

# STATE OF NEW YORK

8315

2025-2026 Regular Sessions

## IN ASSEMBLY

May 13, 2025

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

AN ACT to amend the education law, the mental hygiene law and the social services law, in relation to student age eligibility for certain programs and benefits

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

1 Section 1. Subdivision 1 of section 112-a of the education law, as  
2 amended by chapter 26 of the laws of 2022, is amended to read as  
3 follows:

4 1. A person under twenty-one years of age, or under twenty-two years  
5 of age for a student with a disability as defined in section forty-four  
6 hundred one of this chapter, who has not received a high school diploma  
7 and who is placed with, committed to, under the supervision of, detained  
8 or otherwise confined in any facility operated or administered by a  
9 state department or agency or political subdivision of the state which  
10 provides educational programs pursuant to section one hundred twelve of  
11 this article, or who is confined in a correctional facility, as defined  
12 in subdivision four of section two of the correction law, and who  
13 participates in an educational program provided by such facility, shall  
14 be issued a high school diploma by the school district of location  
15 except when credit bearing educational programming is provided by another  
16 school district. When credit bearing educational programming is  
17 provided by another school district, that district shall be responsible  
18 for issuing the high school diploma. The school district responsible for  
19 issuing the diploma must determine if such person has completed the  
20 minimum New York state diploma requirements as set forth in the regu-  
21 lations of the commissioner while placed with, committed to, under the  
22 supervision of, detained or confined in such facility.

23 § 2. Subdivisions 13 and 14 of section 1102 of the education law,  
24 subdivision 13 as amended by chapter 301 of the laws of 1996, and subdi-

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

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1 vision 14 as added by chapter 293 of the laws of 1954, are amended to  
2 read as follows:

3 13. It may transport pupils under twenty-one years of age, or under  
4 twenty-two years of age for a student with a disability as defined in  
5 section forty-four hundred one of this chapter, to and from schools and  
6 classes maintained by such vocational education and extension board for  
7 instruction in career education. In providing such transportation, the  
8 board may transport pupils residing outside the county who are attending  
9 such schools and classes maintained by such board pursuant to subdivi-  
10 sion twelve of this section.

11 14. It may purchase and maintain a motor vehicle or vehicles to be  
12 used for the transportation of school children under twenty-one years of  
13 age, or under twenty-two years of age for a student with a disability as  
14 defined in section forty-four hundred one of this chapter, to schools  
15 and classes maintained by the county vocational education and extension  
16 board. Such motor vehicle or vehicles may be leased to a school district  
17 when not needed for such transportation. When such motor vehicle shall  
18 be leased as provided in this subdivision, public liability and property  
19 damage insurance, fire insurance and compensation insurance of drivers  
20 shall be provided in the amount stated in section thirty-six hundred  
21 twenty-seven of this chapter and collision insurance shall be provided  
22 in the amount of value of the vehicle to protect the lessor. No part of  
23 the cost and expenses resulting from operation, maintenance and repair  
24 of such vehicles during the leasing thereof shall be included in deter-  
25 mining the amount of any form of state aid received by such county voca-  
26 tional education and extension board.

27 § 3. Section 1106 of the education law, as amended by chapter 293 of  
28 the laws of 1954, is amended to read as follows:

29 § 1106. Transportation. 1. In a county which has a vocational educa-  
30 tion and extension board which does not furnish transportation to pupils  
31 pursuant to subdivision thirteen of section eleven hundred two of this  
32 [~~chapter~~] part the cost of the transportation of pupils under twenty-one  
33 years of age, or under twenty-two years of age for a student with a  
34 disability as defined in section forty-four hundred one of this chapter,  
35 to schools and classes maintained by such county vocational education  
36 and extension board shall be a charge upon the district in which such  
37 pupils reside, or are attending as non-resident pupils. Such transpor-  
38 tation shall be considered as other transportation of school pupils in  
39 accordance with the provisions of part two of article seventy-three of  
40 [~~the education law~~] this chapter and the district of residence, or the  
41 district in which non-resident pupils are attending, shall be entitled  
42 to a transportation quota.

43 2. In a county which has a vocational education and extension board  
44 which furnishes transportation to pupils pursuant to subdivision thir-  
45 teen of section eleven hundred two of this [~~chapter~~] part, such voca-  
46 tional education and extension board shall receive a transportation  
47 quota which shall be one-half of the cost of the transportation of  
48 pupils under twenty-one years of age, or under twenty-two years of age  
49 for a student with a disability as defined in section forty-four hundred  
50 one of this chapter, to schools and classes maintained by such voca-  
51 tional education and extension board.

52 § 4. Subdivision 2 of section 1125 of the education law, as amended by  
53 chapter 363 of the laws of 2018, is amended to read as follows:

54 2. "Child" shall mean a person under the age of twenty-one years, or  
55 under twenty-two years of age for a student with a disability as defined  
56 in section forty-four hundred one of this chapter, enrolled in a school.

1 § 5. The opening paragraph of section 2583 of the education law, as  
2 amended by chapter 655 of the laws of 1978, is amended to read as  
3 follows:

4 The board of education of the city of New York shall require from the  
5 officers conducting schools by appointment of the board, and from the  
6 trustees, managers or directors of the corporate schools entitled to  
7 participate in the funds of the board of education of the city of New  
8 York, an annual report in writing dated the thirty-first day of Decem-  
9 ber, which shall be signed and certified by a majority of such officers,  
10 trustees, managers or directors, and which report shall state: the  
11 whole number of schools within their jurisdiction; the length of time  
12 each school shall have been kept open; the whole number of pupils over  
13 four and under twenty-one years of age, or under twenty-two years of age  
14 for a student with a disability as defined in section forty-four hundred  
15 one of this chapter, who shall have been taught free of expense to such  
16 pupils in their schools, during the year ending with the date of the  
17 report, which number shall be ascertained by adding to the number of  
18 children on register at the commencement of each year, the number admit-  
19 ted during that year, which shall be considered the total for that year;  
20 the average number that has actually attended such schools during the  
21 year, to be ascertained by the teachers keeping an exact account of the  
22 number of pupils present every school day or half day, which, being  
23 added together, and divided by four hundred sixty, or if less than a  
24 year by the number of school sessions, shall be considered the average  
25 of attending pupils, which average shall be affirmed or sworn to by the  
26 principal teacher of the school; a detailed statement of the amount of  
27 moneys received or expended for their respective schools during the  
28 year, from or by the commissioner of finance of such city, and of the  
29 purposes for and the manner in which the same shall have been expended;  
30 a particular account of the state of the schools, and of the property  
31 and affairs of each school under their care; the titles of all books  
32 used; and such other information as such board of education shall  
33 require.

