STATE OF NEW YORK

3006--B

IN ASSEMBLY

January 20, 2021

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

AN ACT to amend the education law, in relation to school contracts for excellence; to amend the education law, in relation to the apportionment of public moneys to school districts employing eight or more teachers; to amend the education law, in relation to pandemic adjustment payment reduction; to amend the education law, in relation to aidable transportation expense; to amend chapter 537 of the laws of 1976, relating to paid, free and reduced price breakfast for eligible pupils in certain school districts, in relation to making school food authorities eligible for the additional state subsidy in accordance with the Summer Food Service Program; to amend the education law, in relation to the statewide universal full-day pre-kindergarten program; to legalize, validate, ratify and confirm the actions of certain school districts notwithstanding the failure to file certain reports with the education department; to amend the education law, in relation to charter school aid; to amend chapter 507 of the laws of 1974, relating to providing for the apportionment of state monies to certain nonpublic schools, to reimburse them for their expenses in complying with certain state requirements for the administration of state testing and evaluation programs and for participation in state programs for the reporting of basic educational data, in relation to the calculation of nonpublic schools' eligibility to receive aid; 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 reimbursement for the 2021-2022 school year; to amend chapter 756 of the laws of 1992, relating to funding a program for work force education conducted by the consortium for worker education in New York city, in relation to withholding a portion of employment preparation education aid and in relation to the effectiveness thereof; to amend 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

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

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effectiveness thereof; to amend part B of chapter 57 of the laws of 2008, amending the education law relating to the universal prekindergarten program, 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; relates to school bus driver training; relates to special apportionment for salary expenses and public pension accruals; to amend chapter 121 of the laws of 1996, relating to authorizing the Roosevelt union free school district to finance deficits by the issuance of serial bonds, in relation to apportionment amounts; to amend chapter 89 of the laws of 2016, relating to supplementary funding for dedicated programs for public school students in the East Ramapo central school district, in relation to the effectiveness thereof; relates to the pandemic adjustment for the East Ramapo central school district; to amend the real property tax law, in relation to surplus funds; relates to authorizing the city school district of the city of Rochester to purchase certain services; relates to suballocations of appropriations; relating to the support of public libraries; to repeal paragraph cc of subdivision 1 and paragraph c of subdivision 17 of section 3602 of the education law relating to the gap elimination percentage; and providing for the repeal of certain provisions of the real property tax law relating thereto (Part A); intentionally omitted (Part B); intentionally omitted (Part C); to amend part D of chapter 58 of the laws of 2011 amending the education law relating to capital facilities in support of the state university and community colleges, procurement and the state university health care facilities, in relation to the effectiveness thereof (Part D); intentionally omitted (Part E); extending scholarship program eligibility for certain recipients affected by the COVID-19 pandemic (Part F); to amend the education law, in relation to establishing the amount awarded for the excelsior scholarship (Part G); intentionally omitted (Part H); intentionally omitted (Part I); to amend part G of chapter 57 of the laws of 2013, amending the executive law and the social services law relating to consolidating the youth development and delinquency prevention program and the special delinquency prevention program, in relation to making such provisions permanent (Part J); to amend part K of chapter 57 of the laws of 2012, amending the education law, relating to authorizing the board of cooperative educational services to enter into contracts with the commissioner of children and family services to provide certain services, in relation to the effectiveness thereof (Part K); to amend the social services law and the family court act, in relation to compliance with the Federal Family First Prevention Services Act (Part L); intentionally omitted (Part M); intentionally omitted (Part N); to utilize reserves in the mortgage insurance fund for various housing purposes (Part O); 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 P); to amend the state finance law, in relation to authorizing a tax check-off for gifts to food banks (Part Q); intentionally omitted (Part R); intentionally omitted (Part S); intentionally omitted (Part T); to amend the private housing finance law, in relation to exempting certain projects from sales and compensating use taxes (Part

U); intentionally omitted (Part V); intentionally omitted (Part W); intentionally omitted (Part X); intentionally omitted (Part Y); to amend the social services law, in relation to standardizing child care copayments (Subpart A); intentionally omitted (Subpart B) (Part Z); to amend the labor law and the public service law, in relation to extending prevailing wage requirements to covered renewable energy systems (Part AA); to amend the state finance law, in relation to establishing the emergency rental assistance municipal recipient allocation fund; and to amend the social services law, in relation to establishing the statewide emergency rental assistance program and the statewide emergency homeless assistance program (Part BB); intentionally omitted (Part CC); to amend the education law, in relation to state appropriations to the state university of New York and the city university of New York (Part DD); to amend the education law, in relation to setting a minimum funding ratio for state operating support of community colleges (Part EE); to amend the education law, in relation to establishing the Martin Luther King, Jr. scholarship (Part FF); to amend the education law, in relation to tuition assistance program awards; and to amend chapter 260 of the laws of 2011 amending the education law and the New York state urban development corporation act relating to establishing components of the NY-SUNY 2020 challenge grant program, in relation to the effectiveness thereof (Part GG); to amend the social services law, the education law and the public health law, in relation to providing supports and services for youth suffering from adverse childhood experiences; and providing for the repeal of certain provisions of the social services law relating thereto (Subpart A); and to amend the public health law, in relation to covered health care services (Subpart B) (Part HH); to amend the social services law, in relation to excluding certain funding from the determination of the maximum state aid rate for authorized agencies; and providing for the repeal of such provisions upon expiration thereof (Part II); to amend the public housing law, in relation to an affordable housing five-year capital plan (Part JJ); and to amend part A-4 of chapter 58 of the laws of 2006 enacting the "city of Syracuse and the board of education of the city school district of the city of Syracuse cooperative school reconstruction act", in relation to construction and design contracts entered into by the JSC Board; and to amend the education law, in relation to the computation of building aid for reconstruction or modernizing of no more than three projects for the third phase of the city of Syracuse cooperative school reconstruction act (Part KK)

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

Section 1. This act enacts into law major components of legislation necessary to implement the state education, labor, housing and family assistance budget for the 2021-2022 state fiscal year. Each component is wholly contained within a Part identified as Parts A through KK. The effective date for each particular provision contained within such Part is set forth in the last section of such Part. Any provision in any section contained within a Part, including the effective date of the Part, which makes a reference to a section "of this act", when used in connection with that particular component, shall be deemed to mean and refer to the corresponding section of the Part in which it is found.

Section three of this act sets forth the general effective date of this act.

PART A

Section 1. Paragraph e of subdivision 1 of section 211-d of the education law, as amended by section 1 of part A of chapter 56 of the laws of 2020, is amended to read as follows:

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

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

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

§ 2. Intentionally omitted.

§ 3. Intentionally omitted.

§ 4. Intentionally omitted.

§ 5. Intentionally omitted.

§ 6. Intentionally omitted.

§ 7. Intentionally omitted.

§ 8. Intentionally omitted.

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

kk. The "federal COVID-19 supplemental stimulus" shall be equal to the sum of (1) ninety percent of the funds from the elementary and secondary school emergency relief made available to school districts pursuant to the Coronavirus Response and Relief Supplemental Appropriations Act, 2021 in the same proportion as such district's share of funds provided under Title I of the Elementary and Secondary Education Act of 1965 plus (2) the base federal allocation. For eligible districts, the base federal allocation shall be equal to the product of nine hundred fifty-two dollars and fifteen cents ($952.15) and public school district enrollment in the base year as computed pursuant to paragraph n of this subdivision less ninety percent of the funds from the elementary and secondary school emergency relief made available to school districts pursuant to the Coronavirus Response and Relief Supplemental Appropriations Act, 2021 in the same proportion as such district's share of funds provided under Title I of the Elementary and Secondary Education Act of 1965, but not less than zero. Districts shall be eligible for the base federal allocation if their combined wealth ratio for the current year computed pursuant to subparagraph one of paragraph c of subdivision three of this section is less than one and five tenths (1.5) and the district is not a central high school district.

§ 10. Intentionally omitted.

§ 10-a. Paragraph a of subdivision 4 of section 3602 of the education law is amended by adding a new subparagraph 5 to read as follows:

(5) "Total foundation aid" shall be equal to the product of the total aidable foundation pupil units multiplied by the district's selected foundation aid.

§ 10-b. Subdivision 4 of section 3602 of the education law is amended by adding a new paragraph i to read as follows:

i. Foundation aid payable in the two thousand twenty-one--two thousand twenty-two school year. Notwithstanding any provision of law to the contrary, foundation aid payable in the two thousand twenty-one--two thousand twenty-two school year shall equal the sum of the total foundation aid base computed pursuant to subparagraph (iii) of paragraph j of subdivision one of this section plus the greater of the (1) phase-in increase, (2) minimum increase, or (3) the catch up increase. For the purposes of this paragraph:

(i) The "phase-in increase" shall equal the product of the foundation aid phase-in factor multiplied by the positive difference, if any, of (1) total foundation aid pursuant to paragraph a of this subdivision less (2) the total foundation aid base computed pursuant to paragraph j of subdivision one of this section.

(ii) The "foundation aid phase-in factor" shall be equal to the greater of (1) twenty-six thousand eight hundred thirteen hundred thousandths (0.26813), (2) thirty hundredths (0.30) for districts with a sparsity count computed pursuant to paragraph r of subdivision one of this section greater than zero, (3) twenty-eight hundredths (0.28) for small city school districts pursuant to paragraph jj of subdivision one of this section, (4) thirty-nine thousand one hundred fifty-nine hundred thousandths (0.39159) for city school districts of those cities having populations in excess of one hundred twenty-five thousand and less than one million inhabitants, or (5) forty-nine thousand six hundred seventy-seven hundred thousandths (0.49677) for city school districts of cities having populations of one hundred twenty-five thousand or more.

(iii) The "minimum increase" shall be equal to the product of (1) the greater of two hundredths (0.02) or thirty-five thousandths (0.035) for districts with a sparsity count computed pursuant to paragraph r of subdivision one of this section greater than zero multiplied by (2) total foundation aid base computed pursuant to paragraph j of subdivision one of this section.

(iv) The "catch up increase" shall be equal to the positive difference, if any, of (1) product of sixty hundredths (0.60) and total foundation aid pursuant to paragraph a of this subdivision less (2) the total foundation aid base computed pursuant to paragraph j of subdivision one of this section.

§ 10-c. Clause (ii) of subparagraph 2 of paragraph b of subdivision 4 of section 3602 of the education law, as amended by section 5-c of part YYY of chapter 59 of the laws of 2019, is amended to read as follows:

(ii) Phase-in foundation increase factor. For the two thousand eleven--two thousand twelve school year, the phase-in foundation increase factor shall equal thirty-seven and one-half percent (0.375) and the phase-in due minimum percent shall equal nineteen and forty-one hundredths percent (0.1941), for the two thousand twelve--two thousand thirteen school year the phase-in foundation increase factor shall equal one and seven-tenths percent (0.017), for the two thousand thirteen--two thousand fourteen school year the phase-in foundation increase factor shall equal (1) for a city school district in a city having a population of one million or more, five and twenty-three hundredths percent (0.0523) or (2) for all other school districts zero percent, for the two thousand fourteen--two thousand fifteen school year the phase-in founda-

tion increase factor shall equal (1) for a city school district of a city having a population of one million or more, four and thirty-two hundredths percent (0.0432) or (2) for a school district other than a city school district having a population of one million or more for which (A) the quotient of the positive difference of the foundation formula aid minus the foundation aid base computed pursuant to paragraph j of subdivision one of this section divided by the foundation formula aid is greater than twenty-two percent (0.22) and (B) a combined wealth ratio less than thirty-five hundredths (0.35), seven percent (0.07) or (3) for all other school districts, four and thirty-one hundredths percent (0.0431), and for the two thousand fifteen--two thousand sixteen school year the phase-in foundation increase factor shall equal: (1) for a city school district of a city having a population of one million or more, thirteen and two hundred seventy-four thousandths percent (0.13274); or (2) for districts where the quotient arrived at when dividing (A) the product of the total aidable foundation pupil units multiplied by the district's selected foundation aid less the total foundation aid base computed pursuant to paragraph j of subdivision one of this section divided by (B) the product of the total aidable foundation pupil units multiplied by the district's selected foundation aid is greater than nineteen percent (0.19), and where the district's combined wealth ratio is less than thirty-three hundredths (0.33), seven and seventy-five hundredths percent (0.0775); or (3) for any other district designated as high need pursuant to clause (c) of subparagraph two of paragraph c of subdivision six of this section for the school aid computer listing produced by the commissioner in support of the enacted budget for the two thousand seven--two thousand eight school year and entitled "SA0708", four percent (0.04); or (4) for a city school district in a city having a population of one hundred twenty-five thousand or more but less than one million, fourteen percent (0.14); or (5) for school districts that were designated as small city school districts or central school districts whose boundaries include a portion of a small city for the school aid computer listing produced by the commissioner in support of the enacted budget for the two thousand fourteen--two thousand fifteen school year and entitled "SA1415", four and seven hundred fifty-one thousandths percent (0.04751); or (6) for all other districts one percent (0.01), and for the two thousand sixteen--two thousand seventeen school year the foundation aid phase-in increase factor shall equal for an eligible school district the greater of: (1) for a city school district in a city with a population of one million or more, seven and seven hundred eighty four thousandths percent (0.07784); or (2) for a city school district in a city with a population of more than two hundred fifty thousand but less than one million as of the most recent federal decennial census, seven and three hundredths percent (0.0703); or (3) for a city school district in a city with a population of more than two hundred thousand but less than two hundred fifty thousand as of the most recent federal decennial census, six and seventy-two hundredths percent (0.0672); or (4) for a city school district in a city with a population of more than one hundred fifty thousand but less than two hundred thousand as of the most recent federal decennial census, six and seventy-four hundredths percent (0.0674); or (5) for a city school district in a city with a population of more than one hundred twenty-five thousand but less than one hundred fifty thousand as of the most recent federal decennial census, nine and fifty-five hundredths percent (0.0955); or (6) for school districts that were designated as small city school districts or central school districts whose boundaries include a

portion of a small city for the school aid computer listing produced by the commissioner in support of the enacted budget for the two thousand fourteen--two thousand fifteen school year and entitled "SA141-5" with a combined wealth ratio less than one and four tenths (1.4), nine percent (0.09), provided, however, that for such districts that are also districts designated as high need urban-suburban pursuant to clause (c) of subparagraph two of paragraph c of subdivision six of this section for the school aid computer listing produced by the commissioner in support of the enacted budget for the two thousand seven--two thousand eight school year and entitled "SA0708", nine and seven hundred and nineteen thousandths percent (0.09719); or (7) for school districts designated as high need rural pursuant to clause (c) of subparagraph two of paragraph c of subdivision six of this section for the school aid computer listing produced by the commissioner in support of the enacted budget for the two thousand seven--two thousand eight school year and entitled "SA0708", thirteen and six tenths percent (0.136); or (8) for school districts designated as high need urban-suburban pursuant to clause (c) of subparagraph two of paragraph c of subdivision six of this section for the school aid computer listing produced by the commissioner in support of the enacted budget for the two thousand seven--two thousand eight school year and entitled "SA0708", seven hundred nineteen thousandths percent (0.00719); or (9) for all other eligible school districts, forty-seven hundredths percent (0.0047), provided further that for the two thousand seventeen--two thousand eighteen school year the foundation aid increase phase-in factor shall equal (1) for school districts with a census 2000 poverty rate computed pursuant to paragraph q of subdivision one of this section equal to or greater than twenty-six percent (0.26), ten and three-tenths percent (0.103), or (2) for a school district in a city with a population in excess of one million or more, seventeen and seventy-seven one-hundredths percent (0.1777), or (3) for a city school district in a city with a population of more than two hundred fifty thousand but less than one million, as of the most recent decennial census, twelve and sixty-nine hundredths percent (0.1269) or (4) for a city school district in a city with a population of more than one hundred fifty thousand but less than two hundred thousand, as of the most recent federal decennial census, ten and seventy-eight one hundredths percent (0.1078), or (5) for a city school district in a city with a population of more than one hundred twenty-five thousand but less than one hundred fifty thousand as of the most recent federal decennial census, nineteen and one hundred eight one-thousandths percent (0.19108), or (6) for a city school district in a city with a population of more than two hundred thousand but less than two hundred fifty thousand as of the most recent federal decennial census, ten and six-tenths percent (0.106), or (7) for all other districts, four and eighty-seven one-hundredths percent (0.0487), and for the two thousand [~~twenty~~] twenty-two--two thousand [~~twenty-one school year and thereafter the commissioner shall annually determine the phase-in foundation increase factor subject to allocation pursuant to the provisions of subdivision eighteen of this section and any provisions of a chapter of the laws of New York as described therein~~] twenty-three the foundation aid phase-in increase factor shall be fifty percent (0.5), and for the two thousand twenty-three--two thousand twenty-four school year and thereafter the foundation aid phase-in increase factor shall be one hundred percent (1.0).

§ 11. Intentionally omitted.

§ 12. Intentionally omitted.

§ 12-a. Intentionally omitted.

§ 12-b. The closing paragraph of subdivision 5-a of section 3602 of the education law, as amended by section 14-c of part A of chapter 56 of the laws of 2020, is amended to read as follows:

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

§ 13. Intentionally omitted.

§ 13-a. Subdivision 12 of section 3602 of the education law, as amended by section 14-d of part A of chapter 56 of the laws of 2020, is amended to read as follows:

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

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

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

d. For the two thousand sixteen--two thousand seventeen school year, each school district shall be entitled to an apportionment equal to the amount set forth for such school district as "ACADEMIC ENHANCEMENT" under the heading "2015-16 ESTIMATED AIDS" in the school aid computer listing produced by the commissioner in support of the budget for the

two thousand fifteen--two thousand sixteen school year and entitled "SA151-6", and such apportionment shall be deemed to satisfy the state obligation to provide an apportionment pursuant to subdivision eight of section thirty-six hundred forty-one of this article.

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

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

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

h. For the two thousand twenty--two thousand twenty-one **and two thousand twenty-one--two thousand twenty-two** school [~~year~~] **years**, each school district shall be entitled to an apportionment equal to the amount set forth for such school district as "ACADEMIC ENHANCEMENT" under the heading "2019-20 ESTIMATED AIDS" in the school aid computer listing produced by the commissioner in support of the budget for the two thousand nineteen--two thousand twenty school year and entitled "SA192-0", and such apportionment shall be deemed to satisfy the state obligation to provide an apportionment pursuant to subdivision eight of section thirty-six hundred forty-one of this article.

§ 14. Intentionally omitted.

§ 14-a. The opening paragraph of subdivision 16 of section 3602 of the education law, as amended by section 14-e of part A of chapter 56 of the laws of 2020, is amended to read as follows:

Each school district shall be eligible to receive a high tax aid apportionment in the two thousand eight--two thousand nine school year, which shall equal the greater of (i) the sum of the tier 1 high tax aid apportionment, the tier 2 high tax aid apportionment and the tier 3 high tax aid apportionment or (ii) the product of the apportionment received by the school district pursuant to this subdivision in the two thousand seven--two thousand eight school year, multiplied by the due-minimum factor, which shall equal, for districts with an alternate pupil wealth ratio computed pursuant to paragraph b of subdivision three of this section that is less than two, seventy percent (0.70), and for all other districts, fifty percent (0.50). Each school district shall be eligible

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

§ 15. Intentionally omitted.

§ 16. Intentionally omitted.

§ 16-a. Intentionally omitted.

§ 17. Subdivision 19 of section 3602 of the education law is amended by adding a new paragraph c to read as follows:

c. The positive value of the pandemic adjustment payment reduction shall not exceed the sum of moneys apportioned pursuant to sections seven hundred one, seven hundred eleven, seven hundred fifty-one, seven hundred fifty-three, thirty-six hundred nine-a, thirty-six hundred nine-b, thirty-six hundred nine-d, thirty-six hundred nine-f, and thirty-six hundred nine-h for the two thousand twenty--two thousand twenty-one school year for any school district.

§ 18. Intentionally omitted.

§ 19. Intentionally omitted.

§ 20. Subdivisions 6 and 7 of section 3622-a of the education law, subdivision 6 as amended by section 47 of part A of chapter 58 of the laws of 2011 and subdivision 7 as added by chapter 422 of the laws of 2004, are amended and a new subdivision 8 is added to read as follows:

6. Transportation of pupils to and from approved summer school programs operated by a school district in the two thousand--two thousand one school year and thereafter, provided, however, that if the total statewide apportionment attributable to allowable transportation expenses incurred pursuant to this subdivision exceeds five million dollars ($5,000,000), individual school district allocations shall be prorated to ensure that the apportionment for such summer transportation does not exceed five million dollars ($5,000,000), provided that such prorated apportionment computed and payable as of September one of the school year immediately following the school year for which such aid is claimed shall be deemed final and not subject to change; [~~and~~]

7. Transportation provided pursuant to section thirty-six hundred thirty-five-b of this article;

8. Notwithstanding paragraph a of subdivision five of section thirty-six hundred four of this article, transportation provided during the state disaster emergency declared pursuant to executive order 202 of 2020, provided that transportation was provided during the time period schools were directed to close pursuant to executive order 202 of 2020. Such aidable transportation shall include transportation of meals,

educational materials and supplies to students, and transportation to provide students with internet access; and

9. Notwithstanding paragraph a of subdivision five of section thirty-six hundred four of this article, for the two thousand nineteen-two thousand twenty school year during the state disaster emergency declared pursuant to executive order 202 of 2020, expenditures made pursuant to contracts for the transportation of pupils to and from school once daily, without regard to whether such transportation was provided.

§ 21. Intentionally omitted.

§ 22. Section 3623-a of the education law is amended by adding a new subdivision 4 to read as follows:

4. Notwithstanding the provisions of this section or any other provision of law to the contrary, for the computation of transportation aid pursuant to the requirements of subdivision seven of section thirty-six hundred two of this article, allowable transportation expense shall also include transportation operating expenses described in subdivision one of this section and transportation capital, debt service and lease expenses described in subdivision two of this section incurred during the state disaster emergency declared pursuant to executive order 202 of 2020, including expenses incurred during the time period schools were directed to close pursuant to executive order 202 of 2020 or otherwise necessitated by such state disaster emergency. Such expenses shall be allowable transportation expenses even where aidable regular transportation as defined in section thirty-six hundred twenty-two-a of this part was not provided.

§ 22-a. Subdivision 8 of section 4410 of the education law, as amended by chapter 474 of the laws of 1996, is amended to read as follows:

8. Transportation. The municipality in which a preschool child resides shall, beginning with the first day of service, provide either directly or by contract for suitable transportation, as determined by the board, to and from special services or programs; provided, however, that if the municipality is a city with a population of one million or more persons the municipality may delegate the authority to provide such transportation to the board; and provided further, that prior to providing such transportation directly or contracting with another entity to provide such transportation, such municipality or board shall request and encourage the parents to transport their children at public expense, where cost-effective, at a rate per mile or a public service fare established by the municipality and approved by the commissioner. Except as otherwise provided in this section, the parents' inability or declination to transport their child shall in no way [~~effect~~] **affect** the municipality's or board's responsibility to provide recommended services. Such transportation shall be provided once daily from the child care location to the special service or program and once daily from the special service or program to the child care location up to fifty miles from the child care location. If the board determines that a child must receive special services and programs at a location greater than fifty miles from the child care location, it shall request approval of the commissioner. For the purposes of this subdivision, the term "child care location" shall mean a child's home or a place where care for less than twenty-four hours a day is provided on a regular basis and includes, but is not limited to, a variety of child care services such as day care centers, family day care homes and in-home care by persons other than parents. All transportation of such children shall be provided pursuant to the procedures set forth in section two hundred

thirty-six of the family court act using the date called for in the written notice of determination of the board or the date of the written notice of determination of the board, whichever comes later, in lieu of the date the court order was issued. **Notwithstanding this subdivision or any provision of law to the contrary, transportation expenses incurred by a municipality for operating and maintenance costs pursuant to this subdivision during the state disaster emergency declared pursuant to executive order 202 of 2020, including expenses incurred during the time period of any closures of special services or programs ordered pursuant to executive order 202 of 2020 or otherwise necessitated by such state disaster emergency, shall be reimbursable and considered approved costs in accordance with the provisions of this section and the regulations of the commissioner.**

§ 22-b. Notwithstanding any other provision of law, rule or regulation to the contrary, a child who resides within a county, in a city school district located in a city having a population of one million or more, that has a population of less than one million and who resides in an area containing at least three hundred children within a one and one-half mile radius shall be provided transportation pursuant to section 3627 of the education law without regard to like circumstances.

