviations "CPA" or "CPAs." Each  
45 non-licensee owner of a firm that is registered under this section shall  
46 be (1) a natural person who actively participates in the business of the  
47 firm or its affiliated entities, or (2) an entity, including, but not  
48 limited to, a partnership or professional corporation, provided each  
49 beneficial owner of an equity interest in such entity is a natural  
50 person who actively participates in the business conducted by the firm  
51 or its affiliated entities. For purposes of this subdivision, "actively  
52 participate" means to provide services to clients or to otherwise indi-  
53 vidually take part in the day-to-day business or management of the firm.

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

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

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

55 § 15. This act shall take effect immediately.

1

## PART C

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9 § 5. This act shall take effect immediately.

10

PART D

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 PART E

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

11 (D) interest or investment income;

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

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

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

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

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

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

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

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

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

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

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

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

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

38 § 3. This act shall take effect immediately.

39 PART F

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

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

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

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

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

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

14 § 2. This act shall take effect immediately.

15 PART G

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

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

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

8 § 3. This act shall take effect immediately.

9

PART H

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

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

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

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

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

33 (i) a grandparent;

34 (ii) a great-grandparent;

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

37 (iv) an aunt; or

38 (v) an uncle.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 (ii) existing caregivers and employees including directors and opera-  
7 tors of any such program; and

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

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

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

21 (i) refuses to consent to such clearance;

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

24 (iii) is registered, or is required to be registered, on a state sex  
25 offender registry or repository or the national sex offender registry  
26 established under the Adam Walsh child protection and safety act of 2006  
27 (42 U.S.C. 16901 et seq.); or

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

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

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

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

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

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

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

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



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

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

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

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

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

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

53 (A) conduct a safety assessment; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 PART I

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4 PART J

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

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

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

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

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

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

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

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

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

1

## PART K

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

29 CUSTODY ~~[AND DETENTION]~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) The designated lead agency shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 (a) the amendments to subdivision 3-a of section 398 of the social  
2 services law made by section seventeen of this act shall not affect the  
3 repeal of such subdivision and shall be deemed repealed therewith; and  
4 (b) the amendments to subparagraph (ii) of paragraph (a) of subdivi-  
5 sion 1 of section 409-a of the social services law made by section eigh-  
6 teen of this act shall be subject to the expiration and reversion of  
7 such subparagraph pursuant to section 28 of part C of chapter 83 of the  
8 laws of 2002, as amended, when upon such date the provisions of section  
9 eighteen-a of this act shall take effect.

10

## PART L

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 PART M

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

37 SUBPART A

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

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

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

43 2. For the purposes of this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

56 § 2. This act shall take effect immediately.

1

## SUBPART B

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

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

10 § 2. This act shall take effect immediately.

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

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

23

## PART N

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 PART O

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

22 1. Every employer who does not pay the wages of all of his or her  
23 employees in accordance with the provisions of this chapter, and the  
24 officers and agents of any corporation, partnership, or limited liabil-  
25 ity company who knowingly permit the corporation, partnership, or limit-  
26 ed liability company to violate this chapter by failing to pay the wages  
27 of any of its employees in accordance with the provisions thereof, shall  
28 be guilty [~~of a misdemeanor for the first offense and upon conviction~~  
29 ~~therefor shall be fined not less than five hundred nor more than twenty~~  
30 ~~thousand dollars or imprisoned for not more than one year, and, in the~~  
31 ~~event that any second or subsequent offense occurs within six years of~~  
32 ~~the date of conviction for a prior offense, shall be guilty of a felony~~  
33 ~~for the second or subsequent offense, and upon conviction therefor,~~  
34 ~~shall be fined not less than five hundred nor more than twenty thousand~~  
35 ~~dollars or imprisoned for not more than one year plus one day, or~~  
36 ~~punished by both such fine and imprisonment, for each such offense. An~~  
37 ~~indictment of a person or corporation operating a steam surface railroad~~  
38 ~~for an offense specified in this section may be found and tried in any~~  
39 ~~county within the state in which such railroad ran at the time of such~~  
40 ~~offense] , except as otherwise provided in this chapter or in the penal  
41 law, of a class A misdemeanor for failure to pay a single employee less  
42 than one thousand dollars or less than twenty-five thousand dollars to  
43 more than one employee; of a class E felony for failure to pay a single  
44 employee greater than one thousand dollars or greater than twenty-five  
45 thousand dollars to more than one employee; of a class D felony for  
46 failure to pay a single employee greater than three thousand dollars or  
47 one hundred thousand dollars to more than one employee; and a class C  
48 felony for failure to pay a single employee greater than fifty thousand  
49 dollars or greater than five hundred thousand dollars to more than one  
50 employee. Further, a court may order restitution of wages in the amount  
51 of the underpayment and together with such amounts provided for by  
52 section two hundred eighteen of this chapter.~~

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

1 § 213. Violations of provisions of labor law; the rules, regulations  
2 or orders of the industrial commissioner and the industrial board of  
3 appeals. Any person who violates or does not comply with any provision  
4 of the labor law, any rule, regulation or lawful order of the industrial  
5 commissioner or the industrial board of appeals, and the officers and  
6 agents of any corporation who knowingly permit the corporation to  
7 violate such provisions, are guilty of a class A misdemeanor and upon  
8 conviction shall be punished in accordance with the penal law, [~~except  
9 as in this chapter or in the penal law otherwise provided, for a first  
10 offense by a fine of not more than one hundred dollars, provided, howev-  
11 er, that if the first offense is a violation of a rule or provision for  
12 the protection of the safety or health of employees or persons lawfully  
13 frequenting a place to which this chapter applies, the punishment shall  
14 be a fine of not more than one hundred dollars or by imprisonment for  
15 not more than fifteen days or by both such fine and imprisonment,~~] and,  
16 for a second [~~offense by a fine of not less than one hundred nor more  
17 than five hundred dollars, or by imprisonment for not more than thirty  
18 days or by both such fine and imprisonment, for a subsequent offense by  
19 a fine of not less than three hundred dollars, or by imprisonment for  
20 not more than sixty days, or by both such fine and imprisonment~~] or  
21 subsequent offense committed within six years of the date of conviction  
22 of a prior offense, are guilty of a class E felony and upon conviction  
23 shall be punished in accordance with the penal law. This section shall  
24 not apply to any person covered by section twenty-seven-a of this chap-  
25 ter.

26 § 3. This act shall take effect immediately.

27 PART P

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

30 § 522. Total unemployment. "Total unemployment" or "totally unem-  
31 ployed" means the [~~total~~] lack of any employment [~~on~~] in any [~~day~~] week.  
32 The term "employment" as used in this section means any employment  
33 including that not defined in this title.

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

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



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

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

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

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

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

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

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

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

1 be charged to the general account. In addition, wages paid during the  
2 base period by such educational institutions, or for services in such  
3 educational institutions for claimants employed by an educational  
4 service agency shall not be considered base period wages during periods  
5 that such wages may not be used to gain entitlement to benefits pursuant  
6 to subdivision eleven of section five hundred ninety of this article.  
7 However, in those instances where a claimant was not afforded an oppor-  
8 tunity to perform services for the educational institution for the next  
9 academic year or term after reasonable assurance was provided, such  
10 employer shall be liable for benefit charges as provided for in this  
11 paragraph for any retroactive payments made to the claimant.

12 (iii) In those instances where the federal government is the claim-  
13 ant's last employer prior to the filing of the claim for benefits and  
14 such employer is not a base-period employer, payments [~~equaling the~~  
15 ~~first twenty-eight effective days of benefits~~] in an amount equal to the  
16 benefits paid for seven weeks of total unemployment as otherwise  
17 prescribed by this section shall be charged to the general account. In  
18 those instances where the federal government is the claimant's last  
19 employer prior to the filing of the claim for benefits and a base-period  
20 employer, such employer shall be liable for charges for all benefits  
21 paid on such claim in the same proportion that the remuneration paid by  
22 such employer during the base period bears to the remuneration paid by  
23 all employers during the base period. In addition, benefit payment  
24 charges [~~for the first twenty-eight effective days of benefits~~] in an  
25 amount equal to the benefits paid for seven weeks of total unemployment  
26 other than those chargeable to the federal government as prescribed  
27 above shall be made to the general account.

28 (iv) In those instances where a combined wage claim is filed pursuant  
29 to interstate reciprocal agreements and the claimant's last employer  
30 prior to the filing of the claim is an out-of-state employer and such  
31 employer is not a base-period employer, benefit payments [~~equaling the~~  
32 ~~first twenty-eight effective days of benefits~~] in an amount equal to the  
33 benefits paid for seven weeks of total unemployment as otherwise  
34 prescribed by this section shall be charged to the general account. In  
35 those instances where the out-of-state employer is the last employer  
36 prior to the filing of the claim for benefits and a base-period employer  
37 such employer shall be liable for charges for all benefits paid on such  
38 claim in the same proportion that the remuneration paid by such employer  
39 during the base period bears to the remuneration paid by all employers  
40 during the base period. In addition, benefit payment charges [~~for the~~  
41 ~~twenty-eight effective days of benefits~~] in an amount equal to the bene-  
42 fits paid for seven weeks of total unemployment other than those charge-  
43 able to the out-of-state employer as prescribed above shall be made to  
44 the general account.

45 § 6. Subdivisions 1, 3, 4, paragraph (a) of subdivision 5 and subdivi-  
46 sions 6 and 7 of section 590 of the labor law, subdivisions 1 and 3 as  
47 amended by chapter 645 of the laws of 1951, subdivision 4 as amended by  
48 chapter 457 of the laws of 1987, paragraph (a) of subdivision 5 as  
49 amended by section 8 of part 0 of chapter 57 of the laws of 2013, subdivi-  
50 sion 6 as added by chapter 720 of the laws of 1953 and as renumbered  
51 by chapter 675 of the laws of 1977, and subdivision 7 as amended by  
52 chapter 415 of the laws of 1983, are amended and two new paragraphs (c)  
53 and (d) are added to subdivision 5 to read as follows:

54 1. Entitlement to benefits. A claimant shall be entitled to [~~accumu-~~  
55 ~~late effective days for the purpose of benefit rights~~] the payment of  
56 benefits only if he or she has complied with the provisions of this

1 article regarding the filing of his or her claim, including the filing  
2 of a valid original claim, registered as totally unemployed or partially  
3 unemployed, reported his or her subsequent employment and unemployment,  
4 and reported for work or otherwise given notice of the continuance of  
5 his or her unemployment.

6 3. Compensable periods. Benefits shall be paid for each [~~accumulation~~  
7 ~~of effective days within a~~] week of partial unemployment or total unem-  
8 ployment.

9 4. Duration. Benefits shall not be paid for more than [~~one hundred and~~  
10 ~~four effective days~~] an amount exceeding twenty-six times the claimant's  
11 weekly benefit rate in any benefit year, except as provided in section  
12 six hundred one and subdivision two of section five hundred ninety-nine  
13 of this [~~chapter~~] title.

14 (a) A claimant's weekly benefit amount shall be one twenty-sixth of  
15 the remuneration paid during the highest calendar quarter of the base  
16 period by employers, liable for contributions or payments in lieu of  
17 contributions under this article, provided the claimant has remuneration  
18 paid in all four calendar quarters during his or her base period or  
19 alternate base period. However, for any claimant who has remuneration  
20 paid in all four calendar quarters during his or her base period or  
21 alternate base period and whose high calendar quarter remuneration  
22 during the base period is three thousand five hundred seventy-five  
23 dollars or less, the benefit amount shall be one twenty-fifth of the  
24 remuneration paid during the highest calendar quarter of the base period  
25 by employers liable for contributions or payments in lieu of contrib-  
26 utions under this article. A claimant's weekly benefit shall be one  
27 twenty-sixth of the average remuneration paid in the two highest quar-  
28 ters paid during the base period or alternate base period by employers  
29 liable for contributions or payments in lieu of contributions under this  
30 article when the claimant has remuneration paid in two or three calendar  
31 quarters provided however, that a claimant whose high calendar quarter  
32 is four thousand dollars or less but greater than three thousand five  
33 hundred seventy-five dollars shall have a weekly benefit amount of one  
34 twenty-sixth of such high calendar quarter. However, for any claimant  
35 who has remuneration paid in two or three calendar quarters during his  
36 or her base period or alternate base period and whose high calendar  
37 quarter remuneration during the base period is three thousand five  
38 hundred seventy-five dollars or less, the benefit amount shall be one  
39 twenty-fifth of the remuneration paid during the highest calendar quar-  
40 ter of the base period by employers liable for contributions or payments  
41 in lieu of contributions under this article. Any claimant whose high  
42 calendar quarter remuneration during the base period is more than three  
43 thousand five hundred seventy-five dollars shall not have a weekly bene-  
44 fit amount less than one hundred forty-three dollars. The weekly benefit  
45 amount, so computed, that is not a multiple of one dollar shall be  
46 lowered to the next multiple of one dollar. On the first Monday of  
47 September, nineteen hundred ninety-eight the weekly benefit amount shall  
48 not exceed three hundred sixty-five dollars nor be less than forty  
49 dollars, until the first Monday of September, two thousand, at which  
50 time the maximum benefit payable pursuant to this subdivision shall  
51 equal one-half of the state average weekly wage for covered employment  
52 as calculated by the department no sooner than July first, two thousand  
53 and no later than August first, two thousand, rounded down to the lowest  
54 dollar. On and after the first Monday of October, two thousand fourteen,  
55 the weekly benefit shall not be less than one hundred dollars, nor shall  
56 it exceed four hundred twenty dollars until the first Monday of October,

