STATE OF NEW YORK

9760

IN ASSEMBLY

April 3, 2024

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

AN ACT to amend the education law, the arts and cultural affairs law, the agriculture and markets law, the banking law, the economic development law, the civil practice law and rules, the civil service law, the elder law, the energy law, the environmental conservation law, the executive law, the general municipal law, the highway law, the insurance law, the labor law, the local finance law, the mental hygiene law, the public authorities law, the public health law, the public officers law, the penal law, the real property tax law, the retirement and social security law, the social services law, the state finance law, the tax law, the town law, the vehicle and traffic law and the New York state urban development corporation act, in relation to renaming boards of cooperative educational services to NY polytechnical institutes

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

Section 1. The article heading of article 40 of the education law, as amended added by chapter 378 of the laws of 1972, is amended to read as follows:

ARTICLE 40

[~~BOARDS OF COOPERATIVE EDUCATIONAL SERVICES~~] **NY POLYTECHNICAL INSTITUTES**

§ 2. Section 1950 of the education law, as amended by chapter 583 of the laws of 1955 and as renumbered by chapter 378 of the laws of 1972, subdivision 1 as amended by chapter 396 of the laws of 1974, subdivisions 2 and 2-b and paragraphs a, b, and o of subdivision 4 as amended by chapter 295 of the laws of 1993, subdivision 2-a as amended and subparagraph 6 of paragraph b of subdivision 4 as added by chapter 602 of the laws of 1994, paragraphs b and c of subdivision 2-a, subparagraph 1 of paragraph a, subparagraph 1 of paragraph b, and paragraphs d and jj of subdivision 4 as amended by chapter 474 of the laws of 1996, para-

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

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graph f of subdivision 2-a as amended by chapter 61 of the laws of 2016, subdivision 3 as amended by chapter 205 of the laws of 1969, subparagraph 2 of paragraph a of subdivision 4 as amended by section 52-l of part YYY of chapter 59 of the laws of 2019, subparagraph 3 of paragraph a of subdivision 4 as added by chapter 698 of the laws of 2003, subparagraph 5 of paragraph b and paragraphs c and kk of subdivision 4 as amended by chapter 378 of the laws of 2010, subparagraph 7 of paragraph b of subdivision 4 as amended by chapter 739 of the laws of 2004, subparagraph 2 of paragraph d of subdivision 4 as amended by chapter 396 of the laws of 2012, subparagraph 2-a of paragraph d of subdivision 4 as added by section 10-e of part L of chapter 405 of the laws of 1999, paragraph f of subdivision 4 as amended by chapter 454 of the laws of 1974, paragraph h of subdivision 4 as amended and paragraphs t, u, v, and x of subdivision 4 as added by chapter 795 of the laws of 1967, subparagraph 2 of paragraph h of subdivision 4 as amended by chapter 422 of the laws of 2012, subparagraph 4 of paragraph h of subdivision 4 as amended by chapter 17 of the laws of 2011, subparagraphs 5 and 6 of paragraph h and paragraph gg of subdivision 4 as amended by chapter 301 of the laws of 1996, subparagraph 7 of paragraph h of subdivision 4 as added by chapter 395 of the laws of 1984, subparagraph 8 of paragraph h of subdivision 4 as amended by section 1 of part J of chapter 56 of the laws of 2015, subparagraph 10 of paragraph h of subdivision 4 as amended by chapter 67 of the laws of 2019, subparagraph 11 of paragraph h of subdivision 4 as added by chapter 181 of the laws of 2013, subparagraph 12 of paragraph h of subdivision 4 as added by chapter 331 of the laws of 2019, subparagraph 13 of paragraph h of subdivision 4 as added by chapter 298 of the laws of 2020, paragraph k of subdivision 4 as amended by chapter 263 of the laws of 2005, paragraph p of subdivision 4 as amended by chapter 404 of the laws of 1983, subparagraph (a) as amended and subparagraph (c) of paragraph p of subdivision 4 as added by chapter 374 of the laws of 2014, paragraph q of subdivision 4 as separately amended by chapters 367 and 563 of the laws of 1979, paragraphs r and w of subdivision 4 as amended by chapter 53 of the laws of 1990, paragraph s of subdivision 4 as added by chapter 983 of the laws of 1957, paragraph y of subdivision 4 as added by chapter 94 of the laws of 1974, paragraph y of subdivision 4 as added by chapter 328 of the laws of 1974, paragraph z of subdivision 4 as added by chapter 786 of the laws of 1977, paragraph aa of subdivision 4 as added by chapter 595 of the laws of 1978, paragraph bb of subdivision 4 as added by chapter 53 of the laws of 1984, subparagraph 3 of paragraph bb of subdivision 4 as amended by section 2 of part A of chapter 60 of the laws of 2000, paragraphs cc and ee of subdivision 4 as amended by chapter 676 of the laws of 2004, paragraph dd of subdivision 4 as added by chapter 291 of the laws of 1985, paragraph ff of subdivision 4 as added by chapter 525 of the laws of 1986, paragraphs dd and ff as relettered and paragraph hh of subdivision 4 as added by chapter 353 of the laws of 1988, paragraph gg of subdivision 4 as amended by chapter 301 of the laws of 1996, paragraph ii of subdivision 4 as added by chapter 274 of the laws of 1990, paragraph ll of subdivision 4 as amended by chapter 147 of the laws of 2001, subparagraph b of paragraph ll of subdivision 4 as amended by chapter 179 of the laws of 2009, paragraph mm of subdivision 4 as added by chapter 180 of the laws of 2000, paragraph nn of subdivision 4 as added by chapter 335 of the laws of 2005, paragraph oo of subdivision 4 as added by section 1 of part D of chapter 56 of the laws of 2018, subdivision 4-a as added by chapter 377 of the laws of 2001, subdivision 5 as amended by chapter 53 of the laws of 1981, paragraph a of subdivi-

sion 5 as amended by section 4 and paragraph g of subdivision 5 as amended by section 5 of part C of chapter 57 of the laws of 2004, paragraph b of subdivision 5 as amended by chapter 130 of the laws of 2022, paragraph h of subdivision 5 as added by section 1 of part L of chapter 57 of the laws of 2005, subdivision 5-a as added by chapter 82 of the laws of 1995, subdivision 7 as amended by chapter 38 of the laws of 1994, subdivision 8 as amended by chapter 829 of the laws of 1963, subdivision 8-a as added by chapter 762 of the laws of 1972, the opening paragraph of subdivision 8-a as amended by chapter 479 of the laws of 2022, subdivision 8-b as added by chapter 53 of the laws of 1987, subdivision 8-c as added by section 14 of part A of chapter 436 of the laws of 1997, subdivision 8-d as added by section 31 of part A of chapter 56 of the laws of 2022, subdivision 9 as added by chapter 295 of the laws of 1958, subdivision 9-a as added by chapter 21 of the laws of 1978, subdivision 10 as added by chapter 757 of the laws of 1971, subdivision 11 as amended by section 2 and paragraph c of subdivision 13 as amended by section 3 and paragraph e of subdivision 14 as amended by section 4 of part A-2 of chapter 62 of the laws of 2003, subdivision 13 as added by chapter 33 of the laws of 1976, subdivision 14 as added by chapter 728 of the laws of 1976, subdivision 18 as amended by chapter 175 of the laws of 2000, and subdivision 19 as amended by chapter 510 of the laws of 2001, is amended to read as follows:

§ 1950. Establishment of [~~boards of cooperative educational services~~] **NY polytechnical institutes** pending the creation of intermediate districts. 1. The boards of education and school trustees of a supervisory district which is not part of an intermediate district, meeting at a time and place to be designated by the district superintendent of schools, may, by a majority vote of their members present and voting, file with the commissioner of education a petition for the establishment of a [~~board of cooperative educational services~~] **NY polytechnical institute** for the purpose of carrying out a program of shared educational services in the schools of the supervisory district and for providing instruction in such special subjects as the commissioner may approve. The commissioner, by order, may establish such [~~a board~~] **an institute** with membership of not less than five nor more than fifteen, upon such application and when a vacancy occurs in the office of district superintendent of schools shall establish such [~~a board~~] **an institute**, unless the commissioner shall issue an order pursuant to section twenty-two hundred one **of this chapter** redistricting the county so as to provide for a lesser number of supervisory districts. The commissioner, by order, may authorize [~~a board~~] **an institute**, established prior to July second, nineteen hundred sixty-five, to increase its membership to not less than five nor more than fifteen.

2. Upon the establishment by the commissioner of such [~~a board~~] **an institute**, boards of education and school trustees, by a vote pursuant to subdivision two-a of this section shall elect [~~a board of cooperative educational services~~] **the members of the NY polytechnical institute**. Except for elections conducted pursuant to subdivision two-a of this section, and the adoption of a public resolution regarding the approval or disapproval of the tentative administrative budget pursuant to subparagraph five of paragraph b of subdivision four of this section, component districts having more than five board of education members shall be limited to five votes on any matters relating to the district superintendency or [~~board of cooperative educational services~~] **the members of the NY polytechnical institute**. A full term shall be three years to serve from July first next following election. It shall be the

duty of such meeting by order of such meeting to divide into a sufficient number of classes the terms of the members of the [~~board of cooperative educational services~~] **NY polytechnical institute** so that as nearly as possible an equal number of members shall be elected to the board each year. Notwithstanding any other provision of this subdivision, upon the decrease of the full term of members from five to three years, the [~~board of cooperative educational services~~] **NY polytechnical institute** shall direct that one or more members be elected for a term of one, two or four years in order to assure, as nearly as possible, that an equal number of members will be elected to the [~~board~~] **institute** each year. Members of such [~~board~~] **institute** shall be reimbursed for necessary expenses for attending meetings of such [~~boards~~] **institutes**. The district superintendent shall be the executive officer of the [~~board~~] **institute**, and where a [~~board of cooperative educational services~~] **NY polytechnical institute** comprises two or more supervisory districts the district superintendents, together with the president of the [~~board of cooperative educational services~~] **NY polytechnical institute**, shall act as an executive committee.

2-a. a. Notwithstanding any other provision of law, commencing on and after the first day of November, nineteen hundred ninety-three, the members of a [~~board of cooperative educational services~~] **NY polytechnical institute** shall be elected in accordance with the provisions of this subdivision.

b. Not later than the first day of February of each year the president of the [~~board of cooperative educational services~~] **NY polytechnical institute** shall designate a single date on or after the sixteenth day and on or before the thirtieth day of April on which each component board, other than the board of education of a central high school district, shall conduct a public meeting which may be a regular or special meeting, for the purpose of electing members of the [~~board of cooperative educational services~~] **NY polytechnical institute** and adopting a public resolution concerning the approval or disapproval of the tentative administrative budget. In the case of a central high school district, such public meeting shall be held on the regular business day next following the date designated by the president of the [~~board of cooperative educational services~~] **NY polytechnical institute**. Nomination of a person to be elected [~~to a board of cooperative educational services~~] **as a member of a NY polytechnical institute** shall be made by at least one component district by board resolution. Such resolution shall be transmitted in writing to the clerk of the [~~board of cooperative educational services~~] **NY polytechnical institute** at least thirty days prior to the date of the election as designated by the president of the [~~board of cooperative educational services~~] **NY polytechnical institute**. No nomination of a person to be elected [~~to a board of cooperative educational services~~] **as a member of a NY polytechnical institute** from a component district which currently has a resident serving [~~on~~] **as a member of** such [~~board~~] **institute** shall be accepted unless such member's office is to expire at the end of the current year, unless the [~~size~~] **number of members** of such [~~board~~] **institute** exceeds the number of component school districts or unless an unrepresented district declines to make a nomination. For purposes of this subdivision, any such person or [~~board~~] **institute** member nominated by a special act school district, a central high school district or any district which is a component of a central high school district shall be deemed a resident of the district that nominated him or her only. Furthermore, it shall be the duty of the [~~board of cooperative educational services~~] **NY poly-**

technical institute to encourage the nomination of persons residing in component districts not currently represented [~~on~~] in such [~~board~~] institute. The clerk shall include the name and address of each person nominated on the election ballot to be distributed in accordance with paragraph c of this subdivision.

c. Members of the [~~boards of cooperative educational services~~] NY polytechnical institutes shall be elected by resolution of the component boards on a ballot prepared by the clerk of the [~~board of cooperative educational services~~] NY polytechnical institute. Such ballot shall be mailed to each component district no later than fourteen days prior to the date designated as the day of the election by the president of the [~~board of cooperative educational services~~] NY polytechnical institute. Each component district shall be entitled to one vote for each vacant office to be filled. A component board [~~may~~] shall not cast more than one vote for any candidate. The candidates receiving a plurality of the votes cast for the several offices shall be elected, provided, however, that no more than one person residing in a particular component district may be elected to serve as a member of a [~~board of cooperative educational services~~] NY polytechnical institute at one time unless the number of [~~seats on such board~~] members of such institute exceeds the number of component districts or unless an unrepresented district declines to make a nomination, provided further that a person nominated by a special act school district, a central high school district or a component of a central high school district shall be deemed a resident of the nominating district only for this purpose. Where more than one position is to be filled by such election and there is a variance in the length of the terms for which such offices are to be filled as authorized by this subdivision, or one or more persons are to be elected for a full term or terms and one or more persons are to be elected for the unexpired portion of a term or terms, or both, the candidate receiving the greatest number of votes shall be entitled to the longest term and candidates receiving the next highest number of votes, to the several offices in decreasing order of the length of such terms or unexpired portions of such terms. Each component school district shall mail or deliver its completed ballot to the clerk of the [~~board of cooperative educational services~~] NY polytechnical institute no later than one business day after the election.

d. In the event that more eligible persons than the number remaining to be elected receive an equal number of votes sufficient that fewer persons receiving such number of votes would be elected, the president of the [~~board of cooperative educational services~~] NY polytechnical institute shall call a run-off election to be conducted in accordance with the provisions of paragraph c of this subdivision and to be held on a date within twenty days of the initial vote. The only persons who shall be deemed nominated for such run-off election shall be the candidates who have received such equal number of votes. In the event that equal numbers of votes are received by eligible candidates for offices with a variance in the length of the term of office but the number of votes received by such candidates is sufficient to elect each of the candidates [~~to the board of cooperative educational services~~] as members of the NY polytechnical institute, the candidates receiving such equal number of votes shall draw lots to determine who of them shall fill each such office.

e. Notwithstanding any other provision of this subdivision to the contrary, in the event a component school district will be transferred to a new supervisory district as of July first next succeeding the date

designated for the annual election of the [~~board of cooperative educational services~~] **members of the NY polytechnical institute**, and such component district, as of April fifteenth of the current year, does not have a resident who is a member of the [~~board of cooperative educational services~~] **NY polytechnical institute** of the supervisory district of which it is a component in the current year, such component district shall be eligible to nominate candidates and vote in the annual [~~board~~] election of the [~~boards of cooperative educational services~~] **members of the NY polytechnical institutes** to which the component district will be transferred, as if such transfer had already occurred.

f. In the event of a vacancy in the membership of a [~~board of cooperative educational services~~] **NY polytechnical institute**, such [~~board of cooperative educational services~~] **NY polytechnical institute** may fill such vacancy by appointment, provided that notification be provided to all component boards of such vacancy and that the component boards are given ten days to provide any comments and/or objections to fill the vacancy by appointment, and the person so appointed shall hold office until the next annual election of the [~~board of cooperative educational services~~] **members of the NY polytechnical institute**.

2-b. Where the commissioner of education has established or hereafter establishes a [~~board of cooperative educational services~~] **NY polytechnical institute** for the purpose of carrying out a program of shared educational services in the schools of two or more supervisory districts, the commissioner may by order designate the number of members of such [~~board~~] **institute** which shall not be less than five nor more than fifteen, or may by order increase the number of members of such [~~board~~] **institute** to a maximum of fifteen or decrease the number of members to a minimum of five. Except for elections conducted pursuant to subdivision two-a of this section, and the adoption of a public resolution regarding the approval or disapproval of the tentative administrative budget pursuant to subparagraph five of paragraph b of subdivision four of this section, component districts having more than five board of education members shall be limited to five votes on any matters relating to the district superintendency or [~~board of cooperative educational services~~] **membership of the NY polytechnical institute**.

Boards of education and school trustees, shall elect the members of such [~~board of cooperative educational services~~] **NY polytechnical institute** pursuant to subdivision two-a of this section. A full term shall be three years to serve from July first next following election. It shall be the duty of such meeting by order of such meeting to divide into a sufficient number of classes the terms of the members of the [~~board of cooperative educational services~~] **NY polytechnical institute** so that as nearly as possible an equal number of members shall be elected to the board each year. Notwithstanding any other provision of this subdivision, upon the decrease of the full term of members from five to three years, the [~~board of cooperative educational services~~] **NY polytechnical institute** shall direct that one or more members be elected for a term of one, two or four years in order to assure, as nearly as possible, that an equal number of members will be elected to the [~~board~~] **institute** each year. Members of [~~boards of cooperative educational services~~] **NY polytechnical institutes** shall be reimbursed for necessary expenses for attending meetings of such [~~board~~] **institute**. Where the [~~board of cooperative educational services~~] **NY polytechnical institute membership** comprises two or more supervisory districts, the district superintendents, together with the president of the [~~board of cooperative educa-~~

~~tional services~~] **NY polytechnical institute**, shall act as an executive committee.

3. The [~~boards of cooperative educational services~~] **NY polytechnical institutes** in any two or more supervisory districts may cooperate in the provision of any of the services authorized by subdivision four of this section. In such cases, the district superintendents of the respective supervisory districts shall serve as an executive committee to carry out the decision of the [~~boards of cooperative educational services~~] **NY polytechnical institutes** in their respective districts. Agreements may be made by such [~~boards~~] **institutes** arranging for such cooperative services on such terms and conditions as may be agreed upon and providing the method of allocation of the cost thereof. Such agreements may be made for such period as may be approved by the commissioner but not to exceed ten years. The terms of such agreement shall be binding upon such [~~boards~~] **institutes** and their component districts for the period specified in such agreement.

4. [~~The board of cooperative educational services~~] **A NY polytechnical institute** shall have the power and duty to:

a. (1) Appoint a district superintendent of schools in the manner provided in section twenty-two hundred four of this chapter, and in its discretion to provide for the payment of supplementary salary to the district superintendent of schools by the supervisory district. The term of any employment contract or agreement between a district superintendent and the [~~board of cooperative educational services~~] **NY polytechnical institute** that is entered into or amended on or after the effective date of this subparagraph shall not exceed three years. Copies of employment contracts and amendments to such contracts entered into pursuant to this paragraph shall be filed with the commissioner within five days of execution.

(2) Notwithstanding any inconsistent provision of law in no event shall the total salary including amounts paid pursuant to section twenty-two hundred nine of this chapter for district superintendents for the two thousand nineteen--two thousand twenty school year or any subsequent school year exceed: (i) one hundred six percent of the salary cap applicable in the preceding school year, or (ii) ninety-eight percent of that earned by the commissioner in the two thousand thirteen--two thousand fourteen state fiscal year, whichever is less. In no event shall any district superintendent be permitted to accumulate vacation or sick leave credits in excess of the vacation and sick leave credits managerial/confidential employees of the state are permitted to accumulate pursuant to regulations promulgated by the state civil service commission, nor may any district superintendent at the time of separation from service be compensated for accrued and unused vacation credits or sick leave, or use accrued and unused sick leave for retirement service credit or to pay for health insurance in retirement, at a rate in excess of the rate permitted to managerial/confidential employees of the state pursuant to regulations of the state civil service commission. In addition to the payment of supplementary salary, a [~~board of cooperative educational services~~] **NY polytechnical institute** may provide for the payment of all or a portion of the cost of insurance benefits for the district superintendent of schools, including but not limited to health insurance, disability insurance, life insurance or any other form of insurance benefit made available to managerial/confidential employees of the state; provided that any such payments for whole life, split dollar or other life insurance policies having a cash value shall be included in the total salary of the district superintendent for purposes

of this subparagraph, and provided further that any payments for the employee contribution, co-pay or uncovered medical expenses under a health insurance plan also shall be included in the total salary of the district superintendent. Notwithstanding any other provision of law, payments for such insurance benefits may be based on the district superintendent's total salary or the amount of his or her supplementary salary only. Any payments for transportation or travel expenses in excess of actual, documented expenses incurred in the performance of duties for the [~~board of cooperative educational services~~] **NY polytechnical institute** or the state, and any other lump sum payment not specifically excluded from total salary pursuant to this subparagraph, shall be included in the total salary of the district superintendent for purposes of this subparagraph. Nothing herein shall prohibit a district superintendent from waiving any rights provided for in an existing contract or agreement as hereafter prohibited in favor of revised compensation or benefit provisions as permitted herein. In no event shall the terms of the district superintendent's contract, including any provisions relating to an increase in salary, compensation or other benefits, be contingent upon the terms of any contract or collective bargaining agreement between the [~~board of cooperative educational services~~] **NY polytechnical institute** and its teachers or other employees. The commissioner may adopt regulations for the purpose of implementing the provisions of this paragraph.

(3) Notwithstanding any provision of law to the contrary, any employee of a [~~board of cooperative educational services~~] **NY polytechnical institute** who is appointed as the district superintendent of schools shall vacate his or her prior position with the [~~board of cooperative educational services~~] **NY polytechnical institute** upon appointment as district superintendent, and no district superintendent shall have a contract of employment with the [~~board of cooperative educational services~~] **NY polytechnical institute** other than a contract entered pursuant to this paragraph.

b. (1) Prepare, prior to the annual meeting of members of the boards of education and school trustees, held as provided in paragraph o of this subdivision, a tentative budget of expenditures for the program costs, a tentative budget for capital costs, and a tentative budget for the administration costs of the [~~board of cooperative educational services~~] **NY polytechnical institute**. Such budgets shall include the proposed budget for the upcoming school year, the previous school year's actual costs and the current school year's projected costs for each object of expenditure. Such program, capital and administrative budgets shall be separately delineated in accordance with the definition of program, capital and administrative costs which shall be promulgated by the commissioner after consultation with school district officials and the director of the budget. Personal service costs for each budget shall include the number of full-time equivalent positions funded and total salary and, except as noted herein, fringe benefit costs for such positions by program. Each program budget shall also include the local and statewide unit costs of such programs and services proposed for the upcoming school year, such actual unit costs for the previous school year, and the current school year's projected unit costs, all established in accordance with paragraph d of this subdivision. The capital budget shall include facility construction and lease expenditures authorized pursuant to paragraphs p, t and u of this subdivision, payments for the repayment of indebtedness related to capital projects, payments for the acquisition or construction of facilities, sites or

additions, provided that such budget shall contain a rental, operations and maintenance section that will include base rent costs, total rent costs, operations and maintenance charges, cost per square foot for each facility rented or leased by such [~~board of cooperative educational services~~] **NY polytechnical institute**, and any and all expenditures associated with custodial salaries and benefits, service contracts, supplies, utilities, maintenance and repairs for such facilities, and that such budget shall include the annual debt service and total debt for all facilities financed by bonds or notes of the component districts, annual rental and lease payments and total rental and lease costs for all facilities rented by such [~~board~~] **institute**; such capital budget shall also include expenditures resulting from court judgments and orders from administrative bodies or officers, and, to the extent a [~~board's~~] **institute's** administrative budget has been adopted, one-time costs incurred in the first year in which an employee retires. The administrative budget shall include, but need not be limited to, office and central administrative expenses, traveling expenses and salaries and benefits of supervisors and administrative personnel necessary to carry out the central administrative duties of the supervisory district, any and all expenditures associated with the [~~board~~] **institute**, the office of district superintendent, general administration, central support services, planning, and all other administrative activities. Such administrative budget shall also specify the amount of supplementary salary and benefits, if any, which the [~~board~~] **institute** determines should be paid to the district superintendent of schools and the [~~board~~] **institute** shall append to such budget a detailed statement of the total compensation to be paid the district superintendent of schools by the [~~board~~] **institute**, including a delineation of the salary, annualized cost of benefits and any in-kind or other form of remuneration to be paid, plus, commencing with the presentation of the budget for the nineteen hundred ninety-seven--ninety-eight school year, a list of items of expense eligible for reimbursement on expense accounts in the ensuing school year and a statement of the amount of expenses paid to the district superintendent of schools in the prior year for purposes of carrying out his or her official duties.

(2) The [~~board of cooperative educational services~~] **NY polytechnical institute** shall provide copies of such tentative budgets and attachments to the trustees or board of education of each component school district of the [~~board of cooperative educational services~~] **NY polytechnical institute** at least ten days prior to the annual meeting held pursuant to paragraph o of this subdivision. Such trustees or boards of education shall make such budgets available to the residents of their respective school districts upon request.

(3) The [~~board of cooperative educational services~~] **NY polytechnical institute** shall comply with any reasonable requests for additional information not contained in such budgets which may be requested prior to the annual meeting held pursuant to paragraph o of this subdivision.

(4) The [~~board of cooperative educational services~~] **NY polytechnical institute** shall give public notice of the annual meeting held pursuant to paragraph o of this subdivision by publishing a notice once each week within the two weeks preceding the annual meeting held as provided in paragraph o of this subdivision, the first publication to be at least fourteen days before such meeting, in two newspapers if there be two, or in one newspaper if there shall be but one, having general circulation within the [~~board of cooperative educational services~~] **NY polytechnical institute**. If no newspaper shall have general circulation therein, said

notice shall be posted in at least twenty of the most public places in the [~~board of cooperative educational services~~] NY polytechnical institute at least fourteen days before such meeting. Such notice shall state that the tentative budgets will be presented by the [~~board of cooperative educational services~~] NY polytechnical institute to the trustees or board of education of each component school district of the [~~board of cooperative educational services~~] NY polytechnical institute in attendance at such meeting. Such notice shall also include a summary of the tentative administrative, capital and program budgets in a form prescribed by the commissioner. The summary of the administrative budget shall include, but shall not be limited to, the salary and benefits of supervisors and administrative personnel of the [~~board of cooperative educational services~~] NY polytechnical institute and the total compensation payable to the district superintendent of schools. Such notice shall also indicate when a copy of the tentative budgets will be available for inspection by the public during regular business hours at one or more locations specified in the notice.

(5) The trustees or board of education of each component school district of the [~~board of cooperative educational services~~] NY polytechnical institute shall adopt a public resolution which shall approve or disapprove such tentative administrative budget at a regular or special meeting to be held within the component district on the date designated pursuant to subdivision two-a of this section as the date for election of members of the [~~board of cooperative educational services~~] NY polytechnical institute, or in the case of the board of education of a central high school district on the regular business day next following such designated date.

If the resolutions adopted by the trustees or boards of education of a majority of the component school districts of the [~~board of cooperative educational services~~] NY polytechnical institute actually voting approve the tentative administrative budget, the [~~board of cooperative educational services~~] NY polytechnical institute may adopt the tentative administrative budget without modification. If a majority of the component school districts actually voting fail to adopt resolutions approving such tentative administrative budget, or if the number of component school districts approving the budget equals the number of school districts disapproving the budget, the [~~board of cooperative educational services~~] NY polytechnical institute shall prepare and adopt a contingency administrative budget which shall not exceed the amount of the administrative budget of the [~~board of cooperative educational services~~] NY polytechnical institute for the previous school year except to accommodate expenditure increases attributable to supplemental retirement allowances payable pursuant to section five hundred thirty-two of this chapter and section seventy-eight of the retirement and social security law.

(6) Notwithstanding any other provision of this section, any component school district which will be transferred to a new supervisory district as of July first next succeeding the date designated for the vote on the tentative administrative budget shall vote on the administrative budget of the [~~board of cooperative educational services~~] NY polytechnical institute to which it will be transferred, as if such transfer had already occurred. Where the commissioner has issued an order for the merger of two or more supervisory districts to take effect on July first, in the school year immediately preceding the merger, the [~~boards of cooperative educational services~~] NY polytechnical institutes to be merged shall jointly prepare a program, administrative and capital budg-

et for the merged [~~board of cooperative educational services~~] **NY polytechnical institute** and shall jointly conduct a vote on the tentative administrative budget of the merged [~~board of cooperative educational services~~] **NY polytechnical institute** in accordance with this paragraph as if the merger was already in effect. In the event such a merger does not take effect on July first, the commissioner shall be authorized to order the [~~boards of cooperative educational services~~] **NY polytechnical institutes** to be merged to develop program, administrative and capital budgets and conduct a vote on administrative budgets in the manner prescribed by this section on dates other than those specified in this section.

(7) Each component school district shall transmit the resolution either approving or disapproving the [~~board of cooperative educational services'~~] **NY polytechnical institute's** tentative administrative budget no later than one business day after the adoption of such resolution. The [~~board of cooperative educational services~~] **NY polytechnical institute** shall, no later than the fifteenth day of May, adopt the final program, capital and administrative budgets for the ensuing year. Except as provided in paragraph d of this subdivision, subparagraph (a) of paragraph p of this subdivision, and subdivision one of section nineteen hundred fifty-one of this article, such administrative and capital budgets, when so adopted, after deducting state aid applicable thereto, shall be a charge against all of the component school districts in the supervisory district and each component school district's proportionate share shall be determined by the [~~board of cooperative educational services~~] **NY polytechnical institute** according to weighted average daily attendance or according to true valuation or according to resident public school district enrollment as defined in paragraph n of subdivision one of section thirty-six hundred two of this chapter except that only one method shall be applied among the component districts of a [~~board of cooperative educational services~~] **NY polytechnical institute** in any year, unless otherwise provided by law. In a merged supervisory district in the county of Suffolk each component school district's proportionate share of such administrative and capital budgets may be determined according to weighted average daily attendance, according to true valuation, or according to using the weighted average daily attendance for a certain percentage of the cost and true valuation for a certain percentage of administrative and capital costs. Such costs, in a merged supervisory district in the county of Suffolk, apportioned by using weighted average daily attendance and true valuation shall be subject to adjustment by the [~~board of cooperative educational services~~] **NY polytechnical institute** in a manner that will minimize the annual change in costs for the greatest number of component districts. Such percentages shall be established by the [~~board of cooperative educational services~~] **NY polytechnical institute** upon the approval of the component districts subject to the final approval of the commissioner. It is further provided that such administrative budget approved by the [~~board~~] **institute** shall be subject to review by the commissioner to determine: (i) the level of administrative savings achieved by the merger and (ii) if such administrative savings equals or exceeds the level identified by the merger planning task force appointed by the district superintendent. If the [~~board of cooperative educational services~~] **NY polytechnical institute** determines to change the method of apportioning administrative costs and capital expenses from that followed in the previous year, such determination may be made only if the [~~board of cooperative educational services~~] **NY polytechnical institute** has

conducted a hearing at a regular or special meeting of such [~~board~~] **institute** which all members of boards of education and school trustees have been invited to attend, such hearing to be held at least thirty days prior to the annual meeting of members of boards of education and school trustees. In the Putnam/North Westchester [~~board of cooperative educational services~~] **NY polytechnical institute**, each component district's proportionate share of such administrative and capital budgets may also be determined by using the weighted average daily attendance for a certain percentage and the true valuation for a certain percentage. Such percentages shall be applied according to clause (i) of this subparagraph.

(i) The three methods of apportionment of administrative and capital expenses are as follows: (1) in accordance with the ratio which the component school district's total full or true valuation in effect at the time of the adoption of the budget bears to the total true or full valuation of all of the component school districts within the [~~board of cooperative educational services~~] **NY polytechnical institute**, (2) by dividing the total amount of such administrative and capital expenses by the total weighted average daily attendance of pupils residing in all component school districts contained within the [~~board of cooperative educational services~~] **NY polytechnical institute** and attending a public school and multiplying by the weighted average daily attendance of such resident pupils in each of the component school districts, or (3) by dividing the total amount of such administrative and capital expenses by the total resident public school district enrollment of all component school districts contained within the [~~board of cooperative educational services~~] **NY polytechnical institute** and multiplying by the resident public school district enrollment of the component school districts. In addition, in a merged supervisory district in the county of Suffolk, where a combination of the first and second methods could be applied as provided in the opening paragraph of this subparagraph may be utilized. In the Putnam/North Westchester [~~board of cooperative educational services~~] **NY polytechnical institute**, where a combination of the first and second methods is utilized, the percentages shall be used as follows: for the two thousand five-two thousand six school year, ninety percent using true valuation and ten percent using the weighted average daily attendance; for the two thousand six-two thousand seven school year, eighty percent using true valuation and twenty percent using the weighted average daily attendance; for the two thousand seven-two thousand eight school year, seventy percent using true valuation and thirty percent using the weighted average daily attendance; for the two thousand eight-two thousand nine school year, sixty percent using true valuation and forty percent using the weighted average daily attendance; and for the two thousand nine-two thousand ten school year and any school year thereafter, fifty percent using true valuation and fifty percent using the weighted average daily attendance.

(ii) If the [~~board of cooperative educational services~~] **NY polytechnical institute** chooses to apportion administrative costs and capital expenses according to full or true valuation, special school districts authorized to receive state aid in accordance with chapter five hundred sixty-six of the laws of nineteen hundred sixty-seven, as amended, shall have their full value for purposes of this section computed by multiplying the resident weighted average daily attendance by the state average full valuation per pupil as established by the commissioner for the year in which the budget is adopted. The school authorities of each component school district shall add such amount to the budget of such component

districts and shall pay such amount to the treasurer of the [~~board of cooperative educational services~~] **NY polytechnical institute** and shall be paid out by the treasurer upon the orders of the [~~board of cooperative educational services~~] **NY polytechnical institute** issued and executed in pursuance of a resolution of said [~~board~~] **institute**.

c. Make or cause to be made surveys to determine the need for cooperative educational services in the supervisory district and present the findings of their surveys to local school authorities. Each [~~board of cooperative educational services~~] **NY polytechnical institute** shall prepare long range program plans, including special education and career education program plans, to meet the projected need for such cooperative educational services in the supervisory district for the next five years as may be specified by the commissioner, and shall keep on file and make available for public inspection and review by the commissioner such plans and thereafter annual revisions of such plans on or before the first day of December of each year, provided that such plans may be incorporated into a [~~board of cooperative educational services~~] **NY polytechnical institute** district-wide comprehensive plan.

d. (1) Aidable shared services. At the request of component school districts, and with the approval of the commissioner, provide any of the following services on a cooperative basis: school nurse teacher, attendance supervisor, supervisor of teachers, dental hygienist, psychologist, teachers of art, music, physical education, career education subjects, guidance counsellors, operation of special classes for students with disabilities, as such term is defined in article eighty-nine of this chapter; pupil and financial accounting service by means of mechanical equipment; maintenance and operation of cafeteria or restaurant service for the use of pupils and teachers while at school, and such other services as the commissioner may approve. Such cafeteria or restaurant service may be used by the community for school related functions and activities and to furnish meals to the elderly residents of the district, sixty years of age or older. Utilization by elderly residents or school related groups shall be subject to the approval of the board of education. Charges shall be sufficient to bear the direct cost of preparation and serving of such meals, exclusive of any other available reimbursements.

(2) Certain services prohibited. Commencing with the nineteen hundred ninety-seven--ninety-eight school year, the commissioner shall not be authorized to approve as an aidable shared service pursuant to this subdivision any cooperative maintenance services or municipal services, including but not limited to, lawn mowing services and heating, ventilation or air conditioning repair or maintenance or trash collection, or any other municipal services as defined by the commissioner. On and after the effective date of this paragraph, the commissioner shall not approve, as an aidable shared service, any new cooperative maintenance or municipal services for the nineteen hundred ninety-six--ninety-seven school year, provided that the commissioner may approve the continuation of such services for one year if provided in the nineteen hundred ninety-five--ninety-six school year. No service provided to an out-of-state school district pursuant to subparagraph ten of paragraph h of this subdivision shall be eligible for aid.

(2-a) Cost effectiveness of instructional and non-instructional technology. Notwithstanding any other provision of this section to the contrary, expenditures incurred pursuant to purchase and/or installation contracts entered into on or after January fifteenth, two thousand, for

the following categories of instructional and non-instructional technology purchase and installation:

(i) computer equipment,

(ii) conduits,

(iii) wiring,

(iv) powering and testing of hardware installations,

(v) all costs associated with lease or purchase of local or wide area network hardware located on district property, and

(vi) incidental costs for original purchase and installation of hardware, including installation of basic operating systems software required for hardware testing, shall not be considered an aidable shared service unless the component school district is able to demonstrate that such shared service would be more cost-effective than would otherwise be possible if such services were to be purchased without the involvement of a [~~board of cooperative educational services~~] **NY polytechnical institute**. Any aid that may be payable for such shared service pursuant to subdivision five of this section shall be excluded in the demonstration and determination of cost-effectiveness and cost savings pursuant to this subdivision. The commissioner shall issue guidelines to advise component school districts in their determination of cost-effectiveness. Notwithstanding any other provision of law, if a component school district determines that any instructional and non-instructional technology purchase and installation from the [~~board of cooperative educational services~~] **NY polytechnical institute** are not cost effective, as determined pursuant to this paragraph, the commissioner shall, upon request, assist the school district to enter into a cooperative service agreement (CO-SER) with another [~~BOCES~~] **NY polytechnical institute**, which is cost effective in the provision of such technology purchases and installations.

(3) Requests for shared services; operating plan; required notice. Requests for such shared services shall be filed by component school districts with the [~~board of cooperative educational services~~] **NY polytechnical institute** not later than the first day of February of each year, provided that such requests shall not be binding upon the component school district. The [~~board of cooperative educational services~~] **NY polytechnical institute** shall submit its proposed annual operating plan for the ensuing school year to the department for approval not later than the fifteenth day of February of each year. Such [~~board~~] **institute** shall, through its executive officer, notify each component school district on or before the tenth day of March concerning the services which have been approved by the commissioner to be made available for the ensuing school year. Such notice shall set forth the local uniform cost of each such service, based on (i) anticipated participation in the ensuing school year, or (ii) participation in the current year, or (iii) a two or three year average including participation in the current year, which unit cost shall be the same for all participating component districts and shall be based upon a uniform methodology approved annually by at least three-quarters of the participating component school districts after consultation by local school officials with their respective boards; provided, however, such unit cost shall be subject to final adjustment for programs for students with disabilities based on actual participation in accordance with regulations of the commissioner. Notwithstanding the determination of the local uniform unit cost methodology selected in accordance with this paragraph, each [~~board of cooperative education services~~] **NY polytechnical institute** shall annually report to the commissioner the budgeted unit cost and, when available,

the actual unit cost of such programs and services, in accordance with both the local uniform unit cost methodology and a statewide uniform unit cost methodology prescribed by the commissioner by regulation, where the budgeted statewide unit cost shall be based on the anticipated participation in the ensuing year and the actual statewide unit cost shall be based on actual participation through the end of each year.

(4) Contracts for shared services; allocation of costs. Each component school district shall on or before the first day of May following such notification notify the [~~board of cooperative educational services~~] **NY polytechnical institute** of its intention to participate or not to participate in such shared services and the specific services which such district elects to utilize. Each participating component school district shall be required to pay the [~~board of cooperative educational services~~] **NY polytechnical institute** for the cost of the services set forth in such notification, except for adjustments caused by subsequent unanticipated changes in the district's enrollment. The [~~board of cooperative educational services~~] **NY polytechnical institute** shall enter into contracts with its component school districts for such requested services. A copy of each executed contract for such purpose shall be filed with the commissioner by the [~~board of cooperative educational services~~] **NY polytechnical institute** on or prior to the first day of August of each year. Notwithstanding the provisions of paragraph b of this subdivision, any component school district which does not elect to participate in any such specific cooperative services authorized under this paragraph shall not be required to pay any share of the moneys provided in the budget as salaries of teachers or other personnel employed in providing such service, for equipment and supplies for such service or for transportation of pupils to and from the place where such service is maintained. Provided, further, that a [~~board of cooperative educational services~~] **NY polytechnical institute** may allocate the cost of such services to component school districts in accordance with terms agreed upon between such [~~board~~] **institute** and three-quarters of the boards of education and trustees of local school districts participating in the service.

(5) Operating plan and budget; unanticipated shared services. The [~~board of cooperative educational services~~] **NY polytechnical institute** shall submit to the commissioner on or before the first day of June an operating plan and budget based upon the request for services which it has received from its component school districts. Such submission shall include the budgeted unit cost of programs and services based on both the local and the statewide uniform unit cost methodologies for each program and service offered by the [~~board of cooperative educational services~~] **NY polytechnical institute**. A [~~board of cooperative educational services~~] **NY polytechnical institute** which receives requests for unanticipated shared services subsequent to the adoption of its budget shall submit an amended operating plan including such additional shared services to the commissioner, together with a statement from the chief school administrator of each school district which has requested such services indicating the availability of funds in the budget of the school district to pay for such district's share of the cost of such additional services. Such amended plan shall be submitted in the manner and form prescribed by regulations of the commissioner. The [~~board of cooperative educational services~~] **NY polytechnical institute** shall allocate the cost of providing such additional shared services among the component school districts which have requested such services, and shall contract with the component school districts for such services. A copy

of each contract for this purpose shall be filed by the [~~board of cooperative educational services~~] NY polytechnical institute with the commissioner not more than thirty days from its execution. An annual program report and evaluation for each school year as prescribed by the commissioner, shall be submitted by the [~~board of cooperative educational services~~] NY polytechnical institute to the commissioner on or before the first day of September following such school year.

e. Upon the recommendation of the district superintendent, employ such administrative assistants, teachers, supervisors, clerical help and other personnel as may be necessary to carry out its program.

f. Receive all reimbursements from public funds on account of the cooperative educational services performed under its jurisdiction, and allocate the costs of cooperative educational activities and shared services including administrative and clerical costs against the component school districts and receive and disburse the same, and to apportion surpluses and assessments for services on the basis of participation to those components and to those school districts outside the [~~board of cooperative educational services~~] NY polytechnical institute contracting for such programs, and to apportion surpluses and assessments for administrative expenses to all component districts. All such apportionments shall be made annually.

g. Borrow money in anticipation of revenue due the [~~board of cooperative educational services~~] NY polytechnical institute.

h. (1) Arrange cooperative educational services with and if necessary make contracts covering same with other public agencies for shared services and to produce educational television materials and programs, and to own or lease television facilities and to enter into appropriate contracts concerning the same.

(2) To enter into contracts with the United States of America, the State of New York, any school district, community college, public institution of higher education, independent institution of higher education eligible for aid under section sixty-four hundred one of this chapter, public libraries, or public agency in relation to the program of the [~~board of cooperative educational services~~] NY polytechnical institute, and any such school district, community college, institution of higher education, or public agency is hereby authorized and empowered to do and perform any and all acts necessary or convenient in relation to the performance of any such contracts.

(3) To enter into contracts with school districts which are component districts in the [~~board of cooperative educational services~~] NY polytechnical institute for the education by such component school district or districts of children who reside within the [~~board of cooperative educational services~~] NY polytechnical institute in the program of the [~~board of cooperative educational services~~] NY polytechnical institute, and for all purposes of this chapter in such event such children shall be deemed attending classes maintained by the [~~board of cooperative educational services~~] NY polytechnical institute. School districts are hereby authorized and empowered to do and perform any and all acts necessary or convenient in relation to the performance of any such contracts.

(4) To enter into contracts with nonpublic schools to provide data processing services for pupil personnel records and other administrative records of the nonpublic schools and the processing of fingerprints utilized in criminal history record checks for those nonpublic schools that elect to require such criminal history record checks pursuant to

paragraph (a) of subdivision thirty of section three hundred five of this chapter.

(5) To enter into contracts with the United States of America, the state of New York, any community college, agricultural and technical college or other public agency for the purpose of providing career education programs to such agencies. Any such proposed contract shall be subject to the review and approval of the commissioner, who may only approve such proposed contract when, in his opinion, such contract will result in a more economical utilization of existing career and career education resources than would be achieved were such contract not approved. The commissioner shall issue a finding in writing in making all determinations pursuant to this article.

(6) To enter into contracts with not-for-profit corporations to participate in federal programs relating to career training and experience. Any such proposed contract shall be subject to review and approval of the commissioner, who may approve such proposed contract only when in his opinion such contract will result in increased or improved career opportunities. The commissioner shall issue a finding in writing in making all determinations pursuant to this subparagraph.

(7) To enter into contracts with the state of New York, any community college, agricultural and technical college, or public agency for the purpose of providing electronic data processing services to such agencies. Any such proposed contract shall be subject to the review and approval of the commissioner, who may only approve such proposed contract when, in his opinion, such contract will not disrupt the level of services provided to component school districts and will result in a more economical utilization of existing [~~board of cooperative educational services~~] **NY polytechnical institute** computer facilities. The commissioner shall issue a finding in writing in making all determinations pursuant to this subparagraph.

(8) To enter into contracts with the commissioner of the office of children and family services pursuant to subdivision six-a of section thirty-two hundred two of this chapter to provide to such office, for the benefit of youth in its custody, any special education programs, related services, career and technical education services and music, art and foreign language programs provided by the [~~board of cooperative educational services~~] **NY polytechnical institute** to component school districts. Any such proposed contract shall be subject to the review and approval of the commissioner to determine that it is an approved cooperative educational service. Services provided pursuant to such contracts shall be provided at cost, and the [~~board of cooperative educational services~~] **NY polytechnical institute** shall not be authorized to charge any costs incurred in providing such services to its component school districts.

(10) To enter into contracts of no more than five years and subject to the sunset date of this subparagraph, with out-of-state schools for: (a) special education; and/or (b) career and technical education services; and/or (c) for the use of existing products that demonstrate how to map the next generation standards to assessments; and/or (d) providing access to existing webinars or online courses relating to implementation of the next generation standards; for providing professional development to educators; and/or (e) technology products developed for the use of school districts located in New York state, including computer programs and software packages that help students learn and assist districts in achieving greater efficiencies. For purposes of this subparagraph, an out-of-state school shall mean a public elementary or secondary school

or a degree granting institution of higher education, located outside of New York state; provided further for purposes of providing services authorized in clauses (c), (d) and (e) of this subparagraph, out-of-state shall also include schools located outside the continental United States. Any contract shall be approved by the commissioner, the [~~board of cooperative educational services~~] **NY polytechnical institute** and the district superintendent of schools, provided such services are made available to any school district within the supervisory district and that the requirements of this subparagraph are met. Contracts must be executed by the [~~board of cooperative educational services~~] **NY polytechnical institute** and the trustees or boards of education of such out-of-state schools and shall only authorize out-of-state students to participate in an instructional program if such services are available to all eligible students in New York state schools in the component districts and the number of participating out-of-state students only comprises up to five percent of the total number of the total enrolled students in the instructional program at the [~~board of cooperative educational services~~] **NY polytechnical institute** and that the [~~board of cooperative educational services~~] **NY polytechnical institute** spends no more than thirty percent of its employees' time on services to out-of-state schools pursuant to this subparagraph. To be approved by the commissioner, the contract and any business plan, shall demonstrate that any services provided to out-of-state schools pursuant to this subparagraph shall not result in any additional costs being imposed on component school districts and that any payments received by the [~~board of cooperative educational services~~] **NY polytechnical institute** for services provided in this subparagraph that exceed any cost to the [~~board of cooperative educational services~~] **NY polytechnical institute** for providing such services shall be applied to reduce the costs of aidable shared services allocated to component school districts pursuant to paragraph d of this subdivision and shall also be applied to reduce the approved cost of services pursuant to subdivision five of this section. Services provided by a [~~board of cooperative educational services~~] **NY polytechnical institute** to component districts at the time of approval of a contract under this paragraph shall not be reduced or eliminated solely due to a [~~board of cooperative educational services'~~] **NY polytechnical institute's** performance of services to out-of-state schools pursuant to this paragraph.

(11) To enter into contracts with individual public libraries or public library systems for the purpose of providing high-speed telecommunications services including, but not limited to, high-speed internet services. Any such proposed contract shall be subject to the review and approval of the commissioner, who may only approve such proposed contract when, in such commissioner's opinion, such contract: (a) will result in a more economical utilization of existing [~~boards of cooperative educational services~~] **NY polytechnical institutes** high-speed telecommunications services or resources than would be achieved were such contract not approved; (b) will not disrupt the level of services to component school districts; and (c) will result in a more economical utilization of existing library resources. The commissioner shall issue a finding, in writing, making any determination pursuant to this subparagraph. Such services to public libraries and library systems shall be provided at cost and shall not be eligible for aid pursuant to subdivision five of this section.

(12) To enter into contracts with preschool special education program providers approved pursuant to section forty-four hundred ten of this

chapter to process services relating to online application systems for educators.

(13) To establish, upon local interest from one or more component school districts and subject to approval by the [~~BOCES board of education~~] **NY polytechnical institute**, an agriculture program that is designed to provide students with the skills required to work in, and help sustain New York's agriculture industry. Such program may include, but not be limited to, a partnership with farms and other agriculture entities in the state that provide students with hands-on experience combined with other educational opportunities.

i. Make such reports as are required by the commissioner of education.

j. Appoint one of its members as president, one of its members or another qualified voter in a district within the supervisory district as clerk and another qualified voter in a district within the supervisory district as treasurer. The duties of the clerk and treasurer shall be the same as those established by statute and regulations of the commissioner of education for clerks and treasurers of union free school districts.

k. Designate a depositary within the territorial limits of any component district for the deposit of money in the manner provided by section ten of the general municipal law. The receipt, deposit, investment and disbursement of moneys, and all procedures relating thereto, including, but not limited to the requirements for signatures, the appointment of a claims auditor to approve claims for purchases, and the optional use of claim forms, and the establishment of an internal audit function, shall be subject to the laws relating to union free school districts.

m. At the request of officials of school districts, created by legislative act, within the territory of a [~~board of cooperative educational services~~] **NY polytechnical institute**, provide services as outlined in paragraph d of this subdivision. For such districts, there shall be apportioned from state funds to the [~~board of cooperative educational services~~] **NY polytechnical institute** a sum equal to one-half the total cost of the approved services provided to such school district.

n. In those counties where taxes other than those on real property are applied to school purposes, the tax rate shall be deemed to be that which would result if such taxes had not been applied to school purposes.

o. A meeting of members of the boards of education and school trustees of the component districts shall be held during the month of April on or before the fifteenth day of April, on a date and at a place and hour designated by the president of the [~~board of cooperative educational services~~] **NY polytechnical institute**. The tentative administrative capital and program budgets of the [~~board of cooperative educational services~~] **NY polytechnical institute** shall be available for inspection of the boards of education and school trustees at such meeting. Notice of the date, time and place of such meeting shall be given to each of the members of the boards of education and trustees and to the clerk of each of the component school districts by mail addressed to the last known address of such persons at least fourteen days prior to the meeting.

p. (a) To rent suitable land, classrooms, offices or buildings upon or in which to maintain and conduct such cooperative educational services and administrative offices for a period not to exceed ten years for leases entered into with public entities and twenty years for leases entered into with non-public entities and to improve, alter, equip and furnish such land, classrooms, offices or buildings in a suitable manner

for such purposes, provided that: (1) before executing any lease, the [~~board~~] **NY polytechnical institute** shall adopt a resolution determining that such agreement is in the best financial interests of the supervisory district and stating the basis of that determination; (2) the rental payment shall not be more than the fair market value as determined by the [~~board~~] **NY polytechnical institute** and provided to the commissioner; (3) The [~~board~~] **NY polytechnical institute** discloses any conflict of interest pursuant to subparagraph (c) of this paragraph, or any other potential or perceived conflict of interest, to the commissioner, and in the event of a conflict of interest or a potential or perceived conflict of interest, provides detailed documentation to the commissioner demonstrating that the cost of the lease is not more than fair market value; and (4) upon the consent of the commissioner, renewal of such lease may be made for a period of up to ten years. Nothing contained herein shall prevent the [~~board~~] **NY polytechnical institute** from entering into a lease agreement which provides for the cancellation of the same by such [~~board~~] **NY polytechnical institute** upon: (i) a substantial increase or decrease in pupil enrollment; or (ii) a substantial change in the needs and requirements of a [~~board of cooperative educational services~~] **NY polytechnical institute** with respect to facilities; or (iii) any other change which substantially affects the needs or requirements of a [~~board of cooperative educational services~~] **NY polytechnical institute** or the community in which it is located. No lease or other contract for the occupancy of such land, classrooms, offices or buildings shall be enforceable against the [~~board of cooperative educational services~~] **NY polytechnical institute** unless and until the same shall have been approved in writing by the commissioner. In the case of a lease longer than ten years, the commissioner's written approval must include a finding that the proposed lease complies with all requirements of this paragraph and would be more cost-effective than a lease of ten years or fewer.

(b) To lease unneeded facilities to public or private agencies, individuals, partnerships, or corporations, with the approval of the commissioner of education, and for a term not to exceed five years, which shall be renewable with the approval of the commissioner of education.

(c) [~~if~~] **If** any member [~~of the board of education of the board of cooperative educational services~~], officer or employee of the [~~board of cooperative educational services~~] **NY polytechnical institute** has a financial interest, either direct or indirect, in any lease to which the [~~board of cooperative educational services~~] **NY polytechnical institute** is, or is to be, a party, such interest shall be disclosed to [~~the board of education of~~] such [~~board of cooperative educational services~~] **NY polytechnical institute** in writing and shall be set forth in the minutes of the board of education of the [~~board of cooperative educational services~~] **NY polytechnical institute**. The member, officer or employee having such interest shall not participate in any action by the [~~board of cooperative educational services~~] **NY polytechnical institute** with respect to such lease.

q. To provide transportation for pupils to and from classes maintained by such [~~board of cooperative educational services~~] **NY polytechnical institute** at the request of one or more school districts. School districts and [~~boards of cooperative educational services~~] **NY polytechnical institutes** are authorized to enter into contracts with one or more school districts, private contractors, and one or more [~~boards of cooperative educational services~~] **NY polytechnical institutes** and any municipal corporation and authority to provide such transportation. [~~Boards~~

~~of cooperative educational services~~] NY polytechnical institutes may operate joint or regional transportation systems for the transportation authorized by articles seventy-three and eighty-nine of this chapter. Such transportation, except when provided by a political subdivision or a [~~board of cooperative educational services~~] NY polytechnical institute, shall be subject to the requirements of subdivision fourteen of section three hundred five of the education law.

r. With the approval of the district superintendent of schools and of the commissioner of education to furnish any of the educational services provided for in this section or any other section of law which authorizes such [~~board~~] NY polytechnical institute to provide services to school districts outside of the supervisory district, upon such terms as may be agreed upon pursuant to contracts executed by such [~~board of cooperative educational services~~] NY polytechnical institute and the trustees or boards of education of such school districts.

s. Provide [~~workmen's~~] workers' compensation coverage as provided in the [~~workmen's~~] workers' compensation law for all teachers and other employees for injuries incurred in actual performance of duty.

t. When authorized by the qualified voters of the [~~board~~] NY polytechnical institute, to purchase or otherwise acquire buildings, sites or additions thereto, to purchase or otherwise acquire real property for any lawful purpose and to construct buildings thereon.

u. To purchase necessary furniture, equipment, implements, apparatus and supplies.

v. To accept gifts of real and personal property.

w. To furnish any of the services provided for in this section or any other section of law which authorizes such [~~board~~] NY polytechnical institute to provide services to school districts outside of the [~~board of cooperative educational services~~] NY polytechnical institute, with the approval of the commissioner of education and of the district superintendent of schools or superintendents of schools having jurisdiction of such school districts for a period of not to exceed five years, upon such terms as may be agreed upon pursuant to contracts executed by the [~~board of cooperative educational services~~] NY polytechnical institute and the trustees or boards of education of such school districts.

x. To sell, when authorized by the qualified voters of the [~~board of cooperative educational services~~] NY polytechnical institute, any real property the title of which is vested in the [~~board of cooperative educational services~~] NY polytechnical institute and buildings thereon and appurtenances or any part thereof at such price and upon such terms as shall be prescribed in such resolution; also, when so authorized, to exchange real property belonging to the [~~board of cooperative educational services~~] NY polytechnical institute for the purpose of improving or changing school sites. The proceeds of such sale shall be applied as provided by the resolution authorizing such sale.

y. To enter into agreements for the lease of personal property. Before executing any such agreement, the [~~board~~] NY polytechnical institute shall adopt a resolution determining that such agreement is in the best financial interests of the [~~board of cooperative educational services~~] NY polytechnical institute, which resolution shall state the basis for that determination. Such agreements shall be subject to the bidding requirements of the general municipal law. No agreement for the lease of personal property may be made for a term in excess of five years, beginning with the time of receipt of possession of the subject of the lease.

[~~y.~~] y-1. Notwithstanding any other provision of this section and with the consent of the commissioner, the [~~board of cooperative educational~~

~~services~~] **NY polytechnical institute** of the county of Oswego may enter into contracts with the county of Oswego to provide transportation for handicapped children in the county of Oswego to and from any facility or institution for educating handicapped children within or without such county.

z. To furnish, with the approval of the commissioner of education, for an amount not less than the cost thereof, any of the instructional support services provided to component school districts, including but not limited to audio-visual materials and related media services, curricular materials, in-service education programs and pupil personnel services for the diagnosis of handicapping conditions, to any nonpublic, not-for-profit elementary or secondary school in the state of New York which provides the instruction required by section thirty-two hundred four and article seventeen of this chapter, and which is chartered by the regents or registered with or subject to examination and inspection by the state education department.

aa. Notwithstanding any other provision of law, a [~~board of cooperative educational services~~] **NY polytechnical institute** may, with the prior written approval of the commissioner, contract to accept from a leasing company which has qualified as lowest bidder pursuant to the provisions of the general municipal law a sum sufficient to purchase data processing equipment from the manufacturer thereof, pay such sum to the manufacturer of said equipment, receive the equipment and title thereto and convey the same to the leasing company with a simultaneous lease of the equipment from such leasing company to the [~~board of cooperative educational services~~] **NY polytechnical institute** for a specified period of years. Before any such agreement shall be executed, the [~~board of cooperative educational services~~] **NY polytechnical institute** shall adopt a resolution determining that such agreement is in the best financial interest of the [~~board~~] **institute**. Such lease may be renewed for a further specified period of years with the prior approval of the commissioner of education.

bb. [~~Boards of cooperative educational services~~] **NY polytechnical institutes** may provide academic and other programs and services in the school year on a cooperative basis, including summer programs and services. (1) Requests to provide such programs and services shall be filed annually with the commissioner for approval.

(2) The commissioner may approve such programs and services only if they (a) are requested by two or more component school districts; (b) will provide additional opportunities for pupils; (c) will be expected to result in a cost savings to the two or more component school districts requesting the programs and services; (d) will provide greater opportunity for pupils, including those with handicapping conditions, to earn credit for academic subjects and (e) will insure a greater or more appropriate use of facilities by [~~boards of cooperative educational services~~] **NY polytechnical institutes**.

(3) Such programs and services may include, but shall not be limited to (a) expansion of itinerant teaching services in advanced academic subject courses; (b) academic course offerings at regular [~~board of cooperative educational services~~] **NY polytechnical institute** centers or at leased sites during the school year or summer school periods, as requested by component districts; (c) block scheduling to enable students to attend classes at a [~~board of cooperative educational services~~] **NY polytechnical institute** center for an entire school day; (d) satellite offerings of specific concentrations or specializations sponsored by [~~boards of cooperative educational services~~] **NY polytechni-**

cal institutes at local schools, with cross-contracting for services; (e) expanded use of interactive television and other technologies to offer academic courses on site or at component school districts; and (f) programs of academic intervention services approved by the commissioner designed to fulfill the academic intervention services requirement imposed by the regulations of the commissioner, provided that in approving such programs and services for the two thousand--two thousand one school year or thereafter, the commissioner shall assure that the program or service results in a cost savings to all participating districts, disregarding any aid pursuant to subdivision five of this section.

(4) Such programs or services if approved by the commissioner, shall be eligible for aid pursuant to subdivision five of this section.

(5) A teacher whose position in a school district is abolished as the result of a takeover of an academic program by a [~~board or boards of cooperative educational services~~] NY polytechnical institute or institutes shall be accorded the rights provided by section thirty hundred fourteen-a of this chapter.