§ 23. Subdivision 16 of section 3602-ee of the education law, as amended by section 22 of part A of chapter 56 of the laws of 2020, is amended to read as follows:

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

§ 24. Intentionally omitted.

§ 24-a. All the acts done and proceedings heretofore had and taken or caused to be had and taken by (a) the Huntington union free school district and by all of its officers or agents relating to or in connection with final building cost reports required to be filed with the state education department for approved building projects completed prior to December 31, 2011, (b) the Islip union free school district and by all its officers or agents relating to or in connection with a certain final cost report to be filed with the state education department for project numbers 0003-12, 0011-007, 0011-008, 0003-013, 0007-009, 0007-010, 0007-012, and 0011-009, (c) the Liverpool central school district and by all its officers or agents relating to or in connection with certain final cost reports to be filed with the state education department for projects 0001-003, 0001-005, 0002-007, 0003-003, 0003-005, 0004-005, 0005-006, 0007-003, 0009-004, 0009-006, 0010-005, 0010-007, 0012-003, 0014-005, 0015-003, 0016-007, 0016-010, 0016-011, 0018-008, 0018-010, 0019-007, 0024-004, 4011-001, and 5008-002, (d) the Panama central school district and by all of its officers or agents relating to or in connection with final building cost reports required to be filed with the state education department for approved building projects completed prior to December 31, 2012, (e) the Monticello central school district and by all of its officers or agents relating to or in connection with final building cost reports required to be filed with the state education department for approved building projects completed prior to December 31, 2012, (f) the Marlboro central school district and by all its officers or agents relating to or in connection with certain final cost reports to be filed with the state education department for project number 006-005, (g) the Long Beach city school district and by all its officers or agents relating to or in

connection with certain final cost reports to be filed with the state education department for project numbers 0001-022, 0011-016, 0011-019, and 0011-030, (h) the Greenville central school district and by all its officers or agents relating to or in connection with certain final cost reports to be filed with the state education department for project number 008-016, (i) the Lawrence union free school district and by all of its officers or agents relating to or in connection with certain final cost reports to be filed with the state education department for project numbers 0002-027, 0008-037, and 0001-024, and (j) the Pearl River union free school district and by all of its officers or agents relating to or in connection with certain final cost reports to be filed with the state education department for projects completed prior to December 31, 2017 and all acts incidental thereto are hereby legalized, validated, ratified and confirmed, notwithstanding any failure to comply with the approval and filing provisions of the education law or any other law or any other statutory authority, rule or regulation, in relation to any omission, error, defect, irregularity or illegality in such proceedings had and taken.

§ 24-b. Notwithstanding section 24-a of part A of chapter 57 of the laws of 2013, and consistent with section twenty-four-a of this act, the commissioner of education shall not recover from the Huntington union free school district, the Islip union free school district, the Liverpool central school district, the Panama central school district, the Monticello central school district, the Marlboro central school district, the Long Beach city school district, the Greenville central school district, the Lawrence union free school district, or the Pearl River union free school district any penalty arising from the late filing of a final cost report pursuant to section 31 of part A of chapter 57 of the laws of 2012, provided that any amounts already so recovered shall be deemed a payment of moneys due for prior years pursuant to paragraph c of subdivision 5 of section 3604 of the education law and shall be paid to the appropriate district pursuant to such provision, provided that such school district: (a) submitted the late or missing final building cost report to the commissioner of education; (b) such cost report is approved by the commissioner of education; (c) all state funds expended by the school district, as documented in such cost report, were properly expended for such building project in accordance with the terms and conditions for such project as approved by the commissioner of education; and (d) the failure to submit such report in a timely manner was an inadvertent administrative or ministerial oversight by the school district, and there is no evidence of any fraudulent or other improper intent by such district.

§ 24-c. All the acts done and proceedings heretofore had and taken or caused to be had and taken by (a) the Cold Spring Harbor central school district and by all officers, employees or agents of such school district relating to or in connection with a transportation contract E259217 of the 2013-14 school year, (b) the Corning city school district and by all officers, employees or agents of such school district relating to or in connection with transportation contracts E414960, E414961, E414962, and E414963 of the 2017-18 school year, (c) the Fulton city school district and by all officers, employees or agents of such school district relating to or in connection with transportation contract E006115 of the 2016-2017 school year, (d) the Port Washington union free school district and by all officers, employees or agents of such school district relating to or in connection with transportation contracts E267698, E275279, C415663, and E600646 of the 2016-2017 school year, (e)

the Baldwin union free school district and by all officers, employees or agents of such school district relating to or in connection with transportation contracts E258713, E266995, E266994,5 E266993, E266991 and E266992 of the 2017-2018 school year, and (f) the West Hempstead Union Free School District and by all officers, employees or agents of such school district relating to or in connection with transportation contract E252155 of the 2017-2018 school year, and all acts incidental hereto are hereby legalized, validated, ratified and confirmed, notwithstanding any failure to comply with the contract award, approval and filing provisions of the education law, the general municipal law or any other law or any other statutory authority, rule or regulation, other than those filing provisions defined in paragraph a of subdivision 5 of section 3604 of the education law, in relation to any omission, error, defect, irregularity or illegality in such proceeding had and taken and provided that the failure to submit a transportation contract in a timely manner was an inadvertent administrative or ministerial oversight by the school district, and there is no evidence of any fraudulent or other improper intent by such district.

§ 24-d. The state education department is hereby directed to consider the aforementioned contracts for transportation aid as valid and proper obligations of the Cold Spring Harbor central, the Corning city, the Fulton city, the Port Washington union free, the Baldwin union free, and the West Hempstead union free school districts and shall not recover from such school districts any penalty arising from the failure to submit a transportation contract in a timely manner, provided that any amounts already so recovered shall be deemed a payment of moneys due for prior years pursuant to paragraph c of subdivision 5 of section 3604 of the education law and shall be paid to the appropriate district pursuant to such provision.

§ 25. Intentionally omitted.

§ 25-a. Paragraph c of subdivision 5 of section 3604 of the education law, as added by chapter 82 of the laws of 1995, is amended to read as follows:

c. Payment of moneys due for prior years. State aid payments due for prior years in accordance with the provisions of this subdivision shall be paid **either: (i) from funds available in the general support for public school appropriation as a result of the deduction of excess payments of aid pursuant to paragraph a of this subdivision; or (ii)** within the limit of the appropriation designated therefor provided, however, that each eligible claim shall be payable in the order that it has been approved for payment by the commissioner, but in no case shall a single claim draw down more than forty percent of the appropriation so designated for a single year, and provided further that no claim shall be set aside for insufficiency of funds to make a complete payment, but shall be eligible for a partial payment in one year and shall retain its priority date status for appropriations designated for such purposes in future years.

§ 26. Intentionally omitted.

§ 26-a. The opening paragraph of section 3609-a of the education law, as amended by section 24 of part A of chapter 56 of the laws of 2020, is amended to read as follows:

For aid payable in the two thousand seven--two thousand eight school year through the two thousand [~~twenty~~] twenty-one--two thousand [~~twenty-one~~] twenty-two school year, "moneys apportioned" shall mean the lesser of (i) the sum of one hundred percent of the respective amount set forth for each school district as payable pursuant to this section

in the school aid computer listing for the current year produced by the commissioner in support of the budget which includes the appropriation for the general support for public schools for the prescribed payments and individualized payments due prior to April first for the current year plus the apportionment payable during the current school year pursuant to subdivision six-a and subdivision fifteen of section thirty-six hundred two of this part minus any reductions to current year aids pursuant to subdivision seven of section thirty-six hundred four of this part or any deduction from apportionment payable pursuant to this chapter for collection of a school district basic contribution as defined in subdivision eight of section forty-four hundred one of this chapter, less any grants provided pursuant to subparagraph two-a of paragraph b of subdivision four of section ninety-two-c of the state finance law, less any grants provided pursuant to subdivision five of section ninety-seven-nnnn of the state finance law, less any grants provided pursuant to subdivision twelve of section thirty-six hundred forty-one of this article, or (ii) the apportionment calculated by the commissioner based on data on file at the time the payment is processed; provided however, that for the purposes of any payments made pursuant to this section prior to the first business day of June of the current year, moneys apportioned shall not include any aids payable pursuant to subdivisions six and fourteen, if applicable, of section thirty-six hundred two of this part as current year aid for debt service on bond anticipation notes and/or bonds first issued in the current year or any aids payable for full-day kindergarten for the current year pursuant to subdivision nine of section thirty-six hundred two of this part. The definitions of "base year" and "current year" as set forth in subdivision one of section thirty-six hundred two of this part shall apply to this section. For aid payable in the two thousand [~~twenty~~] **twenty-one**--two thousand [~~twenty-one~~] **twenty-two** school year, reference to such "school aid computer listing for the current year" shall mean the printouts entitled [~~"SA202-1"~~]**"SA212-2"**.

§ 27. Intentionally omitted.

§ 27-a. Notwithstanding any provision of law or regulation to the contrary, if as a result of the state disaster emergency declared pursuant to Executive Order 202 of 2020, approved private schools serving students with disabilities subject to articles 81 and 89 of the education law, special act school districts, state supported schools pursuant to article 85 of the education law, and approved preschool special class and special class in an integrated setting programs pursuant to section 4410 of the education law experience enrollment decreases as a percentage of operating capacity of 5 percentage points or more during the 2020-21 and 2021-22 school years, the state education department shall apply an enrollment adjustment factor as part of the tuition rate reconciliation process to stabilize tuition revenue. Moreover, should such schools and programs receive federal Paycheck Protection Program loan forgiveness revenue or other extraordinary federal revenue as determined by the state education department, such revenue shall be applied as offsetting revenue for reconciliation tuition rate calculation purposes after allowable costs incurred in responding to the state disaster emergency declared pursuant to Executive Order 202 of 2020 are defrayed, and such revenues shall be subtracted from total costs after the application of the nondirect care screen, and provided further, that the state education department shall hold harmless prospective tuition rates for the 2021-22 and subsequent school years to reflect the impact of receipt of such extraordinary federal revenue.

§ 28. Intentionally omitted.

§ 29. Intentionally omitted.

§ 29-a. Section 5 of chapter 537 of the laws of 1976, relating to paid, free and reduced price breakfast for eligible pupils in certain school districts, is amended by adding a new subdivision d to read as follows:

d. Notwithstanding any provision of this act to the contrary, school food authorities shall be eligible for the additional state subsidy pursuant to this section for lunch meals served in accordance with the Summer Food Service Program during the state disaster emergency declared pursuant to executive order 202 of 2020.

§ 30. Intentionally omitted.

§ 31. Intentionally omitted.

§ 32. Intentionally omitted.

§ 33. Intentionally omitted.

§ 34. Subparagraphs (viii) and (ix) of paragraph (a) of subdivision 1 of section 2856 of the education law, subparagraph (viii) as amended and subparagraph (ix) as added by section 26-a of part A of chapter 56 of the laws of 2020, are amended to read as follows:

(viii) for the two thousand twenty--two thousand twenty-one and two thousand twenty-one--two thousand twenty-two school years, the charter school basic tuition shall be the lesser of (A) the product of (i) the charter school basic tuition calculated for the base year multiplied by (ii) the average of the quotients for each school year in the period commencing with the year three years prior to the base year and finishing with the year prior to the base year of the total approved operating expense for such school district calculated pursuant to paragraph t of subdivision one of section thirty-six hundred two of this chapter for each such year divided by the total approved operating expense for such district for the immediately preceding year multiplied by, **(iii)** for the two thousand twenty--two thousand twenty-one school year only, [~~(iii)~~] nine hundred forty-five one-thousandths (0.945)**, or for the two thousand twenty-one--two thousand twenty-two school year only, one minus the adjustment factor** or (B) the quotient of the total general fund expenditures for the school district calculated pursuant to an electronic data file created for the purpose of compliance with paragraph b of subdivision twenty-one of section three hundred five of this chapter published annually on May fifteenth for the year prior to the base year divided by the total estimated public enrollment for the school district pursuant to paragraph n of subdivision one of section thirty-six hundred two of this chapter for the year prior to the base year. **The adjustment factor shall equal the quotient arrived at when dividing (A) the sum of (i) the services aid reduction for the school district pursuant to paragraph b of subdivision twenty-one of section thirty-six hundred two of this chapter, (ii) plus the local district funding adjustment for the school district pursuant to subdivision one of section thirty-six hundred nine-i of this chapter by (B) the total general fund expenditures for the school district for the two thousand twenty--two thousand twenty-one school year calculated pursuant to an electronic data file created for the purpose of compliance with paragraph b of subdivision twenty-one of section three hundred five of this chapter published on May fifteenth, two thousand twenty-one.**

(ix) for the two thousand twenty-two--two thousand twenty-three through two thousand twenty-four--two thousand twenty-five school years the charter school basic tuition shall be the lesser of (A) the product of (i) **for the two thousand twenty-two--two thousand twenty-three school**

year, the charter school basic tuition calculated for the base year divided by the difference of one less the adjustment factor and for the two thousand twenty-three--two thousand twenty-four and two thousand twenty-four--two thousand twenty-five school years, the charter school basic tuition calculated for the base year multiplied by (ii) the average of the quotients for each school year in the period commencing with the year four years prior to the base year and finishing with the year prior to the base year, excluding the two thousand twenty--two thousand twenty-one school year, of the total approved operating expense for such school district calculated pursuant to paragraph t of subdivision one of section thirty-six hundred two of this chapter for each such year divided by the total approved operating expense for such district for the immediately preceding year or (B) the quotient of the total general fund expenditures for the school district calculated pursuant to an electronic data file created for the purpose of compliance with paragraph b of subdivision twenty-one of section three hundred five of this chapter published annually on May fifteenth for the year prior to the base year divided by the total estimated public enrollment for the school district pursuant to paragraph n of subdivision one of section thirty-six hundred two of this chapter for the year prior to the base year.

§ 35. Subparagraphs (viii) and (ix) of paragraph (a) of subdivision 1 of section 2856 of the education law, subparagraph (viii) as amended and subparagraph (ix) as added by section 26-b of part A of chapter 56 of the laws of 2020, are amended to read as follows:

(viii) for the two thousand twenty--two thousand twenty-one and two thousand twenty-one--two thousand twenty-two school years, the charter school basic tuition shall be the lesser of (A) the product of (i) the charter school basic tuition calculated for the base year multiplied by (ii) the average of the quotients for each school year in the period commencing with the year three years prior to the base year and finishing with the year prior to the base year of the total approved operating expense for such school district calculated pursuant to paragraph t of subdivision one of section thirty-six hundred two of this chapter for each such year divided by the total approved operating expense for such district for the immediately preceding year multiplied by, (iii) for the two thousand twenty--two thousand twenty-one school year only, [~~(iii)~~] nine hundred forty-five one-thousandths (0.945), or for the two thousand twenty-one--two thousand twenty-two school year only, one minus the adjustment factor or (B) the quotient of the total general fund expenditures for the school district calculated pursuant to an electronic data file created for the purpose of compliance with paragraph b of subdivision twenty-one of section three hundred five of this chapter published annually on May fifteenth for the year prior to the base year divided by the total estimated public enrollment for the school district pursuant to paragraph n of subdivision one of section thirty-six hundred two of this chapter for the year prior to the base year. The adjustment factor shall equal the quotient arrived at when dividing (A) the sum of (i) the services aid reduction for the school district pursuant to paragraph b of subdivision twenty-one of section thirty-six hundred two of this chapter, (ii) plus the local district funding adjustment for the school district pursuant to subdivision one of section thirty-six hundred nine-i of this chapter by (B) the total general fund expenditures for the school district for the two thousand twenty--two thousand twenty-one school year calculated pursuant to an electronic data file created for the purpose of compliance with paragraph b of subdivision twenty-one of

section three hundred five of this chapter published on May fifteenth, two thousand twenty-one.

(ix) for the two thousand twenty-two--two thousand twenty-three through two thousand twenty-four--two thousand twenty-five school years the charter school basic tuition shall be the lesser of (A) the product of (i) for the two thousand twenty-two--two thousand twenty-three school year, the charter school basic tuition calculated for the base year divided by the difference of one less the adjustment factor and for the two thousand twenty-three--two thousand twenty-four and two thousand twenty-four--two thousand twenty-five school years, the charter school basic tuition calculated for the base year multiplied by (ii) the average of the quotients for each school year in the period commencing with the year four years prior to the base year and finishing with the year prior to the base year, excluding the two thousand twenty--two thousand twenty-one school year, of the total approved operating expense for such school district calculated pursuant to paragraph t of subdivision one of section thirty-six hundred two of this chapter for each such year divided by the total approved operating expense for such district for the immediately preceding year or (B) the quotient of the total general fund expenditures for the school district calculated pursuant to an electronic data file created for the purpose of compliance with paragraph b of subdivision twenty-one of section three hundred five of this chapter published annually on May fifteenth for the year prior to the base year divided by the total estimated public enrollment for the school district pursuant to paragraph n of subdivision one of section thirty-six hundred two of this chapter for the year prior to the base year.

§ 36. Intentionally omitted.

§ 36-a. Intentionally omitted.

§ 36-b. Intentionally omitted.

§ 37. Intentionally omitted.

§ 37-a. Subdivision 21 of section 305 of the education law is amended by adding a new paragraph e to read as follows:

e. Notwithstanding any inconsistent provision of law to the contrary, in preparing an electronic data file pursuant to paragraph b of this subdivision, for the purposes of using estimated data for projections of apportionments for the following school year, the commissioner shall (i) calculate the negative difference, if any, of the allowable growth amount computed pursuant to subdivision one of section thirty-six hundred two of this chapter less the preliminary growth amount pursuant to such subdivision, and (ii) include such negative difference as the "growth cap adjustment" in any file that aggregates apportionments of general support for public schools for the purpose of determining the amounts necessary in the state fiscal years associated with the school year estimates, provided that the commissioner shall not allocate any amount of such growth cap adjustment to any school district.

§ 37-b. Paragraph cc of subdivision 1 of section 3602 of the education law is REPEALED.

§ 37-c. Paragraph c of subdivision 17 of section 3602 of the education law is REPEALED.

§ 38. Section 3 of chapter 507 of the laws of 1974, relating to providing for the apportionment of state monies to certain nonpublic schools, to reimburse them for their expenses in complying with certain state requirements for the administration of state testing and evaluation programs and for participation in state programs for the

reporting of basic educational data, as amended by chapter 347 of the laws of 2018, is amended to read as follows:

§ 3. Apportionment. a. The commissioner shall annually apportion to each qualifying school, for school years beginning on and after July first, nineteen hundred seventy-four, an amount equal to the actual cost incurred by each such school during the preceding school year for providing services required by law to be rendered to the state in compliance with the requirements of the state's pupil evaluation program, the basic educational data system, regents examinations, the statewide evaluation plan, the uniform procedure for pupil attendance reporting, the state's immunization program and other similar state prepared examinations and reporting procedures. **Provided that each nonpublic school that seeks aid payable in the two thousand twenty--two thousand twenty-one school year to reimburse two thousand nineteen--two thousand twenty school year expenses shall submit a claim for such aid to the state education department no later than May fifteenth, two thousand twenty-one and such claims shall be paid by the state education department no later than June thirtieth, two thousand twenty-one. Provided further that each nonpublic school that seeks aid payable in the two thousand twenty-one--two thousand twenty-two school year and thereafter shall submit a claim for such aid to the state education department no later than April first of the school year in which aid is payable and such claims shall be paid by the state education department no later than May thirty-first of such school year.**

b. Such nonpublic schools shall be eligible to receive aid based on the number of days or portion of days attendance is taken and either a 5.0/5.5 hour standard instructional day, or another work day as certified by the nonpublic school officials, in accordance with the methodology for computing salary and benefits applied by the department in paying aid for the two thousand twelve--two thousand thirteen and prior school years.

c. The commissioner shall annually apportion to each qualifying school in the cities of New York, Buffalo and Rochester, for school years beginning on or after July first two thousand sixteen, an amount equal to the actual cost incurred by each such school during the preceding school year in meeting the recording and reporting requirements of the state school immunization program, provided that the state's liability shall be limited to the amount appropriated for this purpose.

§ 39. Subdivision b of section 2 of chapter 756 of the laws of 1992, relating to funding a program for work force education conducted by the consortium for worker education in New York city, as amended by section 30 of part A of chapter 56 of the laws of 2020, is amended to read as follows:

b. Reimbursement for programs approved in accordance with subdivision a of this section for the reimbursement for the 2018--2019 school year shall not exceed 59.4 percent of the lesser of such approvable costs per contact hour or fourteen dollars and ninety-five cents per contact hour, reimbursement for the 2019--2020 school year shall not exceed 57.7 percent of the lesser of such approvable costs per contact hour or fifteen dollars sixty cents per contact hour, [~~and~~] reimbursement for the 2020--2021 school year shall not exceed 56.9 percent of the lesser of such approvable costs per contact hour or sixteen dollars and twenty-five cents per contact hour, **and reimbursement for the 2021--2022 school year shall not exceed 56.0 percent of the lesser of such approvable costs per contact hour or sixteen dollars and forty cents per contact hour,** and where a contact hour represents sixty minutes of

instruction services provided to an eligible adult. Notwithstanding any other provision of law to the contrary, for the 2018--2019 school year such contact hours shall not exceed one million four hundred sixty-three thousand nine hundred sixty-three (1,463,963); for the 2019--2020 school year such contact hours shall not exceed one million four hundred forty-four thousand four hundred forty-four (1,444,444); [~~and~~] for the 2020--2021 school year such contact hours shall not exceed one million four hundred six thousand nine hundred twenty-six (1,406,926)**; and for the 2021--2022 school year such contact hours shall not exceed one million four hundred sixteen thousand one hundred twenty-two (1,416,122)**. Notwithstanding any other provision of law to the contrary, the apportionment calculated for the city school district of the city of New York pursuant to subdivision 11 of section 3602 of the education law shall be computed as if such contact hours provided by the consortium for worker education, not to exceed the contact hours set forth herein, were eligible for aid in accordance with the provisions of such subdivision 11 of section 3602 of the education law.

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

z. The provisions of this subdivision shall not apply after the completion of payments for the 2021--2022 school year. Notwithstanding any inconsistent provisions of law, the commissioner of education shall withhold a portion of employment preparation education aid due to the city school district of the city of New York to support a portion of the costs of the work force education program. Such moneys shall be credited to the elementary and secondary education fund-local assistance account and shall not exceed thirteen million dollars ($13,000,000).

§ 41. Section 6 of chapter 756 of the laws of 1992, relating to funding a program for work force education conducted by the consortium for worker education in New York city, as amended by section 32 of part A of chapter 56 of the laws of 2020, is amended to read as follows:

§ 6. This act shall take effect July 1, 1992, and shall be deemed repealed on June 30, [~~2021~~] **2022**.

§ 41-a. Paragraph a-1 of subdivision 11 of section 3602 of the education law, as amended by section 32-a of part A of chapter 56 of the laws of 2020, is amended to read as follows:

a-1. Notwithstanding the provisions of paragraph a of this subdivision, for aid payable in the school years two thousand--two thousand one through two thousand nine--two thousand ten, and two thousand eleven--two thousand twelve through two thousand [~~twenty~~] **twenty-one**--two thousand [~~twenty-one~~] **twenty-two**, the commissioner may set aside an amount not to exceed two million five hundred thousand dollars from the funds appropriated for purposes of this subdivision for the purpose of serving persons twenty-one years of age or older who have not been enrolled in any school for the preceding school year, including persons who have received a high school diploma or high school equivalency diploma but fail to demonstrate basic educational competencies as defined in regulation by the commissioner, when measured by accepted standardized tests, and who shall be eligible to attend employment preparation education programs operated pursuant to this subdivision.