1 two thousand fifteen when the maximum benefit amount shall be four  
2 hundred twenty-five dollars, until the first Monday of October, two  
3 thousand sixteen when the maximum benefit amount shall be four hundred  
4 thirty dollars, until the first Monday of October, two thousand seven-  
5 teen when the maximum benefit amount shall be four hundred thirty-five  
6 dollars, until the first Monday of October, two thousand eighteen when  
7 the maximum benefit amount shall be four hundred fifty dollars, until  
8 the first Monday of October, two thousand nineteen when the maximum  
9 benefit amount shall be thirty-six percent of the average weekly wage  
10 until the first Monday of October, two thousand twenty when the maximum  
11 benefit amount shall be thirty-eight percent of the average weekly wage,  
12 until the first Monday of October two thousand twenty-one when the maxi-  
13 mum benefit amount shall be forty percent of the average weekly wage,  
14 until the first Monday of October, two thousand twenty-two when the  
15 maximum benefit amount shall be forty-two percent of the average weekly  
16 wage, until the first Monday of October, two thousand twenty-three when  
17 the maximum benefit amount shall be forty-four percent of the average  
18 weekly wage, until the first Monday of October, two thousand twenty-four  
19 when the maximum benefit amount shall be forty-six percent of the aver-  
20 age weekly wage, until the first Monday of October, two thousand twen-  
21 ty-five when the maximum benefit amount shall be forty-eight percent of  
22 the average weekly wage, until the first Monday of October, two thousand  
23 twenty-six and each year thereafter on the first Monday of October when  
24 the maximum benefit amount shall be fifty percent of the average weekly  
25 wage provided, however, that in no event shall the maximum benefit  
26 amount be reduced from the previous year. A claimant shall receive his  
27 or her full benefit rate for each week of total unemployment.

28 (c) Any claimant who is partially unemployed throughout a week shall  
29 be paid with respect to such week an amount equal to the claimant's  
30 benefit rate for total unemployment reduced by an amount equal to two-  
31 thirds, rounded to the next lower whole dollar, of the total remunera-  
32 tion, rounded to the lower whole dollar, of any nature payable to the  
33 claimant for services of any kind during such week.

34 (d) Any claimant who is partially unemployed whose employment is  
35 limited to one or two days during any week of unemployment and whose  
36 paid or payable remuneration for such week is equal to or less than the  
37 weekly maximum benefit amount shall be paid:

38 (1) for employment limited to one day, a benefit amount equal to three  
39 quarters of his or her weekly benefit amount, if that amount is greater  
40 than what the claimant would have received had his or her benefit amount  
41 been computed pursuant to paragraph (c) of this subdivision.

42 (2) for employment limited to two days, a benefit amount equal to  
43 fifty percent of his or her weekly benefit amount, if that amount is  
44 greater than what the claimant would have received had his or her bene-  
45 fit amount been computed pursuant to paragraph (c) of this subdivision.

46 6. Notification requirement. [~~No effective day shall be counted for~~  
47 ~~any purposes except effective days as to~~] Benefits shall be payable only  
48 for any week for which notification has been given in a manner  
49 prescribed by the commissioner.

50 7. Waiting period. A claimant shall not be entitled to [~~accumulate~~  
51 ~~effective days for the purpose of~~] receive benefit payments until he or  
52 she has [~~accumulated~~] completed a waiting period of [~~four effective days~~  
53 ~~either wholly within the~~] one week of total unemployment or partial  
54 unemployment in which he or she established [~~his~~] a valid original claim  
55 [~~or partly within such week and partly~~] within his or her benefit year  
56 initiated by such claim.

1 § 7. Subdivisions 1 and 2, paragraph (a) of subdivision 3 and para-  
2 graph (a) of subdivision 6 of section 591 of the labor law, subdivisions  
3 1 and 2 as amended by chapter 413 of the laws of 2003, paragraph (a) of  
4 subdivision 3 as amended by chapter 794 of the laws of 1963 and para-  
5 graph (a) of subdivision 6 as added by section 13 of part 0 of chapter  
6 57 of laws of 2013, are amended to read as follows:

7 1. Unemployment. Benefits, except as provided in section five hundred  
8 ninety-one-a of this title, shall be paid only to a claimant who is  
9 totally unemployed or partially unemployed and who is unable to engage  
10 in his or her usual employment or in any other for which he or she is  
11 reasonably fitted by training and experience. A claimant who is receiv-  
12 ing benefits under this article shall not be denied such benefits pursu-  
13 ant to this subdivision or to subdivision two of this section because of  
14 such claimant's service on a grand or petit jury of any state or of the  
15 United States.

16 2. Availability and capability. Except as provided in section five  
17 hundred ninety-one-a of this title, no benefits shall be payable to any  
18 claimant who is not capable of work or who is not ready, willing and  
19 able to work in his usual employment or in any other for which he is  
20 reasonably fitted by training and experience. The commissioner shall  
21 promulgate regulations defining a claimant's eligibility for benefits  
22 when such claimant is not capable of work or not ready, willing and able  
23 to work in his or her usual employment or in any other which he or she  
24 is reasonably fitted by training and experience.

25 (a) [~~No benefits shall be~~] Benefits payable to a claimant for any day  
26 during a paid vacation period, or for a paid holiday, [~~nor shall any~~  
27 ~~such day be considered a day of total unemployment under section five~~  
28 ~~hundred twenty-two~~] shall be calculated as provided in section five  
29 hundred twenty-three and subdivision five of section five hundred ninety  
30 of this article.

31 (a) No benefits shall be payable to a claimant for any week during a  
32 dismissal period for which a claimant receives dismissal pay[~~, nor shall~~  
33 ~~any day within such week be considered a day of total unemployment under~~  
34 ~~section five hundred twenty-two of this article,~~] if such weekly  
35 dismissal pay exceeds the maximum weekly benefit rate.

36 § 8. Subdivisions 1 and 2 of section 591 of the labor law, subdivision  
37 1 as amended by chapter 446 of the laws of 1981 and subdivision 2 as  
38 amended by section 12 of part 0 of chapter 57 of the laws of 2013, are  
39 amended to read as follows:

40 1. Unemployment. Benefits shall be paid only to a claimant who is  
41 totally unemployed or partially unemployed and who is unable to engage  
42 in his or her usual employment or in any other for which he or she is  
43 reasonably fitted by training and experience. A claimant who is receiv-  
44 ing benefits under this article shall not be denied such benefits pursu-  
45 ant to this subdivision or to subdivision two of this section because of  
46 such claimant's service on a grand or petit jury of any state or of the  
47 United States.

48 2. Availability, capability, and work search. No benefits shall be  
49 payable to any claimant who is not capable of work or who is not ready,  
50 willing and able to work in his or her usual employment or in any other  
51 for which he or she is reasonably fitted by training and experience and  
52 who is not actively seeking work. In order to be actively seeking work a  
53 claimant must be engaged in systematic and sustained efforts to find  
54 work. The commissioner shall promulgate regulations defining systematic  
55 and sustained efforts to find work and setting standards for the proof  
56 of work search efforts. The commissioner shall promulgate regulations

1 defining a claimant's eligibility for benefits when such claimant is not  
2 capable of work or not ready, willing and able to work in his or her  
3 usual employment or in any other which he or she is reasonably fitted by  
4 training and experience.

5 § 9. Subdivision 2 of section 592 of the labor law, as amended by  
6 chapter 415 of the laws of 1983, is amended to read as follows:

7 2. Concurrent payments prohibited. No [~~days of total unemployment~~  
8 ~~shall be deemed to occur~~] benefits shall be payable in any week with  
9 respect to which or a part of which a claimant has received or is seek-  
10 ing unemployment benefits under an unemployment compensation law of any  
11 other state or of the United States, provided that this provision shall  
12 not apply if the appropriate agency of such other state or of the United  
13 States finally determines that he or she is not entitled to such unem-  
14 ployment benefits.

15 § 10. Paragraph (a) of subdivision 1, the opening paragraph of subdivi-  
16 sion 2 and subdivisions 3 and 4 of section 593 of the labor law, para-  
17 graph (a) of subdivision 1, the opening paragraph of subdivision 2 and  
18 subdivision 3 as amended by section 15 of part 0 of chapter 57 of the  
19 laws of 2013 and subdivision 4 as amended by chapter 589 of the laws of  
20 1998, are amended to read as follows:

21 (a) No [~~days of total unemployment shall be deemed to occur~~] benefits  
22 shall be payable for any week of total unemployment or partial unemploy-  
23 ment that occurs after a claimant's voluntary separation without good  
24 cause from employment until he or she has subsequently worked in employ-  
25 ment and earned remuneration at least equal to ten times his or her  
26 weekly benefit rate. In addition to other circumstances that may be  
27 found to constitute good cause, including a compelling family reason as  
28 set forth in paragraph (b) of this subdivision, voluntary separation  
29 from employment shall not in itself disqualify a claimant if circum-  
30 stances have developed in the course of such employment that would have  
31 justified the claimant in refusing such employment in the first instance  
32 under the terms of subdivision two of this section or if the claimant,  
33 pursuant to an option provided under a collective bargaining agreement  
34 or written employer plan which permits waiver of his or her right to  
35 retain the employment when there is a temporary layoff because of lack  
36 of work, has elected to be separated for a temporary period and the  
37 employer has consented thereto.

38 No [~~days of total unemployment shall be deemed to occur~~] benefits  
39 shall be payable for any week of total unemployment or partial unemploy-  
40 ment beginning with the day on which a claimant, without good cause,  
41 refuses to accept an offer of employment for which he or she is reason-  
42 ably fitted by training and experience, including employment not subject  
43 to this article, until he or she has subsequently worked in employment  
44 and earned remuneration at least equal to ten times his or her weekly  
45 benefit rate. Except that claimants who are not subject to a recall date  
46 or who do not obtain employment through a union hiring hall and who are  
47 still unemployed after receiving ten weeks of benefits shall be required  
48 to accept any employment proffered that such claimants are capable of  
49 performing, provided that such employment would result in a wage not  
50 less than eighty percent of such claimant's high calendar quarter wages  
51 received in the base period and not substantially less than the prevail-  
52 ing wage for similar work in the locality as provided for in paragraph  
53 (d) of this subdivision. No refusal to accept employment shall be deemed  
54 without good cause nor shall it disqualify any claimant otherwise eligi-  
55 ble to receive benefits if:

1 3. Misconduct. No [~~days of total unemployment shall be deemed to~~  
2 ~~occur~~] benefits shall be payable for any week of total unemployment or  
3 partial unemployment that occurs after a claimant lost employment  
4 through misconduct in connection with his or her employment until he or  
5 she has subsequently worked in employment and earned remuneration at  
6 least equal to ten times his or her weekly benefit rate.

7 4. Criminal acts. No [~~days of total unemployment shall be deemed to~~  
8 ~~occur during~~] benefits shall be payable for any week of total unemploy-  
9 ment or partial unemployment for a period of twelve months after a  
10 claimant loses employment as a result of an act constituting a felony in  
11 connection with such employment, provided the claimant is duly convicted  
12 thereof or has signed a statement admitting that he or she has committed  
13 such an act. Determinations regarding a benefit claim may be reviewed  
14 at any time. Any benefits paid to a claimant prior to a determination  
15 that the claimant has lost employment as a result of such act shall not  
16 be considered to have been accepted by the claimant in good faith. In  
17 addition, remuneration paid to the claimant by the affected employer  
18 prior to the claimant's loss of employment due to such criminal act may  
19 not be utilized for the purpose of establishing entitlement to a subse-  
20 quent, valid original claim. The provisions of this subdivision shall  
21 apply even if the employment lost as a result of such act is not the  
22 claimant's last employment prior to the filing of his or her claim.

23 § 11. Section 594 of the labor law, as amended by section 16 of part 0  
24 of chapter 57 of the laws of 2013, is amended to read as follows:

25 § 594. [~~Reduction and recovery~~] Recovery of benefits and penalties for  
26 wilful false statement. (1) A claimant who has wilfully made a false  
27 statement or representation to obtain any benefit under the provisions  
28 of this article shall [~~forfeit benefits for at least the first four but~~  
29 ~~not more than the first eighty effective days following discovery of~~  
30 ~~such offense for which he or she otherwise would have been entitled to~~  
31 ~~receive benefits. Such penalty shall apply only once with respect to~~  
32 ~~each such offense.~~

33 [~~(2) For the purpose of subdivision four of section five hundred ninety~~  
34 ~~of this article, the claimant shall be deemed to have received benefits~~  
35 ~~for such forfeited effective days.~~

36 [~~(3) The penalty provided in this section shall not be confined to a~~  
37 ~~single benefit year but shall no longer apply in whole or in part after~~  
38 ~~the expiration of two years from the date of the final determination.~~  
39 ~~Such two-year period shall be tolled during the time period a claimant~~  
40 ~~has an appeal pending] be subject to the penalties set forth in this  
41 section.~~

42 [~~(4)~~] (2) A claimant shall refund all moneys received because of such  
43 false statement or representation and pay a civil penalty in an amount  
44 equal to [~~the greater of one hundred dollars or fifteen~~] twenty-five  
45 percent of the total overpaid benefits determined pursuant to this  
46 section. [~~The~~] If a claimant is found to have made a second false  
47 statement or representation within five years of the first determi-  
48 nation, the penalty shall be fifty percent of the total overpaid bene-  
49 fits. Fifteen percent of the penalties collected hereunder for the first  
50 and second occurrences shall be deposited in the fund. The remaining  
51 percentage of the penalties shall be deposited in the unemployment  
52 insurance control fund. The penalties assessed under this subdivision  
53 shall apply and be assessed for any benefits paid under federal unem-  
54 ployment and extended unemployment programs administered by the depart-  
55 ment in the same manner as provided in this article. The penalties in  
56 this section shall be in addition to any penalties imposed under this

1 chapter or any state or federal criminal statute. No penalties or inter-  
2 est assessed pursuant to this section may be deducted or withheld from  
3 benefits.

