

2010-11 NEW YORK STATE EXECUTIVE BUDGET
EDUCATION, LABOR AND FAMILY ASSISTANCE
ARTICLE VII LEGISLATION

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CONTENTS

PART	DESCRIPTION	STARTING PAGE NUMBER
A	Amend the Education Law to provide a one-year reduction in School Aid, adjust the planned phase-in of Foundation Aid beginning in the 2011-12 school year, and make other changes necessary to implement the Executive Budget.	<u>4</u>
B	Enact School District Paperwork Reduction and Mandate Reform.	<u>46</u>
C	Modernize the nomenclature for special education aid formulas.	<u>48</u>
D	Require the New York State Theatre Institute and the Empire State Plaza Performing Arts Center Corporation to become self-supporting.	<u>53</u>
E	Enact the New York State Public Higher Education Empowerment and Innovation Act.	<u>54</u>
F	Increase academic standards for non-remedial Tuition Assistance Program recipients.	<u>88</u>
G	Amend the eligibility requirements for the Tuition Assistance Program (TAP) as it relates to students in default on certain student loans.	<u>92</u>
H	Eliminate Tuition Assistance Program eligibility for graduate students.	<u>93</u>

I	Place financially independent students under age 22 and married students with no children on new Tuition Assistance Program award schedules.	94
J	Reduce the maximum Tuition Assistance Program (TAP) award for students matriculated in certain two-year degree programs to \$4,000.	96
K	Provide Tuition Assistance Program awards to students attending certain institutions not under the State Education Department's direct supervision.	97
L	Reduce Tuition Assistance Program awards by \$75.00.	99
M	Include all private pension and annuity income in Tuition Assistance Program eligibility determinations.	99
N	Extend the Patricia K. McGee Nursing Faculty Scholarship and the Nursing Faculty Loan Forgiveness Incentive programs until 2015.	100
O	Extend the Regents Physician Loan Forgiveness Program until the end of the 2010-11 academic year.	100
P	Amend the Education Law to eliminate certain State sponsored merit scholarship programs beginning in Academic Year 2010-11.	100
Q	Amend the Education Law in relation to community college chargeback provisions.	102
R	Extend current social worker and mental health professional licensing exemptions for the Department of Mental Hygiene, the Office of Children and Family Services, and local government programs.	102

S	Amend various provisions of law in relation to the New York Higher Education Loan Program (NYHELPS).	103
T	Make technical corrections with regard to the District Attorney and Indigent Legal Services Attorney Loan Forgiveness Program.	107
U	Expand investment choices for the Optional Retirement Program to include corporations that manage or invest in mutual funds.	107
V	Eliminate the STAR exemption benefit for properties having an equalized value of \$1.5 million or more.	109
W	Lower the STAR "floor" from 89 percent to 82 percent.	110
X	Restructure NYC Personal Income Tax STAR by limiting the tax rate reduction benefit to the first \$250,000 of income.	110
Y	Enable the use of an electronic benefit transfer system for the foster care and adoption programs.	127
Z	Create the Kinship Guardianship Assistance Program.	127
AA	Allow for court-ordered child protective investigations only in those instances in which there is reasonable cause to suspect child abuse or neglect.	138
BB	Authorize appearances by electronic means in Family Court proceedings.	140
CC	Clarify the scope and fiscal responsibility associated with the Safe Harbour for Exploited Children Act.	143

DD	Authorize the deduction and transfer of payments to child care unions from certain child care providers.	151
EE	Reduce mandates on local social services districts by streamlining county planning requirements.	153
FF	Clarify the State's authority to withhold payments to districts for past due youth facility reimbursement.	158
GG	Modify the scheduled Public Assistance Grant Increase.	159
HH	Authorize the Supplemental Security Income Federal Cost-of-Living Adjustment Pass-Through.	161
II	Authorize the State to administer additional State payments for Supplemental Security Income (SSI) recipients and other eligible individuals.	162
JJ	Transfer the administration of the Nutrition Outreach and Public Education Program from the Department of Health to the Office of Temporary and Disability Assistance.	163
KK	Authorize the Office of Temporary and Disability Assistance to Access Wage Reporting Data	165

STATE OF NEW YORK

S. 6607

A. 9707

SENATE - ASSEMBLY

January 19, 2010

IN SENATE -- A BUDGET BILL, submitted by the Governor pursuant to article seven of the Constitution -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

IN ASSEMBLY -- A BUDGET BILL, submitted by the Governor pursuant to article seven of the Constitution -- read once and referred to the Committee on Ways and Means

AN ACT to amend the education law, in relation to a contract for excellence; to amend the education law, in relation to education mandates; to amend the state finance law, in relation to the state lottery fund; to amend the education law, in relation to identifying school districts with high rates of identification of students with disabilities; to amend the general municipal law, in relation to authorizing a withdrawal from the employee benefit accrued liability reserve fund and the examination of accounts; to amend chapter 756 of the laws of 1992 relating to funding a program for work force education conducted by the consortium for worker education in New York city, in relation to apportionment and reimbursement and in relation to the effectiveness of such provisions; to amend chapter 425 of the laws of 2002, amending the education law relating to the provision of supplemental educational services, attendance at a safe public school and the suspension of pupils who bring a firearm to or possess a firearm at a school, in relation to the effectiveness of such chapter; to amend chapter 101 of the laws of 2003, amending the education law relating to implementation of the No Child Left Behind Act of 2001, in relation to the effectiveness thereof; to amend chapter 618 of the laws of 1998, amending the general municipal law and the education law relating to disposal of surplus computer equipment by political subdivisions, in relation to extending the expiration of such chapter; to amend chapter 219 of the laws of 2003, amending the education law relating to publishers or manufacturers providing printed instructional materials for college students with disabilities, in relation to extending the provisions of such chapter; to amend chapter 552 of the laws of 1995, amending the education law relating to contracts for the transportation of school children, in relation to the effectiveness thereof; to amend chapter 147 of the laws of 2001, amending the education law relating to conditional appointment of school district,

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

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charter school or BOCES employees, in relation to the effectiveness thereof; to amend chapter 534 of the laws of 1993 amending the education law relating to physical therapy assistants, in relation to extending the effective date thereof; to amend chapter 20 of the laws of 1998 amending the education law relating to the provision of physical therapy assistant services in public and private primary and secondary schools, in relation to extending the effectiveness of such chapter; to amend chapter 386 of the laws of 1996, amending the education law relating to providing for a waiver allowing state aid in certain circumstances, in relation to extending its effectiveness; to amend chapter 537 of the laws of 2008, amending the education law, relating to a restricted dental faculty license, in relation to extending the effectiveness thereof; to amend chapter 169 of the laws of 1994 relating to certain provisions related to the 1994-95 state operations, aid to localities, capital projects and debt service budgets, in relation to the effectiveness thereof; to amend chapter 82 of the laws of 1995, amending the education law and certain other laws relating to state aid to school districts and the appropriation of funds for the support of government, in relation to the effectiveness thereof; to repeal subdivision 17 of section 1950 of the education law, relating to boards of cooperative educational services; and providing for the repeal of certain provisions upon expiration thereof (Part A); to amend the education law, in relation to the streamlining of planning and reporting requirements for school districts; to repeal subdivision 32 of section 305 of such law relating to a study of reporting requirements; to repeal section 805 of such law relating to special procedures for enforcement of the health education curriculum; to repeal clause (e) of subparagraph 5 of paragraph b of subdivision 1 of section 4402 of such law relating to annual reports on transition of students with disabilities; to repeal paragraph b of subdivision 1 of section 4452 of such law relating to submission of a plan for the identification and education of gifted pupils; and to repeal subdivision 10 of section 4403 of such law relating to recommendations for adult services (Part B); to amend the education law, in relation to the renaming of certain special education aids (Part C); to amend the arts and cultural affairs law, in relation to the New York State Theatre Institute Corporation and to amend chapter 688 of the laws of 1979, relating to creating the Nelson A. Rockefeller Empire State Plaza performing arts center corporation and to repeal certain provisions of the arts and cultural affairs law relating thereto (Part D); to amend the education law and the state finance law, in relation to tuition and self-supporting revenues of the state and city universities; and to repeal subdivision 8-b of section 355 and paragraph 4-a of subdivision A of section 6221 of the education law relating thereto (Subpart A); to amend the education law, the public authorities law, and the public buildings law, in relation to capital facilities in support of the state university and community colleges (Subpart B); to amend the education law, and the state finance law, in relation to procurement in support of the state and city universities (Subpart C); to amend the public officers law, the education law and the retirement and social security law, in relation to promoting efficiency and effect savings in support of the state university (Subpart D); to amend the civil service law, the education law and the social services law, in relation to state university health care facilities (Part E); and to enact reporting requirements (Subpart F) (Part E); to amend the education law, in relation to good academic standing requirements

(Part F); to amend the education law, in relation to restrictions on eligibility to receive awards and loans; and to repeal certain provisions of such law relating thereto (Part G); to amend the education law, in relation to tuition assistance program awards for graduate school students; and repealing certain provisions of such law relating thereto (Part H); to amend the education law, in relation to tuition assistance program awards (Part I); to amend the education law, in relation to tuition assistance program award determinations (Part J); to amend the education law, in relation to eligibility requirements for student financial aid (Part K); to amend the education law, in relation to tuition assistance program awards (Part L); to amend the education law, in relation to the definition of income for purposes of tuition assistance program awards (Part M); to amend chapter 57 of the laws of 2005 amending the education law relating to the New York state nursing faculty loan forgiveness incentive program and the New York state nursing faculty scholarship program, in relation to the effectiveness thereof (Part N); to amend chapter 31 of the laws of 1985, amending the education law relating to regents scholarships in certain professions, in relation to extending the effectiveness of certain provisions thereof (Part O); to amend the education law, in relation to the scholarship for academic excellence and New York state math and science teaching incentive program (Part P); to amend the education law, in relation to the definition of non-resident students for purposes of tuition charged by community colleges (Part Q); to amend chapter 420 of the laws of 2002 amending the education law relating to the profession of social work; and to amend chapter 676 of the laws of 2002 amending the education law relating to defining the practice of psychology, in relation to the professions of social work and mental health practitioners (Part R); to amend the education law and the public authorities law, in relation to the New York higher education loan program (Part S); to amend the education law, in relation to the New York state district attorney and indigent legal services attorney loan forgiveness program (Part T); to amend the education law, in relation to the optional retirement plan (Part U); to amend the real property tax law, in relation to limiting school tax relief (STAR) exemption benefit to certain home value (Part V); to amend the real property tax law, in relation to the computation of the school tax relief (STAR) exemption (Part W); to amend the state finance law, the tax law and the administrative code of the city of New York, in relation to the New York city personal income tax rates (Part X); to amend the social services law, in relation to electronic benefit transfer services (Part Y); to amend the social services law, the family court act and the surrogate's court procedure act, in relation to establishing a kinship guardianship assistance program (Part Z); to amend the family court act, in relation to limiting court-ordered child protective investigations to where there is a reasonable suspicion of child abuse or neglect (Part AA); to amend the family court act and the social services law, in relation to allowing electronic court appearances (Part BB); to amend the social services law, the family court act and the executive law, in relation to sexually exploited children (Part CC); in relation to fair share payments by certain child care providers; and providing for the repeal of such provisions upon expiration thereof (Part DD); to amend the social services law, in relation to local mandate relief pertaining to children and family services planning and to repeal subdivision 5 of section 423 of such law relating to child protective services planning



(Part EE); to amend the executive law, in relation to reimbursement for expenditures made by the office of children and family services (Part FF); to amend the social services law, in relation to the standards of monthly need for needy persons in receipt of public assistance (Part GG); to amend the social services law, in relation to increasing the standards of monthly need for aged, blind and disabled persons (Part HH); to amend the social services law, in relation to establishing the amount of the additional state payment for persons eligible for supplemental security income, clarifying the meaning of the term standard of need for purposes of such payments, and authorizing the office of temporary and disability assistance to provide additional state payments (Part II); to amend the social services law, in relation to the nutrition outreach and education program; and to repeal certain provisions of the public health law relating thereto (Part JJ); and to amend the tax law and the social services law, in relation to the wage reporting system and providing for the repeal of such provisions upon expiration thereof (Part KK)

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

1 Section 1. This act enacts into law major components of legislation
2 which are necessary to implement the state fiscal plan for the 2009-2010
3 state fiscal year. Each component is wholly contained within a Part
4 identified as Parts A through KK. The effective date for each particular
5 provision contained within such Part is set forth in the last section of
6 such Part. Any provision in any section contained within a Part, includ-
7 ing the effective date of the Part, which makes reference to a section
8 "of this act", when used in connection with that particular component,
9 shall be deemed to mean and refer to the corresponding section of the
10 Part in which it is found. Section three of this act sets forth the
11 general effective date of this act.

12 PART A

13 Section 1. Paragraph e of subdivision 1 of section 211-d of the
14 education law, as added by section 2-a of part A of chapter 57 of the
15 laws of 2009, is amended to read as follows:

16 e. Notwithstanding paragraphs a and b of this subdivision, a school
17 district that submitted a contract for excellence for the two thousand
18 eight--two thousand nine school year shall submit a contract for excel-
19 lence for the two thousand nine--two thousand ten school year in
20 conformity with the requirements of subparagraph (vi) of paragraph a of
21 subdivision two of this section unless all schools in the district are
22 identified as in good standing and provided further that, a school
23 district that submitted a contract for excellence for the two thousand
24 nine--two thousand ten school year, unless all schools in the district
25 are identified as in good standing, shall submit a contract for excel-
26 lence for the two thousand ten--two thousand eleven school year which
27 shall, notwithstanding the requirements of subparagraph (vi) of para-
28 graph a of subdivision two of this section, provide for the expenditure
29 of an amount which shall be not less than the product of the amount
30 approved by the commissioner in the contract for excellence for the base
31 year, multiplied by the district's gap elimination adjustment percent-
32 age. For purposes of this paragraph, the "gap elimination adjustment

1 percentage" shall be calculated as the sum of one minus the quotient of
2 the school district's net gap elimination adjustment as computed pursu-
3 ant to a chapter of the laws of two thousand ten enacted to make appro-
4 priations for the support of the education, labor, and family assistance
5 budget, including support for general support for public schools,
6 divided by the total aid for adjustment computed pursuant to a chapter
7 of the laws of two thousand ten enacted to make appropriations for the
8 support of the education, labor, and family assistance budget, including
9 support for general support for public schools. Provided, further, that
10 such amount shall be expended to support and maintain allowable programs
11 and activities approved in the base year or to support new or expanded
12 allowable programs and activities in the current year.

13 § 2. The education law is amended by adding a new section 101-c to
14 read as follows:

15 § 101-c. Cost-benefit analysis for education mandate. 1. Definitions.
16 For purposes of this section:

17 a. "Mandate" shall mean: any state law, rule or regulation that
18 requires any entity overseen by the board of regents to: (i) provide or
19 undertake any program; or (ii) increase the level of service of an
20 existing program, project or activity; or (iii) that would likely have
21 the effect of raising property taxes.

22 b. "Cost-benefit analysis" shall mean a specific delineation of the
23 costs and benefits to the affected entities including a quantification
24 of the impact on the revenue and expenditures of such entities, where
25 such impact is quantifiable based on available information.

26 2. The board of regents shall not approve, recommend, propose, publish
27 or submit any legislation, rule or regulation or policy directive
28 containing a mandate without an accounting of the impact of such mandate
29 on the affected entities, which shall include: a. the fiscal impacts of
30 such mandate, b. a cost-benefit analysis, c. documentation of input
31 sought and received by affected entities, and d. proposed sources of
32 revenue to fund such mandate. Prior to the formalization of any such
33 proposal, such accounting shall be provided in writing to the governor;
34 provided, however, that if such proposal is necessary to protect against
35 an immediate threat to public health or safety, such proposal may be
36 formalized and advanced without such accounting only upon the approval
37 of the governor or his or her designee, provided that such accounting
38 shall be completed promptly thereafter.

39 3. Any proposed bill containing a mandate which is offered by the
40 department to the legislature or executive shall be accompanied by a
41 local fiscal impact statement which states, so far as possible, such
42 mandate's estimated cost to affected entities. Such statement shall
43 include but need not be limited to:

44 a. an estimate of the present and future cost of compliance with such
45 mandate;

46 b. a description of the methodology used to estimate such present and
47 future cost impacts;

48 c. a summary of the input sought and obtained from the affected enti-
49 ties, or where a mandate would be applicable statewide, from organiza-
50 tions representative of such entities;

51 d. proposed revenue sources to fund such mandate; and

52 e. a cost-benefit analysis of such mandate.

53 4. On or before December first, two thousand ten, the board of regents
54 shall review its regulations and report to the governor, on any proposed
55 changes to such regulations which could reduce the impact of existing

1 mandates and generate property tax relief for New York state property
2 taxpayers.

3 § 3. Subdivision 12 of section 273 of the education law, as amended by
4 section 4-a of part A of chapter 57 of the laws of 2009, is amended to
5 read as follows:

6 12. The commissioner is hereby authorized to expend in state fiscal
7 year two thousand six--two thousand seven three million dollars and in
8 state fiscal year two thousand seven--two thousand eight eight million
9 dollars and in state fiscal year two thousand eight--two thousand nine
10 seven million nine hundred forty thousand dollars and in state fiscal
11 year two thousand nine--two thousand ten eight million dollars and in
12 state fiscal year two thousand ten--two thousand eleven eight million
13 dollars subject to an appropriation for formula grants to public library
14 systems, reference and research library resources systems, and school
15 library systems operating under an approved plan of service. Such formu-
16 la grants shall be provided for the period commencing July first and
17 ending on June thirtieth next following. Such formula grants will be
18 distributed in the following manner:

19 a. Each public library system established pursuant to sections two
20 hundred fifty-five and two hundred seventy-two of this part and operat-
21 ing under a plan approved by the commissioner is entitled to receive
22 thirty-nine thousand dollars and an amount equal to ten and ninety-four
23 hundredths percent of the amount of state aid received for the current
24 year by such system under paragraphs a, c, d, e and n of subdivision one
25 of this section for the two thousand [nine] ten--two thousand [ten]
26 eleven state fiscal year;

27 b. Each reference and research library resources system established
28 pursuant to section two hundred seventy-two of this part and operating
29 under a plan approved by the commissioner is entitled to receive thir-
30 ty-nine thousand dollars and an amount equal to ten and ninety-four
31 hundredths percent of the amount of state aid received for the current
32 year under paragraph a of subdivision four of this section for the two
33 thousand [nine] ten--two thousand [ten] eleven state fiscal year; and

34 c. Each school library system established pursuant to section two
35 hundred eighty-two of this part and operating under a plan approved by
36 the commissioner is entitled to receive thirty-nine thousand dollars and
37 an amount equal to ten and ninety-four hundredths percent of the amount
38 of state aid received for the current year by such system under para-
39 graphs a, b, c, d, e and f of subdivision one of section two hundred
40 eighty-four of this part for the two thousand [nine] ten--two thousand
41 [ten] eleven state fiscal year.

42 § 3-a. Subdivision 1 of section 1104 of the education law, as amended
43 by chapter 53 of the laws of 1990, is amended to read as follows:

44 1. The commissioner [of education] in the annual apportionment of
45 public moneys shall apportion therefrom to each county maintaining
46 approved vocational education and extension work, a quota amounting to
47 one-half of the salary paid each teacher, director, assistant, and
48 supervisor, but not to exceed the amount computed by the commissioner
49 based upon an assumed annualized salary equal to ten thousand five
50 hundred dollars per school year on account of the employment of such
51 teacher, director, assistant or supervisor.

52 § 3-b. Section 1104 of the education law is amended by adding a new
53 subdivision 3 to read as follows:

54 3. For the apportionment payable pursuant to this section for school
55 years commencing prior to July first, two thousand nine, the commission-
56 er shall certify no payment to a vocational education and extension

1 board based on a claim submitted later than three years after the close
2 of the school year in which such payment was first to be made. For
3 claims for which payment is first to be made in the two thousand nine-
4 two thousand ten school year and thereafter, the commissioner shall
5 certify no payment to a vocational education and extension board based
6 on a claim submitted later than one year after the close of such school
7 year. Provided, however, no payments shall be barred or reduced where
8 such payment is required as a result of a final audit of the state.

9 § 3-c. Section 1604 of the education law is amended by adding a new
10 subdivision 21-b to read as follows:

11 21-b. a. The trustees are authorized to provide regional transporta-
12 tion services by rendering such services jointly with other school
13 districts or boards of cooperative educational services. Such services
14 may include pupil transportation between home and school, transportation
15 during the day to and from school and a special education program or
16 service or a program at a board of cooperative educational services or
17 an approved shared program at another school district, transportation
18 for field trips or to and from extracurricular activities, and cooper-
19 ative school bus maintenance.

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

30 § 4. Paragraphs g and h of subdivision 25 of section 1709 of the
31 education law, paragraph g as added by chapter 367 of the laws of 1979
32 and paragraph h as added by chapter 700 of the laws of 1993, are amended
33 to read as follows:

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

43 h. (i) The board of education is authorized to enter into a contract
44 with another school district, a county, municipality, or the state
45 [division for youth] office of children and family services to provide
46 transportation for children, including contracts to provide such trans-
47 portation as regional transportation services, provided that the
48 contract cost is appropriate. In determining the appropriate transporta-
49 tion contract cost, the transportation service provider school district
50 shall use a calculation consistent with regulations adopted by the
51 commissioner for the purpose of assuring that charges reflect the true
52 costs that would be incurred by a prudent person in the conduct of a
53 competitive transportation business.

54 (ii) Notwithstanding the provisions of subdivision fourteen of section
55 three hundred five of this chapter, section one hundred three of the
56 general municipal law, or any other provision of law to the contrary,

1 the board of education shall be authorized to enter into a shared trans-
2 portation services contract with another school district that transports
3 students pursuant to a contract with a private transportation contrac-
4 tor, provided that the board finds that the contract cost is appropriate
5 and entry into a shared transportation services contract will result in
6 a cost savings to the school district. For purposes of this paragraph, a
7 "shared transportation services contract" means a contract for the
8 transportation of students that: (1) provides transportation to a
9 location outside the students' school district of residence to which
10 another school district is already providing transportation to its own
11 students through an existing contract with a private transportation
12 contractor, other than a cooperatively bid contract; (2) is entered into
13 by the private transportation contractor and each school district
14 involved; and (3) provides for transportation in accordance with the
15 terms and conditions of such existing transportation contract.

16 § 4-a. Subdivision 17 of section 1950 of the education law is
17 REPEALED.

18 § 5. Paragraph a of subdivision 4 of section 2023 of the education
19 law, as added by section 24 of part A of chapter 436 of the laws of
20 1997, is amended to read as follows:

21 a. The contingency budget shall not result in a percentage increase in
22 total spending over the district's total spending under the school
23 district budget for the prior school year that exceeds the lesser of:
24 (i) the result obtained when one hundred twenty percent is multiplied by
25 the percentage increase in the consumer price index, with the result
26 rounded to two decimal places, provided however that the result of such
27 calculation shall not be less than zero; or (ii) four percent.

28 § 5-a. Section 2215 of the education law is amended by adding a new
29 subdivision 4 to read as follows:

30 4. To determine the adequacy and appropriateness of the facilities
31 space available to house special education programs in the geographic
32 area served by the board of cooperative educational services, consistent
33 with the least restrictive environment requirement of the federal indi-
34 viduals with disabilities education act. A determination of adequacy
35 shall be based on the following factors, including but not limited to,
36 current and future special education program and service needs, accessi-
37 bility to general curriculum, and the provision of such services in a
38 setting with nondisabled peers. In the event the superintendent deter-
39 mines that facilities space is inadequate and additional space is
40 required, the superintendent shall report his or her findings to the
41 commissioner in a manner prescribed by the commissioner.

42 § 6. Subdivision 1 of section 2856 of the education law, as amended by
43 chapter 378 of the laws of 2007, paragraph (a) as amended by section 12
44 of part A of chapter 57 of the laws of 2009, is amended to read as
45 follows:

46 1. (a) The enrollment of students attending charter schools shall be
47 included in the enrollment, attendance, membership and, if applicable,
48 count of students with disabilities of the school district in which the
49 pupil resides. The charter school shall report all such data to the
50 school districts of residence in a timely manner. Each school district
51 shall report such enrollment, attendance and count of students with
52 disabilities to the department. The school district of residence shall
53 pay directly to the charter school for each student enrolled in the
54 charter school who resides in the school district the charter school
55 basic tuition, which shall be an amount equal to one hundred percent of
56 the amount calculated pursuant to paragraph f of subdivision one of

1 section thirty-six hundred two of this chapter for the school district
2 for the year prior to the base year increased by the percentage change
3 in the state total approved operating expense calculated pursuant to
4 paragraph t of subdivision one of section thirty-six hundred two of this
5 chapter from two years prior to the base year to the base year;
6 provided, however, that for the two thousand nine--two thousand ten and
7 the two thousand ten--two thousand eleven school [year] years, the char-
8 ter school basic tuition shall be the amount payable by such district as
9 charter school basic tuition for the two thousand eight--two thousand
10 nine school year.

11 (b) The school district shall also pay directly to the charter school
12 any federal or state aid attributable to a student with a disability
13 attending charter school in proportion to the level of services for such
14 student with a disability that the charter school provides directly or
15 indirectly. Notwithstanding anything in this section to the contrary,
16 amounts payable pursuant to this subdivision from state or local funds
17 may be reduced pursuant to an agreement between the school and the char-
18 ter entity set forth in the charter. Payments made pursuant to this
19 subdivision shall be made by the school district in six substantially
20 equal installments each year beginning on the first business day of July
21 and every two months thereafter. Amounts payable under this subdivision
22 shall be determined by the commissioner. Amounts payable to a charter
23 school in its first year of operation shall be based on the projections
24 of initial-year enrollment set forth in the charter until actual enroll-
25 ment data is reported to the school district by the charter school. Such
26 projections shall be reconciled with the actual enrollment as actual
27 enrollment data is so reported and at the end of the school's first year
28 of operation and each subsequent year based on a final report of actual
29 enrollment by the charter school, and any necessary adjustments result-
30 ing from such final report shall be made to payments during the school's
31 following year of operation.

32 (c) Notwithstanding any other provision of this subdivision to the
33 contrary, payment of the federal aid attributable to a student with a
34 disability attending a charter school shall be made in accordance with
35 the requirements of section 8065-a of title twenty of the United States
36 code and sections 76.785-76.799 and 300.209 of title thirty-four of the
37 code of federal regulations.

38 § 6-a. Subdivision 1 of section 2856 of the education law, as sepa-
39 rately amended by chapter 4 of the laws of 1998 and section 12 of part A
40 of chapter 57 of the laws of 2009, is amended to read as follows:

41 1. The enrollment of students attending charter schools shall be
42 included in the enrollment, attendance and, if applicable, count of
43 students with disabilities of the school district in which the pupil
44 resides. The charter school shall report all such data to the school
45 districts of residence in a timely manner. Each school district shall
46 report such enrollment, attendance and count of students with disabili-
47 ties to the department. The school district of residence shall pay
48 directly to the charter school for each student enrolled in the charter
49 school who resides in the school district an amount equal to one hundred
50 percent of the amount calculated pursuant to paragraph f of subdivision
51 one of section [thirty six] thirty-six hundred two of this chapter for
52 the school district for the year prior to the base year increased by the
53 percentage change in the state total approved operating expense calcu-
54 lated pursuant to subdivision eleven of section [thirty six] thirty-six
55 hundred two of this chapter from two years prior to the base year to the
56 base year; provided, however, that for the two thousand nine--two thou-

1 sand ten and the two thousand ten--two thousand eleven school [year]
2 years, the charter school basic tuition shall be the amount payable by
3 such district as charter school basic tuition for the two thousand
4 eight--two thousand nine school year. The school district shall also pay
5 directly to the charter school any federal or state aid attributable to
6 a student with a disability attending charter school in proportion to
7 the level of services for such student with a disability that the char-
8 ter school provides directly or indirectly. Notwithstanding anything in
9 this section to the contrary, amounts payable pursuant to this subdivi-
10 sion may be reduced pursuant to an agreement between the school and the
11 charter entity set forth in the charter. Payments made pursuant to this
12 subdivision shall be made by the school district in six substantially
13 equal installments each year beginning on the first business day of July
14 and every two months thereafter. Amounts payable under this subdivision
15 shall be determined by the commissioner. Amounts payable to a charter
16 school in its first year of operation shall be based on the projections
17 of initial-year enrollment set forth in the charter. Such projections
18 shall be reconciled with the actual enrollment at the end of the
19 school's first year of operation, and any necessary adjustments shall be
20 made to payments during the school's second year of operation.

21 § 7. Subparagraphs 1, 2 and 3 of paragraph n of subdivision 1 of
22 section 3602 of the education law, as amended by section 11 of part B of
23 chapter 57 of the laws of 2007, are amended to read as follows:

24 (1) "Enrollment" shall mean the unduplicated count of all children
25 registered to receive educational services in grades kindergarten
26 through twelve, including children in ungraded programs and other chil-
27 dren entitled to attend the public schools without the payment of
28 tuition pursuant to section thirty-two hundred two of this chapter, but
29 excluding four year old children who become five years of age after
30 December thirty-first of the current year, as registered on the date
31 prior to November first that is specified by the commissioner as the
32 enrollment reporting date for the school district or nonpublic school,
33 as reported to the commissioner.

34 (2) "Public school district enrollment" shall mean the enrollment of
35 children in a public school district, computed as the sum of: (1) the
36 number of children on a regular enrollment register of a public school
37 district on such date; (2) the number of children eligible to receive
38 home instruction in the school district on such date; (3) the number of
39 children for whom equivalent attendance must be computed pursuant to
40 this subdivision on such date; (4) the number of children with disabili-
41 ties who are residents of such district who are registered on such date
42 to attend programs under the provisions of paragraph c of subdivision
43 two of section forty-four hundred one of this chapter; (5) the number of
44 children eligible to receive educational services on such date but not
45 claimed for aid pursuant to subdivision seven of section thirty-two
46 hundred two of this chapter; and (6) the number of children registered
47 on such date to attend programs (i) pursuant to subdivision two of
48 section three hundred fifty-five of this chapter or (ii) pursuant to an
49 agreement between the city school district of the city of New York and
50 Hunter College pursuant to section sixty-two hundred sixteen of this
51 chapter.

52 (3) "Nonpublic school enrollment" shall mean the enrollment of chil-
53 dren in a nonpublic school, computed as the number of children on a
54 regular enrollment register of a nonpublic school meeting the compulsory
55 attendance law, excluding any child counted as part of the enrollment of
56 a public school district.

1 § 8. The opening paragraph and paragraphs a, b and b-1 of subdivision
2 4 of section 3602 of the education law, the opening paragraph, subpara-
3 graph 1 of paragraph a and paragraphs b and b-1 as amended by section 13
4 of part A of chapter 57 of the laws of 2009, paragraph a as amended by
5 section 14 of part B of chapter 57 of the laws of 2008, are amended to
6 read as follows:

7 In addition to any other apportionment pursuant to this chapter, a
8 school district, other than a special act school district as defined in
9 subdivision eight of section four thousand one of this chapter, shall be
10 eligible for total foundation aid equal to the product of total aidable
11 foundation pupil units multiplied by the district's selected foundation
12 aid, which shall be the greater of five hundred dollars (\$500) or foun-
13 dation formula aid, provided, however that for the two thousand seven--
14 two thousand eight through two thousand eight--two thousand nine and two
15 thousand eleven--two thousand twelve through [two thousand twelve--two
16 thousand thirteen] two thousand fifteen--two thousand sixteen school
17 years, no school district shall receive total foundation aid in excess
18 of the sum of the total foundation aid base for aid payable in the two
19 thousand seven--two thousand eight school year computed pursuant to
20 subparagraph (i) of paragraph j of subdivision one of this section, plus
21 the phase-in foundation increase computed pursuant to paragraph b of
22 this subdivision, and provided further that total foundation aid shall
23 not be less than the product of the total foundation aid base computed
24 pursuant to paragraph j of subdivision one of this section and one
25 hundred three percent, nor more than the product of such total founda-
26 tion aid base and one hundred fifteen percent, and provided further that
27 for the two thousand nine--two thousand ten [and two thousand ten--two
28 thousand eleven] through two thousand eleven--two thousand twelve school
29 years, each school district shall receive total foundation aid in an
30 amount equal to the amount apportioned to such school district for the
31 two thousand eight--two thousand nine school year pursuant to this
32 subdivision. Total aidable foundation pupil units shall be calculated
33 pursuant to paragraph g of subdivision two of this section. For the
34 purposes of calculating aid pursuant to this subdivision, aid for the
35 city school district of the city of New York shall be calculated on a
36 citywide basis.

37 a. Foundation formula aid. Foundation formula aid shall equal the
38 remainder when the expected minimum local contribution is subtracted
39 from the product of the foundation amount, the regional cost index, and
40 the pupil need index, or: (foundation amount x regional cost index x
41 pupil need index) - expected minimum local contribution.

42 (1) The foundation amount shall reflect the average per pupil cost of
43 general education instruction in successful school districts, as deter-
44 mined by a statistical analysis of the costs of special education and
45 general education in successful school districts, provided that the
46 foundation amount shall be adjusted annually to reflect the percentage
47 increase in the consumer price index as computed pursuant to section two
48 thousand twenty-two of this chapter, provided that for the two thousand
49 eight--two thousand nine school year, for the purpose of such adjust-
50 ment, the percentage increase in the consumer price index shall be
51 deemed to be two and nine-tenths percent (0.029), and provided further
52 that the foundation amount for the two thousand seven--two thousand
53 eight school year shall be five thousand two hundred fifty-eight
54 dollars, and provided further that for the two thousand seven--two thou-
55 sand eight through [two thousand twelve--two thousand thirteen] two
56 thousand fifteen--two thousand sixteen school years, [such] the founda-

1 tion amount shall be further adjusted by the phase-in foundation percent
2 established pursuant to paragraph b of this subdivision.

3 (2) The regional cost index shall reflect an analysis of labor market
4 costs based on median salaries in professional occupations that require
5 similar credentials to those of positions in the education field, but
6 not including those occupations in the education field, provided that
7 the regional cost indices for the two thousand seven--two thousand eight
8 school year and thereafter shall be as follows:

9	Labor Force Region	Index
10	Capital District	1.124
11	Southern Tier	1.045
12	Western New York	1.091
13	Hudson Valley	1.314
14	Long Island/NYC	1.425
15	Finger Lakes	1.141
16	Central New York	1.103
17	Mohawk Valley	1.000
18	North Country	1.000

19 (3) The pupil need index shall equal the sum of one plus the extraor-
20 dinary needs percent, provided, however, that the pupil need index shall
21 not be less than one nor more than two. The extraordinary needs percent
22 shall be calculated pursuant to paragraph w of subdivision one of this
23 section.

24 (4) The expected minimum local contribution shall equal the lesser of
25 (i) the product of (A) the quotient arrived at when the selected actual
26 valuation is divided by total wealth foundation pupil units, multiplied
27 by (B) the product of the local tax factor, multiplied by the income
28 wealth index, or (ii) the product of (A) the product of the foundation
29 amount, the regional cost index, and the pupil need index, multiplied by
30 (B) the positive difference, if any, of one minus the state sharing
31 ratio for total foundation aid. The local tax factor shall be estab-
32 lished by May first of each year by determining the product, computed to
33 four decimal places without rounding, of ninety percent multiplied by
34 the quotient of the sum of the statewide average tax rate as computed by
35 the commissioner for the current year in accordance with the provisions
36 of paragraph e of subdivision one of section thirty-six hundred nine-e
37 of this part plus the statewide average tax rate computed by the commis-
38 sioner for the base year in accordance with such provisions plus the
39 statewide average tax rate computed by the commissioner for the year
40 prior to the base year in accordance with such provisions, divided by
41 three, provided however that for the two thousand seven--two thousand
42 eight school year, such local tax factor shall be sixteen thousandths
43 (0.016), and provided further that for the two thousand eight--two thou-
44 sand nine school year, such local tax factor shall be one hundred
45 fifty-four ten thousandths (0.0154). The income wealth index shall be
46 calculated pursuant to paragraph d of subdivision three of this section,
47 provided, however, that for the purposes of computing the expected mini-
48 mum local contribution the income wealth index shall not be less than
49 sixty-five percent (0.65) and shall not be more than two hundred percent
50 (2.0) and provided however that such income wealth index shall not be
51 more than ninety-five percent (0.95) for the two thousand eight--two
52 thousand nine school year. The selected actual valuation shall be calcu-
53 lated pursuant to paragraph c of subdivision one of this section. Total
54 wealth foundation pupil units shall be calculated pursuant to paragraph
55 h of subdivision two of this section.

1 b. Phase-in foundation increase. (1) The phase-in foundation increase
2 shall equal the product of the phase-in foundation increase factor
3 multiplied by the greater of (i) the positive difference, if any, of (A)
4 the product of the total aidable foundation pupil units multiplied by
5 the district's selected foundation aid less (B) the total foundation aid
6 base for aid payable in the two thousand seven--two thousand eight
7 school year computed pursuant to subparagraph (i) of paragraph j of
8 subdivision one of this section or (ii) the product of the phase-in
9 due-minimum percent multiplied by the total foundation aid base for aid
10 payable in the two thousand seven--two thousand eight school year
11 computed pursuant to subparagraph (i) of paragraph j of subdivision one
12 of this section.

13 (2) For the two thousand seven--two thousand eight school year, the
14 phase-in foundation percent shall equal one hundred seven and sixty-
15 eight hundredths percent (1.0768), the phase-in foundation increase
16 factor shall equal twenty percent (0.20), and the phase-in due-minimum
17 percent shall equal twelve and fifty-five hundredths percent (0.1255);

18 for the two thousand eight--two thousand nine school year, the phase-
19 in foundation percent shall equal one hundred five and twenty-six
20 hundredths percent (1.0526), the phase-in foundation increase factor
21 shall equal thirty-seven and one-half percent (0.375), and the phase-in
22 due-minimum percent shall equal twelve and fifty-five hundredths percent
23 (0.1255);

24 for the two thousand nine--two thousand ten school year, the phase-in
25 foundation percent shall equal one hundred two and five tenths percent
26 (1.025), the phase-in foundation increase factor shall equal thirty-sev-
27 en and one-half percent (0.375), and the phase-in due-minimum percent
28 shall equal twelve and fifty-five hundredths percent (0.1255)

29 for the two thousand ten--two thousand eleven school year, the phase-
30 in foundation percent shall equal [one hundred seven and sixty-eight
31 hundredths percent (1.0768)] one hundred fourteen and twenty-seven
32 hundredths percent (1.1427), the phase-in foundation increase factor
33 shall equal thirty-seven and one-half percent (0.375), and the phase-in
34 due-minimum percent shall equal [twelve and fifty-five hundredths
35 percent (0.1255)] twenty-two and ninety-nine hundredths percent
36 (0.2299);

37 for the two thousand eleven--two thousand twelve school year, the
38 phase-in foundation percent shall equal [one hundred five and six
39 hundredths percent (1.0506)] one hundred thirteen and fourteen one
40 hundredths percent (1.1314), the phase-in foundation increase factor
41 shall equal [fifty-three and one-tenth percent (0.531)] thirty-seven and
42 one-half percent (0.375), and the phase-in due-minimum percent shall
43 equal [twelve and fifty-five hundredths percent (0.1255)] twenty-two and
44 ninety-nine hundredths percent (0.2299); [and]

45 for the two thousand twelve--two thousand thirteen school year, the
46 phase-in foundation percent shall equal [one hundred two and five
47 hundredths percent (1.0250)] one hundred ten and thirty-eight hundredths
48 percent (1.1038), the phase-in foundation increase factor shall equal
49 [seventy-five percent (0.75)] forty-three and one-half percent (0.435),
50 and the phase-in due-minimum percent shall equal [twelve and fifty-five
51 hundredths percent (0.1255)] twenty-two and ninety-nine hundredths
52 percent (0.2299); and

53 for the two thousand thirteen--two thousand fourteen school year, the
54 phase-in foundation percent shall equal one hundred seven and sixty-
55 eight hundredths percent (1.0768), the phase-in foundation increase
56 factor shall equal fifty-three and one-half percent (0.535), and the

1 phase-in due-minimum percent shall equal twenty-two and ninety-nine
2 hundredths percent (0.2299);

3 for the two thousand fourteen--two thousand fifteen school year, the
4 phase-in foundation percent shall equal one hundred five and six
5 hundredths percent (1.0506), the phase-in foundation increase factor
6 shall equal sixty-six and one-half percent (0.665), and the phase-in
7 due-minimum percent shall equal twenty-two and ninety-nine hundredths
8 percent (0.2299);

9 and for the two thousand fifteen--two thousand sixteen school year,
10 the phase-in foundation percent shall equal one hundred two and five
11 tenths percent (1.0250), the phase-in foundation increase factor shall
12 equal eighty-one and one-half percent (0.815), and the phase-in due-mi-
13 nimum percent shall equal twenty-two and ninety-nine hundredths percent
14 (0.2299).

15 b-1. Notwithstanding any other provision of law to the contrary, for
16 the two thousand seven--two thousand eight through [two thousand thir-
17 teen--two thousand fourteen] two thousand fifteen--two thousand sixteen
18 school years, the additional amount payable to each school district
19 pursuant to this subdivision in the current year as total foundation
20 aid, after deducting the total foundation aid base, shall be deemed a
21 state grant in aid identified by the commissioner for general use for
22 purposes of sections seventeen hundred eighteen and two thousand twen-
23 ty-three of this chapter.

24 § 9. The closing paragraph of subdivision 5-a of section 3602 of the
25 education law, as amended by section 14 of part A of chapter 57 of the
26 laws of 2009, is amended to read as follows:

27 For the two thousand eight--two thousand nine school year, each school
28 district shall be entitled to an apportionment equal to the product of
29 fifteen percent and the additional apportionment computed pursuant to
30 this subdivision for the two thousand seven--two thousand eight school
31 year. For the two thousand nine--two thousand ten [and] through two
32 thousand [ten] eleven--two thousand [eleven] twelve school years, each
33 school district shall be entitled to an apportionment equal to the
34 amount set forth for such school district as "SUPPLEMENTAL PUB EXCESS
35 COST" under the heading "2008-09 BASE YEAR AIDS" in the school aid
36 computer listing produced by the commissioner in support of the budget
37 for the two thousand nine--two thousand ten school year and entitled
38 "SA0910".

39 § 10. Clause (ii) of subparagraph 5 of paragraph i of subdivision 6 of
40 section 3602 of the education law, as amended by section 1 of part F of
41 chapter 383 of the laws of 2001, is amended to read as follows:

42 (ii) notwithstanding any inconsistent provisions of this paragraph,
43 for aid payable in the two thousand two--two thousand three school year
44 and thereafter, approved expenditures for debt service for energy
45 performance contracts shall be based on assumed amortization where
46 required by paragraph e of this subdivision, and provided further, that
47 approved expenditures for debt service for energy performance contracts
48 for projects approved by the voters of the school district or by the
49 board of education of a city school district in a city with more than
50 one hundred twenty-five thousand inhabitants, and/or the chancellor in a
51 city school district in a city having a population of one million or
52 more, on or after July first, two thousand ten shall not be eligible for
53 an additional apportionment computed pursuant to clause ii of subpara-
54 graph two of paragraph b of this subdivision.

55 § 11. Paragraph e of subdivision 6 of section 3602 of the education
56 law is amended by adding a new subparagraph 8 to read as follows:

1 (8) Notwithstanding any other provision of the law to the contrary,
2 where, during the period of assumed amortization relating to a project
3 for the construction, acquisition, reconstruction, rehabilitation or
4 improvement of a school building, the school building is sold or owner-
5 ship is otherwise transferred to an entity other than the school
6 district or city and such transfer results in the building no longer
7 being operated by the school district as a public elementary or second-
8 ary school that is not independent or autonomous, the district shall,
9 within sixty days of the transfer of ownership, notify the commissioner
10 of such sale or transfer, and shall provide such additional information
11 about the sale or transfer as the commissioner may require, in a form
12 prescribed by the commissioner, and the commissioner shall re-compute
13 the building aid, if any, payable for such project pursuant to this
14 subparagraph, except to the extent such re-computation would conflict
15 with the provisions of section twenty-seven hundred ninety-nine-tt of
16 the public authorities law. The commissioner shall deduct the revenues
17 received by the school district or city as a result of such sale or
18 transfer from the approved total project cost and, based on such
19 adjusted project cost, establish a new assumed amortization for the
20 remaining useful life of the project under the applicable provisions of
21 this paragraph.

