

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:

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

4 ARTICLE 40

5 [~~BOARDS OF COOPERATIVE EDUCATIONAL SERVICES~~] NY POLYTECHNICAL
6 INSTITUTES

7 § 2. Section 1950 of the education law, as amended by chapter 583 of
8 the laws of 1955 and as renumbered by chapter 378 of the laws of 1972,
9 subdivision 1 as amended by chapter 396 of the laws of 1974, subdivisions
10 2 and 2-b and paragraphs a, b, and o of subdivision 4 as amended
11 by chapter 295 of the laws of 1993, subdivision 2-a as amended and
12 subparagraph 6 of paragraph b of subdivision 4 as added by chapter 602
13 of the laws of 1994, paragraphs b and c of subdivision 2-a, subparagraph
14 1 of paragraph a, subparagraph 1 of paragraph b, and paragraphs d and jj
15 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.

LBD10508-01-3

1 graph f of subdivision 2-a as amended by chapter 61 of the laws of 2016,
2 subdivision 3 as amended by chapter 205 of the laws of 1969, subpara-
3 graph 2 of paragraph a of subdivision 4 as amended by section 52-1 of
4 part YYY of chapter 59 of the laws of 2019, subparagraph 3 of paragraph
5 a of subdivision 4 as added by chapter 698 of the laws of 2003, subpara-
6 graph 5 of paragraph b and paragraphs c and kk of subdivision 4 as
7 amended by chapter 378 of the laws of 2010, subparagraph 7 of paragraph
8 b of subdivision 4 as amended by chapter 739 of the laws of 2004,
9 subparagraph 2 of paragraph d of subdivision 4 as amended by chapter 396
10 of the laws of 2012, subparagraph 2-a of paragraph d of subdivision 4 as
11 added by section 10-e of part L of chapter 405 of the laws of 1999,
12 paragraph f of subdivision 4 as amended by chapter 454 of the laws of
13 1974, paragraph h of subdivision 4 as amended and paragraphs t, u, v,
14 and x of subdivision 4 as added by chapter 795 of the laws of 1967,
15 subparagraph 2 of paragraph h of subdivision 4 as amended by chapter 422
16 of the laws of 2012, subparagraph 4 of paragraph h of subdivision 4 as
17 amended by chapter 17 of the laws of 2011, subparagraphs 5 and 6 of
18 paragraph h and paragraph gg of subdivision 4 as amended by chapter 301
19 of the laws of 1996, subparagraph 7 of paragraph h of subdivision 4 as
20 added by chapter 395 of the laws of 1984, subparagraph 8 of paragraph h
21 of subdivision 4 as amended by section 1 of part J of chapter 56 of the
22 laws of 2015, subparagraph 10 of paragraph h of subdivision 4 as amended
23 by chapter 67 of the laws of 2019, subparagraph 11 of paragraph h of
24 subdivision 4 as added by chapter 181 of the laws of 2013, subparagraph
25 12 of paragraph h of subdivision 4 as added by chapter 331 of the laws
26 of 2019, subparagraph 13 of paragraph h of subdivision 4 as added by
27 chapter 298 of the laws of 2020, paragraph k of subdivision 4 as amended
28 by chapter 263 of the laws of 2005, paragraph p of subdivision 4 as
29 amended by chapter 404 of the laws of 1983, subparagraph (a) as amended
30 and subparagraph (c) of paragraph p of subdivision 4 as added by chapter
31 374 of the laws of 2014, paragraph q of subdivision 4 as separately
32 amended by chapters 367 and 563 of the laws of 1979, paragraphs r and w
33 of subdivision 4 as amended by chapter 53 of the laws of 1990, paragraph
34 s of subdivision 4 as added by chapter 983 of the laws of 1957, para-
35 graph y of subdivision 4 as added by chapter 94 of the laws of 1974,
36 paragraph y of subdivision 4 as added by chapter 328 of the laws of
37 1974, paragraph z of subdivision 4 as added by chapter 786 of the laws
38 of 1977, paragraph aa of subdivision 4 as added by chapter 595 of the
39 laws of 1978, paragraph bb of subdivision 4 as added by chapter 53 of
40 the laws of 1984, subparagraph 3 of paragraph bb of subdivision 4 as
41 amended by section 2 of part A of chapter 60 of the laws of 2000, para-
42 graphs cc and ee of subdivision 4 as amended by chapter 676 of the laws
43 of 2004, paragraph dd of subdivision 4 as added by chapter 291 of the
44 laws of 1985, paragraph ff of subdivision 4 as added by chapter 525 of
45 the laws of 1986, paragraphs dd and ff as relettered and paragraph hh
46 of subdivision 4 as added by chapter 353 of the laws of 1988, paragraph
47 gg of subdivision 4 as amended by chapter 301 of the laws of 1996, para-
48 graph ii of subdivision 4 as added by chapter 274 of the laws of 1990,
49 paragraph ll of subdivision 4 as amended by chapter 147 of the laws of
50 2001, subparagraph b of paragraph ll of subdivision 4 as amended by
51 chapter 179 of the laws of 2009, paragraph mm of subdivision 4 as added
52 by chapter 180 of the laws of 2000, paragraph nn of subdivision 4 as
53 added by chapter 335 of the laws of 2005, paragraph oo of subdivision 4
54 as added by section 1 of part D of chapter 56 of the laws of 2018,
55 subdivision 4-a as added by chapter 377 of the laws of 2001, subdivision
56 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

1 duty of such meeting by order of such meeting to divide into a suffi-
2 cient number of classes the terms of the members of the [~~board of coop-~~
3 ~~erative educational services~~] NY polytechnical institute so that as
4 nearly as possible an equal number of members shall be elected to the
5 board each year. Notwithstanding any other provision of this subdivi-
6 sion, upon the decrease of the full term of members from five to three
7 years, the [~~board of cooperative educational services~~] NY polytechnical
8 institute shall direct that one or more members be elected for a term of
9 one, two or four years in order to assure, as nearly as possible, that
10 an equal number of members will be elected to the [~~board~~] institute each
11 year. Members of such [~~board~~] institute shall be reimbursed for neces-
12 sary expenses for attending meetings of such [~~boards~~] institutes. The
13 district superintendent shall be the executive officer of the [~~board~~]
14 institute, and where a [~~board of cooperative educational services~~] NY
15 polytechnical institute comprises two or more supervisory districts the
16 district superintendents, together with the president of the [~~board of~~
17 ~~cooperative educational services~~] NY polytechnical institute, shall act
18 as an executive committee.

19 2-a. a. Notwithstanding any other provision of law, commencing on and
20 after the first day of November, nineteen hundred ninety-three, the
21 members of a [~~board of cooperative educational services~~] NY polytechni-
22 cal institute shall be elected in accordance with the provisions of this
23 subdivision.

24 b. Not later than the first day of February of each year the president
25 of the [~~board of cooperative educational services~~] NY polytechnical
26 institute shall designate a single date on or after the sixteenth day
27 and on or before the thirtieth day of April on which each component
28 board, other than the board of education of a central high school
29 district, shall conduct a public meeting which may be a regular or
30 special meeting, for the purpose of electing members of the [~~board of~~
31 ~~cooperative educational services~~] NY polytechnical institute and adopt-
32 ing a public resolution concerning the approval or disapproval of the
33 tentative administrative budget. In the case of a central high school
34 district, such public meeting shall be held on the regular business day
35 next following the date designated by the president of the [~~board of~~
36 ~~cooperative educational services~~] NY polytechnical institute. Nomination
37 of a person to be elected [~~to a board of cooperative educational~~
38 ~~services~~] as a member of a NY polytechnical institute shall be made by
39 at least one component district by board resolution. Such resolution
40 shall be transmitted in writing to the clerk of the [~~board of cooper-~~
41 ~~ative educational services~~] NY polytechnical institute at least thirty
42 days prior to the date of the election as designated by the president of
43 the [~~board of cooperative educational services~~] NY polytechnical insti-
44 tute. No nomination of a person to be elected [~~to a board of cooper-~~
45 ~~ative educational services~~] as a member of a NY polytechnical institute
46 from a component district which currently has a resident serving [~~on~~] as
47 a member of such [~~board~~] institute shall be accepted unless such
48 member's office is to expire at the end of the current year, unless the
49 [~~size~~] number of members of such [~~board~~] institute exceeds the number
50 of component school districts or unless an unrepresented district
51 declines to make a nomination. For purposes of this subdivision, any
52 such person or [~~board~~] institute member nominated by a special act
53 school district, a central high school district or any district which is
54 a component of a central high school district shall be deemed a resident
55 of the district that nominated him or her only. Furthermore, it shall
56 be the duty of the [~~board of cooperative educational services~~] NY poly-

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

6 c. Members of the ~~[boards of cooperative educational services]~~ NY
7 polytechnical institutes shall be elected by resolution of the component
8 boards on a ballot prepared by the clerk of the ~~[board of cooperative~~
9 ~~educational services]~~ NY polytechnical institute. Such ballot shall be
10 mailed to each component district no later than fourteen days prior to
11 the date designated as the day of the election by the president of the
12 ~~[board of cooperative educational services]~~ NY polytechnical institute.
13 Each component district shall be entitled to one vote for each vacant
14 office to be filled. A component board ~~[may]~~ shall not cast more than
15 one vote for any candidate. The candidates receiving a plurality of the
16 votes cast for the several offices shall be elected, provided, however,
17 that no more than one person residing in a particular component district
18 may be elected to serve as a member of a ~~[board of cooperative educa-~~
19 ~~tional services]~~ NY polytechnical institute at one time unless the
20 number of ~~[seats on such board]~~ members of such institute exceeds the
21 number of component districts or unless an unrepresented district
22 declines to make a nomination, provided further that a person nominated
23 by a special act school district, a central high school district or a
24 component of a central high school district shall be deemed a resident
25 of the nominating district only for this purpose. Where more than one
26 position is to be filled by such election and there is a variance in the
27 length of the terms for which such offices are to be filled as author-
28 ized by this subdivision, or one or more persons are to be elected for a
29 full term or terms and one or more persons are to be elected for the
30 unexpired portion of a term or terms, or both, the candidate receiving
31 the greatest number of votes shall be entitled to the longest term and
32 candidates receiving the next highest number of votes, to the several
33 offices in decreasing order of the length of such terms or unexpired
34 portions of such terms. Each component school district shall mail or
35 deliver its completed ballot to the clerk of the ~~[board of cooperative~~
36 ~~educational services]~~ NY polytechnical institute no later than one busi-
37 ness day after the election.

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

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

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

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

20 2-b. Where the commissioner of education has established or hereafter
21 establishes a [~~board of cooperative educational services~~] NY polytechni-
22 cal institute for the purpose of carrying out a program of shared educa-
23 tional services in the schools of two or more supervisory districts, the
24 commissioner may by order designate the number of members of such
25 [~~board~~] institute which shall not be less than five nor more than
26 fifteen, or may by order increase the number of members of such [~~board~~]
27 institute to a maximum of fifteen or decrease the number of members to a
28 minimum of five. Except for elections conducted pursuant to subdivision
29 two-a of this section, and the adoption of a public resolution regarding
30 the approval or disapproval of the tentative administrative budget
31 pursuant to subparagraph five of paragraph b of subdivision four of this
32 section, component districts having more than five board of education
33 members shall be limited to five votes on any matters relating to the
34 district superintendency or [~~board of cooperative educational services~~]
35 membership of the NY polytechnical institute.

36 Boards of education and school trustees, shall elect the members of
37 such [~~board of cooperative educational services~~] NY polytechnical insti-
38 tute pursuant to subdivision two-a of this section. A full term shall be
39 three years to serve from July first next following election. It shall
40 be the duty of such meeting by order of such meeting to divide into a
41 sufficient number of classes the terms of the members of the [~~board of~~
42 ~~cooperative educational services~~] NY polytechnical institute so that as
43 nearly as possible an equal number of members shall be elected to the
44 board each year. Notwithstanding any other provision of this subdivi-
45 sion, upon the decrease of the full term of members from five to three
46 years, the [~~board of cooperative educational services~~] NY polytechnical
47 institute shall direct that one or more members be elected for a term of
48 one, two or four years in order to assure, as nearly as possible, that
49 an equal number of members will be elected to the [~~board~~] institute each
50 year. Members of [~~boards of cooperative educational services~~] NY poly-
51 technical institutes shall be reimbursed for necessary expenses for
52 attending meetings of such [~~board~~] institute. Where the [~~board of coop-~~
53 ~~erative educational services~~] NY polytechnical institute membership
54 comprises two or more supervisory districts, the district superinten-
55 dents, together with the president of the [~~board of cooperative educa-~~

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

3 3. The [~~boards of cooperative educational services~~] NY polytechnical
4 institutes in any two or more supervisory districts may cooperate in the
5 provision of any of the services authorized by subdivision four of this
6 section. In such cases, the district superintendents of the respective
7 supervisory districts shall serve as an executive committee to carry out
8 the decision of the [~~boards of cooperative educational services~~] NY
9 polytechnical institutes in their respective districts. Agreements may
10 be made by such [~~boards~~] institutes arranging for such cooperative
11 services on such terms and conditions as may be agreed upon and provid-
12 ing the method of allocation of the cost thereof. Such agreements may be
13 made for such period as may be approved by the commissioner but not to
14 exceed ten years. The terms of such agreement shall be binding upon such
15 [~~boards~~] institutes and their component districts for the period speci-
16 fied in such agreement.

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

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

30 (2) Notwithstanding any inconsistent provision of law in no event
31 shall the total salary including amounts paid pursuant to section twen-
32 ty-two hundred nine of this chapter for district superintendents for the
33 two thousand nineteen--two thousand twenty school year or any subsequent
34 school year exceed: (i) one hundred six percent of the salary cap appli-
35 cable in the preceding school year, or (ii) ninety-eight percent of that
36 earned by the commissioner in the two thousand thirteen--two thousand
37 fourteen state fiscal year, whichever is less. In no event shall any
38 district superintendent be permitted to accumulate vacation or sick
39 leave credits in excess of the vacation and sick leave credits
40 managerial/confidential employees of the state are permitted to accumu-
41 late pursuant to regulations promulgated by the state civil service
42 commission, nor may any district superintendent at the time of sepa-
43 ration from service be compensated for accrued and unused vacation cred-
44 its or sick leave, or use accrued and unused sick leave for retirement
45 service credit or to pay for health insurance in retirement, at a rate
46 in excess of the rate permitted to managerial/confidential employees of
47 the state pursuant to regulations of the state civil service commission.
48 In addition to the payment of supplementary salary, a [~~board of cooper-~~
49 ~~ative educational services~~] NY polytechnical institute may provide for
50 the payment of all or a portion of the cost of insurance benefits for
51 the district superintendent of schools, including but not limited to
52 health insurance, disability insurance, life insurance or any other form
53 of insurance benefit made available to managerial/confidential employees
54 of the state; provided that any such payments for whole life, split
55 dollar or other life insurance policies having a cash value shall be
56 included in the total salary of the district superintendent for purposes

1 of this subparagraph, and provided further that any payments for the
2 employee contribution, co-pay or uncovered medical expenses under a
3 health insurance plan also shall be included in the total salary of the
4 district superintendent. Notwithstanding any other provision of law,
5 payments for such insurance benefits may be based on the district super-
6 intendent's total salary or the amount of his or her supplementary sala-
7 ry only. Any payments for transportation or travel expenses in excess of
8 actual, documented expenses incurred in the performance of duties for
9 the [~~board of cooperative educational services~~] NY polytechnical insti-
10 tute or the state, and any other lump sum payment not specifically
11 excluded from total salary pursuant to this subparagraph, shall be
12 included in the total salary of the district superintendent for purposes
13 of this subparagraph. Nothing herein shall prohibit a district super-
14 intendent from waiving any rights provided for in an existing contract
15 or agreement as hereafter prohibited in favor of revised compensation or
16 benefit provisions as permitted herein. In no event shall the terms of
17 the district superintendent's contract, including any provisions relat-
18 ing to an increase in salary, compensation or other benefits, be contin-
19 gent upon the terms of any contract or collective bargaining agreement
20 between the [~~board of cooperative educational services~~] NY polytechnical
21 institute and its teachers or other employees. The commissioner may
22 adopt regulations for the purpose of implementing the provisions of this
23 paragraph.

24 (3) Notwithstanding any provision of law to the contrary, any employee
25 of a [~~board of cooperative educational services~~] NY polytechnical insti-
26 tute who is appointed as the district superintendent of schools shall
27 vacate his or her prior position with the [~~board of cooperative educa-~~
28 ~~tional services~~] NY polytechnical institute upon appointment as district
29 superintendent, and no district superintendent shall have a contract of
30 employment with the [~~board of cooperative educational services~~] NY poly-
31 technical institute other than a contract entered pursuant to this para-
32 graph.

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

1 additions, provided that such budget shall contain a rental, operations
2 and maintenance section that will include base rent costs, total rent
3 costs, operations and maintenance charges, cost per square foot for each
4 facility rented or leased by such [~~board of cooperative educational~~
5 ~~services~~] NY polytechnical institute, and any and all expenditures asso-
6 ciated with custodial salaries and benefits, service contracts,
7 supplies, utilities, maintenance and repairs for such facilities, and
8 that such budget shall include the annual debt service and total debt
9 for all facilities financed by bonds or notes of the component
10 districts, annual rental and lease payments and total rental and lease
11 costs for all facilities rented by such [~~board~~] institute; such capital
12 budget shall also include expenditures resulting from court judgments
13 and orders from administrative bodies or officers, and, to the extent a
14 [~~board's~~] institute's administrative budget has been adopted, one-time
15 costs incurred in the first year in which an employee retires. The
16 administrative budget shall include, but need not be limited to, office
17 and central administrative expenses, traveling expenses and salaries and
18 benefits of supervisors and administrative personnel necessary to carry
19 out the central administrative duties of the supervisory district, any
20 and all expenditures associated with the [~~board~~] institute, the office
21 of district superintendent, general administration, central support
22 services, planning, and all other administrative activities. Such admin-
23 istrative budget shall also specify the amount of supplementary salary
24 and benefits, if any, which the [~~board~~] institute determines should be
25 paid to the district superintendent of schools and the [~~board~~] institute
26 shall append to such budget a detailed statement of the total compen-
27 sation to be paid the district superintendent of schools by the [~~board~~]
28 institute, including a delineation of the salary, annualized cost of
29 benefits and any in-kind or other form of remuneration to be paid, plus,
30 commencing with the presentation of the budget for the nineteen hundred
31 ninety-seven--ninety-eight school year, a list of items of expense
32 eligible for reimbursement on expense accounts in the ensuing school
33 year and a statement of the amount of expenses paid to the district
34 superintendent of schools in the prior year for purposes of carrying out
35 his or her official duties.

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

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

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

1 notice shall be posted in at least twenty of the most public places in
2 the [~~board of cooperative educational services~~] NY polytechnical insti-
3 tute at least fourteen days before such meeting. Such notice shall state
4 that the tentative budgets will be presented by the [~~board of cooper-~~
5 ~~ative educational services~~] NY polytechnical institute to the trustees
6 or board of education of each component school district of the [~~board of~~
7 ~~cooperative educational services~~] NY polytechnical institute in attend-
8 ance at such meeting. Such notice shall also include a summary of the
9 tentative administrative, capital and program budgets in a form
10 prescribed by the commissioner. The summary of the administrative budget
11 shall include, but shall not be limited to, the salary and benefits of
12 supervisors and administrative personnel of the [~~board of cooperative~~
13 ~~educational services~~] NY polytechnical institute and the total compen-
14 sation payable to the district superintendent of schools. Such notice
15 shall also indicate when a copy of the tentative budgets will be avail-
16 able for inspection by the public during regular business hours at one
17 or more locations specified in the notice.

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

28 If the resolutions adopted by the trustees or boards of education of a
29 majority of the component school districts of the [~~board of cooperative~~
30 ~~educational services~~] NY polytechnical institute actually voting approve
31 the tentative administrative budget, the [~~board of cooperative educa-~~
32 ~~tional services~~] NY polytechnical institute may adopt the tentative
33 administrative budget without modification. If a majority of the compo-
34 nent school districts actually voting fail to adopt resolutions approv-
35 ing such tentative administrative budget, or if the number of component
36 school districts approving the budget equals the number of school
37 districts disapproving the budget, the [~~board of cooperative educational~~
38 ~~services~~] NY polytechnical institute shall prepare and adopt a contin-
39 gency administrative budget which shall not exceed the amount of the
40 administrative budget of the [~~board of cooperative educational services~~]
41 NY polytechnical institute for the previous school year except to accom-
42 modate expenditure increases attributable to supplemental retirement
43 allowances payable pursuant to section five hundred thirty-two of this
44 chapter and section seventy-eight of the retirement and social security
45 law.

46 (6) Notwithstanding any other provision of this section, any component
47 school district which will be transferred to a new supervisory district
48 as of July first next succeeding the date designated for the vote on the
49 tentative administrative budget shall vote on the administrative budget
50 of the [~~board of cooperative educational services~~] NY polytechnical
51 institute to which it will be transferred, as if such transfer had
52 already occurred. Where the commissioner has issued an order for the
53 merger of two or more supervisory districts to take effect on July
54 first, in the school year immediately preceding the merger, the [~~boards~~
55 ~~of cooperative educational services~~] NY polytechnical institutes to be
56 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

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

12 (i) The three methods of apportionment of administrative and capital
13 expenses are as follows: (1) in accordance with the ratio which the
14 component school district's total full or true valuation in effect at
15 the time of the adoption of the budget bears to the total true or full
16 valuation of all of the component school districts within the [~~board of~~
17 ~~cooperative educational services~~] NY polytechnical institute, (2) by
18 dividing the total amount of such administrative and capital expenses by
19 the total weighted average daily attendance of pupils residing in all
20 component school districts contained within the [~~board of cooperative~~
21 ~~educational services~~] NY polytechnical institute and attending a public
22 school and multiplying by the weighted average daily attendance of such
23 resident pupils in each of the component school districts, or (3) by
24 dividing the total amount of such administrative and capital expenses by
25 the total resident public school district enrollment of all component
26 school districts contained within the [~~board of cooperative educational~~
27 ~~services~~] NY polytechnical institute and multiplying by the resident
28 public school district enrollment of the component school districts. In
29 addition, in a merged supervisory district in the county of Suffolk,
30 where a combination of the first and second methods could be applied as
31 provided in the opening paragraph of this subparagraph may be utilized.
32 In the Putnam/North Westchester [~~board of cooperative educational~~
33 ~~services~~] NY polytechnical institute, where a combination of the first
34 and second methods is utilized, the percentages shall be used as
35 follows: for the two thousand five-two thousand six school year, ninety
36 percent using true valuation and ten percent using the weighted average
37 daily attendance; for the two thousand six-two thousand seven school
38 year, eighty percent using true valuation and twenty percent using the
39 weighted average daily attendance; for the two thousand seven-two thou-
40 sand eight school year, seventy percent using true valuation and thirty
41 percent using the weighted average daily attendance; for the two thou-
42 sand eight-two thousand nine school year, sixty percent using true valu-
43 ation and forty percent using the weighted average daily attendance; and
44 for the two thousand nine-two thousand ten school year and any school
45 year thereafter, fifty percent using true valuation and fifty percent
46 using the weighted average daily attendance.

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

1 districts and shall pay such amount to the treasurer of the [~~board of~~
2 ~~cooperative educational services~~] NY polytechnical institute and shall
3 be paid out by the treasurer upon the orders of the [~~board of cooper-~~
4 ~~ative educational services~~] NY polytechnical institute issued and
5 executed in pursuance of a resolution of said [~~board~~] institute.

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

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

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

52 (2-a) Cost effectiveness of instructional and non-instructional tech-
53 nology. Notwithstanding any other provision of this section to the
54 contrary, expenditures incurred pursuant to purchase and/or installation
55 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,

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

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

35 (5) Operating plan and budget; unanticipated shared services. The
36 [~~board of cooperative educational services~~] NY polytechnical institute
37 shall submit to the commissioner on or before the first day of June an
38 operating plan and budget based upon the request for services which it
39 has received from its component school districts. Such submission shall
40 include the budgeted unit cost of programs and services based on both
41 the local and the statewide uniform unit cost methodologies for each
42 program and service offered by the [~~board of cooperative educational~~
43 ~~services~~] NY polytechnical institute. A [~~board of cooperative educa-~~
44 ~~tional services~~] NY polytechnical institute which receives requests for
45 unanticipated shared services subsequent to the adoption of its budget
46 shall submit an amended operating plan including such additional shared
47 services to the commissioner, together with a statement from the chief
48 school administrator of each school district which has requested such
49 services indicating the availability of funds in the budget of the
50 school district to pay for such district's share of the cost of such
51 additional services. Such amended plan shall be submitted in the manner
52 and form prescribed by regulations of the commissioner. The [~~board of~~
53 ~~cooperative educational services~~] NY polytechnical institute shall allo-
54 cate the cost of providing such additional shared services among the
55 component school districts which have requested such services, and shall
56 contract with the component school districts for such services. A copy

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

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

11 f. Receive all reimbursements from public funds on account of the
12 cooperative educational services performed under its jurisdiction, and
13 allocate the costs of cooperative educational activities and shared
14 services including administrative and clerical costs against the compo-
15 nent school districts and receive and disburse the same, and to appor-
16 tion surpluses and assessments for services on the basis of partic-
17 ipation to those components and to those school districts outside the
18 [~~board of cooperative educational services~~] NY polytechnical institute
19 contracting for such programs, and to apportion surpluses and assess-
20 ments for administrative expenses to all component districts. All such
21 apportionments shall be made annually.

22 g. Borrow money in anticipation of revenue due the [~~board of cooper-~~
23 ~~ative educational services~~] NY polytechnical institute.

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

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

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

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

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

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

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

20 (7) To enter into contracts with the state of New York, any community
21 college, agricultural and technical college, or public agency for the
22 purpose of providing electronic data processing services to such agen-
23 cies. Any such proposed contract shall be subject to the review and
24 approval of the commissioner, who may only approve such proposed
25 contract when, in his opinion, such contract will not disrupt the level
26 of services provided to component school districts and will result in a
27 more economical utilization of existing ~~[board of cooperative educa-~~
28 ~~tional services]~~ NY polytechnical institute computer facilities. The
29 commissioner shall issue a finding in writing in making all determi-
30 nations pursuant to this subparagraph.

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

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

1 or a degree granting institution of higher education, located outside of
2 New York state; provided further for purposes of providing services
3 authorized in clauses (c), (d) and (e) of this subparagraph, out-of-
4 state shall also include schools located outside the continental United
5 States. Any contract shall be approved by the commissioner, the [~~board~~
6 ~~of cooperative educational services~~] NY polytechnical institute and the
7 district superintendent of schools, provided such services are made
8 available to any school district within the supervisory district and
9 that the requirements of this subparagraph are met. Contracts must be
10 executed by the [~~board of cooperative educational services~~] NY polytech-
11 nical institute and the trustees or boards of education of such out-of-
12 state schools and shall only authorize out-of-state students to partic-
13 ipate in an instructional program if such services are available to all
14 eligible students in New York state schools in the component districts
15 and the number of participating out-of-state students only comprises up
16 to five percent of the total number of the total enrolled students in
17 the instructional program at the [~~board of cooperative educational~~
18 ~~services~~] NY polytechnical institute and that the [~~board of cooperative~~
19 ~~educational services~~] NY polytechnical institute spends no more than
20 thirty percent of its employees' time on services to out-of-state
21 schools pursuant to this subparagraph. To be approved by the commis-
22 sioner, the contract and any business plan, shall demonstrate that any
23 services provided to out-of-state schools pursuant to this subparagraph
24 shall not result in any additional costs being imposed on component
25 school districts and that any payments received by the [~~board of cooper-~~
26 ~~ative educational services~~] NY polytechnical institute for services
27 provided in this subparagraph that exceed any cost to the [~~board of~~
28 ~~cooperative educational services~~] NY polytechnical institute for provid-
29 ing such services shall be applied to reduce the costs of aidable shared
30 services allocated to component school districts pursuant to paragraph d
31 of this subdivision and shall also be applied to reduce the approved
32 cost of services pursuant to subdivision five of this section. Services
33 provided by a [~~board of cooperative educational services~~] NY polytechni-
34 cal institute to component districts at the time of approval of a
35 contract under this paragraph shall not be reduced or eliminated solely
36 due to a [~~board of cooperative educational services~~] NY polytechnical
37 institute's performance of services to out-of-state schools pursuant to
38 this paragraph.

39 (11) To enter into contracts with individual public libraries or
40 public library systems for the purpose of providing high-speed telecom-
41 munications services including, but not limited to, high-speed internet
42 services. Any such proposed contract shall be subject to the review and
43 approval of the commissioner, who may only approve such proposed
44 contract when, in such commissioner's opinion, such contract: (a) will
45 result in a more economical utilization of existing [~~boards of cooper-~~
46 ~~ative educational services~~] NY polytechnical institutes high-speed tele-
47 communications services or resources than would be achieved were such
48 contract not approved; (b) will not disrupt the level of services to
49 component school districts; and (c) will result in a more economical
50 utilization of existing library resources. The commissioner shall issue
51 a finding, in writing, making any determination pursuant to this subpar-
52 agraph. Such services to public libraries and library systems shall be
53 provided at cost and shall not be eligible for aid pursuant to subdivi-
54 sion five of this section.

55 (12) To enter into contracts with preschool special education program
56 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 depository 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

1 for such purposes, provided that: (1) before executing any lease, the
2 ~~[board]~~ NY polytechnical institute shall adopt a resolution determining
3 that such agreement is in the best financial interests of the superviso-
4 ry district and stating the basis of that determination; (2) the rental
5 payment shall not be more than the fair market value as determined by
6 the ~~[board]~~ NY polytechnical institute and provided to the commissioner;
7 (3) The ~~[board]~~ NY polytechnical institute discloses any conflict of
8 interest pursuant to subparagraph (c) of this paragraph, or any other
9 potential or perceived conflict of interest, to the commissioner, and in
10 the event of a conflict of interest or a potential or perceived conflict
11 of interest, provides detailed documentation to the commissioner demon-
12 strating that the cost of the lease is not more than fair market value;
13 and (4) upon the consent of the commissioner, renewal of such lease may
14 be made for a period of up to ten years. Nothing contained herein shall
15 prevent the ~~[board]~~ NY polytechnical institute from entering into a
16 lease agreement which provides for the cancellation of the same by such
17 ~~[board]~~ NY polytechnical institute upon: (i) a substantial increase or
18 decrease in pupil enrollment; or (ii) a substantial change in the needs
19 and requirements of a ~~[board of cooperative educational services]~~ NY
20 polytechnical institute with respect to facilities; or (iii) any other
21 change which substantially affects the needs or requirements of a ~~[board~~
22 ~~of cooperative educational services]~~ NY polytechnical institute or the
23 community in which it is located. No lease or other contract for the
24 occupancy of such land, classrooms, offices or buildings shall be
25 enforceable against the ~~[board of cooperative educational services]~~ NY
26 polytechnical institute unless and until the same shall have been
27 approved in writing by the commissioner. In the case of a lease longer
28 than ten years, the commissioner's written approval must include a find-
29 ing that the proposed lease complies with all requirements of this para-
30 graph and would be more cost-effective than a lease of ten years or
31 fewer.

32 (b) To lease unneeded facilities to public or private agencies, indi-
33 viduals, partnerships, or corporations, with the approval of the commis-
34 sioner of education, and for a term not to exceed five years, which
35 shall be renewable with the approval of the commissioner of education.

36 (c) ~~[if]~~ If any member ~~[of the board of education of the board of~~
37 ~~cooperative educational services]~~, officer or employee of the ~~[board of~~
38 ~~cooperative educational services]~~ NY polytechnical institute has a
39 financial interest, either direct or indirect, in any lease to which the
40 ~~[board of cooperative educational services]~~ NY polytechnical institute
41 is, or is to be, a party, such interest shall be disclosed to ~~[the board~~
42 ~~of education of]~~ such ~~[board of cooperative educational services]~~ NY
43 polytechnical institute in writing and shall be set forth in the minutes
44 of the board of education of the ~~[board of cooperative educational~~
45 ~~services]~~ NY polytechnical institute. The member, officer or employee
46 having such interest shall not participate in any action by the ~~[board~~
47 ~~of cooperative educational services]~~ NY polytechnical institute with
48 respect to such lease.

49 q. To provide transportation for pupils to and from classes maintained
50 by such ~~[board of cooperative educational services]~~ NY polytechnical
51 institute at the request of one or more school districts. School
52 districts and ~~[boards of cooperative educational services]~~ NY polytech-
53 nical institutes are authorized to enter into contracts with one or more
54 school districts, private contractors, and one or more ~~[boards of coop-~~
55 ~~erative educational services]~~ NY polytechnical institutes and any munic-
56 ipal corporation and authority to provide such transportation. ~~[Boards~~

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

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

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

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

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

25 v. To accept gifts of real and personal property.

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

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

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

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

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

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

17 aa. Notwithstanding any other provision of law, a ~~[board of cooper-~~
18 ~~ative educational services]~~ NY polytechnical institute may, with the
19 prior written approval of the commissioner, contract to accept from a
20 leasing company which has qualified as lowest bidder pursuant to the
21 provisions of the general municipal law a sum sufficient to purchase
22 data processing equipment from the manufacturer thereof, pay such sum to
23 the manufacturer of said equipment, receive the equipment and title
24 thereto and convey the same to the leasing company with a simultaneous
25 lease of the equipment from such leasing company to the ~~[board of coop-~~
26 ~~erative educational services]~~ NY polytechnical institute for a specified
27 period of years. Before any such agreement shall be executed, the ~~[board~~
28 ~~of cooperative educational services]~~ NY polytechnical institute shall
29 adopt a resolution determining that such agreement is in the best finan-
30 cial interest of the ~~[board]~~ institute. Such lease may be renewed for a
31 further specified period of years with the prior approval of the commis-
32 sioner of education.