4 ~~[(5)]~~ (3) (a) Upon a determination based upon a willful false state-  
5 ment or representation becoming final through exhaustion of appeal  
6 rights or failure to exhaust hearing rights, the commissioner may  
7 recover the amount found to be due by commencing a civil action, or by  
8 filing with the county clerk of the county where the claimant resides  
9 the final determination of the commissioner or the final decision by an  
10 administrative law judge, the appeal board, or a court containing the  
11 amount found to be due including interest and civil penalty. The commis-  
12 sioner may only make such a filing with the county clerk when:

13 (i) The claimant has responded to requests for information prior to a  
14 determination and such requests for information notified the claimant of  
15 his or her rights to a fair hearing as well as the potential conse-  
16 quences of an investigation and final determination under this section  
17 including the notice required by subparagraph (iii) of paragraph (b) of  
18 this subdivision. Additionally if the claimant requested a fair hearing  
19 or appeal subsequent to a determination, that the claimant was present  
20 either in person or through electronic means at such hearing, or subse-  
21 quent appeal from which a final determination was rendered;

22 (ii) The commissioner has made efforts to collect on such final deter-  
23 mination; and

24 (iii) The commissioner has sent a notice, in accordance with paragraph  
25 (b) of this subdivision, of intent to docket such final determination by  
26 first class or certified mail, return receipt requested, ten days prior  
27 to the docketing of such determination.

28 (b) The notice required in subparagraph (iii) of paragraph (a) of this  
29 subdivision shall include the following:

30 (i) That the commissioner intends to docket a final determination  
31 against such claimant as a judgment;

32 (ii) The total amount to be docketed; and

33 (iii) Conspicuous language that reads as follows: "Once entered, a  
34 judgment is good and can be used against you for twenty years, and your  
35 money, including a portion of your paycheck and/or bank account, may be  
36 taken. Also, a judgment will hurt your credit score and can affect your  
37 ability to rent a home, find a job, or take out a loan."

38 § 11-a. Section 11 of this act shall apply to all false statements and  
39 representations determined on or after the effective date of this act  
40 and all forfeited effective days determined prior to such effective  
41 date shall remain in full force and effect for two years from the expi-  
42 ration of the initial determination. For purposes of applying such  
43 forfeited benefits, four effective days shall be considered one week of  
44 forfeited benefits and any remaining amount of less than four days shall  
45 not be applied to future benefits.

46 § 12. Subdivisions 1 and 4 of section 596 of the labor law, subdivi-  
47 sion 1 as amended by chapter 204 of the laws of 1982 and subdivision 4  
48 as added by chapter 705 of the laws of 1944 and as renumbered by section  
49 148-a of part B of chapter 436 of the laws of 1997, are amended to read  
50 as follows:

51 1. Claim filing and certification to unemployment. A claimant shall  
52 file a claim for benefits ~~[at]~~ with the ~~[local state employment office~~  
53 ~~servicing the area in which he was last employed or in which he resides]~~  
54 department of labor within such time and in such manner as the commis-  
55 sioner shall prescribe. He or she shall disclose whether he or she owes  
56 child support obligations, as hereafter defined. If a claimant making



1 such disclosure is eligible for benefits, the commissioner shall notify  
2 the state or local child support enforcement agency, as hereafter  
3 defined, that the claimant is eligible.

4 A claimant shall correctly report any [~~days-of~~] employment and any  
5 compensation [~~he~~] received for such employment, including [~~employments~~]  
6 employment not subject to this article, and the days on which he or she  
7 was totally unemployed or partially unemployed and shall make such  
8 reports in accordance with such regulations as the commissioner shall  
9 prescribe.

10 4. Registration and reporting for work. A claimant shall register as  
11 totally unemployed or partially unemployed at a local state employment  
12 office serving the area in which he or she was last employed or in which  
13 he or she resides in accordance with such regulations as the commission-  
14 er shall prescribe. After so registering, such claimant shall report for  
15 work at the same local state employment office or otherwise give notice  
16 of the continuance of his or her unemployment as often and in such  
17 manner as the commissioner shall prescribe.

18 § 12-a. Subdivision 3 of section 597 of the labor law, as amended by  
19 chapter 42 of the laws of 1961, is amended to read as follows:

20 3. Limitation on review of determinations. Any determination regarding  
21 a benefit claim may, in the absence of fraud or wilful misrepresen-  
22 tation, be reviewed only within [~~one-year~~] two years from the date it is  
23 issued because of new or corrected information, or, if the review is  
24 based thereon, within six months from a retroactive payment of remunera-  
25 tion, provided that no decision on the merits of the case has been made  
26 upon hearing or appeal. Such review shall be conducted and a new deter-  
27 mination issued in accordance with the provisions of this article and  
28 regulations and procedure prescribed thereunder with respect to the  
29 adjudication and payment of claims, including the right of appeal.

30 § 13. Paragraph (a) of subdivision 2 of section 599 of the labor law,  
31 as amended by chapter 593 of the laws of 1991, is amended to read as  
32 follows:

33 (a) Notwithstanding any other provision of this chapter, a claimant  
34 attending an approved training course or program under this section may  
35 receive additional benefits of up to [~~one hundred four effective days~~]  
36 twenty-six times his or her weekly benefit amount following exhaustion  
37 of regular and, if in effect, any other extended benefits, provided that  
38 entitlement to a new benefit claim cannot be established. Certification  
39 of continued satisfactory participation and progress in such training  
40 course or program must be submitted to the commissioner prior to the  
41 payment of any such benefits. The [~~duration~~] amount of such additional  
42 benefits shall in no case exceed twice the [~~number of effective days~~]  
43 amount of regular benefits to which the claimant is entitled at the time  
44 the claimant is accepted in, or demonstrates application for appropriate  
45 training.

46 § 14. The opening paragraph and paragraph (e) of subdivision 2 of  
47 section 601 of the labor law, as amended by chapter 35 of the laws of  
48 2009, are amended to read as follows:

49 Extended benefits shall be payable to a claimant for [~~effective days~~  
50 ~~occurring in~~] any week of total unemployment or partial unemployment  
51 within an eligibility period, provided the claimant

52 (e) is not claiming benefits pursuant to an interstate claim filed  
53 under the interstate benefit payment plan in a state where an extended  
54 benefit period is not in effect, except that this condition shall not  
55 apply with respect to the first [~~eight effective days~~] two weeks of  
56 total unemployment or partial unemployment for which extended benefits

1 shall otherwise be payable pursuant to an interstate claim filed under  
2 the interstate benefit payment plan; and

3 § 15. Subdivisions 3 and 4 and paragraphs (b) and (e) of subdivision 5  
4 of section 601 of the labor law, as amended by chapter 35 of the laws of  
5 2009, are amended to read as follows:

6 3. Extended benefit amounts; rate and duration. Extended benefits  
7 shall be paid to a claimant

8 (a) at a rate equal to his or her rate for regular benefits during his  
9 or her applicable benefit year but

10 (b) for not more than [~~fifty two effective days with respect to his or~~  
11 ~~her applicable benefit year, with a total maximum amount equal to~~] fifty  
12 percentum of the total maximum amount of regular benefits payable in  
13 such benefit year, and

14 (c) if a claimant's benefit year ends within an extended benefit peri-  
15 od, the remaining balance of extended benefits to which he or she would  
16 be entitled, if any, shall be reduced by the [~~number of effective days~~  
17 amount of benefits for which he or she was entitled to receive trade  
18 readjustment allowances under the federal trade act of nineteen hundred  
19 seventy-four during such benefit year, and

20 (d) for periods of high unemployment for not more than [~~eighty effee-~~  
21 ~~tive days with respect to the applicable benefit year with a total maxi-~~  
22 ~~imum amount equal to~~] eighty percent of the total maximum amount of regu-  
23 lar benefits payable in such benefit year.

24 4. Charging of extended benefits. The provisions of paragraph (e) of  
25 subdivision one of section five hundred eighty-one of this article shall  
26 apply to benefits paid pursuant to the provisions of this section, and  
27 if they were paid for [~~effective days~~] weeks of total unemployment or  
28 partial unemployment occurring in weeks following the end of a benefit  
29 year, they shall be deemed paid with respect to that benefit year.  
30 However, except for governmental entities as defined in section five  
31 hundred sixty-five and Indian tribes as defined in section five hundred  
32 sixty-six of this article, only one-half of the amount of such benefits  
33 shall be debited to the employers' account; the remainder thereof shall  
34 be debited to the general account, and such account shall be credited  
35 with the amount of payments received in the fund pursuant to the  
36 provisions of the federal-state extended unemployment compensation act.  
37 Notwithstanding the foregoing, where the state has entered an extended  
38 benefit period triggered pursuant to subparagraph one of paragraph (a)  
39 of subdivision one of this section for which federal law provides for  
40 one hundred percent federal sharing of the costs of benefits, all charg-  
41 es shall be debited to the general account and such account shall be  
42 credited with the amount of payments received in the fund pursuant to  
43 the provisions of the federal-state extended unemployment compensation  
44 act or other federal law providing for one hundred percent federal shar-  
45 ing for the cost of such benefits.

46 (b) No [~~days of total unemployment shall be deemed to occur in~~] bene-  
47 fits shall be payable for any week within an eligibility period during  
48 which a claimant fails to accept any offer of suitable work or fails to  
49 apply for suitable work to which he or she was referred by the commis-  
50 sioner, who shall make such referral if such work is available, or  
51 during which he or she fails to engage actively in seeking work by  
52 making a systematic and sustained effort to obtain work and providing  
53 tangible evidence of such effort, and until he or she has worked in  
54 employment during at least four subsequent weeks and earned remuneration  
55 of at least four times his or her benefit rate.

1 (e) No [~~days of total unemployment~~] benefits shall be [~~deemed to occur~~  
2 ~~in~~] payable for any week within an eligibility period under section five  
3 hundred ninety-three of this [~~article~~] title, until he or she has subse-  
4 quently worked in employment in accordance with the requirements set  
5 forth in section five hundred ninety-three of this [~~article~~] title.

6 § 16. Section 603 of the labor law, as amended by section 21 of part O  
7 of chapter 57 of the laws of 2013, is amended to read as follows:

8 § 603. Definitions. For purposes of this title: "Total unemployment"  
9 and "partial unemployment" shall [~~mean the total lack of any employment~~  
10 ~~on any day,~~] have the same meanings as defined in this article, other  
11 than with an employer applying for a shared work program. "Work force"  
12 shall mean the total work force, a clearly identifiable unit or units  
13 thereof, or a particular shift or shifts. The work force subject to  
14 reduction shall consist of no less than two employees.

15 § 17. Severability. If any amendment contained in a clause, sentence,  
16 paragraph, section or part of this act shall be adjudged by the United  
17 States Department of Labor to violate requirements for maintaining bene-  
18 fit standards required of the state in order to be eligible for any  
19 financial benefit offered through federal law or regulation, such amend-  
20 ments shall be severed from this act and shall not affect, impair or  
21 invalidate the remainder thereof.

22 § 18. This act shall take effect on the ninetieth day after the  
23 commissioner of labor certifies that the department of labor has an  
24 information technology system capable of accommodating the provisions in  
25 this act; provided that the commissioner of labor shall notify the  
26 legislative bill drafting commission of the date of such certification  
27 in order that the commission may maintain an accurate and timely effec-  
28 tive database of the official text of the laws of the state of New York  
29 in furtherance of effecting the provisions of section 44 of the legisla-  
30 tive law and section 70-b of the public officers law. Effective imme-  
31 diately, the addition, amendment and/or repeal of any rule or regulation  
32 necessary for the implementation of this act on its effective date are  
33 authorized to be made and completed on or before such effective date.  
34 Provided further that the amendments to subdivisions 1 and 2 of section  
35 591 of the labor law made by section seven of this act shall be subject  
36 to the expiration and reversion of such subdivisions pursuant to section  
37 10 of chapter 413 of the laws of 2003, when upon such date the  
38 provisions of section eight of this act shall take effect.