22 § 12. Subdivision 12 of section 3602 of the education law, as added by
23 section 19 of part B of chapter 57 of the laws of 2008, the closing
24 paragraph as added by section 18 of part A of chapter 57 of the laws of
25 2009, is amended to read as follows:

26 12. Academic enhancement aid. A school district that as of April first
27 of the base year has been continuously identified as a district in need
28 of improvement for at least five years shall, for the two thousand
29 eight--two thousand nine school year, be entitled to an additional
30 apportionment equal to the positive remainder, if any, of (a) the lesser
31 of fifteen million dollars or the product of the total foundation aid
32 base, as defined by paragraph j of subdivision one of this section,
33 multiplied by ten percent (0.10), less (b) the positive remainder of (i)
34 the sum of the total foundation aid apportioned pursuant to subdivision
35 four of this section and the supplemental educational improvement grants
36 apportioned pursuant to subdivision eight of section thirty-six hundred
37 forty-one of this [act] article, less (ii) the total foundation aid
38 base.

39 For the two thousand nine--two thousand ten [and] through two thousand
40 [ten] eleven--two thousand [eleven] twelve school years, each school
41 district shall be entitled to an apportionment equal to the amount set
42 forth for such school district as "EDUCATION GRANTS, ACADEMIC EN" under
43 the heading "2008-09 BASE YEAR AIDS" in the school aid computer listing
44 produced by the commissioner in support of the budget for the two thou-
45 sand nine--two thousand ten school year and entitled "SA0910", and such
46 apportionment shall be deemed to satisfy the state obligation to provide
47 an apportionment pursuant to subdivision eight of section thirty-six
48 hundred forty-one of this article.

49 § 13. Intentionally omitted.

50 § 14. Paragraphs d and d-1 of subdivision 14 of section 3602 of the
51 education law, as added by section 17-a of part B of chapter 57 of the
52 laws of 2007, is amended to read as follows:

53 d. Incentive operating aid for reorganized districts. Notwithstanding
54 the provisions of paragraphs a through c of this subdivision, whenever
55 two or more school districts are scheduled for reorganization pursuant
56 to section three hundred fourteen of this chapter, and whenever after

1 July first, two thousand seven, all such school districts so scheduled
2 do reorganize in accordance with the provisions of such section three
3 hundred fourteen[, as amended by chapter seven hundred forty-five of the
4 laws of nineteen hundred sixty-five], and

5 (1) whenever such proposed reorganization includes at least two school
6 districts, each of which maintains its own high school, or

7 (2) where such proposed reorganization includes only one school
8 district maintaining its own high school, whenever in such case such
9 proposed reorganization, in addition to such school district maintaining
10 its own high school, includes at least nine other school districts, or

11 (3) whenever such proposed reorganization includes at least two
12 central school districts, or

13 (4) where such proposed reorganization includes at least one school
14 district maintaining its own high school and, in addition thereto,
15 includes at least one school district employing eight or more teachers,
16 or

17 (5) where such proposed reorganization includes a city school
18 district, and in addition thereto, includes at least seven other school
19 districts, or

20 (6) where such reorganization includes at least two school districts
21 employing eight or more teachers forming a central high school district
22 pursuant to section nineteen hundred thirteen of this chapter, such
23 reorganized district shall be entitled to an apportionment equal to an
24 additional percent of the [apportionment] selected operating amount
25 computed in accordance with the provisions of paragraph d-1 of this
26 subdivision; but in no case shall the sum of such apportionment under
27 this paragraph plus the selected operating [aid per pupil] amount be
28 more than a total of ninety-five per centum of the year prior to the
29 base year approved operating expense; for a period of five years begin-
30 ning with the first school year of operation as a reorganized district
31 such additional percent shall be forty percent; and thereafter such
32 additional forty percent apportionment to such district shall be reduced
33 by four percentage points each year, beginning with the sixth school
34 year of operation as a reorganized district, and continuing until such
35 additional forty percent apportionment is eliminated; provided, however,
36 that the total apportionment to such reorganized district, beginning
37 with the first school year of operation as a reorganized district, and
38 for a period of fifteen years thereafter, shall be not less than the sum
39 of all apportionments computed in accordance with the provisions of this
40 paragraph plus the apportionment computed in accordance with the
41 provisions of paragraph d-1 of this subdivision that each component
42 school district was entitled to receive and did receive during the last
43 school year preceding such first year of operation. In the event a
44 school district is eligible for incentive operating aid and again reor-
45 ganizes pursuant to a new plan or reorganization established by the
46 commissioner, and where such new reorganization is again eligible for
47 incentive operating aid, the newly created school district shall be
48 entitled to receive incentive operating aid pursuant to the provisions
49 of this paragraph, based on all school districts included in any such
50 reorganization, provided, however, that incentive operating aid payments
51 due because of any such former reorganization shall cease.

52 d-1. For purposes of paragraph d of this subdivision, "selected oper-
53 ating [aid per pupil] amount shall mean the [apportionment] product
54 computed for the 2006-07 school year, based on data on file with the
55 commissioner as of the date upon which an electronic data file was
56 created for the purposes of compliance with paragraph b of subdivision

1 twenty-one of section three hundred five of this chapter on February
2 fifteenth, [as] of: the product of (i) the state sharing ratio calcu-
3 lated pursuant to paragraph g of subdivision three of this section and
4 (ii) the sum of \$3,900 and the product of (a) the lesser of \$8,000 or
5 the expense per pupil as defined in subdivision one of this section
6 minus \$3,900 and (b) the greater of the quotient, computed to four deci-
7 mals without rounding, of .075 divided by the school district combined
8 wealth ratio calculated pursuant to paragraph c of subdivision three of
9 this section or 7.5 percent, but not less than \$400[, and the selected
10 apportionment shall mean the product of] multiplied by the district's
11 total aidable pupil units calculated pursuant to subdivision two of this
12 section [and the selected operating aid per pupil as calculated pursuant
13 to the provisions contained herein].

14 § 15. The opening paragraph of subdivision 16 of section 3602 of the
15 education law, as amended by section 19 of part A of chapter 57 of the
16 laws of 2009, is amended to read as follows:

17 Each school district shall be eligible to receive a high tax aid
18 apportionment in the two thousand eight--two thousand nine school year,
19 which shall equal the greater of (i) the sum of the tier 1 high tax aid
20 apportionment, the tier 2 high tax aid apportionment and the tier 3 high
21 tax aid apportionment or (ii) the product of the apportionment received
22 by the school district pursuant to this subdivision in the two thousand
23 seven--two thousand eight school year, multiplied by the due-minimum
24 factor, which shall equal, for districts with an alternate pupil wealth
25 ratio computed pursuant to paragraph b of subdivision three of this
26 section that is less than two, seventy percent (0.70), and for all other
27 districts, fifty percent (0.50). Each school district shall be eligible
28 to receive a high tax aid apportionment in the two thousand nine--two
29 thousand ten [and] through two thousand [ten] eleven--two thousand
30 [eleven] twelve school years in the amount set forth for such school
31 district as "HIGH TAX AID" under the heading "2008-09 BASE YEAR AIDS" in
32 the school aid computer listing produced by the commissioner in support
33 of the budget for the two thousand nine--two thousand ten school year
34 and entitled "SA0910".

35 § 16. The opening paragraph of subdivision 10 of section 3602-e of the
36 education law, as amended by section 21 of part A of chapter 57 of the
37 laws of 2009, is amended to read as follows:

38 Notwithstanding any provision of law to the contrary, for aid payable
39 in the two thousand eight--two thousand nine school year, the grant to
40 each eligible school district for universal prekindergarten aid shall be
41 computed pursuant to this subdivision, and for the two thousand nine--
42 two thousand ten [and two thousand ten--two thousand eleven] through two
43 thousand eleven--two thousand twelve school years, each school district
44 shall be eligible for a maximum grant equal to the amount computed for
45 such school district for the base year in the electronic data file
46 produced by the commissioner in support of the two thousand nine--two
47 thousand ten education, labor and family assistance budget, provided,
48 however, that in the case of a district implementing [programs for the
49 first time or implementing] expansion programs in the two thousand
50 eight--two thousand nine school year where such programs operate for a
51 minimum of ninety days in any one school year as provided in section
52 151-1.4 of the regulations of the commissioner, such school district
53 shall be eligible for a maximum grant equal to the amount that would
54 have been computed pursuant to paragraph a of subdivision nine of this
55 section in the two thousand eight--two thousand nine school year if the
56 aidable prekindergarten pupils served by such expansion programs had

1 been served by full-year programs in the two thousand eight--two thou-
2 sand nine school year, and provided further that the maximum grant shall
3 not exceed the total actual grant expenditures incurred by the school
4 district in the current school year as approved by the commissioner.

5 § 17. Subdivisions 7 and 8 of section 3604 of the education law,
6 subdivision 7 as amended by section 31 of part B of chapter 57 of the
7 laws of 2007 and subdivision 8 as amended by section 46 of part H of
8 chapter 83 of the laws of 2002, are amended to read as follows:

9 7. No district shall be entitled to any portion of such school moneys
10 on such apportionment unless the report of the trustees or board of
11 education for the preceding school year shall show that the public
12 schools were actually in session in the district and taught by a quali-
13 fied teacher or by successive qualified teachers or by qualified teach-
14 ers for not less than one hundred eighty days between September first
15 and the last day of the June Regents examination period. The moneys
16 payable to a school district pursuant to section thirty-six hundred
17 nine-a of this [chapter] part in the current year shall be reduced by
18 one one-hundred eightieth of the district's total foundation aid for
19 each day less than one hundred eighty days that the schools of the
20 district were actually in session, except that the commissioner may
21 disregard such reduction, up to five days, in the apportionment of
22 public money, if he finds that the schools of the district were not in
23 session for one hundred eighty days because of extraordinarily adverse
24 weather conditions, impairment of heating facilities, insufficiency of
25 water supply, shortage of fuel, lack of electricity, natural gas leak-
26 age, unacceptable levels of chemical substances, or the destruction of a
27 school building either in whole or in part, and if, further, the commis-
28 sioner finds that such district cannot make up such days of instruction
29 by using for the secondary grades all scheduled vacation days which
30 occur prior to the first scheduled regents examination day in June, and
31 for the elementary grades all scheduled vacation days which occur prior
32 to the last scheduled regents examination day in June. For the purposes
33 of this subdivision, "scheduled vacation days" shall mean days on which
34 the schools of the district are not in session and for which no prohibi-
35 tion exists in subdivision eight of this section for them to be in
36 session.

37 8. No school shall be in session on a Saturday or a legal holiday,
38 except general election day, Washington's birthday and Lincoln's birth-
39 day, and except that driver education classes may be conducted on a
40 Saturday. A deficiency not exceeding [three] four days during any school
41 year caused by teachers' attendance upon conferences held by superinten-
42 dents of schools of city school districts or other school districts
43 employing superintendents of schools shall be excused by the commis-
44 sioner, provided however, notwithstanding any other provision of law, that
45 [during the nineteen hundred ninety-two--ninety-three through the two
46 thousand two--two thousand three school years and thereafter, the
47 commissioner shall excuse a deficiency not exceeding four days during
48 such school year caused by teachers' attendance upon conferences held by
49 such superintendents] such conferences shall be held for secondary
50 teachers between September first and the first day of the June Regents
51 examination period, and for elementary teachers between September first
52 and the last day of the June Regents examination period, and, provided
53 that at least two such conference days during such school year shall be
54 dedicated to staff attendance upon conferences providing staff develop-
55 ment relating to implementation of the new high learning standards and
56 assessments, as adopted by the board of regents. Notwithstanding any



1 other provision of law, rule or regulation to the contrary, school
2 districts may elect to use one or more of such allowable conference days
3 in units of not less than one hour each to provide staff development
4 activities relating to implementation of the new high learning standards
5 and assessments. A district making such election may provide such staff
6 development during the regularly scheduled daily session and apply such
7 units to satisfy a deficiency in the length of one or more daily
8 sessions of instruction for pupils as specified in regulations of the
9 commissioner. The commissioner shall assure that such conference days
10 include appropriate school violence prevention and intervention train-
11 ing, and may require that up to one such conference day be dedicated for
12 such purpose.

13 § 18. Paragraphs a and b of subdivision 5 of section 3604 of the
14 education law, paragraph a as amended by chapter 161 of the laws of 2005
15 and paragraph b as amended by section 59 of part A of chapter 436 of the
16 laws of 1997, are amended to read as follows:

17 a. State aid adjustments. All errors or omissions in the apportionment
18 shall be corrected by the commissioner. Whenever a school district has
19 been apportioned less money than that to which it is entitled, the
20 commissioner may allot to such district the balance to which it is enti-
21 tled. Whenever a school district has been apportioned more money than
22 that to which it is entitled, the commissioner may, by an order, direct
23 such moneys to be paid back to the state to be credited to the general
24 fund local assistance account for state aid to the schools, or may
25 deduct such amount from the next apportionment to be made to said
26 district, provided, however, that, upon notification of excess payments
27 of aid for which a recovery must be made by the state through deduction
28 of future aid payments, a school district may request that such excess
29 payments be recovered by deducting such excess payments from the
30 payments due to such school district and payable in the month of June in
31 (i) the school year in which such notification was received and (ii) the
32 two succeeding school years, provided further that there shall be no
33 interest penalty assessed against such district or collected by the
34 state. Such request shall be made to the commissioner in such form as
35 the commissioner shall prescribe, and shall be based on documentation
36 that the total amount to be recovered is in excess of one percent of the
37 district's total general fund expenditures for the preceding school
38 year. The amount to be deducted in the first year shall be the greater
39 of (i) the sum of the amount of such excess payments that is recognized
40 as a liability due to other governments by the district for the preced-
41 ing school year and the positive remainder of the district's unreserved
42 fund balance at the close of the preceding school year less the product
43 of the district's total general fund expenditures for the preceding
44 school year multiplied by five percent, or (ii) one-third of such excess
45 payments. The amount to be recovered in the second year shall equal the
46 lesser of the remaining amount of such excess payments to be recovered
47 or one-third of such excess payments, and the remaining amount of such
48 excess payments shall be recovered in the third year. Provided further
49 that, notwithstanding any other provisions of this subdivision, any
50 pending payment of moneys due to such district as a prior year adjust-
51 ment payable pursuant to paragraph c of this subdivision for aid claims
52 that had been previously paid as current year aid payments in excess of
53 the amount to which the district is entitled and for which recovery of
54 excess payments is to be made pursuant to this paragraph, shall be
55 reduced at the time of actual payment by any remaining unrecovered
56 balance of such excess payments, and the remaining scheduled deductions

1 of such excess payments pursuant to this paragraph shall be reduced by
2 the commissioner to reflect the amount so recovered. [The commissioner
3 shall certify no payment to a school district based on a claim submitted
4 later than three years after the close of the school year in which such
5 payment was first to be made. For claims for which payment is first to
6 be made in the nineteen hundred ninety-six--ninety-seven school year,
7 the commissioner shall certify no payment to a school district based on
8 a claim submitted later than two years after the close of such school
9 year.] For claims for which payment is first to be made [in the nineteen
10 hundred ninety-seven--ninety-eight] prior to the two thousand nine--two
11 thousand ten school year [and thereafter], the commissioner shall certi-
12 fy no payment to a school district based on a claim submitted later than
13 one year after the close of such school year. For claims for which
14 payment is first to be made in the two thousand nine--two thousand ten
15 school year, the commissioner shall certify no payment to a school
16 district in excess of the payment computed based on an electronic data
17 file used to produce the school aid computer listing produced by the
18 commissioner in support of the executive budget request for the two
19 thousand ten--two thousand eleven school year and entitled "BT101-1".
20 For claims for which payment is first to be made in the two thousand
21 ten--two thousand eleven school year and thereafter, the commissioner
22 shall certify no payment to a school district, other than payments
23 pursuant to subdivisions six-a, eleven, thirteen and fifteen of section
24 thirty-six hundred two of this part, in excess of the payment computed
25 based on an electronic data file used to produce the school aid computer
26 listing produced by the commissioner in support of the executive budget
27 request, and shall certify no payment to a school district based on a
28 claim submitted later than the date upon which an electronic data file
29 was created for the purposes of computing the June amount pursuant to
30 subparagraph two of paragraph b of subdivision one of section thirty-six
31 hundred nine-a of this part. Provided, however, no payments shall be
32 barred or reduced where such payment is required as a result of a final
33 audit of the state. [It is further provided that, until June thirtieth,
34 nineteen hundred ninety-six, the commissioner may grant a waiver from
35 the provisions of this section for any school district if it is in the
36 best educational interests of the district pursuant to guidelines devel-
37 oped by the commissioner and approved by the director of the budget.]

38 b. Claims resulting from court orders or judgments. [Any] For claims
39 for which payment is first to be made prior to the two thousand nine--
40 two thousand ten school year, any payment which would be due as the
41 result of a court order or judgment shall not be barred, provided that,
42 commencing January first, nineteen hundred ninety-six, such court order
43 or judgment and any other data required shall be filed with the comp-
44 troller within one year from the date of the court order or judgment,
45 and provided further that the commissioner shall certify no payment to a
46 school district for a specific school year that is based on a claim that
47 results from a court order or judgement so filed with the comptroller
48 unless the total value of such claim, as determined by the commissioner,
49 is greater than one percent of the school district's total revenues from
50 state sources as previously recorded in the general fund and reported to
51 the comptroller in the annual financial report of the school district
52 for such school year.

53 § 19. The opening paragraph of section 3609-a of the education law, as
54 amended by section 22 of part A of chapter 57 of the laws of 2009, is
55 amended to read as follows:

1 For aid payable in the two thousand seven--two thousand eight [school
2 year and thereafter], two thousand eight--two thousand nine, and two
3 thousand nine--two thousand ten school years, "moneys apportioned" shall
4 mean the lesser of (i) the sum of one hundred percent of the respective
5 amount set forth for each school district as payable pursuant to this
6 section in the school aid computer listing for the current year produced
7 by the commissioner in support of the budget which includes the appro-
8 priation for the general support for public schools for the prescribed
9 payments and individualized payments due prior to April first for the
10 current year plus the apportionment payable during the current school
11 year pursuant to subdivision six-a and subdivision fifteen of section
12 thirty-six hundred two of this part minus any reductions to current year
13 aids pursuant to subdivision seven of section thirty-six hundred four of
14 this part or any deduction from apportionment payable pursuant to this
15 chapter for collection of a school district basic contribution as
16 defined in subdivision eight of section forty-four hundred one of this
17 chapter, less any grants provided pursuant to subparagraph two-a of
18 paragraph b of subdivision four of section ninety-two-c of the state
19 finance law, less any grants provided pursuant to subdivision twelve of
20 section thirty-six hundred forty-one of this article, or (ii) the appor-
21 tionment calculated by the commissioner based on data on file at the
22 time the payment is processed; provided however, that for the purposes
23 of any payments made pursuant to this section prior to the first busi-
24 ness day of June of the current year, moneys apportioned shall not
25 include any aids payable pursuant to subdivisions six and fourteen, if
26 applicable, of section thirty-six hundred two of this part as current
27 year aid for debt service on bond anticipation notes and/or bonds first
28 issued in the current year or any aids payable for full-day kindergarten
29 for the current year pursuant to subdivision nine of section thirty-six
30 hundred two of this part. The definitions of "base year" and "current
31 year" as set forth in subdivision one of section thirty-six hundred two
32 of this part shall apply to this section. For aid payable in the two
33 thousand nine--two thousand ten school year, reference to such "school
34 aid computer listing for the current year" shall mean the printouts
35 entitled "SA0910". For aid payable in the two thousand ten--two thou-
36 sand eleven school year and thereafter, "moneys apportioned" shall mean
37 the lesser of: (i) the sum of one hundred percent of the respective
38 amount set forth for each school district as payable pursuant to this
39 section in the school aid computer listing for the current year produced
40 by the commissioner in support of the executive budget request which
41 includes the appropriation for the general support for public schools
42 for the prescribed payments and individualized payments due prior to
43 April first for the current year plus the apportionment payable during
44 the current school year pursuant to subdivisions six-a and fifteen of
45 section thirty-six hundred two of this part minus any reductions to
46 current year aids pursuant to subdivision seven of section thirty-six
47 hundred four of this part or any deduction from apportionment payable
48 pursuant to this chapter for collection of a school district basic
49 contribution as defined in subdivision eight of section forty-four
50 hundred one of this chapter, less any grants provided pursuant to
51 subparagraph two-a of paragraph b of subdivision four of section nine-
52 ty-two-c of the state finance law, less any grants provided pursuant to
53 subdivision twelve of section thirty-six hundred forty-one of this arti-
54 cle; or (ii) the apportionment calculated by the commissioner based on
55 data on file at the time the payment is processed; provided however,
56 that for the purposes of any payments made pursuant to this section



1 prior to the first business day of June of the current year, moneys
2 apportioned shall not include any aids payable pursuant to subdivisions
3 six and fourteen, if applicable, of section thirty-six hundred two of
4 this part as current year aid for debt service on bond anticipation
5 notes and/or bonds first issued in the current year or any aids payable
6 for full-day kindergarten for the current year pursuant to subdivision
7 nine of section thirty-six hundred two of this part. The definitions of
8 "base year" and "current year" as set forth in subdivision one of
9 section thirty-six hundred two of this part shall apply to this section.

10 § 20. Subdivision 1 of section 3609-a of the education law is amended
11 by adding a new paragraph e to read as follows:

12 e. Gap elimination adjustment for two thousand ten--two thousand elev-
13 en. (1) Notwithstanding any other provision of law to the contrary, the
14 commissioner shall reduce payments due to each district for the two
15 thousand ten--two thousand eleven school year pursuant to this section
16 by an amount equal to the gap elimination adjustment computed for such
17 district, and such amount shall be deducted from moneys apportioned for
18 the purposes of payments made pursuant to this section and if the
19 reduction is greater than the sum of the amounts available for such
20 deductions, the remainder of the reduction shall be withheld from
21 payments scheduled to be made to the district pursuant to this section
22 for the two thousand eleven--two thousand twelve school year, and
23 provided further that an amount equal to the amount of such deduction
24 shall be deemed to have been paid to the district pursuant to this
25 section for the school year in which such deduction is made. The commis-
26 sioner shall compute such gap elimination adjustment and shall provide a
27 schedule of such reduction in payments to the state comptroller, the
28 director of the budget, the chair of the senate finance committee and
29 the chair of the assembly ways and means committee.

30 (2) The gap elimination adjustment for two thousand ten--two thousand
31 eleven school year shall be computed as follows, based on data used by
32 the commissioner for the purposes of producing a school aid computer
33 listing in support of the executive budget proposal for the two thousand
34 ten--two thousand eleven school year and entitled "BT101-1".

35 (i) The percentage reduction shall be the sum of (A) the product of
36 the total aid for adjustment, multiplied by five and five-tenths percent
37 (0.055), and (B) the product of three thousand one hundred twenty-one
38 dollars (\$3,121.00) multiplied by the reduction factor, multiplied by
39 the public school district enrollment for the base year computed pursu-
40 ant to subparagraph two of paragraph n of subdivision one of such
41 section thirty-six hundred two of this part, provided, however, that
42 such percentage reduction shall not be less than the product of eight
43 percent (0.08) multiplied by such total aid for adjustment, and not more
44 than the product of twenty-one percent (0.21) multiplied by such total
45 aid for adjustment.

46 (ii) The tax effort reduction shall be the product of the total aid
47 for adjustment, multiplied by the quotient of twenty-one percent (0.21)
48 divided by the quotient of the tax effort ratio divided by three and
49 five tenths percent (0.035), provided, however, that such tax effort
50 reduction shall not be less than the product of ten percent (0.1) multi-
51 plied by such total aid for adjustment, and not more than the product of
52 twenty-one percent (0.21) multiplied by such total aid for adjustment.

53 (iii) The TGFE check shall be the product of the TGFE percentage and
54 the total general fund expenditures of such district in the base year.

1 (iv) The administrative efficiency offset shall be the product of
2 eighty dollars (\$80.00), multiplied by the state sharing ratio, multi-
3 plied by the total aidable foundation pupil units.

4 The gap elimination adjustment for a district shall equal (A) the
5 district's percentage reduction, provided, however, that in the case of
6 a district with a tax effort ratio greater than three and one-half
7 percent (0.035) and a combined wealth ratio for total foundation aid
8 that is less than four (4.0), the gap elimination adjustment for a
9 district shall equal the lesser of the percentage reduction and the tax
10 effort reduction, and further provided, (B) in the case of a district
11 determined to be a high need school district pursuant to clause (c) of
12 subparagraph two of paragraph c of subdivision six of section thirty-six
13 hundred two of this part for the school aid computer listing produced by
14 the commissioner in support of the enacted budget for the two thousand
15 seven--two thousand eight school year and entitled "SA0708", the gap
16 elimination adjustment for a district shall equal the lesser of the TGFE
17 check and the gap elimination adjustment selected pursuant to subclause
18 (A) of this clause, and further provided that in the case of a school
19 district, other than a city school district of a city having a popu-
20 lation in excess of one hundred twenty-five thousand, with an adminis-
21 trative efficiency ratio of less than two percent (0.02), the gap elimi-
22 nation adjustment shall be reduced by an amount equal to the
23 administrative efficiency offset.

24 (3) The net gap elimination adjustment for a district shall equal the
25 product of the gap elimination adjustment computed pursuant to subpara-
26 graph two of this paragraph, multiplied by sixty-six and four hundred
27 seventy-nine ten-thousandths percent (0.660479).

28 (4) For the purposes of such computation, (i) "total aid for adjust-
29 ment" shall mean the sum of the amounts set forth for each school
30 district as "FOUNDATION AID", "FULL DAY K CONVERSION", "BOCES + SPECIAL
31 SERVICES", "PUBLIC HIGH COST SPECIAL EDN", "PRIVATE SPECIAL EDUCATION",
32 "HARDWARE & TECHNOLOGY", "SOFTWARE, LIBRARY, TEXTBOOK", "TRANSPORTATION
33 INCL SUMMER", "OPERATING REORG INCENTIVE", "CHARTER SCHOOL TRANSI-
34 TIONAL", "ACADEMIC ENHANCEMENT", "HIGH TAX AID" AND "SUPPLEMENTAL PUB
35 SPECIAL EDN" under the heading "2010-11 ESTIMATED AIDS" in the school
36 aid computer listing produced by the commissioner in support of the
37 executive budget proposal for the two thousand ten--two thousand eleven
38 school year and entitled "BT101-1", and

39 (ii) "three-year average free and reduced price lunch percent" shall
40 mean the quotient of (A) the sum of the number of pupils in kindergarten
41 through grade six attending the public schools of the district who have
42 applications on file or who are listed on a direct certification letter
43 confirming their eligibility for participation in the state and feder-
44 ally funded free and reduced price lunch program on the date enrollment
45 was counted in accordance with this subdivision for the year prior to
46 the base year, plus such number of eligible applicants for the free and
47 reduced price lunch program computed for the year two years prior to the
48 base year, plus such number of eligible applicants for the free and
49 reduced price lunch program computed for the year three years prior to
50 the base year, divided by (B) the sum of the number of pupils in kinder-
51 garten through grade six on a regular enrollment register of a public
52 school district on the date enrollment was counted in accordance with
53 this subdivision for the year prior to the base year, plus such number
54 of pupils in kindergarten through grade six on a regular enrollment
55 register of a public school district computed for the year two years
56 prior to the base year, plus such number of pupils in kindergarten

1 through grade six on a regular enrollment register of a public school
2 district computed for the year three years prior to the base year, and

3 (iii) "total aidable foundation pupil units" shall mean the total
4 aidable foundation pupil units computed pursuant to paragraph g of
5 subdivision two of such section thirty-six hundred two of this part, and

6 (iv) "combined wealth ratio for total foundation aid" shall mean the
7 combined wealth ratio for total foundation aid computed pursuant to
8 subparagraph two of paragraph c of subdivision three of section thirty-
9 six hundred two of this part, and

10 (v) "the state sharing ratio" shall mean the state sharing ratio
11 computed for total foundation aid computed pursuant to paragraph g of
12 subdivision three of section thirty-six hundred two of this part, but
13 not less than ten percent (0.10), and

14 (vi) "tax effort ratio" shall mean the tax effort ratio computed
15 pursuant to subparagraph three of paragraph a of subdivision sixteen of
16 section thirty-six hundred two of this part, and

17 (vii) "reduction factor" shall mean the product of the positive
18 remainder of one less the three-year average free and reduced price
19 lunch percent, multiplied by the combined wealth ratio for total founda-
20 tion aid, and

21 (ix) "administrative efficiency ratio" shall mean the quotient of the
22 sum of the expenditures related to the board of education, including
23 expenditures for the board of education, the district clerk's office,
24 the district meeting, auditing service, the treasurer's office, the tax
25 collector's office, legal services and the school census, plus expendi-
26 tures for central administration, including expenditures for the chief
27 school officer, the business office, the purchasing office, the person-
28 nel office, the records management officer, public information and
29 services and fees for fiscal agents, divided by the total expenditures
30 charged by a district to the general, debt service, and special aid
31 funds, excluding transfers from the general fund to the debt service and
32 special aid funds, based on expenditures reported by the district for
33 the school year two years prior to the base year, and

34 (x) "TGFE percentage" shall mean, for a school district which has a
35 three-year average free and reduced price lunch percent greater than
36 seventy-five percent (0.75) and which has an administrative efficiency
37 ratio less than one and one-half percent (0.015), three and six-tenths
38 percent (0.036) and for all other school districts, five percent (0.05).

39 § 21. Paragraph e of subdivision 1 of section 3609-e of the education
40 law, as added by section 34 of part B of chapter 57 of the laws of 2007,
41 is amended to read as follows:

42 e. "Tax rate" shall mean the amount computed by dividing a school
43 district's total revenues from real property and non-property tax levies
44 for the base year levied for school purposes exclusive of library
45 purposes plus any payments in lieu of taxes received pursuant to section
46 four hundred eighty-five of the real property tax law and exclusive of
47 any balances in excess of six percent of general fund expense remaining
48 in the general fund of the district at the end of the base year, by such
49 district's actual valuation as defined in subdivision one of section
50 thirty-six hundred two of this [article] part including any actual valu-
51 ation equivalent of payments in lieu of taxes determined pursuant to
52 section four hundred eighty-five of the real property tax law, provided,
53 however, that in the instance of a fiscally dependent city school
54 district, the tax rate shall be computed by dividing (i) such district's
55 total general fund [expenditures, plus inter-fund transfers outgoing
56 from the general fund, and plus general fund reserve expenditures]

1 revenues, less any and all general fund non-tax revenue of such city
2 school district which has been paid and identified by an original payer
3 as being specifically on behalf of such city school district, and less
4 any and all non-tax revenue of the city upon which such city school
5 district is fiscally dependent which has been paid and identified by an
6 original payer as being specifically on behalf of such city school
7 district but which has not been identified as revenue of such city
8 school district, and less any and all other general fund revenues of
9 such city school district which are determined by the commissioner to be
10 non-tax revenue of the city upon which such city school district is
11 fiscally dependent, by (ii) such district's actual valuation as defined
12 in subdivision one of such section thirty-six hundred two. Revenues
13 raised by a school district in support of a central high school district
14 shall be included in the revenue of the district raising such revenue,
15 and no local revenue shall be attributed to such central high school
16 districts. Such tax rate shall be computed to five decimals without
17 rounding and shall be multiplied by one thousand to be expressed in
18 mills.

19 § 22. Paragraph b of subdivision 2 of section 3612 of the education
20 law, as amended by section 28 of part A of chapter 57 of the laws of
21 2009, is amended to read as follows:

22 b. Such grants shall be awarded to school districts, within the limits
23 of funds appropriated therefor, through a competitive process that takes
24 into consideration the magnitude of any shortage of teachers in the
25 school district, the number of teachers employed in the school district
26 who hold temporary licenses to teach in the public schools of the state,
27 the number of provisionally certified teachers, the fiscal capacity and
28 geographic sparsity of the district, the number of new teachers the
29 school district intends to hire in the coming school year and the number
30 of summer in the city student internships proposed by an eligible school
31 district, if applicable. Grants provided pursuant to this section shall
32 be used only for the purposes enumerated in this section. Notwithstand-
33 ing any other provision of law to the contrary, a city school district
34 in a city having a population of one million or more inhabitants receiv-
35 ing a grant pursuant to this section may use no more than eighty percent
36 of such grant funds for any recruitment, retention and certification
37 costs associated with transitional certification of teacher candidates
38 for the school years two thousand one--two thousand two through [two
39 thousand nine--two thousand ten] two thousand ten--two thousand eleven.

40 § 22-a. Subdivision 4 of section 3622-a of the education law, as
41 amended by section 47 of part A of chapter 60 of the laws of 2000, is
42 amended and a new subdivision 8 is added to read as follows:

43 4. Out-of-district transportation to and from nonpublic elementary or
44 [high] secondary schools;

45 8. Notwithstanding any other provision of law to the contrary, any
46 aidable regular transportation as defined in this section may be
47 provided as part of a joint or regional transportation system.

48 § 23. Paragraph a of subdivision 3 of section 3641 of the education
49 law, as amended by section 31 of part A of chapter 57 of the laws of
50 2009, is amended to read as follows:

51 a. In addition to apportionments otherwise provided by section thir-
52 ty-six hundred two of this article, for aid payable in the two thousand
53 eight--two thousand nine [and], two thousand nine--two thousand ten and
54 two thousand ten--two thousand eleven school years, the amounts speci-
55 fied in paragraphs c and d of this subdivision shall be paid for the
56 purpose of providing additional funding for school districts which have

1 experienced a significant financial hardship caused by an extraordinary
2 change in the taxable property valuation or extraordinary judgments
3 resulting from tax certiorari proceedings.

4 § 24. Paragraph b of subdivision 11 of section 3641 of the education
5 law, as amended by chapter 9 of the laws of 2008, is amended to read as
6 follows:

7 b. To the Roosevelt union free school district for the two thousand
8 ten--two thousand eleven and two thousand eleven--two thousand twelve
9 school years there shall be paid [twelve] six million dollars
10 [((\$12,000,000)] (\$6,000,000) on an annual basis, and for the two thou-
11 sand twelve--two thousand thirteen school year and thereafter there
12 shall be paid twelve million dollars (\$12,000,000) on an annual basis.
13 For school years commencing on July first, two thousand seven and there-
14 after, such special academic improvement grant shall be payable from
15 funds appropriated for such purpose and shall be apportioned to the
16 Roosevelt union free school district in accordance with the payment
17 schedules contained in section three thousand six hundred nine-a of this
18 article, notwithstanding any provision of law to the contrary.

19 § 24-a. Subparagraphs 5 and 7 of paragraph b of subdivision 1 of
20 section 4402 of the education law, subparagraph 5 as amended by chapter
21 256 of the laws of 1988 and subparagraph 7 as amended by chapter 194 of
22 the laws of 1991, are amended to read as follows:

23 (5) The committee on special education or, in the case of a state
24 operated school, the multidisciplinary team shall [provide written
25 notice that a child who is placed in those residential programs speci-
26 fied in paragraphs d, g, h and l of subdivision two of section forty-
27 four hundred one of this article is not entitled to receive tuition free
28 educational services after the age of twenty-one, the receipt of a high
29 school diploma or the time described in subdivision five of this
30 section] ensure that upon the first annual review after the age of eigh-
31 teen of a student with a disability who is placed in a residential
32 program by the committee or multidisciplinary team, the committee or
33 multidisciplinary team, with the consent of the parents or the child if
34 age eighteen or older, shall notify and invite a representative of the
35 office of mental health, office of mental retardation and developmental
36 disabilities, the state office of children and family services, or the
37 state education department as appropriate, to participate in the commit-
38 tee on special education meeting for the development of a recommendation
39 for adult services pursuant to section 7.37 or section 13.37 of the
40 mental hygiene law, section three hundred ninety-eight-c of the social
41 services law or section forty-four hundred three of this article. The
42 committee or multidisciplinary team shall give the parent or guardian of
43 the child, or for a student age eighteen and older, the child, the
44 opportunity to consent in writing to the release of relevant information
45 to such other public agency or agencies, upon request of such agency or
46 agencies, for purposes of determining appropriateness of an adult
47 program for such student. [Such written notice shall be provided to the
48 child and to the parents or legal guardian of such child when such child
49 attains the age of eighteen or, if such child is over the age of eigh-
50 teen when placed in such a residential program, at the time of place-
51 ment. Upon the first annual review after the age of fifteen of a child
52 who is receiving non-residential special services or programs as speci-
53 fied in paragraph a, b, c, d, e, f, i, j, l or m of subdivision two of
54 section forty-four hundred one of this article, or is receiving special
55 services or programs in a day program at the human resources school; is
56 receiving such special services or programs one hundred per centum of

1 the school day; is receiving individualized attention or intervention
2 because of intensive management needs or a severe handicap; and, as
3 determined by the committee on special education or multidisciplinary
4 team pursuant to regulations promulgated by the commissioner, may need
5 adult services from the office of mental health, office of mental retar-
6 dation and developmental disabilities, the state department of social
7 services, a social services district, or the state education department,
8 the committee or multidisciplinary team shall provide to such child's
9 parent or guardian, and if such child is eighteen years of age or older,
10 to the child, written notice that such child is not entitled to receive
11 tuition free educational services after the receipt of a high school
12 diploma, the age of twenty-one or the time described in subdivision five
13 of this section.]

14 (a) [Written notice given pursuant to this subparagraph shall describe
15 in detail the opportunity to consent to have the child's name and other
16 relevant information forwarded in a report to the commissioner of mental
17 health, commissioner of mental retardation and developmental disabili-
18 ties, commissioner of social services, or commissioner of education, or
19 their designees, for the purpose of determining whether such child will
20 likely need adult services and, if so, recommending possible adult
21 services.] For the purposes of this subparagraph "relevant information"
22 shall be defined as that information in the possession of and used by
23 the committee or the multidisciplinary team to ascertain the physical,
24 mental, emotional and cultural-educational factors which contribute to
25 the child's [handicapping condition] disability, including but not
26 limited to: (i) results of physical and psychological examinations
27 performed by private and school district physicians and psychologists;
28 (ii) relevant information presented by the parent, guardian and teacher;
29 (iii) school data which bear on the child's progress including the
30 child's most recent individualized education program; (iv) results of
31 the most recent examinations and evaluations performed pursuant to
32 clause (d) of subparagraph three of this paragraph; and (v) results of
33 other suitable evaluations and examinations possessed by the committee
34 or multidisciplinary team. Nothing in this subparagraph shall be
35 construed to require any committee or multidisciplinary team to perform
36 any examination or evaluation not otherwise required by law.

37 (b) Upon consent obtained pursuant to clause [(c)] (a) of this subpar-
38 agraph, the committee or multidisciplinary team shall forward the
39 child's name and other relevant information in a report to the [commis-
40 sioner of mental health, commissioner of mental retardation and develop-
41 mental disabilities, commissioner of social services, or commissioner of
42 education, or their designees, for the development of a recommendation
43 for adult services pursuant to section 7.37 or 13.37 of the mental
44 hygiene law, section three hundred ninety-eight-c of the social services
45 law or subdivision ten of section forty-four hundred three of this arti-
46 cle. The] appropriate public agency as determined by the committee or
47 multidisciplinary team [shall determine which commissioner shall receive
48 the report by considering], based upon the child's [handicapping condi-
49 tion] disability and physical, mental, emotional and social needs. The
50 committee shall forward additional and updated relevant information to
51 the [commissioner of mental health, commissioner of mental retardation
52 and developmental disabilities, commissioner of social services, or
53 commissioner of education, or their designees,] appropriate public agen-
54 cy upon the request for such information by such [commissioner or desig-
55 nee] agency, with the consent of the parents, or the student, if age
56 eighteen or older.

1 (c) [Upon receipt of the notice by the child pursuant to this subpara-
2 graph, the child, if eighteen years of age or older, shall be given the
3 opportunity to consent or withhold consent to the release of the rele-
4 vant information. Such opportunity shall be given within twenty days of
5 the receipt of the notice. An appropriate member of the staff of the
6 educational facility shall be available to assist the child, if neces-
7 sary, to understand the contents of the notice and the need for his or
8 her consent for the release of the relevant information. A form,
9 prescribed by the commissioner, shall be presented to the child for
10 response, which shall clearly set forth the options of giving consent or
11 withholding consent. In the event that the child exercises neither
12 option, and the designated member of the staff of the educational facil-
13 ity has reason to believe that the child may not be able to understand
14 the purpose of the form, or in the event that the child is less than
15 eighteen years of age, the committee on special education or the multi-
16 disciplinary team shall give the parent or guardian of the child the
17 opportunity to consent in writing to the release of the relevant infor-
18 mation. Nothing in this clause shall be construed to be a determination
19 of the child's mental capacity.

20 (d)] When the committee or multidisciplinary team is notified by the
21 [commissioner who] public agency which received the report that such
22 state agency is not responsible for determining and recommending adult
23 services for the child, the committee or multidisciplinary team shall
24 forward the report to another [commissioner] public agency; or, if the
25 committee or multidisciplinary team determines that there exists a
26 dispute as to which state agency has the responsibility for determining
27 and recommending adult services, the committee or multidisciplinary team
28 may forward the report to the council on children and families for a
29 resolution of such dispute.

30 [(e) The committee and multidisciplinary team shall prepare and submit
31 an annual report to the state education department on or before October
32 first of each year. Such annual report shall contain the number of cases
33 submitted to each commissioner pursuant to clause (b) or (d) of this
34 subparagraph, the type and severity of the handicapping condition
35 involved with each such case, the number of notices received which deny
36 responsibility for determining and recommending adult services, and
37 other information necessary for the state education department and the
38 council on children and families to monitor the need for adult services.
39 Such annual report shall not contain individually identifying informa-
40 tion. The state education department shall forward a copy of such annual
41 report to the council on children and families. All information received
42 by the council on children and families pursuant to this subparagraph
43 shall be subject to the confidentiality requirements of the department.

44 (f) For purposes of this subparagraph, the term "multidisciplinary
45 team" refers to the unit which operates in lieu of a committee on
46 special education with respect to children in state operated schools.

47 (7)] (6) The committee on special education shall provide a copy of
48 the handbook for parents of children with [handicapping conditions]
49 disabilities established under subdivision eight of section four thou-
50 sand four hundred three of this article or a locally approved [hand-
51 icapped] booklet for parents of children with disabilities to the
52 parents or person in parental relationship to a child as soon as practi-
53 cable after such child has been referred for evaluation to the committee
54 on special education.

1 § 25. Subdivision 6 of section 4402 of the education law, as amended
2 by section 34 of part A of chapter 57 of the laws of 2009, is amended to
3 read as follows:

4 6. Notwithstanding any other law, rule or regulation to the contrary,
5 the board of education of a city school district with a population of
6 one hundred twenty-five thousand or more inhabitants shall be permitted
7 to establish maximum class sizes for special classes for certain
8 students with disabilities in accordance with the provisions of this
9 subdivision. For the purpose of obtaining relief from any adverse fiscal
10 impact from under-utilization of special education resources due to low
11 student attendance in special education classes at the middle and
12 secondary level as determined by the commissioner, such boards of educa-
13 tion shall, during the school years nineteen hundred ninety-five-nine-
14 ty-six through June thirtieth, two thousand [ten] eleven of the [two
15 thousand nine--two thousand ten] two thousand ten--two thousand eleven
16 school year, be authorized to increase class sizes in special classes
17 containing students with disabilities whose age ranges are equivalent to
18 those of students in middle and secondary schools as defined by the
19 commissioner for purposes of this section by up to but not to exceed one
20 and two tenths times the applicable maximum class size specified in
21 regulations of the commissioner rounded up to the nearest whole number,
22 provided that in a city school district having a population of one
23 million or more, classes that have a maximum class size of fifteen may
24 be increased by no more than one student and provided that the projected
25 average class size shall not exceed the maximum specified in the appli-
26 cable regulation, provided that such authorization shall terminate on
27 June thirtieth, two thousand. Such authorization shall be granted upon
28 filing of a notice by such a board of education with the commissioner
29 stating the board's intention to increase such class sizes and a certifi-
30 cation that the board will conduct a study of attendance problems at
31 the secondary level and will implement a corrective action plan to
32 increase the rate of attendance of students in such classes to at least
33 the rate for students attending regular education classes in secondary
34 schools of the district. Such corrective action plan shall be submitted
35 for approval by the commissioner by a date during the school year in
36 which such board increases class sizes as provided pursuant to this
37 subdivision to be prescribed by the commissioner. Upon at least thirty
38 days notice to the board of education, after conclusion of the school
39 year in which such board increases class sizes as provided pursuant to
40 this subdivision, the commissioner shall be authorized to terminate such
41 authorization upon a finding that the board has failed to develop or
42 implement an approved corrective action plan.