§ 42. Section 12 of chapter 147 of the laws of 2001, amending the education law relating to conditional appointment of school district, charter school or BOCES employees, as amended by section 34 of part A of chapter 56 of the laws of 2020, is amended to read as follows:

§ 12. This act shall take effect on the same date as chapter 180 of the laws of 2000 takes effect, and shall expire July 1, [~~2021~~] 2022 when upon such date the provisions of this act shall be deemed repealed.

§ 42-a. Subparagraph (ii) of paragraph (c) of subdivision 8 of section 3602-ee of the education law, as amended by section 22-b of part A of chapter 56 of the laws of 2020, is amended to read as follows:

(ii) Provided that, notwithstanding any provisions of this paragraph to the contrary, for the two thousand seventeen-two thousand eighteen through the two thousand [~~twenty~~] twenty-one--two thousand [~~twenty-one~~] twenty-two school years an exemption to the certification requirement of subparagraph (i) of this paragraph may be made for a teacher without certification valid for service in the early childhood grades who possesses a written plan to obtain certification and who has registered in the ASPIRE workforce registry as required under regulations of the commissioner of the office of children and family services. Notwithstanding any exemption provided by this subparagraph, certification shall be required for employment no later than June thirtieth, two thousand [~~twenty-one~~] twenty-two; provided that for the two thousand [~~twenty~~] twenty-one--two thousand [~~twenty-one~~] twenty-two school year, school districts with teachers seeking an exemption to the certification requirement of subparagraph (i) of this paragraph shall submit a report to the commissioner regarding (A) the barriers to certification, if any, (B) the number of uncertified teachers registered in the ASPIRE workforce registry teaching pre-kindergarten in the district, including those employed by a community-based organization, (C) the number of previously uncertified teachers who have completed certification as required by this subdivision, and (D) the expected certification completion date of such teachers.

§ 42-b. Subdivision 4 of section 51 of part B of chapter 57 of the laws of 2008 amending the education law relating to the universal prekindergarten program, as amended by section 22-a of part A of chapter 56 of the laws of 2020, is amended to read as follows:

4. section twenty-three of this act shall take effect July 1, 2008 and shall expire and be deemed repealed June 30, [~~2021~~] 2022;

§ 43. Section 4 of chapter 425 of the laws of 2002, amending the education law relating to the provision of supplemental educational services, attendance at a safe public school and the suspension of pupils who bring a firearm to or possess a firearm at a school, as amended by section 35 of part A of chapter 56 of the laws of 2020, is amended to read as follows:

§ 4. This act shall take effect July 1, 2002 and section one of this act shall expire and be deemed repealed June 30, 2019, and sections two and three of this act shall expire and be deemed repealed on June 30, [~~2021~~] 2022.

§ 44. Section 5 of chapter 101 of the laws of 2003, amending the education law relating to the implementation of the No Child Left Behind Act of 2001, as amended by section 36 of part A of chapter 56 of the laws of 2020, is amended to read as follows:

§ 5. This act shall take effect immediately; provided that sections one, two and three of this act shall expire and be deemed repealed on June 30, [~~2021~~] 2022.

§ 45. School bus driver training. In addition to apportionments otherwise provided by section 3602 of the education law, for aid payable in the 2021--2022 school year, the commissioner of education shall allocate school bus driver training grants to school districts and boards of cooperative educational services pursuant to sections 3650-a, 3650-b and

3650-c of the education law, or for contracts directly with not-for-profit educational organizations for the purposes of this section. Such payments shall not exceed four hundred thousand dollars ($400,000) per school year.

§ 46. Special apportionment for salary expenses. a. Notwithstanding any other provision of law, upon application to the commissioner of education, not sooner than the first day of the second full business week of June 2022 and not later than the last day of the third full business week of June 2022, a school district eligible for an apportionment pursuant to section 3602 of the education law shall be eligible to receive an apportionment pursuant to this section, for the school year ending June 30, 2022, for salary expenses incurred between April 1 and June 30, 2021 and such apportionment shall not exceed the sum of (i) the deficit reduction assessment of 1990--1991 as determined by the commissioner of education, pursuant to paragraph f of subdivision 1 of section 3602 of the education law, as in effect through June 30, 1993, plus (ii) 186 percent of such amount for a city school district in a city with a population in excess of 1,000,000 inhabitants, plus (iii) 209 percent of such amount for a city school district in a city with a population of more than 195,000 inhabitants and less than 219,000 inhabitants according to the latest federal census, plus (iv) the net gap elimination adjustment for 2010--2011, as determined by the commissioner of education pursuant to chapter 53 of the laws of 2010, plus (v) the gap elimination adjustment for 2011--2012 as determined by the commissioner of education pursuant to subdivision 17 of section 3602 of the education law, and provided further that such apportionment shall not exceed such salary expenses. Such application shall be made by a school district, after the board of education or trustees have adopted a resolution to do so and in the case of a city school district in a city with a population in excess of 125,000 inhabitants, with the approval of the mayor of such city.

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

c. Notwithstanding the provisions of section 3609-a of the education law, an amount equal to the amount paid to a school district pursuant to subdivisions a and b of this section shall first be deducted from the following payments due the school district during the school year following the year in which application was made pursuant to subparagraphs (1), (2), (3), (4) and (5) of paragraph a of subdivision 1 of section 3609-a of the education law in the following order: the lottery apportionment payable pursuant to subparagraph (2) of such paragraph followed by the fixed fall payments payable pursuant to subparagraph (4)

of such paragraph and then followed by the district's payments to the teachers' retirement system pursuant to subparagraph (1) of such paragraph, and any remainder to be deducted from the individualized payments due the district pursuant to paragraph b of such subdivision shall be deducted on a chronological basis starting with the earliest payment due the district.

§ 46-a. Subdivision a of section 5 of chapter 121 of the laws of 1996, relating to authorizing the Roosevelt union free school district to finance deficits by the issuance of serial bonds, as amended by section 42-a of part A of chapter 56 of the laws of 2020, is amended to read as follows:

a. Notwithstanding any other provisions of law, upon application to the commissioner of education submitted not sooner than April first and not later than June thirtieth of the applicable school year, the Roosevelt union free school district shall be eligible to receive an apportionment pursuant to this chapter for salary expenses, including related benefits, incurred between April first and June thirtieth of such school year. Such apportionment shall not exceed: for the 1996-97 school year through the [~~2020-21~~] 2021-22 school year, four million dollars ($4,000,000); for the [~~2021-22~~] 2022-23 school year, three million dollars ($3,000,000); for the [~~2022-23~~] 2023-24 school year, two million dollars ($2,000,000); for the [~~2023-24~~] 2024-25 school year, one million dollars ($1,000,000); and for the [~~2024-25~~] 2025-26 school year, zero dollars. Such annual application shall be made after the board of education has adopted a resolution to do so with the approval of the commissioner of education.

§ 46-b. Section 8 of chapter 89 of the laws of 2016 relating to supplementary funding for dedicated programs for public school students in the East Ramapo central school district, as amended by section 42-b of part A of chapter 56 of the laws of 2020, is amended to read as follows:

§ 8. This act shall take effect July 1, 2016 and shall expire and be deemed repealed June 30, [~~2021~~] 2022, except that paragraph (b) of section five of this act and section seven of this act shall expire and be deemed repealed June 30, [~~2021~~] 2022.

§ 46-c. a. Notwithstanding any inconsistent provision of law to the contrary, for purposes of the pandemic adjustment as defined in the appropriation for general support for public schools pursuant to chapter 53 of the laws of 2020 and subdivision 19 of section 3602 of the education law, the pandemic adjustment amount for the East Ramapo central school district shall equal zero.

b. Notwithstanding any provision of law to the contrary, the commissioner of education shall reduce payments for general support for public schools due to the East Ramapo central school district for the 2020-2021 school year by an amount equal to the product of nine one-hundredths (0.09) multiplied by the sum of (A) the amount set forth for such district as "TOTAL" under the heading "2020-21 BASE YEAR AIDS" on the school aid computer listing produced by the commissioner in November 2020 pursuant to subdivision 21 of section 305 of the education law and entitled "CL2122" plus (B) the positive value of the amount set forth as "PANDEMIC ADJUSTMENT" on such listing, provided further that an amount equal to the amount of such deduction shall be deemed to have been paid to the district pursuant to this section for the school year in which such deduction is made.

c. Notwithstanding any provisions of law to the contrary, for the purposes of an apportionment from the education stabilization fund

appropriated in chapter 53 of the laws of 2020, the East Ramapo central school district shall be apportioned an amount equal to the amount set forth for such district as "PANDEMIC ADJUSTMENT" under the heading "2020-21 BASE YEAR AIDS" on the school aid computer listing produced by the commissioner in November 2020 pursuant to subdivision 21 of section 305 of the education law in support of the budget for the 2020-2021 school year and entitled "CL2122".

§ 47. Special apportionment for public pension accruals. a. Notwithstanding any other provision of law, upon application to the commissioner of education, not later than June 30, 2022, a school district eligible for an apportionment pursuant to section 3602 of the education law shall be eligible to receive an apportionment pursuant to this section, for the school year ending June 30, 2022 and such apportionment shall not exceed the additional accruals required to be made by school districts in the 2004--2005 and 2005--2006 school years associated with changes for such public pension liabilities. The amount of such additional accrual shall be certified to the commissioner of education by the president of the board of education or the trustees or, in the case of a city school district in a city with a population in excess of 125,000 inhabitants, the mayor of such city. Such application shall be made by a school district, after the board of education or trustees have adopted a resolution to do so and in the case of a city school district in a city with a population in excess of 125,000 inhabitants, with the approval of the mayor of such city.

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

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

§ 47-a. Subdivision 1 of section 1318 of the real property tax law, as amended by chapter 238 of the laws of 2007, is amended to read as follows:

1. The warrant of the collecting officer shall be signed by the trustee, or the trustees, or a majority of them, or the board of education or a majority thereof. Such warrant shall state the amount of unexpended surplus funds in the custody of the board and shall further state that except as authorized or required by law, such unexpended surplus funds have been applied in determining the amount of the school tax levy. For the two thousand seven--two thousand eight school year, surplus funds as used in this subdivision shall mean any operating funds in excess of three percent of the current school year budget, and shall not include funds properly retained under other sections of law. For the two thousand eight--two thousand nine school year, and thereafter, surplus funds as used in this subdivision shall mean any operating funds in excess of four percent of the current school year budget, and shall not include funds properly retained under other sections of law. **For the two thousand twenty--two thousand twenty-one school year through the two thousand twenty-two--two thousand twenty-three school year, surplus funds as used in this subdivision shall mean any operating funds in excess of six percent of the current school year budget, and shall not include funds properly retained under other sections of law.** Such warrant shall have the same force and effect as a warrant issued by a board of supervisors to a collecting officer in a town. The collecting officer to whom it may be delivered for collection shall be thereby authorized and required to collect from every person named on such school tax roll the sum set opposite his name, or the amount due from any person specified therein, in the same manner and with the same powers that collecting officers in towns are authorized to collect taxes levied by the board of supervisors.

§ 48. Notwithstanding the provision of any law, rule, or regulation to the contrary, the city school district of the city of Rochester, upon the consent of the board of cooperative educational services of the supervisory district serving its geographic region may purchase from such board for the 2021--2022 school year, as a non-component school district, services required by article 19 of the education law.

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

a. for the development, maintenance or expansion of magnet schools or magnet school programs for the 2021--2022 school year. For the city school district of the city of New York there shall be a setaside of foundation aid equal to forty-eight million one hundred seventy-five thousand dollars ($48,175,000) including five hundred thousand dollars ($500,000) for the Andrew Jackson High School; for the Buffalo city school district, twenty-one million twenty-five thousand dollars ($21,025,000); for the Rochester city school district, fifteen million dollars ($15,000,000); for the Syracuse city school district, thirteen million dollars ($13,000,000); for the Yonkers city school district, forty-nine million five hundred thousand dollars ($49,500,000); for the Newburgh city school district, four million six hundred forty-five thousand dollars ($4,645,000); for the Poughkeepsie city school district, two million four hundred seventy-five thousand dollars ($2,475,000); for the Mount Vernon city school district, two million dollars ($2,000,000); for the New Rochelle city school district, one million four hundred ten thousand dollars ($1,410,000); for the Schenectady city school district,

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

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

c. The commissioner of education shall not be authorized to withhold foundation aid from a school district that used such funds in accordance with this paragraph, notwithstanding any inconsistency with a request for proposals issued by such commissioner for the purpose of attendance improvement and dropout prevention for the 2021--2022 school year, and for any city school district in a city having a population of more than one million, the setaside for attendance improvement and dropout prevention shall equal the amount set aside in the base year. For the 2021--2022 school year, it is further provided that any city school district in a city having a population of more than one million shall allocate at least one-third of any increase from base year levels in funds set aside pursuant to the requirements of this section to community-based organizations. Any increase required pursuant to this section to community-based organizations must be in addition to allocations provided to community-based organizations in the base year.

d. For the purpose of teacher support for the 2021--2022 school year: for the city school district of the city of New York, sixty-two million seven hundred seven thousand dollars ($62,707,000); for the Buffalo city school district, one million seven hundred forty-one thousand dollars ($1,741,000); for the Rochester city school district, one million seventy-six thousand dollars ($1,076,000); for the Yonkers city school district, one million one hundred forty-seven thousand dollars ($1,147,000); and for the Syracuse city school district, eight hundred nine thousand dollars ($809,000). All funds made available to a school district pursuant to this section shall be distributed among teachers including prekindergarten teachers and teachers of adult vocational and academic subjects in accordance with this section and shall be in addition to salaries heretofore or hereafter negotiated or made available; provided, however, that all funds distributed pursuant to this section for the current year shall be deemed to incorporate all funds distributed pursuant to former subdivision 27 of section 3602 of the education

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

§ 50. Support of public libraries. The moneys appropriated for the support of public libraries by a chapter of the laws of 2021 enacting the aid to localities budget shall be apportioned for the 2021--2022 state fiscal year in accordance with the provisions of sections 271, 272, 273, 282, 284 and 285 of the education law as amended by the provisions of this chapter and the provisions of this section, provided that library construction aid pursuant to section 273-a of the education law shall not be payable from the appropriations for the support of public libraries and provided further that no library, library system or program, as defined by the commissioner of education, shall receive less total system or program aid than it received for the year 2001--2002 except as a result of a reduction adjustment necessary to conform to the appropriations for support of public libraries.

Notwithstanding any other provision of law to the contrary the moneys appropriated for the support of public libraries for the year 2021--2022 by a chapter of the laws of 2021 enacting the education, labor and family assistance budget shall fulfill the state's obligation to provide such aid and, pursuant to a plan developed by the commissioner of education and approved by the director of the budget, the aid payable to libraries and library systems pursuant to such appropriations shall be reduced proportionately to assure that the total amount of aid payable does not exceed the total appropriations for such purpose.

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

§ 52. This act shall take effect immediately, and shall be deemed to have been in full force and effect on and after April 1, 2021, provided, however, that:

1. Sections one, ten-a, ten-b, twelve-b, thirteen-a, fourteen-a, twenty-three, thirty-seven-a, thirty-seven-b, thirty-seven-c, forty-one, forty-one-a, forty-two-a, forty-three, forty-four, forty-five, forty-six-a, forty-eight and forty-nine of this act shall take effect July 1, 2021;

2. Intentionally omitted;

3. Intentionally omitted;

3-a. Section twenty-two-b of this act shall take effect on July 1, 2021 and shall expire June 30, 2024 when upon such date the provisions of such section shall be deemed repealed;

4. The amendments to paragraph (a) of subdivision 1 of section 2856 of the education law made by section thirty-four of this act shall be subject to the expiration and reversion of such subdivision pursuant to

subdivision d of section 27 of chapter 378 of the laws of 2007, as amended, when upon such date the provisions of section thirty-five of this act shall take effect;

5. Intentionally omitted;

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

7. Section forty-six-c of this act shall be deemed to have been in full force and effect on July 1, 2020 and shall apply to only the 2020-2021 school year; and

8. Section forty-seven-a of this act shall expire July 1, 2025 when upon such date the provisions of such section shall be deemed repealed.

PART B

Intentionally Omitted

PART C

Intentionally Omitted

PART D

Section 1. Section 4 of subpart A of part D of chapter 58 of the laws of 2011 amending the education law relating to capital facilities in support of the state university and community colleges, as amended by section 1 of part Q of chapter 54 of the laws of 2016, is amended to read as follows:

§ 4. This act shall take effect immediately and shall expire and be deemed repealed June 30, [~~2021~~] 2026.

§ 2. Section 4 of subpart B of part D of chapter 58 of the laws of 2011 amending the education law relating to procurement in support of the state and city universities, as amended by section 2 of part Q of chapter 54 of the laws of 2016, is amended to read as follows:

§ 4. This act shall take effect immediately and shall expire and be deemed repealed June 30, [~~2021~~] 2026.

§ 3. Section 3 of subpart C of part D of chapter 58 of the laws of 2011 amending the education law relating to state university health care facilities, as amended by section 3 of part Q of chapter 54 of the laws of 2016, is amended to read as follows:

§ 3. This act shall take effect immediately, and shall expire and be deemed repealed June 30, [~~2021~~] 2026.

§ 4. Intentionally omitted.

§ 5. This act shall take effect immediately.

PART E

Intentionally Omitted

PART F

Section 1. Notwithstanding any provision of law or regulation to the contrary, for purposes of an award made pursuant to subparts 2 through 4 of part 2 of article 14 of the education law in the 2019--2020 or 2020-

-2021 academic years, any semester, quarter or term that a recipient of such an award is unable to complete as a result of the COVID-19 pandemic state disaster emergency declared March 7, 2020, as certified by a college or university and approved by the New York state higher education services corporation, shall not be considered for purposes of determining the maximum duration of such award for that recipient, and provided further that no such recipient shall suffer a reduction in the original award amount granted pursuant to such subparts in such academic years solely due to inability to complete any semester, quarter or term as a result of the COVID-19 pandemic state disaster emergency declared March 7, 2020, as certified by a college or university and approved by the New York state higher education services corporation.

§ 2. This act shall take effect immediately.

PART G

Section 1. Subdivision 2 of section 669-h of the education law, as amended by section 1 of part T of chapter 56 of the laws of 2018, is amended to read as follows:

2. Amount. Within amounts appropriated therefor and based on availability of funds, awards shall be granted beginning with the two thousand seventeen--two thousand eighteen academic year and thereafter to applicants that the corporation has determined are eligible to receive such awards. The corporation shall grant such awards in an amount up to five thousand five hundred dollars or actual tuition, whichever is less; provided, however, (a) a student who receives educational grants and/or scholarships that cover the student's full cost of attendance shall not be eligible for an award under this program; and (b) an award under this program shall be applied to tuition after the application of payments received under the tuition assistance program pursuant to section six hundred sixty-seven of this subpart, tuition credits pursuant to section six hundred eighty-nine-a of this article, federal Pell grant pursuant to section one thousand seventy of title twenty of the United States code, et seq., and any other program that covers the cost of attendance unless exclusively for non-tuition expenses, and the award under this program shall be reduced in the amount equal to such payments, provided that the combined benefits do not exceed five thousand five hundred dollars. Upon notification of an award under this program, the institution shall defer the amount of tuition. Notwithstanding paragraph h of subdivision two of section three hundred fifty-five and paragraph (a) of subdivision seven of section six thousand two hundred six of this chapter, and any other law, rule or regulation to the contrary, the undergraduate tuition charged by the institution to recipients of an award shall not exceed the tuition rate established by the institution for the two thousand sixteen--two thousand seventeen academic year provided, however, that in the two thousand [~~twenty-one~~] twenty-three--two thousand [~~twenty-two~~] twenty-four academic year and every [~~four years~~] year thereafter, the undergraduate tuition charged by the institution to recipients of an award shall be reset to equal the tuition rate established by the institution for the forthcoming academic year, provided further that the tuition credit calculated pursuant to section six hundred eighty-nine-a of this article shall be applied toward the tuition rate charged for recipients of an award under this program. Provided further that the state university of New York and the city university of New York shall provide an additional tuition credit to students receiving an award to cover the remaining cost of tuition.

§ 2. This act shall take effect immediately.

PART H

Intentionally Omitted

PART I

Intentionally Omitted

PART J

Section 1. Section 9 of part G of chapter 57 of the laws of 2013, amending the executive law and the social services law relating to consolidating the youth development and delinquency prevention program and the special delinquency prevention program, as amended by section 1 of part I of chapter 56 of the laws of 2018, is amended to read as follows:

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

§ 2. This act shall take effect immediately.

PART K

Section 1. Section 4 of part K of chapter 57 of the laws of 2012, amending the education law, relating to authorizing the board of cooperative educational services to enter into contracts with the commissioner of children and family services to provide certain services, as amended by section 1 of part J of chapter 56 of the laws of 2018, is amended to read as follows:

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

§ 2. This act shall take effect immediately.

PART L

Section 1. Paragraph (g) of subdivision 3 of section 358-a of the social services law, as amended by section 4 of subpart L of part XX of chapter 55 of the laws of 2020, is amended to read as follows:

(g) **(i)** In any case in which an order has been issued pursuant to this section approving a foster care placement instrument, the social services official or authorized agency charged with custody or care of the child shall report **the initial placement and** any anticipated change in placement to the court and the attorneys for the parties, including the attorney for the child, forthwith, but not later than one business day following either the decision **to make the initial placement or** to change the placement or the actual date the **initial placement or** placement change occurred, whichever is sooner. Such notice shall indicate the date that the placement change is anticipated to occur or the date the placement change occurred, as applicable. Provided, however, if such notice lists an anticipated date for the **initial placement or** placement change, the local social services district or authorized agency shall subsequently notify the court and attorneys for the parties, including the attorney for the child, of the date the placement **or placement**

change occurred; such notice shall occur no later than one business day following the placement **or placement** change.

(ii) When a child whose legal custody was transferred to the commissioner of a local social services district in accordance with this section resides in a qualified residential treatment program, as defined in section four hundred nine-h of this chapter, and where such child's initial placement or change in placement in such program commenced on or after September twenty-ninth, two thousand twenty-one, upon receipt of notice required pursuant to subparagraph (i) of this paragraph and motion of the local social services district, the court shall make an assessment and determination on such placement in accordance with section three hundred ninety-three of this chapter. Notwithstanding any other provision of law to the contrary, such assessment and determination shall occur no later than sixty days from the date the placement of the child in the qualified residential treatment program commenced.

§ 1-a. Section 371 of the social services law is amended by adding a new subdivision 22 to read as follows:

22. "Supervised setting" shall mean a residential placement in the community approved and supervised by an authorized agency or the local social services district in accordance with the regulations of the office of children and family services to provide a transitional experience for older youth in which such youth may live independently. A supervised setting includes, but is not limited to, placement in a supervised independent living program, as defined in subdivision twenty-one of this section.

§ 1-b. Paragraph (c) of subdivision 2 of section 383-a of the social services law, as added by section 5 of part M of chapter 54 of the laws of 2016, is amended to read as follows:

(c) "Child care facility" shall mean an institution, group residence, group home, agency operated boarding home, or supervised **setting, including a supervised** independent living program.

§ 2. The social services law is amended by adding a new section 393 to read as follows:

§ 393. Court approval of placement in a qualified residential treatment program. 1. The provisions of this section shall apply when a child is placed on or after September twenty-ninth, two thousand twenty-one and resides in a qualified residential treatment program, as defined in section four hundred nine-h of this article, and whose care and custody were transferred to the commissioner of a local social services district in accordance with section three hundred fifty-eight-a of this chapter, or whose custody and guardianship were transferred to the commissioner of a local social services district in accordance with section three hundred eighty-three-c, or three hundred eighty-four-b of this title.