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

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

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

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

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

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

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

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

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

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

4 ee. Upon approval by a vote of the [~~board of cooperative educational~~
5 ~~services~~] NY polytechnical institute and of the boards of education of a
6 majority of the school districts participating in the instructional
7 program of such [~~board~~] NY polytechnical institute, establish a career
8 education instructional equipment reserve fund for the replacement and
9 purchase of advanced technology equipment used in instructional programs
10 conducted by the [~~board of cooperative educational services~~] NY poly-
11 technical institute. Subject to a limitation imposed by regulation of
12 the commissioner on the amount of money which may be maintained in
13 equipment reserve funds established pursuant to this paragraph, moneys
14 for such funds shall be obtained by including depreciation expenses for
15 the career education instructional equipment used in providing instruc-
16 tional services on a cooperative basis in the computation of the cost of
17 such services pursuant to paragraph d of this subdivision. Proceeds from
18 the sale of career education instructional equipment used in the
19 instructional programs of the [~~board~~] NY polytechnical institute and any
20 income earned on money deposited in a reserve fund shall become part of
21 such fund. The moneys in such funds shall be deposited and secured in
22 the manner provided by section ten of the general municipal law. The
23 moneys so deposited shall be accounted for separate and apart from all
24 other funds of the district, in the same manner as provided in subdivi-
25 sion ten of section six-c of the general municipal law. The moneys in
26 such funds may be invested by the [~~board of cooperative educational~~
27 ~~services~~] NY polytechnical institute in the manner provided by section
28 eleven of the general municipal law. In the event a career education
29 instructional equipment reserve fund is liquidated, the moneys in such
30 fund shall be allocated to the school districts participating in the
31 instructional programs of the [~~board of cooperative educational~~
32 ~~services~~] NY polytechnical institute in proportion to the value of the
33 contributions to the fund made by the participating districts. The
34 commissioner may promulgate regulations pertaining, but not limited, to
35 the amount of money to be retained in such reserve funds, the types of
36 equipment for which depreciation expenses may be charged and for which
37 expenditures may be made from the reserve fund, and required documenta-
38 tion of transactions relating to such funds.

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

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

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

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

37 ii. Enter into agreements with one or more financing agencies to
38 provide for the acceptance by such [~~board~~] NY polytechnical institute of
39 credit cards as a means of payment of course fees or tuition when
40 required for instructional programs offered by such [~~board of cooper-~~
41 ~~ative educational services~~] NY polytechnical institute. Any such agree-
42 ment shall govern the terms and conditions upon which a credit card
43 proffered as a means of payment of such fees or tuition shall be
44 accepted or declined and the manner in and conditions upon which the
45 financing agency shall pay to such [~~board~~] NY polytechnical institute
46 the amount of such fees or tuition paid by means of a credit card pursu-
47 ant to such agreement. Any such agreement may provide for the payment by
48 such [~~board~~] NY polytechnical institute to such financing agency of fees
49 for the services provided by such financing agency. For purposes of this
50 paragraph, the following terms shall have the following meanings:

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

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

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

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

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

20 kk. For the nineteen hundred ninety-seven--ninety-eight school year
21 and thereafter, the [~~board of cooperative educational services (BOGES)~~]
22 NY polytechnical institute shall prepare [~~a BOGES~~] an institute report
23 card, pursuant to regulations of the commissioner, and shall make it
24 publicly available by transmitting it to local newspapers of general
25 circulation, appending it to copies of the proposed administrative budg-
26 et made publicly available as required by law, making it available for
27 distribution at the annual meeting, and otherwise disseminating it as
28 required by the commissioner. Such report card shall include measures of
29 the academic performance of the [~~board of cooperative educational~~
30 ~~services~~] NY polytechnical institute, on a school by school or program
31 by program basis, and measures of the fiscal performance of the supervi-
32 sory district, as prescribed by the commissioner. Pursuant to regu-
33 lations of the commissioner, the report card shall also compare these
34 measures to statewide averages for all [~~boards of cooperative educa-~~
35 ~~tional services~~] NY polytechnical institutes. Such report card shall
36 include any information required by the commissioner.

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

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

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

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

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

44 mm. Shall upon commencement and termination of employment of an
45 employee by the [board] NY polytechnical institute, provide the commis-
46 sioner with the name of and position held by such employee.

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

1 oo. Notwithstanding any other provision of law, a [~~board of cooper-~~
2 ~~ative educational services~~] NY polytechnical institute is authorized to
3 enter into a memorandum of understanding with the trustees or board of
4 education of a non-component school district, including city school
5 districts of cities with one hundred twenty-five thousand inhabitants or
6 more, to participate in a recovery high school program operated by the
7 [~~board of cooperative educational services~~] NY polytechnical institute
8 for a period not to exceed five years upon such terms as such trustees
9 or board of education and the [~~board of cooperative educational~~
10 ~~services~~] NY polytechnical institute may mutually agree, provided that
11 such agreement may provide for a charge for administration of the recov-
12 ery high school program including capital costs, but participating non-
13 component school districts shall not be liable for payment of adminis-
14 trative expenses as defined in paragraph b of this subdivision. Costs
15 allocated to a participating non-component school district pursuant to a
16 memorandum of understanding shall be aidable pursuant to subdivision
17 five of this section to the same extent and on the same basis as costs
18 allocated to a component school district.

19 4-a. The [~~board of cooperative educational services~~] NY polytechnical
20 institute shall develop a plan to ensure that all instructional materi-
21 als to be used in the programs of the [~~board of cooperative educational~~
22 ~~services~~] NY polytechnical institute are available in a usable alterna-
23 tive format for each student with a disability, as defined in section
24 forty-four hundred one of this chapter, and for each student who is a
25 qualified individual with a disability as defined in the rehabilitation
26 act of nineteen hundred ninety-three (29 U.S.C. 701) as amended, in
27 accordance with his or her educational needs and course selection, at
28 the same time as such instructional materials are available to non-disa-
29 bled students. As part of such plan, the [~~board of cooperative educa-~~
30 ~~tional services~~] NY polytechnical institute shall amend its procurement
31 policies to give a preference in the purchase of instructional materials
32 to vendors who agree to provide materials in alternative formats. For
33 purposes of this subdivision, "alternative format" shall mean any medium
34 or format for the presentation of instructional materials, other than a
35 traditional print textbook, that is needed as an accommodation for a
36 disabled student enrolled in a program of the [~~board of cooperative~~
37 ~~educational services~~] NY polytechnical institute, including but not
38 limited to Braille, large print, open and closed captioned, audio, or an
39 electronic file in an approved format, as defined in the regulations of
40 the commissioner. When an electronic file is provided, the plan shall
41 specify how the format will be accessed by students and/or how the
42 district shall convert to an accessible format. Such plan shall identify
43 the needs of students enrolled in a program of the [~~board of cooperative~~
44 ~~educational services~~] NY polytechnical institute for alternative format
45 materials. Such plan shall also specify ordering timelines to ensure
46 that alternative format materials are available at the same time as
47 regular format materials. Such plans shall include procedures to address
48 the need to obtain materials in alternative format without delay for
49 disabled students who enroll in a program of a [~~board of cooperative~~
50 ~~educational services~~] NY polytechnical institute during the school year.

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

1 services aid which shall equal the greater of: (i) an amount equal to
2 one minus the quotient expressed as a decimal to three places without
3 rounding of eight mills divided by the tax rate of the local district
4 computed upon the actual valuation of taxable property, as determined
5 pursuant to subdivision one of section thirty-six hundred two of this
6 chapter [~~and notwithstanding section three thousand six hundred three,~~
7 expressed in mills to the nearest tenth as determined by the commission-
8 er, provided, however, that where services are provided to a school
9 district which is included within a central high school district or to a
10 central high school district, such amount shall equal one minus the
11 quotient expressed as a decimal to three places without rounding of
12 three mills divided by the tax rates, expressed in mills to the nearest
13 tenth, of such districts, as determined by the commissioner or (ii) the
14 aid ratio of each school district for the current year, which shall be
15 such component school district's [~~board of cooperative educational~~
16 ~~services~~] NY polytechnical institute aid ratio and which shall be not
17 less than thirty-six percent converted to decimals and shall be not more
18 than ninety percent converted to decimals. For the purposes of this
19 paragraph, the tax rate of the local district computed upon the actual
20 valuation of taxable property shall be the sum of the amount of tax
21 raised by the school district plus any payments in lieu of taxes
22 received by the school district pursuant to section four hundred eight-
23 y-five of the real property tax law, divided by the actual valuation of
24 the school district, provided, however that the tax rate for a central
25 high school district shall be the sum of the amount of tax raised by the
26 common and union free school districts included within the central high
27 school district for the support of the central high school district plus
28 any payments in lieu of taxes received for the support of the central
29 high school district pursuant to section four hundred eighty-five of the
30 real property tax law, divided by the actual valuation of the central
31 high school district. The tax rate for each common or union free school
32 district which is included within a central high school district shall
33 be the sum of the amount raised for the support of such common or union
34 free school district plus any payments in lieu of taxes received for the
35 support of the school district pursuant to section four hundred eighty-
36 five of the real property tax law, exclusive of the amount raised for
37 the central high school district, divided by the actual valuation of
38 such common or union free school district.

39 b. The cost of services herein referred to shall be the amount allo-
40 cated to each component school district by the [~~board of cooperative~~
41 ~~educational services~~] NY polytechnical institute to defray expenses of
42 such [~~board~~] institute, including approved expenses from the testing of
43 potable water systems of occupied school buildings under the [~~board's~~]
44 institute's jurisdiction as required pursuant to section eleven hundred
45 ten of the public health law provided that such expenses for testing of
46 potable water systems are not reimbursable from another state or federal
47 source, except that that part of the salary paid any teacher, supervisor
48 or other employee of the [~~board of cooperative educational services~~] NY
49 polytechnical institute which is in excess of thirty thousand dollars
50 shall not be such an approved expense, and except also that administra-
51 tive and clerical expenses shall not exceed ten percent of the total
52 expenses for purposes of this computation. Any gifts, donations or
53 interest earned by the [~~board of cooperative educational services~~] NY
54 polytechnical institute or on behalf of the [~~board of cooperative educa-~~
55 ~~tional services~~] NY polytechnical institute by the dormitory authority
56 or any other source shall not be deducted in determining the cost of

1 services allocated to each component school district. Any payments made
2 to a component school district by the [~~board of cooperative educational~~
3 ~~services~~] NY polytechnical institute pursuant to subdivision eleven of
4 section six-p of the general municipal law attributable to an approved
5 cost of service computed pursuant to this subdivision shall be deducted
6 from the cost of services allocated to such component school district.
7 The expense of transportation provided by the [~~board of cooperative~~
8 ~~educational services~~] NY polytechnical institute pursuant to paragraph q
9 of subdivision four of this section shall be eligible for aid appor-
10 tioned pursuant to subdivision seven of section thirty-six hundred two
11 of this chapter and no [~~board of cooperative educational services~~] NY
12 polytechnical institute transportation expense shall be an approved cost
13 of services for the computation of aid under this subdivision. Trans-
14 portation expense pursuant to paragraph q of subdivision four of this
15 section shall be included in the computation of the ten percent limita-
16 tion on administrative and clerical expenses.

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

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

25 e. Any aid apportioned in accordance with section two hundred thirteen
26 of [~~the education law~~] this chapter to a [~~board of cooperative educa-~~
27 ~~tional services~~] NY polytechnical institute in connection with the
28 production of educational television materials and programs, or the
29 acquisition by purchase, lease or otherwise of television facilities or
30 operational expenses in connection therewith shall not be utilized in
31 connection with computing the apportionment to such [~~board of cooper-~~
32 ~~ative educational services~~] NY polytechnical institute. Any aid appor-
33 tioned or paid by the state to a [~~board of cooperative educational~~
34 ~~services~~] NY polytechnical institute for experimental or special
35 programs shall not be utilized in connection with computing the appor-
36 tionment to such [~~board of cooperative educational services~~] NY poly-
37 technical institute.

38 f. The sum of the amounts determined for each component school
39 district as the apportionment to the [~~board of cooperative educational~~
40 ~~services~~] NY polytechnical institute pursuant to the provisions of this
41 section shall not be less than the amount which would have been appor-
42 tioned during the nineteen hundred sixty-seven--sixty-eight school year
43 under the provisions of this subdivision as in effect on December thir-
44 ty-first, nineteen hundred sixty-six to the [~~board of cooperative educa-~~
45 ~~tional services~~] NY polytechnical institute of which the district was a
46 component member for which such apportionment was made, except that such
47 minimum apportionment shall be reduced in any year in which the expendi-
48 tures of the component district for [~~board of cooperative educational~~]
49 NY polytechnical institute purposes fall below the expenditure on which
50 the nineteen hundred sixty-seven--sixty-eight apportionment to the
51 [~~board of cooperative educational services~~] NY polytechnical institute
52 was based, such reduction to be made on a proportionate basis.

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

1 ~~[board of cooperative educational services]~~ NY polytechnical institute,
2 and any payments for rental of facilities by a ~~[board of cooperative~~
3 ~~educational services]~~ NY polytechnical institute shall, for the purposes
4 of apportionment of public moneys to the ~~[board of cooperative educa-~~
5 ~~tional services]~~ NY polytechnical institute by the state of New York, be
6 deemed to be an administrative or capital expense, as designated by the
7 commissioner, but the entire amount of such payment shall be utilized in
8 making such apportionment and the limitation of ten percent of the total
9 expenses contained in this subdivision shall not be applicable. Any
10 expense designated by the commissioner as a capital expense shall be
11 included in the capital budget of the ~~[board of cooperative educational~~
12 ~~services]~~ NY polytechnical institute and, except as otherwise provided
13 in this paragraph, shall be aided in the same manner as an administra-
14 tive expense. Any such payment shall not be considered part of the total
15 expenses of the ~~[board]~~ institute for purposes of determining the admin-
16 istrative and clerical expenses not to exceed ten percent otherwise
17 eligible for aid under this subdivision, and such payments shall be
18 considered for the purpose of apportionment during the current school
19 year such payment is made. The apportionment for such payments shall be
20 determined by multiplying the amount of such payment allocated to each
21 component school district in the ~~[board of cooperative educational~~
22 ~~services]~~ NY polytechnical institute by the aid ratio, and shall be not
23 more than ninety percent converted to decimals, of each such component
24 computed pursuant to subdivision three of section thirty-six hundred two
25 of this chapter and used to apportion aid to that district in that
26 current school year; provided, however, the apportionment for the
27 construction, acquisition, reconstruction, rehabilitation, or improve-
28 ment of ~~[board of cooperative educational services]~~ NY polytechnical
29 institute facilities, including payments to the dormitory authority and
30 payments under any lease agreement, shall be based upon the cost of the
31 ~~[board of cooperative educational services]~~ NY polytechnical institute
32 school facilities but not to exceed the cost allowance set forth in
33 subdivision six of section thirty-six hundred two of ~~[the education law]~~
34 this chapter and payments for rental facilities shall be subject to the
35 approval of the commissioner.

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

45 5-a. Financial assistance for school districts first joining a ~~[board~~
46 ~~of cooperative educational services (BOCES)]~~ NY polytechnical institute.
47 a. Eligibility. Any school district first joining ~~[a BOCES]~~ an institute
48 on or after July first, nineteen hundred ninety-five and prior to July
49 second, nineteen hundred ninety-seven shall be eligible to apply to the
50 commissioner for financial assistance pursuant to the provisions of this
51 subdivision and subdivision five of this section.

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

1 tive remainder resulting when aid payable on behalf of the district in
2 the current year pursuant to subdivision five of this section is
3 subtracted from the district's ~~[BOCES]~~ institute expenses which are or
4 would be aidable in the current year or the next year pursuant to such
5 subdivision five. The annual application for such a loan shall be in a
6 form prescribed by the commissioner and shall accompany the submission
7 of the final set of state aid forms required of the ~~[BOCES]~~ institute
8 each year and shall be certified by the district superintendent of the
9 ~~[BOCES]~~ institute. The amount of the loan in any year shall be deter-
10 mined by the commissioner and the payment and repayment of the loan
11 shall be in accordance with the provisions of paragraph d of this subdivi-
12 sion.

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

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

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

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

1 manner as though such ~~[board]~~ institute had been established for such
2 supervisory district pursuant to subdivision one of this section, and
3 shall have all of the powers and duties of such ~~[boards]~~ institutes
4 under this chapter. The members of such ~~[boards]~~ institutes shall
5 continue to serve until the expiration of the terms of office for which
6 they were elected. No election shall be held to fill vacancies on such
7 ~~[board]~~ institute as the terms of members expire until such date as the
8 terms of sufficient members have expired to cause the membership of such
9 ~~[board]~~ institute to be not less than five nor more than fifteen, such
10 number to be determined at the annual meeting of the trustees and
11 members of boards of education of such supervisory district held in the
12 month of April following such redistricting. Thereafter members of such
13 ~~[board]~~ institute shall be elected annually to fill vacancies occurring
14 by expiration of term. Notwithstanding any other provision of law, a
15 ~~[board of cooperative educational services]~~ NY polytechnical institute
16 may fill a vacancy on such ~~[board]~~ institute at the annual ~~[board]~~
17 institute election immediately following such annual meeting and may
18 accept nominations pursuant to subdivision two-a of this section in
19 anticipation that one or more vacancies will exist once such annual
20 meeting so establishes the number of the membership of the ~~[board]~~
21 institute, provided that the election ballot shall state that nomi-
22 nations have been accepted in anticipation of possible vacancies and
23 that the clerk of the ~~[board of cooperative educational services]~~ NY
24 polytechnical institute will advise the component boards in writing of
25 the actual number of vacant offices to be filled at the election, if
26 any, no later than one business day after the annual meeting. Should
27 such a supervisory district for which a ~~[board of cooperative educa-~~
28 ~~tional services]~~ NY polytechnical institute has been established be
29 divided by the commissioner in the redistricting thereof, on August
30 first next following such redistricting, after paying all outstanding
31 obligations of such ~~[board]~~ institute, any balance of funds remaining in
32 the treasury of such ~~[board]~~ institute shall be allocated to the credit
33 of the component school districts in accordance with the ratio which the
34 proportion of the cost allocated to each component school district bears
35 to the total cost of services of such ~~[board of cooperative educational~~
36 ~~services]~~ NY polytechnical institute during the last full school year of
37 its operation. In the event that a ~~[board of cooperative educational~~
38 ~~services]~~ NY polytechnical institute shall have been established for the
39 supervisory district of which such component district is then a part,
40 the amount of such balance allocated to such district shall be paid to
41 the ~~[board of cooperative educational services]~~ NY polytechnical insti-
42 tute established for such supervisory district and any member of the
43 ~~[board of cooperative educational services]~~ NY polytechnical institute
44 for such divided district who resides in the territory so transferred
45 shall on and after the date of such redistricting become a member of the
46 ~~[board of cooperative educational services]~~ NY polytechnical institute
47 of the supervisory district to which the school district in which he or
48 she resides has been transferred and shall serve as such member until
49 the expiration of the term of office for which he or she was elected. In
50 the event that there is no ~~[board of cooperative educational services]~~
51 NY polytechnical institute for any component district the amount of such
52 balance allocated to such district shall be paid to the treasurer of
53 such district. In such event the state aid authorized by subdivision
54 five of this section for the last year of operation of such ~~[board of~~
55 ~~cooperative educational services]~~ NY polytechnical institute shall be
56 distributed to the component school districts in the amounts which would

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

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

22 8-a. Notwithstanding any other provision of this section and with the
23 consent of the commissioner, the city school district of the city of
24 Syracuse may, upon consent of the [~~board of cooperative educational~~
25 ~~services~~] NY polytechnical institute for the sole supervisory district
26 for Onondaga and Madison counties, be included as a component district
27 for the sole purpose of operating a combined program and/or constructing
28 a combined facility for children with developmental disabilities in the
29 city of Syracuse and the county of Onondaga. Such city school district
30 shall add an amount to its budget and levy, collect and pay the same to
31 such [~~board of cooperative educational services~~] NY polytechnical insti-
32 tute to defray the proportional expenses of constructing and operating
33 such facility for such children. Such city school district shall not be
34 liable for payment of administrative expenses as provided for in para-
35 graph b of subdivision four of this section nor shall such city school
36 district be eligible for the payment of state aid under this section
37 except such city school district shall receive state aid based on its
38 proportionate share of building expenses related to this program as
39 determined by the commissioner.

40 Such city school district shall continue to receive aid under subdivi-
41 sion five of section thirty-six hundred two for the attendance of chil-
42 dren in this program.

43 8-b. Notwithstanding any other provisions of this section and with the
44 consent of the commissioner, city school districts of cities in excess
45 of one hundred twenty-five thousand inhabitants but less than one
46 million inhabitants, upon consent of the [~~board of cooperative educa-~~
47 ~~tional services~~] NY polytechnical institute approved by the commissioner
48 may be included as a component district of such [~~board of cooperative~~
49 ~~educational services~~] NY polytechnical institute for the sole purpose of
50 purchasing student information system services consistent with standards
51 established by the commissioner from such [~~board of cooperative educa-~~
52 ~~tional services~~] NY polytechnical institute. Each such city school
53 district shall add an amount to its budget and shall levy, collect and
54 pay the costs of such program to such [~~board of cooperative educational~~
55 ~~services~~] NY polytechnical institute to defray their portion of the
56 expenses of such a program. Such city school district shall not be

1 liable for payment of administrative expenses as provided for in para-
2 graph b of subdivision four of this section nor shall such city school
3 district be eligible for payment of state aid under this section.

4 8-c. Notwithstanding any other provision of this section, any school
5 district not a component of the [~~board of cooperative educational~~
6 ~~services~~] NY polytechnical institute of the supervisory district serving
7 its geographic area, including a city school district in a city having a
8 population in excess of one hundred twenty-five thousand inhabitants,
9 upon consent of the [~~board of cooperative educational services~~] NY poly-
10 technical institute and with the approval of the commissioner, may be
11 treated in the same manner as a component school district of the [~~board~~
12 ~~of cooperative educational services~~] NY polytechnical institute of the
13 supervisory district serving its geographic area, or an adjoining [~~board~~
14 ~~of cooperative educational services~~] NY polytechnical institute in the
15 case of a city school district in a city having one million inhabitants
16 or more, for the sole purpose of purchasing instructional support
17 services, as defined by the commissioner. Each such school district
18 shall add an amount to its budget and shall levy, collect and pay the
19 costs of such program to such [~~board of cooperative educational~~
20 ~~services~~] NY polytechnical institute to defray its portion of the
21 expenses of such program, including a charge for administration not to
22 exceed the restricted indirect cost rate, provided that the [~~board of~~
23 ~~cooperative educational services~~] NY polytechnical institute shall not
24 charge any portion of the administrative costs incurred pursuant to this
25 subdivision to its component school districts. Such school districts
26 shall not be liable for payment of administrative expenses as provided
27 for in paragraph b of subdivision four of this section and subdivision
28 one of section nineteen hundred fifty-one of this article. In the case
29 of city school districts in a city with a population in excess of one
30 hundred twenty-five thousand inhabitants, such participation shall be in
31 addition to the participation authorized by subdivisions eight-a and
32 eight-b of this section. In the case of a city school district in a city
33 with a population of one hundred twenty-five thousand inhabitants or
34 more, in lieu of participation as a component district of an adjoining
35 [~~board of cooperative educational services~~] NY polytechnical institute,
36 the city school district may opt to provide such support services as
37 shared services directly or in collaboration with one or more insti-
38 tutions of higher education. The approved costs of such services shall
39 be eligible for state aid in accordance with the provisions of subdivi-
40 sion twenty of section thirty-six hundred two of this chapter, and shall
41 not be eligible for aid pursuant to subdivision five of this section.

42 8-d. Notwithstanding the provision of any law, rule, or regulation to
43 the contrary, the city school district of the city of Rochester, upon
44 the consent of the [~~board of cooperative educational services~~] NY poly-
45 technical institute of the supervisory district serving its geographic
46 region, may purchase from such [~~board~~] institute as a non-component
47 school district, services required by article nineteen of the education
48 law.

49 9. No person shall be eligible to be elected to the office of member
50 of a [~~board of cooperative educational services~~] NY polytechnical insti-
51 tute who is an employee of a school district in the supervisory
52 district.

53 9-a. No person shall be eligible to hold the office of member of a
54 [~~board of cooperative educational services~~] NY polytechnical institute
55 who does not reside within the boundaries of a component school district
56 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-

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

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

38 c. Nothing herein contained shall be construed to permit any school
39 district in a city (as defined in paragraph two-b of section 2.00 of the
40 local finance law) to contract indebtedness for such object or purpose
41 in excess of the limitation prescribed by paragraph b of section 104.00
42 of such law, without a compliance with the provisions of paragraph c
43 thereof. A school district, other than a school district in a city, may
44 issue bonds or bond anticipation notes for such object or purpose in
45 excess of the limitation prescribed by paragraph d of such section
46 104.00, without complying with the requirements of subparagraphs one
47 through three of such paragraph. Notwithstanding any other provision of
48 law to the contrary, a special act school district, as defined in subdi-
49 vision eight of section four thousand one of this chapter, shall not be
50 deemed a component school district of the ~~[board of cooperative educa-~~
51 ~~tional services]~~ NY polytechnical institute for purposes of this subdi-
52 vision.

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

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

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

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

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

23 14. a. All provisions of this subdivision shall be applicable only if
24 any agreement or agreements referred to herein shall be entered into by
25 a ~~[board of cooperative educational services]~~ NY polytechnical institute
26 and all of the component school districts of the ~~[board of cooperative~~
27 ~~educational services]~~ NY polytechnical institute. A ~~[board of cooper-~~
28 ~~ative educational services]~~ NY polytechnical institute and the component
29 school districts of such ~~[board of cooperative educational services]~~ NY
30 polytechnical institute may enter into an agreement providing for the
31 acquisition or construction, including new construction, additions or
32 reconstruction of facilities designed to house services to be provided
33 by such ~~[board of cooperative educational services]~~ NY polytechnical
34 institute and for the sharing of the cost of such acquisition or
35 construction. Such agreement in addition to providing for all other
36 matters deemed necessary and proper shall (i) set forth the cost of such
37 acquisition or construction and costs incidental thereto and (ii)
38 provide for an allocation and apportionment of the costs of such acqui-
39 sition or construction among the component school districts on such
40 equitable basis as the parties thereto shall determine and agree, and
41 the proportion of the total cost to be provided by each such district in
42 accordance with such allocation and apportionment. Such agreement shall
43 be executed by all the component school districts of such ~~[board of~~
44 ~~cooperative educational services]~~ NY polytechnical institute and such
45 ~~[board of cooperative educational services]~~ NY polytechnical institute.
46 Such agreement may provide that each component school district of such a
47 ~~[board of cooperative educational services]~~ NY polytechnical institute
48 shall issue an agreed upon amount of its obligations in a total amount
49 sufficient to acquire or construct such facilities, or that all compo-
50 nent districts of such ~~[board]~~ institute shall together issue joint
51 obligations pledging the full faith and credit for all component
52 districts jointly and that each such district shall pay a specified
53 share of annual debt service on such joint obligations in accordance
54 with the provisions of article five-g of the general municipal law and
55 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

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

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

25 19. Where the district has provided transportation to students
26 enrolled in such district to a school sponsored field trip, extracurric-
27 ular activity or any other similar event, it shall provide transporta-
28 tion back to either the point of departure or to the appropriate school
29 in the district, unless the parent or legal guardian of a student
30 participating in such event has provided the school district with writ-
31 ten notice, consistent with district policy, authorizing an alternative
32 form of return transportation for such student or unless intervening
33 circumstances make such transportation impractical. In cases where
34 intervening circumstances make transportation of a student back to the
35 point of departure or to the appropriate school in the district imprac-
36 tical, a representative of the school district shall remain with the
37 student until such student's parent or legal guardian has been (a)
38 contacted and informed of the intervening circumstances which make such
39 transportation impractical and (b) such student had been delivered to
40 his or her parent or legal guardian.

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

44 (a) To rent suitable land, classrooms, offices or buildings upon or in
45 which to maintain and conduct such cooperative educational services and
46 administrative offices for a period not to exceed ten years and to
47 improve, alter, equip and furnish such land, classrooms, offices or
48 buildings in a suitable manner for such purposes (1) before executing
49 any lease, the ~~[board]~~ institute shall adopt a resolution determining
50 that such agreement is in the best financial interests of the superviso-
51 ry district and stating the basis of that determination; (2) the rental
52 payment shall not be more than the fair market value as determined by
53 the ~~[board]~~ institute; and (3) upon the consent of the commissioner,
54 renewal of such lease may be made for a period of up to ten years. Noth-
55 ing contained herein shall prevent the ~~[board]~~ institute from entering
56 into a lease agreement which provides for the cancellation of the same

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

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

20 § 1951. Budget of [~~board of cooperative educational services~~] NY poly-
21 technical institute. 1. The final administrative and capital budgets of
22 the [~~board of cooperative educational services~~] NY polytechnical insti-
23 tute as adopted shall be a charge against all of the school districts
24 contained in the [~~board of cooperative educational services~~] NY poly-
25 technical institute, provided, however, that any component school
26 district which does not elect to participate in any specific educational
27 service authorized to be furnished by the [~~board of cooperative educa-~~
28 ~~tional services~~] NY polytechnical institute shall not be required to pay
29 any share of the moneys provided in the program budget as salaries of
30 teachers or other personnel employed in providing such service, for
31 equipment and supplies for such service or for transportation of pupils
32 to and from the place where such service is maintained, provided, howev-
33 er, expenditures for the [~~board of cooperative educational services~~] NY
34 polytechnical institute program, including office and central adminis-
35 trative expenses, traveling expenses and salaries and benefits of super-
36 visors and all other central administrative personnel necessary to carry
37 out its program shall be deemed administrative expenses which shall be a
38 charge upon all component school districts notwithstanding the fact that
39 such a component school district elects to not participate in any
40 specific program offered by the [~~board of cooperative educational~~
41 ~~services~~] NY polytechnical institute. Each school district's propor-
42 tionate share of administrative and capital expenses shall be determined
43 in accordance with subparagraph seven of paragraph b of subdivision four
44 of section nineteen hundred fifty of this article. The [~~board~~] institute
45 shall allocate the cost of other services to participating component
46 school districts in accordance with terms agreed upon between such
47 [~~board~~] institute and the boards of education and trustees of each
48 component school district using the local uniform unit cost of each such
49 service, based on (i) anticipated participation in the ensuing school
50 year, or (ii) participation in the current year, or (iii) a two or three
51 year average including participation in the current year, which unit
52 cost shall be the same for all participating component school districts
53 and shall be computed in accordance with a uniform methodology approved
54 annually by at least three-quarters of the participating component
55 school districts after consultation by local school officials with their
56 respective boards; provided, however, such unit cost shall be subject to

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

10 2. a. If the [~~board of cooperative educational services~~] NY polytech-
11 nical institute determines to submit a proposition to authorize the
12 purchase or acquisition of sites or additions thereto and real property
13 and to construct buildings thereon and to purchase buildings and
14 construct additions thereto, or to authorize the sale of any real prop-
15 erty the title to which is vested in the [~~board of cooperative educa-~~
16 ~~tional services~~] NY polytechnical institute and buildings thereon and
17 appurtenances or any part thereof, or to authorize the exchange of real
18 property held by the [~~board of cooperative educational services~~] NY
19 polytechnical institute for the purpose of improving or changing school
20 sites, to the qualified voters of the [~~board of cooperative educational~~
21 ~~services~~] NY polytechnical institute, then the [~~board~~] institute shall
22 call a meeting and submit to the qualified voters of the [~~board of coop-~~
23 ~~erative educational services~~] NY polytechnical institute such a proposi-
24 tion. The [~~board~~] institute shall cause a notice of such meeting to be
25 given by public notice of the time and place of such meeting once in
26 each week within the four weeks next preceding such meeting, the first
27 publication to be at least twenty-five days before said meeting, in two
28 newspapers if there shall be two, or in one newspaper if there shall be
29 but one, having general circulation within the [~~board of cooperative~~
30 ~~educational services~~] NY polytechnical institute, but if no newspaper
31 shall then have general circulation therein, the said notice shall be
32 posted in at least twenty of the most public places in said [~~board of~~
33 ~~cooperative educational services~~] NY polytechnical institute twenty-five
34 days before the time of such meeting. Such notice shall contain a state-
35 ment of the proposition or propositions to be submitted at such meeting.

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

46 c. A person shall be entitled to vote at any meeting of the voters of
47 the [~~board of cooperative educational services~~] NY polytechnical insti-
48 tute who is:

49 (1) A citizen of the United States.

50 (2) Eighteen years of age.

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

54 No person shall be deemed to be ineligible to vote at any such meet-
55 ing, by reason of sex, who has the other qualifications required by this
56 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

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

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

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

34 l. The [~~board~~] institute shall at the expense of the [~~board of cooper-~~
35 ~~ative educational services~~] NY polytechnical institute provide a suit-
36 able box or boxes in which the ballots, folded so as to conceal the
37 marking thereon, shall be deposited as they are received, and shall in
38 like manner provide a voting booth or booths and the voters shall be
39 required to enter such booth or booths for the purpose of marking their
40 ballots.

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

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

48 o. Immediately upon the close of the polls the inspectors of election
49 shall canvass the ballots in the same manner as ballots are canvassed at
50 a meeting of a union free school district. The chairman of the meeting
51 shall declare to the meeting the result of each ballot as announced to
52 him by the inspectors of election, and those propositions receiving a
53 majority of the votes of the voters present and voting shall be deemed
54 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.

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

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

25 c. In developing and adopting a budget pursuant to this article for
26 the nineteen hundred ninety-eight--ninety-nine school year and thereaft-
27 er, each [~~board of cooperative educational services~~] NY polytechnical
28 institute shall use the uniform and specific taxonomy for service
29 programs and activities prescribed by the commissioner pursuant to para-
30 graph a of this subdivision.

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

33 § 1952. Technologies network ties program. 1. There is hereby estab-
34 lished a model technologies network ties program to pilot innovative
35 uses of technology for interactive instruction and administrative
36 purposes, in order to determine the feasibility of developing a state-
37 wide technologies network ties program.