(6) To implement a program or service approved under this paragraph, a school district may transport pupils to the site of a [~~board of cooperative educational services~~] NY polytechnical institute program in those cases where a pupil otherwise would be entitled to transportation but for the fact that the program is at the [~~board of cooperative educational services~~] NY polytechnical institute and not at a school of the district. Under these circumstances, for those purposes of article seventy-three of this chapter, the [~~board of cooperative educational services~~] NY polytechnical institute site shall be considered a school.

cc. Upon approval by a vote of the [~~board of cooperative educational services~~] NY polytechnical institute, establish and maintain a program of reserves not to exceed three per centum of the annual budget of the district to cover property loss and liability claims. Separate funds shall be established for property losses and for liability claims, and the separate identity of each such fund shall be maintained whether its assets consist of cash or investments or both. The money in such funds shall be deposited and secured in the manner provided by section ten of the general municipal law. The moneys so deposited shall be accounted for separate and apart from all other funds of the district, in the same manner as provided in subdivision ten of section six-c of the general municipal law. The moneys in such funds may be invested in the manner provided by section eleven of the general municipal law. Any interest earned or capital gain realized on the money so deposited shall accrue and become part of such funds. Such reserve funds shall not be reduced to amounts less than the total of the amounts estimated to be necessary to cover incurred but unsettled claims or suits including expenses in connection therewith other than by payments for losses for which such reserve amounts were established, except that such [~~board~~] NY polytechnical institute may authorize use of such funds other than amounts allocated for unsettled claims or suits including expenses in connection therewith to pay premiums for insurance policies purchased to insure subsequent losses in areas previously self-insured, in the event of dissolution of the self-insurance plan.

dd. Provide for activities and services pertaining to the arts at the request of one or more school districts. Such activities and services shall be eligible for aid and shall include, but not be limited to, programs with, and performances by, artists or organizations approved by the commissioner of education. [~~Boards of cooperative educational~~

~~services~~] **NY polytechnical institutes** are authorized to enter into contracts with one or more school districts, or [~~boards of cooperative educational services~~] **NY polytechnical institutes**.

ee. Upon approval by a vote of the [~~board of cooperative educational services~~] **NY polytechnical institute** and of the boards of education of a majority of the school districts participating in the instructional program of such [~~board~~] **NY polytechnical institute**, establish a career education instructional equipment reserve fund for the replacement and purchase of advanced technology equipment used in instructional programs conducted by the [~~board of cooperative educational services~~] **NY polytechnical institute**. Subject to a limitation imposed by regulation of the commissioner on the amount of money which may be maintained in equipment reserve funds established pursuant to this paragraph, moneys for such funds shall be obtained by including depreciation expenses for the career education instructional equipment used in providing instructional services on a cooperative basis in the computation of the cost of such services pursuant to paragraph d of this subdivision. Proceeds from the sale of career education instructional equipment used in the instructional programs of the [~~board~~] **NY polytechnical institute** and any income earned on money deposited in a reserve fund shall become part of such fund. The moneys in such funds shall be deposited and secured in the manner provided by section ten of the general municipal law. The moneys so deposited shall be accounted for separate and apart from all other funds of the district, in the same manner as provided in subdivision ten of section six-c of the general municipal law. The moneys in such funds may be invested by the [~~board of cooperative educational services~~] **NY polytechnial institute** in the manner provided by section eleven of the general municipal law. In the event a career education instructional equipment reserve fund is liquidated, the moneys in such fund shall be allocated to the school districts participating in the instructional programs of the [~~board of cooperative educational services~~] **NY polytechnical institute** in proportion to the value of the contributions to the fund made by the participating districts. The commissioner may promulgate regulations pertaining, but not limited, to the amount of money to be retained in such reserve funds, the types of equipment for which depreciation expenses may be charged and for which expenditures may be made from the reserve fund, and required documentation of transactions relating to such funds.

ff. In its discretion, to purchase insurance against personal injuries incurred by an authorized participant in a school volunteer program, including but not limited to, those authorized participants who assist on school buses, school sponsored transportation to and from school, or on school sponsored field trips or any other school sponsored activity; provided, however, that the injuries were incurred while the authorized participant was functioning either within the scope of his or her authorized volunteer duties or under the direction of the board of education, trustee, or [~~board of cooperative educational services~~] **NY polytechnical institute**, or both.

gg. Notwithstanding any other provision of law, a [~~board of cooperative educational services~~] **NY polytechnical institute** may provide training for employment to adults on a space available basis, with consideration given to occupations and industries in demand, and establish reduced adult tuition rates for such training. For the purposes of this section, training for employment for adults shall be offered through state approved sequences or parts thereof of secondary career education instruction. Adults may participate in such instruction and be

awarded certificates of completion, but they may not earn credit based on their participation towards a high school diploma. Pursuant to section forty-six hundred two of this chapter, a [~~board of cooperative educational services~~] **NY polytechnical institute** may establish such reduced rates for participation of adults provided that participation is limited to assigned instructional staff and currently used facilities in scheduled secondary career education programs, and provided further that such rates may not be less than fifty percent of the tuition rates charged to school districts for the participation of secondary students in the same programs, unless waived by the commissioner based on application of the [~~board of cooperative educational services~~] **NY polytechnical institute**. This participation of adults at reduced tuition rates shall be in accordance with terms agreed upon by the [~~board of cooperative educational services~~] **NY polytechnical institute** and the component school districts receiving such services but in no case shall such rates result in extraordinary costs assigned to such component school districts. [~~Boards of cooperative educational services~~] **NY polytechnical institutes** which provide such training to adults shall submit to the commissioner annually a report which shall include but not be limited to the number of adults served, referral source, training sequences or parts thereof taken by adult participants, the tuition rates charged to them, and the gross revenues realized therefrom. For the purpose of this paragraph, "adult" shall mean any person under the age of twenty-one who has received a high school diploma or any person twenty-one years of age or older, whether or not they have received a high school diploma.

hh. Provide for activities and services pertaining to environmental education at the request of more than one school district. Such activities and services each of which shall not exceed three weeks duration to be eligible for aid and shall include programs with and performances by individuals or organizations with special skills essential to the activity or service, but not appropriate to full time [~~boards of cooperative educational services~~] **NY polytechnical institutes** staff. [~~Boards of cooperative educational services~~] **NY polytechnical institutes** are authorized to enter into contracts with individuals, public agencies, and not-for-profit corporations to carry out the provisions of this paragraph, subject to the approval of the commissioner.

ii. Enter into agreements with one or more financing agencies to provide for the acceptance by such [~~board~~] **NY polytechnical institute** of credit cards as a means of payment of course fees or tuition when required for instructional programs offered by such [~~board of cooperative educational services~~] **NY polytechnical institute**. Any such agreement shall govern the terms and conditions upon which a credit card proffered as a means of payment of such fees or tuition shall be accepted or declined and the manner in and conditions upon which the financing agency shall pay to such [~~board~~] **NY polytechnical institute** the amount of such fees or tuition paid by means of a credit card pursuant to such agreement. Any such agreement may provide for the payment by such [~~board~~] **NY polytechnical institute** to such financing agency of fees for the services provided by such financing agency. For purposes of this paragraph, the following terms shall have the following meanings:

(1) "Credit card" means any credit card, credit plate, charge plate, courtesy card, debit card or other identification card or device issued by a person to another person which may be used to obtain a cash advance or a loan or credit or to purchase a lease property or services on the credit of the person issuing the credit card or a person who has agreed

with the issuer to pay obligations arising from the use of a credit card issued to another person.

(2) "Financing agency" means any agency defined as such in subdivision eighteen of section four hundred one of the personal property law;

(3) "Person" means an individual, partnership, corporation or any other legal or commercial entity.

jj. To contract to furnish any of the services provided for in this section to component school districts of the [~~board of cooperative educational services~~] NY polytechnical institute, with the approval of the commissioner, for a period not to exceed five years, upon such terms as may be agreed upon pursuant to such contracts executed by the [~~board of cooperative educational services~~] NY polytechnical institute and the trustees or boards of education of such school districts, provided that any such contract entered into, extended or amended on or after July first, nineteen hundred ninety-six shall be consistent with the requirements of paragraph d of this subdivision and subdivision one of section nineteen hundred fifty-one of this article regarding the allocation of costs to component school districts based upon the local uniform unit cost of each such service.

kk. For the nineteen hundred ninety-seven--ninety-eight school year and thereafter, the [~~board of cooperative educational services (BOCES)~~] NY polytechnical institute shall prepare [~~a BOCES~~] an institute report card, pursuant to regulations of the commissioner, and shall make it publicly available by transmitting it to local newspapers of general circulation, appending it to copies of the proposed administrative budget made publicly available as required by law, making it available for distribution at the annual meeting, and otherwise disseminating it as required by the commissioner. Such report card shall include measures of the academic performance of the [~~board of cooperative educational services~~] NY polytechnical institute, on a school by school or program by program basis, and measures of the fiscal performance of the supervisory district, as prescribed by the commissioner. Pursuant to regulations of the commissioner, the report card shall also compare these measures to statewide averages for all [~~boards of cooperative educational services~~] NY polytechnical institutes. Such report card shall include any information required by the commissioner.

ll. a. Shall require, for purposes of a criminal history record check, the fingerprinting of all prospective employees pursuant to section three thousand thirty-five of this chapter, who do not hold valid clearance pursuant to such section or pursuant to section three thousand four-b of this chapter or section five hundred nine-cc or twelve hundred twenty-nine-d of the vehicle and traffic law. Prior to initiating the fingerprinting process, the prospective employer shall furnish the applicant with the form described in paragraph (c) of subdivision thirty of section three hundred five of this chapter and shall obtain the applicant's consent to the criminal history records search. Every set of fingerprints taken pursuant to this paragraph shall be promptly submitted to the commissioner for purposes of clearance for employment.

b. Upon the recommendation of the district superintendent, the [~~board~~] NY polytechnical institute may conditionally appoint a prospective employee. A request for conditional clearance shall be forwarded to the commissioner along with the prospective employee's fingerprints, as required by paragraph a of this subdivision. Such appointment shall not commence until notification by the commissioner that the prospective employee has been conditionally cleared for employment and shall terminate forty-five days after such notification of conditional clearance or

when the prospective employer is notified of a determination by the commissioner to grant or deny clearance, whichever occurs earlier, and may not be extended or renewed unless the commissioner issues a new conditional clearance after finding that there was good cause for failing to obtain clearance within such period, provided that if clearance is granted, the appointment shall continue and the conditional status shall be removed. Prior to commencement of such conditional appointment, the prospective employer shall obtain a signed statement for conditional appointment from the prospective employee, indicating whether, to the best of his or her knowledge, he or she has a pending criminal charge or criminal conviction in any jurisdiction outside the state.

c. Upon the recommendation of the district superintendent, the [~~board~~] **NY polytechnical institute** may make an emergency conditional appointment when an unforeseen emergency vacancy has occurred. When such appointment is made, the process for conditional appointment pursuant to paragraph b of this subdivision must also be initiated. Emergency conditional appointment may commence prior to notification from the commissioner on conditional clearance but shall terminate twenty business days from the date such appointment commences or when the prospective employer is notified by the commissioner regarding conditional clearance, whichever occurs earlier, provided that if conditional clearance is granted, the appointment shall continue as a conditional appointment. Prior to the commencement of such appointment, the prospective employer must obtain a signed statement for emergency conditional appointment from the prospective employee, indicating whether, to the best of his or her knowledge, he or she has a pending criminal charge or criminal conviction in any jurisdiction. An unforeseen emergency vacancy shall be defined as: (i) a vacancy that occurred less than ten business days before the start of any school session, including summer school, or during any school session, including summer school, without sufficient notice to allow for clearance or conditional clearance; (ii) when no other qualified person is available to fill the vacancy temporarily; and (iii) when emergency conditional appointment is necessary to maintain services which the district is legally required to provide or services necessary to protect the health, education or safety of students or staff. The provisions of subparagraph (i) of this paragraph shall not apply if the [~~board~~] **NY polytechnical institute** finds that the district has been unable to fill the vacancy despite good faith efforts to fill such vacancy in a manner which would have allowed sufficient time for clearance or conditional clearance.

d. Shall develop a policy for the safety of the children who have contact with an employee holding conditional appointment or emergency conditional appointment.

mm. Shall upon commencement and termination of employment of an employee by the [~~board~~] **NY polytechnical institute**, provide the commissioner with the name of and position held by such employee.

nn. Notwithstanding any other provision of this section and with the consent of the commissioner, the Madison-Oneida [~~board of cooperative educational services~~] **NY polytechnical institute** may enter into a contract or contracts not to exceed a total period of two years with the Madison Cortland ARC to provide transportation maintenance and repair services on buses owned and operated by the Madison Cortland ARC. The Madison-Oneida [~~board of cooperative educational services~~] **NY polytechnical institute** shall not charge any portion of costs incurred pursuant to this paragraph to its component school districts.

oo. Notwithstanding any other provision of law, a [~~board of cooperative educational services~~] NY polytechnical institute is authorized to enter into a memorandum of understanding with the trustees or board of education of a non-component school district, including city school districts of cities with one hundred twenty-five thousand inhabitants or more, to participate in a recovery high school program operated by the [~~board of cooperative educational services~~] NY polytechnical institute for a period not to exceed five years upon such terms as such trustees or board of education and the [~~board of cooperative educational services~~] NY polytechnical institute may mutually agree, provided that such agreement may provide for a charge for administration of the recovery high school program including capital costs, but participating non-component school districts shall not be liable for payment of administrative expenses as defined in paragraph b of this subdivision. Costs allocated to a participating non-component school district pursuant to a memorandum of understanding shall be aidable pursuant to subdivision five of this section to the same extent and on the same basis as costs allocated to a component school district.

4-a. The [~~board of cooperative educational services~~] NY polytechnical institute shall develop a plan to ensure that all instructional materials to be used in the programs of the [~~board of cooperative educational services~~] NY polytechnical institute are available in a usable alternative format for each student with a disability, as defined in section forty-four hundred one of this chapter, and for each student who is a qualified individual with a disability as defined in the rehabilitation act of nineteen hundred ninety-three (29 U.S.C. 701) as amended, in accordance with his or her educational needs and course selection, at the same time as such instructional materials are available to non-disabled students. As part of such plan, the [~~board of cooperative educational services~~] NY polytechnical institute shall amend its procurement policies to give a preference in the purchase of instructional materials to vendors who agree to provide materials in alternative formats. For purposes of this subdivision, "alternative format" shall mean any medium or format for the presentation of instructional materials, other than a traditional print textbook, that is needed as an accommodation for a disabled student enrolled in a program of the [~~board of cooperative educational services~~] NY polytechnical institute, including but not limited to Braille, large print, open and closed captioned, audio, or an electronic file in an approved format, as defined in the regulations of the commissioner. When an electronic file is provided, the plan shall specify how the format will be accessed by students and/or how the district shall convert to an accessible format. Such plan shall identify the needs of students enrolled in a program of the [~~board of cooperative educational services~~] NY polytechnical institute for alternative format materials. Such plan shall also specify ordering timelines to ensure that alternative format materials are available at the same time as regular format materials. Such plans shall include procedures to address the need to obtain materials in alternative format without delay for disabled students who enroll in a program of a [~~board of cooperative educational services~~] NY polytechnical institute during the school year.

5. a. Upon application by a [~~board of cooperative educational services~~] NY polytechnical institute, there shall be apportioned and paid from state funds to each [~~board of cooperative educational services~~] NY polytechnical institute an amount which shall be the product of the approved cost of services actually incurred during the base year multiplied by the sharing ratio for cooperative educational

services aid which shall equal the greater of: (i) an amount equal to one minus the quotient expressed as a decimal to three places without rounding of eight mills divided by the tax rate of the local district computed upon the actual valuation of taxable property, as determined pursuant to subdivision one of section thirty-six hundred two of this chapter [~~and notwithstanding section three thousand six hundred three,~~] expressed in mills to the nearest tenth as determined by the commissioner, provided, however, that where services are provided to a school district which is included within a central high school district or to a central high school district, such amount shall equal one minus the quotient expressed as a decimal to three places without rounding of three mills divided by the tax rates, expressed in mills to the nearest tenth, of such districts, as determined by the commissioner or (ii) the aid ratio of each school district for the current year, which shall be such component school district's [~~board of cooperative educational services~~] **NY polytechnical institute** aid ratio and which shall be not less than thirty-six percent converted to decimals and shall be not more than ninety percent converted to decimals. For the purposes of this paragraph, the tax rate of the local district computed upon the actual valuation of taxable property shall be the sum of the amount of tax raised by the school district plus any payments in lieu of taxes received by the school district pursuant to section four hundred eighty-five of the real property tax law, divided by the actual valuation of the school district, provided, however that the tax rate for a central high school district shall be the sum of the amount of tax raised by the common and union free school districts included within the central high school district for the support of the central high school district plus any payments in lieu of taxes received for the support of the central high school district pursuant to section four hundred eighty-five of the real property tax law, divided by the actual valuation of the central high school district. The tax rate for each common or union free school district which is included within a central high school district shall be the sum of the amount raised for the support of such common or union free school district plus any payments in lieu of taxes received for the support of the school district pursuant to section four hundred eighty-five of the real property tax law, exclusive of the amount raised for the central high school district, divided by the actual valuation of such common or union free school district.

b. The cost of services herein referred to shall be the amount allocated to each component school district by the [~~board of cooperative educational services~~] **NY polytechnical institute** to defray expenses of such [~~board~~] **institute**, including approved expenses from the testing of potable water systems of occupied school buildings under the [~~board's~~] **institute's** jurisdiction as required pursuant to section eleven hundred ten of the public health law provided that such expenses for testing of potable water systems are not reimbursable from another state or federal source, except that that part of the salary paid any teacher, supervisor or other employee of the [~~board of cooperative educational services~~] **NY polytechnical institute** which is in excess of thirty thousand dollars shall not be such an approved expense, and except also that administrative and clerical expenses shall not exceed ten percent of the total expenses for purposes of this computation. Any gifts, donations or interest earned by the [~~board of cooperative educational services~~] **NY polytechnical institute** or on behalf of the [~~board of cooperative educational services~~] **NY polytechnical institute** by the dormitory authority or any other source shall not be deducted in determining the cost of

services allocated to each component school district. Any payments made to a component school district by the [~~board of cooperative educational services~~] **NY polytechnical institute** pursuant to subdivision eleven of section six-p of the general municipal law attributable to an approved cost of service computed pursuant to this subdivision shall be deducted from the cost of services allocated to such component school district. The expense of transportation provided by the [~~board of cooperative educational services~~] **NY polytechnical institute** pursuant to paragraph q of subdivision four of this section shall be eligible for aid apportioned pursuant to subdivision seven of section thirty-six hundred two of this chapter and no [~~board of cooperative educational services~~] **NY polytechnical institute** transportation expense shall be an approved cost of services for the computation of aid under this subdivision. Transportation expense pursuant to paragraph q of subdivision four of this section shall be included in the computation of the ten percent limitation on administrative and clerical expenses.

c. The "tax rate" as herein referred to shall not include a special tax levied for debt service in an existing district of a central school district or a consolidated district.

d. Nothing in this act shall prevent school districts or [~~boards of cooperative educational services~~] **NY polytechnical institutes** with the approval of the commissioner of education from providing cooperative educational services for which no application for state aid is to be made.

e. Any aid apportioned in accordance with section two hundred thirteen of [~~the education law~~] **this chapter** to a [~~board of cooperative educational services~~] **NY polytechnical institute** in connection with the production of educational television materials and programs, or the acquisition by purchase, lease or otherwise of television facilities or operational expenses in connection therewith shall not be utilized in connection with computing the apportionment to such [~~board of cooperative educational services~~] **NY polytechnical institute**. Any aid apportioned or paid by the state to a [~~board of cooperative educational services~~] **NY polytechnical institute** for experimental or special programs shall not be utilized in connection with computing the apportionment to such [~~board of cooperative educational services~~] **NY polytechnical institute**.

f. The sum of the amounts determined for each component school district as the apportionment to the [~~board of cooperative educational services~~] **NY polytechnical institute** pursuant to the provisions of this section shall not be less than the amount which would have been apportioned during the nineteen hundred sixty-seven--sixty-eight school year under the provisions of this subdivision as in effect on December thirty-first, nineteen hundred sixty-six to the [~~board of cooperative educational services~~] **NY polytechnical institute** of which the district was a component member for which such apportionment was made, except that such minimum apportionment shall be reduced in any year in which the expenditures of the component district for [~~board of cooperative educational~~] **NY polytechnical institute** purposes fall below the expenditure on which the nineteen hundred sixty-seven--sixty-eight apportionment to the [~~board of cooperative educational services~~] **NY polytechnical institute** was based, such reduction to be made on a proportionate basis.

g. Any payment required by a [~~board of cooperative educational services~~] **NY polytechnical institute** to the dormitory authority or any payment required by a [~~board of cooperative educational services~~] **NY polytechnical institute** to acquire or construct a school facility of the

[~~board of cooperative educational services~~] NY polytechnical institute, and any payments for rental of facilities by a [~~board of cooperative educational services~~] NY polytechnical institute shall, for the purposes of apportionment of public moneys to the [~~board of cooperative educational services~~] NY polytechnical institute by the state of New York, be deemed to be an administrative or capital expense, as designated by the commissioner, but the entire amount of such payment shall be utilized in making such apportionment and the limitation of ten percent of the total expenses contained in this subdivision shall not be applicable. Any expense designated by the commissioner as a capital expense shall be included in the capital budget of the [~~board of cooperative educational services~~] NY polytechnical institute and, except as otherwise provided in this paragraph, shall be aided in the same manner as an administrative expense. Any such payment shall not be considered part of the total expenses of the [~~board~~] institute for purposes of determining the administrative and clerical expenses not to exceed ten percent otherwise eligible for aid under this subdivision, and such payments shall be considered for the purpose of apportionment during the current school year such payment is made. The apportionment for such payments shall be determined by multiplying the amount of such payment allocated to each component school district in the [~~board of cooperative educational services~~] NY polytechnical institute by the aid ratio, and shall be not more than ninety percent converted to decimals, of each such component computed pursuant to subdivision three of section thirty-six hundred two of this chapter and used to apportion aid to that district in that current school year; provided, however, the apportionment for the construction, acquisition, reconstruction, rehabilitation, or improvement of [~~board of cooperative educational services~~] NY polytechnical institute facilities, including payments to the dormitory authority and payments under any lease agreement, shall be based upon the cost of the [~~board of cooperative educational services~~] NY polytechnical institute school facilities but not to exceed the cost allowance set forth in subdivision six of section thirty-six hundred two of [~~the education law~~] this chapter and payments for rental facilities shall be subject to the approval of the commissioner.

h. Each [~~board of cooperative educational services~~] NY polytechnical institute receiving a payment pursuant to paragraph a of this subdivision and section thirty-six hundred nine-d of this chapter shall be required to set aside from such payment an amount not less than the amount of state aid received pursuant to paragraph a of this subdivision in the base year that was attributable to cooperative services agreements (CO-SERs) for career education, as determined by the commissioner, and shall be required to use such amount to support career education programs in the current year.

5-a. Financial assistance for school districts first joining a [~~board of cooperative educational services (BOCES)~~] NY polytechnical institute.

a. Eligibility. Any school district first joining [~~a BOCES~~] an institute on or after July first, nineteen hundred ninety-five and prior to July second, nineteen hundred ninety-seven shall be eligible to apply to the commissioner for financial assistance pursuant to the provisions of this subdivision and subdivision five of this section.

b. Financial assistance. Financial assistance shall mean an interest free loan available upon application in the current year which shall not exceed the product of (i) the applicable percent defined in paragraph c of this subdivision and (ii) the sum of the local share and any repayment due for the prior year loan. Such local share shall equal the posi-

tive remainder resulting when aid payable on behalf of the district in the current year pursuant to subdivision five of this section is subtracted from the district's [~~BOCES~~] **institute** expenses which are or would be aidable in the current year or the next year pursuant to such subdivision five. The annual application for such a loan shall be in a form prescribed by the commissioner and shall accompany the submission of the final set of state aid forms required of the [~~BOCES~~] **institute** each year and shall be certified by the district superintendent of the [~~BOCES~~] **institute**. The amount of the loan in any year shall be determined by the commissioner and the payment and repayment of the loan shall be in accordance with the provisions of paragraph d of this subdivision.

c. Applicable percent. The applicable percent shall be determined by the number of years that an eligible district has been a component district of a [~~BOCES~~] **institute**. In the first year, such percent shall be equal to the district's [~~BOCES~~] **institute** and building aid ratio for aid payable in the first year in which the district joins the [~~BOCES~~] **institute**, each year thereafter, such percent shall be reduced by ten percent until such percent would drop below ten percent at which time it shall be deemed to be zero.

d. Payment and repayment. Notwithstanding any inconsistent provisions of section thirty-six hundred nine-a of this chapter, the loan amounts determined by the commissioner pursuant to paragraph b of this subdivision shall be paid to each eligible school district on or before June fifteenth, commencing with the first year of eligibility, but only to the extent that the repayment of the base year loan has been secured. Notwithstanding any inconsistent provision of law, the state comptroller shall deduct the amount of any base year loan from any monies due such school district in March of the current year. Should the amount of any monies due such school district in March be insufficient to repay the total amount of the base year loan to the school district, the state comptroller shall deduct any balance due the state from any other monies payable to such district. Should the total amount of monies due to or on behalf of such school district be insufficient to repay the total amount of the base year loan determined in paragraph b of this subdivision, such school district shall make a direct payment to the state before March first of the current year and such payment shall be credited to the general fund local assistance account of the department.

6. The [~~board of cooperative educational services~~] **NY polytechnical institute** is hereby created a body corporate. All property which is now vested in, or shall hereafter be transferred to the [~~board of cooperative educational services~~] **NY polytechnical institute**, shall be held by them as a corporation.

7. In the event that two or more entire supervisory districts for which [~~boards of cooperative educational services~~] **NY polytechnical institutes** have been established shall become a single supervisory district by the redistricting of supervisory districts pursuant to section twenty-two hundred one of this chapter, the [~~boards of cooperative educational services~~] **NY polytechnical institutes** theretofore established shall nevertheless remain in existence until August first next following such redistricting for the purpose of carrying out the programs for the current school year. For all other purposes, from and after the effective date of such redistricting such [~~boards of cooperative educational services~~] **NY polytechnical institutes** shall constitute a single [~~board of cooperative educational services~~] **NY polytechnical institute** for the supervisory district as then constituted in the same

manner as though such [~~board~~] **institute** had been established for such supervisory district pursuant to subdivision one of this section, and shall have all of the powers and duties of such [~~boards~~] **institutes** under this chapter. The members of such [~~boards~~] **institutes** shall continue to serve until the expiration of the terms of office for which they were elected. No election shall be held to fill vacancies on such [~~board~~] **institute** as the terms of members expire until such date as the terms of sufficient members have expired to cause the membership of such [~~board~~] **institute** to be not less than five nor more than fifteen, such number to be determined at the annual meeting of the trustees and members of boards of education of such supervisory district held in the month of April following such redistricting. Thereafter members of such [~~board~~] **institute** shall be elected annually to fill vacancies occurring by expiration of term. Notwithstanding any other provision of law, a [~~board of cooperative educational services~~] **NY polytechnical institute** may fill a vacancy on such [~~board~~] **institute** at the annual [~~board~~] **institute** election immediately following such annual meeting and may accept nominations pursuant to subdivision two-a of this section in anticipation that one or more vacancies will exist once such annual meeting so establishes the number of the membership of the [~~board~~] **institute**, provided that the election ballot shall state that nominations have been accepted in anticipation of possible vacancies and that the clerk of the [~~board of cooperative educational services~~] **NY polytechnical institute** will advise the component boards in writing of the actual number of vacant offices to be filled at the election, if any, no later than one business day after the annual meeting. Should such a supervisory district for which a [~~board of cooperative educational services~~] **NY polytechnical institute** has been established be divided by the commissioner in the redistricting thereof, on August first next following such redistricting, after paying all outstanding obligations of such [~~board~~] **institute**, any balance of funds remaining in the treasury of such [~~board~~] **institute** shall be allocated to the credit of the component school districts in accordance with the ratio which the proportion of the cost allocated to each component school district bears to the total cost of services of such [~~board of cooperative educational services~~] **NY polytechnical institute** during the last full school year of its operation. In the event that a [~~board of cooperative educational services~~] **NY polytechnical institute** shall have been established for the supervisory district of which such component district is then a part, the amount of such balance allocated to such district shall be paid to the [~~board of cooperative educational services~~] **NY polytechnical institute** established for such supervisory district and any member of the [~~board of cooperative educational services~~] **NY polytechnical institute** for such divided district who resides in the territory so transferred shall on and after the date of such redistricting become a member of the [~~board of cooperative educational services~~] **NY polytechnical institute** of the supervisory district to which the school district in which he or she resides has been transferred and shall serve as such member until the expiration of the term of office for which he or she was elected. In the event that there is no [~~board of cooperative educational services~~] **NY polytechnical institute** for any component district the amount of such balance allocated to such district shall be paid to the treasurer of such district. In such event the state aid authorized by subdivision five of this section for the last year of operation of such [~~board of cooperative educational services~~] **NY polytechnical institute** shall be distributed to the component school districts in the amounts which would

have accrued to such [~~board of cooperative educational services~~] NY polytechnical institute by reason of their participation.

8. Notwithstanding any other provision of this chapter, with the approval of the commissioner of education, at the request of boards of education of union free school districts having a population of four thousand five hundred or more and employing a superintendent of schools, where such school districts lie within towns included in the supervisory district or supervisory districts comprising the territory served by a [~~board of cooperative educational services~~] NY polytechnical institute, such union free school districts may upon the consent of the [~~board of cooperative educational services~~] NY polytechnical institute be included as component districts for the purposes of this section and shall have all of the rights and obligations of such component districts under this section. Notwithstanding any other provision of this chapter, and with the consent of the commissioner, likewise, at the request of the board of education of any city school district, having a population of less than one hundred twenty-five thousand inhabitants, such city school district may, upon the consent of the [~~board of cooperative educational services~~] NY polytechnical institute, be included as a component district for the purpose of this section and shall have all the rights and obligations of such component districts under this section.

8-a. Notwithstanding any other provision of this section and with the consent of the commissioner, the city school district of the city of Syracuse may, upon consent of the [~~board of cooperative educational services~~] NY polytechnical institute for the sole supervisory district for Onondaga and Madison counties, be included as a component district for the sole purpose of operating a combined program and/or constructing a combined facility for children with developmental disabilities in the city of Syracuse and the county of Onondaga. Such city school district shall add an amount to its budget and levy, collect and pay the same to such [~~board of cooperative educational services~~] NY polytechnical institute to defray the proportional expenses of constructing and operating such facility for such children. Such city school district shall not be liable for payment of administrative expenses as provided for in paragraph b of subdivision four of this section nor shall such city school district be eligible for the payment of state aid under this section except such city school district shall receive state aid based on its proportionate share of building expenses related to this program as determined by the commissioner.

Such city school district shall continue to receive aid under subdivision five of section thirty-six hundred two for the attendance of children in this program.

8-b. Notwithstanding any other provisions of this section and with the consent of the commissioner, city school districts of cities in excess of one hundred twenty-five thousand inhabitants but less than one million inhabitants, upon consent of the [~~board of cooperative educational services~~] NY polytechnical institute approved by the commissioner may be included as a component district of such [~~board of cooperative educational services~~] NY polytechnical institute for the sole purpose of purchasing student information system services consistent with standards established by the commissioner from such [~~board of cooperative educational services~~] NY polytechnical institute. Each such city school district shall add an amount to its budget and shall levy, collect and pay the costs of such program to such [~~board of cooperative educational services~~] NY polytechnical institute to defray their portion of the expenses of such a program. Such city school district shall not be

liable for payment of administrative expenses as provided for in paragraph b of subdivision four of this section nor shall such city school district be eligible for payment of state aid under this section.

8-c. Notwithstanding any other provision of this section, any school district not a component of the [~~board of cooperative educational services~~] **NY polytechnical institute** of the supervisory district serving its geographic area, including a city school district in a city having a population in excess of one hundred twenty-five thousand inhabitants, upon consent of the [~~board of cooperative educational services~~] **NY polytechnical institute** and with the approval of the commissioner, may be treated in the same manner as a component school district of the [~~board of cooperative educational services~~] **NY polytechnical institute** of the supervisory district serving its geographic area, or an adjoining [~~board of cooperative educational services~~] **NY polytechnical institute** in the case of a city school district in a city having one million inhabitants or more, for the sole purpose of purchasing instructional support services, as defined by the commissioner. Each such school district shall add an amount to its budget and shall levy, collect and pay the costs of such program to such [~~board of cooperative educational services~~] **NY polytechnical institute** to defray its portion of the expenses of such program, including a charge for administration not to exceed the restricted indirect cost rate, provided that the [~~board of cooperative educational services~~] **NY polytechnical institute** shall not charge any portion of the administrative costs incurred pursuant to this subdivision to its component school districts. Such school districts shall not be liable for payment of administrative expenses as provided for in paragraph b of subdivision four of this section and subdivision one of section nineteen hundred fifty-one of this article. In the case of city school districts in a city with a population in excess of one hundred twenty-five thousand inhabitants, such participation shall be in addition to the participation authorized by subdivisions eight-a and eight-b of this section. In the case of a city school district in a city with a population of one hundred twenty-five thousand inhabitants or more, in lieu of participation as a component district of an adjoining [~~board of cooperative educational services~~] **NY polytechnical institute**, the city school district may opt to provide such support services as shared services directly or in collaboration with one or more institutions of higher education. The approved costs of such services shall be eligible for state aid in accordance with the provisions of subdivision twenty of section thirty-six hundred two of this chapter, and shall not be eligible for aid pursuant to subdivision five of this section.

8-d. 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~~] **NY polytechnical institute** of the supervisory district serving its geographic region, may purchase from such [~~board~~] **institute** as a non-component school district, services required by article nineteen of the education law.

9. No person shall be eligible to be elected to the office of member of a [~~board of cooperative educational services~~] **NY polytechnical institute** who is an employee of a school district in the supervisory district.

9-a. No person shall be eligible to hold the office of member of a [~~board of cooperative educational services~~] **NY polytechnical institute** who does not reside within the boundaries of a component school district of any such [~~board~~] **institute**.

10. Notwithstanding any other provisions of this chapter or of any other general or special law to the contrary, if and when two or more supervisory districts shall be combined into a new supervisory district pursuant to the provisions of section twenty-two hundred one of this chapter, as a result of which the [~~boards of cooperative educational services~~] **NY polytechnical institutes** for such supervisory districts shall become a single [~~board of cooperative educational services~~] **NY polytechnical institute** for such redistricted supervisory district, such single [~~board of cooperative educational services~~] **NY polytechnical institute** for such redistricted supervisory district shall, in such case, allocate the appropriate amounts of payments required to be made to the dormitory authority for rental of facilities or otherwise to the school districts contained, respectively, in such former [~~boards of cooperative educational services~~] **NY polytechnical institutes** for such supervisory districts, as if such [~~boards~~] **institutes** continued to exist in law for the sole purpose of making such payments.

11. With the approval of the commissioner, one or more [~~boards of cooperative educational services~~] **NY polytechnical institutes** and one or more school districts may enter into an agreement or agreements to provide for sharing costs of construction of or leases for facilities acquired for the purpose of housing services to be provided by a [~~board or boards of cooperative educational services~~] **NY polytechnical institute or institutes** for provision of which services such facilities are constructed or leased, provided, however that no new agreements for the sharing of costs of construction or leases of facilities may be entered into pursuant to this subdivision on or after July first, two thousand three. No such agreement may be for a longer term than is required to retire any obligations issued by one or more of the parties to such agreement for the purpose of acquiring such facilities, or to pay the dormitory authority in full for the acquisition of such facilities.

13. a. A [~~board of cooperative educational services~~] **NY polytechnical institute** and the component school districts of such [~~board of cooperative educational services~~] **NY polytechnical institute** may enter into an agreement providing for the acquisition from the dormitory authority of facilities designed to house services to be provided by such [~~board of cooperative educational services~~] **NY polytechnical institute** and for the sharing of the cost of such acquisition. Such agreement in addition to providing for all other matters deemed necessary and proper shall (i) set forth the cost of such acquisition which shall be the amount certified by the dormitory authority as sufficient to pay the principal of, the redemption premium, if any, and interest to the earliest of either the maturity date or the next redemption date on all obligations of the dormitory authority issued in relation to providing such facilities, including all incidental expenses in relation thereto, and (ii) provide for an allocation and apportionment of the cost of such acquisition among the component school districts on such equitable basis as the parties thereto shall determine and agree, and the proportion of the total cost to be provided by each such district in accordance with such allocation and apportionment. In those cases where construction of such facilities shall not have been completed, the amount so certified by the dormitory authority shall include the amount estimated to be necessary by the dormitory authority to complete such construction by it acting for and on behalf of such [~~board of cooperative educational services~~] **NY polytechnical institute**; provided, however, that such agreement shall provide that such [~~board~~] **institute** shall pay to the dormitory authority any additional amounts thereafter determined and certified by the dormi-

tory authority to be necessary in order to complete the construction of such facilities. Existing contracts awarded by the dormitory authority for the construction of such facilities shall not be modified, nor shall any work not covered thereby be authorized, without the prior consent of an officer of such [~~board~~] **institute** authorized to so act by a resolution of such [~~board~~] **institute**. Such agreement shall be executed by all the component school districts of such [~~board of cooperative educational services~~] **NY polytechnical institute** whose allocation of administrative expenses would include a portion of the amounts required to be paid the dormitory authority for the rental of such facilities.

b. The acquisition of such facilities is hereby declared and determined to be a school district purpose and an object or purpose for which each such component school district is hereby authorized to expend money and contract indebtedness. The period of probable usefulness of such object or purpose is hereby determined to be thirty years. Each such component school district is hereby authorized to finance its share of the cost of the acquisition of such facilities together with costs incidental to such financing, including, but not limited to legal fees, printing, engraving and publication of notices, either from any current funds legally available therefor, or by the issuance of obligations pursuant to the local finance law; provided, however, that (i) no approval of the voters of such component school district shall be required, (ii) the voting of a special tax or a tax to be collected in installments shall not be a condition precedent to the adoption of a bond resolution for such object or purpose, (iii) a majority vote of the entire voting strength of the board of education shall be sufficient for adoption of such a bond resolution, which bond resolution may be adopted at a regular meeting, or a special meeting of the board of education called on not less than twelve hours oral or written notice, which may be held either within or outside of such district, (iv) any such bond resolution shall take effect immediately and shall not be subject either to a mandatory or permissive referendum, and (v) no such bond resolution shall be adopted prior to the execution by the [~~board of cooperative educational services~~] **NY polytechnical institute** and the component school districts of such [~~board of cooperative educational services~~] **NY polytechnical institute** of the agreement required by paragraph a of this subdivision.

c. Nothing herein contained shall be construed to permit any school district in a city (as defined in paragraph two-b of section 2.00 of the local finance law) to contract indebtedness for such object or purpose in excess of the limitation prescribed by paragraph b of section 104.00 of such law, without a compliance with the provisions of paragraph c thereof. A school district, other than a school district in a city, may issue bonds or bond anticipation notes for such object or purpose in excess of the limitation prescribed by paragraph d of such section 104.00, without complying with the requirements of subparagraphs one through three of such paragraph. Notwithstanding any other provision of law to the contrary, a special act school district, as defined in subdivision eight of section four thousand one of this chapter, shall not be deemed a component school district of the [~~board of cooperative educational services~~] **NY polytechnical institute** for purposes of this subdivision.

d. Upon certification by the dormitory authority of the receipt by it of the amount set forth in the agreement as the cost of the acquisition of such facilities, title thereto shall vest in the [~~board of cooperative educational services~~] **NY polytechnical institute** without any

further action or deed or conveyance, which title shall be held by the [~~board of cooperative educational services~~] **NY polytechnical institute** for the benefit and on behalf of all the component school districts of such [~~board~~] **institute** executing such agreement.

e. The validity of any obligations issued by any school district in accordance with this subdivision shall not be affected or impaired by any omission, defect or irregularity in any previous acts or proceedings by the [~~board of cooperative educational services~~] **NY polytechnical institute**, or by any of the component school districts of such [~~board of cooperative educational services~~] **NY polytechnical institute** in relation to the authorization of such facilities or the construction and financing thereof by the dormitory authority.

f. State aid on account of the acquisition of such facilities shall be paid to each component school district based upon its respective debt service or share thereof paid pursuant to the agreement herein provided for, and upon its respective aid ratio.

g. Notwithstanding any provision of law, the dormitory authority, any [~~board of cooperative educational services~~] **NY polytechnical institute** and any component school district thereof, are all hereby authorized and empowered to perform any and all acts and to enter into any and all agreements necessary or desirable to effectuate the purposes of this subdivision.

14. a. All provisions of this subdivision shall be applicable only if any agreement or agreements referred to herein shall be entered into by a [~~board of cooperative educational services~~] **NY polytechnical institute** and all of the component school districts of the [~~board of cooperative educational services~~] **NY polytechnical institute**. A [~~board of cooperative educational services~~] **NY polytechnical institute** and the component school districts of such [~~board of cooperative educational services~~] **NY polytechnical institute** may enter into an agreement providing for the acquisition or construction, including new construction, additions or reconstruction of facilities designed to house services to be provided by such [~~board of cooperative educational services~~] **NY polytechnical institute** and for the sharing of the cost of such acquisition or construction. Such agreement in addition to providing for all other matters deemed necessary and proper shall (i) set forth the cost of such acquisition or construction and costs incidental thereto and (ii) provide for an allocation and apportionment of the costs of such acquisition or construction among the component school districts on such equitable basis as the parties thereto shall determine and agree, and the proportion of the total cost to be provided by each such district in accordance with such allocation and apportionment. Such agreement shall be executed by all the component school districts of such [~~board of cooperative educational services~~] **NY polytechnical institute** and such [~~board of cooperative educational services~~] **NY polytechnical institute**. Such agreement may provide that each component school district of such a [~~board of cooperative educational services~~] **NY polytechnical institute** shall issue an agreed upon amount of its obligations in a total amount sufficient to acquire or construct such facilities, or that all component districts of such [~~board~~] **institute** shall together issue joint obligations pledging the full faith and credit for all component districts jointly and that each such district shall pay a specified share of annual debt service on such joint obligations in accordance with the provisions of article five-g of the general municipal law and applicable provisions of the local finance law.

b. The acquisition or construction of such facilities is hereby declared and determined to be a public purpose and a school district purpose and a specific object or purpose for which each such component school district is hereby authorized to expend money and contract indebtedness. The period of probable usefulness of such specific object or purpose is hereby determined to be thirty years. Each such component school district is hereby authorized to finance its share of the cost of the acquisition or construction of such facilities, together with costs incidental thereto, either from any current funds legally available therefor or by the issuance of obligations pursuant to the local finance law; provided, however, that (i) no approval of the voters of such component school district shall be required, (ii) the voting of a special tax or a tax to be collected in installments shall not be a condition precedent to the adoption of a bond resolution for such specific object or purpose, (iii) a majority vote of the entire voting strength of the board of education shall be sufficient for adoption of such a bond resolution, which bond resolution may be adopted at a regular meeting, or a special meeting of the board of education called on not less than twenty-four hours oral or written notice to the members of such [~~board~~] **institute** as provided in section sixteen hundred six of [~~the education law~~] **this chapter**, which meeting may be held either within or outside of such district, (iv) any such bond resolution shall take effect immediately and shall not be subject to either a mandatory or permissive referendum, and (v) no such bond resolution shall be adopted prior to the execution by [~~the board of cooperative educational services~~] **NY polytechnical institute** and all of the component school districts of such [~~board of cooperative educational services~~] **NY polytechnical institute** of the agreement required by paragraph a of this subdivision.

c. No further approval of the voters of such [~~board of cooperative educational services~~] **NY polytechnical institute** or any component district thereof shall be required other than that required by paragraph t of subdivision four of this section.

d. Such agreement shall further provide that title to the facility shall vest in the [~~board of cooperative educational services~~] **NY polytechnical institute** which title shall be held by the [~~board of cooperative educational services~~] **NY polytechnical institute** for the benefit and on behalf of all the component school districts of such [~~board~~] **institute** executing such agreement.

e. Nothing herein contained shall be construed to permit any school district in a city (as defined in paragraph two-b of section 2.00 of the local finance law) to contract indebtedness for such specific object or purpose in excess of the limitation prescribed by paragraph b of section 104.00 of such law, without complying with the provisions of paragraph c thereof. A school district, other than a school district in a city, may not issue bonds or bond anticipation notes for such specific object or purpose in excess of the limitation prescribed by paragraph d of such section 104.00, without complying with the requirements of subparagraphs one through three of such paragraph. Notwithstanding any other provision of law to the contrary, a special act school district, as defined in subdivision eight of section four thousand one of this chapter, shall not be deemed a component school district of the [~~board of cooperative educational services~~] **NY polytechnical institute** for purposes of this subdivision.

f. State aid on account of the acquisition or construction of such facilities shall be paid to each component school district based upon

its respective debt service or share thereof paid pursuant to the agreement herein provided for, and upon its respective aid ratio. Any such computation of state aid shall further be based upon the cost of such acquisition, or construction, and including incidental costs, to the [~~board of cooperative educational services~~] **NY polytechnical institute** but not to exceed the cost allowance set forth in subdivision six of section thirty-six hundred two of this chapter.

18. Accountability of personal property. On or before January first, nineteen hundred ninety-seven, each [~~board of cooperative educational services~~] **NY polytechnical institute** shall develop and adopt a formal policy on personal property accountability, including the acquisition, sale and disposal of personal property. Such policy shall be approved by the commissioner consistent with regulations adopted for such purpose, which shall include but not be limited to (a) procedures for the acquisition of personal property both by purchase and by gift, (b) procedures for the periodic inventory of personal property, and (c) procedures for the sale of valuable personal property to the highest bidder, except however that vehicles received at no cost for use in an authorized welfare to work program may be transferred at no cost or at cost of repairs, where repairs have been made to the vehicle at [~~the board of cooperative education services~~] **such institute**, to participants who have met all the program requirements. Each such [~~board~~] **institute** shall periodically review and update such policy, provided that any amendments of the policy shall be subject to approval of the commissioner.

19. Where the district has provided transportation to students enrolled in such district to a school sponsored field trip, extracurricular activity or any other similar event, it shall provide transportation back to either the point of departure or to the appropriate school in the district, unless the parent or legal guardian of a student participating in such event has provided the school district with written notice, consistent with district policy, authorizing an alternative form of return transportation for such student or unless intervening circumstances make such transportation impractical. In cases where intervening circumstances make transportation of a student back to the point of departure or to the appropriate school in the district impractical, a representative of the school district shall remain with the student until such student's parent or legal guardian has been (a) contacted and informed of the intervening circumstances which make such transportation impractical and (b) such student had been delivered to his or her parent or legal guardian.

§ 3. Subparagraph (a) of paragraph p of subdivision 4 of section 1950 of the education law, as amended by chapter 602 of the laws of 1994, is amended to read as follows:

(a) To rent suitable land, classrooms, offices or buildings upon or in which to maintain and conduct such cooperative educational services and administrative offices for a period not to exceed ten years and to improve, alter, equip and furnish such land, classrooms, offices or buildings in a suitable manner for such purposes (1) before executing any lease, the [~~board~~] **institute** shall adopt a resolution determining that such agreement is in the best financial interests of the supervisory district and stating the basis of that determination; (2) the rental payment shall not be more than the fair market value as determined by the [~~board~~] **institute**; and (3) upon the consent of the commissioner, renewal of such lease may be made for a period of up to ten years. Nothing contained herein shall prevent the [~~board~~] **institute** from entering into a lease agreement which provides for the cancellation of the same

by such [~~board~~] **institute** upon: (i) a substantial increase or decrease in pupil enrollment; or (ii) a substantial change in the needs and requirements of a [~~board of cooperative educational services~~] **NY polytechnical institute** with respect to facilities; or (iii) any other change which substantially affects the needs or requirements of a [~~board of cooperative educational services~~] **NY polytechnical institute** or the community in which it is located. No lease or other contract for the occupancy of such land, classrooms, offices or buildings shall be enforceable against the [~~board of cooperative educational services~~] **NY polytechnical institute** unless and until the same shall have been approved in writing by the commissioner.

§ 4. Section 1951 of the education law, as added by chapter 795 of the laws of 1967 and as renumbered by chapter 378 of the laws of 1972, subdivision 1 as amended by chapter 474 of the laws of 1996, paragraph a of subdivision 2 as amended by chapter 722 of the laws of 2005, subparagraph (2) of paragraph c of subdivision 2 as amended by chapter 919 of the laws of 1974, paragraph s of subdivision 2 as amended by chapter 722 of the laws of 2005, and subdivision 3 as added by section 15 of part A of chapter 436 of the laws of 1997, is amended to read as follows:

§ 1951. Budget of [~~board of cooperative educational services~~] **NY polytechnical institute**. 1. The final administrative and capital budgets of the [~~board of cooperative educational services~~] **NY polytechnical institute** as adopted shall be a charge against all of the school districts contained in the [~~board of cooperative educational services~~] **NY polytechnical institute**, provided, however, that any component school district which does not elect to participate in any specific educational service authorized to be furnished by the [~~board of cooperative educational services~~] **NY polytechnical institute** shall not be required to pay any share of the moneys provided in the program budget as salaries of teachers or other personnel employed in providing such service, for equipment and supplies for such service or for transportation of pupils to and from the place where such service is maintained, provided, however, expenditures for the [~~board of cooperative educational services~~] **NY polytechnical institute** program, including office and central administrative expenses, traveling expenses and salaries and benefits of supervisors and all other central administrative personnel necessary to carry out its program shall be deemed administrative expenses which shall be a charge upon all component school districts notwithstanding the fact that such a component school district elects to not participate in any specific program offered by the [~~board of cooperative educational services~~] **NY polytechnical institute**. Each school district's proportionate share of administrative and capital expenses shall be determined in accordance with subparagraph seven of paragraph b of subdivision four of section nineteen hundred fifty of this article. The [~~board~~] **institute** shall allocate the cost of other services to participating component school districts in accordance with terms agreed upon between such [~~board~~] **institute** and the boards of education and trustees of each component school district using the local uniform unit cost of each such service, based on (i) anticipated participation in the ensuing school year, or (ii) participation in the current year, or (iii) a two or three year average including participation in the current year, which unit cost shall be the same for all participating component school districts and shall be computed in accordance with a uniform methodology approved annually by at least three-quarters of the participating component school districts after consultation by local school officials with their respective boards; provided, however, such unit cost shall be subject to

final adjustment for programs for students with disabilities based on actual participation in accordance with regulations of the commissioner. The school authorities of each school district in the [~~board of cooperative educational services~~] **NY polytechnical institute** shall add such amount to the budget of such school district and shall pay such amount to the treasurer of the [~~board of cooperative educational services~~] **NY polytechnical institute**, and shall be paid out by the treasurer upon orders of the [~~board~~] **institute** issued and executed pursuant to the resolution of said [~~board~~] **institute**.

2. a. If the [~~board of cooperative educational services~~] **NY polytechnical institute** determines to submit a proposition to authorize the purchase or acquisition of sites or additions thereto and real property and to construct buildings thereon and to purchase buildings and construct additions thereto, or to authorize the sale of any real property the title to which is vested in the [~~board of cooperative educational services~~] **NY polytechnical institute** and buildings thereon and appurtenances or any part thereof, or to authorize the exchange of real property held by the [~~board of cooperative educational services~~] **NY polytechnical institute** for the purpose of improving or changing school sites, to the qualified voters of the [~~board of cooperative educational services~~] **NY polytechnical institute**, then the [~~board~~] **institute** shall call a meeting and submit to the qualified voters of the [~~board of cooperative educational services~~] **NY polytechnical institute** such a proposition. The [~~board~~] **institute** shall cause a notice of such meeting to be given by public notice of the time and place of such meeting once in each week within the four weeks next preceding such meeting, the first publication to be at least twenty-five days before said meeting, in two newspapers if there shall be two, or in one newspaper if there shall be but one, having general circulation within the [~~board of cooperative educational services~~] **NY polytechnical institute**, but if no newspaper shall then have general circulation therein, the said notice shall be posted in at least twenty of the most public places in said [~~board of cooperative educational services~~] **NY polytechnical institute** twenty-five days before the time of such meeting. Such notice shall contain a statement of the proposition or propositions to be submitted at such meeting.

b. Such notice and all other notices and reports required to be published in newspapers under the provisions of this chapter shall be printed at the rates and for the fees prescribed in section eight thousand seven of the civil practice law and rules. In the event that the publishers of one or both of the newspapers having general circulation in such district shall refuse to print and publish the notices or reports at the rates and for the fees so prescribed, publication in such newspaper or newspapers so refusing may be omitted, in which case the notices or reports shall be posted as required by this section in lieu of such publication.

c. A person shall be entitled to vote at any meeting of the voters of the [~~board of cooperative educational services~~] **NY polytechnical institute** who is:

(1) A citizen of the United States.

(2) Eighteen years of age.

(3) A resident within the [~~board of cooperative educational services~~] **NY polytechnical institute** for a period of thirty days next preceding the meeting at which he offers to vote.

No person shall be deemed to be ineligible to vote at any such meeting, by reason of sex, who has the other qualifications required by this paragraph.

d. If a person offering to vote at any meeting of the voters of the [~~board of cooperative educational services~~] **NY polytechnical institute** shall be challenged as unqualified by any legal voter of such [~~board~~] **institute** at such meeting, the chairman presiding at such meeting shall require the person so offering to make the following declaration: "I do declare and affirm that I am, and have been, for the thirty days last past, an actual resident of this [~~board of cooperative educational services~~] **NY polytechnical institute** and that I am qualified to vote at this meeting." Every person making such declaration shall be permitted to vote on all questions proposed at such meeting; but if any person shall refuse to make such declaration his vote shall be rejected.

e. A person who shall wilfully make a false declaration of his right to vote at a meeting of the voters of a [~~board of cooperative educational services~~] **NY polytechnical institute** after his right to vote thereat has been challenged, shall be deemed guilty of a misdemeanor. Any person not qualified to vote at such meeting, who shall vote thereat, shall thereby forfeit ten dollars, to be sued for by the supervisor for the benefit of the [~~board~~] **institute**.

f. In all propositions arising at said meeting, the vote thereon shall be by ballot.

g. If the [~~board of cooperative educational services~~] **NY polytechnical institute** shall so determine, voting machines may be used for recording the vote at such meeting. Before any such machine is used at any such meeting, the inspectors of election shall examine it and see that all the counters are set at zero (000) and that the ballot labels are properly placed, and that the machine is in all respects in proper condition for use. The use of such machine shall be deemed a compliance with any provision of law requiring the vote to be by ballot. The [~~board of cooperative educational services~~] **NY polytechnical institute** may purchase the necessary voting machine or machines; or if the county board of elections shall consent thereto, such machines belonging to the county or belonging to the town in which any part of said [~~board of cooperative educational services~~] **NY polytechnical institute** shall be located may be used at any such meeting, the expense of delivery and returning and setting up, and any other expense connected therewith shall be defrayed by the [~~board of cooperative educational services~~] **NY polytechnical institute**; but such machines belonging to the county shall not be so used at the time or times when they may be required under the election law.

h. The [~~board of cooperative educational services~~] **NY polytechnical institute** shall appoint a qualified voter of the [~~board of cooperative educational services~~] **NY polytechnical institute** as the chairman of any such meeting. The clerk of the [~~board of cooperative educational services~~] **NY polytechnical institute** shall give written notice of appointment to the person so appointed. If the person appointed as chairman refuses to accept such appointment, or fails to serve, the [~~board of cooperative educational services~~] **NY polytechnical institute** may appoint a qualified voter of the [~~board of cooperative educational services~~] **NY polytechnical institute** to fill the vacancy. The meeting shall be called to order by the chairman.

i. If the clerk of the [~~board of cooperative educational services~~] **NY polytechnical institute** shall not be present, the [~~board~~] **institute** may appoint a qualified voter of the [~~board of cooperative educational services~~] **NY polytechnical institute** to act as clerk of the meeting. The board shall appoint qualified voters of the [~~board of cooperative educational services~~] **NY polytechnical institute** as assistant clerks of the

meeting. The clerk of the [~~board of cooperative educational services~~] **NY polytechnical institute** shall give a written notice of appointment to the persons so appointed as assistant clerks. If a person appointed as assistant clerk refuses to accept such appointment, or fails to serve, the [~~board~~] **institute** may appoint a qualified voter of the [~~board of cooperative educational services~~] **NY polytechnical institute** to fill the vacancy. Each assistant clerk shall be entitled to compensation at a rate to be fixed by the [~~board~~] **institute** for each day actually and necessarily spent upon the duties of his office. The clerk and assistant clerk or clerks of the meeting shall keep an accurate and true written record of all proceedings of the meeting and shall file such written record with the clerk of the [~~board of cooperative educational services~~] **NY polytechnical institute** within twenty-four hours after the meeting.

j. The [~~board~~] **institute** shall appoint two qualified voters of the [~~board of cooperative educational services~~] **NY polytechnical institute** for each ballot box to be used to act as inspectors of election at such meeting. The clerk of the [~~board of cooperative educational services~~] **NY polytechnical institute** shall give written notice of appointment to the persons so appointed. If a person appointed as inspector of election refuses to accept such appointment, or fails to serve, the board may appoint a qualified voter of the [~~board of cooperative educational services~~] **NY polytechnical institute** to fill the vacancy. Additional inspectors of election may be appointed in the same manner when, in the opinion of the [~~board~~] **institute**, special circumstances exist requiring the services of such additional inspectors. The inspectors of election shall, before the polls are opened, organize by naming one of their number as chief inspector of election. Each inspector of election shall be entitled to compensation at a rate to be fixed by the [~~board~~] **institute** for each day actually and necessarily spent upon the duties of his office.

k. A poll list containing the name and legal residence of every person whose vote shall be received shall be kept by the clerk and assistant clerk or clerks of the meeting.

l. The [~~board~~] **institute** shall at the expense of the [~~board of cooperative educational services~~] **NY polytechnical institute** provide a suitable box or boxes in which the ballots, folded so as to conceal the marking thereon, shall be deposited as they are received, and shall in like manner provide a voting booth or booths and the voters shall be required to enter such booth or booths for the purpose of marking their ballots.

m. The [~~board~~] **institute** shall cause printed ballots to be prepared, setting forth the proposition or propositions to be voted upon, in the form applicable to the submission of a proposition to the meeting of a union free school district.

n. All qualified voters entitled to vote who are in the place where the meeting is held at or before the time of closing the polls shall be allowed to vote.

o. Immediately upon the close of the polls the inspectors of election shall canvass the ballots in the same manner as ballots are canvassed at a meeting of a union free school district. The chairman of the meeting shall declare to the meeting the result of each ballot as announced to him by the inspectors of election, and those propositions receiving a majority of the votes of the voters present and voting shall be deemed approved.

p. The meeting of the voters of the [~~board of cooperative educational services~~] NY polytechnical institute shall be conducted in the same manner as a meeting of the voters of a union free school district.

q. If the [~~board~~] institute shall so determine it may cause the [~~board of cooperative educational services~~] NY polytechnical institute to be divided into election districts provided that in each such election district the number of qualified voters shall at least equal seven hundred. If such resolution be adopted it shall divide the [~~board of cooperative educational services~~] NY polytechnical institute into such number of election districts as the [~~board~~] institute may determine, provided that if circumstances will permit there shall be a schoolhouse in each election district or in as many such election districts as possible. The election districts so formed shall continue in existence until modified by resolution of the [~~board~~] institute. Such resolution shall accurately describe the boundaries of each such district by street, alley and highway or otherwise. Meetings of the voters of the [~~board of cooperative educational services~~] NY polytechnical institute shall be held thereafter in such election districts. The [~~board~~] institute shall designate the place within each election district where the meetings shall be held. When the [~~board of cooperative educational services~~] NY polytechnical institute is divided into election districts, the [~~board~~] institute shall cause the meeting to be held in each election district pursuant to the provisions of this subdivision and shall appoint a chairman of the meeting, clerks and assistant clerks of the meeting and inspectors of election for each election district. The [~~board~~] institute shall designate the election district in which the clerk of the [~~board of cooperative educational services~~] NY polytechnical institute shall be present. Where the [~~board of cooperative educational services~~] NY polytechnical institute has been divided into election districts, the inspectors of election shall make a written report of the results of the ballot, signed by all such inspectors, to the chief inspector of election of each election district. The chief inspector of election of each election district shall within twenty-four hours file such written report with the clerk of the [~~board of cooperative educational services~~] NY polytechnical institute. The [~~board~~] institute shall thereupon within twenty-four hours tabulate and declare the results of the ballot.

r. All disputes concerning the validity of any meeting of the voters of a [~~board of cooperative educational services~~] NY polytechnical institute or of any of the acts of the officers of such meeting shall be referred to the commissioner of education for determination and his decisions in the matter shall be final and not subject to review. The commissioner may in his discretion order a new meeting.

s. The [~~board of cooperative educational services~~] NY polytechnical institute shall provide absentee ballots to qualified voters. The commissioner shall adopt regulations for the purposes of implementing the provisions of this paragraph which shall include, but not be limited to, creating the procedure for which such absentee ballots shall be submitted; providing that such absentee ballots shall be, as nearly as practicable, in the same form as those voted at the district election; requiring that any absentee ballot applicant is or will be, on the day of the vote, a qualified voter of the [~~board of cooperative educational services~~] NY polytechnical institute and that he or she will be on such date over eighteen years of age, a citizen of the United States and has or will have resided in said district for thirty days next preceding such date; and providing instructions as to the proper marking thereof.