43 § 25-a. Section 4408 of the education law, as amended by chapter 82 of
44 the laws of 1995, subdivision 1 as amended by section 32 and subdivision
45 3 as amended by section 33 of part A-1 of chapter 58 of the laws of
46 2006, is amended to read as follows:

47 § 4408. Payment for July and August programs for students with disa-
48 bilities. 1. State aid. The commissioner shall make payments for
49 approved July and August programs for students with disabilities in
50 accordance with this section in an amount equal to [eighty percent of]
51 the product of the state share, computed pursuant to subdivision five of
52 this section, and the sum of the approved tuition and maintenance rates
53 and the transportation expense for the [current] base year enrollment of
54 students with disabilities ages five through twenty-one or students
55 eligible for services during July and August pursuant to article eight-
56 y-five, eighty-seven or eighty-eight of this chapter, where such costs

1 are determined pursuant to section forty-four hundred five of this arti-
2 cle, provided that the placement of such students was approved by the
3 commissioner, if required. Such programs shall operate for six weeks and
4 shall be funded for thirty days of service, provided, however, that the
5 observance of the legal holiday for Independence day may constitute a
6 day of service. Upon certification by the school district in which the
7 student resides, that such services were provided, such payment shall be
8 made to the provider of such services, in accordance with the provisions
9 of subdivision three of this section.

10 2. Chargeback to a municipality. Ten percent of the approved cost of
11 July and August services provided pursuant to this section for each
12 student shall be a charge against the municipality in which the parent,
13 or person in parental relationship to such student, resided on July
14 first of the school year in which such services were provided. The comp-
15 troller shall deduct from any state funds which become due to a munici-
16 pality an amount equal to such ten percent required in accordance with
17 this subdivision which amount shall be credited to the local assistance
18 account of the state education department as designated by the division
19 of the budget.

20 3. Payment schedule. For aid payable in the [two thousand six--two
21 thousand seven] two thousand ten--two thousand eleven school year and and
22 thereafter, moneys appropriated annually to the department from the
23 general fund - local assistance account under the elementary, middle and
24 secondary education program for July and August programs for students
25 with disabilities, shall be used as follows: (i) for remaining [base
26 year and prior school years] obligations from school years prior to the
27 base year, provided that the school district in which the student
28 resides had certified, prior to the end of the school year following the
29 year in which services were provided, that such services were provided,
30 and provided further that state aid payments due for such prior school
31 years shall be paid within the limit of the appropriation designated for
32 purposes of this section, and provided further that each eligible claim
33 shall be payable in the order that it has been approved for payment by
34 the commissioner, but in no case shall a single claim draw down more
35 than forty-five percent of the appropriation so designated for a single
36 year, and provided further that no claim shall be set aside for insuffi-
37 ciency of funds to make a complete payment, but shall be eligible for a
38 partial payment in one year and shall retain its priority date status
39 for appropriations designated for such purposes in future years, (ii)
40 for the purposes of subdivision four of this section for schools oper-
41 ated under articles eighty-seven and eighty-eight of this chapter, and
42 (iii) notwithstanding any inconsistent provisions of this chapter, for
43 payments made pursuant to this section for [current] base school year
44 obligations[, provided, however, that such payments shall not exceed
45 seventy percent of the state aid due for the sum of the approved tuition
46 and maintenance rates and transportation expense provided for herein]
47 within the limit of the amount of the appropriation designated for
48 purposes of this section that remains after payment of claims pursuant
49 to paragraphs (i) and (ii) of this subdivision; provided, however, that
50 payment of eligible claims shall be payable in the order that such
51 claims have been approved for payment by the commissioner, but in no
52 case shall a single payee draw down more than forty-five percent of the
53 appropriation provided for the purposes of this section, and provided
54 further that no claim shall be set aside for insufficiency of funds to
55 make a complete payment, but shall be eligible for a partial payment in
56 one year and shall retain its priority date status for appropriations



1 provided for this section in future years; and provided further that
2 nothing in this section shall be construed to require payment for obli-
3 gations incurred for services rendered in the two thousand nine--two
4 thousand ten school year more than once.

5 4. Of the amount so appropriated to the department for the July and
6 August programs for schools operated under articles eighty-seven and
7 eighty-eight of this chapter, an amount shall be transferred to the
8 special revenue funds - other, Batavia school for the blind and Rome
9 school for the deaf accounts, pursuant to a plan to be developed by the
10 commissioner and approved by the director of the budget for students
11 with disabilities attending July and August programs pursuant to this
12 section at such schools pursuant to such articles. Such amount shall be
13 determined by the tuition and maintenance rates and the total number of
14 students with disabilities approved by the commissioner for placement
15 for the July and August program. The commissioner shall establish the
16 methodology for computation of such tuition and maintenance rates for
17 each school which shall take into account all pertinent expenditures
18 including administration, direct care staff, nondirect care staff and
19 other than personal service costs.

20 5. State share. a. For school years commencing prior to July first,
21 two thousand ten, the state share shall be eighty percent of the sum of
22 such approved tuition and maintenance rates and transportation expense.

23 b. For school years commencing on or after July first, two thousand
24 ten, the state share shall be equal to the state sharing ratio for total
25 foundation aid computed pursuant to paragraph g of subdivision three of
26 section thirty-six hundred two of this chapter, but shall not be less
27 than ten percent nor more than eighty percent.

28 6. Medicaid adjustment. In accordance with the provisions of subpara-
29 graph four of paragraph b of subdivision one of section thirty-six
30 hundred nine-a of this chapter, any moneys due the school district shall
31 be reduced by an amount equal to fifty percent of any federal partic-
32 ipation, pursuant to title XIX of the social security act, in special
33 education programs provided pursuant to this section.

34 [6.] 7. Notwithstanding any other provision of law to the contrary, no
35 payments shall be made by the commissioner pursuant to this section on
36 or after July first, nineteen hundred ninety-six based on a claim
37 submitted later than three years after the end of the school year in
38 which services were rendered, and payments shall be made on or after
39 July first, two thousand ten for claims for which the school district in
40 which the student resides had failed to certify, prior to the end of the
41 school year following the year in which services were provided, that
42 such services were provided, from an appropriation designated for such
43 purpose, and shall only be made within the limit of such appropriation,
44 and provided further that each eligible claim shall be payable in the
45 order that it has been approved for payment by the commissioner, but in
46 no case shall a single claim draw down more than forty-five percent of
47 the appropriation so designated for a single year, and provided further
48 that no claim shall be set aside for insufficiency of funds to make a
49 complete payment, but shall be eligible for a partial payment in one
50 year and shall retain its priority date status for appropriations desig-
51 nated for such purposes in future years, provided however that no
52 payment shall be barred or reduced where such payment is required as a
53 result of a court order or judgment or a final audit.

54 § 25-b. Subparagraph (i) of paragraph b of subdivision 5 of section
55 4410 of the education law, as amended by chapter 474 of the laws of
56 1996, is amended to read as follows:

1 (i) If the committee determines that the child has a disability, the
2 committee shall recommend approved appropriate services or special
3 programs and the frequency, duration and intensity of such services,
4 including but not limited to the appropriateness of single services or
5 half-day programs based on the individual needs of the preschool child.
6 The committee shall first consider the appropriateness of providing: (i)
7 related services only; (ii) special education itinerant services only;
8 (iii) related services in combination with special education itinerant
9 services; (iv) a half-day program, as defined in the regulations of the
10 commissioner; (v) a full day program; in meeting the child's needs. If
11 the committee determines that the child demonstrates the need for a
12 single related service, such service shall be provided as a related
13 service only or, where appropriate, as a special education itinerant
14 service. Prior to recommending the provision of special education
15 services in a setting which includes only preschool children with disa-
16 bilities, the committee shall first consider providing special education
17 services in a setting which includes age-appropriate peers without disa-
18 bilities. Provision of special education services in a setting with no
19 regular contact with such age-appropriate peers shall be considered only
20 when the nature or severity of the child's disability is such that
21 education in a less restrictive environment with the use of supplementa-
22 ry aids and services cannot be achieved satisfactorily. In addition,
23 prior to recommending placement of a preschool child in an approved
24 program, the committee shall determine whether such placement is as
25 close as possible to the child's home and, in making such determination,
26 shall consider whether another appropriate approved program located
27 closer to the child's home is available. The committee's recommendation
28 shall include a statement of the reasons why less restrictive placements
29 were not recommended, including, where the committee recommends place-
30 ment in an approved program that is more distant from the child's home
31 than another approved program offering comparable services appropriate
32 to the needs of the preschool child, an explanation of why the more
33 distant program was recommended. The committee may recommend placement
34 in a program that uses psychotropic drugs only if the program has a
35 written policy pertaining to such use and the parent is given a copy of
36 such written policy at the time such recommendation is made.

37 § 25-c. Paragraphs a and b of subdivision 11 of section 4410 of the
38 education law, paragraph a as amended by chapter 474 of the laws of
39 1996, paragraph b as amended by chapter 170 of the laws of 1994, subpar-
40 agraph (ii) of paragraph b as amended by section 54 of part C of chapter
41 57 of the laws of 2004, subparagraph (iii) of paragraph b as amended by
42 chapter 205 of the laws of 2009, subparagraphs (iv) and (v) of paragraph
43 b as added by chapter 474 of the laws of 1996 and subparagraph (vi) of
44 paragraph b as added by section 1 of part Q-1 of chapter 109 of the laws
45 of 2006, are amended and a new paragraph a-1 is added to read as
46 follows:

47 a. The approved costs for a preschool child who receives services
48 pursuant to this section shall be a charge upon the municipality wherein
49 such child resides in the first instance. All approved costs shall be
50 paid in the first instance and at least quarterly by the appropriate
51 governing body or officer of the municipality upon vouchers presented
52 and audited in the same manner as the case of other claims against the
53 municipality. Notwithstanding any inconsistent provisions of this
54 section, upon notification by the commissioner, a municipality may with-
55 hold payments due any provider for services rendered to preschool chil-
56 dren in a program for which the commissioner has been unable to estab-

1 lish a tuition rate due to the failure of the provider to file complete
2 and accurate reports for such purpose, as required by the commissioner.

3 b. (i) Commencing with the reimbursement of municipalities for
4 services provided pursuant to this section on or after July first, nine-
5 teen hundred ninety-three, the state shall reimburse fifty-nine and [one
6 half] one-half percent of the approved costs paid by a municipality for
7 the purposes of this section. [Commencing with the reimbursement of
8 municipalities for services provided pursuant to this section on or
9 after July first, nineteen hundred ninety-four, the state shall reim-
10 burse sixty-nine and one-half percent of the approved costs paid by a
11 municipality for the purposes of this section. The state shall reimburse
12 fifty percent of the approved costs paid by a municipality for the
13 purposes of this section for services provided prior to July first,
14 nineteen hundred ninety-three.] Such state reimbursement to the munici-
15 pality shall not be paid prior to April first of the school year in
16 which such approved costs are paid by the municipality.

17 (ii) Notwithstanding any other provision of law to the contrary, the
18 commissioner, subject to the approval of the director of the budget,
19 shall compute and establish a local share ceiling amount for claims by
20 municipalities other than the city of New York of the approved costs
21 subject to state reimbursement for services provided pursuant to this
22 section in each school year starting with the two thousand ten-two
23 thousand eleven school year. For purposes of this paragraph, the "local
24 share ceiling amount" means the sum of the school district share base
25 for each school district of residence of preschool children who reside
26 within the municipality, and for a preschool child who is homeless or a
27 foster care child in each school district of location as defined in
28 section forty-four hundred ten-a of this article. The "school district
29 share base" means the product of: (A) forty and one-half percent and
30 (B) the product of the approved costs incurred pursuant to this section
31 in the two thousand nine-two thousand ten school year attributable to
32 such school district of residence or school district of current
33 location, as applicable, and the inflation factor. The "inflation
34 factor" means one hundred two percent for the two thousand ten-two
35 thousand eleven school year, and shall increase annually thereafter by
36 two percent each year. Approved costs attributable to a specific school
37 district in excess of the school district share base shall be a charge
38 upon the school district. The commissioner shall deduct an amount equal
39 to such unpaid obligation from any general aid for public schools
40 payments which become due to such school district pursuant to section
41 thirty-six hundred nine-a of this chapter, excluding payments pursuant
42 to clause (iii) of subparagraph three of paragraph b of subdivision one
43 of such section thirty-six hundred nine-a. Where such school district is
44 not eligible for payments pursuant to such section thirty-six hundred
45 nine-a, or the amount of such unpaid obligations exceeds the amount due
46 to such school district pursuant to such section thirty-six hundred
47 nine-a in the current school year, the commissioner shall bill and
48 recover from such school district any excess unpaid obligation and the
49 amount recovered from such school district shall be credited to the
50 appropriation for purposes of this section in the local assistance
51 account of the department. Provided however, that no such deduction or
52 recovery shall be made prior to July first, two thousand ten and the
53 amount so deducted from payments pursuant to such section thirty-six
54 hundred nine-a shall be transferred to the appropriation made for
55 purposes of this section from general support from public schools appro-
56 priation.



1 (iii) In accordance with a schedule adopted by the commissioner, each
2 municipality which has been notified by a board of its obligation to
3 contract for the provision of approved special services or programs for
4 a preschool child shall be provided with a listing of all such children
5 by the commissioner. Such list shall include approved services and costs
6 as prescribed by the commissioner for each such child for whom the muni-
7 cipality shall certify, on such list, the amount expended for such
8 purposes and the date of expenditure. Upon the receipt of such certified
9 statement, the commissioner shall examine the same, and if such expendi-
10 tures were made as required by this section, the commissioner shall
11 approve it and transmit it to the comptroller for audit. The comptroller
12 shall thereupon issue his warrant, in the amount specified in such
13 approved statement for the payment thereof out of moneys appropriated
14 therefor, to the municipal treasurer or chief fiscal officer as the case
15 may be.

16 [(iii)] (iv) (a) Notwithstanding the provisions of this paragraph, any
17 monies due municipalities pursuant to this paragraph for services
18 provided during the two thousand eight--two thousand nine and prior
19 school years shall be reduced by an amount equal to the product of the
20 percentage of the approved costs reimbursed by the state pursuant to
21 subparagraph (i) of this paragraph and any federal participation, pursu-
22 ant to title XIX of the social security act, in special education
23 programs provided pursuant to this section. The commissioner shall
24 deduct such amount, as certified by the commissioner of health as the
25 authorized fiscal agent of the state education department. Such
26 deductions shall be made in accordance with a plan developed by the
27 commissioner and approved by the director of the budget. To the extent
28 that such deductions exceed moneys owed to the municipality pursuant to
29 this paragraph, such excess shall be deducted from any other payments
30 due the municipality.

31 (b) Any moneys due municipalities pursuant to this paragraph for
32 services provided during the two thousand nine--two thousand ten school
33 year and thereafter shall, in the first instance, be designated as the
34 state share of moneys due a municipality pursuant to title XIX of the
35 social security act, on account of school supportive health services
36 provided to preschool students with disabilities pursuant to this
37 section. Such state share shall be assigned on behalf of municipalities
38 to the department of health, as provided herein; the amount designated
39 as such nonfederal share shall be transferred by the commissioner to the
40 department of health based on the monthly report of the commissioner of
41 health to the commissioner; and any remaining moneys to be apportioned
42 to a municipality pursuant to this section shall be paid in accordance
43 with this section. The amount to be assigned to the department of
44 health, as determined by the commissioner of health, for any munici-
45 pality shall not exceed the federal share of any moneys due such munici-
46 pality pursuant to title XIX of the social security act. Moneys desig-
47 nated as state share moneys shall be paid to such municipality by the
48 department of health based on the submission and approval of claims
49 related to such school supportive health services, in the manner
50 provided by law.

51 [(iv)] (v) Notwithstanding any other provision of law to the contrary,
52 no payments shall be made by the commissioner pursuant to this section
53 on or after July first, nineteen hundred ninety-six based on a claim for
54 services provided during school years nineteen hundred eighty-nine--ni-
55 nety, nineteen hundred ninety--ninety-one, nineteen hundred ninety-one-
56 ninety-two, nineteen hundred ninety-two--ninety-three, nineteen hundred

1 ninety-three--ninety-four, and nineteen hundred ninety-four--ninety-five
2 which is submitted later than two years after the end of the nineteen
3 hundred ninety-five--ninety-six school year; provided, however, that no
4 payment shall be barred or reduced where such payment is required as a
5 result of a court order or judgment or a final audit, and provided
6 further that the commissioner may grant a waiver to a municipality
7 excusing the late filing of such a claim upon a finding that the delay
8 was caused by a party other than the municipality or a board to which
9 the municipality delegated authority pursuant to paragraph f of subdivi-
10 sion five or subdivision eight of this section.

11 [(v)] (vi) Notwithstanding any other provision of law to the contrary,
12 no payments shall be made by the commissioner pursuant to this section
13 on or after July first, nineteen hundred ninety-six based on a claim for
14 services provided in the nineteen hundred ninety-five--ninety-six school
15 year or thereafter which is submitted later than three years after the
16 end of the school year in which services were rendered, provided, howev-
17 er, that no payment shall be barred or reduced where such payment is
18 required as a result of a court order or judgment or a final audit, and
19 provided further that the commissioner may grant a waiver to a munici-
20 pality excusing the late filing of such a claim upon a finding that the
21 delay was caused by a party other than the municipality or a board to
22 which the municipality delegates authority pursuant to paragraph f of
23 subdivision five or subdivision eight of this section.

24 [(vi)] (vii) Notwithstanding any other provision of law to the contra-
25 ry, beginning with state reimbursement otherwise payable in the two
26 thousand six--two thousand seven state fiscal year and in each year
27 thereafter, payments pursuant to this section, subject to county agree-
28 ment and in the amounts specified in such agreement, shall be paid no
29 later than June thirtieth of the state fiscal year next following the
30 state fiscal year in which such reimbursement was otherwise eligible for
31 payment and in which the liability to the county for such state
32 reimbursement accrued, provided that such payments in a subsequent state
33 fiscal year shall be recognized by the state and the applicable county
34 as satisfying the state reimbursement obligation for the prior state
35 fiscal year. Any unspent amount associated with such county agreements
36 shall not be available for payments to other counties or municipalities.

37 § 25-d. Subparagraph (ii) of paragraph c of subdivision 11 of section
38 4410 of the education law, as amended by chapter 205 of the laws of
39 2009, is amended to read as follows:

40 (ii) Payments made pursuant to this section by a municipality shall,
41 upon conclusion of the July first to June thirtieth school year for
42 which such payment was made, be subject to audit against the actual
43 difference between such audited expenditures and revenues. The munici-
44 pality shall submit the results of any such audit to the commissioner
45 and the commissioner of [social] the office of children and family
46 services, if appropriate, for review and, if warranted, adjustment of
47 the tuition and/or maintenance rates. Such review shall be completed and
48 a response provided to the municipality within three months of
49 submission of such audit to the appropriate commissioner. The munici-
50 pality is authorized to recover overpayments made to a provider of
51 special services or programs pursuant to this section as determined by
52 the commissioner or the commissioner of [health] the office of children
53 and family services based upon their adjustment of a tuition and/or
54 maintenance rate, provided that for purposes of making such adjustment
55 and recovery, the municipality shall be deemed to have paid fifty
56 percent of the disallowed costs. Such recovery may be accomplished by

1 withholding such amount from any moneys due the provider in the current
2 year, or by direct reimbursement.

3 § 26. Subparagraph 4 of paragraph b of subdivision 4 of section 92-c
4 of the state finance law, as amended by section 46 of part B of chapter
5 57 of the laws of 2007, is amended to read as follows:

6 (4) each eligible school district shall be entitled to an additional
7 lottery grant equal to the result of multiplying the district's total
8 aidable foundation pupil units for the base year computed pursuant to
9 paragraph g of subdivision two of section thirty-six hundred two of the
10 education law by:

11
$$\text{Base Grant} \times (1 + \text{aid ratio})$$

12 Where, the base grant shall equal the sum of the net total available
13 moneys after making payments pursuant to subparagraphs (1), (2), (2-a)
14 and (3) above, plus an amount from the general support for public
15 schools--general fund local assistance account equal to the June lottery
16 payment, divided by the total aidable pupil units of the state and where
17 the Aid Ratio is equal to one minus the pupil wealth ratio of the
18 district as such term is defined in section thirty-six hundred two of
19 the education law. In no case shall a school district aid ratio exceed
20 one (1) or be less than minus one (-1).

21 § 27. Section 4403 of the education law is amended by adding two new
22 subdivisions 21 and 22 to read as follows:

23 21. To identify school districts with high rates of identification of
24 students as students with disabilities, school districts with low rates
25 of declassification of students with disabilities, school districts with
26 high rates of placement of students with disabilities in separate sites
27 and school districts with significant disproportionality based on race
28 and ethnicity in such identification or placement in particular
29 settings. To ensure compliance with the federal individuals with disa-
30 bilities education act, the department shall work with the districts to
31 verify such rates, determine the underlying causes and, if necessary,
32 may require the development of a corrective action plan to implement
33 policies, practices and procedures to improve results in the identified
34 problem area.

35 22. To provide technical assistance to such school districts in
36 accordance with subdivision twenty-one of this section to assist them in
37 developing effective strategies to improve such results including alter-
38 native placement models; models for effective preventive services; coor-
39 dated use of financial resources; improved evaluation practices and
40 appropriate declassification practices. The department shall submit a
41 report to the governor and the legislature on its actions to implement
42 this subdivision in the prior school year by December first of each
43 year, commencing with December first, two thousand eleven.

44 § 28. Section 6-p of the general municipal law is amended by adding a
45 new subdivision 10 to read as follows:

46 10. Notwithstanding any provision of law to the contrary, the govern-
47 ing board of a school district may, during the two thousand ten--two
48 thousand eleven school year, authorize a withdrawal from this fund in an
49 amount not to exceed the lesser of: (a) the dollar value of excess fund-
50 ing in the fund as determined by the comptroller pursuant to section
51 thirty-three of this chapter or

52 (b) the amount of the school district's net gap elimination adjustment
53 as calculated by the commissioner of education pursuant to subparagraph
54 three of paragraph e of subdivision one of section thirty-six hundred



1 nine-a of the education law. Funds withdrawn pursuant to this subdivi-
2 sion may only be used for the purpose of maintaining educational
3 programming during the two thousand ten--two thousand eleven school year
4 which otherwise would have been reduced as a result of such net gap
5 elimination adjustment. Governing boards which make such a withdrawal
6 shall submit, in a form prescribed by the commissioner of education,
7 relevant information about the withdrawal, which shall include but not
8 be limited to, the amount of such withdrawal, the date of withdrawal,
9 and the use of such withdrawn funds.

10 § 29. Subdivision 3 of section 33 of the general municipal law, as
11 added by section 40 of part A of chapter 57 of the laws of 2009, is
12 amended to read as follows:

13 3. Examinations and report. In addition to the inspection and examina-
14 tion of certain accounts pursuant to this section, the comptroller [by
15 the end of] during the [two thousand eleven--two thousand twelve] two
16 thousand ten--two thousand eleven school year, shall also examine for
17 the most recent school year [as] practicable, the employee benefit
18 accrued liability reserve funds of school districts established pursuant
19 to section six-p of this chapter. Such examination shall be for the
20 purpose of determining the amount of funding in the reserve fund, the
21 amount of liabilities against such fund and if there exist funds in the
22 reserve fund which are in excess of the total liabilities of such fund.
23 The comptroller shall notify the school district if such excess funds
24 exist and the dollar value of the excess funding. The comptroller shall
25 also prepare a report on the school districts with excess funds in their
26 employee benefit accrued liability reserve fund and the amount of the
27 excess funding for each district. Such report shall be submitted by
28 July first, two thousand [twelve] eleven to the director of the budget,
29 the chair of the senate finance committee, the chair of the assembly
30 ways and means committee and the commissioner of education.

31 § 30. Subdivision b of section 2 of chapter 756 of the laws of 1992,
32 relating to funding a program for work force education conducted by the
33 consortium for worker education in New York city, as amended by section
34 41 of part A of chapter 57 of the laws of 2009, is amended to read as
35 follows:

36 b. Reimbursement for programs approved in accordance with subdivision
37 a of this section [for the 2006-07 school year shall not exceed 64.7
38 percent of the lesser of such approvable costs per contact hour or nine
39 dollars and twenty-five cents per contact hour where a contact hour
40 represents sixty minutes of instruction services provided to an eligible
41 adult, reimbursement] for the 2007-08 school year shall not exceed 63.3
42 percent of the lesser of such approvable costs per contact hour or nine
43 dollars and ninety cents per contact hour where a contact hour repres-
44 ents sixty minutes of instruction services provided to an eligible
45 adult, reimbursement for the 2008-09 school year shall not exceed 62.8
46 percent of the lesser of such approvable costs per contact hour or ten
47 dollars and sixty-five cents per contact hour where a contact hour
48 represents sixty minutes of instruction services provided to an eligible
49 adult [and], reimbursement for the 2009-10 school year shall not exceed
50 64.1 percent of the lesser of such approvable costs per contact hour or
51 eleven dollars and fifty cents per contact hour where a contact hour
52 represents sixty minutes of instruction services provided to an eligible
53 adult and reimbursement for the 2010-11 school year shall not exceed
54 62.6 percent of the lesser of such approvable costs per contact hour or
55 twelve dollars per contact hour where a contact hour represents sixty
56 minutes of instruction services provided to an eligible adult. Notwith-

1 standing any other provision of law to the contrary, [for the 2006-07
2 school year such contact hours shall not exceed one million nine hundred
3 twenty-three thousand seventy-six (1,923,076) hours; whereas] for the
4 2007-08 school year such contact hours shall not exceed one million
5 eight hundred thirty-seven thousand sixty (1,837,060) hours; whereas for
6 the 2008-09 school year such contact hours shall not exceed one million
7 nine hundred forty-six thousand one hundred seven (1,946,107) hours;
8 whereas for the 2009-10 school year such contact hours shall not exceed
9 one million seven hundred sixty-three thousand nine hundred seven
10 (1,763,907) hours; whereas for the 2010-11 school year such contact
11 hours shall not exceed one million five hundred thirty-one thousand two
12 hundred ninety-one (1,531,291) hours.

13 Notwithstanding any other provision of law to the contrary, the appor-
14 tionment calculated for the city school district of the city of New York
15 pursuant to subdivision 11 of section 3602 of the education law shall be
16 computed as if such contact hours provided by the consortium for worker
17 education, not to exceed the contact hours set forth herein, were eligi-
18 ble for aid in accordance with the provisions of such subdivision 11 of
19 section 3602 of the education law.

20 § 31. Section 4 of chapter 756 of the laws of 1992, relating to fund-
21 ing a program for work force education conducted by the consortium for
22 worker education in New York city, is amended by adding a new subdivi-
23 sion p to read as follows:

24 p. The provisions of this subdivision shall not apply after the
25 completion of payments for the 2010-2011 school year. Notwithstanding
26 any inconsistent provisions of law, the commissioner of education shall
27 withhold a portion of employment preparation education aid due to the
28 city school district of the city of New York to support a portion of the
29 costs of the work force education program. Such moneys shall be credited
30 to the elementary and secondary education fund-local assistance account
31 and shall not exceed eleven million five hundred thousand dollars
32 (\$11,500,000).

33 § 32. Section 6 of chapter 756 of the laws of 1992, relating to fund-
34 ing a program for work force education conducted by the consortium for
35 worker education in New York city, as amended by section 43 of part A of
36 chapter 57 of the laws of 2009, is amended to read as follows:

37 § 6. This act shall take effect July 1, 1992, and shall be deemed
38 repealed on June 30, [2010] 2011.

39 § 33. Section 4 of chapter 425 of the laws of 2002, amending the
40 education law relating to the provision of supplemental educational
41 services, attendance at a safe public school and the suspension of
42 pupils who bring a firearm to or possess a firearm at a school, as
43 amended by chapter 158 of the laws of 2009, is amended to read as
44 follows:

45 § 4. This act shall take effect July 1, 2002 and shall expire and be
46 deemed repealed June 30, [2010] 2011.

47 § 34. Section 5 of chapter 101 of the laws of 2003, amending the
48 education law relating to implementation of the No Child Left Behind Act
49 of 2001, as amended by chapter 158 of the laws of 2009, is amended to
50 read as follows:

51 § 5. This act shall take effect immediately; provided that sections
52 one, two and three of this act shall expire and be deemed repealed on
53 June 30, [2010] 2011.

54 § 35. Section 3 of chapter 618 of the laws of 1998, amending the
55 general municipal law and the education law relating to disposal of

1 surplus computer equipment by political subdivisions, as amended by
2 chapter 158 of the laws of 2007, is amended to read as follows:

3 § 3. This act shall take effect immediately and shall expire July 1,
4 [2010] 2013 when upon such date the provisions of this act shall be
5 deemed repealed.

6 § 36. Section 2 of chapter 219 of the laws of 2003, amending the
7 education law relating to publishers or manufacturers providing printed
8 instructional materials for college students with disabilities, as
9 amended by chapter 342 of the laws of 2007, is amended to read as
10 follows:

11 § 2. This act shall take effect August 15, 2004 and shall expire and
12 be deemed repealed [6] 9 years after such effective date.

13 § 37. Section 2 of chapter 552 of the laws of 1995 amending the educa-
14 tion law relating to contracts for the transportation of school chil-
15 dren, as amended by chapter 267 of the laws of 2007, is amended to read
16 as follows:

17 § 2. This act shall take effect on the first day of January next
18 succeeding the date on which it shall have become a law and shall remain
19 in full force and effect until January 1, [2011] 2012, when upon such
20 date the provisions of this act shall be deemed repealed.

21 § 38. Section 12 of chapter 147 of the laws of 2001, amending the
22 education law relating to conditional appointment of school district,
23 charter school or BOCES employees, as amended by chapter 179 of the laws
24 of 2009, is amended to read as follows:

25 § 12. This act shall take effect on the same date as chapter 180 of
26 the laws of 2000 takes effect, and shall expire July 1, [2010] 2011 when
27 upon such date the provisions of this act shall be deemed repealed.

28 § 39. Intentionally omitted.

29 § 40. Section 2 of chapter 534 of the laws of 1993 amending the educa-
30 tion law relating to physical therapy assistants, as amended by chapter
31 148 of the laws of 2006, is amended to read as follows:

32 § 2. This act shall take effect on the sixtieth day after it shall
33 have become a law and shall remain in effect until June 30, [2010] 2014
34 on which date it shall be repealed.

35 § 41. Section 2 of chapter 20 of the laws of 1998 amending the educa-
36 tion law relating to the provision of physical therapy assistant
37 services in public and private primary and secondary schools, as amended
38 by chapter 36 of the laws of 2005, is amended to read as follows:

39 § 2. This act shall take effect immediately and shall remain in effect
40 until June 30, [2010] 2015 when upon such date the provisions of this
41 act shall expire and be deemed repealed.

42 § 42. Section 2 of chapter 386 of the laws of 1996, amending the
43 education law relating to providing for a waiver allowing state aid in
44 certain circumstances, as amended by chapter 661 of the laws of 2005, is
45 amended to read as follows:

46 § 2. This act shall take effect immediately, provided that the
47 provisions of this act shall be deemed to have been in full force and
48 effect on and after January 1, 1996, and provided, further that this act
49 shall be deemed repealed on and after January 1, [2011] 2015.

50 § 43. Intentionally omitted.

51 § 44. Section 2 of chapter 537 of the laws of 2008, amending the
52 education law relating to a restricted dental faculty license, is
53 amended to read as follows:

54 § 2. This act shall take effect February 1, 2009 and shall expire
55 February 1, [2011] 2013 when upon such date the provisions of this act
56 shall be deemed repealed; provided that the commissioner of education is

1 authorized to promulgate rules and regulations necessary to implement
2 the provisions of this act prior to such effective date; and provided
3 further that any restricted dental faculty license awarded prior to
4 February 1, [2011] 2013 shall remain valid and effective until the expi-
5 ration thereof.

6 § 45. Subdivision 1 of section 167 of chapter 169 of the laws of 1994
7 relating to certain provisions related to the 1994-95 state operations,
8 aid to localities, capital projects and debt service budgets, as amended
9 by section 44 of part A of chapter 57 of the laws of 2009, is amended to
10 read as follows:

11 1. Sections one through seventy of this act shall be deemed to have
12 been in full force and effect as of April 1, 1994 provided, however,
13 that sections one, two, twenty-four, twenty-five and twenty-seven
14 through seventy of this act shall expire and be deemed repealed on March
15 31, 2000; provided, however, that section twenty of this act shall apply
16 only to hearings commenced prior to September 1, 1994, and provided
17 further that section twenty-six of this act shall expire and be deemed
18 repealed on March 31, 1997; and provided further that sections four
19 through fourteen, sixteen, and eighteen, nineteen and twenty-one through
20 twenty-one-a of this act shall expire and be deemed repealed on March
21 31, 1997; and provided further that sections three, fifteen, seventeen,
22 twenty, twenty-two and twenty-three of this act shall expire and be
23 deemed repealed on March 31, [2011] 2012.

24 § 46. Subdivisions 22 and 24 of section 140 of chapter 82 of the laws
25 of 1995, amending the education law and certain other laws relating to
26 state aid to school districts and the appropriation of funds for the
27 support of government, as amended by section 45 of part A of chapter 57
28 of the laws of 2009, are amended to read as follows:

29 (22) sections one hundred twelve, one hundred thirteen, one hundred
30 fourteen, one hundred fifteen and one hundred sixteen of this act shall
31 take effect on July 1, 1995; provided, however, that section one hundred
32 thirteen of this act shall remain in full force and effect until July 1,
33 [2010] 2011 at which time it shall be deemed repealed;

34 (24) sections one hundred eighteen through one hundred thirty of this
35 act shall be deemed to have been in full force and effect on and after
36 July 1, 1995; provided further, however, that the amendments made pursu-
37 ant to section one hundred nineteen of this act shall be deemed to be
38 repealed on and after July 1, [2010] 2011;

39 § 47. The commissioner of education shall conduct one or more pilot
40 projects in the 2010--2011 school year to identify barriers to the
41 formation of, and evaluate the cost-effectiveness of, regional transpor-
42 tation systems as authorized by subdivision 21-b of section 1604 or
43 subdivision 25 of section 1709 of the education law. On or before Novem-
44 ber 1, 2010, the commissioner of education shall submit a report to the
45 board of regents, the governor, the speaker of the assembly and the
46 majority leader and the temporary president of the senate, the director
47 of the budget and the legislative fiscal committees analyzing the pilot
48 projects and their cost-effectiveness, and identifying any barriers to
49 implementation of regional transportation systems throughout the state,
50 including any statutory changes needed to promote such implementation.

51 § 48. School bus driver training. In addition to apportionments other-
52 wise provided by section 3602 of the education law, for aid payable in
53 the 2010-2011 school year, the commissioner of education shall allocate
54 school bus driver training grants to school districts and boards of
55 cooperative education services pursuant to sections 3650-a, 3650-b and
56 3650-c of the education law, or for contracts directly with not-for-pro-

1 fit educational organizations for the purposes of this section. Such
2 payments shall not exceed four hundred thousand dollars (\$400,000).

3 § 49. Support of public libraries. The moneys appropriated for the
4 support of public libraries by the chapter of the laws of 2010 enacting
5 the education, labor and family assistance budget shall be apportioned
6 for 2010--2011 in accordance with the provisions of sections 271, 272,
7 273, 282, 284, and 285 of the education law as amended by the provisions
8 of this chapter and the provisions of this section, provided that
9 library construction aid pursuant to section 273-a of the education law
10 shall not be payable from the appropriations for the support of public
11 libraries and provided further that no library, library system or
12 program, as defined by the commissioner of education, shall receive less
13 total system or program aid than it received for the year 2001--2002
14 except as a result of a reduction adjustment necessary to conform to the
15 appropriations for support of public libraries.

16 Notwithstanding any other provision of law to the contrary the moneys
17 appropriated for the support of public libraries for the year 2010--2011
18 by a chapter of the laws of 2010 enacting the education, labor and fami-
19 ly assistance budget shall fulfill the state's obligation to provide
20 such aid and, pursuant to a plan developed by the commissioner of educa-
21 tion and approved by the director of the budget, the aid payable to
22 libraries and library systems pursuant to such appropriations shall be
23 reduced proportionately to assure that the total amount of aid payable
24 does not exceed the total appropriations for such purpose.

25 § 50. Special apportionment for salary expenses. a. Notwithstanding
26 any other provision of law, upon application to the commissioner of
27 education, not sooner than the first day of the second full business
28 week of June, 2011 and not later than the last day of the third full
29 business week of June, 2011, a school district eligible for an appor-
30 tionment pursuant to section 3602 of the education law shall be eligible
31 to receive an apportionment pursuant to this section, for the school
32 year ending June 30, 2011, for salary expenses incurred between April 1
33 and June 30, 2011, and such apportionment shall not exceed the sum of
34 (i) the deficit reduction assessment of 1990-91 as determined by the
35 commissioner of education, pursuant to paragraph f of subdivision 1 of
36 section 3602 of the education law, as in effect through June 30, 1993,
37 plus (ii) 186 percent of such amount for a city school district in a
38 city with a population in excess of 1,000,000 inhabitants, plus (iii)
39 209 percent of such amount for a city school district in a city with a
40 population of more than 195,000 inhabitants and less than 219,000 inhab-
41 itants according to the latest federal census, plus (iv) the net gap
42 elimination adjustment for 2010--2011, as determined by the commissioner
43 of education pursuant to paragraph e of subdivision 1 of section 3609-a
44 of the education law as in effect through June 30, 2011, and provided
45 further that such apportionment shall not exceed such salary expenses.
46 Such application shall be made by a school district, after the board of
47 education or trustees have adopted a resolution to do so and in the case
48 of a city school district in a city with a population in excess of
49 125,000 inhabitants, with the approval of the mayor of such city.

50 b. The claim for an apportionment to be paid to a school district
51 pursuant to subdivision a of this section shall be submitted to the
52 commissioner of education on a form prescribed for such purpose, and
53 shall be payable upon determination by such commissioner that the form
54 has been submitted as prescribed. Such approved amounts shall be payable
55 on the same day in September of the school year following the year in
56 which application was made as funds provided pursuant to subparagraph

1 (4) of paragraph b of subdivision 4 of section 92-c of the state finance
2 law, on the audit and warrant of the state comptroller on vouchers
3 certified or approved by the commissioner of education in the manner
4 prescribed by law from moneys in the state lottery fund and from the
5 general fund to the extent that the amount paid to a school district
6 pursuant to this section exceeds the amount, if any, due such school
7 district pursuant to subparagraph (2) of paragraph a of subdivision 1 of
8 section 3609-a of the education law in the school year following the
9 year in which application was made.

10 c. Notwithstanding the provisions of section 3609-a of the education
11 law, an amount equal to the amount paid to a school district pursuant to
12 subdivisions a and b of this section shall first be deducted from the
13 following payments due the school district during the school year
14 following the year in which application was made pursuant to subpara-
15 graphs (1), (2), (3), (4) and (5) of paragraph a of subdivision 1 of
16 section 3609-a of the education law in the following order: the lottery
17 apportionment payable pursuant to subparagraph (2) of such paragraph
18 followed by the fixed fall payments payable pursuant to subparagraph (4)
19 of such paragraph and then followed by the district's payments to the
20 teachers' retirement system pursuant to subparagraph (1) of such para-
21 graph, and any remainder to be deducted from the individualized payments
22 due the district pursuant to paragraph b of such subdivision shall be
23 deducted on a chronological basis starting with the earliest payment due
24 the district.

25 § 51. Special apportionment for public pension accruals. a. Notwith-
26 standing any other provision of law, upon application to the commission-
27 er of education, not later than June 30, 2011, a school district eligi-
28 ble for an apportionment pursuant to section 3602 of the education law
29 shall be eligible to receive an apportionment pursuant to this section,
30 for the school year ending June 30, 2011, and such apportionment shall
31 not exceed the additional accruals required to be made by school
32 districts in the 2004-05 and 2005-06 school years associated with chang-
33 es for such public pension liabilities. The amount of such additional
34 accrual shall be certified to the commissioner of education by the pres-
35 ident of the board of education or the trustees or, in the case of a
36 city school district in a city with a population in excess of 125,000
37 inhabitants, the mayor of such city. Such application shall be made by a
38 school district, after the board of education or trustees have adopted a
39 resolution to do so and in the case of a city school district in a city
40 with a population in excess of 125,000 inhabitants, with the approval of
41 the mayor of such city.

42 b. The claim for an apportionment to be paid to a school district
43 pursuant to subdivision a of this section shall be submitted to the
44 commissioner of education on a form prescribed for such purpose, and
45 shall be payable upon determination by such commissioner that the form
46 has been submitted as prescribed. Such approved amounts shall be payable
47 on the same day in September of the school year following the year in
48 which application was made as funds provided pursuant to subparagraph
49 (4) of paragraph b of subdivision 4 of section 92-c of the state finance
50 law, on the audit and warrant of the state comptroller on vouchers
51 certified or approved by the commissioner of education in the manner
52 prescribed by law from moneys in the state lottery fund and from the
53 general fund to the extent that the amount paid to a school district
54 pursuant to this section exceeds the amount, if any, due such school
55 district pursuant to subparagraph (2) of paragraph a of subdivision 1 of

1 section 3609-a of the education law in the school year following the
2 year in which application was made.

3 c. Notwithstanding the provisions of section 3609-a of the education
4 law, an amount equal to the amount paid to a school district pursuant to
5 subdivisions a and b of this section shall first be deducted from the
6 following payments due the school district during the school year
7 following the year in which application was made pursuant to subpara-
8 graphs (1), (2), (3), (4) and (5) of paragraph a of subdivision 1 of
9 section 3609-a of the education law in the following order: the lottery
10 apportionment payable pursuant to subparagraph (2) of such paragraph
11 followed by the fixed fall payments payable pursuant to subparagraph (4)
12 of such paragraph and then followed by the district's payments to the
13 teachers' retirement system pursuant to subparagraph (1) of such para-
14 graph, and any remainder to be deducted from the individualized payments
15 due the district pursuant to paragraph b of such subdivision shall be
16 deducted on a chronological basis starting with the earliest payment due
17 the district.

18 § 52. a. Notwithstanding any other law, rule or regulation to the
19 contrary, any moneys appropriated to the state education department may
20 be suballocated to other state departments or agencies, as needed, to
21 accomplish the intent of the specific appropriations contained therein.

22 b. Notwithstanding any other law, rule or regulation to the contrary,
23 moneys appropriated to the state education department from the general
24 fund/aid to localities, local assistance account-001, shall be for
25 payment of financial assistance, as scheduled, net of disallowances,
26 refunds, reimbursement and credits.

27 c. Notwithstanding any other law, rule or regulation to the contrary,
28 all moneys appropriated to the state education department for aid to
29 localities shall be available for payment of aid heretofore or hereafter
30 to accrue and may be suballocated to other departments and agencies to
31 accomplish the intent of the specific appropriations contained therein.

32 d. Notwithstanding any other law, rule or regulation to the contrary,
33 moneys appropriated to the state education department for general
34 support for public schools may be interchanged with any other item of
35 appropriation for general support for public schools within the general
36 fund local assistance account elementary, middle, secondary and continu-
37 ing education program.

