

STATE OF NEW YORK

7881

2021-2022 Regular Sessions

IN ASSEMBLY

May 28, 2021

Introduced by M. of A. HEVESI -- read once and referred to the Committee on Education

AN ACT to amend the executive law and chapter 53 of the laws of 2021, enacting the state localities budget, in relation to increasing the per student rate of empire state after school program grants

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

Section 1. The executive law is amended by adding a new section 501-i to read as follows:

§ 501-i. Empire state after school program grants. Empire state after school program grants awarded on or after August first, two thousand twenty-one shall be provided at a rate of no less than two thousand dollars per approved student. The commissioner, in conjunction with the director of the budget, shall, upon the completion of the full term of the empire state after school program, modify the amount of money per approved student to be awarded to grant applicants. Such modification shall account for any minimum wage adjustments. The commissioner shall promulgate any rules or regulations necessary to ensure grantees shall serve at least the same number of students in any year that the rate per approved student increases.

§ 2. Section 1 of chapter 53 of the laws of 2021, enacting the aid to localities budget, is amended by repealing the items hereinbelow set forth in brackets and by adding to such section the items underscored in this section.

EDUCATION DEPARTMENT

AID TO LOCALITIES - REAPPROPRIATIONS 2021-22

OFFICE OF PREKINDERGARTEN THROUGH GRADE TWELVE EDUCATION PROGRAM

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

LBD11325-01-1

1 General Fund

2 Local Assistance Account - 10000

3 The appropriation made by chapter 53, section 1, of the laws of 2019, as
4 amended by chapter 53, section 1, of the laws of 2020, is hereby
5 amended and reappropriated to read:

6 Funds appropriated herein shall be used to provide awards to school
7 districts, boards of cooperative educational services, and other
8 eligible entities based on a plan developed by the commissioner of
9 education and approved by the director of the budget. Provided that
10 at least the following amounts of the funds appropriated herein
11 shall be made available as follows:

12 (i) \$21,590,000 shall be used for the continuation of school-wide
13 extended learning grants to school districts or school districts in
14 collaboration with not-for-profit community-based organizations
15 pursuant to the guidelines set forth and the awards made pursuant to
16 chapter 53 of the laws of 2013.

17 (ii) \$6,095,000 shall be used for grants awarded based on responses to
18 the 2013-20 NYS pathways in technology early college high schools
19 request for proposals, pursuant to chapter 53 of the laws of 2013.

20 (iii) \$4,505,000 shall be used for grants awarded based on responses
21 to the 2014-21 NYS pathways in technology early college high schools
22 request for proposals, pursuant to chapter 53 of the laws of 2014.

23 (iv) \$3,050,000 shall be used for grants awarded based on responses to
24 the 2015-2022 NYS pathways in technology early college high schools
25 request for proposals, pursuant to chapter 53 of the laws of 2015.

26 (v) \$2,100,000 shall be used for grants awarded based on responses to
27 the 2018-2024 NYS pathways in technology early college high school
28 request for proposals, pursuant to chapter 53 of the laws of 2017.

29 (vi) \$9,000,000 shall be used for early college high school grants
30 awarded based on responses to a request for proposals, pursuant to
31 chapter 53 of the laws of 2018.

32 (vii) \$1,900,000 shall be used for the continuation of early college
33 high school awards made based on responses to the New York state
34 early college high school ECHS program request for proposals pursu-
35 ant to chapter 53 of the laws of 2017.

36 (viii) \$1,910,000 shall be used for the continuation of smart scholars
37 early college high school grants, provided that funds shall be used
38 pursuant to the guidelines set forth and the awards made pursuant to
39 chapter 53 of the laws of 2013.

40 (ix) \$1,350,000 shall be used for the continuation of smart transfer
41 early college high school program grants awarded based on responses
42 to the New York state smart transfer ECHS program request for
43 proposals pursuant to chapter 53 of the laws of 2016.

44 (x) \$19,000,000 shall be used for the continuation of the master
45 teacher program, pursuant to chapter 53 of the laws of 2013, chapter
46 53 of the laws of 2015, chapter 53 of the laws of 2017, and chapter
47 53 of the laws of 2018; notwithstanding any provision of law to the
48 contrary, upon approval of the director of the budget, the funds
49 hereby made available for master teacher program funding may be
50 suballocated, interchanged, transferred or otherwise made available
51 to the state university of New York for the services and expenses of
52 administering such program.