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

46 3. Objectives of the program shall include the development of a
47 network consisting of a structure which will electronically link all
48 participating agencies and allow for the transfer of administrative and
49 instructional data between and among the participating sites. The
50 commissioner, in consultation with appropriate consultants and represen-
51 tatives of participating districts and [~~boards of cooperative educa-~~
52 ~~tional services~~] NY polytechnical institutes, will be responsible for
53 determining the appropriate communication standards and protocols for
54 the selection of hardware and software to be used in all facets of the
55 project.

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

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

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

12 2. "Governing body" means the town board, village board of trustees,
13 city council, county legislature or board of supervisors, board of
14 education or board of trustees of a school district or [~~board of cooper-~~
15 ~~ative educational services~~] NY polytechnical institute, board of fire
16 commissioners or other body authorized by law to govern the affairs of a
17 local government.

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

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

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

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

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

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

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

40 3. "Educational agency" shall mean a school district, [~~board of coop-~~
41 ~~erative educational services~~] NY polytechnical intstitute, community
42 college, agricultural and technical college, or degree-granting institu-
43 tion of higher education, or an independent not-for-profit organization
44 which meets the standards of instructional quality established in regu-
45 lation by the commissioner of education. These standards shall include,
46 but not be limited to, qualifications of administrative and instruc-
47 tional personnel, quality of established curricula, facilities and
48 equipment, recordkeeping, admission, grading, attendance, and record of
49 placement of completers which meets standards of acceptability as estab-
50 lished by the commissioner of education.

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

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

1 tored by the department of labor for projects which provide on-the-job
2 training reimbursements to businesses as described in this article and
3 for such labor exchange and other related services as are agreed upon by
4 the agencies, by the state education department for projects which
5 provide classroom based training which will be delivered by school
6 districts, [~~boards of cooperative educational services~~] NY polytechnical
7 institutes and private degree-granting institutions of higher education
8 and by the state university or the city university for projects which
9 provide classroom based training which will be delivered by community
10 colleges, agricultural and technical colleges, and public degree-grant-
11 ing institutions of higher education or authorize such other arrange-
12 ments as, upon the recommendation of the interagency review committee,
13 the commissioner determines will advance the purposes of this program;

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

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

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

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

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

40 (g) all persons employed by any title whatsoever as members of the
41 teaching and supervisory staff of a school district, [~~board of cooper-~~
42 ~~ative educational services~~] NY polytechnical institute or county voca-
43 tional education and extension board, as certified to the state commis-
44 sion by the commissioner of education. The commissioner of education
45 shall prescribe qualifications for appointment for all classes of posi-
46 tions so certified by him, and shall establish specifications setting
47 forth the qualifications for and the nature and scope of the duties and
48 responsibility of such positions. The commissioner of education shall
49 file such qualifications for appointment and such specifications with
50 the civil service commission;

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

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

1 his duties, shall take and file an oath or affirmation in the form and
2 language prescribed by the constitution for executive, legislative and
3 judicial officers, which may be administered by any officer authorized
4 to take the acknowledgment of the execution of a deed of real property,
5 or by an officer in whose office the oath is required to be filed. In
6 lieu of such oath administered by an officer, an employee may comply
7 with the requirements of this section by subscribing and filing the
8 following statement: "I do hereby pledge and declare that I will support
9 the constitution of the United States, and the constitution of the state
10 of New York, and that I will faithfully discharge the duties of the
11 position of, according to the best of my ability. " Such
12 oath or statement shall be required only upon original appointment or
13 upon a new appointment following an interruption of continuous service,
14 and shall not be required upon promotion, demotion, transfer, or other
15 change of title during the continued service of the employee, or upon
16 the reinstatement pursuant to law or rules of an employee whose services
17 have been terminated and whose last executed oath or statement is on
18 file. The oath of office heretofore taken by any employee as previously
19 required by law, and the oath of office hereafter taken or statement
20 hereafter subscribed by any employee pursuant to this section, shall
21 extend to and encompass any position or title in which such person may
22 serve as an employee during the period of his continuous service follow-
23 ing the taking of such oath or subscribing of such statement, and his
24 acceptance of such new title shall constitute a reaffirmance of such
25 oath or statement. The oath or statement of every state employee shall
26 be filed in the office of the secretary of state, of every employee of a
27 municipal corporation with the clerk thereof, and of every other employ-
28 ee, including the employees of a public library and the employees of
29 [~~boards of cooperative educational services~~] NY polytechnical
30 institutes, if no place be otherwise provided by law, in the office of
31 the clerk of the county in which he shall reside. The refusal or wilful
32 failure of such employee to take and file such oath or subscribe and
33 file such statement shall terminate his employment until such oath shall
34 be taken and filed or statement subscribed and filed as herein provided.

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

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

43 § 16. Section 159-b of the civil service law, as amended by chapter
44 465 of the laws of 2017, is amended to read as follows:

45 § 159-b. Excused leave to undertake a screening for cancer. 1. Every
46 public officer, employee of this state, employee of any county, employee
47 of any community college, employee of any public authority, employee of
48 any public benefit corporation, employee of any [~~board of cooperative~~
49 ~~educational services (BOCES)~~] NY polytechnical institute, employee of
50 any vocational education and extension board, or a school district
51 enumerated in section one of chapter five hundred sixty-six of the laws
52 of nineteen hundred sixty-seven, employee of any municipality, employee
53 of any school district or any employee of a participating employer in
54 the New York state and local employees' retirement system or any employ-
55 ee of a participating employer in the New York state teachers' retire-
56 ment system shall be entitled to absent himself or herself and shall be

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

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

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

29 1. Every public officer, employee of this state, employee of any coun-
30 ty, employee of any community college, employee of any public authority,
31 employee of any public benefit corporation, employee of any [~~board of~~
32 ~~cooperative educational services (BOCES)~~] NY polytechnical institute,
33 employee of any vocational education and extension board, or a school
34 district enumerated in section one of chapter five hundred sixty-six of
35 the laws of nineteen hundred sixty-seven, employee of any municipality,
36 employee of any school district or any employee of a participating
37 employer in the New York state and local employees' retirement system or
38 any employee of a participating employer in the New York state teachers'
39 retirement system shall be entitled to absent himself or herself and
40 shall be deemed to have a paid leave of absence from his or her duties
41 or service for a sufficient period of time, not to exceed four hours per
42 vaccine injection, unless such officer or employee shall receive a
43 greater number of hours pursuant to a collectively bargained agreement
44 or as otherwise authorized by the employer, to be vaccinated for COVID-
45 19.

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

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

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

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

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

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

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

33 19. Expenditures. For purposes of computing aid to public school
34 districts, [~~boards of cooperative educational services~~] NY polytechnical
35 institutes, nonpublic elementary and secondary schools, public and coop-
36 erative library systems or public and free association libraries pursu-
37 ant to this chapter or any other law, such aid shall be computed using
38 state aid worksheets developed pursuant to regulations of the commis-
39 sioner, designed to reflect use of the state comptroller's definition of
40 expenditures to the extent possible. Such worksheet definitions of
41 expenditures shall be used notwithstanding the fact that this chapter or
42 other applicable law may use terms such as cash expenditures, expenses,
43 costs, paid, payments, or other such terms.

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

47 c. "Shared learning infrastructure service provider" or "SLISP" shall
48 mean any entity that collects, stores, organizes, or aggregates student
49 information and contracts with or enters into an agreement with the
50 department for the purposes of providing student information to a data
51 dashboard operator for use in a data dashboard. Provided that the term
52 SLISP shall not include [~~boards of cooperative educational services~~] NY
53 polytechnical institutes or regional information centers operated by
54 [~~boards of cooperative educational services~~] NY polytechnical institutes
55 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-

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

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

7 3. For the purpose of carrying out the provisions of subdivision two
8 of this section, the regents may make rules or authorize the commission-
9 er to make regulations providing standards for research and experimenta-
10 tion, operation and programming of educational television by the state
11 and the school districts, [~~boards of cooperative educational services~~]
12 NY polytechnical institutes, institutions, corporations and agencies,
13 respectively.

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

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

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

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

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

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

1 of the approved operational expenses in connection with the approved
2 operation of the program; during the second year forty per cent of the
3 approved operational expenses in connection with the approved operation
4 of the program; during the third year thirty per cent of the approved
5 operational expenses in connection with the approved operation of the
6 program; during the fourth year twenty per cent of the approved opera-
7 tional expenses in connection with the approved operation of the
8 program; and during the fifth year ten per cent of the approved opera-
9 tional expenses in connection with the approved operation of the
10 program.

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

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

17 1. The regents of the university of the state of New York shall
18 prepare and submit to the governor, the temporary president of the
19 senate, and the speaker of the assembly, not later than the first day of
20 January, nineteen hundred eighty-nine, nineteen hundred ninety and nine-
21 teen hundred ninety-one and the fifteenth day of February of each year
22 thereafter, a report concerning the schools of the state which shall set
23 forth with respect to the preceding school year: enrollment trends;
24 indicators of student achievement in reading, writing, mathematics,
25 science and vocational courses; graduation, college attendance and
26 employment rates; such other indicators of student performance as the
27 regents shall determine; information concerning teacher and administra-
28 tor preparation, turnover, in-service education and performance; infor-
29 mation concerning school library expenditures and school library media
30 specialist employment; expenditure per pupil on regular education and
31 expenditure per pupil on special education and such other information as
32 requested by the governor, the temporary president of the senate, or the
33 speaker of the assembly. To the extent practicable, all such information
34 shall be displayed on both a statewide and individual district basis and
35 by racial/ethnic group and gender. The regents are authorized to require
36 school districts, [~~boards of cooperative educational services~~] NY poly-
37 technical institutes and nonpublic schools to provide such information
38 as is necessary to prepare the report. In preparing the report, the
39 regents shall consult with other interested parties, including local
40 school districts, teachers' and faculty organizations, school adminis-
41 trators, parents and students.

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

44 § 215-b. Annual report by commissioner to governor and legislature.
45 The commissioner shall prepare and submit to the governor, the president
46 pro tem of the senate and the speaker of the assembly not later than
47 January first, nineteen hundred ninety-six and by the first day of Janu-
48 ary in each year thereafter, a report detailing the financial and
49 statistical outcomes of [~~boards of cooperative educational services~~] NY
50 polytechnical institutes which shall, at minimum, set forth with respect
51 to the preceding school year: tuition costs for selected programs; stan-
52 dard per pupil cost information for selected services as determined by
53 the commissioner; and aggregate expenditure data for the following cate-
54 gories: administration, instructional services, career education,
55 special education, rent and facilities and other services; and such
56 other information as deemed appropriate by the commissioner. The format

1 for such report shall be developed in consultation with school district
2 officials and the director of the budget. Such report will include
3 changes from the year prior to the report year for each such item for
4 all [~~boards of cooperative educational services~~] NY polytechnical insti-
5 tutes. Such report shall be distributed to all school districts and
6 [~~boards of cooperative educational services~~] NY polytechnical insti-
7 tutes and shall be made available to all other interested parties upon
8 request.

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

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

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

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

46 § 30. Subparagraph 2 of paragraph e of subdivision 1 of section 284 of
47 the education law, as amended by section 5 of part 0 of chapter 57 of
48 the laws of 2005, is amended to read as follows:

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

55 § 31. Paragraph b of subdivision 21, subdivisions 25, 27, 28, 30, 45,
56 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

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

11 30. (a) The commissioner, in cooperation with the division of criminal
12 justice services and in accordance with all applicable provisions of
13 law, shall promulgate rules and regulations to require the fingerprint-
14 ing of prospective employees, as defined in section eleven hundred twen-
15 ty-five of this chapter, of school districts, charter schools and
16 [~~boards of cooperative educational services~~] NY polytechnical institutes
17 and authorizing the fingerprinting of prospective employees of nonpublic
18 and private elementary and secondary schools, and for the use of infor-
19 mation derived from searches of the records of the division of criminal
20 justice services and the federal bureau of investigation based on the
21 use of such fingerprints. The commissioner shall also develop a form for
22 use by school districts, charter schools, [~~boards of cooperative educa-~~
23 ~~tional services~~] NY polytechnical institutes, and nonpublic and private
24 elementary and secondary schools in connection with the submission of
25 fingerprints that contains the specific job title sought and any other
26 information that may be relevant to consideration of the applicant. The
27 commissioner shall also establish a form for the recordation of allega-
28 tions of child abuse in an educational setting, as required pursuant to
29 section eleven hundred twenty-six of this chapter. No person who has
30 been fingerprinted pursuant to section three thousand four-b of this
31 chapter or pursuant to section five hundred nine-cc or twelve hundred
32 twenty-nine-d of the vehicle and traffic law and whose fingerprints
33 remain on file with the division of criminal justice services shall be
34 required to undergo fingerprinting for purposes of a new criminal histo-
35 ry record check. This subdivision and the rules and regulations promul-
36 gated pursuant thereto shall not apply to a school district within a
37 city with a population of one million or more.

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

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

51 (ii) inform the prospective employee that he or she has the right to
52 obtain, review and seek correction of his or her criminal history infor-
53 mation pursuant to regulations and procedures established by the divi-
54 sion of criminal justice services.

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

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

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

8 (iii) consented to such request for a report;

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

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

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

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

34 (viii) been informed of the manner in which he or she may submit to
35 the commissioner any information that may be relevant to the consideration
36 of his or her application for clearance including, where applicable,
37 information in regard to his or her good conduct and rehabilitation.
38

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

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

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

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

3 51. The commissioner shall, in order to assist school districts and
4 ~~[boards of cooperative educational services]~~ NY polytechnical institutes
5 in developing next generation training programs for teachers and princi-
6 pals, develop professional development tools, resources and materials
7 that school districts, ~~[boards of cooperative educational services]~~ NY
8 polytechnical institutes, teachers and principals may utilize. The
9 commissioner may collaborate with the state university of New York, the
10 city university of New York, and independent colleges and universities
11 to offer effective, data-informed professional development and coaching
12 to meet the needs of implementing the next generation learning stand-
13 ards. Such professional development and coaching shall include necessary
14 materials, age appropriate instruction and resources that provide best
15 practices for the effective implementation of the next generation learn-
16 ing standards. Such support shall be available for the purpose of
17 providing professional development for teachers and principals, as well
18 as preparation programs for participating school districts, ~~[boards of~~
19 ~~cooperative educational services]~~ NY polytechnical institutes, charter
20 schools and communities at large, and may include recommendations for
21 how teachers and principals can collaborate on strategies, including but
22 not limited to study groups and coaching, to improve classroom prac-
23 tices. The commissioner shall also identify regional examples of school
24 districts that have successfully implemented the next generation learn-
25 ing standards, where such examples exist, and shall invite such
26 districts to serve on a voluntary basis as models that principals,
27 teachers and other school professionals within the region may visit and
28 observe. In addition, the commissioner shall include opportunities for
29 teachers and other content-area experts to provide feedback and recom-
30 mendations for the continuous improvement and development of voluntary
31 next generation curriculum modules offered by the department.

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

45 56. The commissioner shall issue a guidance memorandum in cooperation
46 with stakeholders and other interested parties, to every school district
47 and ~~[board of cooperative educational services]~~ NY polytechnical insti-
48 tute to inform them of the unique educational needs of students with
49 dyslexia, dyscalculia and dysgraphia and to clarify that school
50 districts may reference or use the terms dyslexia, dyscalculia, and
51 dysgraphia in evaluations, eligibility determinations, or in developing
52 an individualized education program (IEP) under the Individuals with
53 Disabilities Education Act (IDEA) pursuant to part 300 of title 34 of
54 the code of federal regulations, as such regulations may, from time to
55 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

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

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

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

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

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

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

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

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

38 6. Each teacher resource and computer training center shall be oper-
39 ated by a board, the majority of which shall be composed of elementary
40 and secondary school teachers representative of teachers served by the
41 teacher resource and computer training center. Teacher members shall be
42 designated by the collective bargaining agent of the teachers served by
43 the teacher resource and computer training center. Such board shall also
44 include individuals designated by the school board or [~~board of cooper-~~
45 ~~ative educational services~~] NY polytechnical institute served by such
46 center and at least one representative designated by the institutions of
47 higher education located in the area served by such center. Such board
48 shall also include at least one parent of an elementary or secondary
49 school pupil and at least one representative of a business or industry
50 that uses, produces or is involved with computer equipment and software.

51 7-a. Notwithstanding any other provision of law, a teacher resource
52 and computer training center board may collaborate, consult and contract
53 with a school district or [~~board of cooperative educational services~~] NY
54 polytechnical institute which is included in the application for the
55 establishment of such teacher resource and computer training center for
56 the assignment of teachers employed by such school district or [~~board of~~

1 ~~cooperative educational services~~ NY polytechnical institute; provided,
2 however, in such case such teacher shall continue to accrue all employ-
3 ment rights and benefits, including seniority, with the employing school
4 district or ~~[board of cooperative educational services]~~ NY polytechnical
5 institute and the teacher resource and computer training center board
6 shall reimburse such school district or ~~[board of cooperative educa-~~
7 ~~tional services]~~ NY polytechnical institute for the services of such
8 teacher.

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

24 b. The commissioner shall prepare and submit to the governor, the
25 temporary president of the senate and the speaker of the assembly, not
26 later than May first, nineteen hundred ninety-nine and by the first day
27 of January in each year thereafter, a report detailing the financial and
28 programmatic information for teacher resource and computer training
29 centers. Such report shall, at a minimum, set forth with respect to the
30 preceding school year: cost information for individual services provided
31 by such centers; numbers of teachers and other staff served, summarized
32 in the aggregate, by elementary and secondary school levels, and by home
33 school district; lists of programs and courses offered, including iden-
34 tification of those with credit toward college graduate degrees and
35 those which relate to specific academic areas and higher learning stand-
36 ards; and aggregate expenditure data for the following categories:
37 administration, staff development services, rent and other facilities
38 costs, and other services; and such other information as deemed appro-
39 priate by the commissioner to assist the commissioner in identifying
40 cost-effective services and programs which may be successfully repli-
41 cated in other centers, school districts and ~~[boards of cooperative~~
42 ~~educational services (BOCES)]~~ NY polytechnical institutes. The format
43 for the report shall be developed by the commissioner in consultation
44 with school district officials, and teacher resource center officials,
45 provided that all information in such report shall be displayed on both
46 a statewide and individual center basis. Such report shall include
47 changes from the year prior to the report year for each such item for
48 all teacher resource and computer training centers and shall be made
49 available to other interested parties upon request.

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

53 (3-a) Notwithstanding the provisions of any other general, special or
54 local law, rule or regulation, the state university trustees shall be
55 authorized to set a reduced rate of tuition and/or fees, or to waive
56 tuition and/or fees entirely, for students participating in any dual or

1 concurrent enrollment program with no reduction in other state, local,
2 or other support for such students earning college credit that such
3 higher education partner would otherwise be eligible to receive;
4 provided that, for purposes of this provision, a dual or concurrent
5 enrollment program shall mean one or more college courses taken by a
6 high school student through a state-operated institution while such
7 student is still enrolled in high school or [~~boards of cooperative~~
8 ~~educational services~~] NY polytechnical institutes and for which the
9 student may receive both high school and college credit.

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

12 § 405. Conveyance of property to public corporations. In addition to
13 any other power conferred or possessed by virtue of any provisions of
14 this chapter, the board of education, trustee or trustees of any school
15 district may convey any school site or lot and the buildings thereon and
16 appurtenances or any part thereof, provided that title to any such
17 school property is in such board, trustee or trustees, and when no long-
18 er needed, either without consideration or for such consideration and
19 upon terms and conditions as such board, trustee or trustees may deter-
20 mine to a public corporation, as defined in the general construction
21 law, provided that such real property is to be used by such corporation
22 for the purposes of the corporation or for a public use. In any school
23 district, except a city school district in a city having a population of
24 one hundred twenty-five thousand inhabitants or more, such sale and
25 conveyance shall be submitted to the voters of the district for approval
26 at an annual or special district meeting in the same manner as is now
27 provided by law for the submission of propositions. A [~~board of cooper-~~
28 ~~ative educational services~~] NY polytechnical institute or a board of
29 education, without approval of the voters of the school district and
30 upon such consideration as the institute or board may determine, may
31 convey an easement or right of way over school property for public util-
32 ity services to any municipality, municipal district, authority or
33 public utility. In any city of over one hundred twenty-five thousand
34 population any sale or conveyance shall be subject to approval by the
35 local governing body of such city.

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

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

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

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

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

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

11 3. Safety rating system. The commissioner shall develop pursuant to
12 regulations a safety rating system to be used by all school districts
13 and [~~boards of cooperative educational services~~] NY polytechnical insti-
14 tutes keyed to the structural integrity and overall safety of the build-
15 ing and shall be developed using data obtained from the building's annu-
16 al inspection as required by this article. Such safety rating system
17 shall identify and assess the condition of every major system component
18 of every school building including interior structures; building systems
19 such as heating, ventilation, plumbing and electrical systems; exterior
20 structures including but not limited to roofs, masonry, stairs, and
21 chimneys; and develop a system which rates each building component based
22 on at least the following factors: overall safety; structural integrity;
23 probable useful life; need for repair or replacement; and maintenance.
24 Such safety rating shall include mechanisms which facilitate more
25 frequent inspections and repairs as determined necessary to protect the
26 welfare and safety of students and staff residing in such school build-
27 ings. This information shall be used for purposes of developing a build-
28 ings condition survey as required pursuant to section thirty-six hundred
29 forty-one of this chapter and a five year facilities plan as required
30 pursuant to clause (i) of subparagraph two of paragraph (b) of subdivi-
31 sion six of section thirty-six hundred two of this chapter.

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

35 (a) "School" shall mean any public school district or private or paro-
36 chial school or [~~board of cooperative educational services~~] NY polytech-
37 nical institute.

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

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

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

54 (a) "School" shall mean any public school district or private or paro-
55 chial school or [~~board of cooperative educational services~~] NY polytech-
56 nical 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

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

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

5 § 902-a. Treatment of students diagnosed with diabetes by school
6 personnel. 1. Licensed nurses, nurse practitioners, physician assist-
7 ants, or physicians employed by school districts or [~~boards of cooper-~~
8 ~~ative educational services~~] NY polytechnical institutes are authorized
9 to calculate prescribed insulin dosages, administer prescribed insulin,
10 program the prescribed insulin pump, refill the reservoir in the insulin
11 pump, change the infusion site, inject prescribed glucagon, teach an
12 unlicensed person to administer glucagon to an individual, and perform
13 other authorized services pursuant to the scope of practice of the
14 licensed individual under title VIII of this chapter, to pupils who have
15 received written permission by a physician or other licensed health care
16 provider, and written parental consent to carry and use insulin and
17 glucagon pursuant to section nine hundred sixteen-b of this article,
18 during the school day on school property and at any school function as
19 such terms are defined, respectively, by subdivisions one and two of
20 section eleven of this chapter. Nothing in this section shall authorize
21 unlicensed persons to perform these services except as otherwise permit-
22 ted by section nine hundred twenty-one of this article.

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

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

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

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

37 § 907. Use of sunscreen. The board of education or trustees of each
38 school district and [~~board of cooperative educational services~~] NY poly-
39 technical institute, and the governing body of each private elementary,
40 middle and secondary school, shall allow students to carry and use
41 topical sunscreen products approved by the federal Food and Drug Admin-
42 istration for over-the-counter use for the purpose of avoiding overexpo-
43 sure to the sun and not for medical treatment of an injury or illness,
44 with the written permission of the parent or guardian of the student. A
45 record of such permission shall be maintained by the school. A student
46 who is unable to physically apply sunscreen may be assisted by unli-
47 censed personnel when directed to do so by the student, if permitted by
48 a parent or guardian and authorized by the school.

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

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

1 institute to submit to a medical examination by a physician or other
2 health care provider of his or her choice or the director of school
3 health services of the board of education or trustees or [~~board of coop-~~
4 ~~erative educational services~~] NY polytechnical institute, in order to
5 determine the physical or mental capacity of such person to perform his
6 or her duties. The person required to submit to such medical examina-
7 tion shall be entitled to be accompanied by a physician or other person
8 of his or her choice. The determination based upon such examination as
9 to the physical or mental capacity of such person to perform his or her
10 duties shall be reported to the board of education or trustees or [~~board~~
11 ~~of cooperative educational services~~] NY polytechnical institute and may
12 be referred to and considered for the evaluation of service of the
13 person examined or for disability retirement.

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

16 § 916. Pupils with asthma or another respiratory disease requiring
17 rescue inhaler treatment. 1. The board of education or trustees of each
18 school district and [~~board of cooperative educational services~~] NY poly-
19 technical institute shall allow pupils who have been diagnosed by a
20 physician or other duly authorized health care provider with an asthmatic
21 condition or another respiratory disease to carry and use a
22 prescribed inhaler and self-administer inhaled rescue medications to
23 alleviate respiratory symptoms or to prevent the onset of exercise
24 induced asthmatic symptoms during the school day on school property and
25 at any school function as such terms are defined, respectively, by
26 subdivisions one and two of section eleven of this chapter, with the
27 written permission of a physician or other duly authorized health care
28 provider, and written parental consent. The written permission shall
29 include an attestation by the physician or the health care provider
30 confirming the following: (a) the pupil is diagnosed with asthma or
31 another respiratory disease for which inhaled rescue medications are
32 prescribed to alleviate respiratory symptoms or to prevent the onset of
33 exercise induced asthmatic symptoms; and (b) that the pupil has demon-
34 strated that he or she can self-administer the prescribed inhaled rescue
35 medication effectively. The written permission shall also include the
36 name of the prescribed inhaled rescue medication, the dose, the times
37 when the medication is to be taken, the circumstances which may warrant
38 the use of the medication and the length of time for which the inhaler
39 is prescribed. A record of such consent and permission shall be main-
40 tained in the student's cumulative health record. In addition, upon the
41 written request of a parent or person in parental relation, the board of
42 education or trustees of a school district and [~~board of cooperative~~
43 ~~educational services~~] NY polytechnical institute shall allow such pupils
44 to maintain an extra such inhaler in the care and custody of a licensed
45 nurse, nurse practitioner, physician assistant, or physician employed by
46 such district or [~~board of cooperative educational services~~] NY poly-
47 technical institute, and shall be readily accessible to such pupil.
48 Nothing in this section shall require a school district or [~~board of~~
49 ~~cooperative educational services~~] NY polytechnical institute to retain a
50 licensed nurse, nurse practitioner, physician assistant, or physician
51 solely for the purpose of taking custody of a spare inhaler for the
52 treatment of asthma or a respiratory disease requiring rescue medication
53 treatment, or require that a licensed nurse, nurse practitioner, physi-
54 cian assistant, or physician be available at all times in a school
55 building for the purpose of taking custody of the inhaler. In addition,
56 the medication provided by the pupil's parents or persons in parental

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

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

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

13 § 916-a. Pupils with allergies. 1. The board of education or trustees
14 of each school district and [~~board of cooperative educational services~~]
15 NY polytechnical institute shall allow pupils who have been diagnosed by
16 a physician or other duly authorized health care provider with an aller-
17 gy to carry and use a prescribed epinephrine auto injector for the emer-
18 gency treatment of allergic reactions during the school day on school
19 property and at any school function as such terms are defined, respec-
20 tively, by subdivisions one and two of section eleven of this chapter,
21 with the written permission of a physician or other duly authorized
22 health provider, and written parental consent. The written permission
23 shall include an attestation by the physician or the health care provid-
24 er confirming the following: (a) the pupil's diagnosis of an allergy for
25 which an epinephrine auto injector is needed; and (b) that the pupil has
26 demonstrated that he or she can self-administer the prescribed epineph-
27 rine auto injector effectively. The written permission shall also
28 include the circumstances which may warrant the use of the epinephrine
29 auto injector. A record of such consent and permission shall be main-
30 tained in the student's cumulative health record. In addition, upon the
31 written request of a parent or person in parental relation, the board of
32 education or trustees of a school district and [~~board of cooperative~~
33 ~~educational services~~] NY polytechnical institute shall allow such pupils
34 to maintain an extra epinephrine auto injector for the emergency treat-
35 ment of allergies in the care and custody of licensed nurse, nurse prac-
36 titioner, physician assistant, or physician employed by such district or
37 [~~board of cooperative educational services~~] NY polytechnical institute,
38 and shall be readily accessible to such pupil. Nothing in this section
39 shall require a school district or [~~board of cooperative educational~~
40 ~~services~~] NY polytechnical institute to retain a licensed nurse, nurse
41 practitioner, physician assistant, or physician solely for the purpose
42 of taking custody of a spare epinephrine auto injector for the emergency
43 treatment of allergic reactions, or require that a licensed nurse, nurse
44 practitioner, physician assistant, or physician be available at all
45 times in a school building for taking custody of the epinephrine auto
46 injector. In addition, the epinephrine auto injector provided by the
47 pupil's parents or persons in parental relation will be made available
48 to the pupil as needed in accordance with the school district's or
49 [~~board of cooperative educational services~~] NY polytechnical insti-
50 tute's policy and the orders prescribed in the written permission of the
51 physician or other authorized health care provider.

52 2. A school district, [~~board of cooperative educational services~~] NY
53 polytechnical institute and/or their agents or employees shall incur no
54 legal or financial liability as a result of any harm or injury sustained
55 by a pupil or other person caused by reasonable and good faith compli-
56 ance 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

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

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

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

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

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

24 § 919. On-site nebulizers. 1. The board of education or trustees of
25 the school district responsible for providing health services in a
26 school, or the [~~board of cooperative educational services~~] NY polytech-
27 nical institute in the case of programs under its jurisdiction, shall
28 make a nebulizer available on-site in every public and private school
29 building in which full or part time nurse services are provided. Nebu-
30 lizers in such school buildings shall be made available to allow reason-
31 able access to all public and private school students with a patient
32 specific order, who require inhaled medications administered by a nebu-
33 lizer, provided, however, that nebulizers shall be administered by a
34 school nurse or physician pursuant to the student's patient specific
35 order. Every nebulizer shall be maintained in working order by the
36 school district or [~~board of cooperative educational services~~] NY poly-
37 technical institute that provides school health services to the school
38 building where the nebulizer is located.

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

41 § 56. Section 921 of the education law, as added by chapter 423 of the
42 laws of 2014 and subdivision 1 as amended by chapter 339 of the laws of
43 2021, is amended to read as follows:

44 § 921. Training of unlicensed school personnel to administer certain
45 medications. 1. The board of education or trustees of each school
46 district and [~~board of cooperative educational services~~] NY polytechni-
47 cal institute and nonpublic schools are authorized, but not obligated to
48 have licensed registered professional nurses, nurse practitioners,
49 physician assistants, and physicians train unlicensed school personnel
50 to administer prescribed glucagon or epinephrine auto injectors in emer-
51 gency situations, where an appropriately licensed health professional is
52 not available, to pupils who have the written permission of a physician
53 or other duly authorized health care provider for the administration of
54 glucagon or emergency epinephrine auto injector, along with written
55 parental consent, during the school day on school property and at any
56 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 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 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

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

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

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

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

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

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

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

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

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

52 § 63. Subdivisions 21-a, 21-b and 31-b of section 1604 of the educa-
53 tion law, subdivision 21-a as amended by section 6 of subpart A of part
54 B of chapter 56 of the laws of 2022, subdivision 21-b as added by
55 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

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

9 § 65. Paragraphs b, d, e, g, and i of subdivision 25 and subdivision
10 34-b of section 1709 of the education law, paragraphs d and e of subdivi-
11 sion 25 as amended by chapter 230 of the laws of 1968, paragraph b of
12 subdivision 25 as amended by chapter 742 of the laws of 1975, paragraph
13 g of subdivision 25 as amended by section 23 of subpart F of part C of
14 chapter 97 of the laws of 2011, paragraph i of subdivision 25 as amended
15 by section 7 of subpart A of part B of chapter 56 of the laws of 2022,
16 and subdivision 34-b as added by chapter 525 of the laws of 1986, are
17 amended to read as follows:

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

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

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

31 g. The board of education is authorized to provide regional transpor-
32 tation services by rendering such services jointly with other school
33 districts or ~~[boards of cooperative educational services]~~ NY polytechni-
34 cal institutes. Such services may include pupil transportation between
35 home and school, transportation during the day to and from school and a
36 special education program or service or a program at a ~~[board of cooper-~~
37 ~~ative educational services]~~ NY polytechnical institute or an approved
38 shared program at another school district, transportation for field
39 trips or to and from extracurricular activities, and cooperative school
40 bus maintenance.

41 i. In addition to the authority granted in paragraph e of this subdivi-
42 sion, the board of education shall be authorized to lease a motor
43 vehicle or vehicles to be used for the transportation of the children of
44 the district from sources other than a school district, ~~[board of coop-~~
45 ~~erative educational services]~~ NY polytechnical institute or county voca-
46 tional education and extension board under the conditions specified in
47 this paragraph. No such agreement for the lease of a motor vehicle or
48 vehicles shall be for a term of more than one school year, provided that
49 when authorized by a vote of the qualified voters of the district such
50 lease may have a term of up to five years, or twelve years for the lease
51 of zero-emission school buses as defined in section thirty-six hundred
52 thirty-eight of this chapter. Where the board of education enters a
53 lease of a motor vehicle or vehicles pursuant to this paragraph for a
54 term of one school year or less, such board shall not be authorized to
55 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

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

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

20 2. The curriculum used for training on financial oversight, account-
21 ability and fiduciary responsibilities shall be approved by the commis-
22 sioner in consultation with the comptroller and the curriculum used for
23 the general training shall be approved by the commissioner. These
24 curricula may be offered together as a single course or separately. The
25 training required by this section may be offered by providers approved
26 by the commissioner. In approving other providers for these trainings,
27 the commissioner shall consider the potential provider's understanding
28 of the educational environment, the roles of trustees and boards of
29 education and [~~boards of cooperative educational services~~] NY polytech-
30 nical institutes, and the experience of the provider in delivering such
31 training.