3. a. For the nineteen hundred ninety-seven--ninety-eight school year and thereafter, the commissioner shall prescribe, in consultation with the comptroller of the state of New York and within the general taxonomy of accounts established by the comptroller pursuant to section thirty-six of the general municipal law, a uniform and specific taxonomy for service programs and activities of [~~boards of cooperative educational services~~] **NY polytechnical institutes**. In developing such prescribed taxonomy, the commissioner shall consider the recommendations of an advisory panel of district superintendents of schools or their representatives as appointed by the commissioner for such purpose.

b. In developing and adopting a budget for the nineteen hundred ninety-seven--ninety-eight school year pursuant to this article, each [~~board of cooperative educational services~~] **NY polytechnical institute** may use the same locally selected specific taxonomy for service programs and activities as used for the nineteen hundred ninety-six--ninety-seven school year within the general taxonomy of accounts established by the comptroller pursuant to section thirty-six of the general municipal law, provided that all such accounts shall be converted to the uniform and specific taxonomy prescribed by the commissioner pursuant to paragraph a of this subdivision by October first, nineteen hundred ninety-seven and provided that copies of the approved program, capital and administrative budgets as converted to such uniform and specific taxonomy shall be submitted to the commissioner on or before October first, nineteen hundred ninety-seven.

c. In developing and adopting a budget pursuant to this article for the nineteen hundred ninety-eight--ninety-nine school year and thereafter, each [~~board of cooperative educational services~~] **NY polytechnical institute** shall use the uniform and specific taxonomy for service programs and activities prescribed by the commissioner pursuant to paragraph a of this subdivision.

§ 5. Section 1952 of the education law, as amended by chapter 53 of the laws of 1986, is amended to read as follows:

§ 1952. Technologies network ties program. 1. There is hereby established a model technologies network ties program to pilot innovative uses of technology for interactive instruction and administrative purposes, in order to determine the feasibility of developing a statewide technologies network ties program.

2. The commissioner shall develop a plan, subject to the approval of the director of the budget, for the allocation of such funds as may be made available for this program, including competitive grants to school districts and [~~boards of cooperative educational services~~] **NY polytechnical institutes** for interactive instruction. Such plan shall include a listing of the school districts, [~~boards of cooperative educational services~~] **NY polytechnical institutes** and library network systems selected to take part in the pilot program.

3. Objectives of the program shall include the development of a network consisting of a structure which will electronically link all participating agencies and allow for the transfer of administrative and instructional data between and among the participating sites. The commissioner, in consultation with appropriate consultants and representatives of participating districts and [~~boards of cooperative educational services~~] **NY polytechical institutes**, will be responsible for determining the appropriate communication standards and protocols for the selection of hardware and software to be used in all facets of the project.

4. The commissioner shall adopt regulations to implement the provisions of this section.

§ 6. Subdivision 1 and 2 of section 57.17 of the arts and cultural affairs law, as added by chapter 737 of the laws of 1987, are amended to read as follows:

1. "Local government" means any county, city, town, village, school district, [~~board of cooperative educational services~~] **NY polytechnical institute**, district corporation, public benefit corporation, public corporation, or other government created under state law that is not a state department, division, board, bureau, commission or other agency, heretofore or hereafter established by law.

2. "Governing body" means the town board, village board of trustees, city council, county legislature or board of supervisors, board of education or board of trustees of a school district or [~~board of cooperative educational services~~] **NY polytechnical institute**, board of fire commissioners or other body authorized by law to govern the affairs of a local government.

§ 7. Paragraph (b) of subdivision 2-g of section 16 of the agriculture and markets law, as added by chapter 285 of the laws of 2021, is amended to read as follows:

(b) the development of educational materials about animal and plant fiber, especially for young people, in cooperation with cooperative extension, [~~boards of cooperative educational services~~] **NY polytechnical institutes**, local fairs, and the state fair.

§ 8. Subdivision 3 of section 31-g of the agriculture and markets law, as amended by chapter 528 of the laws of 2013, is amended to read as follows:

3. "Municipality" shall mean any county, town, village, city, school district, [~~board of cooperative educational services~~] **NY polytechnical institute**, other special district, or any office or agency thereof.

§ 9. Paragraph (c) of subdivision 1 of section 107-a of the banking law, as added by chapter 708 of the laws of 1992, is amended to read as follows:

(c) "Political subdivision". Any municipal corporation, school district, [~~board of cooperative educational services~~] **NY polytechnical institute**, district corporation, special improvement district governed by a separate board of commissioners or a public library.

§ 10. Subdivision 3 of section 200 of the economic development law, as added by chapter 839 of the laws of 1987, is amended to read as follows:

3. "Educational agency" shall mean a school district, [~~board of cooperative educational services~~] **NY polytechnical intstitute**, community college, agricultural and technical college, or degree-granting institution of higher education, or an independent not-for-profit organization which meets the standards of instructional quality established in regulation by the commissioner of education. These standards shall include, but not be limited to, qualifications of administrative and instructional personnel, quality of established curricula, facilities and equipment, recordkeeping, admission, grading, attendance, and record of placement of completers which meets standards of acceptability as established by the commissioner of education.

§ 11. Paragraph (b) of subdivision 2 of section 201 of the economic development law, as amended by chapter 435 of the laws of 1990, is amended to read as follows:

(b) upon the recommendation of the interagency review committee, execute and monitor grants and contracts to carry out the purposes of this article or authorize grants and contracts to be executed and moni-

tored by the department of labor for projects which provide on-the-job training reimbursements to businesses as described in this article and for such labor exchange and other related services as are agreed upon by the agencies, by the state education department for projects which provide classroom based training which will be delivered by school districts, [~~boards of cooperative educational services~~] **NY polytechnical institutes** and private degree-granting institutions of higher education and by the state university or the city university for projects which provide classroom based training which will be delivered by community colleges, agricultural and technical colleges, and public degree-granting institutions of higher education or authorize such other arrangements as, upon the recommendation of the interagency review committee, the commissioner determines will advance the purposes of this program;

§ 12. Subdivision 1 of section 211 of the economic development law, as added by chapter 398 of the laws of 2018, is amended to read as follows:

1. The department shall establish and support, within available appropriations, entrepreneurship assistance centers at career education agencies and not-for-profit corporations including, but not limited to, local development corporations, chambers of commerce, community-based business outreach centers and other community-based organizations. The purpose of such centers shall be to train minority group members, women, individuals with a disability, dislocated workers and veterans in the principles and practice of entrepreneurship in order to prepare such persons to pursue self-employment opportunities and to pursue a minority business enterprise or a women-owned business enterprise. Such centers shall provide for training in all aspects of business development and small business management as defined by the commissioner. For purposes of this section, "career education agency" shall mean a community college or [~~board of cooperative educational services~~] **NY polytechnical institute** operating within the state.

§ 13. Paragraph 5 of subdivision (b) of section 8018 of the civil practice law and rules, as added by chapter 314 of the laws of 2000, is amended to read as follows:

5. to a civil cause of action in which a city, town, village, fire district, district corporation, school district or [~~board of cooperative educational services~~] **NY polytechnical institute** is the plaintiff.

§ 14. Subdivision (g) of section 35 of the civil service law, as amended by chapter 1167 of the laws of 1971, is amended to read as follows:

(g) all persons employed by any title whatsoever as members of the teaching and supervisory staff of a school district, [~~board of cooperative educational services~~] **NY polytechnical institute** or county vocational education and extension board, as certified to the state commission by the commissioner of education. The commissioner of education shall prescribe qualifications for appointment for all classes of positions so certified by him, and shall establish specifications setting forth the qualifications for and the nature and scope of the duties and responsibility of such positions. The commissioner of education shall file such qualifications for appointment and such specifications with the civil service commission;

§ 15. Section 62 of the civil service law, as amended by chapter 74 of the laws of 1967 and the second undesignated paragraph as added by chapter 195 of the laws of 1990, is amended to read as follows:

§ 62. Constitutional oath upon appointment. Every person employed by the state or any of its civil divisions, except an employee in the labor class, before he shall be entitled to enter upon the discharge of any of

his duties, shall take and file an oath or affirmation in the form and language prescribed by the constitution for executive, legislative and judicial officers, which may be administered by any officer authorized to take the acknowledgment of the execution of a deed of real property, or by an officer in whose office the oath is required to be filed. In lieu of such oath administered by an officer, an employee may comply with the requirements of this section by subscribing and filing the following statement: "I do hereby pledge and declare that I will support the constitution of the United States, and the constitution of the state of New York, and that I will faithfully discharge the duties of the position of ....., according to the best of my ability. " Such oath or statement shall be required only upon original appointment or upon a new appointment following an interruption of continuous service, and shall not be required upon promotion, demotion, transfer, or other change of title during the continued service of the employee, or upon the reinstatement pursuant to law or rules of an employee whose services have been terminated and whose last executed oath or statement is on file. The oath of office heretofore taken by any employee as previously required by law, and the oath of office hereafter taken or statement hereafter subscribed by any employee pursuant to this section, shall extend to and encompass any position or title in which such person may serve as an employee during the period of his continuous service following the taking of such oath or subscribing of such statement, and his acceptance of such new title shall constitute a reaffirmance of such oath or statement. The oath or statement of every state employee shall be filed in the office of the secretary of state, of every employee of a municipal corporation with the clerk thereof, and of every other employee, including the employees of a public library and the employees of [~~boards of cooperative educational services~~] **NY polytechnical institutes**, if no place be otherwise provided by law, in the office of the clerk of the county in which he shall reside. The refusal or wilful failure of such employee to take and file such oath or subscribe and file such statement shall terminate his employment until such oath shall be taken and filed or statement subscribed and filed as herein provided.

An enrolled member of an Indian nation or an Indian individual having an affiliation with an Indian nation recognized by the United States or the state of New York may elect to comply with the requirements of this section by instead subscribing and filing the following statement:

"I do solemnly affirm that I will faithfully discharge the duties of the position of according to the best of my ability, and perform my duties in a manner consistent with the constitution of the United States and the constitution of the state of New York."

§ 16. Section 159-b of the civil service law, as amended by chapter 465 of the laws of 2017, is amended to read as follows:

§ 159-b. Excused leave to undertake a screening for cancer. 1. Every public officer, employee of this state, employee of any county, employee of any community college, employee of any public authority, employee of any public benefit corporation, employee of any [~~board of cooperative educational services (BOCES)~~] **NY polytechnical institute**, employee of any vocational education and extension board, or a school district enumerated in section one of chapter five hundred sixty-six of the laws of nineteen hundred sixty-seven, employee of any municipality, employee of any school district or any employee of a participating employer in the New York state and local employees' retirement system or any employee of a participating employer in the New York state teachers' retirement system shall be entitled to absent himself or herself and shall be

deemed to have a paid leave of absence from his or her duties or service as such public officer or employee of this state, employee of any county, employee of any community college, employee of any public authority, employee of any public benefit corporation, employee of any [~~board of cooperative educational services (BOCES)~~] **NY polytechnical institute**, employee of any vocational education and extension board, or a school district enumerated in section one of chapter five hundred sixty-six of the laws of nineteen hundred sixty-seven, employee of any municipality, employee of any school district, or any employee of a participating employer in the New York state and local employees' retirement system or any employee of a participating employer in the New York state teachers' retirement system for a sufficient period of time, not to exceed four hours on an annual basis, to undertake a screening for cancer.

2. The entire period of the leave of absence granted pursuant to this section shall be excused leave and shall not be charged against any other leave such public officer, employee of this state, employee of any county, employee of any community college, employee of any public authority, employee of any public benefit corporation, employee of any [~~board of cooperative educational services (BOCES)~~] **NY polytechnical institute**, employee of any vocational education and extension board, or a school district enumerated in section one of chapter five hundred sixty-six of the laws of nineteen hundred sixty-seven, employee of any municipality, employee of any school district or any employee of a participating employer in the New York state and local employees' retirement system or any employee of a participating employer in the New York state teachers' retirement system is otherwise entitled to.

§ 17. Subdivision 1 of section 159-c of the civil service law, as added by chapter 77 of the laws of 2021, is amended to read as follows:

1. Every public officer, employee of this state, employee of any county, employee of any community college, employee of any public authority, employee of any public benefit corporation, employee of any [~~board of cooperative educational services (BOCES)~~] **NY polytechnical institute**, employee of any vocational education and extension board, or a school district enumerated in section one of chapter five hundred sixty-six of the laws of nineteen hundred sixty-seven, employee of any municipality, employee of any school district or any employee of a participating employer in the New York state and local employees' retirement system or any employee of a participating employer in the New York state teachers' retirement system shall be entitled to absent himself or herself and shall be deemed to have a paid leave of absence from his or her duties or service for a sufficient period of time, not to exceed four hours per vaccine injection, unless such officer or employee shall receive a greater number of hours pursuant to a collectively bargained agreement or as otherwise authorized by the employer, to be vaccinated for COVID-19.

§ 18. Paragraphs (d) and (f) of subdivision 7 of section 201 of the civil service law, paragraph (d) as amended and paragraph (f) as added by chapter 769 of the laws of 1989, are amended to read as follows:

(d) A substitute teacher or a person employed in a nonpedagogical position who has received a reasonable assurance of continuing employment in accordance with subdivision ten or eleven of section five hundred ninety of the labor law which is sufficient to disqualify the substitute teacher or person employed in a nonpedagogical position from receiving unemployment insurance benefits shall be deemed to be an employee of the school district or [~~board of cooperative educational services~~] **NY polytechnical institute** that has furnished such reasonable

assurance of continuing employment; provided however that for the purposes of this article only, the determination of whether such reasonable assurance was furnished shall be made as if such determination were made prior to the promulgation by the United States department of labor of program letter number 4-87, dated December twenty-fourth, nineteen hundred eighty-six.

(f) The term "public employee" means any person employed by a school district or [~~board of cooperative educational services~~] **NY polytechnial institute** not otherwise deemed to be a public employee pursuant to the provisions of this subdivision, but who would be deemed a public employee under precedents or standards utilized or promulgated by the board for determining whether a person employed in a part-time, seasonal or casual position by a public employer other than a school district or [~~board of cooperative educational services~~] **NY polytechnical institute** would be a public employee under paragraph (a) of this subdivision, taking into account the length of the school day and school year.

§ 19. Paragraph (f) of subdivision 3 of section 209 of the civil service law, as amended by chapter 216 of the laws of 1977, is amended to read as follows:

(f) where the public employer is a school district, a [~~board of cooperative educational services~~] **NY polytechnical institute**, a community college, the state university of New York, or the city university of New York, the provisions of subparagraphs (iii) and (iv) of paragraph (e) of this subdivision shall not apply, and (i) the board may afford the parties an opportunity to explain their positions with respect to the report of the fact-finding board at a meeting at which the legislative body, or a duly authorized committee thereof, may be present; (ii) thereafter, the legislative body may take such action as is necessary and appropriate to reach an agreement. The board may provide such assistance as may be appropriate.

§ 20. Subdivision 19 of section 2 of the education law, as added by chapter 725 of the laws of 1980, is amended to read as follows:

19. Expenditures. For purposes of computing aid to public school districts, [~~boards of cooperative educational services~~] **NY polytechnical institutes**, nonpublic elementary and secondary schools, public and cooperative library systems or public and free association libraries pursuant to this chapter or any other law, such aid shall be computed using state aid worksheets developed pursuant to regulations of the commissioner, designed to reflect use of the state comptroller's definition of expenditures to the extent possible. Such worksheet definitions of expenditures shall be used notwithstanding the fact that this chapter or other applicable law may use terms such as cash expenditures, expenses, costs, paid, payments, or other such terms.

§ 21. Paragraphs c and f of subdivision 1 of section 2-c of the education law, as added by section 1 of subpart K of part AA of chapter 56 of the laws of 2014, are amended to read as follows:

c. "Shared learning infrastructure service provider" or "SLISP" shall mean any entity that collects, stores, organizes, or aggregates student information and contracts with or enters into an agreement with the department for the purposes of providing student information to a data dashboard operator for use in a data dashboard. Provided that the term SLISP shall not include [~~boards of cooperative educational services~~] **NY polytechnical institutes** or regional information centers operated by [~~boards of cooperative educational services~~] **NY polytechnical institutes** or other public entities.

f. "Educational agency" shall mean any public school district, [~~board of cooperative educational services~~] **NY polytechnical institute**, special act school district, public school kindergarten program, universal pre-kindergarten programs authorized pursuant to section thirty-six hundred two-e of this chapter, publicly funded pre-kindergarten programs, approved preschool special education programs pursuant to section forty-four hundred ten of this chapter, approved private school for the education of students with disabilities and a state supported or state operated school subject to the provisions of article eighty-five, eighty-seven or eighty-eight of this chapter.

§ 22. Paragraph c of subdivision 1 of section 2-d of the education law, as added by section 1 of subpart L of part AA of chapter 56 of the laws of 2014, is amended to read as follows:

c. "Educational agency" means a school district, [~~board of cooperative educational services~~] **NY polytechnical institute**, school, or the education department.

§ 23. Subdivision 2 of section 101-b of the education law, as added by chapter 378 of the laws of 2010, is amended to read as follows:

2. It shall be the duty of the commissioner to review all existing reports and plans that school districts and [~~boards of cooperative educational services~~] **NY polytechnical institutes** are required to submit and by November first, two thousand ten, the commissioner shall submit to the board of regents, the governor, the speaker of the assembly, the temporary president of the senate, the director of the budget and the chairs of the respective fiscal and education committees of the senate and assembly specific recommendations to eliminate unnecessary or duplicative reporting requirements; and where possible, recommendations to consolidate reports, plans and other information required to be submitted to the commissioner including which recommendations could be implemented administratively and which would require statutory authorization.

§ 24. Paragraph (i) of subdivision 5 of section 211-e of the education law, as added by chapter 103 of the laws of 2010, is amended to read as follows:

(i) "educational partnership organization" means a [~~board of cooperative educational services~~] **NY polytechnical institute**, a public or independent, non-profit institution of higher education, a cultural institution, or a private, non-profit organization with a proven record of success in intervening in low-performing schools, as determined by the commissioner, provided that such term shall not include a charter school;

§ 25. Subdivisions 2, 3, 4, and 5 of section 213 of the education law, subdivisions 2 and 3 as amended and subdivisions 4 and 5 as added by chapter 724 of the laws of 1961, are amended to read as follows:

2. In carrying out the provisions of subdivision one of this section, the regents may: a. Contract with institutions in the university, school districts, [~~boards of cooperative educational services~~] **NY polytechnical institutes** or other non-profit educational agencies for the acquisition from such institutions, school districts, boards or agencies of sound films, kinescopes, audio recordings and video recordings, scripts, research reports or related educational television materials, for the use of the department, or for the production of educational television programs:

b. Lease, to school districts, [~~boards of cooperative educational services~~] **NY polytechnical institutes** or television corporations created pursuant to section two hundred thirty-six of this chapter, educational television facilities, including transmitters, micro-wave relay facili-

ties, production centers, closed-circuit systems and any equipment necessary therefor, constructed or acquired, and owned by the state, leased by the state, or contract with such districts, [~~boards of cooperative educational services~~] **NY polytechnical institutes** or corporations for the operation of such facilities:

c. Lease and operate a television station in the city of New York.

3. For the purpose of carrying out the provisions of subdivision two of this section, the regents may make rules or authorize the commissioner to make regulations providing standards for research and experimentation, operation and programming of educational television by the state and the school districts, [~~boards of cooperative educational services~~] **NY polytechnical institutes**, institutions, corporations and agencies, respectively.

4. In carrying out the provisions of subdivisions one and two of this section and in order to encourage and stimulate the further development and use of educational television in the state of New York and for the purposes of providing educational services and facilities for pupils in the public schools of the state of New York, the board of regents is hereby authorized to make additional apportionments to school districts or [~~boards of cooperative educational services~~] **NY polytechnical institutes** in accordance with the provisions of this subdivision to encourage and assist such districts or [~~boards~~] **institutes** to install and operate a broadcast or closed-circuit television system, or television receiving equipment for the improvement of classroom instruction.

a. Any school district or [~~board of cooperative educational services~~] **NY polytechnical institute** planning to establish such a program shall submit to the commissioner of education on or before the first day of May of the school year preceding the school year during which the program is to be conducted an application, together with such information as the commissioner of education shall require, including at least a complete statement of purposes of the program, the detailed procedures of operation, a detailed estimate of the cost of such program and a complete description of the installation and equipment to be installed and the detailed procedures of evaluations to be used in determining the improvement of classroom instruction.

b. The commissioner of education shall establish procedures for evaluations of such programs. One such program for each school district or [~~board of cooperative educational services~~] **NY polytechnical institute** may be approved by the commissioner of education, and any program so approved by the commissioner of education shall be placed on a list in accordance with the educational merit and value of the program, and the date of receipt of the application, where several programs are evaluated as having equal merit and value.

c. Apportionment shall then be made in accordance with the formula contained in paragraph d of this subdivision, in the order of such programs on the list established in accordance with paragraph b of this subdivision within the amount of the appropriation therefor.

d. Any district or [~~board~~] **institute** which proposes to install and operate a broadcast or closed-circuit television system or television receiving equipment for the improvement of classroom instruction, in accordance with a program approved as provided in this subdivision and to the extent that funds are available pursuant to this subdivision, shall be entitled to an apportionment during the five-year period following the approval of the program as follows:

Fifty per cent of the approved cost relative to the acquisition and installation of the equipment, and during the first year fifty per cent

of the approved operational expenses in connection with the approved operation of the program; during the second year forty per cent of the approved operational expenses in connection with the approved operation of the program; during the third year thirty per cent of the approved operational expenses in connection with the approved operation of the program; during the fourth year twenty per cent of the approved operational expenses in connection with the approved operation of the program; and during the fifth year ten per cent of the approved operational expenses in connection with the approved operation of the program.

5. A school district or a [~~board of cooperative educational services~~] **NY polytechnical institute** is hereby authorized and empowered to do and perform any and all acts necessary or convenient to enable it to carry out the provisions of this section.

§ 26. Subdivision 1 of section 215-a of the education law, as amended by chapter 44 of the laws of 2000, is amended to read as follows:

1. The regents of the university of the state of New York shall prepare and submit to the governor, the temporary president of the senate, and the speaker of the assembly, not later than the first day of January, nineteen hundred eighty-nine, nineteen hundred ninety and nineteen hundred ninety-one and the fifteenth day of February of each year thereafter, a report concerning the schools of the state which shall set forth with respect to the preceding school year: enrollment trends; indicators of student achievement in reading, writing, mathematics, science and vocational courses; graduation, college attendance and employment rates; such other indicators of student performance as the regents shall determine; information concerning teacher and administrator preparation, turnover, in-service education and performance; information concerning school library expenditures and school library media specialist employment; expenditure per pupil on regular education and expenditure per pupil on special education and such other information as requested by the governor, the temporary president of the senate, or the speaker of the assembly. To the extent practicable, all such information shall be displayed on both a statewide and individual district basis and by racial/ethnic group and gender. The regents are authorized to require school districts, [~~boards of cooperative educational services~~] **NY polytechnical institutes** and nonpublic schools to provide such information as is necessary to prepare the report. In preparing the report, the regents shall consult with other interested parties, including local school districts, teachers' and faculty organizations, school administrators, parents and students.

§ 27. Section 215-b of the education law, as amended by chapter 301 of the laws of 1996, is amended to read as follows:

§ 215-b. Annual report by commissioner to governor and legislature. The commissioner shall prepare and submit to the governor, the president pro tem of the senate and the speaker of the assembly not later than January first, nineteen hundred ninety-six and by the first day of January in each year thereafter, a report detailing the financial and statistical outcomes of [~~boards of cooperative educational services~~] **NY polytechnical institutes** which shall, at minimum, set forth with respect to the preceding school year: tuition costs for selected programs; standard per pupil cost information for selected services as determined by the commissioner; and aggregate expenditure data for the following categories: administration, instructional services, career education, special education, rent and facilities and other services; and such other information as deemed appropriate by the commissioner. The format

for such report shall be developed in consultation with school district officials and the director of the budget. Such report will include changes from the year prior to the report year for each such item for all [~~boards of cooperative educational services~~] **NY polytechnical institutes**. Such report shall be distributed to all school districts and [~~boards of cooperative educational services~~] **NY polytechnical institutes** and shall be made available to all other interested parties upon request.

§ 28. Subdivision 2 of section 215-c of the education law, as added by chapter 474 of the laws of 1996, is amended to read as follows:

2. The board and the commissioner shall wherever practicable promote cost-effectiveness and cost-effective practices in the public elementary and secondary schools and [~~boards of cooperative educational services~~] **NY polytechnical institutes** of the state. As part of the effort pursuant to this section, by January first, nineteen hundred ninety-eight and periodically thereafter, the commissioner shall (a) identify current structures, policies, laws and regulations which hinder cost-effectiveness in schools and school districts; (b) identify cost-effective districts by determining which schools or school districts have demonstrated significant achievement or improvement relative to resource allocation in such areas as student performance, instruction, management, business administration, early childhood education and such other areas as the board deems appropriate; (c) identify cost-effective action, policies, practices and programs which may be successfully replicated in other school districts; and (d) recommend or, to the extent feasible, develop specific cost-effective ways in which to encourage, recognize and reward academic improvement and success in school districts, and remove existing penalties and fiscal disincentives to such improvement or success.

§ 29. Section 282 of the education law, as added by chapter 348 of the laws of 1984, is amended to read as follows:

§ 282. Establishment of school library systems. The commissioner is authorized to approve the establishment of school library systems, each system to be composed of school districts which are located within a [~~board of cooperative educational services~~] **NY polytechnical institute** area, or a school district serving a city with a population of one hundred twenty-five thousand or more, or combinations thereof. The systems may include non-public school libraries as defined in regulations to be promulgated by the commissioner. Upon establishment, such school library systems shall be governed by either their respective [~~boards of cooperative educational services~~] **NY polytechnical institutes**, by boards of education in school districts serving cities with populations of one hundred twenty-five thousand or more, or by a governing body established under the plan to be submitted to the commissioner in cases of systems serving a combination of areas.

§ 30. Subparagraph 2 of paragraph e of subdivision 1 of section 284 of the education law, as amended by section 5 of part O of chapter 57 of the laws of 2005, is amended to read as follows:

(2) five hundred dollars per public school district located within such system, and a minimum of four thousand three hundred dollars per system located within a [~~board of cooperative educational services~~] **NY polytechnical institute** area, or five thousand dollars per city school district of a city with a population of one hundred twenty-five thousand inhabitants or more, and

§ 31. Paragraph b of subdivision 21, subdivisions 25, 27, 28, 30, 45, 51, 54, and 56, subparagraph (iii) of paragraph a and paragraph b of

subdivision 56, and subdivision 59 of section 305 of the education law, paragraph b of subdivision 21 as amended by section 61 of part YYY of chapter 59 of the laws of 2017, subdivision 25 as added by chapter 474 of the laws of 1996, subdivision 27 as added by section 1 of part A of chapter 436 of the laws of 1997, subdivision 28 as added by section 3-a of part L of chapter 405 of the laws of 1999, subdivision 30 as added by chapter 180 of the laws of 2000, paragraphs (a) and (d), the opening paragraph and subparagraph (i) of paragraph (b), and subparagraph (vii) of paragraph (c) of subdivision 30 as amended by chapter 630 of the laws of 2006, subparagraph (vi) as added and subparagraph (viii) of paragraph (c) of subdivision 30 as renumbered by chapter 182 of the laws of 2000, paragraph (e) of subdivision 30 as added by chapter 147 of the laws of 2001, subdivision 45 as added by section 1 of subpart B of part AA of chapter 56 of the laws of 2014, subdivision 51 as amended by chapter 67 of the laws of 2019, subdivision 54 as added by section 4 of subpart C of part B of chapter 20 of the laws of 2015, subdivision 56 as added by chapter 216 of the laws of 2017, subparagraph (iii) of paragraph a and paragraph b of subdivision 56 as added by chapter 347 of the laws of 2017, and subdivision 59 as added by section 4 of subpart A of part JJ of chapter 56 of the laws of 2021, are amended to read as follows:

b. The commissioner shall periodically prepare an updated electronic data file containing actual and estimated data relating to apportionments due and owing during the current school year and projections of such apportionments for the following school year to school districts and [~~boards of cooperative educational services~~] **NY polytechnical institutes** from the general support for public schools, growth and [~~boards of cooperative educational services~~] **NY polytechnical institutes** appropriations on the following dates: November fifteenth, or such alternative date as may be requested by the director of the budget for the purpose of preparation of the executive budget; February fifteenth, or such alternative date as may be jointly requested by the chair of the senate finance committee and the chair of the assembly ways and means committee; and May fifteenth. For the purposes of using estimated data for projections of apportionments for the following school year, when no specific apportionment has yet been made for such school year, but such apportionment has a history of annual reauthorization, the commissioner shall estimate the apportionment at the same level as the preceding school year, subject to the annual approval of the director of the budget, the chairperson of the senate finance committee and the chairperson of the assembly ways and means committee.

25. The commissioner shall conduct periodic fiscal audits of [~~boards of cooperative educational services~~] **NY polytechnical institutes** as defined in section nineteen hundred fifty of this chapter and, to the extent sufficient resources are provided the department for such purpose, shall assure that each such [~~board of cooperative educational services~~] **NY polytechnical institute** is audited at least once every three years.

27. The commissioner shall promulgate regulations in consultation with the New York state energy research and development authority concerning the development and approval of energy performance contracts for school districts and [~~boards of cooperative educational services~~] **NY polytechnical institutes** in accordance with subdivision eight of section 9-103 of the energy law.

28. On or before April first, two thousand, the commissioner shall develop and implement an automated [~~board of cooperative educational services~~] **NY polytechnical institute** state aid reporting system for the

purpose of tracking and reporting state and local expenditures for aidable shared services pursuant to subdivision five of section nineteen hundred fifty of this chapter. Such system shall track state and local expenditures in the manner prescribed by the commissioner, provided that, at a minimum, such system shall report such expenditures by [~~board of cooperative educational services~~] **NY polytechnical institute**, by type of cooperative service agreement (CO-SER) and by component school district. In addition, such system shall report expenses and aid totals, as well as expenditures and aid per resident weighted average daily attendance.

30. (a) The commissioner, in cooperation with the division of criminal justice services and in accordance with all applicable provisions of law, shall promulgate rules and regulations to require the fingerprinting of prospective employees, as defined in section eleven hundred twenty-five of this chapter, of school districts, charter schools and [~~boards of cooperative educational services~~] **NY polytechnical institutes** and authorizing the fingerprinting of prospective employees of nonpublic and private elementary and secondary schools, and for the use of information derived from searches of the records of the division of criminal justice services and the federal bureau of investigation based on the use of such fingerprints. The commissioner shall also develop a form for use by school districts, charter schools, [~~boards of cooperative educational services~~] **NY polytechnical institutes**, and nonpublic and private elementary and secondary schools in connection with the submission of fingerprints that contains the specific job title sought and any other information that may be relevant to consideration of the applicant. The commissioner shall also establish a form for the recordation of allegations of child abuse in an educational setting, as required pursuant to section eleven hundred twenty-six of this chapter. No person who has been fingerprinted pursuant to section three thousand four-b of this chapter or pursuant to section five hundred nine-cc or twelve hundred twenty-nine-d of the vehicle and traffic law and whose fingerprints remain on file with the division of criminal justice services shall be required to undergo fingerprinting for purposes of a new criminal history record check. This subdivision and the rules and regulations promulgated pursuant thereto shall not apply to a school district within a city with a population of one million or more.

(b) The commissioner, in cooperation with the division of criminal justice services, shall promulgate a form to be provided to all such prospective employees of school districts, charter schools, [~~boards of cooperative educational services~~] **NY polytechnical institutes**, and nonpublic and private elementary and secondary schools that elect to fingerprint and seek clearance for prospective employees that shall:

(i) inform the prospective employee that the commissioner is required or authorized to request his or her criminal history information from the division of criminal justice services and the federal bureau of investigation and review such information pursuant to this section, and provide a description of the manner in which his or her fingerprint cards will be used upon submission to the division of criminal justice services;

(ii) inform the prospective employee that he or she has the right to obtain, review and seek correction of his or her criminal history information pursuant to regulations and procedures established by the division of criminal justice services.

(c) The prospective employer shall obtain the signed, informed consent of the prospective employee on such form supplied by the commissioner which indicates that such person has:

(i) been informed of the right and procedures necessary to obtain, review and seek correction of his or her criminal history information;

(ii) been informed of the reason for the request for his or her criminal history information;

(iii) consented to such request for a report;

(iv) supplied on the form a current mailing or home address for the prospective employee;

(v) been informed that he or she may withdraw his or her application for employment pursuant to this section, without prejudice, at any time before employment is offered or declined, regardless of whether the prospective employee or employer has reviewed such prospective employee's criminal history information;

(vi) where the applicant is to be fingerprinted pursuant to section three thousand thirty-five of this chapter, the process for seeking a waiver of the fees associated with conducting a criminal history records check, pursuant to paragraph (b) of subdivision four of section three thousand thirty-five of this chapter,

(vii) been informed that in the event his or her employment is terminated and such person has not become employed in the same or another school district, charter school, [~~board of cooperative educational services~~] **NY polytechnical institute**, or nonpublic or private elementary or secondary school within twelve-months of such termination, the commissioner shall notify the division of criminal justice services of such termination, and the division of criminal justice services shall destroy the fingerprints of such person. Such person may request that the commissioner notify the division of criminal justice services that his or her fingerprints shall be destroyed prior to the expiration of such twelve month period in which case the commissioner shall notify the division of criminal justice services and the division shall destroy the fingerprints of such person promptly upon receipt of the request; and

(viii) been informed of the manner in which he or she may submit to the commissioner any information that may be relevant to the consideration of his or her application for clearance including, where applicable, information in regard to his or her good conduct and rehabilitation.

(d) The commissioner shall develop forms to be provided to all school districts, charter schools, [~~boards of cooperative educational services~~] **NY polytechnical institutes**, and to all nonpublic and private elementary and secondary schools that elect to fingerprint their prospective employees, to be completed and signed by prospective employees when conditional appointment or emergency conditional appointment is offered.

(e) The commissioner may promulgate rules and regulations regarding the conditional appointment and emergency conditional appointment of a prospective employee.

45. The commissioner shall provide that no school district or [~~board of cooperative educational services~~] **NY polytechnical institute** may place or include on a student's official transcript or maintain in a student's permanent record any individual student score on a state administered standardized English language arts or mathematics assessment for grades three through eight, provided that nothing herein shall be construed to interfere with required state or federal reporting or to excuse a school district from maintaining or transferring records of

such test scores separately from a student's permanent record, including for purposes of required state or federal reporting.

51. The commissioner shall, in order to assist school districts and [~~boards of cooperative educational services~~] **NY polytechnical institutes** in developing next generation training programs for teachers and principals, develop professional development tools, resources and materials that school districts, [~~boards of cooperative educational services~~] **NY polytechnical institutes**, teachers and principals may utilize. The commissioner may collaborate with the state university of New York, the city university of New York, and independent colleges and universities to offer effective, data-informed professional development and coaching to meet the needs of implementing the next generation learning standards. Such professional development and coaching shall include necessary materials, age appropriate instruction and resources that provide best practices for the effective implementation of the next generation learning standards. Such support shall be available for the purpose of providing professional development for teachers and principals, as well as preparation programs for participating school districts, [~~boards of cooperative educational services~~] **NY polytechnical institutes**, charter schools and communities at large, and may include recommendations for how teachers and principals can collaborate on strategies, including but not limited to study groups and coaching, to improve classroom practices. The commissioner shall also identify regional examples of school districts that have successfully implemented the next generation learning standards, where such examples exist, and shall invite such districts to serve on a voluntary basis as models that principals, teachers and other school professionals within the region may visit and observe. In addition, the commissioner shall include opportunities for teachers and other content-area experts to provide feedback and recommendations for the continuous improvement and development of voluntary next generation curriculum modules offered by the department.

54. Notwithstanding any law, rule or regulation to the contrary, no teacher, principal, or superintendent shall be required to sign a confidentiality agreement with their respective school district, [~~board of cooperative educational services~~] **NY polytechnical institute**, or the department that prevents such teacher, principal, or superintendent from discussing the contents of any items on the English language arts and mathematics assessments in grades three through eight after such items have been released by the department pursuant to subdivision fifty-one-a of this section or after such items have been publicly disclosed by the department or other appropriate entity. The commissioner shall amend and/or modify any current confidentiality agreement inconsistent with this subdivision and shall promulgate regulations consistent with this subdivision.

56. The commissioner shall issue a guidance memorandum in cooperation with stakeholders and other interested parties, to every school district and [~~board of cooperative educational services~~] **NY polytechnical institute** to inform them of the unique educational needs of students with dyslexia, dyscalculia and dysgraphia and to clarify that school districts may reference or use the terms dyslexia, dyscalculia, and dysgraphia in evaluations, eligibility determinations, or in developing an individualized education program (IEP) under the Individuals with Disabilities Education Act (IDEA) pursuant to part 300 of title 34 of the code of federal regulations, as such regulations may, from time to time, be amended.

(iii) public availability of all materials related to the sepsis awareness, prevention and education program on a dedicated webpage on the department's internet website, and provided at no cost to every school district, [~~board of cooperative educational services~~] **NY polytechnical institute**, charter school and nonpublic school upon request.

b. The commissioner shall issue a guidance memorandum to every school district, [~~board of cooperative educational services~~] **NY polytechnical institute**, charter school and nonpublic school, to inform them of the availability of the sepsis awareness, prevention and education program and to encourage them to develop policies and procedures, in consultation with their director of school health services, or the substantial equivalent as determined by the commissioner in regulations, regarding when parents and persons in parental relations are to be notified of illness or injuries occurring in school which affects their child, in accordance with article nineteen of this chapter. The commissioner shall annually remind school districts, [~~boards of cooperative educational services~~] **NY polytechnical institutes**, charter schools and nonpublic schools, of the availability of sepsis awareness and prevention materials as part of sepsis awareness month.

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, charter school, nonpublic school, approved preschool, approved preschool special education program, approved private residential or non-residential school for the education of students with disabilities, state-supported school in accordance with article eighty-five of this chapter, and [~~board of cooperative educational services~~] **NY polytechnical institute** 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 pursuant to subdivision two of section three hundred seventy-c of the social services law.

§ 32. The opening paragraph of paragraph a of subdivision 1, subdivisions 2, 3, 5, 6, 7-a, and 8, and paragraph b of subdivision 9 of section 316 of the education law, as added by chapter 53 of the laws of 1984, subdivision 3 as amended by section 1 of part A of chapter 60 of the laws of 2000, subdivision 5 as amended by section 1 of part L of chapter 405 of the laws of 1999, subdivision 7-a as added by chapter 579 of the laws of 1986, subdivision 8 as amended by section 4-a of part B of chapter 57 of the laws of 2007, and paragraph b of subdivision 9 as added by section 1 of part C of chapter 58 of the laws of 1998, are amended to read as follows:

"Teacher resource and computer training center" means any site operated by a school district, [~~board of cooperative educational services~~] **NY polytechnical institute** or a consortium of school districts and/or [~~boards of cooperative educational services~~] **NY polytechnical institutes** which is specifically established pursuant to this section to provide professional support services to teachers within the state in order to:

2. In order to provide the school districts and teachers of the state with an opportunity to develop systematic, ongoing in-service training programs, assure the dissemination and application of educational research developments to classroom instruction and develop new curricula and curricular materials specifically designed to meet the educational needs of the students served, the commissioner shall, within available

state appropriations and subject to the procedures established in this section, provide funds to school districts and [~~boards of cooperative educational services~~] **NY polytechnical institutes** to plan, establish and operate teacher resource and computer training centers. Any school district or [~~board of cooperative educational services~~] **NY polytechnical institute** requesting such funds shall make application therefor at such time, in such manner, and containing or accompanied by such information as the commissioner may through this section or by regulation require. Applications shall be made within the following categories:

(i) a school district with a teacher population of one thousand or more;

(ii) a school district with a teacher population of five hundred or more but less than one thousand;

(iii) a school district with a teacher population of less than five hundred;

(iv) a [~~board of cooperative educational services~~] **NY polytechnical institute**; or

(v) a consortium of two or more school districts and/or [~~boards of cooperative educational services~~] **NY polytechnical institutes**.

3. Each such application shall be reviewed by the state professional standards and practices board for teaching. The board shall in each instance recommend to the commissioner action, as appropriate, including specific reasons when it is negative. Any school district, [~~board of cooperative educational services~~] **NY polytechnical institute** or consortium whose original application is rejected may resubmit a revised application for further review. Notwithstanding any other provision to the contrary, an application to continue a teacher resource center which was in operation prior to the nineteen hundred eighty-four--nineteen hundred eighty-five school year shall be deemed automatically approved.

5. Any school district, [~~board of cooperative educational services~~] **NY polytechnical institute** or consortium having an application approved under this section may collaborate, consult and contract with an approved institution of higher education in New York state to carry out activities under or provide technical assistance in connection with such application. Each application shall be reviewed by the professional practices subcommittee of the state professional standards and practices board for teaching.

6. Each teacher resource and computer training center shall be operated by a board, the majority of which shall be composed of elementary and secondary school teachers representative of teachers served by the teacher resource and computer training center. Teacher members shall be designated by the collective bargaining agent of the teachers served by the teacher resource and computer training center. Such board shall also include individuals designated by the school board or [~~board of cooperative educational services~~] **NY polytechnical institute** served by such center and at least one representative designated by the institutions of higher education located in the area served by such center. Such board shall also include at least one parent of an elementary or secondary school pupil and at least one representative of a business or industry that uses, produces or is involved with computer equipment and software.

7-a. Notwithstanding any other provision of law, a teacher resource and computer training center board may collaborate, consult and contract with a school district or [~~board of cooperative educational services~~] **NY polytechnical institute** which is included in the application for the establishment of such teacher resource and computer training center for the assignment of teachers employed by such school district or [~~board of~~

~~cooperative educational services~~] NY polytechnical institute; provided, however, in such case such teacher shall continue to accrue all employment rights and benefits, including seniority, with the employing school district or [~~board of cooperative educational services~~] NY polytechnical institute and the teacher resource and computer training center board shall reimburse such school district or [~~board of cooperative educational services~~] NY polytechnical institute for the services of such teacher.

8. Funds provided each school year to school districts and [~~boards of cooperative educational services~~] NY polytechnical institutes by the commissioner to plan, establish and operate teacher resource and computer training centers shall not exceed two million dollars per center, except that for the city school district for the city of New York such center shall not exceed sixteen million eight hundred thousand dollars and provided further that each approved center shall receive not less than twenty thousand dollars. In any year in which there is a statewide increase in funding for teacher resource and computer training centers, such increase shall be distributed proportionately among existing centers that have satisfactorily fulfilled the requirements of such centers' current grant. A portion of the increase shall be made available to new applicants to establish new teacher centers, and to current teacher centers to develop and implement regional and statewide teacher center activities.

b. The commissioner shall prepare and submit to the governor, the temporary president of the senate and the speaker of the assembly, not later than May first, nineteen hundred ninety-nine and by the first day of January in each year thereafter, a report detailing the financial and programmatic information for teacher resource and computer training centers. Such report shall, at a minimum, set forth with respect to the preceding school year: cost information for individual services provided by such centers; numbers of teachers and other staff served, summarized in the aggregate, by elementary and secondary school levels, and by home school district; lists of programs and courses offered, including identification of those with credit toward college graduate degrees and those which relate to specific academic areas and higher learning standards; and aggregate expenditure data for the following categories: administration, staff development services, rent and other facilities costs, and other services; and such other information as deemed appropriate by the commissioner to assist the commissioner in identifying cost-effective services and programs which may be successfully replicated in other centers, school districts and [~~boards of cooperative educational services (BOCES)~~] NY polytechnical institutes. The format for the report shall be developed by the commissioner in consultation with school district officials, and teacher resource center officials, provided that all information in such report shall be displayed on both a statewide and individual center basis. Such report shall include changes from the year prior to the report year for each such item for all teacher resource and computer training centers and shall be made available to other interested parties upon request.

§ 33. Subparagraph 3-a of paragraph h of subdivision 2 of section 355 of the education law, as added by section 1 of part CC of chapter 56 of the laws of 2019, is amended to read as follows:

(3-a) Notwithstanding the provisions of any other general, special or local law, rule or regulation, the state university trustees shall be authorized to set a reduced rate of tuition and/or fees, or to waive tuition and/or fees entirely, for students participating in any dual or

concurrent enrollment 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; provided that, for purposes of this provision, a dual or concurrent enrollment program shall mean one or more college courses taken by a high school student through a state-operated institution while such student is still enrolled in high school or [~~boards of cooperative educational services~~] **NY polytechnical institutes** and for which the student may receive both high school and college credit.

§ 34. Section 405 of the education law, as amended by chapter 171 of the laws of 1996, is amended to read as follows:

§ 405. Conveyance of property to public corporations. In addition to any other power conferred or possessed by virtue of any provisions of this chapter, the board of education, trustee or trustees of any school district may convey any school site or lot and the buildings thereon and appurtenances or any part thereof, provided that title to any such school property is in such board, trustee or trustees, and when no longer needed, either without consideration or for such consideration and upon terms and conditions as such board, trustee or trustees may determine to a public corporation, as defined in the general construction law, provided that such real property is to be used by such corporation for the purposes of the corporation or for a public use. In any school district, except a city school district in a city having a population of one hundred twenty-five thousand inhabitants or more, such sale and conveyance shall be submitted to the voters of the district for approval at an annual or special district meeting in the same manner as is now provided by law for the submission of propositions. A [~~board of cooperative educational services~~] **NY polytechnical institute** or a board of education, without approval of the voters of the school district and upon such consideration as the **institute or** board may determine, may convey an easement or right of way over school property for public utility services to any municipality, municipal district, authority or public utility. In any city of over one hundred twenty-five thousand population any sale or conveyance shall be subject to approval by the local governing body of such city.

§ 35. Subdivision 1 of section 409 of the education law, as amended by section 4 of part L of chapter 405 of the laws of 1999, is amended to read as follows:

1. All school buildings of common, union free, central, central high school and city school districts other than city school districts of cities having one hundred twenty-five thousand inhabitants or more and [~~boards of cooperative educational services~~] **NY polytechnical institutes** shall comply with such regulations as the commissioner shall adopt from time to time for the purpose of [~~insuring~~] **ensuring** the health and safety of pupils and staff in relation to proper heating, lighting, ventilation, sanitation and health, fire and accident protection.

§ 36. Subdivision 3 of section 409-d of the education law, as added by section 6 of part L of chapter 405 of the laws of 1999, is amended to read as follows:

3. Notification. Notwithstanding any other provision of law to the contrary, the commissioner shall be authorized to notify in writing any school district or [~~board of cooperative educational services~~] **NY polytechnical institute** the existence of a hazardous condition found in any school building within the school district that is in violation of applicable building, health, or safety codes or regulations that may threaten the health and/or safety of students or staffs. Such notice

must be acknowledged and responded to within five business days or less. Such notice shall be delivered to the superintendent of the school district or the district superintendent of the [~~board of cooperative educational services~~] **NY polytechnical institute**. In the case of a city school district in a city having a population of one million or more inhabitants such notice shall be delivered to the chancellor of the city district.

§ 37. Subdivision 3 of section 409-e of the education law, as added by section 1 of part B of chapter 56 of the laws of 1998, is amended to read as follows:

3. Safety rating system. The commissioner shall develop pursuant to regulations a safety rating system to be used by all school districts and [~~boards of cooperative educational services~~] **NY polytechnical institutes** keyed to the structural integrity and overall safety of the building and shall be developed using data obtained from the building's annual inspection as required by this article. Such safety rating system shall identify and assess the condition of every major system component of every school building including interior structures; building systems such as heating, ventilation, plumbing and electrical systems; exterior structures including but not limited to roofs, masonry, stairs, and chimneys; and develop a system which rates each building component based on at least the following factors: overall safety; structural integrity; probable useful life; need for repair or replacement; and maintenance. Such safety rating shall include mechanisms which facilitate more frequent inspections and repairs as determined necessary to protect the welfare and safety of students and staff residing in such school buildings. This information shall be used for purposes of developing a buildings condition survey as required pursuant to section thirty-six hundred forty-one of this chapter and a five year facilities plan as required pursuant to clause (i) of subparagraph two of paragraph (b) of subdivision six of section thirty-six hundred two of this chapter.

§ 38. Paragraph (a) of subdivision 1 of section 409-h of the education law, as added by chapter 285 of the laws of 2000, is amended to read as follows:

(a) "School" shall mean any public school district or private or parochial school or [~~board of cooperative educational services~~] **NY polytechnical institute**.

§ 39. Paragraph (a) of subdivision 1 of section 409-i of the education law, as added by chapter 584 of the laws of 2005, is amended to read as follows:

(a) "Elementary or secondary school" means a facility used for instruction of elementary or secondary students by: (i) any school district, including a special act school district and a city school district in a city having a population of one hundred twenty-five thousand inhabitants or more, (ii) a [~~board of cooperative educational services~~] **NY polytechnical institute**, (iii) a charter school, (iv) an approved private school for the education of students with disabilities, (v) a state-supported school for the deaf or blind operated pursuant to article eighty-five of this chapter, and (vi) any other private or parochial elementary or secondary school.

§ 40. Paragraph (a) of subdivision 1 of section 409-k of the education law, as added by chapter 85 of the laws of 2010, is amended to read as follows:

(a) "School" shall mean any public school district or private or parochial school or [~~board of cooperative educational services~~] **NY polytechnical institute**.

§ 41. Section 409-m of the education law, as added by chapter 353 of the laws of 2020, is amended to read as follows:

§ 409-m. Gender neutral single-occupancy bathroom facilities. The board of education or trustees of every school district or, in the case of the city school district of New York, the chancellor, and every [~~board of cooperative educational services~~] **NY polytechnical institute**, charter school and nonpublic school within the state shall develop policies and procedures requiring that all single-occupancy bathroom facilities are designated as gender neutral for use by no more than one occupant at a time or for family or assisted use. Such gender neutral bathroom facilities shall be clearly designated by the posting of such on or near the entry door of each facility. For purposes of this section, "single-occupancy bathroom" shall have the same meaning as paragraph (d) of subdivision one of section one hundred forty-five of the public buildings law.

§ 42. Paragraph (j) of subdivision 1 of section 414 of the education law, as added by chapter 513 of the laws of 2005 and subparagraph (i) as amended by chapter 672 of the laws of 2019, is amended to read as follows:

(j) For licensed school-based health, dental or mental health clinics. (i) For the purposes of this subdivision, the term "licensed school-based health, dental or mental health clinic" means a clinic that is located in a school facility of a school district or [~~board of cooperative educational services~~] **NY polytechnical institute**, is operated by an entity other than the school district or [~~board of cooperative educational services~~] **NY polytechnical institute** and will provide health, dental or mental health services during school hours and/or non-school hours to school-age and preschool children, and that is: (1) a health clinic approved under the provisions of chapter one hundred ninety-eight of the laws of nineteen hundred seventy-eight; or (2) another school-based health or dental clinic licensed by the department of health pursuant to article twenty-eight of the public health law; or (3) a school-based mental health clinic licensed or approved by the office of mental health pursuant to article thirty-one of the mental hygiene law; or (4) a school-based mental health clinic licensed by the office for people with developmental disabilities pursuant to article sixteen of the mental hygiene law.

(ii) Health professionals who provide services in licensed school-based health, dental or mental health clinics shall be duly licensed pursuant to the provisions of title eight of this chapter unless otherwise exempted by law and shall be authorized to provide such services to the extent permitted by their respective practice acts.

(iii) Except where otherwise authorized by law, the cost of providing health, dental or mental health services shall not be a charge upon the school district or [~~board of cooperative educational services~~] **NY polytechnical institute**, and shall be paid from federal, state or other local funds available for such purpose. Building space used for such a clinic shall be excluded from the rated capacity of the school building for the purpose of computing building aid pursuant to subdivision six of section thirty-six hundred two of this chapter or aid pursuant to subdivision five of section nineteen hundred fifty of this chapter.

(iv) Nothing in this paragraph shall be construed to justify a cause of action for damages against a school district or a [~~board of cooperative educational services~~] **NY polytechnical institute** by reason of acts of negligence or misconduct by a school-based health, dental or mental health clinic or such clinic's officers or employees.

§ 43. Subparagraph 1 of paragraph a of subdivision 3 of section 521 of the education law, as added by section 4 of part BB of chapter 57 of the laws of 2013, is amended to read as follows:

(1) "participating educational employer" shall mean a school district or [~~board of cooperative educational services~~] **NY polytechnical institute** which elects to pay the stable contribution amount in the manner provided in this subdivision;

§ 44. Subdivision 3 of section 803-a of the education law, as added by chapter 658 of the laws of 1994, is amended to read as follows:

3. For purposes of developing such courses of study, the board of education or trustees of every school district may establish local advisory councils or utilize the school-based shared decision making and planning committee established pursuant to regulations of the commissioner to make recommendations concerning the content and implementation of such courses. School districts may alternatively utilize courses of instruction developed by consortia of school district, [~~boards of cooperative educational services~~] **NY polytechnical institutes**, other school districts or any other agency, public or private. Such advisory councils shall consist of, but not be limited to, parents, school trustees and board members, appropriate school personnel, business and community representatives, and law enforcement personnel having experience in the prevention of child abduction.

§ 45. Subdivision 1 and the opening paragraph and paragraph d of subdivision 2 of section 804-a of the education law, as added by chapter 730 of the laws of 1986, are amended to read as follows:

1. Within the amounts appropriated, the commissioner is hereby authorized to establish a demonstration program and to distribute state funds to local school districts, [~~boards of cooperative educational services~~] **NY polytechnical institutes** and in certain instances community school districts, for the development, implementation, evaluation, validation, demonstration and replication of exemplary comprehensive health education programs to assist the public schools in developing curricula, training staff, and addressing local health education needs of students, parents, and staff.

School districts or [~~BOCES~~] **NY polytechnical institutes** may contract with appropriate agencies or organizations to participate in such program. Such program shall be limited to health education at the elementary level and shall be designed on a multi-year basis. Such program shall include but not be limited to the following components:

d. Replication of validated health education programs. Grants will be awarded to local school districts or [~~boards of cooperative educational services~~] **NY polytechnical institutes** for the replication of nationally or state-validated exemplary health education programs.

§ 46. Subdivision 3 of section 902 of the education law, as amended by chapter 477 of the laws of 2004, is amended to read as follows:

3. Health professionals may be employed by the trustees or boards of education of two or more school districts, and the compensation of such health professionals, and the expenses incurred in providing school health services for students as provided in this article, shall be borne jointly by such districts, and be apportioned among them in any manner agreed to by such districts in a sharing agreement entered pursuant to section one hundred nineteen-o of the general municipal law. The trustees or boards of education of two or more school districts in a supervisory district may enter into an agreement, or agreements as may be required, with a [~~board of cooperative educational services~~] **NY polytechnical institute** for the provision of the services of one or more

registered professional nurses, and other health professionals to perform health services, including health instruction in such districts.

§ 47. Section 902-a of the education law, as added by chapter 423 of the laws of 2014, is amended to read as follows:

§ 902-a. Treatment of students diagnosed with diabetes by school personnel. 1. Licensed nurses, nurse practitioners, physician assistants, or physicians employed by school districts or [~~boards of cooperative educational services~~] **NY polytechnical institutes** are authorized to calculate prescribed insulin dosages, administer prescribed insulin, program the prescribed insulin pump, refill the reservoir in the insulin pump, change the infusion site, inject prescribed glucagon, teach an unlicensed person to administer glucagon to an individual, and perform other authorized services pursuant to the scope of practice of the licensed individual under title VIII of this chapter, to pupils who have received written permission by a physician or other licensed health care provider, and written parental consent to carry and use insulin and glucagon pursuant to section nine hundred sixteen-b of this article, during the school day on school property and at any school function as such terms are defined, respectively, by subdivisions one and two of section eleven of this chapter. Nothing in this section shall authorize unlicensed persons to perform these services except as otherwise permitted by section nine hundred twenty-one of this article.

2. A school district, [~~board of cooperative educational services~~] **NY polytechnical institute** and/or their agents or employees shall incur no legal or financial liability as a result of any harm or injury sustained by a pupil or other person caused by reasonable and good faith compliance with this section.

§ 48. Subdivision 2 of section 902-b of the education law, as added by chapter 423 of the laws of 2014, is amended to read as follows:

2. A school district, [~~board of cooperative educational services~~] **NY polytechnical institute** and/or their agents or employees shall incur no legal or financial liability as a result of any harm or injury sustained by a pupil or other person caused by reasonable and good faith compliance with this section.

§ 49. Section 907 of the education law, as added by chapter 242 of the laws of 2013, is amended to read as follows:

§ 907. Use of sunscreen. The board of education or trustees of each school district and [~~board of cooperative educational services~~] **NY polytechnical institute**, and the governing body of each private elementary, middle and secondary school, shall allow students to carry and use topical sunscreen products approved by the federal Food and Drug Administration for over-the-counter use for the purpose of avoiding overexposure to the sun and not for medical treatment of an injury or illness, with the written permission of the parent or guardian of the student. A record of such permission shall be maintained by the school. A student who is unable to physically apply sunscreen may be assisted by unlicensed personnel when directed to do so by the student, if permitted by a parent or guardian and authorized by the school.

§ 50. Section 913 of the education law, as amended by chapter 477 of the laws of 2004, is amended to read as follows:

§ 913. Medical examinations of teachers and other employees. In order to safeguard the health of children attending the public schools, the board of education or trustees of any school district or a [~~board of cooperative educational services~~] **NY polytechnical institute** shall be empowered to require any person employed by the board of education or trustees or [~~board of cooperative educational services~~] **NY polytechnical**

institute to submit to a medical examination by a physician or other health care provider of his or her choice or the director of school health services of the board of education or trustees or [~~board of cooperative educational services~~] **NY polytechnical institute**, in order to determine the physical or mental capacity of such person to perform his or her duties. The person required to submit to such medical examination shall be entitled to be accompanied by a physician or other person of his or her choice. The determination based upon such examination as to the physical or mental capacity of such person to perform his or her duties shall be reported to the board of education or trustees or [~~board of cooperative educational services~~] **NY polytechnical institute** and may be referred to and considered for the evaluation of service of the person examined or for disability retirement.