2. (a) Within sixty days of the start of a placement of a child referenced in subdivision one of this section in a qualified residential treatment program, the court shall:

(i) Consider the assessment, determination, and documentation made by the qualified individual pursuant to section four hundred nine-h of this article;

(ii) Determine whether the needs of the child can be met through placement in a foster family home and, if not, whether placement of the child in the particular qualified residential treatment program provides the most effective and appropriate level of care for the child in the least restrictive environment, whether placement in an alternative qualified residential treatment program would be more appropriate and wheth-

er that placement is consistent with the short-term and long-term goals for the child, as specified in the child's permanency plan;

(iii) Consider any relevant information or documentation that is necessary to make a determination, including any such information provided by an authorized agency as defined in subdivision ten of section three hundred seventy-one of this title; and

(iv) Approve or disapprove the placement of the child in the qualified residential treatment program. Provided that where the qualified individual determines that the placement of the child in the qualified residential treatment program is not appropriate in accordance with the assessment required pursuant to section four hundred nine-h of this article, the court may approve the placement of the child in the qualified residential treatment program if the court finds, and states in the written order that:

(A) there is not an alternative setting available that can meet the child's needs in a less restrictive environment; and

(B) that continued placement in the qualified residential program is in the child's best interest.

(b) If the court disapproves the placement of the child in the qualified residential treatment program, the court shall, on its own motion, determine a schedule for the return of the child, change the authorized agency in which the child is placed, or direct the local social services district or office of children and family services, as applicable, to make such other arrangements for the child's care and welfare in the most effective and least restrictive environment as the facts of the case may arise. If such alternative arrangements include a placement in a different qualified residential treatment program, the requirements included in this section and section four hundred nine-h of this article shall be satisfied for such new placement.

(c) Nothing herein shall require the court to hold a hearing to conduct such assessment and determination when all parties agree to the placement of the child, as long as such review is completed within sixty days of the initial placement of the child.

3. Documentation of the court's determination pursuant to this section shall be recorded in the child's case record.

4. Nothing in this section shall prohibit the court's approval of a placement in a qualified residential treatment program from occurring at the same time as another hearing scheduled for such child, including but not limited to the child's dispositional or permanency hearing, provided such approval is completed within sixty days of the start of such placement.

5. Notwithstanding any other provision of law to the contrary, any child placed in a setting prior to September twenty-ninth, two thousand twenty-one, which is subsequently accredited to be a qualified residential treatment program as defined in section four hundred nine-h of this article, shall not be subject to the requirements of this section, and such placement, if initially eligible for funding title IV-E of the federal Social Security Act, as amended, shall continue to be eligible to receive such reimbursement.

§ 2-a. Subparagraph 1 of paragraph (g) of subdivision 6 and subdivision 10 of section 398 of the social services law, subparagraph 1 of paragraph (g) of subdivision 6 as amended by chapter 3 of the laws of 2012 and subdivision 10 as amended by chapter 563 of the laws of 1986, are amended to read as follows:

(1) Place children in its care and custody or its custody and guardianship, in suitable instances, in supervised settings, family homes,

agency boarding homes, group homes or institutions under the proper safeguards. Such placements can be made either directly, or through an authorized agency, except that, direct placements in agency boarding homes or group homes may be made by the social services district only if the office of children and family services has authorized the district to operate such homes in accordance with the provisions of section three hundred seventy-four-b of this [~~chapter~~] **article** and only if suitable care is not otherwise available through an authorized agency under the control of persons of the same religious faith as the child. Where such district places a child in [~~an~~] **a supervised setting,** agency boarding home, group home or institution, either directly, or through an authorized agency, the district shall certify in writing to the office of children and family services, that such placement was made because it offers the most appropriate and least restrictive level of care for the child, and, is more appropriate than a family foster home placement, or, that such placement is necessary because there are no qualified foster families available within the district who can care for the child. If placements in agency boarding homes, group homes or institutions are the result of a lack of foster parents within a particular district, the office of children and family services shall assist such district to recruit and train foster parents. Placements shall be made only in institutions visited, inspected and supervised in accordance with title three of article seven of this chapter and conducted in conformity with the applicable regulations of the supervising state agency in accordance with title three of article seven of this chapter. With the approval of the office of children and family services, a social services district may place a child in its care and custody or its custody and guardianship in a federally funded job corps program and may receive reimbursement for the approved costs of appropriate program administration and supervision pursuant to a plan developed by the department and approved by the director of the budget.

10. Any provision of this chapter or any other law notwithstanding, where a foster child for whom a social services official has been making foster care payments is in attendance at a college or university away from his **or her** foster family boarding home, group home, agency boarding home or institution, a social services official may make foster payments, not to exceed the amount which would have been paid to a foster parent on behalf of said child had the child been cared for in a foster family boarding home, to such college or university **or a provider of room and board as appropriate,** in lieu of payment to the foster parents or authorized agency, for the purpose of room and board, if not otherwise provided.

§ 3. The social services law is amended by adding a new section 409-h to read as follows:

§ 409-h. Assessment of appropriateness of placement in a qualified residential treatment program. 1. (a) Prior to a child's placement in a qualified residential treatment program, but no later than thirty days from the start of a placement in a qualified residential treatment program of a child in the care and custody or the custody and guardianship of the commissioner of a local social services district or the office of children and family services that occurs on or after September twenty-ninth, two thousand twenty-one, a qualified individual as defined in subdivision four of this section shall assess the appropriateness of such placement utilizing an age-appropriate, evidence-based, validated, functional assessment tool approved by the federal government for such purpose. Such assessment shall be in accordance with 42 United States

Code sections 672 and 675a and shall include, but not be limited to: (i) an assessment of the strengths and needs of the child; and (ii) a determination of the most effective and appropriate level of care for the child in the least restrictive setting, including whether the needs of the child can be met with family members or through placement in a foster family home, or alternative setting which may include, but is not limited to, such settings specified in paragraph (d) of this subdivision or a qualified residential treatment program, consistent with the short-term and long-term goals for the child as specified in the child's permanency plan. Such assessment shall be completed in conjunction with the family and permanency team established pursuant to paragraph (b) of this subdivision.

(b) Such assessment and all supporting information shall be provided in writing to the court, the parties to the proceeding, including the attorney for the child, the office and the local social services district where such child is in their care and custody or custody and guardianship no later than five days after the completion of such assessment.

(c) The family and permanency team shall consist of all appropriate biological family members, relatives, and fictive kin of the child, as well as, as appropriate, professionals who are a resource to the family of the child, including but not limited to, teachers, medical or mental health providers who have treated the child, or clergy. In the case of a child who has attained the age of fourteen, the family and permanency team shall include the members of the permanency planning team for the child in accordance with 42 United States Code section 675.

(d) Where the qualified individual determines that the child may not be placed in a foster family home, the qualified individual must specify in writing the reasons why the needs of the child cannot be met by the child's family or in a foster family home and why such a placement is not the most effective and appropriate level of care for such child. Such determination shall include whether the needs of the child can be met through placement in:

(i) An available supervised setting, as such term is defined in section three hundred seventy-one of this article;

(ii) If the child has been found to be, or is at risk of becoming, a sexually exploited child as defined in subdivision one of section four hundred forty-seven-a of this article, a setting providing residential care and supportive services for sexually exploited children;

(iii) A setting specializing in providing prenatal, post-partum or parenting supports for youth; or

(iv) A qualified residential treatment program.

2. Where the qualified individual determines that the placement of the child in the qualified residential treatment program is not appropriate after the assessment conducted pursuant to subdivision one of this section, the child's placement shall continue, at least until the court has an opportunity to examine the qualified individual's assessment. Provided however, during such time, after the qualified individual's assessment but prior to the court's review, the local social services district or the office of children and family services with legal custody of the child, shall determine potential alternative placement settings that may be appropriate for the child if the court also disapproves the placement. Such placements shall be determined based on the best interest of the child and may include, but are not limited to with family members, in an available foster family home, a setting specified

in paragraph (d) of subdivision one of this section or a different qualified residential treatment program.

3. As used in the section, "qualified residential treatment program" means a program that is a non-foster family residential program in accordance with 42 United State Code section 672.

4. As used in this section, "qualified individual" shall mean a trained professional or licensed clinician acting within their scope of practice who shall have current or previous relevant experience in the child welfare field. Provided however, such individual shall not be an employee or agent of the office of children and family services, nor shall such person have a direct role in case management or case planning decision making authority for the child for whom such assessment is being conducted, in accordance with 42 United States Code section 675.

§ 4. The family court act is amended by adding a new section 353.7 to read as follows:

§ 353.7. Placement in qualified residential treatment programs. 1. The provisions of this section shall apply when a respondent is placed pursuant to clause (A) of subparagraph (i) of paragraph (b) of subdivision two-a or paragraph (c) of subdivision three of section 353.3 of this part, on or after September twenty-ninth, two thousand twenty-one and resides in a qualified residential treatment program, as defined in section four hundred nine-h of the social services law, and whose care and custody were transferred to a local social services district or the office of children and family services in accordance with this article.

2. (a) When a respondent is in the care and custody of a local social services district or the office of children and family services pursuant to this article, such social services district or office shall report any anticipated placement of the respondent into a qualified residential treatment program as defined in section four hundred nine-h of the social services law to the court and the attorneys for the parties, including the attorney for the respondent, forthwith, but not later than one business day following either the decision to place the respondent in the qualified residential treatment program or the actual date the placement change occurred, whichever is sooner. Such notice shall indicate the date that the initial placement or change in placement is anticipated to occur or the date the placement change occurred, as applicable. Provided, however, if such notice lists an anticipated date for the placement change, the local social services district or office shall subsequently notify the court and the attorneys for the parties, including the attorney for the respondent, of the date the placement change occurred, such notice shall occur no later than one business day following the placement change.

(b) When a respondent whose legal custody was transferred to a local social services district or the office of children and family services in accordance with this article resides in a qualified residential treatment program as defined in section four hundred nine-h of the social services law, and where such respondent's initial placement or change in placement in such qualified residential treatment program commenced on or after September twenty-ninth, two thousand twenty-one, upon receipt of notice required pursuant to paragraph (a) of this subdivision and motion of the local social services district or the office of children and family services with legal custody of the respondent, the court shall make an assessment and determination on such placement in accordance with subdivision three of this section. Notwithstanding any other provision of law to the contrary, such assessment and determination shall occur no later than sixty days from the date the placement

of the respondent in the qualified residential treatment program commenced.

3. (a) Within sixty days of the start of a placement of a respondent referenced in subdivision one of this section in a qualified residential treatment program, the court shall:

(i) Consider the assessment, determination, and documentation made by the qualified individual pursuant to section four hundred nine-h of the social services law;

(ii) Determine whether the needs of the respondent can be met through placement in a foster family home and, if not, whether placement of the respondent in the particular qualified residential treatment program provides the most effective and appropriate level of care for the respondent in the least restrictive environment, whether placement in an alternative qualified residential treatment program would be more appropriate and whether that placement is consistent with the short-term and long-term goals for the respondent as specified in the respondent's permanency plan;

(iii) Consider any relevant information or documentation that is necessary to make a determination, including any such information provided by an authorized agency as defined in subdivision ten of section three hundred seventy-one of the social services law; and

(iv) Approve or disapprove the placement of the respondent in the qualified residential treatment program. Provided that, where a qualified individual determines that the placement of the respondent in the qualified residential treatment program is not appropriate in accordance with the assessment required pursuant to section four hundred nine-h of the social services law, the court may approve the placement of the respondent in the qualified residential treatment program if the court finds, and states in the written order that:

(A) there is not an alternative setting available that can meet the respondent's needs in a less restrictive environment; and

(B) that continued placement in the qualified residential treatment program serves the respondent's needs and best interests or the need for protection of the community.

(b) If the court disapproves the placement of the child in the qualified residential treatment program, the court shall, on its own motion, determine a schedule for the return of the child, change the authorized agency in which the child is placed, or direct the local social services district or office of children and family services, as applicable, to make such other arrangements for the child's care and welfare in the most effective and least restrictive environment as the facts of the case may arise. If such alternative arrangements include a placement in a different qualified residential treatment program, the requirements included in this section and section four hundred nine-h of the social services law shall be satisfied for such new placement.

(c) Nothing herein shall require the court to hold a hearing to conduct such assessment and determination when all parties agree to the placement of the child, as long as such review is completed within sixty days of the initial placement of the child.

4. Documentation of the court's determination pursuant to this section shall be recorded in the respondent's case record.

5. Nothing in this section shall prohibit the court's approval of a placement in a qualified residential treatment program from occurring at the same time as another hearing scheduled for such respondent, including but not limited to the respondent's dispositional or permanency

hearing, provided such approval is completed within sixty days of the start of such placement.

6. Notwithstanding any other section of law to the contrary, any child placed in a setting prior to September twenty-ninth, two thousand twenty-one, which is subsequently accredited to be a qualified residential treatment program as defined in section four hundred nine-h of the social services law, shall not be subject to the requirements of this section, and such placement, if initially eligible for funding title IV-E of the federal Social Security Act, as amended, shall continue to be eligible to receive such reimbursement.

§ 5. Section 355.5 of the family court act is amended by adding a new subdivision 10 to read as follows:

10. Where the respondent remains placed in a qualified residential treatment program, as defined in section four hundred nine-h of the social services law, the commissioner of the local social services district or the office of children and family services with legal custody of the respondent shall submit evidence at the permanency hearing with respect to the respondent:

(a) demonstrating that ongoing assessment of the strengths and needs of the respondent cannot be met through placement in a foster family home, that the placement in the qualified residential treatment program provides the most effective and appropriate level of care for the respondent in the least restrictive environment, and that the placement is consistent with the short-term and long-term goals for the respondent, as specified in the respondent's permanency plan;

(b) documenting the specific treatment and service needs that will be met for the respondent in the placement and the length of time the respondent is expected to need the treatment or services; and

(c) documenting the efforts made by the local social services district or the office of children and family services with legal custody of the respondent to prepare the respondent to return home, or to be placed with a fit and willing relative, legal guardian or adoptive parent, or in a foster family home.

§ 6. Section 756-a of the family court act is amended by adding a new subdivision (h) to read as follows:

(h) Where the respondent remains placed in a qualified residential treatment program, as defined in section four hundred nine-h of the social services law, the commissioner of the local social services district with legal custody of the respondent shall submit evidence at the permanency hearing with respect to the respondent:

(i) demonstrating that ongoing assessment of the strengths and needs of the respondent continues to support the determination that the needs of the respondent cannot be met through placement in a foster family home, that the placement in the qualified residential treatment program provides the most effective and appropriate level of care for the respondent in the least restrictive environment, and that the placement is consistent with the short-term and long-term goals of the respondent, as specified in the respondent's permanency plan;

(ii) documenting the specific treatment or service needs that will be met for the respondent in the placement and the length of time the respondent is expected to need the treatment or services; and

(iii) documenting the efforts made by the local social services district with legal custody of the respondent to prepare the respondent to return home, or to be placed with a fit and willing relative, legal guardian or adoptive parent, or in a foster family home.

§ 7. The family court act is amended by adding a new section 756-b to read as follows:

§ 756-b. Court approval of placement in a qualified residential treatment program. 1. The provisions of this section shall apply when a respondent is placed on or after September twenty-ninth, two thousand twenty-one and resides in a qualified residential treatment program, as defined in section four hundred nine-h of the social services law, and whose care and custody were transferred to a local social services district in accordance with this part.

2. (a) When a respondent is in the care and custody of a local social services district pursuant to this part, such social services district shall report any anticipated placement of the respondent into a qualified residential treatment program, as defined in section four hundred nine-h of the social services law, to the court and the attorneys for the parties, including the attorney for the respondent, forthwith, but not later than one business day following either the decision to place the respondent in the qualified residential treatment program or the actual date the placement change occurred, whichever is sooner. Such notice shall indicate the date that the initial placement or change in placement is anticipated to occur or the date the placement change occurred, as applicable. Provided, however, if such notice lists an anticipated date for the placement change, the local social services district shall subsequently notify the court and the attorneys for the parties, including the attorney for the respondent, of the date the placement change occurred; such notice shall occur no later than one business day following the placement change.

(b) When a respondent whose legal custody was transferred to a local social services district in accordance with this part resides in a qualified residential treatment program, as defined in section four hundred nine-h of the social services law, and where such respondent's initial placement or change in placement in such qualified residential treatment program commenced on or after September twenty-ninth, two thousand twenty-one, upon receipt of notice required pursuant to paragraph (a) of this subdivision and motion of the local social services district, the court shall make an assessment and determination on such placement in accordance with subdivision three of this section. Notwithstanding any other provision of law to the contrary, such assessment and determination shall occur no later than sixty days from the date the placement of the respondent in the qualified residential treatment program commenced.

3. (a) Within sixty days of the start of a placement of a respondent referenced in subdivision one of this section in a qualified residential treatment program, the court shall:

(i) Consider the assessment, determination and documentation made by the qualified individual pursuant to section four hundred nine-h of the social services law;

(ii) Determine whether the needs of the respondent can be met through placement in a foster family home and, if not, whether placement of the respondent in the qualified residential treatment program provides the most effective and appropriate level of care for the respondent in the least restrictive environment, whether placement in an alternative qualified residential treatment program would be more appropriate and whether that placement is consistent with the short-term and long-term goals for the respondent as specified in the respondent's permanency plan;

(iii) Consider any relevant information or documentation that is necessary to make a determination, including any such information

provided by an authorized agency as defined in subdivision ten of section three hundred seventy-one of the social services law; and

(iv) Approve or disapprove the placement of the respondent in a qualified residential treatment program. Provided that, where the qualified individual determines that the placement of the respondent in the qualified residential treatment program is not appropriate in accordance with the assessment required pursuant to section four hundred nine-h of the social services law, the court may approve the placement of the respondent in the qualified residential treatment program if the court finds, and states in the written order that:

(A) there is not an alternative setting available that can meet the respondent's needs in a less restrictive environment; and

(B) that it would be contrary to the welfare of the respondent to be placed in a less restrictive setting and that continued placement in the qualified residential program is in the respondent's best interest.

(b) If the court disapproves the placement of the child in the qualified residential treatment program, the court shall, on its own motion, determine a schedule for the return of the child, change the authorized agency in which the child is placed, or direct the local social services district or office of children and family services, as applicable, to make such other arrangements for the child's care and welfare in the most effective and least restrictive environment as the facts of the case may arise. If such alternative arrangements include a placement in a different qualified residential treatment program, the requirements included in this section and section four hundred nine-h of the social services law shall be satisfied for such new placement.

(c) Nothing herein shall require the court to hold a hearing to conduct such assessment and determination when all parties agree to the placement of the child, as long as such review is completed within sixty days of the initial placement of the child.

4. Documentation of the court's determination pursuant to this section shall be recorded in the respondent's case record.

5. Nothing in this section shall prohibit the court's approval of a placement in a qualified residential treatment program from occurring at the same time as another hearing scheduled for such respondent, including but not limited to the respondent's dispositional or permanency hearing, provided such approval is completed within sixty days of the start of such placement.

6. Notwithstanding any other section of law to the contrary, any child placed in a setting prior to September twenty-ninth, two thousand twenty-one, which is subsequently accredited to be a qualified residential treatment program as defined in section four hundred nine-h of this article, shall not be subject to the requirements of this section, and such placement, if initially eligible for funding title IV-E of the federal Social Security Act, as amended, shall continue to be eligible to receive such reimbursement.

§ 8. The opening paragraph of subdivision 5 of section 1017 of the family court act is designated paragraph (a) and a new paragraph (b) is added to read as follows:

(b) When a child whose legal custody was transferred to the commissioner of a local social services district in accordance with this section resides in a qualified residential treatment program, as defined in section four hundred nine-h of the social services law, and where such child's initial placement or change in placement in such program commenced on or after September twenty-ninth, two thousand twenty-one, upon receipt of notice required pursuant to paragraph (a) of this subdi-

vision and motion of the local social services district, the court shall make an assessment and determination on such placement in accordance with section one thousand fifty-five-c of this article. Notwithstanding any other provision of law to the contrary, such assessment and determination shall occur no later than sixty days from the date the placement of the child in the qualified residential treatment program commenced.

§ 9. The opening paragraph of subdivision (j) of section 1055 of the family court act is designated paragraph (i) and a new paragraph (ii) is added to read as follows:

(ii) When a child whose legal custody was transferred to the commissioner of a local social services district in accordance with this section resides in a qualified residential treatment program, as defined in section four hundred nine-h of the social services law, and where such child's initial placement or change in placement in such program commenced on or after September twenty-ninth, two thousand twenty-one, upon receipt of notice required pursuant to paragraph (i) of this subdivision and motion of the local social services district, the court shall make an assessment and determination on such placement in accordance with section one thousand fifty-five-c of this part. Notwithstanding any other provision of law to the contrary, such assessment and determination shall occur no later than sixty days from the date the placement of the child in the qualified residential treatment program commenced.

§ 10. The family court act is amended by adding a new section 1055-c to read as follows:

§ 1055-c. Court approval of placement in a qualified residential treatment program. 1. The provisions of this section shall apply when a child is placed on or after September twenty-ninth, two thousand twenty-one and resides in a qualified residential treatment program, as defined in section four hundred nine-h of the social services law, and whose care and custody were transferred to the commissioner of a local social services district in accordance with this article.

2. Within sixty days of the start of a placement of a child referenced in subdivision one of this section in a qualified residential treatment program, the court shall:

(a) Consider the assessment, determination, and documentation made by the qualified individual pursuant to section four hundred nine-h of the social services law;

(b) Determine whether the needs of the child can be met through placement in a foster family home and, if not, whether placement of the child in the qualified residential treatment program provides the most effective and appropriate level of care for the child in the least restrictive environment, whether placement in an alternative qualified residential treatment program would be more appropriate and whether that placement is consistent with the short-term and long-term goals for the child, as specified in the child's permanency plan;

(c) Consider any relevant information or documentation that is necessary to make a determination, including any such information provided by an authorized agency as defined in subdivision ten of section three hundred seventy-one of the social services law; and

(d) Approve or disapprove the placement of the child in the qualified residential treatment program. Provided that, where the qualified individual determines that the placement of the child in the qualified residential treatment program is not appropriate in accordance with the assessment required pursuant to section four hundred nine-h of the social services law, the court may approve the placement of the child in

the qualified residential treatment program if the court finds, and states in the written order that:

(i) there is not an alternative setting available that can meet the child's needs in a less restrictive environment; and

(ii) that continued placement in the qualified residential treatment program is in the child's best interest.

3. If the court disapproves the placement of the child in the qualified residential treatment program, the court shall, on its own motion, determine a schedule for the return of the child, change the authorized agency in which the child is placed, or direct the local social services district or office of children and family services, as applicable, to make such other arrangements for the child's care and welfare in the most effective and least restrictive environment as the facts of the case may arise. If such alternative arrangements include a placement in a different qualified residential treatment program, the requirements included in this section and section four hundred nine-h of the social services law shall be satisfied for such new placement.

4. Nothing herein shall require the court to hold a hearing to conduct such assessment and determination when all parties agree to the placement of the child, as long as such review is completed within sixty days of the initial placement of the child.

5. Documentation of the court's determination pursuant to this section shall be recorded in the child's case record.

6. Nothing in this section shall prohibit the court's approval of a placement in a qualified residential treatment program from occurring at the same time as another hearing scheduled for such child, including but not limited to the child's dispositional or permanency hearing, provided such approval is completed within sixty days of the start of such placement.

7. Notwithstanding any other section of law to the contrary, any child placed in a setting prior to September twenty-ninth, two thousand twenty-one, which is subsequently accredited to be a qualified residential treatment program as defined in section four hundred nine-h of the social services law, shall not be subject to the requirements of this section, and such placement, if initially eligible for funding title IV-E of the federal Social Security Act, as amended, shall continue to be eligible to receive such reimbursement.