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

34 3-a. In addition to the annual audit required by subdivision three of
35 this section, each school district and [~~board of cooperative educational~~
36 ~~services~~] NY polytechnical institute within the state shall be subject
37 to audits of the state conducted by the comptroller as set forth in
38 section thirty-three of the general municipal law.

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

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

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

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

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

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

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

15 § 2212. Removal of district superintendent from office. A district
16 superintendent may be removed from office at any time upon the affirma-
17 tive vote of a majority of the members of the [~~board of cooperative~~
18 ~~educational services~~] NY polytechnical institute, or by the commissioner
19 pursuant to section three hundred six of this chapter.

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

23 17. To determine the adequacy and appropriateness of the facilities
24 space available to house special education programs in the geographic
25 area served by the [~~board of cooperative educational services~~] NY poly-
26 technical institute, consistent with the least restrictive environment
27 requirement and to ensure the stability and continuity of program place-
28 ments for students with disabilities, including procedures that ensure
29 that special education programs and services located in appropriate
30 facilities will not be relocated without adequate consideration of the
31 needs of participating students with disabilities.

32 § 79. Paragraph e of subdivision 5 of section 2218 of the education
33 law, as added by section 83 of part L of chapter 405 of the laws of
34 1999, is amended to read as follows:

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

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

43 10-b. In its discretion, to purchase insurance against personal inju-
44 ries incurred by an authorized participant in a school volunteer
45 program, including but not limited to, those authorized participants who
46 assist on school buses, school sponsored transportation to and from
47 school, or on school sponsored field trips or any other school sponsored
48 activity; provided, however, that the injuries were incurred while the
49 authorized participant was functioning either within the scope of his or
50 her authorized volunteer duties or under the direction of the board of
51 education, trustee, or [~~board of cooperative educational services~~] NY
52 polytechnical institute, or both.

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

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

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

27 ii. Notwithstanding any other provision of law or regulation to the
28 contrary, teachers and all other members of the teaching staff appointed
29 on or after July first, two thousand fifteen and authorized by section
30 twenty-five hundred three of this article, shall be appointed by the
31 board of education, upon the recommendation of the superintendent of
32 schools, for a probationary period of four years, except that in the
33 case of a teacher who has rendered satisfactory service as a regular
34 substitute for a period of two years and, if a classroom teacher, has
35 received composite annual professional performance review ratings in
36 each of those years, or has rendered satisfactory service as a
37 seasonally licensed per session teacher of swimming in day schools who
38 has served in that capacity for a period of two years and has been
39 appointed to teach the same subject in day schools on an annual salary,
40 the teacher shall be appointed for a probationary period of two years;
41 provided, however, that in the case of a teacher who has been appointed
42 on tenure in another school district within the state, the school
43 district where currently employed, or a ~~[board of cooperative educa-~~
44 ~~tional services]~~ NY polytechnical institute, and who was not dismissed
45 from such district or ~~[board]~~ institute as a result of charges brought
46 pursuant to subdivision one of section three thousand twenty-a or
47 section three thousand twenty-b of this chapter, the teacher shall be
48 appointed for a probationary period of three years; provided that the
49 teacher demonstrates that he or she received an annual professional
50 performance review rating pursuant to section three thousand twelve-c or
51 section three thousand twelve-d of this chapter in his or her final year
52 of service in such other school district or ~~[board of cooperative educa-~~
53 ~~tional services]~~ NY polytechnical institute. Provided further, however,
54 that in the case of a teacher who has been appointed for a probationary
55 period during the two thousand twenty--two thousand twenty-one, the two
56 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

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

6 ii. Teachers and all other members of the teaching staff appointed on
7 or after July first, two thousand fifteen and authorized by section
8 twenty-five hundred fifty-four of this article, shall be appointed by
9 the board of education, upon the recommendation of the superintendent of
10 schools, for a probationary period of four years, except that in the
11 case of a teacher who has rendered satisfactory service as a regular
12 substitute for a period of two years and, if a classroom teacher, has
13 received annual professional performance review ratings in each of those
14 years, or has rendered satisfactory service as a seasonally licensed per
15 session teacher of swimming in day schools who has served in that capac-
16 ity for a period of two years and has been appointed to teach the same
17 subject in day schools on an annual salary, the teacher shall be
18 appointed for a probationary period of two years; provided, however,
19 that in the case of a teacher who has been appointed on tenure in another
20 school district within the state, the school district where currently
21 employed, or a [~~board of cooperative educational services~~] NY polytech-
22 nical institute, and who was not dismissed from such district or [~~board~~]
23 institute as a result of charges brought pursuant to subdivision one of
24 section three thousand twenty-a or section three thousand twenty-b of
25 this chapter, the teacher shall be appointed for a probationary period
26 of three years; provided that, in the case of a classroom teacher, the
27 teacher demonstrates that he or she received an annual professional
28 performance review rating pursuant to section three thousand twelve-c or
29 section three thousand twelve-d of this chapter in his or her final year
30 of service in such other school district or [~~board of cooperative educa-~~
31 ~~tional services~~] NY polytechnical institute; provided, however, that, in
32 the case of a classroom teacher who has been appointed for a probation-
33 ary period during the two thousand twenty--two thousand twenty-one, the
34 two thousand twenty-one--two thousand twenty-two or the two thousand
35 twenty-two--two thousand twenty-three school year and who has been
36 appointed on tenure in another school district within the state, the
37 school district where currently employed, [~~board of cooperative educa-~~
38 ~~tional services~~] NY polytechnical institute or state school for the
39 blind or deaf, and who was not dismissed from such district, [~~board~~]
40 institute or state school for the blind or deaf as a result of charges
41 brought pursuant to section three thousand twenty-a or section three
42 thousand twenty-b of this chapter, such teacher shall be appointed for a
43 probationary period of three years; provided that, in the case of a
44 classroom teacher, such teacher demonstrates that he or she received an
45 annual professional performance review rating pursuant to section three
46 thousand twelve-c or section three thousand twelve-d of this chapter in
47 the two thousand seventeen--two thousand eighteen or two thousand eigh-
48 teen--two thousand nineteen school year in such other school district,
49 [~~board of cooperative educational services~~] NY polytechnical institute
50 or state school for the blind or deaf; provided further, however, that
51 in cities with a population of one million or more, a teacher appointed
52 under a newly created license, for teachers of reading and of the
53 emotionally handicapped, to a position which the teacher has held for at
54 least two years prior to such appointment while serving on tenure in
55 another license area who was not dismissed as a result of charges
56 brought pursuant to subdivision one of section three thousand twenty-a

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

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

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

49 § 84. Paragraph (b) of subdivision 5 of section 2601-a of the education
50 law, as amended by section 9 of part A of chapter 97 of the laws of
51 2011, is amended to read as follows:

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

1 services for non-public school students, school health services, special
2 education services, kindergarten and nursery school programs, and the
3 district's share of the administrative costs and costs of services
4 provided by a [~~board of cooperative educational services~~] NY polytechni-
5 cal institute;

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

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

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

24 1. The board of education or trustees, as defined in section two of
25 this chapter, of every school district within the state, however
26 created, and every [~~board of cooperative educational services~~] NY poly-
27 technical institute and county vocational education and extension board
28 and the chancellor of the city school district of the city of New York
29 shall adopt and amend a comprehensive district-wide school safety plan
30 and building-level emergency response plans regarding crisis inter-
31 vention, emergency response and management, provided that in the city
32 school district of the city of New York, such plans shall be adopted by
33 the chancellor of the city school district. Such plans shall be devel-
34 oped by a district-wide school safety team and a building-level emergen-
35 cy response team established pursuant to subdivision four of this
36 section and shall be in a form developed by the commissioner in consul-
37 tation with the division of criminal justice services, the superinten-
38 dent of the state police and any other appropriate state agencies. The
39 commissioner, in consultation with the superintendent of the state
40 police, is authorized to develop an appeals process from duplicative
41 requirements of a district-wide school safety plan for school districts
42 having only one school building.

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

46 § 2801-b. New York state school safety improvement teams. The governor
47 shall establish New York state school safety improvement teams, which
48 may be composed of representatives from the division of homeland securi-
49 ty and emergency services, the division of state police, the division of
50 criminal justice services, and the department. Such New York State
51 School Safety Improvement Teams shall review and assess school safety
52 plans submitted, on a voluntary basis, by school districts having a
53 population of less than one hundred twenty-five thousand inhabitants,
54 [~~boards of cooperative educational services~~] NY polytechnical
55 institutes, nonpublic schools, and county vocational education and

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

3 § 88. Intentionally omitted.

4 § 89. Subdivision 2, the opening paragraph of subdivision 3, and
5 subdivision 4 of section 2802 of the education law, as added by chapter
6 181 of the laws of 2000, are amended to read as follows:

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

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

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

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

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

32 § 91. Subdivisions 3, 4, and 5 of section 3004 of the education law,
33 subdivision 3 as added by chapter 181 of the laws of 2000, subdivisions
34 4 and 5 as amended by chapter 484 of the laws of 2008, are amended to
35 read as follows:

36 3. The commissioner shall prescribe regulations requiring that all
37 persons applying on or after February second, two thousand one for a
38 teaching certificate or license, including but not limited to a certif-
39 icate or license valid for service as a classroom teacher, teaching
40 assistant, pupil personnel service professional, school administrator or
41 supervisor or superintendent of schools, shall, in addition to all the
42 other certification or licensing requirements, have completed two hours
43 of course work or training in school violence prevention and inter-
44 vention. The course work or training shall be obtained from an institu-
45 tion or provider which has been approved by the department to provide
46 such course work or training. Such regulations shall also require that
47 school districts and [~~boards of cooperative educational services~~] NY
48 polytechnical institutes include training for teachers and other certi-
49 fied or licensed employees in school violence prevention and inter-
50 vention in their required professional development plans.

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

1 autism. In addition, such regulations shall require that enhanced train-
2 ing in the needs of autistic children be provided to each certified
3 school administrator or supervisor assigned on or after September
4 second, two thousand nine to serve as a special education administrator.
5 Such training shall be provided prior to, or as soon as practicable
6 following, assignment as a special education administrator. Individuals
7 serving as special education administrators as of September second, two
8 thousand nine shall complete such training by such date. The enhanced
9 course work or training shall be obtained from an institution or provid-
10 er which has been approved by the department to provide such course work
11 or training in the needs of autistic children, provided that enhanced
12 training for certified school administrators or supervisors that meets
13 standards prescribed by the commissioner may be included in the profes-
14 sional development provided by the school district or [~~board of cooper-~~
15 ~~ative educational services~~] NY polytechnical institute to such adminis-
16 trators or supervisors.

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

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

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

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

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

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

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

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

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

1 a teacher who has been appointed on tenure in another school district
2 within the state, the school district where currently employed, or a
3 ~~[board of cooperative educational services]~~ NY polytechnical institute,
4 and who was not dismissed from such district or ~~[board]~~ institute as a
5 result of charges brought pursuant to subdivision one of section three
6 thousand twenty-a or section three thousand twenty-b of this article;
7 the teacher shall be appointed for a probationary period of three years;
8 provided that, in the case of a classroom teacher, the teacher demon-
9 strates that he or she received an annual professional performance
10 review rating pursuant to section three thousand twelve-c or section
11 three thousand twelve-d of this chapter in his or her final year of
12 service in such other school district or ~~[board of cooperative educa-~~
13 ~~tional services]~~ NY polytechnical institute. Provided further, however,
14 that in the case of a teacher who has been appointed for a probationary
15 period during the two thousand twenty--two thousand twenty-one, the two
16 thousand twenty one--two thousand twenty-two or the two thousand twen-
17 ty-two--two thousand twenty-three school year and who has been appointed
18 on tenure in another school district within the state, the school
19 district where currently employed, ~~[board of cooperative educational~~
20 ~~services]~~ NY polytechnical institute or state school for the blind or
21 deaf and who was not dismissed from such district, ~~[board]~~ institute or
22 state school for the blind or deaf as a result of charges brought pursu-
23 ant to subdivision one of section three thousand twenty-a or section
24 three thousand twenty-b of this article, such teacher shall be appointed
25 for a probationary period of three years; provided that, in the case of
26 a classroom teacher, such teacher demonstrates that he or she received
27 an annual professional performance review rating pursuant to section
28 three thousand twelve-c or section three thousand twelve-d of this arti-
29 cle in the two thousand seventeen--two thousand eighteen or two thousand
30 eighteen--two thousand nineteen school year in such other school
31 district, ~~[board of cooperative educational services]~~ NY polytechnical
32 institute or state school for the blind or deaf. The service of a person
33 appointed to any of such positions may be discontinued at any time
34 during such probationary period, on the recommendation of the super-
35 intendent of schools, by a majority vote of the board of education or
36 the trustees of a common school district.

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

48 ii. Principals, administrators, supervisors and all other members of
49 the supervising staff of school districts, including common school
50 districts and/or school districts employing fewer than eight teachers,
51 other than city school districts, who are appointed on or after July
52 first, two thousand fifteen, shall be appointed by the board of educa-
53 tion, or the trustees of a common school district, upon the recommenda-
54 tion of the superintendent of schools for a probationary period of four
55 years; provided, however, that in the case of a principal, administra-
56 tor, supervisor, or other member of the supervising staff who has been

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

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

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

22 1. Notwithstanding any other provision of law, rule or regulation to
23 the contrary, the annual professional performance reviews of all class-
24 room teachers and building principals employed by school districts or
25 ~~[boards of cooperative educational services]~~ NY polytechnical institutes
26 shall be conducted in accordance with the provisions of this section.
27 Such performance reviews which are conducted on or after July first, two
28 thousand eleven, or on or after the date specified in paragraph c of
29 subdivision two of this section where applicable, shall include measures
30 of student achievement and be conducted in accordance with this section.
31 Such annual professional performance reviews shall be a significant
32 factor for employment decisions including but not limited to, promotion,
33 retention, tenure determination, termination, and supplemental compen-
34 sation, which decisions are to be made in accordance with locally devel-
35 oped procedures negotiated pursuant to the requirements of article four-
36 teen of the civil service law where applicable. Provided, however, that
37 nothing in this section shall be construed to affect the unfettered
38 statutory right of a school district or ~~[board of cooperative educa-~~
39 ~~tional services]~~ NY polytechnical institute to terminate a probationary
40 teacher or principal for any statutorily and constitutionally permissi-
41 ble reasons, including but not limited to misconduct and until a tenure
42 decision is made, the performance of the teacher or principal in the
43 classroom. Such performance reviews shall also be a significant factor
44 in teacher and principal development, including but not limited to,
45 coaching, induction support and differentiated professional development,
46 which are to be locally established in accordance with procedures nego-
47 tiated pursuant to the requirements of article fourteen of the civil
48 service law.

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

53 (1) Annual professional performance reviews conducted by school
54 districts or ~~[boards of cooperative educational services]~~ NY polytechni-
55 cal institutes for the two thousand eleven--two thousand twelve school
56 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-~~

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

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

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

16 (2) Such process must ensure that it is possible for a teacher or
17 principal to obtain each point in the applicable scoring ranges, includ-
18 ing zero, for the state assessment or other comparable measures subcom-
19 ponent, the locally selected measures of student achievement subcompo-
20 nent and the overall rating categories. The process must also ensure
21 that it is possible for a teacher or principal to obtain each point in
22 the scoring ranges prescribed by the district or ~~[board of cooperative~~
23 ~~educational services]~~ NY polytechnical institute for the other measures
24 of teacher and principal effectiveness subcomponent.

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

29 k. Notwithstanding any other provision of law, rule or regulation to
30 the contrary, by July first, two thousand twelve, the governing body of
31 each school district and ~~[board of cooperative educational services]~~ NY
32 polytechnical institute shall adopt a plan, on a form prescribed by the
33 commissioner, for the annual professional performance review of all of
34 its classroom teachers and building principals in accordance with the
35 requirements of this section and the regulations of the commissioner,
36 and shall submit such plan to the commissioner for approval. The plan
37 may be an annual or multi-year plan, for the annual professional
38 performance review of all of its classroom teachers and building princi-
39 pals. The commissioner shall approve or reject the plan by September
40 first, two thousand twelve, or as soon as practicable thereafter. The
41 commissioner may reject a plan that does not rigorously adhere to the
42 provisions of this section and the regulations of the commissioner.
43 Should any plan be rejected, the commissioner shall describe each defi-
44 ciency in the submitted plan and direct that each such deficiency be
45 resolved through collective bargaining to the extent required under
46 article fourteen of the civil service law. If any material changes are
47 made to the plan, the school district or ~~[board of cooperative educa-~~
48 ~~tional services]~~ NY polytechnical institute must submit the material
49 changes, on a form prescribed by the commissioner, to the commissioner
50 for approval. To the extent that by July first, two thousand twelve, or
51 by July first of any subsequent year, if all the terms of the plan have
52 not been finalized as a result of unresolved collective bargaining nego-
53 tiations, the entire plan shall be submitted to the commissioner upon
54 resolution of all of its terms, consistent with article fourteen of the
55 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

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

13 b. Nothing in this section shall be construed to alter or diminish the
14 authority of the governing body of a school district or [~~board of coop-~~
15 ~~erative educational services~~] NY polytechnical institute to grant or
16 deny tenure to or terminate probationary teachers or probationary build-
17 ing principals during the pendency of an appeal pursuant to this section
18 for statutorily and constitutionally permissible reasons including the
19 teacher's or principal's performance that is the subject of the appeal.

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

24 7. The regulations adopted pursuant to this section shall be developed
25 in consultation with an advisory committee consisting of representatives
26 of teachers, principals, superintendents of schools, school boards,
27 school district and [~~board of cooperative educational services~~] NY poly-
28 technical institute officials and other interested parties. The regu-
29 lations shall also take into account any (i) professional teaching stan-
30 dards; (ii) standards for professional contexts; and (iii) standards for
31 a continuum of system support for teachers and principals developed in
32 consultation with the advisory committee. Regulations promulgated pursu-
33 ant to this section shall be effective no later than July first, two
34 thousand eleven, for implementation in the two thousand eleven--two
35 thousand twelve school year.

36 8. Notwithstanding any other provision of law, rule or regulation to
37 the contrary, all collective bargaining agreements applicable to class-
38 room teachers or building principals entered into after July first, two
39 thousand ten shall be consistent with requirements of this section.
40 Nothing in this section shall be construed to abrogate any conflicting
41 provisions of any collective bargaining agreement in effect on July
42 first, two thousand ten during the term of such agreement and until the
43 entry into a successor collective bargaining agreement, provided that
44 notwithstanding any other provision of law to the contrary, upon expira-
45 tion of such term and the entry into a successor collective bargaining
46 agreement the provisions of this section shall apply. Furthermore,
47 nothing in this section or in any rule or regulation promulgated here-
48 under shall in any way, alter, impair or diminish the rights of a local
49 collective bargaining representative to negotiate evaluation procedures
50 in accordance with article fourteen of the civil service law with the
51 school district or [~~board of cooperative educational services~~] NY poly-
52 technical institute.

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

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

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

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

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

42 b. Each school district and [~~board of cooperative educational~~
43 ~~services~~] NY polytechnical institute shall fully disclose and release to
44 the parents and legal guardians of a student the final quality rating
45 and composite effectiveness score for each of the teachers and for the
46 principal of the school building to which the student is assigned for
47 the current school year upon the request of such parents and legal guar-
48 dians. The governing body of each school district and [~~board of cooper-~~
49 ~~ative educational services~~] NY polytechnical institute shall provide
50 conspicuous notice to parents and legal guardians of the right to obtain
51 such information. Parents and legal guardians may review and receive
52 such data in any manner, including by phone or in person; shall receive
53 an oral or written explanation of the composite effectiveness scoring
54 ranges for final quality ratings; and be offered opportunities to under-
55 stand such scores in the context of teacher evaluation and student
56 performance. Reasonable efforts shall be made to verify that any such

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

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

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

20 § 102. Paragraphs a and b of subdivision 2 and subdivision 17 of
21 section 3012-d of the education law, paragraphs a and b of subdivision 2
22 as added by section 2 of subpart E of part EE of chapter 56 of the laws
23 of 2015 and subdivision 17 as amended by chapter 201 of the laws of
24 2022, are amended to read as follows:

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

29 b. "Principal" shall mean a building principal or an administrator in
30 charge of an instructional program of a [~~board of cooperative educa-~~
31 ~~tional services~~] NY polytechnical institute;

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

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

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

52 2. Whenever a trustee, board of [~~trustee~~] trustees, board of education
53 or [~~board of cooperative educational services~~] NY polytechnical insti-
54 tute abolishes a position under this chapter, the services of the teach-
55 er having the least seniority in the system within the tenure of the
56 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

1 shall be appointed for a probationary period of three years. Provided
2 further, however, that in the case of a classroom teacher who has been
3 appointed for a probationary period during the two thousand twenty--two
4 thousand twenty-one, the two thousand twenty-one--two thousand twenty-
5 two or the two thousand twenty-two--two thousand twenty-three school
6 year and who has been appointed on tenure in a school district within
7 the state, state school for the blind or deaf, the [~~board of cooperative~~
8 ~~educational services~~] NY polytechnical institute where currently
9 employed, or another [~~board of cooperative educational services~~] NY
10 polytechnical institute, and who was not dismissed from such district,
11 [~~board~~] institute or state school for the blind or deaf as a result of
12 charges brought pursuant to section three thousand twenty-a or section
13 three thousand twenty-b of this article, such teacher shall be appointed
14 for a probationary period of three years; provided that, in the case of
15 a classroom teacher, such teacher demonstrates that he or she received
16 an annual professional performance review rating pursuant to section
17 three thousand twelve-c or section three thousand twelve-d of this arti-
18 cle of either effective or highly effective in the two thousand seven-
19 teen--two thousand eighteen or two thousand eighteen--two thousand nine-
20 teen school year in such other school district, state school for the
21 blind or deaf or [~~board of cooperative educational services~~] NY poly-
22 technical institute. Services of a person so appointed to any such posi-
23 tions to which this paragraph applies may be discontinued at any time
24 during the probationary period, upon the recommendation of the district
25 superintendent, by a majority vote of the [~~board of cooperative educa-~~
26 ~~tional services~~] NY polytechnical institute.

27 2. (a) On or before the expiration of the probationary term of a
28 person appointed for such term prior to July first, two thousand
29 fifteen, the district superintendent of schools shall make a written
30 report to the [~~board of cooperative educational services~~] NY polytechni-
31 cal institute recommending for appointment on tenure persons who have
32 been found competent, efficient and satisfactory. Such persons shall
33 hold their respective positions during good behavior and competent and
34 efficient service and shall not be removed except for any of the follow-
35 ing causes, after a hearing, as provided by section three thousand twen-
36 ty-a or section three thousand twenty-b of this article: (i) Insubordi-
37 nation, immoral character or conduct unbecoming a teacher; (ii)
38 Inefficiency, incompetency, or neglect of duty; (iii) Failure to main-
39 tain certification as required by this chapter and by the regulations of
40 the commissioner. Each person who is not to be so recommended for
41 appointment on tenure shall be so notified in writing by the district
42 superintendent not later than sixty days immediately preceding the expi-
43 ration of his or her probationary period.

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

1 ty--two thousand twenty-one school year who have received composite
2 annual professional performance review ratings pursuant to section three
3 thousand twelve-c or section three thousand twelve-d of this article of
4 either effective or highly effective in at least one of the four preced-
5 ing years, exclusive of any breaks in service, and did not receive an
6 ineffective rating in the final year of his or her probationary period
7 or in the most recent school year where a rating was received, and would
8 have been in the district superintendent of schools' discretion quali-
9 fied for appointment on tenure based upon performance, notwithstanding
10 that his or her annual professional performance review had not been
11 completed and he or she had not received an annual professional perform-
12 ance rating for the two thousand nineteen--two thousand twenty, two
13 thousand twenty--two thousand twenty-one or the two thousand twenty-one-
14 -two thousand twenty-two school year; provided that, in the case of a
15 classroom teacher or building principal appointed during the two thou-
16 sand eighteen--two thousand nineteen or two thousand nineteen--two thou-
17 sand twenty school year, who has not received composite annual profes-
18 sional performance review ratings pursuant to section three thousand
19 twelve-c or section three thousand twelve-d of this article for three
20 consecutive years, no ratings shall be required for the district super-
21 intendent of schools to recommend for appointment on tenure such teacher
22 or building principal if the teacher or principal would have been, in
23 the district superintendent of schools' discretion, qualified for
24 appointment on tenure based upon performance, notwithstanding that his
25 or her annual professional performance review had not been completed and
26 he or she had not received an annual professional performance review
27 rating for the two thousand nineteen--two thousand twenty, two thousand
28 twenty--two thousand twenty-one and two thousand twenty-one--two thou-
29 sand twenty-two school years; provided that in the case of a classroom
30 teacher or building principal appointed during the two thousand twenty-
31 one--two thousand twenty-two school year who have received composite
32 annual professional performance review ratings pursuant to section three
33 thousand twelve-c or section three thousand twelve-d of this article of
34 either effective or highly effective in at least two of the four preced-
35 ing years, exclusive of any breaks in service, and did not receive an
36 ineffective rating in the final year of his or her probationary period,
37 or during the most recent school year where a rating was received, and
38 would have been in the district superintendent of schools' discretion
39 qualified for appointment on tenure based upon performance, notwith-
40 standing that his or her annual professional performance review had not
41 been completed and he or she had not received an annual professional
42 performance rating for the two thousand twenty--two thousand twenty-one
43 or two thousand twenty-one--two thousand twenty-two school year;
44 provided further that, notwithstanding any other provision of this
45 section to the contrary, when a teacher or principal receives an effec-
46 tive or highly effective rating in each year of his or her probationary
47 service except he or she receives an ineffective rating in the final
48 year of his or her probationary period, such teacher shall not be eligi-
49 ble for tenure but the board of education in its discretion, may extend
50 the teacher's probationary period for an additional year; provided,
51 however that if such teacher or principal successfully appealed such
52 ineffective rating, such teacher or principal shall immediately be
53 eligible for tenure if the rating resulting from the appeal established
54 that such individual has been effective or highly effective in at least
55 three of the preceding four years and was not ineffective in the final
56 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

1 teachers, teaching assistants and teacher aides shall be placed on a
2 preferred eligible list of candidates for appointment to a vacancy that
3 may thereafter occur in an office or position under the jurisdiction of
4 the board or [~~boards of cooperative educational services~~] NY polytechni-
5 cal institutes similar to the one such teacher, teaching assistant and
6 teacher aide filled in such school district or school districts or such
7 county vocational education and extension board. The teachers, teaching
8 assistants and teacher aides on such preferred list shall be reinstated
9 or appointed to such vacancies in such corresponding or similar posi-
10 tions under the jurisdiction of the board or [~~boards of cooperative~~
11 ~~educational services~~] NY polytechnical institutes in the order of their
12 length of service in such school district or school districts or in such
13 county vocational education and extension board, within seven years from
14 the date of the abolition of such office or position.

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

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

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

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

28 § 3014-b. Teachers' rights as a result of a school district taking
29 over a program formerly operated by a [~~board of cooperative educational~~
30 ~~services~~] NY polytechnical institute. 1. In any case in which a school
31 district duly takes over the operation of a program formerly provided by
32 a [~~board of cooperative educational services~~] NY polytechnical
33 institute, each teacher, teaching assistant and teacher aide employed in
34 such a program by such a [~~board of cooperative educational services~~] NY
35 polytechnical institute at the time of such takeover by the school
36 district shall be considered an employee of such school district, with
37 the same tenure or civil service status he or she maintained in such
38 [~~board of cooperative educational services~~] NY polytechnical institute.

39 2. If the number of teaching positions needed to provide the services
40 required by such program by the school district is less than the number
41 of teachers, teaching assistants and teacher aides eligible to be
42 considered employees of such school district as provided by subdivision
43 one of this section, the services of the teachers, teaching assistants
44 and teacher aides having the least seniority in the [~~board of cooper-~~
45 ~~ative educational services~~] NY polytechnical institute whose programs
46 are taken over by the school district within the tenure area or civil
47 service title of the position shall be discontinued. Such teachers,
48 teaching assistants and teacher aides shall be placed on a preferred
49 eligible list of candidates for appointment to a vacancy that may there-
50 after occur in an office or position under the jurisdiction of the
51 school district similar to the one such teacher, teaching assistant and
52 teacher aide filled in such [~~board of cooperative educational services~~] NY
53 polytechnical institute. The teachers, teaching assistants and teach-
54 er aides on such preferred list shall be reinstated or appointed to such
55 vacancies in such corresponding or similar positions under the jurisdic-
56 tion of the school district in the order of their length of service in

1 such [~~board of cooperative educational services~~] NY polytechnical insti-
2 tute, within seven years from the date of the abolition of such office
3 or position.

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

9 4. In the event that more than one school district duly takes over the
10 operation of a program formerly provided by a [~~board of cooperative~~
11 ~~educational services~~] NY polytechnical institute, then each teacher,
12 teaching assistant and teacher aide employed in such program by such
13 [~~board of cooperative educational services~~] NY polytechnical institute
14 at the time of such takeover by more than one school district, shall
15 select the particular school district in which he or she shall be
16 considered an employee, with all of the rights and privileges provided
17 by the other provisions of this section. Such selection of the partic-
18 ular school district by such teacher, teaching assistant and teacher
19 aide is to be based upon the seniority of each teacher, teaching assist-
20 ant and teacher aide in such [~~board of cooperative educational services~~]
21 NY polytechnical institute, with the right of selection passing from
22 such teachers, teaching assistants and teacher aides with the most
23 seniority to such teachers, teaching assistants and teacher aides with
24 least seniority. Any such teacher, teaching assistant and teacher aide
25 who is unable to obtain a teaching position in any such school districts
26 because the number of positions needed to provide the services required
27 in such programs with such school districts are less than the number of
28 teachers, teaching assistants and teachers aides eligible to be consid-
29 ered employees of such school districts, shall be placed on a preferred
30 eligible list in all such school districts in the method and with all of
31 the rights provided by the other provisions of this section.

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

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

37 § 3019-a. Notice of termination of service by teachers. A teacher who
38 desires to terminate his or her services to a school district at any
39 time, shall file a written notice thereof with the school authorities of
40 such school district or with the [~~board of cooperative educational~~
41 ~~services~~] NY polytechnical institute or county vocational education and
42 extension board at least thirty days prior to the date of such termi-
43 nation of services. School authorities [~~or such~~], such institutes or
44 such boards which desire to terminate the services of a teacher during
45 the probationary period shall give a written notice thereof to such
46 teacher at least thirty days prior to the effective date of such termi-
47 nation of services.

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

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

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

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

5 § 3023. Liability of a board of education, trustee, trustees or [~~board~~
6 ~~of cooperative educational services~~] NY polytechnical institute.

7 Notwithstanding any inconsistent provision of law, general, special or
8 local, or the limitation contained in the provisions of any city char-
9 ter, it shall be the duty of each board of education, trustee or trus-
10 tees, in any school district having a population of less than one
11 million, and each [~~board of cooperative educational services~~] NY poly-
12 technical institute established pursuant to section nineteen hundred
13 fifty of this chapter, to save harmless and protect all teachers, prac-
14 tice or cadet teachers, authorized participants in a school volunteer
15 program, and members of supervisory and administrative staff or employ-
16 ees from financial loss arising out of any claim, demand, suit or judg-
17 ment by reason of alleged negligence or other act resulting in acci-
18 dental bodily injury to any person, or accidental damage to the property
19 of any person within or without the school building, provided such
20 teacher, practice or cadet teacher, authorized participant in a school
21 volunteer program, or member of the supervisory or administrative staff
22 or employee at the time of the accident or injury was acting in the
23 discharge of his or her duties within the scope of his or her employment
24 or authorized volunteer duties and/or under the direction of said board
25 of education, trustee, trustees or [~~board of cooperative educational~~
26 ~~services~~] NY polytechnical institute; and said board of education,
27 trustee, trustees or [~~board of cooperative educational services~~] NY
28 polytechnical institute may arrange for and maintain appropriate insur-
29 ance with any insurance company created by or under the laws of this
30 state, or in any insurance company authorized by law to transact busi-
31 ness in this state, or such board, trustee, trustees or [~~board of coop-~~
32 ~~erative educational services~~] NY polytechnical institute may elect to
33 act as self-insurers to maintain the aforesaid protection. A board of
34 education, trustee, board of trustees, or [~~board of cooperative educa-~~
35 ~~tional services~~] NY polytechnical institute, however, shall not be
36 subject to the duty imposed by this section, unless such teacher, prac-
37 tice or cadet teacher, authorized participant in a school volunteer
38 program, or member of the supervisory and administrative staff or
39 employee shall, within ten days of the time he or she is served with any
40 summons, complaint, process, notice, demand or pleading, deliver the
41 original or a copy of the same to such board of education, trustee,
42 board of [~~trustes~~] trustees, or [~~board of cooperative educational~~
43 ~~services~~] NY polytechnical institute.

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

46 § 3028-d. Protection of school employees who report information
47 regarding illegal or inappropriate financial practices. Any employee of
48 a school district, [~~board of cooperative educational services~~] NY poly-
49 technical institute, or charter school having reasonable cause to
50 suspect that the fiscal practices or actions of an employee or officer
51 of a school district, charter school, or [~~board of cooperative educa-~~
52 ~~tional services~~] NY polytechnical institute, violate any local, state,
53 federal law or rule and regulation, relating to the financial practices
54 of such entity and who in good faith reports such information to an
55 official of such school district, [~~board of cooperative educational~~
56 ~~services~~] NY polytechnical institute or charter school, or to the office

1 of the state comptroller, the commissioner or to law enforcement author-
2 ities, shall have immunity from any civil liability that may arise from
3 the making of such report, and no school district, or employee or offi-
4 cer thereof, charter school, or employee or officer thereof, or [~~board~~
5 ~~of cooperative educational services~~] NY polytechnical institute, or
6 employee or officer thereof, shall take, request, or cause a retaliatory
7 action against any such employee who makes such report.