§ 51. Section 916 of the education law, as amended by chapter 423 of the laws of 2014, is amended to read as follows:

§ 916. Pupils with asthma or another respiratory disease requiring rescue inhaler treatment. 1. The board of education or trustees of each school district and [~~board of cooperative educational services~~] **NY polytechnical institute** shall allow pupils who have been diagnosed by a physician or other duly authorized health care provider with an asthmatic condition or another respiratory disease to carry and use a prescribed inhaler and self-administer inhaled rescue medications to alleviate respiratory symptoms or to prevent the onset of exercise induced asthmatic symptoms during the school day on school property and at any school function as such terms are defined, respectively, by subdivisions one and two of section eleven of this chapter, with the written permission of a physician or other duly authorized health care provider, and written parental consent. The written permission shall include an attestation by the physician or the health care provider confirming the following: (a) the pupil is diagnosed with asthma or another respiratory disease for which inhaled rescue medications are prescribed to alleviate respiratory symptoms or to prevent the onset of exercise induced asthmatic symptoms; and (b) that the pupil has demonstrated that he or she can self-administer the prescribed inhaled rescue medication effectively. The written permission shall also include the name of the prescribed inhaled rescue medication, the dose, the times when the medication is to be taken, the circumstances which may warrant the use of the medication and the length of time for which the inhaler is prescribed. A record of such consent and permission shall be maintained in the student's cumulative health record. In addition, upon the written request of a parent or person in parental relation, the board of education or trustees of a school district and [~~board of cooperative educational services~~] **NY polytechnical institute** shall allow such pupils to maintain an extra such inhaler in the care and custody of a licensed nurse, nurse practitioner, physician assistant, or physician employed by such district or [~~board of cooperative educational services~~] **NY polytechnical institute**, and shall be readily accessible to such pupil. Nothing in this section shall require a school district or [~~board of cooperative educational services~~] **NY polytechnical institute** to retain a licensed nurse, nurse practitioner, physician assistant, or physician solely for the purpose of taking custody of a spare inhaler for the treatment of asthma or a respiratory disease requiring rescue medication treatment, or require that a licensed nurse, nurse practitioner, physician assistant, or physician be available at all times in a school building for the purpose of taking custody of the inhaler. In addition, the medication provided by the pupil's parents or persons in parental

relation shall be made available to the pupil as needed in accordance with the school district's or [~~board of cooperative educational services'~~] **NY polytechnical institute's** policy and the orders prescribed in the written permission of the physician or other authorized health care provider.

2. A school district, [~~board of cooperative educational services~~] **NY polytechnical institute** and/or their agents or employees shall incur no legal or financial liability as a result of any harm or injury sustained by a pupil or other person caused by reasonable and good faith compliance with this section.

§ 52. Section 916-a of the education law, as added by chapter 423 of the laws of 2014, is amended to read as follows:

§ 916-a. Pupils with allergies. 1. The board of education or trustees of each school district and [~~board of cooperative educational services~~] **NY polytechnical institute** shall allow pupils who have been diagnosed by a physician or other duly authorized health care provider with an allergy to carry and use a prescribed epinephrine auto injector for the emergency treatment of allergic reactions during the school day on school property and at any school function as such terms are defined, respectively, by subdivisions one and two of section eleven of this chapter, with the written permission of a physician or other duly authorized health provider, and written parental consent. The written permission shall include an attestation by the physician or the health care provider confirming the following: (a) the pupil's diagnosis of an allergy for which an epinephrine auto injector is needed; and (b) that the pupil has demonstrated that he or she can self-administer the prescribed epinephrine auto injector effectively. The written permission shall also include the circumstances which may warrant the use of the epinephrine auto injector. A record of such consent and permission shall be maintained in the student's cumulative health record. In addition, upon the written request of a parent or person in parental relation, the board of education or trustees of a school district and [~~board of cooperative educational services~~] **NY polytechnical institute** shall allow such pupils to maintain an extra epinephrine auto injector for the emergency treatment of allergies in the care and custody of licensed nurse, nurse practitioner, physician assistant, or physician employed by such district or [~~board of cooperative educational services~~] **NY polytechnical institute**, and shall be readily accessible to such pupil. Nothing in this section shall require a school district or [~~board of cooperative educational services~~] **NY polytechnical institute** to retain a licensed nurse, nurse practitioner, physician assistant, or physician solely for the purpose of taking custody of a spare epinephrine auto injector for the emergency treatment of allergic reactions, or require that a licensed nurse, nurse practitioner, physician assistant, or physician be available at all times in a school building for taking custody of the epinephrine auto injector. In addition, the epinephrine auto injector provided by the pupil's parents or persons in parental relation will be made available to the pupil as needed in accordance with the school district's or [~~board of cooperative educational services'~~] **NY polytechnical institute's** policy and the orders prescribed in the written permission of the physician or other authorized health care provider.

2. A school district, [~~board of cooperative educational services~~] **NY polytechnical institute** and/or their agents or employees shall incur no legal or financial liability as a result of any harm or injury sustained by a pupil or other person caused by reasonable and good faith compliance with this section.

§ 53. Section 916-b of the education law, as added by chapter 423 of the laws of 2014, is amended to read as follows:

§ 916-b. Pupils with diabetes. 1. The board of education or trustees of each school district and [~~board of cooperative educational services~~] **NY polytechnical institute** shall allow pupils who have been diagnosed with diabetes to carry glucagon and carry and use insulin through appropriate medication delivery devices and equipment and/or to carry and use equipment and supplies necessary to check blood glucose levels and ketone levels, as prescribed by a physician or other duly authorized healthcare provider, during the school day on school property and at any school function as such terms are defined, respectively, by subdivisions one and two of section eleven of this chapter, with parental consent and the written permission of a physician or other duly authorized health care provider. The written permission shall include an attestation by the physician or the health care provider confirming the following: (a) the pupil's diagnosis of diabetes makes the delivery of insulin and glucagon through appropriate medication delivery devices during the school day on school property or at any school function necessary and/or makes the use of equipment and supplies to check blood glucose levels and ketone levels necessary; and (b) that the pupil has demonstrated that he or she can self-administer the prescribed insulin effectively and can self check glucose or ketone levels and can independently follow the treatment orders prescribed by the physician or other authorized health care provider in the written permission. The written permission shall identify prescribed blood glucose tests, ketone tests, insulin and glucagon to be used by the pupil at school and/or during school functions. If insulin or glucagon is prescribed, the written permission shall include the name of the type of insulin, the dose or dose range, the times when the medication is to be taken, the type of insulin delivery system and any other information prescribed by the commissioner in regulation, after consultation with the commissioner of health. A record of such consent and permission shall be maintained in the student's cumulative health record. In addition, upon the written request of a parent or person in parental relation, the board of education or trustees of a school district and [~~board of cooperative educational services~~] **NY polytechnical institute** shall allow such pupils to maintain extra insulin and an insulin delivery system, glucagon, blood glucose meters and related supplies used to treat such pupil's diabetes in the care and custody of a licensed nurse, nurse practitioner, physician assistant, or physician employed by such district or [~~board of cooperative educational services~~] **NY polytechnical institute**, and shall be readily accessible to such pupil. Nothing in this section shall require a school district or [~~board of cooperative educational services~~] **NY polytechnical institute** to retain a licensed nurse, nurse practitioner, physician assistant, or physician solely for the purpose of taking custody of extra insulin and an insulin delivery system, glucagon, blood glucose meters and related supplies used to treat such pupil's diabetes, or require that a licensed nurse, nurse practitioner, physician assistant, or physician be available at all times in a school building for the purpose of taking custody of extra insulin and an insulin delivery system, glucagon, blood glucose meters and related supplies. In addition, the medication and devices, equipment and supplies provided by the pupil's parents or persons in parental relation shall be made available to the pupil as needed in accordance with the school district's or [~~board of cooperative educational services'~~] **NY polytechnical institute's** policy and the orders prescribed in the written permission of the

physician or other authorized health care provider. Pupils with diabetes may also carry any food necessary to treat hypoglycemia pursuant to the school district policy, provided, however, such school district policy shall not unreasonably interfere with a pupil's ability to treat hypoglycemia.

2. A school district, [~~board of cooperative educational services~~] **NY polytechnical institute** and/or their agents or employees shall incur no legal or financial liability as a result of any harm or injury sustained by a pupil or other person caused by reasonable and good faith compliance with this section.

§ 54. Subdivision 1 of section 917 of the education law, as amended by chapter 61 of the laws of 2002, is amended to read as follows:

1. School districts, [~~boards of cooperative educational services~~] **NY polytechnical institutes**, county vocational education and extension boards and charter schools shall provide and maintain on-site in each instructional school facility automated external defibrillator (AED) equipment, as defined in paragraph (a) of subdivision one of section three thousand-b of the public health law, in quantities and types deemed by the commissioner in consultation with the commissioner of health to be adequate to ensure ready and appropriate access for use during emergencies.

§ 55. Section 919 of the education law, as amended by chapter 42 of the laws of 2008, is amended to read as follows:

§ 919. On-site nebulizers. 1. The board of education or trustees of the school district responsible for providing health services in a school, or the [~~board of cooperative educational services~~] **NY polytechnical institute** in the case of programs under its jurisdiction, shall make a nebulizer available on-site in every public and private school building in which full or part time nurse services are provided. Nebulizers in such school buildings shall be made available to allow reasonable access to all public and private school students with a patient specific order, who require inhaled medications administered by a nebulizer, provided, however, that nebulizers shall be administered by a school nurse or physician pursuant to the student's patient specific order. Every nebulizer shall be maintained in working order by the school district or [~~board of cooperative educational services~~] **NY polytechnical institute** that provides school health services to the school building where the nebulizer is located.

2. The commissioner shall be authorized to promulgate regulations for the implementation of this section.

§ 56. Section 921 of the education law, as added by chapter 423 of the laws of 2014 and subdivision 1 as amended by chapter 339 of the laws of 2021, is amended to read as follows:

§ 921. Training of unlicensed school personnel to administer certain medications. 1. The board of education or trustees of each school district and [~~board of cooperative educational services~~] **NY polytechnical institute** and nonpublic schools are authorized, but not obligated to have licensed registered professional nurses, nurse practitioners, physician assistants, and physicians train unlicensed school personnel to administer prescribed glucagon or epinephrine auto injectors in emergency situations, where an appropriately licensed health professional is not available, to pupils who have the written permission of a physician or other duly authorized health care provider for the administration of glucagon or emergency epinephrine auto injector, along with written parental consent, during the school day on school property and at any school function as such terms are defined, respectively, by subdivisions

one and two of section eleven of this chapter. Training must be provided by a physician or other duly authorized licensed health care professional in a competent manner and must be completed in a form and manner prescribed by the commissioner in regulation.

2. A school district, [~~board of cooperative educational services~~] **NY polytechnical institute**, nonpublic schools and/or their agents or employees shall incur no legal or financial liability as a result of any harm or injury sustained by a pupil or other person caused by reasonable and good faith compliance with this section.

§ 57. Section 921-a of the education law, as amended by chapter 200 of the laws of 2017, is amended to read as follows:

§ 921-a. On-site epinephrine auto-injector. 1. School districts, [~~boards of cooperative educational services~~] **NY polytechnical insistutes**, county vocational education and extension boards, charter schools, and non-public elementary and secondary schools in this state may provide and maintain on-site in each instructional school facility epinephrine auto-injectors in quantities and types deemed by the commissioner, in consultation with the commissioner of health, to be adequate to ensure ready and appropriate access for use during emergencies to any student or staff having anaphylactic symptoms whether or not there is a previous history of severe allergic reaction.

2. School districts, [~~boards of cooperative educational services~~] **NY polytechnical institutes**, county vocational education and extension boards, charter schools, and non-public elementary and secondary schools in this state, any person employed by any such entity, or employed by a contractor of such an entity while performing services for the entity may administer epinephrine auto-injectors in the event of an emergency pursuant to the requirements of section three thousand-c of the public health law.

§ 58. Section 922 of the education law, as amended by chapter 68 of the laws of 2016, is amended to read as follows:

§ 922. Opioid overdose prevention. 1. School districts, public libraries, [~~boards of cooperative educational services~~] **NY polytechnical institutes**, county vocational education and extension boards, charter schools, and non-public elementary and secondary schools in this state may provide and maintain on-site in each instructional school facility or library, opioid antagonists, as defined in section three thousand three hundred nine of the public health law, in quantities and types deemed by the commissioner, in consultation with the commissioner of health, to be adequate to ensure ready and appropriate access for use during emergencies to any student, individual on library premises or staff suspected of having opioid overdose whether or not there is a previous history of opioid abuse.

2. School districts, public libraries, [~~boards of cooperative educational services~~] **NY polytechnical institutes**, county vocational education and extension boards, charter schools, and non-public elementary and secondary schools in this state may elect to participate as an opioid antagonist recipient and any person employed by any such entity that has elected to participate may administer an opioid antagonist in the event of an emergency, provided that such person shall have been trained by a program approved under section three thousand three hundred nine of the public health law. Any school district, public library, [~~board of cooperative educational services~~] **NY polytechnical institute**, county vocational education and extension board, charter school, and non-public elementary and secondary school that has employees trained in accordance with this section shall comply with the requirements of

section three thousand three hundred nine of the public health law including, but not limited to, appropriate clinical oversight, record keeping and reporting. No person shall be required to participate in the program and any participation by an individual shall be voluntary.

§ 59. Subdivision a of section 924 of the education law, as added by chapter 533 of the laws of 2022, is amended to read as follows:

a. All contracts entered into for the two thousand twenty-three--two thousand twenty-four school year, and thereafter, to provide, maintain and operate cafeteria or restaurant service by a private food service management company shall include provisions requiring such private food service management company to disclose ingredients lists and nutritional information to school districts for all meals that such company provides. The private food service management company shall be required to consolidate nutritional information for any meal that is comprised of separate individual ingredients. School districts and [~~boards of cooperative educational services~~] **NY polytechnical institutes** shall have no responsibility to provide nutritional information except pursuant to subdivision b of this section.

§ 60. Subdivision 10 of section 1125 of the education law, as added by chapter 363 of the laws of 2018, is amended to read as follows:

10. "School" shall include a school district, public school, charter school, nonpublic school, [~~board of cooperative educational services~~] **NY polytechnical institute**, special act school district as defined in section four thousand one of this chapter, approved preschool special education program pursuant to section forty-four hundred ten of this chapter, approved private residential or non-residential school for the education of students with disabilities including private schools established under chapter eight hundred fifty-three of the laws of nineteen hundred seventy-six, or state-operated or state-supported school in accordance with article eighty-five, eighty-seven or eighty-eight of this chapter.

§ 61. Subdivision 2 of section 1202 of the education law, as amended by chapter 616 of the laws of 2008, is amended to read as follows:

2. Rural areas account for more than half of the school systems, [~~boards of cooperative education services~~] **NY polytechnical institutes** and colleges in the state;

§ 62. Subdivision 1 of section 1504 of the education law, as amended by chapter 390 of the laws of 1997, is amended to read as follows:

1. A district superintendent may organize a new school district out of the territory of one or more school districts which are wholly within the geographic area served by his [~~board of cooperative educational services~~] **NY polytechnical institute**, whenever the educational interests of the community require it. If there is an outstanding bonded indebtedness chargeable against the district or districts out of the territory of which such new district is organized, the district superintendent shall apportion said indebtedness between such new district and the remaining portion of the district or districts out of which such new district is organized, according to the assessed valuation thereof, and the portion of the indebtedness so apportioned shall become a charge for principal and interest upon the respective districts as though the same had been incurred by said districts separately.

§ 63. Subdivisions 21-a, 21-b and 31-b of section 1604 of the education law, subdivision 21-a as amended by section 6 of subpart A of part B of chapter 56 of the laws of 2022, subdivision 21-b as added by section 22 of subpart F of part C of chapter 97 of the laws of 2011, and

subdivision 31-b as added by chapter 525 of the laws of 1986, are amended to read as follows:

21-a. To lease a motor vehicle or vehicles to be used for the transportation of the children of the district from a school district, [~~board of cooperative educational services~~] **NY polytechnical institute** or county vocational education and extension board or from any other source, under the conditions specified in this subdivision. No such agreement for the lease of a motor vehicle or vehicles shall be for a term of more than one school year, provided that when authorized by a vote of the qualified voters of the district such lease may have a term of up to five years, or twelve years for the lease of zero-emission school buses as defined in section thirty-six hundred thirty-eight of this chapter. Where the trustee or board of trustees enter into a lease of a motor vehicle or vehicles pursuant to this subdivision for a term of one school year or less, such trustee or board shall not be authorized to enter into another lease for the same or an equivalent replacement vehicle or vehicles, as determined by the commissioner, without obtaining approval of the qualified voters of the school district.

21-b. a. The trustees are authorized to provide regional transportation services by rendering such services jointly with other school districts or [~~boards of cooperative educational services~~] **NY polytechnical institutes**. Such services may include pupil transportation between home and school, transportation during the day to and from school and a special education program or service or a program at a [~~board of cooperative educational services~~] **NY polytechnical institute** or an approved shared program at another school district, transportation for field trips or to and from extracurricular activities, and cooperative school bus maintenance.

b. The trustees are authorized to enter into a contract with another school district, a county, municipality, or the state office of children and family services to provide transportation for children, including contracts to provide such transportation as regional transportation services, provided that the contract cost is appropriate. In determining the appropriate transportation contract cost, the transportation service provider school district shall use a calculation consistent with regulations adopted by the commissioner for the purpose of assuring that charges reflect the true costs that would be incurred by a prudent person in the conduct of a competitive transportation business.

31-b. In their discretion, to purchase insurance against personal injuries incurred by an authorized participant in a school volunteer program, including but not limited to, those authorized participants who assist on school buses, school sponsored transportation to and from school, or on school sponsored field trips or any other school sponsored activity; provided, however, that the injuries were incurred while the authorized participant was functioning either within the scope of his or her authorized volunteer duties or under the direction of the board of education, trustee, or [~~board of cooperative educational services~~] **NY polytechnical institute**, or both.

§ 64. Subdivision 1 of section 1608 of the education law, as amended by section 5 of part A of chapter 436 of the laws of 1997, is amended to read as follows:

1. It shall be the duty of the trustees of each common school district to present at the annual budget hearing a detailed statement in writing of the amount of money which will be required for the ensuing year for school purposes, specifying the several purposes and the amount for each. The amount for each purpose estimated necessary for payments to

[~~boards of cooperative educational services~~] **NY polytechnical institutes** shall be shown in full, with no deduction of estimated state aid. The amount of state aid provided and its percentage relationship to the total expenditures shall also be shown. This section shall not be construed to prevent the trustees from presenting such statement at a budget hearing held not less than seven nor more than fourteen days prior to a special meeting called for the purpose, nor from presenting a supplementary and amended statement or estimate at any time.

§ 65. Paragraphs b, d, e, g, and i of subdivision 25 and subdivision 34-b of section 1709 of the education law, paragraphs d and e of subdivision 25 as amended by chapter 230 of the laws of 1968, paragraph b of subdivision 25 as amended by chapter 742 of the laws of 1975, paragraph g of subdivision 25 as amended by section 23 of subpart F of part C of chapter 97 of the laws of 2011, paragraph i of subdivision 25 as amended by section 7 of subpart A of part B of chapter 56 of the laws of 2022, and subdivision 34-b as added by chapter 525 of the laws of 1986, are amended to read as follows:

b. Such motor vehicle or vehicles may be leased to another school district or to a [~~board of cooperative educational services~~] **NY polytechnical institute** or to a county vocational education and extension board or to an Indian tribe for educational purposes when not needed for such transportation.

d. The board of education may lease such motor vehicle or vehicles from a [~~board of cooperative educational services~~] **NY polytechnical institute** or from a county vocational education and extension board.

e. Under emergency conditions, as determined by the commissioner, the board of education may lease such vehicle or vehicles from sources other than a school district, [~~board of cooperative educational services~~] **NY polytechnical institute** or county vocational education and extension board.

g. The board of education is authorized to provide regional transportation services by rendering such services jointly with other school districts or [~~boards of cooperative educational services~~] **NY polytechnical institutes**. Such services may include pupil transportation between home and school, transportation during the day to and from school and a special education program or service or a program at a [~~board of cooperative educational services~~] **NY polytechnical institute** or an approved shared program at another school district, transportation for field trips or to and from extracurricular activities, and cooperative school bus maintenance.

i. In addition to the authority granted in paragraph e of this subdivision, the board of education shall be authorized to lease a motor vehicle or vehicles to be used for the transportation of the children of the district from sources other than a school district, [~~board of cooperative educational services~~] **NY polytechnical institute** or county vocational education and extension board under the conditions specified in this paragraph. No such agreement for the lease of a motor vehicle or vehicles shall be for a term of more than one school year, provided that when authorized by a vote of the qualified voters of the district such lease may have a term of up to five years, or twelve years for the lease of zero-emission school buses as defined in section thirty-six hundred thirty-eight of this chapter. Where the board of education enters a lease of a motor vehicle or vehicles pursuant to this paragraph for a term of one school year or less, such board shall not be authorized to enter into another lease of the same or an equivalent replacement vehi-

cle or vehicles, as determined by the commissioner, without obtaining approval of the voters.

34-b. In its discretion, to purchase insurance against personal injuries incurred by an authorized participant in a school volunteer program, including but not limited to, those authorized participants who assist on school buses, school sponsored transportation to and from school, or on school sponsored field trips or any other school sponsored activity; provided, however, that the injuries were incurred while the authorized participant was functioning either within the scope of his or her authorized volunteer duties or under the direction of the board of education, trustee, or [~~board of cooperative educational services~~] **NY polytechnical institute**, or both.

§ 66. Subdivision 1 of section 1716 of the education law, as amended by section 7 of part A of chapter 436 of the laws of 1997, is amended to read as follows:

1. It shall be the duty of the board of education of each district to present at the annual budget hearing a detailed statement in writing of the amount of money which will be required for the ensuing year for school purposes, specifying the several purposes and the amount for each. The amount for each purpose estimated necessary for payments to [~~boards of cooperative educational services~~] **NY polytechnical institutes** shall be shown in full, with no deduction of estimated state aid. The amount of state aid provided and its percentage relationship to the total expenditures shall also be shown. This section shall not be construed to prevent the board from presenting such statement at a budget hearing held not less than seven nor more than fourteen days prior to a special meeting called for the purpose, nor from presenting a supplementary and amended statement or estimate at any time.

§ 67. Subdivisions 1 and 2 of section 1980 of the education law, as added by chapter 785 of the laws of 1992, are amended to read as follows:

1. The term "board of education" shall mean the trustee, trustees or board of education of any common, union free, central, central high or city school district, or a [~~board of cooperative educational services~~] **NY polytechnical institute**.

2. The term "school district" shall mean any common, union free, central, central high or city school district, or a [~~board of cooperative educational services~~] **NY polytechnical institute**.

§ 68. Paragraph c of subdivision 2 of section 2023-a of the education law, as amended by section 1 of subpart C of part C of chapter 20 of the laws of 2015, is amended to read as follows:

c. "Capital local expenditures" means the taxes associated with budgeted expenditures resulting from the financing, refinancing, acquisition, design, construction, reconstruction, rehabilitation, improvement, furnishing and equipping of, or otherwise providing for school district capital facilities or school district capital equipment, including debt service and lease expenditures, and transportation capital debt service, subject to the approval of the qualified voters where required by law. The commissioner of taxation and finance shall, as appropriate, promulgate rules and regulations which may provide for adjustment of capital local expenditures to reflect a school district's share of additional budgeted capital expenditures made by a [~~board of cooperative educational services~~] **NY polytechnical institute**.

§ 69. Section 2050 of the education law, as added by chapter 640 of the laws of 2008, is amended to read as follows:

§ 2050. Definition. As used in this part, a "lawyer" shall mean an attorney or counselor governed by article fifteen of the judiciary law, who receives remuneration or other compensation from a school district or [~~board of cooperative educational services~~] **NY polytechnical institute** in exchange for legal services provided to such district or [~~board~~] **institute**.

§ 70. Section 2051 of the education law, as added by chapter 640 of the laws of 2008, is amended to read as follows:

§ 2051. Charging for professional services. 1. A lawyer shall not simultaneously be an independent contractor and an employee of a school district or [~~board of cooperative educational services~~] **NY polytechnical institute** for the purpose of providing legal services to such school district or [~~board of cooperative educational services~~] **NY polytechnical institute**.

2. A lawyer who is not an employee of a school district or [~~board of cooperative educational services~~] **NY polytechnical institute**, shall not seek to be or be considered, treated or otherwise reported by the school district, or [~~board of cooperative educational services~~] **NY polytechnical institute** as an employee thereof for purposes of compensation, remuneration, health insurance, pension and all employment-related benefits and emoluments associated therewith.

§ 71. Subdivision 1 of section 2052 of the education law, as added by chapter 640 of the laws of 2008, is amended to read as follows:

1. Any lawyer who violates section two thousand fifty-one of this part, shall be liable for a civil penalty not to exceed three times the charges and fees for contracted services or salary received by the lawyer and paid by such school district or [~~board of cooperative educational services~~] **NY polytechnical institute** for legal services, and in addition, may be enjoined from continuing such violation. Civil penalties and injunctive relief provided in this section shall be recoverable in an action brought by the attorney general.

§ 72. Section 2053 of the education law, as added by chapter 640 of the laws of 2008, is amended to read as follows:

§ 2053. Reports regarding lawyers. Every school district and [~~board of cooperative educational services~~] **NY polytechnical institute** shall, on or before the forty-fifth day after the commencement of its fiscal year, file with the department, the comptroller and the attorney general a report specifying: (a) all lawyers who provide legal services to such district or [~~board~~] **institute**; (b) whether such district or [~~board~~] **institute** hired such lawyers as employees; and (c) all remuneration and compensation paid for legal services.

§ 73. Subdivisions 1 and 2 of section 2102-a of the education law, as amended by chapter 388 of the laws of 2010, are amended to read as follows:

1. a. Every trustee or voting member of a board of education of a school district or a [~~board of cooperative educational services~~] **NY polytechnical institute**, elected or appointed for a term beginning on or after July first, two thousand five, shall, within the first year of his or her term, complete a minimum of six hours of training on the financial oversight, accountability and fiduciary responsibilities of a school board member.

b. In addition to the training required by paragraph a of this subdivision, every trustee or voting member of a board of education of a school district or a [~~board of cooperative educational services~~] **NY polytechnical institute**, elected or appointed for a first term beginning on or after the first of July next succeeding the effective date of this

paragraph, shall, within the first year of his or her term, complete a training course to acquaint him or her with the powers, functions and duties of boards of education, as well as the powers and duties of other governing and administrative authorities affecting public education.

c. Upon demonstration of compliance, no trustee or member of a board of education or a [~~board of cooperative educational services~~] **NY polytechnical institute** shall be required to repeat the training requirements provided for in paragraphs a and b of this subdivision. Nothing in this section shall be deemed to require a member of a central high school district board or a member of a [~~board of cooperative educational services~~] **NY polytechnical institute** to complete such requirements if such member has already completed such requirements as a member of a board of a component school district. Nothing in this section shall be deemed to require trustees or voting members of a board of education of a school district or a [~~board of cooperative educational services~~] **NY polytechnical institute** to complete the requirements of paragraph b of this subdivision if such trustee or member is seated or appointed on or before the effective date of [~~the~~] chapter **three hundred eighty-eight** of the laws of two thousand ten [~~that amended this subdivision~~].

2. The curriculum used for training on financial oversight, accountability and fiduciary responsibilities shall be approved by the commissioner in consultation with the comptroller and the curriculum used for the general training shall be approved by the commissioner. These curricula may be offered together as a single course or separately. The training required by this section may be offered by providers approved by the commissioner. In approving other providers for these trainings, the commissioner shall consider the potential provider's understanding of the educational environment, the roles of trustees and boards of education and [~~boards of cooperative educational services~~] **NY polytechnical institutes**, and the experience of the provider in delivering such training.

§ 74. Subdivision 3-a of section 2116-a of the education law, as added by chapter 267 of the laws of 2005, is amended to read as follows:

3-a. In addition to the annual audit required by subdivision three of this section, each school district and [~~board of cooperative educational services~~] **NY polytechnical institute** within the state shall be subject to audits of the state conducted by the comptroller as set forth in section thirty-three of the general municipal law.

§ 75. Subdivisions 1 and 2 of section 2204 of the education law, as amended by chapter 657 of the laws of 1971, are amended to read as follows:

1. The [~~board of cooperative educational services~~] **NY polytechnical institute** of a supervisory district shall meet upon the direction of the commissioner of education, at a time and place designated by the commissioner, for the purpose of appointing a district superintendent of schools whenever a vacancy in such office shall occur, unless the commissioner shall issue an order pursuant to section twenty-two hundred one redistricting the county so as to provide for a lesser number of supervisory districts. Such direction shall be filed by the commissioner of education in the office of the clerk of the [~~board of cooperative educational services~~] **NY polytechnical institute** and the commissioner shall also mail a notice of the time and place of such meeting to each member of the [~~board of cooperative educational services~~] **NY polytechnical institute** of the district. If such vacancy shall not be filled at such meeting, such meeting may be adjourned to a subsequent date, and the commissioner may appoint a district superintendent of schools who

shall serve until the [~~board of cooperative educational services~~] **NY polytechnical institute** shall fill such vacancy.

2. In the appointment of such district superintendent the vote shall be by ballot and the person receiving a majority of all votes cast shall be appointed subject to the approval of the commissioner of education. Each member of the [~~board of cooperative educational services~~] **NY polytechnical institute** shall be entitled to one vote in such appointment.

§ 76. Subdivision 3 of section 2208 of the education law, as amended by chapter 583 of the laws of 1955, is amended to read as follows:

3. His **or her** filing in the offices of the commissioner of education and of the clerk of the [~~board of cooperative educational services~~] **NY polytechnical institute** his **or her** written resignation.

§ 77. Section 2212 of the education law, as amended by chapter 474 of the laws of 1996, is amended to read as follows:

§ 2212. Removal of district superintendent from office. A district superintendent may be removed from office at any time upon the affirmative vote of a majority of the members of the [~~board of cooperative educational services~~] **NY polytechnical institute**, or by the commissioner pursuant to section three hundred six of this chapter.

§ 78. Subdivision 17 of section 2215 of the education law, as added by section 2-a of part A of chapter 57 of the laws of 2013, is amended to read as follows:

17. To determine the adequacy and appropriateness of the facilities space available to house special education programs in the geographic area served by the [~~board of cooperative educational services~~] **NY polytechnical institute**, consistent with the least restrictive environment requirement and to ensure the stability and continuity of program placements for students with disabilities, including procedures that ensure that special education programs and services located in appropriate facilities will not be relocated without adequate consideration of the needs of participating students with disabilities.

§ 79. Paragraph e of subdivision 5 of section 2218 of the education law, as added by section 83 of part L of chapter 405 of the laws of 1999, is amended to read as follows:

e. For any reorganization pursuant to this section that takes effect during a school year, the district superintendent shall apportion the administrative expense of the [~~board of cooperative educational services~~] **NY polytechnical institute** chargeable to the pre-existing school district between the new school district and the remaining district based on the actual valuation of the two districts.

§ 80. Subdivision 10-b of section 2503 of the education law, as added by chapter 525 of the laws of 1986, is amended to read as follows:

10-b. In its discretion, to purchase insurance against personal injuries incurred by an authorized participant in a school volunteer program, including but not limited to, those authorized participants who assist on school buses, school sponsored transportation to and from school, or on school sponsored field trips or any other school sponsored activity; provided, however, that the injuries were incurred while the authorized participant was functioning either within the scope of his or her authorized volunteer duties or under the direction of the board of education, trustee, or [~~board of cooperative educational services~~] **NY polytechnical institute**, or both.

§ 81. Subdivision 1 of section 2509 of the education law, as amended by chapter 116 of the laws of 1971, paragraphs (a) and (b) as amended by section 1 of subpart D of part EE of chapter 56 of the laws of 2015, subparagraph ii of paragraph (a) as amended by chapter 201 of the laws

of 2022, and subparagraph ii of paragraph (b) as amended by chapter 345 of the laws of 2019, is amended to read as follows:

1. (a) i. Teachers and all other members of the teaching staff appointed prior to July first, two thousand fifteen and authorized by section twenty-five hundred three of this article, shall be appointed by the board of education, upon the recommendation of the superintendent of schools, for a probationary period of three years, except that in the case of a teacher who has rendered satisfactory service as a regular substitute for a period of two years or as a seasonally licensed per session teacher of swimming in day schools who has served in that capacity for a period of two years and has been appointed to teach the same subject in day schools on an annual salary, the probationary period shall be limited to one year; provided, however, that in the case of a teacher who has been appointed on tenure in another school district within the state, the school district where currently employed, or a [~~board of cooperative educational services~~] **NY polytechnical institute**, and who was not dismissed from such district or [~~board~~] **institute** as a result of charges brought pursuant to subdivision one of section three thousand twenty-a of this chapter, the probationary period shall not exceed two years. The service of a person appointed to any of such positions may be discontinued at any time during such probationary period, on the recommendation of the superintendent of schools, by a majority vote of the board of education. Each person who is not to be recommended for appointment on tenure shall be so notified by the superintendent of schools in writing not later than sixty days immediately preceding the expiration of his probationary period.

ii. Notwithstanding any other provision of law or regulation to the contrary, teachers and all other members of the teaching staff appointed on or after July first, two thousand fifteen and authorized by section twenty-five hundred three of this article, shall be appointed by the board of education, upon the recommendation of the superintendent of schools, for a probationary period of four years, except that in the case of a teacher who has rendered satisfactory service as a regular substitute for a period of two years and, if a classroom teacher, has received composite annual professional performance review ratings in each of those years, or has rendered satisfactory service as a seasonally licensed per session teacher of swimming in day schools who has served in that capacity for a period of two years and has been appointed to teach the same subject in day schools on an annual salary, the teacher shall be appointed for a probationary period of two years; provided, however, that in the case of a teacher who has been appointed on tenure in another school district within the state, the school district where currently employed, or a [~~board of cooperative educational services~~] **NY polytechnical institute**, and who was not dismissed from such district or [~~board~~] **institute** as a result of charges brought pursuant to subdivision one of section three thousand twenty-a or section three thousand twenty-b of this chapter, the teacher shall be appointed for a probationary period of three years; provided that the teacher demonstrates that he or she received an annual professional performance review rating pursuant to section three thousand twelve-c or section three thousand twelve-d of this chapter in his or her final year of service in such other school district or [~~board of cooperative educational services~~] **NY polytechnical institute**. Provided further, however, that in the case of a teacher who has been appointed for a probationary period during the two thousand twenty--two thousand twenty-one, the two thousand twenty-one--two thousand twenty-two or the two thousand twen-

ty-two--two thousand twenty-three school year and who has been appointed on tenure in another school district within the state, the school district where currently employed, [~~board of cooperative educational services~~] **NY polytechnical institute** or state school for the blind or deaf and who was not dismissed from such district, [~~board~~] **institute** or state school for the blind or deaf as a result of charges brought pursuant to subdivision one of section three thousand twenty-a or section three thousand twenty-b of this chapter, such teacher shall be appointed for a probationary period of three years; provided that, in the case of a classroom teacher, such teacher demonstrates that he or she received an annual professional performance review rating pursuant to section three thousand twelve-c or section three thousand twelve-d of this chapter in the two thousand seventeen--two thousand eighteen or two thousand eighteen--two thousand nineteen school year in such other school district, [~~board of cooperative educational services~~] **NY polytechnical institute** or state school for the blind or deaf. The service of a person appointed to any of such positions may be discontinued at any time during such probationary period, on the recommendation of the superintendent of schools, by a majority vote of the board of education. Each person who is not to be recommended for appointment on tenure shall be so notified by the superintendent of schools in writing not later than sixty days immediately preceding the expiration of his/her probationary period.

(b) i. Administrators, directors, supervisors, principals and all other members of the supervising staff, except associate, assistant and other superintendents appointed prior to July first, two thousand fifteen and authorized by section twenty-five hundred three of this article, shall be appointed by the board of education, upon the recommendation of the superintendent of schools for a probationary period of three years. The service of a person appointed to any of such positions may be discontinued at any time during the probationary period on the recommendation of the superintendent of schools, by a majority vote of the board of education.

ii. Notwithstanding any other provision of law or regulation to the contrary, administrators, directors, supervisors, principals and all other members of the supervising staff, except associate, assistant and other superintendents, appointed on or after July first, two thousand fifteen and authorized by section twenty-five hundred three of this article, shall be appointed by the board of education, upon the recommendation of the superintendent of schools for a probationary period of four years; provided, however, that in the case of a principal, administrator, supervisor, or other member of the supervising staff who has been appointed on tenure pursuant to this chapter as an administrator within an authorized administrative tenure area in another school district within the state, the school district where currently employed, or a [~~board of cooperative educational services~~] **NY polytechnical institute**, and who was not dismissed from such district or [~~board~~] **institute** as a result of charges brought pursuant to subdivision one of section three thousand twenty-a or section three thousand twenty-b of this chapter, the principal, administrator, supervisor or other member of the supervising staff shall be appointed for a probationary period of three years. The service of a person appointed to any of such positions may be discontinued at any time during the probationary period on the recommendation of the superintendent of schools, by a majority vote of the board of education.

§ 82. Subdivision 16-b of section 2554 of the education law, as added by chapter 525 of the laws of 1986, is amended to read as follows:

16-b. In its discretion, to purchase insurance against personal injuries incurred by an authorized participant in a school volunteer program, including but not limited to, those authorized participants who assist on school buses, school sponsored transportation to and from school, or on school sponsored field trips or any other school sponsored activity; provided, however, that the injuries were incurred while the authorized participant was functioning either within the scope of his or her authorized volunteer duties or under the direction of the board of education, trustee, or [~~board of cooperative educational services~~] **NY polytechnical institute**, or both.

§ 83. Subdivision 1 of section 2573 of the education law, as amended by section 3 of subpart D of part EE of chapter 56 of the laws of 2015, subparagraph ii of paragraph (a) as amended by chapter 201 of the laws of 2022, and subparagraph ii of paragraph (b) as amended by chapter 345 of the laws of 2019, is amended to read as follows:

1. (a) i. Teachers and all other members of the teaching staff, appointed prior to July first, two thousand fifteen and authorized by section twenty-five hundred fifty-four of this article, shall be appointed by the board of education, upon the recommendation of the superintendent of schools, for a probationary period of three years, except that in the case of a teacher who has rendered satisfactory service as a regular substitute for a period of two years or as a seasonally licensed per session teacher of swimming in day schools who has served in that capacity for a period of two years and has been appointed to teach the same subject in day schools on an annual salary, the probationary period shall be limited to one year; provided, however, that in the case of a teacher who has been appointed on tenure in another school district within the state, the school district where currently employed, or a [~~board of cooperative educational services~~] **NY polytechnical institute**, and who was not dismissed from such district or [~~board~~] **institute** as a result of charges brought pursuant to subdivision one of section three thousand twenty-a or section three thousand twenty-b of this chapter, the probationary period shall not exceed two years; provided, however, that in cities with a population of one million or more, a teacher appointed under a newly created license, for teachers of reading and of the emotionally handicapped, to a position which the teacher has held for at least two years prior to such appointment while serving on tenure in another license area who was not dismissed as a result of charges brought pursuant to subdivision one of section three thousand twenty-a or section three thousand twenty-b of this chapter, the probationary period shall be one year. The service of a person appointed to any of such positions may be discontinued at any time during such probationary period, on the recommendation of the superintendent of schools, by a majority vote of the board of education. Each person who is not to be recommended for appointment on tenure shall be so notified by the superintendent of schools in writing not later than sixty days immediately preceding the expiration of his or her probationary period. In city school districts having a population of four hundred thousand or more, persons with licenses obtained as a result of examinations announced subsequent to the twenty-second day of May, nineteen hundred sixty-nine appointed upon conditions that all announced requirements for the position be fulfilled within a specified period of time, shall not acquire tenure unless and until such requirements have been completed within the time specified for the fulfillment of such

requirements, notwithstanding the expiration of any probationary period. In all other city school districts subject to the provisions of this article, failure to maintain certification as required by this article and by the regulations of the commissioner shall be cause for removal within the meaning of subdivision five of this section.

ii. Teachers and all other members of the teaching staff appointed on or after July first, two thousand fifteen and authorized by section twenty-five hundred fifty-four of this article, shall be appointed by the board of education, upon the recommendation of the superintendent of schools, for a probationary period of four years, except that in the case of a teacher who has rendered satisfactory service as a regular substitute for a period of two years and, if a classroom teacher, has received annual professional performance review ratings in each of those years, or has rendered satisfactory service as a seasonally licensed per session teacher of swimming in day schools who has served in that capacity for a period of two years and has been appointed to teach the same subject in day schools on an annual salary, the teacher shall be appointed for a probationary period of two years; provided, however, that in the case of a teacher who has been appointed on tenure in another school district within the state, the school district where currently employed, or a [~~board of cooperative educational services~~] **NY polytechnical institute**, and who was not dismissed from such district or [~~board~~] **institute** as a result of charges brought pursuant to subdivision one of section three thousand twenty-a or section three thousand twenty-b of this chapter, the teacher shall be appointed for a probationary period of three years; provided that, in the case of a classroom teacher, the teacher demonstrates that he or she received an annual professional performance review rating pursuant to section three thousand twelve-c or section three thousand twelve-d of this chapter in his or her final year of service in such other school district or [~~board of cooperative educational services~~] **NY polytechnical institute**; provided, however, that, in the case of a classroom teacher who has been appointed for a probationary period during the two thousand twenty--two thousand twenty-one, the two thousand twenty-one--two thousand twenty-two or the two thousand twenty-two--two thousand twenty-three school year and who has been appointed on tenure in another school district within the state, the school district where currently employed, [~~board of cooperative educational services~~] **NY polytechnical institute** or state school for the blind or deaf, and who was not dismissed from such district, [~~board~~] **institute** or state school for the blind or deaf as a result of charges brought pursuant to section three thousand twenty-a or section three thousand twenty-b of this chapter, such teacher shall be appointed for a probationary period of three years; provided that, in the case of a classroom teacher, such teacher demonstrates that he or she received an annual professional performance review rating pursuant to section three thousand twelve-c or section three thousand twelve-d of this chapter in the two thousand seventeen--two thousand eighteen or two thousand eighteen--two thousand nineteen school year in such other school district, [~~board of cooperative educational services~~] **NY polytechnical institute** or state school for the blind or deaf; provided further, however, that in cities with a population of one million or more, a teacher appointed under a newly created license, for teachers of reading and of the emotionally handicapped, to a position which the teacher has held for at least two years prior to such appointment while serving on tenure in another license area who was not dismissed as a result of charges brought pursuant to subdivision one of section three thousand twenty-a

or section three thousand twenty-b of this chapter, the teacher shall be appointed for a probationary period of two years. The service of a person appointed to any of such positions may be discontinued at any time during such probationary period, on the recommendation of the superintendent of schools, by a majority vote of the board of education. Each person who is not to be recommended for appointment on tenure shall be so notified by the superintendent of schools in writing not later than sixty days immediately preceding the expiration of his or her probationary period. In all city school districts subject to the provisions of this article, failure to maintain certification as required by this article and by the regulations of the commissioner shall be cause for removal within the meaning of subdivision five of this section.

(b) i. Administrators, directors, supervisors, principals and all other members of the supervising staff, except executive directors, associate, assistant, district and community superintendents and examiners, appointed prior to July first, two thousand fifteen and authorized by section twenty-five hundred fifty-four of this article, shall be appointed by the board of education, upon the recommendation of the superintendent or chancellor of schools, for a probationary period of three years. The service of a person appointed to any of such positions may be discontinued at any time during the probationary period on the recommendation of the superintendent of schools, by a majority vote of the board of education.

ii. Administrators, directors, supervisors, principals and all other members of the supervising staff, except executive directors, associate, assistant, district and community superintendents and examiners, appointed on or after July first, two thousand fifteen and authorized by section twenty-five hundred fifty-four of this article, shall be appointed by the board of education, upon the recommendation of the superintendent or chancellor of schools, for a probationary period of four years provided that such probationary period may be extended in accordance with paragraph (b) of subdivision five of this section; provided, however, that in the case of a principal, administrator, supervisor, or other member of the supervising staff who has been appointed on tenure pursuant to this chapter as an administrator within an authorized administrative tenure area in another school district within the state, the school district where currently employed, or a [~~board of cooperative educational services~~] **NY polytechnical institute** and who was not dismissed from such district or [~~board~~] **institute** as a result of charges brought pursuant to subdivision one of section three thousand twenty-a or section three thousand twenty-b of this chapter, the principal, administrator, supervisor or other member of the supervising staff shall be appointed for a probationary period of three years. The service of a person appointed to any of such positions may be discontinued at any time during the probationary period on the recommendation of the superintendent of schools, by a majority vote of the board of education.

§ 84. Paragraph (b) of subdivision 5 of section 2601-a of the education law, as amended by section 9 of part A of chapter 97 of the laws of 2011, is amended to read as follows:

(b) items of expense specifically authorized by statute to be incurred by the board of education, including, but not limited to, expenditures for transportation to and from regular school programs included as ordinary contingent expenses in subdivision twelve of section twenty-five hundred three of this chapter, expenditures for textbooks, required

services for non-public school students, school health services, special education services, kindergarten and nursery school programs, and the district's share of the administrative costs and costs of services provided by a [~~board of cooperative educational services~~] **NY polytechnical institute**;

§ 85. The opening paragraph of subdivision 2 of section 2801 of the education law, as amended by chapter 380 of the laws of 2001, is amended to read as follows:

The board of education or the trustees, as defined in section two of this chapter, of every school district within the state, however created, and every [~~board of cooperative educational services~~] **NY polytechnical institute** and county vocational extension board, shall adopt and amend, as appropriate, a code of conduct for the maintenance of order on school property, including a school function, which shall govern the conduct of students, teachers and other school personnel as well as visitors and shall provide for the enforcement thereof. Such policy may be adopted by the school board or trustees only after at least one public hearing that provides for the participation of school personnel, parents, students and any other interested parties. Such code of conduct shall include, at a minimum:

§ 86. Subdivision 1 of section 2801-a of the education law, as amended by section 1 of part B of chapter 54 of the laws of 2016, is amended to read as follows:

1. The board of education or trustees, as defined in section two of this chapter, of every school district within the state, however created, and every [~~board of cooperative educational services~~] **NY polytechnical institute** and county vocational education and extension board and the chancellor of the city school district of the city of New York shall adopt and amend a comprehensive district-wide school safety plan and building-level emergency response plans regarding crisis intervention, emergency response and management, provided that in the city school district of the city of New York, such plans shall be adopted by the chancellor of the city school district. Such plans shall be developed by a district-wide school safety team and a building-level emergency response team established pursuant to subdivision four of this section and shall be in a form developed by the commissioner in consultation with the division of criminal justice services, the superintendent of the state police and any other appropriate state agencies. The commissioner, in consultation with the superintendent of the state police, is authorized to develop an appeals process from duplicative requirements of a district-wide school safety plan for school districts having only one school building.

§ 87. Section 2801-b of the education law, as amended by section 3-a of part A of chapter 57 of the laws of 2013, is amended to read as follows:

§ 2801-b. New York state school safety improvement teams. The governor shall establish New York state school safety improvement teams, which may be composed of representatives from the division of homeland security and emergency services, the division of state police, the division of criminal justice services, and the department. Such New York State School Safety Improvement Teams shall review and assess school safety plans submitted, on a voluntary basis, by school districts having a population of less than one hundred twenty-five thousand inhabitants, [~~boards of cooperative educational services~~] **NY polytechnical institutes**, nonpublic schools, and county vocational education and

extension boards, and may make recommendations to improve such school safety plans.

§ 88. Intentionally omitted.

§ 89. Subdivision 2, the opening paragraph of subdivision 3, and subdivision 4 of section 2802 of the education law, as added by chapter 181 of the laws of 2000, are amended to read as follows:

2. The commissioner, in conjunction with the division of criminal justice services, shall establish a statewide uniform violent incident reporting system which public school districts, [~~boards of cooperative educational services~~] **NY polytechnical institutes** and county vocational education and extension boards shall follow.

The uniform violent incident reporting system shall require public school districts, [~~boards of cooperative educational services~~] **NY polytechnical institutes** and county vocational education and extension boards to annually report to the commissioner in a form and by a date prescribed by the commissioner, the following information concerning violent and disruptive incidents that occurred in the prior school year:

4. The commissioner shall require a summary of such information to be included, in a form prescribed by the commissioner, in the school district report cards or [~~board of cooperative educational services~~] **NY polytechnical institute** report cards required by this chapter.

§ 90. Subdivision 3 of section 3003 of the education law, as amended by chapter 149 of the laws of 1974, is amended to read as follows:

3. The commissioner, at the request of a board of education or [~~board of cooperative educational services~~] **NY polytechnical institute**, may provide for the issuance of a certificate as superintendent of schools to exceptionally qualified persons who do not meet all of the graduate course or teaching requirements of subdivision one of this section, but whose exceptional training and experience are the substantial equivalent of such requirements and qualify such persons for the duties of a superintendent of schools.

§ 91. Subdivisions 3, 4, and 5 of section 3004 of the education law, subdivision 3 as added by chapter 181 of the laws of 2000, subdivisions 4 and 5 as amended by chapter 484 of the laws of 2008, are amended to read as follows:

3. The commissioner shall prescribe regulations requiring that all persons applying on or after February second, two thousand one for a teaching certificate or license, including but not limited to a certificate or license valid for service as a classroom teacher, teaching assistant, pupil personnel service professional, school administrator or supervisor or superintendent of schools, shall, in addition to all the other certification or licensing requirements, have completed two hours of course work or training in school violence prevention and intervention. The course work or training shall be obtained from an institution or provider which has been approved by the department to provide such course work or training. Such regulations shall also require that school districts and [~~boards of cooperative educational services~~] **NY polytechnical institutes** include training for teachers and other certified or licensed employees in school violence prevention and intervention in their required professional development plans.

4. a. The commissioner shall prescribe regulations requiring that all persons applying on or after September second, two thousand nine for a teaching certificate or license as a special education teacher for the purposes pursuant to article eighty-nine of this chapter shall, in addition to all the other certification or licensing requirements, have completed enhanced course work or training in area of children with

autism. In addition, such regulations shall require that enhanced training in the needs of autistic children be provided to each certified school administrator or supervisor assigned on or after September second, two thousand nine to serve as a special education administrator. Such training shall be provided prior to, or as soon as practicable following, assignment as a special education administrator. Individuals serving as special education administrators as of September second, two thousand nine shall complete such training by such date. The enhanced course work or training shall be obtained from an institution or provider which has been approved by the department to provide such course work or training in the needs of autistic children, provided that enhanced training for certified school administrators or supervisors that meets standards prescribed by the commissioner may be included in the professional development provided by the school district or [~~board of cooperative educational services~~] **NY polytechnical institute** to such administrators or supervisors.

b. The commissioner shall assure that teacher preparation institutions, in the two thousand eight--two thousand nine academic year, include instruction in the needs of autistic children in all programs leading to certification as a special education teacher.

5. Notwithstanding any other provision of law, the commissioner is authorized and empowered to certify or require training of teachers, administrators and instructors in the area of autistic needs. The commissioner shall have the power to prescribe the necessary regulations and establish such programs and training related to the needs of autistic children. Such programs and training shall be obtained from an institution or provider which has been approved by the department to provide such programs and training, except that a school district or [~~board of cooperative educational services~~] **NY polytechnical institute** may provide such training as part of its professional development program.

§ 92. Paragraph d of subdivision 1 and subdivision 3 of section 3006-a of the education law, as amended by chapter 311 of the laws of 2017, are amended to read as follows:

d. Any certificate holder who is not practicing as a teacher, teaching assistant or educational leader in a school district, [~~board of cooperative educational services~~] **NY polytechnical institute**, or nonpublic school that is providing instruction pursuant to subdivision two of section thirty-two hundred four of this title in this state shall be exempt from the continuing teacher and leader education requirement upon the filing of a written statement with the department declaring such status. Any holder of a professional certificate in the classroom teaching service, holder of a level III teaching assistant certificate and holder of a professional certificate in the educational leadership service who resumes practice during the five-year registration period shall notify the department prior to resuming practice and shall meet such continuing teacher and leader education requirements as prescribed in regulations of the commissioner.

3. The department, in its discretion, may issue a conditional registration to a teacher, teaching assistant or educational leader in a school district, [~~board of cooperative educational services~~] **NY polytechnical institute**, or nonpublic school that is providing instruction pursuant to subdivision two of section thirty-two hundred four of this title in this state who fails to meet the continuing teacher and leader education requirements established in subdivision two of this section but who agrees to make up any deficiencies and take any additional

continuing teacher and leader education which the department may require. The duration of such conditional registration shall be determined by the department. Any holder of a professional certificate in the classroom teaching service, holder of a level III teaching assistant certificate or holder of a professional certificate in the educational leadership service and any other certified individual required by the commissioner to register every five years who is notified of the denial of registration for failure to submit evidence, satisfactory to the department, of required continuing teacher and leader education and who practices without such registration, shall be subject to moral character review under subdivision seven of section three hundred five of this chapter.

§ 93. Subdivision 1 of section 3012 of the education law, as amended by section 4 of subpart D of part EE of chapter 56 of the laws of 2015, subparagraph ii of paragraph (a) as amended by chapter 201 of the laws of 2022, and subparagraph ii of paragraph (b) as amended by chapter 345 of the laws of 2019, is amended to read as follows:

1. (a) i. Teachers and all other members of the teaching staff of school districts, including common school districts and/or school districts employing fewer than eight teachers, other than city school districts, who are appointed prior to July first, two thousand fifteen, shall be appointed by the board of education, or the trustees of common school districts, upon the recommendation of the superintendent of schools, for a probationary period of three years, except that in the case of a teacher who has rendered satisfactory service as a regular substitute for a period of two years or as a seasonally licensed per session teacher of swimming in day schools who has served in that capacity for a period of two years and has been appointed to teach the same subject in day schools, on an annual salary, the probationary period shall be limited to one year; provided, however, that in the case of a teacher who has been appointed on tenure in another school district within the state, the school district where currently employed, or a [~~board of cooperative educational services~~] **NY polytechnical institute**, and who was not dismissed from such district or [~~board~~] **institute** as a result of charges brought pursuant to subdivision one of section three thousand twenty-a or section three thousand twenty-b of this article, the probationary period shall not exceed two years. The service of a person appointed to any of such positions may be discontinued at any time during such probationary period, on the recommendation of the superintendent of schools, by a majority vote of the board of education or the trustees of a common school district.

ii. Teachers and all other members of the teaching staff of school districts, including common school districts and/or school districts employing fewer than eight teachers, other than city school districts, who are appointed on or after July first, two thousand fifteen, shall be appointed by the board of education, or the trustees of common school districts, upon the recommendation of the superintendent of schools, for a probationary period of four years, except that in the case of a teacher who has rendered satisfactory service as a regular substitute for a period of two years and, if a classroom teacher, has received annual professional performance review ratings in each of those years, or has rendered satisfactory service as a seasonally licensed per session teacher of swimming in day schools who has served in that capacity for a period of two years and has been appointed to teach the same subject in day schools, on an annual salary, the teacher shall be appointed for a probationary period of two years; provided, however, that in the case of

a teacher who has been appointed on tenure in another school district within the state, the school district where currently employed, or a [~~board of cooperative educational services~~] **NY polytechnical institute**, and who was not dismissed from such district or [~~board~~] **institute** as a result of charges brought pursuant to subdivision one of section three thousand twenty-a or section three thousand twenty-b of this article, the teacher shall be appointed for a probationary period of three years; provided that, in the case of a classroom teacher, the teacher demonstrates that he or she received an annual professional performance review rating pursuant to section three thousand twelve-c or section three thousand twelve-d of this chapter in his or her final year of service in such other school district or [~~board of cooperative educational services~~] **NY polytechnical institute**. Provided further, however, that in the case of a teacher who has been appointed for a probationary period during the two thousand twenty--two thousand twenty-one, the two thousand twenty one--two thousand twenty-two or the two thousand twenty-two--two thousand twenty-three school year and who has been appointed on tenure in another school district within the state, the school district where currently employed, [~~board of cooperative educational services~~] **NY polytechnical institute** or state school for the blind or deaf and who was not dismissed from such district, [~~board~~] **institute** or state school for the blind or deaf as a result of charges brought pursuant to subdivision one of section three thousand twenty-a or section three thousand twenty-b of this article, such teacher shall be appointed for a probationary period of three years; provided that, in the case of a classroom teacher, such teacher demonstrates that he or she received an annual professional performance review rating pursuant to section three thousand twelve-c or section three thousand twelve-d of this article in the two thousand seventeen--two thousand eighteen or two thousand eighteen--two thousand nineteen school year in such other school district, [~~board of cooperative educational services~~] **NY polytechnical institute** or state school for the blind or deaf. The service of a person appointed to any of such positions may be discontinued at any time during such probationary period, on the recommendation of the superintendent of schools, by a majority vote of the board of education or the trustees of a common school district.

(b) i. Principals, administrators, supervisors and all other members of the supervising staff of school districts, including common school districts and/or school districts employing fewer than eight teachers, other than city school districts, who are appointed prior to July first, two thousand fifteen, shall be appointed by the board of education, or the trustees of a common school district, upon the recommendation of the superintendent of schools for a probationary period of three years. The service of a person appointed to any of such positions may be discontinued at any time during the probationary period on the recommendation of the superintendent of schools, by a majority vote of the board of education or the trustees of a common school district.

ii. Principals, administrators, supervisors and all other members of the supervising staff of school districts, including common school districts and/or school districts employing fewer than eight teachers, other than city school districts, who are appointed on or after July first, two thousand fifteen, shall be appointed by the board of education, or the trustees of a common school district, upon the recommendation of the superintendent of schools for a probationary period of four years; provided, however, that in the case of a principal, administrator, supervisor, or other member of the supervising staff who has been

appointed on tenure pursuant to this chapter as an administrator within an authorized administrative tenure area in another school district within the state, the school district where currently employed, or a [~~board of cooperative educational services~~] **NY polytechnical institute**, and who was not dismissed from such district or [~~board~~] **institute** as a result of charges brought pursuant to subdivision one of section three thousand twenty-a or section three thousand twenty-b of this article, the principal, administrator, supervisor or other member of the supervising staff shall be appointed for a probationary period of three years. The service of a person appointed to any of such positions may be discontinued at any time during the probationary period on the recommendation of the superintendent of schools, by a majority vote of the board of education or the trustees of a common school district.

(c) Any person previously appointed to tenure or a probationary period pursuant to the provisions of former section three thousand thirteen of this article shall continue to hold such position and be governed by the provisions of this section notwithstanding any contrary provision of law.

§ 94. Subdivision 1 of section 3012-c of the education law, as amended by section 6 of subpart D of part EE of chapter 56 of the laws of 2015, is amended to read as follows:

1. Notwithstanding any other provision of law, rule or regulation to the contrary, the annual professional performance reviews of all classroom teachers and building principals employed by school districts or [~~boards of cooperative educational services~~] **NY polytechnical institutes** shall be conducted in accordance with the provisions of this section. Such performance reviews which are conducted on or after July first, two thousand eleven, or on or after the date specified in paragraph c of subdivision two of this section where applicable, shall include measures of student achievement and be conducted in accordance with this section. Such annual professional performance reviews shall be a significant factor for employment decisions including but not limited to, promotion, retention, tenure determination, termination, and supplemental compensation, which decisions are to be made in accordance with locally developed procedures negotiated pursuant to the requirements of article fourteen of the civil service law where applicable. Provided, however, that nothing in this section shall be construed to affect the unfettered statutory right of a school district or [~~board of cooperative educational services~~] **NY polytechnical institute** to terminate a probationary teacher or principal for any statutorily and constitutionally permissible reasons, including but not limited to misconduct and until a tenure decision is made, the performance of the teacher or principal in the classroom. Such performance reviews shall also be a significant factor in teacher and principal development, including but not limited to, coaching, induction support and differentiated professional development, which are to be locally established in accordance with procedures negotiated pursuant to the requirements of article fourteen of the civil service law.

§ 95. Subparagraph 1 of paragraph b, subparagraph 1 of paragraph c, and subparagraph 2 of paragraph e of subdivision 2 of section 3012-c of the education law, as amended by chapter 21 of the laws of 2012, are amended to read as follows:

(1) Annual professional performance reviews conducted by school districts or [~~boards of cooperative educational services~~] **NY polytechnical institutes** for the two thousand eleven--two thousand twelve school year of classroom teachers of common branch subjects or English language

arts or mathematics in grades four to eight and all building principals of schools in which such teachers are employed shall be conducted pursuant to this subdivision and shall use two thousand ten--two thousand eleven school year student data as the baseline for the initial computation of the composite teacher or principal effectiveness score for such classroom teachers and principals.