39 PART Q

40 Section 1. Subdivision 1 of section 296 of the executive law is  
41 amended by adding a new paragraph (h) to read as follows:

42 (h) For an employer or employment agency in writing or otherwise, to  
43 rely on, or inquire about, the salary history information of an appli-  
44 cant for employment as a factor in determining whether to offer employ-  
45 ment to an applicant or what salary to offer an applicant. Nothing in  
46 this subdivision shall prevent an applicant from voluntarily and without  
47 prompting disclosing salary history information to a prospective employ-  
48 er. If an applicant volunteers salary history information, nothing shall  
49 prohibit that employer from considering or relying on that information.  
50 Nothing in this subdivision shall prohibit an employer, without inquir-  
51 ing about salary history, from engaging in discussion with the applicant  
52 about their expectations with respect to salary, benefits, and other  
53 compensation.

1 § 2. The section heading and subdivision 1 of section 194 of the labor  
2 law, the section heading as added by chapter 548 of the laws of 1966 and  
3 subdivision 1 as amended by chapter 362 of the laws of 2015, are amended  
4 to read as follows:

5 Differential in rate of pay because of [~~sex~~] protected class status  
6 prohibited. 1. No employee who is a member of a protected class shall  
7 be paid a wage at a rate less than the rate at which an employee [~~of the~~  
8 ~~opposite sex~~] who is not a member of the protected class in the same  
9 establishment is paid for [~~equal work on a job the performance of which~~  
10 ~~requires equal skill, effort and responsibility, and which is performed~~  
11 ~~under similar working conditions~~] substantially similar work, when  
12 viewed as a composite of skill, effort, and responsibility, and  
13 performed under similar working conditions, except where payment is made  
14 pursuant to a differential based on:

15 a. a seniority system;  
16 b. a merit system;  
17 c. a system which measures earnings by quantity or quality of  
18 production; or  
19 d. a bona fide factor other than [~~sex~~] the protected class status,  
20 such as education, training, or experience. Such factor: (i) shall not  
21 be based upon [~~or derived from~~] a [~~sex-based~~] differential in compen-  
22 sation that was originally derived from a protected class status and  
23 (ii) shall be job-related with respect to the position in question and  
24 shall be consistent with business necessity. Such exception under this  
25 paragraph shall not apply when the employee demonstrates (A) that an  
26 employer uses a particular employment practice that causes a disparate  
27 impact on the basis of [~~sex~~] protected class status, (B) that an alter-  
28 native employment practice exists that would serve the same business  
29 purpose and not produce such differential, and (C) that the employer has  
30 refused to adopt such alternative practice.

31 § 3. This act shall take effect on the one hundred eightieth day after  
32 it shall have become a law.

33 PART R

34 Section 1. Subdivisions 1 and 2 of section 291 of the executive law,  
35 as amended by chapter 196 of the laws of 2010, are amended to read as  
36 follows:

37 1. The opportunity to obtain employment without discrimination because  
38 of age, race, creed, color, national origin, sexual orientation, gender  
39 identity or expression, military status, sex, marital status, or disa-  
40 bility, is hereby recognized as and declared to be a civil right.

41 2. The opportunity to obtain education, the use of places of public  
42 accommodation and the ownership, use and occupancy of housing accommo-  
43 dations and commercial space without discrimination because of age,  
44 race, creed, color, national origin, sexual orientation, gender identity  
45 or expression, military status, sex, marital status, or disability, as  
46 specified in section two hundred ninety-six of this article, is hereby  
47 recognized as and declared to be a civil right.

48 § 2. Section 292 of the executive law is amended by adding a new  
49 subdivision 35 to read as follows:

50 35. The term "gender identity or expression" means a person's actual  
51 or perceived gender-related identity, appearance, behavior, expression,  
52 or other gender-related characteristic regardless of the sex assigned to  
53 that person at birth, including, but not limited to, the status of being  
54 transgender.

1 § 3. Subdivisions 8 and 9 of section 295 of the executive law, as  
2 amended by chapter 106 of the laws of 2003, are amended to read as  
3 follows:

4 8. To create such advisory councils, local, regional or state-wide, as  
5 in its judgment will aid in effectuating the purposes of this article  
6 and of section eleven of article one of the constitution of this state,  
7 and the division may empower them to study the problems of discrimi-  
8 nation in all or specific fields of human relationships or in specific  
9 instances of discrimination because of age, race, creed, color, national  
10 origin, sexual orientation, gender identity or expression, military  
11 status, sex, disability or marital status and make recommendations to  
12 the division for the development of policies and procedures in general  
13 and in specific instances. The advisory councils also shall disseminate  
14 information about the division's activities to organizations and indi-  
15 viduals in their localities. Such advisory councils shall be composed of  
16 representative citizens, serving without pay, but with reimbursement for  
17 actual and necessary traveling expenses; and the division may make  
18 provision for technical and clerical assistance to such councils and for  
19 the expenses of such assistance.

20 9. To develop human rights plans and policies for the state and assist  
21 in their execution and to make investigations and studies appropriate to  
22 effectuate this article and to issue such publications and such results  
23 of investigations and research as in its judgement will tend to inform  
24 persons of the rights assured and remedies provided under this article,  
25 to promote good-will and minimize or eliminate discrimination because of  
26 age, race, creed, color, national origin, sexual orientation, gender  
27 identity or expression, military status, sex, disability or marital  
28 status.

29 § 4. Paragraphs (a), (b), (c) and (d) of subdivision 1 of section 296  
30 of the executive law, as amended by chapter 365 of the laws of 2015, are  
31 amended to read as follows:

32 (a) For an employer or licensing agency, because of an individual's  
33 age, race, creed, color, national origin, sexual orientation, gender  
34 identity or expression, military status, sex, disability, predisposing  
35 genetic characteristics, familial status, marital status, or domestic  
36 violence victim status, to refuse to hire or employ or to bar or to  
37 discharge from employment such individual or to discriminate against  
38 such individual in compensation or in terms, conditions or privileges of  
39 employment.

40 (b) For an employment agency to discriminate against any individual  
41 because of age, race, creed, color, national origin, sexual orientation,  
42 gender identity or expression, military status, sex, disability, predis-  
43 posing genetic characteristics, familial status, or marital status, in  
44 receiving, classifying, disposing or otherwise acting upon applications  
45 for its services or in referring an applicant or applicants to an  
46 employer or employers.

47 (c) For a labor organization, because of the age, race, creed, color,  
48 national origin, sexual orientation, gender identity or expression,  
49 military status, sex, disability, predisposing genetic characteristics,  
50 familial status, or marital status of any individual, to exclude or to  
51 expel from its membership such individual or to discriminate in any way  
52 against any of its members or against any employer or any individual  
53 employed by an employer.

54 (d) For any employer or employment agency to print or circulate or  
55 cause to be printed or circulated any statement, advertisement or publi-  
56 cation, or to use any form of application for employment or to make any

1 inquiry in connection with prospective employment, which expresses  
2 directly or indirectly, any limitation, specification or discrimination  
3 as to age, race, creed, color, national origin, sexual orientation,  
4 gender identity or expression, military status, sex, disability, predis-  
5 posing genetic characteristics, familial status, or marital status, or  
6 any intent to make any such limitation, specification or discrimination,  
7 unless based upon a bona fide occupational qualification; provided,  
8 however, that neither this paragraph nor any provision of this chapter  
9 or other law shall be construed to prohibit the department of civil  
10 service or the department of personnel of any city containing more than  
11 one county from requesting information from applicants for civil service  
12 examinations concerning any of the aforementioned characteristics, other  
13 than sexual orientation, for the purpose of conducting studies to iden-  
14 tify and resolve possible problems in recruitment and testing of members  
15 of minority groups to insure the fairest possible and equal opportu-  
16 nities for employment in the civil service for all persons, regardless  
17 of age, race, creed, color, national origin, sexual orientation or  
18 gender identity or expression, military status, sex, disability, predis-  
19 posing genetic characteristics, familial status, or marital status.

20 § 5. Paragraphs (b), (c) and (d) of subdivision 1-a of section 296 of  
21 the executive law, as amended by chapter 365 of the laws of 2015, are  
22 amended to read as follows:

23 (b) To deny to or withhold from any person because of race, creed,  
24 color, national origin, sexual orientation, gender identity or  
25 expression, military status, sex, age, disability, familial status, or  
26 marital status, the right to be admitted to or participate in a guidance  
27 program, an apprenticeship training program, on-the-job training  
28 program, executive training program, or other occupational training or  
29 retraining program;

30 (c) To discriminate against any person in his or her pursuit of such  
31 programs or to discriminate against such a person in the terms, condi-  
32 tions or privileges of such programs because of race, creed, color,  
33 national origin, sexual orientation, gender identity or expression,  
34 military status, sex, age, disability, familial status or marital  
35 status;

36 (d) To print or circulate or cause to be printed or circulated any  
37 statement, advertisement or publication, or to use any form of applica-  
38 tion for such programs or to make any inquiry in connection with such  
39 program which expresses, directly or indirectly, any limitation, spec-  
40 ification or discrimination as to race, creed, color, national origin,  
41 sexual orientation, gender identity or expression, military status, sex,  
42 age, disability, familial status or marital status, or any intention to  
43 make any such limitation, specification or discrimination, unless based  
44 on a bona fide occupational qualification.

45 § 6. Paragraph (a) of subdivision 2 of section 296 of the executive  
46 law, as amended by chapter 106 of the laws of 2003, is amended to read  
47 as follows:

48 (a) It shall be an unlawful discriminatory practice for any person,  
49 being the owner, lessee, proprietor, manager, superintendent, agent or  
50 employee of any place of public accommodation, resort or amusement,  
51 because of the race, creed, color, national origin, sexual orientation,  
52 gender identity or expression, military status, sex, [~~or~~] disability or  
53 marital status of any person, directly or indirectly, to refuse, with-  
54 hold from or deny to such person any of the accommodations, advantages,  
55 facilities or privileges thereof, including the extension of credit, or,  
56 directly or indirectly, to publish, circulate, issue, display, post or

1 mail any written or printed communication, notice or advertisement, to  
2 the effect that any of the accommodations, advantages, facilities and  
3 privileges of any such place shall be refused, withheld from or denied  
4 to any person on account of race, creed, color, national origin, sexual  
5 orientation, gender identity or expression, military status, sex, [~~or~~]  
6 disability or marital status, or that the patronage or custom thereof of  
7 any person of or purporting to be of any particular race, creed, color,  
8 national origin, sexual orientation, gender identity or expression,  
9 military status, sex or marital status, or having a disability is unwel-  
10 come, objectionable or not acceptable, desired or solicited.

11 § 7. Paragraphs (a), (b), (c) and (c-1) of subdivision 2-a of section  
12 296 of the executive law, paragraphs (a), (b) and (c) as amended and  
13 paragraph (c-1) as added by chapter 106 of the laws of 2003, are amended  
14 to read as follows:

15 (a) To refuse to sell, rent or lease or otherwise to deny to or with-  
16 hold from any person or group of persons such housing accommodations  
17 because of the race, creed, color, disability, national origin, sexual  
18 orientation, gender identity or expression, military status, age, sex,  
19 marital status, or familial status of such person or persons, or to  
20 represent that any housing accommodation or land is not available for  
21 inspection, sale, rental or lease when in fact it is so available.

22 (b) To discriminate against any person because of his or her race,  
23 creed, color, disability, national origin, sexual orientation, gender  
24 identity or expression, military status, age, sex, marital status, or  
25 familial status in the terms, conditions or privileges of any publicly-  
26 assisted housing accommodations or in the furnishing of facilities or  
27 services in connection therewith.

28 (c) To cause to be made any written or oral inquiry or record concern-  
29 ing the race, creed, color, disability, national origin, sexual orien-  
30 tation, gender identity or expression, membership in the reserve armed  
31 forces of the United States or in the organized militia of the state,  
32 age, sex, marital status, or familial status of a person seeking to rent  
33 or lease any publicly-assisted housing accommodation; provided, however,  
34 that nothing in this subdivision shall prohibit a member of the reserve  
35 armed forces of the United States or in the organized militia of the  
36 state from voluntarily disclosing such membership.

37 (c-1) To print or circulate or cause to be printed or circulated any  
38 statement, advertisement or publication, or to use any form of applica-  
39 tion for the purchase, rental or lease of such housing accommodation or  
40 to make any record or inquiry in connection with the prospective  
41 purchase, rental or lease of such a housing accommodation which  
42 expresses, directly or indirectly, any limitation, specification or  
43 discrimination as to race, creed, color, national origin, sexual orien-  
44 tation, gender identity or expression, military status, sex, age, disa-  
45 bility, marital status, or familial status, or any intent to make any  
46 such limitation, specification or discrimination.

47 § 8. Subdivision 3-b of section 296 of the executive law, as amended  
48 by chapter 106 of the laws of 2003, is amended to read as follows:

49 3-b. It shall be an unlawful discriminatory practice for any real  
50 estate broker, real estate salesperson or employee or agent thereof or  
51 any other individual, corporation, partnership or organization for the  
52 purpose of inducing a real estate transaction from which any such person  
53 or any of its stockholders or members may benefit financially, to repre-  
54 sent that a change has occurred or will or may occur in the composition  
55 with respect to race, creed, color, national origin, sexual orientation,  
56 gender identity or expression, military status, sex, disability, marital

1 status, or familial status of the owners or occupants in the block,  
2 neighborhood or area in which the real property is located, and to  
3 represent, directly or indirectly, that this change will or may result  
4 in undesirable consequences in the block, neighborhood or area in which  
5 the real property is located, including but not limited to the lowering  
6 of property values, an increase in criminal or anti-social behavior, or  
7 a decline in the quality of schools or other facilities.