38 § 53. Notwithstanding the provision of any law, rule, or regulation to
39 the contrary, the city school district of the city of Rochester, upon
40 the consent of the board of cooperative educational services of the
41 supervisory district serving its geographic region may purchase from
42 such board for the 2010-11 school year, as a non-component school
43 district, services required by article 19 of the education law.

44 § 54. The amounts specified in this section shall be a setaside from
45 the state funds which each such district is receiving from the total
46 foundation aid:

47 a. for the purpose of the development, maintenance or expansion of
48 magnet schools or magnet school programs for the two thousand ten--two
49 thousand eleven school year. To the city school district of the city of
50 New York there shall be paid forty-eight million one hundred seventy-
51 five thousand dollars (\$48,175,000) including five hundred thousand
52 dollars (\$500,000) for the Andrew Jackson High School; to the Buffalo
53 city school district, twenty-one million twenty-five thousand dollars
54 (\$21,025,000); to the Rochester city school district, fifteen million
55 dollars (\$15,000,000); to the Syracuse city school district, thirteen
56 million dollars (\$13,000,000); to the Yonkers city school district,

1 forty-nine million five hundred thousand dollars, (\$49,500,000); to the
2 Newburgh city school district, four million six hundred forty-five thou-
3 sand dollars (\$4,645,000); to the Poughkeepsie city school district, two
4 million four hundred seventy-five thousand dollars (\$2,475,000); to the
5 Mount Vernon city school district, two million dollars (\$2,000,000); to
6 the New Rochelle city school district, one million four hundred ten
7 thousand dollars (\$1,410,000); to the Schenectady city school district,
8 one million eight hundred thousand dollars (\$1,800,000); to the Port
9 Chester city school district, one million one hundred fifty thousand
10 dollars (\$1,150,000); to the White Plains city school district, nine
11 hundred thousand dollars (\$900,000); to the Niagara Falls city school
12 district, six hundred thousand dollars (\$600,000); to the Albany city
13 school district, three million five hundred fifty thousand dollars
14 (\$3,550,000); to the Utica city school district, two million dollars
15 (\$2,000,000); to the Beacon city school district, five hundred sixty-six
16 thousand dollars (\$566,000); to the Middletown city school district,
17 four hundred thousand dollars (\$400,000); to the Freeport union free
18 school district, four hundred thousand dollars (\$400,000); to the Green-
19 burgh central school district, three hundred thousand dollars
20 (\$300,000); to the Amsterdam city school district, eight hundred thou-
21 sand dollars (\$800,000); to the Peekskill city school district, two
22 hundred thousand dollars (\$200,000); and to the Hudson city school
23 district, four hundred thousand dollars (\$400,000).

24 b. notwithstanding the provisions of paragraph a of this subdivision,
25 a school district receiving a grant pursuant to this subdivision may use
26 such grant funds for: (i) any instructional or instructional support
27 costs associated with the operation of a magnet school; or (ii) any
28 instructional or instructional support costs associated with implementa-
29 tion of an alternative approach to reduction of racial isolation and/or
30 enhancement of the instructional program and raising of standards in
31 elementary and secondary schools of school districts having substantial
32 concentrations of minority students. The commissioner of education shall
33 not be authorized to withhold magnet grant funds from a school district
34 that used such funds in accordance with this paragraph, notwithstanding
35 any inconsistency with a request for proposals issued by such commis-
36 sioner.

37 c. for the purpose of attendance improvement and dropout prevention
38 for the two thousand nine--two thousand ten school year, for any city
39 school district in a city having a population of more than one million,
40 the setaside for attendance improvement and dropout prevention shall
41 equal the amount set aside in the base year. For the two thousand ten--
42 two thousand eleven school year, it is further provided that any city
43 school district in a city having a population of more than one million
44 shall allocate at least one-third of any increase from base year levels
45 in funds set aside pursuant to the requirements of this subdivision to
46 community-based organizations. Any increase required pursuant to this
47 subdivision to community-based organizations must be in addition to
48 allocations provided to community-based organizations in the base year.

49 d. for the purpose of teacher support for the two thousand ten--two
50 thousand eleven school year: to the city school district of the city of
51 New York, sixty-two million seven hundred seven thousand dollars
52 (\$62,707,000); to the Buffalo city school district, one million seven
53 hundred forty-one thousand dollars (\$1,741,000); to the Rochester city
54 school district, one million seventy-six thousand dollars (\$1,076,000);
55 to the Yonkers city school district, one million one hundred forty-seven
56 thousand dollars (\$1,147,000); and to the Syracuse city school district,

1 eight hundred nine thousand dollars (\$809,000). All funds made available
2 to a school district pursuant to this subdivision shall be distributed
3 among teachers including prekindergarten teachers and teachers of adult
4 vocational and academic subjects in accordance with this subdivision and
5 shall be in addition to salaries heretofore or hereafter negotiated or
6 made available; provided, however, that all funds distributed pursuant
7 to this section for the current year shall be deemed to incorporate all
8 funds distributed pursuant to former subdivision 27 of section 3602 of
9 the education law for prior years. In school districts where the teach-
10 ers are represented by certified or recognized employee organizations,
11 all salary increases funded pursuant to this section shall be determined
12 by separate collective negotiations conducted pursuant to the provisions
13 and procedures of article 14 of the civil service law, notwithstanding
14 the existence of a negotiated agreement between a school district and a
15 certified or recognized employee organization.

16 § 54-a. Gap elimination adjustment restoration. Notwithstanding any
17 other provision of law to the contrary, apportionments from this section
18 shall be supported from funds appropriated for such purpose from the
19 state fiscal stabilization fund-education fund as funded by the American
20 recovery and reinvestment act of 2009. For the purposes of this section
21 the term "fiscal year", followed by a reference to a year shall mean the
22 period from July first of the preceding year to June thirtieth of the
23 calendar year referenced.

24 Funds shall be apportioned to each school district in an amount equal
25 to the positive difference of the gap elimination adjustment less the
26 net gap elimination adjustment, both as computed pursuant to paragraph e
27 of subdivision 1 of section 3609-a of the education law.

28 Each district shall be eligible, pursuant to applicable federal rules,
29 regulations and guidelines, for a payment for the 2010--2011 school year
30 of up to seventy percent (0.7) of such funds on or after the effective
31 date of this act and up to an additional thirty percent (0.3) of such
32 funds on or after April 1, 2011.

33 § 55. Severability. The provisions of this act shall be severable, and
34 if the application of any clause, sentence, paragraph, subdivision,
35 section or part of this act to any person or circumstance shall be
36 adjudged by any court of competent jurisdiction to be invalid, such
37 judgment shall not necessarily affect, impair or invalidate the applica-
38 tion of any such clause, sentence, paragraph, subdivision, section, part
39 of this act or remainder thereof, as the case may be, to any other
40 person or circumstance, but shall be confined in its operation to the
41 clause, sentence, paragraph, subdivision, section or part thereof
42 directly involved in the controversy in which such judgment shall have
43 been rendered.

44 § 56. This act shall take effect immediately and shall be deemed to
45 have been in full force and effect on and after April 1, 2010, provided,
46 however, that:

47 1. section two of this act shall be deemed to have been in full force
48 and effect on and after July 1, 2006.

49 2. sections four-a and five-a of this act shall take effect June 30,
50 2010.

51 3. sections three-c, six, six-a, eight, nine, twelve, fifteen, eigh-
52 teen through twenty-five-a, twenty-six, twenty-seven, forty-eight,
53 fifty, fifty-one, fifty-four, and fifty-four-a of this act shall take
54 effect July 1, 2010.

55 4. sections seven, eleven, and sixteen of this act shall be deemed to
56 have been in full force and effect on and after July 1, 2009.

1 5. sections three-a and fourteen of this act shall be deemed to have
2 been in full force and effect on and after July 1, 2007.

3 6. section twenty-five-b of this act shall take effect on the sixtieth
4 day after it shall have become a law.

5 7. the amendments to subdivision 1 of section 2856 of the education
6 law made by section six of this act shall not affect the expiration of
7 such subdivision as provided in chapter 378 of the laws of 2007, as
8 amended, when upon such date the provisions of section six-a of this act
9 shall take effect;

10 8. the amendments to subdivision 6 of section 4402 of the education
11 law made by section twenty-five of this act shall not affect the repeal
12 of such subdivision and shall be deemed repealed therewith;

13 9. the amendments to chapter 756 of the laws of 1992 relating to fund-
14 ing a program for work force education conducted by the consortium for
15 worker education in New York city made by sections thirty and thirty-one
16 of this act shall not affect the repeal of such chapter and shall be
17 deemed repealed therewith; and

18 10. Section fifty-two of this act shall be deemed to have been in full
19 force and effect on and after April 1, 2010 and shall expire and be
20 deemed repealed on March 31, 2011.

21

PART B

22 Section 1. Short title. This act shall be known and may be cited as
23 the "school paperwork elimination and reduction act of 2010".

24 § 2. The education law is amended by adding a new section 101-b to
25 read as follows:

26 § 101-b. Paperwork reduction. 1. It shall be the duty of the commis-
27 sioner, within one year of the effective date of this section, to reduce
28 the paperwork burden on school districts by eliminating and avoiding
29 duplicative reporting requirements wherever possible, and by consolidat-
30 ing plans, reports and applications, where possible and consistent with
31 law. The commissioner shall conform state reporting and planning
32 requirements to federal requirements, where possible, and shall seek
33 federal waivers where needed to align state and federal requirements.
34 Nothing in this section shall be construed to excuse the commissioner or
35 the board of regents from, or otherwise limit, reporting of information
36 by the department to the legislature or the governor under any other
37 law.

38 2. Within one year of the effective date of this section, the commis-
39 sioner shall reduce the number of plans, reports and applications
40 required by law, of school districts by establishing streamlined and
41 unified electronic data collection systems which eliminate redundant
42 reporting, connect planning and reporting, and which focus on collecting
43 data and requiring planning when necessary to assure fiscal and program-
44 matic accountability and compliance with law, to foster continuous
45 school improvement and close the gap between actual and desired student
46 achievement, and to assure schools provide a safe and secure environment
47 and/or protect the health and safety of students and staff. Such systems
48 shall link planning and reporting to the state system of accountability
49 required under federal law, providing for an audit based assessment of
50 risk of poor student performance, poor fiscal performance or improper
51 management or use of public funds. The commissioner shall collaborate
52 with selected school districts to promote better use of required plan-
53 ning and reporting and shall assure that reporting requirements include
54 data which can be used to identify best practices. The commissioner



1 shall provide for the sharing of effective planning practices with
2 school districts and, to the extent practicable, shall provide technical
3 assistance on the use of data for planning, involve boards of cooper-
4 ative educational services and institutions of higher education in
5 providing technical assistance on the use of data for strategic planning
6 to superintendents of schools, school business officials and teachers,
7 involve researchers in data analysis and evaluation, and, to the extent
8 practicable, provide technical assistance or training on the use of data
9 in planning to school board members.

10 § 3. Subdivision 32 of section 305 of the education law is REPEALED.

11 § 4. Section 805 of the education law is REPEALED.

12 § 5. Subdivision 2 of section 806 of the education law, as amended by
13 chapter 946 of the laws of 1973, is amended to read as follows:

14 2. The regents shall determine the subjects to be included in such
15 courses of instruction in highway safety and traffic regulation includ-
16 ing bicycle safety, and the period of instruction in each of the grades
17 in such subjects. [They shall adopt rules providing for attendance upon
18 such instruction and for such other matters as are required for carrying
19 into effect the teaching of the courses of instruction prescribed by
20 this section. The commissioner of education shall be responsible for
21 the enforcement of such section and shall cause to be inspected and
22 supervise the instruction to be given in such subjects. The commissioner
23 may, in his discretion, cause all or a portion of the public school
24 money to be apportioned to a district or city to be withheld for failure
25 of the school authorities of such district or city to provide instruc-
26 tion in such courses and to compel attendance upon such instruction, as
27 herein prescribed, and for a noncompliance with the rules of the regents
28 adopted as herein provided.]

29 § 6. Subdivision 5 of section 2802 of the education law, as added by
30 chapter 181 of the laws of 2000, is amended to read as follows:

31 5. By [January] April first of each year, the commissioner shall
32 report to the governor, the legislature and the regents concerning the
33 prevalence of violence and disruptive incidents in the public schools,
34 and the effectiveness of school programs undertaken to reduce violence
35 and assure the safety and security of students and school personnel. The
36 report shall summarize the information available from the incident
37 reporting system, and [identify specifically the schools and school
38 districts with the least and greatest incidence of violent and disrupt-
39 tive incidents, and the least and most improvement since the previous
40 year or years] compare the incidence of violent and disruptive incidents
41 of schools and school districts and boards with other schools and school
42 districts and boards based on similarity in size and grade levels and
43 other characteristics, including student need and resources, as deter-
44 mined by the commissioner. The report shall also, to the extent possi-
45 ble, relate the results available from the incident reporting system,
46 together with such other analysis and information as the commissioner
47 determines is appropriate, to the effectiveness of school violence meas-
48 ures undertaken by participating schools and school districts, including
49 the school codes and school safety plans required by sections twenty-
50 eight hundred one and twenty-eight hundred one-a of this article.

51 § 7. Paragraph b of subdivision 8 of section 3602 of the education
52 law, as amended by section 16 of part B of chapter 57 of the laws of
53 2007, is amended to read as follows:

54 b. District plans of service. Any school district receiving an addi-
55 tional apportionment pursuant to subdivision ten of this section for
56 pupils in career education programs or a payment in lieu of such appor-

1 tionment or having a public [excess cost] special education aid setaside
2 pursuant to subdivision four of this section shall keep on file and make
3 available for public inspection and review by the commissioner an
4 acceptable plan of service describing the student outcomes expected from
5 implementation of the proposed plan, provided that such plan may be
6 incorporated into a school district's district-wide comprehensive plan.
7 The plan of service [submitted by] of a school district receiving an
8 additional apportionment pursuant to this section for pupils with disa-
9 bilities shall also describe how such district intends to ensure that
10 all instructional materials to be used in the schools of such district
11 will be made available in a usable alternative format for each student
12 with a disability and for each student who is a qualified individual
13 with a disability, at the same time as such instructional materials are
14 available to non-disabled students, provided that such plan may incorpo-
15 rate by reference the alternative format plans developed pursuant to
16 subdivision twenty-nine-a of section sixteen hundred four, subdivision
17 four-a of section seventeen hundred nine, subdivision seven-a of section
18 twenty-five hundred three or subdivision seven-a of section twenty-five
19 hundred fifty-four of this chapter. Such plans shall be in a form
20 prescribed by the commissioner, and except as heretofore provided, shall
21 have the content prescribed by the commissioner. The commissioner may,
22 from time to time, require amendments of such plans as deemed to be
23 necessary and appropriate to further the educational welfare of the
24 pupils involved.

25 § 8. Clause (e) of subparagraph 5 of paragraph b of subdivision 1 of
26 section 4402 of the education law is REPEALED.

27 § 9. Paragraph b of subdivision 1 of section 4452 of the education law
28 is REPEALED.

29 § 10. Subdivision 10 of section 4403 of the education law is REPEALED.

30 § 11. This act shall take effect immediately and shall be deemed to be
31 in full force and effect on and after April 1, 2010; provided, however,
32 that the commissioner of education shall promulgate any rules or regu-
33 lations necessary to implement the provisions of this act on or before
34 April 1, 2011.

35

PART C

36 Section 1. Paragraph c of subdivision 4 of section 3602 of the educa-
37 tion law, as amended by section 14 of part B of chapter 57 of the laws
38 of 2008, is amended to read as follows:

39 c. Public [excess cost] special education aid setaside. Each school
40 district shall set aside from its total foundation aid computed for the
41 current year pursuant to this subdivision an amount equal to the product
42 of: (i) the difference between the amount the school district was eligi-
43 ble to receive in the two thousand six--two thousand seven school year
44 pursuant to or in lieu of paragraph six of subdivision nineteen of this
45 section as such paragraph existed on June thirtieth, two thousand seven,
46 minus the amount such district was eligible to receive pursuant to or in
47 lieu of paragraph five of subdivision nineteen of this section as such
48 paragraph existed on June thirtieth, two thousand seven, in such school
49 year, and (ii) the sum of one and the percentage increase in the consum-
50 er price index for the current year over such consumer price index for
51 the two thousand six--two thousand seven school year, as computed pursu-
52 ant to section two thousand twenty-two of this chapter. Notwithstanding
53 any other provision of law to the contrary, the public [excess cost]



1 special education aid setaside shall be paid pursuant to section thir-
2 ty-six hundred nine-b of this part.

3 § 2. Subdivision 5 of section 3602 of the education law, as added by
4 section 13 of part B of chapter 57 of the laws of 2007, is amended to
5 read as follows:

6 5. Public high cost [excess cost] special education aid. A school
7 district having a pupil with a disability of school age for whom the
8 cost, as approved by the commissioner, of appropriate special services
9 or programs exceeds the lesser of ten thousand dollars or four times the
10 expense per pupil without limits shall be entitled to an additional
11 apportionment for each such child computed by multiplying the district's
12 [excess cost] special education aid ratio by the amount by which such
13 cost exceeds three times the district's expense per pupil without
14 limits.

15 a. For the purpose of this subdivision:

16 (1) Expense per pupil for the purposes of this subdivision shall be
17 not less than two thousand dollars and not more than the greater of
18 seven thousand one hundred ten dollars or the statewide average of such
19 expense per pupil. Such statewide average expense per pupil shall be
20 computed and rounded to the nearest fifty dollars by the commissioner
21 using the expense and pupils as estimated by school districts or as
22 determined by the commissioner for use in determining the expense per
23 pupil of the district pursuant to paragraph f of subdivision one of this
24 section for all districts eligible for aid pursuant to this section. For
25 the purposes of calculating such statewide expense per pupil, the data
26 for the city school district of the city of New York shall be city-wide
27 data.

28 (2) The [excess cost] special education aid ratio shall be computed by
29 subtracting from one the product obtained by multiplying fifty-one per
30 centum by the combined wealth ratio. This aid ratio shall be expressed
31 as a decimal carried to three places without rounding, but not less than
32 twenty-five percent.

33 b. Notwithstanding section thirty-six hundred nine-a of this part, the
34 apportionment provided for in this subdivision shall be paid pursuant to
35 section thirty-six hundred nine-b of this part.

36 § 3. The subdivision heading and paragraphs a, b, c, d, e, f and g of
37 subdivision 5-a of section 3602 of the education law, the subdivision
38 heading and paragraphs a, c, d and g as added by section 13 of part B of
39 chapter 57 of the laws of 2007, paragraphs b, e and f as amended by
40 section 15-a of part B of chapter 57 of the laws of 2008, are amended to
41 read as follows:

42 Supplemental public [excess cost] special education aid.

43 a. Total [excess cost] special education amount per pupil shall equal
44 the product of the expense per pupil computed pursuant to subparagraph
45 one of paragraph a of subdivision five of this section and the [excess
46 cost] special education aid ratio, which shall be computed pursuant to
47 subparagraph two of paragraph a of subdivision five of this section.

48 b. Basic [excess cost] special education amount shall equal the prod-
49 uct of the total [excess cost] special education amount per pupil and
50 the resident weighted supplemental pupils with disabilities computed
51 pursuant to subparagraph five of paragraph i of subdivision one of this
52 section.

53 c. Integrated settings [excess cost] special education amount shall
54 equal the product of the total [excess cost] special education amount
55 per pupil and the integrated settings weighted pupils with disabilities

1 computed pursuant to subparagraph six of paragraph i of subdivision one
2 of this section.

3 d. Declassification support services amount. (1) Declassification
4 support services shall mean services for teachers and pupils in the
5 first year that a pupil moves from a special education program to a
6 full-time regular education program. Services to pupils shall be
7 provided on a regular basis and may include, but not be limited to
8 psychological, social work, speech and language services and noncareer
9 counseling services provided by qualified professional personnel as
10 defined in regulations of the commissioner. Services for teachers of
11 such pupils may include the assistance of teacher aides or consultation
12 with appropriate personnel. When a committee on special education deter-
13 mines that a pupil no longer needs special education services and is
14 ready for a full-time regular education program, such committee shall
15 identify and recommend the appropriate declassification support services
16 for the first year in the regular education program.

17 (2) The declassification support services amount shall be equal to
18 fifty percent of the total [excess cost] special education amount per
19 pupil multiplied by the number of such pupils in the base year.

20 (3) Declassification support services shall not be eligible for an
21 apportionment pursuant to section nineteen hundred fifty of this chap-
22 ter.

23 (4) The commissioner shall adopt regulations to implement the
24 provisions of this paragraph.

25 e. Total supplemental public [excess cost] special education amount
26 shall be equal to the sum of the basic [excess cost] special education
27 aid amount, the integrated settings [excess cost] special education
28 amount, the declassification support services amount and the public high
29 cost [excess cost] special education aid computed pursuant to subdivi-
30 sion five of this section for the current year.

31 f. The supplemental public [excess cost] special education aid base
32 shall equal for the two thousand seven--two thousand eight school year,
33 the amount the school district was eligible to receive in the two thou-
34 sand six--two thousand seven school year pursuant to or in lieu of para-
35 graph six of former subdivision nineteen of this section.

36 g. Supplemental public [excess cost] special education aid shall equal
37 the product of ninety-one hundredths and the positive difference, if
38 any, of:

39 (1) the difference of the total supplemental [excess cost] special
40 education amount minus the supplemental public [excess cost] special
41 education aid base, minus (2) the positive difference of the district's
42 total foundation aid minus the product of one hundred three percent and
43 the total foundation aid base.

44 § 4. Paragraph a of subdivision 8 of section 3602 of the education
45 law, as amended by section 16 of part B of chapter 57 of the laws of
46 2007, is amended to read as follows:

47 a. Program approval requirements. Any school district receiving an
48 additional apportionment pursuant to subdivision ten of this section for
49 pupils in career education programs or a payment in lieu of such appor-
50 tionment or having a public [excess cost] special education aid setaside
51 pursuant to subdivision four of this section shall use the total funds
52 attributable to such pupils for locally administered programs for such
53 pupils in accordance with regulations issued by the commissioner. Such
54 regulations shall provide for the use of such funds in the manner deter-
55 mined by the commissioner to be the most educationally advantageous for
56 such pupils. The commissioner shall require the submission of such

1 reports as are necessary to assure accountability for the use of such
2 funds. A district which spends any part of its total annual apportion-
3 ment attributable to such pupils in an unauthorized manner in the base
4 year shall have its current year apportionment reduced by the amount of
5 such unauthorized expenditures in the base year.

6 § 5. The article heading of article 89 of the education law, as added
7 by chapter 853 of the laws of 1976, is amended to read as follows:

8 CHILDREN WITH [HANDICAPPING CONDITIONS] DISABILITIES

9 § 6. The opening paragraph, the second undesignated paragraph, para-
10 graph a of subdivision 2 and subdivision 3 of section 3609-b of the
11 education law, as amended by section 33 of part B of chapter 57 of the
12 laws of 2007, are amended to read as follows:

13 Moneys apportioned to school districts for the [excess cost] special
14 education aid setaside pursuant to subdivision four of section thirty-
15 six hundred two of this [article] part and the apportionments for
16 students with disabilities due in accordance with the provisions of
17 subdivisions five and five-a of section thirty-six hundred two of this
18 [article] part and section forty-four hundred five of this chapter,
19 shall be paid to or on behalf of school districts in accordance with the
20 provisions of this section, provided, however, that payments made to or
21 on behalf of any school district pursuant to this section shall be
22 adjusted subsequent to the filing, in an acceptable manner, of aid claim
23 forms prescribed by the commissioner.

24 For aid payable in the two thousand seven--two thousand eight school
25 year and thereafter, "moneys apportioned" shall mean the sum of; (i) the
26 lesser of (A) one hundred percent of the respective amount set forth for
27 each school district as payable pursuant to this section in the school
28 aid computer listing for the current year, as defined in the opening
29 paragraph of section thirty-six hundred nine-a of this [article] part,
30 or (B) the apportionment calculated by the commissioner for the current
31 year based on data on file at the time the payment is processed plus
32 (ii) the [excess cost] special education aid setaside computed pursuant
33 to subdivision four of section thirty-six hundred two of this [article]
34 part, based on data utilized in producing such school aid listing for
35 the current year. The definitions "base year" and "current year" as set
36 forth in subdivision one of section thirty-six hundred two of this
37 [article] part shall apply to this section.

38 a. The moneys apportioned by the commissioner to school districts in
39 accordance with the provisions of subdivisions five and five-a of
40 section thirty-six hundred two of this [article] part and section
41 forty-four hundred five of this chapter and the moneys apportioned to
42 school districts for the [excess cost] special education aid setaside
43 pursuant to subdivision four of section thirty-six hundred two of this
44 [article] part, during the school year and remaining due after
45 deductions are made for the purposes of subdivision one of this section,
46 shall be payable, for the two thousand seven--two thousand eight school
47 year and thereafter in accordance with the following schedule:

48 (1) December payment. On or before December fifteenth, a portion shall
49 be paid equal to the positive remainder of twenty-five percent of the
50 moneys apportioned less any payments made pursuant to paragraph a of
51 subdivision one of this section for the current year.

52 (2) March payment. On or before March fifteenth, a portion shall be
53 paid equal to the positive remainder of seventy percent of the moneys
54 apportioned less any payments made pursuant to paragraph a of subdivi-

1 sion one of this section and subparagraph one of this paragraph for the
2 current year.

3 (3) June payment. On or before June fifteenth, a portion shall be paid
4 equal to the positive remainder of eighty-five percent of the moneys
5 apportioned less any payments made pursuant to paragraph a of subdivi-
6 sion one of this section and subparagraphs one and two of this paragraph
7 for the current year.

8 (4) August payment. To the extent that any moneys are owed to a school
9 district pursuant to this section, a portion shall be paid on or before
10 August fifteenth equal to the positive remainder of one hundred percent
11 of the moneys apportioned less any payments made pursuant to paragraph a
12 of subdivision one of this section and subparagraphs one, two and three
13 of this paragraph for the current year.

14 (5) Deferred September payment. Any amount payable to a school
15 district pursuant to this section which exceeded one hundred percent of
16 the respective amount set forth for such district as payable pursuant to
17 this section in the school aid computer listing for the current school
18 year shall be designated for payment for the month of September next
19 following the close of the current school year. Such payments shall be
20 made on the first state business day of the month of September, based on
21 data on file as of August first; provided however, that for the Septem-
22 ber two thousand six payment such calculation shall be based on the
23 computer listing for the current year using data on file as of August
24 first.

25 3. Due minimum supplemental apportionment. Notwithstanding any incon-
26 sistent provisions of subdivisions five and five-a of section thirty-six
27 hundred two of this [article] part and section forty-four hundred five
28 of this chapter, for the two thousand seven--two thousand eight school
29 year and thereafter, the due minimum supplemental apportionment shall
30 equal the positive remainder resulting when the sum of the apportion-
31 ments due a school district pursuant to such subdivisions five and
32 five-a and such section forty-four hundred five for any school year and,
33 the moneys apportioned for the [excess cost] special education aid seta-
34 side pursuant to subdivision four of section thirty-six hundred two of
35 this [article] part, is subtracted from the amount designated as the
36 state share of moneys due a school district pursuant to title XIX of the
37 social security act, on account of school supportive health services
38 provided to pupils with disabilities in special education programs
39 pursuant to article eighty-nine of this chapter as determined in accord-
40 ance with the provisions of subdivision one of this section. Any addi-
41 tional apportionment pursuant to this subdivision shall be computed and
42 recomputed by the commissioner in the normal course of auditing school
43 district claims for aid.

44 § 7. Subdivisions 6 and 7 of section 4401 of the education law,
45 subdivision 6 as amended by chapter 57 of the laws of 1993 and subdivi-
46 sion 7 as amended by chapter 53 of the laws of 1984, are amended to read
47 as follows:

48 6. "Excess special education cost" shall mean the difference between
49 the tuition and the sum of the following:

50 a. the school district basic contribution as defined in subdivision
51 eight of this section; and

52 b. the amount of federal funds received by the school district and
53 expended for such pupil which in the judgment of the commissioner shall
54 be deemed duplicative.

55 7. "[Excess cost] Special education aid ratio" for a school district
56 shall be computed by subtracting from one the product obtained by multi-

1 plying fifteen per centum by the combined wealth ratio as defined in
2 section thirty-six hundred two of this chapter. This aid ratio shall be
3 expressed as a decimal carried to three places without rounding, but
4 shall not be less than fifty hundredths, nor more than one.

5 § 8. Paragraphs a and c of subdivision 3 of section 4405 of the educa-
6 tion law, paragraph a as amended by chapter 57 of the laws of 1993 and
7 paragraph c as amended by chapter 82 of the laws of 1995, are amended to
8 read as follows:

9 a. In addition to any other apportionments under the provisions of
10 this chapter, there shall be apportioned to each applicable school
11 district for each child with a [handicapping condition] disability
12 attendance in a state school under the provisions of paragraph d of
13 subdivision two of section forty-four hundred one of this article or an
14 approved program under the provisions of paragraphs e, f, g, h, i and l
15 of such subdivision two, the product of such attendance, computed in
16 accordance with regulations of the commissioner, and the [excess cost]
17 special education aid: an amount computed by multiplying the excess
18 special education cost, as defined in subdivision six of section forty-
19 four hundred one of this article by the [excess cost] special education
20 aid ratio [defined in subdivision seven of this section].

21 c. The apportionments to each school district pursuant to this subdi-
22 vision shall be based on excess special education cost paid and attend-
23 ance during the base year.

24 § 9. This act shall take effect July 1, 2010.

25

PART D

26 Section 1. Subdivision 3 of section 9.01 of the arts and cultural
27 affairs law, as added by chapter 824 of the laws of 1992, is amended to
28 read as follows:

29 3. Teachers should be experienced in the use of arts and theatre tech-
30 niques in reaching and working with children and young people, as well
31 as be prepared in the use of community cultural and human resources.

32 The legislature further finds that if funds are available for this
33 purpose, there [should] may be a state theatre institute dedicated to
34 bringing arts in education to the children and young people of this
35 state.

36 It is further found that such state theatre institute should embody a
37 model theatre and education program for the children of New York state
38 and should symbolize the commitment of the people of the state of New
39 York to the maintenance and development of theatre and education for
40 children and young people while making programs of such theatre insti-
41 tute accessible to the general public.

42 It is further found that such state theatre institute [should] may
43 establish affiliations with public and private schools, institutions of
44 higher learning and arts centers to assure delivery of its services to
45 young people throughout the state.

46 It is therefore found and declared that these findings can best be met
47 through the establishment of a public benefit corporation to be known as
48 the New York state theatre institute corporation and the powers and
49 duties of the corporation defined in this article are necessary and
50 proper for the achievement of these ends.

51 § 2. The opening paragraph of section 9.07 of the arts and cultural
52 affairs law, as added by chapter 824 of the laws of 1992, is amended to
53 read as follows:

54 The New York state theatre institute corporation [shall] may:



1 § 3. Subdivision 2 of section 9.13 of the arts and cultural affairs
2 law is REPEALED.

3 § 4. Subdivision 1 of section 9.15 of the arts and cultural affairs
4 law, as amended by chapter 825 of the laws of 1992, is amended to read
5 as follows:

6 1. To effect the purposes of this article, the corporation may request
7 from any department, division, commission, or other agency of the state,
8 and the same [are authorized and directed to] may provide such cooper-
9 ation and assistance and services of processing payroll for the corpo-
10 ration's state employees and other services as would enable the corpo-
11 ration properly to carry out its powers and duties hereunder.

12 § 5. Section 12 of chapter 688 of the laws of 1979, relating to creat-
13 ing the Nelson A. Rockefeller Empire State Plaza performing arts center
14 corporation, as amended by chapter 62 of the laws of 1989, is amended to
15 read as follows:

16 § 12. [The corporation shall annually submit a proposed budget to the
17 director of the budget in September at the time as budget requests are
18 required to be submitted by state departments. The proposed budget shall
19 contain an operating budget, an equipment and an estimate of revenues.]
20 The corporation shall submit annually a request to the office of general
21 services for maintenance needs. The office shall include such request as
22 an integral part of that agency's overall budget request that is submit-
23 ted to the director of the budget.

24 § 6. This act shall take effect immediately.

25

PART E

26 Section 1. This act shall be known and may be cited as the "New York
27 state public higher education empowerment and innovation act".

28 § 2. This act enacts into law major components of legislation which
29 are necessary to implement the state fiscal plan for the 2010-2011 state
30 fiscal year. Each component is wholly contained within a Subpart identi-
31 fied as Subparts A through F. The effective date for each particular
32 provision contained within such Subpart is set forth in the last section
33 of such Subpart. Any provision in any section contained within a
34 Subpart, including the effective date of the Subparts, which makes a
35 reference to a section "of this act", when used in connection with that
36 particular component, shall be deemed to mean and refer to the corre-
37 sponding section of the Subpart in which it is found. Section four of
38 this act sets forth the general effective date of this act.

39

SUBPART A

40 Section 1. Subparagraph 4 of paragraph h of subdivision 2 of section
41 355 of the education law, as amended by chapter 309 of the laws of 1996,
42 is amended to read as follows:

43 (4) The trustees shall not impose a differential tuition charge based
44 upon need or income. [All] Until the academic year commencing two thou-
45 sand ten--two thousand eleven, all students enrolled in programs leading
46 to like degrees at state-operated institutions of the state university
47 shall be charged a uniform rate of tuition except for differential
48 tuition rates based on state residency[. Provided]; provided, however,
49 that until the academic year commencing two thousand ten--two thousand
50 eleven, the trustees may authorize the presidents of the colleges of
51 technology and the colleges of agriculture and technology to set differ-
52 ing rates of tuition for each of the colleges for students enrolled in

1 degree-granting programs leading to an associate degree and non-degree
2 granting programs so long as such tuition rate does not exceed the
3 tuition rate charged to students who are enrolled in like degree
4 programs or degree-granting undergraduate programs leading to a bacca-
5 laurate degree at other state-operated institutions of the state
6 university of New York[. The trustees shall not adopt changes affecting
7 tuition charges prior to the enactment of the annual budget.]; and
8 provided further, that:

9 (i) Commencing with the two thousand ten--two thousand eleven academic
10 year, the president of any state-operated institution, in consultation
11 with the respective student government and upon the recommendation of
12 the respective college council, may recommend to the trustees, and the
13 trustees shall be authorized to implement, differing rates of annual
14 tuition upon the basis of campus or program:

15 (1) for students who are New York state residents in courses of study
16 leading to undergraduate, graduate and first professional degrees;
17 provided, however, that on or before June fifteenth, two thousand ten
18 the trustees shall promulgate guidelines outlining the criteria such
19 campus or program must meet in order to qualify for differential rates.
20 Such criteria shall include, but not be limited to, program cost,
21 program mix, need, comparison with peer programs or campuses, economic
22 elasticity, impact on access, fairness and measures to ensure that
23 students are not steered toward certain courses of study based on abili-
24 ty to pay; and

25 (2) for all students who are not New York state residents, provided
26 that the trustees shall establish maximum percentage enrollment limita-
27 tions for such students.

28 (ii) Notwithstanding the foregoing, any tuition increase implemented
29 pursuant to this subparagraph, other than pursuant to clause (i) of this
30 subparagraph shall not exceed two and a half times the five year rolling
31 average of the higher education price index.

32 (iii) Nothing in this section or any other provision of law shall be
33 interpreted as preventing state-operated institutions from providing
34 scholarships or financial aid to students on the basis of need, which
35 aid shall not require a deposit of funds into the state treasury or any
36 account held by the office of the state comptroller.

37 § 2. Paragraph (a) of subdivision 7 of section 6206 of the education
38 law, as amended by chapter 327 of the laws of 2002, the opening para-
39 graph as amended by section 2 of part 0 of chapter 58 of the laws of
40 2006, is amended to read as follows:

41 (a) The board of trustees shall establish positions, departments,
42 divisions and faculties; appoint and in accordance with the provisions
43 of law fix salaries of instructional and non-instructional employees
44 therein; establish and conduct courses and curricula; prescribe condi-
45 tions of student admission, attendance and discharge; and shall have the
46 power to determine in its discretion whether tuition shall be charged
47 and to regulate tuition charges, and other instructional and non-in-
48 structional fees and other fees and charges at the educational units of
49 the city university. The trustees shall review any proposed community
50 college tuition increase and the justification for such increase. The
51 justification provided by the community college for such increase shall
52 include a detailed analysis of ongoing operating costs, capital, debt
53 service expenditures, and all revenues. The trustees shall not impose a
54 differential tuition charge based upon need or income. All students
55 enrolled in programs leading to like degrees at the senior colleges

1 shall be charged a uniform rate of tuition, except for differential
2 tuition rates based on state residency[.]; provided, however, that:

3 (i) Commencing with the two thousand ten--two thousand eleven academic
4 year, the president of any senior college, in consultation with the
5 respective student government, may recommend to the chancellor, and upon
6 recommendation of the chancellor, the trustees shall be authorized to
7 implement, differing rates of annual tuition upon the basis of campus or
8 program:

9 (1) for students who are New York state residents in courses of study
10 leading to undergraduate, graduate and first professional degrees;
11 provided, however, that on or before June fifteenth, two thousand ten
12 the trustees shall promulgate guidelines outlining the criteria such
13 campus or program must meet in order to qualify for differential rates.
14 Such measures shall include, but not be limited to, program cost,
15 program mix, need, comparison with peer programs or campuses, economic
16 elasticity, impact on access, fairness and measures to ensure that
17 students are not steered toward certain courses of study based on abili-
18 ty to pay; and

19 (2) for all students who are not New York state residents, provided
20 that the trustees shall establish maximum percentage enrollment limita-
21 tions for such students.

22 (ii) Notwithstanding the foregoing, any tuition increase implemented
23 pursuant to this paragraph, other than pursuant to clause one of subpar-
24 agraph (i) of this paragraph, shall not exceed two and a half times the
25 five year rolling average of the higher education price index.

26 (a-1) The trustees shall further provide that the payment of tuition
27 and fees by any student who is not a resident of New York state, other
28 than a non-immigrant alien within the meaning of paragraph (15) of
29 subsection (a) of section 1101 of title 8 of the United States Code,
30 shall be paid at a rate or charge no greater than that imposed for
31 students who are residents of the state if such student:

32 (i) attended an approved New York high school for two or more years,
33 graduated from an approved New York high school and applied for attend-
34 ance at an institution or educational unit of the city university within
35 five years of receiving a New York state high school diploma; or

36 (ii) attended an approved New York state program for general equiv-
37 alency diploma exam preparation, received a general equivalency diploma
38 issued within New York state and applied for attendance at an institu-
39 tion or educational unit of the city university within five years of
40 receiving a general equivalency diploma issued within New York state; or

41 (iii) was enrolled in an institution or educational unit of the city
42 university in the fall semester or quarter of the two thousand one--two
43 thousand two academic year and was authorized by such institution or
44 educational unit to pay tuition at the rate or charge imposed for
45 students who are residents of the state.

46 A student without lawful immigration status shall also be required to
47 file an affidavit with such institution or educational unit stating that
48 the student has filed an application to legalize his or her immigration
49 status, or will file such an application as soon as he or she is eligi-
50 ble to do so. The trustees shall not adopt changes in tuition charges
51 prior to the enactment of the annual budget. The board of trustees may
52 accept as partial reimbursement for the education of veterans of the
53 armed forces of the United States who are otherwise qualified such sums
54 as may be authorized by federal legislation to be paid for such educa-
55 tion. The board of trustees may conduct on a fee basis extension courses
56 and courses for adult education appropriate to the field of higher

1 education. In all courses and courses of study it may, in its
2 discretion, require students to pay library, laboratory, locker, break-
3 age and other instructional and non-instructional fees and meet the cost
4 of books and consumable supplies. In addition to the foregoing fees and
5 charges, the board of trustees may impose and collect fees and charges
6 for student government and other student activities and receive and
7 expend them as agent or trustee.

8 § 3. Subdivisions 8 and 8-a of section 355 of the education law,
9 subdivision 8 as amended by chapter 553 of the laws of 1985 and subdivi-
10 sion 8-a as added by chapter 363 of the laws of 1998, are amended to
11 read as follows:

12 8. All moneys received by the state university of New York and by
13 state-operated institutions thereof from [appropriations,] tuition,
14 fees, user charges, sales of products and services, savings under energy
15 performance, procurement or supply contracts and from [all other sourc-
16 es, including] sources and activities of the state university which are
17 intended by law to be self-supporting may be credited to an appropriate
18 fund or funds [to be designated by the state comptroller] held by the
19 state university. The amounts so paid into such fund or funds which
20 were received by or for the state university shall be used for expenses
21 of the state university in carrying out any of its objects and purposes
22 and such amounts received by or for state-operated institutions of the
23 state university shall be used for expenses of the state university
24 under regulations prescribed by the state university trustees.

25 8-a. All monies received by state university health care facilities
26 from fees, charges, and reimbursement and from all other sources, other
27 than appropriations, shall be credited to a state university health care
28 account in a fund [to be designated by the state comptroller] held by
29 the state university. Monies to establish reserves for long-term
30 expenses of state university health care facilities and to fulfill obli-
31 gations required for any contract for health care services authorized
32 pursuant to subdivision sixteen of this section may be designated by the
33 state university as a reserve and transferred to a separate contractual
34 reserve account. The amounts in such accounts shall be available for use
35 in accordance with [paragraph b of subdivision four and] subdivision
36 eight of this section. Monies shall [only] be expended from the state
37 university health care account and the contractual reserve account
38 [pursuant to] without appropriation; provided, however, that general
39 fund support for the operations of state university health care facili-
40 ties shall be expended pursuant to appropriation. Notwithstanding any
41 provision of this chapter, the state finance law or any other law to the
42 contrary, [such appropriations] monies appropriated in support of the
43 state university health care facilities shall remain in full force and
44 effect for two years from the effective date of the appropriation act
45 making the appropriation. Monies so transferred may be returned to the
46 state university health care account; provided, however, that funds in
47 such contractual reserve account must be sufficient to meet the obli-
48 gations of all such contracts.

49 § 4. Subdivision 8-b of section 355 of the education law is REPEALED.

50 § 5. Section 4 of the state finance law is amended by adding a new
51 subdivision 11 to read as follows:

52 11. Notwithstanding subdivision one of this section, moneys held by
53 the state university of New York derived from tuition, fees, user charg-
54 es, sales of products and services, savings under energy performance,
55 procurement or supply contracts and from sources and activities of the

1 state university that are intended to be self-supporting shall be paid
2 without an appropriation.

3 § 6. Subdivision 2 of section 121 of the state finance law, as amended
4 by chapter 293 of the laws of 1992, is amended to read as follows:

5 2. There are excepted from payment to the treasury as provided by
6 subdivision one of this section: (i) all moneys to which the provisions
7 of subdivision four of section four of this chapter apply unless such
8 moneys are held in a fund subject to appropriation; (ii) moneys held as
9 part of the principal of an endowment of the state university of New
10 York, units thereof and other state agencies; (iii) moneys received by
11 the state university of New York derived from tuition, fees, user charg-
12 es, sales of products and services, savings under energy performance,
13 procurement or supply contracts and from sources and activities of the
14 state university that are intended to be self-supporting; and [(iii)]
15 (iv) moneys received pursuant to a clinical practice plan established
16 pursuant to subdivision fourteen of section two hundred six of the
17 public health law. In those cases where such moneys are held in the
18 custody of the state officer other than the comptroller, the officer
19 shall file with the comptroller, at such times as the comptroller shall
20 determine, a detailed statement, in such form and content as the comp-
21 troller shall prescribe, for the period covered by the statement. The
22 comptroller shall from time to time, but not less than once in every
23 three years, examine the books and accounts relating to such moneys
24 heretofore or hereinafter established, including its receipts, disburse-
25 ments, investments, and any financial matters. An independent audit of
26 such moneys may be authorized by the comptroller in lieu of his own
27 examination, which examination shall be undertaken within twelve months
28 of such authorization.