(1) Annual professional performance reviews conducted by school districts or [~~boards of cooperative educational services~~] **NY polytechnical institutes** for the two thousand twelve--two thousand thirteen school year and thereafter of all classroom teachers and all building principals shall be conducted pursuant to this subdivision and shall use two thousand eleven--two thousand twelve school year student data as the baseline for the initial computation of the composite teacher or principal effectiveness score for such classroom teachers and principals. For purposes of this section, an administrator in charge of an instructional program of a [~~board of cooperative educational services~~] **NY polytechnical institute** shall be deemed to be a building principal.

(2) Such locally selected measures may include measures of student achievement or growth on state assessments, regents examinations and/or department approved equivalent, provided that such measures are different from those prescribed by the commissioner pursuant to clause (i) of subparagraph one of this paragraph. The regulations of the commissioner shall describe the types of measures of student growth or achievement that may be locally selected. The selection of the local measure(s) as described in this paragraph to be used by the school district or [~~board of cooperative educational services~~] **NY polytechnical institute** shall be determined through collective bargaining.

§ 96. Clauses (iii), (iv), and (v) of subparagraph 2, clauses (ix) and (x) of subparagraph 3 and subparagraph 4 of paragraph f of subdivision 2 of section 3012-c of the education law, as amended by chapter 21 of the laws of 2012, are amended to read as follows:

(iii) student growth or achievement computed in a manner determined locally based on a district, regional or [~~BOCES-developed~~] **NY polytechnical institute-developed** assessment that is rigorous and comparable across classrooms;

(iv) a school-wide measure of either student growth or achievement based on either:

(A) a state-provided student growth score covering all students in the school that took the state assessment in English language arts or mathematics in grades four through eight;

(B) a school-wide measure of student growth or achievement computed in a manner determined locally based on a district, regional or [~~board of cooperative educational services~~] **NY polytechnical institute** developed assessment that is rigorous and comparable across classrooms or a department approved student assessment or based on a state assessment; or

(v) where applicable, for teachers in any grade or subject where there is no growth or value-added growth model approved by the board of regents at that grade level or in that subject, a structured district-wide student growth goal-setting process to be used with any state assessment or an approved student assessment or a district, regional or [~~BOCES-developed~~] **NY polytechnical institute-developed** assessment that is rigorous and comparable across classrooms.

(ix) For school districts or [~~boards of cooperative educational services~~] **NY polytechnical institutes** that choose to use more than one set of locally selected measures described in this paragraph for princi-

pals in the same or similar grade configuration or program such as one set of locally selected measures is used to evaluate principals in some K-5 schools and another set of locally selected measures is used to evaluate principals in the other K-5 schools in the district, the superintendent or district superintendent shall, in their professional performance review plan, certify that the sets of measures are comparable, in accordance with the testing standards as defined in regulations of the commissioner.

(x) For building principals employed in schools or programs for which there is no approved principal value-added model, the types of locally selected measures of student achievement or growth specified in subparagraph three of paragraph g of this subdivision may be used. In addition, a structured district-wide student growth goal-setting process to be used with any state assessment or an approved student assessment or a district, [~~regional of BOCES-developed~~] **NY polytechnical institute-developed** assessment that is rigorous and comparable across classrooms may be a locally selected measure.

(4) The selection of the local measure or measures as described in subparagraphs two and three of this paragraph to be used by the school district or [~~board of cooperative educational services~~] **NY polytechnical institute** shall be determined through collective bargaining.

§ 97. Clauses (iii) and (iv) of subparagraph 2, clause (ix) of subparagraph 3, and subparagraph 4 of paragraph g of subdivision 2 of section 3012-c of the education law, as amended by chapter 21 of the laws of 2012, are amended to read as follows:

(iii) student growth or achievement computed in a manner determined locally based on a district, regional or [~~BOCES-developed~~] **NY polytechnical institute-developed** assessment that is rigorous and comparable across classrooms;

(iv) a school-wide measure of either student growth or achievement based on either:

(A) a state-provided student growth score covering all students in the school that took the state assessment in English language arts or mathematics in grades four through eight; or

(B) a school-wide measure of student growth or achievement computed in a manner determined locally based on a district, regional or [~~board of cooperative educational services~~] **NY polytechnical institute** developed assessment that is rigorous and comparable across classrooms or a department approved student assessment or based on a state assessment.

(ix) For school districts or [~~boards of cooperative educational services~~] **NY polytechnical institutes** that choose to use more than one set of locally selected measures described in this paragraph for principals in the same or similar grade configuration or program, the superintendent or district superintendent shall, in their professional performance review plan, certify that the sets of measures are comparable, in accordance with the testing standards as defined in regulations of the commissioner.

(4) The selection of the local measure or measures as described in subparagraphs two and three of this paragraph to be used by the school district or [~~board of cooperative educational services~~] **NY polytechnical institute** shall be determined through collective bargaining.

§ 98. Clause (i) of subparagraph 3 and subparagraph 6 of paragraph h of subdivision 2 of section 3012-c of the education law, as amended by chapter 21 of the laws of 2012, are amended to read as follows:

(i) one or more classroom observations by independent trained evaluators selected by the school district or [~~board of cooperative educa-~~

~~tional services~~] **NY polytechnical institute** who are teachers or former teachers with a demonstrated record of effectiveness and have no prior affiliation with the school in which they are conducting the evaluation and no other relationship with the teachers being evaluated that would affect their impartiality;

(6) The district or [~~board of cooperative educational services~~] **NY polytechnical institute** shall establish specific minimum and maximum scoring ranges for each performance level within this subcomponent before the start of each school year and shall assign points to a teacher or principal for this subcomponent based on the standards prescribed in the regulations of the commissioner, all in accordance with, and subject to, the requirements of paragraph j of this subdivision.

§ 99. Subparagraph 2 of paragraph j of subdivision 2 of section 3012-c of the education law, as added by chapter 21 of the laws of 2012, is amended to read as follows:

(2) Such process must ensure that it is possible for a teacher or principal to obtain each point in the applicable scoring ranges, including zero, for the state assessment or other comparable measures subcomponent, the locally selected measures of student achievement subcomponent and the overall rating categories. The process must also ensure that it is possible for a teacher or principal to obtain each point in the scoring ranges prescribed by the district or [~~board of cooperative educational services~~] **NY polytechnical institute** for the other measures of teacher and principal effectiveness subcomponent.

§ 100. Paragraphs k and k-1 of subdivision 2 of section 3012-c of the education law, paragraph k as added by chapter 21 of the laws of 2012 and paragraph k-1 as added by section 1 of subpart G of part AA of chapter 56 of the laws of 2014, are amended to read as follows:

k. Notwithstanding any other provision of law, rule or regulation to the contrary, by July first, two thousand twelve, the governing body of each school district and [~~board of cooperative educational services~~] **NY polytechnical institute** shall adopt a plan, on a form prescribed by the commissioner, for the annual professional performance review of all of its classroom teachers and building principals in accordance with the requirements of this section and the regulations of the commissioner, and shall submit such plan to the commissioner for approval. The plan may be an annual or multi-year plan, for the annual professional performance review of all of its classroom teachers and building principals. The commissioner shall approve or reject the plan by September first, two thousand twelve, or as soon as practicable thereafter. The commissioner may reject a plan that does not rigorously adhere to the provisions of this section and the regulations of the commissioner. Should any plan be rejected, the commissioner shall describe each deficiency in the submitted plan and direct that each such deficiency be resolved through collective bargaining to the extent required under article fourteen of the civil service law. If any material changes are made to the plan, the school district or [~~board of cooperative educational services~~] **NY polytechnical institute** must submit the material changes, on a form prescribed by the commissioner, to the commissioner for approval. To the extent that by July first, two thousand twelve, or by July first of any subsequent year, if all the terms of the plan have not been finalized as a result of unresolved collective bargaining negotiations, the entire plan shall be submitted to the commissioner upon resolution of all of its terms, consistent with article fourteen of the civil service law.

k-1. If material changes are submitted pursuant to paragraph k of this subdivision for an approved plan that solely relates to the elimination of student assessments that are not required by state or federal law, the commissioner shall expedite his or her review of such material changes and solely review those sections of the plan that relate to the eliminated student assessments to ensure compliance with this section and the regulations of the commissioner, provided that the governing body of such school district or [~~board of cooperative educational services~~] **NY polytechnical institute** provide a written explanation of the material changes submitted for approval, on a form prescribed by the commissioner, and certify that no other material changes have been made to any other sections of the currently approved plan, and provided further that the commissioner shall complete such review of material changes properly and completely submitted under this paragraph within ten business days of submission.

§ 101. Subdivisions 3, 4, 5, 7, 8, 9, and 10 of section 3012-c of the education law, subdivisions 3, 7 and 8 as added by chapter 103 of the laws of 2010, subdivisions 4 and 5 as amended and paragraph c of subdivision 5 and subdivision 9 as added by chapter 21 of the laws of 2012, paragraph b of subdivision 5 as amended by section 7 of subpart D of part EE of chapter 56 of the laws of 2015, and subdivision 10 as added by chapter 68 of the laws of 2012, are amended to read as follows:

3. Nothing in this section shall be construed to excuse school districts or [~~boards of cooperative educational services~~] **NY polytechnical institutes** from complying with the standards set forth in the regulations of the commissioner for conducting annual professional performance reviews of classroom teachers or principals, including but not limited to required quality rating categories, in conducting evaluations prior to July first, two thousand eleven, or, for classroom teachers or principals subject to paragraph c of subdivision two of this section, prior to July first, two thousand twelve.

4. Notwithstanding any other law, rule or regulation to the contrary, upon rating a teacher or a principal as developing or ineffective through an annual professional performance review conducted pursuant to subdivision two of this section, the school district or [~~board of cooperative educational services~~] **NY polytechnical institute** shall formulate and commence implementation of a teacher or principal improvement plan for such teacher or principal as soon as practicable but in no case later than ten school days after the opening of classes for the school year. Such improvement plan shall be consistent with the regulations of the commissioner and developed locally through negotiations conducted pursuant to article fourteen of the civil service law. Such improvement plan shall include, but need not be limited to, identification of needed areas of improvement, a timeline for achieving improvement, the manner in which improvement will be assessed, and, where appropriate, differentiated activities to support a teacher's or principal's improvement in those areas.

5. a. An appeals procedure shall be locally established in each school district and in each [~~board of cooperative educational services~~] **NY polytechnical institute** by which the evaluated teacher or principal may only challenge the substance of the annual professional performance review, the school district's or [~~board of cooperative educational services'~~] **NY polytechnical institute's** adherence to the standards and methodologies required for such reviews, pursuant to this section, the adherence to the regulations of the commissioner and compliance with any applicable locally negotiated procedures, as well as the school

district's or [~~board of cooperative educational services'~~] **NY polytechnical institute's** issuance and/or implementation of the terms of the teacher or principal improvement plan, as required under this section. Appeal procedures shall provide for the timely and expeditious resolution of any appeal under this subdivision. The specifics of the appeal procedure shall be locally established through negotiations conducted pursuant to article fourteen of the civil service law. An evaluation which is the subject of an appeal shall not be sought to be offered in evidence or placed in evidence in any proceeding conducted pursuant to either section three thousand twenty-a of this article or any locally negotiated alternate disciplinary procedure, until the appeal process is concluded.

b. Nothing in this section shall be construed to alter or diminish the authority of the governing body of a school district or [~~board of cooperative educational services~~] **NY polytechnical institute** to grant or deny tenure to or terminate probationary teachers or probationary building principals during the pendency of an appeal pursuant to this section for statutorily and constitutionally permissible reasons including the teacher's or principal's performance that is the subject of the appeal.

c. Nothing in this section shall be construed to authorize a teacher or principal to trigger the appeal process prior to receipt of their composite effectiveness score and rating from the district or [~~board of cooperative educational services~~] **NY polytechnical institute**.

7. The regulations adopted pursuant to this section shall be developed in consultation with an advisory committee consisting of representatives of teachers, principals, superintendents of schools, school boards, school district and [~~board of cooperative educational services~~] **NY polytechnical institute** officials and other interested parties. The regulations shall also take into account any (i) professional teaching standards; (ii) standards for professional contexts; and (iii) standards for a continuum of system support for teachers and principals developed in consultation with the advisory committee. Regulations promulgated pursuant to this section shall be effective no later than July first, two thousand eleven, for implementation in the two thousand eleven--two thousand twelve school year.

8. Notwithstanding any other provision of law, rule or regulation to the contrary, all collective bargaining agreements applicable to classroom teachers or building principals entered into after July first, two thousand ten shall be consistent with requirements of this section. Nothing in this section shall be construed to abrogate any conflicting provisions of any collective bargaining agreement in effect on July first, two thousand ten during the term of such agreement and until the entry into a successor collective bargaining agreement, provided that notwithstanding any other provision of law to the contrary, upon expiration of such term and the entry into a successor collective bargaining agreement the provisions of this section shall apply. Furthermore, nothing in this section or in any rule or regulation promulgated hereunder shall in any way, alter, impair or diminish the rights of a local collective bargaining representative to negotiate evaluation procedures in accordance with article fourteen of the civil service law with the school district or [~~board of cooperative educational services~~] **NY polytechnical institute**.

9. a. The department shall annually monitor and analyze trends and patterns in teacher and principal evaluation results and data to identify school districts, [~~boards of cooperative educational services~~] **NY polytechnical institutes** and/or schools where evidence suggests that a

more rigorous evaluation system is needed to improve educator effectiveness and student learning outcomes. The criteria for identifying school districts, [~~boards of cooperative educational services~~] **NY polytechnical institutes** and/or schools shall be prescribed in the regulations of the commissioner.

b. A school, school district or [~~board of cooperative educational services~~] **NY polytechnical institute** identified by the department in one of the categories enumerated in paragraph a of this subdivision may be highlighted in public reports and/or the commissioner may order a corrective action plan, which may include, but not be limited to, requirements that the district or [~~board of cooperative educational services~~] **NY polytechnical institute** arrange for additional professional development, provide additional in-service training and/or utilize independent trained evaluators to review the efficacy of the evaluation system, provided that the plan shall be consistent with law and not in conflict with any applicable collective bargaining agreement.

10. Each school district and [~~board of cooperative educational services~~] **NY polytechnical institute** shall fully disclose and release to the public and the department the final quality ratings and composite effectiveness scores from the annual professional performance reviews of its teachers and principals as provided in this subdivision.

a. The commissioner shall fully disclose professional performance review data for teachers and principals in each school district and [~~board of cooperative educational services~~] **NY polytechnical institute** on the department website and in any other manner to make such data widely available to the public. Such data shall be suitable for research, analysis and comparison of professional performance review data for teachers and principals. Such public disclosure shall include but not be limited to the final quality ratings and composite effectiveness scores by school district for principal evaluation data, by school building for teacher evaluation data and, within each district and school building, by class, subject and grade; final quality ratings and composite effectiveness scores by region, district wealth, district need category, student enrollment, type of school (i.e. elementary, middle and high school), student need (e.g., poverty level), and district spending; final quality ratings and composite effectiveness scores by the percentage or number of teachers and principals in each final quality rating category, moving to a higher rating category than the previous year, moving to a lower rating category than the previous year, and retained in each rating category; and data on tenure granting and denial based on the final quality rating categories.

b. Each school district and [~~board of cooperative educational services~~] **NY polytechnical institute** shall fully disclose and release to the parents and legal guardians of a student the final quality rating and composite effectiveness score for each of the teachers and for the principal of the school building to which the student is assigned for the current school year upon the request of such parents and legal guardians. The governing body of each school district and [~~board of cooperative educational services~~] **NY polytechnical institute** shall provide conspicuous notice to parents and legal guardians of the right to obtain such information. Parents and legal guardians may review and receive such data in any manner, including by phone or in person; shall receive an oral or written explanation of the composite effectiveness scoring ranges for final quality ratings; and be offered opportunities to understand such scores in the context of teacher evaluation and student performance. Reasonable efforts shall be made to verify that any such

request is a bona fide request by a parent or guardian entitled to review and receive such data pursuant to this paragraph.

c. The department and each school district and [~~board of cooperative educational services~~] **NY polytechnical institute** shall ensure that any release to the public of annual professional performance review data, or any other data that is used as a component of annual professional performance reviews, does not include personally identifying information for any teacher or principal, provided, however, that nothing shall impair the right of parents and legal guardians to review and receive the final quality rating and composite effectiveness score of individual teachers and principals as provided in paragraph b of this subdivision. Annual professional performance reviews of individual teachers and principals shall not be subject to disclosure pursuant to article six of the public officers law.

d. Nothing in this subdivision shall prohibit the department from collecting such data and materials from school districts and [~~boards of cooperative educational services~~] **NY polytechnical institutes** as is necessary to carry out its functions and duties, including its responsibilities related to the federal Race to the Top program.

§ 102. Paragraphs a and b of subdivision 2 and subdivision 17 of section 3012-d of the education law, paragraphs a and b of subdivision 2 as added by section 2 of subpart E of part EE of chapter 56 of the laws of 2015 and subdivision 17 as amended by chapter 201 of the laws of 2022, are amended to read as follows:

a. "District" shall mean school district and/or [~~board of cooperative educational services~~] **NY polytechnical institute**, except that for purposes of subdivision eleven of this section it shall only mean a school district;

b. "Principal" shall mean a building principal or an administrator in charge of an instructional program of a [~~board of cooperative educational services~~] **NY polytechnical institute**;

17. Notwithstanding any other provision of this section, for the two thousand twenty--two thousand twenty-one and the two thousand twenty-one--two thousand twenty-two school years, no school district or [~~board of cooperative educational services~~] **NY polytechnical institute** shall be required to complete an annual teacher and principal evaluation required by this section for any classroom teacher or building principal and state funding shall not be withheld from any school district for not complying with the requirements of this section.

§ 103. Subdivisions 1 and 2 of section 3013 of the education law, as added by chapter 737 of the laws of 1992, are amended to read as follows:

1. If a trustee, board of trustees, board of education or [~~board of cooperative educational services~~] **NY polytechnical institute** abolishes an office or position and creates another office or position for the performance of duties similar to those performed in the office or position abolished, the person filling such office or position at the time of its abolishment shall be appointed to the office or position thus created without reduction in salary or increment, provided the record of such person has been one of faithful, competent service in the office or position he or she has filled.

2. Whenever a trustee, board of [~~trustee~~] **trustees**, board of education or [~~board of cooperative educational services~~] **NY polytechnical institute** abolishes a position under this chapter, the services of the teacher having the least seniority in the system within the tenure of the position abolished shall be discontinued.

§ 104. Section 3014 of the education law, as amended by section 5 of subpart D of part EE of chapter 56 of the laws of 2015 and paragraph (b) of subdivision 1 and paragraph (b) of subdivision 2 as amended by chapter 201 of the laws of 2022, is amended to read as follows:

§ 3014. Tenure: [~~boards of cooperative educational services~~] **NY polytechnical institutes**. 1. (a) Administrative assistants, supervisors, teachers and all other members of the teaching and supervising staff of the [~~board of cooperative educational services~~] **NY polytechnical institute** appointed prior to July first, two thousand fifteen, shall be appointed by a majority vote of the [~~board of cooperative educational services~~] **NY polytechnical institute** upon the recommendation of the district superintendent of schools for a probationary period of not to exceed three years; provided, however, that in the case of a teacher who has been appointed on tenure in a school district within the state, the [~~board of cooperative educational services~~] **NY polytechnical institute** where currently employed, or another [~~board of cooperative educational services~~] **NY polytechnical institute**, and who was not dismissed from such district or [~~board~~] **institute** as a result of charges brought pursuant to subdivision one of section three thousand twenty-a or section three thousand twenty-b of this article, the probationary period shall not exceed two years. Services of a person so appointed to any such positions may be discontinued at any time during such probationary period, upon the recommendation of the district superintendent, by a majority vote of the [~~board of cooperative educational services~~] **NY polytechnical institute**.

(b) Administrative assistants, supervisors, teachers and all other members of the teaching and supervising staff of the [~~board of cooperative educational services~~] **NY polytechnical institute** appointed on or after July first, two thousand fifteen, shall be appointed by a majority vote of the [~~board of cooperative educational services~~] **NY polytechnical institute** upon the recommendation of the district superintendent of schools for a probationary period of not to exceed four years; provided, however, that in the case of a teacher who has been appointed on tenure in a school district within the state, the [~~board of cooperative educational services~~] **NY polytechnical institute** where currently employed, or another [~~board of cooperative educational services~~] **NY polytechnical institute**, and who was not dismissed from such district or board as a result of charges brought pursuant to section three thousand twenty-a or section three thousand twenty-b of this article, the teacher shall be appointed for a probationary period of three years; provided that, in the case of a classroom teacher, the teacher demonstrates that he or she received a composite annual professional performance review rating pursuant to section three thousand twelve-c or three thousand twelve-d of this article of either effective or highly effective in his or her final year of service in such other school district or [~~board of cooperative educational services~~] **NY polytechnical institute**; and provided further that in the case of a principal, administrator, supervisor, or other member of the supervising staff who has been appointed on tenure pursuant to this chapter as an administrator within an authorized administrative tenure area in another school district within the state, the school district where currently employed, or a [~~board of cooperative educational services~~] **NY polytechnical institute**, and who was not dismissed from such district or [~~board~~] **institute** as a result of charges brought pursuant to subdivision one of section three thousand twenty-a or section three thousand twenty-b of this article, the principal, administrator, supervisor, or other member of the supervising staff

shall be appointed for a probationary period of three years. Provided further, however, that in the case of a classroom teacher who has been appointed for a probationary period during the two thousand twenty--two thousand twenty-one, the two thousand twenty-one--two thousand twenty-two or the two thousand twenty-two--two thousand twenty-three school year and who has been appointed on tenure in a school district within the state, state school for the blind or deaf, the [~~board of cooperative educational services~~] **NY polytechnical institute** where currently employed, or another [~~board of cooperative educational services~~] **NY polytechnical institute**, and who was not dismissed from such district, [~~board~~] **institute** or state school for the blind or deaf as a result of charges brought pursuant to section three thousand twenty-a or section three thousand twenty-b of this article, such teacher shall be appointed for a probationary period of three years; provided that, in the case of a classroom teacher, such teacher demonstrates that he or she received an annual professional performance review rating pursuant to section three thousand twelve-c or section three thousand twelve-d of this article of either effective or highly effective in the two thousand seventeen--two thousand eighteen or two thousand eighteen--two thousand nineteen school year in such other school district, state school for the blind or deaf or [~~board of cooperative educational services~~] **NY polytechnical institute**. Services of a person so appointed to any such positions to which this paragraph applies may be discontinued at any time during the probationary period, upon the recommendation of the district superintendent, by a majority vote of the [~~board of cooperative educational services~~] **NY polytechnical institute**.

2. (a) On or before the expiration of the probationary term of a person appointed for such term prior to July first, two thousand fifteen, the district superintendent of schools shall make a written report to the [~~board of cooperative educational services~~] **NY polytechnical institute** recommending for appointment on tenure persons who have been found competent, efficient and satisfactory. Such persons shall hold their respective positions during good behavior and competent and efficient service and shall not be removed except for any of the following causes, after a hearing, as provided by section three thousand twenty-a or section three thousand twenty-b of this article: (i) Insubordination, immoral character or conduct unbecoming a teacher; (ii) Inefficiency, incompetency, or neglect of duty; (iii) Failure to maintain certification as required by this chapter and by the regulations of the commissioner. Each person who is not to be so recommended for appointment on tenure shall be so notified in writing by the district superintendent not later than sixty days immediately preceding the expiration of his or her probationary period.

(b) On or before the expiration of the probationary term of a person appointed for such term on or after July first, two thousand fifteen, the district superintendent of schools shall make a written report to the [~~board of cooperative educational services~~] **NY polytechnical institute** recommending for appointment on tenure persons who have been found competent, efficient and satisfactory and, in the case of a classroom teacher or building principal, who have received composite annual professional performance review ratings pursuant to section three thousand twelve-c or section three thousand twelve-d of this article, of either effective or highly effective in at least three of the four preceding years, exclusive of any breaks in service; provided that, in the case of a classroom teacher or building principal appointed during the two thousand seventeen--two thousand eighteen or two thousand twen-

ty--two thousand twenty-one school year who have received composite annual professional performance review ratings pursuant to section three thousand twelve-c or section three thousand twelve-d of this article of either effective or highly effective in at least one of the four preceding years, exclusive of any breaks in service, and did not receive an ineffective rating in the final year of his or her probationary period or in the most recent school year where a rating was received, and would have been in the district superintendent of schools' discretion qualified for appointment on tenure based upon performance, notwithstanding that his or her annual professional performance review had not been completed and he or she had not received an annual professional performance rating for the two thousand nineteen--two thousand twenty, two thousand twenty--two thousand twenty-one or the two thousand twenty-one--two thousand twenty-two school year; provided that, in the case of a classroom teacher or building principal appointed during the two thousand eighteen--two thousand nineteen or two thousand nineteen--two thousand twenty school year, who has not received composite annual professional performance review ratings pursuant to section three thousand twelve-c or section three thousand twelve-d of this article for three consecutive years, no ratings shall be required for the district superintendent of schools to recommend for appointment on tenure such teacher or building principal if the teacher or principal would have been, in the district superintendent of schools' discretion, qualified for appointment on tenure based upon performance, notwithstanding that his or her annual professional performance review had not been completed and he or she had not received an annual professional performance review rating for the two thousand nineteen--two thousand twenty, two thousand twenty--two thousand twenty-one and two thousand twenty-one--two thousand twenty-two school years; provided that in the case of a classroom teacher or building principal appointed during the two thousand twenty-one--two thousand twenty-two school year who have received composite annual professional performance review ratings pursuant to section three thousand twelve-c or section three thousand twelve-d of this article of either effective or highly effective in at least two of the four preceding years, exclusive of any breaks in service, and did not receive an ineffective rating in the final year of his or her probationary period, or during the most recent school year where a rating was received, and would have been in the district superintendent of schools' discretion qualified for appointment on tenure based upon performance, notwithstanding that his or her annual professional performance review had not been completed and he or she had not received an annual professional performance rating for the two thousand twenty--two thousand twenty-one or two thousand twenty-one--two thousand twenty-two school year; provided further that, notwithstanding any other provision of this section to the contrary, when a teacher or principal receives an effective or highly effective rating in each year of his or her probationary service except he or she receives an ineffective rating in the final year of his or her probationary period, such teacher shall not be eligible for tenure but the board of education in its discretion, may extend the teacher's probationary period for an additional year; provided, however that if such teacher or principal successfully appealed such ineffective rating, such teacher or principal shall immediately be eligible for tenure if the rating resulting from the appeal established that such individual has been effective or highly effective in at least three of the preceding four years and was not ineffective in the final year. At the expiration of the probationary period, the classroom teach-

er or building principal shall remain in probationary status until the end of the school year in which such teacher or principal has received such ratings of effective or highly effective for at least three of the four preceding school years, exclusive of any breaks in service, during which time a [~~board of cooperative educational services~~] **NY polytechnical institute** shall consider whether to grant tenure for those classroom teachers or building principals who otherwise have been found competent, efficient and satisfactory. Provided, however, that the [~~board of cooperative educational services~~] **NY polytechnical institute** may grant tenure contingent upon a classroom teacher's or building principal's receipt of a minimum rating in the final year of the probationary period, pursuant to the requirements of this section, and if such contingency is not met after all appeals have been exhausted, the grant of tenure shall be void and unenforceable and the teacher's or principal's probationary period may be extended in accordance with this subdivision. Such persons shall hold their respective positions during good behavior and competent and efficient service and shall not be removed except for any of the following causes, after a hearing, as provided by section three thousand twenty-a or section three thousand twenty-b of this article: (i) Insubordination, immoral character or conduct unbecoming a teacher; (ii) Inefficiency, incompetency, or neglect of duty; (iii) Failure to maintain certification as required by this chapter and by the regulations of the commissioner. Each person who is not to be so recommended for appointment on tenure shall be so notified in writing by the district superintendent not later than sixty days immediately preceding the expiration of his or her probationary period.

§ 105. Section 3014-a of the education law, as amended by chapter 511 of the laws of 1998, is amended to read as follows:

§ 3014-a. Teachers' rights as a result of a board or [~~boards of cooperative educational services~~] **NY polytechnical institutes** taking over a program formerly operated by a school district or districts or by a county vocational education and extension board. 1. In any case in which a board or [~~boards of cooperative educational services~~] **NY polytechnical institutes** duly take over the operation of a program formerly provided by a school district or school districts or by a county vocational education and extension board, each teacher, teaching assistant and teacher aide employed in such a program by such a school district or such a county vocational education and extension board at the time of such takeover by the board or [~~boards of cooperative educational services~~] **NY polytechnical institutes**, shall be considered an employee of such board or [~~boards of cooperative educational services~~] **NY polytechnical institutes** with the same tenure or civil service status he **or she** maintained in such school district or in such county vocational education and extension board.

2. If the number of teaching positions needed to provide the services required by such program by the board or [~~boards of cooperative educational services~~] **NY polytechnical institutes** is less than the number of teachers, teaching assistants and teacher aides eligible to be considered employees of such board or [~~boards of cooperative educational services~~] **NY polytechnical institutes** as provided by subdivision one of this section, the services of the teachers, teaching assistants and teacher aides having the least seniority in the school district or school districts or county vocational education and extension board whose programs are taken over by the board or [~~boards of cooperative educational services~~] **NY polytechnical institutes** within the tenure area or civil service title of the position shall be discontinued. Such

teachers, teaching assistants and teacher aides shall be placed on a preferred eligible list of candidates for appointment to a vacancy that may thereafter occur in an office or position under the jurisdiction of the board or [~~boards of cooperative educational services~~] **NY polytechnical institutes** similar to the one such teacher, teaching assistant and teacher aide filled in such school district or school districts or such county vocational education and extension board. The teachers, teaching assistants and teacher aides on such preferred list shall be reinstated or appointed to such vacancies in such corresponding or similar positions under the jurisdiction of the board or [~~boards of cooperative educational services~~] **NY polytechnical institutes** in the order of their length of service in such school district or school districts or in such county vocational education and extension board, within seven years from the date of the abolition of such office or position.

3. For any such teacher, teaching assistant and teacher aide as set forth in subdivision one of this section for salary, sick leave and any other purposes, the length of service credited in such school district or in such county vocational education and extension board shall be credited as employment time with such board or [~~boards of cooperative educational services~~] **NY polytechnical institutes**.

4. This section shall in no way be construed to limit the rights of any of such employees set forth in this section granted by any other provision of law.

5. Program takeovers pursuant to this section shall be considered a transfer pursuant to section seventy of the civil service law.

§ 106. Section 3014-b of the education law, as amended by chapter 511 of the laws of 1998, is amended to read as follows:

§ 3014-b. Teachers' rights as a result of a school district taking over a program formerly operated by a [~~board of cooperative educational services~~] **NY polytechnical institute**. 1. In any case in which a school district duly takes over the operation of a program formerly provided by a [~~board of cooperative educational services~~] **NY polytechnical institute**, each teacher, teaching assistant and teacher aide employed in such a program by such a [~~board of cooperative educational services~~] **NY polytechnical institute** at the time of such takeover by the school district shall be considered an employee of such school district, with the same tenure or civil service status he **or she** maintained in such [~~board of cooperative educational services~~] **NY polytechnical institute**.

2. If the number of teaching positions needed to provide the services required by such program by the school district is less than the number of teachers, teaching assistants and teacher aides eligible to be considered employees of such school district as provided by subdivision one of this section, the services of the teachers, teaching assistants and teacher aides having the least seniority in the [~~board of cooperative educational services~~] **NY polytechnical institute** whose programs are taken over by the school district within the tenure area or civil service title of the position shall be discontinued. Such teachers, teaching assistants and teacher aides shall be placed on a preferred eligible list of candidates for appointment to a vacancy that may thereafter occur in an office or position under the jurisdiction of the school district similar to the one such teacher, teaching assistant and teacher aide filled in such [~~board of cooperative educational services~~] **NY polytechnical institute**. The teachers, teaching assistants and teacher aides on such preferred list shall be reinstated or appointed to such vacancies in such corresponding or similar positions under the jurisdiction of the school district in the order of their length of service in

such [~~board of cooperative educational services~~] **NY polytechnical institute**, within seven years from the date of the abolition of such office or position.

3. For any such teacher, teaching assistant and teacher aide as set forth in subdivision one of this section for salary, sick leave and any other purposes, the length of service credited in such [~~board of cooperative educational services~~] **NY polytechnical institute** shall be credited as employment time with such school district.

4. In the event that more than one school district duly takes over the operation of a program formerly provided by a [~~board of cooperative educational services~~] **NY polytechnical institute**, then each teacher, teaching assistant and teacher aide employed in such program by such [~~board of cooperative educational services~~] **NY polytechnical institute** at the time of such takeover by more than one school district, shall select the particular school district in which he **or she** shall be considered an employee, with all of the rights and privileges provided by the other provisions of this section. Such selection of the particular school district by such teacher, teaching assistant and teacher aide is to be based upon the seniority of each teacher, teaching assistant and teacher aide in such [~~board of cooperative educational services~~] **NY polytechnical institute**, with the right of selection passing from such teachers, teaching assistants and teacher aides with the most seniority to such teachers, teaching assistants and teacher aides with least seniority. Any such teacher, teaching assistant and teacher aide who is unable to obtain a teaching position in any such school districts because the number of positions needed to provide the services required in such programs with such school districts are less than the number of teachers, teaching assistants and teachers aides eligible to be considered employees of such school districts, shall be placed on a preferred eligible list in all such school districts in the method and with all of the rights provided by the other provisions of this section.

5. This section shall in no way be construed to limit the rights of any of such employees set forth in this section granted by any other provision of law.

§ 107. Section 3019-a of the education law, as added by chapter 557 of the laws of 1960, is amended to read as follows:

§ 3019-a. Notice of termination of service by teachers. A teacher who desires to terminate his **or her** services to a school district at any time, shall file a written notice thereof with the school authorities of such school district or with the [~~board of cooperative educational services~~] **NY polytechnical institute** or county vocational education and extension board at least thirty days prior to the date of such termination of services. School authorities [~~or such~~]**, such institutes or such** boards which desire to terminate the services of a teacher during the probationary period shall give a written notice thereof to such teacher at least thirty days prior to the effective date of such termination of services.

§ 108. Subdivision 2 of section 3021-a of the education law, as added by chapter 233 of the laws of 2018, is amended to read as follows:

2. When an accusatory instrument has been filed alleging the commission of a sex offense by a person known to be an employee of a school district, charter school, [~~board of cooperative educational services~~] **NY polytechnical institute**, private elementary or secondary school, or special education schools, it is the responsibility of the district attorney to immediately notify the superintendent of schools or school

administrator that employs such employee of the accusatory instrument and the sex offense or offenses alleged therein.

§ 109. Section 3023 of the education law, as amended by chapter 844 of the laws of 1976, is amended to read as follows:

§ 3023. Liability of a board of education, trustee, trustees or [~~board of cooperative educational services~~] **NY polytechnical institute**. Notwithstanding any inconsistent provision of law, general, special or local, or the limitation contained in the provisions of any city charter, it shall be the duty of each board of education, trustee or trustees, in any school district having a population of less than one million, and each [~~board of cooperative educational services~~] **NY polytechnical institute** established pursuant to section nineteen hundred fifty of this chapter, to save harmless and protect all teachers, practice or cadet teachers, authorized participants in a school volunteer program, and members of supervisory and administrative staff or employees from financial loss arising out of any claim, demand, suit or judgment by reason of alleged negligence or other act resulting in accidental bodily injury to any person, or accidental damage to the property of any person within or without the school building, provided such teacher, practice or cadet teacher, authorized participant in a school volunteer program, or member of the supervisory or administrative staff or employee at the time of the accident or injury was acting in the discharge of his **or her** duties within the scope of his **or her** employment or authorized volunteer duties and/or under the direction of said board of education, trustee, trustees or [~~board of cooperative educational services~~] **NY polytechnical institute**; and said board of education, trustee, trustees or [~~board of cooperative educational services~~] **NY polytechnical institute** may arrange for and maintain appropriate insurance with any insurance company created by or under the laws of this state, or in any insurance company authorized by law to transact business in this state, or such board, trustee, trustees or [~~board of cooperative educational services~~] **NY polytechnical institute** may elect to act as self-insurers to maintain the aforesaid protection. A board of education, trustee, board of trustees, or [~~board of cooperative educational services~~] **NY polytechnical institute**, however, shall not be subject to the duty imposed by this section, unless such teacher, practice or cadet teacher, authorized participant in a school volunteer program, or member of the supervisory and administrative staff or employee shall, within ten days of the time he **or she** is served with any summons, complaint, process, notice, demand or pleading, deliver the original or a copy of the same to such board of education, trustee, board of [~~trustes~~] **trustees**, or [~~board of cooperative educational services~~] **NY polytechnical institute**.

§ 110. Section 3028-d of the education law, as added by chapter 118 of the laws of 2006, is amended to read as follows:

§ 3028-d. Protection of school employees who report information regarding illegal or inappropriate financial practices. Any employee of a school district, [~~board of cooperative educational services~~] **NY polytechnical institute**, or charter school having reasonable cause to suspect that the fiscal practices or actions of an employee or officer of a school district, charter school, or [~~board of cooperative educational services~~] **NY polytechnical institute**, violate any local, state, federal law or rule and regulation, relating to the financial practices of such entity and who in good faith reports such information to an official of such school district, [~~board of cooperative educational services~~] **NY polytechnical institute** or charter school, or to the office

of the state comptroller, the commissioner or to law enforcement authorities, shall have immunity from any civil liability that may arise from the making of such report, and no school district, or employee or officer thereof, charter school, or employee or officer thereof, or [~~board of cooperative educational services~~] **NY polytechnical institute**, or employee or officer thereof, shall take, request, or cause a retaliatory action against any such employee who makes such report.

§ 111. Section 3031 of the education law, as amended by chapter 691 of the laws of 1993, is amended to read as follows:

§ 3031. Procedure when tenure not to be granted at conclusion of probationary period or when services to be discontinued. Notwithstanding any other provision of this chapter: (a) boards of education, trustees of common school districts and [~~boards of cooperative educational services~~] **NY polytechnical institutes** shall review all recommendations not to appoint a person on tenure, and, teachers, administrators and supervisors employed on probation by any school district or by any [~~board of cooperative educational services~~] **NY polytechnical institute**, as to whom a recommendation is to be made that appointment on tenure not be granted or that their services be discontinued shall, at least thirty days prior to the board meeting at which such recommendation is to be considered, be notified of such intended recommendation and the date of the board meeting at which it is to be considered. Such teacher, administrator and supervisor may, not later than twenty-one days prior to such meeting, request in writing that he **or she** be furnished with a written statement giving the reasons for such recommendation and within seven days thereafter such written statement shall be furnished. Such teacher, administrator and supervisor may file a written response to such statement with the district clerk not later than seven days prior to the date of the board meeting.

(b) Where a board of education, trustees of a common school district, or [~~board of cooperative educational services~~] **NY polytechnical institute** votes to reject the recommendation of a superintendent of schools, district superintendent or district principal to grant tenure to any teacher, administrator and supervisor employed on probation, such vote shall be considered advisory and at least thirty days prior to the board meeting at which such recommendation is to be finally considered, the board shall notify said teacher, administrator and supervisor of its intention to deny tenure and the date of the board meeting at which it will take final action. Such teacher, administrator and supervisor may, not later than twenty-one days prior to such meeting, request in writing that he **or she** be furnished with a written statement giving the board's reasons for such intended action and within seven days thereafter such written statement should be furnished. Such teacher, administrator and supervisor may file a written response to such statement with the district clerk not later than seven days prior to the date of the board meeting.

(c) This section shall not be construed as modifying existing law with respect to the rights of probationary teachers or the powers and duties of boards of education, trustees of common school districts or [~~boards of cooperative educational services~~] **NY polytechnical institutes**, with respect to the discontinuance of services of teachers, administrators and supervisors or appointments on tenure of teachers, administrators and supervisors.

§ 112. Paragraph (b) of subdivision 1, subdivision 2, and paragraphs (a) and (b) of subdivision 3 of section 3032 of the education law, paragraph (b) of subdivision 1 and paragraph (a) of subdivision 3 as amended

by chapter 301 of the laws of 1996, subdivision 2 as amended by chapter 683 of the laws of 1986 and paragraph (b) of subdivision 3 as added by chapter 933 of the laws of 1984, are amended to read as follows:

(b) "Local education agencies" for the purposes of this section means school districts, [~~boards of cooperative educational services~~] **NY polytechnical institutes**, community colleges, agricultural and technical colleges, state university of New York college of technology and centers for advanced technology designated pursuant to section three thousand one hundred two-a of the public authorities law, and other postsecondary providers of career education as set forth annually by the commissioner as eligible recipients under the federal vocational education act of nineteen hundred eighty-four.

2. Allocations. The commissioner shall allocate the lesser of forty thousand dollars or one percent of the total appropriation for the purposes of this section to each region for administering and conducting employer specific skill training and employment programs and the remainder of such appropriation shall be allocated to each region for the administration and support of teacher summer business training and employment programs based on the proportion of the base year full time teachers in the public schools of all school districts and [~~boards of cooperative educational services~~] **NY polytechnical institutes** within the region to the total of such teachers in the state, provided however, that each region shall receive at least five percent of the allocation for such purposes and provided further that the cost due to such five percent allowance shall be proportionally borne by the regions not so affected. Use of funds for administration of the summer business training and employment programs shall not exceed six percent of the allocation to a region.

(a) In any case in which a business or industry within the state shall employ during the months of July and August a teacher of mathematics, chemistry, biology, earth science, physics, computer science, career education or an elementary specialist in the area of mathematics or science or commencing July first, nineteen hundred eighty-five, a teacher of other subject areas as the commissioner may deem appropriate, the state will assist employers with costs associated with approved work experience for such teachers. Such business or industry shall request that the chief administrative officer of the school district or [~~board of cooperative educational services~~] **NY polytechnical institute** employing such teacher during the same school year as such business or industry employment occurs, certify to the commissioner that the summer work experience involved will directly benefit the individual's effectiveness as a teacher of mathematics, chemistry, biology, earth science, physics, computer science, career education, or other subject areas as the commissioner may deem appropriate. If such chief administrative officer so certifies, then such officer shall also file the request with the local education agency designated by the commissioner for pre-approval for funding under this program in the applicable region. The commissioner shall not approve any requests for approval that would result in the maximum allocation for the applicable region being exceeded. No approval shall be given except for the lesser of thirty per centum of the total employment cost or one thousand dollars per employed teacher. The remainder of such costs shall be borne by the business employer involved. Participation in this program shall be at the option of each school district or [~~board of cooperative educational services~~] **NY polytechnical institute**.

(b) Such requests for pre-approval and certifications shall be on a form prescribed by the commissioner. Such form shall include but not be limited to certification of the employer regarding work to be performed by the teacher, wages, hours, and the certification of the chief administrative officer of the school district or [~~board of cooperative educational services~~] **NY polytechnical institute** as the case may be, as prescribed in this subdivision.

§ 113. Section 3033 of the education law, as amended by chapter 886 of the laws of 1986, subdivisions 2, 4, and 5 as amended by section 117-b of part A of chapter 436 of the laws of 1997 and subdivision 3 as amended by chapter 748 of the laws of 1987, is amended to read as follows:

§ 3033. New York state mentor teacher-internship program. 1. Boards of education and [~~boards of cooperative educational services~~] **NY polytechnical institutes** are hereby authorized to participate in the New York state mentor teacher-internship program in accordance with the provisions of this section.

2. Each board of education or [~~board of cooperative educational services~~] **NY polytechnical institute** which applies for funds under this section shall prepare a plan for implementation of a mentor teacher-internship program consistent with article fourteen of the civil service law. The plan shall be developed in accordance with this section and regulations of the commissioner. The board of education or [~~board of cooperative educational services~~] **NY polytechnical institute** shall submit an application and plan by May first of the current year for approval by the commissioner; provided however for the nineteen hundred ninety-seven--ninety-eight school year, such plan may be submitted by November first, nineteen hundred ninety-seven.

3. Each board of education and [~~board of cooperative educational services~~] **NY polytechnical institute** which determines to participate in the program shall select persons eligible to serve as mentor teachers from a list of persons who have demonstrated their mastery of pedagogical and subject matter skills, given evidence of superior teaching abilities and interpersonal relationship qualities, and who have indicated their willingness to participate in such program. Such list of persons eligible to serve as mentor teachers shall be developed by a selection committee composed of certified or licensed personnel employed by the school district or the [~~board of cooperative educational services~~] **NY polytechnical institute**, a majority of whom shall be classroom teachers chosen by the certified or recognized teachers employee organization. The assignment of particular mentor teachers and teacher interns to work together shall be made by the superintendent of the participating district or district superintendent of the participating [~~board of cooperative educational services~~] **NY polytechnical institute**. Each person designated as a mentor teacher shall continue to provide classroom instruction for at least sixty percent of the time spent in performance of such individual's duties during the school year or such person may so serve on a full-time basis for not more than two school years out of five consecutive school years, provided that such service as a mentor teacher shall not diminish or impair the tenure and seniority rights of the mentor teacher.

4. Each board of education and [~~board of cooperative educational services~~] **NY polytechnical institute** which determines to participate in the mentor teacher-internship program shall require those first or second year eligible teachers which it chooses to include in the program to perform their duties under the guidance of a mentor teacher, and

shall ensure that such teacher intern and mentor carry no more than a ninety percent classroom instruction assignment in order to allow such teacher intern time to receive special assistance from a mentor teacher. In order to participate as a teacher intern in a mentor teacher-internship program, a first or second year teacher shall hold a provisional or permanent teaching certificate, temporary emergency license, regular license, or temporary per diem certificate for a field in which no licensed person is available to teach and shall not have participated in such program in the previous year.

5. A school district or [~~board of cooperative educational services~~] **NY polytechnical institute** participating in an approved mentor teacher-internship program in the current year shall be eligible for aid including but not limited to costs related to release time of the intern and mentor teacher up to ten percent of the mentor teacher's salary and up to ten percent of the teacher intern's salary respectively in accordance with the provisions of this subdivision. To receive such assistance, a school district or [~~board of cooperative educational services~~] **NY polytechnical institute** must file a claim with the commissioner by October first of the current school year in a form prescribed by the commissioner which shall include the actual salary of each program participant as of September fifteenth of such year. The commissioner shall pay one-half of the amount of such assistance by January fifteenth of each year and shall pay the remaining amount based upon a final report filed by the school district by August fifteenth of each year.

6. Each board of education and [~~board of cooperative educational services~~] **NY polytechnical institute** which participates in the program shall file a report with the commissioner on or before August first of each school year concerning compliance with the requirements of the program during the preceding school year. Such report shall be in such form and in such manner as the commissioner may require. The commissioner shall evaluate such programs and file a report with the legislature on or before December first, nineteen hundred eighty-seven.

§ 114. Subdivisions 1 and 3 of section 3035 of the education law, as amended by chapter 630 of the laws of 2006, subdivision 3 as amended by section 7 of such chapter, are amended to read as follows:

1. The commissioner shall submit to the division of criminal justice services two sets of fingerprints of prospective employees as defined in subdivision three of section eleven hundred twenty-five of this chapter received from a school district, charter school or [~~board of cooperative educational services~~] **NY polytechnical institute** and of prospective employees received from nonpublic and private elementary and secondary schools pursuant to title two of this chapter, and the division of criminal justice services processing fee imposed pursuant to subdivision eight-a of section eight hundred thirty-seven of the executive law and any fee imposed by the federal bureau of investigation. The division of criminal justice services and the federal bureau of investigation shall forward such criminal history record to the commissioner in a timely manner. For the purposes of this section, the term "criminal history record" shall mean a record of all convictions of crimes and any pending criminal charges maintained on an individual by the division of criminal justice services and the federal bureau of investigation. All such criminal history records sent to the commissioner pursuant to this subdivision shall be confidential pursuant to the applicable federal and state laws, rules and regulations, and shall not be published or in any way disclosed to persons other than the commissioner, unless otherwise authorized by law.

3. (a) Clearance. After receipt of a criminal history record from the division of criminal justice services and the federal bureau of investigation the commissioner shall promptly notify the appropriate school district, charter school, [~~board of cooperative educational services~~] **NY polytechnical insitute**, or nonpublic or private elementary or secondary school whether the prospective employee to which such report relates is cleared for employment based upon his or her criminal history. All determinations to grant or deny clearance for employment pursuant to this paragraph shall be performed in accordance with subdivision sixteen of section two hundred ninety-six of the executive law and article twenty-three-A of the correction law. When the commissioner denies a prospective employee clearance for employment, such prospective employee shall be afforded notice and the right to be heard and offer proof in opposition to such determination in accordance with the regulations of the commissioner.

(b) Conditional clearance. When the commissioner receives a request for a determination on the conditional clearance of a prospective employee, the commissioner, after receipt of a criminal history record from the division of criminal justice services, shall promptly notify the prospective employee and the appropriate school district, charter school, [~~board of cooperative educational services~~] **NY polytechnical insitute**, or nonpublic or private elementary or secondary school that the prospective employee to which such report relates is conditionally cleared for employment based upon his or her criminal history or that more time is needed to make the determination. If the commissioner determines that more time is needed, the notification shall include a good faith estimate of the amount of additional time needed. Such notification shall be made within fifteen business days after the commissioner receives the prospective employee's fingerprints. All determinations to grant or deny conditional clearance for employment pursuant to this paragraph shall be performed in accordance with subdivision sixteen of section two hundred ninety-six of the executive law and article twenty-three-A of the correction law.

§ 115. Subdivision 3 of section 3035 of the education law, as amended by section 8 of chapter 630 of the laws of 2006, is amended to read as follows:

3. After receipt of a criminal history record from the division of criminal justice services and the federal bureau of investigation the commissioner shall promptly notify the appropriate school district, charter school, [~~board of cooperative educational services~~] **NY polytechnical insitute**, or nonpublic or private elementary or secondary school whether the prospective employee to which such report relates is cleared for employment based upon his or her criminal history. All determinations to grant or deny clearance for employment pursuant to this subdivision shall be performed in accordance with subdivision sixteen of section two hundred ninety-six of the executive law and article twenty-three-A of the correction law. When the commissioner denies a prospective employee clearance for employment, such prospective employee shall be afforded notice and the right to be heard and offer proof in opposition to such determination in accordance with the regulations of the commissioner.

§ 116. Section 3038 of the education law, as added by chapter 323 of the laws of 2018, is amended to read as follows:

§ 3038. **Designated person to provide certain information on services.** The superintendent of each school district, in consultation with the district superintendent of a [~~board of cooperative educational services~~]

NY polytechnical institute, where applicable, shall designate an employee who is a member of the school district staff or an employee of the [~~board of cooperative educational services~~] **NY polytechnical institute** staff to provide information to any student, parent, or staff regarding where and how to find available substance use related services. Where possible, such designated individual shall be a school social worker, school guidance counselor, or any other health practitioner or counselor employed by the school. Any information provided by a student, parent or teacher to such designated individual shall be confidential, shall not be used in any school disciplinary proceeding and shall, in addition to any other applicable privilege, be considered confidential in the same manner as information provided pursuant to section forty-five hundred eight of the civil practice law and rules. Provided, however, that nothing in this section shall relieve such designated individual of any legal duty to otherwise report such information. Such designated individual or individuals shall undergo any necessary training as may be required by the commissioner.

§ 117. Section 3109 of the education law, as amended by chapter 463 of the laws of 1983, is amended to read as follows:

§ 3109. Reduction of salaries for purchase of annuities. Each board of education, trustee or trustees in any school district, and each [~~board of cooperative educational services~~] **NY polytechnical institute** or county vocational education and extension board, in its discretion, may enter into a written agreement with any employee of such school district**, institute** or board to reduce the annual salary as otherwise payable by law of such employee for the purpose of purchasing an annuity or investing in a custodial account as permitted under section 403(b) of the United States Internal Revenue Code, as amended, for such employee. Any such agreement may be terminated at any time upon written notice by either such employee or such school district**, institute** or board. Nothing contained in this section shall be construed to diminish or impair any benefits to which such employee or his **or her** legal representatives or beneficiaries would be otherwise entitled had such salary reduction agreement not been entered into in accordance with the provisions of this section.

§ 118. Subdivisions 1, 6-a and paragraphs a and e of subdivision 7 of section 3202 of the education law, subdivision 1 as amended by section 47 of part PP of chapter 56 of the laws of 2022, subdivision 6-a as amended by section 2 of part J of chapter 56 of the laws of 2015, paragraph a of subdivision 7 as amended by chapter 564 of the laws of 2001, and paragraph e of subdivision 7 as added by chapter 683 of the laws of 1986, are amended to read as follows:

1. A person over five and under twenty-one years of age who has not received a high school diploma is entitled to attend the public schools maintained in the district in which such person resides without the payment of tuition. Provided further that such person may continue to attend the public school in such district in the same manner, if temporarily residing outside the boundaries of the district when relocation to such temporary residence is a consequence of such person's parent or person in parental relationship being called to active military duty, other than training. Notwithstanding any other provision of law to the contrary, the school district shall not be required to provide transportation between a temporary residence located outside of the school district and the school the child attends. A veteran of any age who shall have served as a member of the armed forces of the United States and who (a) shall have been discharged therefrom under conditions other

than dishonorable, or (b) has a qualifying condition, as defined in section one of the veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service, or (c) is a discharged LGBT veteran, as defined in section one of the veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service, may attend any of the public schools of the state upon conditions prescribed by the board of education, and such veterans shall be included in the pupil count for state aid purposes. A nonveteran under twenty-one years of age who has received a high school diploma shall be permitted to attend classes in the schools of the district in which such person resides or in a school of a [~~board of cooperative educational services~~] **NY polytechnical institute** upon payment of tuition under such terms and conditions as shall be established in regulations promulgated by the commissioner; provided, however, that a school district may waive the payment of tuition for such nonveteran, but in any case such a nonveteran who has received a high school diploma shall not be counted for any state aid purposes. Nothing herein contained shall, however, require a board of education to admit a child who becomes five years of age after the school year has commenced unless his or her birthday occurs on or before the first of December.

6-a. Notwithstanding subdivision six of this section or any other law to the contrary, the commissioner of the office of children and family services shall be responsible for the secular education of youth under the jurisdiction of the office and may contract for such education with the trustees or board of education of the school district wherein a facility for the residential care of such youth is located or with the [~~board of cooperative educational services~~] **NY polytechnical institute** at which any such school district is a component district for special education programs, related services and career and technical education services and music, art and foreign language programs in accordance with subparagraph eight of paragraph (h) of subdivision four of section nineteen hundred fifty of this chapter. A youth attending a local public school while in residence at such facility shall be deemed a resident of the school district where his parent or guardian resides at the commencement of each school year for the purpose of determining which school district shall be responsible for the youth's tuition pursuant to section five hundred four of the executive law.

a. A person under twenty-one years of age who has not received a high school diploma and who is incarcerated in a correctional facility maintained by a county or by the city of New York or in a youth shelter is eligible for educational services pursuant to this subdivision and in accordance with the regulations of the commissioner. Such services shall be provided by the school district in which the facility or youth shelter is located, within the limits of the funds allocated by the commissioner for such purposes pursuant to section thirty-six hundred two of this chapter and pursuant to a plan approved by the commissioner. School districts shall submit such plan by July fifteenth of each school year. Boards of education are authorized to contract for the provision of such educational services by a [~~board of cooperative educational services~~] **NY polytechnical institute** or by another public school district.

e. The state commission of correction shall promulgate rules and regulations in consultation with the commissioner which shall require each correctional facility operated by a county or the city of New York to cooperate with the school district or [~~board of cooperative educational~~

~~services~~] **NY polytechnical institute** providing educational services and to comply with the requirements of this subdivision.

§ 119. Paragraph 2 of subdivision 2-a of section 3204 of the education law, as added by chapter 827 of the laws of 1982, is amended to read as follows:

2. The board of education of each school district receiving such funds shall provide a program of bilingual education or English as a second language for eligible pupils and may contract with a [~~board of cooperative educational services~~] **NY polytechnical institute** or another school district to provide such program, provided that in a city having a population of one million or more, the community school boards shall provide such program in the schools within their jurisdiction.

§ 120. Subdivision 4-a of section 3208 of the education law, as added by chapter 352 of the laws of 2005, is amended to read as follows:

4-a. Officers or employees of the state, a school district, a [~~board of cooperative educational services~~] **NY polytechnical institute**, a charter school, an approved private school for the education of students with disabilities approved pursuant to paragraph e, f, g or h of subdivision two of section forty-four hundred one of this chapter, an approved provider of preschool special education approved pursuant to section forty-four hundred ten of this chapter or a state-supported school operating pursuant to article forty-five of this chapter, shall be prohibited from requiring a child who is entitled to attend school pursuant to subdivision one of section thirty-two hundred two of this part to obtain a prescription for a substance covered by the federal controlled substances act, section eight hundred one of title twenty-one of the United States code, et seq., as a condition of attending school, receiving an evaluation or reevaluation pursuant to article eighty-nine of this chapter or any other provision of law relating to students with disabilities or receiving special education programs or services.

§ 121. Paragraphs a and b of subdivision 4 of section 3209 of the education law, as amended by section 1 of part C of chapter 56 of the laws of 2017, are amended to read as follows:

a. A social services district shall provide for the transportation of each homeless child, including those in preschool and students with disabilities identified pursuant to sections forty-four hundred one and forty-four hundred two of this chapter whose individualized education programs include special transportation services, who is eligible for benefits pursuant to section three hundred fifty-j of the social services law, to and from a temporary housing location in which the child was placed by the social services district and the school attended by such child pursuant to this section, if such temporary housing facility is located outside of the designated school district pursuant to paragraph a of subdivision two of this section. A social services district shall be authorized to contract with a board of education or a [~~board of cooperative educational services~~] **NY polytechnical institute** for the provision of such transportation. Where the social services district requests that the designated school district of attendance provide or arrange for transportation for a homeless child eligible for transportation pursuant to this paragraph, the designated school district of attendance shall provide or arrange for the transportation and the social services district shall fully and promptly reimburse the designated school district of attendance for the cost as determined by the designated school district. This paragraph shall apply to placements made by a social services district without regard to whether a payment

is made by the district to the operator of the temporary housing facility.

b. The designated school district of attendance shall provide for the transportation of each homeless child who is living in a residential program for runaway and homeless youth established pursuant to article nineteen-H of the executive law, to and from such residential program, and the school attended by such child pursuant to this section, if such temporary housing location is located outside the designated school district. The designated district of attendance shall be authorized to contract with a [~~board of cooperative educational services~~] **NY polytechnical institute** or a residential program for runaway and homeless youth for the provision of such transportation. The department shall reimburse the designated school district of attendance for the cost of transporting such child to and from the residential program and the school attended by such child to the extent funds are provided for such purpose, as determined by the director of the budget.

§ 122. Subdivision 1 of section 3215-a of the education law, as amended by chapter 197 of the laws of 1992, is amended to read as follows:

1. Certificating officials. Employment certificates or permits shall be issued by the chancellor in the city school district of the city of New York, and by the superintendent of schools in other school districts, provided that the district superintendent of schools may issue such certificates or permits for students attending classes operated by a [~~board of cooperative educational services~~] **NY polytechnical institute**, and the principal of a nonpublic secondary school may issue such certificates or permits for students attending such school. The chancellor in New York city, or elsewhere the superintendent of schools or district superintendent of schools may designate in writing the principal of the public school the minor attends or last attended or other public school official to act as certificating official in his stead. During the months of July and August, and at other times in extraordinary circumstances and emergencies, one or more public school officials shall be designated in writing by the chancellor in New York city and elsewhere by the superintendent or district superintendent to act as certificating officials. The designation or authorization of certificating officials in public schools shall be subject to such limitations or standards as may be prescribed by the chancellor in New York city and elsewhere by the superintendent or district superintendent.