34 § 6. Section 3028-a of the education law, as amended by chapter 19 of  
35 the laws of 1987, is amended to read as follows:

36 § 3028-a. Students under twenty-one years of age suspected of alcohol  
37 abuse or narcotic addiction. Any teacher, school administrator, school  
38 guidance counselor, school psychologist, school drug counselor, school  
39 nurse, supervisor of attendance, attendance teacher or attendance offi-  
40 cer having reasonable cause to suspect that a secondary or elementary  
41 student under twenty-one years of age, or under twenty-two years of age  
42 for a student with a disability as defined in section forty-four hundred  
43 one of this chapter, is a substance or alcohol abuser or substance  
44 dependent, who report such information to the appropriate secondary or  
45 elementary school officials pursuant to the school's drug policy or if  
46 the school has no drug policy to the school's principal or the parents  
47 or legal guardians of such student under twenty-one years of age, or  
48 under twenty-two years of age for a student with a disability as defined  
49 in section forty-four hundred one of this chapter, shall have immunity  
50 from any civil liability that might otherwise be incurred or imposed as  
51 a result of the making of such a report.

52 § 7. Subdivision 1 of section 3202 of the education law, as amended by  
53 section 47 of part PP of chapter 56 of the laws of 2022, is amended to  
54 read as follows:

55 1. A person over five and under twenty-one years of age, or under  
56 twenty-two years of age for a student with a disability as defined in

1 section forty-four hundred one of this chapter, who has not received a  
2 high school diploma is entitled to attend the public schools maintained  
3 in the district in which such person resides without the payment of  
4 tuition. Provided further that such person may continue to attend the  
5 public school in such district in the same manner, if temporarily resid-  
6 ing outside the boundaries of the district when relocation to such  
7 temporary residence is a consequence of such person's parent or person  
8 in parental relationship being called to active military duty, other  
9 than training. Notwithstanding any other provision of law to the contra-  
10 ry, the school district shall not be required to provide transportation  
11 between a temporary residence located outside of the school district and  
12 the school the child attends. A veteran of any age who shall have served  
13 as a member of the armed forces of the United States and who (a) shall  
14 have been discharged therefrom under conditions other than dishonorable,  
15 or (b) has a qualifying condition, as defined in section one of the  
16 veterans' services law, and has received a discharge other than bad  
17 conduct or dishonorable from such service, or (c) is a discharged LGBT  
18 veteran, as defined in section one of the veterans' services law, and  
19 has received a discharge other than bad conduct or dishonorable from  
20 such service, may attend any of the public schools of the state upon  
21 conditions prescribed by the board of education, and such veterans shall  
22 be included in the pupil count for state aid purposes. A nonveteran  
23 under twenty-one years of age, or under twenty-two years of age for a  
24 student with a disability as defined in section forty-four hundred one  
25 of this chapter, who has received a high school diploma shall be permit-  
26 ted to attend classes in the schools of the district in which such  
27 person resides or in a school of a board of cooperative educational  
28 services upon payment of tuition under such terms and conditions as  
29 shall be established in regulations promulgated by the commissioner;  
30 provided, however, that a school district may waive the payment of  
31 tuition for such nonveteran, but in any case such a nonveteran who has  
32 received a high school diploma shall not be counted for any state aid  
33 purposes. Nothing herein contained shall, however, require a board of  
34 education to admit a child who becomes five years of age after the  
35 school year has commenced unless [~~his or her~~] their birthday occurs on  
36 or before the first of December.

37 § 8. Paragraphs a and f of subdivision 7 of section 3202 of the educa-  
38 tion law, paragraph a as amended and paragraph f as added by chapter 564  
39 of the laws of 2001, are amended to read as follows:

40 a. A person under twenty-one years of age, or under twenty-two years  
41 of age for a student with a disability as defined in section forty-four  
42 hundred one of this chapter, who has not received a high school diploma  
43 and who is incarcerated in a correctional facility maintained by a coun-  
44 ty or by the city of New York or in a youth shelter is eligible for  
45 educational services pursuant to this subdivision and in accordance with  
46 the regulations of the commissioner. Such services shall be provided by  
47 the school district in which the facility or youth shelter is located,  
48 within the limits of the funds allocated by the commissioner for such  
49 purposes pursuant to section thirty-six hundred two of this chapter and  
50 pursuant to a plan approved by the commissioner. School districts shall  
51 submit such plan by July fifteenth of each school year. Boards of educa-  
52 tion are authorized to contract for the provision of such educational  
53 services by a board of cooperative educational services or by another  
54 public school district.

55 f. As used in this subdivision, "youth shelter" shall mean an alterna-  
56 tive residential facility for the incarceration of youths between the

1 ages of sixteen and twenty-one, or under twenty-two years of age for a  
2 student with a disability as defined in section forty-four hundred one  
3 of this chapter, who are remanded by the criminal courts.

4 § 9. Subdivision 8 of section 3202 of the education law, as amended by  
5 chapter 569 of the laws of 1994, is amended to read as follows:

6 8. Homeless children. A homeless child, as defined in subdivision one  
7 of section thirty-two hundred nine of this ~~[article]~~ part, over the age  
8 of five and under twenty-one years of age, or under twenty-two years of  
9 age for a student with a disability as defined in section forty-four  
10 hundred one of this chapter, who has not received a high school diploma,  
11 shall be entitled to attend a public school without the payment of  
12 tuition, in accordance with the provisions of section thirty-two hundred  
13 nine of this ~~[article]~~ part.

14 § 10. Paragraph e of subdivision 2 and subdivisions 4 and 6 of section  
15 3212 of the education law, as amended by chapter 919 of the laws of  
16 1974, are amended to read as follows:

17 e. Shall furnish, with respect to an individual from seventeen to  
18 twenty-one years of age, or under twenty-two years of age for a student  
19 with a disability as defined in section forty-four hundred one of this  
20 chapter, on demand of a duly authorized representative of the school  
21 authorities, satisfactory proof that ~~[he]~~ such individual is able to  
22 speak, read and write English as required for the completion of the  
23 fifth year of the elementary school course of study, or cause such indi-  
24 vidual to submit to an examination to determine ~~[his]~~ their ability in  
25 these respects.

26 4. Duties of certain individuals from sixteen to twenty-one years of  
27 age. An individual from sixteen to twenty-one years of age, or under  
28 twenty-two years of age for a student with a disability as defined in  
29 section forty-four hundred one of this chapter, if not under the control  
30 of a person in parental relation, shall comply with such requirements of  
31 this part ~~[one of this article]~~ as are applicable.

32 6. Birth certificates. For the purpose of this part ~~[one of this arti-~~  
33 ~~cle]~~, the board of health upon request shall furnish to the school  
34 authorities, or to the person in parental relation to a minor, or to an  
35 individual from seventeen to twenty-one years of age, or under twenty-  
36 two years of age for a student with a disability as defined in section  
37 forty-four hundred one of this chapter, a duly certified transcript of  
38 the birth certificate, filed according to law, of an individual from  
39 five to twenty-one years of age, or under twenty-two years of age for a  
40 student with a disability as defined in section forty-four hundred one  
41 of this chapter.