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

10 § 3031. Procedure when tenure not to be granted at conclusion of
11 probationary period or when services to be discontinued. Notwithstanding
12 any other provision of this chapter: (a) boards of education, trustees
13 of common school districts and [~~boards of cooperative educational~~
14 ~~services~~] NY polytechnical institutes shall review all recommendations
15 not to appoint a person on tenure, and, teachers, administrators and
16 supervisors employed on probation by any school district or by any
17 [~~board of cooperative educational services~~] NY polytechnical institute,
18 as to whom a recommendation is to be made that appointment on tenure not
19 be granted or that their services be discontinued shall, at least thirty
20 days prior to the board meeting at which such recommendation is to be
21 considered, be notified of such intended recommendation and the date of
22 the board meeting at which it is to be considered. Such teacher, admin-
23 istrator and supervisor may, not later than twenty-one days prior to
24 such meeting, request in writing that he or she be furnished with a
25 written statement giving the reasons for such recommendation and within
26 seven days thereafter such written statement shall be furnished. Such
27 teacher, administrator and supervisor may file a written response to
28 such statement with the district clerk not later than seven days prior
29 to the date of the board meeting.

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

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

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

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

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

13 2. Allocations. The commissioner shall allocate the lesser of forty
14 thousand dollars or one percent of the total appropriation for the
15 purposes of this section to each region for administering and conducting
16 employer specific skill training and employment programs and the remain-
17 der of such appropriation shall be allocated to each region for the
18 administration and support of teacher summer business training and
19 employment programs based on the proportion of the base year full time
20 teachers in the public schools of all school districts and [~~boards of~~
21 ~~cooperative educational services~~] NY polytechnical institutes within the
22 region to the total of such teachers in the state, provided however,
23 that each region shall receive at least five percent of the allocation
24 for such purposes and provided further that the cost due to such five
25 percent allowance shall be proportionally borne by the regions not so
26 affected. Use of funds for administration of the summer business train-
27 ing and employment programs shall not exceed six percent of the allo-
28 cation to a region.

29 (a) In any case in which a business or industry within the state shall
30 employ during the months of July and August a teacher of mathematics,
31 chemistry, biology, earth science, physics, computer science, career
32 education or an elementary specialist in the area of mathematics or
33 science or commencing July first, nineteen hundred eighty-five, a teach-
34 er of other subject areas as the commissioner may deem appropriate, the
35 state will assist employers with costs associated with approved work
36 experience for such teachers. Such business or industry shall request
37 that the chief administrative officer of the school district or [~~board~~
38 ~~of cooperative educational services~~] NY polytechnical institute employ-
39 ing such teacher during the same school year as such business or indus-
40 try employment occurs, certify to the commissioner that the summer work
41 experience involved will directly benefit the individual's effectiveness
42 as a teacher of mathematics, chemistry, biology, earth science, physics,
43 computer science, career education, or other subject areas as the
44 commissioner may deem appropriate. If such chief administrative officer
45 so certifies, then such officer shall also file the request with the
46 local education agency designated by the commissioner for pre-approval
47 for funding under this program in the applicable region. The commission-
48 er shall not approve any requests for approval that would result in the
49 maximum allocation for the applicable region being exceeded. No approval
50 shall be given except for the lesser of thirty per centum of the total
51 employment cost or one thousand dollars per employed teacher. The
52 remainder of such costs shall be borne by the business employer
53 involved. Participation in this program shall be at the option of each
54 school district or [~~board of cooperative educational services~~] NY poly-
55 technical 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

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

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

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

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

36 1. The commissioner shall submit to the division of criminal justice
37 services two sets of fingerprints of prospective employees as defined in
38 subdivision three of section eleven hundred twenty-five of this chapter
39 received from a school district, charter school or [~~board of cooperative~~
40 ~~educational services~~] NY polytechnical institute and of prospective
41 employees received from nonpublic and private elementary and secondary
42 schools pursuant to title two of this chapter, and the division of crim-
43 inal justice services processing fee imposed pursuant to subdivision
44 eight-a of section eight hundred thirty-seven of the executive law and
45 any fee imposed by the federal bureau of investigation. The division of
46 criminal justice services and the federal bureau of investigation shall
47 forward such criminal history record to the commissioner in a timely
48 manner. For the purposes of this section, the term "criminal history
49 record" shall mean a record of all convictions of crimes and any pending
50 criminal charges maintained on an individual by the division of criminal
51 justice services and the federal bureau of investigation. All such crim-
52 inal history records sent to the commissioner pursuant to this subdivi-
53 sion shall be confidential pursuant to the applicable federal and state
54 laws, rules and regulations, and shall not be published or in any way
55 disclosed to persons other than the commissioner, unless otherwise
56 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]~~

1 NY polytechnical institute, where applicable, shall designate an employ-
2 ee who is a member of the school district staff or an employee of the
3 ~~[board of cooperative educational services]~~ NY polytechnical institute
4 staff to provide information to any student, parent, or staff regarding
5 where and how to find available substance use related services. Where
6 possible, such designated individual shall be a school social worker,
7 school guidance counselor, or any other health practitioner or counselor
8 employed by the school. Any information provided by a student, parent or
9 teacher to such designated individual shall be confidential, shall not
10 be used in any school disciplinary proceeding and shall, in addition to
11 any other applicable privilege, be considered confidential in the same
12 manner as information provided pursuant to section forty-five hundred
13 eight of the civil practice law and rules. Provided, however, that noth-
14 ing in this section shall relieve such designated individual of any
15 legal duty to otherwise report such information. Such designated indi-
16 vidual or individuals shall undergo any necessary training as may be
17 required by the commissioner.

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

20 § 3109. Reduction of salaries for purchase of annuities. Each board
21 of education, trustee or trustees in any school district, and each
22 ~~[board of cooperative educational services]~~ NY polytechnical institute
23 or county vocational education and extension board, in its discretion,
24 may enter into a written agreement with any employee of such school
25 district, institute or board to reduce the annual salary as otherwise
26 payable by law of such employee for the purpose of purchasing an annuity
27 or investing in a custodial account as permitted under section 403(b) of
28 the United States Internal Revenue Code, as amended, for such employee.
29 Any such agreement may be terminated at any time upon written notice by
30 either such employee or such school district, institute or board. Noth-
31 ing contained in this section shall be construed to diminish or impair
32 any benefits to which such employee or his or her legal representatives
33 or beneficiaries would be otherwise entitled had such salary reduction
34 agreement not been entered into in accordance with the provisions of
35 this section.

36 § 118. Subdivisions 1, 6-a and paragraphs a and e of subdivision 7 of
37 section 3202 of the education law, subdivision 1 as amended by section
38 47 of part PP of chapter 56 of the laws of 2022, subdivision 6-a as
39 amended by section 2 of part J of chapter 56 of the laws of 2015, para-
40 graph a of subdivision 7 as amended by chapter 564 of the laws of 2001,
41 and paragraph e of subdivision 7 as added by chapter 683 of the laws of
42 1986, are amended to read as follows:

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

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

21 6-a. Notwithstanding subdivision six of this section or any other law
22 to the contrary, the commissioner of the office of children and family
23 services shall be responsible for the secular education of youth under
24 the jurisdiction of the office and may contract for such education with
25 the trustees or board of education of the school district wherein a
26 facility for the residential care of such youth is located or with the
27 [~~board of cooperative educational services~~] NY polytechnical institute
28 at which any such school district is a component district for special
29 education programs, related services and career and technical education
30 services and music, art and foreign language programs in accordance with
31 subparagraph eight of paragraph (h) of subdivision four of section nine-
32 teen hundred fifty of this chapter. A youth attending a local public
33 school while in residence at such facility shall be deemed a resident of
34 the school district where his parent or guardian resides at the
35 commencement of each school year for the purpose of determining which
36 school district shall be responsible for the youth's tuition pursuant to
37 section five hundred four of the executive law.

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

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

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

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

6 2. The board of education of each school district receiving such funds
7 shall provide a program of bilingual education or English as a second
8 language for eligible pupils and may contract with a [~~board of cooper-~~
9 ~~ative educational services~~] NY polytechnical institute or another school
10 district to provide such program, provided that in a city having a popu-
11 lation of one million or more, the community school boards shall provide
12 such program in the schools within their jurisdiction.

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

15 4-a. Officers or employees of the state, a school district, a [~~board~~
16 ~~of cooperative educational services~~] NY polytechnical institute, a char-
17 ter school, an approved private school for the education of students
18 with disabilities approved pursuant to paragraph e, f, g or h of subdi-
19 vision two of section forty-four hundred one of this chapter, an
20 approved provider of preschool special education approved pursuant to
21 section forty-four hundred ten of this chapter or a state-supported
22 school operating pursuant to article forty-five of this chapter, shall
23 be prohibited from requiring a child who is entitled to attend school
24 pursuant to subdivision one of section thirty-two hundred two of this
25 part to obtain a prescription for a substance covered by the federal
26 controlled substances act, section eight hundred one of title twenty-one
27 of the United States code, et seq., as a condition of attending school,
28 receiving an evaluation or reevaluation pursuant to article eighty-nine
29 of this chapter or any other provision of law relating to students with
30 disabilities or receiving special education programs or services.

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

34 a. A social services district shall provide for the transportation of
35 each homeless child, including those in preschool and students with
36 disabilities identified pursuant to sections forty-four hundred one and
37 forty-four hundred two of this chapter whose individualized education
38 programs include special transportation services, who is eligible for
39 benefits pursuant to section three hundred fifty-j of the social
40 services law, to and from a temporary housing location in which the
41 child was placed by the social services district and the school attended
42 by such child pursuant to this section, if such temporary housing facil-
43 ity is located outside of the designated school district pursuant to
44 paragraph a of subdivision two of this section. A social services
45 district shall be authorized to contract with a board of education or a
46 [~~board of cooperative educational services~~] NY polytechnical institute
47 for the provision of such transportation. Where the social services
48 district requests that the designated school district of attendance
49 provide or arrange for transportation for a homeless child eligible for
50 transportation pursuant to this paragraph, the designated school
51 district of attendance shall provide or arrange for the transportation
52 and the social services district shall fully and promptly reimburse the
53 designated school district of attendance for the cost as determined by
54 the designated school district. This paragraph shall apply to placements
55 made by a social services district without regard to whether a payment

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

3 b. The designated school district of attendance shall provide for the
4 transportation of each homeless child who is living in a residential
5 program for runaway and homeless youth established pursuant to article
6 nineteen-H of the executive law, to and from such residential program,
7 and the school attended by such child pursuant to this section, if such
8 temporary housing location is located outside the designated school
9 district. The designated district of attendance shall be authorized to
10 contract with a [~~board of cooperative educational services~~] NY polytech-
11 nical institute or a residential program for runaway and homeless youth
12 for the provision of such transportation. The department shall reimburse
13 the designated school district of attendance for the cost of transport-
14 ing such child to and from the residential program and the school
15 attended by such child to the extent funds are provided for such
16 purpose, as determined by the director of the budget.

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

20 1. Certificating officials. Employment certificates or permits shall
21 be issued by the chancellor in the city school district of the city of
22 New York, and by the superintendent of schools in other school
23 districts, provided that the district superintendent of schools may
24 issue such certificates or permits for students attending classes oper-
25 ated by a [~~board of cooperative educational services~~] NY polytechnical
26 institute, and the principal of a nonpublic secondary school may issue
27 such certificates or permits for students attending such school. The
28 chancellor in New York city, or elsewhere the superintendent of schools
29 or district superintendent of schools may designate in writing the prin-
30 cipal of the public school the minor attends or last attended or other
31 public school official to act as certificating official in his stead.
32 During the months of July and August, and at other times in extraor-
33 dinary circumstances and emergencies, one or more public school offi-
34 cials shall be designated in writing by the chancellor in New York city
35 and elsewhere by the superintendent or district superintendent to act as
36 certificating officials. The designation or authorization of certificating
37 officials in public schools shall be subject to such limitations or
38 standards as may be prescribed by the chancellor in New York city and
39 elsewhere by the superintendent or district superintendent.

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

42 § 3242. School census in school districts. The trustees or board of
43 education of every school district may cause a census to be taken of all
44 children between birth and eighteen years of age, including all such
45 facts and information as are required in the census provided for in
46 section thirty-two hundred forty-one of this part. Such census shall be
47 prepared biennially for children between ages five and eighteen who are
48 entitled to attend the public schools without payment of tuition in
49 duplicate in their respective school districts, and one copy thereof
50 filed with the teacher or principal and the other copy filed with the
51 district superintendent or superintendent on or before the fifteenth day
52 of October. For pre-school students from birth to five years of age,
53 such census may be prepared and filed biennially on or before the
54 fifteenth day of October. Such census shall include the reports and
55 information required from cities as provided in section thirty-two
56 hundred forty-one of this part. All information regarding a student with

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

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

8 1. When the student transfers before or during the school year, the
9 receiving state school shall initially honor placement of the student in
10 educational courses based on the student's enrollment in the sending
11 state school and/or educational assessments conducted at the school in
12 the sending state if the courses are offered and there is space avail-
13 able as determined by the local educational agency. Course placement
14 includes but is not limited to honors, international baccalaureate,
15 advanced placement, vocational, technical and career pathways courses.
16 Where the local educational agency contracts with a [~~board of cooper-~~
17 ~~ative educational services~~] NY polytechnical institute to deliver such
18 courses, the local educational agency and the [~~board of cooperative~~
19 ~~educational services~~] NY polytechnical institute shall arrange to enroll
20 the student in the applicable [~~board of cooperative educational~~
21 ~~services~~] NY polytechnical institute program where there is space avail-
22 able. Continuing the student's academic program from the previous school
23 and promoting placement in academically and career challenging courses
24 should be paramount when considering placement. This does not preclude
25 the school in the receiving state from performing subsequent evaluations
26 to ensure appropriate placement and continued enrollment of the student
27 in the courses.

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

31 1. Each member state shall, through the creation of a state council or
32 use of an existing body or board, provide for the coordination among its
33 agencies of government, local educational agencies and military instal-
34 lations concerning the state's participation in, and compliance with,
35 this compact and interstate commission activities. In New York, the
36 state council shall include the commissioner or his or her designee, the
37 commissioner of the New York state department of veterans' services or
38 his or her designee, the adjutant general of the state of New York or
39 his or her designee, a superintendent of a school district with a high
40 concentration of military children appointed by the commissioner, a
41 district superintendent of schools of a [~~board of cooperative educa-~~
42 ~~tional services~~] NY polytechnical institute serving an area with a high
43 concentration of military children appointed by the commissioner, a
44 representative from a military installation appointed by the governor, a
45 representative of military families appointed by the governor, a public
46 member appointed by the governor and one representative each appointed
47 by the speaker of the assembly, the temporary president of the senate
48 and the governor.

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

52 § 3601. When apportioned and how applied. The amount annually appro-
53 priated by the legislature for general support for public schools, net
54 of disallowances, refunds, reimbursements and credits, shall be appor-
55 tioned by the commissioner each year prior to the dates of the respec-
56 tive final payments provided by law and all moneys so apportioned shall

1 be applied exclusively to school purposes authorized by law. General
2 state aid claims, on forms prescribed by the commissioner, shall be
3 submitted to the commissioner by September second of each school year,
4 except that the audit report required by subdivision three of section
5 twenty-one hundred sixteen-a of this chapter shall be submitted to the
6 commissioner by October fifteenth following the close of the school year
7 audited for all districts other than the city school districts of the
8 cities of Buffalo, Rochester, Syracuse, Yonkers and New York and by
9 January first following the close of the school year audited for such
10 city school districts. No aid shall be paid to a school district or
11 ~~[board of cooperative educational services]~~ NY polytechnical institute
12 prior to the submission of claims as required by the commissioner,
13 except that no aid certified as payable to a school district by the
14 commissioner of taxation and finance pursuant to paragraph (c) of subdi-
15 vision three of section thirteen hundred six-a of the real property tax
16 law shall be withheld due to the failure of the school district to
17 submit general state aid claims required by the commissioner, except
18 that no aids shall be withheld due to the failure of a school district
19 to submit the audit report required by subdivision three of section
20 twenty-one hundred sixteen-a of this chapter until the thirtieth day
21 following the due date specified in this section for such report, and
22 except that apportionment for general support of public schools from the
23 funds apportioned to a school district for the current year in excess of
24 the amount apportioned to such school district in the base year shall be
25 withheld until issuance of a determination of compliance in writing of
26 such school district's statement of total funding allocation by the
27 commissioner and the director of the budget as required by section thir-
28 ty-six hundred fourteen of this part, whenever such shall occur,
29 provided that for purposes of this section, "current year" shall mean
30 the current year as defined in paragraph a of subdivision one of section
31 thirty-six hundred two of this part and "base year" shall mean the base
32 year as defined in paragraph b of subdivision one of section thirty-six
33 hundred two of this part.

34 § 127. Section 3601 of the education law, as amended by section 4-a of
35 part A-1 of chapter 58 of the laws of 2006 and as further amended by
36 subdivision (d) of section 1 of part W of chapter 56 of the laws of
37 2010, is amended to read as follows:

38 § 3601. When apportioned and how applied. The amount annually appro-
39 priated by the legislature for general support for public schools, net
40 of disallowances, refunds, reimbursements and credits, shall be appor-
41 tioned by the commissioner each year prior to the dates of the respec-
42 tive final payments provided by law and all moneys so apportioned shall
43 be applied exclusively to school purposes authorized by law. General
44 state aid claims, on forms prescribed by the commissioner, shall be
45 submitted to the commissioner by September second of each school year,
46 except that the audit report required by subdivision three of section
47 twenty-one hundred sixteen-a of this chapter shall be submitted to the
48 commissioner by October fifteenth following the close of the school year
49 audited for all districts other than the city school districts of the
50 cities of Buffalo, Rochester, Syracuse, Yonkers and New York and by
51 January first following the close of the school year audited for such
52 city school districts. No aid shall be paid to a school district or
53 ~~[board of cooperative educational services]~~ NY polytechnical institute
54 prior to the submission of claims as required by the commissioner,
55 except that no aid certified as payable to a school district by the
56 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-

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

3 (4) "Resident public school district enrollment" shall be the public
4 school district enrollment less the public school district enrollment of
5 nonresident pupils attending public schools in the district, plus the
6 public school district enrollment of pupils resident in the district but
7 attending public schools in another district or state plus the public
8 school district enrollment of pupils resident in the district but
9 attending full-time a school operated by a [~~board of cooperative educa-~~
10 ~~tional services~~] NY polytechnical institute or a county vocational
11 education and extension board. Indian pupils who are residents of any
12 portion of a reservation located wholly or partly within the borders of
13 the state pursuant to subdivision four of section forty-one hundred one
14 of this chapter and are attending public school, or pupils living on the
15 United States military reservation at West Point attending public
16 school, shall be deemed to be resident pupils of the district providing
17 such school, for purposes of this paragraph. Where a school district has
18 entered into a contract with the state university pursuant to subdivi-
19 sion two of section three hundred fifty-five of this chapter under which
20 the school district makes payments in the nature of tuition for the
21 education of certain children residing in the district, such children
22 for whom such tuition payments are made shall be deemed to be resident
23 pupils of such district for the purposes of this paragraph. No student
24 shall be counted more than once, except that, in determining the resi-
25 dent public school district enrollment of a component school district of
26 a central high school district the resident public school district
27 enrollment of high school pupils residing in such component district and
28 attending the central high school shall be included, and in determining
29 the resident public school district enrollment of a central high school
30 district the resident public school district enrollment of elementary
31 school pupils residing in such central high school district and attend-
32 ing a component district of the central high school district shall be
33 included.

34 (7) any payments made to [~~boards of cooperative educational services~~]
35 NY polytechnical institutes for purposes or programs for which an appor-
36 tionment is paid pursuant to other sections of this chapter, except that
37 payments attributable to eligible pupils with disabilities and ineligi-
38 ble pupils residing in noncomponent districts shall be included in oper-
39 ating expense;

40 dd. "Allowable growth amount" shall mean the product of the positive
41 difference of the personal income growth index minus one, multiplied by
42 the statewide total of the sum of (1) the apportionments, including the
43 gap elimination adjustment, due and owing during the base year, commenc-
44 ing with the base year computed for the two thousand twelve--two thou-
45 sand thirteen school year, to school districts and [~~boards of cooper-~~
46 ~~ative educational services~~] NY polytechnical institutes from the general
47 support for public schools as computed based on an electronic data file
48 used to produce the school aid computer listing produced by the commis-
49 sioner in support of the enacted budget for the base year plus (2) the
50 competitive awards amount for the base year.

51 ff. "Preliminary growth amount" shall mean the difference between the
52 statewide total, excluding the apportionments computed pursuant to
53 subdivisions four and seventeen of section thirty-six hundred two of the
54 education law, of the apportionments due and owing during the current
55 school year, commencing with the two thousand twelve--two thousand thir-
56 teen 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

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

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

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

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

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

1 10 and 11 as added by chapter 57 of the laws of 1993 and as renumbered
2 by section 16 of part B of chapter 57 of the laws of 2007, the subdivi-
3 sion heading and paragraphs a and c of subdivision 10 as amended by
4 section 32 of part H of chapter 83 of the laws of 2002, paragraph b of
5 subdivision 10 as amended by section 16 of part B of chapter 57 of the
6 laws of 2007, paragraph d of subdivision 10 as added by section 17 of
7 part B of chapter 57 of the laws of 2008, paragraph e of subdivision 10
8 as added by chapter 357 of the laws of 2018, paragraph a of subdivision
9 11 as amended by chapter 82 of the laws of 1995, paragraph d of subdivi-
10 sion 11 as amended by chapter 474 of the laws of 1996, paragraph f of
11 subdivision 11 as amended by chapter 378 of the laws of 2010, and the
12 opening paragraph and clause (A) of subparagraph (viii) of paragraph b,
13 subdivision 17 as added by section 37 of part A of chapter 58 of the
14 laws of 2011, are amended to read as follows:

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

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

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

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

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

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

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

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

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

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

21 d. Employment preparation education aid ratio. The employment prepara-
22 tion education aid ratio for the purposes of this subdivision shall be
23 determined by subtracting from one the product of the pupil wealth ratio
24 and forty per centum. The aid ratio shall be expressed as a decimal to
25 three places without rounding but shall not be less than forty per
26 centum. In the case of a ~~[BOCES]~~ NY polytechnical institute, such aid
27 ratio shall be determined by computing a pupil wealth ratio for the
28 ~~[BOCES]~~ NY polytechnical institute using the aggregate actual valuation
29 and total wealth pupil units for all component districts of such ~~[BOCES]~~
30 NY polytechnical institute, but shall not be less than the greater of
31 forty per centum or the product of eighty-five per centum and the high-
32 est such aid ratio determined for a component school district of such
33 ~~[BOCES]~~ NY polytechnical institute.

34 f. Approved application. All school districts and ~~[BOCES]~~ NY polytech-
35 nical institutes desiring to operate an aidable program pursuant to this
36 subdivision shall complete an application, including a budget by program
37 component. Such application shall be in a form prescribed by the commis-
38 sioner and shall be submitted not later than May fifteenth of each
39 school year. Within forty-five days of such deadline, and upon evalu-
40 ation of such applications, the commissioner shall notify school
41 districts and ~~[BOCES]~~ NY polytechnical institutes of those portions of
42 such application that will be aidable in the school year ahead after
43 making a determination that approval of such application will assure
44 maximum effectiveness, geographic availability and lack of duplication
45 of such programs, support for educational initiatives, and compliance
46 with required program and fiscal reporting requirements. No aid shall be
47 payable pursuant to this subdivision unless the application is approved
48 by the commissioner.

49 The gap elimination adjustment for the two thousand eleven--two thou-
50 sand twelve school year shall be computed as follows, based on an
51 updated electronic data file containing actual and estimated data relat-
52 ing to apportionments due and owing during the current school year and
53 projections of such apportionments for the following school year to
54 school districts and ~~[boards of cooperative educational services]~~ NY
55 polytechnical institutes from the general support for public schools,
56 growth and ~~[boards of cooperative educational services]~~ NY polytechnical

1 institutes appropriations produced pursuant to paragraph b of subdivi-
2 sion twenty-one of section three hundred five of this chapter on Febru-
3 ary fifteenth of the base year. The gap elimination adjustment for a
4 district shall equal the lesser of the district's percentage reduction
5 and its TGFE check, provided, however, that in the case of a district
6 with a tax effort ratio greater than four percent (0.04) and a combined
7 wealth ratio for total foundation aid computed pursuant to subparagraph
8 two of paragraph c of subdivision three of this section that is less
9 than one and five-tenths (1.5), the gap elimination adjustment for a
10 district shall equal the lesser of the percentage reduction, the TGFE
11 check and the tax effort reduction, and further provided that in the
12 case of a school district, other than a city school district of a city
13 having a population in excess of one hundred twenty-five thousand, with
14 (A) an administrative efficiency ratio of less than one and eight-tenths
15 percent (0.018) and (B) an administrative expense per pupil of less than
16 three hundred forty-eight dollars (\$348), the gap elimination adjustment
17 shall be reduced by an amount equal to the administrative efficiency
18 restoration, and further provided that, where applicable, the gap elimi-
19 nation adjustment shall be reduced by an amount equal to the sum of the
20 needs-based restoration plus the low wealth-high tax effort restoration
21 plus the enrollment adjustment award.

22 (A) "total aid for adjustment" shall mean the sum of the amounts set
23 forth for each school district as "FOUNDATION AID", "FULL DAY K CONVER-
24 SION", [~~BOCES~~] "NY POLYTECHNICAL INSTITUTE + SPECIAL SERVICES", "HIGH
25 COST EXCESS COST", "PRIVATE EXCESS COST", "HARDWARE & TECHNOLOGY",
26 "SOFTWARE, LIBRARY, TEXTBOOK", "TRANSPORTATION INCL SUMMER", "OPERATING
27 REORG INCENTIVE", "CHARTER SCHOOL TRANSITIONAL", "ACADEMIC ENHANCEMENT",
28 "HIGH TAX AID" AND "SUPPLEMENTAL PUB EXCESS COST" under the heading
29 "2011-12 ESTIMATED AIDS" in the school aid computer listing produced by
30 the commissioner in support of the executive budget proposal for the two
31 thousand eleven--two thousand twelve school year;

32 § 133. Subdivision 20 and paragraph e of subdivision 26-a of section
33 3602 of the education law, subdivision 20 as amended by section 27 of
34 part L of chapter 405 of the laws of 1999 and paragraph e of subdivision
35 26-a as added by section 53 of part A of chapter 436 of the laws of
36 1997, are amended to read as follows:

37 20. Shared services aid for school districts which are not components
38 of a [~~board of cooperative educational services~~] NY polytechnical insti-
39 tute supervisory district, including large city school districts.
40 Commencing with aid payable in the nineteen hundred ninety-eight--nine-
41 ty-nine school year, school districts which are not components of a
42 [~~board of cooperative educational services~~] NY polytechnical institute
43 supervisory district, including city school districts of those cities
44 having populations in excess of one hundred twenty-five thousand inhab-
45 itants that participate in, or provide, shared services for the purpose
46 of instructional support service as authorized by subdivision eight-c of
47 section nineteen hundred fifty of this chapter shall be eligible for an
48 additional apportionment in accordance with the provisions of this para-
49 graph. Within the amount appropriated for such purpose, such districts
50 shall be entitled to an additional apportionment for their expenses
51 incurred in the base year from their participation in or provision of
52 such shared services, in an amount equal to the amount that would be
53 payable for such expenses if the services were aidable shared services
54 under subdivision five of section nineteen hundred fifty of this chap-
55 ter; provided that in computing such aid for such city school districts
56 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:

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

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

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

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

23 § 3609-d. Moneys apportioned for ~~[board of cooperative educational~~
24 ~~services]~~ NY polytechnical institute aidable expenditures when and how
25 payable commencing July first, two thousand four. Notwithstanding the
26 provisions of section thirty-six hundred nine-a of this article, appor-
27 tionments payable pursuant to section nineteen hundred fifty of this
28 chapter shall be paid pursuant to this section. For aid payable in the
29 two thousand four--two thousand five school year and thereafter, "moneys
30 apportioned" shall mean the lesser of (i) one hundred percent of the
31 respective amount set forth for each school district as payable pursuant
32 to this section in the school aid computer listing produced by the
33 commissioner in support of the budget including the appropriation for
34 support of ~~[boards of cooperative educational services]~~ NY polytechnical
35 institutes for payments due prior to April first for the current year,
36 or (ii) the apportionment calculated by the commissioner based on data
37 on file at the time the payment is processed; provided however, that for
38 the purposes of any payment to be made in the month of June of two thou-
39 sand six such calculation shall be based on the school aid computer
40 listing for the current year using updated data at the time of each
41 payment. For districts subject to chapter five hundred sixty-three of
42 the laws of nineteen hundred eighty, section thirty-six hundred two-b,
43 or two thousand forty of this chapter, for aid payable in the two thou-
44 sand four--two thousand five school year and thereafter, "moneys appor-
45 tioned" shall mean the apportionment calculated by the commissioner
46 based on data on file at the time the payment is processed. The "school
47 aid computer listing for the current year" shall be as defined in the
48 opening paragraph of section thirty-six hundred nine-a of this ~~[article]~~
49 part. The definitions "base year" and "current year" as set forth in
50 subdivision one of section thirty-six hundred two of this article shall
51 apply to this section.

52 1. Prescribed payments. Of the moneys to be apportioned by the commis-
53 sioner to school districts during the school year, that portion payable
54 pursuant to section nineteen hundred fifty of this chapter shall be used
55 in the first instance to make payments on behalf of ~~[boards of cooper-~~
56 ~~ative educational services]~~ NY polytechnical institutes to the teachers'

1 retirement system in the same manner as payments made on behalf of
2 school districts pursuant to subparagraph one of paragraph a of subdivi-
3 sion one of section thirty-six hundred nine-a of this ~~[article] part,~~
4 and additional payments shall be paid to ~~[boards of cooperative educa-~~
5 ~~tional services]~~ NY polytechnical institutes as follows: the greater of
6 any payments made to the teachers' retirement system pursuant to this
7 paragraph or twenty-five percent of the moneys apportioned less any
8 payments made to the teachers' retirement system pursuant to this para-
9 graph on the first state business day of February, to the extent that
10 acceptable data has been filed with the commissioner; fifty-five percent
11 of the moneys apportioned, less the payment made in February and less
12 any payments made to the teachers' retirement system pursuant to this
13 paragraph, on the first state business day of June; and a final appor-
14 tionment equal to the amount calculated based on data on file as of
15 August first next following the close of the current year, provided
16 however, that for the September two thousand six payment such calcu-
17 lation shall be based on the computer listing for the current year using
18 data on file as of August first, less payments made to date, on the
19 first state business day of September next following the close of the
20 current year; provided, however, that any obligation of a ~~[board of~~
21 ~~cooperative educational services]~~ NY polytechnical institute to the bond
22 trustee of the dormitory authority shall be paid in accordance with the
23 applicable provisions of the public authorities law.

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

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

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

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

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

52 9. "District share of the cost of regional or joint transportation
53 systems" shall mean the share of the cost of such transportation
54 prorated among all the school district or districts and ~~[board or boards~~
55 ~~of cooperative educational services]~~ NY polytechnical institute or
56 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

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

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

23 § 145. Subdivision 1 of section 3811 of the education law, as sepa-
24 rately amended by chapters 273 and 698 of the laws of 1986, is amended
25 to read as follows:

26 1. Whenever the trustees or board of education of any school district,
27 or any school district officers, have been or shall be instructed by a
28 resolution adopted at a district meeting to defend any action brought
29 against them, or to bring or defend an action or proceeding touching any
30 district property or claim of the district, or involving its rights or
31 interests, or to continue any such action or defense, all their costs
32 and reasonable expenses, as well as all costs and damages adjudged
33 against them, shall be a district charge and shall be levied by tax upon
34 the district. Whenever any superintendent, principal, member of the
35 teaching or supervisory staff, member of a committee on special educa-
36 tion or subcommittee thereof, surrogate parent as defined in the regu-
37 lations of the commissioner of education, or any trustee or member of
38 the board of education of a school district or non-instructional employ-
39 ee of any school district other than the city school district of the
40 city of New York or any [~~board of cooperative educational services~~] NY
41 polytechnical institute shall defend any action or proceeding, other
42 than a criminal prosecution or an action or proceeding brought against
43 him by a school district or [~~board of cooperative educational services~~]
44 NY polytechnical institute hereafter brought against him, including
45 proceedings before the commissioner of education, arising out of the
46 exercise of his powers or the performance of his duties under this chap-
47 ter, all his reasonable costs and expenses, as well as all costs and
48 damages adjudged against him, shall be a district charge and shall be
49 levied by tax upon the district or shall constitute an administrative
50 charge upon the [~~board of cooperative educational services~~] NY polytech-
51 nical institute provided that (a) such superintendent, principal, member
52 of the teaching or supervisory staff, member of a committee on special
53 education or subcommittee thereof, surrogate parent as defined in the
54 regulations of the commissioner of education, non-instructional employee
55 of any school district or [~~board of cooperative educational services~~] NY
56 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 polytechnical 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.

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

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

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

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

25 § 149. Paragraph c of subdivision 2 and subdivision 4 of section 4401
26 of the education law, paragraph c of subdivision 2 as amended by chapter
27 470 of the laws of 1977 and subdivision 4 as amended by chapter 367 of
28 the laws of 1979, are amended to read as follows:

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

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

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

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

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

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

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

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

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

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

45 c. Upon acceptance by a local school district of the apportionments
46 made under section thirty-six hundred two of this chapter such district
47 shall use such funding in accordance with guidelines to be established
48 by the commissioner for services to gifted pupils. Such services shall
49 include but not be limited to identification, instructional programs,
50 planning, in service education and program evaluation. A board of educa-
51 tion may contract with another district or [~~board of cooperative educa-~~
52 ~~tional services~~] NY polytechnical institute to provide the program
53 and/or services with the approval of the commissioner under guidelines
54 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 1. The board of education of each school district or [~~board of cooper-~~
2 ~~ative educational services~~] NY polytechnical institute may employ quali-
3 fied persons for the purpose of providing vocational and educational
4 guidance for minors. Such vocational and educational guidance service
5 and the qualifications of the counselors employed for such work shall be
6 approved by the commissioner.