§ 123. Section 3242 of the education law, as amended by section 3 of part A of chapter 57 of the laws of 2013, is amended to read as follows:

§ 3242. School census in school districts. The trustees or board of education of every school district may cause a census to be taken of all children between birth and eighteen years of age, including all such facts and information as are required in the census provided for in section thirty-two hundred forty-one of this part. Such census shall be prepared biennially for children between ages five and eighteen who are entitled to attend the public schools without payment of tuition in duplicate in their respective school districts, and one copy thereof filed with the teacher or principal and the other copy filed with the district superintendent or superintendent on or before the fifteenth day of October. For pre-school students from birth to five years of age, such census may be prepared and filed biennially on or before the fifteenth day of October. Such census shall include the reports and information required from cities as provided in section thirty-two hundred forty-one of this part. All information regarding a student with

a disability under the age of twenty-one years shall be filed annually with the superintendent of the [~~board of cooperative educational services~~] **NY polytechnical institute** of which said district may be a part.

§ 124. Subdivision 1 of section 3305 of the education law, as added by section 1 of part A of chapter 328 of the laws of 2014, is amended to read as follows:

1. When the student transfers before or during the school year, the receiving state school shall initially honor placement of the student in educational courses based on the student's enrollment in the sending state school and/or educational assessments conducted at the school in the sending state if the courses are offered and there is space available as determined by the local educational agency. Course placement includes but is not limited to honors, international baccalaureate, advanced placement, vocational, technical and career pathways courses. Where the local educational agency contracts with a [~~board of cooperative educational services~~] **NY polytechnical institute** to deliver such courses, the local educational agency and the [~~board of cooperative educational services~~] **NY polytechnical institute** shall arrange to enroll the student in the applicable [~~board of cooperative educational services~~] **NY polytechnical institute** program where there is space available. Continuing the student's academic program from the previous school and promoting placement in academically and career challenging courses should be paramount when considering placement. This does not preclude the school in the receiving state from performing subsequent evaluations to ensure appropriate placement and continued enrollment of the student in the courses.

§ 125. Subdivision 1 of section 3308 of the education law, as amended by section 5 of part PP of chapter 56 of the laws of 2022, is amended to read as follows:

1. Each member state shall, through the creation of a state council or use of an existing body or board, provide for the coordination among its agencies of government, local educational agencies and military installations concerning the state's participation in, and compliance with, this compact and interstate commission activities. In New York, the state council shall include the commissioner or his or her designee, the commissioner of the New York state department of veterans' services or his or her designee, the adjutant general of the state of New York or his or her designee, a superintendent of a school district with a high concentration of military children appointed by the commissioner, a district superintendent of schools of a [~~board of cooperative educational services~~] **NY polytechnical institute** serving an area with a high concentration of military children appointed by the commissioner, a representative from a military installation appointed by the governor, a representative of military families appointed by the governor, a public member appointed by the governor and one representative each appointed by the speaker of the assembly, the temporary president of the senate and the governor.

§ 126. Section 3601 of the education law, as amended by section 4-a of part CCC of chapter 59 of the laws of 2018, is amended to read as follows:

§ 3601. When apportioned and how applied. The amount annually appropriated by the legislature for general support for public schools, net of disallowances, refunds, reimbursements and credits, shall be apportioned by the commissioner each year prior to the dates of the respective final payments provided by law and all moneys so apportioned shall

be applied exclusively to school purposes authorized by law. General state aid claims, on forms prescribed by the commissioner, shall be submitted to the commissioner by September second of each school year, except that the audit report required by subdivision three of section twenty-one hundred sixteen-a of this chapter shall be submitted to the commissioner by October fifteenth following the close of the school year audited for all districts other than the city school districts of the cities of Buffalo, Rochester, Syracuse, Yonkers and New York and by January first following the close of the school year audited for such city school districts. No aid shall be paid to a school district or [~~board of cooperative educational services~~] **NY polytechnical institute** prior to the submission of claims as required by the commissioner, except that no aid certified as payable to a school district by the commissioner of taxation and finance pursuant to paragraph (c) of subdivision three of section thirteen hundred six-a of the real property tax law shall be withheld due to the failure of the school district to submit general state aid claims required by the commissioner, except that no aids shall be withheld due to the failure of a school district to submit the audit report required by subdivision three of section twenty-one hundred sixteen-a of this chapter until the thirtieth day following the due date specified in this section for such report, and except that apportionment for general support of public schools from the funds apportioned to a school district for the current year in excess of the amount apportioned to such school district in the base year shall be withheld until issuance of a determination of compliance in writing of such school district's statement of total funding allocation by the commissioner and the director of the budget as required by section thirty-six hundred fourteen of this part, whenever such shall occur, provided that for purposes of this section, "current year" shall mean the current year as defined in paragraph a of subdivision one of section thirty-six hundred two of this part and "base year" shall mean the base year as defined in paragraph b of subdivision one of section thirty-six hundred two of this part.

§ 127. Section 3601 of the education law, as amended by section 4-a of part A-1 of chapter 58 of the laws of 2006 and as further amended by subdivision (d) of section 1 of part W of chapter 56 of the laws of 2010, is amended to read as follows:

§ 3601. When apportioned and how applied. The amount annually appropriated by the legislature for general support for public schools, net of disallowances, refunds, reimbursements and credits, shall be apportioned by the commissioner each year prior to the dates of the respective final payments provided by law and all moneys so apportioned shall be applied exclusively to school purposes authorized by law. General state aid claims, on forms prescribed by the commissioner, shall be submitted to the commissioner by September second of each school year, except that the audit report required by subdivision three of section twenty-one hundred sixteen-a of this chapter shall be submitted to the commissioner by October fifteenth following the close of the school year audited for all districts other than the city school districts of the cities of Buffalo, Rochester, Syracuse, Yonkers and New York and by January first following the close of the school year audited for such city school districts. No aid shall be paid to a school district or [~~board of cooperative educational services~~] **NY polytechnical institute** prior to the submission of claims as required by the commissioner, except that no aid certified as payable to a school district by the commissioner of taxation and finance pursuant to paragraph (c) of subdi-

vision three of section thirteen hundred six-a of the real property tax law shall be withheld due to the failure of the school district to submit general state aid claims required by the commissioner, and except that no aids shall be withheld due to the failure of a school district to submit the audit report required by subdivision three of section twenty-one hundred sixteen-a of this chapter until the thirtieth day following the due date specified in this section for such report.

§ 128. The opening paragraph of section 3602 of the education law, as amended by section 11 of part B of chapter 57 of the laws of 2007, is amended to read as follows:

Notwithstanding any other provisions of this chapter or any other provisions of law, each school district of the state employing eight or more teachers shall receive its apportionment of public money payable during the school year commencing July first, nineteen hundred ninety-three and during subsequent school years pursuant to the provisions of this section and in lieu of any apportionments or payments otherwise payable under any other section of this chapter except any such apportionments or payments that may be payable to such district for school lunches, for textbooks, school library materials, computer hardware or computer software, for services or programs provided by a [~~board of cooperative educational services~~] **NY polytechnical institute** or by a county vocational education and extension board for such district, for the education of Indian children of a reservation under a contract with the state, by virtue of chapter six hundred thirty-five of the laws of nineteen hundred sixty-one, for school tax relief aid, or for experimental or special programs in selected school districts, including but not limited to special apportionments and grants-in-aid pursuant to section thirty-six hundred forty-one of this article.

§ 129. Subparagraph 1 of paragraph d, subparagraph 1 of paragraph i, subparagraph 4 of paragraph n, subparagraph 7 of paragraph t, and paragraphs dd and ff of subdivision 1 of section 3602 of the education law, subparagraph 1 of paragraph d, subparagraph 1 of paragraph i, and subparagraph 4 of paragraph n as amended by section 11 of part B of chapter 57 of the laws of 2007, subparagraph 7 of paragraph t as amended by section 2 of part D of chapter 25 of the laws of 2009, paragraph dd as amended by section 5 of part A of chapter 57 of the laws of 2012, and paragraph ff as added by section 25 of part A of chapter 58 of the laws of 2011, are amended to read as follows:

(1) Equivalent attendance shall mean the quotient of the total number of student hours of instruction in programs in a public school of a school district or a [~~board of cooperative educational services~~] **NY polytechnical institute** leading to a high school diploma or a high school equivalency diploma as defined in regulations of the commissioner for pupils under the age of twenty-one not on a regular day school register of the district, divided by one thousand. Average daily attendance shall include the equivalent attendance of the school district. For the purposes of secondary school weighting, such equivalent attendance shall be considered as average daily attendance in grades seven through twelve.

(1) "Pupils with disabilities" shall mean pupils of school age who are identified as students with disabilities pursuant to article eighty-nine of this chapter and the regulations of the commissioner and who receive special education services or attend special education programs which meet criteria established by the commissioner, operated by a school district eligible for total foundation aid pursuant to this section or by a [~~board of cooperative educational services~~] **NY polytechnical insti-**

tute, whether or not the school district is a component of such [~~board~~] institute.

(4) "Resident public school district enrollment" shall be the public school district enrollment less the public school district enrollment of nonresident pupils attending public schools in the district, plus the public school district enrollment of pupils resident in the district but attending public schools in another district or state plus the public school district enrollment of pupils resident in the district but attending full-time a school operated by a [~~board of cooperative educational services~~] NY polytechnical institute or a county vocational education and extension board. Indian pupils who are residents of any portion of a reservation located wholly or partly within the borders of the state pursuant to subdivision four of section forty-one hundred one of this chapter and are attending public school, or pupils living on the United States military reservation at West Point attending public school, shall be deemed to be resident pupils of the district providing such school, for purposes of this paragraph. Where a school district has entered into a contract with the state university pursuant to subdivision two of section three hundred fifty-five of this chapter under which the school district makes payments in the nature of tuition for the education of certain children residing in the district, such children for whom such tuition payments are made shall be deemed to be resident pupils of such district for the purposes of this paragraph. No student shall be counted more than once, except that, in determining the resident public school district enrollment of a component school district of a central high school district the resident public school district enrollment of high school pupils residing in such component district and attending the central high school shall be included, and in determining the resident public school district enrollment of a central high school district the resident public school district enrollment of elementary school pupils residing in such central high school district and attending a component district of the central high school district shall be included.

(7) any payments made to [~~boards of cooperative educational services~~] NY polytechnical institutes for purposes or programs for which an apportionment is paid pursuant to other sections of this chapter, except that payments attributable to eligible pupils with disabilities and ineligible pupils residing in noncomponent districts shall be included in operating expense;

dd. "Allowable growth amount" shall mean the product of the positive difference of the personal income growth index minus one, multiplied by the statewide total of the sum of (1) the apportionments, including the gap elimination adjustment, due and owing during the base year, commencing with the base year computed for the two thousand twelve--two thousand thirteen school year, to school districts and [~~boards of cooperative educational services~~] NY polytechnical institutes from the general support for public schools as computed based on an electronic data file used to produce the school aid computer listing produced by the commissioner in support of the enacted budget for the base year plus (2) the competitive awards amount for the base year.

ff. "Preliminary growth amount" shall mean the difference between the statewide total, excluding the apportionments computed pursuant to subdivisions four and seventeen of section thirty-six hundred two of the education law, of the apportionments due and owing during the current school year, commencing with the two thousand twelve--two thousand thirteen school year, to school districts and [~~boards of cooperative educa-~~

~~tional services~~] NY polytechnical institutes from the general support for public schools as computed based on an electronic data file used to produce the school aid computer listing produced by the commissioner in support of the enacted budget for the current year, less the statewide total of such apportionments, excluding the apportionments computed pursuant to subdivisions four and seventeen of this section [~~thirty-six hundred two of the education law~~], due and owing during the base school year to school districts and [~~boards of cooperative educational services~~] NY polytechnical institutes from the general support for public schools as computed based on an electronic data file used to produce the school aid computer listing produced by the commissioner in support of the enacted budget for the current year.

§ 130. Subparagraph 4 of paragraph a, subparagraph 1 of paragraph f, and subparagraph 1 of paragraph h of subdivision 2 of section 3602 of the education law, subparagraph 4 of paragraph a as amended and subparagraph 1 of paragraph h as added by section 13 of part B of chapter 57 of the laws of 2007, subparagraph 1 of paragraph f as amended by section 12 of part B of chapter 57 of the laws of 2008, are amended to read as follows:

(4) Resident weighted average daily attendance for purposes of determining the aid ratio of a school district for any school year shall be the weighted average daily attendance for the school year immediately preceding the base year, less the weighted average daily attendance of nonresident pupils attending public schools in the district for such school year, plus the weighted average daily attendance of pupils resident in the district but attending public schools in another district or state plus the weighted average daily attendance of pupils resident in the district but attending full-time a school operated by a [~~board of cooperative educational services~~] NY polytechnical institute or a county vocational education and extension board for such school year. The attendance of nonresident pupils attending public school in the district and resident pupils attending such schools outside of the district shall be determined by applying to the number of such pupils registered during the school year in each case the ratio of aggregate days attendance to the possible aggregate days attendance of all pupils in attendance in the district. Indian pupils of a reservation attending public school, or pupils living on the United States military reservation at West Point attending public school, shall be deemed to be resident pupils of the district providing such school, for purposes of this paragraph. Where a school district has entered into a contract with the state university pursuant to subdivision two of section three hundred fifty-five of this chapter under which the school district makes payments in the nature of tuition for the education of certain children residing in the district, such children for whom such tuition payments are made shall be deemed to be resident pupils of such district for the purposes of this paragraph.

(1) Total wealth pupil units will be computed using the adjusted average daily attendance for the year prior to the base year as computed in this section, plus the attendance of resident pupils attending public school elsewhere, less the attendance of nonresident pupils plus the attendance of resident pupils attending full-time in [~~board of cooperative educational services~~] a NY polytechnical institute (not otherwise specifically included), plus the additional aidable pupil units as computed pursuant to paragraphs c and d of this subdivision, excluding summer school pupils, plus the year prior to the base year resident weighted pupils with disabilities. The attendance of nonresident pupils attending public school in the district and resident pupils attending

such schools outside of the district shall be determined by applying to the number of such pupils registered during the school year in each case the ratio of aggregate days attendance to the possible aggregate days attendance of all pupils in attendance in the district. Native American pupils of a reservation attending public school, or pupils living on the United States military reservation at West Point attending public school, shall be deemed to be resident pupils of the district providing such school, for purposes of this paragraph. Where a school district has entered into a contract with state university pursuant to subdivision two of section three hundred fifty-five of this chapter under which the school district makes payment in the nature of tuition for the education of certain children residing in the district, such children for whom such tuition payments are made shall be deemed to be resident pupils of such district for the purposes of this paragraph.

(1) Total wealth foundation pupil units shall mean the sum of (i) average daily membership for the year prior to the base year as computed in this section, plus (ii) the full-time equivalent enrollment of resident pupils attending public school elsewhere, less the full-time equivalent enrollment of nonresident pupils, plus (iii) the full-time equivalent enrollment of resident pupils attending full-time in [~~board of cooperative educational services~~] **a NY polytechnical institute** (not otherwise specifically included). Native American pupils of a reservation attending public school, or pupils living on the United States military reservation at West Point attending public school, shall be deemed to be resident pupils of the district providing such school, for purposes of this paragraph. Where a school district has entered into a contract with state university pursuant to subdivision two of section three hundred fifty-five of this chapter under which the school district makes payment in the nature of tuition for the education of certain children residing in the district, such children for whom such tuition payments are made shall be deemed to be resident pupils of such district for the purposes of this paragraph.

§ 131. Paragraph f of subdivision 3 of section 3602 of the education law, as added by section 13 of part B of chapter 57 of the laws of 2007, is amended to read as follows:

f. The [~~board of cooperative educational services~~] **NY polytechnical institute** aid ratio shall equal the greater of: (1) an amount equal to one minus the quotient expressed as a decimal to three places without rounding of eight mills divided by the tax rate of the local district computed upon the actual valuation of taxable property, as determined pursuant to subdivision one of this section, expressed in mills to the nearest tenth as determined by the commissioner, provided, however, that where services are provided to a school district which is included within a central high school district or to a central high school district, such amount shall equal one minus the quotient expressed as a decimal to three places without rounding of three mills divided by the tax rates, expressed in mills to the nearest tenth, of such districts, as determined by the commissioner or (2) an amount computed by subtracting from one the product obtained by multiplying the resident weighted average daily attendance wealth ratio by fifty-one percent. Such aid ratio shall be expressed as a decimal carried to three places without rounding but shall not be less than thirty-six percent and shall not be greater than ninety percent.

§ 132. Subdivision 10, paragraphs a, d, and f of subdivision 11, and the opening paragraph and clause (A) of subparagraph (viii) of paragraph b of subdivision 17 of section 3602 of the education law, subdivisions

10 and 11 as added by chapter 57 of the laws of 1993 and as renumbered by section 16 of part B of chapter 57 of the laws of 2007, the subdivision heading and paragraphs a and c of subdivision 10 as amended by section 32 of part H of chapter 83 of the laws of 2002, paragraph b of subdivision 10 as amended by section 16 of part B of chapter 57 of the laws of 2007, paragraph d of subdivision 10 as added by section 17 of part B of chapter 57 of the laws of 2008, paragraph e of subdivision 10 as added by chapter 357 of the laws of 2018, paragraph a of subdivision 11 as amended by chapter 82 of the laws of 1995, paragraph d of subdivision 11 as amended by chapter 474 of the laws of 1996, paragraph f of subdivision 11 as amended by chapter 378 of the laws of 2010, and the opening paragraph and clause (A) of subparagraph (viii) of paragraph b, subdivision 17 as added by section 37 of part A of chapter 58 of the laws of 2011, are amended to read as follows:

10. Special services aid for large city school districts and other school districts which were not components of a [~~board of cooperative educational services~~] **NY polytechnical institute** in the base year. a. The city school districts of those cities having populations in excess of one hundred twenty-five thousand and any other school district which was not a component of a [~~board of cooperative educational services~~] **NY polytechnical institute** in the base year shall be entitled to an apportionment under the provisions of this section.

b. Aid for career education. There shall be apportioned to such city school districts and other school districts which were not components of a [~~board of cooperative educational services~~] **NY polytechnical institute** in the base year for pupils in grades ten through twelve in attendance in career education programs as such programs are defined by the commissioner, subject for the purposes of this paragraph to the approval of the director of the budget, an amount for each such pupil to be computed by multiplying the career education aid ratio by three thousand nine hundred dollars. Such aid will be payable for weighted pupils attending career education programs operated by the school district and for weighted pupils for whom such school district contracts with [~~boards of cooperative educational services~~] **NY polytechnical institutes** to attend career education programs operated by a [~~board of cooperative educational services~~] **NY polytechnical institute**. Weighted pupils for the purposes of this paragraph shall mean the sum of the attendance of students in grades ten through twelve in career education sequences in trade, industrial, technical, agricultural or health programs plus the product of sixteen hundredths multiplied by the attendance of students in grades ten through twelve in career education sequences in business and marketing as defined by the commissioner in regulations. The career education aid ratio shall be computed by subtracting from one the product obtained by multiplying fifty-nine percent by the combined wealth ratio. This aid ratio shall be expressed as a decimal carried to three places without rounding, but not less than thirty-six percent.

Any school district that receives aid pursuant to this paragraph shall be required to use such amount to support career education programs in the current year.

A board of education which spends less than its local funds as defined by regulations of the commissioner for career education in the base year during the current year shall have its apportionment under this subdivision reduced in an amount equal to such deficiency in the current or a succeeding school year, provided however that the commissioner may waive such reduction upon determination that overall expenditures per pupil in support of career education programs were continued at a level equal to

or greater than the level of such overall expenditures per pupil in the preceding school year.

c. Computer administration aid for large city school districts and any other school district which was not a component of a [~~board of cooperative educational services~~] NY polytechnical institute in the base year. The city school districts of those cities having populations in excess of one hundred twenty-five thousand inhabitants and any other school district which was not a component of a [~~board of cooperative educational services~~] NY polytechnical institute in the base year shall be eligible for an apportionment in accordance with the provisions of this subdivision. Such districts shall be entitled to an additional apportionment computed by multiplying the lesser of (1) expenses for approved computer services in the base year or (2) the maximum allowable expense equal to the product of sixty-two dollars and thirty cents and the enrollment of pupils attending the public schools of such district in the base year, by the computer expenses aid ratio. The computer expenses aid ratio shall be computed by subtracting from one the product obtained by multiplying fifty-one per centum by the combined wealth ratio. This aid ratio shall be expressed as a decimal carried to three places without rounding, but shall not be less than thirty per centum. Expenses for approved computer services in the base year up to the maximum allowable expense shall not be used to claim aid pursuant to any other provisions of this section.

d. Aid for academic improvement. There shall be apportioned to such city school districts and other school districts which were not components of a [~~board of cooperative educational services~~] NY polytechnical institute in the base year, an amount per pupil for each pupil eligible for aid pursuant to paragraph b of this subdivision to be computed by multiplying the career education aid ratio computed pursuant to such paragraph b of this subdivision by the sum of (1) one hundred dollars plus (2) the quotient of one thousand dollars divided by the lesser of one or the combined wealth ratio. Aid for academic improvement shall be unrestricted general aid available to support any academic programs of the school district.

e. Career education data collection. Beginning in the two thousand seventeen--two thousand eighteen school year the commissioner shall collect data from school districts receiving aid under this subdivision on the number of students in the base year that are in grade nine and enrolled in career education courses in trade/industrial education, technical education, agricultural education, health occupations education, business and marketing education, family and consumer science education, and technology education programs in a manner prescribed by the commissioner.

a. School districts and [~~boards of cooperative educational services (BOCES)~~] NY polytechnical institutes providing approved programs shall be eligible for aid in accordance with the provisions of this subdivision for the attendance of persons twenty-one years of age or over who have not received a high school diploma or a high school equivalency diploma recognized by New York State who attend employment preparation education programs provided by such school districts or [~~BOCES~~] NY polytechnical institutes, which programs lead to a high school diploma or high school equivalency diploma as defined in regulations of the commissioner, even if such persons attend regular day school classes with permission of the board of education; provided that such programs are provided in accordance with a plan of service approved by the commissioner in accordance with the provisions of paragraph f of this subdivi-

sion. Such programs may operate between July first and June thirtieth of a school year. Whenever a person enrolls in a program approved pursuant to this subdivision offered by a [~~BOCES~~] **NY polytechnical institute** or in a school district other than their district of residence, the program provider shall send a notice of such enrollment to the persons district of residence, and shall issue a new notice if such person moves from one district to another. In the event that the cost of a program approved and provided in accordance with the provisions of this subdivision exceeds all sources of funds, other than tax levy revenues, which are available to defray such expenses, the school district or [~~BOCES~~] **NY polytechnical institute** providing such program shall determine an excess cost per contact hour provided during the base year, and then shall determine the local share of such excess costs for each school district whose residents were served by such program by multiplying such base year hours by the excess cost per contact hour, and such local share shall be a charge against each such district, payable within forty-five days. Notwithstanding the provisions of section nineteen hundred fifty of this chapter, a [~~BOCES~~] **NY polytechnical institute** shall be authorized to provide a program pursuant to this subdivision in the same manner as a school district.

d. Employment preparation education aid ratio. The employment preparation education aid ratio for the purposes of this subdivision shall be determined by subtracting from one the product of the pupil wealth ratio and forty per centum. The aid ratio shall be expressed as a decimal to three places without rounding but shall not be less than forty per centum. In the case of a [~~BOCES~~] **NY polytechnical institute**, such aid ratio shall be determined by computing a pupil wealth ratio for the [~~BOCES~~] **NY polytechnical institute** using the aggregate actual valuation and total wealth pupil units for all component districts of such [~~BOCES~~] **NY polytechnical institute**, but shall not be less than the greater of forty per centum or the product of eighty-five per centum and the highest such aid ratio determined for a component school district of such [~~BOCES~~] **NY polytechnical institute**.

f. Approved application. All school districts and [~~BOCES~~] **NY polytechnical institutes** desiring to operate an aidable program pursuant to this subdivision shall complete an application, including a budget by program component. Such application shall be in a form prescribed by the commissioner and shall be submitted not later than May fifteenth of each school year. Within forty-five days of such deadline, and upon evaluation of such applications, the commissioner shall notify school districts and [~~BOCES~~] **NY polytechnical institutes** of those portions of such application that will be aidable in the school year ahead after making a determination that approval of such application will assure maximum effectiveness, geographic availability and lack of duplication of such programs, support for educational initiatives, and compliance with required program and fiscal reporting requirements. No aid shall be payable pursuant to this subdivision unless the application is approved by the commissioner.

The gap elimination adjustment for the two thousand eleven--two thousand twelve school year shall be computed as follows, based on an updated electronic date file containing actual and estimated data relating to apportionments due and owing during the current school year and projections of such apportionments for the following school year to school districts and [~~boards of cooperative educational services~~] **NY polytechnical institutes** from the general support for public schools, growth and [~~boards of cooperative educational services~~] **NY polytechnical**

institutes appropriations produced pursuant to paragraph b of subdivision twenty-one of section three hundred five of this chapter on February fifteenth of the base year. The gap elimination adjustment for a district shall equal the lesser of the district's percentage reduction and its TGFE check, provided, however, that in the case of a district with a tax effort ratio greater than four percent (0.04) and a combined wealth ratio for total foundation aid computed pursuant to subparagraph two of paragraph c of subdivision three of this section that is less than one and five-tenths (1.5), the gap elimination adjustment for a district shall equal the lesser of the percentage reduction, the TGFE check and the tax effort reduction, and further provided that in the case of a school district, other than a city school district of a city having a population in excess of one hundred twenty-five thousand, with (A) an administrative efficiency ratio of less than one and eight-tenths percent (0.018) and (B) an administrative expense per pupil of less than three hundred forty-eight dollars ($348), the gap elimination adjustment shall be reduced by an amount equal to the administrative efficiency restoration, and further provided that, where applicable, the gap elimination adjustment shall be reduced by an amount equal to the sum of the needs-based restoration plus the low wealth-high tax effort restoration plus the enrollment adjustment award.

(A) "total aid for adjustment" shall mean the sum of the amounts set forth for each school district as "FOUNDATION AID", "FULL DAY K CONVERSION", [~~BOCES~~] **"NY POLYTECHNICAL INSTITUTE** + SPECIAL SERVICES", "HIGH COST EXCESS COST", "PRIVATE EXCESS COST", "HARDWARE & TECHNOLOGY", "SOFTWARE, LIBRARY, TEXTBOOK", "TRANSPORTATION INCL SUMMER", "OPERATING REORG INCENTIVE", "CHARTER SCHOOL TRANSITIONAL", "ACADEMIC ENHANCEMENT", "HIGH TAX AID" AND "SUPPLEMENTAL PUB EXCESS COST" under the heading "2011-12 ESTIMATED AIDS" in the school aid computer listing produced by the commissioner in support of the executive budget proposal for the two thousand eleven--two thousand twelve school year;

§ 133. Subdivision 20 and paragraph e of subdivision 26-a of section 3602 of the education law, subdivision 20 as amended by section 27 of part L of chapter 405 of the laws of 1999 and paragraph e of subdivision 26-a as added by section 53 of part A of chapter 436 of the laws of 1997, are amended to read as follows:

20. Shared services aid for school districts which are not components of a [~~board of cooperative educational services~~] **NY polytechnical institute** supervisory district, including large city school districts. Commencing with aid payable in the nineteen hundred ninety-eight--ninety-nine school year, school districts which are not components of a [~~board of cooperative educational services~~] **NY polytechnical institute** supervisory district, including city school districts of those cities having populations in excess of one hundred twenty-five thousand inhabitants that participate in, or provide, shared services for the purpose of instructional support service as authorized by subdivision eight-c of section nineteen hundred fifty of this chapter shall be eligible for an additional apportionment in accordance with the provisions of this paragraph. Within the amount appropriated for such purpose, such districts shall be entitled to an additional apportionment for their expenses incurred in the base year from their participation in or provision of such shared services, in an amount equal to the amount that would be payable for such expenses if the services were aidable shared services under subdivision five of section nineteen hundred fifty of this chapter; provided that in computing such aid for such city school districts the tax rate shall be determined in the manner prescribed in [~~subpara-~~

~~graph seven of paragraph a of subdivision thirty-one-a of this section~~] paragraph e of subdivision one of section thirty-six hundred nine-e of this part. Such apportionment shall be paid in accordance with section thirty-six hundred nine-a of this [~~chapter~~] part. In the event the appropriation for purposes of this subdivision in any year is insufficient to pay all claims received pursuant to this subdivision, the commissioner shall determine the percentage of the total claims submitted that is represented by each district's claim on file with the commissioner at the time of creation of each data file or fiscal report required by subdivision twenty-one of section three hundred five of this chapter and shall pay such claims based on such prorated basis among all districts filing such claims until the appropriation is exhausted, 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. For aid payable in the nineteen hundred ninety-eight--ninety-nine school year, the aid payable pursuant to this subdivision shall not exceed three million, five hundred thousand dollars ($3,500,000); for the nineteen hundred ninety-nine--two thousand school year the aid payable pursuant to this subdivision shall not exceed ten million dollars ($10,000,000); for the two thousand--two thousand one school year the aid payable pursuant to this subdivision shall not exceed fifteen million dollars ($15,000,000); and for the two thousand one--two thousand two school year and thereafter the aid payable pursuant to this subdivision shall not exceed twenty-five million dollars ($25,000,000).

e. Expenses for instructional computer technology equipment and software provided through a [~~board of cooperative educational services~~] NY polytechnical institute pursuant to a multi-year contract entered pursuant to section nineteen hundred fifty of this chapter shall continue to be aided under subdivision five of section nineteen hundred fifty of this chapter for the duration of such contract, and shall be paid in accordance with applicable provisions of section nineteen hundred fifty of this chapter and section thirty-six hundred nine-d of this [~~article~~] part.

§ 134. Subdivision 3 of section 3602-c of the education law, as added by chapter 593 of the laws of 1974, is amended to read as follows:

3. Boards of education, with the consent of the commissioner of education, are authorized to contract with [~~boards of cooperative educational services~~] NY polytechnical institutes to provide the services required by this act. Pupils receiving services under the provisions of this subdivision shall be deemed public school pupils for the purpose of determining aid pursuant to section nineteen hundred fifty of the education law. Any such pupil who attends a program offered by a [~~board of cooperative educational services~~] NY polytechnical institute, and who does not attend classes in the schools of the district furnishing services, shall not be included in computing average daily attendance in such district.

§ 135. Subparagraph 1 of paragraph (a) of subdivision 3 of section 3602-d of the education law, as added by chapter 792 of the laws of 1990, is amended to read as follows:

(1) school districts, local education agencies and/or [~~boards of cooperative educational services~~] NY polytechnical institutes serving secondary students; and

§ 136. Paragraph a of subdivision 1 of section 3602-e of the education law, as amended by section 19 of part B of chapter 57 of the laws of 2007, is amended to read as follows:

a. "School district" shall mean all public school districts eligible for total foundation aid pursuant to subdivision four of section three thousand six hundred two of this [~~article~~] **part**, such term shall not include [~~boards of cooperative educational services~~] **NY polytechnical institutes**.

§ 137. Paragraph b of subdivision 2 of section 3609-b of the education law, as added by chapter 57 of the laws of 1993, is amended to read as follows:

b. Such moneys shall be payable to the treasurer of each city school district, and the treasurer of each union free school district and of each central school district and of each other school district, if there be a treasurer, otherwise to the collector or other disbursing officer of such district or [~~board of cooperative educational services~~] **NY polytechnical institute**, who shall apply for and receive the same as soon as payable. In the case of city school districts of cities with one hundred twenty-five thousand inhabitants or more, any payment which pursuant to this section is required to be made to the treasurer of the city school district, shall be made to the city treasurer or chamberlain.

§ 138. Section 3609-d of the education law, as amended by section 43 of part C of chapter 57 of the laws of 2004 and the opening paragraph as amended by section 20 and subdivision 1 as amended by section 21 of part L of chapter 57 of the laws of 2005, is amended to read as follows:

§ 3609-d. Moneys apportioned for [~~board of cooperative educational services~~] **NY polytechnical institute** aidable expenditures when and how payable commencing July first, two thousand four. Notwithstanding the provisions of section thirty-six hundred nine-a of this article, apportionments payable pursuant to section nineteen hundred fifty of this chapter shall be paid pursuant to this section. For aid payable in the two thousand four--two thousand five school year and thereafter, "moneys apportioned" shall mean the lesser of (i) one hundred percent of the respective amount set forth for each school district as payable pursuant to this section in the school aid computer listing produced by the commissioner in support of the budget including the appropriation for support of [~~boards of cooperative educational services~~] **NY polytechnical institutes** for payments due prior to April first for the current year, or (ii) the apportionment calculated by the commissioner based on data on file at the time the payment is processed; provided however, that for the purposes of any payment to be made in the month of June of two thousand six such calculation shall be based on the school aid computer listing for the current year using updated data at the time of each payment. For districts subject to chapter five hundred sixty-three of the laws of nineteen hundred eighty, **section** thirty-six hundred two-b, or two thousand forty of this chapter, for aid payable in the two thousand four--two thousand five school year and thereafter, "moneys apportioned" shall mean the apportionment calculated by the commissioner based on data on file at the time the payment is processed. The "school aid computer listing for the current year" shall be as defined in the opening paragraph of section thirty-six hundred nine-a of this [~~article~~] **part**. The definitions "base year" and "current year" as set forth in subdivision one of section thirty-six hundred two of this article shall apply to this section.

1. Prescribed payments. Of the moneys to be apportioned by the commissioner to school districts during the school year, that portion payable pursuant to section nineteen hundred fifty of this chapter shall be used in the first instance to make payments on behalf of [~~boards of cooperative educational services~~] **NY polytechnical institutes** to the teachers'

retirement system in the same manner as payments made on behalf of school districts pursuant to subparagraph one of paragraph a of subdivision one of section thirty-six hundred nine-a of this [~~article~~] **part**, and additional payments shall be paid to [~~boards of cooperative educational services~~] **NY polytechnical institutes** as follows: the greater of any payments made to the teachers' retirement system pursuant to this paragraph or twenty-five percent of the moneys apportioned less any payments made to the teachers' retirement system pursuant to this paragraph on the first state business day of February, to the extent that acceptable data has been filed with the commissioner; fifty-five percent of the moneys apportioned, less the payment made in February and less any payments made to the teachers' retirement system pursuant to this paragraph, on the first state business day of June; and a final apportionment equal to the amount calculated based on data on file as of August first next following the close of the current year, provided however, that for the September two thousand six payment such calculation shall be based on the computer listing for the current year using data on file as of August first, less payments made to date, on the first state business day of September next following the close of the current year; provided, however, that any obligation of a [~~board of cooperative educational services~~] **NY polytechnical institute** to the bond trustee of the dormitory authority shall be paid in accordance with the applicable provisions of the public authorities law.

2. Such moneys shall be payable to the treasurer of each [~~board of cooperative educational services~~] **NY polytechnical institute**, if there be a treasurer, otherwise to the collector or other disbursing officer of such [~~board of cooperative educational services~~] **NY polytechnical institute**, who shall apply for and receive the same as soon as payable.

3. Notwithstanding any inconsistent provisions of this chapter, for aid payable in the nineteen hundred ninety-six--ninety-seven school year the apportionment calculated pursuant to section nineteen hundred fifty of this chapter shall be reduced by two percent.

§ 139. Subdivision 1 of section 3610 of the education law, as added by chapter 498 of the laws of 1987, is amended to read as follows:

1. Apprenticeship training programs. Local education agencies which provide related or supplemental instruction to apprentices registered by the state department of labor pursuant to article twenty-three of the labor law shall be eligible for an apportionment pursuant to the provisions of this section for the operation of apprenticeship training programs as approved by the commissioner. Priority shall be given to local education agencies which provide for an increased number of participants in the related or supplemental instructional component of apprentice training programs. Designated local education agencies may provide such programs directly, or by contracting with school districts, [~~boards of cooperative educational services~~] **NY polytechnical institutes** and other providers of apprentice training services, including postsecondary institutions and other providers authorized to confer degrees in this state or in which the course of instruction is licensed, registered or approved pursuant to any provision of this chapter.

§ 140. Subdivision 9 of section 3621 of the education law, as added by chapter 474 of the laws of 1996, is amended to read as follows:

9. "District share of the cost of regional or joint transportation systems" shall mean the share of the cost of such transportation prorated among all the school district or districts and [~~board or boards of cooperative educational services~~] **NY polytechnical institute or institutes** participating in the regional or joint transportation, as

determined in accordance with regulations promulgated by the commissioner, provided that in no case shall there be any deduction made in determining transportation aid on the basis of bus mileage travelled in transporting children pursuant to a contract executed in accordance with paragraph h of subdivision twenty-five of section seventeen hundred nine of this chapter and provided that transportation aid for jointly operated transportation system shall be determined in the same manner as for individual school districts.

§ 141. Subdivision 5 of section 3622-a of the education law, as amended by chapter 422 of the laws of 2004, is amended to read as follows:

5. Transportation of pupils during the school day to and from programs at a [~~board of cooperative educational services~~] **NY polytechnical institute** or to or from approved shared programs at other school districts, which programs may lead to a diploma or a high school equivalency diploma or to or from career education programs operated within the district;

§ 142. Paragraph b of subdivision 1 of section 3623 of the education law, as amended by chapter 474 of the laws of 1996, is amended to read as follows:

b. No bus manufactured after January first, nineteen hundred seventy-four shall be used to transport pupils under any contract with a school district or [~~board of cooperative educational services~~] **NY polytechnical institute** unless it has been similarly approved by the commissioner of transportation, except that no such approval shall be required for buses used to transport pupils and also used to serve the general public under a certificate of public convenience for the operation of a bus line, granted pursuant to the transportation law or for buses used to transport pupils, teachers and other persons acting in a supervisory capacity to and from school activities and which bus does not receive or discharge passengers on or along the public highways on regularly scheduled routes and is operating under a permit as a contract carrier of passengers granted pursuant to the transportation law or by the interstate commerce commission. School buses manufactured or assembled prior to April first, nineteen hundred seventy-seven may not be used to transport pupils, teachers and other persons acting in a supervisory capacity to and from school activities.

§ 143. Paragraph b of subdivision 2 of section 3623-a of the education law, as amended by chapter 472 of the laws of 1998, is amended to read as follows:

b. The lease, as approved by the commissioner, of a school bus by a school district from another school district, [~~board of cooperative educational services~~] **NY polytechnical institute** or a county vocational education and extension board, or any school bus leased by a school district from any other source under emergency conditions, as determined by the commissioner, or any school bus leased by a school district from any other source as otherwise authorized by this chapter;

§ 144. Subparagraph 5 of paragraph b of subdivision 5 and subparagraph 9 of paragraph a of subdivision 16 of section 3641 of the education law, subparagraph 5 of paragraph b of subdivision 5 as added by section 1 of part B of chapter 58 of the laws of 2011 and subparagraph 9 of paragraph a of subdivision 16 as added by section 2 of part C of chapter 56 of the laws of 2014, are amended to read as follows:

(5) if two or more school districts are applying jointly, and have entered a shared services agreement as authorized by law, that significant savings would result from such shared services; provided that in no event shall districts that have entered into an aidable cooperative

educational services agreement for any such services with a [~~board of cooperative educational services~~] **NY polytechnical institute** pursuant to section nineteen hundred fifty of this chapter be eligible for an award pursuant to this subdivision for the same purpose, but may be eligible for an award pursuant to this subdivision for another shared long term efficiency or cost saving measure. Provided however, a district which has received an award pursuant to the local government efficiency grant program authorized by subdivision ten of section fifty-four of the state finance law, shall not be eligible to receive an award pursuant to this subdivision for the same purpose, but may be eligible for an award pursuant to this subdivision for another long term efficiency or cost savings measure.

(9) "Selected school aid" shall mean the sum of the amounts set forth as "FOUNDATION AID", "FULL DAY K CONVERSION", [~~"BOCES~~] **"NY POLYTECHNICAL INSTITUTES"**, "SPECIAL SERVICES", "HIGH COST EXCESS COST", "PRIVATE EXCESS COST", "HARDWARE & TECHNOLOGY", "SOFTWARE, LIBRARY, TEXTBOOK", "TRANSPORTATION INCL SUMMER", "OPERATING REORG INCENTIVE", "CHARTER SCHOOL TRANSITIONAL", "ACADEMIC ENHANCEMENT", "HIGH TAX AID", and "SUPPLEMENTAL PUB EXCESS COST" under the heading "2013-14 BASE YEAR AIDS" in the school aid computer listing produced by the commissioner in support of the executive budget proposal for the two thousand fourteen-fifteen school year.

§ 145. Subdivision 1 of section 3811 of the education law, as separately amended by chapters 273 and 698 of the laws of 1986, is amended to read as follows:

1. Whenever the trustees or board of education of any school district, or any school district officers, have been or shall be instructed by a resolution adopted at a district meeting to defend any action brought against them, or to bring or defend an action or proceeding touching any district property or claim of the district, or involving its rights or interests, or to continue any such action or defense, all their costs and reasonable expenses, as well as all costs and damages adjudged against them, shall be a district charge and shall be levied by tax upon the district. Whenever any superintendent, principal, member of the teaching or supervisory staff, member of a committee on special education or subcommittee thereof, surrogate parent as defined in the regulations of the commissioner of education, or any trustee or member of the board of education of a school district or non-instructional employee of any school district other than the city school district of the city of New York or any [~~board of cooperative educational services~~] **NY polytechnical institute** shall defend any action or proceeding, other than a criminal prosecution or an action or proceeding brought against him by a school district or [~~board of cooperative educational services~~] **NY polytechnical institute** hereafter brought against him, including proceedings before the commissioner of education, arising out of the exercise of his powers or the performance of his duties under this chapter, all his reasonable costs and expenses, as well as all costs and damages adjudged against him, shall be a district charge and shall be levied by tax upon the district or shall constitute an administrative charge upon the [~~board of cooperative educational services~~] **NY polytechnical institute** provided that (a) such superintendent, principal, member of the teaching or supervisory staff, member of a committee on special education or subcommittee thereof, surrogate parent as defined in the regulations of the commissioner of education, non-instructional employee of any school district or [~~board of cooperative educational services~~] **NY polytechnical institute** or such trustee or member of a board of educa-

tion of such school district or [~~board of cooperative educational services~~] **NY polytechnical institute** shall notify the trustees or board of education or [~~board of cooperative educational services~~] **NY polytechnical institute** in writing of the commencement of such action or proceedings against him within five days after service of process upon him; and (b) the trustees or board of education or [~~board of cooperative educational services~~] **NY polytechnical institute** shall, at any time during the ten days next following the notice to them of the commencement of such action or proceedings, have the right to designate and appoint the legal counsel to represent such superintendent, principal, member of the teaching or supervisory staff, member of a committee on special education or subcommittee thereof, surrogate parent as defined in the regulations of the commissioner of education, non-instructional employee of any school district or [~~board of cooperative educational services~~] **NY polytechnical institute** or such trustee or member of the board of education or [~~board of cooperative educational services~~] **NY polytechnical institute** in such action or proceedings against him, in the absence of which designation and appointment within the time specified such superintendent, principal, member of the teaching or supervisory staff, member of a committee on special education or subcommittee thereof, surrogate parent as defined in the regulations of the commissioner of education, non-instructional employee of any school district or [~~board of cooperative educational services~~] **NY polytechnical institute** or such trustee or member of the board of education or [~~board of cooperative educational services~~] **NY polytechincal institute** may select his own legal counsel; (c) it shall be certified by the court or by the commissioner of education, as the case may be, that he appeared to have acted in good faith with respect to the exercise of his powers or the performance of his duties under this chapter.

§ 146. Subdivision 1 of section 3813 of the education law, as amended by chapter 387 of the laws of 1992, is amended to read as follows:

1. No action or special proceeding, for any cause whatever, except as hereinafter provided, relating to district property or property of schools provided for in article eighty-five of this chapter or chapter ten hundred sixty of the laws of nineteen hundred seventy-four or claim against the district or any such school, or involving the rights or interests of any district or any such school shall be prosecuted or maintained against any school district, board of education, [~~board of cooperative educational services~~] **NY polytechnical institute**, school provided for in article eighty-five of this chapter or chapter ten hundred sixty of the laws of nineteen hundred seventy-four or any officer of a school district, board of education, [~~board of cooperative educational services~~] **NY polytechnical institute**, or school provided for in article eighty-five of this chapter or chapter ten hundred sixty of the laws of nineteen hundred seventy-four unless it shall appear by and as an allegation in the complaint or necessary moving papers that a written verified claim upon which such action or special proceeding is founded was presented to the governing body of said district or school within three months after the accrual of such claim, and that the officer or body having the power to adjust or pay said claim has neglected or refused to make an adjustment or payment thereof for thirty days after such presentment. In the case of an action or special proceeding for monies due arising out of contract, accrual of such claim shall be deemed to have occurred as of the date payment for the amount claimed was denied.

§ 147. Paragraph b of subdivision 2 of section 4002 of the education law, as added by chapter 563 of the laws of 1980, is amended to read as follows:

b. The program of the [~~board of cooperative educational services~~] **NY polytechnical institute** serving the area in which the institution is located. [~~Boards of cooperative educational services~~] **NY polytechnical institutes** are hereby authorized to provide such services on the same basis as such services are provided to children residing in component districts of such [~~boards~~] **institutes**.

§ 148. Subdivision 3 of section 4005 of the education law, as amended by chapter 273 of the laws of 1986, is amended to read as follows:

3. In the event that it has been determined by a private school operated by a child care institution or a special act school district, subject to any review or modification provided for in this article, that a child should receive educational services in a public school, other than a special act school district, or [~~board of cooperative educational services~~] **NY polytechnical institute** program or if a child resides in a child care institution that does not maintain an approved private school program or special act school district, then any such child residing in a child care institution shall be admitted to the school district in which the child care institution is located pursuant to regulations of the commissioner. For the purposes of this subdivision a special act school district shall not be considered to be the school district in which such institution is located.

§ 149. Paragraph c of subdivision 2 and subdivision 4 of section 4401 of the education law, paragraph c of subdivision 2 as amended by chapter 470 of the laws of 1977 and subdivision 4 as amended by chapter 367 of the laws of 1979, are amended to read as follows:

c. Contracts with or special services or programs provided by [~~boards of cooperative educational services~~] **NY polytechnical institutes**.

4. "Transportation expense." For the purposes of determining transportation aid pursuant to this article, "transportation expense" shall mean any cost incurred by the school district for the transportation of a handicapped child pursuant to the provisions of subdivision four of section forty-four hundred two of this article, notwithstanding any minimum or maximum aidable limits established by other provisions of the education law or pursuant to regulations of the commissioner or school district, allowed pursuant to the applicable provisions of parts two and three of article seventy-three of this chapter, provided, however, that such transportation shall not be in excess of fifty miles from the home of such pupil to the appropriate special service or program unless the commissioner shall certify that no appropriate non-residential special service or program is available within such fifty miles, and that the commissioner may establish by regulation a maximum number of trips between a pupil's home and the private residential school which provides special services or programs to such pupil. Such cost shall include the cost of joint or regional transportation provided by school districts or [~~boards of cooperative educational services~~] **NY polytechnical institutes** for such purposes and subject to the same limits.

§ 150. Clause (c) of subparagraph 1 and clause (g) of subparagraph 3 of paragraph b of subdivision 1 and paragraph c of subdivision 4 of section 4402 of the education law, clause (c) of subparagraph 1 of paragraph b of subdivision 1 as amended by chapter 311 of the laws of 1999, clause (g) of subparagraph 3 of paragraph b of subdivision 1 as amended by chapter 53 of the laws of 1986 and paragraph c of subdivision 4 as

added by chapter 853 of the laws if 1976, are amended to read as follows:

(c) Districts not having available personnel may share the services of a local committee on special education with another school district or contract with a [~~board of cooperative educational services~~] **NY polytechnical institute** for such personnel pursuant to regulations of the commissioner. A district having a subcommittee on special education may share the services of a local committee on special education with another school district, provided that a representative of such school district who is qualified to provide or administer or supervise special education and is knowledgeable about the general curriculum and the availability of resources of the school district shall be a member of such committee when it convenes on behalf of a student who is a resident of such district.

(g) Provide for the transmittal of information by the board of education, including such test results and evaluations as the committee may have collected, to the home district of the child with a handicapping condition in cases where the home school district has contracted for the child's education with another school district or [~~board of cooperative educational services~~] **NY polytechnical institute**.

c. Such board shall be empowered to contract for transportation services provided pursuant to this subdivision with any municipality, [~~Board of Cooperative Educational Services~~] **NY polytechnical institute**, public authority or private contractor meeting the school bus provisions outlined in section thirty-six hundred twenty-three of this chapter and the standards and specifications relating thereto.

§ 151. Paragraph d of subdivision 1 of section 4410-b of the education law, as added by chapter 6 of the laws of 2000, is amended to read as follows:

d. "Public or private agency" shall mean an approved preschool special education program, or a state-supported school operating pursuant to article eighty-five of this chapter, or an approved private non-residential or residential school that provides special services or programs pursuant to subdivision two of section forty-four hundred one of this article. Such term shall not include an individual providing related services only to preschool students with disabilities pursuant to section forty-four hundred ten of this article. Such term shall include a [~~board of cooperative educational services~~] **NY polytechnical institute** only to the extent it is an approved preschool special education program, and only for those students provided special education programs or services pursuant to section forty-four hundred ten of this article.

§ 152. Paragraph c of subdivision 1 of section 4452 of the education law, as added by chapter 740 of the laws of 1982, is amended to read as follows:

c. Upon acceptance by a local school district of the apportionments made under section thirty-six hundred two of this chapter such district shall use such funding in accordance with guidelines to be established by the commissioner for services to gifted pupils. Such services shall include but not be limited to identification, instructional programs, planning, in service education and program evaluation. A board of education may contract with another district or [~~board of cooperative educational services~~] **NY polytechnical institute** to provide the program and/or services with the approval of the commissioner under guidelines established by the commissioner.

§ 153. Section 4601 of the education law, as added by chapter 864 of the laws of 1970, subdivisions 1 and 2 as amended by chapter 301 of the laws of 1996, is amended to read as follows:

§ 4601. Advisory councils. 1. The board of education of each school district and of each [~~board of cooperative educational services~~] **NY polytechnical institute** maintaining an approved career education program shall appoint an advisory council for career education consisting of at least ten members. The membership shall include, but not be limited to, persons:

a. Familiar with the vocational needs and problems of management and labor in the region.

b. Familiar with programs of career education at the postsecondary and adult levels.

c. Familiar with the manpower needs and requirements of the region to be served.

d. Familiar with the special educational needs of the physically and mentally handicapped.

e. Representative of community interests, including persons familiar with the special needs of the population to be served.

f. A student who is participating in a career education program at the school district or [~~board of cooperative educational services~~] **NY polytechnical institute** district being served by the advisory council.

2. It shall be the duty of such advisory council for career education to advise the board of education or [~~board of cooperative education~~] **NY polytechnical institute** on the development of and policy matters arising in the administration of career education, including the preparation of long-range and annual program plans submitted to the commissioner of education, and assist with an annual evaluation of career education programs, services and activities provided by the school district or board of cooperative education.

3. Advisory councils may appoint consultant committees representative of specific occupational fields to assist in the work of the council and the board of education or [~~board of cooperative education~~] **NY polytechnical institute** with respect to the planning, development and requirements for establishment of new programs or evaluation and revision of existing programs.

4. The board of education of any school district or the [~~board of cooperative educational services~~] **NY polytechnical institute** may employ such professional, technical and clerical personnel as may be necessary to enable the advisory council to carry out its functions specified in this section.

§ 154. Subdivision 2 of section 4602 of the education law, as amended by chapter 301 of the laws of 1996, is amended to read as follows:

2. Career education programs and classes shall be organized and conducted by boards of education or arranged through shared services as provided by [~~boards of cooperative educational services~~] **NY polytechnical institutes**, in accordance with the rules of the board of regents and the regulations of the commissioner of education. Boards of education that are designated by the commissioner as major career education providers shall submit to the commissioner every two years, no later than the date specified by the commissioner, a career education program plan, in a form specified by the commissioner, which shall be revised annually.

§ 155. Subdivision 1 and the opening paragraph of subdivision 2 of section 4605 of the education law, as added by chapter 864 of the laws of 1970, are amended to read as follows:

1. The board of education of each school district or [~~board of cooperative educational services~~] **NY polytechnical institute** may employ qualified persons for the purpose of providing vocational and educational guidance for minors. Such vocational and educational guidance service and the qualifications of the counselors employed for such work shall be approved by the commissioner.

The board of education of each school district or [~~board of cooperative educational services~~] **NY polytechnical institute** may establish, conduct and maintain as a part of the public school system a guidance bureau which shall perform such of the following duties as may be determined by such board **or institute**:

§ 156. Subdivision 6 of section 6303 of the education law, as added by section 2 of part CC of chapter 56 of the laws of 2019, is amended to read as follows:

6. Notwithstanding the provisions of any other general, special or local law, rule or regulation, each community college, or the entity or entities responsible for setting tuition at such institution, shall be authorized to set a reduced rate of tuition and/or fees, or to waive tuition and/or fees entirely, for students participating in any dual or concurrent enrollment 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; provided that, for purposes of this provision, a dual or concurrent enrollment program shall mean one or more college courses taken by a high school student through a community college while such student is still enrolled in high school or [~~boards of cooperative educational services~~] **NY polytechnical institutes** and for which the student may receive both high school and college credit.

§ 157. Subdivisions 8 and 10 of section 6306 of the education law, subdivision 8 as amended by chapter 552 of the laws of 1984 and subdivision 10 as amended by section 1 of part T of chapter 54 of the laws of 2016, are amended to read as follows:

8. Subject to the approval of the local sponsor acting through its local legislative body or board, or other appropriate governing agency, and pursuant to such regulations and limitations as may be established and prescribed by the state university trustees with the approval of the director of the budget, the board of trustees of each community college may participate in cooperative educational programs, services and arrangements with colleges, universities, school districts, [~~boards of cooperative educational services~~] **NY polytechnical institutes**, libraries, museums and join any cooperative association of such educational institutions formed as a corporation pursuant to section two hundred sixteen of this chapter. The provisions of this subdivision shall not apply to community college regional boards of trustees.

10. The boards of trustees of the state university of New York community colleges shall consult with [~~boards of cooperative educational services (BOCES)~~] **NY polytechnical institutes** to identify new or existing programs offered to students that would allow a student to pursue an associate of occupational studies (AOS) degree from a community college upon high school graduation. Once identified, [~~BOCES~~] **NY polytechnical institutes** in collaboration with the community college boards of trustees shall make such path, identified programs, and AOS degree options known to ensure that students are aware that such options exist. Such notification shall begin in the eighth grade, and include the provision of materials on AOS degree options to school counselors in each school district in such region. Provided however, that such boards and [~~BOCES~~]

NY polytechnical institutes shall not take any action to direct or suggest that a student should pursue a particular degree or pathway.

§ 158. Subdivision 3 of section 6310 of the education law, as added by chapter 552 of the laws of 1984, is amended to read as follows:

3. Pursuant to such regulations and limitations as may be established and prescribed by the state university trustees with the approval of the director of the budget, the community college regional board of trustees may participate in cooperative educational programs, services and arrangements with colleges, universities, school districts, [~~boards of cooperative educational services~~] NY polytechnical institutes, libraries, museums and join any cooperative association of such educational institutions formed as a corporation pursuant to section two hundred sixteen of this chapter.

§ 159. Paragraph a of subdivision 1 of section 6503-b of the education law, as added by chapter 581 of the laws of 2011, is amended to read as follows:

a. "Special education school" means an approved program as defined in paragraph b of subdivision one of section forty-four hundred ten of this chapter that meets the requirements of paragraph b of subdivision six of such section forty-four hundred ten; an approved private non-residential or residential school for the education of students with disabilities that is located within the state; a child care institution as defined in section four thousand one of this chapter that operates a private school for the education of students with disabilities or an institution for the deaf or blind operating pursuant to article eighty-five of this chapter that either: (1) conducts a multi-disciplinary evaluation for purposes of articles eighty-one or eighty-nine of this chapter that involves the practice of one or more professions for which a license is required pursuant to this title and no exception from corporate practice restrictions applies, or (2) provides related services to students enrolled in the school or approved program that involves the practice of one or more professions for which a license is required pursuant to this title and no exception from practice restrictions applies. Such term shall not include a school district, [~~board of cooperative educational services~~] NY polytechnical institute, municipality, state agency or other public entity. Nothing in this section shall be construed to require a child care institution that conducts multi-disciplinary evaluations or provides related services through an approved private nonresidential school operated by such child care institution to obtain a waiver, provided that such school obtains a waiver pursuant to this section.

§ 160. Subdivision 4 of section 6608-b of the education law, as amended by chapter 390 of the laws of 2019, is amended to read as follows:

(4) Education and experience: (A) have received a high school diploma, or its equivalent, and (B) have successfully completed, in accordance with the commissioner's regulations, (i) an approved one-year course of study in dental assisting in a degree-granting institution or a [~~board of cooperative educational services~~] NY polytechnical institute program which includes at least two hundred hours of clinical experience, or an equivalent approved course of study in dental assisting in a non-degree granting institution which shall not be a professional association or professional organization or (ii) an alternate course of study in dental assisting acceptable to the department which shall be provided by a degree-granting institution or a [~~board of cooperative educational services~~] NY polytechnical institute program which includes at least one thousand hours of relevant work experience;

§ 161. Subdivision 7 of section 208 of the elder law is amended to read as follows:

7. In addition, the director, within appropriations provided, may establish a training program for respite workers. The six existing respite projects established pursuant to chapter seven hundred sixty-seven of the laws of nineteen hundred eighty-one shall, insofar as they are able, assist in providing such a training program.

The director may also enter into contracts with [~~boards of cooperative educational services~~] **NY polytechnical institutes** pursuant to sections nineteen hundred fifty and forty-six hundred two of the education law to provide courses in training for respite care workers. This training program shall be optional for existing programs.

§ 162. Subdivision 2 of section 9-102 of the energy law, as added by chapter 733 of the laws of 1985, is amended to read as follows:

2. "Municipality" means a municipal corporation, as defined in section two of the general municipal law, school district, [~~board of cooperative educational services~~] **NY polytechnical institute**, fire district, district corporation or special improvement district governed by a separate board of commissioners.

§ 163. Subdivisions 3 and 8 of section 9-103 of the energy law, subdivision 3 as amended by chapter 368 of the laws of 1994 and subdivision 8 as added by section 78 of part A of chapter 436 of the laws of 1997, are amended to read as follows:

3. In the case of a school district or a [~~board of cooperative educational services~~] **NY polytechnical institute**, an energy performance contract shall be an ordinary contingent expense, and shall in no event be construed as or deemed a lease or lease-purchase of a building or facility, for purposes of the education law.

8. In the case of a school district or a [~~board of cooperative educational services~~] **NY polytechnical institute**, an energy performance contract shall be developed and approved pursuant to the requirements of this section and pursuant to regulations promulgated by the commissioner of education in consultation with the New York state energy research and development authority. Such regulations shall include, but shall not be limited to: a list of the appropriate type of projects that qualify as energy performance contracts; an approval process that includes review of the type and nature of the proposed project, the scope and nature of the work to be performed, and a detailed breakdown of the energy savings to be derived each year and for the duration of the energy performance contract; and a process for ensuring that districts have obtained financing at the lowest cost possible. Such regulations shall require that all energy performance contracts which contain maintenance and monitoring charges as part of the energy performance contract price state such maintenance and monitoring charges separately in the contract in a clear and conspicuous manner. Such regulations shall not apply to energy performance contracts entered into prior to the effective date of such regulations, nor shall they apply to energy performance contracts for which a request for proposals was issued prior to such effective date.

§ 164. Subdivision 4 of section 27-2601 of the environmental conservation law, as added by chapter 99 of the laws of 2010, is amended to read as follows:

4. "Consumer" means a person located in the state who owns or uses covered electronic equipment, including but not limited to an individual, a business, corporation, limited partnership, not-for-profit corporation, the state, a public corporation, public school, school district,

private or parochial school or [~~board of cooperative educational services~~] **NY polytechnical institute** or governmental entity, but does not include an entity involved in a wholesale transaction between a distributor and retailer.

§ 165. Subdivision 5 of section 27-3301 of the environmental conservation law, as added by chapter 795 of the laws of 2022, is amended to read as follows:

5. "Consumer" means a person located in the state who purchases, owns, leases, or uses carpet, including but not limited to an individual, a business, corporation, limited partnership, not-for-profit corporation, the state, a public corporation, public school, school district, private or parochial school, or [~~board of cooperative educational services~~] **NY polytechnical institute** or governmental entity.