42 § 11. Subdivision 2-a of section 3214 of the education law, as added  
43 by chapter 181 of the laws of 2000, is amended to read as follows:

44 2-a. a. Violent pupil. For the purposes of this section, a violent  
45 pupil is an elementary or secondary student under twenty-one years of  
46 age, or under twenty-two years of age for a student with a disability as  
47 defined in section forty-four hundred one of this chapter, who:

48 (1) commits an act of violence upon a teacher, administrator or other  
49 school employee;

50 (2) commits, while on school district property, an act of violence  
51 upon another student or any other person lawfully upon said property;

52 (3) possesses, while on school district property, a gun, knife,  
53 explosive or incendiary bomb, or other dangerous instrument capable of  
54 causing physical injury or death;

1 (4) displays, while on school district property, what appears to be a  
2 gun, knife, explosive or incendiary bomb or other dangerous instrument  
3 capable of causing death or physical injury;

4 (5) threatens, while on school district property, to use any instru-  
5 ment that appears capable of causing physical injury or death;

6 (6) knowingly and intentionally damages or destroys the personal prop-  
7 erty of a teacher, administrator, other school district employee or any  
8 person lawfully upon school district property; or

9 (7) knowingly and intentionally damages or destroys school district  
10 property.

11 b. Disruptive pupil. For the purposes of this section, a disruptive  
12 pupil is an elementary or secondary student under twenty-one years of  
13 age, or under twenty-two years of age for a student with a disability as  
14 defined in section forty-four hundred one of this chapter, who is  
15 substantially disruptive of the educational process or substantially  
16 interferes with the teacher's authority over the classroom.

17 § 12. Subdivisions 2, 3 and 4 of section 3241 of the education law,  
18 subdivision 2 as amended by chapter 266 of the laws of 1956, subdivision  
19 3 as amended by chapter 855 of the laws of 1972, are amended to read as  
20 follows:

21 2. Such census shall include all persons between birth and eighteen  
22 years of age and in the case of [~~physically or mentally handicapped~~  
23 ~~children~~] a student with a disability, as defined in section forty-four  
24 hundred one of this chapter, between birth and [~~twenty-one~~] twenty-two  
25 years of age, their names, their respective residences by street and  
26 number, the day of the month and the year of their birth, the names of  
27 the persons in parental relation to them, such information relating to  
28 [~~physical or mental defects, to illiteracy~~] their disability, to employ-  
29 ment and to the enforcement of the law relating to child labor and  
30 compulsory education as the [~~education~~] department and the board of  
31 education of each such city shall require and also such further informa-  
32 tion as such board of education shall require.

33 3. Such board shall provide to the commissioner [~~of education~~] upon  
34 written request therefor and in such form as shall be prescribed by  
35 [~~him~~] such commissioner, a report containing the names, ages and  
36 addresses of those children who are blind or deaf and those having seri-  
37 ous [~~physical or mental defects~~] disabilities. In addition such report  
38 shall indicate whether such children are being educated within the  
39 public schools of the district or, if they are not, where such education  
40 is being furnished them.

41 4. It shall be the duty of persons in parental relation to any person  
42 between such ages residing within the limits of any such city to make  
43 such reports as the board of education of such city shall require. Such  
44 reports shall contain the following information:

45 a. Two weeks before any child shall become of the compulsory school  
46 age, the name of such child, its residence, the name of the person or  
47 persons in parental relation thereto, and the name and location of the  
48 school to which such child shall have been or shall be sent as a pupil.

49 b. In case a child of compulsory school age shall, for any cause, be  
50 removed from one school and sent to another school, or sent to work in  
51 accordance with the labor law, all the facts in relation thereto.

52 c. In case the residence of a child shall be removed from one police  
53 precinct to another police precinct, the new residence and the other  
54 facts required in paragraphs a and b of this subdivision.

55 d. In case a child between birth and eighteen years of age and in the  
56 case of a student with a disability, as defined in section forty-four

1 hundred one of this chapter, between birth and twenty-two years of age,  
2 shall become a resident of such city for the first time, the name, resi-  
3 dence and such other facts as the board of education shall require.

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

6 § 3242. School census in school districts. The trustees or board of  
7 education of every school district may cause a census to be taken of all  
8 children between birth and eighteen years of age, including all such  
9 facts and information as are required in the census provided for in  
10 section thirty-two hundred forty-one of this part. Such census shall be  
11 prepared biennially for children between ages five and eighteen who are  
12 entitled to attend the public schools without payment of tuition in  
13 duplicate in their respective school districts, and one copy thereof  
14 filed with the teacher or principal and the other copy filed with the  
15 district superintendent or superintendent on or before the fifteenth day  
16 of October. For pre-school students from birth to five years of age,  
17 such census may be prepared and filed biennially on or before the  
18 fifteenth day of October. Such census shall include the reports and  
19 information required from cities as provided in section thirty-two  
20 hundred forty-one of this part. All information regarding a student with  
21 a disability under the age of [~~twenty-one~~] twenty-two years shall be  
22 filed annually with the superintendent of the board of cooperative  
23 educational services of which said district may be a part.

24 § 14. Subparagraph 1 of paragraph d of subdivision 1 of section 3602  
25 of the education law, as amended by section 11 of part B of chapter 57  
26 of the laws of 2007, is amended to read as follows:

27 (1) Equivalent attendance shall mean the quotient of the total number  
28 of student hours of instruction in programs in a public school of a  
29 school district or a board of cooperative educational services leading  
30 to a high school diploma or a high school equivalency diploma as defined  
31 in regulations of the commissioner for pupils under the age of twenty-  
32 one, or under twenty-two years of age for a student with a disability as  
33 defined in section forty-four hundred one of this chapter, not on a  
34 regular day school register of the district, divided by one thousand.  
35 Average daily attendance shall include the equivalent attendance of the  
36 school district. For the purposes of secondary school weighting, such  
37 equivalent attendance shall be considered as average daily attendance in  
38 grades seven through twelve.

39 § 15. Paragraph a-1 of subdivision 11 of section 3602 of the education  
40 law, as amended by section 29-a of part A of chapter 56 of the laws of  
41 2024, is amended to read as follows:

42 a-1. Notwithstanding the provisions of paragraph a of this subdivi-  
43 sion, for aid payable in the school years two thousand--two thousand one  
44 through two thousand nine--two thousand ten, and two thousand eleven--  
45 two thousand twelve through two thousand twenty-four--two thousand twen-  
46 ty-five, the commissioner may set aside an amount not to exceed two  
47 million five hundred thousand dollars from the funds appropriated for  
48 purposes of this subdivision for the purpose of serving persons twenty-  
49 one years of age or older, or under twenty-two years of age for a  
50 student with a disability as defined in section forty-four hundred one  
51 of this chapter, who have not been enrolled in any school for the  
52 preceding school year, including persons who have received a high school  
53 diploma or high school equivalency diploma but fail to demonstrate basic  
54 educational competencies as defined in regulation by the commissioner,  
55 when measured by accepted standardized tests, and who shall be eligible

1 to attend employment preparation education programs operated pursuant to  
2 this subdivision.

