

§ 3641. Special apportionments and grants-in-aid to school districts.

1. General provisions. a. The commissioner shall be authorized to provide funds for the programs included in this section only to the extent that an appropriation is available for the purpose of the specific program.

b. The payment schedule set forth in section thirty-six hundred nine-a of this article shall not apply to special apportionments or grants-in-aid included in this section. Except where a specific payment schedule is set forth in this section, the commissioner is authorized to pay up to seventy percent of the sum appropriated for any program included in this section prior to April first of the school year for which such moneys are available, with the remainder payable on or after such date.

2. Full-day kindergarten transition and pre-kindergarten planning grants. Within the amount appropriated for such purpose, the commissioner is hereby authorized to award grants to: (i) school districts that operated half-day kindergarten programs in the two thousand six--two thousand seven school year and will continue to operate such half-day programs in the two thousand seven--two thousand eight school year to plan for conversion to full-day kindergartens only in the school year next following the school year in which the planning grant is received, but no later than the two thousand ten--two thousand eleven school year, and (ii) school districts for planning grants for the implementation or expansion of universal prekindergarten programs. The commissioner shall prescribe the procedures and criteria for the award of such grants, which shall be available to school districts to defray their additional costs for planning time, the cost of classroom materials, equipment, furniture and supplies not eligible for aid pursuant to subdivisions six, six-a, six-b, six-c or six-f of section thirty-six hundred two of this article, where such additional costs are incurred in planning for the facilities and staffing that will be needed for such conversion, implementation or expansion. No school district may receive more than one planning grant pursuant to this subdivision for conversion to full-day kindergarten. The commissioner shall be authorized to adopt regulations to implement the provisions of this

subdivision.

3. Supplemental valuation impact grants. a. In addition to apportionments otherwise provided by section thirty-six hundred two of this article, for aid payable in the two thousand eight--two thousand nine and two thousand nine--two thousand ten school years, the amounts specified in paragraphs c and d of this subdivision shall be paid for the purpose of providing additional funding for school districts which have experienced a significant financial hardship caused by an extraordinary change in the taxable property valuation or extraordinary judgments resulting from tax certiorari proceedings.

b. The purpose of this subdivision is to provide financial assistance to school districts which have experienced a significant reduction in the taxable full value of the school district or extraordinary tax certiorari judgments. The legislature finds that school districts for which a judgment was made resulting from a tax certiorari proceeding which is larger than the total budget of the school district for school year two thousand seven--two thousand eight or for school districts which have observed a reduction of taxable real property of more than seventy-five percent between school year two thousand five--two thousand six and school year two thousand eight--two thousand nine may benefit from temporary additional assistance.

c. To the Barker central school district, there shall be paid one million three hundred thousand dollars (\$1,300,000). Such grant shall be payable to the Barker central school district in accordance with the payment schedules contained in section thirty-six hundred nine-a of this article, notwithstanding any provision of law to the contrary.

d. To the Haverstraw-Stony Point central school district, there shall be paid two million five hundred thousand dollars (\$2,500,000). Such grant shall be payable to the Haverstraw-Stony Point central school district in accordance with the payment schedules contained in section thirty-six hundred nine-a of this article, notwithstanding any provision of law to the contrary.

4. Building condition survey services. a. Purpose. The purpose of this subdivision is to assess the need of routine maintenance, repairs, minor alterations, and operational improvements in order to safeguard and promote the health, safety and welfare of both pupils and staff. The legislature further finds that the existing aid formula does not provide for local assistance for such building condition surveys and that, therefore, additional funding is necessary to assist local public school districts with such necessary building condition survey activities.

b. Building condition surveys. To be eligible for aid pursuant to subdivision six-e of section thirty-six hundred two of this article, building condition surveys shall be conducted by a licensed architect or licensed professional engineer performing under a state contract entered into pursuant to paragraph c of this subdivision, shall assess the condition of all major building systems of a school building, and shall be in the form and contain the information prescribed by the commissioner. For purposes of this paragraph, "major building systems" shall mean the electrical, plumbing, heating, ventilation and air conditioning systems, and the roof and other major structural elements of a school building.

c. Powers and duties of the commissioner. (1) The commissioner shall develop a building condition survey matrix which would be used to assist public school districts to develop long range facilities plans in a consistent format.

(1-a) Commencing no sooner than the first day in January, two thousand twenty, the commissioner shall require school districts to conduct building condition surveys every five years in accordance with regulations of the commissioner. Such regulations shall prescribe the date or dates by which such surveys must be completed and submitted to the department and shall provide for staggered implementation so that such surveys are distributed as evenly as possible throughout the five-year period based on the number of public school buildings, provided that such implementation schedule shall ensure that no region of the state is overrepresented in a given scheduled year and shall to the extent practicable prioritize assigning to the first two years of such schedule those school districts with the greatest proportions of

buildings which previously received relatively low overall condition ratings.

(2) The commissioner is hereby authorized to enter into the necessary contractual agreements with architects and/or engineers to state-wide contracts to provide building construction surveys on a regional basis for a fixed fee per square foot. Such building condition surveys shall be used to assist school districts with the development of their five-year capital facilities plan.

5. School district management efficiency awards program. a. Within the amount appropriated for such purpose, subject to a plan developed in consultation with the secretary of state and approved by the director of the budget, the commissioner shall award competitive grants pursuant to this subdivision for achieving school district management efficiencies.

(1) Such plan shall include but not be limited to: the process by which a request for proposals is developed; the scoring rubric by which such proposals will be evaluated; the form and manner by which applications will be submitted; the manner by which calculation of the amount of the award was determined, including establishing benchmarks based on actual cost savings that must be met before any awards are paid; and the timeline for the issuance and review of applications to ensure that grants will be first awarded within one hundred and twenty days following the end of the two thousand eleven--two thousand twelve school year.

(2) The commissioner shall be authorized, consistent with the plan required by this paragraph, to promulgate rules and regulations necessary for the implementation of this subdivision.

b. A response to a request for proposals issued pursuant to this subdivision may be submitted by a school district or jointly by two or more school districts who have demonstrated to the satisfaction of the commissioner that:

(1) one or more long term efficiencies in school district management, operations, procurement practices or other cost savings measures that have not and will not result in an increase in cost to the state or locality have been implemented;

(2) such efficiencies have been implemented within two years prior to

a response to a request for proposals issued pursuant to this subdivision or will be implemented during the current school year;

(3) such efficiencies have resulted or will result in a significant reduction in total operating expenses compared to the prior year, in the administrative component, or the equivalent, of the school district budget, in transportation operating expenses, in transportation capital expenses, and/or in other non-personal service costs included in the program component of the school district budget, or the equivalent, compared to the prior year; and

(4) such efficiencies are expected to result in substantial and sustainable cost savings in future years; and

(5) if two or more school districts are applying jointly, and have entered a shared services agreement as authorized by law, that significant savings would result from such shared services; provided that in no event shall districts that have entered into an aidable cooperative educational services agreement for any such services with a board of cooperative educational services pursuant to section nineteen hundred fifty of this chapter be eligible for an award pursuant to this subdivision for the same purpose, but may be eligible for an award pursuant to this subdivision for another shared long term efficiency or cost saving measure. Provided however, a district which has received an award pursuant to the local government efficiency grant program authorized by subdivision ten of section fifty-four of the state finance law, shall not be eligible to receive an award pursuant to this subdivision for the same purpose, but may be eligible for an award pursuant to this subdivision for another long term efficiency or cost savings measure.

c. The commissioner shall grant priority to applications that have demonstrated that the long term efficiencies that have been implemented: (1) are innovative in the manner that the management or organizational structure may be changed to generate significant savings while maintaining or improving student achievement; (2) have the participation of the teachers, parents and/or other stakeholders in the school district; (3) are measures or strategies that other school districts can replicate; or (4) have the greatest quantifiable savings that will be sustainable.

d. A school district that submits documentation that has been approved by the commissioner by September first, two thousand twelve demonstrating that it has fully implemented new standards and procedures for conducting annual professional performance reviews of classroom teachers and building principals to determine teacher and principal effectiveness, shall receive bonus points in the scoring of its grant application.

e. A school district or school districts seeking a grant shall submit an application to the commissioner in a form and manner and by a date as prescribed by the commissioner. The commissioner may consult with any other state agency about such grants and each such agency shall cooperate in assisting in the analysis of grant applications.

f. The amount of the grant award, including the maximum grant amount available to any district or districts, shall be determined by the commissioner, consistent with the plan developed pursuant to paragraph a of this subdivision provided that the amount of such awards shall be based upon the size of the district or school districts measured by public school enrollment of the district or districts, except that no single district receiving a grant and no group of districts receiving a grant jointly may be awarded more than forty percent of the total amount of grant awards made pursuant to this subdivision; and provided further that such amount may be adjusted based upon measures of district need.

g. For the two thousand thirteen--two thousand fourteen state fiscal year and thereafter, in addition to the competitive awards amount as defined in paragraph ee of subdivision one of section thirty-six hundred two of this article, a minimum of thirty-seven million five hundred thousand dollars shall be available for this purpose in each state fiscal year.

6. School district performance improvement awards grant. a. Within the amounts appropriated for such purpose, the commissioner shall award competitive grants to eligible school districts pursuant to this subdivision that have demonstrated the most improved academic

achievement gains and student outcomes, as well as having implemented strategies that have the most potential for continued improvements in student performance, narrowing student achievement gaps and increasing academic performance in traditionally underserved student groups.

b. The commissioner shall:

(1) develop a competitive request for proposals, which shall be approved by the director of the budget, to be issued on or before October first, two thousand eleven and shall ensure that grants will first be awarded pursuant to this subdivision during the two thousand eleven-two thousand twelve school year.