29 § 7. Section 359 of the education law is amended by adding a new
30 subdivision 5 to read as follows:

31 5. On or before March first, annually, for the six month period ending
32 the preceding December thirty-first, and on or before September first,
33 for the six month period ending the preceding June thirtieth, the state
34 university shall provide to the chairs of the senate finance committee
35 and assembly ways and means committee and the director of the budget a
36 report that shall include the following:

37 a. the allocation by the state university, by state-operated campus,
38 system administration and university-wide program, of state aid appro-
39 riated to the state university;

40 b. revenue received by each state-operated campus from tuition, fees
41 and other sources and activities of the state university that are
42 intended to be self-supporting (i) with respect to tuition revenue, by
43 program or degree category, (ii) with respect to fee revenue, by a list-
44 ing of each fee, the amount thereof, and aggregate revenue per fee, and
45 (iii) with respect to revenue derived from other sources and activities,
46 by a listing of each source, and the aggregate revenue derived from each
47 source;

48 c. expenditures made by each state-operated campus for personal
49 service and non-personal service, and (i) with respect to personal
50 service, for personal service-regular, temporary service and
51 holiday/overtime compensation, and (ii) with respect to non-personal
52 service, by supplies and materials, travel, contractual services and
53 equipment;

54 d. programs and activities the state university has funded with
55 tuition revenue derived from differing rates of tuition upon the basis
56 of campus or program authorized pursuant to clause (i) of subparagraph

1 four of paragraph (h) of subdivision two of section three hundred
2 fifty-five of this article;

3 e. enrollment at each state-operated campus (i) in the aggregate, and
4 (ii) by program or degree category as set forth in subparagraph (ii) of
5 paragraph b of this subdivision; and

6 f. such other information as the director of the budget shall request.

7 § 8. Section 352 of the education law is amended by adding a new
8 subdivision 4 to read as follows:

9 4. Notwithstanding any other law to the contrary, the state shall
10 annually appropriate and pay an amount, to be held in accounts of the
11 state university of New York, equal to available state support for the
12 state university. Such state payment shall be made in four install-
13 ments, on or before the first week of July, October, January and April.

14 § 9. Paragraph 4-a of subdivision A of section 6221 of the education
15 law is REPEALED.

16 § 10. Paragraphs 1 and 7 of subdivision A of section 6221 of the
17 education law, paragraph 1 as amended by chapter 554 of the laws of
18 1985, paragraph 7 as added by chapter 305 of the laws of 1979 and
19 subparagraph (d) of paragraph 7 as amended by chapter 585 of the laws of
20 1988, are amended to read as follows:

21 1. Notwithstanding any other provision of law, amounts for all expend-
22 itures, which includes net operating expenses as defined by paragraph
23 seven of this subdivision, tuition as defined in subparagraph (a) of
24 such paragraph and that portion of operating costs of central adminis-
25 tration and university-wide programs as defined by subparagraph (d) of
26 such paragraph for the senior college programs and services of the city
27 university of New York shall continue to be pre-financed from city of
28 New York funds. The comptroller of the state of New York may establish a
29 separate fund for the receipt and deposit of such pre-financing funds
30 from the city of New York pursuant to this subdivision, and all other
31 monies deemed appropriate by the state comptroller and the state direc-
32 tor of the budget, except that all monies presently required by law to
33 be paid directly to the city university construction fund shall continue
34 to be so paid. All [monies] net operating expenses as defined in para-
35 graph seven of this subdivision appropriated for such senior college
36 programs and services[, or derived from other sources in the course of
37 the administration thereof,] shall be expended upon vouchers approved by
38 the chancellor of the city university, as chief administrative officer
39 of the city university, or by such authority or authorities in the city
40 university as shall be designated by the chancellor by a rule or written
41 direction filed with the comptroller, when and in the manner authorized
42 by the board of trustees. No monies appropriated for such senior college
43 programs and services[, or derived from other sources in the course of
44 the administration thereof,] shall be expended until a certificate of
45 the aggregate funds available for expenditure pursuant to section
46 forty-nine of the state finance law has been approved by the director of
47 the budget and copies thereof filed with the state comptroller, the
48 chairman of the senate finance committee and the chairman of the assem-
49 bly ways and means committee. All tuition and instructional and non-in-
50 structional fees attributable to the senior colleges and received from
51 the city university construction fund pursuant to subdivision (b) of
52 section sixty-two hundred seventy-eight of this title and that portion
53 of operating costs of central administration and university-wide
54 programs shall be paid and expended without an appropriation upon writ-
55 ten agreement by the city university, the office of the state comp-
56 troller, and the New York city comptroller setting forth the amount, to

1 be comprised of all costs pre-financed by New York city less net operat-
2 ing expenses. If an amount is not agreed to within thirty days following
3 the enactment of the budget then the director of the budget shall deter-
4 mine such amount. In regard to the city university, the director of the
5 budget shall exercise the authority granted under section forty-nine of
6 the state finance law in accordance with the provisions of paragraph b
7 of subdivision four of section three hundred fifty-five of this chapter.

8 7. For the purposes of this subdivision, "net operating expenses"
9 shall be defined as the total operating expenses of approved programs
10 and services less: (a) all [excess] tuition and instructional and non-
11 instructional fees attributable to the senior colleges and received from
12 the city university construction fund pursuant to subdivision b of
13 section sixty-two hundred seventy-eight of this [chapter] title; (b) an
14 amount to be deposited from overhead funds and miscellaneous earnings
15 recovered in the administration of sponsored programs for which the
16 research foundation of the city university of New York has been desig-
17 nated as fiscal administrator; (c) the amount of all monies from any
18 source other than those paid by the city, if any, and the state on a per
19 centum basis of the net operating budget, which are expended through the
20 operating budget; and (d) that portion of the operating costs of central
21 administration and university-wide programs which the state budget
22 director determines to be chargeable to the community colleges and which
23 is to be paid by the city of New York pursuant to paragraph two of
24 subdivision C of this section.

25 § 11. Section 6233 of the education law is amended by adding a new
26 subdivision 4 to read as follows:

27 4. On or before March first, annually, for the six month period ending
28 the preceding December thirty-first, and on or before September first,
29 for the six month period ending the preceding June thirtieth, the city
30 university shall provide to the chairs of the senate finance committee
31 and assembly ways and means committee and the director of the budget a
32 report that shall include the following:

33 a. the allocation by the city university, by senior college campus,
34 central administration and university-wide programs, of state aid appro-
35 priated to the city university;

36 b. revenue received by each senior college campus from tuition, fees
37 and other sources and activities of the city university that are
38 intended to be self-supporting (i) with respect to tuition revenue, by
39 program or degree category, (ii) with respect to fee revenue, by a list-
40 ing of each fee, the amount thereof, and aggregate revenue per fee, and
41 (iii) with respect to revenue derived from other sources and activities,
42 by a listing of each source, and the aggregate revenue derived from each
43 source;

44 c. expenditures made by each senior college campus for personal
45 service and non-personal service, and (i) with respect to personal
46 service, for personal service-regular, temporary service and
47 holiday/overtime compensation, and (ii) with respect to non-personal
48 service, by supplies and materials, travel, contractual services and
49 equipment;

50 d. programs and activities the city university has funded with tuition
51 revenue derived from differing rates of tuition upon the basis of campus
52 or program authorized pursuant to subparagraph (i) of paragraph (a) of
53 subdivision seven of section sixty-two hundred six of this article;

54 e. enrollment at each senior college campus (i) in the aggregate, and
55 (ii) by program or degree category as set forth in subparagraph (ii) of
56 paragraph b of this subdivision; and

1 f. such other information as the director of the budget shall request.

2 § 12. Subdivision 1 of section 355-a of education law, as amended by
3 chapter 552 of the laws of 1985, paragraph (b) as amended by chapter 554
4 of the laws of 1985, is amended to read as follows:

5 1. (a) Notwithstanding any law to the contrary, all rights and bene-
6 fits, including terms and conditions of employment, and protection of
7 civil service and collective bargaining status of all employees of the
8 state university affected by the provisions of the New York state public
9 higher education empowerment and innovation act, shall be preserved and
10 protected. Incumbents of any newly created positions within the state
11 university shall be considered public employees for all purposes of
12 article fourteen of the civil service law.

13 (b) The state university trustees are authorized and empowered to
14 classify and reclassify all positions in the state university determined
15 pursuant to section thirty-five of the civil service law to be in the
16 professional service as defined in subdivision three of this section,
17 except those of the New York state colleges, schools and experiment
18 stations administered by Cornell university and Alfred university.

19 [(b)] (c) To the fullest extent possible consistent with its authority
20 under the civil service law, and after consultation with the state
21 university trustees, the state civil service commission shall consider
22 the unique educational mission and operating requirements of the state
23 university when making any determination relating to the jurisdictional
24 classification of positions in the state university in the classified
25 service. The director of the classification and compensation division of
26 the department of civil service shall similarly consider the unique
27 educational mission and operating requirements of the state university
28 when making determinations concerning the classification and reclassi-
29 fication and the allocation and reallocation of the positions in the
30 state university in the classified service.

31 § 13. Section 6207 of the education law, as added by chapter 305 of
32 the laws of 1979, is amended to read as follows:

33 § 6207. Administration of civil service. 1. Notwithstanding any law
34 to the contrary, all rights and benefits, including terms and conditions
35 of employment, and protection of civil service and collective bargaining
36 status of all employees of the city university affected by the
37 provisions of the New York state public higher education empowerment and
38 innovation act, shall be preserved and protected. Incumbents of any
39 newly created positions within the city university shall be considered
40 public employees for all purposes of article fourteen of the civil
41 service law.

42 (2) The city university, for the purpose of administering the state
43 civil service law, shall be deemed to be a municipal employer, provided,
44 however, that the city university may elect to delegate the adminis-
45 tration of any or all of the provisions of the civil service law, except
46 article fourteen of such law, to the department of personnel of the city
47 of New York. In that event, the city department of personnel shall
48 enter into a contract with such university for the rendition of such
49 services. The city university of New York shall compensate the city of
50 New York for such services only with respect to such services rendered
51 for or on behalf of the senior colleges of such university. If the city
52 of New York and city university cannot agree on the amount of such
53 compensation, the state comptroller shall determine the fair and reason-
54 able value of such services and the city university shall pay such sum
55 to the city of New York. Any person on an eligible list for a position
56 with the city university of New York in effect on the effective date of

1 this article shall continue to hold such position on such list and shall
2 be entitled to the same civil service rights. With respect to all
3 persons employed by the city university on the effective date of this
4 article, the city university and the city of New York shall be deemed to
5 be the same public employer only for purposes of transfer of employment
6 under the civil service law. No civil service right of an employee of
7 the city university of New York employed on the effective date of this
8 article shall be lost, impaired or affected by reason of the enactment
9 of this article into law.

10 § 14. This act shall take effect immediately.

11 SUBPART B

12 Section 1. Paragraph a of subdivision 2 of section 355 of the educa-
13 tion law, as amended by chapter 552 of the laws of 1985, is amended to
14 read as follows:

15 a. (1) To take, hold and administer on behalf of the state university
16 or any institution therein, real and personal property or any interest
17 therein and the income thereof either absolutely or in trust for any
18 educational or other purpose within the jurisdiction and corporate
19 purposes of the state university. The trustees may acquire property for
20 such purposes by purchase, appropriation or lease and by the acceptance
21 of gifts, grants, bequests and devises, and, within appropriations made
22 therefor, may equip and furnish buildings and otherwise improve property
23 owned, used or occupied by the state university or any institution ther-
24 ein. The trustees may acquire property by the acceptance of conditional
25 gifts, grants, devises or bequests, the provisions of section eleven of
26 the state finance law notwithstanding. Where real property is to be
27 acquired by purchase or appropriation, such acquisition shall be in
28 accordance with the provisions of section three hundred seven of this
29 chapter except that the powers and duties in said section mentioned to
30 be performed by the commissioner [of education] shall be performed by
31 the state university trustees.

32 (2) The provisions of sections three, thirty-a, and thirty-three of
33 the public lands law notwithstanding, the trustees may provide for the
34 lease, transfer or conveyance, other than conveyance of title, of state-
35 owned real property under the jurisdiction of the state university, upon
36 approval of the state university asset maximization review board created
37 pursuant to section three hundred sixty-one of this article. The forego-
38 ing notwithstanding, the trustees, upon approval of the state university
39 asset maximization board, may provide for the lease of such real proper-
40 ty for periods not to exceed fifty years in support of the educational
41 and other corporate purposes of the state university, unless the subject
42 project is in conflict with the mission of the campus to which it
43 relates, including but not limited to, the development and operation of
44 research, incubator, community, health care, retail, food service, tele-
45 communication, student and faculty housing, energy, governmental, senior
46 community, hotel, conference center and recreational facilities, and for
47 the purpose of maximizing the use of natural resources; provided, howev-
48 er, that with regard to any such lease, transfer or conveyance:

49 (i) such lease or agreement shall be deemed a state contract for
50 purposes of article fifteen-A of the executive law, and the entity
51 entering into such contract shall be deemed a state agency for purposes
52 of article fifteen-A of the executive law.

53 (ii) such lease or agreement for construction, demolition, recon-
54 struction, excavation, rehabilitation, repair, renovation, alteration or

1 improvement shall be deemed a public works project for the purposes of
2 article eight of the labor law, and compliance with all provisions of
3 article eight of the labor law shall be required of any lessee, subles-
4 see, contractor or subcontractor which performs such work.

5 (iii) the lessee or sublessee shall indemnify and defend the state
6 university of New York against all claims, suits, actions and liability
7 to all persons arising out of the lessee or sublessee's use or occupancy
8 of the demised premises.

9 (iv) nothing in the lease or agreement shall be deemed to waive or
10 impair any rights or benefits of employees of the state university of
11 New York that otherwise would be available to them pursuant to the terms
12 of collective bargaining agreements. All work performed on the demised
13 premises that ordinarily would be performed by employees subject to
14 article fourteen of the civil service law shall continue to be performed
15 by such employees.

16 (v) upon the expiration of the lease or agreement, the demised prem-
17 ises shall revert to the state university of New York.

18 (vi) in the event the demised premises shall cease to be used for the
19 purposes described in the lease or agreement, the lease or agreement
20 shall immediately terminate, and the demised premises shall revert to
21 the state university of New York.

22 (vii) Any contracts awarded or entered into by a campus related foun-
23 dation, alumni association or affiliate thereof, any not-for-profit
24 corporation or association organized by a state-operated institution to
25 further its purposes, or any limited liability company whose sole member
26 is any of the foregoing entities, for construction, reconstruction,
27 renovation, rehabilitation, improvement or expansion at the state-oper-
28 ated institution, for any single construction project exceeding twenty
29 million dollars in the aggregate, for which more than twenty-five
30 percent of such aggregate amount is to be paid from appropriations
31 furnished by either the state of New York or the state university, such
32 construction, reconstruction, renovation, rehabilitation, improvement or
33 expansion at the state-operated institution shall be undertaken pursuant
34 to a project labor agreement, as defined in subdivision one of section
35 two hundred twenty-two of the labor law, provided a study done by or for
36 the contracting entity determines that a project labor agreement will
37 benefit such construction, reconstruction, renovation, rehabilitation,
38 improvement or expansion through reduced risk of delay, potential cost
39 savings or potential reduction in the risk of labor unrest in light of
40 any pertinent local history thereof. For purposes of applying the dollar
41 thresholds set forth in this clause, the term "single construction
42 project" shall mean any functionally-interdependent construction, recon-
43 struction, renovation, rehabilitation, improvement or expansion activity
44 associated with a single building, structure or improvement, including
45 all directly related infrastructure and site work in contemplation ther-
46 eof.

47 (3) The provisions of section one hundred sixty-seven of the state
48 finance law notwithstanding, the trustees may provide for the sale,
49 lease, transfer or conveyance of personal property under the custody and
50 control of the state university in such manner and upon such terms as
51 the trustees shall determine. The provisions of section twenty-three of
52 the public lands law and section one hundred sixty-seven of the state
53 finance law notwithstanding, the proceeds from the sale, lease, transfer
54 or conveyance of state-owned real property under the jurisdiction of the
55 state university or of personal property under the custody and control
56 of the state university shall be retained by the state university.

1 § 2. The education law is amended by adding a new section 361 to read
2 as follows:

3 § 361. State university asset maximization review board; creation;
4 procedure. 1. Creation. (a) The state university asset maximization
5 review board ("the board") is hereby created to have and exercise the
6 powers, duties and prerogatives provided by the provisions of this
7 section and any other provision of law.

8 (b) The voting membership of the board shall consist of three persons
9 appointed by the governor, of which one shall be upon the recommendation
10 of the temporary president of the senate and one upon the recommendation
11 of the speaker of the assembly. Upon recommendation of the nominating
12 party, the governor shall replace any member in accordance with the
13 provision contained in this subdivision for the appointment of members.
14 The governor shall designate one of the members to serve as chairperson.
15 The board shall act by majority vote of the members of the board. Any
16 determination of the board shall be evidenced by a certification thereof
17 executed by all the members. Each member of the board shall be entitled
18 to designate a representative to attend meetings of the board on the
19 designating member's behalf, and to vote or otherwise act on the desig-
20 nating member's behalf in the designating member's absence. Notice of
21 such designation shall be furnished in writing to the board by the
22 designating member. A representative shall serve at the pleasure of the
23 designating member during the member's term of office. A representative
24 shall not be authorized to delegate any of his or her duties or func-
25 tions to any other person.

26 (c) The governor shall also appoint two non-voting members to the
27 board of which one shall be upon the recommendation of the minority
28 leader of the senate and one upon the recommendation of the minority
29 leader of the assembly. Each non-voting member shall be entitled to
30 designate a representative to attend meetings of the board in his or her
31 place.

32 (d) Two ex-officio non-voting members of the board shall be the state
33 comptroller and the state attorney general. Each ex-officio member shall
34 be entitled to designate a representative to attend meetings of the
35 board in his or her place.

36 (e) Every officer, employee, or member of a governing board or other
37 board of any college or group or association of colleges, and every New
38 York state regent, every officer or employee of the board of regents or
39 the department and every trustee, officer or employee of the state
40 university of New York shall be ineligible for appointment as a member,
41 representative, officer, employee or agent of the board.

42 (f) The members of the board shall serve without salary or per diem
43 allowance but shall be entitled to reimbursement for actual and neces-
44 sary expenses incurred in the performance of official duties pursuant to
45 this section or other provision of law, provided however that such
46 members and representatives are not, at the time such expenses are
47 incurred, public officers or employees otherwise entitled to such
48 reimbursement.

49 (g) The members, their representatives, officers and staff to the
50 board shall be deemed employees within the meaning of section seventeen
51 of the public officers law.

52 2. Powers, functions and duties of the state university asset maxi-
53 mization review board; limitations. Pursuant to this chapter, the board
54 shall have the power and it shall be its duty to approve or deny: (a)
55 requests received from the trustees of the state university for the
56 lease, transfer or conveyance, other than the conveyance of title, of

1 state-owned real property under the jurisdiction of the state
2 university, and (b) requests from the trustees of the state university
3 to participate in joint and cooperative arrangements with public, not-
4 for-profit and business entities as partners, joint venturers, members
5 of not-for-profit corporations, members of limited liability companies
6 and shareholders of business corporations, as authorized by paragraph z
7 of subdivision two of section three hundred fifty-five of this article.

8 3. (a) The trustees of the state university of New York shall submit,
9 in writing, an application to the board for the lease, transfer, convey-
10 ance, other than the conveyance of title, of state-owned real property
11 under the jurisdiction of the state university. The application shall
12 include, but not be limited to, the name or names of the prospective
13 entity for which a lease or agreement shall be entered, the geographical
14 location and parcel of real property that would be utilized, the period
15 of time for which the lease, transfer or conveyance is to be executed
16 and any consideration which is to be granted to the state university for
17 the lease, transfer or conveyance of such real property. Where a lease
18 agreement for student and/or faculty housing is submitted to the board
19 for approval, if applicable, the board may take into consideration
20 whether the agreement would impact occupancy in dormitories financed
21 pursuant to agreements between the dormitory authority of the state of
22 New York, the state university of New York or the state university
23 construction fund. The trustees shall also furnish any other informa-
24 tion that the board deems necessary within fifteen days of the request.

25 (b) Upon receipt of an application from the trustees, the board shall
26 have no more than forty-five days to deem an application for the lease,
27 transfer or conveyance of property, other than the conveyance of title,
28 approved or denied.

29 (c) If the board fails to act on an application within the allotted
30 time period specified in paragraph (b) of this subdivision, the applica-
31 tion shall be deemed approved.

32 4. (a) The trustees of the state university shall submit, in writing,
33 an application to the board to participate in joint and cooperative
34 arrangements with public, not-for-profit and business entities as part-
35 ners, joint venturers, members of not-for-profit corporations, members
36 of limited liability companies and shareholders of business corpo-
37 rations, as authorized by paragraph z of subdivision two of section
38 three hundred fifty-five of this article. The application shall include,
39 but not be limited to, the name of the entity with which the state
40 university seeks to participate, the type of legal entity to be created,
41 and the transaction that the state university and the other participant
42 seek to undertake. The trustees shall also furnish any other information
43 that the board deems necessary with fifteen days of the request.

44 (b) Upon receipt of an application from the trustees, the board shall
45 have no more than forty-five days to approve or deny the application.

46 (c) If the board fails to act on an application within the allotted
47 time period specified in paragraph (b) of this subdivision, the applica-
48 tion shall be deemed approved.

49 5. Insofar as the provisions of this section are inconsistent with the
50 provisions of any law, general, special or local, the provisions of this
51 section shall be controlling.

52 § 3. Subdivision 2 of section 355 of the education law is amended by
53 adding two new paragraphs y and z to read as follows:

54 y. To lease or make available to any other public or private for-pro-
55 fit or non-profit entity, including, but not limited to, a local devel-
56 opment corporation organized under section fourteen hundred eleven of



1 the not-for-profit corporation law or an industrial development agency
2 organized under article eighteen-A of the general municipal law, a
3 portion of the grounds or real property occupied by a state operated
4 institution or statutory or contract college for the construction,
5 acquisition, reconstruction, rehabilitation or improvement of academic
6 buildings, dormitories or other facilities thereon and for the purpose
7 of facilitating such construction, acquisition, reconstruction, rehabil-
8 itation or improvement, to enter into leases and agreements for the use
9 of any such academic building, dormitory or other facility; provided,
10 however, that nothing herein contained shall affect the provisions of
11 any lease or agreement heretofore executed by the state university with
12 the dormitory authority. The state university trustees may also enter
13 into agreements with any other public or private for-profit or non-pro-
14 fit entity, including, but not limited to a local development corpo-
15 ration organized under section fourteen hundred eleven of the not-for-
16 profit corporation law or an industrial development agency organized
17 under article eighteen-A of the general municipal law, to furnish heat
18 from a central heating plant to any academic building, dormitory or
19 other facility erected by them or with moneys supplied by them.

20 z. In connection with public-private partnerships in support of the
21 corporate purposes of the state university, to participate in joint and
22 cooperative arrangements with public, not-for-profit and business enti-
23 ties as partners, joint venturers, members of not-for-profit corpo-
24 rations, members of limited liability companies and shareholders of
25 business corporations. The state university's participation shall be
26 subject to guidelines of the state university with respect to conflicts
27 of interest and to article fourteen of the civil service law and the
28 applicable provisions of agreements between the state and employee
29 organizations pursuant to such article fourteen. Notwithstanding any
30 inconsistent provision in section eight of the court of claims act, the
31 state university may include in a contract relating to such partic-
32 ipation, other than a contract with state employees relating to terms
33 and conditions of their employment, a provision that some or all
34 disputes arising under or related to such contract shall be resolved by
35 binding arbitration in accordance with the rules of a nationally-recog-
36 nized arbitration association. Nothing contained in the public officers
37 law or in any other law, rule or regulation shall be construed or
38 applied to prohibit state university officers and employes from engaging
39 in activities for which no compensation is paid as designees of the
40 state university in connection with such joint and cooperative arrange-
41 ments, including serving as designees of the state university as direc-
42 tors on boards or other governing bodies of corporations or other enti-
43 ties.

44 § 4. Subdivisions 8, 12, and 15 of section 373 of the education law,
45 as added by chapter 251 of the laws of 1962, are amended and a new
46 subdivision 20 is added to read as follows:

47 8. To design, construct, acquire, reconstruct, rehabilitate and
48 improve academic buildings, dormitories and other facilities for the
49 state university [in accordance with sections three hundred seventy-five
50 and three hundred seventy-six of this chapter] using any project deliv-
51 ery method, including but not limited to, design, bid, build,
52 design/build, or construction manager at risk, that will assist the fund
53 in fulfilling its purposes under section three hundred seventy-two of
54 this article, provided that all contracts for such construction, recon-
55 struction, rehabilitation and improvements shall require compliance with

1 the provisions of section two hundred twenty of the labor law and shall
2 be subject to article fifteen-A of the executive law;

3 12. To [make] procure and execute contracts, lease agreements, and all
4 other instruments necessary or convenient for the exercise of its corpo-
5 rate powers and the fulfillment of its corporate purposes under this
6 article. Notwithstanding section one hundred twelve of the state finance
7 law or any other law to the contrary, all such fund procurements shall
8 be subject only to procurement guidelines that are annually adopted by
9 the fund trustees, which shall conform to the provisions of title four
10 of article nine of the public authorities law except section twenty-
11 eight hundred seventy-nine-a of such law;

12 15. To engage the services of construction, engineering, architec-
13 tural, legal and financial consultants, surveyors and appraisers, on a
14 contract basis or as employees, for professional service and technical
15 assistance and advice and notwithstanding section one hundred twelve of
16 the state finance law or any other law to the contrary, to determine its
17 staffing, support services and equipment needs which in the judgment of
18 the fund are necessary to fulfill its purposes as set forth in section
19 three hundred seventy-two of this article; and

20 20. Notwithstanding any law to the contrary, all rights and benefits,
21 including terms and conditions of employment, and protection of civil
22 service and collective bargaining status of all employees of the fund
23 affected by the provisions of the New York state public higher education
24 empowerment and innovation act, shall be preserved and protected.
25 Incumbents of any newly created positions within the state university
26 construction fund shall be considered public employees for all purposes
27 of article fourteen of the civil service law.

28 § 5. Subdivisions 2 and 8 of section 376 of the education law, as
29 added by chapter 251 of the laws of 1962, the opening paragraph and
30 paragraph a of subdivision 8 as amended by chapter 877 of the laws of
31 1990 and paragraph f of subdivision 8 as added by chapter 769 of the
32 laws of 1978, are amended to read as follows:

33 2. The fund may construct, acquire, reconstruct, rehabilitate and
34 improve such facilities, other than dormitories, by its own employees,
35 by agreement with a state retirement system or any state agency author-
36 ized to perform such work, or by contract awarded pursuant to subdivi-
37 sion eight of this section. If the fund and the state university enter
38 into an agreement whereby the state university is authorized by the fund
39 to construct, acquire, reconstruct, rehabilitate and improve such facil-
40 ities, such agreement may allow the state university to use the same
41 project delivery methods contained in subdivision eight of section three
42 hundred seventy-three of this chapter.

43 8. All contracts which are to be awarded pursuant to this subdivision
44 shall be awarded by public letting in accordance with the following
45 provisions, notwithstanding any contrary provision of section one
46 hundred twelve, one hundred thirty-five, one hundred thirty-six, one
47 hundred thirty-nine or one hundred forty of the state finance law or any
48 other law, provided, however, that where the estimated expense of any
49 contract which may be awarded pursuant to this subdivision is less than
50 two hundred fifty thousand dollars, a performance bond and a bond for
51 the payment of labor and material may, in the discretion of the fund,
52 not be required, and except that in the discretion of the fund, a
53 contract may be entered into for such purposes without public letting, a
54 where the estimated expense thereof is less than twenty thousand
55 dollars, or where in the judgment of the fund an emergency condition
56 exists as a result of damage to an existing academic building, dormitory

1 or other facility which has been caused by an act of God, fire or other
2 casualty, or any other unanticipated, sudden and unexpected occurrence,
3 that has resulted in damage to or a malfunction in an existing academic
4 building, dormitory or other facility and involves a pressing necessity
5 for immediate repair, reconstruction or maintenance in order to permit
6 the safe continuation of the use or function of such facility, or to
7 protect the facility or the life, health or safety of any person, and
8 the nature of the work is such that in the judgment of the fund it would
9 be impractical and against the public interest to have public letting;
10 provided, however, that the fund, prior to awarding a contract hereunder
11 because of an emergency condition notify the comptroller of its intent
12 to award such a contract:

13 a. [If contracts are to be publicly let, the] The letting agency shall
14 advertise the invitation to bid or the request for proposals in [a news-
15 paper published in the city of Albany and in] such [other newspapers]
16 newspaper as will be most likely in its opinion to give adequate notice
17 to contractors of the work required [and of the invitation to bid]
18 provided, however, that where the estimated expense of any contract
19 which may be awarded pursuant to this subdivision is less than two
20 hundred fifty thousand dollars, the letting agency may advertise the
21 invitation to bid solely through the procurement opportunities newslet-
22 ter published pursuant to section one hundred forty-two of the economic
23 development law. The invitation to bid or request for proposals shall
24 contain such information as the letting agency shall deem appropriate
25 [and a statement of the time and place where all bids received pursuant
26 to such notice will be publicly opened and read].

27 b. The letting agency shall not award any contract after public
28 bidding except to the lowest bidder who in its opinion is qualified to
29 perform the work required and is responsible and reliable. The letting
30 agency may, however, reject any or all bids, again advertise for bids,
31 or waive any informality in a bid if it believes that the public inter-
32 est will be promoted thereby.

33 c. The invitation to bid, request for proposals and the contract
34 awarded shall contain such other terms and conditions, and such
35 provisions for penalties, as the letting agency may deem desirable.

36 d. [The form of any] Any contract awarded pursuant to this subdivision
37 shall [be approved by the attorney general and by the comptroller and
38 shall] contain a clause that the contract shall be deemed executory to
39 the extent of the moneys available and that no liability shall be
40 incurred by the fund beyond the moneys available therefor.

41 e. The letting agency shall require such deposits, bonds and security
42 in connection with the submission of bids or request for proposals, the
43 award of contracts and the performance of work as it shall determine to
44 be in the public interest and for the protection of the state, the state
45 university, the fund and the letting agency.

46 f. Notwithstanding the provisions of any other law to the contrary,
47 all contracts for public work awarded by the state university
48 construction fund pursuant to this subdivision shall be in accordance
49 with section one hundred thirty-nine-f of the state finance law.

50 § 6. Subdivision 4 of section 377 of the education law, as added by
51 chapter 624 of the laws of 1999, is amended to read as follows:

52 4. Monies received by the fund, for all of its operating and adminis-
53 trative costs or in connection with approved university-related economic
54 development facilities, [other than state appropriations to the fund,]
55 may be deposited in a general account and other such accounts as the
56 fund may deem necessary, for the transaction of its business [or in

1 relation to construction or property management activities undertaken in
2 connection with such projects] and shall be paid out on checks signed by
3 the chairman of the fund or such other person or persons as the trustees
4 of the fund may authorize.

5 § 7. Paragraph (b) of subdivision 2 of section 1676 of the public
6 authorities law is amended by adding three new undesignated paragraphs
7 to read as follows:

8 Any entity which is organized by officers, employees, alumni or
9 students of the state university of New York to support the state
10 university and which is qualified as an organization under the United
11 States internal revenue code as exempt from income tax, other than the
12 research foundation of state university of New York and any entity which
13 is organized exclusively by students of the state university, for the
14 financing, refinancing, acquisition, design, construction, recon-
15 struction, rehabilitation, improvement, furnishing and equipping of any
16 housing unit for the use of students, faculty, staff and their families
17 or any academic building, administration building, library, laboratory,
18 classroom, health facility or other facility, building or structure
19 essential, necessary or useful in furthering the academic, cultural,
20 health or research programs of the state university of New York, includ-
21 ing all necessary and usual attendant and related facilities and equip-
22 ment.

23 Any entity which is organized by officers, employees, alumni or
24 students of a locally sponsored community college, including a locally
25 sponsored community college established and operated by a community
26 college region as set forth in section sixty-three hundred one of the
27 education law, to support the locally sponsored community college and
28 which is qualified as an organization under the United States internal
29 revenue code as exempt from income tax, other than any entity which is
30 organized exclusively by students of the locally sponsored community
31 college, for the financing, refinancing, acquisition, design,
32 construction, reconstruction, rehabilitation, improvement, furnishing
33 and equipping of any housing unit for the use of students, faculty,
34 staff and their families or any academic building, administration build-
35 ing, library, laboratory, classroom, health facility or other facility,
36 building or structure essential, necessary or useful in furthering the
37 academic, cultural, health or research programs of the locally sponsored
38 community college, including all necessary and usual attendant and
39 related facilities and equipment.

40 A locally sponsored community college, for the acquisition, design,
41 construction, reconstruction, rehabilitation and improvement of a hous-
42 ing unit, including all necessary and attendant and related facilities
43 and equipment, for the use of students, married students, faculty, staff
44 and the families thereof at such locally sponsored community college.

45 § 8. Subdivision 1 of section 1680 of the public authorities law is
46 amended by adding three new undesignated paragraphs to read as follows:

47 Any entity which is organized by officers, employees, alumni or
48 students of the state university of New York to support the state
49 university and which is qualified as an organization under the United
50 States internal revenue code as exempt from income tax, other than the
51 research foundation of state university of New York and any entity which
52 is organized exclusively by students of the state university, for the
53 financing, refinancing, acquisition, design, construction, recon-
54 struction, rehabilitation, improvement, furnishing and equipping of any
55 housing unit for the use of students, faculty, staff and their families
56 or any academic building, administration building, library, laboratory,

1 classroom, health facility or any other building, facility or structure
2 essential, necessary or useful in furthering the academic, cultural,
3 health or research programs for the state university of New York,
4 including all necessary and usual attendant and related facilities and
5 equipment; provided however that any project proposed to be undertaken
6 pursuant to this paragraph shall first be approved by the state univer-
7 sity of New York; provided further and notwithstanding any provision of
8 law to the contrary, that any such not-for-profit entity, the state
9 university of New York and the state university construction fund are
10 hereby authorized to take such actions and to enter into such agreements
11 with the dormitory authority as are necessary to: (i) undertake the
12 financing, refinancing, acquisition, design, construction, recon-
13 struction, rehabilitation, improvement, furnishing and equipping of any
14 project as provided in this paragraph, including, but not limited to,
15 providing for the conveyance of state-owned property under the jurisdic-
16 tion of the state university to the not-for-profit entity; or (ii) grant
17 the authority a lien on any revenues or property or any moneys to be
18 received by the not-for-profit entity to the extent that such revenues,
19 property or moneys are pledged by the entity to the dormitory authority
20 to secure the payment of all amounts owed to the authority on account of
21 any project undertaken pursuant to this paragraph; provided further,
22 that any project undertaken by the authority pursuant to this paragraph
23 shall constitute a public work for purposes of the labor law, shall be
24 subject to the requirements of article fifteen-A of the executive law,
25 and shall be subject to a competitive process. All state and local
26 officers are hereby authorized to pay all funds so assigned and pledged
27 to the dormitory authority or, upon the direction of the dormitory
28 authority, to any trustee of any dormitory authority bond or note issue.
29 Neither the state of New York, the state university of New York nor the
30 state university construction fund shall take any action in such manner
31 as to impair or diminish the rights and remedies of the authority pursu-
32 ant to any such pledge and assignment and any lien or other security
33 interest created pursuant to this paragraph.

34 Any entity which is organized by officers, employees, alumni or
35 students of a locally sponsored community college, including a locally
36 sponsored community college established and operated by a community
37 college region as set forth in section sixty-three hundred one of the
38 education law, to support the locally sponsored community college and
39 which is qualified as an organization under the United States internal
40 revenue code as exempt from income tax, other than any entity which is
41 organized exclusively by students of the locally sponsored community
42 college, for the financing, refinancing, acquisition, design,
43 construction, reconstruction, rehabilitation, improvement, furnishing
44 and equipping of any housing unit for the use of students, faculty,
45 staff and their families or any academic building, administration build-
46 ing, library, laboratory, classroom, health facility or any other build-
47 ing, facility or structure essential, necessary or useful in furthering
48 the academic, cultural, health or research programs for the locally
49 sponsored community college, including all necessary and usual attendant
50 and related facilities and equipment; provided however that any project
51 proposed to be undertaken pursuant to this paragraph shall first be
52 approved by the board of trustees of the locally sponsored community
53 college; provided further and notwithstanding any provision of law to
54 the contrary, that any such not-for-profit entity, the locally sponsored
55 community college and the local sponsor are hereby authorized to take
56 such actions and to enter into such agreements with the dormitory



1 authority as are necessary to: (i) undertake the financing, refinancing,
2 acquisition, design, construction, reconstruction, rehabilitation,
3 improvement, furnishing and equipping of any project as provided in this
4 paragraph, including, but not limited to, providing for the conveyance
5 of property held in trust by the local sponsor for the uses and purposes
6 of the locally sponsored community college to the not-for-profit entity;
7 or (ii) grant the authority a lien on any revenues or property or any
8 moneys to be received by the not-for-profit entity to the extent that
9 such revenues, property or moneys are pledged by the entity to the
10 dormitory authority to secure the payment of all amounts owed to the
11 authority on account of any project undertaken pursuant to this para-
12 graph; provided further, that any project undertaken by the authority
13 pursuant to this paragraph shall constitute a public work for purposes
14 of the labor law, shall be subject to the requirements of article
15 fifteen-A of the executive law and shall be subject to a competitive
16 process. All state and local officers are hereby authorized to pay all
17 such funds so assigned and pledged to the dormitory authority or, upon
18 the direction of the dormitory authority, to any trustee of any dormito-
19 ry authority bond or note issue. Neither the state of New York, the
20 local sponsor nor the locally sponsored community college shall take any
21 action in such manner as to impair or diminish the rights and remedies
22 of the authority pursuant to any such pledge and assignment and any lien
23 or other security interest created pursuant to this paragraph.

24 A locally sponsored community college, for the acquisition, design,
25 construction, reconstruction, rehabilitation and improvement of a hous-
26 ing unit, including all necessary and attendant and related facilities
27 and equipment, for the use of students, married students, faculty, staff
28 and the families thereof at such locally sponsored community college.

29 § 9. Section 6304 of the education law is amended by adding a new
30 subdivision 14 to read as follows:

31 14. a. For the purposes of this subdivision, a "community college
32 dormitory" shall mean a housing unit, including all necessary and
33 attendant and related facilities and equipment acquired, designed,
34 constructed, reconstructed, rehabilitated and improved, or otherwise
35 provided through the dormitory authority in accordance with the
36 provisions of the dormitory authority act for the use of students,
37 married students, faculty, staff and the families thereof at a community
38 college.

39 b. Notwithstanding any provision of law to the contrary, a community
40 college is authorized to take such actions and to enter into such agree-
41 ments with the dormitory authority as are necessary to: (i) undertake
42 the financing, refinancing, acquisition, design, construction, recon-
43 struction, rehabilitation, improvement, furnishing and equipping of a
44 community college dormitory, including, but not limited to, providing
45 for the leasing or otherwise making available to the dormitory authority
46 real property held by the local sponsor in trust for the uses and
47 purposes of the community college; or (ii) grant the dormitory authority
48 a lien on any revenues or property or any moneys to be received by the
49 community college derived from the operations of the project being
50 financed to the extent that such revenues, property or moneys are
51 pledged by the community college to the dormitory authority to secure
52 the payment of all amounts owed to the authority on account of any
53 community college dormitory undertaken pursuant to this subdivision;
54 provided, further, that any such agreements may provide that the obli-
55 gation of the community college to make rental or other payments to the
56 dormitory authority shall constitute a general obligation of the commu-



1 nity college payable from all monies legally available to the community
2 college (including amounts provided for operating aid by the local spon-
3 sor or sponsors to the community college pursuant to subdivision one of
4 this section or amounts provided for operating aid by the state to the
5 community college); and provided further, that any community college
6 dormitory undertaken by the dormitory authority pursuant to this subdivi-
7 vision shall constitute a public work for purposes of the labor law and
8 shall be subject to the requirements of article fifteen-A of the execu-
9 tive law. All state and local officers are hereby authorized and
10 required to pay all such funds so assigned and pledged to the dormitory
11 authority or, upon the direction of the dormitory authority, to any
12 trustee of any dormitory authority bond or note issue. Neither the state
13 of New York, the state university of New York nor a local sponsor shall
14 take any action in such manner as to impair or diminish the rights and
15 remedies of the dormitory authority pursuant to any such pledge and
16 assignment and any lien or other security interest created pursuant to
17 this subdivision.

18 c. A local sponsor is authorized to lease or otherwise make available
19 to the dormitory authority for the purposes set forth in this subdivi-
20 sion real property held in trust by the local sponsor for the uses and
21 purposes of the community college.

22 d. Notwithstanding any provision of law to the contrary, neither a
23 local sponsor nor the state of New York shall be required to provide a
24 share of the capital costs of a community college dormitory. The
25 provisions of this subdivision shall not apply to any project for which
26 the state appropriates funds pursuant to subdivision eight of this
27 section.

28 § 10. Section 1680 of the public authorities law is amended by adding
29 a new subdivision 41 to read as follows:

30 41. a. For the purposes of this subdivision, a "community college
31 dormitory" shall mean a housing unit, including all necessary and
32 attendant and related facilities and equipment acquired, designed,
33 constructed, reconstructed, rehabilitated and improved, or otherwise
34 provided through the dormitory authority in accordance with the
35 provisions of the dormitory authority act for the use of students,
36 married students, faculty, staff and the families thereof at a locally
37 sponsored community college.

38 b. The dormitory authority is hereby empowered and authorized to enter
39 into a lease or other agreement with a locally sponsored community
40 college to finance, refinance, acquire, design, construct, reconstruct,
41 rehabilitate, improve, furnish and equip one or more community college
42 dormitories. Such lease or other agreement may provide for the payment
43 of annual rentals and other payments by the locally sponsored community
44 college to the dormitory authority and contain such other terms and
45 conditions as may be agreed upon by the parties thereto, including but
46 not limited to provisions relating to the maintenance and operation of
47 the community college dormitories, the establishment of reserve funds,
48 indemnities and the disposition of a community college dormitory or the
49 interest of the authority therein prior to or upon the termination or
50 expiration of such lease or other agreement.

51 c. In the event of a failure of a locally sponsored community college
52 to pay the dormitory authority when due all or part of amounts payable
53 by the locally sponsored community college to the dormitory authority
54 pursuant to a lease or agreement authorized by this subdivision, the
55 dormitory authority shall forthwith make and deliver to the state comp-
56 troller a certificate stating the amount of the payment required to have

1 been made by the locally sponsored community college, the amount paid by
2 the locally sponsored community college, and the amount remaining unpaid
3 by the locally sponsored community college. The state comptroller, after
4 giving written notice to the director of the budget, shall pay to the
5 dormitory authority the amount set forth in such certificate as remain-
6 ing unpaid, which amount shall be paid from any monies appropriated by
7 the state for or on account of the operating costs of the locally spon-
8 sored community college and not yet paid. The amount required to be paid
9 by the state comptroller pursuant to this paragraph shall be paid to the
10 dormitory authority as soon as practicable after receipt of the certif-
11 icate of the dormitory authority and notice to the director of the budg-
12 et is given, whether or not the moneys from which such payment is to be
13 made are then due and payable to the locally sponsored community
14 college. The amount of state appropriations payable to the locally spon-
15 sored community college from which the state comptroller has made a
16 payment pursuant to this paragraph shall be reduced by the amount so
17 paid to the dormitory authority, notwithstanding the amount appropriated
18 and apportioned by the state to the locally sponsored community college,
19 and the state shall not be obligated to make and the locally sponsored
20 community college shall not be entitled to receive any additional appor-
21 tionment or payment of state moneys. Nothing contained in this subdivi-
22 sion shall be construed to create an obligation upon the state to appro-
23 priate moneys for or on account of the operating costs of the locally
24 sponsored community college, to preclude the state from reducing the
25 amount of moneys appropriated or level of support provided for the oper-
26 ating costs of the locally sponsored community college from the amount
27 appropriated or level of support provided in any prior fiscal year, or
28 to preclude the state from altering or modifying the manner in which it
29 provides for the operating costs of the locally sponsored community
30 college.