3 § 16. Section 4213 of the education law, as added by chapter 496 of  
4 the laws of 1986, is amended to read as follows:

5 § 4213. Other persons eligible for appointment. In accordance with  
6 the provisions of the charter of the New York Institute for Special  
7 Education, and amendments thereto, as issued by the board of regents,  
8 children with handicapping conditions, other than handicapping condi-  
9 tions which would establish eligibility for appointment to the schools  
10 enumerated in this article, shall be eligible for appointment to the New  
11 York Institute for Special Education as state pupils. The provisions of  
12 this article shall apply but not necessarily be limited to the appoint-  
13 ment, education, maintenance and support of such pupils. Such pupils  
14 eligible for appointment, pursuant to this section, shall be persons  
15 over five and under [~~twenty-one~~] twenty-two years of age who have not  
16 received a high school diploma.

17 § 17. The opening paragraph of section 4355 of the education law, as  
18 amended by chapter 474 of the laws of 1996, is amended to read as  
19 follows:

20 1. All deaf or blind and deaf children between the age of three years  
21 and [~~twenty-one~~] twenty-two years, and of suitable capacity for instruc-  
22 tion who are legal residents of the state shall be eligible for appoint-  
23 ment to the New York state school for the deaf without charge for such  
24 period of time in each individual case as may be set by the commis-  
25 sioner, either: (i) upon the recommendation of the committee on special  
26 education or committee on preschool special education of the child's  
27 school district of residence, as applicable; or (ii) where the parents  
28 of a school age child make application directly to the commissioner or  
29 the school, upon recommendation of the school's multidisciplinary team  
30 in accordance with the joint placement procedures established in this  
31 section.

32 § 18. Subdivision 1 of section 4401 of the education law, as amended  
33 by chapter 378 of the laws of 2007, is amended to read as follows:

34 1. A "child with a disability" or "student with a disability" means a  
35 person under the age of [~~twenty-one~~] twenty-two who is entitled to  
36 attend public schools pursuant to section thirty-two hundred two of this  
37 chapter and who, because of [~~mental~~] cognitive, physical or emotional  
38 reasons can only receive appropriate educational opportunities from a  
39 program of special education. Such term does not include a child whose  
40 educational needs are due primarily to unfamiliarity with the English  
41 language, environmental, cultural or economic factors. Lack of appropri-  
42 ate instruction in reading, including in the essential components of  
43 reading instruction as defined in subsection three of section twelve  
44 hundred eight of the elementary and secondary education act of nineteen  
45 hundred sixty-five, or lack of appropriate instruction in mathematics or  
46 limited English proficiency shall not be the determinant factor in iden-  
47 tifying a student as a student with a disability. "Special education"  
48 means specially designed instruction which includes special services or  
49 programs as delineated in subdivision two of this section, and transpor-  
50 tation, provided at no cost to the parents to meet the unique needs of a  
51 child with a disability. A "child with a handicapping condition" means a  
52 child with a disability.

53 § 19. Subdivision 1 of section 4401 of the education law, as amended  
54 by chapter 311 of the laws of 1999, is amended to read as follows:

55 1. A "child with a disability" or "student with a disability" means a  
56 person under the age of [~~twenty-one~~] twenty-two who is entitled to

1 attend public schools pursuant to section thirty-two hundred two of this  
2 chapter and who, because of [~~mental~~] cognitive, physical or emotional  
3 reasons can only receive appropriate educational opportunities from a  
4 program of special education. Such term does not include a child whose  
5 educational needs are due primarily to unfamiliarity with the English  
6 language, environmental, cultural or economic factors. Lack of instruc-  
7 tion in reading or mathematics or limited English proficiency shall not  
8 be the determinant factor in identifying a student as a student with a  
9 disability. "Special education" means specially designed instruction  
10 which includes special services or programs as delineated in subdivision  
11 two of this section, and transportation, provided at no cost to the  
12 parents to meet the unique needs of a child with a disability. A "child  
13 with a handicapping condition" means a child with a disability.

14 § 20. Paragraph a of subdivision 1 of section 4402 of the education  
15 law, as amended by section 51-b of part L of chapter 405 of the laws  
16 1999, is amended to read as follows:

17 a. The board of education or trustees of each school district and the  
18 city school district of the city of New York shall ascertain under regu-  
19 lations prescribed by the commissioner and approved by the regents of  
20 the university, the number of children with handicapping conditions in  
21 such district under the age of [~~twenty-one~~] twenty-two years and the  
22 nature of the handicapping condition of each such child in accordance  
23 with the provisions of this section, and shall maintain a register  
24 containing the name of each child with a handicapping condition who  
25 resides in the district, the nature of such child's handicapping condi-  
26 tion, the educational placement and setting, if any, of such child.

27 § 21. Clause (c) of subparagraph 3 of paragraph b of subdivision 1 of  
28 section 4402 of the education law, as amended by chapter 600 of the laws  
29 of 1994, is amended to read as follows:

30 (c) Provide written prior notice to the parents or person in parental  
31 relationship of the child upon receipt of referral for evaluation or  
32 whenever such committee plans to continue, modify or change the iden-  
33 tification, evaluation, or educational placement of the child or the  
34 provision of a free appropriate public education to the child and advise  
35 the parent of or person in parental relationship to the child of [~~his or~~  
36 ~~her~~] their opportunity to address the committee, either in person or in  
37 writing, on the appropriateness of the committee's recommendations on  
38 program placements to be made to the board of education or trustees.  
39 Such notice shall, where a child has been placed in a residential  
40 program by a committee on special education, or has been determined to  
41 be at risk of such a placement pursuant to subparagraph four of this  
42 paragraph [~~b of subdivision one of section forty four hundred two of~~  
43 ~~this article~~], also notify the parent or other person in parental  
44 relationship that the child is not entitled to receive free educational  
45 services or to remain in a residential educational program after the age  
46 of [~~twenty-one~~] twenty-two, the receipt of a high school diploma or the  
47 time described in subdivision five of this section.

48 § 22. Subdivision 5 of section 4402 of the education law, as amended  
49 by chapter 371 of the laws of 2023, is amended to read as follows:

50 5. Notwithstanding any provisions of this article to the contrary or  
51 the provisions of section thirty-two hundred two of this chapter, a  
52 child with a disability who reaches the age of [~~twenty-one~~] twenty-two  
53 during (a) the period commencing with the first day of July and ending  
54 on the thirty-first day of August shall if otherwise eligible, be enti-  
55 tled to continue in a July and August program until the thirty-first day  
56 of August or until the termination of the summer program, whichever

1 shall first occur; or (b) the period commencing on the first day of  
2 September and ending on the thirtieth day of June shall be entitled to  
3 continue in such program until the thirtieth day of June or until the  
4 termination of the school year, whichever shall first occur.