8 § 9. Subdivision 4 of section 296 of the executive law, as amended by  
9 chapter 106 of the laws of 2003, is amended to read as follows:

10 4. It shall be an unlawful discriminatory practice for an education  
11 corporation or association which holds itself out to the public to be  
12 non-sectarian and exempt from taxation pursuant to the provisions of  
13 article four of the real property tax law to deny the use of its facili-  
14 ties to any person otherwise qualified, or to permit the harassment of  
15 any student or applicant, by reason of his race, color, religion, disa-  
16 bility, national origin, sexual orientation, gender identity or  
17 expression, military status, sex, age or marital status, except that any  
18 such institution which establishes or maintains a policy of educating  
19 persons of one sex exclusively may admit students of only one sex.

20 § 10. Subdivision 5 of section 296 of the executive law, as amended by  
21 chapter 106 of the laws of 2003, is amended to read as follows:

22 5. (a) It shall be an unlawful discriminatory practice for the owner,  
23 lessee, sub-lessee, assignee, or managing agent of, or other person  
24 having the right to sell, rent or lease a housing accommodation,  
25 constructed or to be constructed, or any agent or employee thereof:

26 (1) To refuse to sell, rent, lease or otherwise to deny to or withhold  
27 from any person or group of persons such a housing accommodation because  
28 of the race, creed, color, national origin, sexual orientation, gender  
29 identity or expression, military status, sex, age, disability, marital  
30 status, or familial status of such person or persons, or to represent  
31 that any housing accommodation or land is not available for inspection,  
32 sale, rental or lease when in fact it is so available.

33 (2) To discriminate against any person because of race, creed, color,  
34 national origin, sexual orientation, gender identity or expression,  
35 military status, sex, age, disability, marital status, or familial  
36 status in the terms, conditions or privileges of the sale, rental or  
37 lease of any such housing accommodation or in the furnishing of facili-  
38 ties or services in connection therewith.

39 (3) To print or circulate or cause to be printed or circulated any  
40 statement, advertisement or publication, or to use any form of applica-  
41 tion for the purchase, rental or lease of such housing accommodation or  
42 to make any record or inquiry in connection with the prospective  
43 purchase, rental or lease of such a housing accommodation which  
44 expresses, directly or indirectly, any limitation, specification or  
45 discrimination as to race, creed, color, national origin, sexual orien-  
46 tation, gender identity or expression, military status, sex, age, disa-  
47 bility, marital status, or familial status, or any intent to make any  
48 such limitation, specification or discrimination.

49 The provisions of this paragraph (a) shall not apply (1) to the rental  
50 of a housing accommodation in a building which contains housing accommo-  
51 dations for not more than two families living independently of each  
52 other, if the owner resides in one of such housing accommodations, (2)  
53 to the restriction of the rental of all rooms in a housing accommodation  
54 to individuals of the same sex or (3) to the rental of a room or rooms  
55 in a housing accommodation, if such rental is by the occupant of the  
56 housing accommodation or by the owner of the housing accommodation and



1 the owner resides in such housing accommodation or (4) solely with  
2 respect to age and familial status to the restriction of the sale,  
3 rental or lease of housing accommodations exclusively to persons sixty-  
4 two years of age or older and the spouse of any such person, or for  
5 housing intended and operated for occupancy by at least one person  
6 fifty-five years of age or older per unit. In determining whether hous-  
7 ing is intended and operated for occupancy by persons fifty-five years  
8 of age or older, Sec. 807(b) (2) (c) (42 U.S.C. 3607 (b) (2) (c)) of the  
9 federal Fair Housing Act of 1988, as amended, shall apply.

10 (b) It shall be an unlawful discriminatory practice for the owner,  
11 lessee, sub-lessee, or managing agent of, or other person having the  
12 right of ownership or possession of or the right to sell, rent or lease,  
13 land or commercial space:

14 (1) To refuse to sell, rent, lease or otherwise deny to or withhold  
15 from any person or group of persons land or commercial space because of  
16 the race, creed, color, national origin, sexual orientation, gender  
17 identity or expression, military status, sex, age, disability, marital  
18 status, or familial status of such person or persons, or to represent  
19 that any housing accommodation or land is not available for inspection,  
20 sale, rental or lease when in fact it is so available;

21 (2) To discriminate against any person because of race, creed, color,  
22 national origin, sexual orientation, gender identity or expression,  
23 military status, sex, age, disability, marital status, or familial  
24 status in the terms, conditions or privileges of the sale, rental or  
25 lease of any such land or commercial space; or in the furnishing of  
26 facilities or services in connection therewith;

27 (3) To print or circulate or cause to be printed or circulated any  
28 statement, advertisement or publication, or to use any form of applica-  
29 tion for the purchase, rental or lease of such land or commercial space  
30 or to make any record or inquiry in connection with the prospective  
31 purchase, rental or lease of such land or commercial space which  
32 expresses, directly or indirectly, any limitation, specification or  
33 discrimination as to race, creed, color, national origin, sexual orien-  
34 tation, gender identity or expression, military status, sex, age, disa-  
35 bility, marital status, or familial status; or any intent to make any  
36 such limitation, specification or discrimination.

37 (4) With respect to age and familial status, the provisions of this  
38 paragraph shall not apply to the restriction of the sale, rental or  
39 lease of land or commercial space exclusively to persons fifty-five  
40 years of age or older and the spouse of any such person, or to the  
41 restriction of the sale, rental or lease of land to be used for the  
42 construction, or location of housing accommodations exclusively for  
43 persons sixty-two years of age or older, or intended and operated for  
44 occupancy by at least one person fifty-five years of age or older per  
45 unit. In determining whether housing is intended and operated for occu-  
46 pancy by persons fifty-five years of age or older, Sec. 807(b) (2) (c)  
47 (42 U.S.C. 3607(b) (2) (c)) of the federal Fair Housing Act of 1988, as  
48 amended, shall apply.

49 (c) It shall be an unlawful discriminatory practice for any real  
50 estate broker, real estate salesperson or employee or agent thereof:

51 (1) To refuse to sell, rent or lease any housing accommodation, land  
52 or commercial space to any person or group of persons or to refuse to  
53 negotiate for the sale, rental or lease, of any housing accommodation,  
54 land or commercial space to any person or group of persons because of  
55 the race, creed, color, national origin, sexual orientation, gender  
56 identity or expression, military status, sex, age, disability, marital

1 status, or familial status of such person or persons, or to represent  
2 that any housing accommodation, land or commercial space is not avail-  
3 able for inspection, sale, rental or lease when in fact it is so avail-  
4 able, or otherwise to deny or withhold any housing accommodation, land  
5 or commercial space or any facilities of any housing accommodation, land  
6 or commercial space from any person or group of persons because of the  
7 race, creed, color, national origin, sexual orientation, gender identity  
8 or expression, military status, sex, age, disability, marital status, or  
9 familial status of such person or persons.

10 (2) To print or circulate or cause to be printed or circulated any  
11 statement, advertisement or publication, or to use any form of applica-  
12 tion for the purchase, rental or lease of any housing accommodation,  
13 land or commercial space or to make any record or inquiry in connection  
14 with the prospective purchase, rental or lease of any housing accommo-  
15 dation, land or commercial space which expresses, directly or indirect-  
16 ly, any limitation, specification, or discrimination as to race, creed,  
17 color, national origin, sexual orientation, gender identity or  
18 expression, military status, sex, age, disability, marital status, or  
19 familial status; or any intent to make any such limitation, specifica-  
20 tion or discrimination.

21 (3) With respect to age and familial status, the provisions of this  
22 paragraph shall not apply to the restriction of the sale, rental or  
23 lease of any housing accommodation, land or commercial space exclusively  
24 to persons fifty-five years of age or older and the spouse of any such  
25 person, or to the restriction of the sale, rental or lease of any hous-  
26 ing accommodation or land to be used for the construction or location of  
27 housing accommodations for persons sixty-two years of age or older, or  
28 intended and operated for occupancy by at least one person fifty-five  
29 years of age or older per unit. In determining whether housing is  
30 intended and operated for occupancy by persons fifty-five years of age  
31 or older, Sec. 807 (b) (2) (c) (42 U.S.C. 3607 (b) (2) (c)) of the  
32 federal Fair Housing Act of 1988, as amended, shall apply.

33 (d) It shall be an unlawful discriminatory practice for any real  
34 estate board, because of the race, creed, color, national origin, sexual  
35 orientation, gender identity or expression, military status, age, sex,  
36 disability, marital status, or familial status of any individual who is  
37 otherwise qualified for membership, to exclude or expel such individual  
38 from membership, or to discriminate against such individual in the  
39 terms, conditions and privileges of membership in such board.

40 (e) It shall be an unlawful discriminatory practice for the owner,  
41 proprietor or managing agent of, or other person having the right to  
42 provide care and services in, a private proprietary nursing home, conva-  
43 lescent home, or home for adults, or an intermediate care facility, as  
44 defined in section two of the social services law, heretofore  
45 constructed, or to be constructed, or any agent or employee thereof, to  
46 refuse to provide services and care in such home or facility to any  
47 individual or to discriminate against any individual in the terms,  
48 conditions, and privileges of such services and care solely because such  
49 individual is a blind person. For purposes of this paragraph, a "blind  
50 person" shall mean a person who is registered as a blind person with the  
51 commission for the visually handicapped and who meets the definition of  
52 a "blind person" pursuant to section three of chapter four hundred  
53 fifteen of the laws of nineteen hundred thirteen entitled "An act to  
54 establish a state commission for improving the condition of the blind of  
55 the state of New York, and making an appropriation therefor".

1 (f) The provisions of this subdivision, as they relate to age, shall  
2 not apply to persons under the age of eighteen years.

3 (g) It shall be an unlawful discriminatory practice for any person  
4 offering or providing housing accommodations, land or commercial space  
5 as described in paragraphs (a), (b), and (c) of this subdivision to make  
6 or cause to be made any written or oral inquiry or record concerning  
7 membership of any person in the state organized militia in relation to  
8 the purchase, rental or lease of such housing accommodation, land, or  
9 commercial space, provided, however, that nothing in this subdivision  
10 shall prohibit a member of the state organized militia from voluntarily  
11 disclosing such membership.

12 § 11. Paragraph (a) of subdivision 9 of section 296 of the executive  
13 law, as amended by chapter 365 of the laws of 2015, is amended to read  
14 as follows:

15 (a) It shall be an unlawful discriminatory practice for any fire  
16 department or fire company therein, through any member or members there-  
17 of, officers, board of fire commissioners or other body or office having  
18 power of appointment of volunteer firefighters, directly or indirectly,  
19 by ritualistic practice, constitutional or by-law prescription, by tacit  
20 agreement among its members, or otherwise, to deny to any individual  
21 membership in any volunteer fire department or fire company therein, or  
22 to expel or discriminate against any volunteer member of a fire depart-  
23 ment or fire company therein, because of the race, creed, color,  
24 national origin, sexual orientation, gender identity or expression,  
25 military status, sex, marital status, or familial status, of such indi-  
26 vidual.

27 § 12. Subdivision 13 of section 296 of the executive law, as amended  
28 by chapter 365 of the laws of 2015, is amended to read as follows:

29 13. It shall be an unlawful discriminatory practice (i) for any person  
30 to boycott or blacklist, or to refuse to buy from, sell to or trade  
31 with, or otherwise discriminate against any person, because of the race,  
32 creed, color, national origin, sexual orientation, gender identity or  
33 expression, military status, sex, disability, or familial status, of  
34 such person, or of such person's partners, members, stockholders, direc-  
35 tors, officers, managers, superintendents, agents, employees, business  
36 associates, suppliers or customers, or (ii) for any person wilfully to  
37 do any act or refrain from doing any act which enables any such person  
38 to take such action. This subdivision shall not apply to:

39 (a) Boycotts connected with labor disputes; or

40 (b) Boycotts to protest unlawful discriminatory practices.

41 § 13. Subdivisions 1, 2 and 3 of section 296-a of the executive law,  
42 as amended by chapter 106 of the laws of 2003, are amended to read as  
43 follows:

44 1. It shall be an unlawful discriminatory practice for any creditor or  
45 any officer, agent or employee thereof:

46 a. In the case of applications for credit with respect to the  
47 purchase, acquisition, construction, rehabilitation, repair or mainte-  
48 nance of any housing accommodation, land or commercial space to discrim-  
49 inate against any such applicant because of the race, creed, color,  
50 national origin, sexual orientation, gender identity or expression,  
51 military status, age, sex, marital status, disability, or familial  
52 status of such applicant or applicants or any member, stockholder,  
53 director, officer or employee of such applicant or applicants, or of the  
54 prospective occupants or tenants of such housing accommodation, land or  
55 commercial space, in the granting, withholding, extending or renewing,  
56 or in the fixing of the rates, terms or conditions of, any such credit;

1 b. To discriminate in the granting, withholding, extending or renew-  
2 ing, or in the fixing of the rates, terms or conditions of, any form of  
3 credit, on the basis of race, creed, color, national origin, sexual  
4 orientation, gender identity or expression, military status, age, sex,  
5 marital status, disability, or familial status;

6 c. To use any form of application for credit or use or make any record  
7 or inquiry which expresses, directly or indirectly, any limitation,  
8 specification, or discrimination as to race, creed, color, national  
9 origin, sexual orientation, gender identity or expression, military  
10 status, age, sex, marital status, disability, or familial status;

11 d. To make any inquiry of an applicant concerning his or her capacity  
12 to reproduce, or his or her use or advocacy of any form of birth control  
13 or family planning;

14 e. To refuse to consider sources of an applicant's income or to  
15 subject an applicant's income to discounting, in whole or in part,  
16 because of an applicant's race, creed, color, national origin, sexual  
17 orientation, gender identity or expression, military status, age, sex,  
18 marital status, childbearing potential, disability, or familial status;

19 f. To discriminate against a married person because such person  
20 neither uses nor is known by the surname of his or her spouse.