31 d. The provisions of this subdivision shall be in addition to any
32 authorization contained in this title governing the provision of facili-
33 ties by the dormitory authority for the local sponsor of a locally spon-
34 sored community college, and all provisions of this title not inconsist-
35 ent with the provisions of this subdivision shall be applicable with
36 respect to any bonds of the authority issued to obtain funds for any
37 purpose authorized under this subdivision for the benefit of a locally
38 sponsored community college and with respect to the powers of the dormi-
39 tory authority.

40 § 11. Subdivision 12 of section 3 of the public buildings law, as
41 amended by section 48 of part T of chapter 57 of the laws of 2007, is
42 amended to read as follows:

43 12. Lease from time to time buildings, rooms or premises in the county
44 of Albany, and elsewhere as required, for providing space for depart-
45 ments, commissions, boards and officers of the state government, upon
46 such terms and conditions as he or she deems most advantageous to the
47 state. Any such lease shall, however, be for a term not exceeding ten
48 years, but may provide for optional renewals on the part of the state,
49 for terms of ten years or less. Each such lease shall contain a clause
50 stating that the contract of the state thereunder shall be deemed execu-
51 tory only to the extent of moneys available therefor and that no liabil-
52 ity shall be incurred by the state beyond the money available for such
53 purpose. Notwithstanding the provisions of any other law, except section
54 sixteen hundred seventy-six of the public authorities law relating to
55 use of dormitory authority facilities by the aged, the commissioner of
56 general services shall have sole and exclusive authority to lease space

1 for state departments, agencies, commissions, boards and officers, other
2 than the state university of New York, within the county of Albany. Any
3 buildings, rooms or premises, now or hereafter held by the commissioner
4 of general services under lease, may be sublet, in part or in whole,
5 provided that in the judgment of the commissioner, and the occupying
6 department, commission, board, and officers of the state government,
7 such buildings, rooms or premises are not for a time needed.

8 § 12. This act shall take effect immediately, provided that the amend-
9 ments to subdivision 12 of section 3 of the public buildings law made by
10 section eleven of this act shall take effect on the same date as the
11 reversion of such subdivision as provided in subdivision 4 of section 27
12 of chapter 95 of the laws of 2000, as amended.

13

SUBPART C

14 Section 1. Subdivisions 5 and 6 of section 355 of the education law,
15 subdivision 5 as added by chapter 552 of the laws of 1985, paragraph a
16 of subdivision 5 as amended by chapter 682 of the laws of 2007, para-
17 graph c of subdivision 5 as added by chapter 103 of the laws of 1989,
18 paragraph d of subdivision 5 as added by chapter 537 of the laws of 1997
19 and subdivision 6 as amended by chapter 554 of the laws of 1985, are
20 amended to read as follows:

21 5. Notwithstanding the provisions of [paragraph] subdivisions two and
22 three of section one hundred twelve and sections one hundred fifteen,
23 one hundred sixty-one, and one hundred sixty-three [and one hundred
24 seventy-four] of the state finance law and sections three and six of the
25 New York state printing and public documents law or any other law to the
26 contrary, the state university trustees are authorized and empowered to:

27 a. (i) purchase materials, equipment and supplies, including computer
28 equipment and motor vehicles[, where the amount for a single purchase
29 does not exceed twenty thousand dollars], (ii) execute contracts for
30 services, permits, licenses, leases, contracts for the purchase or sale
31 of real property and construction contracts [to an amount not exceeding
32 twenty thousand dollars], and (iii) contract for printing [to an amount
33 not exceeding five thousand dollars], without prior approval by any
34 other state officer or agency, but subject to rules and regulations of
35 the state comptroller not otherwise inconsistent with the provisions of
36 this section and in accordance with [the] guidelines, rules [and] or
37 regulations promulgated by the state university board of trustees after
38 consultation with the state comptroller. [In addition, the trustees,
39 after consultation with the commissioner of general services, are
40 authorized to annually negotiate with the state comptroller increases in
41 the aforementioned dollar limits and the exemption of any articles,
42 categories of articles or commodities from these limits. Rules and]
43 Guidelines, rules or regulations promulgated by the state university
44 board of trustees shall, to the extent practicable, require that compet-
45 itive proposals be solicited for purchases, and shall include require-
46 ments that purchases and contracts authorized under this section be at
47 the lowest available price, including consideration of prices available
48 through other state agencies, consistent with quality requirements, and
49 as will best promote the public interest. Such purchases may be made
50 directly from any contractor pursuant to any contract for commodities
51 let by the office of general services or any other state agency;

52 b. to establish cash advance accounts for the purpose of purchasing
53 materials, supplies, or services, for cash advances for travel expenses
54 and per diem allowances, or for advance payment of wages and salary. The

1 account may be used to purchase such materials, supplies, or services
2 where the amount of a single purchase does not exceed two hundred fifty
3 dollars, in accordance with such guidelines as shall be prescribed by
4 the state university trustees after consultation with the state comp-
5 troller.

6 c. establish guidelines in consultation with the commissioner of
7 general services authorizing participation by the state university in
8 programs administered by the office of general services for the purchase
9 of available New York state food products. The commissioner of general
10 services shall provide assistance to the state university necessary to
11 enable the university to participate in these programs.

12 [d. (1) Award contract extensions for campus transportation without
13 competitive bidding where such contracts were secured either through
14 competitive bidding or through evaluation of proposals in response to a
15 request for proposals pursuant to subparagraph (2) of this paragraph,
16 however such extensions may be rejected if the amount to be paid to the
17 contractor in any year of such proposed extension fails to reflect any
18 decrease in the regional consumer price index for the New York, New
19 York-Northeastern, New Jersey area, based upon the index for all urban
20 consumers (CPI-U) during the preceding twelve-month period. At the time
21 of any contract extension, consideration shall be given to any compet-
22 itive proposal offered by a public transportation agency. Such contract
23 may be increased for each year of the contract extension by an amount
24 not to exceed the regional consumer price index increase for the New
25 York, New York-Northeastern, New Jersey area, based upon the index for
26 all urban consumers (CPI-U), during the preceding twelve-month period,
27 provided it has been satisfactorily established by the contractor that
28 there has been at least an equivalent increase in the amount of his cost
29 of operation, during the period of the contract.]

30 6. To enter into any contract or agreement deemed necessary or advis-
31 able after consultation with appropriate state agencies for carrying out
32 the objects and purposes of state university without prior review or
33 approval by any state officer or agency [other than the state comp-
34 troller and the attorney general] including contracts with non-profit
35 corporations organized by officers, employees, alumni or students of
36 state university for the furtherance of its objects and purposes.
37 Contracts or agreements entered into with the federal government to
38 enable participation in federal student loan programs, including any and
39 all instruments required thereunder, shall not be subject to the
40 requirements of section forty-one of the state finance law; provided,
41 however, that the state shall not be liable for any portion of any
42 defaults which it has agreed to assume pursuant to any such agreement in
43 an amount in excess of money appropriated or otherwise lawfully avail-
44 able therefor at the time the liability for payment arises.

45 § 2. Section 6218 of the education law, as amended by chapter 697 of
46 the laws of 1993, is amended to read as follows:

47 § 6218. Contracts and purchases. a. Notwithstanding the provisions of
48 [paragraph] subdivisions two and three of section one hundred twelve and
49 [sections] section one hundred fifteen, subdivision three of section one
50 hundred sixty, section one hundred sixty-one[,] and section one hundred
51 sixty-three [and one hundred seventy-four] of the state finance law and
52 sections three and six of the New York state printing and public docu-
53 ments law or any other law to the contrary, the city university [trus-
54 tees are] is authorized and empowered to[:

55 (i) purchase materials, equipment and supplies, including computer
56 equipment and motor vehicles, where the amount for a single purchase

1 does not exceed twenty thousand dollars, (ii) execute contracts for
2 services to an amount not exceeding twenty thousand dollars, and (iii)
3 contract for printing to an amount not exceeding five thousand dollars,]
4 execute valid, enforceable and effective contracts for commodities,
5 including technology and motor vehicles and for services, including
6 printing, technology and construction and construction-related services,
7 without prior approval by any other state officer or agency, but subject
8 to rules and regulations of the state comptroller not otherwise incon-
9 sistent with the provisions of this section and in accordance with the
10 rules and regulations promulgated by the city university board of trus-
11 tees after consultation with the state comptroller. [In addition, the
12 trustees are authorized to annually negotiate with the state comptroller
13 increases in the aforementioned dollar limits and the exemption of any
14 articles, categories of articles or commodities from these limits. Rules
15 and regulations promulgated by the city university board of trustees
16 shall, to the extent practicable, require that competitive proposals be
17 solicited for purchases, and shall include requirements that purchases
18 and contracts authorized under this section be at the lowest possible
19 price.

20 b. Except as hereinafter provided, no contract for work or labor or
21 the purchase of supplies, material, or equipment or for the construction
22 or the alteration of any building or facility involving an expenditure
23 or liability of more than twenty thousand dollars shall be entered into
24 by the board of trustees, unless said board of trustees shall have duly
25 advertised for bids for the same for a period of not less than five days
26 under regulations to be approved by the board of trustees and the
27 contract in each case shall be awarded to the lowest responsible bidder
28 furnishing the security as required by the board of trustees. If two or
29 more bids are tied, and are the lowest bids submitted by responsible
30 bidders furnishing the security as required by the board, the board of
31 trustees may award the contract to any of said tied bidders.

32 c. If the several parts of the work or labor to be done and/or the
33 supplies, materials or equipment to be furnished shall together involve
34 an expenditure of not more than twenty thousand dollars, the same may be
35 procured on an order awarded to the lowest responsible bidder upon bids
36 submitted without public advertisement under such regulations as shall
37 be made by the board of trustees. Purchases of five thousand dollars or
38 less may be made without competition.

39 d. The board of trustees, if it shall deem it in the public interest,
40 may reject all bids.

41 e. Upon the adoption of a resolution by a vote of at least two-thirds
42 of the members of the board of trustees by vote at a meeting, stating
43 that, for reasons of efficiency or economy, there is need for standardi-
44 zation, purchase contracts for a particular type or kind of equipment,
45 materials, or supplies of more than twenty thousand dollars may be
46 awarded to the lowest responsible bidder furnishing the required securi-
47 ty after advertisement for bids in the manner provided in this section.
48 Such resolution shall contain a full explanation of the reasons for its
49 adoption. Purchase contracts for a particular type or kind of equipment,
50 materials or supplies of not more than twenty thousand dollars may be
51 awarded to the lowest responsible bidder upon bids submitted without
52 public advertisement under such regulations as shall be made by the
53 board of trustees.

54 f. Surplus or second-hand supplies, materials or equipment may be
55 purchased without competitive bidding from the federal government, the
56 state of New York or from any political subdivision of the state.

1 g. The board of trustees is authorized to establish cash advance
2 accounts for the purpose of purchasing materials, supplies, or services,
3 for cash advances for travel expenses and per diem allowances, or for
4 advance payment of wages and salary. The account may be used to
5 purchase such materials, supplies, or services where the amount of a
6 single purchase does not exceed two hundred fifty dollars in accordance
7 with such guidelines as shall be prescribed by the city university trust-
8 tees after consultation with the state comptroller.

9 h. Notwithstanding any of the provisions of this section, the board of
10 trustees may make purchases, when available, through the state of New
11 York, the city of New York, the federal government or the board of
12 education of the city of New York, provided that the board of trustees
13 shall accept sole responsibility for any payment due the vendor.]

14 b. The city university is further authorized and empowered to estab-
15 lish guidelines which shall: (i) include requirements that purchases and
16 contracts authorized under this section be awarded to a responsive and
17 responsible offeror; (ii) require maximum practical competition; (iii)
18 permit award of the contract to any of the tied offerors if two or more
19 bids are tied; and (iv) permit the rejection of all offers in the public
20 interest.

21 c. The city university is further authorized and empowered to make
22 purchases, when available, through the use of a contract let by any
23 department, agency or instrumentality of the United States government
24 and/or any department, agency, office, political subdivision, instrumen-
25 tality or municipality of any state or states.

26 d. The city university is further authorized and empowered to make
27 purchases, when available, of surplus or second hand commodities,
28 including technology and motor vehicles, without competitive bidding,
29 from any department, agency or instrumentality of the United States
30 government and/or any department, agency, office, political subdivision,
31 instrumentality or municipality of any state or states.

32 e. The city university is further authorized and empowered to estab-
33 lish cash advance accounts for the purpose of purchasing commodities,
34 renovations or services, for cash advances for travel expenses and per
35 diem allowances, or for advance payment of wages and salary. Such
36 accounts may be used to purchase such commodities, renovations or
37 services where the amount of a single purchase does not exceed one thou-
38 sand dollars, in accordance with the guidelines established by the city
39 university after consultation with the state comptroller.

40 § 3. The education law is amended by adding a new section 6283 to read
41 as follows:

42 § 6283. Procurements of the fund. Notwithstanding any other
43 provision of law, the contracts of the fund may be executed and shall be
44 valid, enforceable and effective without prior review or approval by, or
45 filing with, the state comptroller, provided, however, that such
46 contracts shall be subject to procurement guidelines that are annually
47 adopted by the fund trustees, which shall conform to the provisions of
48 title four of article nine of the public authorities law, except section
49 twenty-eight hundred seventy-nine-a of such law.

50 § 4. Subdivisions 2 and 3 of section 112 of the state finance law, as
51 amended by chapter 319 of the laws of 1992, paragraph (a) of subdivision
52 2 as amended by section 2 of part D of chapter 56 of the laws of 2006,
53 are amended to read as follows:

54 2. (a) Before any contract made for or by any state agency, depart-
55 ment, board, officer, commission, or institution, except the office of
56 general services, the city university of New York and the state univer-

1 sity of New York, shall be executed or become effective, whenever such
2 contract exceeds fifty thousand dollars in amount and before any
3 contract made for or by the office of general services shall be executed
4 or become effective, whenever such contract exceeds eighty-five thousand
5 dollars in amount, it shall first be approved by the comptroller and
6 filed in his or her office, provided, however, that the comptroller
7 shall make a final written determination with respect to approval of
8 such contract within ninety days of the submission of such contract to
9 his or her office unless the comptroller shall notify, in writing, the
10 state agency, department, board, officer, commission, or institution,
11 prior to the expiration of the ninety day period, and for good cause, of
12 the need for an extension of not more than fifteen days, or a reasonable
13 period of time agreed to by such state agency, department, board, offi-
14 cer, commission, or institution and provided, further, that such written
15 determination or extension shall be made part of the procurement record
16 pursuant to paragraph f of subdivision one of section one hundred
17 sixty-three of this chapter.

18 (b) Whenever any liability of any nature shall be incurred by or for
19 any state department, board, officer, commission, or institution other
20 than the city university of New York and the state university of New
21 York, notice that such liability has been incurred shall be immediately
22 given in writing to the state comptroller.

23 3. A contract or other instrument wherein the state or any of its
24 officers, agencies, boards or commissions other than the city university
25 of New York and the state university of New York agrees to give a
26 consideration other than the payment of money, when the value or reason-
27 ably estimated value of such consideration exceeds ten thousand dollars,
28 shall not become a valid enforceable contract unless such contract or
29 other instrument shall first be approved by the comptroller and filed in
30 his office.

31 § 5. Subparagraph (iv) of paragraph a of subdivision 3 of section 163
32 of the state finance law, as amended by chapter 430 of the laws of 1997,
33 is amended to read as follows:

34 (iv) The commissioner is authorized to permit any officer, body or
35 agency of the state or of a political subdivision or a district therein,
36 or fire company or volunteer ambulance service as such are defined in
37 section one hundred of the general municipal law, to make purchases of
38 commodities through the office of general services' centralized
39 contracts, pursuant to the provisions of section one hundred four of the
40 general municipal law. The commissioner is authorized to permit any
41 county extension service association as authorized under subdivision
42 eight of section two hundred twenty-four of the county law, or any asso-
43 ciation or other entity as specified in and in accordance with section
44 one hundred nine-a of the general municipal law, or any non-profit
45 corporation organized in furtherance of the objects and purposes of the
46 state university of New York, or any other association or entity as
47 specified in state law, to make purchases of commodities through the
48 office of general services' centralized contracts; provided, however,
49 that such entity so empowered shall accept sole responsibility for any
50 payment due with respect to such purchase; and provided further, howev-
51 er, that commodities so purchased by a non-profit corporation organized
52 in furtherance of the objects and purposes of the state university of
53 New York shall not be used directly or indirectly by a for-profit corpo-
54 ration or other entity which contracts with the non-profit corporation,
55 nor shall such commodities so purchased by such non-profit corporation
56 be offered for resale.



1 § 6. Paragraph e of subdivision 4 of section 163 of the state finance
2 law, as amended by chapter 95 of the laws of 2000, is amended to read as
3 follows:

4 e. Any officer, body or agency of a political subdivision as defined
5 in section one hundred of the general municipal law or a district there-
6 in, may make purchases of services through the office of general
7 services' centralized contracts for services, subject to the provisions
8 of section one hundred four of the general municipal law. The commis-
9 sioner may permit and prescribe the conditions for the purchase of
10 services through the office of general services' centralized contracts
11 for services by any public authority or public benefit corporation of
12 the state including the port authority of New York and New Jersey, or
13 any non-profit corporation organized in furtherance of the objects and
14 purposes of the state university of New York; provided, however, that
15 services so purchased by a non-profit corporation organized in further-
16 ance of the objects and purposes of the state university of New York
17 shall not be used directly or indirectly by a for-profit corporation or
18 other entity which contracts with the non-profit organization. The
19 commissioner is authorized to permit any public library, association
20 library, library system, cooperative library system, the New York
21 Library Association, and the New York State Association of Library
22 Boards or any other library except those which are operated by for
23 profit entities, to make purchases of services through the office of
24 general services' centralized contracts; provided, however, that such
25 entity so empowered shall accept sole responsibility for any payment due
26 with respect to such purchase.

27 § 7. Paragraph i of subdivision 2 of section 355 of the education law,
28 as amended by chapter 552 of the laws of 1985, is amended to read as
29 follows:

30 i. To lease to alumni associations of institutions of the state
31 university a portion of the grounds occupied by any institution of the
32 state university, for the erection thereon of dormitories to be used by
33 students in attendance at such institutions. The terms of any lease and
34 the character of the building to be erected shall be determined by the
35 state university trustees. [Such lease, prior to its execution, shall be
36 submitted to the attorney general for his approval as to its form,
37 contents and legal effect.] Nothing contained in this paragraph shall
38 affect the provisions of any lease heretofore executed by a board of
39 visitors of any state-operated institution pursuant to law. The state
40 university trustees may similarly enter into an agreement with an alumni
41 association of an institution of the state university to furnish heat
42 from a central heating plant to any dormitory erected by such alumni
43 association. Any such dormitory shall not be subject to taxation for any
44 purpose.

45 § 8. Subdivision (b) of section 6281 of the education law, as amended
46 by chapter 1081 of the laws of 1969, is amended to read as follows:

47 (b) Notwithstanding any other provision of this article or any other
48 law, any contract let by the dormitory authority and/or the city univer-
49 sity construction fund for the purposes of this article shall be in
50 conformity with the provisions of section one hundred one of the general
51 municipal law, and may be awarded using any delivery method authorized
52 by the procurement guidelines adopted by the city university
53 construction fund or the dormitory authority pursuant to section twen-
54 ty-eight hundred seventy-nine of the public authorities law.

55 § 9. This act shall take effect immediately; provided, however, that
56 the amendments to section 163 of the state finance law made by sections

1 five and six of this act shall not affect the repeal of such section and
2 shall be deemed repealed therewith.

3

SUBPART D

4 Section 1. Subdivision 1 of section 17 of the public officers law is
5 amended by adding a new paragraph (w) to read as follows:

6 (w) For the purposes of this section, the term "employee" shall
7 include any student while enrolled and participating in a credit bearing
8 course offered by the city university of New York or by a state operated
9 institution in the state university of New York for which there is a
10 course requirement to complete a supervised clinical or experienced-
11 based affiliation at an affiliate's site, including but not limited to
12 internships and services provided to other entities by student volun-
13 teers at university-sponsored clinics.

14 § 2. Subdivisions 2, 3, 4, 5 and 6 of section 237 of the education
15 law, subdivisions 2, 3 and 4 as amended by chapter 186 of the laws of
16 1977 and subdivisions 5 and 6 as amended by chapter 567 of the laws of
17 1971, are amended to read as follows:

18 2. The regents shall, on or before the twenty-fifth day of April
19 [nineteen hundred seventy-one] two thousand eleven and each [fourth]
20 eighth year thereafter, request the state university trustees, the board
21 of higher education of the city of New York, and all independent higher
22 educational institutions to submit long-range master plans for their
23 development. Such request shall specify the nature of the information,
24 plans and recommendations to be submitted, shall describe statewide
25 needs, problems, societal conditions and interests of the citizens and
26 discuss their priorities, and provide appropriate information which may
27 be useful in the formulation of such plans.

28 3. The regents shall, once every [four] eight years, review the
29 proposed plan and recommendations required to be submitted by the state
30 university trustees pursuant to section three hundred fifty-four of this
31 chapter, the proposed plan and recommendations of the board of higher
32 education in the city of New York required to be submitted pursuant to
33 section sixty-two hundred [two] six of this chapter, and the plans of
34 independent institutions of higher education and, upon approval by the
35 regents of the plans submitted by the state university trustees and the
36 board of higher education, they shall be incorporated into a regents
37 plan or general revision thereof for the development of higher education
38 in the state. Such regents plan shall include the plan and recommenda-
39 tions proposed by the state university trustees and the plan and recom-
40 mendations proposed by the board of higher education in the city of New
41 York and may include plans with respect to other matters not compre-
42 hended within the plan of the state and city universities, including but
43 not limited to improving institutional management and resources,
44 instruction and guidance programs, financial assistance to students and
45 extension of educational opportunities. In determining the need for
46 additional educational facilities in a particular area, the plans and
47 facilities of existing public and independent institutions shall be
48 fully evaluated. Such statewide plan shall include for information
49 purposes a summary of all recommendations appearing in the prior state-
50 wide plan and subsequent amendments thereof containing a brief statement
51 of action taken and progress toward achievement of each such recommenda-
52 tion.

53 4. During the calendar year [nineteen hundred sixty-four] two thousand
54 twelve and each [fourth] eighth year thereafter the regents shall evalu-

1 ate all available information with respect to the plans and facilities
2 of independent institutions and shall review and act upon the proposed
3 plan and recommendations of the state university trustees and upon the
4 proposed plan and recommendations of the board of higher education in
5 the city of New York and incorporate such information, recommendations
6 and each of the component plans so acted upon into a tentative regents
7 plan or general revision thereof for the development of higher education
8 in the state. Copies of such tentative regents plan or general revision
9 thereof, as the case may be, shall be made available to the trustees of
10 the state university, the board of higher education in the city of New
11 York and the governing boards of all other institutions of higher educa-
12 tion admitted to the university of the state of New York. Thereafter,
13 after giving due notice, the regents shall conduct one or more hearings
14 on such tentative regents plan or general revision thereof.

15 5. The regents shall transmit their plan or general revision thereof
16 for the development of higher education in the state to the governor and
17 the legislature on or before the first day of November, [nineteen
18 hundred sixty-four] two thousand twelve and each [fourth] eighth year
19 thereafter. The governor may disapprove or conditionally approve any
20 part of the plan or general revision thereof after notifying the regents
21 of such disagreements at least sixty days prior to such action during
22 which time they may revise their recommendations relating to such items
23 and request the governor to adopt such revised recommendations in lieu
24 of such action. Such plan or general revision thereof or so much thereof
25 as shall be approved and upon such terms and conditions as the governor
26 may impose, shall become effective upon such approval by the governor.

27 6. Any modification recommended by the state university trustees or by
28 the board of higher education in the city of New York to their respec-
29 tive plans, theretofore formulated and approved pursuant to section
30 three hundred fifty-four or section sixty-two hundred [two] six of this
31 chapter shall be reviewed by the regents who may hold one or more hear-
32 ings thereon after giving due notice thereof. As approved by the
33 regents, such modification shall be made a part of the respective plans
34 of the state university and of the city university and shall, together
35 with any modifications the regents may make to that portion of their
36 plan for the development of higher education in the state not compre-
37 hended in the plans of the state and city universities, be transmitted
38 to the governor and the legislature, all of which shall then become
39 effective upon approval by the governor as modifications of the regents
40 plan. By the first day of November in [nineteen hundred seventy-four]
41 two thousand eight and each [fourth] eighth year thereafter the regents
42 shall summarize and report to the governor and the legislature any
43 modifications made pursuant to this subdivision and shall include in
44 such report a statement on the progress made in implementing the regents
45 plan and their general recommendations with respect to higher education.

46 § 3. Subdivisions 1, 2 and 3 of section 354 of the education law, as
47 amended by chapter 552 of the laws of 1985, are amended to read as
48 follows:

49 1. The state university trustees shall, once every [four] eight years,
50 formulate a long-range state university plan or general revision thereof
51 and make recommendations to the board of regents and the governor for
52 the organization, development, coordination and expansion of the state
53 university and for the establishment of community colleges in areas
54 suitable for and in need of such institutions, which plan and recommen-
55 dations shall include the following:

56 a. plans for new curricula;

1 b. plans for new facilities;
2 c. plans for change in policies with respect to student admissions;
3 d. projected student enrollments; and
4 e. comments upon its relationship to other colleges and universities,
5 public, independent and proprietary, within the state.
6 f. For informational purposes only, projection standards and overall
7 expenditure projections of capital and operating costs. Prior to trans-
8 mitting their long-range state university plan or general revision there-
9 of to the board of regents and the governor the state university trust-
10 ees may, after giving due notice, conduct one or more hearings on such
11 plan.

12 2. During the calendar year [nineteen hundred sixty-four] two thousand
13 twelve and each [fourth] eighth year thereafter the state university
14 trustees shall transmit their proposed plan or general revision thereof
15 to the board of regents and the governor on or before the first day of
16 June in each such year. Such plan shall be reviewed by the board of
17 regents and shall be subject to approval by such board. As approved by
18 the board of regents and incorporated into the regents plan or general
19 revision thereof for the development of higher education in the state
20 and, upon approval thereafter by the governor, such plan shall guide and
21 determine the development of the state university and its community
22 colleges until such plan is modified or revised in the manner provided
23 herein.

24 3. By the first day of June in [nineteen hundred seventy-four] two
25 thousand eight and every [fourth] eighth year thereafter, the state
26 university trustees shall report in writing to the board of regents, to
27 the governor and to the legislature on the progress made in carrying out
28 their responsibilities under such plan and their general recommendations
29 with respect to public higher education, including recommendations as to
30 modifications of such plan which the trustees deem essential to meet the
31 then current demands upon public higher education. The state university
32 trustees may also at any other time propose modifications which they
33 then deem essential or desirable with respect to such plan. They may,
34 after giving due notice, conduct one or more hearings on such modifica-
35 tions and shall transmit their recommendations therefor to the board of
36 regents and the governor. Such modifications shall be subject to
37 approval by the regents and thereafter by the governor in the same
38 manner as such plan or general revisions thereof.

39 § 4. Subdivision 3 of section 390 of the education law, as amended by
40 chapter 486 of the laws of 1967, is amended to read as follows:

41 3. The term "eligible employees" means those employees in positions
42 requiring the performance of educational functions in teacher education,
43 agriculture, home economics, forestry, ceramics, liberal and applied
44 arts and sciences, engineering, technical skills, crafts, business
45 education, labor and industrial relations, medicine, dentistry, veteri-
46 nary medicine, pharmacy, nursing, law, public affairs, maritime officer
47 training, academic administration, library service, student activities,
48 student personnel service and other professions required to carry on the
49 work of the state university and the colleges, schools, institutes,
50 research centers, facilities and institutions comprising it and of the
51 community colleges; provided, that the term "eligible employees" shall
52 include medical, dental and optometric residents and interns who render
53 services at health sciences centers of the state university and who may
54 opt to participate in the New York state employees' retirement system
55 but not in the optional retirement program or the New York state teach-
56 ers' retirement system. Such positions in the state university, includ-

1 ing those at the state colleges of agriculture, home economics, veteri-
2 nary medicine or industrial and labor relations, the state agricultural
3 experiment station at Geneva, or any other institution or agency under
4 the management and control of Cornell university as representative of
5 the board, and at the state college of ceramics under the management and
6 control of Alfred university as the representative of the board, and
7 such positions in the community colleges shall be those certified to the
8 board by the chancellor of state university as requiring the performance
9 of such functions. No person receiving a benefit by reason of his
10 retirement from any retirement or pension system of New York state or
11 any political subdivision thereof shall be eligible to elect the
12 optional retirement program.

13 § 5. Paragraph (a) of subdivision 1 of section 393 of the education
14 law, as amended by chapter 696 of the laws of 1965, is amended to read
15 as follows:

16 (a) Each eligible employee initially appointed on or after July first,
17 nineteen hundred sixty-four, within thirty days of his entry into
18 service, shall elect (i) to join either the New York state teachers'
19 retirement system or the New York state employees' retirement system or
20 other public retirement system in this state in accordance with the
21 provisions of law applicable thereto or (ii) to elect the optional
22 retirement program established pursuant to this article; provided that a
23 medical, dental or optometric resident or intern who renders services at
24 a health sciences center of the state university may elect to join the
25 New York state employees' retirement system, but may not elect the
26 optional retirement program or the New York state teachers' retirement
27 program; provided, further, however, that (1) such persons initially
28 entering service during the period July first, nineteen hundred sixty-
29 four through November fourth, nineteen hundred sixty-four may defer such
30 election until December fourth, nineteen hundred sixty-four, and (2)
31 eligible employees of an electing employer initially appointed on or
32 after the effective date of the election to offer such program may defer
33 such election until the ninetieth day following such effective date of
34 the election to offer such program established by an electing employer.
35 Any such deferred election shall be effective as of the date of entry
36 into service or the effective date of such offer, whichever is later.

37 § 6. Subdivision 4 of section 501 of the education law, as amended by
38 chapter 713 of the laws of 1986, is amended to read as follows:

39 4. "Teacher" shall mean any regular teacher, special teacher, includ-
40 ing any school librarian or physical training teacher, principal, vice-
41 principal, supervisor, supervisory principal, director, superintendent,
42 city superintendent, assistant city superintendent, district superinten-
43 dent and other member of the teaching or professional staff of any
44 class, public school, vocational school, truant reformatory school or
45 parental school, and of any or all classes of schools within the state
46 of New York, including schools on the Indian reservation, conducted
47 under the order and superintendence of and wholly or partly at the
48 expense of the New York state education department or of a duly elected
49 board of education, board of school directors or board of trustees of
50 the state or of any city or school district thereof, provided that no
51 person shall be deemed a teacher within the meaning of this article who
52 is not so employed for full time outside vacation periods. The word,
53 "teacher," shall also include any person employed in the state education
54 department who at the time he entered such employment, or within one
55 year prior thereto, was a teacher within the foregoing definition, or
56 who was engaged in such department in the performance of duties pertain-



1 ing to instructional services prior to September first, nineteen hundred
2 eighty-six or who provides instructional services at the New York state
3 school for the blind or the New York state school for the deaf, but
4 shall not include a person who is a teacher within the foregoing defi-
5 nition, and who elects to become a member of the New York state employ-
6 ees' retirement system pursuant to paragraph five or paragraph ten of
7 subdivision c of section forty of the retirement and social security law
8 upon his entry, on or after April first, nineteen hundred fifty, into
9 his employment as such a teacher in a state-operated institution or
10 community college under the jurisdiction of the board of trustees of the
11 state university, or who is a teacher within the foregoing definition,
12 and who elects to become a member of the New York city employees'
13 retirement system, upon his entry, on or after April first, nineteen
14 hundred fifty-six, into his employment as such a teacher in a community
15 college operated by the city of New York, or who is a teacher within the
16 foregoing definition, and who elects the optional retirement program
17 established either by article [eight-b] eight-B or by part V of article
18 three[, part V] of this chapter. In all cases of doubt, the retirement
19 board shall determine whether any person is a teacher as defined in this
20 article.

21 § 7. Subdivision c of section 40 of the retirement and social security
22 law is amended by adding a new paragraph 10 to read as follows:

23 10. A person who is a medical, dental or optometric resident or intern
24 who renders services at a health sciences center of the state universi-
25 ty.

26 § 8. Paragraph 3 of subdivision b of section 600 of the retirement and
27 social security law, as added by chapter 414 of the laws of 1983, is
28 amended to read as follows:

29 3. Enter the employment of a public employer which participates for
30 such employees in the New York state employees' retirement system in
31 positions in which they shall work full time shall be required to become
32 members;

33 (a) Provided, however, persons in the employ of such employers after
34 such date in positions in which they work less than full time shall be
35 permitted to become members of the New York state employees' retirement
36 system by filing an application therefor in the manner provided for by
37 section forty of this chapter;

38 (b) Provided further that an employee of a county extension service
39 association or Cornell university appointed for the first time on or
40 after August first, nineteen hundred seventy-seven who holds a federal
41 cooperative appointment with the United States department of agriculture
42 as designated by the director of the New York state cooperative exten-
43 sion service and who is eligible for participation in the federal
44 retirement system shall be excluded from membership in the state employ-
45 ees' retirement system; and

46 (c) Provided further that any employee of a county extension service
47 association and any employee of Cornell university appointed for the
48 first time on or after July first, nineteen hundred seventy-six but on
49 or before July thirty-first, nineteen hundred seventy-seven, who holds a
50 state cooperative appointment as designated by the director of the New
51 York state cooperative extension service may elect to receive a federal
52 cooperative appointment in the manner provided for by the relevant
53 federal laws, rules and regulations and to participate in the federal
54 retirement system and discontinue his participation in the state retire-
55 ment system by filing a written notice of termination on or before
56 December thirty-first, nineteen hundred eighty-three with the comp-

1 troller. Any employee who is a member of the state employees' retirement
2 system at the time he or she elects coverage in the federal retirement
3 program shall be deemed to be a person who discontinues service on the
4 effective date of such election, for the purpose of determining his or
5 her eligibility for rights and benefits in such state system; provided,
6 however, that if he or she does not withdraw accumulated contributions,
7 (i) continued service with the county extension service association or
8 Cornell university while under the federal retirement program shall be
9 deemed to be member service in the New York state employees' retirement
10 system for the purpose of determining eligibility for any vested retire-
11 ment allowance, retirement allowance or ordinary death benefit under
12 such system dependent upon a specified period of total service or upon
13 attainment of a specified age while in service or upon death while in
14 service; and (ii) the amount of any such benefit to which the person or
15 his or her estate or person designated by him or her may become entitled
16 under either such system shall be computed only on the basis of service
17 otherwise creditable to him or her therein and his or her compensation
18 during such service. Electing employees and their beneficiaries shall
19 not be entitled to any right or benefit under the New York state employ-
20 ees' retirement system other than a vested retirement allowance, retire-
21 ment allowance or ordinary death benefit to the extent expressly
22 provided for in this chapter[.]; and

23 (d) Provided, further that medical, dental and optometric residents
24 and interns who render services at health sciences centers of the state
25 university of New York shall be permitted to become members of the New
26 York state employees' retirement system by filing an application there-
27 for in the manner provided for by section forty of this chapter.

28 § 9. This act shall take effect immediately.

29

SUBPART E

30 Section 1. Subdivision 14 of section 130 of the civil service law, as
31 added by chapter 685 of the laws of 1995, is amended to read as follows:

32 14. Notwithstanding any foregoing provisions of this section to the
33 contrary, wage rates and/or pay differentials paid by the state pursuant
34 to subdivision thirteen of section three hundred fifty-five-a of the
35 education law, as added by chapter six hundred eighty-five of the laws
36 of nineteen hundred ninety-five, to teaching and research center nurses
37 of the state university of New York [pursuant to subdivision thirteen of
38 section three hundred fifty-five-a of the education law] may be based on
39 a study of representative peer institutions in private or other public
40 hospitals in the same geographic area as a hospital of the state univer-
41 sity which shows that wage rates and/or pay differentials of nurses
42 employed by such peer institutions are higher than the wage rates and/or
43 pay differentials paid by the state to teaching and research center
44 nurses of the state university. Whenever, in the opinion of the chief
45 administrative officer of the health science centers at which teaching
46 and research center nurses are employed, additional compensation for
47 such employees is necessary to maintain adequate support to protect the
48 health, safety and welfare of patients, such chief administrative offi-
49 cer or president shall request the state university board of trustees to
50 conduct such a study.

51 § 2. Subdivision 6 of section 350 of the education law, as added by
52 chapter 363 of the laws of 1998, is amended to read as follows:

53 6. "Clinic" shall mean a facility licensed under article twenty-eight
54 of the public health law as a diagnostic and treatment center which is



1 located either within or outside of a state university health care
2 facility providing services related to the medical education mission of
3 the university, but shall not include state university student health
4 services.

5 § 3. Subdivision 16 of section 355 of the education law, as added by
6 chapter 363 of the laws of 1998, is amended to read as follows:

7 16. Subject to laws and regulations applicable to the state university
8 as a health care provider the state university trustees may:

9 a. Notwithstanding section one hundred sixty-three of the state
10 finance law and section sixty-three of the executive law, authorize
11 [contracts for] a state university health care facility [for partic-
12 ipation] to create and/or participate in managed care networks and other
13 joint and cooperative arrangements with public, [non-profit] not-for-
14 profit or for profit business entities, including joint venturers, not-
15 for-profit or for profit corporations, professional corporations, and
16 limited liability companies, including entering into a maximum of twenty
17 network arrangements per year, as partners, joint venturers, members of
18 [non-profit] not-for-profit corporations, members of limited liability
19 companies and shareholders of business corporations, and the provision
20 of management and administrative services by or for state university.
21 Any contract for the provision of management services shall be subject
22 to any provision of the public health law and health regulations appli-
23 cable to the state university as a health care provider, including any
24 review by the commissioner of health pursuant to 10 NYCRR section
25 405.3(f). In addition, the commissioner of health shall provide for
26 public comment within thirty days of a submission of any management
27 contract required to be reviewed pursuant to regulation. The trustees
28 may also authorize contracts, including [capitation] risk-sharing
29 contracts, for a state university health care facility for the provision
30 of general comprehensive and specialty health care services, directly or
31 through contract with other service providers or entities, including
32 state university employees or entities comprised thereof. Contracts
33 authorized hereunder shall be:

34 (1) consistent with trustee guidelines respecting all terms and condi-
35 tions necessary and appropriate for managed care networks and other
36 [network,] joint or cooperative arrangements, including guidelines
37 governing the awarding of such contracts, guidelines for comparative
38 review where appropriate, and conflict-of-interest guidelines;

39 (2) subject to laws and regulations applicable to the state university
40 as a health care provider, including with respect to rates and certif-
41 icates of need; and

42 (3) subject to article fourteen of the civil service law and the
43 applicable provisions of agreements between the state and employee
44 organizations pursuant to article fourteen of the civil service law.

45 b. (1) Notwithstanding the provisions of [subdivision two of section
46 one hundred twelve of the state finance law relating to the dollar
47 threshold requiring the comptroller's approval of contracts and] subdi-
48 vision six of section one hundred sixty-three of the state finance law
49 and section sixty-three of the executive law, authorize contracts for
50 the purchase of goods and services for state university health care
51 facilities without prior approval by any other state officer or agency:

52 [(1)] (A) for any contract [which does not exceed seventy-five thou-
53 sand dollars] for goods or services or for any revenue contract; or

54 [(2)] (B) for joint or group purchasing arrangements [which do not
55 exceed seventy-five thousand dollars without prior approval by any other

1 state, officer or agency] in accordance with procedures and requirements
2 found in paragraph a of subdivision five of this section.

3 [(3) contracts] (2) Contracts authorized hereunder shall be subject to
4 article fourteen of the civil service law and the applicable provisions
5 of agreements between the state and employee organizations pursuant to
6 article fourteen of the civil service law and shall be consistent with
7 trustee guidelines governing the awarding of such contracts, comparative
8 review where appropriate, and conflict-of-interest guidelines.

9 [The trustees are authorized to negotiate annually with the state
10 comptroller increases in the aforementioned dollar limits.]

11 c. Authorize contracts for the acquisition by state university health
12 care facilities or facilities suitable for the delivery of health care
13 services, by purchase, lease, sublease, transfer of jurisdiction or
14 otherwise[, of facilities suitable for the delivery of health care
15 services] and for the construction, repair, maintenance, equipping,
16 rehabilitation or improvement thereof. Such facilities may be acquired
17 in whole or in part by state university health care facilities, either
18 directly or through ownership in a joint or cooperative arrangement
19 authorized by paragraph a of this subdivision. Such contracts shall be
20 [subject to approval by the attorney general as to form and by the
21 director of the budget and the state comptroller] consistent with trus-
22 tee guidelines governing the awarding of such contracts, including
23 guidelines requiring comparative review where appropriate and conflict
24 of interest guidelines. Contracts under this paragraph shall be funded
25 from any moneys lawfully available for the expenses of the state univer-
26 sity health care facilities.

27 d. The state university shall provide by July fifteenth of each year
28 to the director of the budget and to the chairs of the senate finance
29 committee and the assembly ways and means committee a report which sets
30 forth with respect to contracts entered into during the prior year by
31 state university health care facilities (1) the amount, purpose, and
32 duration of contracts and arrangements entered into pursuant to para-
33 graphs a and c of this subdivision, (2) a listing of contracts over the
34 amount of two hundred fifty thousand dollars entered into pursuant to
35 clause (A) of subparagraph one of paragraph b of this subdivision, and
36 (3) the amount, purpose and duration of contracts over the amount of two
37 hundred fifty thousand dollars entered into pursuant to clause (B) of
38 subparagraph one of paragraph b of this subdivision.

39 § 4. Notwithstanding any inconsistent provision in section 8 of the
40 court of claims act, subdivision 10 of section 355 of the education law
41 or any other provision of law, a state university health care facility
42 may include in a contract authorized by paragraph a of subdivision 16 of
43 section 355 of the education law, other than a contract with state
44 employees relating to terms and conditions of their employment, a
45 provision that some or all disputes arising under or related to such
46 contract shall be resolved by binding arbitration in accordance with the
47 rules of a nationally-recognized arbitration association.

48 § 5. Clause (E) of subparagraph (iii) of paragraph (a) of subdivision
49 4 of section 364-j of the social services law is relettered clause (F)
50 and a new clause (E) is added to read as follows:

51 (E) the services are optometric services and are provided by a diag-
52 nostic and treatment center licensed under article twenty-eight of the
53 public health law which is affiliated with the college of optometry of
54 the state university of New York and which has been granted an operating
55 certificate pursuant to article twenty-eight of the public health law to
56 provide such optometric services. Any diagnostic and treatment center

1 providing optometric services pursuant to this clause shall prior to
2 June first of each year report to the governor, temporary president of
3 the senate and speaker of the assembly on the following: the total
4 number of visits made by medical assistance recipients during the imme-
5 diately preceding calendar year; the number of visits made by medical
6 assistance recipients during the immediately preceding calendar year by
7 recipients who were enrolled in managed care programs; the number of
8 visits made by medical assistance recipients during the immediately
9 preceding calendar year by recipients who were enrolled in managed care
10 programs that provide optometric benefits as a covered service; and the
11 number of visits made by the uninsured during the immediately preceding
12 calendar year; or

13 § 6. This act shall take effect immediately; provided, however, that
14 the amendments to section 364-j of the social services law, made by
15 section five of this act, shall not affect the repeal of such section
16 and shall be deemed repealed therewith.

17

SUBPART F

18 Section 1. The board of trustees of the state university of New York
19 and the city university of New York shall report every January first to
20 the governor, the temporary president of the senate and the speaker of
21 the assembly on the effectiveness of the reforms pursuant to this act.
22 The report shall address the progress of the state-operated and senior
23 colleges in competing with the top academic research institutions, the
24 impact of efforts by the state university of New York and the city
25 university of New York to increase the economic well-being of New York;
26 and the impact of tuition increases and efforts to ensure affordable
27 access for economically deprived students.

28 § 2. This act shall take effect immediately.