53 (xi) \$5,000,000 shall be used for the continuation of QUALITYstarsNY,
54 pursuant to chapter 53 of the laws of 2015 and chapter 53 of the
55 laws of 2016; notwithstanding any provision of law to the contrary,

upon approval of the director of the budget, the funds hereby made available for QUALITYstarsNY may be suballocated, interchanged, transferred or otherwise made available to the office of children and family services for the sole purpose of administering such system.

(xii) \$3,000,000 shall be used for the continuation of New York state masters-in-education teacher incentive scholarship program, pursuant to chapter 53 of the laws of 2015; notwithstanding any provision of law to the contrary, upon approval of the director of the budget, the funds hereby made available for the masters-in-education teacher incentive scholarship program may be suballocated, interchanged, transferred or otherwise made available to the higher education services corporation for the sole purpose of administering such program.

(xiii) \$35,000,000 shall be used for the continuation of awards made based on responses to the empire state after-school program request for proposals pursuant to chapter 53 of the laws of 2017; notwithstanding any provision of law to the contrary, upon approval of the director of the budget, the funds hereby made available may be suballocated, interchanged, transferred or otherwise made available to the office of children and family services for the sole purpose of administering such grants.

(xiv) \$10,000,000 shall be used for the continuation of awards made based on responses to the empire state after-school program request for proposals pursuant to chapter 53 of the laws of 2018; notwithstanding any provision of law to the contrary, upon approval of the director of the budget, the funds hereby made available may be suballocated, interchanged, transferred or otherwise made available to the office of children and family services for the sole purpose of administering such grants.

(xv) \$4,000,000 shall be used for services and expenses to subsidize the remaining cost of advanced placement and international baccalaureate exam fees for low-income students, as determined by free and reduced price lunch eligibility, pursuant to a plan developed by the commissioner of education and approved by the director of the budget.

(xvi) \$500,000 shall be used for grants for the advanced courses access program pursuant to chapter 53 of the laws of 2018, provided that such grants shall be awarded to school districts and/or boards of cooperative educational services in order to increase advanced course offerings for students, particularly in districts with no or very limited advanced course offerings.

(xvii) \$400,000 shall be used for empire state excellence in teaching awards pursuant to chapter 53 of the laws of 2017; notwithstanding any provision of law to the contrary, upon approval of the director of the budget, the funds hereby made available may be suballocated, interchanged, transferred or otherwise made available to the state university of New York for the services and expenses of administering such awards.

(xviii) \$6,000,000 shall be used for grants for the smart start computer science program pursuant to chapter 53 of the laws of 2018.

(xix) \$5,000,000 shall be used for additional funds to reimburse sponsors of school breakfast programs pursuant to chapter 53 of the laws of 2018.

(xx) \$750,000 shall be used for additional services and expenses of a program to develop farm to school initiatives, pursuant to chapter

53 of the laws of 2018; notwithstanding any provision of law to the contrary, upon approval of the director of the budget, the funds hereby made available may be suballocated, interchanged, transferred or otherwise made available to the department of agriculture and markets for the services and expenses of administering such awards.

(xxi) \$500,000 shall be used for services and expenses of locally run gang prevention and education programs, pursuant to chapter 53 of the laws of 2018; notwithstanding any provision of law to the contrary, upon approval of the director of the budget, the funds hereby made available may be suballocated, interchanged, transferred or otherwise made available to the department of criminal justice services for the services and expenses of administering such awards.

(xxii) \$250,000 shall be used for grants to school districts to allow community schools to expand mental health services and capacity of community school programs pursuant to chapter 53 of the laws of 2018.

(xxiii) \$9,000,000 shall be used for early college high school grants, pursuant to a plan developed by the commissioner of education and approved by the director of the budget, provided that such plan shall prioritize (a) programs serving students in schools with graduation rates below the state average which are not currently engaged in a school-wide turnaround plan, and (b) programs that lead students to a career in computer science. Provided further that school districts or boards of cooperative educational services awarded such grants shall agree to offer opportunities for every student in the school to graduate with at least one college credit, through programs including but not limited to an early college high school, dual enrollment, or advanced placement courses.