21 This paragraph shall not apply to any situation where the use of a  
22 surname would constitute or result in a criminal act.

23 2. Without limiting the generality of subdivision one of this section,  
24 it shall be considered discriminatory if, because of an applicant's or  
25 class of applicants' race, creed, color, national origin, sexual orien-  
26 tation, gender identity or expression, military status, age, sex, mari-  
27 tal status or disability, or familial status, (i) an applicant or class  
28 of applicants is denied credit in circumstances where other applicants  
29 of like overall credit worthiness are granted credit, or (ii) special  
30 requirements or conditions, such as requiring co-obligors or reapplica-  
31 tion upon marriage, are imposed upon an applicant or class of applicants  
32 in circumstances where similar requirements or conditions are not  
33 imposed upon other applicants of like overall credit worthiness.

34 3. It shall not be considered discriminatory if credit differen-  
35 tiations or decisions are based upon factually supportable, objective  
36 differences in applicants' overall credit worthiness, which may include  
37 reference to such factors as current income, assets and prior credit  
38 history of such applicants, as well as reference to any other relevant  
39 factually supportable data; provided, however, that no creditor shall  
40 consider, in evaluating the credit worthiness of an applicant, aggregate  
41 statistics or assumptions relating to race, creed, color, national  
42 origin, sexual orientation, gender identity or expression, military  
43 status, sex, marital status or disability, or to the likelihood of any  
44 group of persons bearing or rearing children, or for that reason receiv-  
45 ing diminished or interrupted income in the future.

46 § 14. Paragraph (b) of subdivision 2 of section 296-b of the executive  
47 law, as added by chapter 481 of the laws of 2010, is amended to read as  
48 follows:

49 (b) Subject a domestic worker to unwelcome harassment based on gender,  
50 race, religion, sexual orientation, gender identity or expression or  
51 national origin, where such harassment has the purpose or effect of  
52 unreasonably interfering with an individual's work performance by creat-  
53 ing an intimidating, hostile, or offensive working environment.

54 § 15. Section 40-c of the civil rights law, as amended by chapter 2 of  
55 the laws of 2002, is amended to read as follows:

1 § 40-c. Discrimination. 1. All persons within the jurisdiction of this  
2 state shall be entitled to the equal protection of the laws of this  
3 state or any subdivision thereof.

4 2. No person shall, because of race, creed, color, national origin,  
5 sex, marital status, sexual orientation, gender identity or expression,  
6 or disability, as such term is defined in section two hundred ninety-two  
7 of the executive law, be subjected to any discrimination in his or her  
8 civil rights, or to any harassment, as defined in section 240.25 of the  
9 penal law, in the exercise thereof, by any other person or by any firm,  
10 corporation or institution, or by the state or any agency or subdivision  
11 of the state.

12 § 16. Paragraph (a) of subdivision 1 of section 313 of the education  
13 law, as amended by chapter 2 of the laws of 2002, is amended to read as  
14 follows:

15 (a) It is hereby declared to be the policy of the state that the Amer-  
16 ican ideal of equality of opportunity requires that students, otherwise  
17 qualified, be admitted to educational institutions and be given access  
18 to all the educational programs and courses operated or provided by such  
19 institutions without regard to race, color, sex, religion, creed, mari-  
20 tal status, age, sexual orientation as defined in section two hundred  
21 ninety-two of the executive law, gender identity or expression as  
22 defined in section two hundred ninety-two of the executive law, or  
23 national origin, except that, with regard to religious or denominational  
24 educational institutions, students, otherwise qualified, shall have the  
25 equal opportunity to attend therein without discrimination because of  
26 race, color, sex, marital status, age, sexual orientation as defined in  
27 section two hundred ninety-two of the executive law, gender identity or  
28 expression as defined in section two hundred ninety-two of the executive  
29 law, or national origin. It is a fundamental American right for members  
30 of various religious faiths to establish and maintain educational insti-  
31 tutions exclusively or primarily for students of their own religious  
32 faith or to effectuate the religious principles in furtherance of which  
33 they are maintained. Nothing herein contained shall impair or abridge  
34 that right.

35 § 17. Subdivision 3 of section 313 of the education law, as amended by  
36 chapter 2 of the laws of 2002, is amended to read as follows:

37 (3) Unfair educational practices. It shall be an unfair educational  
38 practice for an educational institution after September fifteenth, nine-  
39 teen hundred forty-eight:

40 (a) To exclude or limit or otherwise discriminate against any person  
41 or persons seeking admission as students to such institution or to any  
42 educational program or course operated or provided by such institution  
43 because of race, religion, creed, sex, color, marital status, age, sexu-  
44 al orientation as defined in section two hundred ninety-two of the exec-  
45 utive law, gender identity or expression as defined in section two  
46 hundred ninety-two of the executive law, or national origin; except that  
47 nothing in this section shall be deemed to affect, in any way, the right  
48 of a religious or denominational educational institution to select its  
49 students exclusively or primarily from members of such religion or  
50 denomination or from giving preference in such selection to such members  
51 or to make such selection of its students as is calculated by such  
52 institution to promote the religious principles for which it is estab-  
53 lished or maintained. Nothing herein contained shall impair or abridge  
54 the right of an independent institution, which establishes or maintains  
55 a policy of educating persons of one sex exclusively, to admit students  
56 of only one sex.

1 (b) To penalize any individual because he or she has initiated, testi-  
2 fied, participated or assisted in any proceedings under this section.

3 (c) To accept any endowment or gift of money or property conditioned  
4 upon teaching the doctrine of supremacy of any particular race.

5 (d) With respect to any individual who withdraws from attendance to  
6 serve on active duty in the armed forces of the United States in time of  
7 war, including any individual who withdrew from attendance on or after  
8 August second, nineteen hundred ninety to serve on active duty in the  
9 armed forces of the United States in the Persian Gulf conflict: (i) to  
10 deny or limit the readmission of such individual to such institution or  
11 to any educational program or course operated or provided by such insti-  
12 tution because of such withdrawal from attendance or because of the  
13 failure to complete any educational program or course due to such with-  
14 drawal; (ii) to impose any academic penalty on such person because of  
15 such withdrawal or because of the failure to complete any educational  
16 program or course due to such withdrawal; (iii) to reduce or eliminate  
17 any financial aid award granted to such individual which could not be  
18 used, in whole or part, because of such withdrawal or because of the  
19 failure to complete any educational program or course due to such with-  
20 drawal; or (iv) to fail to provide a credit or refund of tuition and  
21 fees paid by such individual for any semester, term or quarter not  
22 completed because of such withdrawal or because of the failure to  
23 complete any program or course due to such withdrawal.

24 (e) It shall not be an unfair educational practice for any educational  
25 institution to use criteria other than race, religion, creed, sex,  
26 color, marital status, age, sexual orientation as defined in section two  
27 hundred ninety-two of the executive law, gender identity or expression  
28 as defined in section two hundred ninety-two of the executive law, or  
29 national origin in the admission of students to such institution or to  
30 any of the educational programs and courses operated or provided by such  
31 institution.

32 § 18. Section 485.00 of the penal law, as added by chapter 107 of the  
33 laws of 2000, is amended to read as follows:

34 § 485.00 Legislative findings.

35 The legislature finds and determines as follows: criminal acts involv-  
36 ing violence, intimidation and destruction of property based upon bias  
37 and prejudice have become more prevalent in New York state in recent  
38 years. The intolerable truth is that in these crimes, commonly and  
39 justly referred to as "hate crimes", victims are intentionally selected,  
40 in whole or in part, because of their race, color, national origin,  
41 ancestry, gender, gender identity or expression, religion, religious  
42 practice, age, disability or sexual orientation. Hate crimes do more  
43 than threaten the safety and welfare of all citizens. They inflict on  
44 victims incalculable physical and emotional damage and tear at the very  
45 fabric of free society. Crimes motivated by invidious hatred toward  
46 particular groups not only harm individual victims but send a powerful  
47 message of intolerance and discrimination to all members of the group to  
48 which the victim belongs. Hate crimes can and do intimidate and disrupt  
49 entire communities and vitiate the civility that is essential to healthy  
50 democratic processes. In a democratic society, citizens cannot be  
51 required to approve of the beliefs and practices of others, but must  
52 never commit criminal acts on account of them. Current law does not  
53 adequately recognize the harm to public order and individual safety that  
54 hate crimes cause. Therefore, our laws must be strengthened to provide  
55 clear recognition of the gravity of hate crimes and the compelling  
56 importance of preventing their recurrence.

1 Accordingly, the legislature finds and declares that hate crimes  
2 should be prosecuted and punished with appropriate severity.

3 § 19. Subdivisions 1, 2 and 4 of section 485.05 of the penal law, as  
4 added by chapter 107 of the laws of 2000, are amended to read as  
5 follows:

6 1. A person commits a hate crime when he or she commits a specified  
7 offense and either:

8 (a) intentionally selects the person against whom the offense is  
9 committed or intended to be committed in whole or in substantial part  
10 because of a belief or perception regarding the race, color, national  
11 origin, ancestry, gender, gender identity or expression, religion, reli-  
12 gious practice, age, disability or sexual orientation of a person,  
13 regardless of whether the belief or perception is correct, or

14 (b) intentionally commits the act or acts constituting the offense in  
15 whole or in substantial part because of a belief or perception regarding  
16 the race, color, national origin, ancestry, gender, gender identity or  
17 expression, religion, religious practice, age, disability or sexual  
18 orientation of a person, regardless of whether the belief or perception  
19 is correct.

20 2. Proof of race, color, national origin, ancestry, gender, gender  
21 identity or expression, religion, religious practice, age, disability or  
22 sexual orientation of the defendant, the victim or of both the defendant  
23 and the victim does not, by itself, constitute legally sufficient  
24 evidence satisfying the people's burden under paragraph (a) or (b) of  
25 subdivision one of this section.

26 4. For purposes of this section:

27 (a) the term "age" means sixty years old or more;

28 (b) the term "disability" means a physical or mental impairment that  
29 substantially limits a major life activity[-];

30 (c) the term "gender identity or expression" means a person's actual  
31 or perceived gender-related identity, appearance, behavior, expression,  
32 or other gender-related characteristic regardless of the sex assigned to  
33 that person at birth, including, but not limited to, the status of being  
34 transgender.

35 § 20. Subdivision 3 of section 240.30 of the penal law, as amended by  
36 chapter 188 of the laws of 2014, is amended to read as follows:

37 3. With the intent to harass, annoy, threaten or alarm another person,  
38 he or she strikes, shoves, kicks, or otherwise subjects another person  
39 to physical contact, or attempts or threatens to do the same because of  
40 a belief or perception regarding such person's race, color, national  
41 origin, ancestry, gender, gender identity or expression, religion, reli-  
42 gious practice, age, disability or sexual orientation, regardless of  
43 whether the belief or perception is correct; or

44 § 21. The opening paragraph of section 240.31 of the penal law, as  
45 amended by chapter 49 of the laws of 2006, is amended to read as  
46 follows:

47 A person is guilty of aggravated harassment in the first degree when  
48 with intent to harass, annoy, threaten or alarm another person, because  
49 of a belief or perception regarding such person's race, color, national  
50 origin, ancestry, gender, gender identity or expression, religion, reli-  
51 gious practice, age, disability or sexual orientation, regardless of  
52 whether the belief or perception is correct, he or she:

53 § 22. Section 240.00 of the penal law is amended by adding a new  
54 subdivision 7 to read as follows:

55 7. "Gender identity or expression" means a person's actual or  
56 perceived gender-related identity, appearance, behavior, expression, or

1 other gender-related characteristic regardless of the sex assigned to  
 2 that person at birth, including, but not limited to, the status of being  
 3 transgender.

4 § 23. Paragraph (c) of subdivision 7 of section 200.50 of the criminal  
 5 procedure law, as amended by chapter 7 of the laws of 2007, is amended  
 6 to read as follows:

7 (c) in the case of any hate crime, as defined in section 485.05 of the  
 8 penal law, specifies, as applicable, that the defendant or defendants  
 9 intentionally selected the person against whom the offense was committed  
 10 or intended to be committed; or intentionally committed the act or acts  
 11 constituting the offense, in whole or in substantial part because of a  
 12 belief or perception regarding the race, color, national origin, ances-  
 13 try, gender, gender identity or expression, religion, religious prac-  
 14 tice, age, disability or sexual orientation of a person; and

15 § 24. This act shall take effect on the thirtieth day after it shall  
 16 have become a law; provided, however, that sections eighteen through  
 17 twenty-three of this act shall take effect on the first of November next  
 18 succeeding the date on which it shall have become a law.