7 The board of education of each school district or [~~board of cooper-~~
8 ~~ative educational services~~] NY polytechnical institute may establish,
9 conduct and maintain as a part of the public school system a guidance
10 bureau which shall perform such of the following duties as may be deter-
11 mined by such board or institute:

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

15 6. Notwithstanding the provisions of any other general, special or
16 local law, rule or regulation, each community college, or the entity or
17 entities responsible for setting tuition at such institution, shall be
18 authorized to set a reduced rate of tuition and/or fees, or to waive
19 tuition and/or fees entirely, for students participating in any dual or
20 concurrent enrollment program with no reduction in other state, local,
21 or other support for such students earning college credit that such
22 higher education partner would otherwise be eligible to receive;
23 provided that, for purposes of this provision, a dual or concurrent
24 enrollment program shall mean one or more college courses taken by a
25 high school student through a community college while such student is
26 still enrolled in high school or [~~boards of cooperative educational~~
27 ~~services~~] NY polytechnical institutes and for which the student may
28 receive both high school and college credit.

29 § 157. Subdivisions 8 and 10 of section 6306 of the education law,
30 subdivision 8 as amended by chapter 552 of the laws of 1984 and subdivi-
31 sion 10 as amended by section 1 of part T of chapter 54 of the laws of
32 2016, are amended to read as follows:

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

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

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

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

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

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

17 a. "Special education school" means an approved program as defined in
18 paragraph b of subdivision one of section forty-four hundred ten of this
19 chapter that meets the requirements of paragraph b of subdivision six of
20 such section forty-four hundred ten; an approved private non-residential
21 or residential school for the education of students with disabilities
22 that is located within the state; a child care institution as defined in
23 section four thousand one of this chapter that operates a private school
24 for the education of students with disabilities or an institution for
25 the deaf or blind operating pursuant to article eighty-five of this
26 chapter that either: (1) conducts a multi-disciplinary evaluation for
27 purposes of articles eighty-one or eighty-nine of this chapter that
28 involves the practice of one or more professions for which a license is
29 required pursuant to this title and no exception from corporate practice
30 restrictions applies, or (2) provides related services to students
31 enrolled in the school or approved program that involves the practice of
32 one or more professions for which a license is required pursuant to this
33 title and no exception from practice restrictions applies. Such term
34 shall not include a school district, [~~board of cooperative educational~~
35 ~~services~~] NY polytechnical institute, municipality, state agency or
36 other public entity. Nothing in this section shall be construed to
37 require a child care institution that conducts multi-disciplinary evalu-
38 ations or provides related services through an approved private nonresi-
39 dential school operated by such child care institution to obtain a waiv-
40 er, provided that such school obtains a waiver pursuant to this section.

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

44 (4) Education and experience: (A) have received a high school diploma,
45 or its equivalent, and (B) have successfully completed, in accordance
46 with the commissioner's regulations, (i) an approved one-year course of
47 study in dental assisting in a degree-granting institution or a [~~board~~
48 ~~of cooperative educational services~~] NY polytechnical institute program
49 which includes at least two hundred hours of clinical experience, or an
50 equivalent approved course of study in dental assisting in a non-degree
51 granting institution which shall not be a professional association or
52 professional organization or (ii) an alternate course of study in dental
53 assisting acceptable to the department which shall be provided by a
54 degree-granting institution or a [~~board of cooperative educational~~
55 ~~services~~] NY polytechnical institute program which includes at least one
56 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,

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

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

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

14 § 166. Subdivisions 1 and 2 of section 37-0109 of the environmental
15 conservation law, subdivision 1 as added by chapter 521 of the laws of
16 2002 and subdivision 2 as amended by chapter 329 of the laws of 2003,
17 are amended to read as follows:

18 1. The state, and any political subdivision thereof, school district,
19 [~~board of cooperative educational services~~] NY polytechnical institute
20 or public authority, and any agency of any such entity shall be prohib-
21 ited from constructing, any structure on any playground owned or oper-
22 ated by such an entity, which uses lumber which is pressure treated with
23 chromated copper arsenate.

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

36 § 167. Paragraph f of subdivision 4 of section 51-0101 of the environ-
37 mental conservation law, as added by chapter 400 of the laws of 1973, is
38 amended to read as follows:

39 f. in the case of a supervisory district, the [~~board of cooperative~~
40 ~~educational services~~] NY polytechnical institute thereof.

41 § 168. Paragraph (f) of subdivision 7 of section 52-0101 of the envi-
42 ronmental conservation law, as added by chapter 512 of the laws of 1986,
43 is amended to read as follows:

44 (f) in the case of a supervisory district, the [~~board of cooperative~~
45 ~~educational services~~] NY polytechnical institute thereof.

46 § 169. Paragraph (e) of subdivision 9 of section 56-0101 of the envi-
47 ronmental conservation law, as added by chapter 413 of the laws of 1996,
48 is amended to read as follows:

49 (e) in the case of a supervisory district, the [~~board of cooperative~~
50 ~~educational services~~] NY polytechnical institute thereof;

51 § 170. Subdivision 1, paragraphs b and h of subdivision 2, paragraph a
52 of subdivision 3 and paragraph a of subdivision 6 of section 29-h of the
53 executive law, subdivision 1, paragraphs b and h of subdivision 2 and
54 paragraph a of subdivision 3 as amended by section 1 of part Q of chap-
55 ter 55 of the laws of 2013 and paragraph a of subdivision 6 as amended
56 by chapter 227 of the laws of 2015, are amended to read as follows:

1 1. Creation. There is hereby created the intrastate mutual aid program
2 to complement existing mutual aid agreements in the event of a disaster
3 that results in a formal declaration of an emergency by a participating
4 local government. All local governments within the state, excepting
5 those which affirmatively choose not to participate in accordance with
6 subdivision four of this section, are deemed to be participants in the
7 program; provided, however, with respect to school districts and [~~boards~~
8 ~~of cooperative educational services~~] NY polytechnical institutes, such
9 participation shall be limited to the sharing of facilities management
10 and administrative personnel and equipment.

11 b. "Local government" means any county, city, town, village, school
12 district or [~~board of cooperative educational services~~] NY polytechnical
13 institute of the state;

14 h. [~~"Board of cooperative educational services"~~] "NY polytechnical
15 institute" shall have the same meaning as in section nineteen hundred
16 fifty of the education law.

17 a. There is hereby created within the disaster preparedness commission
18 an intrastate mutual aid program committee, for purposes of this section
19 to be referred to as the committee, which shall be chaired by the
20 commissioner of the division of homeland security and emergency
21 services, and shall include the state fire administrator, the commis-
22 sioner of health, the commissioner of education and the commissioner of
23 agriculture and markets, provided that each such official may appoint a
24 designee to serve in his or her place on the committee. The committee
25 shall also include five representatives from local public safety or
26 emergency response agencies and one representative from a school
27 district or [~~board of cooperative educational services~~] NY polytechnical
28 institute. Such representatives, who shall serve a maximum two-year
29 term, shall be appointed by the commissioner of the division of homeland
30 security and emergency services, with regard to a balance of geographic
31 representation and discipline expertise.

32 a. Subject to the restrictions on school districts and [~~boards of~~
33 ~~cooperative educational services~~] NY polytechnical institutes set forth
34 in subdivision one of this section, the state or a participating local
35 government may request assistance of other participating local govern-
36 ments in preventing, mitigating, responding to and recovering from
37 disasters that result in the declaration of a state disaster emergency
38 or locally-declared emergencies, or for the purpose of conducting
39 multi-jurisdictional or regional training, drills or exercises. Requests
40 for assistance may be made verbally or in writing; verbal requests shall
41 be memorialized in writing as soon thereafter as is practicable.
42 Notwithstanding the provisions of section twenty-five of this article,
43 the local emergency management director shall have the authority to
44 request and accept assistance and deploy the local resources of his or
45 her jurisdiction under the intrastate mutual aid program. The director
46 of the state office of emergency management is authorized to request and
47 accept assistance pursuant to this section.

48 § 171. Paragraph (c) of subdivision 40 of section 292 of the executive
49 law, as amended by chapter 654 of the laws of 2021 and such subdivision
50 as renumbered by chapter 748 of the laws of 2022, is amended to read as
51 follows:

52 (c) any public school, including any school district, [~~board of coop-~~
53 ~~erative educational services~~] NY polytechnical institute, public college
54 or public university.

55 § 172. Subdivision 1 of section 972 of the executive law, as added by
56 chapter 618 of the laws of 1983, is amended to read as follows:

1 1. In developing the job training and special services plan required
2 by section one hundred twenty-one of the act, the governor shall provide
3 guidelines and criteria for coordinating the activities to be funded
4 with moneys under the act with related activities of the state education
5 department, local school districts including the [~~boards of cooperative~~
6 ~~educational services~~] NY polytechnical institutes, the state vocational
7 education advisory council, the department of social services and the
8 local social services districts, the department of labor including the
9 job service, the office of vocational rehabilitation, the department of
10 commerce, the division for youth, post-secondary institutions in the
11 state particularly community colleges and other institutions providing
12 technical training opportunities, the department of commerce and other
13 state and local agencies and authorities involved in economic develop-
14 ment activities.

15 § 173. Paragraph f of subdivision 2 of section 974 of the executive
16 law, as added by chapter 618 of the laws of 1983 and as relettered by
17 chapter 619 of the laws of 1983, is amended to read as follows:

18 f. recommendations for better utilization of educational resources in
19 the workforce preparation field with specific attention to eliminating
20 duplicative efforts and coordinating programming efforts between [~~boards~~
21 ~~of cooperative educational services~~] NY polytechnical institutes and
22 community colleges;

23 § 174. Subdivision 5 of section 6-j of the general municipal law, as
24 added by chapter 433 of the laws of 1987, is amended to read as follows:

25 5. If at the end of any fiscal year the moneys in such fund shall
26 exceed the amounts required to be paid pursuant to subdivision four of
27 this section plus any additional amount required to pay all pending
28 claims, the governing board of the municipal corporation, school
29 district, [~~board of cooperative educational services~~] NY polytechnical
30 institute or fire district may, within sixty days of the close of such
31 fiscal year, elect to: (a) transfer said excess, or any part thereof, to
32 any fund authorized by this article or section thirty-six hundred
33 fifty-one of the education law; and/or (b) apply said excess, or any
34 part thereof to the budget appropriation of the next succeeding fiscal
35 year.

36 § 175. Section 6-m of the general municipal law, as added by chapter
37 616 of the laws of 1977, subdivision 3 as amended by chapter 708 of the
38 laws of 1992 and subdivision 5 as added and subdivision 6 as renumbered
39 by chapter 433 of the laws of 1987, is amended to read as follows:

40 § 6-m. Unemployment insurance payment reserve fund. 1. The governing
41 board of any municipal corporation, school district, [~~board of cooper-~~
42 ~~ative educational services~~] NY polytechnical institute, or fire district
43 which has elected to become liable for payments in lieu of contributions
44 required of employers liable for contributions under article eighteen of
45 the labor law may establish a reserve fund to be known as an unemploy-
46 ment insurance payment reserve fund.

47 2. There may be paid into such fund (a) such amounts as may be
48 provided therefor by budgetary appropriations, (b) amounts from any
49 other fund authorized by this chapter by resolution subject to permis-
50 sive referendum, and (c) such other funds as may be legally appropri-
51 ated.

52 3. The moneys in such fund shall be deposited and secured in the
53 manner provided by section ten of this article. The governing board, or
54 the chief fiscal officer of such municipality, school district, [~~board~~
55 ~~of cooperative educational services~~] NY polytechnical institute, or fire
56 district, if the governing board shall delegate such duty to him or her,

1 may invest the moneys in such fund in the manner provided by section
2 eleven of this article. Any interest earned or capital gain realized on
3 the money so deposited or invested shall accrue to and become part of
4 such fund. The separate identity of such fund shall be maintained wheth-
5 er its assets consist of cash or investments or both.

6 4. An expenditure shall be made from such fund only as required by law
7 to pay into the unemployment insurance fund an amount equivalent to the
8 amount of benefits paid to claimants and charged to the account of such
9 municipal corporation, school district, [~~board of cooperative educa-~~
10 ~~tional services~~] NY polytechnical institute, or fire district in accord-
11 ance with the provisions of paragraph (e) of subdivision one of section
12 five hundred eighty-one of the labor law.

13 5. If at the end of any fiscal year the moneys in such fund shall
14 exceed the amounts required to be paid pursuant to subdivision four of
15 this section plus any additional amount required to pay all pending
16 claims, the governing board of the municipal corporation, school
17 district, [~~board of cooperative educational services~~] NY polytechnical
18 institute or fire district may, within sixty days of the close of such
19 fiscal year, elect to: (a) transfer said excess, or any part thereof, to
20 any fund authorized by this article or section thirty-six hundred
21 fifty-one of the education law; and/or (b) apply said excess, or any
22 part thereof to the budget appropriation of the next succeeding fiscal
23 year.

24 6. If the municipal corporation, school district, [~~board of cooper-~~
25 ~~ative educational services~~] NY polytechnical institute, or fire district
26 shall, after the establishment of such fund, terminate its election to
27 become liable for payments in lieu of contributions, the moneys remain-
28 ing in such fund may be transferred to any other fund authorized by this
29 chapter or section thirty-six hundred fifty-one of the education law,
30 only to the extent that the moneys in such fund shall exceed in amount
31 the sum sufficient to pay all pending claims.

32 § 176. Paragraph a of subdivision 1 of section 6-n of the general
33 municipal law, as amended by chapter 819 of the laws of 1986, is amended
34 to read as follows:

35 a. "Municipal corporation," as used in this section, shall mean a
36 municipal corporation, as defined in section two of this chapter, school
37 district, except a school district in a city with a population of one
38 hundred twenty-five thousand or more, [~~board of cooperative educational~~
39 ~~services~~] NY polytechnical institute, fire district, a district corpo-
40 ration and a special improvement district governed by a separate board
41 of commissioners.

42 § 177. Paragraph (a) of subdivision 1 and subdivision 11 of section
43 6-p of the general municipal law, paragraph (a) of subdivision 1 as
44 added by chapter 518 of the laws of 1996 and subdivision 11 as added by
45 section 80 of part A of chapter 58 of the laws of 2011, are amended to
46 read as follows:

47 (a) "Municipal corporation" shall mean a municipal corporation, as
48 defined in section two of this chapter, school district, except a school
49 district in a city with a population of one hundred twenty-five thousand
50 or more, [~~board of cooperative educational services~~] NY polytechnical
51 institute, fire district, a district corporation and a special improve-
52 ment district governed by a separate board of commissioners.

53 11. Notwithstanding any other provision of law to the contrary, a
54 [~~board of cooperative educational services~~] NY polytechnical institute
55 that has been determined upon state audit or in its annual independent
56 audit to have accumulated an excess in such fund over the sum sufficient

1 to pay all liabilities incurred or accrued against it shall withdraw the
2 amount of such excess as of the date of withdrawal and shall distribute
3 such amount to all school districts that paid to such ~~[board of cooper-~~
4 ~~ative educational services]~~ NY polytechnical institute moneys that were
5 deposited to such fund in the same proportion as the total payments from
6 such school district into such fund bears to the total payments from all
7 school districts into such fund, or, at the request of the school
8 district, may use such amount to offset the administrative and capital
9 expenses payable by the school district in the current school year, and
10 any such amount attributable to an approved cost of service computed
11 pursuant to subdivision five of section nineteen hundred fifty of the
12 education law shall not be included in the approved cost of services
13 computed pursuant to subdivision five of section nineteen hundred fifty
14 of the education law. Such withdrawal shall be made within thirty days
15 after the audit becomes final or within thirty days after this subdivi-
16 sion takes effect, whichever is later.

17 § 178. Paragraph a of subdivision 1 of section 6-r of the general
18 municipal law, as added by chapter 260 of the laws of 2004, is amended
19 to read as follows:

20 a. "Municipal corporation" means a municipal corporation as defined in
21 section two of this chapter, school district (except a school district
22 in a city with a population of one hundred twenty-five thousand or
23 more), ~~[board of cooperative educational services]~~ NY polytechnical
24 institute, fire district, district corporation, police district, and
25 special improvement district governed by a separate board of commission-
26 ers.

27 § 179. Paragraph a of subdivision 1 of section 10 of the general
28 municipal law, as amended by chapter 623 of the laws of 1998, is amended
29 to read as follows:

30 a. "Local government" shall mean any municipal corporation, school
31 district, ~~[board of cooperative educational services]~~ NY polytechnical
32 institute, district corporation, special improvement district governed
33 by a separate board of commissioners, industrial development agency or
34 authority or a public library.

35 § 180. Subdivision 3 of section 30 of the general municipal law, as
36 amended by chapter 200 of the laws of 1973, is amended to read as
37 follows:

38 3. An annual report of financial transactions shall be made by the
39 treasurer of each public library and library service system established
40 pursuant to section two hundred fifty-five of the education law, each
41 county vocational education board established pursuant to section eleven
42 hundred one of the education law and each ~~[board of cooperative educa-~~
43 ~~tional services]~~ NY polytechnical institute established pursuant to
44 section nineteen hundred ~~[fifty-eight]~~ fifty of the education law.

45 § 181. Subdivision 4 of section 31 of the general municipal law, as
46 added by chapter 413 of the laws of 1991, is amended to read as follows:

47 4. A detailed statement of installment purchase contracts entered into
48 by a municipal corporation, school district, district corporation or
49 ~~[board of cooperative educational services]~~ NY polytechnical institute,
50 the provisions made for the payment thereof, the purposes for which such
51 contract was entered into, whether such contract was financed by the
52 execution and delivery of certificates of participation, and such other
53 information as the comptroller shall require.

54 § 182. Subdivision 2 of section 33 of the general municipal law, as
55 added by chapter 267 of the laws of 2005 and paragraph b as amended by

1 section 24 of subpart F of part C of chapter 97 of the laws of 2011, is
2 amended to read as follows:

3 2. Audits of school districts, [~~boards of cooperative educational~~
4 ~~services (BOCES)~~] NY polytechnical institutes and charter schools. a.
5 Notwithstanding any other provisions of law to the contrary, the
6 inspection and examination of school districts, charter schools and
7 [~~boards of cooperative educational services~~] NY polytechnical institutes
8 accounts shall be conducted pursuant to provisions of this subdivision.
9 Within such funds as are made available for such purpose, the comp-
10 troller shall cause the accounts of every school district, [~~BOCES~~] NY
11 polytechnical institute and charter school in the state to be examined
12 pursuant to a plan developed by the comptroller. Such audits shall be
13 conducted in a manner so as to provide, that every school district,
14 [~~BOCES~~] NY polytechnical institute and charter school shall be audited
15 at least once by March thirty-first, two thousand ten. The priority and
16 frequency of such audits, and any audits conducted thereafter, shall be
17 based upon a risk assessment process conducted by the comptroller which
18 may include investigations of alleged improprieties, previous audit
19 findings and recommendations, or other financial performance indicators.
20 The comptroller shall provide affected school districts, [~~BOCES~~] NY
21 polytechnical institutes and charter schools reasonable prior notice
22 before the commencement of any audit.

23 b. In undertaking such audits the comptroller's review shall include,
24 but not be limited to:

25 (1) examining, auditing and evaluating financial documents and records
26 of school districts, [~~BOCES~~] NY polytechnical institutes and charter
27 schools,

28 (2) assessing the current financial practices of school districts,
29 [~~BOCES~~] NY polytechnical institutes and charter schools to ensure that
30 they are consistent with established standards, including whether any
31 school district that uses a risk-based or sampling methodology to deter-
32 mine which claims are to be audited in lieu of auditing all claims has
33 adopted a methodology that provides reasonable assurance that all the
34 claims represented in the sample are proper charges against the school
35 district; and

36 (3) determining that school districts, [~~BOCES~~] NY polytechnical insti-
37 tutes, and charter schools provide for adequate protections against any
38 fraud, theft, or professional misconduct.

39 c. All audits shall include any appropriate findings and recommenda-
40 tions of the auditors, regarding the fiscal practices that the auditors
41 believe to be in violation of, any state or federal law, rule or regu-
42 lation, or demonstrate negligence or incompetence.

43 d. The office of the state comptroller shall upon making a finding of
44 misconduct refer any findings of fraud, abuse or other conduct consti-
45 tuting a crime that are uncovered during the course of an audit, as
46 appropriate, to the commissioner of education, the charter entity, the
47 attorney general, United States attorney or district attorney having
48 jurisdiction for appropriate action, together with any documents
49 supporting the auditors' findings.

50 e. The final audit report resulting from audits performed pursuant to
51 this section shall be made available to the public by school districts,
52 [~~BOCES~~] NY polytechnical institutes or charter schools upon request for
53 a period of at least five years. Furthermore, the school district,
54 [~~BOCES~~] NY polytechnical institute, or charter school shall be required
55 to post the final audit report on their internet website, if available,
56 or otherwise make available, for a period of five years.

1 f. Upon the request of the comptroller, any state agency, [~~board of~~
2 ~~cooperative educational services~~] NY polytechnical institute, school
3 district or charter school, shall cooperate with and make its staff,
4 facilities, and resources available to the comptroller for the purpose
5 of assisting the comptroller in carrying out all actions taken pursuant
6 to this section, and shall provide the comptroller upon request, with
7 all data and records in its possession that relate to audits undertaken
8 pursuant to this section.

9 g. The comptroller shall inform and advise the governor and the legis-
10 lature in December of each year regarding a review of all school
11 districts, [~~BOCES~~] NY polytechnical institutes, and charter schools
12 audits conducted during the preceding twelve months and any other perti-
13 nent information the comptroller deems appropriate.

14 § 183. Subdivision 1 of section 39 of the general municipal law, as
15 added by chapter 708 of the laws of 1992, is amended to read as follows:

16 1. Each local government, which for purposes of this section shall
17 include counties, cities, towns, villages, school districts including
18 [~~boards of cooperative educational services~~] NY polytechnical institutes
19 and district corporations, within the meaning of that term as set out in
20 subdivision three of section sixty-six of the general construction law,
21 or any other governmental subdivision of the state, shall by resolution
22 adopt a comprehensive investment policy which details the local govern-
23 ment's operative policy and instructions to officers and staff regarding
24 the investing, monitoring and reporting of funds of the local govern-
25 ment. The investment policy shall be annually reviewed by the local
26 government.

27 § 184. Subdivision (a) of section 72-h of the general municipal law,
28 as amended by chapter 562 of the laws of 1990, is amended to read as
29 follows:

30 (a) Notwithstanding any provision of any general, special or local law
31 or of any charter, the supervisors of a county, the town board of a
32 town, the board of trustees of a village, the board of fire commission-
33 ers of a fire district, the board of estimate of a city, or if there be
34 none the local legislative body of such city, and, in a city having a
35 population of one million or more, the mayor, subject to disapproval by
36 the council within thirty days following receipt of notice of the
37 approval of the mayor, may sell, transfer or lease to or exchange with
38 any municipal corporation or municipal corporations, school district,
39 [~~board of cooperative educational services~~] NY polytechnical institute,
40 fire district, the state of New York, or the government of the United
41 States and any agency or department thereof, either without consider-
42 ation or for such consideration and upon such terms and conditions as
43 shall be approved by such officer or body, any real property owned by
44 such county, town, village, fire district or city; and any municipal
45 corporation or fire district may acquire or lease such real property as
46 provided in this section. The term of any lease entered into pursuant to
47 the provisions of this section shall not exceed ten years but nothing
48 herein contained shall prevent the renewal of any such lease.

49 § 185. Paragraph (b) of subdivision 1 of section 77-b of the general
50 municipal law, as added by chapter 413 of the laws of 1974, is amended
51 to read as follows:

52 (b) Governing [~~Board~~] board. A common council, board of aldermen, city
53 council, or board of estimate of a city, the county legislature or board
54 of supervisors of a county, the town board of a town, the board of trus-
55 tees of a village, the board of education of a school district, the
56 [~~board of cooperative educational services~~] NY polytechnical institute,

1 the board of commissioners of an improvement district, the board of
2 directors of a soil conservation district, the trustees of a public
3 library, the trustees of a community college, and the board of fire
4 commissioners of a fire district.

5 § 186. Section 88-a of the general municipal law, as added by chapter
6 51 of the laws of 1958, subdivision 1 as separately amended by chapters
7 166 and 603 of the laws of 1979, subdivision 2 as amended by chapter 513
8 of the laws of 2022 and subdivision 3 as amended by chapter 166 of the
9 laws of 1979, is amended to read as follows:

10 § 88-a. Merit award board to reward employees for suggestions. 1. Any
11 city, county, town, village, school district or [~~board of cooperative~~
12 ~~educational services~~] NY polytechnical institute is hereby authorized
13 and empowered to establish a merit award board for the purpose of
14 rewarding its employees for suggestions which result in a more efficient
15 and economical operation of its government and may raise and expend
16 moneys for the purposes thereof.

17 2. In cities such board shall consist of the mayor, corporation coun-
18 sel and such council members as may be designated by the council and in
19 counties such board shall consist of the chair of the board of supervi-
20 sors and such members thereof as shall be chosen by the board. In towns
21 such board shall consist of the town supervisor and such members as the
22 town council shall designate. In villages such board shall consist of
23 the mayor and members designated by the board of trustees. In school
24 districts, such board shall consist of the president of the board of
25 education and such members thereof as shall be chosen by the board of
26 education. In [~~boards of cooperative educational services~~] NY polytech-
27 nical institutes, such [~~board~~] institute shall consist of the president
28 of the [~~board of cooperative educational services~~] NY polytechnical
29 institute and such members thereof as shall be chosen by the [~~board of~~
30 ~~cooperative educational services~~] NY polytechnical institute.

31 3. Such merit award boards when so established shall make rules and
32 regulations to provide for the rewarding of employees of the munici-
33 pality, school district or [~~board of cooperative educational services~~]
34 NY polytechnical institute for the purposes hereinbefore set forth.

35 4. Nothing herein contained shall in any way add to or diminish the
36 existing powers of the city of New York with reference to establishment
37 of a merit award board, and its powers.

38 § 187. Subdivision 1 of section 99-h of the general municipal law, as
39 amended by chapter 148 of the laws of 1981, is amended to read as
40 follows:

41 1. As used in this section the term "municipal corporation" shall mean
42 a county, city, town, village, school district, or [~~board of cooperative~~
43 ~~educational services~~] NY polytechnical institute of this state or a
44 board of higher education in a city having a population of one million
45 or more.

46 § 188. Section 99-p of the general municipal law, as added by chapter
47 220 of the laws of 1986, is amended to read as follows:

48 § 99-p. Municipality, district corporation or school district as
49 reciprocal insurer. Any county, town, city, village, district corpo-
50 ration (as defined in paragraph three of section 2.00 of the local
51 finance law), or school district and [~~board of cooperative educational~~
52 ~~services~~] NY polytechnical institute, may become a subscriber to a
53 municipal reciprocal insurer formed under article sixty-one of the
54 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

1 corporation, school district or [~~board of cooperative educational~~
2 ~~services~~] NY polytechnical institute, by rule, regulation or resolution
3 adopted at a public meeting. In determining whether a purchase is an
4 expenditure within the discretionary threshold amounts established by
5 this subdivision, the officer, board or agency of a political subdivi-
6 sion or of any district therein shall consider the reasonably expected
7 aggregate amount of all purchases of the same commodities, services or
8 technology to be made within the twelve-month period commencing on the
9 date of purchase. Purchases of commodities, services or technology shall
10 not be artificially divided for the purpose of satisfying the discre-
11 tionary buying thresholds established by this subdivision. A change to
12 or a renewal of a discretionary purchase shall not be permitted if the
13 change or renewal would bring the reasonably expected aggregate amount
14 of all purchases of the same commodities, services or technology from
15 the same provider within the twelve-month period commencing on the date
16 of the first purchase to an amount greater than the discretionary buying
17 threshold amount. In any case where a responsible bidder's or responsi-
18 ble offerer's gross price is reducible by an allowance for the value of
19 used machinery, equipment, apparatus or tools to be traded in by a poli-
20 tical subdivision, the gross price shall be reduced by the amount of
21 such allowance, for the purpose of determining the low bid or best
22 value. In cases where two or more responsible bidders furnishing the
23 required security submit identical bids as to price, such officer, board
24 or agency may award the contract to any of such bidders. Such officer,
25 board or agency may, in his, her or its discretion, reject all bids or
26 offers and readvertise for new bids or offers in the manner provided by
27 this section.

28 § 194. Paragraph (a) of subdivision 1 of section 109-b of the general
29 municipal law, as amended by chapter 258 of the laws of 1994, is amended
30 to read as follows:

31 (a) "Political subdivision" shall mean a municipal corporation, school
32 district, district corporation or [~~board of cooperative educational~~
33 ~~services~~] NY polytechnical institute.

34 § 195. Subdivision a of section 119-n of the general municipal law, as
35 amended by chapter 413 of the laws of 1991, is amended to read as
36 follows:

37 a. The term "municipal corporation" means a county outside the city of
38 New York, a city, a town, a village, a [~~board of cooperative educational~~
39 ~~services~~] NY polytechnical institute, fire district or a school
40 district.

41 § 196. Subdivision 4 of section 119-o of the general municipal law, as
42 added by section 2 of part EE of chapter 55 of the laws of 2018, is
43 amended to read as follows:

44 4. Any school district or [~~board of cooperative educational services~~]
45 NY polytechnical institute may join a panel established pursuant to
46 article twelve-I of this chapter, and may further participate in any of
47 the activities of such panel, with any participating county, town, city,
48 village, fire district, fire protection district, or special improvement
49 district participating in such panels. For cooperative agreements which
50 involve functions, services, or provisions permitted by this section,
51 school districts and [~~boards of cooperative educational services~~] NY
52 polytechnical institutes shall be permitted to create and execute such
53 agreements, when a part of the activity of such panel, without opinion
54 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

1 pursuant to the local finance law; provided, however, that (i) no
2 approval of the voters of such component school district shall be
3 required, (ii) the voting of a special tax or a tax to be collected in
4 installments shall not be a condition precedent to the adoption of a
5 bond resolution for such object or purpose, (iii) a majority vote of the
6 entire voting strength of the board of education shall be sufficient for
7 adoption of such a bond resolution, which bond resolution may be adopted
8 at a regular meeting, or a special meeting of the board of education
9 called on not less than twelve hours oral or written notice, which may
10 be held either within or outside of such district, (iv) any such bond
11 resolution shall be adopted prior to the execution by the [~~board of~~
12 ~~cooperative educational services~~] NY polytechnical institute and the
13 component school districts of such [~~board of cooperative educational~~
14 ~~services~~] NY polytechnical institute of the agreement required by para-
15 graph b of this subdivision.

16 e. Such agreement shall further provide that title to the natural gas
17 producing facility shall vest in the [~~board of cooperative educational~~
18 ~~services~~] NY polytechnical institute which title shall be held by the
19 [~~board of cooperative educational services~~] NY polytechnical institute
20 for the benefit and on behalf of all the component school districts of
21 such [~~board~~] institute executing such agreement.

22 f. Nothing herein contained shall be construed to permit any school
23 district in a city as defined in subdivision two-b of section 2.00 of
24 the local finance law to contract indebtedness for such specific object
25 or purpose in excess of the limitation prescribed by subdivision b of
26 section 104.00 of such law, without complying with the provisions of
27 subdivision c thereof. A school district, other than a school district
28 in a city, may not issue bonds or bond anticipation notes for such
29 specific object or purpose in excess of the limitation prescribed by
30 subdivision d of section 104.00 of such law, without complying with the
31 requirements of paragraphs one through three of such subdivision.

32 § 200. Subdivisions 4 and 6 of section 800 of the general municipal
33 law, subdivision 4 as amended by chapter 179 of the laws of 1971 and
34 subdivision 6 as amended by chapter 1043 of the laws of 1965, are
35 amended to read as follows:

36 4. "Municipality" means a county, city, town, village, school
37 district, consolidated health district, county vocational education and
38 extension board, public library, [~~board of cooperative educational~~
39 ~~services~~] NY polytechnical institute, urban renewal agency, a joint
40 water works system established pursuant to chapter six hundred fifty-
41 four of the laws of nineteen hundred twenty-seven, or a town or county
42 improvement district, district corporation, or other district or a joint
43 service established for the purpose of carrying on, performing or
44 financing one or more improvements or services intended to benefit the
45 health, welfare, safety or convenience of the inhabitants of such
46 governmental units or to benefit the real property within such units, an
47 industrial development agency but shall have no application to a city
48 having a population of one million or more or to a county, school
49 district, or other public agency or facility therein.

50 6. "Treasurer" means a county treasurer, city treasurer, town supervi-
51 sor, village treasurer, school district treasurer, fire district treas-
52 urer, improvement district treasurer, president of a board of health of
53 a consolidated health district, county vocational educational and exten-
54 sion board treasurer, treasurer of a [~~board of cooperative educational~~
55 ~~services~~] NY polytechnical institute, public general hospital treasurer,
56 or other officer possessing similar powers and duties.