(2) create a peer review panel and process and a scoring rubric to be used in the evaluation of applications during such process. Such scoring rubric shall give priority to those eligible school districts that have the most significant measurable improvements in academic achievement and student outcomes; and have (A) implemented rigorous programs to improve middle school student performance; (B) newly established or expanded participation in college level or early college programs; (C) significantly increased college admission rates; (D) exemplary career and technical education programs with a record of successful student outcomes; or (E) other innovative and replicable strategies for student achievement. Provided further that such rubric shall grant priority to those eligible districts whose programs benefit students having the greatest educational needs, including but not limited to:

(A) students within traditionally underserved student groups;

(B) students who are English language learners;

(C) students in poverty;

(D) students with disabilities; and

(E) students with low academic achievement.

(3) be authorized to promulgate rules and regulations necessary for the implementation of this subdivision.

c. To be an eligible applicant, a school district must:

(1) have a race to the top final scope of work that was approved by the commissioner by February fifteenth, two thousand eleven; and/or

(2) have demonstrated satisfactory progress, as determined by the commissioner, towards implementation of elements such as high quality

student assessments, use of data to improve instruction and student performance, provision of professional development to improve teacher performance; and

(3) be among the school districts showing the greatest gains in student performance in its category of district in the prior school year as reflected by increases in student outcome, as well as other measures for closing the achievement gap, improving high school performance and graduation rates, and increasing college attendance and retention rates as compared to student performance in those areas in the applicable baseline year.

d. For purposes of this subdivision:

(1) "category of district" means:

(A) a high-need large city category consisting of city school districts having a population of one hundred twenty-five thousand inhabitants or more, provided that in the case of the city school district of the city of New York the chancellor shall have the option of applying on behalf of one or more community school districts and/or district seventy-five in lieu of applying on a citywide basis;

(B) a high-need urban-suburban category as defined by the commissioner based upon the need/resource capacity index applicable to such school districts;

(C) a high-need rural category as defined by the commissioner based upon the need/resource capacity index applicable to such school districts;

(D) an average need category as defined by the commissioner based upon the need/resource capacity index applicable to such school districts; and

(E) a low need category as defined by the commissioner based upon the need/resource capacity index applicable to such school districts.

(2) The commissioner shall establish a methodology for determining which districts in each category of district that have applied for a performance improvement grant have shown the greatest achievement gains. Provided, however, that where a school district does not have the minimum number of students specified by the commissioner for accountability purposes (minimum "n" size) in one or more of the five subgroups, such district shall not be disqualified from receiving a

grant, but a preference shall be given to districts within each category of district with the highest number of subgroups meeting such minimum "n" size.

e. The commissioner shall grant awards to the school districts, as recommended by the peer review panel, among the various categories of districts and determine the amount of the grant award for each eligible school district based upon the public school enrollment of the district, provided that no district receiving a grant may be awarded more than forty percent of the total amount of grant awards made pursuant to this subdivision; and provided further that such amount may be adjusted based upon measures of district need.

f. Any school district receiving an award pursuant to this subdivision shall expend grant funds in accordance with a high-quality plan submitted with its application in response to the request for proposals. Such plan must specify how such funds will be used to enhance the activities and strategies that have been or will be implemented that have been demonstrated to be effective in, or show the most promise for, increasing student performance, narrowing the student achievement gap, and increasing academic performance in traditionally underserved student groups.

g. For the two thousand thirteen--two thousand fourteen state fiscal year and thereafter, in addition to the competitive awards amount as defined in paragraph ee of subdivision one of section thirty-six hundred two of this article, a minimum of thirty-seven million five hundred thousand dollars shall be available for this purpose in each state fiscal year.

6-a. Community school grants. a. Within the amount appropriated for such purpose, subject to a plan developed by the state council on children and families in coordination with the commissioner and approved by the director of the budget, the commissioner shall award competitive grants pursuant to this subdivision to eligible school districts or in a city with a population of one million or more an eligible entity to implement, beginning in the two thousand thirteen--two thousand fourteen

school year, a plan that targets school buildings as community hubs to deliver co-located or school-linked academic, health, mental health, nutrition, counseling, legal and/or other services to students and their families in a manner that will lead to improved educational and other outcomes. In a city with a population of one million or more, eligible entities shall mean the city school district of the city of New York, or not-for-profit organizations, which shall include not-for-profit community based organizations. An eligible entity that is a not-for-profit may apply for a community school grant provided that it collaborates with the city school district of the city of New York and receives the approval of the chancellor of the city school district of the city of New York.

(1) Such plan shall include, but not be limited to:

(i) The process by which a request for proposals will be developed;

(ii) The scoring rubric by which such proposals will be evaluated, provided that such grants shall be awarded based on factors including, but not limited to: measures of school district need; measures of the need of students to be served by each of the school districts; the school district's proposal to target the highest need schools and students; the sustainability of the proposed community schools program; and proposal quality;

(iii) The form and manner by which applications will be submitted;

(iv) The manner by which calculation of the amount of the award will be determined;

(v) The timeline for the issuance and review of applications; and

(vi) Program implementation phases that will trigger payment of set percentages of the total award.

(2) In assessing proposal quality, the commissioner shall take into account factors including, but not limited to:

(i) The extent to which the school district's proposal would provide such community services through partnerships with local governments and non-profit organizations;

(ii) The extent to which the proposal would provide for delivery of such services directly in school buildings;

(iii) The extent to which the proposal articulates how such services would facilitate measurable improvement in student and family outcomes;

(iv) The extent to which the proposal articulates and identifies how

existing funding streams and programs would be used to provide such community services; and

(v) the extent to which the proposal ensures the safety of all students, staff and community members in school buildings used as community hubs.

b. A response to a request for proposals issued pursuant to this subdivision may be submitted by a single school district or jointly by a consortium of two or more school districts, or in a city with a population of one million or more, an eligible entity.

c. The amount of the grant award shall be determined by the commissioner, consistent with the plan developed pursuant to paragraph a of this subdivision, except that no single district may be awarded more than forty percent of the total amount of grant awards made pursuant to this subdivision; and provided further that the maximum award to any individual community school site shall be five hundred thousand dollars; and provided further that the amount awarded will be paid out in set percentages over time upon successful implementation of each phase of a school district's approved proposal set forth pursuant to paragraph a of this subdivision; and provided further that none of the grants awarded pursuant to this subdivision may be used to supplant existing funding.

6-b. Extended learning grants. a. Within the amount appropriated for such purpose, subject to a plan that is developed by the commissioner, and approved by the director of the budget, the commissioner shall award competitive planning and implementation grants pursuant to this subdivision to eligible school districts or school districts in collaboration with not-for-profit community based organizations that put forward a proposal to improve student outcomes by adding at least twenty-five percent more time to the academic calendar by extending the school day, school year, or some combination thereof, either district-wide or in selected school buildings.

(1) Such plan shall include, but not be limited to:

(i) The process by which a request for proposals will be developed;

(ii) The scoring rubric by which such proposals will be evaluated, provided that priority shall be given to applicants based upon the

school district's proposal to target the schools and students with the greatest need and upon proposal quality;

(iii) The form and manner by which applications will be submitted;

(iv) The timeline for the issuance and review of applications; and

(v) A requirement that school districts awarded grants under this subdivision submit to an annual evaluation of performance and impact as required by the commissioner.

(2) In assessing proposal quality in order to award implementation grant funding, the commissioner shall take into account factors including, but not limited to:

(i) the extent to which the school district's proposal would maximize the use of the additional learning time through a comprehensive restructuring of the school day and/or year;

(ii) how the additional learning time would be utilized, including but not limited to additional time spent on core academics; and

(iii) the extent to which the proposal would provide additional learning time for students in grades six through eight.

b. A school district's school-wide extended learning implementation grant award shall equal its average daily attendance in the school-wide extended learning program multiplied by the expected cost per pupil of the additional learning time. For purposes of this subdivision, the expected cost per pupil of the additional learning time shall equal the greater of fifteen hundred dollars or (1) the quotient of (i) the school district's approved operating expense pursuant to paragraph t of subdivision one of section thirty-six hundred two of this article for the year prior to the base year divided by (ii) the district's public school district enrollment pursuant to subparagraph two of paragraph n of such subdivision for the year prior to the base year multiplied by (2) ten percent (0.10), multiplied by (3) the quotient of (i) the average of the national consumer price indexes determined by the United States department of labor for the twelve month period preceding January first of the base year, divided by (ii) the average of the national consumer price indexes determined by the United States department of labor for the twelve month period preceding January first of the year two years prior to the base year.

c. In extraordinary cases, the commissioner may award a grant that exceeds the per pupil limit calculated pursuant to paragraph b of this subdivision.

d. No district shall receive a grant in excess of the total actual grant expenditures incurred by the district in the current year as approved by the commissioner.

e. No single district may be awarded more than forty percent of the total amount of grant awards made pursuant to this subdivision.

6-c. Teacher excellence fund. a. Within the amount appropriated for such purpose, subject to a request for proposals developed by the commissioner and approved by the director of the budget, the commissioner shall award teacher excellence fund grants pursuant to this subdivision to eligible school districts, beginning in the two thousand fourteen--two thousand fifteen school year, to provide teacher excellence fund performance awards to highly effective teachers.