19 PART S

20 Section 1. Section 292 of the executive law is amended by adding a new  
 21 subdivision 35 to read as follows:

22 35. The term "educational institution" shall mean:

23 (a) any education corporation or association which holds itself out to  
 24 the public to be non-sectarian and exempt from taxation pursuant to the  
 25 provisions of article four of the real property tax law; or

26 (b) any public school, including any school district, board of cooper-  
 27 ative education services, public college or public university.

28 § 2. Subdivision 4 of section 296 of the executive law, as amended by  
 29 chapter 106 of the laws of 2003, is amended to read as follows:

30 4. It shall be an unlawful discriminatory practice for an [~~education~~  
 31 ~~corporation or association which holds itself out to the public to be~~  
 32 ~~non-sectarian and exempt from taxation pursuant to the provisions of~~  
 33 ~~article four of the real property tax law]~~ educational institution to  
 34 deny the use of its facilities to any person otherwise qualified, or to  
 35 permit the harassment of any student or applicant, by reason of his  
 36 race, color, religion, disability, national origin, sexual orientation,  
 37 military status, sex, age or marital status, except that any such insti-  
 38 tution which establishes or maintains a policy of educating persons of  
 39 one sex exclusively may admit students of only one sex.

40 § 3. This act shall take effect immediately.

41 PART T

42 Section 1. Short title. This act shall be known and may be cited as  
 43 the "Lawful Source of Income Non-Discrimination Act of 2019".

44 § 2. Section 292 of the executive law is amended by adding a new  
 45 subdivision 35 to read as follows:

46 35. The term "lawful source of income" shall include, but not be  
 47 limited to, child support, alimony, foster care subsidies, income  
 48 derived from social security, or any form of federal, state, or local  
 49 public assistance or housing assistance including, but not limited to,  
 50 section 8 vouchers, or any other form of housing assistance payment or  
 51 credit whether or not such income or credit is paid or attributed  
 52 directly to a landlord, and any other forms of lawful income.



1 § 3. Paragraphs (a), (b), (c) and (c-1) of subdivision 2-a of section  
2 296 of the executive law, paragraphs (a), (b) and (c) as amended and  
3 paragraph (c-1) as added by chapter 106 of the laws of 2003, are amended  
4 to read as follows:

5 (a) To refuse to sell, rent or lease or otherwise to deny to or with-  
6 hold from any person or group of persons such housing accommodations  
7 because of the race, creed, color, disability, national origin, sexual  
8 orientation, military status, age, sex, marital status, lawful source of  
9 income or familial status of such person or persons, or to represent  
10 that any housing accommodation or land is not available for inspection,  
11 sale, rental or lease when in fact it is so available.

12 (b) To discriminate against any person because of his or her race,  
13 creed, color, disability, national origin, sexual orientation, military  
14 status, age, sex, marital status, lawful source of income or familial  
15 status in the terms, conditions or privileges of any publicly-assisted  
16 housing accommodations or in the furnishing of facilities or services in  
17 connection therewith.

18 (c) To cause to be made any written or oral inquiry or record concern-  
19 ing the race, creed, color, disability, national origin, sexual orien-  
20 tation, membership in the reserve armed forces of the United States or  
21 in the organized militia of the state, age, sex, marital status, lawful  
22 source of income or familial status of a person seeking to rent or lease  
23 any publicly-assisted housing accommodation; provided, however, that  
24 nothing in this subdivision shall prohibit a member of the reserve armed  
25 forces of the United States or in the organized militia of the state  
26 from voluntarily disclosing such membership.

27 (c-1) To print or circulate or cause to be printed or circulated any  
28 statement, advertisement or publication, or to use any form of applica-  
29 tion for the purchase, rental or lease of such housing accommodation or  
30 to make any record or inquiry in connection with the prospective  
31 purchase, rental or lease of such a housing accommodation which  
32 expresses, directly or indirectly, any limitation, specification or  
33 discrimination as to race, creed, color, national origin, sexual orien-  
34 tation, military status, sex, age, disability, marital status, lawful  
35 source of income or familial status, or any intent to make any such  
36 limitation, specification or discrimination.

37 § 4. Subparagraphs 1, 2 and 3 of paragraph (a) of subdivision 5 of  
38 section 296 of the executive law, as amended by chapter 106 of the laws  
39 of 2003, are amended to read as follows:

40 (1) To refuse to sell, rent, lease or otherwise to deny to or withhold  
41 from any person or group of persons such a housing accommodation because  
42 of the race, creed, color, national origin, sexual orientation, military  
43 status, sex, age, disability, marital status, lawful source of income or  
44 familial status of such person or persons, or to represent that any  
45 housing accommodation or land is not available for inspection, sale,  
46 rental or lease when in fact it is so available.

47 (2) To discriminate against any person because of race, creed, color,  
48 national origin, sexual orientation, military status, sex, age, disabili-  
49 ty, marital status, lawful source of income or familial status in the  
50 terms, conditions or privileges of the sale, rental or lease of any such  
51 housing accommodation or in the furnishing of facilities or services in  
52 connection therewith.

53 (3) To print or circulate or cause to be printed or circulated any  
54 statement, advertisement or publication, or to use any form of applica-  
55 tion for the purchase, rental or lease of such housing accommodation or  
56 to make any record or inquiry in connection with the prospective

1 purchase, rental or lease of such a housing accommodation which  
2 expresses, directly or indirectly, any limitation, specification or  
3 discrimination as to race, creed, color, national origin, sexual orien-  
4 tation, military status, sex, age, disability, marital status, lawful  
5 source of income or familial status, or any intent to make any such  
6 limitation, specification or discrimination.

7 § 5. Subparagraphs 1 and 2 of paragraph (c) of subdivision 5 of  
8 section 296 of the executive law, as amended by chapter 106 of the laws  
9 of 2003, are amended to read as follows:

10 (1) To refuse to sell, rent or lease any housing accommodation, land  
11 or commercial space to any person or group of persons or to refuse to  
12 negotiate for the sale, rental or lease, of any housing accommodation,  
13 land or commercial space to any person or group of persons because of  
14 the race, creed, color, national origin, sexual orientation, military  
15 status, sex, age, disability, marital status, lawful source of income or  
16 familial status of such person or persons, or to represent that any  
17 housing accommodation, land or commercial space is not available for  
18 inspection, sale, rental or lease when in fact it is so available, or  
19 otherwise to deny or withhold any housing accommodation, land or commer-  
20 cial space or any facilities of any housing accommodation, land or  
21 commercial space from any person or group of persons because of the  
22 race, creed, color, national origin, sexual orientation, military  
23 status, sex, age, disability, marital status, lawful source of income,  
24 or familial status of such person or persons.

25 (2) To print or circulate or cause to be printed or circulated any  
26 statement, advertisement or publication, or to use any form of applica-  
27 tion for the purchase, rental or lease of any housing accommodation,  
28 land or commercial space or to make any record or inquiry in connection  
29 with the prospective purchase, rental or lease of any housing accommo-  
30 dation, land or commercial space which expresses, directly or indirect-  
31 ly, any limitation, specification, or discrimination as to race, creed,  
32 color, national origin, sexual orientation, military status, sex, age,  
33 disability, marital status, lawful source of income or familial status;  
34 or any intent to make any such limitation, specification or discrimi-  
35 nation.

36 § 6. Paragraph (d) of subdivision 5 of section 296 of the executive  
37 law, as amended by chapter 106 of the laws of 2003, amended to read as  
38 follows:

39 (d) It shall be an unlawful discriminatory practice for any real  
40 estate board, because of the race, creed, color, national origin, sexual  
41 orientation, military status, age, sex, disability, marital status,  
42 lawful source of income or familial status of any individual who is  
43 otherwise qualified for membership, to exclude or expel such individual  
44 from membership, or to discriminate against such individual in the  
45 terms, conditions and privileges of membership in such board.

46 § 7. This act shall take effect immediately and shall apply to all  
47 causes of action filed on or after such effective date.

48

## PART U

49 Section 1. Subdivision 2 of section 7-108 of the general obligations  
50 law is amended by adding a new paragraph (f) to read as follows:

51 (f) Except in instances where statutes or regulations provide for a  
52 lesser payment, fee, deposit or charge, no landlord, lessor, sub-lessor  
53 or grantor may demand any payment, fee, deposit, or charge, including,  
54 but not limited to, any payment, fee, deposit, or charge that is imposed

1 at the beginning of the tenancy to be used to reimburse the landlord for  
2 costs associated with processing a new tenant or that is imposed as an  
3 advance payment of rent, used or to be used for any purpose, including a  
4 security deposit, in an amount or value in excess of an amount equal to  
5 two months' rent, including the first month's rent.

6 § 2. This act shall take effect immediately.

7 PART V

8 Section 1. Section 300 of the executive law, as amended by chapter 166  
9 of the laws of 2000, is amended to read as follows:

10 § 300. Construction. The provisions of this article shall be construed  
11 liberally for the accomplishment of the purposes thereof. Judicial  
12 interpretations of similarly worded provisions of federal civil rights  
13 laws are not controlling. Such interpretations of federal civil rights  
14 laws establish a floor below which interpretation of this article cannot  
15 fall, rather than a ceiling above which interpretation of this article  
16 cannot rise. Nothing contained in this article shall be deemed to repeal  
17 any of the provisions of the civil rights law or any other law of this  
18 state relating to discrimination because of race, creed, color or  
19 national origin; but, as to acts declared unlawful by section two  
20 hundred ninety-six of this article, the procedure herein provided shall,  
21 while pending, be exclusive; and the final determination therein shall  
22 exclude any other state civil action[~~, civil or criminal,~~] based on the  
23 same grievance of the individual concerned. If such individual insti-  
24 tutes any action based on such grievance without resorting to the proce-  
25 dure provided in this article, he or she may not subsequently resort to  
26 the procedure herein.

27 § 2. Subdivision 21 of section 296 of the executive law, as renumbered  
28 by chapter 536 of the laws of 2010, is renumbered subdivision 22 and a  
29 new subdivision 21 is added to read as follows:

30 21. Harassment on the basis of any protected characteristic is an  
31 unlawful discriminatory practice in any area of jurisdiction as set  
32 forth in this article. Harassment includes the types of actions that  
33 have been found by the courts to create a hostile environment or a  
34 tangible job detriment. Such actions are an unlawful discriminatory  
35 practice when they result in a person or persons being treated not as  
36 well as others because of a protected characteristic. Harassment is not  
37 limited only to those actions that are severe or pervasive. Harassment  
38 does not include what a reasonable person with the same protected char-  
39 acteristic would consider petty slights or trivial inconveniences.

40 § 3. Section 5-336 of the general obligations law, as added by section  
41 1 of subpart D of part KK of chapter 57 of the laws of 2018, is amended  
42 to read as follows:

43 § 5-336. Nondisclosure agreements. 1. Notwithstanding any other law to  
44 the contrary, no employer, its officers or employees shall have the  
45 authority to include or agree to include in any settlement, agreement or  
46 other resolution of any claim, the factual foundation for which involves  
47 sexual harassment, any term or condition that would prevent the disclo-  
48 sure of the underlying facts and circumstances to the claim or action  
49 unless the condition of confidentiality is the complainant's preference.  
50 Any such term or condition must be provided to all parties, and the  
51 complainant shall have twenty-one days to consider such term or condi-  
52 tion. If after twenty-one days such term or condition is the  
53 complainant's preference, such preference shall be memorialized in an  
54 agreement signed by all parties. For a period of at least seven days

1 following the execution of such agreement, the complainant may revoke  
2 the agreement, and the agreement shall not become effective or be  
3 enforceable until such revocation period has expired.

4 2. Notwithstanding any other law to the contrary, any provision in a  
5 contract or other agreement between an employer or an agent of an  
6 employer and any employee or potential employee of that employer entered  
7 into on or after January first, two thousand twenty, that prevents the  
8 disclosure of factual information related to any future claim of sexual  
9 harassment, assault, or discrimination is void or unenforceable unless  
10 such provision includes language ensuring that the parties to the agree-  
11 ment still have the right to file a complaint about such factual infor-  
12 mation with a state or local agency, and testify or otherwise partic-  
13 ipate in a government investigation.

14 § 4. Subdivision 3 of section 201-g of the labor law is renumbered  
15 subdivision 4 and a new subdivision 3 is added to read as follows:

16 3. The department shall consult with the division of human rights to  
17 produce and distribute a workplace sexual harassment prevention poster.

18 a. Such poster shall include an explanation of sexual harassment  
19 consistent with guidance issued by the department in consultation with  
20 the division of human rights and information concerning employees'  
21 rights of redress and all available forums for adjudicating complaints.

22 b. Every employer shall post such poster or a poster that equals or  
23 exceeds the minimum standards of such poster in a conspicuous location.

24 § 5. This act shall take effect January 1, 2020.

25 PART W

26 Section 1. This act shall be known and may be cited as the "pension  
27 poaching prevention act".

28 § 2. Legislative findings and intent. Nationally, veterans and their  
29 family members are often subject to a practice commonly called pension  
30 poaching. This troubling practice, as described in recent reports from  
31 the Federal Trade Commission, the Federal Government Accountability  
32 Office, the United States Department of Veterans Affairs, and several  
33 other entities, generally target elderly or disabled veterans and their  
34 family members. Pension poaching involves dishonest financial planners,  
35 insurance agents, and other professionals luring veterans and their  
36 family members to pay substantial funds for veterans' benefits services  
37 that the offering entity is unqualified to provide and that can detri-  
38 mentally impact the future financial situations of the veteran and his  
39 or her dependents.