1 § 201. Subdivision 24 of section 10 of the highway law, as amended by
2 chapter 540 of the laws of 1978, is amended to read as follows:

3 24. Have power, whenever such commissioner of transportation deems it
4 is necessary as a result of work of construction, reconstruction or
5 maintenance of state highways, to provide at the expense of the state
6 for the removal, relocation, replacement and reconstruction of water
7 mains, sewer pipes, communication systems, fire alarm systems, street
8 lighting, traffic control systems and any other similar facilities that
9 are owned by any municipality and are maintained for public use and to
10 participate in the expense of the removal, relocation, replacement and
11 reconstruction of all other types of facilities or parts thereof that
12 are owned by any municipality and are maintained for public use, the
13 state's share of such expense not to exceed the appraised value of such
14 facilities or parts thereof, as the case may be, as determined by the
15 commissioner of transportation. However, in connection with any feder-
16 ally funded highway project, the commissioner of transportation may
17 agree to pay an amount not to exceed the state's share, based on its
18 proportionate share of the cost of the entire highway project, of the
19 functional replacement cost of any of the aforesaid facilities owned by
20 any municipal corporation, school district, [~~board of cooperative educa-~~
21 ~~tional services~~] NY polytechnical institute, public benefit corporation
22 or any other state or municipal governmental agency where the federal
23 government agrees to pay its share of such functional replacement cost,
24 which shall be based on its proportionate share of the cost of the
25 entire project. If such work requires additional property or if it is
26 necessary that the relocation of such facilities be made to other prop-
27 erty, he may acquire such property as may be necessary for the purposes
28 of this subdivision, in the same manner as other property is acquired
29 for state highway purposes pursuant to this chapter, and he may enter
30 into a written agreement with the municipality involved to convey such
31 property as deemed necessary for the purposes of this subdivision to
32 such municipality on terms beneficial to the state. The expense of such
33 removal, relocation, replacement and reconstruction or the state's share
34 thereof, as the case may be, shall be a proper charge against funds
35 available for the construction, reconstruction or maintenance of state
36 highways, and such work may be performed by contract in the same manner
37 as provided for state highways in article three of this chapter, or, by
38 the use of departmental forces and equipment and of materials purchased
39 therefor. However, if the commissioner of transportation deems it to be
40 in the interest of the public, he may contract with the municipality,
41 upon such terms as he may deem advantageous to the state, to have such
42 work performed (a) by the employment of the forces and the use of the
43 equipment of such municipality and by the use of any material on hand or
44 necessary to be purchased by such municipality or (b) by such other
45 method as such commissioner of transportation shall approve or (c) by a
46 combination of the methods provided in this subdivision. Any such muni-
47 cipality is hereby authorized to enter into such contract for the
48 purposes of this subdivision. In all cases pursuant to this section
49 where the state is to pay part of the expense of removal, relocation,
50 replacement and reconstruction of any facilities that are municipally
51 owned and that are maintained for public use, the commissioner of trans-
52 portation, if he deems it in the best interest of the state, may offer
53 to remove, relocate, replace or reconstruct such facilities and may
54 prepare plans, specifications and estimates of cost of such projects,
55 together with an estimate of the share of the expense to be borne by the
56 municipality, which shall be submitted to the governing board of such

1 municipality. If the municipality approves such plans, specifications
2 and estimates of cost and share of the expense, it shall by resolution
3 appropriate the funds necessary to pay its share of the expense. A
4 certified copy of the resolution shall be filed with the commissioner of
5 transportation and with the state comptroller and the funds shall, prior
6 to the award of a contract, be deposited by the municipality with the
7 state comptroller subject to the draft or requisition of the commission-
8 er of transportation. Upon the completion and acceptance of the work
9 such facilities shall be maintained by the municipality. As used in this
10 subdivision, the term "municipality" shall include a public water
11 authority.

12 § 202. Paragraph 37 and subparagraph (C) of paragraph 51 of subsection
13 (a) of section 107 of the insurance law, paragraph 37 as amended and
14 subparagraph (C) of paragraph 51 as added by chapter 220 of the laws of
15 1986, are amended to read as follows:

16 (37) "Reciprocal insurer" means any aggregation of persons, firms or
17 corporations or, in the alternative, New York counties, towns, cities,
18 villages, district corporations (as defined in paragraph three of
19 section 2.00 of the local finance law), or school districts and [~~boards~~
20 ~~of cooperative educational services~~] NY polytechnical institutes, called
21 "subscribers" in article sixty-one of this chapter, who or which under a
22 common name engage in the business of inter-insurance or exchanging
23 contracts of insurance on the reciprocal plan through an attorney-in-
24 fact having authority to obligate the subscribers severally, within such
25 limits as may lawfully be specified in the subscriber's agreement, on
26 contracts of insurance made with any subscriber as a policyholder
27 through such attorney-in-fact acting on behalf of all other subscribers.
28 Such term includes any reciprocal or inter-insurance exchange, by what-
29 ever name known, and any reference thereto as an insurer shall be deemed
30 to mean any such aggregation of inter-insurers operating through an
31 attorney-in-fact individually and collectively as an insurance organiza-
32 tion for the benefit of its policyholders.

33 (C) a school district, [~~board of cooperative educational services~~] NY
34 polytechnical institute or any other governmental entity or combination
35 or association of governmental entities operating a public school,
36 college, community college or university;

37 § 203. Subsection (f) of section 4702 of the insurance law, as added
38 by chapter 689 of the laws of 1994, is amended to read as follows:

39 (f) "Municipal corporation" means within the state of New York, a city
40 with a population of less than one million or a county outside the city
41 of New York, town, village, [~~board of cooperative educational services~~]
42 NY polytechnical institute, school district, a public library, as
43 defined in section two hundred fifty-three of the education law, or
44 district, as defined in section one hundred nineteen-n of the general
45 municipal law.

46 § 204. Subsection (a) of section 6102 of the insurance law, as amended
47 by chapter 389 of the laws of 2010, is amended to read as follows:

48 (a) Twenty-five or more persons, firms and corporations, each having
49 the qualifications of subscribers as prescribed in this article, may
50 organize a reciprocal insurer to do any one or more of the basic kinds
51 of insurance set forth in subsection (a) of section four thousand one
52 hundred one of this chapter or, in the alternative, twenty-five or more
53 New York counties, towns, cities, villages, district corporations (as
54 defined in paragraph three of section 2.00 of the local finance law), or
55 school districts and [~~boards of cooperative educational services~~] NY
56 polytechnical institutes, each having the qualifications of subscribers

1 as prescribed in this article, may organize statewide municipal recipro-
2 cal insurers to provide any one or more of the basic kinds of insurance
3 set forth in subsection (a) of section four thousand one hundred one of
4 this chapter, except workers' compensation and employers' liability,
5 fidelity and surety other than official undertakings conditioned for the
6 faithful performance of official duties as referenced in section eleven
7 of the public officers law and required by related provisions of the
8 county, town, and village laws, credit and marine and inland marine
9 (except as authorized by the provisions of paragraph two of subsection
10 (b) of section four thousand one hundred two of this chapter) insurance.
11 Such an insurer shall be called, for purposes of this chapter, a "munic-
12 ipal reciprocal insurer" and shall be subject to all the provisions of
13 this chapter applicable to a reciprocal insurer, except where the
14 context otherwise requires. However, any reciprocal insurer authorized
15 to do the business of workers' compensation insurance shall be deemed to
16 be a mutual carrier within the meaning of the definition of that term in
17 section one hundred six of the workers' compensation law and shall be
18 subject to the provisions of article six-A of such law.

19 § 205. Subdivisions 2, 3 and 9 of section 12 of the labor law, as
20 amended by chapter 325 of the laws of 2016, are amended to read as
21 follows:

22 2. When it is jointly determined by the department and the education
23 department that labor market information or forward-facing employment
24 data prepared by the department is adequate in this prepared form, the
25 department shall transmit a copy of such information and data to: every
26 school district in the state of New York maintaining approved career
27 education programs, with a list of such school districts to be furnished
28 to the department by the education department; every ~~[board of cooper-~~
29 ~~ative educational services]~~ NY polytechnical institute maintaining
30 approved career education programs, with a list of such ~~[boards of coop-~~
31 ~~erative educational services]~~ NY polytechnical institutes to be
32 furnished to the department by the education department; and every
33 community college and agricultural and technical institute in the state
34 of New York maintaining approved career education programs, with a list
35 of such colleges and institutes to be furnished to the department by the
36 education department. The education department shall regularly update
37 such lists to keep them current and transmit changes to the department
38 expeditiously.

39 3. The commissioner shall transmit to those school districts, ~~[boards~~
40 ~~of cooperative educational services]~~ NY polytechnical institutes and
41 community colleges and agricultural and technical institutes located
42 within a particular labor market area, labor market information or
43 forward-facing employment data compiled for that area.

44 9. It shall be the responsibility of such school districts, ~~[boards of~~
45 ~~cooperative educational services]~~ NY polytechnical institutes, and
46 community colleges and agricultural and technical institutes in receipt
47 of such publications and sources of labor market information or
48 forward-facing employment data enumerated in this section to provide
49 copies of such labor market information or forward-facing employment
50 data to those individuals responsible for vocational and educational
51 guidance at such school districts, ~~[boards of cooperative educational~~
52 ~~services]~~ NY polytechnical institutes, community colleges and agricul-
53 tural and technical institutes.

54 § 206. Subdivision 3 of section 42 of the labor law, as added by
55 section 6 of part E of chapter 389 of the laws of 1997, is amended to
56 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-~~

1 ~~ative educational services (BOCES)~~ NY polytechnical institutes as
2 established pursuant to section one thousand nine hundred fifty of the
3 education law; and, unless otherwise required by federal law or regu-
4 lation, no individual shall be prohibited from or disqualified from
5 eligibility for the program if prior to applying for the program, an
6 individual has printed business cards or has a website that is designed
7 but not active, and neither are being used to solicit or conduct busi-
8 ness;

9 § 209. The second closing paragraph of subdivision 5 of section 651 of
10 the labor law, as amended by chapter 481 of the laws of 2010, is amended
11 to read as follows:

12 "Employee" also includes any individual employed or permitted to work
13 in any non-teaching capacity by a school district or [~~board of cooper-~~
14 ~~ative educational services~~] NY polytechnical institute except that the
15 provisions of sections six hundred fifty-three through six hundred
16 fifty-nine of this article shall not be applicable in any such case.

17 § 210. Paragraph (a) of subdivision 1 of section 816-b of the labor
18 law, as added by chapter 571 of the laws of 2001, is amended to read as
19 follows:

20 (a) "governmental entity" shall mean the state, any state agency, as
21 that term is defined in section two-a of the state finance law, munici-
22 pal corporation, commission appointed pursuant to law, school district,
23 district corporation, board of education, [~~board of cooperative educa-~~
24 ~~tional services~~] NY polytechnical institute, soil conservation district,
25 and public benefit corporation; and

26 § 211. Subdivision 2-c of section 2.00 of the local finance law, as
27 added by chapter 914 of the laws of 1977, is amended to read as follows:

28 2-c. The term [~~"board of cooperative educational services"~~] "NY poly-
29 technical institute" shall mean any [~~board of cooperative educational~~
30 ~~services~~] NY polytechnical institute, as defined in section nineteen
31 hundred fifty of the education law, and such [~~board~~] institute shall,
32 solely for the purpose of contracting indebtedness pursuant to section
33 25.00 of this chapter, be deemed to be a school district.

34 § 212. Paragraph 29-a of subdivision a of section 11.00 of the local
35 finance law, as amended by section 8 of subpart A of part B of chapter
36 56 of the laws of 2022, is amended to read as follows:

37 29-a. Transit motor vehicles. The purchase of municipally owned omni-
38 bus or similar surface transit motor vehicles, ten years; and the
39 purchase of zero-emission school buses owned by a school district
40 defined pursuant to paragraph two of section 2.00 of this chapter, a
41 city school district with a population of more than one hundred twenty-
42 five thousand inhabitants, or [~~board of cooperative educational~~
43 ~~services~~] NY polytechnical institute, twelve years.

44 § 213. Paragraph i of section 25.00 of the local finance law, as added
45 by chapter 914 of the laws of 1977, is amended to read as follows:

46 i. (a) A [~~board of cooperative educational services~~] NY polytechnical
47 institute may issue revenue anticipation notes, as authorized by para-
48 graph g of subdivision four of section nineteen hundred fifty of the
49 education law, in anticipation of money to be received from the state,
50 the United States government, and from its component school districts
51 for services or for administrative and clerical expenses.

52 (b) For the purposes of this [~~subdivision~~] paragraph i, and for the
53 purposes of sections 30.00 and 39.00 and titles four, five, six and
54 twelve of this chapter, the [~~board of cooperative educational services~~]
55 NY polytechnical institute shall be the finance board, its president
56 shall be its chief fiscal officer, and its fiscal year shall be the

1 fiscal year of its component school districts; provided, further, that
2 the provision of section 162.00 of this chapter shall be applicable to
3 revenue anticipation notes issued under this ~~[subdivision]~~ paragraph.

4 § 214. Subdivisions (j) and (l) of section 19.07 of the mental hygiene
5 law, subdivision (j) as amended by chapter 146 of the laws of 2014 and
6 subdivision (l) as added by chapter 323 of the laws of 2018, are amended
7 to read as follows:

8 (j) The office, in consultation with the state education department,
9 shall identify or develop materials on problem gambling among school-age
10 youth which may be used by school districts and ~~[boards of cooperative
11 educational services]~~ NY polytechnical institutes, at their option, to
12 educate students on the dangers and consequences of problem gambling as
13 they deem appropriate. Such materials shall be available on the inter-
14 net website of the state education department. The internet website of
15 the office shall provide a hyperlink to the internet page of the state
16 education department that displays such materials.

17 (l) The office of ~~[alcoholism and substance abuse services]~~ addiction
18 services and supports, in consultation with the state education depart-
19 ment, shall develop or utilize existing educational materials to be
20 provided to school districts and ~~[boards of cooperative educational~~
21 services] NY polytechnical institutes for use in addition to or in
22 conjunction with any drug and alcohol related curriculum regarding the
23 misuse and abuse of alcohol, tobacco, prescription medication and other
24 drugs with an increased focus on substances that are most prevalent
25 among school aged youth as such term is defined in section eight hundred
26 four of the education law. Such materials shall be age appropriate for
27 school age children, and to the extent practicable, shall include infor-
28 mation or resources for parents to identify the warning signs and
29 address the risks of substance abuse.

30 § 215. Subparagraph 5 of paragraph (b) and subparagraph (i) of para-
31 graph (d) of subdivision 17 of section 1005 of the public authorities
32 law, as added by chapter 477 of the laws of 2009 and such subdivision as
33 renumbered by section 16 of part CC of chapter 60 of the laws of 2011,
34 are amended to read as follows:

35 (5) "Public entity" means an agency, public authority, public benefit
36 corporation, public corporation, municipal corporation, school district,
37 ~~[board of cooperative educational services]~~ NY polytechnical institute,
38 public university, fire district, district corporation, or special
39 improvement district governed by a separate board of commissioners.

40 (i) Notwithstanding any other provision of law to the contrary, any
41 energy services contract entered into by the authority with any public
42 entity: (1) may have a term of up to thirty-five years duration,
43 provided, however, that the duration of any such contract shall not
44 exceed the reasonably expected useful life of any facilities or equip-
45 ment constructed, installed or operated as part of such energy-related
46 projects, programs and services subject to such contract; and (2) shall
47 contain the following clause: "This contract shall be deemed executory
48 only to the extent of the monies appropriated and available for the
49 purpose of the contract, and no liability on account therefor shall be
50 incurred beyond the amount of such monies. It is understood that neither
51 this contract nor any representation by any public employee or officer
52 creates any legal or moral obligation to request, appropriate or make
53 available monies for the purpose of the contract." A school district or
54 ~~[board of cooperative educational services]~~ NY polytechnical institute
55 may only enter into an energy services contract with the authority for
56 such maximum term as is prescribed in the regulations promulgated by the

1 commissioner of education or the useful life of the facilities or equip-
2 ment being constructed, installed or operated, whichever is less.

3 § 216. Paragraph (d) of subdivision 2 of section 1676 of the public
4 authorities law, as amended by chapter 538 of the laws of 1978, is
5 amended to read as follows:

6 (d) It shall also include, a [~~board of cooperative educational~~
7 ~~services~~] NY polytechnical institute school facility, any building,
8 library, laboratory, classroom or other building or structure essential,
9 necessary or useful for instruction in a program of any [~~board of coop-~~
10 ~~erative educational services~~] NY polytechnical institute and located in
11 the state of New York.

12 § 217. Section 1676-a of the public authorities law, as added by chap-
13 ter 769 of the laws of 1978, is amended to read as follows:

14 § 1676-a. Payment on authority public work projects. Notwithstanding
15 the provisions of any other law to the contrary, all contracts for
16 public work awarded by the dormitory authority pursuant to this title
17 shall be in accordance with section one hundred thirty-nine-f of the
18 state finance law. For the purposes of this section, public work by the
19 dormitory authority shall include but not be limited to the construction
20 of dormitories and other related structures as defined in paragraph a of
21 subdivision two of section sixteen hundred seventy-six of this title,
22 [~~boards of cooperative educational services~~] NY polytechnical institutes
23 as defined in paragraph d of subdivision two of section sixteen hundred
24 seventy-six of this title, locally sponsored community colleges as
25 defined in subdivision seven of section sixteen hundred seventy-six of
26 this title, and the city university as defined in subdivision eight of
27 section sixteen hundred seventy-six of this title.

28 § 218. Subdivision 15 of section 1678 of the public authorities law,
29 as amended by chapter 101 of the laws of 1976, is amended to read as
30 follows:

31 15. The authority shall, notwithstanding any other law, have the power
32 to mortgage, pledge or assign any real or personal property of any
33 dormitory or [~~board of cooperative educational services~~] NY polytechni-
34 cal institute school facility as and to the extent authorized by any
35 agreement or lease between the authority and any educational institution
36 as defined in section sixteen hundred eighty of this title or any [~~board~~
37 ~~of cooperative educational services~~] NY polytechnical institute to
38 secure any and all liabilities of such educational institution or [~~board~~
39 ~~of cooperative educational services~~] NY polytechnical institute under
40 such agreement or lease in respect of such dormitory or [~~board of coop-~~
41 ~~erative educational services~~] NY polytechnical institute facility not
42 theretofore paid or discharged, or other real or personal property of
43 the authority. Any such mortgage, pledge or assignment by the authority,
44 unless otherwise provided therein, shall be superior to any right an
45 educational institution or a [~~board of cooperative educational services~~]
46 NY polytechnical institute may have with respect to the property subject
47 to such mortgage, pledge or assignment, and upon foreclosure of any such
48 mortgage or enforcement of any such pledge or assignment any such right
49 shall be extinguished.

50 § 219. Section 1689 of the public authorities law, as added by chapter
51 795 of the laws of 1967, subdivision 1 as amended by chapter 301 of the
52 laws of 1996, subdivision 6 as amended by chapter 817 of the laws of
53 1976, subdivision 9 as amended by section 56 of part C of chapter 57 of
54 the laws of 2004, paragraph d of subdivision 10 as added and subdivision
55 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

1 if at such time the [~~board of cooperative educational services~~] NY poly-
2 technical institute school facilities are not located in any [~~board~~]
3 institute or any successor thereto in the state of New York, then such
4 title shall vest in the people of the state of New York.

5 f. Any lease of a [~~board of cooperative educational services~~] NY poly-
6 technical institute school facility authorized by this section may
7 contain provisions which shall be a part of the contract with the holder
8 of the bonds of the authority issued for such [~~board of cooperative~~
9 ~~educational services~~] NY polytechnical institute school facility, as to

10 (1) pledging all or any part of the moneys, income or revenues of the
11 lessee or other personal property of the lessee, to secure payments
12 required under the terms of such lease;

13 (2) the setting aside of reserves and the creation of special funds
14 and the regulation and disposition thereof;

15 (3) the procedure, if any, by which the terms of such lease may be
16 amended, the amount of bonds the holders of which must consent thereto,
17 and the manner in which such consent may be given;

18 (4) vesting in a trustee or trustees such specified properties,
19 rights, powers and duties as shall be deemed necessary or desirable for
20 the security of the holders of the bonds of the authority issued for
21 such [~~board of cooperative educational services~~] NY polytechnical insti-
22 tute school facilities;

23 (5) the obligations of the lessee with respect to the replacement,
24 reconstruction, maintenance, operations, repairs and insurance of such
25 [~~board of cooperative educational services~~] NY polytechnical institute
26 school facilities;

27 (6) defining the acts or omissions to act which shall constitute a
28 default in the obligations and duties of the lessee, and providing for
29 the rights and remedies of the authority and of its bondholders in the
30 event of such default;

31 (7) any other matters, of like or different character, which may be
32 deemed necessary or desirable for the security or protection of the
33 authority or the holders of its bonds.

34 3. Whenever the authority under the provisions of this section under-
35 takes to construct or otherwise provide a [~~board of cooperative educa-~~
36 ~~tional services~~] NY polytechnical institute school facility and to lease
37 the same to a [~~board of cooperative educational services~~] NY polytechni-
38 cal institute, such lease shall be the general obligation of the [~~board~~]
39 institute and any successor thereto. Such lessee shall be responsible
40 for the direct costs of operation, maintenance, repair and replacement
41 of such [~~board of cooperative educational services~~] NY polytechnical
42 institute school facility, and in addition shall be responsible for the
43 over-all supervision of each [~~board of cooperative educational services~~]
44 NY polytechnical institute school facility, for the overhead and general
45 administrative costs of the lessee which are incurred because of such
46 [~~board of cooperative educational services~~] NY polytechnical institute
47 school facility and for the integration of the operation of each such
48 [~~board of cooperative educational services~~] NY polytechnical institute
49 school facility into the lessee's educational program.

50 4. All the provisions of this title four not inconsistent with the
51 provisions of this section [~~sixteen hundred eighty nine~~] shall be appli-
52 cable with respect to any bonds of the authority issued to obtain funds
53 for any purpose authorized under this section [~~sixteen hundred eighty-~~
54 ~~nine~~] and with respect to the powers of the authority hereunder.

55 5. To obtain funds for the purposes of this section, the authority
56 shall have power from time to time to issue negotiable bonds or notes of

1 the authority. Unless the context shall clearly indicate otherwise when-
2 ever the words "bond" or "bonds" are used in this section, such words
3 shall include a note or notes of the authority.

4 6. Any pledge of or other security interest in moneys, earnings,
5 income, revenues, accounts, contract rights, general intangibles or
6 other personal property made or created by the authority shall be valid,
7 binding and perfected from the time when such pledge or other security
8 interest attaches, without any physical delivery of the collateral or
9 further act. The lien of any such pledge or other security interest
10 shall be valid, binding and perfected as against all parties having
11 claims of any kind in tort, contract or otherwise against the authority
12 irrespective of whether or not such parties have notice thereof. No
13 instrument by which such a pledge or other security interest is created
14 nor any financing statement need be recorded or filed. This subdivision
15 shall apply notwithstanding the provisions of the uniform commercial
16 code.

17 7. Whenever the authority undertakes under the provisions of this
18 section to construct, acquire, reconstruct, rehabilitate and improve,
19 and furnish and equip or otherwise provide a [~~board of cooperative~~
20 ~~educational services~~] NY polytechnical institute school facility, each
21 [~~board of cooperative educational services~~] NY polytechnical institute
22 in connection with which such [~~board of cooperative educational~~
23 ~~services~~] NY polytechnical institute school facility is built is author-
24 ized to assign and pledge to the authority a sufficient portion of any
25 and all public funds to be apportioned or otherwise to be made payable
26 by the state of New York to the [~~board of cooperative educational~~
27 ~~services~~] NY polytechnical institute to cover the payments required
28 under the lease between the authority and the [~~board of cooperative~~
29 ~~educational services~~] NY polytechnical institute. All state and local
30 officials concerned are hereby authorized to apportion and pay all such
31 funds so assigned and pledged to the authority. Such assignment and
32 pledge by any [~~board of cooperative educational services~~] NY polytechni-
33 cal institute shall be irrevocable and shall continue until the date on
34 which the liabilities of the authority and any such [~~board of cooper-~~
35 ~~ative educational services~~] NY polytechnical institute school facilities
36 have been discharged and the bonds of the authority issued therefor have
37 been paid or such bonds have otherwise been discharged.

38 8. No [~~board of cooperative educational services~~] NY polytechnical
39 institute school facility shall be constructed or otherwise provided by
40 the authority under the provisions of this section unless approved by
41 the voters of the [~~board of cooperative educational services~~] NY poly-
42 technical institute and unless any and all necessary approvals of the
43 commissioner of education under section four hundred eight of the educa-
44 tion law have been obtained.

45 9. Any payment required to be made by a [~~board of cooperative educa-~~
46 ~~tional services~~] NY polytechnical institute to the authority shall be
47 deemed an administrative or capital expense within the meaning of
48 section nineteen hundred fifty of the education law.

49 10. a. The total amount payable annually to the authority by a [~~board~~]
50 institute shall be certified by the authority to the commissioner of
51 education and the authority shall annually prepare and certify to the
52 commissioner of education a statement of the total amount necessary to
53 be paid by all [~~boards of cooperative educational services~~] NY polytech-
54 nical institutes for the ensuing school year.

55 b. The commissioner of education shall include in the certificate
56 which he files with the state comptroller showing the amount of state

1 funds apportioned to the [~~board of cooperative educational services~~] NY
2 polytechnical institute a statement showing the amount to be owed by the
3 [~~board~~] institute to the authority for the ensuing school year.

4 c. The comptroller shall deduct from any state funds to become due to
5 any such [~~board of cooperative educational services~~] NY polytechnical
6 institute an amount equal to the amount required to be paid by such
7 [~~board~~] institute to the authority as shown by the certificate of the
8 commissioner of education filed with the comptroller as required by
9 paragraph b of this subdivision.

10 d. The state of New York hereby covenants with the purchasers, holders
11 and owners from time to time of the bonds of the authority that it will
12 not repeal, revoke, rescind, modify or amend the provisions of this
13 subdivision ten so as to limit, impair or impede the rights and remedies
14 granted hereby or otherwise diminish the security pledged to such
15 purchasers, holders and owners or significantly impair the prospect of
16 payment of any such bond, nor shall any lien or charge on or pledge,
17 assignment, diversion, withholding, payment or other use of or deduction
18 from any state funds due or to become due or appropriated to or to be
19 appropriated to or to be apportioned and paid to any [~~board of cooper-~~
20 ~~ative educational services~~] NY polytechnical institute be created which
21 is prior in time or superior in right to the deduction required by para-
22 graph c of this subdivision; provided, however, that nothing herein
23 contained shall be deemed or construed as requiring the state to contin-
24 ue the payment of the state aid or assistance to any [~~board of cooper-~~
25 ~~ative educational services~~] NY polytechnical institute or as limiting or
26 prohibiting the state from repealing or amending any law theretofore or
27 hereafter enacted providing for the payment or apportionment of state
28 aid to a [~~board of cooperative educational services~~] NY polytechnical
29 institute or the manner, time or amount thereof.

30 11. In the event that the amount paid to the authority pursuant to the
31 provisions of subdivision ten of this section is insufficient to meet
32 any payment required by the [~~board of cooperative educational services~~]
33 NY polytechnical institute to the authority any such amount still due
34 and owing shall be paid directly to the authority by the [~~board~~] insti-
35 tute.

36 12. (a) After: (i) a proposition has been approved by the voters of a
37 [~~board of cooperative educational services~~] NY polytechnical institute
38 for the construction or providing by the authority of a [~~board of coop-~~
39 ~~erative educational services~~] NY polytechnical institute school facility
40 or facilities and any and all necessary approvals of the commissioner of
41 education have been obtained, all as provided by subdivision eight of
42 this section; (ii) an agreement and a lease have been executed by and
43 between such [~~board of cooperative educational services~~] NY polytechni-
44 cal institute and the dormitory authority relating to the construction
45 or otherwise providing of such [~~board of cooperative educational~~
46 ~~services~~] NY polytechnical institute school facility or facilities, the
47 leasing thereof by the dormitory authority to such [~~board of cooperative~~
48 ~~educational services~~] NY polytechnical institute and the financing ther-
49 eof by the dormitory authority by the issuance of its obligations; and
50 (iii) the dormitory authority has adopted its resolution authorizing
51 obligations of the dormitory authority for such purpose, the dormitory
52 authority may determine to provide that the validity of such agreement,
53 lease, resolution of the authority authorizing the issuance of obli-
54 gations and the obligations authorized and issued pursuant thereto may
55 be contested only if:

1 1. Such agreement, lease, resolution and the obligations to be issued
2 pursuant to such resolution are authorized for a [~~board of cooperative~~
3 ~~educational services~~] NY polytechnical institute school facility or
4 facilities for which the [~~board of cooperative educational services~~] NY
5 polytechnical institute and the dormitory authority are not authorized
6 to execute an agreement and a lease or for which the dormitory authority
7 is not authorized to issue obligations, or

8 2. The provisions of law which should be complied with at the date of
9 the publication of the notice hereinafter provided for, are not substan-
10 tially complied with, and an action, suit or proceeding contesting such
11 validity is commenced within twenty days after the date of such publica-
12 tion, or

13 3. Such obligations are authorized in violation of the provisions of
14 the constitution.

15 (b) If the dormitory authority shall determine to utilize the
16 provisions of this subdivision, the dormitory authority shall publish or
17 shall cause a notice to be published in the manner hereinafter provided,
18 which notice shall be in substantially the following form:

19 The (here insert the name of the [~~board of cooperative educational~~
20 ~~services~~] NY polytechnical institute) and the dormitory authority of the
21 state of New York have entered into an agreement dated as of the ----
22 day of ----, 19---, and a lease dated as of the ---- day of ----,
23 19---, and the dormitory authority has adopted a resolution on the ----
24 day of ----, 19---, and the validity of such agreement, lease, resol-
25 ution and the obligations issued pursuant thereto may be hereafter
26 contested only if such agreement, lease, resolution and the obligations
27 issued pursuant thereto were authorized for a [~~board of cooperative~~
28 ~~educational services~~] NY polytechnical institute school facility or
29 facilities for which such [~~board of cooperative educational services~~] NY
30 polytechnical institute and the dormitory authority are not authorized
31 to enter into an agreement, lease and for which the dormitory authority
32 is not authorized to issue such obligations or if the provisions of law
33 which should have been complied with as of the date of publication of
34 this notice were not substantially complied with, and an action, suit or
35 proceeding contesting such validity is commenced within twenty days
36 after the date of publication of this notice, or such obligations were
37 authorized in violation of the provisions of the constitution.

38 By such agreement and lease such [~~board of cooperative educational~~
39 ~~services~~] NY polytechnical institute and the dormitory authority have
40 agreed that the dormitory authority shall provide the [~~board of cooper-~~
41 ~~ative educational services~~] NY polytechnical institute school facility
42 or facilities described therein, that the dormitory authority shall
43 lease the same to such [~~board of cooperative educational services~~] NY
44 polytechnical institute, which [~~board of cooperative educational~~
45 ~~services~~] NY polytechnical institute shall pay annual rentals as agreed
46 upon in such lease sufficient to pay the principal of and interest on
47 the obligations of the authority issued to finance such facility or
48 facilities, the amounts required by such resolution to establish and
49 maintain the reserve funds, if any, required by such resolution, any
50 expenditures of the authority for insurance, fees and expenses of audit-
51 ing and fees and expenses of the trustee, all as required by the resol-
52 ution, all other expenditures reasonably and necessarily incurred by the
53 authority by reason of its ownership, financing and leasing of the
54 project and the annual administrative fee payable to the authority. Such
55 resolution authorizes an issue of \$----- obligations of the authority,
56 which amount is equal to the sum of: (i) the estimated cost of

1 construction and equipment of such [~~board of cooperative educational~~
2 ~~services~~] NY polytechnical institute school facility or facilities after
3 first deducting federal grants-in-aid to be received; (ii) the amount
4 required by the authority, if any, to be paid to reserve funds created
5 by the resolution of the authority authorizing the bonds; and (iii) the
6 amounts required to make payments for legal, financing, administrative
7 and other costs and expenses of the authority in connection with such
8 [~~board of cooperative educational services~~] NY polytechnical institute
9 school facilities and the financing thereof.

10 Executed counterparts of such agreement and lease and a certified copy
11 of the resolution of the dormitory authority authorizing such obli-
12 gations are on file in the office of the clerk of such [~~board of cooper-~~
13 ~~ative educational services~~] NY polytechnical institute at (here insert
14 the address of the office of such clerk) and at the office of the dormi-
15 tory authority (here insert the address of such office) and such docu-
16 ments may be inspected at either of said offices during regular business
17 hours.

18 DORMITORY AUTHORITY OF THE STATE OF
19 NEW YORK and (here insert the name of the
20 [~~board of cooperative educational services~~]
21 NY polytechnical institute)

22 (c) The notice described in subparagraph (b) of this subdivision shall
23 be published once in each of two newspapers, if there shall be two, or
24 in one newspaper, if there shall be but one, having general circulation
25 within the [~~board of cooperative educational services~~] NY polytechnical
26 institute, but if no newspaper shall then have general circulation ther-
27 ein, such notice shall be posted in at least twenty of the most public
28 places in said [~~board of cooperative educational services~~] NY polytech-
29 nical institute.

30 (d) After the publication of such notice, the validity of the obli-
31 gations authorized thereby may be contested only if:

32 1. Such agreement, lease, resolution of the dormitory authority
33 authorizing the obligations, and the obligations of the dormitory
34 authority were authorized for a [~~board of cooperative educational~~
35 ~~services~~] NY polytechnical institute school facility or facilities for
36 which such [~~board of cooperative educational services~~] NY polytechnical
37 institute and the dormitory authority were not authorized to execute an
38 agreement and a lease or for which the dormitory authority is not
39 authorized to issue obligations, or

40 2. The provisions of law which should be complied with at the date of
41 publication of the notice hereinabove provided for, are not substantial-
42 ly complied with, and an action, suit or proceeding contesting such
43 validity is commenced within twenty days after the date of such publica-
44 tion, or

45 3. Such obligations are authorized in violation of the provisions of
46 the constitution.