§ 166. Subdivisions 1 and 2 of section 37-0109 of the environmental conservation law, subdivision 1 as added by chapter 521 of the laws of 2002 and subdivision 2 as amended by chapter 329 of the laws of 2003, are amended to read as follows:

1. The state, and any political subdivision thereof, school district, [~~board of cooperative educational services~~] **NY polytechnical institute** or public authority, and any agency of any such entity shall be prohibited from constructing, any structure on any playground owned or operated by such an entity, which uses lumber which is pressure treated with chromated copper arsenate.

2. The state, and any political subdivision thereof, school district, [~~board of cooperative educational services~~] **NY polytechnical institute** or public authority, and any agency of any such entity shall maintain and operate all (a) structures constructed with lumber which is pressure treated with chromated copper arsenate, which is on any playground owned or operated by such an entity, or (b) picnic tables constructed with lumber which is pressure treated with chromated copper arsenate, which is on any facility owned or operated by such an entity, in such a manner as to minimize chromated copper arsenate from leaching from such structure or picnic table. Every such entity shall maintain the ground cover surrounding any such structure or picnic table in a manner to minimize exposure to potential chromated copper arsenate contamination.

§ 167. Paragraph f of subdivision 4 of section 51-0101 of the environmental conservation law, as added by chapter 400 of the laws of 1973, is amended to read as follows:

f. in the case of a supervisory district, the [~~board of cooperative educational services~~] **NY polytechnical institute** thereof.

§ 168. Paragraph (f) of subdivision 7 of section 52-0101 of the environmental conservation law, as added by chapter 512 of the laws of 1986, is amended to read as follows:

(f) in the case of a supervisory district, the [~~board of cooperative educational services~~] **NY polytechnical institute** thereof.

§ 169. Paragraph (e) of subdivision 9 of section 56-0101 of the environmental conservation law, as added by chapter 413 of the laws of 1996, is amended to read as follows:

(e) in the case of a supervisory district, the [~~board of cooperative educational services~~] **NY polytechnical institute** thereof;

§ 170. Subdivision 1, paragraphs b and h of subdivision 2, paragraph a of subdivision 3 and paragraph a of subdivision 6 of section 29-h of the executive law, subdivision 1, paragraphs b and h of subdivision 2 and paragraph a of subdivision 3 as amended by section 1 of part Q of chapter 55 of the laws of 2013 and paragraph a of subdivision 6 as amended by chapter 227 of the laws of 2015, are amended to read as follows:

1. Creation. There is hereby created the intrastate mutual aid program to complement existing mutual aid agreements in the event of a disaster that results in a formal declaration of an emergency by a participating local government. All local governments within the state, excepting those which affirmatively choose not to participate in accordance with subdivision four of this section, are deemed to be participants in the program; provided, however, with respect to school districts and [~~boards of cooperative educational services~~] **NY polytechnical institutes**, such participation shall be limited to the sharing of facilities management and administrative personnel and equipment.

b. "Local government" means any county, city, town, village, school district or [~~board of cooperative educational services~~] **NY polytechnical institute** of the state;

h. [~~"Board of cooperative educational services"~~] **"NY polytechnical institute"** shall have the same meaning as in section nineteen hundred fifty of the education law.

a. There is hereby created within the disaster preparedness commission an intrastate mutual aid program committee, for purposes of this section to be referred to as the committee, which shall be chaired by the commissioner of the division of homeland security and emergency services, and shall include the state fire administrator, the commissioner of health, the commissioner of education and the commissioner of agriculture and markets, provided that each such official may appoint a designee to serve in his or her place on the committee. The committee shall also include five representatives from local public safety or emergency response agencies and one representative from a school district or [~~board of cooperative educational services~~] **NY polytechnical institute**. Such representatives, who shall serve a maximum two-year term, shall be appointed by the commissioner of the division of homeland security and emergency services, with regard to a balance of geographic representation and discipline expertise.

a. Subject to the restrictions on school districts and [~~boards of cooperative educational services~~] **NY polytechnical institutes** set forth in subdivision one of this section, the state or a participating local government may request assistance of other participating local governments in preventing, mitigating, responding to and recovering from disasters that result in the declaration of a state disaster emergency or locally-declared emergencies, or for the purpose of conducting multi-jurisdictional or regional training, drills or exercises. Requests for assistance may be made verbally or in writing; verbal requests shall be memorialized in writing as soon thereafter as is practicable. Notwithstanding the provisions of section twenty-five of this article, the local emergency management director shall have the authority to request and accept assistance and deploy the local resources of his or her jurisdiction under the intrastate mutual aid program. The director of the state office of emergency management is authorized to request and accept assistance pursuant to this section.

§ 171. Paragraph (c) of subdivision 40 of section 292 of the executive law, as amended by chapter 654 of the laws of 2021 and such subdivision as renumbered by chapter 748 of the laws of 2022, is amended to read as follows:

(c) any public school, including any school district, [~~board of cooperative educational services~~] **NY polytechnical institute**, public college or public university.

§ 172. Subdivision 1 of section 972 of the executive law, as added by chapter 618 of the laws of 1983, is amended to read as follows:

1. In developing the job training and special services plan required by section one hundred twenty-one of the act, the governor shall provide guidelines and criteria for coordinating the activities to be funded with moneys under the act with related activities of the state education department, local school districts including the [~~boards of cooperative educational services~~] NY polytechnical institutes, the state vocational education advisory council, the department of social services and the local social services districts, the department of labor including the job service, the office of vocational rehabilitation, the department of commerce, the division for youth, post-secondary institutions in the state particularly community colleges and other institutions providing technical training opportunities, the department of commerce and other state and local agencies and authorities involved in economic development activities.

§ 173. Paragraph f of subdivision 2 of section 974 of the executive law, as added by chapter 618 of the laws of 1983 and as relettered by chapter 619 of the laws of 1983, is amended to read as follows:

f. recommendations for better utilization of educational resources in the workforce preparation field with specific attention to eliminating duplicative efforts and coordinating programming efforts between [~~boards of cooperative educational services~~] NY polytechnical institutes and community colleges;

§ 174. Subdivision 5 of section 6-j of the general municipal law, as added by chapter 433 of the laws of 1987, is amended to read as follows:

5. If at the end of any fiscal year the moneys in such fund shall exceed the amounts required to be paid pursuant to subdivision four of this section plus any additional amount required to pay all pending claims, the governing board of the municipal corporation, school district, [~~board of cooperative educational services~~] NY polytechnical institute or fire district may, within sixty days of the close of such fiscal year, elect to: (a) transfer said excess, or any part thereof, to any fund authorized by this article or section thirty-six hundred fifty-one of the education law; and/or (b) apply said excess, or any part thereof to the budget appropriation of the next succeeding fiscal year.

§ 175. Section 6-m of the general municipal law, as added by chapter 616 of the laws of 1977, subdivision 3 as amended by chapter 708 of the laws of 1992 and subdivision 5 as added and subdivision 6 as renumbered by chapter 433 of the laws of 1987, is amended to read as follows:

§ 6-m. Unemployment insurance payment reserve fund. 1. The governing board of any municipal corporation, school district, [~~board of cooperative educational services~~] NY polytechnical institute, or fire district which has elected to become liable for payments in lieu of contributions required of employers liable for contributions under article eighteen of the labor law may establish a reserve fund to be known as an unemployment insurance payment reserve fund.

2. There may be paid into such fund (a) such amounts as may be provided therefor by budgetary appropriations, (b) amounts from any other fund authorized by this chapter by resolution subject to permissive referendum, and (c) such other funds as may be legally appropriated.

3. The moneys in such fund shall be deposited and secured in the manner provided by section ten of this article. The governing board, or the chief fiscal officer of such municipality, school district, [~~board of cooperative educational services~~] NY polytechnical institute, or fire district, if the governing board shall delegate such duty to him or her,

may invest the moneys in such fund in the manner provided by section eleven of this article. Any interest earned or capital gain realized on the money so deposited or invested shall accrue to and become part of such fund. The separate identity of such fund shall be maintained whether its assets consist of cash or investments or both.

4. An expenditure shall be made from such fund only as required by law to pay into the unemployment insurance fund an amount equivalent to the amount of benefits paid to claimants and charged to the account of such municipal corporation, school district, [~~board of cooperative educational services~~] NY polytechnical institute, or fire district in accordance with the provisions of paragraph (e) of subdivision one of section five hundred eighty-one of the labor law.

5. If at the end of any fiscal year the moneys in such fund shall exceed the amounts required to be paid pursuant to subdivision four of this section plus any additional amount required to pay all pending claims, the governing board of the municipal corporation, school district, [~~board of cooperative educational services~~] NY polytechnical institute or fire district may, within sixty days of the close of such fiscal year, elect to: (a) transfer said excess, or any part thereof, to any fund authorized by this article or section thirty-six hundred fifty-one of the education law; and/or (b) apply said excess, or any part thereof to the budget appropriation of the next succeeding fiscal year.

6. If the municipal corporation, school district, [~~board of cooperative educational services~~] NY polytechnical institute, or fire district shall, after the establishment of such fund, terminate its election to become liable for payments in lieu of contributions, the moneys remaining in such fund may be transferred to any other fund authorized by this chapter or section thirty-six hundred fifty-one of the education law, only to the extent that the moneys in such fund shall exceed in amount the sum sufficient to pay all pending claims.

§ 176. Paragraph a of subdivision 1 of section 6-n of the general municipal law, as amended by chapter 819 of the laws of 1986, is amended to read as follows:

a. "Municipal corporation," as used in this section, shall mean a municipal corporation, as defined in section two of this chapter, school district, except a school district in a city with a population of one hundred twenty-five thousand or more, [~~board of cooperative educational services~~] NY polytechnical institute, fire district, a district corporation and a special improvement district governed by a separate board of commissioners.

§ 177. Paragraph (a) of subdivision 1 and subdivision 11 of section 6-p of the general municipal law, paragraph (a) of subdivision 1 as added by chapter 518 of the laws of 1996 and subdivision 11 as added by section 80 of part A of chapter 58 of the laws of 2011, are amended to read as follows:

(a) "Municipal corporation" shall mean a municipal corporation, as defined in section two of this chapter, school district, except a school district in a city with a population of one hundred twenty-five thousand or more, [~~board of cooperative educational services~~] NY polytechnical institute, fire district, a district corporation and a special improvement district governed by a separate board of commissioners.

11. Notwithstanding any other provision of law to the contrary, a [~~board of cooperative educational services~~] NY polytechnical institute that has been determined upon state audit or in its annual independent audit to have accumulated an excess in such fund over the sum sufficient

to pay all liabilities incurred or accrued against it shall withdraw the amount of such excess as of the date of withdrawal and shall distribute such amount to all school districts that paid to such [~~board of cooperative educational services~~] **NY polytechnical institute** moneys that were deposited to such fund in the same proportion as the total payments from such school district into such fund bears to the total payments from all school districts into such fund, or, at the request of the school district, may use such amount to offset the administrative and capital expenses payable by the school district in the current school year, and any such amount attributable to an approved cost of service computed pursuant to subdivision five of section nineteen hundred fifty of the education law shall not be included in the approved cost of services computed pursuant to subdivision five of section nineteen hundred fifty of the education law. Such withdrawal shall be made within thirty days after the audit becomes final or within thirty days after this subdivision takes effect, whichever is later.

§ 178. Paragraph a of subdivision 1 of section 6-r of the general municipal law, as added by chapter 260 of the laws of 2004, is amended to read as follows:

a. "Municipal corporation" means a municipal corporation as defined in section two of this chapter, school district (except a school district in a city with a population of one hundred twenty-five thousand or more), [~~board of cooperative educational services~~] **NY polytechnical institute**, fire district, district corporation, police district, and special improvement district governed by a separate board of commissioners.

§ 179. Paragraph a of subdivision 1 of section 10 of the general municipal law, as amended by chapter 623 of the laws of 1998, is amended to read as follows:

a. "Local government" shall mean any municipal corporation, school district, [~~board of cooperative educational services~~] **NY polytechnical institute**, district corporation, special improvement district governed by a separate board of commissioners, industrial development agency or authority or a public library.

§ 180. Subdivision 3 of section 30 of the general municipal law, as amended by chapter 200 of the laws of 1973, is amended to read as follows:

3. An annual report of financial transactions shall be made by the treasurer of each public library and library service system established pursuant to section two hundred fifty-five of the education law, each county vocational education board established pursuant to section eleven hundred one of the education law and each [~~board of cooperative educational services~~] **NY polytechnical institute** established pursuant to section nineteen hundred [~~fifty-eight~~] **fifty** of the education law.

§ 181. Subdivision 4 of section 31 of the general municipal law, as added by chapter 413 of the laws of 1991, is amended to read as follows:

4. A detailed statement of installment purchase contracts entered into by a municipal corporation, school district, district corporation or [~~board of cooperative educational services~~] **NY polytechnical institute**, the provisions made for the payment thereof, the purposes for which such contract was entered into, whether such contract was financed by the execution and delivery of certificates of participation, and such other information as the comptroller shall require.

§ 182. Subdivision 2 of section 33 of the general municipal law, as added by chapter 267 of the laws of 2005 and paragraph b as amended by

section 24 of subpart F of part C of chapter 97 of the laws of 2011, is amended to read as follows:

2. Audits of school districts, [~~boards of cooperative educational services (BOCES)~~] **NY polytechnical institutes** and charter schools. a. Notwithstanding any other provisions of law to the contrary, the inspection and examination of school districts, charter schools and [~~boards of cooperative educational services~~] **NY polytechnical institutes** accounts shall be conducted pursuant to provisions of this subdivision. Within such funds as are made available for such purpose, the comptroller shall cause the accounts of every school district, [~~BOCES~~] **NY polytechnical institute** and charter school in the state to be examined pursuant to a plan developed by the comptroller. Such audits shall be conducted in a manner so as to provide, that every school district, [~~BOCES~~] **NY polytechnical institute** and charter school shall be audited at least once by March thirty-first, two thousand ten. The priority and frequency of such audits, and any audits conducted thereafter, shall be based upon a risk assessment process conducted by the comptroller which may include investigations of alleged improprieties, previous audit findings and recommendations, or other financial performance indicators. The comptroller shall provide affected school districts, [~~BOCES~~] **NY polytechnical institutes** and charter schools reasonable prior notice before the commencement of any audit.

b. In undertaking such audits the comptroller's review shall include, but not be limited to:

(1) examining, auditing and evaluating financial documents and records of school districts, [~~BOCES~~] **NY polytechnical institutes** and charter schools,

(2) assessing the current financial practices of school districts, [~~BOCES~~] **NY polytechnical institutes** and charter schools to ensure that they are consistent with established standards, including whether any school district that uses a risk-based or sampling methodology to determine which claims are to be audited in lieu of auditing all claims has adopted a methodology that provides reasonable assurance that all the claims represented in the sample are proper charges against the school district; and

(3) determining that school districts, [~~BOCES~~] **NY polytechnical institutes**, and charter schools provide for adequate protections against any fraud, theft, or professional misconduct.

c. All audits shall include any appropriate findings and recommendations of the auditors, regarding the fiscal practices that the auditors believe to be in violation of, any state or federal law, rule or regulation, or demonstrate negligence or incompetence.

d. The office of the state comptroller shall upon making a finding of misconduct refer any findings of fraud, abuse or other conduct constituting a crime that are uncovered during the course of an audit, as appropriate, to the commissioner of education, the charter entity, the attorney general, United States attorney or district attorney having jurisdiction for appropriate action, together with any documents supporting the auditors' findings.

e. The final audit report resulting from audits performed pursuant to this section shall be made available to the public by school districts, [~~BOCES~~] **NY polytechnical institutes** or charter schools upon request for a period of at least five years. Furthermore, the school district, [~~BOCES~~] **NY polytechnical institute**, or charter school shall be required to post the final audit report on their internet website, if available, or otherwise make available, for a period of five years.

f. Upon the request of the comptroller, any state agency, [~~board of cooperative educational services~~] **NY polytechnical institute**, school district or charter school, shall cooperate with and make its staff, facilities, and resources available to the comptroller for the purpose of assisting the comptroller in carrying out all actions taken pursuant to this section, and shall provide the comptroller upon request, with all data and records in its possession that relate to audits undertaken pursuant to this section.

g. The comptroller shall inform and advise the governor and the legislature in December of each year regarding a review of all school districts, [~~BOCES~~] **NY polytechnical institutes**, and charter schools audits conducted during the preceding twelve months and any other pertinent information the comptroller deems appropriate.

§ 183. Subdivision 1 of section 39 of the general municipal law, as added by chapter 708 of the laws of 1992, is amended to read as follows:

1. Each local government, which for purposes of this section shall include counties, cities, towns, villages, school districts including [~~boards of cooperative educational services~~] **NY polytechnical institutes** and district corporations, within the meaning of that term as set out in subdivision three of section sixty-six of the general construction law, or any other governmental subdivision of the state, shall by resolution adopt a comprehensive investment policy which details the local government's operative policy and instructions to officers and staff regarding the investing, monitoring and reporting of funds of the local government. The investment policy shall be annually reviewed by the local government.

§ 184. Subdivision (a) of section 72-h of the general municipal law, as amended by chapter 562 of the laws of 1990, is amended to read as follows:

(a) Notwithstanding any provision of any general, special or local law or of any charter, the supervisors of a county, the town board of a town, the board of trustees of a village, the board of fire commissioners of a fire district, the board of estimate of a city, or if there be none the local legislative body of such city, and, in a city having a population of one million or more, the mayor, subject to disapproval by the council within thirty days following receipt of notice of the approval of the mayor, may sell, transfer or lease to or exchange with any municipal corporation or municipal corporations, school district, [~~board of cooperative educational services~~] **NY polytechnical institute**, fire district, the state of New York, or the government of the United States and any agency or department thereof, either without consideration or for such consideration and upon such terms and conditions as shall be approved by such officer or body, any real property owned by such county, town, village, fire district or city; and any municipal corporation or fire district may acquire or lease such real property as provided in this section. The term of any lease entered into pursuant to the provisions of this section shall not exceed ten years but nothing herein contained shall prevent the renewal of any such lease.

§ 185. Paragraph (b) of subdivision 1 of section 77-b of the general municipal law, as added by chapter 413 of the laws of 1974, is amended to read as follows:

(b) Governing [~~Board~~] **board**. A common council, board of aldermen, city council, or board of estimate of a city, the county legislature or board of supervisors of a county, the town board of a town, the board of trustees of a village, the board of education of a school district, the [~~board of cooperative educational services~~] **NY polytechnical institute**,

the board of commissioners of an improvement district, the board of directors of a soil conservation district, the trustees of a public library, the trustees of a community college, and the board of fire commissioners of a fire district.

§ 186. Section 88-a of the general municipal law, as added by chapter 51 of the laws of 1958, subdivision 1 as separately amended by chapters 166 and 603 of the laws of 1979, subdivision 2 as amended by chapter 513 of the laws of 2022 and subdivision 3 as amended by chapter 166 of the laws of 1979, is amended to read as follows:

§ 88-a. Merit award board to reward employees for suggestions. 1. Any city, county, town, village, school district or [~~board of cooperative educational services~~] **NY polytechnical institute** is hereby authorized and empowered to establish a merit award board for the purpose of rewarding its employees for suggestions which result in a more efficient and economical operation of its government and may raise and expend moneys for the purposes thereof.

2. In cities such board shall consist of the mayor, corporation counsel and such council members as may be designated by the council and in counties such board shall consist of the chair of the board of supervisors and such members thereof as shall be chosen by the board. In towns such board shall consist of the town supervisor and such members as the town council shall designate. In villages such board shall consist of the mayor and members designated by the board of trustees. In school districts, such board shall consist of the president of the board of education and such members thereof as shall be chosen by the board of education. In [~~boards of cooperative educational services~~] **NY polytechnical institutes**, such [~~board~~] **institute** shall consist of the president of the [~~board of cooperative educational services~~] **NY polytechnical institute** and such members thereof as shall be chosen by the [~~board of cooperative educational services~~] **NY polytechnical institute**.

3. Such merit award boards when so established shall make rules and regulations to provide for the rewarding of employees of the municipality, school district or [~~board of cooperative educational services~~] **NY polytechnical institute** for the purposes hereinbefore set forth.

4. Nothing herein contained shall in any way add to or diminish the existing powers of the city of New York with reference to establishment of a merit award board, and its powers.

§ 187. Subdivision 1 of section 99-h of the general municipal law, as amended by chapter 148 of the laws of 1981, is amended to read as follows:

1. As used in this section the term "municipal corporation" shall mean a county, city, town, village, school district, or [~~board of cooperative educational services~~] **NY polytechnical institute** of this state or a board of higher education in a city having a population of one million or more.

§ 188. Section 99-p of the general municipal law, as added by chapter 220 of the laws of 1986, is amended to read as follows:

§ 99-p. Municipality, district corporation or school district as reciprocal insurer. Any county, town, city, village, district corporation (as defined in paragraph three of section 2.00 of the local finance law), or school district and [~~board of cooperative educational services~~] **NY polytechnical institute**, may become a subscriber to a municipal reciprocal insurer formed under article sixty-one of the insurance law.

§ 189. Paragraphs (e) and (f) of subdivision 1 and subdivision 2 of section 99-w of the general municipal law, as added by chapter 439 of the laws of 2012, are amended to read as follows:

(e) "municipal corporation" means a county, city, town, village, school district or [~~board of cooperative educational services~~] **NY polytechnical institute**; and

(f) "legislative body" means the board of supervisors, board of aldermen, common council, council, commission, town board, board of trustees or other elective governing board or body of a municipality now or hereafter vested by state statute, charter or other law with jurisdiction to initiate and adopt local laws and ordinances, whether or not such local laws or ordinances require approval of the elective chief executive officer or other official or body to become effective; provided however, in the case of a school district shall mean the board of education, board of trustees or sole trustee, as the case may be; and provided further, in the case of a [~~board of cooperative educational services~~] **NY polytechnical institute** shall mean the elected members of the [~~board of cooperative educational services~~] **NY polytechnical institute**.

2. Prior to any change in status of a military monument or military memorial erected or constructed pursuant to sections two hundred twenty-six of the county law, eighty-one of the town law, seventy-two and seventy-seven-a of [~~the general municipal law~~] **this article** or where the military monument or military memorial receives a real property tax exemption pursuant to section four hundred forty-four-a of the real property tax law, the legislative body of the municipal corporation where the military monument or military memorial is situated shall adopt a local law, by a two-thirds vote of its members, or in the case of a school district or [~~board of cooperative educational services~~] **NY polytechnical institute** a resolution, by a two-thirds vote of its members, to authorize such change in status. At least ninety days prior to the adoption of such local law, the municipal corporation shall hold at least one public hearing. Such public hearing shall be on such notice as is required by section twenty of the municipal home rule law. Notice of such public hearing shall also be posted in at least five public places, and shall be advertised for three consecutive days in at least one newspaper of general circulation in the municipal corporation, which shall be the official newspaper if one exists, within fifteen days of such public hearing. The municipal corporation shall also post such notice on its official website, if one exists, for at least fifteen days prior to such hearing. Written notice shall also be sent by certified mail to the chief executive officer of the municipal corporation, if one exists, prior to the publication of the notice requirements required by this subdivision.

§ 190. Paragraph (b) of subdivision 2 of section 99-x of the general municipal law, as added by chapter 554 of the laws of 2021, is amended to read as follows:

(b) "Municipality" shall mean any county, town, village, city, [~~board of cooperative educational services~~] **NY polytechnical institute**, other special district, or any office or agency thereof.

§ 191. Subdivision 1 of section 100 of the general municipal law, as amended by chapter 1034 of the laws of 1965, is amended to read as follows:

1. "Political subdivision" means a municipal corporation, school district, district corporation and [~~board of cooperative educational services~~] **NY polytechnical institute**.

§ 192. Subdivisions 1 and 9 of section 103 of the general municipal law, subdivision 1 as amended by section 1 of chapter 2 of the laws of 2012, subdivision 9 as amended by chapter 90 of the laws of 2017 and subparagraph (ii) of paragraph (a) of subdivision 9 as amended by section 1 of part JJ of chapter 58 of the laws of 2020, are amended to read as follows:

1. Except as otherwise expressly provided by an act of the legislature or by a local law adopted prior to September first, nineteen hundred fifty-three, all contracts for public work involving an expenditure of more than thirty-five thousand dollars and all purchase contracts involving an expenditure of more than twenty thousand dollars, shall be awarded by the appropriate officer, board or agency of a political subdivision or of any district therein including but not limited to a soil conservation district to the lowest responsible bidder furnishing the required security after advertisement for sealed bids in the manner provided by this section, provided, however, that purchase contracts (including contracts for service work, but excluding any purchase contracts necessary for the completion of a public works contract pursuant to article eight of the labor law) may be awarded on the basis of best value, as defined in section one hundred sixty-three of the state finance law, to a responsive and responsible bidder or offerer in the manner provided by this section except that in a political subdivision other than a city with a population of one million inhabitants or more or any district, board or agency with jurisdiction exclusively therein the use of best value for awarding a purchase contract or purchase contracts must be authorized by local law or, in the case of a district corporation, school district or [~~board of cooperative educational services~~] **NY polytechnical institute**, by rule, regulation or resolution adopted at a public meeting. In any case where a responsible bidder's or responsible offerer's gross price is reducible by an allowance for the value of used machinery, equipment, apparatus or tools to be traded in by a political subdivision, the gross price shall be reduced by the amount of such allowance, for the purpose of determining the best value. In cases where two or more responsible bidders furnishing the required security submit identical bids as to price, such officer, board or agency may award the contract to any of such bidders. Such officer, board or agency may, in his or her or its discretion, reject all bids or offers and readvertise for new bids or offers in the manner provided by this section. In determining whether a purchase is an expenditure within the discretionary threshold amounts established by this subdivision, the officer, board or agency of a political subdivision or of any district therein shall consider the reasonably expected aggregate amount of all purchases of the same commodities, services or technology to be made within the twelve-month period commencing on the date of purchase. Purchases of commodities, services or technology shall not be artificially divided for the purpose of satisfying the discretionary buying thresholds established by this subdivision. A change to or a renewal of a discretionary purchase shall not be permitted if the change or renewal would bring the reasonably expected aggregate amount of all purchases of the same commodities, services or technology from the same provider within the twelve-month period commencing on the date of the first purchase to an amount greater than the discretionary buying threshold amount. For purposes of this section, "sealed bids" and "sealed offers", as that term applies to purchase contracts, (including contracts for service work, but excluding any purchase contracts necessary for the completion of a public works contract pursuant to article eight of the

labor law) shall include bids and offers submitted in an electronic format including submission of the statement of non-collusion required by section one hundred three-d of this article, provided that the governing board of the political subdivision or district, by resolution, has authorized the receipt of bids and offers in such format. Submission in electronic format may, for technology contracts only, be required as the sole method for the submission of bids and offers. Bids and offers submitted in an electronic format shall be transmitted by bidders and offerers to the receiving device designated by the political subdivision or district. Any method used to receive electronic bids and offers shall comply with article three of the state technology law, and any rules and regulations promulgated and guidelines developed thereunder and, at a minimum, must (a) document the time and date of receipt of each bid and offer received electronically; (b) authenticate the identity of the sender; (c) ensure the security of the information transmitted; and (d) ensure the confidentiality of the bid or offer until the time and date established for the opening of bids or offers. The timely submission of an electronic bid or offer in compliance with instructions provided for such submission in the advertisement for bids or offers and/or the specifications shall be the responsibility solely of each bidder or offerer or prospective bidder or offerer. No political subdivision or district therein shall incur any liability from delays of or interruptions in the receiving device designated for the submission and receipt of electronic bids and offers.

9. Notwithstanding the foregoing provisions of this section to the contrary, a board of education, on behalf of its school district, or a [~~board of cooperative educational services~~] **NY polytechnical institute**, may separately purchase eggs, livestock, fish, dairy products (excluding milk), juice, grains, and species of fresh fruit and vegetables directly from New York State producers or growers, or associations of producers and growers, provided that:

(a) (i) such association of producers or growers is comprised of ten or fewer owners of farms who also operate such farms and who have combined to fill the order of a school district or [~~board of cooperative educational services~~] **NY polytechnical institute** as herein authorized, provided however, that a school district or [~~board of cooperative educational services~~] **NY polytechnical institute** may apply to the commissioner of education for permission to purchase from an association of more than ten owners of such farms when no other producers or growers have offered to sell to such school or [~~board of cooperative educational services~~] **NY polytechnical institute**; or

(ii) such association of producers or growers is comprised of owners of farms who also operate such farms and have combined to fill the order of a school district or [~~board of cooperative educational services~~] **NY polytechnical institute**, and where such order is for one hundred thousand dollars or less as herein authorized, provided however, that a school district or [~~board of cooperative educational services~~] **NY polytechnical institute** may apply to the commissioner of education for permission to purchase orders of more than one hundred thousand dollars from an association of owners of such farms when no other producers or growers have offered to sell to such school;

(b) the amount that may be expended by a school district in any fiscal year for such purchases shall not exceed an amount equal to twenty cents multiplied by the total number of days in the school year multiplied by the total enrollment of such school district;

(b-1) the amount that may be expended by a [~~board of cooperative educational services~~] **NY polytechnical institute** in any fiscal year for such purchases shall not exceed an amount equal to twenty cents multiplied by the total number of days in the school year multiplied by the number of students receiving services by such [~~board of cooperative educational services~~] **NY polytechnical institute** at facilities operated by a [~~board of cooperative educational services~~] **NY polytechnical institute**;

(c) all such purchases shall be administered pursuant to regulations promulgated by the commissioner of education. Such regulations shall: be developed in consultation with the commissioner of agriculture and markets to accommodate and promote the provisions of the farm-to-school program established pursuant to subdivision five-b of section sixteen of the agriculture and markets law and subdivision thirty-one of section three hundred five of the education law as added by chapter two of the laws of two thousand two; ensure that the prices paid by a district or [~~board of cooperative educational services~~] **NY polytechnical institute** for any items so purchased do not exceed the prices of comparable local farm products that are available to districts through their usual purchases of such items; ensure that all producers and growers who desire to sell to school districts or [~~boards of cooperative educational services~~] **NY polytechnical institutes** can readily access information in accordance with the farm-to-school [~~law~~] **program**; include provisions for situations when more than one producer or grower seeks to sell the same product to a district or [~~board of cooperative educational services~~] **NY polytechnical institute** to ensure that all such producers or growers have an equitable opportunity to do so in a manner similar to the usual purchasing practices of such districts or [~~boards of cooperative educational services~~] **NY polytechnical institutes**; develop guidelines for approval of purchases of items from associations of more than ten growers and producers; and, to the maximum extent practicable, minimize additional paperwork, recordkeeping and other similar requirements on both growers and producers and school districts.

§ 193. Subdivision 1 of section 103 of the general municipal law, as amended by section 2 of chapter 2 of the laws of 2012, is amended to read as follows:

1. Except as otherwise expressly provided by an act of the legislature or by a local law adopted prior to September first, nineteen hundred fifty-three, all contracts for public work involving an expenditure of more than thirty-five thousand dollars and all purchase contracts involving an expenditure of more than twenty thousand dollars, shall be awarded by the appropriate officer, board or agency of a political subdivision or of any district therein including but not limited to a soil conservation district to the lowest responsible bidder furnishing the required security after advertisement for sealed bids in the manner provided by this section, provided, however, that purchase contracts (including contracts for service work, but excluding any purchase contracts necessary for the completion of a public works contract pursuant to article eight of the labor law) may be awarded on the basis of best value, as defined in section one hundred sixty-three of the state finance law, to a responsive and responsible bidder or offerer in the manner provided by this section except that in a political subdivision other than a city with a population of one million inhabitants or more or any district, board or agency with jurisdiction exclusively therein the use of best value of awarding a purchase contract or purchase contracts must be authorized by local law or, in the case of a district

corporation, school district or [~~board of cooperative educational services~~] **NY polytechnical institute**, by rule, regulation or resolution adopted at a public meeting. In determining whether a purchase is an expenditure within the discretionary threshold amounts established by this subdivision, the officer, board or agency of a political subdivision or of any district therein shall consider the reasonably expected aggregate amount of all purchases of the same commodities, services or technology to be made within the twelve-month period commencing on the date of purchase. Purchases of commodities, services or technology shall not be artificially divided for the purpose of satisfying the discretionary buying thresholds established by this subdivision. A change to or a renewal of a discretionary purchase shall not be permitted if the change or renewal would bring the reasonably expected aggregate amount of all purchases of the same commodities, services or technology from the same provider within the twelve-month period commencing on the date of the first purchase to an amount greater than the discretionary buying threshold amount. In any case where a responsible bidder's or responsible offerer's gross price is reducible by an allowance for the value of used machinery, equipment, apparatus or tools to be traded in by a political subdivision, the gross price shall be reduced by the amount of such allowance, for the purpose of determining the low bid or best value. In cases where two or more responsible bidders furnishing the required security submit identical bids as to price, such officer, board or agency may award the contract to any of such bidders. Such officer, board or agency may, in his, her or its discretion, reject all bids or offers and readvertise for new bids or offers in the manner provided by this section.

§ 194. Paragraph (a) of subdivision 1 of section 109-b of the general municipal law, as amended by chapter 258 of the laws of 1994, is amended to read as follows:

(a) "Political subdivision" shall mean a municipal corporation, school district, district corporation or [~~board of cooperative educational services~~] **NY polytechnical institute**.

§ 195. Subdivision a of section 119-n of the general municipal law, as amended by chapter 413 of the laws of 1991, is amended to read as follows:

a. The term "municipal corporation" means a county outside the city of New York, a city, a town, a village, a [~~board of cooperative educational services~~] **NY polytechnical institute**, fire district or a school district.

§ 196. Subdivision 4 of section 119-o of the general municipal law, as added by section 2 of part EE of chapter 55 of the laws of 2018, is amended to read as follows:

4. Any school district or [~~board of cooperative educational services~~] **NY polytechnical institute** may join a panel established pursuant to article twelve-I of this chapter, and may further participate in any of the activities of such panel, with any participating county, town, city, village, fire district, fire protection district, or special improvement district participating in such panels. For cooperative agreements which involve functions, services, or provisions permitted by this section, school districts and [~~boards of cooperative educational services~~] **NY polytechnical institutes** shall be permitted to create and execute such agreements, when a part of the activity of such panel, without opinion or approval of the state education department.

§ 197. The opening paragraph of subdivision 1 and subdivision 3 of section 239-n of the general municipal law, as amended by chapter 203 of the laws of 1983, are amended to read as follows:

Any county outside the city of New York, city, town, village, school district, [~~board of cooperative educational services~~] **NY polytechnical institute**, or fire district or any combination thereof, may create by agreement an intergovernmental relations council to strengthen local governments and to promote efficient and economical provision of local governmental services within or by such participating municipalities, and to that end such council shall have power to:

3. The board of supervisors of a county, the appropriate officials of a city, the governing body of a school district, [~~board of cooperative educational services~~] **NY polytechnical institute** or fire district, the board of trustees of a village, or the town board of a town, is hereby authorized to include annually in the budget and raise by taxation in such county, city, school district, village or town a sum to meet all or an appropriate share of the actual and necessary expenses of establishing, maintaining and continuing such intergovernmental relations council.

§ 198. Paragraph b of subdivision 2, subdivision 4 and subparagraphs 5 and 6 of paragraph b of subdivision 9 of section 239-bb of the general municipal law, paragraph b of subdivision 2 and subdivision 4 as added by chapter 1 of part EE of chapter 55 of the laws of 2018 and subparagraphs 5 and 6 of paragraph b of subdivision 9 as amended by chapter 294 of the laws of 2021, are amended to read as follows:

b. The county CEO may invite any school district, [~~board of cooperative educational services~~] **NY polytechnical institute**, fire district, fire protection district, or special improvement district in the county to join a panel. Upon such invitation, the governing body of such school district, [~~board of cooperative educational services~~] **NY polytechnical institute**, fire district, fire protection district, or other special district may accept such invitation by selecting a representative of such governing body, by majority vote, to serve as a member of the panel. Such school district, [~~board of cooperative educational services~~] **NY polytechnical institute**, fire district, fire protection district or other special district shall maintain such representation until the panel either approves a plan or transmits a statement to the secretary of state on the reason the panel did not approve a plan, pursuant to paragraph d of subdivision seven of this section. Upon approval of a plan or a transmission of a statement to the secretary of state that a panel did not approve a plan in any calendar year, the county CEO may, but need not, invite any school district, [~~board of cooperative educational services~~] **NY polytechnical institute**, fire district, fire protection district or special improvement district in the county to join a panel thereafter convened.

4. While revising or updating a previously approved plan, or while developing a new plan, the county CEO shall regularly consult with, and take recommendations from, the representatives: on the panel; of each collective bargaining unit of the county and the cities, towns, and villages; and of each collective bargaining unit of any participating school district, [~~board of cooperative educational services~~] **NY polytechnical institute**, fire district, fire protection district, or special improvement district.

(5) the number of school districts, [~~boards of cooperative educational services~~] **NY polytechnical institutes**, fire districts, fire protection districts, or other special districts in the county; and

(6) the number of school districts, [~~boards of cooperative educational services~~] **NY polytechnical institutes**, fire districts, fire protection districts, or other special districts that participated in a panel, as reported in a plan.

§ 199. Subdivision 9 of section 368 of the general municipal law, as added by chapter 585 of the laws of 1980, is amended to read as follows:

9. For the purposes of this section, school district shall be defined to include a [~~board of cooperative educational services~~] **NY polytechnical institute**, provided however, that the provisions of subdivision three of this section shall not apply to such [~~boards of cooperative educational services~~] **NY polytechnical institutes**, and provided further that:

a. No [~~board of cooperative educational services~~] **NY polytechnical institute** may perform any of the acts authorized under the provisions of this section unless and until (i) a proposition is submitted to the voters of any such [~~board of cooperative educational services~~] **NY polytechnical institute** in accordance with the provisions of subdivision two of section nineteen hundred fifty-one of the education law and (ii) any such [~~board of cooperative educational services~~] **NY polytechnical institute** and all of its component school districts enter into an agreement or agreements providing for the performance of any such acts.

b. No such component school district shall enter into an agreement or agreements unless such agreement or agreements have been approved by a majority vote of the entire voting strength of the board of education of such a component school district.

c. Any such agreement or agreements shall also provide for the sharing of the cost of exploring, developing or producing natural gas and the cost of the natural gas producing facility among each component school district. Such agreement or agreements in addition to providing for all other matters deemed necessary and proper shall (i) set forth the cost of such exploration, development or production of natural gas and the cost of the natural gas producing facility and costs incidental thereto and (ii) provide for an allocation and apportionment of such costs among the component school districts on such equitable basis as the parties thereto shall determine and agree, and the proportion of the total cost to be provided by each such district in accordance with such allocation and apportionment. Such agreement or agreements shall be executed by all the component school districts of such [~~board of cooperative educational services~~] **NY polytechnical institute** and such [~~board of cooperative educational services~~] **NY polytechnical institute**. Such agreement or agreements may provide that each component school district of such a [~~board of cooperative educational services~~] **NY polytechnical institute** shall issue an agreed upon amount of its obligations in a total amount sufficient to acquire or construct such facilities, or that all component districts of such [~~board~~] **institute** shall together issue joint obligations pledging the full faith and credit for all component districts jointly and that each such district shall pay a specified share of annual debt service on such joint obligations in accordance with the provisions of article [~~five-g~~] **five-G** of this chapter and applicable provisions of the local finance law.

d. Each such component school district is authorized to finance its share of the cost of exploring, developing or producing natural gas and the cost of the natural gas producing facility together with the costs incidental to such financing, including, but not limited to legal fees, printing, engraving and publication of notices, either from any current funds legally available therefor, or by the issuance of obligations

pursuant to the local finance law; provided, however, that (i) no approval of the voters of such component school district shall be required, (ii) the voting of a special tax or a tax to be collected in installments shall not be a condition precedent to the adoption of a bond resolution for such object or purpose, (iii) a majority vote of the entire voting strength of the board of education shall be sufficient for adoption of such a bond resolution, which bond resolution may be adopted at a regular meeting, or a special meeting of the board of education called on not less than twelve hours oral or written notice, which may be held either within or outside of such district, (iv) any such bond resolution shall be adopted prior to the execution by the [~~board of cooperative educational services~~] **NY polytechnical institute** and the component school districts of such [~~board of cooperative educational services~~] **NY polytechnical institute** of the agreement required by paragraph b of this subdivision.

e. Such agreement shall further provide that title to the natural gas producing facility shall vest in the [~~board of cooperative educational services~~] **NY polytechnical institute** which title shall be held by the [~~board of cooperative educational services~~] **NY polytechnical institute** for the benefit and on behalf of all the component school districts of such [~~board~~] **institute** executing such agreement.

f. Nothing herein contained shall be construed to permit any school district in a city as defined in subdivision two-b of section 2.00 of the local finance law to contract indebtedness for such specific object or purpose in excess of the limitation prescribed by subdivision b of section 104.00 of such law, without complying with the provisions of subdivision c thereof. A school district, other than a school district in a city, may not issue bonds or bond anticipation notes for such specific object or purpose in excess of the limitation prescribed by subdivision d of section 104.00 of such law, without complying with the requirements of paragraphs one through three of such subdivision.

§ 200. Subdivisions 4 and 6 of section 800 of the general municipal law, subdivision 4 as amended by chapter 179 of the laws of 1971 and subdivision 6 as amended by chapter 1043 of the laws of 1965, are amended to read as follows:

4. "Municipality" means a county, city, town, village, school district, consolidated health district, county vocational education and extension board, public library, [~~board of cooperative educational services~~] **NY polytechnical institute**, urban renewal agency, a joint water works system established pursuant to chapter six hundred fifty-four of the laws of nineteen hundred twenty-seven, or a town or county improvement district, district corporation, or other district or a joint service established for the purpose of carrying on, performing or financing one or more improvements or services intended to benefit the health, welfare, safety or convenience of the inhabitants of such governmental units or to benefit the real property within such units, an industrial development agency but shall have no application to a city having a population of one million or more or to a county, school district, or other public agency or facility therein.

6. "Treasurer" means a county treasurer, city treasurer, town supervisor, village treasurer, school district treasurer, fire district treasurer, improvement district treasurer, president of a board of health of a consolidated health district, county vocational educational and extension board treasurer, treasurer of a [~~board of cooperative educational services~~] **NY polytechnical institute**, public general hospital treasurer, or other officer possessing similar powers and duties.

§ 201. Subdivision 24 of section 10 of the highway law, as amended by chapter 540 of the laws of 1978, is amended to read as follows:

24. Have power, whenever such commissioner of transportation deems it is necessary as a result of work of construction, reconstruction or maintenance of state highways, to provide at the expense of the state for the removal, relocation, replacement and reconstruction of water mains, sewer pipes, communication systems, fire alarm systems, street lighting, traffic control systems and any other similar facilities that are owned by any municipality and are maintained for public use and to participate in the expense of the removal, relocation, replacement and reconstruction of all other types of facilities or parts thereof that are owned by any municipality and are maintained for public use, the state's share of such expense not to exceed the appraised value of such facilities or parts thereof, as the case may be, as determined by the commissioner of transportation. However, in connection with any federally funded highway project, the commissioner of transportation may agree to pay an amount not to exceed the state's share, based on its proportionate share of the cost of the entire highway project, of the functional replacement cost of any of the aforesaid facilities owned by any municipal corporation, school district, [~~board of cooperative educational services~~] **NY polytechnical institute**, public benefit corporation or any other state or municipal governmental agency where the federal government agrees to pay its share of such functional replacement cost, which shall be based on its proportionate share of the cost of the entire project. If such work requires additional property or if it is necessary that the relocation of such facilities be made to other property, he may acquire such property as may be necessary for the purposes of this subdivision, in the same manner as other property is acquired for state highway purposes pursuant to this chapter, and he may enter into a written agreement with the municipality involved to convey such property as deemed necessary for the purposes of this subdivision to such municipality on terms beneficial to the state. The expense of such removal, relocation, replacement and reconstruction or the state's share thereof, as the case may be, shall be a proper charge against funds available for the construction, reconstruction or maintenance of state highways, and such work may be performed by contract in the same manner as provided for state highways in article three of this chapter, or, by the use of departmental forces and equipment and of materials purchased therefor. However, if the commissioner of transportation deems it to be in the interest of the public, he may contract with the municipality, upon such terms as he may deem advantageous to the state, to have such work performed (a) by the employment of the forces and the use of the equipment of such municipality and by the use of any material on hand or necessary to be purchased by such municipality or (b) by such other method as such commissioner of transportation shall approve or (c) by a combination of the methods provided in this subdivision. Any such municipality is hereby authorized to enter into such contract for the purposes of this subdivision. In all cases pursuant to this section where the state is to pay part of the expense of removal, relocation, replacement and reconstruction of any facilities that are municipally owned and that are maintained for public use, the commissioner of transportation, if he deems it in the best interest of the state, may offer to remove, relocate, replace or reconstruct such facilities and may prepare plans, specifications and estimates of cost of such projects, together with an estimate of the share of the expense to be borne by the municipality, which shall be submitted to the governing board of such

municipality. If the municipality approves such plans, specifications and estimates of cost and share of the expense, it shall by resolution appropriate the funds necessary to pay its share of the expense. A certified copy of the resolution shall be filed with the commissioner of transportation and with the state comptroller and the funds shall, prior to the award of a contract, be deposited by the municipality with the state comptroller subject to the draft or requisition of the commissioner of transportation. Upon the completion and acceptance of the work such facilities shall be maintained by the municipality. As used in this subdivision, the term "municipality" shall include a public water authority.

§ 202. Paragraph 37 and subparagraph (C) of paragraph 51 of subsection (a) of section 107 of the insurance law, paragraph 37 as amended and subparagraph (C) of paragraph 51 as added by chapter 220 of the laws of 1986, are amended to read as follows:

(37) "Reciprocal insurer" means any aggregation of persons, firms or corporations or, in the alternative, New York counties, towns, cities, villages, district corporations (as defined in paragraph three of section 2.00 of the local finance law), or school districts and [~~boards of cooperative educational services~~] **NY polytechnical institutes**, called "subscribers" in article sixty-one of this chapter, who or which under a common name engage in the business of inter-insurance or exchanging contracts of insurance on the reciprocal plan through an attorney-in-fact having authority to obligate the subscribers severally, within such limits as may lawfully be specified in the subscriber's agreement, on contracts of insurance made with any subscriber as a policyholder through such attorney-in-fact acting on behalf of all other subscribers. Such term includes any reciprocal or inter-insurance exchange, by whatever name known, and any reference thereto as an insurer shall be deemed to mean any such aggregation of inter-insurers operating through an attorney-in-fact individually and collectively as an insurance organization for the benefit of its policyholders.

(C) a school district, [~~board of cooperative educational services~~] **NY polytechnical institute** or any other governmental entity or combination or association of governmental entities operating a public school, college, community college or university;

§ 203. Subsection (f) of section 4702 of the insurance law, as added by chapter 689 of the laws of 1994, is amended to read as follows:

(f) "Municipal corporation" means within the state of New York, a city with a population of less than one million or a county outside the city of New York, town, village, [~~board of cooperative educational services~~] **NY polytechnical institute**, school district, a public library, as defined in section two hundred fifty-three of the education law, or district, as defined in section one hundred nineteen-n of the general municipal law.

§ 204. Subsection (a) of section 6102 of the insurance law, as amended by chapter 389 of the laws of 2010, is amended to read as follows:

(a) Twenty-five or more persons, firms and corporations, each having the qualifications of subscribers as prescribed in this article, may organize a reciprocal insurer to do any one or more of the basic kinds of insurance set forth in subsection (a) of section four thousand one hundred one of this chapter or, in the alternative, twenty-five or more New York counties, towns, cities, villages, district corporations (as defined in paragraph three of section 2.00 of the local finance law), or school districts and [~~boards of cooperative educational services~~] **NY polytechnical institutes**, each having the qualifications of subscribers

as prescribed in this article, may organize statewide municipal reciprocal insurers to provide any one or more of the basic kinds of insurance set forth in subsection (a) of section four thousand one hundred one of this chapter, except workers' compensation and employers' liability, fidelity and surety other than official undertakings conditioned for the faithful performance of official duties as referenced in section eleven of the public officers law and required by related provisions of the county, town, and village laws, credit and marine and inland marine (except as authorized by the provisions of paragraph two of subsection (b) of section four thousand one hundred two of this chapter) insurance. Such an insurer shall be called, for purposes of this chapter, a "municipal reciprocal insurer" and shall be subject to all the provisions of this chapter applicable to a reciprocal insurer, except where the context otherwise requires. However, any reciprocal insurer authorized to do the business of workers' compensation insurance shall be deemed to be a mutual carrier within the meaning of the definition of that term in section one hundred six of the workers' compensation law and shall be subject to the provisions of article six-A of such law.

§ 205. Subdivisions 2, 3 and 9 of section 12 of the labor law, as amended by chapter 325 of the laws of 2016, are amended to read as follows:

2. When it is jointly determined by the department and the education department that labor market information or forward-facing employment data prepared by the department is adequate in this prepared form, the department shall transmit a copy of such information and data to: every school district in the state of New York maintaining approved career education programs, with a list of such school districts to be furnished to the department by the education department; every [~~board of cooperative educational services~~] **NY polytechnical institute** maintaining approved career education programs, with a list of such [~~boards of cooperative educational services~~] **NY polytechnical institutes** to be furnished to the department by the education department; and every community college and agricultural and technical institute in the state of New York maintaining approved career education programs, with a list of such colleges and institutes to be furnished to the department by the education department. The education department shall regularly update such lists to keep them current and transmit changes to the department expeditiously.

3. The commissioner shall transmit to those school districts, [~~boards of cooperative educational services~~] **NY polytechnical institutes** and community colleges and agricultural and technical institutes located within a particular labor market area, labor market information or forward-facing employment data compiled for that area.

9. It shall be the responsibility of such school districts, [~~boards of cooperative educational services~~] **NY polytechnical institutes**, and community colleges and agricultural and technical institutes in receipt of such publications and sources of labor market information or forward-facing employment data enumerated in this section to provide copies of such labor market information or forward-facing employment data to those individuals responsible for vocational and educational guidance at such school districts, [~~boards of cooperative educational services~~] **NY polytechnical institutes**, community colleges and agricultural and technical institutes.

§ 206. Subdivision 3 of section 42 of the labor law, as added by section 6 of part E of chapter 389 of the laws of 1997, is amended to read as follows:

3. Subject to the limits of available moneys for this program and the approval of the director of the budget, the commissioner, in consultation with the commissioner of education, shall select and make contracts with preference to employment and training providers who have demonstrated effectiveness in serving disadvantaged youth for the purpose of conducting local projects. Such moneys may be used for contractors selected on a competitive basis consistent with executive order number one hundred twenty-seven which expedites and simplifies contracting with not-for-profit agencies. Such employment and training providers shall only include not-for-profit community based organizations, [~~boards of cooperative educational services~~] **NY polytechnical institutes**, post-secondary educational agencies, grant recipients or administrative entities of the service delivery areas (hereinafter referred to as SDAs), as may be defined by the Federal Job Training Partnership Act (hereinafter referred to as JTPA) or its successor program or in the absence of such, as defined by the commissioner, joint apprentice committees, labor organizations, and public and private employers. Preference in selection of such contractors shall be given to qualified and experienced community based organizations with proven ability to administer such programs.

§ 207. Paragraph (a) of subdivision 1 of section 475 of the labor law, as added by chapter 288 of the laws of 1988, is amended to read as follows:

(a) For the purposes of this section places of public assembly shall be those with an occupancy capacity of at least five thousand persons and shall include: (i) all stadiums, ballparks, gymnasiums, fieldhouses, arenas, civic centers and similar facilities used for the conduct of sporting events; and (ii) concert halls, recital halls, theatres, indoor and outdoor amphitheatres or other auditoriums used for the presentation of musical renditions or concerts by living persons who appear in the immediate presence of their audience and which rely primarily for effect on the use of electronic amplification of accompaniment and principal voice or instrument together with visual and other special effects and whose musical renditions or concerts are represented by the performers to be, or advertised by the management of such halls, theatres, amphitheatres or auditoriums as, rock and/or rapp renditions or concerts. Such places of public assembly shall include the means of ingress thereto and egress therefrom. Places of public assembly shall not include halls owned by churches, religious organizations, granges, public associations, free libraries as defined by section two hundred fifty-three of the education law, and facilities for the performance of sporting events or rock and/or rapp musical renditions owned and used by public and nonpublic primary and secondary schools and [~~boards of cooperative educational services~~] **NY polytechnical institutes**.

§ 208. Subparagraph (iii) of paragraph (c) of subdivision 2 of section 591-a of the labor law, as amended by chapter 398 of the laws of 2018, is amended to read as follows:

(iii) are participating in self-employment assistance activities approved by the department and by the department of economic development which include but need not be limited to entrepreneurial training, business counseling, and technical assistance, including financing assistance for qualified individuals as appropriate, offered by entrepreneurship assistance centers established pursuant to section two hundred eleven of the economic development law, state university of New York small business development centers, programs offered by community-based organizations, local development corporations, and [~~boards of cooper-~~

~~ative educational services (BOCES)~~] **NY polytechnical institutes** as established pursuant to section one thousand nine hundred fifty of the education law; and, unless otherwise required by federal law or regulation, no individual shall be prohibited from or disqualified from eligibility for the program if prior to applying for the program, an individual has printed business cards or has a website that is designed but not active, and neither are being used to solicit or conduct business;

§ 209. The second closing paragraph of subdivision 5 of section 651 of the labor law, as amended by chapter 481 of the laws of 2010, is amended to read as follows:

"Employee" also includes any individual employed or permitted to work in any non-teaching capacity by a school district or [~~board of cooperative educational services~~] **NY polytechnical institute** except that the provisions of sections six hundred fifty-three through six hundred fifty-nine of this article shall not be applicable in any such case.

§ 210. Paragraph (a) of subdivision 1 of section 816-b of the labor law, as added by chapter 571 of the laws of 2001, is amended to read as follows:

(a) "governmental entity" shall mean the state, any state agency, as that term is defined in section two-a of the state finance law, municipal corporation, commission appointed pursuant to law, school district, district corporation, board of education, [~~board of cooperative educational services~~] **NY polytechnical institute**, soil conservation district, and public benefit corporation; and

§ 211. Subdivision 2-c of section 2.00 of the local finance law, as added by chapter 914 of the laws of 1977, is amended to read as follows:

2-c. The term [~~"board of cooperative educational services"~~] **"NY polytechnical institute"** shall mean any [~~board of cooperative educational services~~] **NY polytechnical institute**, as defined in section nineteen hundred fifty of the education law, and such [~~board~~] **institute** shall, solely for the purpose of contracting indebtedness pursuant to section 25.00 of this chapter, be deemed to be a school district.

§ 212. Paragraph 29-a of subdivision a of section 11.00 of the local finance law, as amended by section 8 of subpart A of part B of chapter 56 of the laws of 2022, is amended to read as follows:

29-a. Transit motor vehicles. The purchase of municipally owned omnibus or similar surface transit motor vehicles, ten years; and the purchase of zero-emission school buses owned by a school district defined pursuant to paragraph two of section 2.00 of this chapter, a city school district with a population of more than one hundred twenty-five thousand inhabitants, or [~~board of cooperative educational services~~] **NY polytechnical institute**, twelve years.

§ 213. Paragraph i of section 25.00 of the local finance law, as added by chapter 914 of the laws of 1977, is amended to read as follows:

i. (a) A [~~board of cooperative educational services~~] **NY polytechnical institute** may issue revenue anticipation notes, as authorized by paragraph g of subdivision four of section nineteen hundred fifty of the education law, in anticipation of money to be received from the state, the United States government, and from its component school districts for services or for administrative and clerical expenses.

(b) For the purposes of this [~~subdivision~~] **paragraph** i, and for the purposes of sections 30.00 and 39.00 and titles four, five, six and twelve of this chapter, the [~~board of cooperative educational services~~] **NY polytechnical institute** shall be the finance board, its president shall be its chief fiscal officer, and its fiscal year shall be the

fiscal year of its component school districts; provided, further, that the provision of section 162.00 of this chapter shall be applicable to revenue anticipation notes issued under this [~~subdivision~~] **paragraph**.

§ 214. Subdivisions (j) and (l) of section 19.07 of the mental hygiene law, subdivision (j) as amended by chapter 146 of the laws of 2014 and subdivision (l) as added by chapter 323 of the laws of 2018, are amended to read as follows:

(j) The office, in consultation with the state education department, shall identify or develop materials on problem gambling among school-age youth which may be used by school districts and [~~boards of cooperative educational services~~] **NY polytechnical institutes**, at their option, to educate students on the dangers and consequences of problem gambling as they deem appropriate. Such materials shall be available on the internet website of the state education department. The internet website of the office shall provide a hyperlink to the internet page of the state education department that displays such materials.

(l) The office of [~~alcoholism and substance abuse services~~] **addiction services and supports**, in consultation with the state education department, shall develop or utilize existing educational materials to be provided to school districts and [~~boards of cooperative educational services~~] **NY polytechnical institutes** for use in addition to or in conjunction with any drug and alcohol related curriculum regarding the misuse and abuse of alcohol, tobacco, prescription medication and other drugs with an increased focus on substances that are most prevalent among school aged youth as such term is defined in section eight hundred four of the education law. Such materials shall be age appropriate for school age children, and to the extent practicable, shall include information or resources for parents to identify the warning signs and address the risks of substance abuse.

§ 215. Subparagraph 5 of paragraph (b) and subparagraph (i) of paragraph (d) of subdivision 17 of section 1005 of the public authorities law, as added by chapter 477 of the laws of 2009 and such subdivision as renumbered by section 16 of part CC of chapter 60 of the laws of 2011, are amended to read as follows:

(5) "Public entity" means an agency, public authority, public benefit corporation, public corporation, municipal corporation, school district, [~~board of cooperative educational services~~] **NY polytechnical institute**, public university, fire district, district corporation, or special improvement district governed by a separate board of commissioners.

(i) Notwithstanding any other provision of law to the contrary, any energy services contract entered into by the authority with any public entity: (1) may have a term of up to thirty-five years duration, provided, however, that the duration of any such contract shall not exceed the reasonably expected useful life of any facilities or equipment constructed, installed or operated as part of such energy-related projects, programs and services subject to such contract; and (2) shall contain the following clause: "This contract shall be deemed executory only to the extent of the monies appropriated and available for the purpose of the contract, and no liability on account therefor shall be incurred beyond the amount of such monies. It is understood that neither this contract nor any representation by any public employee or officer creates any legal or moral obligation to request, appropriate or make available monies for the purpose of the contract." A school district or [~~board of cooperative educational services~~] **NY polytechnical institute** may only enter into an energy services contract with the authority for such maximum term as is prescribed in the regulations promulgated by the

commissioner of education or the useful life of the facilities or equipment being constructed, installed or operated, whichever is less.

§ 216. Paragraph (d) of subdivision 2 of section 1676 of the public authorities law, as amended by chapter 538 of the laws of 1978, is amended to read as follows:

(d) It shall also include, a [~~board of cooperative educational services~~] NY polytechnical institute school facility, any building, library, laboratory, classroom or other building or structure essential, necessary or useful for instruction in a program of any [~~board of cooperative educational services~~] NY polytechnical institute and located in the state of New York.

§ 217. Section 1676-a of the public authorities law, as added by chapter 769 of the laws of 1978, is amended to read as follows:

§ 1676-a. Payment on authority public work projects. Notwithstanding the provisions of any other law to the contrary, all contracts for public work awarded by the dormitory authority pursuant to this title shall be in accordance with section one hundred thirty-nine-f of the state finance law. For the purposes of this section, public work by the dormitory authority shall include but not be limited to the construction of dormitories and other related structures as defined in paragraph a of subdivision two of section sixteen hundred seventy-six of this title, [~~boards of cooperative educational services~~] NY polytechnical institutes as defined in paragraph d of subdivision two of section sixteen hundred seventy-six of this title, locally sponsored community colleges as defined in subdivision seven of section sixteen hundred seventy-six of this title, and the city university as defined in subdivision eight of section sixteen hundred seventy-six of this title.