Provided further that a portion of the payments to early college high school programs awarded funding from this appropriation shall be made on a sliding scale based upon the number of college credits earned annually by participating students, consistent with guidelines established by the commissioner of education, provided that the maximum annual grant award shall be \$500,000.

Provided further that in connection with such guidelines, the commissioner of education shall execute a memorandum of understanding with the state university of New York and the city university of New York to develop common data collection, sharing and reporting mechanisms based on student-level data for students enrolled in early college high school programs.

Notwithstanding any provision of law to the contrary, higher education partners participating in an early college high school program, or the entity/entities responsible for setting tuition at the institution, shall be authorized to set a reduced rate of tuition and/or fees, or to waive tuition and/or fees entirely, for students enrolled in such an early college high school program with no reduction in other state, local or other support for such students earning college credit that such higher education partner would otherwise be eligible to receive.

(xxiv) \$1,500,000 shall be used for master teacher awards to support awards to individual high-performing teachers in any grade teaching in schools with high rates of teacher turnover or in schools with high rates of teachers with fewer than three years of teaching experience.

Provided further that the funds hereby made available shall support the award of stipends of \$15,000 per annum over four years to such

individual teachers, and of related costs, administered by the state university of New York pursuant to a plan developed in consultation with the commissioner of education, who shall consult with appropriate state organizations representing K-12 public school teachers, and approved by the director of the budget, to build a corps of outstanding teachers in order to improve the quality of instruction at public schools. Such plan for use of funding hereby made available shall: (i) establish an application process; (ii) include guidelines by which applications from eligible teachers shall be evaluated, which shall include, but not be limited to, achievement of a rating of highly effective on the annual professional performance review; and (iii) provide periodic opportunities for professional development for successful applicants. Provided, further, that priority shall be given to applicants in regions where a similar program is not otherwise offered.

Notwithstanding any provision of law to the contrary, upon approval of the director of the budget, the funds hereby made available may be suballocated, interchanged, transferred or otherwise made available to the state university of New York for the services and expenses of administering such awards. Nothing herein shall be construed to limit the rights of labor organizations representing teachers to collectively bargain terms and conditions pursuant to article 14 of the civil service law.

(xxv) \$10,000,000 shall be used for empire state after-school grants pursuant to a plan developed by the office of children and family services in consultation with the commissioner of education and approved by the director of the budget, to support the establishment and/or expansion of after-school programs by school districts or not-for-profit community-based organizations which are (A) located in a school district with high rates of student homelessness, or (B) located in a school district in at-risk areas identified by the office of children and family services, division of criminal justice services, division of state police, county executive, or local law enforcement.

Provided that such grants shall be awarded based on factors including, but not limited to, the following: (i) measures of school district need, (ii) measures of the need of students to be served, (iii) the applicant's proposal to target the highest-need schools and students, (iv) the applicant's program design to meet the specific needs of students, including homeless students or students affected by violence, and (v) proposal quality.

Provided, further, that an empire state after-school grant shall equal the product of (i) the approved number of student placements multiplied by (ii) [~~\$1,600~~] \$2,000; provided, however, that no applicant shall receive a grant in excess of the total actual grant expenditures incurred by the applicant in the current school year as approved by the office of children and family services.

Provided, further, that \$2,000,000 of such funds shall be initially made available to applicants located in high-need school districts in Nassau County or Suffolk County.

Provided, further, an awardee shall agree to adopt approved quality indicators including, but not limited to, valid and reliable measures of environmental quality, and the quality of staff-student interactions and student outcomes. Provided further, that all programs shall agree to offer gang-prevention programming. Provided, further, that no school district shall receive more than 40 percent

1 of the total empire state after-school program grant allocation.
2 Notwithstanding any provision of law to the contrary, upon approval
3 of the director of the budget, the funds hereby made available may
4 be suballocated, interchanged, transferred or otherwise made avail-
5 able to the office of children and family services for the sole
6 purpose of administering such grants.

7 (xxvi) \$1,800,000 shall be used for services and expenses to subsidize
8 the remaining cost of advanced placement and international baccalau-
9 reate exam fees for low-income students, as determined by free and
10 reduced price lunch eligibility, pursuant to a plan developed by the
11 commissioner of education and approved by the director of the budg-
12 et.