5 § 23. Subdivision 8 of section 4402 of the education law, as added by  
6 chapter 434 of the laws of 2014, is amended to read as follows:

7 8. Upon their child's enrollment or attendance in a public school,  
8 such school shall notify every parent or person in parental relation of  
9 their rights regarding referral and evaluation of their child for the  
10 purposes of special education services or programs pursuant to applica-  
11 ble federal and state laws. Such notification may be provided by direct-  
12 ing parents or persons in parental relation to obtain information  
13 located on the department's website relating to a parent's guide to  
14 special education in New York state for children ages three through  
15 [~~twenty-one~~] twenty-two provided the notification shall also contain the  
16 name and contact information for the chairperson of the school  
17 district's committee on special education or other individual who is  
18 charged with processing referrals to the committee in the district.

19 § 24. Subdivision 3 of section 4410-b of the education law, as amended  
20 by chapter 437 of the laws of 2005, is amended to read as follows:

21 3. Federal flow-through funds. Each school district receiving an allo-  
22 cation of funds pursuant to section six hundred eleven of the individ-  
23 uals with disabilities education act for the nineteen hundred ninety-  
24 nine--two thousand school year or any subsequent school year shall  
25 sub-allocate such funds in accordance with this subdivision to other  
26 public and private agencies providing special education services to  
27 students ages three to [~~twenty-one~~] twenty-two who were placed in such  
28 agency by the school district's IEP team. For school years prior to two  
29 thousand six--two thousand seven, such sub-allocations shall be made on  
30 a per capita basis, based upon the number of students three to [~~twenty-~~  
31 ~~one~~] twenty-two years of age who were placed in such agency by the  
32 school district's IEP team and were served by the public or private  
33 agency as of December first of the base year, as reported to the commis-  
34 sioner; and, for the school year two thousand six--two thousand seven  
35 and thereafter, such sub-allocations shall be made on a per capita  
36 basis, based upon the number of students three to [~~twenty-one~~] twenty-  
37 two years of age who were placed in such agency by the school district's  
38 IEP team and who were receiving special education programming and  
39 instruction from the public or private agency as of December first of  
40 the base year, as reported to the commissioner, and according to a  
41 formulae based upon the number of students three to [~~twenty-one~~] twen-  
42 ty-two years of age who were receiving related services only from the  
43 public or private agency as of December first of the base year, as  
44 reported to the commissioner, such that such sub-allocation shall be in  
45 an amount determined in accordance with the provisions of this subdivi-  
46 sion. For the school year two thousand six--two thousand seven, the per  
47 capita sub-allocation shall be adjusted whereby each student three to  
48 [~~twenty-one~~] twenty-two years of age who was placed in an agency by the  
49 school district's IEP team and who is receiving special education  
50 programming and instruction therefrom shall be counted as one per capita  
51 and each such student who is receiving related services only from such  
52 public or private agency shall be counted as two-thirds of a per capita,  
53 for purposes of determining such per capita sub-allocation for such  
54 school year and that for the school year two thousand seven--two thou-  
55 sand eight and thereafter, shall be counted as one-third for the  
56 purposes of determining the per capita sub-allocation for such school

1 year; provided, however, that any municipality which, prior to July  
2 first, two thousand three, operated an approved special education itin-  
3 erant teacher program for students three to five years of age who were  
4 placed in such program by a school district's IEP team, shall be deemed  
5 to be a public or private agency for purposes of this section and the  
6 sub-allocation directed by this subdivision shall be made on a per capi-  
7 ta basis, based upon the number of students, three to [~~twenty-one~~] twen-  
8 ty-two years of age who are receiving special education programming and  
9 instruction and related services only therefrom. Payments of such sub-  
10 allocation shall be made in the same proportion as such funds are paid  
11 to the school district by the state within thirty days after: (i) the  
12 school district receives any portion of its allocation of funds for the  
13 current year pursuant to section six hundred eleven of the individuals  
14 with disabilities education act; or (ii) the school district receives an  
15 application for a sub-allocation by a public or private agency, or, for  
16 the nineteen hundred ninety-nine--two thousand school year only, the  
17 school district receives notice from the commissioner that such an  
18 application for a sub-allocation has been filed with the commissioner;  
19 whichever occurs later.

20 § 25. Subparagraph 1 of paragraph b of subdivision 8 of section 4410-b  
21 of the education law, as added by chapter 437 of the laws of 2005, is  
22 amended to read as follows:

23 (1) develop forms to be submitted by school districts that report the  
24 number of students three to [~~twenty-one~~] twenty-two years of age who are  
25 placed in a public or private agency providing special education  
26 services and who are receiving special education programming and  
27 instruction from such agency, and the number of such students who are  
28 receiving related services only from such agency; and

29 § 26. Subdivision 22 of section 305 of the education law, as added by  
30 chapter 262 of the laws of 1988 and as renumbered by chapter 627 of the  
31 laws of 1989, is amended to read as follows:

32 22. The commissioner shall establish the procedures for a statewide  
33 system of assigning unique student identification numbers for all  
34 students in public and nonpublic schools within the state for purposes  
35 of student tracking and for state reporting purposes. Students shall  
36 retain their numbers until they attain the age of twenty-one, or until  
37 they attain the age of twenty-two for students with a disability as  
38 defined in section forty-four hundred one of this chapter. As new  
39 students enter schools in New York, they shall be assigned a unique  
40 number. The commissioner shall include in such system appropriate proce-  
41 dures for insuring security and confidentiality of student information.  
42 The commissioner shall adopt regulations to provide for the implementa-  
43 tion of such statewide system by school districts and nonpublic schools.

44 § 27. Subdivision 4 of section 4001 of the education law, as added by  
45 chapter 563 of the laws of 1980 and as renumbered by chapter 947 of the  
46 laws of 1981, is amended to read as follows:

47 4. "Child with a [~~handicapping-condition~~] disability" or "student with  
48 a disability" shall mean a person between the ages of five and [~~twenty-~~  
49 ~~one~~] twenty-two who has been identified through appropriate evaluation  
50 and assessment as having a disability arising from cognitive, emotional  
51 or physical factors, or any combination thereof, which interferes with  
52 the child's ability to benefit from regular education.

53 § 28. Subdivision 1 of section 4002 of the education law, as added by  
54 chapter 563 of the laws of 1980, is amended to read as follows:

55 1. Each child between the ages of five and [~~twenty-one~~] twenty-two who  
56 resides in a child care institution and who has not yet graduated from

1 high school shall be entitled to receive a free and appropriate educa-  
2 tion in the least restrictive environment for that child.