(1) Teacher excellence fund performance awards shall be allocated in an annual amount of up to twenty thousand dollars to eligible teachers rated as "highly effective" based on the most recent annual professional performance review, in accordance with the requirements of section three thousand twelve-c of this chapter and regulations of the commissioner.

(2) On an annual basis, eligible school districts may submit an application to the commissioner, in a form and manner prescribed by the commissioner, to request funding pursuant to this subdivision.

(3) The commissioner shall make available such application on or before May fifteenth of the preceding school year and the commissioner shall issue preliminary teacher excellence fund grant awards on or before October fifteenth of the school year in which the eligible teacher shall receive a teacher excellence fund performance award.

(4) Applications submitted by eligible school districts shall include information required by the commissioner including, but not limited to, the extent to which the school district's plan is intended to recognize and reward highly-effective teachers: (i) in school buildings with the greatest academic need; (ii) in difficult-to-staff subject or certification areas and/or grade levels; and (iii) at critical points in

a teacher's career in order to encourage highly effective teachers to remain in the classroom.

(5) The commissioner shall prioritize applications submitted by eligible school districts based on factors including, but not limited to, the factors described in subparagraph four of this paragraph and the quality of the proposal.

(6) Notwithstanding any other provision of law to the contrary, the teacher excellence fund performance awards provided by this subdivision shall be in addition to, and shall not be considered part of, a teacher's basic annual salary, and shall not be included as compensation for retirement purposes. Teacher excellence fund performance awards shall supplement and shall not supplant compensation from sources exclusive of this subdivision agreed to as part of a collective bargaining agreement.

b. For the purpose of this subdivision:

(1) The term "eligible school district" shall mean a common, union free, central, central high school, city, or special act school district that has entered into an agreement with the collective bargaining representatives of certified teachers consistent with the provisions of the application submitted by the school district pursuant to paragraph a of this subdivision.

(2) The term "eligible teacher" shall mean a teacher who (i) holds an initial, provisional, transitional, permanent or professional state teaching certificate appropriate to the teaching positions, including the subject area if applicable, in which he or she is employed; (ii) is a classroom teacher subject to the annual professional performance review requirements of section three thousand twelve-c of this chapter; and (iii) is rated "highly effective" based on his or her most recent annual professional performance review, in accordance with the requirements of section three thousand twelve-c of this chapter and regulations of the commissioner.

7. Small government assistance. a. In addition to apportionments otherwise provided by section thirty-six hundred two of this article for payable in the two thousand eleven--two thousand twelve school year and thereafter the amounts specified in paragraph b of this subdivision

shall be paid to school districts for small government assistance.

b. To school districts that received small government assistance in the state fiscal year two thousand ten--two thousand eleven, such apportionment in the same amount shall be apportioned to school districts on or before March thirty-first of the school year upon audit and warrant of the comptroller.

8. Supplemental educational improvement grants. a. In addition to apportionments otherwise provided by section thirty-six hundred two of this article, for aid payable in the two thousand seven--two thousand eight school year and thereafter, the amounts specified in paragraph b of this subdivision shall be paid for the purpose of providing additional funding for the costs of educational improvement plans required as a result of a court-ordered settlement in a school desegregation case to which the state was a party. Grant funds awarded pursuant to this subdivision shall be used exclusively for services and expenses incurred by the school district to implement such educational improvement plans.

b. To the Yonkers city school district there shall be paid seventeen million five hundred thousand dollars (\$17,500,000) on an annual basis. Such grant shall be payable from funds appropriated for such purpose and shall be apportioned to the Yonkers city school district in accordance with the payment schedules contained in section thirty-six hundred nine-a of this article, notwithstanding any provision of law to the contrary.

9. Targeted instructional staff development grants. a. In the nineteen hundred ninety-eight--ninety-nine school year and thereafter, within the amount appropriated for such purpose, the commissioner shall provide grants pursuant to this subdivision to: (1) school districts, and (2) school districts working in collaboration with institutions of higher education and/or teacher resource and computer resource centers, and (3) providers of pre-kindergarten services which are receiving funding pursuant to section three thousand six hundred two-e of this article, for services and expenses related to targeted instructional staff

development grants.

b. School districts and providers of pre-kindergarten services seeking a grant pursuant to this subdivision shall submit a plan for approval of the commissioner that details how the school district will use the grant funds to provide effective and grade-level appropriate staff development programs that are targeted on one or more of the instructional areas specified in paragraph c of this subdivision. Such plan shall be in a form prescribed by the commissioner and shall include, but not be limited to, a proposed budget, and a description of:

(1) the program, including, but not limited to, its purpose and target population;

(2) how the new program shall be integrated with, and will supplement, the district's existing in-service staff development program;

(3) when the staff development program shall be offered to teachers and the arrangements made by the school district to assure that teachers are able to attend, including, but not limited to, arrangements for substitute teachers;

(4) the local funds, if any, that will be made available to support the new staff development program; and

(5) a plan for evaluation of the effectiveness of the program, which shall include, but need not be limited to, a survey of all participating teachers.

c. Staff development programs funded pursuant to this subdivision shall be targeted for specialized in-service training in one or more of the following areas:

(i) understanding and implementing the new higher standards and assessments as promulgated by the board of regents and the commissioner;

(ii) effective use of technology in instruction;

(iii) instruction of children who are participating in pre-kindergarten programs approved pursuant to section three thousand six hundred two-e of this article;

(iv) instruction of children with disabilities within a regular education setting;

(v) instruction of nondisabled children who demonstrate the need for increased academic attention; and

(vi) other areas of need demonstrated by the district that relate directly to student instruction and are approved by the commissioner.

d. Grants shall be awarded on a competitive basis in accordance with criteria established by the commissioner. Grant funds may be used for the approved expenses of the staff development program as defined by the commissioner, provided that such approved expenses shall include, but need not be limited to, reasonable travel costs for instructors, reasonable costs for the use of technology to provide staff development programs at a distance, and the actual cost to the district of employing substitute teachers for teachers participating in the program exclusive of any state aid payable for such costs.

e. The commissioner shall be authorized to adopt regulations to implement the provisions of this subdivision.

f. In the event the appropriation for purposes of this paragraph in any year is insufficient to pay all claims received pursuant to this paragraph, the commissioner shall pay such claims on a prorated basis among all districts filing such claims until the appropriation is exhausted. For aid payable in the nineteen hundred ninety-eight--ninety-nine school year, the aid payable pursuant to this paragraph shall not exceed one million five hundred thousand dollars (\$1,500,000); for the nineteen hundred ninety-nine--two thousand school year the aid payable pursuant to this paragraph shall not exceed five million dollars (\$5,000,000); and for the two thousand--two thousand one school year and thereafter the aid payable pursuant to this paragraph shall not exceed ten million dollars (\$10,000,000).

10. Aid for rebuilding schools to uphold education (RESCUE). In addition to the apportionments made pursuant to subdivisions six, six-a, and six-b and paragraph c of subdivision fourteen of section thirty-six hundred two of this article, school districts shall be eligible for an apportionment or apportionments pursuant to this subdivision for eligible school construction projects. The payment of such apportionment or apportionments shall be made in the manner provided for in paragraph d of this subdivision. An apportionment for any such eligible project

shall initially be available in the state fiscal year commencing April first, nineteen hundred ninety-nine, provided that applications for approval of such eligible projects by the commissioner may be processed hereunder prior to such date.

a. Definitions. For purposes of this subdivision:

(1) "Eligible school construction project", or "eligible project," means a project for the design, planning, construction, acquisition, reconstruction, rehabilitation or improvement of a public school building used primarily for instruction that is an accessibility project, an educational technology project, a health and safety project, and/or a physical capacity expansion project, that has been approved by the voters of the school district or approved by the trustees or board of education for school districts where voter approval is not required on or after July first, nineteen hundred ninety-eight or before July first, two thousand three; that such project is contained in the district's five year facilities plan; and such project is a critical and priority project as identified by such district's safety rating system required by sections four hundred nine-d and four hundred nine-e of this chapter, or, a construction emergency project.

(2) "Eligible minor maintenance and repair project" means a project, not otherwise eligible for an apportionment pursuant to subdivision six of section thirty-six hundred two of this article, that is related to maintaining and repairing public school buildings used primarily for instruction, including expenditures for minor repair and improvement activities performed to remedy existing minor maintenance deficiencies and expenditures for periodic, scheduled maintenance activities intended to mitigate the need for excessive capital renovation and rehabilitation in the future as documented by a plan developed by the district and submitted to the commissioner and which has been approved for funding on or after July first, nineteen hundred ninety-eight, or before July first, two thousand two by the commissioner.

(3) "Approved project" means an eligible school construction project that has been reviewed by the department and approved by the commissioner pursuant to this subdivision on or after July first, nineteen hundred ninety-eight and before July first, two thousand three (except as otherwise provided in subparagraph one of paragraph c of this

subdivision) for funding disbursement by an apportionment or apportionments made hereunder.

(4) For the purposes of the expenditure of the maximum additional apportionment defined in subparagraph 11, "Approved building aidable project" means an approved project for which approved expenditures are eligible for an apportionment pursuant to subdivisions six, six-a, six-b and/or paragraph c of subdivision fourteen of section thirty-six hundred two of this article and one or more of the following conditions have been met:

(i) Projects for which letters of intent are on file with the state education department by August 1, 1999;

(ii) Projects approved by the voters by January 15, 2000;

(iii) In the case of a school district in a city with a population of one million or more, projects specifically referenced in the five-year educational facilities capital plan pursuant to section 2590-p of the education law on file with the commissioner as of August 1, 1999; and

(iv) Projects for which letters of intent are filed with the state education department by July 1, 2000 that are determined to be priority projects necessary to: address the safety or health of students and staff including, but not limited to climate control; or to assure accessibility of individuals with disabilities.