13 (xxvii) \$1,000,000 shall be used for grants for the advanced courses
14 access program, provided that such grants shall be awarded to school
15 districts with no or very limited advanced course offerings for
16 students or to boards of cooperative educational services containing
17 such school districts. Provided further, that such grants shall be
18 awarded, based on a plan developed by the commissioner of education
19 and approved by the director of the budget, to school districts and
20 boards of cooperative educational services to establish advanced
21 placement courses or other equally rigorous advanced courses in
22 subjects including but not limited to English, history, science,
23 mathematics, engineering, computer science, or world languages.

24 Provided further that, such grants may be used for teacher training
25 and development, materials and supplies, or equipment and services
26 for digital learning. Provided, further, that no awardee shall
27 receive a grant in excess of the total actual grant expenditures
28 incurred in the current school year as approved by the commissioner
29 and provided further that such grants shall only be used to suppl-
30 ment, not supplant existing funding for advanced courses. Provided
31 further that no awardee shall receive more than 40 percent of the
32 total grant allocation.

33 (xxviii) \$15,000,000 shall be used for additional grants for prekin-
34 dergarten; provided that grants shall be awarded pursuant to subdi-
35 vision 18 of section 3602-e of the education law, based on a request
36 for proposals developed by the commissioner of education and
37 approved by the director of the budget, to school districts to
38 establish new full-day and half-day prekindergarten placements for
39 three-year-olds and four-year-olds; provided, further, that such
40 grants shall only be used to supplement, not supplant existing prek-
41 indergarten programs; and provided, further, that any portion of the
42 funds hereby made available that is not awarded shall remain avail-
43 able for subsequent awards in the 2020-21 school year or for full-
44 day and half-day prekindergarten grants to be awarded in subsequent
45 school years.

46 Provided, further, that such grants from funds hereby made available
47 shall be awarded based on factors including, but not limited to, the
48 following: (i) measures of school district need, (ii) measures of
49 the need of students to be served by the school district, (iii) the
50 school district's proposal to target the highest-need schools and
51 students, (iv) the extent to which the district's proposal would
52 prioritize funds to maximize the total number of eligible children
53 in the district served in prekindergarten programs, (v) the school
54 district's proposal to include students of all learning and physical
55 abilities in integrated settings and (vi) proposal quality; provided
56 further that preference for the 2019-20 awards shall be given to

high-need school districts without a current state-funded prekindergarten program.

Provided, however, that full-day and half-day prekindergarten grants funded hereby shall only be available to support programs (i) that provide instruction for at least five hours per school day for full-day prekindergarten programs and at least two and one-half hours per school day for half-day prekindergarten programs; (ii) that agree to offer instruction consistent with applicable New York state prekindergarten early learning standards; and (iii) that otherwise comply with all of the same rules and requirements as universal prekindergarten programs pursuant to section 3602-e of the education law except as modified herein; provided that notwithstanding paragraph c of subdivision 1 of section 3602-e of the education law notwithstanding, for the purposes of this appropriation, an eligible child shall be a resident child who is three years of age on or before December first of the year in which he or she is enrolled.

Provided, further, that as a condition of eligibility for receipt of such funding for three-year-olds, a school district must currently offer a prekindergarten program for four-year-old children, or children who would otherwise be eligible under paragraph c of subdivision 1 of section 3602-e of the education law; provided, further, that a school district may apply for only as many full-day or half-day placements for three-year-old children as it currently offers for four-year-old children, or children who would otherwise be eligible under paragraph c of subdivision 1 of section 3602-e of the education law.

Provided, further, that a school district's grant shall equal the product of (A) (i) two multiplied by the approved number of new full-day prekindergarten placements plus (ii) the approved number of half-day prekindergarten placement conversions and the approved number of new half-day prekindergarten placements, and (B) the district's selected aid per prekindergarten pupil pursuant to subparagraph (i) of paragraph b of subdivision 10 of section 3602-e of the education law; provided, however, that no district shall receive a grant in excess of the total actual grant expenditures incurred by the district in the current school year as approved by the commissioner of education.

Provided, further, a school district shall agree to adopt approved quality indicators within two years, including, but not limited to, valid and reliable measures of environmental quality, the quality of teacher-student interactions and child outcomes, and ensure that any such assessment of child outcomes shall not be used to make high-stakes educational decisions for individual children.