40 Entities engaging in pension poaching tend to use high-pressure sales  
41 tactics directed toward potential customers, falsely guaranteeing bene-  
42 fits for veterans and their families even when the advertising entity  
43 lacks the federal accreditation required by law to file such claims and  
44 appeals for federal veterans' benefits. Often, they persuade veterans  
45 and their family members to abruptly move most or all of their assets to  
46 potentially qualify for certain federal veterans benefits, frequently  
47 causing veterans and their family members to unwittingly lose control  
48 over their assets and adversely affecting the ability of veterans and  
49 their families to qualify for Medicaid and other important benefits in  
50 the future. These entities frequently charge extremely high fees for  
51 these services, even in matters where federal law expressly prohibits  
52 such fees.

53 Through this legislation, the legislature intends to restrain this  
54 harmful and deceptive practice within New York State, providing neces-

1 sary protections to the men and women of this state who courageously  
2 served in our nation's armed forces.

3 § 3. The general business law is amended by adding a new section 349-f  
4 to read as follows:

5 § 349-f. Pension poaching prevention. 1. For purposes of this section:

6 (a) The term "veteran" means a person who has served on active duty  
7 service in the armed forces of the United States, or service in the Army  
8 national guard, air national guard, commissioned officer in the public  
9 health service, commissioned officer of the national oceanic atmospheric  
10 administration or environmental sciences services administration, cadet  
11 at a United States armed forces service academy or provisions under 38  
12 U.S.C. § 106, and who has been released from such service under honor-  
13 able conditions.

14 (b) The term "veterans' benefits matter" means the preparation, pres-  
15 entation, or prosecution of any claim affecting any person who has filed  
16 or expressed an intent to file a claim for any benefit, program,  
17 service, commodity, function, or status, entitlement which is determined  
18 under the laws and regulations administered by the United States depart-  
19 ment of veterans affairs or the New York state division of veterans'  
20 affairs pertaining to veterans, their dependents, their survivors, and  
21 any other party eligible for such benefits.

22 (c) The term "compensation" means money, property, or anything else of  
23 value.

24 (d) The term "entity" includes, but is not limited to, any natural  
25 person, corporation, trust, partnership, alliance, or unincorporated  
26 association.

27 2. (a) No entity shall receive compensation for advising or assisting  
28 any party with any veterans' benefits matter, except as permitted under  
29 title 38 of the United States code and the corresponding provisions  
30 within title 38 of the United States code of federal regulations.

31 (b) No entity shall receive compensation for referring any party to  
32 another individual to advise or assist this party with any veterans'  
33 benefits matter.

34 (c) Any entity seeking to receive compensation for advising or assist-  
35 ing any party with any veterans' benefits matter shall, before rendering  
36 any services, memorialize all terms regarding the party's payment of  
37 fees for services rendered in a written agreement, signed by both  
38 parties, that adheres to all criteria specified within title 38, section  
39 14.636, of the United States code of federal regulations.

40 (d) No entity shall receive any fees for any services rendered before  
41 the date on which a notice of disagreement is filed with respect to the  
42 veteran's case.

43 (e) No entity shall guarantee, either directly or by implication, that  
44 any party is certain to receive specific veterans' benefits or that any  
45 party is certain to receive a specific level, percentage, or amount of  
46 veterans' benefits.

47 (f) No entity shall receive excessive or unreasonable fees as compen-  
48 sation for advising or assisting any party with any veterans' benefits  
49 matter. The factors articulated within title 38, section 14.636 of the  
50 code of federal regulations shall govern determinations of whether a fee  
51 is excessive or unreasonable.

52 3. (a) No entity shall advise or assist for compensation any party  
53 with any veterans' benefits matter without clearly providing, at the  
54 outset of this business relationship, the following disclosure, both  
55 orally and in writing: "this business is not sponsored by, or affiliated  
56 with, the United States department of veterans affairs, the New York

1 state division of veterans' affairs, or any other congressionally char-  
2 tered veterans service organization. Other organizations, including but  
3 not limited to the New York state division of veterans' affairs, your  
4 local county veterans service agency, and other congressionally char-  
5 tered veterans service organizations, may be able to provide you with  
6 this service free of charge. Products or services offered by this busi-  
7 ness are not necessarily endorsed by any of these organizations. You  
8 may qualify for other veterans' benefits beyond the benefits for which  
9 you are receiving services here." The written disclosure must appear in  
10 at least twelve-point font and must appear in a readily noticeable and  
11 identifiable place in the entity's agreement with the party seeking  
12 services. The party must verbally acknowledge understanding of the oral  
13 disclosure and must provide his or her signature to represent under-  
14 standing of these provisions on the document in which the written  
15 disclosure appears. The entity offering services must retain a copy of  
16 the written disclosure while providing veterans' benefits services for  
17 compensation to the party and for at least one year after the date on  
18 which this service relationship terminates.

19 (b) No entity shall advertise for-compensation services in veterans  
20 benefits matters without including the following disclosure: "this busi-  
21 ness is not sponsored by, or affiliated with, the United States depart-  
22 ment of veterans affairs, the New York state division of veterans'  
23 affairs, or any other congressionally chartered veterans service orga-  
24 nization. Other organizations, including but not limited to the New York  
25 state division of veterans' affairs, your local county veterans service  
26 agency, and other congressionally chartered veterans service organiza-  
27 tions, may be able to provide you with these services free of charge.  
28 Products or services offered by this business are not necessarily  
29 endorsed by any of these organizations. You may qualify for other veter-  
30 ans' benefits beyond the services that this business offers." If the  
31 advertisement is printed, including but not limited to advertisements  
32 visible to internet users, the disclosure must appear in a readily visi-  
33 ble place on the advertisement. If the advertisement is verbal, the  
34 spoken statement of the disclosure must be clear and intelligible.

35 4. (a) Any violation of this section shall constitute a deceptive act  
36 in the conduct of business, trade, or commerce, and shall be subject to  
37 the provisions of section three hundred forty nine of this article,  
38 including any right of action and corresponding penalties described  
39 within such section.

40 (b) If an entity's violation of this section concerns a party who is  
41 sixty-five years of age or older, said entity may be liable for supple-  
42 mental civil penalties as established within, and subject of the terms  
43 of, section three hundred forty-nine-c of this article.

44 5. If any provision of this section or its application to any person  
45 or circumstance is ever held invalid, the remainder of this act or the  
46 application of its provisions to other persons or circumstances shall  
47 remain unaffected.

48 § 4. This act shall take effect on the one hundred twentieth day after  
49 it shall have become a law.

50

## PART X

51 Section 1. Subdivision 21-f of section 292 of the executive law, as  
52 added by chapter 369 of the laws of 2015, is amended to read as follows:

53 21-f. The term "pregnancy-related condition" means a medical condition  
54 related to pregnancy or childbirth that inhibits the exercise of a

1 normal bodily function or is demonstrable by medically accepted clinical  
2 or laboratory diagnostic techniques, including but not limited to lacta-  
3 tion; provided, however, that in all provisions of this article dealing  
4 with employment, the term shall be limited to conditions which, upon the  
5 provision of reasonable accommodations, do not prevent the complainant  
6 from performing in a reasonable manner the activities involved in the  
7 job or occupation sought or held; and provided further, however, that  
8 pregnancy-related conditions shall be treated as temporary disabilities  
9 for the purposes of this article.

10 § 2. This act shall take effect immediately.

11 PART Y

12 Section 1. The education law is amended by adding a new section 6509-e  
13 to read as follows:

14 § 6509-e. Additional definition of professional misconduct; mental  
15 health professionals. 1. For the purposes of this section:

16 a. "Mental health professional" means a person subject to the  
17 provisions of article one hundred fifty-three, one hundred fifty-four or  
18 one hundred sixty-three of this title; or any other person designated as  
19 a mental health professional pursuant to law, rule or regulation.

20 b. "Sexual orientation change efforts" (i) means any practice by a  
21 mental health professional that seeks to change an individual's sexual  
22 orientation, including, but not limited to, efforts to change behaviors,  
23 gender identity, or gender expressions, or to eliminate or reduce sexual  
24 or romantic attractions or feelings towards individuals of the same sex  
25 and (ii) shall not include counseling for a person seeking to transition  
26 from one gender to another, or psychotherapies that: (A) provide accept-  
27 ance, support and understanding of patients or the facilitation of  
28 patients' coping, social support and identity exploration and develop-  
29 ment, including sexual orientation-neutral interventions to prevent or  
30 address unlawful conduct or unsafe sexual practices; and (B) do not seek  
31 to change sexual orientation.

32 2. It shall be professional misconduct for a mental health profes-  
33 sional to engage in sexual orientation change efforts upon any patient  
34 under the age of eighteen years, and any mental health professional  
35 found guilty of such misconduct under the procedures prescribed in  
36 section sixty-five hundred ten of this subarticle shall be subject to  
37 the penalties prescribed in section sixty-five hundred eleven of this  
38 subarticle.

39 § 2. The education law is amended by adding a new section 6531-a to  
40 read as follows:

41 § 6531-a. Additional definition of professional misconduct; mental  
42 health professionals. 1. Definitions. For the purposes of this section:

43 a. "Mental health professional" means a person subject to the  
44 provisions of article one hundred thirty-one of this title.

45 b. "Sexual orientation change efforts" (i) means any practice by a  
46 mental health professional that seeks to change an individual's sexual  
47 orientation, including, but not limited to, efforts to change behaviors,  
48 gender identity, or gender expressions, or to eliminate or reduce sexual  
49 or romantic attractions or feelings towards individuals of the same sex;  
50 and (ii) shall not include counseling for a person seeking to transition  
51 from one gender to another, or psychotherapies that: (A) provide accept-  
52 ance, support and understanding of patients or the facilitation of  
53 patients' coping, social support, and identity exploration and develop-  
54 ment, including sexual orientation-neutral interventions to prevent or

1 address unlawful conduct or unsafe sexual practices; and (B) do not seek  
2 to change sexual orientation.

3 2. It shall be professional misconduct for a mental health profes-  
4 sional to engage in sexual orientation change efforts upon any patient  
5 under the age of eighteen years, and any mental health professional  
6 found guilty of such misconduct under the procedures prescribed in title  
7 two-A of article two of the public health law shall be subject to the  
8 penalties prescribed in section two hundred thirty-a of the public  
9 health law, as added by chapter six hundred six of the laws of nineteen  
10 hundred ninety-one.

11 § 3. This act shall take effect immediately.

12 PART Z

13 Section 1. Short title. This act shall be known and may be cited as  
14 the "rent regulation act of 2019".

15 § 2. Rent regulation act of 2019. Notwithstanding any other provision  
16 of law to the contrary, the New York state system of rent regulation  
17 pursuant to chapter 576 of the laws of 1974, chapter 274 of the laws of  
18 1946, chapter 329 of the laws of 1963, chapter 555 of the laws of 1982,  
19 chapter 402 of the laws of 1983, chapter 116 of the laws of 1997, and  
20 sections 26-501, 26-502, and 26-520 of the administrative code of the  
21 city of New York, shall be extended pursuant to a chapter of the laws of  
22 2019. Provided, however, such extension shall include rent regulation  
23 reforms to end vacancy decontrol, amend the application of preferential  
24 rent, and limit capital improvement charges based on a report on rent  
25 regulation delivered to the governor by the commissioner of the division  
26 of housing and community renewal ("the division") on or after March 1,  
27 2019 which shall include (i) the number of rent stabilized housing  
28 accommodations within the city of New York; (ii) the number of rent  
29 stabilized housing accommodations outside the city of New York; (iii)  
30 the number of rent controlled housing accommodations in the city of New  
31 York; (iv) the number of rent controlled housing accommodations outside  
32 the city of New York; (v) the number of applications for major capital  
33 improvements filed with such division; (vi) the number of units which  
34 are registered with such division where the amount charged to and paid  
35 by the tenant is less than the registered rent for the housing accommo-  
36 dation; (vii) for housing accommodations that are registered with such  
37 division where the amount charged to and paid by the tenant is less than  
38 the registered rent for the housing accommodation the average of the  
39 difference between the registered rent for a housing accommodation and  
40 the amount charged to and paid by the tenant; (viii) the number of rent  
41 overcharge complaints processed by the division; and (ix) the number of  
42 final overcharge orders granting an overcharge.

43 § 3. This act shall take effect immediately.

44 § 2. Severability clause. If any clause, sentence, paragraph, subdivi-  
45 sion, section or part of this act shall be adjudged by any court of  
46 competent jurisdiction to be invalid, such judgment shall not affect,  
47 impair, or invalidate the remainder thereof, but shall be confined in  
48 its operation to the clause, sentence, paragraph, subdivision, section  
49 or part thereof directly involved in the controversy in which such judg-  
50 ment shall have been rendered. It is hereby declared to be the intent of  
51 the legislature that this act would have been enacted even if such  
52 invalid provisions had not been included herein.



1     § 3. This act shall take effect immediately provided, however, that  
2 the applicable effective date of Parts A through Z of this act shall be  
3 as specifically set forth in the last section of such Parts.