(4-a) For the purposes of the expenditure of the maximum additional apportionment defined in subparagraph 11-a, "Approved building aidable project" means an approved eligible school construction project.

(5) "Accessibility project" means an eligible school construction project which, as a primary purpose, enhances accessibility to public school buildings used primarily for instruction for individuals with disabilities.

(6) "Construction emergency project" means an eligible school construction project to remediate emergency situations which arise in public school buildings used primarily for instruction as a result of significant damage caused by an unanticipated and sudden occurrence which results in the necessity for immediate repair.

(7) "Educational technology project" means an eligible school construction project which, as a primary purpose, enhances the use of technology in public school buildings used primarily for instruction, including but not limited to, electrical upgrades, wiring, cabling

installations, fiber optics, conduits, raceways, telecommunication systems and wireless options.

(8) "Health and safety project" means an eligible school construction project which, as a primary purpose, addresses the reduction or elimination of the risk of personal injury or harm to occupants of public school buildings used primarily for instruction, including but not limited to environmental remediation, the eradication of fire and health code violations, the provision of adequate ventilation, and the rehabilitation and repair of existing facilities.

(9) "Physical capacity expansion project" means an eligible school construction project which, as a primary purpose, expands the availability of adequate and appropriate instructional space in a public school building used primarily for instruction, including but not limited to expansions which provide for reduced class size.

(10) "District sharing ratio" means the quotient obtained when the sum of the resident public school district enrollment of a school district as defined in subparagraph four of paragraph n of subdivision one of section thirty-six hundred two of this article and its resident nonpublic school enrollment for such school year as defined in subparagraph five of such paragraph, is divided by the sum of such enrollments for all school districts for such school year, with the result expressed as a decimal carried to the sixth place without rounding. For any maximum additional apportionment calculated pursuant to subparagraph eleven of this paragraph, the resident public school district enrollment and its resident nonpublic school enrollment for the nineteen hundred ninety-eight--ninety-nine school year shall be used to calculate the district sharing ratio. For any maximum additional apportionment calculated pursuant to subparagraph eleven-a of this paragraph, the resident public school district enrollment and its resident nonpublic school enrollment for the nineteen hundred ninety-nine--two thousand school year shall be used to calculate the district sharing ratio.

(11) "Maximum additional apportionment" for any appropriation first made in support of this subdivision in the education, labor and family assistance budget bill enacted for the nineteen hundred ninety-nine--two thousand state fiscal year means the result calculated when one hundred forty-five million dollars is multiplied by the district sharing ratio

for the school district provided, however, that such maximum additional apportionment shall not be less than twenty thousand dollars and provided further that in the event that the sum of the apportionments calculated pursuant to this section exceeds one hundred forty-five million dollars, all such apportionments in excess of twenty thousand dollars shall be adjusted downward on a prorated basis as determined by the commissioner, provided further that such adjustment shall not reduce any such apportionment below twenty thousand dollars. The commissioner shall notify each school district by September fifteenth, nineteen hundred ninety-nine, of the amount of the maximum additional apportionment available to it as calculated hereinabove. The maximum additional apportionment for a school district shall be available to such school district for the purpose of allowing the commissioner to make an apportionment or apportionments of monies appropriated for such purpose to fund expenditures and disbursements made for approved projects of such school district for school years nineteen hundred ninety-eight--nineteen hundred ninety-nine through and inclusive of two thousand one--two thousand two, provided that an apportionment may be made by the commissioner beyond June thirtieth, two thousand two for certain approved projects as specifically authorized by subparagraph one of paragraph c of this subdivision. An apportionment of monies for an approved project which is an eligible school construction project (including a construction emergency project) shall be subject to a repayment being made to the comptroller by the dormitory authority as more particularly provided for in paragraph d of this subdivision.

(11-a) "Maximum additional apportionment" for any appropriation first made in support of this subdivision in the education, labor and family assistance budget bill enacted for the two thousand--two thousand one state fiscal year means the result calculated when fifty million dollars is multiplied by the district sharing ratio for the school district, provided, however, that such maximum additional apportionment shall not be less than twenty thousand dollars and provided further that in the event that the sum of the apportionments calculated pursuant to this section exceeds fifty million dollars, all such apportionments in excess of twenty thousand dollars shall be adjusted downward on a prorated basis as determined by the commissioner, provided further that such adjustment shall not reduce any such apportionment below twenty thousand

dollars. The commissioner shall notify each school district by June fifteenth, two thousand, of the amount of the maximum additional apportionment available to it as calculated hereinabove. The maximum additional apportionment for a school district shall be available to such school district for the purpose of allowing the commissioner to make an apportionment or apportionments of monies appropriated for such purpose to fund expenditures and disbursements made for approved projects of such school district for school years nineteen hundred ninety-eight--nineteen hundred ninety-nine through and inclusive of two thousand two--two thousand three, provided that an apportionment may be made by the commissioner beyond June thirtieth, two thousand three for certain approved projects as specifically authorized by subparagraph one of paragraph c of this subdivision. An apportionment of monies for an approved project which is an eligible school construction project (including a construction emergency project) shall be subject to a repayment being made to the comptroller by the dormitory authority as more particularly provided for in paragraph d of this subdivision.

b. Eligibility. All approved projects shall be eligible for an apportionment or apportionments by the commissioner pursuant to this subdivision in the nineteen hundred ninety-nine--two thousand through two thousand two--two thousand three school years, provided however: (1) notwithstanding any other provision of this subdivision, any school district eligible for a maximum additional apportionment pursuant to this subdivision in excess of one hundred thousand dollars applying to the commissioner for approval of an eligible project for an apportionment or apportionments pursuant to this subdivision shall demonstrate: (i) that any eligible project for which such school district is seeking funding is contained within its five year capital facilities plan and is a critical priority project as indicated by the district's safety rating system as required by sections four hundred nine-d and four hundred nine-e of this chapter, or (ii) that such project is considered a construction emergency as defined in subparagraph six of paragraph a of this subdivision, or (iii) that such project is an approved building aidable project; and (2) notwithstanding any other provision of this subdivision, that for any school district eligible for a maximum additional apportionment pursuant to this

subdivision, in an amount less than or equal to one hundred thousand dollars, the requirements of clauses (i) - (iii) of subparagraph (1) hereof shall not apply.

c. Maximum additional apportionment. (1) A school district which has an approved project or projects shall be entitled to an apportionment or apportionments for such project or projects in an amount whether in the aggregate or otherwise, not to exceed the maximum additional apportionment calculated for such school district. Such maximum additional apportionment shall be available to the school district for expenditure for such approved projects in the school years nineteen hundred ninety-nine--two thousand through two thousand two--two thousand three, provided that expenditures for such approved project may be made from such maximum additional apportionment on or after July first, two thousand three and prior to June thirtieth, two thousand four if: (i) such project is approved by the voters of the school district, or is approved by the trustees or board of education for such school district where voter approval is not required, prior to July first, two thousand three; (ii) application is made to the commissioner for approval of such eligible project as an approved project by August first, two thousand three; and (iii) the commissioner approves such eligible project as an approved project by October first, two thousand three. The maximum additional apportionment may be expended in whole or in part in any of such school years and beyond June thirtieth, two thousand three as specifically authorized by the immediately preceding sentence. The amount of such maximum additional apportionment not expended, disbursed or encumbered for any such year shall be carried over for expenditure and disbursement to the next succeeding school year, provided that for the purposes of this subdivision a carryover shall not be authorized beyond the school year two thousand two--two thousand three except as otherwise authorized hereinabove in this subparagraph. Such maximum additional apportionment may be used to supplement the apportionments available pursuant to subdivisions six, six-a and six-b and paragraph c of subdivision fourteen of section thirty-six hundred two and subdivision twelve of this section for expenditures or disbursements for approved building aidable projects, provided that, for any school district with an enhanced building aid ratio computed pursuant to clause

(ii) of subparagraph two of paragraph b of subdivision six of section thirty-six hundred two of this article that is less than nine-tenths the total of such apportionments plus the apportionment payable pursuant to this subdivision for the approved project costs of the total apportionment for any approved building aidable project, as limited by the cost allowances specified in paragraph a of subdivision six of section thirty-six hundred two of this article, shall not exceed ninety-five percent of such approved project costs, and that, for any school district with an enhanced building aid ratio computed pursuant to such clause (ii) that is equal to nine-tenths or more, the total of such apportionments plus the apportionment payable pursuant to this subdivision for such approved project costs of an approved building aidable project shall not exceed ninety-eight percent of such approved project costs, provided further that the apportionment provided pursuant to this subdivision shall not otherwise reduce the apportionments payable for approved project costs pursuant to subdivisions six, six-a and six-b and paragraph c of subdivision fourteen of section thirty-six hundred two and subdivision twelve of this section and may be used by an eligible school district to fund the principal amount of any costs that are in excess of the costs approved for an apportionment pursuant to such subdivisions six, six-a or six-b of section thirty-six hundred two or subdivision twelve of this section. Except as authorized in this paragraph, expenditures from the maximum additional apportionment shall not be eligible for aid under any other provision of this chapter.