29 § 3. Severability clause. If any clause, sentence, paragraph, subdivi-
30 sion, section or part of this act shall be adjudged by any court of
31 competent jurisdiction to be invalid, such judgment shall not affect,
32 impair, or invalidate the remainder thereof, but shall be confined in
33 its operation to the clause, sentence, paragraph, subdivision, section
34 or part thereof directly involved in the controversy in which such judg-
35 ment shall have been rendered. It is hereby declared to be the intent of
36 the legislature that this act would have been enacted even if such
37 invalid provisions had not been included herein.

38 § 4. This act shall take effect immediately provided, however, that
39 the applicable effective date of Subparts A through F of this act shall
40 be as specifically set forth in the last section of such Subparts.

41

PART F

42 Section 1. Subparagraphs (i), (ii), (iii), and (iv) of paragraph c of
43 subdivision 6 of section 665 of the education law, subparagraphs (i),
44 (ii) and (iii) as added by section 3 of part E-1 of chapter 57 of the
45 laws of 2007, and subparagraph (iv) as amended by section 2 of part I of
46 chapter 57 of the laws of 2008, are amended to read as follows:

47 (i) For students first receiving aid in two thousand seven--two thou-
48 sand eight through and including two thousand nine--two thousand ten,
49 and those students enrolled in a program of remedial study approved by
50 the commissioner, who first received aid in two thousand seven--two
51 thousand eight, and thereafter, and enrolled in four-year or five-year
52 undergraduate programs whose terms are organized in semesters:

1	Before Being	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th
2	Certified										
3	for This										
4	Payment										
5	A Student Must	0	3	9	21	33	45	60	75	90	105
6	Have Accrued at										
7	Least This										
8	Many Credits										
9	With At Least	0	1.1	1.2	1.3	2.0	2.0	2.0	2.0	2.0	2.0
10	This Grade										
11	Point Average										

12 (ii) For students first receiving aid in two thousand seven--two thou-
 13 sand eight through and including two thousand nine--two thousand ten,
 14 and those students enrolled in a program of remedial study approved by
 15 the commissioner, who first received aid in two thousand seven--two
 16 thousand eight, and thereafter, and enrolled in two-year undergraduate
 17 programs whose terms are organized in semesters:

18	Before Being	1	2	3	4	5	6
19	Certified						
20	for This						
21	Payment						
22	A Student	0	3	9	18	30	45
23	Must Have						
24	Accrued at						
25	Least This						
26	Many Credits						
27	With at Least	0	.5	.75	1.3	2.0	2.0
28	This Grade						
29	Point Average						

30 (iii) For students first receiving aid in two thousand seven--two
 31 thousand eight through and including two thousand nine--two thousand
 32 ten, and those students enrolled in a program of remedial study approved
 33 by the commissioner, who first received aid in two thousand seven--two
 34 thousand eight, and thereafter, and enrolled in four-year or five-year
 35 undergraduate programs whose terms are organized on a trimester basis:

36	Before Being	1	2	3	4	5	6	7	8
37	Certified								
38	for This								
39	Payment								
40	A Student	0	2	4	9	17	25	33	40
41	Must Have								
42	Accrued at								
43	Least This								
44	Many Credits								
45	With At Least	0	1.1	1.1	1.2	1.2	1.3	2.0	2.0
46	This Grade								

1 Point Average

2 and,

3	Before Being	9	10	11	12	13	14	15
4	Certified							
5	for This							
6	Payment							

7	A Student	50	60	70	80	90	100	110
8	Must Have							
9	Accrued at							
10	Least This							
11	Many Credits							

12	With At Least	2.0	2.0	2.0	2.0	2.0	2.0	2.0
13	This Grade							
14	Point Average							

15 (iv) For students first receiving aid in two thousand seven--two thou-
 16 sand eight through and including two thousand nine--two thousand ten,
 17 and those students enrolled in a program of remedial study approved by
 18 the commissioner, who first received aid in two thousand seven--two
 19 thousand eight, and thereafter, and enrolled in two-year undergraduate
 20 programs whose terms are organized on a trimester basis:

21	Before Being	1	2	3	4	5	6	7	8	9
22	Certified									
23	for This									
24	Payment									

25	A Student	0	2	4	9	15	21	30	37	45
26	Must Have									
27	Accrued at									
28	Least This									
29	Many Credits									

30	With At Least	0	.5	.5	.75	.75	1.3	2.0	2.0	2.0
31	This Grade									
32	Point Average									

33 § 2. Paragraph c of subdivision 6 of section 665 of the education law
 34 is amended by adding four new subparagraphs (v), (vi), (vii) and (viii)
 35 to read as follows:

36 (v) For students not enrolled in a program of remedial study approved
 37 by the commissioner first receiving aid in two thousand seven--two thou-
 38 sand eight, and thereafter, and enrolled in four-year or five-year
 39 undergraduate programs whose terms are organized in semesters:

40	<u>Before Being</u>	<u>1st</u>	<u>2nd</u>	<u>3rd</u>	<u>4th</u>	<u>5th</u>	<u>6th</u>	<u>7th</u>	<u>8th</u>	<u>9th</u>	<u>10th</u>
41	<u>Certified</u>										
42	<u>for This</u>										
43	<u>Payment</u>										

44	<u>A Student Must</u>	<u>0</u>	<u>6</u>	<u>15</u>	<u>30</u>	<u>45</u>	<u>60</u>	<u>75</u>	<u>90</u>	<u>105</u>	<u>120</u>
45	<u>Have Accrued at</u>										

1 Least This
2 Many Credits

3 With At Least 0 1.5 1.8 2.0 2.0 2.0 2.0 2.0 2.0
4 This Grade
5 Point Average

6 (vi) For students not enrolled in a program of remedial study approved
7 by the commissioner first receiving aid in two thousand seven--two thou-
8 sand eight, and thereafter, and enrolled in two-year undergraduate
9 programs whose terms are organized in semesters:

10 Before Being 1st 2nd 3rd 4th 5th 6th
11 Certified
12 for This
13 Payment

14 A Student Must 0 6 15 30 45 60
15 Have Accrued at
16 Least This
17 Many Credits

18 With At Least 0 1.5 1.8 2.0 2.0 2.0
19 This Grade
20 Point Average

21 (vii) For students not enrolled in a program of remedial study
22 approved by the commissioner first receiving aid in two thousand
23 seven--two thousand eight, and thereafter, and enrolled in four-year or
24 five-year undergraduate programs whose terms are organized on a trimes-
25 ter basis:

26 Before Being 1st 2nd 3rd 4th 5th 6th 7th 8th
27 Certified
28 for This
29 Payment

30 A Student Must 0 4 10 15 25 35 45 55
31 Have Accrued at
32 Least This
33 Many Credits

34 With At Least 0 1.3 1.5 1.8 1.8 2.0 2.0 2.0
35 This Grade
36 Point Average

37 and,

38 Before Being 9th 10th 11th 12th 13th 14th 15th
39 Certified
40 for This
41 Payment

42 A Student Must 65 75 85 95 105 115 120
43 Have Accrued at
44 Least This
45 Many Credits

1 With At Least 2.0 2.0 2.0 2.0 2.0 2.0 2.0
 2 This Grade
 3 Point Average

4 (viii) For students not enrolled in a program of remedial study
 5 approved by the commissioner first receiving aid in two thousand
 6 seven--two thousand eight, and thereafter, and enrolled in two-year
 7 undergraduate programs whose terms are organized on a trimester basis:

8 Before Being 1st 2nd 3rd 4th 5th 6th 7th 8th 9th
 9 Certified
 10 for This
 11 Payment

12 A Student Must 0 2 6 15 25 35 45 55 60
 13 Have Accrued at
 14 Least This
 15 Many Credits

16 With At Least 0 1.3 1.5 1.8 1.8 2.0 2.0 2.0 2.0
 17 This Grade
 18 Point Average

19 § 3. Subdivision 6 of section 665 of the education law is amended by
 20 adding a new paragraph d to read as follows:

21 d. For purposes of paragraph c of this subdivision, students enrolled
 22 in a program of remedial study shall mean students who are enrolled in
 23 remedial courses equivalent to at least six credits in their initial
 24 term of receipt of state financial aid and enrolled in at least twelve
 25 credits in their first year of receipt of state financial aid and whose
 26 scores on recognized college placement exams indicate the need for reme-
 27 diation and shall mean students enrolled in the higher education oppor-
 28 tunity program (HEOP), the education opportunity program (EOP), the
 29 search for education, elevation and knowledge (SEEK) program, or the
 30 college discovery program.

31 § 4. This act shall take effect July 1, 2010.

32 PART G

33 Section 1. Paragraphs b and c of subdivision 6 of section 661 of the
 34 education law are REPEALED and two new paragraphs b and c are added to
 35 read as follows:

36 b. A student who is in default on a student loan made under any stat-
 37 utory New York state or federal education loan program shall be ineligi-
 38 ble to receive any award or loan pursuant to this article until the
 39 student cures the default status pursuant to applicable law and regu-
 40 lation.

41 c. A student who has failed to comply with the terms of any service
 42 condition imposed by an award made pursuant to this article or has
 43 failed to repay an award made pursuant to this article, as required by
 44 paragraph a of subdivision four of section six hundred sixty-five of
 45 this subpart, shall be ineligible to receive any award or loan pursuant
 46 to this article so long as such failure to comply or repay continues.

47 § 2. This act shall take effect July 1, 2010; provided further that
 48 the provisions of this act shall apply to any student who is in default

1 in the repayment of any student loan or under the terms of any award
2 pursuant to this article.

3

PART H

4 Section 1. Subdivision 2 of section 667 of the education law, as added
5 by chapter 83 of the laws of 1995, is amended to read as follows:

6 2. Duration. No undergraduate shall be eligible for more than four
7 academic years of study, or five academic years if the program of study
8 normally requires five years. Students enrolled in a program of remedial
9 study, approved by the commissioner in an institution of higher educa-
10 tion and intended to culminate in a degree in undergraduate study shall,
11 for purposes of this section, be considered as enrolled in a program of
12 study normally requiring five years. An undergraduate student enrolled
13 in an eligible two year program of study approved by the commissioner
14 shall be eligible for no more than three academic years of study. [No
15 graduate student shall be eligible for more than four academic years of
16 study provided, however, that no graduate student shall be eligible for
17 more than one degree program at the master's, first professional or
18 doctorate level. No student shall be eligible for a total of more than
19 the equivalent of eight years of combined undergraduate and graduate
20 study.] Any semester, quarter, or term of attendance during which a
21 student receives any award under this article, after the effective date
22 of the former scholar incentive program and prior to academic year nine-
23 teen hundred eighty-nine-nineteen hundred ninety, shall be counted
24 toward the maximum term of eligibility for tuition assistance under this
25 section, except that any semester, quarter or term of attendance during
26 which a student received an award pursuant to section six hundred
27 sixty-six of this article shall be counted as one-half of a semester,
28 quarter or term, as the case may be, toward the maximum term of eligi-
29 bility under this section. Any semester, quarter or term of attendance
30 during which a student received an award pursuant to section six hundred
31 sixty-seven-a of this article shall not be counted toward the maximum
32 term of eligibility under this section.

33 § 2. Paragraph c of subdivision 3 of section 667 of the education law
34 is REPEALED and paragraph d is relettered paragraph c.

35 § 3. Subdivision 5 of section 663 of the education law, as amended by
36 chapter 622 of the laws of 2008, is amended to read as follows:

37 5. Adjustments of income. [(a) Except for purposes of paragraphs a and
38 b of subdivision three of section six hundred sixty-seven of this part
39 if, during the academic year in which the applicant will receive an
40 award, one or more of either the parents of the applicant or other
41 dependent children of such parents, the spouse of the applicant, or one
42 or more dependent children of the applicant, in addition to the appli-
43 cant, will be in full-time attendance in an approved program, the
44 combined net taxable income determined under subdivision one of this
45 section shall be divided by the total number of the aforesaid persons
46 (including the applicant) who will be in such attendance, and the
47 resulting quotient shall be deemed the applicable income in determining
48 the applicant's award for such academic year.

49 (b)] In the determination of income for purposes of paragraphs a and b
50 of subdivision three of section six hundred sixty-seven of this part if,
51 during the academic year in which the applicant will receive an award,
52 one of either the parents of the applicant or other dependent child of
53 such parents, the spouse of the applicant, or one or more dependent
54 children of the applicant, in addition to the applicant, will be in

1 full-time attendance in an approved program, the combined net taxable
2 income determined under subdivision one of this section shall be reduced
3 by three thousand dollars and an additional two thousand dollars for
4 each other such person additional to the aforesaid persons (including
5 the applicant) who will be in such attendance, and the resulting amount
6 shall be deemed the applicable income in determining the applicant's
7 award for the academic year.

8 § 4. Paragraph a of subdivision 3 of section 663 of the education law,
9 as amended by chapter 62 of the laws of 1977, is amended to read as
10 follows:

11 a. In determining the amount of an award for [graduate and undergradu-
12 ate] students, the income of the parents shall be excluded if the
13 student has been emancipated from his parents.

14 § 5. The opening paragraph of subparagraph 1 of paragraph b of subdi-
15 vision 3 of section 663 of the education law, as amended by chapter 101
16 of the laws of 1992, is amended to read as follows:

17 The applicant is a student who was married on or before December thir-
18 ty-first of the calendar year prior to the beginning of the academic
19 year for which application is made or is an undergraduate student who
20 has reached the age of twenty-two on or before June thirtieth prior to
21 the academic year for which application is made [or is a graduate
22 student,] and who, during the calendar year next preceding the semester,
23 quarter or term of attendance for which application is made and at all
24 times subsequent thereto up to and including the entire period for which
25 application is made:

26 § 6. Paragraph d of subdivision 3 of section 663 of the education law,
27 as amended by chapter 62 of the laws of 1977, is amended to read as
28 follows:

29 d. Any [graduate or] undergraduate student who was allowed to exclude
30 parental income pursuant to the provisions of subdivision three of
31 section six hundred three of this chapter as they existed prior to July
32 first, nineteen hundred seventy-four may continue to exclude such income
33 for so long as he continues to comply with such provisions.

34 § 7. This act shall take effect July 1, 2010.

35

PART I

36 Section 1. Subclause 1 of clause (A) of subparagraph (i) of paragraph
37 a of subdivision 3 of section 667 of the education law, as amended by
38 section 1 of part B of chapter 60 of the laws of 2000, is amended to
39 read as follows:

40 (1) In the case of students who have not been granted an exclusion of
41 parental income or had a dependent for income tax purposes during the
42 tax year next preceding the academic year for which application is made
43 or in the case of students under twenty-two years of age with no depend-
44 ent who have been granted an exclusion of parental income, except for
45 those students who have been granted exclusion of parental income who
46 have a spouse but no other dependent:

47 (a) For students first receiving aid after nineteen hundred ninety-
48 three--nineteen hundred ninety-four and before two thousand--two thou-
49 sand one, four thousand one hundred twenty-five dollars; or

50 (b) For students first receiving aid in nineteen hundred ninety-three-
51 -nineteen hundred ninety-four or earlier, three thousand five hundred
52 seventy-five dollars; or

53 (c) For students first receiving aid in [the] two thousand--two thou-
54 sand one and thereafter, five thousand dollars.

1 § 2. Subparagraph (ii) of paragraph a of subdivision 3 of section 667
 2 of the education law, as amended by section 1 of part B of chapter 60 of
 3 the laws of 2000, is amended to read as follows:

4 (ii) Except for students as noted in subparagraph (iii) of this para-
 5 graph, the base amount as determined from subparagraph (i) of this para-
 6 graph, shall be reduced in relation to income as follows:

7 Amount of income	8 Schedule of reduction of base amount
9 (A) Less than seven thousand 10 dollars	None
11 (B) Seven thousand dollars or 12 more, but less than eleven 13 thousand dollars	Seven per centum of excess over seven thousand dollars
14 (C) Eleven thousand dollars or 15 more, but less than eighteen 16 thousand dollars	Two hundred eighty dollars plus ten per centum of excess over eleven thousand dollars
17 (D) Eighteen thousand dollars or 18 more, but not more than eighty 19 thousand dollars <u>except</u> 20 <u>for students under twenty-two</u> 21 <u>years of age with no dependent</u> 22 <u>who have been granted an</u> 23 <u>exclusion of parental income,</u> 24 <u>then, eighteen thousand dollars</u> 25 <u>or more, but not more than</u> 26 <u>twenty-five thousand dollars</u>	Nine hundred eighty dollars plus twelve per centum of excess over eighteen thousand dollars

27 § 3. Subparagraph (vi) of paragraph a of subdivision 3 of section 667
 28 of the education law, as amended by section 1 of part B of chapter 60 of
 29 the laws of 2000, is amended to read as follows:

30 (vi) For the two thousand two--two thousand three academic year and
 31 thereafter, the award shall be the net amount of the base amount deter-
 32 mined pursuant to subparagraph (i) of this paragraph reduced pursuant to
 33 subparagraph (ii) or (iii) of this paragraph but the award shall not be
 34 reduced below five hundred dollars and in the case of students under
 35 twenty-two years of age with no dependent who have been granted an
 36 exclusion of parental income, the award shall not be reduced below three
 37 thousand one hundred eighty dollars.

38 § 4. Subclause 2 of clause (A) of subparagraph (i) of paragraph a of
 39 subdivision 3 of section 667 of the education law, as amended by section
 40 1 of part B of chapter 60 of the laws of 2000, is amended to read as
 41 follows:

42 (2) In the case of students receiving awards pursuant to subparagraph
 43 (iii) of this paragraph and those students who have been granted exclu-
 44 sion of parental income who have a spouse but no other dependent.

45 (a) For students first receiving aid in nineteen hundred ninety-four
 46 --nineteen hundred ninety-five and nineteen hundred ninety-five--nine-
 47 teen hundred ninety-six and thereafter, three thousand twenty-five
 48 dollars, or

49 (b) For students first receiving aid in nineteen hundred ninety-two--
 50 nineteen hundred ninety-three and nineteen hundred ninety-three--nine-
 51 teen hundred ninety-four, two thousand five hundred seventy-five
 52 dollars, or

1 (c) For students first receiving aid in nineteen hundred ninety-one--
 2 nineteen hundred ninety-two or earlier, two thousand four hundred fifty
 3 dollars; or

4 § 5. Subparagraph (iii) of paragraph a of subdivision 3 of section 667
 5 of the education law, as amended by section 1 of part B of chapter 60 of
 6 the laws of 2000, is amended to read as follows:

7 (iii) [For] (A) Except in the case of students under twenty-two years
 8 of age with no dependent who have been granted an exclusion of parental
 9 income, for students who have been granted exclusion of parental income
 10 and were single with no dependent for income tax purposes during the tax
 11 year next preceding the academic year for which application is made, the
 12 base amount, as determined in subparagraph (i) of this paragraph, shall
 13 be reduced in relation to income as follows:

14	Amount of income	Schedule of reduction
15		of base amount
16	[(A)] (1) Less than three thousand	None
17	dollars	
18	[(B)] (2) Three thousand dollars or	Thirty-one per centum of
19	more, but not more than ten	amount in excess of three
20	thousand dollars	thousand dollars

21 (B) For those students who have been granted exclusion of parental
 22 income who have a spouse but no other dependent, for income tax purposes
 23 during the tax year next preceding the academic year for which applica-
 24 tion is made, the base amount, as determined in subparagraph (i) of this
 25 paragraph, shall be reduced in relation to income as follows:

26	<u>Amount of income</u>	<u>Schedule of reduction</u>
27		<u>of base amount</u>
28	<u>(1) Less than seven thousand</u>	<u>None</u>
29	<u>dollars</u>	
30	<u>(2) Seven thousand dollars or</u>	<u>Seven per centum of excess</u>
31	<u>more, but less than eleven</u>	<u>over seven thousand dollars</u>
32	<u>thousand dollars</u>	
33	<u>(3) Eleven thousand dollars or</u>	<u>Two hundred eighty dollars</u>
34	<u>more, but less than eighteen</u>	<u>plus ten per centum of excess</u>
35	<u>thousand dollars</u>	<u>over eleven thousand dollars</u>
36	<u>(4) Eighteen thousand dollars or</u>	<u>Nine hundred eighty dollars</u>
37	<u>more, but not more than forty</u>	<u>plus twelve per centum of</u>
38	<u>thousand dollars</u>	<u>excess over eighteen</u>
39		<u>thousand dollars</u>

40 § 6. This act shall take effect July 1, 2010.

41 PART J

42 Section 1. Subitem (c) of item 1 of clause (A) of subparagraph (i) of
 43 paragraph a of subdivision 3 of section 667 of the education law, as
 44 amended by section 1 of part B of chapter 60 of the laws of 2000, is
 45 amended and a new subitem (d) is added to read as follows:

46 (c) For students first receiving aid in [the] two thousand--two thou-
 47 sand one and thereafter, five thousand dollars[.]; or

1 (d) For undergraduate students enrolled in a program of study at a
2 public or non-public degree-granting institution that does not offer a
3 program of study that leads to a baccalaureate degree, or at a regis-
4 tered not-for-profit business school qualified for tax exemption under
5 section 501(c)(3) of the internal revenue code for federal income tax
6 purposes that does not offer a program of study that leads to a bacca-
7 laureate degree, four thousand dollars.

8 § 2. This act shall take effect July 1, 2010.

9

PART K

10 Section 1. Subdivision 4 of section 661 of the education law, as
11 amended by chapter 309 of the laws of 1996, paragraph a as amended by
12 section 1 and paragraph c as amended, paragraphs d and e as added and
13 paragraph f as relettered by section 2 of part E-1 of chapter 57 of the
14 laws of 2007 and paragraph f as added by chapter 332 of the laws of
15 1998, is amended to read as follows:

16 4. Attendance in approved courses of study in approved institutions.
17 To be eligible to receive payments from the president a student:

18 a. Must be matriculated in an approved program, as defined by the
19 commissioner pursuant to article thirteen of this chapter, or pursuant
20 to paragraph b of this subdivision, in an institution situated in the
21 state, which has been approved and operating in this state for at least
22 one year, and has been approved for participation in federal student
23 financial aid programs authorized by Title IV of the Higher Education
24 Act of 1965, as amended. Nothing in this subdivision shall preclude
25 payment of an award to a recipient who receives instruction outside the
26 state, which instruction is conducted by an institution situated in the
27 state, and is part of the student's program of study at such institu-
28 tion; provided, however, that nothing in this subdivision shall preclude
29 the receipt of a loan pursuant to section six hundred eighty of this
30 article; provided, further, that students not attending institutions
31 eligible for participating in federal Title IV financial aid programs on
32 or before July first, two thousand seven: (i) who received their first
33 award under this article before the two thousand six--two thousand seven
34 academic year shall be eligible for payments until the end of the two
35 thousand nine--two thousand ten academic year; or (ii) who received
36 their first award under this article for the two thousand six--two thou-
37 sand seven academic year through and including the two thousand nine--
38 two thousand ten academic year shall be eligible for payments until the
39 end of the two thousand fourteen--two thousand fifteen academic year.

40 b. Notwithstanding any other provision of law to the contrary and the
41 rules and regulations promulgated pursuant thereto, the president shall
42 make tuition assistance program awards available to full-time resident
43 undergraduate students not currently eligible for awards under subdivi-
44 sion three of section six hundred sixty-seven of this part and who are
45 attending an educational institution in this state that:

46 (i) is exempt from federal taxation under section 501(c)(3) of the
47 Internal Revenue Code; and

48 (ii) has its headquarters and main campus located within the state and
49 is eligible for funds under Title IV of the Higher Education Act of
50 1965, as amended; and

51 (iii) is accredited by an agency recognized by the United States
52 secretary of education, or by a successor federal agency; and

53 (iv) enrollment in which institution would render the student eligible
54 to receive a federal Pell grant in accordance with section one thousand

1 seventy of title twenty of the United States code, et. seq. and the
2 regulations promulgated thereunder; and

3 (v) provides a program of instruction lasting at least three years,
4 for which the student is enrolled.

5 b-1. Tuition assistance program awards that are made available to
6 students pursuant to paragraph b of this subdivision shall not be
7 awarded if an applicant:

8 (i) does not meet the citizenship requirements pursuant to subdivision
9 three of this section;

10 (ii) does not meet the income requirements pursuant to section six
11 hundred sixty-three of this subpart;

12 (iii) does not maintain good academic standing pursuant to paragraph c
13 of subdivision six of section six hundred sixty-five of this subpart,
14 and if there is no applicable existing academic standards schedule
15 pursuant to such subdivision, then such recipient shall be placed on the
16 academic standards schedule applicable to students enrolled in a four-
17 year or five-year undergraduate program;

18 (iv) is in default in the repayment of any state or federal student
19 loan, has failed to comply with the terms of any service condition
20 imposed by an academic performance award made pursuant to this article,
21 or has failed to make a refund of any award; or

22 (v) is incarcerated in any federal, state or other penal institution.

23 c. Must be in full-time attendance, as defined by the commissioner,
24 except as otherwise specifically provided in this article [fourteen],
25 and, for a student having completed his or her second academic year,
26 must have a cumulative C average or its equivalent. The president may
27 waive the requirement that the student have a cumulative C average or
28 its equivalent for undue hardship based on: (i) the death of a relative
29 of the student; (ii) the personal injury or illness of the student; or
30 (iii) other extenuating circumstances; and

31 [c.] d. For students who first receive aid pursuant to this chapter in
32 academic year nineteen hundred ninety-six--nineteen hundred ninety-seven
33 to academic year two thousand six--two thousand seven, must have a
34 certificate of graduation from a school providing secondary education,
35 or the recognized equivalent of such certificate; or have achieved a
36 passing score, as determined by the United States secretary of educa-
37 tion, on a federally approved examination which demonstrates that the
38 student can benefit from the education being offered;

39 [d.] e. For students who first receive aid pursuant to this chapter in
40 academic year two thousand six--two thousand seven, must have a certif-
41 icate of graduation from a recognized school providing secondary educa-
42 tion within the United States, or the recognized equivalent of such
43 certificate, or have been admitted to such institution after receiving a
44 passing score on a federally approved ability to benefit test that has
45 been independently administered and evaluated, as provided by the
46 commissioner;

47 [e.] f. For students who first receive aid pursuant to this chapter in
48 academic year two thousand seven--two thousand eight or thereafter, must
49 have (i) a certificate of graduation from a school providing secondary
50 education from a state within the United States; or (ii) the recognized
51 equivalent of such certificate; or (iii) received a passing score on a
52 federally approved ability to benefit test that has been identified by
53 the board of regents as satisfying the eligibility requirements of this
54 section and has been independently administered and evaluated as defined
55 by the commissioner[.];

1 [f. for] g. For students who are disabled as defined by the Americans
2 With Disability Act of 1990, 42 USC 12101, the full-time attendance
3 requirement is eliminated. Such disabled students may be in part-time
4 attendance, as defined by the commissioner in order to be eligible to
5 receive payments from the president.

6 § 2. This act shall take effect immediately and shall apply to academ-
7 ic year 2010-2011 and to all subsequent academic years.

8 PART L

9 Section 1. Paragraph a of subdivision 3 of section 667 of the educa-
10 tion law is amended by adding a new subparagraph (vii) to read as
11 follows:

12 (vii) Notwithstanding the provisions of subparagraphs (i), (ii),
13 (iii), (v) and (vi) of this paragraph, for the two thousand ten -- two
14 thousand eleven academic year, and for each academic year thereafter,
15 each award shall be reduced by a total of seventy-five dollars or by the
16 actual award when such award is less than seventy-five dollars. Such
17 award reduction shall be applied proportionately to reduce awards for
18 each semester, trimester, quarter or other term of attendance during
19 which a student receives an award in the academic year.

20 § 2. Paragraph b of subdivision 3 of section 667 of the education law
21 is amended by adding a new subparagraph (vi) to read as follows:

22 (vi) Notwithstanding the provisions of subparagraphs (i), (ii), (iii)
23 and (v) of this paragraph, for the two thousand ten -- two thousand
24 eleven academic year, and for each academic year thereafter, each award
25 shall be reduced by a total of seventy-five dollars or by the actual
26 award when such award is less than seventy-five dollars. Such award
27 reduction shall be applied proportionately to reduce awards for each
28 semester, trimester, quarter or other term of attendance during which a
29 student receives an award in the academic year.

30 § 3. Paragraph c of subdivision 3 of section 667 of the education law
31 is amended by adding a new subparagraph (vi) to read as follows:

32 (vi) Notwithstanding the provisions of subparagraphs (i), (ii), (iii)
33 and (v) of this paragraph, for the two thousand ten -- two thousand
34 eleven academic year, and for each academic year thereafter, each award
35 shall be reduced by a total of seventy-five dollars or by the actual
36 award when such award is less than seventy-five dollars. Such award
37 reduction shall be applied proportionately to reduce awards for each
38 semester, trimester, quarter or other term of attendance during which a
39 student receives an award in the academic year.

40 § 4. This act shall take effect July 1, 2010.

41 PART M

42 Section 1. Subdivision 1 of section 663 of the education law, as
43 amended by section 1 of part F of chapter 57 of the laws of 2009, is
44 amended to read as follows:

45 1. Income defined. Except as otherwise provided in this section,
46 "income" shall be the total of the combined net taxable income and
47 income from pensions of New York state, local governments [and], the
48 federal government and any private employer of the applicant, the appli-
49 cant's spouse, and the applicant's parents, including any pension and
50 annuity income excluded for purposes of taxation pursuant to paragraph
51 three-a of subsection (c) of section six hundred twelve of the tax law,
52 as reported in New York state income tax returns for the calendar year

1 next preceding the beginning of the school year for which application
2 for assistance is made, except that any amount received by an applicant
3 as a scholarship at an educational institution or as a fellowship grant,
4 including the value of contributed services and accommodations, shall
5 not be included within the definition of "income" for the purposes of
6 this article. The term "parent" shall include birth parents, steppar-
7 ents, adoptive parents and the spouse of an adoptive parent. Income, if
8 not a whole dollar amount, shall be assumed to be equal to the next
9 lowest whole dollar amount. Any change in the status of an applicant
10 with regard to the persons responsible for the applicant's support
11 occurring after the beginning of any semester shall not be considered to
12 change the applicant's award for that semester.

13 § 2. This act shall take effect July 1, 2010.

14

PART N

15 Section 1. Section 3 of part V of chapter 57 of the laws of 2005
16 amending the education law relating to the New York state nursing facul-
17 ty loan forgiveness incentive program and the New York state nursing
18 faculty scholarship program, as added by section 4 of part D of chapter
19 63 of the laws of 2005, is amended to read as follows:

20 § 3. This act shall take effect on the same date and in the same
21 manner as Part H of [a] this chapter [of the laws of 2005 amending the
22 labor law and other laws relating to implementing the state fiscal plan
23 for the 2005-2006 state fiscal year, as proposed in legislative bill
24 numbers S.3667 and A.6841, takes effect]; provided that section two of
25 this act shall take effect on the same date and in the same manner as
26 Part I of [a] this chapter [of the laws of 2005 amending the labor law
27 and other laws relating to implementing the state fiscal plan for the
28 2005-2006 state fiscal year, as proposed in legislative bill numbers
29 S.3667 and A.6841, takes effect]; and provided further that this act
30 shall expire and be deemed repealed on June 30, [2010] 2015.

31 § 2. This act shall take effect immediately.

32

PART O

33 Section 1. Section 17 of chapter 31 of the laws of 1985, amending the
34 education law relating to regents scholarships in certain professions,
35 as amended by section 1 of part I of chapter 57 of the laws of 2008, is
36 amended to read as follows:

37 § 17. This act shall take effect immediately; provided, however, that
38 the scholarship and loan forgiveness programs established pursuant to
39 the provisions of this act shall terminate upon the granting of such
40 awards for the 2008-2009 school year provided, however, that the regents
41 physician loan forgiveness program established pursuant to this act
42 shall not terminate until the granting of such awards for the 2010-11
43 school year, provided that the final disbursement of any multi-year
44 awards granted in such school year shall be paid.

45 § 2. This act shall take effect immediately and shall be deemed to
46 have been in full force and effect on the same date and in the same
47 manner as part I of chapter 57 of the laws of 2008, takes effect.

48

PART P

1 Section 1. Section 605-a of the education law, as amended by section
2 83 of part C of chapter 58 of the laws of 1998, is amended to read as
3 follows:

4 § 605-a. Scholarships for academic excellence. 1. (a) Beginning with
5 the nineteen hundred ninety-seven-ninety-eight academic year [and ther-
6 eafter,] through and including the two thousand nine-two thousand ten
7 academic year, scholarships for academic excellence shall be awarded to
8 students completing their high school programs for attendance in
9 approved programs. The academic merit criteria for awarding these schol-
10 arships will be determined by taking the weighted average of a student's
11 score on Regents examinations taken by students prior to their senior
12 year in all of the following five subject areas: comprehensive English;
13 global studies; U.S. history/government; level 3 math; and science,
14 which shall consist of the weighted average of the combination of exams
15 taken in chemistry, biology, earth science and physics. For those
16 schools not offering regents examinations in all such five subject
17 areas, awards shall be based on criteria developed by the commissioner
18 and subject to the approval of the director of the budget.

19 (b) School allocation. (i) Each high school in the state, as defined
20 in regulations of the commissioner adopted for such purpose and subject
21 to the approval of the director of the budget, shall be allocated: for
22 the nineteen hundred ninety-seven-ninety-eight academic year, a single
23 scholarship of one thousand dollars; and for the nineteen hundred nine-
24 ty-eight-ninety-nine academic year [and thereafter,] through and
25 including the two thousand nine-two thousand ten academic year, a
26 single scholarship of one thousand five hundred dollars which shall be
27 awarded to the top scholar of such school as determined by the academic
28 merit criteria set forth in paragraph (a) of this subdivision.

29 (ii) The remaining scholarships for the nineteen hundred ninety-sev-
30 en-ninety-eight academic year of one thousand dollars, and for the
31 nineteen hundred ninety-eight-ninety-nine academic year [and thereaft-
32 er,] through and including the two thousand nine-two thousand ten
33 academic year, of one thousand five hundred dollars shall be allocated
34 to high schools in the state as defined in regulations of the commis-
35 sioner for such purpose and subject to the approval of the director of
36 the budget, in the same ratio that the number of students enrolled in
37 the twelfth grade at such high school in the prior school year bears to
38 the total number of students who were enrolled in the twelfth grade in
39 the state during the prior school year. The ratio shall be multiplied
40 by the number of scholarships available and the results, rounded to the
41 nearest whole number, shall be the number of scholarships allocated to
42 the school. Such awards shall be distributed on the basis of the academ-
43 ic merit criteria as set forth in paragraph (a) of this subdivision.

44 (iii) All scholarships of five hundred dollars shall be allocated in
45 the same manner as described in subparagraph (ii) of this paragraph.

46 2. In the event that a scholarship awarded is declined by a student,
47 or for any reason revoked by the commissioner or the president, its
48 benefits shall lapse and there shall be no further payments or awarding
49 of such scholarship.

50 § 2. Subdivision 1 of section 670-b of the education law, as amended
51 by section 83 of part C of chapter 58 of the laws of 1998, is amended to
52 read as follows:

53 1. Number and certification. Five thousand scholarships shall be
54 awarded in the nineteen hundred ninety-seven-ninety-eight academic
55 year, and eight thousand scholarships shall be awarded in the nineteen
56 hundred ninety-eight-ninety-nine academic year [and thereafter] through

1 and including the two thousand nine--two thousand ten academic year.
2 Such scholarships shall be allocated as provided in article thirteen of
3 this chapter to eligible students certified to the president by the
4 commissioner.

5 § 3. Subdivision 2 of section 669-d of the education law, as amended
6 by section 1 of part H1 of chapter 109 of the laws of 2006, is amended
7 to read as follows:

8 2. Within amounts appropriated therefor, awards shall be granted to
9 applicants that the corporation has certified are eligible to receive
10 such awards. Up to five hundred awards may be made to new recipients
11 annually, through and including the two thousand nine--two thousand ten
12 academic year. Such awards shall be made to recipients after the
13 successful completion of each academic year, as defined by the corpo-
14 ration.

15 § 4. This act shall take effect July 1, 2010.

16

PART Q

17 Section 1. Subdivision 2 of section 6305 of the education law, as
18 amended by chapter 646 of the laws of 1975, is amended to read as
19 follows:

20 2. Any community college may, with the approval of the state universi-
21 ty trustees, charge non-resident students, who are undergraduate
22 students enrolled in a two-year program of study leading to an asso-
23 ciate's degree, sufficient tuition and fees to cover an allocable
24 portion of the local sponsor's share of the operating costs of such
25 community college in addition to regular tuition and fees. Such commu-
26 nity college may elect to charge to and collect from each county within
27 the state which has issued a certificate or certificates of residence
28 pursuant to subdivision three of this section on the basis of which such
29 non-resident students are attending such community college, an allocable
30 portion of the local sponsor's share of the operating costs of such
31 community college attributable to such non-resident students, computed
32 on a per student basis, together with a further sum of not to exceed
33 three hundred dollars each year to be determined and approved by the
34 state university trustees for each such non-resident student on account
35 of the local sponsor's share of the capital costs incurred to provide
36 facilities in which such non-resident students can be accommodated; or,
37 where such non-resident students come from communities which have
38 elected to participate in and pay an appropriate share of the expenses
39 involved in the local sponsor's community college program, such alloca-
40 ble portion of operating expenses and such further sum not to exceed
41 three hundred dollars per student for capital costs on account of their
42 residents attending such community college shall be determined and
43 approved by the state university trustees, and be charged to and
44 collected from such communities.

45 § 2. This act shall take effect immediately and shall apply to charges
46 imposed in the 2010-2011 academic year and thereafter.

47

PART R

48 Section 1. Section 9 of chapter 420 of the laws of 2002 amending the
49 education law relating to the profession of social work, as amended by
50 section 1 of part II of chapter 57 of the laws of 2009, is amended to
51 read as follows:

1 § 9. Nothing in this act shall prohibit or limit the activities or
2 services on the part of any person in the employ of a program or service
3 operated, regulated, funded, or approved by the department of mental
4 hygiene or the office of children and family services, or a local
5 governmental unit as that term is defined in article 41 of the mental
6 hygiene law or a social services district as defined in section 61 of
7 the social services law, provided, however, this section shall not
8 authorize the use of any title authorized pursuant to article 154 of the
9 education law, except that this section shall be deemed repealed on June
10 1, [2010] 2014.

11 § 2. Section 17-a of chapter 676 of the laws of 2002 amending the
12 education law relating to defining the practice of psychology, as
13 amended by section 2 of part II of chapter 57 of the laws of 2009, is
14 amended to read as follows:

15 § 17-a. Nothing in this act shall prohibit or limit the activities or
16 services on the part of any person in the employ of a program or service
17 operated, regulated, funded, or approved by the department of mental
18 hygiene or the office of children and family services, or a local
19 governmental unit as that term is defined in article 41 of the mental
20 hygiene law or a social services district as defined in section 61 of
21 the social services law, provided, however, this section shall not
22 authorize the use of any title authorized pursuant to article 153 or 163
23 of the education law, except as otherwise provided by such articles,
24 except that this section shall be deemed repealed on June 1, [2010]
25 2014.

26 § 3. This act shall take effect immediately and be deemed to have been
27 in full force and effect on and after April 1, 2010.

28

PART S

29 Section 1. Subdivision 3 of section 694-a of the education law, as
30 added by section 1 of part J of chapter 57 of the laws of 2009, is
31 amended to read as follows:

32 3. [Interest] To the extent that interest paid on education loans made
33 under this program shall be allowed as a deduction in computing the [net
34 taxable] federal adjusted gross income of any such person, that
35 deduction shall not be disallowed for purposes of any income [or fran-
36 chise] tax imposed by the state or any political subdivision thereof.

37 § 2. Subdivision 3 of section 693 of the education law, as added by
38 section 1 of part J of chapter 57 of the laws of 2009, is amended to
39 read as follows:

40 3. Forbearance and deferments. Education loans made under this program
41 shall be eligible for in-school and military deferments [pursuant to
42 rules and regulations promulgated by the corporation, or pursuant to
43 such additional deferments and/or forbearance as offered by an eligible
44 lender], economic hardship forbearance, and, with respect to education
45 loans that were made for a period of attendance beginning with the two
46 thousand eleven--two thousand twelve academic year, such additional
47 deferments and/or forbearance, in each case, to the extent provided by
48 rules and regulations promulgated by the corporation, subject to the
49 approval of the state of New York mortgage agency, or other authorized
50 public benefit corporation authorized to issue bonds under the public
51 authorities law for purposes of this program, with respect to loans that
52 are expected to be financed by such entity. Upon the assignment of a
53 defaulted education loan made under this program for collection as
54 described in subdivision five of this section, the borrower shall no



1 longer be eligible for any forbearance or deferments while such loan
2 remains in default.

3 § 3. Subdivision 14 of section 693 of the education law, as added by
4 section 1 of part J of chapter 57 of the laws of 2009, is amended to
5 read as follows:

6 14. Bankruptcy. Education loans under this program shall be considered
7 non-dischargeable pursuant to section 523(a)(8) of the U.S. Bankruptcy
8 Code. In the event that an education loan that was made for a period of
9 attendance beginning with the two thousand eleven--two thousand twelve
10 academic year is nonetheless discharged by order of a bankruptcy court,
11 the holder of such discharged education loans shall be paid the
12 outstanding principal, capitalized and unpaid accrued interest due from
13 the New York higher education loan program variable rate default reserve
14 fund, the New York higher education loan program fixed rate default
15 reserve fund, or the state of New York mortgage agency New York higher
16 education loan program default reserve fund, as applicable.

17 § 4. Paragraph (e) of subdivision 6 of section 2405-a of the public
18 authorities law, as added by section 9 of part J of chapter 57 of the
19 laws of 2009, is amended to read as follows:

20 (e) This fund, including all sub-accounts thereof, shall be segregated
21 from all other funds kept by the agency and shall not be used for any
22 other purpose beyond those set forth in part V of article fourteen of
23 the education law or in this section. The agency shall utilize monies in
24 the fund solely to pay the outstanding principal, capitalized and unpaid
25 accrued interest: (i) on defaulted education loans described in para-
26 graph [a] (a) of this subdivision; (ii) on such education loans that are
27 discharged as a result of the death or permanent total disability of the
28 student while a student; and (iii) on such education loans that were
29 made for a period of attendance beginning with the two thousand eleven-
30 -two thousand twelve academic year and that are discharged as a result
31 of a borrower dying while on active military duty as provided pursuant
32 to subdivision thirteen of section six hundred ninety-three of the
33 education law or are discharged as described in subdivision fourteen of
34 section six hundred ninety-three of the education law.

35 § 5. Section 6501-a of the education law, as added by chapter 78 of
36 the laws of 1991, is amended to read as follows:

37 § 6501-a. Disclosure with respect to loans administered, made or guar-
38 anteed by the New York state higher education services corporation.
39 Every application for a license issued pursuant to the provisions of
40 this article shall contain a question identifying the programs under
41 which loans are administered, made or guaranteed by the New York state
42 higher education services corporation and inquiring whether the appli-
43 cant [has] is the borrower or cosigner under any [loans made or guaran-
44 teed by the New York state higher education services corporation] loans
45 currently outstanding[,], under any such program, and if so, whether such
46 applicant is presently in default on any such loan. The name and address
47 of any applicant who answers either or both of such questions in the
48 affirmative shall be transmitted to such corporation by the department
49 prior to the date on which such license is issued.

50 § 6. Paragraph (c) of subdivision 1 of section 692 of the education
51 law, as added by section 1 of part J of chapter 57 of the laws of 2009,
52 is amended to read as follows:

53 (c) borrowers and cosigners shall successfully complete a financial
54 literacy course as prescribed by the corporation;

1 § 7. Subdivision 3 of section 690 of the education law, as added by
2 section 1 of part J of chapter 57 of the laws of 2009, is amended to
3 read as follows:

4 3. "Eligible college" shall mean a post-secondary institution, located
5 within New York state, eligible for funds under Title IV of the Higher
6 Education Act of nineteen hundred sixty-five, as amended, or successor
7 statute offering [a two-year, four-year, graduate or] an academic
8 degree, a professional degree [granting], or a professional certificate
9 program, as defined by regulation.