3 § 29. Subdivision 1 of section 4408 of the education law, as amended  
4 by section 32 of part A-1 of chapter 58 of the laws of 2006, is amended  
5 to read as follows:

6 1. State aid. The commissioner shall make payments for approved July  
7 and August programs for students with disabilities in accordance with  
8 this section in an amount equal to eighty percent of the sum of the  
9 approved tuition and maintenance rates and the transportation expense  
10 for the current year enrollment of students with disabilities ages five  
11 through [~~twenty-one~~] twenty-two or students eligible for services during  
12 July and August pursuant to article eighty-five, eighty-seven or eight-  
13 y-eight of this [~~chapter~~] title, where such costs are determined pursu-  
14 ant to section forty-four hundred five of this article, provided that  
15 the placement of such students was approved by the commissioner, if  
16 required. Such programs shall operate for six weeks and shall be funded  
17 for thirty days of service, provided, however, that the observance of  
18 the legal holiday for Independence day may constitute a day of service.  
19 Upon certification by the school district in which the student resides,  
20 that such services were provided, such payment shall be made to the  
21 provider of such services, in accordance with the provisions of subdivi-  
22 sion three of this section.

23 § 30. Subdivisions (b) and (c) of section 7.37 of the mental hygiene  
24 law, subdivision (b) as amended by chapter 600 of the laws of 1994, and  
25 subdivision (c) as added by chapter 570 of the laws of 1983, are amended  
26 to read as follows:

27 (b) Upon receipt of a report, the commissioner shall review the report  
28 and shall determine if the child will likely need adult services. If  
29 necessary and appropriate, the commissioner may conduct an evaluation of  
30 the child to determine if adult services will be needed. Such evaluation  
31 shall include, but not be limited to, the medical, vocational or day  
32 services and social needs of the child, the desires of the child and of  
33 [~~his or her~~] their parents or guardian, and the availability of appro-  
34 priate services. If the child will likely need adult services, the  
35 commissioner shall develop a plan for continued care which shall include  
36 any evaluation and shall identify those adult programs or services which  
37 may be available and which are operated or licensed by the office and by  
38 the local governmental unit of the county in which the child resides, or  
39 in the event that the child resides in a county within the city of New  
40 York, the local governmental unit of the city of New York. Such written  
41 plan shall be made available to the individual, unless the individual  
42 objects, and [~~his or her~~] their parents or guardian as soon as practica-  
43 ble but not later than one year before the individual attains the age of  
44 [~~twenty-one~~] twenty-two. If such recommendation has been made prior to  
45 one year before the individual attains the age of [~~twenty~~] twenty-one,  
46 the office shall provide yearly updates until the individual attains the  
47 age of [~~twenty-one~~] twenty-two.

48 (c) If the commissioner determines, pursuant to subdivision (b) of  
49 this section, that such child will not require adult services, the  
50 commissioner shall notify the child's parent or guardian in writing of  
51 such determination. Such notice shall be given as soon as practicable  
52 but no later than six months before the child attains the age of [~~twea-~~  
53 ~~ty-one~~] twenty-two.

54 § 31. Subdivision (a) of section 7.37-a of the mental hygiene law, as  
55 added by chapter 405 of the laws of 1998, is amended to read as follows:

1 (a) For purposes of this section, "transitional care" shall mean care  
2 and maintenance of persons:

3 1. who were placed in foster care by a social services district pursu-  
4 ant to article six of the social services law and who have become twen-  
5 ty-one years of age, or who have become twenty-two years of age for a  
6 student with a disability as defined in section forty-four hundred one  
7 of the education law, or who were placed in a residential educational  
8 placement by a school district pursuant to article eighty-nine of the  
9 education law and who are no longer eligible for free educational  
10 services because they have completed the school year in which they  
11 became [~~twenty-one~~] twenty-two;

12 2. who were disabled and in need of residential care prior to becoming  
13 age twenty-one, or becoming age twenty-two for a student with a disabili-  
14 ty as defined in section forty-four hundred one of the education law,  
15 or prior to becoming ineligible for free education services and who have  
16 since remained continuously disabled and continuously in need of resi-  
17 dential care;

18 3. who became twenty-one, or twenty-two for a student with a disabili-  
19 ty as defined in section forty-four hundred one of the education law, or  
20 became ineligible for free educational services prior to July first,  
21 nineteen hundred ninety-six;

22 4. with respect to whom the office has approved a plan of continued  
23 out of home care for the person but has not yet identified a currently  
24 available appropriate placement;

25 5. whose residential needs can be met by the facility in which the  
26 persons resided prior to becoming age [~~twenty-one~~] twenty-two or becom-  
27 ing ineligible for free educational services; and

28 6. who on July first, nineteen hundred ninety-eight are in receipt of  
29 transitional care, or who have continuously remained in the foster care  
30 or residential education placement where they had received transitional  
31 care.

32 § 32. Paragraph 1 of subdivision (c) section 7.37-a of the mental  
33 hygiene law, as added by chapter 405 of the laws of 1998, is amended to  
34 read as follows:

35 1. the office has an agreement with the residential facility for  
36 continued care of qualified persons at rates which are no greater than  
37 the rates that would have been available if such persons were under age  
38 [~~twenty-one~~] twenty-two;

39 § 33. Subdivision (a) of section 7.38 of the mental hygiene law, as  
40 amended by chapter 37 of the laws of 2011, is amended to read as  
41 follows:

42 (a) The office shall, in consultation with the department of social  
43 services, the education department, the office for people with develop-  
44 mental disabilities, and the council on children and families, develop a  
45 plan and implement procedures to help assure that all persons who are at  
46 the age or time to first qualify for transitional care as described in  
47 section 7.37-a of this article, and for whom the office has accepted  
48 planning responsibilities, receive assistance in locating an appropriate  
49 and available residential placement or plan of services, within the  
50 state and within the system of care subject to the jurisdiction of the  
51 office, prior to the age or time at which they would otherwise have  
52 qualified for transitional care, if such individual had become [~~twenty-~~  
53 ~~one~~] twenty-two or become ineligible for educational services prior to  
54 July first, nineteen hundred ninety-six. For purposes of this section,  
55 the age or time at which a person would qualify for transitional care is  
56 twenty-one for persons in foster care, and the end of the school year in

1 which they become twenty-one for persons in residential schools, except  
2 that in the case of students with disabilities as defined in section  
3 forty-four hundred one of the education law, the age or time at which a  
4 person would qualify for transitional care is twenty-two.