(2) The commissioner shall report to the governor and to the legislature by February first, two thousand three concerning the amount of any maximum additional apportionment available to each school district, whether in total or in part, that has not been applied for by any such school district by January first, two thousand three. If the total amount of such maximum additional apportionment has not been applied for and approved by the commissioner by July first, two thousand three, or, at the latest, applied for by August first, two thousand three and approved by the commissioner by October first, two thousand three as expressly limited by subparagraph one of this paragraph, the commissioner shall report to the governor and to the legislature and notify all districts by November first, two thousand three the total remaining aggregate amount of maximum additional apportionments for all

school districts which remain uncommitted by such school districts as of such date, which such total remaining aggregate amount shall then be distributed on a competitive basis established by the commissioner, with priority given to districts with outstanding needs as defined by the district's five year facility plan and approved by the voters of the school district, or approved by the trustees or board of education of a school district where voter approval is not required.

d. It is the intent of the legislature that school districts receive funding for approved projects in a timely manner. The payment of all apportionments to be made for approved projects pursuant to this subdivision shall be made from funds annually appropriated by the legislature for such purpose. An apportionment so made to a school district from appropriated funds by the commissioner for an approved project which is an eligible school construction project shall be repaid to the state comptroller by the dormitory authority from bond proceeds made available for such purpose pursuant to section sixteen hundred eighty-nine-a of the public authorities law.

e. Powers and duties of the commissioner. In administering the provisions of this subdivision, the commissioner shall:

(1) establish an application process for school districts which request the approval of the commissioner for funding for an apportionment or apportionments for eligible projects; and

(2) provide that approved projects which receive an apportionment or apportionments pursuant to this subdivision are designed, constructed and maintained in the most cost-effective manner possible, which minimizes waste and maximizes efficiency. The board of regents and the commissioner shall impose a mechanism for establishing guidelines for monitoring and documenting this process. The commissioner shall take appropriate action to ensure a district's compliance with this subparagraph.

f. Maintenance of projects. In order to assure effective discharge of state responsibility with respect to the implementation of this subdivision, the board of regents and the commissioner shall provide that no moneys shall be made available to a school district for an

eligible school construction project, exclusive of a construction emergency project unless and until such school district has complied with the requirements of sections four hundred nine-d and four hundred nine-e of this chapter and has submitted to the commissioner its current five year capital facilities plan required pursuant to subdivision six of this section, section twenty-five hundred-p of this chapter or any other provision of this chapter, detailing the district's infrastructure needs. Notwithstanding the provisions of this paragraph any school district receiving funds from the maximum additional apportionment shall provide an assurance to the commissioner that all projects funded under this subdivision will be maintained in good repair.

g. Compliance with other laws. Funds provided pursuant to this subdivision shall be subject to the applicable provisions of the state finance law and all other applicable federal, state and local laws.

11. Special academic improvement grants. a. In addition to apportionments otherwise provided by section thirty-six hundred two of this article, for aid payable in the school year two thousand one--two thousand two and every year thereafter, the amounts specified in paragraph b of this subdivision shall be paid for the sole purpose of enhancement of the academic programs of school districts that have become subject to removal of the board of education as a result of failure of one or more schools to meet state school accountability standards and serious financial problems that impact the ability of the school district to support program improvements without endangering the fiscal stability of the school district's residents and businesses. Grant funds awarded pursuant to this subdivision shall be used exclusively for services and expenses incurred by the school district to support and maintain the improvement of the academic performance of the schools of the school district, in accordance with a plan of expenditure prepared at the direction of the commissioner and approved by the commissioner.

b. To the Roosevelt union free school district there shall be paid twelve million dollars (\$12,000,000) on an annual basis. For school years commencing on July first, two thousand seven and thereafter, such

special academic improvement grant shall be payable from funds appropriated for such purpose and shall be apportioned to the Roosevelt union free school district in accordance with the payment schedules contained in section three thousand six hundred nine-a of this article, notwithstanding any provision of law to the contrary.

b-1. For the two thousand fourteen--two thousand fifteen school year, six million dollars shall be paid pursuant to paragraph b of this subdivision and the remaining six million dollars shall be paid after the submission of an expenditure plan by the superintendent of the Roosevelt union free school district to the speaker of the assembly, the temporary president of the senate and the members of the legislature representing such school district. Such plan shall focus on improving academic performance.

c. For the purposes of ensuring improvement in academic achievement consistent with the provisions of this grant, in any year in which an apportionment is provided pursuant to this section, the Roosevelt union free school district shall:

(1) Submit to the commissioner a five-year educational plan, in a manner prescribed by the commissioner, and such plan shall include specific courses of action that will be taken and details describing how additional state and federal funds will be used to improve educational outcomes for students and increase the quality of teachers and principals. This five-year educational plan will be updated and submitted to the commissioner by September first of each year.

(2) Submit a five-year fiscal stabilization plan in a manner prescribed by the commissioner, and aligned with the five-year educational plan for approval by the commissioner or his designee by September first of each year.

(3) Provide a proposed annual budget to the commissioner by the first business day of May of each year.

(4) Provide an annual approved budget to the commissioner by July first of each year.

(5) Provide quarterly budget status reports including compliance with the annual approved budget of the district.

(6) Take any additional actions or submit additional documentation

identified by the commissioner deemed necessary to ensure the fiscal integrity of the Roosevelt union free school district.

12. Capital outlay transition grants. a. Capital outlay transition grants. (1) The commissioner shall, upon application therefor, certify to the dormitory authority of the state of New York the amounts to be awarded as grants to school districts in the two thousand two--two thousand three state fiscal year for reimbursement of approved expenditures for capital outlays incurred in the two thousand one--two thousand two school year, as calculated pursuant to subdivision six of section thirty-six hundred two of this article and this subdivision.

(2) School districts which would have been eligible for an apportionment for base year approved expenditures for capital outlays pursuant to subdivision six of section thirty-six hundred two of this article in the two thousand two--two thousand three school year under the provisions of such subdivision six in effect in the two thousand one--two thousand two school year shall be eligible to apply for a grant pursuant to this paragraph in lieu of an apportionment of aid for such approved expenditures pursuant to subdivision six of section thirty-six hundred two of this article. Application for such grant shall be made on or before the first business day of September, two thousand two in such form as the commissioner shall determine, and shall include documentation of actual approved expenditures for capital outlays incurred in the two thousand one--two thousand two school year.

(3)(i) Upon approval of such application by the commissioner, the district shall be eligible for a grant in an amount equal to the lesser of: (1) the product of the amount of the district's base year approved expenditures for capital outlays for school building purposes determined pursuant to subdivision six of section thirty-six hundred two of this article from its general fund, capital fund or from a reserve fund, based on data on file with the commissioner on the first business day of September, two thousand two, multiplied by the sum of the aid ratio computed for such expenditures pursuant to the provisions of paragraph c of subdivision six of section thirty-six hundred two of this article, plus the incentive decimal, if any, calculated pursuant to subparagraph two of paragraph b of such subdivision six, provided that the amount of reimbursement attributable to approved expenditures for capital outlays

for joint facilities shall be determined pursuant to subparagraph four of this paragraph, and (2) the amount set forth for such school district in the school aid listing for the current year produced by the commissioner in May two thousand two and entitled "SA0203".

(ii) In the event that the sum of the grants calculated by the commissioner for school districts pursuant to clause (i) of this subparagraph is less than one hundred forty million dollars the districts shall be eligible for an additional grant in an amount up to the difference between (1) the product of the amount of the district's base year approved expenditures for capital outlays for school building purposes determined pursuant to subdivision six of section thirty-six hundred two of this article from its general fund, capital fund or from a reserve fund that was approved by the board of education in a city with a population of more than one hundred twenty-five thousand as of May fifteenth, two thousand two or by the voters in another school district prior to July first, two thousand two, based on data on file with the commissioner on the first business day of September, two thousand two, multiplied by the sum of the aid ratio computed for such expenditures pursuant to the provisions of paragraph c of subdivision six of section thirty-six hundred two of this article, plus the incentive decimal, if any, calculated pursuant to subparagraph two of paragraph b of such subdivision six, provided that the amount of reimbursement attributable to approved expenditures for capital outlays for joint facilities shall be determined pursuant to subparagraph four of this paragraph, minus, (2) the amount calculated pursuant to clause (i) of this subparagraph. Such additional grants shall be approved in the order of the date of receipt of the district's application by the commissioner, up to the total amount of the appropriation; provided that in the event that two or more school districts submit application on the same day and full payment of the amounts so requested exceed such appropriation, the commissioner shall adjust the grant amounts to conform to such appropriation. In no event shall any grant not be awarded due to an inability of the commissioner to make a full award of the amount on the application.

(4) In the case of two or more school districts eligible for operating aid pursuant to section thirty-six hundred two of this article that have entered into an agreement in accordance with section one hundred

nineteen-o of the general municipal law and subdivision six-b of section thirty-six hundred two of this article for approved expenditures for the construction or reconstruction of one or more single site joint facilities where the general contract for the project shall have been awarded on or after July first, nineteen hundred ninety-three, and the project and joint agreement shall have been approved by the commissioner and, for participating school districts in which the school budget is subject to voter approval, the joint agreement has been approved by the voters of the district, the lead district shall be eligible for the product of such base year approved expenditures for capital outlays for school building purposes, multiplied by the sum of (i) the product for each of the participating districts of the district's aid ratio computed for such expenditures pursuant to the provisions of paragraph c of subdivision six of section thirty-six hundred two of this article multiplied by the district's share of the use of the facility, plus (ii) the incentive decimal, if any, calculated pursuant to subparagraph two of paragraph b of such subdivision six.