§ 11. Clause (C) of subparagraph (ix) of paragraph 5 of subdivision (c) of section 1089 of the family court act, as added by section 27 of part A of chapter 3 of the laws of 2005, is amended, and a new paragraph 6 is added to read as follows:

(C) if the child is over age fourteen and has voluntarily withheld his or her consent to an adoption, the facts and circumstances regarding the child's decision to withhold consent and the reasons therefor[~~.~~]; and

(6) Where the child remains placed in a qualified residential treatment program, as defined in section four hundred nine-h of the social services law, the commissioner of the social services district with legal custody of the child shall submit evidence at the permanency hearing with respect to the child:

(i) demonstrating that ongoing assessment of the strengths and needs of the child continues to support the determination that the needs of the child cannot be met through placement in a foster family home, that the placement in the qualified residential treatment program provides the most effective and appropriate level of care for the child in the least restrictive environment, and that the placement is consistent with

the short-term and long-term goals for the child, as specified in the child's permanency plan;

(ii) documenting the specific treatment or service needs that will be met for the child in the placement and the length of time the child is expected to need the treatment or services; and

(iii) documenting the efforts made by the local social services district to prepare the child to return home, or to be placed with a fit and willing relative, legal guardian or adoptive parent, or in a foster family home.

§ 12. The opening paragraph of clause (H) of subparagraph (vii) of paragraph 2 of subdivision (d) of section 1089 of the family court act is designated item (I) and a new item (II) is added to read as follows:

(II) When a child whose legal custody was transferred to the commissioner of a local social services district in accordance with this section resides in a qualified residential treatment program as defined in section four hundred nine-h of the social services law and where such child's initial placement or change in placement in such program commenced on or after September twenty-ninth, two thousand twenty-one, upon receipt of notice required pursuant to item (I) of this clause and motion of the local social services district, the court shall make an assessment and determination on such placement in accordance with section three hundred ninety-three of the social services law or section one thousand fifty-five-c, one thousand ninety-one-a or one thousand ninety-seven of this chapter. Notwithstanding any other provision of law to the contrary, such assessment and determination shall occur no later than sixty days from the date the placement of the child in the qualified residential treatment program commenced.

§ 13. The family court act is amended by adding a new section 1091-a to read as follows:

§ 1091-a. Court approval of placement in a qualified residential treatment program. 1. The provisions of this section shall apply when a former foster care youth is placed on or after September twenty-ninth, two thousand twenty-one, and resides in a qualified residential treatment program, as defined in section four hundred nine-h of the social services law, and whose care and custody were transferred to a local social services district or the office of children and family services in accordance with this article.

2. (a) When a former foster care youth is in the care and custody of a local social services district or the office of children and family services pursuant to this article, such social services district or office shall report any anticipated placement of the former foster care youth into a qualified residential treatment program, as defined in section four hundred nine-h of the social services law, to the court and the attorneys for the parties, including the attorney for the former foster care youth, forthwith, but not later than one business day following either the decision to place the former foster care youth in the qualified residential treatment program or the actual date the placement change occurred, whichever is sooner. Such notice shall indicate the date that the initial placement or change in placement is anticipated to occur or the date the placement change occurred, as applicable. Provided, however, if such notice lists an anticipated date for the placement change, the local social services district or office shall subsequently notify the court and attorneys for the parties, including the attorney for the former foster care youth, of the date the placement change occurred; such notice shall occur no later than one business day following the placement change.

(b) When a former foster care youth whose legal custody was transferred to a local social services district or the office of children and family services in accordance with this article resides in a qualified residential treatment program, as defined in section four hundred nine-h of the social services law, and where such former foster care youth's initial placement or change in placement in such qualified residential treatment program commenced on or after September twenty-ninth, two thousand twenty-one, upon receipt of notice required pursuant to paragraph (a) of this subdivision and motion of the local social services district, the court shall make an assessment and determination on such placement in accordance with subdivision three of this section. Notwithstanding any other provision of law to the contrary, such assessment and determination shall occur no later than sixty days from the date the placement of the former foster care youth in the qualified residential treatment program commenced.

3. Within sixty days of the start of a placement of a former foster care youth referenced in subdivision one of this section in a qualified residential treatment program, the court shall:

(a) Consider the assessment, determination, and documentation made by the qualified individual pursuant to section four hundred nine-h of the social services law;

(b) Determine whether the needs of the former foster care youth can be met through placement in a foster family home and, if not, whether placement of the former foster care youth in the qualified residential treatment program provides the most effective and appropriate level of care for the former foster care youth in the least restrictive environment, whether placement in an alternative qualified residential treatment program would be more appropriate and whether that placement is consistent with the short-term and long-term goals for the former foster care youth, as specified in the former foster care youth's permanency plan;

(c) Consider any relevant information or documentation that is necessary to make a determination, including any such information provided by an authorized agency as defined in subdivision ten of section three hundred seventy-one of the social services law; and

(d) Approve or disapprove the placement of the former foster care youth in the qualified residential treatment program. Provided that, where the qualified individual determines that the placement of the former foster care youth in the qualified residential treatment program is not appropriate in accordance with the assessment required pursuant to section four hundred nine-h of the social services law, the court may approve the placement of the former foster care youth in the qualified residential treatment program if the court finds, and states in the written order that:

(i) there is not an alternative setting available that can meet the former foster care youth's needs in a less restrictive environment; and

(ii) that continued placement in the qualified residential treatment program is in the former foster care youth's best interest.

4. If the court disapproves the placement of the child in the qualified residential treatment program, the court shall, on its own motion, determine a schedule for the return of the child, change the authorized agency in which the child is placed, or direct the local social services district or office of children and family services, as applicable, to make such other arrangements for the child's care and welfare in the most effective and least restrictive environment as the facts of the case may arise. If such alternative arrangements include a placement in

a different qualified residential treatment program, the requirements included in this section and section four hundred nine-h of the social services law shall be satisfied for such new placement.

5. Nothing herein shall require the court to hold a hearing to conduct such assessment and determination when all parties agree to the placement of the child, as long as such review is completed within sixty days of the initial placement of the child.

6. Documentation of the court's determination pursuant to this section shall be recorded in the former foster care youth's case record.

7. Nothing in this section shall prohibit the court's approval of a placement in a qualified residential treatment program from occurring at the same time as another hearing scheduled for such former foster care youth, including but not limited to the former foster care youth's dispositional or permanency hearing, provided such approval is completed within sixty days of the start of such placement.

8. Notwithstanding any other section of law to the contrary, any child placed in a setting prior to September twenty-ninth, two thousand twenty-one, which is subsequently accredited to be a qualified residential treatment program as defined in section four hundred nine-h of the social services law, shall not be subject to the requirements of this section, and such placement, if initially eligible for funding title IV-E of the federal Social Security Act, as amended, shall continue to be eligible to receive such reimbursement.

§ 14. The family court act is amended by adding a new section 1097 to read as follows:

§ 1097. Court approval of placement in a qualified residential treatment program. 1. The provisions of this section shall apply when a child is placed on or after September twenty-ninth, two thousand twenty-one, and resides in a qualified residential treatment program, as defined in section four hundred nine-h of the social services law, and whose care and custody were transferred to a local social services district in accordance with this article.

2. (a) When a child is in the care and custody of a local social services district pursuant to this article, such social services district shall report any anticipated placement of the child into a qualified residential treatment program, as defined in section four hundred nine-h of the social services law, to the court and the attorneys for the parties, including the attorney for the child, forthwith, but not later than one business day following either the decision to place the child in the qualified residential treatment program or the actual date the placement change occurred, whichever is sooner. Such notice shall indicate the date that the initial placement or change in placement is anticipated to occur or the date the placement change occurred, as applicable. Provided, however, if such notice lists an anticipated date for the placement change, the local social services district shall subsequently notify the court and attorneys for the parties, including the attorney for the child, of the date the placement change occurred, such notice shall occur no later than one business day following the placement change.

(b) When a child whose legal custody was transferred to a local social services district in accordance with this article resides in a qualified residential treatment program, as defined in section four hundred nine-h of the social services law, and where such child's initial placement or change in placement in such qualified residential treatment program commenced on or after September twenty-ninth, two thousand twenty-one, upon receipt of notice required pursuant to paragraph (a) of this subdi-

vision and motion of the local social services district, the court shall make an assessment and determination on such placement in accordance with subdivision three of this section. Notwithstanding any other provision of law to the contrary, such assessment and determination shall occur no later than sixty days from the date the placement of the child in the qualified residential treatment program commenced.

3. Within sixty days of the start of a placement of a child referenced in subdivision one of this section in a qualified residential treatment program, the court shall:

(a) Consider the assessment, determination, and documentation made by the qualified individual pursuant to section four hundred nine-h of the social services law;

(b) Determine whether the needs of the child can be met through placement in a foster family home and, if not, whether placement of the child in the qualified residential treatment program provides the most effective and appropriate level of care for the child in the least restrictive environment, whether placement in an alternative qualified residential treatment program would be more appropriate and whether that placement is consistent with the short-term and long-term goals for the child, as specified in the child's permanency plan;

(c) Consider any relevant information or documentation that is necessary to make a determination, including any such information provided by an authorized agency as defined in subdivision ten of section three hundred seventy-one of the social services law; and

(d) Approve or disapprove the placement of the child in the qualified residential treatment program. Provided that, where the qualified individual determines that the placement of the child in the qualified residential treatment program is not appropriate in accordance with the assessment required pursuant to section four hundred nine-h of the social services law, the court may approve the placement of the child in the qualified residential treatment program if the court finds, and states in the written order that:

(i) there is not an alternative setting available that can meet the child's needs in a less restrictive environment; and

(ii) that continued placement in the qualified residential treatment program is in the child's best interest.

4. If the court disapproves the placement of the child in the qualified residential treatment program, the court shall, on its own motion, determine a schedule for the return of the child, change the authorized agency in which the child is placed, or direct the local social services district or office of children and family services, as applicable, to make such other arrangements for the child's care and welfare in the most effective and least restrictive environment as the facts of the case may arise. If such alternative arrangements include a placement in a different qualified residential treatment program, the requirements included in this section and section four hundred nine-h of the social services law shall be satisfied for such new placement.

5. Nothing herein shall require the court to hold a hearing to conduct such assessment and determination when all parties agree to the placement of the child, as long as such review is completed within sixty days of the initial placement of the child.

6. Documentation of the court's determination pursuant to this section shall be recorded in the child's case record.

7. Nothing in this section shall prohibit the court's approval of a placement in a qualified residential treatment program from occurring at the same time as another hearing scheduled for such child, including but

not limited to the child's dispositional or permanency hearing, provided such approval is completed within sixty days of the start of such placement.

8. Notwithstanding any other section of law to the contrary, any child placed in a setting prior to September twenty-ninth, two thousand twenty-one, which is subsequently accredited to be a qualified residential treatment program as defined in section four hundred nine-h of the social services law, shall not be subject to the requirements of this section, and such placement, if initially eligible for funding title IV-E of the federal Social Security Act, as amended, shall continue to be eligible to receive such reimbursement.

§ 15. The office of children and family services beginning one year after the effective date of this act and annually thereafter, shall provide a report to the governor, the speaker of the assembly, the temporary president of the senate, and the chairpersons of the assembly and senate children and families committees which shall include but not be limited to the following information:

a. the total number of youths placed in a qualified residential treatment program whose placement was ultimately determined to be inappropriate, requiring an alternative placement, detailing which alternative placement was utilized;

b. the total number of youths placed in a qualified residential treatment program whose placement was ultimately determined to be appropriate;

c. the total number of youths placed in a foster family home or with a kinship relative and whether they remained in such placement at the end of the year;

d. the total number of foster parents and kinship relatives in the state at the end of the year, including whether such number is an increase or decrease from the previous year;

e. the assistance the state has provided the local social services districts in recruiting and retaining foster and kinship families, as well as any recommendations to improve recruitment and retention rates;

f. the amount of preventive funding invested by local social services district per year, and whether such funding is an increase or decrease from the previous year; and

g. any other information the office deems appropriate to evaluate the effectiveness of the implementation of the family first prevention services act.

§ 16. Severability. If any clause, sentence, paragraph, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid and after exhaustion of all further judicial review, the judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part of this act directly involved in the controversy in which the judgment shall have been rendered.

§ 17. This act shall take effect September 29, 2021; provided, however, that:

(a) notwithstanding any other provision of law, provisions in this act shall not take effect unless and until the state title IV-E agency submits to the United States Department of Health and Human Services, Administration for Children, Youth and Families, an amendment to the title IV-E state plan and the United States Department of Health and Human Services, Administration for Children, Youth and Families approves said title IV-E state plan amendment regarding when a child is placed in a qualified residential treatment program in relation to the following

components: (1) the qualified individual and the establishment of the assessment by the qualified individual to be completed prior to or within 30-days of the child's placement as established by section three of this act; (2) the 60 day court reviews, including the ability to conduct at the same time as another hearing scheduled for the child, as established by sections one, two, four, seven, eight, nine, ten, twelve, thirteen and fourteen of this act; and (3) permanency hearing requirements as established by sections five, six and eleven of this act;

(b) the office of children and family services shall inform the legislative bill drafting commission upon the occurrence of the submission set forth in subdivision (a) of this section and any approval related thereto in order that the commission may maintain an effective and timely database of the official texts of the laws of New York in furtherance of effectuating the provisions of section 44 of the legislative law and section 70-b of the public officers law;

(c) for the purposes of this act, the term "placement" shall refer only to placements made on or after the effective date of the Title IV-E state plan to establish the 30-day assessment, 60-day court review and permanency hearing requirements set forth in this act that occur on or after its effective date; and

(d) the office of children and family services and the office of court administration are hereby authorized to promulgate such rules and regulations on an emergency basis as may be necessary to implement the provisions of this act on or before such effective date.

PART M

Intentionally Omitted

PART N

Intentionally Omitted

PART O

Section 1. Notwithstanding any other provision of law to the contrary, the housing trust fund corporation may provide, for purposes of the neighborhood preservation program, a sum not to exceed $12,830,000 for the fiscal year ending March 31, 2022. Within this total amount, $150,000 shall be used for the purpose of entering into a contract with the neighborhood preservation coalition to provide technical assistance and services to companies funded pursuant to article 16 of the private housing finance law. Notwithstanding any other provision of law, and subject to the approval of the New York state director of the budget, the board of directors of the state of New York mortgage agency shall authorize the transfer to the housing trust fund corporation, for the purposes of reimbursing any costs associated with neighborhood preservation program contracts authorized by this section, a total sum not to exceed $12,830,000, such transfer to be made from (i) the special account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law, in an amount not to exceed the actual excess balance in the special account of the mortgage insurance fund, as determined and certified by the state of New York mortgage agency for the fiscal year 2020-2021 in accordance with section 2429-b of the public authorities law, if any, and/or (ii) provided that the reserves in the project pool insurance account of the mortgage insurance

fund created pursuant to section 2429-b of the public authorities law are sufficient to attain and maintain the credit rating (as determined by the state of New York mortgage agency) required to accomplish the purposes of such account, the project pool insurance account of the mortgage insurance fund, such transfer to be made as soon as practicable but no later than June 30, 2021.

§ 2. Notwithstanding any other provision of law to the contrary, the housing trust fund corporation may provide, for purposes of the rural preservation program, a sum not to exceed $5,360,000 for the fiscal year ending March 31, 2022. Within this total amount, $150,000 shall be used for the purpose of entering into a contract with the rural housing coalition to provide technical assistance and services to companies funded pursuant to article 16 of the private housing finance law. Notwithstanding any other provision of law, and subject to the approval of the New York state director of the budget, the board of directors of the state of New York mortgage agency shall authorize the transfer to the housing trust fund corporation, for the purposes of reimbursing any costs associated with rural preservation program contracts authorized by this section, a total sum not to exceed $5,360,000, such transfer to be made from (i) the special account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law, in an amount not to exceed the actual excess balance in the special account of the mortgage insurance fund, as determined and certified by the state of New York mortgage agency for the fiscal year 2020-2021 in accordance with section 2429-b of the public authorities law, if any, and/or (ii) provided that the reserves in the project pool insurance account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law are sufficient to attain and maintain the credit rating (as determined by the state of New York mortgage agency) required to accomplish the purposes of such account, the project pool insurance account of the mortgage insurance fund, such transfer to be made as soon as practicable but no later than June 30, 2021.

§ 3. Notwithstanding any other provision of law to the contrary, the homeless housing and assistance corporation may provide, for services and expenses related to homeless housing and preventative services programs including but not limited to the New York state supportive housing program, the solutions to end homelessness program or the operational support for AIDS housing program, or to qualified grantees under such programs, in accordance with the requirements of such programs, a sum not to exceed $45,181,000 for the fiscal year ending March 31, 2022. The homeless housing and assistance corporation may enter into an agreement with the office of temporary and disability assistance to administer such sum in accordance with the requirements of such programs. Notwithstanding any other provision of law, and subject to the approval of the New York state director of the budget, the board of directors of the state of New York mortgage agency shall authorize the transfer to the homeless housing and assistance corporation, a total sum not to exceed $45,181,000, such transfer to be made from (i) the special account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law, in an amount not to exceed the actual excess balance in the special account of the mortgage insurance fund, as determined and certified by the state of New York mortgage agency for the fiscal year 2020-2021 in accordance with section 2429-b of the public authorities law, if any, and/or (ii) provided that the reserves in the project pool insurance account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law

are sufficient to attain and maintain the credit rating as determined by the state of New York mortgage agency, required to accomplish the purposes of such account, the project pool insurance account of the mortgage insurance fund, such transfer shall be made as soon as practicable but no later than March 31, 2022.

§ 4. Notwithstanding any other provision of law to the contrary, the homeless housing and assistance corporation may provide, for purposes of reimbursing New York city expenditures for adult shelters, a sum not to exceed $65,568,000 for the fiscal year ending March 31, 2022. Notwithstanding any other inconsistent provision of law, such funds shall be available for eligible costs incurred on or after January 1, 2021, and before January 1, 2022, that are otherwise reimbursable by the state on or after April 1, 2021, and that are claimed by March 31, 2022. Such reimbursement shall constitute total state reimbursement for activities funded herein in state fiscal year 2021-2022, and shall include reimbursement for costs associated with a court mandated plan to improve shelter conditions for medically frail persons and additional costs incurred as part of a plan to reduce over-crowding in congregate shelters. The homeless housing and assistance corporation may enter into an agreement with the office of temporary and disability assistance to administer such sum in accordance with the laws, rules or regulations relating to public assistance and care or the administration thereof. Notwithstanding any other provision of law, and subject to the approval of the New York state director of the budget, and the authorization by the members of the state of New York housing finance agency, the state of New York housing finance agency shall transfer to the homeless housing and assistance corporation, a total sum not to exceed $65,568,000, such transfer to be made from excess funds of the housing finance agency, not pledged to the payment of the agency's outstanding bonds. Such transfer shall be made as soon as practicable but no later than March 31, 2022.

§ 5. Notwithstanding any other provision of law to the contrary, the department of law may provide, for purposes of a homeowner protection program or to qualified grantees under such program, in accordance with the requirements of such program, a sum not to exceed $20,000,000 for the fiscal year ending March 31, 2022. Notwithstanding any other provision of law, and subject to the approval of the New York state director of the budget, the board of directors of the state of New York mortgage agency shall authorize the transfer to the department of law, a total sum not to exceed $20,000,000, such transfer to be made from (i) the special account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law, in an amount not to exceed the actual excess balance in the special account of the mortgage insurance fund, as determined and certified by the state of New York mortgage agency for the fiscal year 2020-2021 in accordance with section 2429-b of the public authorities law, if any, and/or (ii) provided that the reserves in the project pool insurance account of the mortgage insurance fund created pursuant to section 2429-b of the public authorities law are sufficient to attain and maintain the credit rating as determined by the state of New York mortgage agency, required to accomplish the purposes of such account, the project pool insurance account of the mortgage insurance fund, such transfer shall be made as soon as practicable, but no later than March 31, 2022.

§ 6. This act shall take effect immediately.

PART P

Section 1. Paragraphs (a), (b), (c), and (d) of subdivision 1 of section 131-o of the social services law, as amended by section 1 of part K of chapter 56 of the laws of 2020, are amended to read as follows:

(a) in the case of each individual receiving family care, an amount equal to at least [~~$150.00~~] $152.00 for each month beginning on or after January first, two thousand [~~twenty~~] twenty-one.

(b) in the case of each individual receiving residential care, an amount equal to at least [~~$174.00~~] $176.00 for each month beginning on or after January first, two thousand [~~twenty~~] twenty-one.

(c) in the case of each individual receiving enhanced residential care, an amount equal to at least [~~$207.00~~] $210.00 for each month beginning on or after January first, two thousand [~~twenty~~] twenty-one.

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

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

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

§ 2. Paragraphs (a), (b), (c), (d), (e), and (f) of subdivision 2 of section 209 of the social services law, as amended by section 2 of part K of chapter 56 of the laws of 2020, are amended to read as follows:

(a) On and after January first, two thousand [~~twenty~~] twenty-one, for an eligible individual living alone, [~~$870.00~~] $881.00; and for an eligible couple living alone, [~~$1,279.00~~] $1,295.00.

(b) On and after January first, two thousand [~~twenty~~] twenty-one, for an eligible individual living with others with or without in-kind income, [~~$806.00~~] $817.00; and for an eligible couple living with others with or without in-kind income, [~~$1,221.00~~] $1,237.00.

(c) On and after January first, two thousand [~~twenty~~] twenty-one, (i) for an eligible individual receiving family care, [~~$1,049.48~~] $1,060.48 if he or she is receiving such care in the city of New York or the county of Nassau, Suffolk, Westchester or Rockland; and (ii) for an eligible couple receiving family care in the city of New York or the county of Nassau, Suffolk, Westchester or Rockland, two times the amount set forth in subparagraph (i) of this paragraph; or (iii) for an eligible individual receiving such care in any other county in the state, [~~$1,011.48~~] $1,022.48; and (iv) for an eligible couple receiving such care in any other county in the state, two times the amount set forth in subparagraph (iii) of this paragraph.

(d) On and after January first, two thousand [~~twenty~~] twenty-one, (i) for an eligible individual receiving residential care, [~~$1,218.00~~] $1,229.00 if he or she is receiving such care in the city of New York or the county of Nassau, Suffolk, Westchester or Rockland; and (ii) for an eligible couple receiving residential care in the city of New York or the county of Nassau, Suffolk, Westchester or Rockland, two times the amount set forth in subparagraph (i) of this paragraph; or (iii) for an eligible individual receiving such care in any other county in the state, [~~$1,188.00~~] $1,199.00; and (iv) for an eligible couple receiving such care in any other county in the state, two times the amount set forth in subparagraph (iii) of this paragraph.

(e) On and after January first, two thousand [~~twenty~~] twenty-one, (i) for an eligible individual receiving enhanced residential care, [~~$1,477.00~~] $1,488.00; and (ii) for an eligible couple receiving enhanced residential care, two times the amount set forth in subparagraph (i) of this paragraph.

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

§ 3. This act shall take effect December 31, 2021.

PART Q

Section 1. Section 82 of the state finance law, as added by chapter 375 of the laws of 2018, is amended to read as follows:

§ 82. Gifts to food banks fund. 1. There is hereby established in the sole custody of the commissioner of taxation and finance a special fund to be known as the "gifts to food banks fund". Monies in the fund shall be kept separate from and not commingled with other funds held in the sole custody of the commissioner of taxation and finance.

2. Such fund shall consist of all revenues received by the department of taxation and finance pursuant to the provisions of section six hundred twenty-five-a of the tax law and all other money appropriated, credited, or transferred thereto from any other fund or source pursuant to law. Nothing in this section shall prevent the state from receiving grants, gifts or bequests for the purposes of the fund as defined in this section and depositing them into the fund according to law.

3. Monies of the fund shall, after appropriation by the legislature, be made available to the [~~office of temporary and disability assistance~~] department of health for grants to regional food banks, organized to serve specific regions of the state, that generally collect and redistribute food donations to organizations serving persons in need. Monies shall be payable from the fund by the commissioner of taxation and finance on vouchers approved by the commissioner of [~~temporary and disability assistance~~] health. The commissioner of [~~temporary and disability assistance~~] health shall promulgate rules and regulations necessary for the distribution of such grants.