§ 218. Subdivision 15 of section 1678 of the public authorities law, as amended by chapter 101 of the laws of 1976, is amended to read as follows:

15. The authority shall, notwithstanding any other law, have the power to mortgage, pledge or assign any real or personal property of any dormitory or [~~board of cooperative educational services~~] NY polytechnical institute school facility as and to the extent authorized by any agreement or lease between the authority and any educational institution as defined in section sixteen hundred eighty of this title or any [~~board of cooperative educational services~~] NY polytechnical institute to secure any and all liabilities of such educational institution or [~~board of cooperative educational services~~] NY polytechnical institute under such agreement or lease in respect of such dormitory or [~~board of cooperative educational services~~] NY polytechnical institute facility not theretofore paid or discharged, or other real or personal property of the authority. Any such mortgage, pledge or assignment by the authority, unless otherwise provided therein, shall be superior to any right an educational institution or a [~~board of cooperative educational services~~] NY polytechnical institute may have with respect to the property subject to such mortgage, pledge or assignment, and upon foreclosure of any such mortgage or enforcement of any such pledge or assignment any such right shall be extinguished.

§ 219. Section 1689 of the public authorities law, as added by chapter 795 of the laws of 1967, subdivision 1 as amended by chapter 301 of the laws of 1996, subdivision 6 as amended by chapter 817 of the laws of 1976, subdivision 9 as amended by section 56 of part C of chapter 57 of the laws of 2004, paragraph d of subdivision 10 as added and subdivision 12 as renumbered by chapter 37 of the laws of 1976, subdivision 12 as

added by chapter 885 of the laws of 1968 and subdivision 13 as added by chapter 101 of the laws of 1976, is amended to read as follows:

§ 1689. [~~Board of cooperative educational services~~] NY polytechnical institute school facilities. 1. For all the purposes of this section [~~sixteen hundred eighty-nine~~] the term [~~"board of cooperative educational services~~] "NY polytechnical institute school facilities" shall mean any interest in real property, any building, library, laboratory, classroom, or other building or structure essential, necessary or useful in a career education or other program of any [~~board of cooperative educational services~~] NY polytechnical institute.

2. a. The authority is hereby authorized and empowered upon application of the [~~board of cooperative educational services~~] NY polytechnical institute concerned to construct, acquire, reconstruct, rehabilitate and improve, and furnish and equip or otherwise provide a [~~board of cooperative educational services~~] NY polytechnical institute school facility. The [~~board~~] institute for whose students any such [~~board of cooperative educational services~~] NY polytechnical institute school facility is intended to be provided shall approve plans and specifications and the location of such [~~board of cooperative educational services~~] NY polytechnical institute facilities. The authority shall have the same power and authority in respect to such [~~board of cooperative educational services~~] NY polytechnical institute school facilities erected pursuant to this section that it has relative to dormitories.

b. The authority shall have power to acquire, in the name of the authority, on terms necessary or convenient by purchase, condemnation, gift or devise, real property, leasehold interest in real property or rights of easement in relation to the [~~board of cooperative educational services~~] NY polytechnical institute school facilities erected pursuant to this section.

c. When authorized by the voters of the [~~board of cooperative educational services~~] NY polytechnical institute, any [~~board of cooperative educational services~~] NY polytechnical institute shall have power to convey to the authority real property, leasehold interest in real property or rights of easement, the title of which is vested in the [~~board~~] institute, in relation to the [~~board of cooperative educational services~~] NY polytechnical institute school facilities to be erected pursuant to this section, and, when so authorized, any [~~board of cooperative educational services~~] NY polytechnical institute shall have power to enter into any lease or other agreement with the authority in connection with the provision of a [~~board of cooperative educational services~~] NY polytechnical institute school facility.

d. The authority shall have power to accept gifts of real and personal property in the name of the authority for the purposes of this section.

e. The authority may lease any such [~~board of cooperative educational services~~] NY polytechnical institute school facilities to the [~~board~~] institute for which such [~~board of cooperative educational services~~] NY polytechnical institute school facilities are erected. At such time as the liabilities of the authority incurred for any such [~~board of cooperative educational services~~] NY polytechnical institute school facilities have been discharged and the bonds of the authority issued therefor have been paid or such liabilities and bonds have otherwise been discharged, the authority shall transfer title to all real and personal property of such [~~board of cooperative educational services~~] NY polytechnical institute school facilities vested in the authority to the [~~board~~] institute to which such [~~board of cooperative educational services~~] NY polytechnical institute school facilities are then leased, provided, however, that

if at such time the [~~board of cooperative educational services~~] NY polytechnical institute school facilities are not located in any [~~board~~] institute or any successor thereto in the state of New York, then such title shall vest in the people of the state of New York.

f. Any lease of a [~~board of cooperative educational services~~] NY polytechnical institute school facility authorized by this section may contain provisions which shall be a part of the contract with the holder of the bonds of the authority issued for such [~~board of cooperative educational services~~] NY polytechnical institute school facility, as to

(1) pledging all or any part of the moneys, income or revenues of the lessee or other personal property of the lessee, to secure payments required under the terms of such lease;

(2) the setting aside of reserves and the creation of special funds and the regulation and disposition thereof;

(3) the procedure, if any, by which the terms of such lease may be amended, the amount of bonds the holders of which must consent thereto, and the manner in which such consent may be given;

(4) vesting in a trustee or trustees such specified properties, rights, powers and duties as shall be deemed necessary or desirable for the security of the holders of the bonds of the authority issued for such [~~board of cooperative educational services~~] NY polytechnical institute school facilities;

(5) the obligations of the lessee with respect to the replacement, reconstruction, maintenance, operations, repairs and insurance of such [~~board of cooperative educational services~~] NY polytechnical institute school facilities;

(6) defining the acts or omissions to act which shall constitute a default in the obligations and duties of the lessee, and providing for the rights and remedies of the authority and of its bondholders in the event of such default;

(7) any other matters, of like or different character, which may be deemed necessary or desirable for the security or protection of the authority or the holders of its bonds.

3. Whenever the authority under the provisions of this section undertakes to construct or otherwise provide a [~~board of cooperative educational services~~] NY polytechnical institute school facility and to lease the same to a [~~board of cooperative educational services~~] NY polytechnical institute, such lease shall be the general obligation of the [~~board~~] institute and any successor thereto. Such lessee shall be responsible for the direct costs of operation, maintenance, repair and replacement of such [~~board of cooperative educational services~~] NY polytechnical institute school facility, and in addition shall be responsible for the over-all supervision of each [~~board of cooperative educational services~~] NY polytechnical institute school facility, for the overhead and general administrative costs of the lessee which are incurred because of such [~~board of cooperative educational services~~] NY polytechnical institute school facility and for the integration of the operation of each such [~~board of cooperative educational services~~] NY polytechnical institute school facility into the lessee's educational program.

4. All the provisions of this title four not inconsistent with the provisions of this section [~~sixteen hundred eighty-nine~~] shall be applicable with respect to any bonds of the authority issued to obtain funds for any purpose authorized under this section [~~sixteen hundred eighty-nine~~] and with respect to the powers of the authority hereunder.

5. To obtain funds for the purposes of this section, the authority shall have power from time to time to issue negotiable bonds or notes of

the authority. Unless the context shall clearly indicate otherwise whenever the words "bond" or "bonds" are used in this section, such words shall include a note or notes of the authority.

6. Any pledge of or other security interest in moneys, earnings, income, revenues, accounts, contract rights, general intangibles or other personal property made or created by the authority shall be valid, binding and perfected from the time when such pledge or other security interest attaches, without any physical delivery of the collateral or further act. The lien of any such pledge or other security interest shall be valid, binding and perfected as against all parties having claims of any kind in tort, contract or otherwise against the authority irrespective of whether or not such parties have notice thereof. No instrument by which such a pledge or other security interest is created nor any financing statement need be recorded or filed. This subdivision shall apply notwithstanding the provisions of the uniform commercial code.

7. Whenever the authority undertakes under the provisions of this section to construct, acquire, reconstruct, rehabilitate and improve, and furnish and equip or otherwise provide a [~~board of cooperative educational services~~] **NY polytechnical institute** school facility, each [~~board of cooperative educational services~~] **NY polytechnical institute** in connection with which such [~~board of cooperative educational services~~] **NY polytechnical institute** school facility is built is authorized to assign and pledge to the authority a sufficient portion of any and all public funds to be apportioned or otherwise to be made payable by the state of New York to the [~~board of cooperative educational services~~] **NY polytechnical institute** to cover the payments required under the lease between the authority and the [~~board of cooperative educational services~~] **NY polytechnical institute**. All state and local officials concerned are hereby authorized to apportion and pay all such funds so assigned and pledged to the authority. Such assignment and pledge by any [~~board of cooperative educational services~~] **NY polytechnical institute** shall be irrevocable and shall continue until the date on which the liabilities of the authority and any such [~~board of cooperative educational services~~] **NY polytechnical institute** school facilities have been discharged and the bonds of the authority issued therefor have been paid or such bonds have otherwise been discharged.

8. No [~~board of cooperative educational services~~] **NY polytechnical institute** school facility shall be constructed or otherwise provided by the authority under the provisions of this section unless approved by the voters of the [~~board of cooperative educational services~~] **NY polytechnical institute** and unless any and all necessary approvals of the commissioner of education under section four hundred eight of the education law have been obtained.

9. Any payment required to be made by a [~~board of cooperative educational services~~] **NY polytechnical institute** to the authority shall be deemed an administrative or capital expense within the meaning of section nineteen hundred fifty of the education law.

10. a. The total amount payable annually to the authority by a [~~board~~] **institute** shall be certified by the authority to the commissioner of education and the authority shall annually prepare and certify to the commissioner of education a statement of the total amount necessary to be paid by all [~~boards of cooperative educational services~~] **NY polytechnical institutes** for the ensuing school year.

b. The commissioner of education shall include in the certificate which he files with the state comptroller showing the amount of state

funds apportioned to the [~~board of cooperative educational services~~] **NY polytechnical institute** a statement showing the amount to be owed by the [~~board~~] **institute** to the authority for the ensuing school year.

c. The comptroller shall deduct from any state funds to become due to any such [~~board of cooperative educational services~~] **NY polytechnical institute** an amount equal to the amount required to be paid by such [~~board~~] **institute** to the authority as shown by the certificate of the commissioner of education filed with the comptroller as required by paragraph b of this subdivision.

d. The state of New York hereby covenants with the purchasers, holders and owners from time to time of the bonds of the authority that it will not repeal, revoke, rescind, modify or amend the provisions of this subdivision ten so as to limit, impair or impede the rights and remedies granted hereby or otherwise diminish the security pledged to such purchasers, holders and owners or significantly impair the prospect of payment of any such bond, nor shall any lien or charge on or pledge, assignment, diversion, withholding, payment or other use of or deduction from any state funds due or to become due or appropriated to or to be appropriated to or to be apportioned and paid to any [~~board of cooperative educational services~~] **NY polytechnical institute** be created which is prior in time or superior in right to the deduction required by paragraph c of this subdivision; provided, however, that nothing herein contained shall be deemed or construed as requiring the state to continue the payment of the state aid or assistance to any [~~board of cooperative educational services~~] **NY polytechnical institute** or as limiting or prohibiting the state from repealing or amending any law theretofore or hereafter enacted providing for the payment or apportionment of state aid to a [~~board of cooperative educational services~~] **NY polytechnical institute** or the manner, time or amount thereof.

11. In the event that the amount paid to the authority pursuant to the provisions of subdivision ten of this section is insufficient to meet any payment required by the [~~board of cooperative educational services~~] **NY polytechnical institute** to the authority any such amount still due and owing shall be paid directly to the authority by the [~~board~~] **institute**.

12. (a) After: (i) a proposition has been approved by the voters of a [~~board of cooperative educational services~~] **NY polytechnical institute** for the construction or providing by the authority of a [~~board of cooperative educational services~~] **NY polytechnical institute** school facility or facilities and any and all necessary approvals of the commissioner of education have been obtained, all as provided by subdivision eight of this section; (ii) an agreement and a lease have been executed by and between such [~~board of cooperative educational services~~] **NY polytechnical institute** and the dormitory authority relating to the construction or otherwise providing of such [~~board of cooperative educational services~~] **NY polytechnical institute** school facility or facilities, the leasing thereof by the dormitory authority to such [~~board of cooperative educational services~~] **NY polytechnical institute** and the financing thereof by the dormitory authority by the issuance of its obligations; and (iii) the dormitory authority has adopted its resolution authorizing obligations of the dormitory authority for such purpose, the dormitory authority may determine to provide that the validity of such agreement, lease, resolution of the authority authorizing the issuance of obligations and the obligations authorized and issued pursuant thereto may be contested only if:

1. Such agreement, lease, resolution and the obligations to be issued pursuant to such resolution are authorized for a [~~board of cooperative educational services~~] **NY polytechnical institute** school facility or facilities for which the [~~board of cooperative educational services~~] **NY polytechnical institute** and the dormitory authority are not authorized to execute an agreement and a lease or for which the dormitory authority is not authorized to issue obligations, or

2. The provisions of law which should be complied with at the date of the publication of the notice hereinafter provided for, are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

3. Such obligations are authorized in violation of the provisions of the constitution.

(b) If the dormitory authority shall determine to utilize the provisions of this subdivision, the dormitory authority shall publish or shall cause a notice to be published in the manner hereinafter provided, which notice shall be in substantially the following form:

The (here insert the name of the [~~board of cooperative educational services~~] **NY polytechnical institute**) and the dormitory authority of the state of New York have entered into an agreement dated as of the ----- day of -----, 19---, and a lease dated as of the ----- day of -----, 19---, and the dormitory authority has adopted a resolution on the ----- day of -----, 19---, and the validity of such agreement, lease, resolution and the obligations issued pursuant thereto may be hereafter contested only if such agreement, lease, resolution and the obligations issued pursuant thereto were authorized for a [~~board of cooperative educational services~~] **NY polytechnical institute** school facility or facilities for which such [~~board of cooperative educational services~~] **NY polytechnical institute** and the dormitory authority are not authorized to enter into an agreement, lease and for which the dormitory authority is not authorized to issue such obligations or if the provisions of law which should have been complied with as of the date of publication of this notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of publication of this notice, or such obligations were authorized in violation of the provisions of the constitution.

By such agreement and lease such [~~board of cooperative educational services~~] **NY polytechnical institute** and the dormitory authority have agreed that the dormitory authority shall provide the [~~board of cooperative educational services~~] **NY polytechnical institute** school facility or facilities described therein, that the dormitory authority shall lease the same to such [~~board of cooperative educational services~~] **NY polytechnical institute**, which [~~board of cooperative educational services~~] **NY polytechnical institute** shall pay annual rentals as agreed upon in such lease sufficient to pay the principal of and interest on the obligations of the authority issued to finance such facility or facilities, the amounts required by such resolution to establish and maintain the reserve funds, if any, required by such resolution, any expenditures of the authority for insurance, fees and expenses of auditing and fees and expenses of the trustee, all as required by the resolution, all other expenditures reasonably and necessarily incurred by the authority by reason of its ownership, financing and leasing of the project and the annual administrative fee payable to the authority. Such resolution authorizes an issue of $----- obligations of the authority, which amount is equal to the sum of: (i) the estimated cost of

construction and equipment of such [~~board of cooperative educational services~~] **NY polytechnical institute** school facility or facilities after first deducting federal grants-in-aid to be received; (ii) the amount required by the authority, if any, to be paid to reserve funds created by the resolution of the authority authorizing the bonds; and (iii) the amounts required to make payments for legal, financing, administrative and other costs and expenses of the authority in connection with such [~~board of cooperative educational services~~] **NY polytechnical institute** school facilities and the financing thereof.

Executed counterparts of such agreement and lease and a certified copy of the resolution of the dormitory authority authorizing such obligations are on file in the office of the clerk of such [~~board of cooperative educational services~~] **NY polytechnical institute** at (here insert the address of the office of such clerk) and at the office of the dormitory authority (here insert the address of such office) and such documents may be inspected at either of said offices during regular business hours.

DORMITORY AUTHORITY OF THE STATE OF
NEW YORK and (here insert the name of the
[~~board of cooperative educational services~~]
NY polytechnical institute)

(c) The notice described in subparagraph (b) of this subdivision shall be published once in each of two newspapers, if there shall be two, or in one newspaper, if there shall be but one, having general circulation within the [~~board of cooperative educational services~~] **NY polytechnical institute**, but if no newspaper shall then have general circulation therein, such notice shall be posted in at least twenty of the most public places in said [~~board of cooperative educational services~~] **NY polytechnical institute**.

(d) After the publication of such notice, the validity of the obligations authorized thereby may be contested only if:

1. Such agreement, lease, resolution of the dormitory authority authorizing the obligations, and the obligations of the dormitory authority were authorized for a [~~board of cooperative educational services~~] **NY polytechnical institute** school facility or facilities for which such [~~board of cooperative educational services~~] **NY polytechnical institute** and the dormitory authority were not authorized to execute an agreement and a lease or for which the dormitory authority is not authorized to issue obligations, or

2. The provisions of law which should be complied with at the date of publication of the notice hereinabove provided for, are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

3. Such obligations are authorized in violation of the provisions of the constitution.

(e) If an action, suit or proceeding contesting the validity of such agreement, lease, resolution authorizing the obligations or the obligations authorized thereby is commenced within twenty days from the date of publication of such notice, the court in which such action, suit or proceeding is commenced shall determine whether or not such agreement, lease, resolution and obligations were authorized for a [~~board of cooperative educational services~~] **NY polytechnical institute** school facility or facilities for which the [~~board of cooperative educational services~~] **NY polytechnical institute** and the dormitory authority were authorized to enter into an agreement and a lease and for which the authority was

authorized to issue obligations or the provisions of law which should have been complied with were substantially complied with. The court may determine that the provisions of law which should have been complied with were substantially complied with if:

1. The aggregate amount of obligations authorized does not exceed an amount equal to the sum of[~~,~~]: (i) the estimated cost of construction and equipment of such a [~~board of cooperative educational services~~] NY polytechnical institute school facility or facilities after first deducting federal grants-in-aid to be received; (ii) the amount, if any, required by the authority by the resolution to be paid to reserve funds created by the resolution of the authority authorizing the obligations; and (iii) the amounts estimated by the authority to be required to make payments for legal, financing, administrative and other costs and expenses of the authority in connection with the providing of the facilities and the financing thereof.

2. Such agreement and lease were executed after a proposition authorizing the same had been submitted to and approved by a majority of the duly qualified voters of such [~~board of cooperative educational services~~] NY polytechnical institute.

(f) Such determination of the court as described in subparagraph (e) hereof may be arrived at notwithstanding any irregularity or failure to observe a technicality in:

1. The form of such proposition approved by the duly qualified voters of such [~~board of cooperative educational services~~] NY polytechnical institute.

2. The notice of the meeting at which such proposition was submitted.

3. The time or manner of the publication of such notice.

4. The conduct of the meeting at which such proposition was adopted.

5. Like matters in such proceedings.

(g) If the dormitory authority shall have utilized the provisions of this subdivision, the obligations of the authority issued pursuant to the resolution authorizing the same shall contain a recital substantially to the effect that the procedure for the validation of such bonds set forth in this section have been complied with and such recital shall bind the [~~board of cooperative educational services~~] NY polytechnical institute and the dormitory authority, and twenty days after such notice shall have been published and after such obligations have been purchased in good faith and for fair value by any person, the validity of such agreement, lease, resolution and of the obligations issued pursuant to such resolution shall not be questioned by such [~~board of cooperative educational services~~] NY polytechnical institute or by any taxpayer thereof in any court.

(h) If the dormitory authority and such [~~board of cooperative educational services~~] NY polytechnical institute shall deem it necessary to increase the amount of obligations of the authority to be issued in connection with the construction or providing of a [~~board of cooperative educational services~~] NY polytechnical institute school facility or facilities and shall have authorized the issuance of such additional obligations by the execution of a supplemental agreement and a supplemental lease between the dormitory authority and such [~~board of cooperative educational services~~] NY polytechnical institute and the authority has adopted a supplemental resolution authorizing such additional obligations, the provisions of this subdivision also shall be applicable to such supplemental agreement, supplemental lease, supplemental resolution and additional obligations authorized and issued pursuant thereto.

13. No authorization given by the voters of a [~~board of cooperative educational services~~] NY polytechnical institute prior to April first, nineteen hundred seventy-six of a lease or other agreement with the authority in connection with the provision of a [~~board of cooperative educational services~~] NY polytechnical institute school facility shall be held invalid by reason of any irregularity or failure to observe a technicality in:

a. The form of such proposition approved by the duly qualified voters of such [~~board of cooperative educational services~~] NY polytechnical institute,

b. The notice of the meeting at which such proposition was submitted,

c. The time or manner of the publication of such notice,

d. The conduct of the meeting at which such proposition was adopted,

e. Like matters in such proceedings, in any action or proceeding commenced more than two years after the date of approval by such voters of the proposition authorizing such lease or other agreement. The foregoing limitation shall not be construed as extending any limitation period otherwise provided by law or authorizing any action or proceeding.

§ 220. Subdivision 11 of section 3232 of the public authorities law, as added by chapter 220 of the laws of 1990, is amended to read as follows:

11. "Local government" means a county, city, town, village, school district, city school district or [~~board of cooperative educational services~~] NY polytechnical institute.

§ 221. Subdivisions 1 and 5 of section 1110 of the public health law, as amended by chapter 130 of the laws of 2022, are amended to read as follows:

1. In addition to school districts already classified as a public water system under parts 141 and 142 of title 40 of the code of federal regulations, as such regulations may, from time to time, be amended, every school district and [~~board of cooperative educational services~~] NY polytechnical institute shall conduct triennial first-drawn tap testing of potable water systems to monitor for lead contamination in each occupied school building under its jurisdiction as required by regulations promulgated pursuant to this section. The testing shall be conducted and the results analyzed by an entity or entities approved by the commissioner.

5. Each school district and [~~board of cooperative educational services~~] NY polytechnical institute conducting testing pursuant to subdivision one of this section and each school district classified as a public water system under parts 141 and 142 of title 40 of the code of federal regulations, as such regulations may, from time to time, be amended, shall make a copy of the results of all such testing, including laboratory reports, and any lead remediation plans available to the public on its website and any additional means as chosen by such district. A copy of the results of all testing shall also be immediately transmitted to the department and state education department in a format to be determined by the commissioner and to the county department of health in the local jurisdiction of the school building. The commissioner of education, in conjunction with the commissioner, shall publish a report triennially based on the findings from the tap water testing conducted according to the provisions of this section. Such report shall be sent to the commissioner, the governor, the temporary president of the senate, and the speaker of the assembly and shall be made available on the department's and state education department's websites.

§ 222. Paragraph (d) of subdivision 1 and subdivision 4 of section 2500-h of the public health law, paragraph (d) of subdivision 1 as added and subdivision 4 as amended by chapter 254 of the laws of 2019, are amended to read as follows:

(d) The commissioner shall create informational materials detailing such anaphylactic policies to be distributed to local school boards of education, charter schools, [~~boards of cooperative educational services~~] **NY polytechnical institutes**, and child day care centers, and shall make the materials available on the department's website.

4. Within six months of the effective date of the chapter of the laws of two thousand nineteen which amended this section, the anaphylactic policies established under this section shall be jointly forwarded by the commissioner as well as the commissioner of education or the commissioner of children and family services as appropriate to each local school board of education, charter school, [~~board of cooperative educational services~~] **NY polytechnical institute** and child day care service provider, as defined in section three hundred ninety of the social services law, in the state. Each such entity shall implement or update as appropriate their anaphylactic policy in accordance with those developed by the state within six months of receiving the anaphylactic policies.

§ 223. Subparagraph (iii) of paragraph (a) of subdivision 1 of section 3000-c of the public health law, as amended by chapter 194 of the laws of 2021, is amended to read as follows:

(iii) a school district, [~~board of cooperative educational services~~] **NY polytechnical institute**, county vocational education and extension board, charter school, and non-public elementary and secondary school in this state or any person employed by any such entity, or employed by a contractor of such an entity while performing services for the entity;

§ 224. Subparagraph (iii) of paragraph (a) of subdivision 1 of section 3000-e of the public health law, as amended by chapter 741 of the laws of 2022, is amended to read as follows:

(iii) a school district, [~~board of cooperative educational services~~] **NY polytechnical institute**, county vocational education and extension board, charter school, and non-public elementary and secondary school in this state or any person employed by any such entity, or employed by a contractor of such an entity while performing services for the entity; or

§ 225. Subparagraph (v) of paragraph (a) of subdivision 3 of section 3309 of the public health law, as added by chapter 148 of the laws of 2020, is amended to read as follows:

(v) As used in this section, "entity" includes, but is not limited to, a school district, public library, [~~board of cooperative educational services~~] **NY polytechnical institute**, county vocational education and extension board, charter school, non-public elementary or secondary school, restaurant, bar, retail store, shopping mall, barber shop, beauty parlor, theater, sporting or event center, inn, hotel or motel.

§ 226. Section 10 of the public officers law, as amended by chapter 29 of the laws of 1977, is amended to read as follows:

§ 10. Official oaths. Every officer shall take and file the oath of office required by law, and every judicial officer of the unified court system, in addition, shall file a copy of said oath in the office of court administration, before he **or she** shall be entitled to enter upon the discharge of any of his **or her** official duties. An oath of office may be administered by a judge of the court of appeals, the attorney general, or by any officer authorized to take, within the state, the

acknowledgment of the execution of a deed of real property, or by an officer in whose office the oath is required to be filed or by his duly designated assistant, or may be administered to any member of a body of officers, by a presiding officer or clerk, thereof, who shall have taken an oath of office. An oath of office may be administered to any state or local officer who is a member of the armed forces of the United States by any commissioned officer, in active service, of the armed forces of the United States. In addition to the requirements of any other law, the certificate of the officer in the armed forces administering the oath of office under this section shall state (a) the rank of the officer administering the oath, and (b) that the person taking the oath was at the time, enlisted, inducted, ordered or commissioned in or serving with, attached to or accompanying the armed forces of the United States. The fact that the officer administering the oath was at the time duly commissioned and in active service with the armed forces, shall be certified by the secretary of the army, secretary of the air force or by the secretary of the navy, as the case may be, of the United States, or by a person designated by him **or her** to make such certifications, but the place where such oath was administered need not be disclosed. The oath of office of a notary public or commissioner of deeds shall be filed in the office of the clerk of the county in which he **or she** shall reside. The oath of office of every state officer shall be filed in the office of the secretary of state; of every officer of a municipal corporation, including a school district, with the clerk thereof; and of every other officer, including the trustees and officers of a public library and the officers of [~~boards of cooperative educational services~~] **NY polytechnical institutes**, in the office of the clerk of the county in which he shall reside, if no place be otherwise provided by law for the filing thereof.

§ 227. Subparagraph (ii) of paragraph (a) of subdivision 1 of section 18 of the public officers law, as amended by chapter 521 of the laws of 1982, is amended to read as follows:

(ii) a school district, [~~board of cooperative educational services~~] **NY polytechnical institute**, or any other governmental entity or combination or association of governmental entities operating a public school, college, community college or university,

§ 228. Subparagraph (ii) of paragraph (a) of subdivision 1 of section 18-a of the public officers law, as added by section 2 of subpart C of part KK of chapter 57 of the laws of 2018, is amended to read as follows:

(ii) a school district, [~~board of cooperative educational services~~] **NY polytechnical institute**, or any other governmental entity or combination or association of governmental entities operating a public school, college, community college or university;

§ 229. Paragraph (m) of subdivision 2 of section 265.01-e of the penal law, as added by chapter 371 of the laws of 2022, is amended to read as follows:

(m) in or upon any building or grounds, owned or leased, of any educational institutions, colleges and universities, licensed private career schools, school districts, public schools, private schools licensed under article one hundred one of the education law, charter schools, non-public schools, [~~board of cooperative educational services~~] **NY polytechnical institute**, special act schools, preschool special education programs, private residential or non-residential schools for the education of students with disabilities, and any state-operated or state-supported schools;

§ 230. Section 408 of the real property tax law, as amended by chapter 684 of the laws of 1985, is amended to read as follows:

§ 408. School districts and [~~boards of cooperative educational services~~] **NY polytechnical institutes**. Notwithstanding any limitation contained in section four hundred six of this [~~chapter~~] **title**, all real property owned by a school district or [~~board of cooperative educational services~~] **NY polytechnical institute** and all improvements thereon leased by such a district or [~~board~~] **institute** provided that such leased improvements are used for educational purposes and provided, further, that such lease provides that such district or [~~board~~] **institute** is liable for all taxation, special ad valorem levies and special assessments levied upon such improvements shall be exempt from taxation and exempt from special ad valorem levies and special assessments to the extent provided in section four hundred ninety of this [~~chapter~~] **article**.

§ 231. Paragraph (a) of subdivision 3 of section 594 of the real property tax law, as amended by chapter 515 of the laws of 2002, is amended to read as follows:

(a) Oil and gas rights and other elements of economic units shall be exempt from taxation if owned by a school district or [~~board of cooperative educational services~~] **NY polytechnical institute**;

§ 232. Paragraph 1-a of subdivision a of section 19-a of the retirement and social security law, as amended by section 2 of part BB of chapter 57 of the laws of 2013, is amended to read as follows:

(1-a) "Alternative amortizing employer" shall mean a county, city, town, village, school district, [~~board of cooperative educational services~~] **NY polytechnical institute**, or public benefit corporation that operates a public general hospital located in the county of Westchester, the county of Erie, or the county of Nassau that, on a form prepared by the comptroller, elects to and does amortize a portion of the employer's annual bill pursuant to paragraph one of subdivision d of this section for the two thousand thirteen - two thousand fourteen fiscal year pursuant to the alternative system graded contribution rate, regardless of whether the employer has subsequently paid in full all such amortized amounts.

§ 233. Subdivisions e and f of section 210 of the retirement and social security law, subdivision e as added by chapter 803 of the laws of 1964 and subdivision f as amended by chapter 579 of the laws of 1992, are amended to read as follows:

e. The term "public service" means the service of the state or any political division thereof, including a special district, district corporation, school district, [~~board of cooperative educational services~~] **NY polytechnical institute** or county vocational education and extension board, or the service of a public benefit corporation or public authority created by or pursuant to laws of the state of New York, or the service of any agency or organization which contributes as a participating employer in a retirement system or pension plan administered by the state or any of its political subdivisions.

f. The term "former employer" means the state or a political subdivision, public corporation, school district, [~~board of cooperative educational services~~] **NY polytechnical institute**, county vocational education and extension board, or an agency or organization which contributes as a participating employer in a retirement system or pension plan administered by the state or any of its civil divisions, which directly paid the salary or compensation of a retired person at any time during the

two years immediately preceding his retirement and who paid the salary on which the retiree's retirement allowance is based.

§ 234. Subparagraph 2 of paragraph (a) of subdivision 2 and subdivision 9 of section 211 of the retirement and social security law, subparagraph 2 of paragraph (a) of subdivision 2 as amended by chapter 753 of the laws of 1976 and subdivision 9 as added by section 1 of part HH of chapter 56 of the laws of 2022, are amended to read as follows:

(2) the commissioner of education if such person is to be employed in the unclassified service of a school district other than the city of New York, a [~~board of cooperative educational services~~] **NY polytechnical institute** or a county vocational education and extension board; or

9. Notwithstanding the provisions of this section, sections two hundred twelve and four hundred one of this chapter and section five hundred three of the education law and any other law, regulation, rule, local law, or charter to the contrary, a retired person may be employed and earn compensation in a position or positions in the service of a school district or a [~~board of cooperative educational services~~] **NY polytechnical institute** in the state without any effect on his or her status as retired and without suspension or diminution of his or her retirement allowance and without prior approval pursuant to subdivision two of this section. Earnings received as a result of employment in a school district or a [~~board of cooperative educational services~~] **NY polytechnical institute** in the state shall not be applied to a retired person's earnings when calculating the earnings limitations imposed by subdivisions one and two of section two hundred twelve of this article.

§ 235. Section 217 of the retirement and social security law, as added by chapter 640 of the laws of 2008, is amended to read as follows:

§ 217. Reporting requirements; school salary transparency and disclosure. 1. A school district and a [~~board of cooperative educational services~~] **NY polytechnical institute** shall report all money earned by a retired person in their employ that is in excess of the earnings limitation outlined in section two hundred twelve of this article to the retirement system administered by the state or any of its political subdivisions from whom such retired person is collecting their retirement allowance.

2. A school district or a [~~board of cooperative educational services~~] **NY polytechnical institute** employing a retired person who is eligible to collect or is already collecting a retirement allowance from a retirement system administered by the state or any of its political subdivisions shall report on an annual basis to the retirement system paying such retirement allowance to such retired person and to the state comptroller. This report shall consist of the re-employed retiree's name, date of birth, place of employment, current position and all earnings.

§ 236. Subdivision f of section 446 of the retirement and social security law, as amended by chapter 210 of the laws of 1996, is amended to read as follows:

f. Notwithstanding any other provision of law, any member of the New York state and local employees' retirement system who is subject to the provisions of this article and who is employed by a school district, a [~~board of cooperative educational services~~] **NY polytechnical institute**, a vocational education and extension board, an institution for the instruction of the deaf and of the blind as enumerated in section four thousand two hundred one of the education law, or a school district as enumerated in section one of chapter five hundred sixty-six of the laws of nineteen hundred sixty-seven as amended to date, shall have their service credit for service rendered on or after January first, nineteen

hundred ninety determined by dividing the number of days worked in a school year by one hundred eighty. For the purpose of this section a school year will begin on July first and end the following June thirtieth. No more than one year of service may be credited during any such fiscal year. Credit for service rendered before January first, nineteen hundred ninety shall be determined in the same manner if a person eligible for such benefit shall file the appropriate application with the state comptroller on or before August second, nineteen hundred ninety-six and, within five years of filing such application, make payment for all costs necessary to finance the receipt of such service credit.

§ 237. Subdivision f of section 513 of the retirement and social security law, as amended by chapter 210 of the laws of 1996, is amended to read as follows:

f. Notwithstanding any other provision of law, any member of the New York state and local employees' retirement system who is subject to the provisions of this article and who is employed by a school district, a [~~board of cooperative educational services~~] **NY polytechnical institute**, a vocational education and extension board, an institution for the instruction of the deaf and of the blind as enumerated in section four thousand two hundred one of the education law, or a school district as enumerated in section one of chapter five hundred sixty-six of the laws of nineteen hundred sixty-seven as amended to date, shall have their service credit for service rendered on or after January first, nineteen hundred ninety determined by dividing the number of days worked in a school year by one hundred eighty. For the purpose of this section a school year will begin on July first and end the following June thirtieth. No more than one year of service may be credited during any such fiscal year. Credit for service rendered before January first, nineteen hundred ninety shall be determined in the same manner if a person eligible for such benefit shall file the appropriate application with the state comptroller on or before August second, nineteen hundred ninety-six and, within five years of filing such application, make payment for all costs necessary to finance the receipt of such service credit.

§ 238. Subdivision f of section 609 of the retirement and social security law, as amended by chapter 210 of the laws of 1996, is amended to read as follows:

f. Notwithstanding any other provision of law, any member of the New York state and local employees' retirement system who is subject to the provisions of this article and who is employed by a school district, a [~~board of cooperative educational services~~] **NY polytechnical institute**, a vocational education and extension board, an institution for the instruction of the deaf and of the blind as enumerated in section four thousand two hundred one of the education law, or a school district as enumerated in section one of chapter five hundred sixty-six of the laws of nineteen hundred sixty-seven as amended to date, shall have their service credit for service rendered on or after January first, nineteen hundred ninety determined by dividing the number of days worked in a school year by one hundred eighty. For the purpose of this section a school year will begin on July first and end the following June thirtieth. No more than one year of service may be credited during any such fiscal year. Credit for service rendered before January first, nineteen hundred ninety shall be determined in the same manner if a person eligible for such benefit shall file the appropriate application with the state comptroller on or before August second, nineteen hundred ninety-six and, within five years of filing such application, make payment for all costs necessary to finance the receipt of such service credit.

§ 239. Paragraph (c) of subdivision 6 of section 62 of the social services law, as amended by chapter 569 of the laws of 1994, is amended to read as follows:

(c) A social services district shall provide for the transportation of each homeless child who is eligible for benefits pursuant to section three hundred fifty-j of this chapter to and from a temporary housing location in which the child was placed by the social services district and the school attended by such child pursuant to section thirty-two hundred nine of the education law, if such temporary housing facility is located outside of the designated school district pursuant to paragraph a of subdivision two of section thirty-two hundred nine of the education law. A social services district shall be authorized to contract with a board of education or a [~~board of cooperative educational services~~] **NY polytechnical institute** for the provision of such transportation. This paragraph shall apply to placements made by a social services district without regard to whether a payment is made by the district to the operator of the temporary housing facility.

§ 240. Subdivision 2 of section 331 of the social services law, as amended by section 148 of part B of chapter 436 of the laws of 1997, is amended to read as follows:

2. A social services district may contract or establish agreements with entities which comply with the standards to be established in regulations by the commissioner to provide work activities, including but not limited to, job training partnership act agencies, state agencies, school districts, [~~boards of cooperative educational services~~] **NY polytechnical institutes**, not-for-profit community based organizations, licensed trade schools or registered business schools, libraries, post-secondary educational institutions consistent with this title, and educational opportunity centers and local employers. A district shall, to the extent practicable and permitted under federal requirements, develop performance based contracts or agreements with such entities. Such standards shall include an evaluation procedure to ensure that services offered by a provider are sufficient to enhance substantially a participant's opportunity to secure unsubsidized employment or, when coupled with or provided in conjunction with other activities, represent part of a comprehensive approach to enabling a participant to secure unsubsidized employment. Notwithstanding the provisions of section one hundred fifty-three of this article, expenditures pursuant to contracts or agreements with providers who do not meet the standards for approval of providers as defined in regulations will not be eligible for reimbursement by the department.

§ 241. Subdivision 3 of section 336-a of the social services law, as amended by section 148 of part B of chapter 436 of the laws of 1997, is amended to read as follows:

3. When a participant is assigned to an appropriate vocational educational or educational activity and such activity is available at no cost to the social services district through the school district or [~~board of cooperative educational services~~] **NY polytechnical institute** in which the participant resides or through another agency or organization providing educational services, the social services district shall refer the participant to such district, [~~board~~] **institute**, agency or organization.

§ 242. Paragraph (c) of subdivision 2 of section 367-w of the social services law, as added by section 1 of part ZZ of chapter 56 of the laws of 2022, is amended to read as follows:

(c) Notwithstanding the definition of employer in paragraph (b) of this subdivision, and without regard to the availability of federal financial participation, "employer" shall also include an institution of higher education, a public or nonpublic school, a charter school, an approved preschool program for students with disabilities, a school district or [~~boards of cooperative educational services~~] NY polytechnical institutes, programs funded by the office of mental health, programs funded by the office of addiction services and supports, programs funded by the office for people with developmental disabilities, programs funded by the office for the aging, a health district as defined in section two of the public health law, or a municipal corporation, where such program or entity employs at least one employee. Such employers shall be required to enroll in the system designated by the commissioner, or relevant agency commissioners, in consultation with the director of the budget, for the purpose of claiming bonus payments under this section. Such system or process for claiming bonus payments may be different from the system and process used under subdivision three of this section.

§ 243. Subparagraph (ii) of paragraph (a) of subdivision 3 and subdivision 5 of section 483-c of the social services law, as added by section 2 of part F2 of chapter 62 of the laws of 2003, are amended to read as follows:

(ii) County tier II team. A county, or consortium of counties, choosing to participate in the coordinated children's services initiative shall establish an interagency team consisting of, but not limited to, the local commissioners or leadership assigned by the chief elected official responsible for the local health, mental hygiene, juvenile justice, probation and other human services systems. The education system shall be represented by the district superintendent of the [~~board of cooperative educational services~~] NY polytechnical institute, or his or her designee, and in the case of the city of New York, by the chancellor of the city school district of the city of New York, or his or her designee, and appropriate local school district representatives as determined by the district superintendent of the [~~board of cooperative educational services~~] NY polytechnical institute, or such chancellor. Such team shall be sensitive to issues of cultural competence, and shall include representatives of families of children with an emotional and/or behavioral disorder. Regional state agency representatives may participate when requested by such team.

5. Funding. Counties and school districts, including [~~boards of cooperative educational services~~] NY polytechnical institutes, as requested by component school districts, choosing to participate in the coordinated children's services initiative, unless expressly prohibited by law, shall have the authority to:

(a) combine state and federal resources of the participating county and educational agencies to provide services to groups or individual children and their families necessary to maintain children with emotional and/or behavioral disorders in their homes, communities and schools, and support families in achieving this goal, as long as the use of the funds is consistent with the purposes for which they were appropriated; and

(b) apply flexibility in use of funds, pursuant to an individualized family-support plan, or for collaborative programs, an agreement among the county, city and school districts or the [~~board of cooperative educational services~~] NY polytechnical institute, monies combined pursuant to paragraph (a) of this subdivision may be used to allow flexibility in determining and applying interventions that will address the

unique needs of the family. The tier III team shall develop guidelines for the flexible use of funds in implementing an individualized family support plan.

§ 244. Clause 1 and subclause (C) of clause 6 of subparagraph (i) of paragraph n of subdivision 10 of section 54 of the state finance law, as amended by section 6 of part O of chapter 56 of the laws of 2008, are amended to read as follows:

(1) For the purposes of this paragraph, "municipalities" shall mean counties, cities, towns, villages, special improvement districts, fire districts, and school districts; provided, however, that for purposes of this definition, a school district shall be considered a municipality only in instances where a school district advances an application for a grant to cover costs associated with cooperative agreements or shared services. For purposes of this definition, a [~~board of cooperative educational services~~] **NY polytechnical institute** shall be considered a municipality only in instances where such [~~board of cooperative educational services~~] **NY polytechnical institute** advances a joint shared service application on behalf of school districts and other municipalities within the [~~board of cooperative educational services~~] **NY polytechnical institute** region; provided, however, that any shared service agreements with a [~~board of cooperative educational services~~] **NY polytechnical institute**:

(A) shall not generate additional state aid;

(B) shall be deemed not to be a part of the program, capital and administrative budgets of the [~~board of cooperative educational services~~] **NY polytechnical institute** for the purposes of computing charges upon component school districts pursuant to subparagraph seven of paragraph b of subdivision four of section nineteen hundred fifty and subdivision one of section nineteen hundred fifty-one of the education law; and

(C) shall be deemed to be a cooperative municipal service for purposes of subparagraph two of paragraph d of subdivision four of section nineteen hundred fifty of the education law.

(C) share services between school districts and other municipalities, including applications submitted by [~~boards of cooperative educational services~~] **NY polytechnical institutes** as defined in clause one of subparagraph (i) of this paragraph;

§ 245. Clause 1 of subparagraph (i) and clause 1 of subparagraph (v) of paragraph o of subdivision 10 of section 54 of the state finance law, clause 1 of subparagraph (i) as amended by section 7 of part GG of chapter 56 of the laws of 2009 and clause 1 of subparagraph (v) as added by section 7 of part O of chapter 56 of the laws of 2008, are amended to read as follows:

(1) For the purposes of this paragraph, "municipality" shall mean counties, cities, towns, villages, special improvement districts, fire districts, public libraries, association libraries, water authorities, sewer authorities, regional planning and development boards, school districts, and [~~boards of cooperative educational services~~] **NY polytechnical institutes**; provided, however, that for the purposes of this definition, a [~~board of cooperative educational services~~] **NY polytechnical institute** shall be considered a municipality only in instances where such [~~board of cooperative educational services~~] **NY polytechnical institute** advances a joint application on behalf of school districts and other municipalities within the [~~board of cooperative educational services~~] **NY polytechnical institute** region; provided, however, that any agreements with a [~~board of cooperative educational services~~] **NY poly-**

technical institute: shall not generate additional state aid; shall be deemed not to be a part of the program, capital and administrative budgets of the [~~board of cooperative educational services~~] NY polytechnical institute for the purposes of computing charges upon component school districts pursuant to subparagraph seven of paragraph b of subdivision four of section nineteen hundred fifty and subdivision one of section nineteen hundred fifty and subdivision one of section nineteen hundred fifty-one of the education law; and shall be deemed to be a cooperative municipal service for purposes of subparagraph two of paragraph d of subdivision four of section nineteen hundred fifty of the education law.

(1) Within the amounts appropriated therefor, subject to a plan developed in consultation with the commission on local government efficiency and competitiveness and approved by the director of the budget, the secretary of state may award competitive grants to municipalities to cover costs associated with a functional consolidation or a shared services agreement having great potential to achieve financial savings and serve as a model for other municipalities, including the consolidation of services on a multi-county basis, the consolidation of certain services countywide as identified in such plan, the creation of a regional entity empowered to provide multiple functions on a countywide or regional basis, the creation of a regional or city-county consolidated municipal government, the consolidation of school districts or supporting services for school districts encompassing the area served by a [~~board of cooperative educational services~~] NY polytechnical institute, or the creation of a regional smart growth compact or program.

§ 246. Clause 1 of subparagraph (i) of paragraph r of subdivision 10 of section 54 of the state finance law, as amended by chapter 470 of the laws of 2011, is amended to read as follows:

(1) For the purposes of this paragraph, "municipality" shall mean a county, city, town, village, special improvement district, fire district, public library, association library, or public library system as defined by section two hundred seventy-two of the education law, provided however, that for the purposes of this definition, a public library system shall be considered a municipality only in instances where such public library system advances a joint application on behalf of its member libraries, water authority, sewer authority, regional planning and development board, school district, or [~~board of cooperative educational services~~] NY polytechnical institute; provided, however, that for the purposes of this definition, a [~~board of cooperative educational services~~] NY polytechnical institute shall be considered a municipality only in instances where such [~~board of cooperative educational services~~] NY polytechnical institute advances a joint application on behalf of school districts and other municipalities within the [~~board of cooperative educational services~~] NY polytechnical institute region; provided, however, that any agreements with a [~~board of cooperative educational services~~] NY polytechnical institute: shall not generate additional state aid; shall be deemed not to be a part of the program, capital and administrative budgets of the [~~board of cooperative educational services~~] NY polytechnical institute for the purposes of computing charges upon component school districts pursuant to subdivision one and subparagraph seven of paragraph b of subdivision four of section nineteen hundred fifty and subdivision one of section nineteen hundred fifty-one of the education law; and shall be deemed to be a cooperative municipal service for purposes of subparagraph two of paragraph d of subdivision four of section nineteen hundred fifty of the education law.

§ 247. Clause 1 of subparagraph (i) of paragraph s of subdivision 10 of section 54 of the state finance law, as added by section 3 of part K of chapter 55 of the laws of 2013, is amended to read as follows:

(1) For the purposes of this paragraph, "municipality" shall mean a county, city, town, village, special improvement district, fire district, public library, association library, or public library system as defined by section two hundred seventy-two of the education law, provided however, that for the purposes of this definition, a public library system shall be considered a municipality only in instances where such public library system advances a joint application on behalf of its member libraries, water authority, sewer authority, regional planning and development board, school district, or [~~board of cooperative educational services~~] NY polytechnical institute; provided, however, that for the purposes of this definition, a [~~board of cooperative educational services~~] NY polytechnical institute shall be considered a municipality only in instances where such [~~board of cooperative educational services~~] NY polytechnical institute advances a joint application on behalf of school districts and other municipalities within the [~~board of cooperative educational services~~] NY polytechnical institute region; provided, however, that any agreements with a [~~board of cooperative educational services~~] NY polytechnical institute: shall not generate additional state aid; shall be deemed not to be a part of the program, capital and administrative budgets of the [~~board of cooperative educational services~~] NY polytechnical institute for the purposes of computing charges upon component school districts pursuant to subdivision one and subparagraph seven of paragraph b of subdivision four of section nineteen hundred fifty and subdivision one of section nineteen hundred fifty-one of the education law; and shall be deemed to be a cooperative municipal service for purposes of subparagraph two of paragraph d of subdivision four of section nineteen hundred fifty of the education law.

§ 248. Subdivision 2 of section 97-jjj of the state finance law, as added by section 86 of part A of chapter 436 of the laws of 1997, is amended to read as follows:

2. Notwithstanding any other law, rule or regulation to the contrary, the state comptroller is hereby authorized and directed to receive for deposit to the credit of the Rome school for the deaf account, revenues received pursuant to section forty three hundred fifty-seven of the education law and fees from school districts, [~~BOCES~~] NY polytechnical institutes, other entities and individuals for other appropriate education-related services.

§ 249. Subdivision 2 of section 97-kkk of the state finance law, as added by section 87 of part A of chapter 436 of the laws of 1997, is amended to read as follows:

2. Notwithstanding any other law, rule or regulation to the contrary, the state comptroller is hereby authorized and directed to receive for deposit to the credit of the Batavia school for the blind account, revenues received pursuant to section forty three hundred thirteen of the education law and fees from school districts, [~~BOCES~~] NY polytechnical institutes, other entities and individuals for other appropriate education-related services.

§ 250. Subdivision 2-a of section 99-c of the state finance law, as added by chapter 594 of the laws of 1983, is amended to read as follows:

2-a. Notwithstanding the provisions of subdivision two of this section or any other inconsistent provision of law, a school district or [~~board of cooperative educational services~~] NY polytechnical institute which is subject to the requirements of this section may repay its distribution

pursuant to a contractual agreement authorized by this section over a period of ten state fiscal years, in equal annual installments, payable by March thirty-first of each year. For school districts or [~~boards of cooperative educational services~~] NY polytechnical institutes which terminate the contractual agreement prior to July first, nineteen hundred eighty-three, the first installment shall be paid prior to March thirty-first, nineteen hundred eighty-four. For all other school districts and [~~boards of cooperative educational services~~] NY polytechnical institutes, the first installment shall be paid prior to March thirty-first first succeeding the termination of such agreement. The comptroller shall not withhold from state aid or other assistance due a school district or [~~board of cooperative educational services~~] NY polytechnical institute any amount of such distribution due and owing as certified by the department of civil service to the comptroller pursuant to subdivision two of this section, until and unless such school district or [~~board of cooperative educational services~~] NY polytechnical institute fails to make an installment payment authorized by this subdivision by March thirty-first of the applicable year. Upon failure of a school district or [~~board of cooperative educational services~~] NY polytechnical institute to make an installment payment, the withholding provisions of subdivision two of this section shall take effect to the extent of the amount of that unpaid installment. The comptroller shall within sixty days of the date on which this subdivision becomes effective or within sixty days of any subsequent termination of the contractual agreement notify the applicable school district or [~~board of cooperative educational services~~] NY polytechnical institute of the provisions of this subdivision, of the amount due and owing, and the amount of each installment.

§ 251. Subdivision 6 of section 188 of the state finance law, as amended by chapter 379 of the laws of 2010, is amended to read as follows:

6. "Local government" means any New York county, city, town, village, school district, [~~board of cooperative educational services~~] NY polytechnical institute, local public benefit corporation or other municipal corporation or political subdivision of the state, or of such local government.

§ 252. Paragraph (g) of subdivision 1 of section 5-a of the tax law, as amended by section 1 of part L of chapter 62 of the laws of 2006, is amended to read as follows:

(g) "Person" means an individual, partnership, limited liability company, society, association, joint stock company, or corporation; provided, however, that a "person" shall not include a "public corporation" or an "education corporation," as such terms are defined in section sixty-six of the general construction law, a not-for-profit corporation whose contracts are subject to approval in accordance with article eleven-B of the state finance law, a [~~board of cooperative educational services~~] NY polytechnical institute created pursuant to article forty of the education law, or a soil and water conservation district created pursuant to section five of the soil and water conservation districts law.

§ 253. Paragraph 4 of subdivision (b) of section 800 of the tax law, as amended by section 1 of part YY of chapter 59 of the laws of 2015, is amended to read as follows:

(4) Any eligible educational institution. An "eligible educational institution" shall mean any public school district, a [~~board of cooperative educational services~~] NY polytechnical institute, a public elemen-

tary or secondary school, a school approved pursuant to article eighty-five or eighty-nine of the education law to serve students with disabilities of school age, or a nonpublic elementary or secondary school that provides instruction in grade one or above, all public library systems as defined in subdivision one of section two hundred seventy-two of the education law, and all public and free association libraries as such terms are defined in subdivision two of section two hundred fifty-three of the education law.

§ 254. Subdivision 4 of section 198 of the town law, as amended by chapter 798 of the laws of 1970, is amended to read as follows:

4. Park districts. After a park district shall have been established, the town board shall proceed to acquire by purchase or condemnation of the property described in the petition or in the final order, if the town board proceeded under article twelve-A of this chapter, for the establishment of such park district, and, thereafter the board may erect or cause to be erected thereon non-commercial buildings and structures and it may purchase necessary equipment and otherwise improve such property for park purposes, as the board may determine. In existing park districts, the town board may acquire by purchase, condemnation or lease, property for public parking places and maintain the same in accordance with the provisions of subdivision five hereof, without the establishment of a public parking district. No property situated within an incorporated village or city shall be acquired in any manner for park purposes, unless the permission and consent of the board of trustees of such village or the common council or legislative body of such city, is first obtained; provided that such permission and consent, if obtained subsequent to the acquisition of any such property, shall be effective for all purposes and to the same extent as though obtained prior to such acquisition. The town board may sell, convey and transfer any property acquired for park purposes at such an amount as it may determine but not less than the original cost thereof, and apply the proceeds of such sale, conveyance or transfer to the purchase of other property for park purposes and improve such property in the manner provided herein. The town board of the town of Oyster Bay may also convey and transfer to the state of New York or to any municipal or district corporation as defined by section three of the general corporation law, any property acquired for park purposes, or any part thereof, when no longer needed, either without consideration or for such consideration and upon such terms and conditions as the town board may determine and the resolution authorizing such conveyance or transfer shall be subject to a permissive referendum. The town board of the town of Hempstead may lease to the [~~board of cooperative educational services~~] **NY polytechnical institute**, as defined by article forty of the education law, any property acquired for park purposes, or any part thereof, when no longer needed, either without consideration or for such consideration and upon such terms and conditions as the town board may determine. The town board may employ such persons and expend such amount of money as may be necessary for the proper maintenance of such park for the use, convenience and enjoyment of the inhabitants of such park district, and, may in its discretion, grant licenses and privileges for any use of such park and park property which contributes thereto. The town board may fix a reasonable charge for the use of such park by all persons other than inhabitants and taxpayers of such park district, and, in addition, the board may adopt general rules and regulations for the government and protection of the park and all property therein, and, for the enforcement thereof, provide that the violator of any rule or regulation relating to the park or

property therein shall be guilty of a misdemeanor and shall, on conviction, in the county of Nassau before a judge of the district court, and elsewhere before a justice of the peace, be punished by a fine not exceeding fifty dollars, or, in default of payment of such fine, by imprisonment not exceeding thirty days.

§ 255. Subdivision (a) of section 1174 of the vehicle and traffic law, as amended by chapter 597 of the laws of 1990, is amended to read as follows:

(a) The driver of a vehicle upon a public highway, street or private road upon meeting or overtaking from either direction any school bus marked and equipped as provided in subdivision twenty of section three hundred seventy-five of this chapter which has stopped on the public highway, street or private road for the purpose of receiving or discharging any passengers, or which has stopped because a school bus in front of it has stopped to receive or discharge any passengers, shall stop the vehicle before reaching such school bus when there is in operation on said school bus a red visual signal as specified in subdivision twenty of section three hundred seventy-five of this chapter and said driver shall not proceed until such school bus resumes motion, or until signaled by the driver or a police officer to proceed. For the purposes of this section, and in addition to the provisions of section one hundred thirty-four of this chapter, the term "public highway" shall mean any area used for the parking of motor vehicles or used as a driveway located on the grounds of a school or of a [~~board of cooperative educational services~~] **NY polytechnical institute** facility or any area used as a means of access to and egress from such school or facility.

§ 256. Subparagraph (iii) of paragraph (f) of subdivision 2 and subparagraph (ii) of paragraph (a) of subdivision 5 of section 16-l of section 1 of chapter 174 of the laws of 1968, constituting the New York state urban development corporation act, as added by chapter 471 of the laws of 2001, are amended to read as follows:

(iii) For the purposes of this subdivision "vocational education agency" shall mean a community college or [~~board of cooperative educational services~~] **NY polytechnical institute** operating within the state.

(ii) "vocational education agency" shall mean a community college or [~~board of cooperative educational services~~] **NY polytechnical institute** operating within the state; and

§ 257. This act shall take effect immediately; provided, however:

(a) the amendments to subparagraph 2 of paragraph d of subdivision 4 of section 1950 of the education law made by section two of this act shall not affect the expiration of such subparagraph and shall be deemed to expire therewith;

(b) the amendments to subparagraph 10 of paragraph h of subdivision 4 of section 1950 of the education law made by section two of this act shall not affect the repeal of such subparagraph and shall be deemed repealed therewith;

(c) the amendments to subparagraph (a) of paragraph p of subdivision 4 of section 1950 of the education law made by section two of this act shall be subject to the expiration and revision of such subparagraph pursuant to section 4 of chapter 374 of the laws of 2014, as amended, when upon such date the provisions of section three of this act shall take effect;

(d) the amendments to subparagraph (c) of paragraph p of subdivision 4 of section 1950 of the education law made by section two of this act shall not affect the repeal of such subparagraph and shall be deemed repealed therewith;

(e) the amendments to paragraph ll of subdivision 4 of section 1950 of the education law made by section two of this act shall not affect the expiration of such subparagraph and shall be deemed to expire therewith;

(f) the amendments to section 159-c of the civil service law made by section seventeen of this act shall not affect the repeal of such section and shall be deemed repealed therewith;

(g) the amendments to paragraphs (d) and (e) of subdivision 30 of section 305 of the education law made by section thirty-one of this act shall not affect the repeal of such paragraphs and shall be deemed repealed therewith;

(h) section fifty-five of this act shall take effect on the same date and in the same manner as section 1 of chapter 672 of the laws of 2007, takes effect;

(i) section fifty-nine of this act shall take effect on the same date and in the same manner as section 1 of chapter 533 of the laws of 2022, takes effect;

(j) the amendments to subdivision 3 of section 3035 of the education law made by section one hundred fourteen of this act shall be subject to the expiration and revision of such subdivision pursuant to section 12 of chapter 147 of the laws of 2001, as amended, when upon such date the provisions of section one hundred fifteen of this act shall take effect;

(k) section one hundred eighteen of this act shall take effect on the same date and in the same manner as section 4705 of part PP of chapter 56 of the laws of 2022, takes effect;

(l) the amendments to subdivision 4-a of section 3208 of the education law made by section one hundred twenty of this act shall not affect the expiration of such section and shall be deemed to expire therewith;

(m) section one hundred twenty-five of this act shall take effect on the same date and in the same manner as section 5 of part PP of chapter 56 of the laws of 2022, take effect;

(n) the amendments to section 3601 of the education law by section one hundred twenty-six of this act shall be subject to the expiration and revision of such section when upon such date the provisions of section one hundred twenty-seven of this act shall take effect;

(o) section one hundred sixty-five of this act shall take effect on the same date and in the same manner as section 1 of chapter 795 of the laws of 2022, takes effect;

(p) the amendments to subdivision 1 of section 103 of the general municipal law made by section one hundred ninety-two of this act shall be subject to the expiration and revision of such subdivision pursuant to subdivision (a) of section 41 of part X of chapter 62 of the laws of 2003, as amended, when upon such date the provisions of section one hundred ninety-three of this act shall take effect;

(q) the amendments to paragraph (a) of subdivision 1 of section 109-b of the general municipal law made by section one hundred ninety-four of this act shall not affect the repeal of such section and shall be deemed repealed therewith;

(r) the amendments to subparagraph (iii) of paragraph (c) of subdivision 2 of section 591-a of the labor law made by section two hundred eight of this act shall not affect the repeal of such section and shall be deemed repealed therewith;

(s) the amendments to subdivision 9 of section 211 of the retirement and social security law made by section two hundred thirty-four of this act shall not affect the repeal of such subdivision and shall be deemed repealed therewith; and

(t) Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.