(5) Notwithstanding any other provisions of law to the contrary, the amounts payable pursuant to this paragraph shall be certified by the commissioner in accordance with section sixteen hundred eighty-nine-f of the public authorities law and shall be paid to school districts by the dormitory authority of the state of New York, within the amounts appropriated for such purpose, from the proceeds of bonds and notes issued pursuant to such section sixteen hundred eighty-nine-f. Such payment shall fulfill any obligation of the state or the commissioner to apportion funds pursuant to this paragraph, and whenever a school district has been apportioned more money pursuant to this paragraph than that to which it is entitled, the commissioner may deduct such amount from the next apportionment to be made to such school district.

b. Excess capital outlay transition grants. (1) For aid payable in the two thousand three--two thousand four school year, the commissioner shall, within the amounts appropriated for such purpose, provide grants to school districts in the amount of any excess of the product of the amount of such school district's approved expenditures incurred in the two thousand one--two thousand two school year for capital outlays for school building purposes determined pursuant to subdivision six of

section thirty-six hundred two of this article from its general fund, capital fund or from a reserve fund, multiplied by the sum of the aid ratio selected for use in the two thousand two--two thousand three school year for such expenditures pursuant to the provisions of paragraph c of subdivision six of section thirty-six hundred two of this article, plus the incentive decimal, if any, calculated for the two thousand two--two thousand three school year pursuant to subparagraph two of paragraph b of such subdivision six, provided that the amount of reimbursement attributable to approved expenditures for capital outlays for joint facilities shall be determined pursuant to subparagraph four of paragraph a of this subdivision, based on data on file on the first business day of September, two thousand three, over the amount reimbursed as capital outlay transition grants pursuant to the provisions of paragraph a of this subdivision.

(2) A school district which was eligible for a grant pursuant to paragraph a of this subdivision and where the product of the amount of such school district's approved expenditures incurred in the two thousand one--two thousand two school year for capital outlays for school building purposes determined pursuant to subdivision six of section thirty-six hundred two of this article from its general fund, capital fund or from a reserve fund, multiplied by the sum of the aid ratio selected for use in the two thousand two--two thousand three school year for such expenditures pursuant to the provisions of paragraph c of subdivision six of section thirty-six hundred two of this article, plus the incentive decimal, if any, calculated for the two thousand two--two thousand three school year pursuant to subparagraph two of paragraph b of such subdivision six, provided that the amount of reimbursement attributable to approved expenditures for capital outlays for joint facilities shall be determined pursuant to subparagraph four of paragraph a of this subdivision, is in excess of the amount it received under paragraph a of this subdivision shall be eligible to apply for a grant pursuant to this subdivision in lieu of an apportionment of aid for such approved expenditures pursuant to subdivision six of section thirty-six hundred two of this article. Application for such grant shall be made on or before the first business day of September, two thousand three in such form as the commissioner shall determine, and shall include documentation of actual approved

expenditures for capital outlays incurred in the two thousand one--two thousand two school year.

(3) Notwithstanding any other provision of law to the contrary, grants awarded pursuant to this paragraph shall be payable from funds appropriated for such purpose and shall be apportioned in accordance with the payment schedule contained in section thirty-six hundred nine-a of this article.

c. Notwithstanding any other provision of law to the contrary, approved expenditures for capital outlays incurred in the two thousand one--two thousand two school year shall not be eligible for an apportionment pursuant to subdivision six of section thirty-six hundred two of this article, provided that nothing in this subdivision shall be construed to limit the eligibility of a school district for reorganization incentive building aid in the two thousand two--two thousand three school year based on computations pursuant to subdivision six of section thirty-six hundred two of this article. Expenditures incurred for lease or other annual payments under the provisions of section four hundred three-b, subdivision eight of section twenty-five hundred three or subdivision six of section twenty-five hundred fifty-four of this chapter, other than payments under a lease-purchase agreement or an equivalent agreement, and expenditures aidable pursuant to subdivisions six-c, six-d, or six-e of section thirty-six hundred two of this article, shall not be deemed capital outlay for purposes of this subdivision.

13. Transportation capital expense transition grants. a. The commissioner shall, upon application therefor, certify to the authorized issuer established pursuant to subdivision (b) of section sixty-one of the chapter of the laws of two thousand four which added this subdivision the amounts to be awarded as grants to school districts in the two thousand four--two thousand five state fiscal year for reimbursement of approved expenses for transportation capital, debt service and leases for the two thousand three--two thousand four school year, as calculated pursuant to subdivision seven of section thirty-six hundred two of this article and this subdivision.

b. School districts which would have been eligible for an apportionment for base year approved expenses for transportation capital, debt service and leases, as defined in subdivision two of section thirty-six hundred twenty-three-a of this article, pursuant to subdivision seven of section thirty-six hundred two of this article in the two thousand four--two thousand five school year under the provisions of such subdivision seven in effect in the two thousand three--two thousand four school year shall be eligible to apply for a grant pursuant to this paragraph in lieu of an apportionment of aid for such approved expenses pursuant to subdivision seven of section thirty-six hundred two of this article. Application for such grant shall be made on or before the first business day of November, two thousand four in such form as the commissioner shall determine, and shall include documentation of actual approved transportation capital, debt service and/or lease expense incurred in the two thousand three--two thousand four school year or that would otherwise have been eligible for an apportionment in the two thousand four--two thousand five school year pursuant to subdivision seven of section thirty-six hundred two of this article as it existed in the two thousand three--two thousand four school year.

c. Upon approval of such application by the commissioner, the district shall be eligible for a grant in an amount equal to the apportionment computed pursuant to subdivision seven of section thirty-six hundred two of this article on its approved expenses for transportation capital, debt service and leases, as if such expenses continued to be aidable under such subdivision seven, based on data on file with the commissioner as of November first, two thousand four.

d. Notwithstanding any other provisions of law to the contrary, the amounts payable pursuant to this paragraph shall be certified by the commissioner in accordance with section sixty-one of the chapter of the laws of two thousand four which added this subdivision and shall be paid to school districts by the authorized issuer established pursuant to subdivision (b) of section fifty-four of the chapter of the laws of two thousand four which added this subdivision from the proceeds of bonds and notes issued pursuant to such section thirty-six. Such payment shall

fulfill any obligation of the state or the commissioner to apportion funds pursuant to this paragraph or subdivision seven of section thirty-six hundred two of this article for approved expenses for transportation capital, debt service or leases, and whenever a school district has been apportioned more money pursuant to this paragraph than that to which it is entitled, the commissioner may deduct such amount from the next apportionment to be made to such school district.

* 14. Expanding our children's education and learning (EXCEL) a. Establishment of the EXCEL program. There is hereby established the expanding our children's education and learning (EXCEL) program to provide project financing or assistance in the form of grants to eligible school districts, in addition to, or in lieu of, the apportionments made pursuant to subdivisions six, six-a, six-b, six-c, six-d, six-e, six-f and paragraph c of subdivision fourteen of section thirty-six hundred two of this article, and subdivisions ten and twelve of this section, for the costs of EXCEL school facility projects. An apportionment for any such project shall initially be available in the state fiscal year commencing April first, two thousand six. Such apportionment shall be used to fund projects certified by the commissioner in accordance with subdivision six of section sixteen hundred eighty-nine-i of the public authorities law prior to December thirty-first, two thousand twenty-eight. Notwithstanding any provision of law to the contrary, the dormitory authority of the state of New York shall be authorized to issue bonds or notes in an aggregate amount not to exceed two billion six hundred million dollars for purposes of the EXCEL program.

b. Definitions. The following terms, whenever used or referred to in this subdivision, unless the context indicates otherwise, shall have the following meanings:

(1) "EXCEL project". An EXCEL project shall be certified by the commissioner prior to December thirty-first, two thousand twenty-eight and shall include, but not be limited to, the acquisition, design, planning, construction, reconstruction, rehabilitation, preservation, development, improvement or modernization of an EXCEL school facility, where such project:

(i) is (a) for a school district other than the city school district

of the city of New York, a construction project that has been reviewed by the department and approved by the commissioner pursuant to this subdivision, where a certification that a general construction contract had been awarded for such project by or on behalf of the district was not on file with the commissioner as of April first, two thousand six or (b) for the city school district of the city of New York, a project which is listed and contained in the five year capital plan, which has been approved and adopted by the city council pursuant to section twenty-five hundred ninety-p of this chapter, for the two thousand five through two thousand nine fiscal years, and provided that such project must commence, as close as practicable, according to the schedule set forth in the five year capital plan as amended and approved by the city council as of July, two thousand five, and

(ii) falls within one or more of the following categories:

(a) An education technology project which, as a primary purpose, enhances the use of technology including but not limited to, instructional content with video streaming, electrical upgrades, wiring, cabling installations, internet connections, fiber optics, conduits, raceways, telecommunication systems, hardware, electronic commerce and wireless options;

(b) A health and safety project which, as a primary purpose, addresses the reduction or elimination of the risk of personal injury or harm to occupants of public school buildings used primarily for instruction, including but not limited to environmental remediation, the eradication of fire and health code violations, the provisions of adequate ventilation including heating, ventilation and air conditioning equipment, and the rehabilitation and repair of existing facilities;

(c) An accessibility project which, as a primary purpose, enhances accessibility to public school buildings used primarily for instruction for individuals with disabilities;

(d) A physical capacity expansion project or school construction project which, as a primary purpose, expands the availability of adequate and appropriate instructional space in a public school building used primarily for instruction, including but not limited to expansions which provide for reduced class size and science laboratories; and

(e) An energy project which, as a primary purpose, reduces energy costs and/or energy consumption.