4. To the extent practicable, the commissioner of [~~the office of temporary and disability assistance~~] health shall ensure that all monies received during a fiscal year are expended prior to the end of that fiscal year.

5. On or before the first day of February each year, the comptroller shall certify to the governor, temporary president of the senate, speaker of the assembly, chair of the senate finance committee and chair of the assembly ways and means committee, the amount of money deposited in the gifts to food banks fund during the preceding calendar year as the result of revenue derived pursuant to section six hundred twenty-five-a of the tax law.

6. On or before the first day of February each year, the commissioner of [~~the office of temporary and disability assistance~~] health shall provide a written report to the temporary president of the senate, speaker of the assembly, chair of the senate finance committee, chair of the assembly ways and means committee, chair of the senate committee on social services, chair of the assembly social services committee, and

the public. Such report shall include how the monies of the fund were utilized during the preceding calendar year and shall include:
(a) the amount of money [~~dispersed~~] **disbursed** from the fund;
(b) the recipients of awards from the fund;
(c) the amount awarded to each recipient;
(d) the purposes for which such awards were granted; and
(e) a summary financial plan for such monies which shall include estimates of all receipts and all disbursements for the current and succeeding fiscal years, along with the actual results from the prior fiscal year.
§ 2. This act shall take effect immediately.

PART R

Intentionally Omitted

PART S

Intentionally Omitted

PART T

Intentionally Omitted

PART U

Section 1. Section 577 of the private housing finance law is amended by adding a new subdivision 2-a to read as follows:
2-a. Notwithstanding any inconsistent provision of law to the contrary, a project of a housing development fund company managed or operated by a company incorporated pursuant to the not-for-profit corporation law and this article, that has entered into a regulatory agreement with the commissioner or supervisory agency pursuant to section five hundred seventy-six of this article shall be exempt from the sales and compensating use taxes imposed pursuant to article twenty-eight or twenty-nine of the tax law, and such tax exemption shall continue only so long as such agreement is in force and effect.
§ 2. This act shall take effect immediately and shall apply to projects that entered into regulatory agreements pursuant to section 576 of the private housing finance law on or after January 1, 2020.

PART V

Intentionally Omitted

PART W

Intentionally Omitted

PART X

Intentionally Omitted

PART Y

Intentionally Omitted

PART Z

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

SUBPART A

Section 1. Subdivision 6 of section 410-x of the social services law, as added by section 52 of part B of chapter 436 of the laws of 1997, is amended to read as follows:

6. Pursuant to department regulations, child care assistance shall be provided on a sliding fee basis based upon the family's ability to pay. **The local social services district shall not require a family receiving child care assistance pursuant to this title to contribute more than twenty percent of the amount of their income exceeding the poverty level.**

§ 2. This act shall take effect on the first of April next succeeding the date on which it shall have become a law.

SUBPART B

Intentionally Omitted

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

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

PART AA

Section 1. Legislative findings and intent. The legislature finds that the transition to the green economy and creating good paying jobs are not mutually exclusive priorities for New York State. In order to make this transition and achieve the ambitious goals set forth in the Climate Leadership and Community Protection Act, a clear focus on prioritizing renewable energy sources is necessary. However, the workers who will

build, operate and maintain the infrastructure of the green economy must not be left behind. Setting clear standards for job quality will ensure the creation of good jobs, protect workers in the ongoing transition of our energy sector, and result in positive economic impacts. In addition to workers engaged directly in the renewable energy sector, New Yorkers have experienced widespread unemployment as a result of the COVID-19 pandemic. New manufacturing and supply chain jobs are a necessary element of any pandemic recovery. Due to such findings, the legislature hereby declares that the mandate of prevailing wage or project labor agreements for construction work performed in connection with the installation of renewable energy systems, labor peace involved with such systems, and the buy American preference provided in this bill will ensure that workers are central to New York State's transition to the green economy and its pandemic recovery plan.

§ 2. Paragraph b of subdivision 4 of section 224-a of the labor law, as added by section 1 of part FFF of chapter 58 of the laws of 2020, is amended to read as follows:

b. Construction work performed under a contract with a not-for-profit corporation as defined in section one hundred two of the not-for-profit corporation law, other than a not-for-profit corporation formed exclusively for the purpose of holding title to property and collecting income thereof or any public entity as defined in this section, where the not-for-profit corporation has gross annual revenue and support less than five million dollars;

§ 3. The labor law is amended by adding a new section 224-d to read as follows:

§ 224-d. Prevailing wage for covered renewable energy systems. 1. For purposes of this section, a "covered renewable energy system" means a renewable energy system, as such term is defined in section sixty-six-p of the public service law, with a capacity of at least five megawatts alternating current and which involves the procurement of renewable energy credits by a public entity, or a third party acting on behalf and for the benefit of a public entity.

2. For purposes of this section, "public entity" shall include, but shall not be limited to, the state, a local development corporation as defined in subdivision eight of section eighteen hundred one of the public authorities law or section fourteen hundred eleven of the not-for-profit corporation law, a municipal corporation as defined in section one hundred nineteen-n of the general municipal law, an industrial development agency formed pursuant to article eighteen-A of the general municipal law or industrial development authorities formed pursuant to article eight of the public authorities law, and any state, local or interstate or international authorities as defined in section two of the public authorities law; and shall include any trust created by any such entities.

3. Notwithstanding part FFF of chapter fifty-eight of the laws of two thousand twenty that established prevailing wage for construction work done under contract which is paid for in whole or in part out of public funds, a covered renewable energy system shall be subject to prevailing wage requirements in accordance with sections two hundred twenty and two hundred twenty-b of this article. Provided that a renewable energy system defined in section sixty-six-p of the public service law which is not considered to be covered by this section, may still otherwise be deemed a "covered project" pursuant to section two hundred twenty-four-a of this article if it meets such definition.

4. For purposes of this section, a covered renewable energy system shall exclude construction work performed under a pre-hire collective bargaining agreement between an owner or contractor and a bona fide building and construction trade labor organization which has established itself, and/or its affiliates, as the collective bargaining representative for all persons who will perform work on such a system, and which provides that only contractors and subcontractors who sign a pre-negotiated agreement with the labor organization can perform work on such a system, or construction work performed under a labor peace agreement, project labor agreement, or any other construction work performed under an enforceable agreement between an owner or contractor and a bona fide building and construction trade labor organization.

5. For purposes of this section, the "fiscal officer" shall be deemed to be the commissioner of labor. The enforcement of any covered renewable energy system pursuant to this section shall be subject to the requirements of sections two hundred twenty, two hundred twenty-a, two hundred twenty-b, two hundred twenty-three, two hundred twenty-four-b and two hundred twenty-seven of this chapter and within the jurisdiction of the fiscal officer; provided, however, nothing contained in this section shall be deemed to construe any covered renewable energy system as otherwise being considered public work pursuant to this article.

6. The fiscal officer may issue rules and regulations governing the provisions of this section. Violations of this section shall be grounds for determinations and orders pursuant to section two hundred twenty-b of this article.

§ 4. Section 66-p of the public service law, as added by chapter 705 of the laws of 2019, is renumbered section 66-q and a new section 66-r is added to read as follows:

§ 66-r. Renewable energy projects; labor standards. 1. In the implementation of section sixty-six-p of this article, the commission shall ensure that labor and job standards associated with renewable energy projects are prioritizing the creation of good paying jobs and protecting all workers throughout the state in accordance with the provisions of this section.

2. For purposes of this section, a "covered renewable energy system" means a renewable energy system, as such term is defined in section sixty-six-p of this article, with a capacity of at least five megawatts alternating current and which involves the procurement of renewable energy credits by a public entity, or a third party acting on behalf and for the benefit of a public entity.

3. For purposes of this section, "public entity" shall include, but shall not be limited to, the state, a local development corporation as defined in subdivision eight of section eighteen hundred one of the public authorities law or section fourteen hundred eleven of the not-for-profit corporation law, a municipal corporation as defined in section one hundred nineteen-n of the general municipal law, an industrial development agency formed pursuant to article eighteen-A of the general municipal law or industrial development authorities formed pursuant to article eight of the public authorities law, and any state, local or interstate or international authorities as defined in section two of the public authorities law; and shall include any trust created by any such entities.

4. The owner of the covered renewable energy system, or a third party acting on the owner's behalf, as a condition of any renewable energy credits agreement with a public entity, must stipulate to the public entity that it will enter into a labor peace agreement with at least one

bona fide labor organization that is actively engaged in representing or attempting to represent employees who will provide necessary operations and maintenance services for the renewable energy system. The maintenance of such a labor peace agreement shall be an ongoing material condition of any continuation of payments. For purposes of this section "labor peace agreement" means an agreement between an entity and a labor organization that, at a minimum, protects the state's proprietary interests by prohibiting labor organizations and members from engaging in picketing, work stoppages, boycotts, and any other economic interference with the relevant renewable energy system.

5. The public entity shall require a covered renewable energy system, in each of its contracts for construction, reconstruction, alteration, repair, improvement or maintenance, to contain a provision that the iron and structural steel used or supplied in the performance of the contract, shall be, when practicable, produced or made in whole or substantial part in the United States, its territories or possessions in accordance with the provisions of subdivision one of section one hundred forty-six of the state finance law.

6. Whenever changes are proposed to any public procurement process involving the program described in subdivision two of section sixty-six-p of this article, the commission shall make simultaneous recommendations to the temporary president of the senate and the speaker of the assembly, regarding necessary changes to this section and section two hundred twenty-four-d of the labor law, if any, in meeting the goals outlined in the legislative findings and intent of the chapter of the laws of two thousand twenty-one which added this section.

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

§ 6. This act shall take effect on October 1, 2021 and shall apply to any agreement which involves the procurement of renewable energy credits by a public entity, or a third party acting on behalf and for the benefit of a public entity, for applicable renewable energy projects entered into on or after that date; provided, however, that section two of this act shall take effect on the same date and in the same manner as section 1 of part FFF of chapter 58 of the laws of 2020, takes effect.

PART BB

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

§ 99-ii. Emergency rental assistance municipal recipient allocation fund. 1. There is hereby established in the joint custody of the state comptroller and the commissioner of taxation and finance a trust and agency fund known as the "emergency rental assistance municipal recipient allocation fund".

2. Municipal corporations as defined in section two of the general municipal law that have received federal allocations from the United States treasury for emergency rental assistance authorized pursuant to public law 116-260 and choose to participate in the statewide emergency

rental assistance program in accordance with title three of the social services law shall deposit such funds in the "emergency rental assistance municipal recipient allocation fund".

3. The monies of the fund shall be paid, without appropriation, to provide authorized benefits to eligible households of the respective municipal recipient from which monies were received in accordance with subdivision two of this section. Provided further, all such funds deposited by the municipal recipient shall be expended only for the benefit of such municipality's residents.

§ 2. Article 2-A of the social services law is amended by adding two new titles 3 and 3-A to read as follows:

TITLE 3
STATEWIDE EMERGENCY RENTAL ASSISTANCE PROGRAM

Section 46. Statewide emergency rental assistance program.

§ 46. Statewide emergency rental assistance program. 1. There is hereby established the statewide emergency rental assistance program, hereinafter known as "the statewide program." The statewide program shall provide benefits to eligible households to prevent evictions and homelessness in accordance with this title utilizing funds made available pursuant to section ninety-nine-ii of the state finance law; public law 116-260; and any other funds appropriated for this purpose. Funds shall be equitably distributed throughout the state, based on residents' rental and arrear needs. Provided however, no less than sixty-five percent of funds provided for emergency rental assistance authorized pursuant to public law 116-260 shall be allocated no later than September thirtieth, two thousand twenty-one.

2. Definitions. The following terms shall have the following meaning when used in this title:

(a) "Municipality" shall have the same meaning as municipal corporation as defined in section two of the general municipal law.

(b) "Municipal recipient" shall mean a municipality that received federal funding pursuant to public law 116-260.

(c) "Rent" shall have the same meaning as defined in section seven hundred two of the real property actions and proceedings law.

(d) "At risk of homelessness" shall include but not be limited to individuals with:

(i) a past due utility or rent notice or eviction notice; (ii) unsafe or unhealthy living conditions; or (iii) any other evidence of such risk as determined by the office of temporary and disability assistance.

(e) "Agency that primarily enforces immigration law" shall include, but not be limited to, United States immigration and customs enforcement and United States customs and border protection, and any successor agencies having similar duties.

3. Municipal recipient plans. (a) Each municipal recipient that chooses to participate in the statewide program shall be required to submit a plan for approval to the office of temporary and disability assistance and the division of budget in order to also utilize funds awarded to the state pursuant to public law 116-260.

(b) Each plan shall be in accordance with the requirements of this title, and shall include, but not be limited to: (i) eligibility standards in accordance with subdivision five of this section; (ii) benefits in accordance with subdivision six of this section; and (iii) an outreach and assistance plan in accordance with subdivision nine of this section to supplement the state's outreach plan.

(c) Each plan shall be submitted within fifteen days of the effective date of this title. The office in consultation with the division of budget shall review the plans submitted and, in writing, either approve or request additional information within ten days of submission. In instances where the office requests additional information, the municipal recipient shall work with the office and provide such necessary materials within two days of the request. After reviewing the additional information provided, the office may either approve the original plan that was submitted or request that a revised comprehensive plan be submitted. The office shall work with the municipal recipient to revise such plan to ensure it is consistent with the requirements of this title and public law 116-260. The revised plan shall be submitted within five days of the request and the office shall approve such plan within three days after the submission. Provided however, in all cases where a municipal recipient complies with the requirements of this subdivision, their plan shall be approved within thirty-five days of the effective date of this title.

(d) Upon approval of the plan, the municipal recipient shall remit their allocation of funds provided under public law 116-260 to the emergency rental assistance municipal recipient allocation fund established pursuant to section ninety-nine-ii of the state finance law. Provided further, after a municipal recipient receives approval, their residents shall be entitled to benefit from the state allocation under public law 116-260 with equitable distribution of such state funds across the state based on the residents' rent and arrear needs.

4. Statewide portal.(a) The office of temporary and disability assistance, in consultation with the division of housing and community renewal, shall establish, either directly or through contract, a statewide portal to accept and process applications for assistance under the statewide emergency rental assistance program.

(b) The statewide portal shall accept and process applications for residents residing in municipalities that choose to participate in the statewide program as well as residents from municipalities that did not receive a federal allocation pursuant to public law 116-260.

(c) The office of temporary and disability assistance shall accept and make determinations on applications submitted to the statewide portal on a rolling basis, not to exceed twenty-one days at a time, to ensure households across the state have equal access to the program. Such determinations shall be made in accordance with priorities established pursuant to paragraphs (a) and (b) of subdivision five of this section.

(d) The statewide portal shall accept documentation in multiple languages, including English, Yiddish, Bengali, Arabic and the six most common non-English languages spoken by individuals with limited-English proficiency in the state of New York based on the United States census data.

(e) Applicants shall be able to track the status of their application in real time, after such application has been submitted. Furthermore, if the applicant is a landlord, the tenant for whom such application was submitted shall also be able to track the status in real time.

(f) (i) Any documentation provided to the statewide portal or community based organizations pursuant to subdivision nine of this section shall be kept confidential and shall only be used for the purposes of determining eligibility for the statewide program under this title.

(ii) Any portion of any record retained by the commissioners in relation to an application pursuant to this title that contains the photo image or identifies the social security number, telephone number,

place of birth, country of origin, place of employment, school or educational institution attended, source of income, status as a recipient of public benefits, the customer identification number associated with a public utilities account, medical information or disability information of the holder of, or applicant for, application is not a public record and shall not be disclosed in response to any request for records except: (1) to the person who is the subject of such records; or (2) where expressly required pursuant to chapter three hundred three of part A of subtitle vi of title forty-nine of the United States code; or (3) where necessary to comply with a lawful court order, judicial warrant signed by a judge appointed pursuant to article III of the United States constitution, or subpoena for individual records issued pursuant to the criminal procedure law or the civil practice law and rules.

(iii) The commissioners shall require any person or entity that receives or has access to records or information related to an application for benefits under this title to certify to the commissioners, before such receipt or access, that such person or entity shall not (i) use such records or information for civil immigration purposes or (ii) disclose such records or information to any agency that primarily enforces immigration law or to any employee or agent of any such agency.

5. Eligibility. (a) A household is eligible for assistance under the statewide program if one or more individuals in the household is obligated to pay rent on a residential dwelling and has: (i) (1) qualified for unemployment benefits; (2) experienced a reduction in household income, incurred significant costs or experienced other financial hardship due, directly or indirectly to the novel coronavirus disease (COVID-19) outbreak; or (3) can demonstrate a risk of experiencing homelessness, at risk of homelessness or housing instability; and (ii) the household has a household income that is not more than eighty percent of the area median income for the household.

(b) Notwithstanding paragraph (a) of this subdivision, priority shall be given to a household where the income of such household does not exceed fifty percent of the area median income for the household and one or more individuals in the household has been unemployed for ninety days preceding the application submission. Provided further, additional prioritization shall be given to households under this paragraph who (i) reside in a dwelling owned by a small landlord, (ii) are considered to be part of a vulnerable population, including but not limited to victims of domestic violence, human trafficking victims and veterans, (iii) are involved in an eviction proceeding, and (iv) are residing in communities that were disproportionately impacted by the COVID-19 pandemic. For the purposes of this title a "small landlord" shall include any person that owns a building with twenty or fewer apartments.

(c) Documentation to ascertain eligibility and confirm the approval of benefits shall be provided in accordance with subdivision six of this section.

(d) The immigration status of any member of the household shall not be considered when determining eligibility for the statewide program.

6. Benefits. (a) Benefits provided to an eligible household, as determined under subdivision five of this section, may be provided in accordance with this subdivision, for a period not to exceed a total of fifteen months.

(b) Such benefits shall include: (i) up to twelve months of rental arrears, which may date back to March thirteenth, two thousand twenty; (ii) up to twelve months of utility and/or home energy arrears; (iii)

expenses related to internet access; and (iv) prospective rent, if such benefit will provide housing stability.

(c) Notwithstanding paragraph (b) of this subdivision, if an eligible household has rental arrears, such expenses shall be provided prior to the approval of any prospective rent payments.

(d) Benefits provided under this section shall be paid directly to the landlord and/or utility provider on behalf of the eligible household, except when such landlord and/or utility provider has refused to participate in the statewide program, in which case, the benefit shall be paid directly to the eligible household.

7. Applications. (a) Applications for the statewide program shall be submitted through the portal established pursuant to subdivision four of this section. Applications may be submitted by either the tenant or the landlord, provided however written consent must be obtained from the tenant by either the landlord or an authorized community based organization pursuant to subdivision nine of this section before a landlord may submit an application. Tenants and landlords are encouraged to submit applications together, to prevent duplications and expedite the review process.

(b) To verify eligibility, acceptable documentation shall include but is not limited to any such required documentation provided in the form of a photocopy, photograph, email or facsimile. Provided further and in accordance with federal guidance, an attestation, including a self-attestation, of any such information from an individual with relevant knowledge of the household's situation, shall be considered an acceptable form of documentation.

(c) Upon determination of an application, both the tenant and the landlord shall be provided with both verbal and written confirmation of such determination in their native language.

8. Tenant protections and landlord requirements. (a) Acceptance of payment for rent or rental arrears from this program shall constitute agreement by the recipient landlord or property owner: (i) that the arrears covered by this payment are satisfied and will not be used as the basis for a non-payment eviction; (ii) to waive any late fees due on any rental arrears; (iii) to keep constant the monthly rent due for the dwelling unit such that it shall remain the same as the amount that was due at the time of application to the program for any and all months for which rental assistance is received and for one year after the first rental assistance payment is received; (iv) not to evict for reason of expired lease or holdover tenancy any household on behalf of whom rental assistance is received for one year after the first rental assistance payment is received, unless the dwelling unit that is the subject of the lease or rental agreement is located in a building that contains four or fewer units, in which case the landlord may decline to extend the lease or tenancy if the landlord intends to immediately occupy the unit for the landlord's personal use as a primary residence or the use of an immediate family member as a primary residence; and (v) to notify the tenant of the protections established under this subdivision.

(b) Landlords of buildings with outstanding violations issued by a code enforcement agency for conditions that would be dangerous, hazardous, or detrimental to life, health or safety of the tenant shall resolve those violations as a condition of receiving funds. Provided however, at the office's discretion, a portion of the funds may be set aside to be used by the landlord to correct such violations.

(c) For an eligible household who is also a recipient of a public benefit including any federal, state or locally funded program:

(i) Any benefits provided under this title shall not be considered to be part of the standard of need as defined in paragraph (b) of subdivision ten of section one hundred thirty-one-a of this chapter;

(ii) Any benefit provided to cover any rent arrears or utility/home energy arrears payments shall not be recoupable;

(iii) benefits provided pursuant to this title shall not count as a lump sum payment for any such assistance regardless of whether the benefit is provided to the eligible household, landlord and/or utility provider; and

(iv) any such assistance provided under this title shall not be regarded as income, and shall not be regarded as a resource for purposes of determining eligibility or recertification for any member of the household.

9. Emergency rental assistance outreach and assistance program. (a) The office of temporary and disability assistance shall contract with community based organizations statewide, ensuring appropriate geographic representation regardless of whether there is an outreach program operated by a municipal recipient. Such community based organizations shall provide application assistance as well as outreach to ensure the statewide program is fully utilized. The community based organizations shall have demonstrated previous successful experience providing assistance in a culturally competent manner, delivered in multiple languages to populations, including but not limited to vulnerable and/or low income populations, communities disproportionately impacted by the COVID-19 pandemic, tenants residing in a dwelling owned by a small landlord and veterans.

(b) In addition to the outreach program established by the state pursuant to paragraph (a) of this subdivision, each municipal recipient that chose to participate in the statewide program shall be responsible for operating an outreach program in accordance with their plan submitted pursuant to subdivision three of this section specific to their geographic location. Municipal recipients shall contract with community based organizations to supplement the state's outreach program, providing additional application assistance and outreach activities specific to their geographic location. Such community based organizations shall deliver their services in multiple languages and in a culturally competent manner to vulnerable and/or low income populations, communities disproportionately impacted by the COVID-19 pandemic, and tenants residing in a dwelling owned by a small landlord and veterans.

(c) Any information provided to a community based organization in connection with this title shall be kept confidential and be subject to the same requirements pursuant to paragraph (f) of subdivision four of this section.

10. The office shall be required to report and post information on their website, and update such information at least monthly. Such information shall include but not be limited to: (a) the number of municipal recipients that choose to participate in the statewide program; (b) the number of eligible households that received assistance under this title, including the particular category of assistance which was provided; (c) the average amount of funding provided per eligible household receiving assistance; and (d) the number of households that applied for assistance.

TITLE 3-A
STATEWIDE EMERGENCY HOMELESS ASSISTANCE PROGRAM

Section 47. Statewide emergency homeless assistance program.

§ 47. Statewide emergency homeless assistance program. 1. There is hereby established the statewide emergency homeless assistance program, hereinafter known as "the program". The program shall provide benefits to eligible recipients experiencing homelessness in accordance with this title within amounts appropriated.

2. Supplements. (a) Each local social services district, except a local social services district with a population of one million or more, shall provide shelter supplements to eligible recipients as defined in subdivision three of this section, up to the maximum amount of the fair market rent in the district, as established by the federal department of Housing and Urban Development, for the household composition.

(b) For a local social services district with a population of one million or more, such funds made available pursuant to this title shall be utilized to supplement the family homelessness and eviction prevention supplement to provide additional supplements up to the maximum amount of the fair market rent in the district, as established by the federal department of Housing and Urban Development, for the household composition.