5 § 34. Subdivisions (b) and (c) of section 13.37 of the mental hygiene  
6 law, as amended by chapter 508 of the laws of 2008, are amended to read  
7 as follows:

8 (b) Upon receipt of a report, the commissioner shall review the report  
9 and shall determine if the child will likely need adult services. If  
10 necessary and appropriate, the commissioner may conduct an evaluation of  
11 the child to determine if adult services will be needed. Such evaluation  
12 shall include, but not be limited to, the medical, vocational or day  
13 services and social needs of the child, the desires of the child and of  
14 [~~his or her~~] their parents or guardian, and the availability of appro-  
15 priate services. If the child will likely need adult services, the  
16 commissioner shall develop a plan for continued care which shall include  
17 any evaluation and shall identify those adult programs or services which  
18 may be available and which are operated or licensed by the office and by  
19 the local governmental unit of the county in which the child resides, or  
20 in the event that the child resides in a county within the city of New  
21 York, the local governmental unit of the city of New York. Such written  
22 plan shall be made available to the individual and, unless the individ-  
23 ual objects, to [~~his or her~~] their parents or guardian as soon as prac-  
24 ticable but not later than one year before the individual attains the  
25 age of [~~twenty-one~~] twenty-one. If such recommendation has been made  
26 prior to one year before the individual attains the age of [~~twenty~~]  
27 twenty-one, the office shall provide yearly updates until the individual  
28 attains the age of [~~twenty-one~~] twenty-two.

29 (c) If the commissioner determines, pursuant to subdivision (b) of  
30 this section, that such child will not require adult services, the  
31 commissioner shall notify the child's parent or guardian and the commit-  
32 tee on special education, multidisciplinary team or social services  
33 official, which submitted the report, in writing of such determination.  
34 Such notice shall be given as soon as practicable but no later than six  
35 months before the child attains the age of [~~twenty-one~~] twenty-two.  
36 Such notice shall state the reasons for the determination and may recom-  
37 mend a state agency which may be responsible for determining and recom-  
38 mending adult services. If such determination is not acceptable to the  
39 child's parent or guardian, such person may appeal the determination  
40 pursuant to regulations adopted by the commissioner.

41 § 35. Subdivision (a) of section 13.37-a of the mental hygiene law, as  
42 amended by chapter 106 of the laws of 2015, is amended to read as  
43 follows:

44 (a) For purposes of this section, "transitional care" shall mean care  
45 and maintenance of persons:

46 1. who were placed in foster care by a social services district pursu-  
47 ant to article six of the social services law and who have become twen-  
48 ty-one years of age, or have become twenty-two years of age for a  
49 student with a disability as defined in section forty-four hundred one  
50 of the education law, or who were placed in a residential educational  
51 placement by a school district pursuant to article eighty-nine of the  
52 education law and who are no longer eligible for free educational  
53 services because they have completed the school year in which they  
54 became [~~twenty-one~~] twenty-two;

55 2. who were disabled and in need of residential care prior to becoming  
56 age [~~twenty-one~~] twenty-two or prior to becoming ineligible for free

1 education services and who have since remained continuously disabled and  
2 continuously in need of residential care;

3 3. who became twenty-one, or twenty-two for a student with a disabili-  
4 ty as defined in section forty-four hundred one of the education law, or  
5 became ineligible for free educational services prior to July first,  
6 nineteen hundred ninety-six;

7 4. with respect to whom the office has approved a plan of continued  
8 out of home care for the person but has not yet identified a currently  
9 available appropriate placement;

10 5. whose residential needs can be met by the facility in which the  
11 persons resided prior to becoming age twenty-one, or twenty-two for a  
12 student with a disability as defined in section forty-four hundred one  
13 of the education law, or becoming ineligible for free educational  
14 services; and

15 6. who on July first, nineteen hundred ninety-eight are in receipt of  
16 transitional care, or who have continuously remained in the foster care  
17 or residential education placement where they had received transitional  
18 care.

19 § 36. Paragraph 1 of subdivision (c) of section 13.37-a of the mental  
20 hygiene law, as added by chapter 405 of the laws of 1998, is amended to  
21 read as follows:

22 1. the office has an agreement with the residential facility for  
23 continued care of qualified persons at rates which are no greater than  
24 the rates that would have been available if such persons were under age  
25 [~~twenty-one~~] twenty-two;

26 § 37. Subdivision (a) of section 13.38 of the mental hygiene law, as  
27 amended by chapter 106 of the laws of 2015, is amended to read as  
28 follows:

29 (a) The office shall, in consultation with the department of social  
30 services, the education department, the office of mental health, and the  
31 council on children and families, develop a plan and implement proce-  
32 dures to help assure that all persons who are at the age or time to  
33 first qualify for transitional care, as described in section 13.37-a of  
34 this article, and for whom the office has accepted planning responsibil-  
35 ities, receive assistance in locating an appropriate and available resi-  
36 dential placement or plan of services, within the state and within the  
37 system of care subject to the jurisdiction of the office, prior to the  
38 age or time at which they would otherwise have qualified for transi-  
39 tional care, if such individuals had become twenty-one, or twenty-two  
40 for a student with a disability as defined in section forty-four hundred  
41 one of the education law, or become ineligible for educational services  
42 prior to July first, nineteen hundred ninety-six. For purposes of this  
43 section, the age or time at which a person would qualify for transi-  
44 tional care is twenty-one, or twenty-two for a student with a disability  
45 as defined in section forty-four hundred one of the education law, for  
46 persons in foster care, and the end of the school year in which they  
47 become [~~twenty-one~~] twenty-two for persons in residential schools.

48 § 38. Paragraph 4 of subdivision (g) of section 29.15 of the mental  
49 hygiene law, as amended by chapter 273 of the laws of 1986, is amended  
50 to read as follows:

51 4. The notification of the appropriate school district and the commit-  
52 tee on special education regarding the proposed discharge or release of  
53 a patient under [~~twenty-one~~] twenty-two years of age, consistent with  
54 all applicable federal and state laws relating to confidentiality of  
55 such information.

1 § 39. Section 33.11 of the mental hygiene law, as amended by chapter  
2 168 of the laws of 2010, is amended to read as follows:

3 § 33.11 Education for children with mental disabilities.

4 The office of mental health and the office for people with develop-  
5 mental disabilities shall provide the same education for patients in  
6 office of mental health hospitals and residents in office for people  
7 with developmental disabilities schools who are between the ages of five  
8 and [~~twenty-one~~] twenty-two which they would otherwise be entitled to  
9 receive in their local school districts pursuant to article eighty-nine  
10 of the education law. The cost of such education shall be a charge upon  
11 and shall be paid by the office of mental health or the office for  
12 people with developmental disabilities when received within such a  
13 hospital or school by a patient or resident therein. Such education  
14 shall be adapted to the mental attainments of such children. Provided,  
15 however, that such children as can benefit therefrom shall be admitted  
16 to the schools of the school district in which such hospital or school  
17 is located in accordance with regulations of the commissioner of educa-  
18 tion developed in consultation with the commissioners of mental health  
19 and developmental disabilities. The cost of such instruction less the  
20 state aid attributed to such child, shall be a charge upon the school  
21 district in which the child resided at the time of admission to the  
22 state hospital or school, except in those cases as provided in paragraph  
23 c of subdivision five of section thirty-two hundred two of the education  
24 law.