47 (e) If an action, suit or proceeding contesting the validity of such
48 agreement, lease, resolution authorizing the obligations or the obli-
49 gations authorized thereby is commenced within twenty days from the date
50 of publication of such notice, the court in which such action, suit or
51 proceeding is commenced shall determine whether or not such agreement,
52 lease, resolution and obligations were authorized for a [~~board of coop-~~
53 ~~erative educational services~~] NY polytechnical institute school facility
54 or facilities for which the [~~board of cooperative educational services~~]
55 NY polytechnical institute and the dormitory authority were authorized
56 to enter into an agreement and a lease and for which the authority was

1 authorized to issue obligations or the provisions of law which should
2 have been complied with were substantially complied with. The court may
3 determine that the provisions of law which should have been complied
4 with were substantially complied with if:

5 1. The aggregate amount of obligations authorized does not exceed an
6 amount equal to the sum of[+]: (i) the estimated cost of construction
7 and equipment of such a [~~board of cooperative educational services~~] NY
8 polytechnical institute school facility or facilities after first
9 deducting federal grants-in-aid to be received; (ii) the amount, if any,
10 required by the authority by the resolution to be paid to reserve funds
11 created by the resolution of the authority authorizing the obligations;
12 and (iii) the amounts estimated by the authority to be required to make
13 payments for legal, financing, administrative and other costs and
14 expenses of the authority in connection with the providing of the facil-
15 ities and the financing thereof.

16 2. Such agreement and lease were executed after a proposition author-
17 izing the same had been submitted to and approved by a majority of the
18 duly qualified voters of such [~~board of cooperative educational~~
19 ~~services~~] NY polytechnical institute.

20 (f) Such determination of the court as described in subparagraph (e)
21 hereof may be arrived at notwithstanding any irregularity or failure to
22 observe a technicality in:

23 1. The form of such proposition approved by the duly qualified voters
24 of such [~~board of cooperative educational services~~] NY polytechnical
25 institute.

26 2. The notice of the meeting at which such proposition was submitted.

27 3. The time or manner of the publication of such notice.

28 4. The conduct of the meeting at which such proposition was adopted.

29 5. Like matters in such proceedings.

30 (g) If the dormitory authority shall have utilized the provisions of
31 this subdivision, the obligations of the authority issued pursuant to
32 the resolution authorizing the same shall contain a recital substantial-
33 ly to the effect that the procedure for the validation of such bonds set
34 forth in this section have been complied with and such recital shall
35 bind the [~~board of cooperative educational services~~] NY polytechnical
36 institute and the dormitory authority, and twenty days after such notice
37 shall have been published and after such obligations have been purchased
38 in good faith and for fair value by any person, the validity of such
39 agreement, lease, resolution and of the obligations issued pursuant to
40 such resolution shall not be questioned by such [~~board of cooperative~~
41 ~~educational services~~] NY polytechnical institute or by any taxpayer
42 thereof in any court.

43 (h) If the dormitory authority and such [~~board of cooperative educa-~~
44 ~~tional services~~] NY polytechnical institute shall deem it necessary to
45 increase the amount of obligations of the authority to be issued in
46 connection with the construction or providing of a [~~board of cooperative~~
47 ~~educational services~~] NY polytechnical institute school facility or
48 facilities and shall have authorized the issuance of such additional
49 obligations by the execution of a supplemental agreement and a supple-
50 mental lease between the dormitory authority and such [~~board of cooper-~~
51 ~~ative educational services~~] NY polytechnical institute and the authority
52 has adopted a supplemental resolution authorizing such additional obli-
53 gations, the provisions of this subdivision also shall be applicable to
54 such supplemental agreement, supplemental lease, supplemental resolution
55 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

1 acknowledgment of the execution of a deed of real property, or by an
2 officer in whose office the oath is required to be filed or by his duly
3 designated assistant, or may be administered to any member of a body of
4 officers, by a presiding officer or clerk, thereof, who shall have taken
5 an oath of office. An oath of office may be administered to any state or
6 local officer who is a member of the armed forces of the United States
7 by any commissioned officer, in active service, of the armed forces of
8 the United States. In addition to the requirements of any other law, the
9 certificate of the officer in the armed forces administering the oath of
10 office under this section shall state (a) the rank of the officer admin-
11 istering the oath, and (b) that the person taking the oath was at the
12 time, enlisted, inducted, ordered or commissioned in or serving with,
13 attached to or accompanying the armed forces of the United States. The
14 fact that the officer administering the oath was at the time duly
15 commissioned and in active service with the armed forces, shall be
16 certified by the secretary of the army, secretary of the air force or by
17 the secretary of the navy, as the case may be, of the United States, or
18 by a person designated by him or her to make such certifications, but
19 the place where such oath was administered need not be disclosed. The
20 oath of office of a notary public or commissioner of deeds shall be
21 filed in the office of the clerk of the county in which he or she shall
22 reside. The oath of office of every state officer shall be filed in the
23 office of the secretary of state; of every officer of a municipal corpo-
24 ration, including a school district, with the clerk thereof; and of
25 every other officer, including the trustees and officers of a public
26 library and the officers of [~~boards of cooperative educational services~~]
27 NY polytechnical institutes, in the office of the clerk of the county in
28 which he shall reside, if no place be otherwise provided by law for the
29 filing thereof.

30 § 227. Subparagraph (ii) of paragraph (a) of subdivision 1 of section
31 18 of the public officers law, as amended by chapter 521 of the laws of
32 1982, is amended to read as follows:

33 (ii) a school district, [~~board of cooperative educational services~~] NY
34 polytechnical institute, or any other governmental entity or combination
35 or association of governmental entities operating a public school,
36 college, community college or university,

37 § 228. Subparagraph (ii) of paragraph (a) of subdivision 1 of section
38 18-a of the public officers law, as added by section 2 of subpart C of
39 part KK of chapter 57 of the laws of 2018, is amended to read as
40 follows:

41 (ii) a school district, [~~board of cooperative educational services~~] NY
42 polytechnical institute, or any other governmental entity or combination
43 or association of governmental entities operating a public school,
44 college, community college or university;

45 § 229. Paragraph (m) of subdivision 2 of section 265.01-e of the penal
46 law, as added by chapter 371 of the laws of 2022, is amended to read as
47 follows:

48 (m) in or upon any building or grounds, owned or leased, of any educa-
49 tional institutions, colleges and universities, licensed private career
50 schools, school districts, public schools, private schools licensed
51 under article one hundred one of the education law, charter schools,
52 non-public schools, [~~board of cooperative educational services~~] NY poly-
53 technical institute, special act schools, preschool special education
54 programs, private residential or non-residential schools for the educa-
55 tion of students with disabilities, and any state-operated or state-sup-
56 ported schools;

1 § 230. Section 408 of the real property tax law, as amended by chapter
2 684 of the laws of 1985, is amended to read as follows:

3 § 408. School districts and [~~boards of cooperative educational~~
4 ~~services~~] NY polytechnical institutes. Notwithstanding any limitation
5 contained in section four hundred six of this [~~chapter~~] title, all real
6 property owned by a school district or [~~board of cooperative educational~~
7 ~~services~~] NY polytechnical institute and all improvements thereon leased
8 by such a district or [~~board~~] institute provided that such leased
9 improvements are used for educational purposes and provided, further,
10 that such lease provides that such district or [~~board~~] institute is
11 liable for all taxation, special ad valorem levies and special assess-
12 ments levied upon such improvements shall be exempt from taxation and
13 exempt from special ad valorem levies and special assessments to the
14 extent provided in section four hundred ninety of this [~~chapter~~]
15 article.

16 § 231. Paragraph (a) of subdivision 3 of section 594 of the real prop-
17 erty tax law, as amended by chapter 515 of the laws of 2002, is amended
18 to read as follows:

19 (a) Oil and gas rights and other elements of economic units shall be
20 exempt from taxation if owned by a school district or [~~board of cooper-~~
21 ~~ative educational services~~] NY polytechnical institute;

22 § 232. Paragraph 1-a of subdivision a of section 19-a of the retire-
23 ment and social security law, as amended by section 2 of part BB of
24 chapter 57 of the laws of 2013, is amended to read as follows:

25 (1-a) "Alternative amortizing employer" shall mean a county, city,
26 town, village, school district, [~~board of cooperative educational~~
27 ~~services~~] NY polytechnical institute, or public benefit corporation that
28 operates a public general hospital located in the county of Westchester,
29 the county of Erie, or the county of Nassau that, on a form prepared by
30 the comptroller, elects to and does amortize a portion of the employer's
31 annual bill pursuant to paragraph one of subdivision d of this section
32 for the two thousand thirteen - two thousand fourteen fiscal year pursu-
33 ant to the alternative system graded contribution rate, regardless of
34 whether the employer has subsequently paid in full all such amortized
35 amounts.

36 § 233. Subdivisions e and f of section 210 of the retirement and
37 social security law, subdivision e as added by chapter 803 of the laws
38 of 1964 and subdivision f as amended by chapter 579 of the laws of 1992,
39 are amended to read as follows:

40 e. The term "public service" means the service of the state or any
41 political division thereof, including a special district, district
42 corporation, school district, [~~board of cooperative educational~~
43 ~~services~~] NY polytechnical institute or county vocational education and
44 extension board, or the service of a public benefit corporation or
45 public authority created by or pursuant to laws of the state of New
46 York, or the service of any agency or organization which contributes as
47 a participating employer in a retirement system or pension plan adminis-
48 tered by the state or any of its political subdivisions.

49 f. The term "former employer" means the state or a political subdivi-
50 sion, public corporation, school district, [~~board of cooperative educa-~~
51 ~~tional services~~] NY polytechnical institute, county vocational education
52 and extension board, or an agency or organization which contributes as a
53 participating employer in a retirement system or pension plan adminis-
54 tered by the state or any of its civil divisions, which directly paid
55 the salary or compensation of a retired person at any time during the

1 two years immediately preceding his retirement and who paid the salary
2 on which the retiree's retirement allowance is based.

3 § 234. Subparagraph 2 of paragraph (a) of subdivision 2 and subdivi-
4 sion 9 of section 211 of the retirement and social security law, subpar-
5 agraph 2 of paragraph (a) of subdivision 2 as amended by chapter 753 of
6 the laws of 1976 and subdivision 9 as added by section 1 of part HH of
7 chapter 56 of the laws of 2022, are amended to read as follows:

8 (2) the commissioner of education if such person is to be employed in
9 the unclassified service of a school district other than the city of New
10 York, a [~~board of cooperative educational services~~] NY polytechnical
11 institute or a county vocational education and extension board; or

12 9. Notwithstanding the provisions of this section, sections two
13 hundred twelve and four hundred one of this chapter and section five
14 hundred three of the education law and any other law, regulation, rule,
15 local law, or charter to the contrary, a retired person may be employed
16 and earn compensation in a position or positions in the service of a
17 school district or a [~~board of cooperative educational services~~] NY
18 polytechnical institute in the state without any effect on his or her
19 status as retired and without suspension or diminution of his or her
20 retirement allowance and without prior approval pursuant to subdivision
21 two of this section. Earnings received as a result of employment in a
22 school district or a [~~board of cooperative educational services~~] NY
23 polytechnical institute in the state shall not be applied to a retired
24 person's earnings when calculating the earnings limitations imposed by
25 subdivisions one and two of section two hundred twelve of this article.

26 § 235. Section 217 of the retirement and social security law, as added
27 by chapter 640 of the laws of 2008, is amended to read as follows:

28 § 217. Reporting requirements; school salary transparency and disclo-
29 sure. 1. A school district and a [~~board of cooperative educational~~
30 ~~services~~] NY polytechnical institute shall report all money earned by a
31 retired person in their employ that is in excess of the earnings limita-
32 tion outlined in section two hundred twelve of this article to the
33 retirement system administered by the state or any of its political
34 subdivisions from whom such retired person is collecting their retire-
35 ment allowance.

36 2. A school district or a [~~board of cooperative educational services~~]
37 NY polytechnical institute employing a retired person who is eligible to
38 collect or is already collecting a retirement allowance from a retire-
39 ment system administered by the state or any of its political subdivi-
40 sions shall report on an annual basis to the retirement system paying
41 such retirement allowance to such retired person and to the state comp-
42 troller. This report shall consist of the re-employed retiree's name,
43 date of birth, place of employment, current position and all earnings.

44 § 236. Subdivision f of section 446 of the retirement and social secu-
45 rity law, as amended by chapter 210 of the laws of 1996, is amended to
46 read as follows:

47 f. Notwithstanding any other provision of law, any member of the New
48 York state and local employees' retirement system who is subject to the
49 provisions of this article and who is employed by a school district, a
50 [~~board of cooperative educational services~~] NY polytechnical institute,
51 a vocational education and extension board, an institution for the
52 instruction of the deaf and of the blind as enumerated in section four
53 thousand two hundred one of the education law, or a school district as
54 enumerated in section one of chapter five hundred sixty-six of the laws
55 of nineteen hundred sixty-seven as amended to date, shall have their
56 service credit for service rendered on or after January first, nineteen

1 hundred ninety determined by dividing the number of days worked in a
2 school year by one hundred eighty. For the purpose of this section a
3 school year will begin on July first and end the following June thirti-
4 eth. No more than one year of service may be credited during any such
5 fiscal year. Credit for service rendered before January first, nineteen
6 hundred ninety shall be determined in the same manner if a person eligi-
7 ble for such benefit shall file the appropriate application with the
8 state comptroller on or before August second, nineteen hundred ninety-
9 six and, within five years of filing such application, make payment for
10 all costs necessary to finance the receipt of such service credit.

11 § 237. Subdivision f of section 513 of the retirement and social secu-
12 rity law, as amended by chapter 210 of the laws of 1996, is amended to
13 read as follows:

14 f. Notwithstanding any other provision of law, any member of the New
15 York state and local employees' retirement system who is subject to the
16 provisions of this article and who is employed by a school district, a
17 ~~[board of cooperative educational services]~~ NY polytechnical institute,
18 a vocational education and extension board, an institution for the
19 instruction of the deaf and of the blind as enumerated in section four
20 thousand two hundred one of the education law, or a school district as
21 enumerated in section one of chapter five hundred sixty-six of the laws
22 of nineteen hundred sixty-seven as amended to date, shall have their
23 service credit for service rendered on or after January first, nineteen
24 hundred ninety determined by dividing the number of days worked in a
25 school year by one hundred eighty. For the purpose of this section a
26 school year will begin on July first and end the following June thirti-
27 eth. No more than one year of service may be credited during any such
28 fiscal year. Credit for service rendered before January first, nineteen
29 hundred ninety shall be determined in the same manner if a person eligi-
30 ble for such benefit shall file the appropriate application with the
31 state comptroller on or before August second, nineteen hundred ninety-
32 six and, within five years of filing such application, make payment for
33 all costs necessary to finance the receipt of such service credit.

34 § 238. Subdivision f of section 609 of the retirement and social secu-
35 rity law, as amended by chapter 210 of the laws of 1996, is amended to
36 read as follows:

37 f. Notwithstanding any other provision of law, any member of the New
38 York state and local employees' retirement system who is subject to the
39 provisions of this article and who is employed by a school district, a
40 ~~[board of cooperative educational services]~~ NY polytechnical institute,
41 a vocational education and extension board, an institution for the
42 instruction of the deaf and of the blind as enumerated in section four
43 thousand two hundred one of the education law, or a school district as
44 enumerated in section one of chapter five hundred sixty-six of the laws
45 of nineteen hundred sixty-seven as amended to date, shall have their
46 service credit for service rendered on or after January first, nineteen
47 hundred ninety determined by dividing the number of days worked in a
48 school year by one hundred eighty. For the purpose of this section a
49 school year will begin on July first and end the following June thirti-
50 eth. No more than one year of service may be credited during any such
51 fiscal year. Credit for service rendered before January first, nineteen
52 hundred ninety shall be determined in the same manner if a person eligi-
53 ble for such benefit shall file the appropriate application with the
54 state comptroller on or before August second, nineteen hundred ninety-
55 six and, within five years of filing such application, make payment for
56 all costs necessary to finance the receipt of such service credit.

1 § 239. Paragraph (c) of subdivision 6 of section 62 of the social
2 services law, as amended by chapter 569 of the laws of 1994, is amended
3 to read as follows:

4 (c) A social services district shall provide for the transportation of
5 each homeless child who is eligible for benefits pursuant to section
6 three hundred fifty-j of this chapter to and from a temporary housing
7 location in which the child was placed by the social services district
8 and the school attended by such child pursuant to section thirty-two
9 hundred nine of the education law, if such temporary housing facility is
10 located outside of the designated school district pursuant to paragraph
11 a of subdivision two of section thirty-two hundred nine of the education
12 law. A social services district shall be authorized to contract with a
13 board of education or a [~~board of cooperative educational services~~] NY
14 polytechnical institute for the provision of such transportation. This
15 paragraph shall apply to placements made by a social services district
16 without regard to whether a payment is made by the district to the oper-
17 ator of the temporary housing facility.

18 § 240. Subdivision 2 of section 331 of the social services law, as
19 amended by section 148 of part B of chapter 436 of the laws of 1997, is
20 amended to read as follows:

21 2. A social services district may contract or establish agreements
22 with entities which comply with the standards to be established in regu-
23 lations by the commissioner to provide work activities, including but
24 not limited to, job training partnership act agencies, state agencies,
25 school districts, [~~boards of cooperative educational services~~] NY poly-
26 technical institutes, not-for-profit community based organizations,
27 licensed trade schools or registered business schools, libraries, post-
28 secondary educational institutions consistent with this title, and
29 educational opportunity centers and local employers. A district shall,
30 to the extent practicable and permitted under federal requirements,
31 develop performance based contracts or agreements with such entities.
32 Such standards shall include an evaluation procedure to ensure that
33 services offered by a provider are sufficient to enhance substantially a
34 participant's opportunity to secure unsubsidized employment or, when
35 coupled with or provided in conjunction with other activities, represent
36 part of a comprehensive approach to enabling a participant to secure
37 unsubsidized employment. Notwithstanding the provisions of section one
38 hundred fifty-three of this article, expenditures pursuant to contracts
39 or agreements with providers who do not meet the standards for approval
40 of providers as defined in regulations will not be eligible for
41 reimbursement by the department.

42 § 241. Subdivision 3 of section 336-a of the social services law, as
43 amended by section 148 of part B of chapter 436 of the laws of 1997, is
44 amended to read as follows:

45 3. When a participant is assigned to an appropriate vocational educa-
46 tional or educational activity and such activity is available at no cost
47 to the social services district through the school district or [~~board of~~
48 ~~cooperative educational services~~] NY polytechnical institute in which
49 the participant resides or through another agency or organization
50 providing educational services, the social services district shall refer
51 the participant to such district, [~~board~~] institute, agency or organiza-
52 tion.

53 § 242. Paragraph (c) of subdivision 2 of section 367-w of the social
54 services law, as added by section 1 of part ZZ of chapter 56 of the laws
55 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

1 unique needs of the family. The tier III team shall develop guidelines
2 for the flexible use of funds in implementing an individualized family
3 support plan.

4 § 244. Clause 1 and subclause (C) of clause 6 of subparagraph (i) of
5 paragraph n of subdivision 10 of section 54 of the state finance law, as
6 amended by section 6 of part 0 of chapter 56 of the laws of 2008, are
7 amended to read as follows:

8 (1) For the purposes of this paragraph, "municipalities" shall mean
9 counties, cities, towns, villages, special improvement districts, fire
10 districts, and school districts; provided, however, that for purposes of
11 this definition, a school district shall be considered a municipality
12 only in instances where a school district advances an application for a
13 grant to cover costs associated with cooperative agreements or shared
14 services. For purposes of this definition, a [~~board of cooperative~~
15 ~~educational services~~] NY polytechnical institute shall be considered a
16 municipality only in instances where such [~~board of cooperative educa-~~
17 ~~tional services~~] NY polytechnical institute advances a joint shared
18 service application on behalf of school districts and other munici-
19 palities within the [~~board of cooperative educational services~~] NY poly-
20 technical institute region; provided, however, that any shared service
21 agreements with a [~~board of cooperative educational services~~] NY poly-
22 technical institute:

23 (A) shall not generate additional state aid;

24 (B) shall be deemed not to be a part of the program, capital and
25 administrative budgets of the [~~board of cooperative educational~~
26 ~~services~~] NY polytechnical institute for the purposes of computing
27 charges upon component school districts pursuant to subparagraph seven
28 of paragraph b of subdivision four of section nineteen hundred fifty and
29 subdivision one of section nineteen hundred fifty-one of the education
30 law; and

31 (C) shall be deemed to be a cooperative municipal service for purposes
32 of subparagraph two of paragraph d of subdivision four of section nine-
33 teen hundred fifty of the education law.

34 (C) share services between school districts and other municipalities,
35 including applications submitted by [~~boards of cooperative educational~~
36 ~~services~~] NY polytechnical institutes as defined in clause one of
37 subparagraph (i) of this paragraph;

38 § 245. Clause 1 of subparagraph (i) and clause 1 of subparagraph (v)
39 of paragraph o of subdivision 10 of section 54 of the state finance law,
40 clause 1 of subparagraph (i) as amended by section 7 of part GG of chap-
41 ter 56 of the laws of 2009 and clause 1 of subparagraph (v) as added by
42 section 7 of part 0 of chapter 56 of the laws of 2008, are amended to
43 read as follows:

44 (1) For the purposes of this paragraph, "municipality" shall mean
45 counties, cities, towns, villages, special improvement districts, fire
46 districts, public libraries, association libraries, water authorities,
47 sewer authorities, regional planning and development boards, school
48 districts, and [~~boards of cooperative educational services~~] NY polytech-
49 nical institutes; provided, however, that for the purposes of this defi-
50 nition, a [~~board of cooperative educational services~~] NY polytechnical
51 institute shall be considered a municipality only in instances where
52 such [~~board of cooperative educational services~~] NY polytechnical insti-
53 tute advances a joint application on behalf of school districts and
54 other municipalities within the [~~board of cooperative educational~~
55 ~~services~~] NY polytechnical institute region; provided, however, that any
56 agreements with a [~~board of cooperative educational services~~] NY poly-

1 technical institute: shall not generate additional state aid; shall be
2 deemed not to be a part of the program, capital and administrative budg-
3 ets of the [~~board of cooperative educational services~~] NY polytechnical
4 institute for the purposes of computing charges upon component school
5 districts pursuant to subparagraph seven of paragraph b of subdivision
6 four of section nineteen hundred fifty and subdivision one of section
7 nineteen hundred fifty and subdivision one of section nineteen hundred
8 fifty-one of the education law; and shall be deemed to be a cooperative
9 municipal service for purposes of subparagraph two of paragraph d of
10 subdivision four of section nineteen hundred fifty of the education law.

11 (1) Within the amounts appropriated therefor, subject to a plan devel-
12 oped in consultation with the commission on local government efficiency
13 and competitiveness and approved by the director of the budget, the
14 secretary of state may award competitive grants to municipalities to
15 cover costs associated with a functional consolidation or a shared
16 services agreement having great potential to achieve financial savings
17 and serve as a model for other municipalities, including the consol-
18 idation of services on a multi-county basis, the consolidation of
19 certain services countywide as identified in such plan, the creation of
20 a regional entity empowered to provide multiple functions on a county-
21 wide or regional basis, the creation of a regional or city-county
22 consolidated municipal government, the consolidation of school districts
23 or supporting services for school districts encompassing the area served
24 by a [~~board of cooperative educational services~~] NY polytechnical insti-
25 tute, or the creation of a regional smart growth compact or program.

26 § 246. Clause 1 of subparagraph (i) of paragraph r of subdivision 10
27 of section 54 of the state finance law, as amended by chapter 470 of the
28 laws of 2011, is amended to read as follows:

29 (1) For the purposes of this paragraph, "municipality" shall mean a
30 county, city, town, village, special improvement district, fire
31 district, public library, association library, or public library system
32 as defined by section two hundred seventy-two of the education law,
33 provided however, that for the purposes of this definition, a public
34 library system shall be considered a municipality only in instances
35 where such public library system advances a joint application on behalf
36 of its member libraries, water authority, sewer authority, regional
37 planning and development board, school district, or [~~board of cooper-~~
38 ~~ative educational services~~] NY polytechnical institute; provided, howev-
39 er, that for the purposes of this definition, a [~~board of cooperative~~
40 ~~educational services~~] NY polytechnical institute shall be considered a
41 municipality only in instances where such [~~board of cooperative educa-~~
42 ~~tional services~~] NY polytechnical institute advances a joint application
43 on behalf of school districts and other municipalities within the [~~board~~
44 ~~of cooperative educational services~~] NY polytechnical institute region;
45 provided, however, that any agreements with a [~~board of cooperative~~
46 ~~educational services~~] NY polytechnical institute: shall not generate
47 additional state aid; shall be deemed not to be a part of the program,
48 capital and administrative budgets of the [~~board of cooperative educa-~~
49 ~~tional services~~] NY polytechnical institute for the purposes of comput-
50 ing charges upon component school districts pursuant to subdivision one
51 and subparagraph seven of paragraph b of subdivision four of section
52 nineteen hundred fifty and subdivision one of section nineteen hundred
53 fifty-one of the education law; and shall be deemed to be a cooperative
54 municipal service for purposes of subparagraph two of paragraph d of
55 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

1 pursuant to a contractual agreement authorized by this section over a
2 period of ten state fiscal years, in equal annual installments, payable
3 by March thirty-first of each year. For school districts or [~~boards of~~
4 ~~cooperative educational services~~] NY polytechnical institutes which
5 terminate the contractual agreement prior to July first, nineteen
6 hundred eighty-three, the first installment shall be paid prior to March
7 thirty-first, nineteen hundred eighty-four. For all other school
8 districts and [~~boards of cooperative educational services~~] NY polytech-
9 nical institutes, the first installment shall be paid prior to March
10 thirty-first first succeeding the termination of such agreement. The
11 comptroller shall not withhold from state aid or other assistance due a
12 school district or [~~board of cooperative educational services~~] NY poly-
13 technical institute any amount of such distribution due and owing as
14 certified by the department of civil service to the comptroller pursuant
15 to subdivision two of this section, until and unless such school
16 district or [~~board of cooperative educational services~~] NY polytechnical
17 institute fails to make an installment payment authorized by this subdivi-
18 sion by March thirty-first of the applicable year. Upon failure of a
19 school district or [~~board of cooperative educational services~~] NY poly-
20 technical institute to make an installment payment, the withholding
21 provisions of subdivision two of this section shall take effect to the
22 extent of the amount of that unpaid installment. The comptroller shall
23 within sixty days of the date on which this subdivision becomes effec-
24 tive or within sixty days of any subsequent termination of the contrac-
25 tual agreement notify the applicable school district or [~~board of coop-~~
26 ~~erative educational services~~] NY polytechnical institute of the
27 provisions of this subdivision, of the amount due and owing, and the
28 amount of each installment.

29 § 251. Subdivision 6 of section 188 of the state finance law, as
30 amended by chapter 379 of the laws of 2010, is amended to read as
31 follows:

32 6. "Local government" means any New York county, city, town, village,
33 school district, [~~board of cooperative educational services~~] NY poly-
34 technical institute, local public benefit corporation or other municipal
35 corporation or political subdivision of the state, or of such local
36 government.

37 § 252. Paragraph (g) of subdivision 1 of section 5-a of the tax law,
38 as amended by section 1 of part L of chapter 62 of the laws of 2006, is
39 amended to read as follows:

40 (g) "Person" means an individual, partnership, limited liability
41 company, society, association, joint stock company, or corporation;
42 provided, however, that a "person" shall not include a "public corpo-
43 ration" or an "education corporation," as such terms are defined in
44 section sixty-six of the general construction law, a not-for-profit
45 corporation whose contracts are subject to approval in accordance with
46 article eleven-B of the state finance law, a [~~board of cooperative~~
47 ~~educational services~~] NY polytechnical institute created pursuant to
48 article forty of the education law, or a soil and water conservation
49 district created pursuant to section five of the soil and water conser-
50 vation districts law.

51 § 253. Paragraph 4 of subdivision (b) of section 800 of the tax law,
52 as amended by section 1 of part YY of chapter 59 of the laws of 2015, is
53 amended to read as follows:

54 (4) Any eligible educational institution. An "eligible educational
55 institution" shall mean any public school district, a [~~board of cooper-~~
56 ~~ative educational services~~] NY polytechnical institute, a public elemen-

1 tary or secondary school, a school approved pursuant to article eighty-
2 five or eighty-nine of the education law to serve students with
3 disabilities of school age, or a nonpublic elementary or secondary
4 school that provides instruction in grade one or above, all public
5 library systems as defined in subdivision one of section two hundred
6 seventy-two of the education law, and all public and free association
7 libraries as such terms are defined in subdivision two of section two
8 hundred fifty-three of the education law.

9 § 254. Subdivision 4 of section 198 of the town law, as amended by
10 chapter 798 of the laws of 1970, is amended to read as follows:

11 4. Park districts. After a park district shall have been established,
12 the town board shall proceed to acquire by purchase or condemnation of
13 the property described in the petition or in the final order, if the
14 town board proceeded under article twelve-A of this chapter, for the
15 establishment of such park district, and, thereafter the board may erect
16 or cause to be erected thereon non-commercial buildings and structures
17 and it may purchase necessary equipment and otherwise improve such prop-
18 erty for park purposes, as the board may determine. In existing park
19 districts, the town board may acquire by purchase, condemnation or
20 lease, property for public parking places and maintain the same in
21 accordance with the provisions of subdivision five hereof, without the
22 establishment of a public parking district. No property situated within
23 an incorporated village or city shall be acquired in any manner for park
24 purposes, unless the permission and consent of the board of trustees of
25 such village or the common council or legislative body of such city, is
26 first obtained; provided that such permission and consent, if obtained
27 subsequent to the acquisition of any such property, shall be effective
28 for all purposes and to the same extent as though obtained prior to such
29 acquisition. The town board may sell, convey and transfer any property
30 acquired for park purposes at such an amount as it may determine but not
31 less than the original cost thereof, and apply the proceeds of such
32 sale, conveyance or transfer to the purchase of other property for park
33 purposes and improve such property in the manner provided herein. The
34 town board of the town of Oyster Bay may also convey and transfer to the
35 state of New York or to any municipal or district corporation as defined
36 by section three of the general corporation law, any property acquired
37 for park purposes, or any part thereof, when no longer needed, either
38 without consideration or for such consideration and upon such terms and
39 conditions as the town board may determine and the resolution authoriz-
40 ing such conveyance or transfer shall be subject to a permissive refer-
41 endum. The town board of the town of Hempstead may lease to the [~~board~~
42 ~~of cooperative educational services~~] NY polytechnical institute, as
43 defined by article forty of the education law, any property acquired for
44 park purposes, or any part thereof, when no longer needed, either with-
45 out consideration or for such consideration and upon such terms and
46 conditions as the town board may determine. The town board may employ
47 such persons and expend such amount of money as may be necessary for the
48 proper maintenance of such park for the use, convenience and enjoyment
49 of the inhabitants of such park district, and, may in its discretion,
50 grant licenses and privileges for any use of such park and park property
51 which contributes thereto. The town board may fix a reasonable charge
52 for the use of such park by all persons other than inhabitants and
53 taxpayers of such park district, and, in addition, the board may adopt
54 general rules and regulations for the government and protection of the
55 park and all property therein, and, for the enforcement thereof, provide
56 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 16-1 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;

1 (e) the amendments to paragraph 11 of subdivision 4 of section 1950 of
2 the education law made by section two of this act shall not affect the
3 expiration of such subparagraph and shall be deemed to expire therewith;

4 (f) the amendments to section 159-c of the civil service law made by
5 section seventeen of this act shall not affect the repeal of such
6 section and shall be deemed repealed therewith;

7 (g) the amendments to paragraphs (d) and (e) of subdivision 30 of
8 section 305 of the education law made by section thirty-one of this act
9 shall not affect the repeal of such paragraphs and shall be deemed
10 repealed therewith;

11 (h) section fifty-five of this act shall take effect on the same date
12 and in the same manner as section 1 of chapter 672 of the laws of 2007,
13 takes effect;

14 (i) section fifty-nine of this act shall take effect on the same date
15 and in the same manner as section 1 of chapter 533 of the laws of 2022,
16 takes effect;

17 (j) the amendments to subdivision 3 of section 3035 of the education
18 law made by section one hundred fourteen of this act shall be subject to
19 the expiration and revision of such subdivision pursuant to section 12
20 of chapter 147 of the laws of 2001, as amended, when upon such date the
21 provisions of section one hundred fifteen of this act shall take effect;

22 (k) section one hundred eighteen of this act shall take effect on the
23 same date and in the same manner as section 4705 of part PP of chapter
24 56 of the laws of 2022, takes effect;

25 (l) the amendments to subdivision 4-a of section 3208 of the education
26 law made by section one hundred twenty of this act shall not affect the
27 expiration of such section and shall be deemed to expire therewith;

28 (m) section one hundred twenty-five of this act shall take effect on
29 the same date and in the same manner as section 5 of part PP of chapter
30 56 of the laws of 2022, take effect;

31 (n) the amendments to section 3601 of the education law by section one
32 hundred twenty-six of this act shall be subject to the expiration and
33 revision of such section when upon such date the provisions of section
34 one hundred twenty-seven of this act shall take effect;

35 (o) section one hundred sixty-five of this act shall take effect on
36 the same date and in the same manner as section 1 of chapter 795 of the
37 laws of 2022, takes effect;

38 (p) the amendments to subdivision 1 of section 103 of the general
39 municipal law made by section one hundred ninety-two of this act shall
40 be subject to the expiration and revision of such subdivision pursuant
41 to subdivision (a) of section 41 of part X of chapter 62 of the laws of
42 2003, as amended, when upon such date the provisions of section one
43 hundred ninety-three of this act shall take effect;

44 (q) the amendments to paragraph (a) of subdivision 1 of section 109-b
45 of the general municipal law made by section one hundred ninety-four of
46 this act shall not affect the repeal of such section and shall be deemed
47 repealed therewith;

48 (r) the amendments to subparagraph (iii) of paragraph (c) of subdivi-
49 sion 2 of section 591-a of the labor law made by section two hundred
50 eight of this act shall not affect the repeal of such section and shall
51 be deemed repealed therewith;

52 (s) the amendments to subdivision 9 of section 211 of the retirement
53 and social security law made by section two hundred thirty-four of this
54 act shall not affect the repeal of such subdivision and shall be deemed
55 repealed therewith; and

1 (t) Effective immediately, the addition, amendment and/or repeal of
2 any rule or regulation necessary for the implementation of this act on
3 its effective date are authorized to be made and completed on or before
4 such effective date.