Provided, further, a school district shall agree to maximize partnerships with community-based organizations in developing new pre-kindergarten slots, and shall agree to maximize the inclusion of students with disabilities.

(xxix) \$1,500,000 shall be used for the refugee and immigrant student welcome grants program, pursuant to a plan developed by the commissioner of education and approved by the director of the budget, provided that such plan shall prioritize awards to school districts with increased refugee and immigrant populations, including unaccompanied minor students.

Provided further that such funds shall be used for activities including but not limited to expanded community school activities, the provision of school supplies for incoming students, training oppor-

1 tunities for staff on trauma and cultural sensitivity, employment of
2 counselors and psychologists, and parental and family engagement and
3 support.

4 Provided further that such funds shall only be used to supplement, and
5 not supplant, current local expenditures of federal, state or local
6 funds.

7 Provided, further, that no district shall receive a grant in excess of
8 the total actual grant expenditures incurred by the district in the
9 current school year as approved by the commissioner of education.

10 Provided, further, that no school district shall receive more than 40
11 percent of the total grant allocation.

12 Provided, further, that \$500,000 of such funds shall be initially made
13 available to applicants located in high-need school districts in
14 Nassau County or Suffolk County.

15 Provided further that school districts receiving such grants shall
16 agree to partner with state agencies to provide information on
17 English as a New Language (ENL) and naturalization services.

18 Notwithstanding any provision of law to the contrary, upon approval of
19 the director of the budget, the funds hereby made available may be
20 suballocated, interchanged, transferred or otherwise made available
21 to the office of temporary and disability assistance for the
22 services and expenses of administering such awards.

23 (xxx) \$3,000,000 shall be used for alternative discipline grants
24 pursuant to a plan developed by the commissioner of education and
25 approved by the director of the budget, provided that such plan
26 shall prioritize awards to school districts identified by the
27 commissioner of education as being high need or identified as having
28 high numbers of student suspensions or exclusions. Provided further
29 that such funds shall be used to increase the use of alternative
30 approaches to student discipline through activities including but
31 not limited to restorative justice techniques, therapeutic crisis
32 intervention, staff training on alternative discipline, and trauma
33 informed education; provided, however, the commissioner of education
34 shall submit to the governor, the temporary president of the senate
35 and speaker of the assembly a report setting forth recommendations
36 for alternative discipline based on best practices from the use of
37 such funds provided that such report shall be developed with consul-
38 tation from stakeholders including but not limited to educators and
39 civil rights organizations.

40 Provided further that such funds shall only be used to supplement, and
41 not supplant, current local expenditures of federal, state or local
42 funds.

43 Provided, further, that no district shall receive a grant in excess of
44 the total actual grant expenditures incurred by the district in the
45 current school year as approved by the commissioner of education.

46 Provided, further, that no school district shall receive more than
47 40 percent of the total grant allocation.

48 (xxxi) \$1,500,000 shall be used for services and expenses of school
49 mental health programs pursuant to a plan developed by the commis-
50 sioner of education and approved by the director of the budget,
51 provided that such plan shall provide grants to school districts for
52 middle or junior high schools for the purposes of supporting student
53 mental health or school climate through activities including but not
54 limited to school mental health centers, teacher training and
55 support, school-wide anti-bullying programs, school climate surveys
56 and tools, and school and family engagement resources. Provided

1 further, that of the amount appropriated herein, up to \$500,000 may
2 be used to support the school mental health technical assistance
3 center.

4 Provided further that such funds shall only be used to supplement, and
5 not supplant, current local expenditures of federal, state or local
6 funds.

7 Provided, further, that no district shall receive a grant in excess of
8 the total actual grant expenditures incurred by the district in the
9 current school year as approved by the commissioner of education.

10 Provided, further, that no school district shall receive more than
11 40 percent of the total grant allocation.

12 (xxxii) \$3,000,000 shall be used for services and expenses of the we
13 teach NY grant program to address the teacher shortage in identified
14 subject areas pursuant to a plan developed by the commissioner of
15 education and approved by the director of the budget in order to
16 recruit a corps of outstanding teacher candidates in high-need shor-
17 tage areas.