25 § 40. Subdivision (c) of section 118 of the social services law, as  
26 amended by chapter 909 of the laws of 1974, is amended to read as  
27 follows:

28 (c) if a child under the age of twenty-one years, or twenty-two years  
29 for a student with a disability as defined in section forty-four hundred  
30 one of the education law, in a boarding home under the care of an  
31 authorized agency, or

32 § 41. Subdivisions 2 and 4 of section 169 of the social services law,  
33 as amended by chapter 909 of the laws of 1974, are amended to read as  
34 follows:

35 2. The [~~wife, husband~~] spouse, child or grandchild under the age of  
36 twenty-one years, or twenty-two years for a student with a disability as  
37 defined in section forty-four hundred one of the education law, [~~father,~~  
38 ~~mother, stepfather or stepmother~~] parent or stepparent of a veteran, if  
39 living with the veteran;

40 4. The dependent children under the age of twenty-one years, or twen-  
41 ty-two years for a student with a disability as defined in section  
42 forty-four hundred one of the education law, or the incapacitated chil-  
43 dren of a deceased veteran.

44 § 42. Paragraph (a) of subdivision 2 of section 350-j of the social  
45 services law, as amended by section 38 of part B of chapter 436 of the  
46 laws of 1997, is amended to read as follow:

47 (a) where the child is under twenty-one years of age, or twenty-two  
48 years for a student with a disability as defined in section forty-four  
49 hundred one of the education law; and

50 § 43. Subdivision 1 of section 386 of the social services law, as  
51 amended by chapter 555 of the laws of 1978, is amended to read as  
52 follows:

53 1. The board or the department is authorized to visit, in its  
54 discretion, any minor under the age of twenty-one years, or twenty-two  
55 years for a student with a disability as defined in section forty-four

1 hundred one of the education law, committed, placed out or boarded out  
2 and not legally adopted or in the custody of a legal guardian.

3 § 44. Paragraph (h) of subdivision 6 of section 398 of the social  
4 services law, as amended by chapter 387 of the laws of 1999, is amended  
5 to read as follows:

6 (h) Supervise children who have been cared for away from their fami-  
7 lies until such children become twenty-one years of age, or twenty-two  
8 years of age for a student with a disability as defined in section  
9 forty-four hundred one of the education law, or until they are  
10 discharged to their own parents, relatives within the third degree or  
11 guardians, or adopted, provided, however, that in the case of a child  
12 who is developmentally disabled as such term is defined in section 1.03  
13 of the mental hygiene law, emotionally disturbed or physically hand-  
14 icapped, and who is receiving care in a group home, agency boarding home  
15 or any child care facility operated by an authorized agency with a  
16 capacity of thirteen or more children, and who is in receipt of educa-  
17 tional services and under the care and custody of a local department of  
18 social services, the commissioner of the office of children and family  
19 services shall allow such child who reaches the age of twenty-one, or  
20 twenty two in the case of a student with a disability as defined in  
21 section forty-four hundred one of the education law, during the period  
22 commencing on the first day of September and ending on the thirtieth day  
23 of June to be entitled to continue in such program until the thirtieth  
24 day of June or until the termination of the school year, whichever shall  
25 first occur.

26 § 45. Subdivisions 1 and 2 of section 398-c of the social services  
27 law, as added by chapter 570 of the laws of 1983, are amended to read as  
28 follows:

29 1. The commissioner shall determine whether a child, whose report is  
30 submitted to the department pursuant to subparagraph five of paragraph b  
31 of subdivision one of section forty-four hundred two of the education  
32 law or subdivision thirteen of section three hundred ninety-eight of  
33 this article, will likely need adult services and, if such need will  
34 likely exist, develop a recommendation of all appropriate programs  
35 authorized or operated by the department which may be available when the  
36 child attains the age of [~~twenty-one~~] twenty-two. If necessary and  
37 appropriate, the commissioner may conduct an evaluation of the child to  
38 determine if adult services will be necessary. Such recommendation of  
39 all programs shall be made available to the parent or guardian of such  
40 child as soon as practicable but no later than six months before such  
41 child attains the age of [~~twenty-one~~] twenty-two.

42 2. If the commissioner determines pursuant to subdivision one of this  
43 section, that such child will not require adult services, the commis-  
44 sioner shall notify the child's parent or guardian in writing of such  
45 determination. Such notice shall be given as soon as practicable but no  
46 later than six months before the child attains the age of [~~twenty-one~~]  
47 twenty-two.

48 § 46. Subparagraph (i) of paragraph (a) of subdivision 1 of section  
49 409-a of the social services law, as amended by chapter 342 of the laws  
50 of 2010, is amended to read as follows:

51 (i) the child will be placed, returned to or continued in foster care  
52 unless such services are provided and that it is reasonable to believe  
53 that by providing such services the child will be able to remain with or  
54 be returned to [~~his or her~~] their family, and for a former foster care  
55 youth under the age of twenty-one, or twenty-two in the case of a  
56 student with a disability as defined in section forty-four hundred one

1 of the education law, who was previously placed in the care and custody  
2 or custody and guardianship of the local commissioner of social services  
3 or other officer, board or department authorized to receive children as  
4 public charges where it is reasonable to believe that by providing such  
5 services the former foster care youth will avoid a return to foster care  
6 or

7 § 47. Subdivision 5 of section 430 of the social services law, as  
8 added by chapter 906 of the laws of 1976, is amended to read as follows:

9 5. As used in this title, "day services" shall mean care and treatment  
10 for part of the day of one or more children under eighteen years of age  
11 and their families in a program which provides to such children and  
12 families in accordance with their needs various services such as psychi-  
13 atric, psychological, social casework, educational, vocational, health,  
14 transportation and such other services as may be appropriate. Such  
15 services shall be provided in accordance with program standards promul-  
16 gated by the department. Day services may be continued after the eigh-  
17 teenth birthday of a child in the care of an authorized agency and until  
18 [~~he~~] such child becomes twenty-one years of age, or twenty-two years of  
19 age in the case of a student with a disability as defined in section  
20 forty-four hundred one of the education law. Day services shall not be  
21 provided to any children and their families for periods in excess of one  
22 year, without the approval of the department.

23 § 48. This act shall take effect immediately; provided that the amend-  
24 ments to subdivision 1 of section 4401 of the education law made by  
25 section eighteen of this act shall be subject to the expiration and  
26 reversion of such subdivision pursuant to section 22 of chapter 352 of  
27 the laws of 2005, as amended, and subdivision d of section 27 of chapter  
28 378 of the laws of 2007, as amended, when upon such date the provisions  
29 of section nineteen of this act shall take effect; provided further that  
30 section twenty of this act shall take effect on the same date as the  
31 reversion of paragraph a of subdivision 1 of section 4402 of the educa-  
32 tion law, as provided in section 22 of chapter 352 of the laws of 2005,  
33 as amended.