3. Eligibility. Supplements shall be made available in accordance with subdivision four of this section to individuals or families who are homeless and eligible for or in receipt of public assistance or, in a local social services district with a population of one million or more, individuals and families who are eligible for the family homelessness and eviction prevention supplement. For purposes of this title, homeless shall mean individuals or families who lack a fixed, regular and adequate nighttime residence in a location ordinarily used as a regular sleeping accommodation for human beings.

4. Distribution. (a) The office of temporary and disability assistance shall distribute funds appropriated for the purposes of this title. Such funds shall be equitably distributed across the state, ensuring adequate geographic disbursement based on an analysis conducted by the office to determine which local social services districts are experiencing the highest percentages of homelessness. Additionally, such analysis shall evaluate the need to prioritize vulnerable populations including families with children, victims of domestic violence as defined in subdivision one in section four hundred fifty-nine-a of this chapter and veterans as defined in section one hundred sixty-eight of this chapter.

(b) Local social services districts shall ensure supplements are provided to eligible individuals and families where such assistance will provide the greatest long term housing stability.

(c) Funds made available pursuant to this title shall be distributed to eligible recipients as expeditiously as possible.

5. Supplements made available pursuant to this title shall:

(a) not be considered as part of the standard of need as defined in paragraph (b) of subdivision ten of section one hundred thirty-one-a of this chapter.

(b) be issued by the local social services district directly to the landlord or vendor; and

(c) not be a recoupable benefit.

6. Report. The commissioner shall issue a report on the program to the governor, the speaker of the assembly and the temporary president of the senate one year after the effective date of this title and annually thereafter regarding the effectiveness of the program, based on the information provided from the local social services districts. Each local district, upon the request of the office, shall provide the office

the necessary data for the completion of the report. Each report shall include the following information, for each district: (i) priority groups served; (ii) the number of individuals and families participating in the program; (iii) factors contributing to households experiencing housing issues, including but not limited to health and safety and budgeting constrains; (iv) total funding utilized; (v) estimated avoided costs in temporary shelter, and (vi) any other information or available data that the commissioner deems relevant and necessary for comprehensive evaluation of the program.

§ 3. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2021.

PART CC

Intentionally Omitted

PART DD

Section 1. Clause (vi) of subparagraph 4 of paragraph h of subdivision 2 of section 355 of the education law, as amended by section 1 of part JJJ of chapter 59 of the laws of 2017, is amended to read as follows:

(vi) Beginning in state fiscal year two thousand twenty-two--two thousand twenty-three and thereafter, the state shall appropriate and make available general fund operating support and fringe benefits, for the state university and the state university health science centers in an amount not less than the amounts separately appropriated and made available in the prior state fiscal year; provided, further, the state shall appropriate and make available general fund operating support to cover all mandatory costs of the state university and the state university health science centers, which shall include, but not be limited to, collective bargaining costs including salary increments, fringe benefits, and other non-personal service costs such as utility costs, building rentals and other inflationary expenses incurred by the state university and the state university health science centers, and any increase in the tuition credit pursuant to section six hundred eighty-nine-a of this title as tuition increases are enacted by the board of trustees of the state university; provided, however, that if the governor declares a fiscal emergency, and communicates such emergency to the temporary president of the senate and the speaker of the assembly, state support for operating expenses at the state university and city university may be reduced in a manner proportionate to one another, and the aforementioned provisions shall not apply; provided further, the state shall appropriate and make available general fund support to fully fund the tuition credit pursuant to subdivision two of section six hundred sixty-nine-h of this title.

(vii) For the state university fiscal years commencing two thousand eleven--two thousand twelve and ending two thousand fifteen--two thousand sixteen, each university center may set aside a portion of its tuition revenues derived from tuition increases to provide increased financial aid for New York state resident undergraduate students whose net taxable income is eighty thousand dollars or more subject to the approval of a NY-SUNY 2020 proposal by the governor and the chancellor of the state university of New York. Nothing in this paragraph shall be construed as to authorize that students whose net taxable income is eighty thousand dollars or more are eligible for tuition assistance

program awards pursuant to section six hundred sixty-seven of this [~~chapter~~] title.

§ 2. Paragraph (a) of subdivision 7 of section 6206 of the education law is amended by adding a new subparagraph (vi) to read as follows:

(vi) Beginning in state fiscal year two thousand twenty-two--two thousand twenty-three and thereafter, the state shall appropriate and make available general fund operating support and fringe benefits, for the city university in an amount not less than the amounts separately appropriated and made available in the prior state fiscal year; provided, further, the state shall appropriate and make available general fund operating support to cover all mandatory costs of the city university, which shall include, but not be limited to, collective bargaining costs including salary increments, fringe benefits, and other non-personal service costs such as utility costs, building rentals and other inflationary expenses incurred by the city university, and any increase in the tuition credit pursuant to section six hundred eighty-nine-a of this chapter as tuition increases are enacted by the board of trustees of the state university; provided, however, that if the governor declares a fiscal emergency, and communicates such emergency to the temporary president of the senate and the speaker of the assembly, state support for operating expenses at the state university and city university may be reduced in a manner proportionate to one another, and the aforementioned provisions shall not apply; provided further, the state shall appropriate and make available general fund support to fully fund the tuition credit pursuant to subdivision two of section six hundred sixty-nine-h of this chapter.

§ 3. This act shall take effect immediately provided that:

(a) the amendments to subparagraph 4 of paragraph h of subdivision 2 of section 355 of the education law made by section one of this act shall not affect the expiration and reversion of such subparagraph pursuant to chapter 260 of the laws of 2011, as amended, and shall expire therewith; and

(b) the amendments to paragraph (a) of subdivision 7 of section 6206 of the education law made by section two of this act shall not affect the expiration and reversion of such paragraph pursuant to chapter 260 of the laws of 2011, as amended, and shall expire therewith.

PART EE

Section 1. Paragraph a of subdivision 1 of section 6304 of the education law, as amended by chapter 552 of the laws of 1984, is amended to read as follows:

a. State financial aid shall be one-third of the amount of operating costs, as approved by the state university trustees, provided that in no case shall a community college receive less than ninety-eight percent of the amount of state operating support that was provided for such community college in the previous community college fiscal year. Operating costs shall not include any payment of debt service or rentals or other payments by a local sponsor to the dormitory authority pursuant to any lease, sublease or other agreement entered into between the dormitory authority and a local sponsor. Such aid for a college shall, however, be for two-fifths of operating costs for any fiscal year of the college during which it is implementing a program of full opportunity provided a plan has been approved by the state university trustees. Such plan, which shall be submitted by the college only after approval by the board of trustees and the local sponsor or sponsors, shall

(i) establish a policy of offering acceptance in an appropriate program of the college to all applicants residing in the sponsorship area who graduated from high school within the prior year and to applicants who are high school graduates and who were released from active duty with the armed forces of the United States within the prior year;

(ii) provide for full implementation of such policy by the fall semester of nineteen hundred seventy or, if the college demonstrates to the state university trustees that full implementation by such time would not be feasible and in the best interests of the college, provide for a timetable to achieve such full implementation within five years which provides for substantial growth in registration each year;

(iii) make provision for and contain adequate assurances of the expenditure of funds by the sponsor or sponsors at a level pursuant to state university regulations, at least that necessary to implement the plan;

(iv) provide for adequate programs of remediation, instruction and counselling to meet the needs of all students to be served by the college. The trustees may require periodic reports or certifications from colleges which have submitted plans which have been approved and may, in appropriate cases, revoke such approval in case a college is in default of implementing its plan.

§ 2. This act shall take effect July 1, 2021.

PART FF

Section 1. The education law is amended by adding a new section 669-i to read as follows:

§ 669-i. Martin Luther King, Jr. scholarship. 1. Purpose. The New York state Martin Luther King, Jr. scholarship is hereby established for the purpose of granting awards to assist students with the expenses of non-tuition costs and fees associated with attending an institution of higher education in the state of New York.

2. Eligibility. A Martin Luther King, Jr. scholarship award shall be made to an applicant who is eligible for an award under the tuition assistance program as set forth in section six hundred sixty-seven of this subpart.

3. Amount. Within amounts appropriated therefor and based on the availability of funds, awards shall be granted beginning with the two thousand twenty-one--two thousand twenty-two academic year and thereafter to applicants that the corporation has determined are eligible to receive such awards. The corporation shall grant an annual award in the amount of three thousand five hundred dollars to each applicant.

4. Qualified non-tuition costs. An award pursuant to this section shall be applied toward a recipient's non-tuition costs and fees. For the purposes of this section, "non-tuition costs" shall include room and board, transportation expenses, textbooks and instructional materials, technology and electronic devices, and personal expenses including clothing, food, or medical, vision, and dental insurance.

5. Duration. An eligible recipient shall not receive an award for more than four academic years of full-time undergraduate study or five academic years if the program of study normally requires five years. An eligible recipient enrolled in an eligible two-year program of study shall not receive an award for more than two academic years.

6. Recipient selection. The president may establish: (a) an application deadline; and (b) a method of selecting recipients in accordance with the demonstrated financial needs if in any given year there are

insufficient funds to cover the needs of all applicants as determined by the corporation, provided that priority shall be given to eligible applicants who have received an award pursuant to this section in a prior year.

7. Other awards. Recipients shall be eligible to apply for other awards under this article. Awards pursuant to this section shall not be included within the calculation for determining a student's eligibility or award amount for an excelsior scholarship pursuant to section six hundred sixty-nine-h of this subpart or an enhanced tuition award pursuant to section six hundred sixty-seven-d of this subpart.

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

§ 2. This act shall take effect immediately.

PART GG

Section 1. Clause (A) of subparagraph (i) of paragraph a of subdivision 3 of section 667 of the education law, as amended by section 1 of part B of chapter 60 of the laws of 2000, item 1 as amended by section 1 and item 2 as amended by section 2 of part H and subitem (d) of item 1 as added by section 1 of part E of chapter 58 of the laws of 2011, the opening paragraph of item 1 as amended by section 2 of part X of chapter 56 of the laws of 2014, subitem (a) of item 1 as amended by section 2, subitem (b) of item 1 as amended by section 3 and subitem (c) of item 1 as amended by section 1 of part U of chapter 56 of the laws of 2014, is amended to read as follows:

(A) (1) In the case of students who have not been granted an exclusion of parental income, who have qualified as an orphan, foster child, or ward of the court for the purposes of federal student financial aid programs authorized by Title IV of the Higher Education Act of 1965, as amended, or had a dependent for income tax purposes during the tax year next preceding the academic year for which application is made, except for those students who have been granted exclusion of parental income who have a spouse but no other dependent:

(a) [~~For students first receiving aid after nineteen hundred ninety-three--nineteen hundred ninety-four and before two thousand--two thousand one, four thousand two hundred ninety dollars; or~~

~~(b) For students first receiving aid in nineteen hundred ninety-three--nineteen hundred ninety-four or earlier, three thousand seven hundred forty dollars; or~~

~~(c) For students first receiving aid in two thousand--two thousand one and thereafter, five~~] Five thousand dollars, except starting in two thousand fourteen-two thousand fifteen [~~and thereafter~~] such students shall receive five thousand one hundred sixty-five dollars, and except starting in two thousand twenty-one--two thousand twenty-two and thereafter such students shall receive six thousand one hundred sixty-five dollars; or

[~~(d)~~] (b) For undergraduate students enrolled in a program of study at a non-public degree-granting institution that does not offer a program of study that leads to a baccalaureate degree, or at a registered not-for-profit business school qualified for tax exemption under section 501(c)(3) of the internal revenue code for federal income tax purposes that does not offer a program of study that leads to a baccalaureate degree, four thousand dollars, except starting in two thousand twenty-one--two thousand twenty-two and thereafter such students shall receive

five thousand dollars. Provided, however, that this subitem shall not apply to students enrolled in a program of study leading to a certificate or degree in nursing.

(2) In the case of students receiving awards pursuant to subparagraph (iii) of this paragraph and those students who have been granted exclusion of parental income who have a spouse but no other dependent[~~.~~

~~(a) For students first receiving aid in nineteen hundred ninety-four--nineteen hundred ninety-five and nineteen hundred ninety-five--nineteen hundred ninety-six and thereafter, three thousand twenty-five dollars, or~~

~~(b) For students first receiving aid in nineteen hundred ninety-two--nineteen hundred ninety-three and nineteen hundred ninety-three--nineteen hundred ninety-four, two thousand five hundred seventy-five dollars, or~~

~~(c) For students first receiving aid in nineteen hundred ninety-one--nineteen hundred ninety-two or earlier, two thousand four hundred fifty dollars~~] four thousand twenty-five dollars; or

§ 2. Subparagraphs (i) and (ii) of paragraph b of subdivision 3 of section 667 of the education law, as amended by chapter 309 of the laws of 1996, clause (B) of subparagraph (i) as amended by section 2 of part B of chapter 60 of the laws of 2000, are amended to read as follows:

(i) For each year of study, assistance shall be provided as computed on the basis of the amount which is the lesser of the following:

(A) (1) one thousand eight hundred dollars, or

(2) for students receiving awards pursuant to subparagraph (iii) of this paragraph, one thousand six hundred forty dollars; or

(B) (1) Ninety-five percent of the amount of tuition (exclusive of educational fees) charged.

(2) For the two thousand one--two thousand two academic year and thereafter one hundred percent of the amount of tuition (exclusive of educational fees).

(ii) Except for students as noted in subparagraph (iii) of this paragraph, the base amount as determined in subparagraph (i) of this paragraph, shall be reduced in relation to income as follows:

Amount of income	Schedule of reduction of base amount
(A) Less than seven thousand dollars	None
(B) Seven thousand dollars or more, but less than eleven thousand dollars	Seven per centum of the excess over seven thousand dollars

[~~(C) For students first receiving aid:~~

~~(1) for the first time in academic years nineteen hundred eighty-nine--nineteen hundred ninety, nineteen hundred ninety-two--nineteen hundred ninety-three and nineteen hundred ninety-three--nineteen hundred ninety-four:~~

~~Amount of income~~	~~Schedule of reduction of base amount~~
~~Eleven thousand dollars or more but not more than forty-~~	~~Two hundred eighty dollars plus ten per centum of the excess~~

~~two thousand five hundred over eleven thousand dollars dollars~~

~~(2) for the first time in academic years nineteen hundred ninety--nineteen hundred ninety-one, nineteen hundred ninety-one--nineteen hundred ninety-two, nineteen hundred ninety-four--nineteen hundred ninety-five and thereafter:~~

~~Amount of income~~	~~Schedule of reduction of base amount~~
~~Eleven thousand dollars or more but not more than fifty thousand five hundred dollars~~	~~Two hundred eighty dollars plus ten per centum of the excess over eleven thousand dollars~~

~~(3) for the first time in academic years prior to academic year nineteen hundred eighty-nine--nineteen hundred ninety:~~

~~Amount of income~~	~~Schedule of reduction of base amount~~
~~Eleven thousand dollars or more but not more than thirty-four thousand two hundred fifty dollars~~]	~~Two hundred eighty dollars plus ten per centum of the excess over eleven thousand dollars~~

§ 3. Section 689-a of the education law, as added by chapter 260 of the laws of 2011, is amended to read as follows:

§ 689-a. Tuition credits. 1. The New York state higher education services corporation shall calculate a tuition credit for each resident undergraduate student who has filed an application with such corporation for a tuition assistance program award pursuant to section six hundred sixty-seven of this article, and is determined to be eligible to receive such award, and is also enrolled in a program of undergraduate study at a state operated or senior college of the state university of New York or the city university of New York where the annual resident undergraduate tuition rate will exceed [~~five thousand dollars~~] **the maximum tuition assistance program award pursuant to subitem (a) of item one of clause (A) of subparagraph (i) of paragraph a of subdivision three of section six hundred sixty-seven of this article**. Such tuition credit shall be calculated for each semester, quarter or term of study that tuition is charged and tuition for the corresponding semester, quarter or term shall not be due for any student eligible to receive such tuition credit until such credit is calculated, the student and school where the student is enrolled is notified of the tuition credit amount, and such tuition credit is applied toward the tuition charged.

2. Each tuition credit pursuant to this section shall be an amount equal to the product of the total annual resident undergraduate tuition rate minus [~~five thousand dollars~~] **the maximum tuition assistance program award pursuant to subitem (a) of item one of clause (A) of subparagraph (i) of paragraph a of subdivision three of section six hundred sixty-seven of this article** then multiplied by an amount equal to the product of the total annual award for the student pursuant to section six hundred sixty-seven of this article divided by an amount equal to the maximum amount the student qualifies to receive pursuant to

clause (A) of subparagraph (i) of paragraph a of subdivision three of section six hundred sixty-seven of this article.

§ 4. Section 16 of chapter 260 of the laws of 2011 amending the education law and the New York state urban development corporation act relating to establishing components of the NY-SUNY 2020 challenge grant program, as amended by section 5 of part JJJ of chapter 59 of the laws of 2017, is amended to read as follows:

§ 16. This act shall take effect July 1, 2011; provided that sections one, two, three, four, five, six, eight, nine, ten, eleven, twelve and thirteen of this act shall expire [~~10~~] **14** years after such effective date when upon such date the provisions of this act shall be deemed repealed; and provided further that sections fourteen and fifteen of this act shall expire 5 years after such effective date when upon such date the provisions of this act shall be deemed repealed.

§ 5. This act shall take effect July 1, 2021 provided, however, that the amendments to section 689-a of the education law made by section three of this act shall not affect the repeal of such section and shall be deemed to expire therewith.

PART HH

Section 1. This part enacts into law major components of legislation which are related to the availability of adverse childhood experiences services. Each component is wholly contained within a Subpart identified as Subparts A and B. The effective date for each particular provision contained within such Subpart is set forth in the last section of such Subpart. Any provision in any section contained within a Subpart, including the effective date of the Subpart, which makes reference to a section of "this act", when used in connection with that particular component, shall be deemed to mean and refer to the corresponding section of the Subpart in which it is found. Section two contains a severability clause for all provisions contained in each Subpart of this Part. Section three of this act sets forth the general effective date of this Part.

SUBPART A

Section 1. The social services law is amended by adding a new section 131-aaa to read as follows:

§ 131-aaa. Availability of adverse childhood experiences services. Each local social services district shall be required to provide applicants and recipients of public assistance who are a parent, guardian, custodian or otherwise responsible for a child's care, with educational materials developed pursuant to subdivision two of section three hundred seventy-c of this article to educate them about adverse childhood experiences, the importance of protective factors and the availability of services for children at risk for or suffering from adverse childhood experiences. The educational materials may be made available electronically and shall be provided at the time of application, recertification and any other instances the applicant or recipient makes contact with the local social services district.

§ 2. Article 5 of the social services law is amended by adding a new title 12-A to read as follows:

TITLE 12-A
SUPPORTS AND SERVICES FOR YOUTH SUFFERING FROM ADVERSE CHILDHOOD EXPERIENCES

Section 370-c. Supports and services for youth suffering from adverse childhood experiences.

§ 370-c. Supports and services for youth suffering from adverse childhood experiences. 1. Youth suffering from or at risk of adverse childhood experiences, as defined in paragraph (c) of subdivision one of section twenty-d of this chapter, shall be eligible for a range of appropriate services and supports, which shall be beneficial to the health and well-being of the youth. Such services shall be culturally competent, evidence based and trauma informed and include, but not be limited to appropriate health and behavioral health services covered under subdivision seven of section twenty-five hundred ten of the public health law and subdivision two of section three hundred sixty-five-a of this article; preventive services provided pursuant to subdivision two of section four hundred fifty-eight-m of this chapter, enhancement of protective factors and any other services necessary to serve youth suffering from adverse childhood experiences.

2. The office of children and family services, in consultation with the office of temporary and disability assistance, the office of mental health, the office of addiction services and supports, the department of health and not-for-profit organizations that have expertise providing services to individuals suffering from adverse childhood experiences, shall develop or utilize existing educational materials to be used to educate parents, guardians and other authorized individuals about adverse childhood experiences including the environmental events that may impact or lead to adverse childhood experiences, the importance of protective factors and the availability of services for children at risk of or suffering from adverse childhood experiences. Such information shall be made available electronically and shall be posted on each agency's website.

§ 3. Subdivision 7 of section 390 of the social services law is amended by adding a new paragraph (c) to read as follows:

(c) The office of children and family services shall implement a statewide campaign to educate parents and other potential consumers of child day care programs about adverse childhood experiences, the importance of protective factors, and the availability of services for children at risk for or experiencing adverse childhood experiences as defined in paragraph (c) of subdivision one of section twenty-d of this chapter. Such statewide campaign, shall include but is not limited to, providing all licensed, registered and enrolled child care providers with educational materials developed pursuant to subdivision two of section three hundred seventy-c of this chapter. The educational materials may be made available electronically and shall be provided to parents and other potential consumers at the time of enrollment and once every six months during the time of their child's enrollment.

§ 4. Section 305 of the education law is amended by adding a new subdivision 59 to read as follows:

59. The commissioner shall make available educational materials developed pursuant to subdivision two of section three hundred seventy-c of the social services law to every school district and board of cooperative educational services for the purpose of educating parents, guardians and other authorized individuals responsible for the child's care about adverse childhood experiences, the importance of protective factors, and the availability of services for children at risk for or experiencing adverse childhood experiences. The commissioner shall provide that such educational materials are made available online pursu-

ant to subdivision two of section three hundred seventy-c of the social services law.

§ 5. The public health law is amended by adding a new section 2509-c to read as follows:

§ 2509-c. Availability of adverse childhood experiences services. Every pediatrics healthcare provider licensed pursuant to article one hundred thirty-one of the education law shall be required to provide the parent, guardian, custodian or other authorized individual of a child that the pediatrician sees in their official capacity, with educational materials developed pursuant to subdivision two of section three hundred seventy-c of the social services law. Such materials may be provided electronically and shall be used to inform and educate them about adverse childhood experiences, the importance of protective factors and the availability of services for children at risk for or experiencing adverse childhood experiences.

§ 6. Paragraph (a) of subdivision 2 of section 422 of the social services law, as amended by chapter 357 of the laws of 2014, is amended to read as follows:

(a) The central register shall be capable of receiving telephone calls alleging child abuse or maltreatment and of immediately identifying prior reports of child abuse or maltreatment and capable of monitoring the provision of child protective service twenty-four hours a day, seven days a week. To effectuate this purpose, but subject to the provisions of the appropriate local plan for the provision of child protective services, there shall be a single statewide telephone number that all persons, whether mandated by the law or not, may use to make telephone calls alleging child abuse or maltreatment and that all persons so authorized by this title may use for determining the existence of prior reports in order to evaluate the condition or circumstances of a child. In addition to the single statewide telephone number, there shall be a special unlisted express telephone number and a telephone facsimile number for use only by persons mandated by law to make telephone calls, or to transmit telephone facsimile information on a form provided by the commissioner of children and family services, alleging child abuse or maltreatment, and for use by all persons so authorized by this title for determining the existence of prior reports in order to evaluate the condition or circumstances of a child. When any allegations contained in such telephone calls utilizing protocols that would remove implicit bias from the decision making process in determining which calls could reasonably constitute a report of child abuse or maltreatment, such allegations and any previous reports to the central registry involving the subject of such report or children named in such report, including any previous report containing allegations of child abuse and maltreatment alleged to have occurred in other counties and districts in New York state shall be immediately transmitted orally or electronically by the office of children and family services to the appropriate local child protective service for investigation. The inability of the person calling the register to identify the alleged perpetrator shall, in no circumstance, constitute the sole cause for the register to reject such allegation or fail to transmit such allegation for investigation. If the records indicate a previous report concerning a subject of the report, the child alleged to be abused or maltreated, a sibling, other children in the household, other persons named in the report or other pertinent information, the appropriate local child protective service shall be immediately notified of the fact. If the report involves either (i) an allegation of an abused child described in paragraph (i), (ii) or (iii)

of subdivision (e) of section one thousand twelve of the family court act or sexual abuse of a child or the death of a child or (ii) suspected maltreatment which alleges any physical harm when the report is made by a person required to report pursuant to section four hundred thirteen of this title within six months of any other two reports that were indicated, or may still be pending, involving the same child, sibling, or other children in the household or the subject of the report, the office of children and family services shall identify the report as such and note any prior reports when transmitting the report to the local child protective services for investigation.