18 Provided that, such plan for use of funding hereby made available
19 shall: (i) prioritize recruiting teacher candidates as incoming
20 college freshmen in hard to staff subject areas, (ii) award funds to
21 school districts partnering with an institution of higher education,
22 (iii) require that awarded school districts provide mentors and paid
23 internship opportunities for teaching candidates, and (iv) require
24 that teachers will have a guaranteed job opportunity at the end of
25 the program if they meet all program requirements.

26 Notwithstanding any provision of law to the contrary, upon approval of
27 the director of the budget, the funds hereby made available may be
28 suballocated, interchanged, transferred or otherwise made available
29 to the state university of New York for the services and expenses of
30 administering such awards. Provided further that such funds shall
31 only be used to supplement, and not supplant, current local expendi-
32 tures of federal, state or local funds.

33 Provided, further, that no district shall receive a grant in excess of
34 the total actual grant expenditures incurred by the district in the
35 current school year as approved by the commissioner of education.

36 Provided, further, that no school district shall receive more than 40
37 percent of the total grant allocation.

38 (xxxiii) \$1,000,000 shall be used for services and expenses of recov-
39 ery high schools, pursuant to a plan developed by the commissioner
40 of education in consultation with the office of addiction services
41 and supports and approved by the director of the budget. Provided
42 further that such grants shall be made to boards of cooperative
43 educational services in order to help facilitate the implementation
44 of a recovery high school. Provided further that such grants shall
45 only be made to such programs with a demonstrated partnership with a
46 program licensed pursuant to article thirty-two of the mental
47 hygiene law; that offer a safe and supportive learning environment
48 for students diagnosed with or at risk of substance use disorder;
49 incorporate recovery supports into the normal school day to facili-
50 tate personal, academic, vocational and recovery success for the
51 student; and are recognized by the commissioner of education.

52 (xxxiv) \$1,500,000 shall be used for the expanded mathematics access
53 program, pursuant to a plan developed by the commissioner of educa-
54 tion and approved by the director of the budget. Provided further
55 that the funds hereby made available shall be awarded to a qualified
56 organization to provide additional math instruction through the use

of internet accessible learning games to build basic math fluency for elementary school students. Provided further that such an organization shall have been independently evaluated for its efficacy in improving early math skills. Provided further that up to \$500,000 of the amount hereby made available shall be allocated for the services and expenses of a state-wide math tournament for students in grades one through five. Notwithstanding any provision of law to the contrary, upon approval of the director of the budget, the funds hereby made available may be suballocated, interchanged, transferred or otherwise made available to the state university of New York for the services and expenses of administering such awards.

(xxxv) \$200,000 shall be used for services and expenses of the New York state youth council. Notwithstanding any provision of law to the contrary, upon approval of the director of the budget, the funds hereby made available may be suballocated, interchanged, transferred or otherwise made available to office of children and family services for the services and expenses of administering such council.

Notwithstanding any provision of law to the contrary, the \$50,000,000 made available in items (xxiii) to (xxxv) herein appropriated herein shall constitute the competitive awards amount authorized for the 2019-20 school year[~~Notwithstanding section 40 of the state finance law or any provision of law to the contrary, this appropriation shall lapse on March 31, 2022~~] (23306)
234,113,000 (re. \$198,681,000)

The appropriation made by chapter 53, section 1, of the laws of 2018, as added by chapter 54, section 2, of the laws of 2018, is hereby amended and reappropriated to read:

For additional empire state after-school grants; provided that \$35,000,000 of the amount appropriated herein shall support the continuation of awards made based on responses to the empire state after-school program request for proposals pursuant to chapter 53 of the laws of 2017; and provided further that \$10,000,000 of the amount appropriated herein shall be awarded pursuant to a plan developed by the office of children and family services in consultation with the commissioner of education and approved by the director of the budget, to support the establishment and/or expansion of after-school programs by school districts or not-for-profit community-based organizations (A) located in school districts eligible to participate in the empire state after-school program pursuant to chapter 53 of the laws of 2017, or (B) located in a school district with high rates of student homelessness, or (C) located in a school district in at-risk areas in Nassau County or Suffolk County identified by the office of children and family services, division of criminal justice services, division of state police, county executive, or local law enforcement, or (D) located in high-need school districts in Nassau County or Suffolk County.