(2) "EXCEL school facility". An EXCEL school facility shall mean an existing or proposed facility or other property real and personal, and other appurtenances thereto to be utilized by a school district for education purposes.

(3) "Eligible project costs". Eligible project costs, for purposes of the EXCEL program shall mean any expenditures for an EXCEL project, where such project is eligible for an apportionment pursuant to subdivisions six, six-a, six-b, six-f and/or paragraph c of subdivision fourteen of section thirty-six hundred two of this article.

(4) "Eligible school district" means a school district eligible to receive an apportionment in lieu of operating aid in the two thousand six--two thousand seven school year, apportioned pursuant to section thirty-six hundred two of this article, or eligible to receive an apportionment of total foundation aid in the two thousand seven--two thousand eight school year and thereafter, pursuant to such section thirty-six hundred two of this article.

(5) "Maximum additional apportionment" means the sum of the following amounts:

(i) For an eligible school district that is eligible for the high-need supplemental building aid ratio pursuant to the provisions of clause (c) of subparagraph two of paragraph c of subdivision six of section thirty-six hundred two of this article, other than a city school district in a city having a population of one million inhabitants or more, an amount equal to the product of seven hundred seventy-eight dollars and twenty-two cents (\$778.22) multiplied by the public school district enrollment of the district in the two thousand five--two thousand six school year, as computed pursuant to subparagraph two of paragraph n of subdivision one of section thirty-six hundred two of this article as based on data on file for the school aid computer listing produced by the commissioner in support of the enacted budget for the two thousand six--two thousand seven school year and entitled "SA060-7".

(ii) For any other eligible school district, other than a city school district in a city having a population of one million inhabitants or more, an amount equal to the product of three hundred twenty dollars and forty-six cents (\$320.46) multiplied by the public school district enrollment of the district in the two thousand five--two thousand six school year, as computed pursuant to subparagraph two of paragraph n of

subdivision one of section thirty-six hundred two of this article as based on data on file for the school aid computer listing produced by the commissioner of education in support of the enacted budget for the two thousand six--two thousand seven school year and entitled "SA060-7".

(iii) For an eligible city school district in a city having a population of one million inhabitants or more one billion eight hundred million dollars.

c. EXCEL apportionment. (1) EXCEL apportionment for school enhancement. Funds in an aggregate amount not to exceed eight hundred million dollars shall be available for grants to eligible school districts other than a city school district in a city having a population of one million inhabitants or more. Each eligible school district which has an EXCEL project or projects shall be entitled to a grant or grants for such project or projects in an amount whether in the aggregate or otherwise, not to exceed the maximum additional apportionment calculated for such school district. The amount of such maximum additional apportionment not expended, disbursed or encumbered for any such year shall be carried over for expenditure and disbursement to the next succeeding school year. Such maximum additional apportionment may be used, at the option of the school district, in lieu of, or to supplement, the apportionments available pursuant to subdivisions six, six-a, six-b, six-c, six-d, six-e, six-f and paragraph c of subdivision fourteen of section thirty-six hundred two of this article, and subdivisions ten and twelve of this section, provided that the total of such apportionments less any semiannual payments of interest computed pursuant to subparagraph three of paragraph e of subdivision six of section thirty-six hundred two of this article plus the grant payable pursuant to this subdivision for the total project costs of any EXCEL project shall not exceed such total project costs, provided further that where the school district opts to use the EXCEL apportionment provided pursuant to this subdivision to supplement the apportionments payable for approved project costs pursuant to subdivisions six, six-a, six-b, six-c, six-d, six-e, six-f and paragraph c of subdivision fourteen of section thirty-six hundred two of this article, and subdivisions ten and twelve of this section, such EXCEL apportionment shall not otherwise reduce such apportionments. Except as

authorized in this paragraph, expenditures from the maximum additional apportionment shall not be eligible for aid under any other provision of this chapter.

(2) EXCEL apportionment for city facilities enhancement. Funds in an aggregate amount not to exceed one billion eight hundred million dollars shall be available for grants to a city school district in a city having a population of one million inhabitants or more. Such school district shall be entitled to a grant or grants for each EXCEL project or projects in an amount whether in the aggregate or otherwise, not to exceed the maximum additional apportionment calculated for such school district. The amount of such maximum additional apportionment not expended, disbursed or encumbered for any such year shall be carried over for expenditure and disbursement to the next succeeding school year. Such maximum additional apportionment may be used, at the option of the school district, in lieu of, or to supplement, the apportionments available pursuant to subdivisions six, six-a, six-b, six-c, six-d, six-e, six-f and paragraph c of subdivision fourteen of section thirty-six hundred two of this article, and subdivisions ten and twelve of this section, provided that the total of such apportionments less any semiannual payments of interest computed pursuant to subparagraph two of paragraph e of subdivision six of section thirty-six hundred two of this article plus the grant payable pursuant to this subdivision for the total project costs of any EXCEL project shall not exceed such total project costs, provided further that where the school district opts to use the EXCEL apportionment provided pursuant to this subdivision to supplement the apportionments payable for approved project costs pursuant to subdivisions six, six-a, six-b, six-c, six-d, six-e, six-f and paragraph c of subdivision fourteen of section thirty-six hundred two of this article, and subdivisions ten and twelve of this section, such EXCEL apportionment shall not otherwise reduce such apportionments. Except as authorized in this paragraph, expenditures from the maximum additional apportionment shall not be eligible for aid under any other provision of this chapter.

(3) The commissioner shall, upon application therefor in such form as the commissioner may require, determine the amounts to be awarded as grants to school districts as calculated pursuant to this subdivision. The amounts determined pursuant to this subdivision shall be certified

by the commissioner in accordance with subdivision six of section sixteen hundred eighty-nine-i of the public authorities law. Upon the issuance of bonds by the dormitory authority of the state of New York pursuant to such section sixteen hundred eighty-nine-i, the amounts of money so certified shall be paid to school districts by the dormitory authority from the proceeds of such bonds, provided, however, that the payment schedule set forth in subdivision one of this section shall not apply to such payments. Such payment shall fulfill any obligation of the state or the commissioner to apportion funds pursuant to this subdivision, and whenever a school district has been apportioned more money pursuant to this subdivision than that to which it is entitled, the commissioner may deduct such amount from the next apportionment to be made to such school district.

* NB Repealed December 31, 2029

15. Annual professional performance reviews transition grants. a. For the two thousand eleven--two thousand twelve school year and/or the two thousand twelve--two thousand thirteen school year provided, if a school district has submitted a plan pursuant to paragraph k of subdivision two of section three thousand twelve-c of this chapter before June thirtieth, two thousand twelve and the commissioner finds that such plan does not meet the requirements of section three thousand twelve-c of this chapter under paragraph k of subdivision two of section three thousand twelve-c of this chapter, and that the cost of implementing the locally-developed components of an approved plan pursuant to paragraph k of subdivision two of section three thousand twelve-c of this chapter are more costly than the plan that is originally submitted, the commissioner is authorized to award annual professional performance reviews transition grants to eligible school districts pursuant to this subdivision.

b. Prior to the submission of the plan for approval under paragraph k of subdivision two of section three thousand twelve-c of this chapter a school district may submit for review to the commissioner prior to June thirtieth, two thousand twelve locally developed components to meet the requirements of section three thousand twelve-c of this chapter for the two thousand eleven--two thousand twelve school year and/or the two

thousand twelve--two thousand thirteen school year. A school district shall have the authority to submit locally developed components to the commissioner only if successfully determined through collective bargaining. The commissioner shall have the discretion and authority to review such locally developed components and in such cases if the commissioner determines that changes to the submitted locally developed components are necessary to meet the requirements of section three thousand twelve-c of this chapter and further the commissioner determines such changes are more costly than the locally developed components originally submitted under this paragraph, the commissioner is authorized to award annual professional performance reviews transition grants to eligible school districts pursuant to this subdivision upon final approval of the plan under paragraph k of subdivision two of section three thousand twelve-c of this chapter.

c. The school district may provide a schedule of such additional expenses, if any, on a form prescribed by the commissioner, that were necessarily incurred by the school district in order to implement the specific requirements of the commissioner contained in the approved plan. The commissioner shall have the discretion and authority to approve or disapprove such expenses from such schedule for grants under this subdivision. The commissioner may require supporting documentation from the school district in order to determine whether or not such additional expenses were valid, reasonable, and essential to implementing the specific requirements of the commissioner and to determine whether or not such claim, or any part of such claim, be approved. The commissioner may also consider the manner in which the components of the plan were developed and if such requirements were not met as a result of a lack of good faith.

d. Approved additional expenses for annual professional performance reviews transition grants pursuant to this subdivision for the two thousand twelve--two thousand thirteen school year shall continue to be eligible for reimbursement. Such approved expenses shall be eligible for payment on or after September first following the end of the school year in which such expenses were approved. In the event the appropriation for purposes of this subdivision in any year is insufficient to pay all

approved claims pursuant to this subdivision, the commissioner shall pay such claims on a prorated basis among all districts filing such claims until the appropriation is exhausted. The commissioner shall promulgate rules and regulations necessary to implement the provisions of this subdivision within sixty days of the effective date of the chapter of the laws of two thousand thirteen that amended this paragraph.