§ 7. Paragraph (c) of subdivision 2 of section 421 of the social services law, as amended by section 2 of part R of chapter 56 of the laws of 2020, is amended to read as follows;

(c) issue guidelines to assist local child protective services in the interpretation and assessment of reports of abuse and maltreatment made to the statewide central register described in section four hundred twenty-two of this article. Such guidelines shall include information, standards and criteria for the identification of evidence of alleged abuse and maltreatment as required to determine whether a report may be indicated pursuant to this article. **Provided further, the office of children and family services shall update such guidelines, standards and criteria issued to the local child protective services to include protocols to remove implicit bias in the decision-making processes, strategies for identifying adverse childhood experiences as defined in paragraph (c) of subdivision one of section twenty-d of this chapter, and guidelines to assist in recognizing signs of abuse or maltreatment while interacting virtually. The office may utilize existing programs or materials established pursuant to section twenty-d of this chapter. Individuals considered to be a mandated reporter pursuant to subdivision one of section four hundred thirteen of this title, shall have three years from the effective date of the chapter of the laws of two thousand twenty-one that amended this paragraph, to receive such updated mandated reporter training.**

§ 8. Section 413 of the social services law is amended by adding a new subdivision 5 to read as follows:

5. Persons and officials required to report cases of suspected child abuse or maltreatment pursuant to this section shall be required to receive updated training pursuant to paragraph (c) of subdivision two of section four hundred twenty-one of this title.

§ 9. This act shall take effect on the thirtieth day after it shall have become a law, provided, however, that section eight of this act shall expire and be deemed repealed three years after the effective date of this act.

SUBPART B

Section 1. Subdivision 7 of section 2510 of the public health law, as amended by chapter 428 of the laws of 2013, is amended to read as follows:

7. "Covered health care services" means: the services of physicians, optometrists, nurses, nurse practitioners, midwives and other related professional personnel which are provided on an outpatient basis, including routine well-child visits; diagnosis and treatment of illness and injury; **early and periodic screening, diagnosis and treatment (as provided under medical assistance under title eleven of article five of the social services law);** inpatient health care services; laboratory

tests; diagnostic x-rays; prescription and non-prescription drugs and durable medical equipment; radiation therapy; chemotherapy; hemodialysis; outpatient blood clotting factor products and other treatments and services furnished in connection with the care of hemophilia and other blood clotting protein deficiencies; emergency room services; hospice services; emergency, preventive and routine dental care, including medically necessary orthodontia but excluding cosmetic surgery; emergency, preventive and routine vision care, including eyeglasses; speech and hearing services; and, inpatient and outpatient mental health, alcohol and substance [~~abuse~~] **use** services as defined by the commissioner in consultation with the superintendent**, but shall include early and periodic screening, diagnosis and treatment under this subdivision**. "Covered health care services" shall not include drugs, procedures and supplies for the treatment of erectile dysfunction when provided to, or prescribed for use by, a person who is required to register as a sex offender pursuant to article six-C of the correction law, provided that any denial of coverage of such drugs, procedures or supplies shall provide the patient with the means of obtaining additional information concerning both the denial and the means of challenging such denial.

§ 2. This act shall take effect immediately.

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

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

PART II

Section 1. Section 398-a of the social services law is amended by adding a new subdivision 6 to read as follows:

(6) Any federal paycheck protection program loan forgiveness funding or other extraordinary federal funding, as determined by the office of children and family services, received by an authorized agency as defined in subdivision ten of section three hundred seventy-one of this article, shall be disregarded when calculating the maximum state aid rate when such funding is utilized for allowable costs incurred in responding to the state of emergency that was declared in executive order two hundred two on March seventh, two thousand twenty. Allowable expenses shall include, but are not limited to expenses incurred related to pandemic related expenses as well as expenses related to offsetting lost revenue due to a reduction in placements due to the novel coronavirus (COVID-19) pandemic. Provided further, the office of children and family services shall hold harmless prospective maximum state aid rate for the two thousand twenty-one--two thousand twenty-two rate year and subsequent applicable rate years to reflect the impact of receipt of such extraordinary federal revenue.

§ 2. This act shall take effect immediately and shall expire and be deemed repealed 5 years after such date.

PART JJ

Section 1. The public housing law is amended by adding a new section 20-a to read as follows:

§ 20-a. Affordable housing five-year capital plan. 1. For the fiscal year commencing on April first, two thousand twenty-two and every fifth fiscal year thereafter, the governor shall submit to the legislature, as part of the annual executive budget, a statewide comprehensive five-year capital plan to support the development, preservation and capital improvement of affordable housing in New York state.

2. The statewide comprehensive five-year capital plan to support the development, preservation and capital improvement of affordable housing in New York state required pursuant to subdivision one of this section shall be developed in consultation with any state department, agency or public authority which administers and/or plans for the development of any program intended to provide suitable housing accommodations which may fall under the purview of the capital plan and shall provide for, at a minimum: the development of supportive housing units; the preservation and/or capital improvement of public housing units of the New York city housing authority and other public housing authorities in the state; the development and/or rehabilitation of affordable housing targeted to low-income seniors; the rehabilitation of site-specific multi-family rental housing currently under a regulatory agreement or extended use agreement with the division of housing and community renewal or another state, federal or local housing agency; the preservation and/or capital improvement of Mitchell-Lama properties; the promotion of home ownership among families of low- and moderate-income; and the repair and/or replacement of mobile and manufactured homes. Such plan shall, to the greatest extent possible: provide for both rental and homeownership opportunities affordable to low- and moderate-income households across the state; address areas and populations with critical affordable housing needs; and advance the specific housing priorities of New York state.

3. On or before September first, two thousand twenty-two and on or before September first annually thereafter, and on or before March first, two thousand twenty-three and on or before March first annually thereafter, the governor shall, as part of the statewide comprehensive five-year capital plan to support the development, preservation and capital improvement of affordable housing in New York state required pursuant to subdivision one of this section and in consultation with the commissioner of housing and community renewal, submit and make publicly available to the legislature and on the division's website information summarizing the activities undertaken pursuant to the funding made available in the enacted affordable housing capital plan. Such information shall be cumulative and shall include an itemized list of each project utilizing funds appropriated by the affordable housing capital plan subsequent to the enactment of the capital plan, including a brief description of the project, street address, county, awardee, total budget, amount of capital subsidy appropriated by the affordable housing capital plan, relevant section of the affordable housing capital plan, bonded or cash, amount of each additional public funding source, funding program, number of units, area median income requirements if applicable, month and year construction will commence, projected date of occupancy, and project phase (in development, engineering, construction, complete, defunded).

§ 2. This act shall take effect immediately.

PART KK

Section 1. Subdivision (h) of section 4 of part A-4 of chapter 58 of the laws of 2006 enacting the "city of Syracuse and the board of education of the city school district of the city of Syracuse cooperative school reconstruction act", as amended by chapter 459 of the laws of 2013, is amended to read as follows:

(h) "Project" shall mean work at an existing school building site that involves the design, reconstruction, or rehabilitation of an existing school building for its continued use as a school of the city school district, which may include an addition to an existing school building for such continued use at a cost, for such addition, of, for projects identified in subdivision (a) of section five of this act, no more than nine million dollars, and, for projects identified in subdivision (b) **and (c)** of section five of this act, no more than twenty million dollars, and which also may include (1) the construction or reconstruction of athletic fields, playgrounds, and other recreational facilities for such existing school building, and/or (2) the acquisition and installation of all equipment necessary and attendant to and for the use of such existing school building and/or the acquisition of additional real property necessary for the project.

§ 2. Section 5 of part A-4 of chapter 58 of the laws of 2006 enacting the "city of Syracuse and the board of education of the city school district of the city of Syracuse cooperative school reconstruction act", as amended by chapter 9 of the laws of 2014, is amended to read as follows:

§ 5. (a) No more than seven projects, one each at the Central High School, the Blodgett School, the Shea Middle School, the H.W. Smith Elementary School, the Clary Middle School, the Dr. Weeks Elementary School and the Fowler High School, up to a total cost of two hundred twenty-five million dollars; and (b) no more than twenty projects which shall be located at the Bellevue Elementary School, the Clary Middle School, the Corcoran High School, the Danforth Middle School, the Edward Smith K-8 School, the Expeditionary Learning Middle School, the Fowler High School, the Frazer K-8 School, the Grant Middle School, the Greystone Building, the Henninger High School, the Huntington K-8 School, the Nottingham High School, the Shea Middle School and the Westside Academy at Blodgett, up to a total cost of three hundred million dollars**; and (c) no more than 10 projects, which shall be located at the STEM at Blodgett Middle School, the Corcoran High School, the Delaware Primary School, the Henninger High School, the Syracuse Latin School, the Lincoln Middle School, the Nottingham High School, the Roberts PreK-8 School, the Seymour Dual Language Academy and the Webster Elementary School, up to a total cost of three hundred million dollars**, shall be authorized and undertaken pursuant to this act, unless otherwise authorized by law.

§ 3. Sections 6 and 7 of part A-4 of chapter 58 of the laws of 2006 enacting the "city of Syracuse and the board of education of the city school district of the city of Syracuse cooperative school reconstruction act", as amended by chapter 459 of the laws of 2013, are amended to read as follows:

§ 6. (1) Before formal selection of the projects identified in subdivision (a) of section five of this act occurs, the JSC board shall develop a comprehensive plan recommending and outlining the projects it proposes to be potentially undertaken pursuant to this act. Such plan shall include: (a) an estimate of total costs to be financed, proposed

financing plan, proposed method of financing, terms and conditions of the financing, estimated financing costs, and, if city general obligation bonds or notes are not proposed as the method of financing, a comparison of financing costs between such bonds or notes and the proposed method of financing. The plan should also address what specific options would be used to ensure that sufficient resources exist to cover the local share of any such project cost on an annual basis; (b) information concerning the potential persons to be involved in the financing and such person's role and responsibilities; (c) estimates on the design, reconstruction and rehabilitation costs by project, any administrative costs for potential projects, and an outline of the time-frame expected for completion of each potential project; (d) a detailed description of the request for proposals process and an outline of the criteria to be used for selection of the program manager and all contractors; (e) any proposed amendments to the city school district's five year capital facilities plan submitted in accordance with subdivision 6 of section 3602 of the education law and the regulations of the commissioner; and (f) a diversity plan, in compliance with subdivision (b) of section eight of this act, to develop diversity goals, including appropriate community input and public discussion, and develop strategies that would create and coordinate any efforts to ensure a more diverse workforce for the projects. The diversity plan should address accountability for attainment of the diversity goals, what forms of monitoring would be used, and how such information would be publicly communicated.

Prior to the development of the comprehensive plan, the JSC board shall hold as many public hearings as may be necessary to ensure sufficient public input and allow for significant public discussion on the school building needs in such city, with at least one hearing to be held in each neighborhood potentially impacted by a proposed project.

The JSC board shall submit the components of such comprehensive plan outlined in paragraph (a) of subdivision one of this section to the comptroller, along with any other information requested by the comptroller, for his or her review and approval.

(2) Before formal selection of the projects pursuant to subdivision (b) **and (c)** of section five of this act occurs, the city school district shall provide to the JSC board a comprehensive draft plan recommending and outlining the projects it proposes to be potentially undertaken pursuant to this act. Such plan will be subject to the review and approval of the JSC board and shall include: (a) an estimate of total costs to be financed, proposed financing plan, proposed method of financing, terms and conditions of the financing, estimated financing costs, and, if city general obligation bonds or notes are not proposed as the method of financing, a comparison of financing costs between such bonds or notes and the proposed method of financing. The plan should also address what specific options would be used to ensure that sufficient resources exist to cover the local share of any such project cost on an annual basis; (b) information concerning the potential persons to be involved in the financing and such person's role and responsibilities; (c) estimates on the design, reconstruction and rehabilitation costs by project, any administrative costs for potential projects, and an outline of the time-frame expected for completion of each potential project; (d) a detailed description of the request for proposals process and an outline of the criteria to be used for selection of the program manager and all contractors; (e) any proposed amendments to the city school district's five year capital facilities plan submitted in accord-

ance with subdivision 6 of section 3602 of the education law and the regulations of the commissioner; and (f) a diversity plan, in compliance with subdivision (b) of section eight of this act, to develop diversity goals, including appropriate community input and public discussion, and develop strategies that would create and coordinate any efforts to ensure a more diverse workforce for the projects. The diversity plan should address accountability for attainment of the diversity goals, what forms of monitoring would be used, and how such information would be publicly communicated.

As part of the development of the comprehensive plan, the school district shall hold as many public hearings as may be necessary to ensure sufficient public input and allow for significant public discussion on the school building needs in such city, with at least one hearing to be held in each neighborhood potentially impacted by a proposed project.

The JSC board shall submit the components of such comprehensive plan outlined in paragraph (a) of subdivision two of this section to the comptroller, along with any other information requested by the comptroller, for his or her review and approval.

§ 7. (a) Notwithstanding any general, special or local law to the contrary and upon approval by the comptroller pursuant to section six of this act, the city school district may select projects, pursuant to subdivision (a) of section five of this act to be undertaken pursuant to this act, as provided for in such approved comprehensive plan. After the city school district has selected a new project and plans and specifications for such project have been prepared and approved by the city school district, which are consistent with the approved comprehensive plan, the city school district shall deliver such plans and specifications to the city, for approval by such city, acting through the common council, and after the common council has approved such plans and specifications, the city shall deliver them to the commissioner for his or her approval. After approval by the commissioner, the plans and specifications shall be returned to the city school district and such district shall then deliver them to the JSC board. All such specifications shall detail the number of students the completed project is intended to serve, the site description, the types of subjects to be taught, the types of activities for school, recreational, social, safety, or other purposes intended to be incorporated in the school building or on its site and such other information as the city school district, the city, the common council, and the commissioner shall deem necessary or advisable.

(b) Notwithstanding any general, special or local law to the contrary and upon approval by the comptroller pursuant to section six of this act, the city school district may select projects, pursuant to subdivision (b) **and (c)** of section five of this act to be undertaken pursuant to this act, as provided for in such approved comprehensive plan. After the city school district has selected a new project and plans and specifications for such project have been prepared and approved by the city school district in consultation with the city engineer, which are consistent with the approved comprehensive plan, the city school district shall deliver such plans and specifications to the commissioner for his or her approval. After approval by the commissioner, the plans and specifications shall be delivered to the JSC board. All such specifications shall detail the number of students the completed project is intended to serve, the site description, the types of subjects to be taught, the types of activities for school, recreational, social, safe-

ty, or other purposes intended to be incorporated in the school building or on its site and such other information as the city school district, the city engineer, and the commissioner shall deem necessary or advisable.

(c) Notwithstanding any other provision of law to the contrary, if the total project cost associated with the projects authorized pursuant to subdivision (b) **and (c)** of section five of this act exceeds the estimated total project cost of 300 million dollars, then the JSC board shall report such information, along with explanatory documentation regarding the increase in cost, to the governor, the New York state comptroller, the commissioner, the temporary president of the senate and the speaker of the assembly.

(d) Notwithstanding any other provision of law to the contrary, the JSC board shall submit estimated project costs for the projects authorized pursuant to subdivision (b) **and (c)** of section five of this act after the completion of schematic plans and specifications for review by the commissioner. If the total project costs associated with such projects exceed the sum of the estimated individual approved cost allowance of each building project by more than the lesser of 30 million dollars or ten percent of the approved costs, and the city school district has not otherwise demonstrated to the satisfaction of the New York state education department the availability of additional local shares for such excess costs, then the JSC board shall not proceed with the preparation of final plans and specifications for such projects until the projects have been redesigned or value-engineered to reduce estimated project costs so as not to exceed the above cost limits.

(e) Notwithstanding any other provision of law to the contrary, the JSC board shall submit estimated project costs for the projects authorized pursuant to subdivision (b) **and (c)** of section five of this act after the completion of fifty percent of the final plans and specifications for review by the commissioner. If the total project costs associated with such projects exceed the sum of the estimated individual approved cost allowance of each building project by more than the lesser of 30 million dollars or ten percent of the approved costs, and the city school district has not otherwise demonstrated to the satisfaction of the New York state education department the availability of additional local share for such excess costs, then the JSC board shall not proceed with the completion of the remaining fifty percent of the plans and specifications for such projects until the projects have been redesigned or value-engineered to reduce estimated project costs so as not to exceed the above cost limits.

§ 4. Subdivision (a) of section 10 of part A-4 of chapter 58 of the laws of 2006 enacting the "city of Syracuse and the board of education of the city school district of the city of Syracuse cooperative school reconstruction act", as amended by chapter 459 of the laws of 2013, are amended to read as follows:

(a) The JSC board may require a contractor awarded a public contract, subcontract or other agreement for a project to enter into a project labor agreement during and for the work involved with such project when such requirement is part of the JSC board's specifications for the project and when the JSC board determines that the record supporting the decision to enter into such an agreement establishes that it is justified by the interests underlying the competitive bidding laws. In addition, the JSC board may choose to extend the project labor agreement entered into for the first **or second** phase of the JSC construction

projects to the projects authorized herein, contingent upon the completion of a supplemental project labor agreement benefits analysis.

§ 5. Section 11 of part A-4 of chapter 58 of the laws of 2006 enacting the "city of Syracuse and the board of education of the city school district of the city of Syracuse cooperative school reconstruction act", as amended by chapter 459 of the laws of 2013, is amended to read as follows:

§ 11. (a) All contracts entered into by the JSC board for projects pursuant to subdivision (a) of section five of this act shall be managed by an independent program manager. Selection of the program manager shall be pursuant to the competitive process established in section seven of this act. The program manager shall have experience in planning, designing, and constructing new and/or reconstructing existing school buildings, public facilities, commercial facilities, and/or infrastructure facilities, and in the negotiation and management of labor contracts and agreements, training programs, educational programs, and physical technological requirements for educational programs. The program manager shall manage all projects undertaken pursuant to subdivision (a) of section five of this act, review project schedules, review payment schedules, prepare cost estimates and assess the safety programs of contractors and all training programs, if required. The program manager shall implement procedures for verification by it that all work for which payment has been requested has been satisfactorily completed.

(b) All construction and design contracts entered into by the JSC board for projects pursuant to subdivision (b) of section five of this act shall be managed by the city engineer in agreement with the school district or, at the discretion of the JSC board, an independent program manager or construction managers selected for one or more projects. Selection of the program manager and/or the construction manager or managers shall be pursuant to a competitive process established in accordance with the city's standard request for proposals process using the JSC board as the approving governing body instead of the common council for such contract awards. The program manager shall have experience in planning, designing, and constructing new and/or reconstructing existing school buildings in New York state, public facilities, commercial facilities, and/or infrastructure facilities, and in the negotiation and management of labor contracts and agreements, training programs, educational programs, and physical technological requirements for educational programs. The program manager shall manage all projects assigned by the JSC board to the program manager and undertaken pursuant to subdivision (b) of section five of this act, review project schedules, review payment schedules, prepare cost estimates and assess the safety programs of contractors and all training programs, if required. The program manager shall implement procedures for verification by it that all work for which payment has been requested has been satisfactorily completed. Provided, however, that the JSC board may choose to utilize the services of an independent construction manager at one or more of the projects to be authorized herein with said construction manager managing the project within the management plan set forth by the independent program manager and the JSC board.

(c) **All construction and design contracts entered into by the JSC board for projects pursuant to subdivision (c) of section five of this act shall be managed by the city engineer in agreement with the school district or, at the discretion of the JSC board, an independent program manager or construction managers selected for one or more projects. Selection of the program manager and/or the construction manager or**

managers shall be pursuant to a competitive process established in accordance with the city's standard request for proposals process using the JSC board as the approving governing body instead of the common council for such contract awards. The program manager shall have experience in planning, designing, and constructing new and/or reconstructing existing school buildings in New York state, public facilities, commercial facilities, and/or infrastructure facilities, and in the negotiation and management of labor contracts and agreements, training programs, educational programs, physical technological requirements for educational programs and knowledge of state education department facilities planning and building aid requirements. The program manager shall manage all projects assigned by the JSC board to the program manager and undertaken pursuant to subdivision (c) of section five of this act, review project schedules, review payment schedules, prepare cost estimates and assess the safety programs of contractors and all training programs, if required. The program manager shall implement procedures for verification by it that all work for which payment has been requested has been satisfactorily completed. Provided, however, that the JSC board may choose to utilize the services of an independent construction manager at one or more of the projects to be authorized herein with said construction manager managing the project within the management plan set forth by the independent program manager and the JSC board.

(d) The program manager, and its affiliates or subsidiaries, if any, shall be prohibited from awarding contracts or being awarded contracts for or performing any work on projects undertaken pursuant to this act.

§ 6. Section 19 of part A-4 of chapter 58 of the laws of 2006 enacting the "city of Syracuse and the board of education of the city school district of the city of Syracuse cooperative school reconstruction act", as amended by chapter 459 of the laws of 2013, is amended to read as follows:

§ 19. (a) On January 15, 2007 and annually thereafter, until completion of the projects authorized pursuant to this act, the JSC board shall issue a report to the governor, the comptroller, the commissioner, the temporary president of the senate, the speaker of the assembly, the city, the common council and the city school district on the progress and status of the projects undertaken by the JSC board. Provided further, that if any such entities request information on the progress and status of the projects prior to such report, it shall be provided to such entities by the JSC board.

(b) On or before June 30, 2014 or upon the completion of the projects authorized pursuant to subdivision (a) of section five of this act, whichever shall first occur, the JSC board shall issue a report to the city, the city school district, the governor, the commissioner, the comptroller, the temporary president of the senate, the minority leader of the senate, the speaker of the assembly, the minority leader of the assembly, the state board of regents, and the chairs and ranking minority members of the New York state senate and assembly committees on education, the finance committee of the New York state senate, and the ways and means committee of the New York state assembly. Such report shall identify the fiscal and pedagogical results of the projects undertaken pursuant to this act, along with recommendations for its continuance, amendments, or discontinuance.

(c) On or before June 30, 2020 or upon the completion of the projects authorized pursuant to subdivision (b) of section five of this act, whichever shall first occur, the JSC board shall issue a report to the

city, the city school district, the governor, the commissioner, the comptroller, the temporary president of the senate, the minority leader of the senate, the speaker of the assembly, the minority leader of the assembly, the state board of regents, and the chairs and ranking minority members of the New York state senate and assembly committees on education, the finance committee of the New York state senate, and the ways and means committee of the New York state assembly. Such report shall identify the fiscal and pedagogical results of the projects undertaken pursuant to this act, along with recommendations for its continuance, amendments, or discontinuance.

(d) On or before June 30, 2027 or upon the completion of the projects authorized pursuant to subdivision (c) of section five of this act, whichever shall first occur, the JSC board shall issue a report to the city, the city school district, the governor, the commissioner, the comptroller, the temporary president of the senate, the minority leader of the senate, the speaker of the assembly, the minority leader of the assembly, the state board of regents, and the chairs and ranking minority members of the New York state senate and assembly committees on education, the finance committee of the New York state senate, and the ways and means committee of the New York state assembly. Such report shall identify the fiscal and pedagogical results of the projects undertaken pursuant to this act, along with recommendations for its continuance, amendments, or discontinuance.

§ 7. Paragraph a of subdivision 6 of section 3602 of the education law is amended by adding a new subparagraph 9 to read as follows:

(9) Notwithstanding any other provision of law to the contrary, for the purpose of computation of building aid for reconstruction or modernizing of no more than three projects pursuant to a chapter of the laws of two thousand twenty-one enacting the third phase of the city of Syracuse cooperative school reconstruction act, multi-year cost allowances for each project shall be established and utilized two times in the first five-year period. Subsequent multi-year cost allowances shall be established no sooner than ten years after establishment of the first maximum cost allowance authorized pursuant to this subparagraph.

§ 8. This act shall take effect immediately.

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

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