Provided that such grants shall be awarded based on factors including, but not limited to, the following: (i) measures of school district need, (ii) measures of the need of students to be served, (iii) the applicant's proposal to target the highest-need schools and students, (iv) the applicant's program design to meet the specific needs of students, including homeless students or students displaced by natural disasters, and (v) proposal quality.

1 Provided, further, that \$2,000,000 of such funds shall be initially
2 made available to applicants (A) located in a school district in
3 at-risk areas in Nassau County or Suffolk County identified by the
4 office of children and family services, division of criminal justice
5 services, division of state police, county executive, or local law
6 enforcement, or (B) located in high-need school districts in Nassau
7 County or Suffolk County.

8 Provided, further, that an empire state after-school grant shall equal
9 the product of (i) the approved number of students served in such
10 program and (ii) [~~\$1,600~~ \$2,000; provided, however, that no appli-
11 cant shall receive a grant in excess of the total actual grant
12 expenditures incurred by the applicant in the current school year as
13 approved by the office of children and family services.

14 Provided, further, a school district shall agree to adopt approved
15 quality indicators including, but not limited to, valid and reliable
16 measures of environmental quality, and the quality of staff-student
17 interactions and student outcomes. Provided, further, that no school
18 district shall receive more than 40 percent of the total empire
19 state after-school program grant allocation. Notwithstanding any
20 provision of law to the contrary, upon approval of the director of
21 the budget, the funds appropriated herein may be suballocated,
22 interchanged, transferred or otherwise made available to the office
23 of children and family services for the sole purpose of administer-
24 ing such grants.

25 Notwithstanding any provision of law to the contrary, \$10,000,000 of
26 the funds appropriated herein, plus any other amounts so designated
27 in other items of appropriation within the general fund local
28 assistance account office of prekindergarten through grade twelve
29 education program, shall constitute the competitive awards amount
30 authorized for the 2018-19 school year (55973)
31 45,000,000 (re. \$38,323,000)

32 By chapter 53, section 1, of the laws of 2017, as added by chapter 50,
33 section 2, of the laws of 2017:

34 For empire state after-school grants, pursuant to a plan developed by
35 the office of children and family services in consultation with the
36 commissioner of education and approved by the director of the budg-
37 et, to support the establishment and/or expansion of after-school
38 programs by school districts or school districts in collaboration
39 with not-for-profit community-based organizations (A) located in
40 municipalities participating in the empire state poverty reduction
41 initiative pursuant to chapter 55 of the laws of 2016 or (B) located
42 in counties or school districts with a child poverty rate in excess
43 of 30 percent, or located in a school district with a child poverty
44 count greater than 5,000 but less than 20,000, as determined by the
45 2015 small area income and poverty estimates produced by the United
46 States census bureau.

47 Provided that such grants shall be awarded based on factors including,
48 but not limited to, the following: (i) measures of school district
49 need, (ii) measures of the need of students to be served by each of
50 the school districts, (iii) the school district's proposal to target
51 the highest-need schools and students, and (iv) proposal quality.

52 Provided, further, that a school district's empire state after-school
53 grant shall equal the product of (i) the approved number of students
54 served in such program and (ii) [~~\$1,600~~ \$2,000; provided, however,
55 that no district shall receive a grant in excess of the total actual

1 grant expenditures incurred by the district in the current school
2 year as approved by the office of children and family services.

3 Provided, further, a school district shall agree to adopt approved
4 quality indicators including, but not limited to, valid and reliable
5 measures of environmental quality, and the quality of staff-student
6 interactions and student outcomes. Provided, further, that no school
7 district shall receive more than 40 percent of the total empire
8 state after school program grant allocation. Notwithstanding any
9 provision of law to the contrary, upon approval of the director of
10 the budget, the funds appropriated herein may be suballocated,
11 interchanged, transferred or otherwise made available to the office
12 of children and family services for the sole purpose of administer-
13 ing such grants.

14 Notwithstanding any provision of law to the contrary, the funds appro-
15 priated herein, plus any other amounts so designated in other items
16 of appropriation within the general fund local assistance account
17 office of pre-kindergarten through grade twelve education program,
18 shall constitute the competitive awards amount authorized for the
19 2017-18 school year (55951) ... 35,000,000 (re. \$25,043,000)

20 § 3. This act shall take effect immediately; provided, however, that
21 section two of this act shall be deemed to have been in full force and
22 effect on and after April 1, 2021.