16. Implementation of the smart schools bond act of 2014. a. Definitions. The following terms, whenever used or referred to in this subdivision, unless the context indicates otherwise, shall have the following meanings:

(1) "Bonds" shall mean general obligation bonds issued pursuant to the "smart schools bond act of 2014" in accordance with article VII of the New York state constitution and article five of the state finance law.

(2) "Smart schools investment plan" shall mean a document prepared by a school district setting forth the smart schools project or projects to be undertaken with such district's smart schools allocation.

(3) "Smart schools project" shall mean a capital project as set forth and defined in subparagraphs four, five, six or seven of this paragraph.

(4) "Pre-kindergarten or transportable classroom unit (TCU) replacement project" shall mean a capital project which, as a primary purpose, expands the availability of adequate and appropriate instructional space for pre-kindergarten or provides for the expansion or construction of adequate and appropriate instructional space to replace TCUs.

(5) "Community connectivity project" shall mean a capital project which, as a primary purpose, expands high-speed broadband or wireless internet connectivity in the local community, including school buildings and campuses, for enhanced educational opportunity in the state.

(6) "Classroom technology project" shall mean a capital project to expand high-speed broadband or wireless internet connectivity solely for school buildings and campuses, or to acquire learning technology hardware for schools, classrooms, and student use, including but not limited to whiteboards, computer servers, desktop computers, laptop computers, and tablet computers.

(7) "School safety and security technology project" shall mean a capital project to install high-tech security features in school

buildings and on school campuses, including but not limited to video surveillance, emergency notification systems and physical access controls, for enhanced educational opportunity in the state.

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

(9) "Smart schools allocation" shall mean, for each school district, the product of (i) two billion dollars (\$2,000,000,000) multiplied by (ii) the quotient of such school district's selected school aid divided by the total selected school aid to all school districts.

b. Smart schools investment plans. (1) Subject to the approval of the director of the budget, the commissioner shall issue guidelines setting forth required components and eligibility criteria for smart schools investment plans to be submitted by school districts. Such guidelines shall include but not be limited to: (i) a timeline for school district submission of smart schools investment plans; (ii) any requirements for the use of available state procurement options where applicable; (iii) any limitations on the amount of a district's smart schools allocation that may be used for assets with a short probable life; and (iv) the loan of smart schools classroom technology pursuant to section seven hundred fifty-five of this chapter.

(2) No school district shall be entitled to a smart schools grant until such district shall have submitted a smart schools investment plan to the department and received the commissioner's approval of such investment plan. In developing such investment plan, school districts shall consult with parents, teachers, students, community members and other stakeholders.

(3) The commissioner shall review all smart schools investment plans for compliance with all eligibility criteria and other requirements set

forth in the guidelines. The commissioner may approve or reject such plans, or may return such plans to the school district for modifications; provided that notwithstanding any inconsistent provision of law, the commissioner shall approve no such plan first submitted to the department on or after April fifteenth, two thousand seventeen, unless such plan calculates the amount of classroom technology to be loaned to students attending nonpublic schools pursuant to section seven hundred fifty-five of this chapter in a manner that includes the amount budgeted by the school district for servers, wireless access points and other portable connectivity devices to be acquired as part of a school connectivity project. Upon approval, the smart schools project or projects described in the investment plan shall be eligible for smart schools grants. A smart schools project included in a school district's smart schools investment plan shall not require separate approval of the commissioner unless it is part of a school construction project required to be submitted for approval of the commissioner pursuant to section four hundred eight of this chapter and/or subdivision six of section thirty-six hundred two of this article. Any department, agency or public authority shall provide the department with any information it requires to fulfill its duties pursuant to this subdivision.

(4) Any amendments or supplements to a smart schools investment plan shall be submitted to the department for approval, and shall not take effect until such approval is granted.

c. Expenditure of money. (1) Smart schools grants. Each school district which has an approved smart schools investment plan including a smart schools project or projects shall be entitled to a grant or grants for the smart schools project or projects included therein in an amount, whether in the aggregate or otherwise, not to exceed the smart schools allocation calculated for such school district. The amount of such allocation not expended, disbursed or encumbered for any school year shall be carried over for expenditure and disbursement to the next succeeding school year. Expenditures from the smart schools allocation shall not be eligible for aid under any other provision of this chapter.

(2) The amounts determined pursuant to this subdivision to be paid to school districts shall be certified by the commissioner in accordance with this subdivision. If, upon the option of a school district, a smart

schools investment plan directs that an amount be transferred or suballocated to a department, agency, or public authority to be spent on behalf of the school district, such amounts shall be transferred or suballocated, consistent with such plan, upon the approval of the director of the budget. The amounts of money so certified or made available shall be paid by the comptroller in accordance with appropriations therefor, provided, however, that the payment schedule set forth in subdivision one of this section shall not apply to such payments. Such payment shall fulfill any obligation of the state or the commissioner to apportion funds pursuant to this subdivision, and whenever a school district has been apportioned more money pursuant to this subdivision than that to which it is entitled, the commissioner may deduct such amount from the next apportionment to be made to such school district.

d. Consistency with federal tax law. All actions taken pursuant to this subdivision shall be reviewed for consistency with provisions of the federal internal revenue code and regulations thereunder, in accordance with procedures established in connection with the issuance of any tax exempt bonds pursuant to this subdivision, to preserve the tax exempt status of such bonds.

e. Compliance with other law. Every recipient of funds to be made available pursuant to this subdivision shall comply with all applicable state, federal and local laws.

17. Learning loss grants. a. For the two thousand twenty-one--two thousand twenty-two school year, eligible school districts shall receive grants in aid equal to the positive difference, if any, of the base ARPA allocation less ninety percent of the funds from the elementary and secondary school emergency relief fund made available to school districts pursuant to the American rescue plan act of 2021, (P.L. 117-2), but not less than seven hundred thousand dollars (\$700,000), and not more than ten million dollars (\$10,000,000) or ten percent (0.1) of the total expenditures from the district's general fund for the two thousand twenty--two thousand twenty-one school year, whichever is less. School districts where the base ARPA allocation is less than or equal to

ninety percent of the funds from the elementary and secondary school emergency relief fund made available to school districts pursuant to the American rescue plan act of 2021, shall not be eligible for these grants. Such grant funds shall remain available for obligation by such school districts until the deadline therefor prescribed in federal law.

b. The "base ARPA allocation" shall be equal to the product of the adjusted per pupil amount multiplied by public school district enrollment for the base year as computed pursuant to paragraph n of subdivision one of section thirty-six hundred two of this article. The "adjusted per pupil amount" shall be equal to the product of: (1) four thousand five hundred fifty dollars and twenty-six cents (\$4,550.26); multiplied by (2) the regional cost index calculated in two thousand eighteen, reflecting an analysis of labor market costs based on median salaries in professional occupations that require similar credentials to those of positions in the education field, but not including those occupations in the education field; multiplied by (3) the modified EN index; and multiplied by (4) the learning loss wealth factor.

(1) For purposes of this paragraph, the "learning loss wealth factor" shall be equal to the positive difference, if any, of seventy-five hundredths (0.75) less half of the combined wealth ratio computed pursuant to subparagraph one of paragraph c of subdivision three of section thirty-six hundred two of this article.

(2) For purposes of this paragraph, the "modified EN index" shall be equal to the modified EN percent divided by the statewide average modified EN percent, provided that for the two thousand twenty-one--two thousand twenty-two school year, the statewide average modified EN percent shall be equal to five thousand five hundred sixty-five ten-thousandths (0.5565).

(3) For purposes of this paragraph, the "modified EN percent" shall be equal to the modified EN count divided by public school district enrollment for the base year computed pursuant to paragraph n of subdivision one of section thirty-six hundred two of this article.

(4) For purposes of this paragraph, the "modified EN count" shall equal the sum of (A) the product of fifty percent (0.5) multiplied by the English language learner count computed pursuant to paragraph o of subdivision one of section thirty-six hundred two of this article, plus

(B) the sparsity count computed pursuant to paragraph r of subdivision one of section thirty-six hundred two of this article, plus (C) the product of sixty-five hundredths (0.65) multiplied by the three-year average small area income and poverty estimate rate computed pursuant to paragraph mm of subdivision one of section thirty-six hundred two of this article and multiplied further by public school district enrollment for the base year as computed pursuant to paragraph n of subdivision one of section thirty-six hundred two of this article, plus (D) the product of sixty-five hundredths (0.65) multiplied by the three-year average economically disadvantaged rate defined pursuant to paragraph ll of subdivision one of section thirty-six hundred two of this article and multiplied further by public school district enrollment for the base year as computed pursuant to paragraph n of subdivision one of section thirty-six hundred two of this article.

c. Districts receiving learning loss grants shall use: (1) fourteen and two hundred eighty-six thousandths percent (0.14286) of such grants for implementation of evidence-based summer enrichment programs; (2) fourteen and two hundred eighty-six thousandths percent (0.14286) for implementation of evidence-based comprehensive afterschool programs; and (3) the remaining funds for activities to address learning loss by supporting the implementation of evidence-based interventions, such as summer learning or summer enrichment, extended day, comprehensive afterschool programs, or extended school year programs. School districts shall ensure that such interventions respond to students' academic, social, and emotional needs and address the disproportionate impact of the coronavirus on low-income students, children with disabilities, English learners, migrant students, students experiencing homelessness, and children in foster care.