10 § 8. Paragraph (a) of subdivision 7 of section 692 of the education
11 law, as added by section 1 of part J of chapter 57 of the laws of 2009,
12 is amended to read as follows:

13 (a) General provisions. One or more default reserve funds shall be
14 established in the custody of the comptroller pursuant to sections
15 seventy-eight-a and seventy-eight-b of the state finance law. These
16 funds shall be used by the corporation to pay default and discharge
17 claims to participating lenders and holders of education loans made
18 pursuant to this program for which these funds are established. One or
19 more default reserve funds shall be established in the custody of the
20 state of New York mortgage agency pursuant to subdivision six of section
21 two thousand four hundred five-a of the public authorities law. These
22 funds shall be used by the [corporation] state of New York mortgage
23 agency to pay default and applicable discharge claims to participating
24 lenders and holders of education loans made pursuant to this program for
25 which these funds are established.

26 § 9. Subparagraph (i) of paragraph (a) of subdivision 7 of section 693
27 of the education law, as added by section 1 of part J of chapter 57 of
28 the laws of 2009, is amended to read as follows:

29 (i) The amount deducted for any pay period does not exceed the lesser
30 of fifteen percent of disposable pay or, with respect to deductions that
31 relate only to education loans that were made for a period of attendance
32 beginning with the two thousand eleven--two thousand twelve academic
33 year, the amount by which the individual's disposable pay exceeds an
34 amount equal to thirty times the minimum wage as specified in subsection
35 (a)(2) of section sixteen hundred seventy-three of title fifteen of the
36 United States code or the amount permitted under this program. However,
37 the amount deducted for any period may exceed fifteen percent with the
38 written consent of the individual;

39 § 10. Subdivision 13 of section 693 of the education law, as added by
40 section 1 of part J of chapter 57 of the laws of 2009, is amended to
41 read as follows:

42 13. Death and disability discharge. Upon the death of a student, for
43 the funding of whose higher education expenses an education loan was
44 made, while the student was enrolled or accepted for enrollment at least
45 half-time, the education loan made under this program shall be deemed
46 discharged. If such a student becomes totally and permanently disabled,
47 while the student was enrolled or accepted for enrollment at least half-
48 time, the education loan under this program shall be deemed discharged.
49 A total or permanent disability shall mean a condition of an individual
50 who is unable to work and earn money because of an injury or illness
51 that is expected to continue indefinitely or result in death. The holder
52 of such discharged education loans shall be paid the outstanding princi-
53 pal, capitalized and unpaid accrued interest due from the New York high-
54 er education loan program variable rate default reserve fund, the New
55 York higher education loan program fixed rate default reserve fund, or
56 the state of New York mortgage agency New York higher education loan

1 program default reserve fund, as applicable. In addition, an education
2 loan may be deemed discharged, or may be eligible for a deferment, if a
3 borrower dies while on active military duty pursuant to, and to the
4 extent provided by, rules and regulations promulgated by the corporation
5 and subject to the approval of the state of New York mortgage agency, or
6 other authorized public benefit corporation authorized to issue bonds
7 under the public authorities law for purposes of this program, with
8 respect to loans that are expected to be financed by such entity. The
9 holder of such discharged education loan shall be paid the outstanding
10 principal, capitalized and unpaid accrued interest due from the New York
11 higher education loan program variable rate default reserve fund, the
12 New York higher education loan program fixed rate default reserve fund,
13 or, with respect to education loans made for a period of attendance
14 beginning with the two thousand eleven--two thousand twelve academic
15 year, the state of New York mortgage agency New York higher education
16 loan program default reserve fund, as applicable.

17 § 11. Subdivision 1 of section 694-a of the education law, as added by
18 section 1 of part J of chapter 57 of the laws of 2009, is amended to
19 read as follows:

20 1. No education loan shall be deemed subject to section one hundred
21 eight of the banking law, to article nine of the banking law, to the
22 provisions of any local or municipal law, or to any other provisions of
23 law governing the qualifications to make loans or the terms or condi-
24 tions of loans described in this part, including, without limitation,
25 the interest rates, fees and charges applicable thereto. Neither the
26 corporation nor any entity authorized to finance education loans pursu-
27 ant to the public authorities law shall be subject to any state, local
28 or municipal licensing requirements [in connection with its education
29 lending activities], or any other local or municipal law regulating
30 lending, servicing, or collection activities. No entity shall be
31 considered a lender or debt collector for purposes of any other
32 provision of law solely as a result of its interest in an education loan
33 made under this part.

34 § 12. Paragraph (a) of subdivision 1 of section 692 of the education
35 law, as added by section 1 of part J of chapter 57 of the laws of 2009,
36 is amended to read as follows:

37 (a) eligible borrowers shall apply for education loans under this
38 program on forms and in a manner prescribed by the corporation and the
39 corporation shall be entitled to require borrowers and cosigners to use
40 electronic signatures and receive notices electronically notwithstanding
41 the provisions of article three of the state technology law. Such elec-
42 tronic signatures shall conclusively evidence the obligation of the
43 borrowers and cosigners with respect to the loan. Such electronic
44 notices shall meet all delivery requirements of such notices;

45 § 13. Paragraph (e) of subdivision 1 of section 692 of the education
46 law, as added by section 1 of part J of chapter 57 of the laws of 2009,
47 is amended to read as follows:

48 (e) a borrower, or co-signer, who is, or is applying for an education
49 loan to pay for the higher education expenses of a student who is, in
50 default on an education loan made under this program, the Federal Family
51 Education Loan Program, the Williams D. Ford Program, or who is applying
52 for an education loan to pay the higher education expenses of a student
53 who is so in default, or who has failed, or who is applying for an
54 education loan to pay the higher education expenses of a student who has
55 failed, to comply with the terms and conditions of any award under this
56 article [and has failed to satisfactorily cure such default or non-com-

1 pliance as prescribed by applicable law or regulation] shall be ineligi-
2 ble to receive a loan under this program unless such default or noncom-
3 pliance has been satisfactorily cured as prescribed by applicable law or
4 regulation, and such borrower and cosigner shall further be ineligible
5 for any other state student aid under this article while such borrower
6 or cosigner, or the student for whom the education loan was made, is in
7 default on an education loan made under this program; and

8 § 14. Subdivision 9 of section 693 of the education law, as added by
9 section 1 of part J of chapter 57 of the laws of 2009, is amended to
10 read as follows:

11 9. Data share. The corporation shall be entitled to receive data from
12 the New York state department of taxation and finance pursuant to
13 section one hundred seventy-one-a and paragraph three of subdivision (e)
14 of section six hundred ninety-seven of the tax law with respect to
15 delinquent and defaulted education loans under this program.

16 § 15. This act shall take effect immediately.

17 PART T

18 Section 1. Subparagraph (i) of paragraph (a) of subdivision 2 of
19 section 679-e of the education law, as amended by section 1 of part VV
20 of chapter 56 of the laws of 2009, is amended to read as follows:

21 (i) "Eligible attorney" means an attorney, who is a resident of and is
22 admitted to practice law in New York state, who is employed full-time as
23 either a district attorney, as defined in subparagraph (ii) of this
24 paragraph, or an indigent legal services attorney, as defined in subpar-
25 agraph (iii) of this paragraph, who is admitted to practice law in this
26 state for not more than eleven years and who was within the eligible
27 period as defined in paragraph b of this subdivision during the time for
28 which such person is seeking a student loan expense grant. Notwith-
29 standing the foregoing, an eligible attorney shall include those
30 district attorney applicants who were awarded program eligibility and
31 who provided qualified service between April first, two thousand eight
32 and March thirty-first, two thousand nine; such an eligible attorney
33 shall remain eligible to participate in the program provided they are
34 within an eligible period measured from six years from the date which
35 such attorney was first employed as a district attorney.

36 § 2. This act shall take effect immediately.

37 PART U

38 Section 1. Subdivision 7 of section 390 of the education law, as added
39 by chapter 337 of the laws of 1964, is amended to read as follows:

40 7. The term "insurer" shall mean a life insurance corporation, or
41 other corporation subject to insurance department supervision or a regu-
42 lated investment company registered with the securities and exchange
43 commission under the investment company act of 1940, as amended, or a
44 distributor of such regulated investment companies.

45 § 2. Subdivision 1 of section 391 of the education law, as amended by
46 chapter 696 of the laws of 1965, is amended to read as follows:

47 1. There is hereby established an optional retirement program which
48 shall provide for the [purchase of contracts providing] retirement and
49 death benefits through the purchase of contracts, mutual funds, or other
50 investments permissible under section 401(a) of the internal revenue
51 code for or on behalf of electing employees. Under such program the
52 state or an electing employer and such employees shall contribute, to

1 the extent authorized or required, towards the purchase of such
2 contracts or other permissible investments, which shall be issued to,
3 and become the property of, such employees or be held in a trust for the
4 benefit of such employees, as required by section 401(a) of the internal
5 revenue code. The board of trustees of a community college may elect to
6 offer the optional retirement program to eligible employees of such
7 college by resolution, which shall become effective upon approval of the
8 local sponsor acting through its local legislative body or board or
9 other appropriate governing agency.

10 § 3. Subdivision 2 of section 391 of the education law, as amended by
11 chapter 696 of the laws of 1965, is amended to read as follows:

12 2. The board shall designate the insurer or insurers to which payment
13 of such contributions may be made and shall approve the form and content
14 of such contracts. In making such designation and giving such approval
15 the board shall give due consideration to (i) the nature and extent of
16 the rights and benefits to be provided by such contracts for electing
17 employees and their beneficiaries, (ii) the relation of such rights and
18 benefits to the amount of contributions to be made under this article,
19 (iii) the suitability of such rights and benefits to the needs and
20 interests of electing employees and to the interests of state university
21 and of electing employers in the employment and retention of eligible
22 employees, and (iv) the authority and ability of the designated insurer
23 or insurers to provide rights and benefits under such contracts. In
24 accordance with section 401(a) of the internal revenue code, the board
25 shall establish a trust to hold mutual funds and other program assets
26 and investments other than contracts for the benefit of plan partic-
27 ipants, and shall determine which investments to make available to
28 program participants (including but not limited to shares of registered
29 investment funds ("mutual funds")) through individual accounts under the
30 trust.

31 § 4. Subdivision 3 of section 392 of the education law, as amended by
32 chapter 696 of the laws of 1965, is amended to read as follows:

33 3. Payment of contributions pursuant to subdivisions one and two of
34 this section shall be made to the designated insurer or insurers or to
35 the trust upon audit and warrant of the comptroller for employees of the
36 state university and by the appropriate fiscal officer for employees of
37 an electing employer.

38 § 5. Subdivision 4 of section 392 of the education law, as amended by
39 chapter 696 of the laws of 1965, is amended to read as follows:

40 4. In the case of an electing employee initially appointed on or after
41 July first, nineteen hundred sixty-four, no contributions pursuant to
42 subdivisions one and two of this section shall be made by the state or
43 by the electing employer until his completion of one year of service and
44 continuance in service thereafter. Employee contributions, if any,
45 required during this initial year of service shall be deducted and held
46 by the comptroller or by the appropriate fiscal officer of an electing
47 employer. At the end of his initial year of service, a single contrib-
48 ution in an amount determined pursuant to subdivisions one and two of
49 this section, with interest at the rate of four percentum per annum,
50 shall be made by the state, upon audit and warrant of the comptroller,
51 and by the appropriate fiscal officer for an electing employer, to the
52 designated insurer or insurers or to the trust, on behalf of such
53 employee continued in service. In the case of an electing employee who
54 does not continue in service with state university or with a community
55 college beyond his initial year of service, the amount of employee

1 contribution, if any, deducted from his salary shall be refunded to him,
2 with interest at the rate of four percentum per annum.

3 § 6. Section 394 of the education law, as amended by chapter 106 of
4 the laws of 1965, is amended to read as follows:

5 § 394. Survivor's benefits. In the case of the death of any electing
6 employee, after the effective date of this election and before retire-
7 ment, the value of [the] any death benefits provided by the contract or
8 contracts purchased under the optional retirement program which is
9 attributable to the state's contribution as determined by the board and
10 any vested balance in the employee's account in the trust, shall be
11 deemed to be an ordinary death benefit provided under a public pension
12 plan within the meaning of former section one hundred fifty-four of the
13 civil service law. Notwithstanding the provisions of such section of
14 the civil service law, a survivors benefit payable thereunder on account
15 of the death of any electing employee while in the employ of state
16 university, after the effective date of such election and before retire-
17 ment, including an employee subject to the provisions of subdivision
18 three of section three hundred ninety-three of this article, shall be
19 paid to such person or persons as such employee shall have nominated to
20 receive the death benefits provided by the contract or contracts
21 purchased under the optional retirement program or designated as the
22 employee's beneficiary or beneficiaries with respect to the employee's
23 account in the trust. In the event such designated beneficiary or bene-
24 ficiaries do not survive the employee, or if a beneficiary was not so
25 designated, the survivors benefit shall be paid to the deceased employ-
26 ee's estate or as provided in former section one hundred three-a of the
27 decedent estate law.

28 § 7. Section 396 of the education law, as amended by chapter 696 of
29 the laws of 1965, is amended to read as follows:

30 § 396. Employer not liable for payment of benefits. Neither the
31 state, nor state university, nor any electing employer or its local
32 sponsor shall be a party to any contract purchased in whole or in part
33 with contributions made under the optional retirement program estab-
34 lished and administered pursuant to this article. All benefits to be
35 paid from the trust shall be based solely on the vested account balance
36 of such employee. No retirement, death, or other benefits shall be paya-
37 ble by the state, or by state university, or by any electing employer or
38 its local sponsor under such optional retirement program. Such benefits
39 shall be paid to electing employees or their beneficiaries by the desig-
40 nated insurer or insurers or from the trust in accordance with the terms
41 of their contracts or the program.

42 § 8. This act shall take effect immediately.

43

PART V

44 Section 1. Subdivision 4-a of section 425 of the real property tax law
45 is amended by adding a new paragraph (d) to read as follows:

46 (d) Value limitation. Notwithstanding any provision of law to the
47 contrary, no exemption shall be granted pursuant to this section to a
48 property which has an equalized value that is greater than or equal to
49 one million five hundred thousand dollars. This limitation shall not
50 apply to a property which is partially eligible for the exemption by
51 virtue of paragraph (a) of subdivision three of this section, unless the
52 eligible portion of the property has an equalized value that is greater
53 than or equal to one million five hundred thousand dollars. Nor shall
54 this limitation apply to a cooperative apartment unit or a mobile home

1 whose value has been included in the assessment of property owned by
2 another party, unless the equalized value of the cooperative apartment
3 unit or mobile home is greater than or equal to one million five hundred
4 thousand dollars. For purposes of this paragraph, the equalized value of
5 a property shall equal (i) the total assessed value of the property
6 appearing on the assessment roll, divided by (ii) the residential
7 assessment ratio established for that roll. Where a STAR exemption has
8 been improperly granted on a final assessment roll to a property with an
9 equalized value that exceeds the limitations established by this para-
10 graph, the improperly granted exemption shall be deemed an "unlawful
11 entry" for purposes of title three of article five of this chapter, and
12 shall be corrected accordingly.

13 § 2. This act shall take effect April 1, 2010 and shall apply to the
14 administration of the STAR exemption authorized by section 425 of the
15 real property tax law beginning with the 2010-2011 school year.

16

PART W

17 Section 1. Subparagraph (ii) of paragraph (e) of subdivision 2 of
18 section 425 of the real property tax law, as amended by section 1 of
19 part W of chapter 57 of the laws of 2008, is amended to read as follows:

20 (ii) For the two thousand nine--two thousand ten [and subsequent]
21 school [years] year, the result obtained in paragraph (d) of this subdi-
22 vision may not be less than eighty-nine percent of the exempt amount
23 determined for the prior levy, unless the level of assessment in the
24 assessing unit, or in class one in a special assessing unit, has changed
25 by five percent or more, in which case the result obtained in paragraph
26 (d) of this subdivision for the assessing unit, or for class one in a
27 special assessing unit, may not be less than eighty-nine percent of the
28 product of the exempt amount determined for the prior levy multiplied by
29 the applicable change in level of assessment factor.

30 § 2. Paragraph (e) of subdivision 2 of section 425 of the real proper-
31 ty tax law is amended by adding a new subparagraph (iii) to read as
32 follows:

33 (iii) For the two thousand ten--two thousand eleven and subsequent
34 school years, the result obtained in paragraph (d) of this subdivision
35 may not be less than eighty-two percent of the exempt amount determined
36 for the prior levy, unless the level of assessment in the assessing
37 unit, or in class one in a special assessing unit, has changed by five
38 percent or more, in which case the result obtained in paragraph (d) of
39 this subdivision for the assessing unit, or for class one in a special
40 assessing unit, may not be less than eighty-two percent of the product
41 of the exempt amount determined for the prior levy multiplied by the
42 applicable change in level of assessment factor.

43 § 3. This act shall take effect immediately and shall apply to the
44 administration of the STAR exemption for the 2010-2011 and subsequent
45 school years.

46

PART X

47 Section 1. Subdivision 1 of section 54-f of the state finance law, as
48 added by section 139 of part A of chapter 389 of the laws of 1997, is
49 amended to read as follows:

50 1. Except as otherwise provided by law, the provisions of this section
51 shall be utilized by the state to calculate the annual amount due to be
52 paid to the city of New York by the state to reimburse such city for tax



1 receipts foregone (a) as a result of a chapter of the laws of nineteen
 2 hundred ninety-seven that reduced the rates of tax imposed pursuant to
 3 authority granted under section thirteen hundred one of the tax law and
 4 that created a new "state school tax reduction credit" against liabil-
 5 ities imposed pursuant to the authority granted the city by such section
 6 and other statutes authorizing the imposition of a personal income tax
 7 on the residents of such city, and (b) as a result of the tax rate
 8 adjustments made by a chapter of the laws of two thousand ten which
 9 amended this subdivision.

10 § 2. Paragraphs 1, 2 and 3 of subsection (a) of section 1304 of the
 11 tax law, as amended by section 134 of part A of chapter 389 of the laws
 12 of 1997, subparagraph (A) of paragraph 1, subparagraph (A) of paragraph
 13 2 and subparagraph (A) of paragraph 3 as amended by chapter 525 of the
 14 laws of 2008, are amended to read as follows:

15 (1) Resident married individuals filing joint returns and resident
 16 surviving spouses. The tax under this section for each taxable year on
 17 the city taxable income of every city resident married individual who
 18 makes a single return jointly with his or her spouse under subsection
 19 (b) of section thirteen hundred six of this article and on the city
 20 taxable income of every city resident surviving spouse shall be deter-
 21 mined in accordance with the following tables:

22 (A) For taxable years beginning after two thousand nine:

23 If the city taxable income is:	The tax is:
24 <u>Not over \$21,600</u>	<u>2.55% of the city taxable income</u>
25 <u>Over \$21,600 but not</u>	<u>\$551 plus 3.1% of excess</u>
26 <u>over \$45,000</u>	<u>over \$21,600</u>
27 <u>Over \$45,000 but not</u>	<u>\$1,276 plus 3.15% of excess</u>
28 <u>over \$90,000</u>	<u>over \$45,000</u>
29 <u>Over \$90,000 but not</u>	<u>\$2,694 plus 3.2% of excess</u>
30 <u>over \$250,000</u>	<u>over \$90,000</u>
31 <u>Over \$250,000</u>	<u>\$7,814 plus 3.4% of excess</u>
32	<u>over \$250,000</u>

33 (B) For taxable years beginning in two thousand one and two thousand
 34 two and for taxable years beginning after two thousand five and before
 35 two thousand [twelve] ten:

36 If the city taxable income is:	The tax is:
37 Not over \$21,600	2.55% of the city taxable income
38 Over \$21,600 but not	\$551 plus 3.1% of excess
39 over \$45,000	over \$21,600
40 Over \$45,000 but not	\$1,276 plus 3.15% of excess
41 over \$90,000	over \$45,000
42 Over \$90,000	\$2,694 plus 3.2% of excess
43	over \$90,000

44 [(B) For taxable years beginning in two thousand:

45 If the city taxable income is:	The tax is:
46 Not over \$21,600	2.65% of the city taxable income
47 Over \$21,600 but not	\$572 plus 3.215% of excess
48 over \$45,000	over \$21,600
49 Over \$45,000 but not	\$1,325 plus 3.265% of excess
50 over \$90,000	over \$45,000
51 Over \$90,000	\$2,794 plus 3.315% of excess

1 over \$90,000

2 (C) For taxable years beginning in nineteen hundred ninety-nine:

3	If the city taxable income is:	The tax is:
4	Not over \$21,600	2.675% of the city taxable income
5	Over \$21,600 but not	\$578 plus 3.2575% of excess
6	over \$45,000	over \$21,600
7	Over \$45,000 but not	\$1,340 plus 3.3075% of excess
8	over \$90,000	over \$45,000
9	Over \$90,000	\$2,828 plus 3.3575% of excess
10		over \$90,000

11 (D) For taxable years beginning after nineteen hundred ninety-six and
12 before nineteen hundred ninety-nine:

13	If the city taxable income is:	The tax is:
14	Not over \$21,600	2.7% of the city taxable income
15	Over \$21,600 but not	\$583 plus 3.3% of excess
16	over \$45,000	over \$21,600
17	Over \$45,000 but not	\$1,355 plus 3.35% of excess
18	over \$90,000	over \$45,000
19	Over \$90,000	\$2,863 plus 3.4% of excess
20		over \$90,000

21 (E) For taxable years beginning in nineteen hundred ninety-six:

22	If the city taxable income is:	The tax is:
23	Not over \$14,400	2.6% of the city taxable income
24	Over \$14,400 but not	\$374 plus 3% of excess
25	over \$27,000	over \$14,400
26	Over \$27,000 but not	\$752 plus 3.3% of excess
27	over \$45,000	over \$27,000
28	Over \$45,000 but not	\$1,346 plus 3.35% of excess
29	over \$108,000	over \$45,000
30	Over \$108,000	\$3,457 plus 3.4% of excess
31		over \$108,000

32 (F) For taxable years beginning in nineteen hundred ninety-five:

33	If the city taxable income is:	The tax is:
34	Not over \$14,400	2.25% of the city taxable income
35	Over \$14,400 but not	\$324 plus 2.85% of excess
36	over \$27,000	over \$14,400
37	Over \$27,000 but not	\$683 plus 3.3% of excess
38	over \$45,000	over \$27,000
39	Over \$45,000 but not	\$1,278 plus 3.35% of excess
40	over \$108,000	over \$45,000
41	Over \$108,000	\$3,388 plus 3.4% of excess
42		over \$108,000

43 (G) For taxable years beginning after nineteen hundred eighty-eight
44 and before nineteen hundred ninety-five:

45	If the city taxable income is:	The tax is:
46	Not over \$14,400	2.2% of the city taxable income
47	Over \$14,400 but not	\$317 plus 2.7% of excess

1	over \$27,000	over \$14,400
2	Over \$27,000 but not	\$657 plus 3.2% of excess
3	over \$45,000	over \$27,000
4	Over \$45,000 but not	\$1,233 plus 3.35% of excess
5	over \$108,000	over \$45,000
6	Over \$108,000	\$3,344 plus 3.4% of excess
7		over \$108,000

8 (H) For taxable years beginning in nineteen hundred eighty-eight:

9	If the city taxable income is:	The tax is:
10	Not over \$4,500	1.5% of the city taxable income
11	Over \$4,500 but not	\$68 plus 2.2% of excess
12	over \$16,200	over \$4,500
13	Over \$16,200 but not	\$325 plus 2.7% of excess
14	over \$27,000	over \$16,200
15	Over \$27,000 but not	\$617 plus 3.2% of excess
16	over \$45,000	over \$27,000
17	Over \$45,000 but not	\$1,193 plus 3.4% of excess
18	over \$108,000	over \$45,000
19	Over \$108,000	\$3,335 plus 3.5% of excess
20		over \$108,000

21 (I) For taxable years beginning in nineteen hundred eighty-seven:

22	If the city taxable income is:	The tax is:
23	Not over \$4,125	1.5% of the city taxable income
24	Over \$4,125 but not	\$62 plus 1.8% of excess
25	over \$8,250	over \$4,125
26	Over \$8,250 but not	\$136 plus 2.2% of excess
27	over \$14,850	over \$8,250
28	Over \$14,850 but not	\$281 plus 2.6% of excess
29	over \$21,450	over \$14,850
30	Over \$21,450 but not	\$453 plus 3% of excess
31	over \$28,050	over \$21,450
32	Over \$28,050 but not	\$651 plus 3.4% of excess
33	over \$34,650	over \$28,050
34	Over \$34,650 but not	\$875 plus 3.7% of excess
35	over \$41,250	over \$34,650
36	Over \$41,250 but not	\$1,119 plus 3.9% of excess
37	over \$99,000	over \$41,250
38	Over \$99,000	\$3,371 plus 4.1% of excess
39		over \$99,000]

40 (2) Resident heads of households. The tax under this section for each
 41 taxable year on the city taxable income of every city resident head of a
 42 household shall be determined in accordance with the following tables:

43 (A) For taxable years beginning after two thousand nine:

44	<u>If the city taxable income is:</u>	<u>The tax is:</u>
45	<u>Not over \$14,400</u>	<u>2.55% of the city taxable income</u>
46	<u>Over \$14,400 but not</u>	<u>\$367 plus 3.1% of excess</u>
47	<u>over \$30,000</u>	<u>over \$14,400</u>
48	<u>Over \$30,000 but not</u>	<u>\$851 plus 3.15% of excess</u>
49	<u>over \$60,000</u>	<u>over \$30,000</u>
50	<u>Over \$60,000 but not</u>	<u>\$1,796 plus 3.2% of excess</u>



1	<u>over \$250,000</u>	<u>over \$60,000</u>
2	<u>Over \$250,000</u>	<u>\$7,876 plus 3.4% of excess</u>
3		<u>Over \$250,000</u>

4 (B) For taxable years beginning in two thousand one and two thousand
 5 two and for taxable years beginning after two thousand five and before
 6 two thousand [twelve] ten:

7	If the city taxable income is:	The tax is:
8	Not over \$14,400	2.55% of the city taxable income
9	Over \$14,400 but not	\$367 plus 3.1% of excess
10	over \$30,000	over \$14,400
11	Over \$30,000 but not	\$851 plus 3.15% of excess
12	over \$60,000	over \$30,000
13	Over \$60,000	\$1,796 plus 3.2% of excess
14		over \$60,000

15 [(B) For taxable years beginning in two thousand:

16	If the city taxable income is:	The tax is:
17	Not over \$14,400	2.65% of the city taxable income
18	Over \$14,400 but not	\$382 plus 3.215% of excess
19	over \$30,000	over \$14,400
20	Over \$30,000 but not	\$883 plus 3.265% of excess
21	over \$60,000	over \$30,000
22	Over \$60,000 but not	\$1,863 plus 3.315% of excess
23		over \$60,000

24 (C) For taxable years beginning in nineteen hundred ninety-nine:

25	If the city taxable income is:	The tax is:
26	Not over \$14,400	2.675% of the city taxable income
27	Over \$14,400 but not	\$385 plus 3.2575% of excess
28	over \$30,000	over \$14,400
29	Over \$30,000 but not	\$893 plus 3.3075% of excess
30	over \$60,000	over \$30,000
31	Over \$60,000	\$1,886 plus 3.3575% of excess
32		over \$60,000

33 (D) For taxable years beginning after nineteen hundred ninety-six and
 34 before nineteen hundred ninety-nine:

35	If the city taxable income is:	The tax is:
36	Not over \$14,400	2.7% of the city taxable income
37	Over \$14,400 but not	\$389 plus 3.3% of excess
38	over \$30,000	over \$14,400
39	Over \$30,000 but not	\$904 plus 3.35% of excess
40	over \$60,000	over \$30,000
41	Over \$60,000	\$1,909 plus 3.4% of excess
42		over \$60,000

43 (E) For taxable years beginning in nineteen hundred ninety-six:

44	If the city taxable income is:	The tax is:
45	Not over \$9,600	2.6% of the city taxable income
46	Over \$9,600 but not	\$250 plus 3% of excess

1	over \$18,000	over \$9,600
2	Over \$18,000 but not	\$502 plus 3.3% of excess
3	over \$30,000	over \$18,000
4	Over \$30,000 but not	\$898 plus 3.35% of excess
5	over \$72,000	over \$30,000
6	Over \$72,000	\$2,305 plus 3.4% of excess
7		over \$72,000

8 (F) For taxable years beginning in nineteen hundred ninety-five:

9	If the city taxable income is:	The tax is:
10	Not over \$9,200	2.25% of the city taxable income
11	Over \$9,200 but not	\$207 plus 2.85% of excess
12	over \$17,250	over \$9,200
13	Over \$17,250 but not	\$436 plus 3.3% of excess
14	over \$28,750	over \$17,250
15	Over \$28,750 but not	\$816 plus 3.35% of excess
16	over \$69,000	over \$28,750
17	Over \$69,000	\$2,164 plus 3.4% of excess
18		over \$69,000

19 (G) For taxable years beginning after nineteen hundred eighty-eight and before nineteen hundred ninety-five:

21	If the city taxable income is:	The tax is:
22	Not over \$8,800	2.2% of the city taxable income
23	Over \$8,800 but not	\$194 plus 2.7% of excess
24	over \$16,500	over \$8,800
25	Over \$16,500 but not	\$402 plus 3.2% of excess
26	over \$27,500	over \$16,500
27	Over \$27,500 but not	\$754 plus 3.35% of excess
28	over \$66,000	over \$27,500
29	Over \$66,000	\$2,044 plus 3.4% of excess
30		over \$66,000

31 (H) For taxable years beginning in nineteen hundred eighty-eight:

32	If the city taxable income is:	The tax is:
33	Not over \$2,750	1.5% of the city taxable income
34	Over \$2,750 but not	\$41 plus 2.2% of excess
35	over \$9,900	over \$2,750
36	Over \$9,900 but not	\$198 plus 2.7% of excess
37	over \$16,500	over \$9,900
38	Over \$16,500 but not	\$376 plus 3.2% of excess
39	over \$27,500	over \$16,500
40	Over \$27,500 but not	\$728 plus 3.4% of excess
41	over \$66,000	over \$27,500
42	Over \$66,000	\$2,037 plus 3.5% of excess
43		over \$66,000

44 (I) For taxable years beginning in nineteen hundred eighty-seven:

45	If the city taxable income is:	The tax is:
46	Not over \$2,750	1.5% of the city taxable income
47	Over \$2,750 but not	\$41 plus 1.8% of excess
48	over \$5,500	over \$2,750

1	Over \$5,500 but not	\$91 plus 2.2% of excess
2	over \$9,900	over \$5,500
3	Over \$9,900 but not	\$188 plus 2.6% of excess
4	over \$14,300	over \$9,900
5	Over \$14,300 but not	\$302 plus 3% of excess
6	over \$18,700	over \$14,300
7	Over \$18,700 but not	\$434 plus 3.4% of excess
8	over \$23,100	over \$18,700
9	Over \$23,100 but not	\$584 plus 3.7% of excess
10	over \$27,500	over \$23,100
11	Over \$27,500 but not	\$747 plus 3.9% of excess
12	over \$66,000	over \$27,500
13	Over \$66,000	\$2,249 plus 4.1% of excess
14		over \$66,000]

15 (3) Resident unmarried individuals, resident married individuals
 16 filing separate returns and resident estates and trusts. The tax under
 17 this section for each taxable year on the city taxable income of every
 18 city resident individual who is not a city resident married individual
 19 who makes a single return jointly with his or her spouse under
 20 subsection (b) of section thirteen hundred six of this article or a city
 21 resident head of household or a city resident surviving spouse, and on
 22 the city taxable income of every city resident estate and trust shall be
 23 determined in accordance with the following tables:

24 (A) For taxable years beginning after two thousand nine:

25	<u>If the city taxable income is:</u>	<u>The tax is:</u>
26	<u>Not over \$12,000</u>	<u>2.55% of the city taxable income</u>
27	<u>Over \$12,000 but not</u>	<u>\$306 plus 3.1% of excess</u>
28	<u>over \$25,000</u>	<u>over \$12,000</u>
29	<u>Over \$25,000 but not</u>	<u>\$709 plus 3.15% of excess</u>
30	<u>over \$50,000</u>	<u>over \$25,000</u>
31	<u>Over \$50,000 but not</u>	<u>\$1,497 plus 3.2% of excess</u>
32	<u>over \$250,000</u>	<u>over \$50,000</u>
33	<u>Over \$250,000</u>	<u>\$7,897 plus 3.4%</u>
34		<u>of excess over \$250,000</u>

35 (B) For taxable years beginning in two thousand one and two thousand two
 36 and for taxable years beginning after two thousand five and before two
 37 thousand [twelve] ten:

38	If the city taxable income is:	The tax is:
39	Not over \$12,000	2.55% of the city taxable income
40	Over \$12,000 but not	\$306 plus 3.1% of excess
41	over \$25,000	over \$12,000
42	Over \$25,000 but not	\$709 plus 3.15% of excess
43	over \$50,000	over \$25,000
44	Over \$50,000	\$1,497 plus 3.2% of excess
45		over \$50,000

46 [(B) For taxable years beginning in two thousand:

47	If the city taxable income is:	The tax is:
48	Not over \$12,000	2.65% of the city taxable income
49	Over \$12,000 but not	\$318 plus 3.215% of excess
50	over \$25,000	over \$12,000

1	Over \$25,000 but not	\$736 plus 3.265% of excess
2	over \$50,000	over \$25,000
3	Over \$50,000	\$1,552 plus 3.315% of excess
4		over \$50,000

5 (C) For taxable years beginning in nineteen hundred ninety-nine:

6	If the city taxable income is:	The tax is:
7	Not over \$12,000	2.675% of the city taxable income
8	Over \$12,000 but not	\$321 plus 3.2575% of excess
9	over \$25,000	over \$12,000
10	Over \$25,000 but not	\$744 plus 3.3075% of excess
11	over \$50,000	over \$25,000
12	Over \$50,000	\$1,571 plus 3.3575% of excess
13		over \$50,000

14 (D) For taxable years beginning after nineteen hundred ninety-six and
15 before nineteen hundred ninety-nine:

16	If the city taxable income is:	The tax is:
17	Not over \$12,000	2.7% of the city taxable income
18	Over \$12,000 but not	\$324 plus 3.3% of excess
19	over \$25,000	over \$12,000
20	Over \$25,000 but not	\$753 plus 3.35% of excess
21	over \$50,000	over \$25,000
22	Over \$50,000	\$1,591 plus 3.4% of excess
23		over \$50,000

24 (E) For taxable years beginning in nineteen hundred ninety-six:

25	If the city taxable income is:	The tax is:
26	Not over \$8,000	2.6% of the city taxable income
27	Over \$8,000 but not	\$208 plus 3% of excess
28	over \$15,000	over \$8,000
29	Over \$15,000 but not	\$418 plus 3.3% of excess
30	over \$25,000	over \$15,000
31	Over \$25,000 but not	\$748 plus 3.35% of excess
32	over \$60,000	over \$25,000
33	Over \$60,000	\$1,920 plus 3.4% of excess
34		over \$60,000

35 (F) For taxable years beginning in nineteen hundred ninety-five:

36	If the city taxable income is:	The tax is:
37	Not over \$8,000	2.25% of the city taxable income
38	Over \$8,000 but not	\$180 plus 2.85% of excess
39	over \$15,000	over \$8,000
40	Over \$15,000 but not	\$380 plus 3.3% of excess
41	over \$25,000	over \$15,000
42	Over \$25,000 but not	\$710 plus 3.35% of excess
43	over \$60,000	over \$25,000
44	Over \$60,000	\$1,883 plus 3.4% of excess
45		over \$60,000

46 (G) For taxable years beginning after nineteen hundred eighty-eight
47 and before nineteen hundred ninety-five:

1	If the city taxable income is:	The tax is:
2	Not over \$8,000	2.2% of the city taxable income
3	Over \$8,000 but not	\$176 plus 2.7% of excess
4	over \$15,000	over \$8,000
5	Over \$15,000 but not	\$365 plus 3.2% of excess
6	over \$25,000	over \$15,000
7	Over \$25,000 but not	\$685 plus 3.35% of excess
8	over \$60,000	over \$25,000
9	Over \$60,000	\$1,858 plus 3.4% of excess
10		over \$60,000

11 (H) For taxable years beginning in nineteen hundred eighty-eight:

12	If the city taxable income is:	The tax is:
13	Not over \$2,500	1.5% of the city taxable income
14	Over \$2,500 but not	\$38 plus 2.2% of excess
15	over \$9,000	over \$2,500
16	Over \$9,000 but not	\$181 plus 2.7% of excess
17	over \$15,000	over \$9,000
18	Over \$15,000 but not	\$343 plus 3.2% of excess
19	over \$25,000	over \$15,000
20	Over \$25,000 but not	\$663 plus 3.4% of excess
21	over \$60,000	over \$25,000
22	Over \$60,000	\$1,853 plus 3.5% of excess
23		over \$60,000

24 (I) For taxable years beginning in nineteen hundred eighty-seven:

25	If the city taxable income is:	The tax is:
26	Not over \$2,500	1.5% of the city taxable income
27	Over \$2,500 but not	\$38 plus 1.8% of excess
28	over \$5,000	over \$2,500
29	Over \$5,000 but not	\$83 plus 2.2% of excess
30	over \$9,000	over \$5,000
31	Over \$9,000 but not	\$171 plus 2.6% of excess
32	over \$13,000	over \$9,000
33	Over \$13,000 but not	\$275 plus 3% of excess
34	over \$17,000	over \$13,000
35	Over \$17,000 but not	\$395 plus 3.4% of excess
36	over \$21,000	over \$17,000
37	Over \$21,000 but not	\$531 plus 3.7% of excess
38	over \$25,000	over \$21,000
39	Over \$25,000 but not	\$679 plus 3.9% of excess
40	over \$60,000	over \$25,000
41	Over \$60,000	\$2,044 plus 4.1% of excess
42		over \$60,000]

43 § 3. Paragraphs 1, 2 and 3 of subdivision (a) of section 11-1701 of
 44 the administrative code of the city of New York, as amended by section
 45 136 of part A of chapter 389 of the laws of 1997, subparagraph (A) of
 46 paragraph 1, subparagraph (A) of paragraph 2 and subparagraph (A) of
 47 paragraph 3 as amended by chapter 525 of the laws of 2008, are amended
 48 to read as follows:

49 (1) Resident married individuals filing joint returns and resident
 50 surviving spouses. The tax under this section for each taxable year on
 51 the city taxable income of every city resident married individual who

1 makes a single return jointly with his or her spouse under subdivision
2 (b) of section 11-1751 of this chapter and on the city taxable income of
3 every city resident surviving spouse shall be determined in accordance
4 with the following tables:

5 (A) For taxable years beginning after two thousand nine:

6	<u>If the city taxable income is:</u>	<u>The tax is:</u>
7	<u>Not over \$21,600</u>	<u>2.55% of the city taxable income</u>
8	<u>Over \$21,600 but not</u>	<u>\$551 plus 3.1% of excess</u>
9	<u>over \$45,000</u>	<u>over \$21,600</u>
10	<u>Over \$45,000 but not</u>	<u>\$1,276 plus 3.15% of excess</u>
11	<u>over \$90,000</u>	<u>over \$45,000</u>
12	<u>Over \$90,000 but not</u>	<u>\$2,694 plus 3.2% of excess</u>
13	<u>over \$250,000</u>	<u>over \$90,000</u>
14	<u>Over \$250,000</u>	<u>\$7,814 plus 3.4% of excess</u>
15		<u>over \$250,000</u>

16 (B) For taxable years beginning in two thousand one and two thousand
17 two and for taxable years beginning after two thousand five and before
18 two thousand [twelve] ten:

19	If the city taxable income is:	The tax is:
20	Not over \$21,600	2.55% of the city taxable income
21	Over \$21,600 but not	\$551 plus 3.1% of excess
22	over \$45,000	over \$21,600
23	Over \$45,000 but not	\$1,276 plus 3.15% of excess
24	over \$90,000	over \$45,000
25	Over \$90,000	\$2,694 plus 3.2% of excess
26		over \$90,000

27 [(B) For taxable years beginning in two thousand:

28	If the city taxable income is:	The tax is:
29	Not over \$21,600	2.65% of the city taxable income
30	Over \$21,600 but not	\$572 plus 3.215% of excess
31	over \$45,000	over \$21,600
32	Over \$45,000 but not	\$1,325 plus 3.265% of excess
33	over \$90,000	over \$45,000
34	Over \$90,000	\$2,794 plus 3.315% of excess
35		over \$90,000

36 (C) For taxable years beginning in nineteen hundred ninety-nine:

37	If the city taxable income is:	The tax is:
38	Not over \$21,600	2.675% of the city taxable income
39	Over \$21,600 but not	\$578 plus 3.2575% of excess
40	over \$45,000	over \$21,600
41	Over \$45,000 but not	\$1,340 plus 3.3075% of excess
42	over \$90,000	over \$45,000
43	Over \$90,000	\$2,828 plus 3.3575% of excess
44		over \$90,000

45 (D) For taxable years beginning after nineteen hundred ninety-six and
46 before nineteen hundred ninety-nine:

47	If the city taxable income is:	The tax is:
48	Not over \$21,600	2.7% of the city taxable income

1	Over \$21,600 but not over	\$583 plus 3.3% of excess
2	\$45,000	over \$21,600
3	Over \$45,000 but not over	\$1,355 plus 3.35% of excess
4	\$90,000	over \$45,000
5	Over \$90,000	\$2,863 plus 3.4% of excess
6		over \$90,000

7 (E) For taxable years beginning in nineteen hundred ninety-six:

8	If the city taxable income is:	The tax is:
9	Not over \$14,400	2.6% of the city taxable income
10	Over \$14,400 but not	\$374 plus 3% of excess
11	over \$27,000	over \$14,400
12	Over \$27,000 but not	\$752 plus 3.3% of excess
13	over \$45,000	over \$27,000
14	Over \$45,000 but not	\$1,346 plus 3.35% of excess
15	over \$108,000	over \$45,000
16	Over \$108,000	\$3,457 plus 3.4% of excess
17		over \$108,000

18 (F) For taxable years beginning in nineteen hundred ninety-five:

19	If the city taxable income is:	The tax is:
20	Not over \$14,400	2.25% of the city taxable income
21	Over \$14,400 but not over	\$324 plus 2.85% of excess
22	\$27,000	over \$14,400
23	Over \$27,000 but not over	\$683 plus 3.3% of excess
24	\$45,000	over \$27,000
25	Over \$45,000 but not over	\$1,278 plus 3.35% of excess
26	\$108,000	over \$45,000
27	Over \$108,000	\$3,388 plus 3.4% of excess
28		over \$108,000

29 (G) For taxable years beginning after nineteen hundred eighty-eight
30 and before nineteen hundred ninety-five:

31	If the city taxable income is:	The tax is:
32	Not over \$14,400	2.2% of the city taxable income
33	Over \$14,400 but not over	\$317 plus 2.7% of excess
34	\$27,000	over \$14,400
35	Over \$27,000 but not over	\$657 plus 3.2% of excess
36	\$45,000	over \$27,000
37	Over \$45,000 but not over	\$1,233 plus 3.35% of excess
38	\$108,000	over \$45,000
39	Over \$108,000	\$3,344 plus 3.4% of excess
40		over \$108,000

41 (H) For taxable years beginning in nineteen hundred eighty-eight:

42	If the city taxable income is:	The tax is:
43	Not over \$4,500	1.5% of the city taxable income
44	Over \$4,500 but not over	\$68 plus 2.2% of excess
45	\$16,200	over \$4,500
46	Over \$16,200 but not over	\$325 plus 2.7% of excess
47	\$27,000	over \$16,200
48	Over \$27,000 but not over	\$617 plus 3.2% of excess

1	\$45,000	over \$27,000
2	Over \$45,000 but not over	\$1,193 plus 3.4% of excess
3	\$108,000	over \$45,000
4	Over \$108,000	\$3,335 plus 3.5% of excess
5		over \$108,000

6 (I) For taxable years beginning in nineteen hundred eighty-seven:

7	If the city taxable income is:	The tax is:
8	Not over \$4,125	1.5% of the city taxable income
9	Over \$4,125 but not over	\$62 plus 1.8% of excess
10	\$8,250	over \$4,125
11	Over \$8,250 but not over	\$136 plus 2.2% of excess
12	\$14,850	over \$8,250
13	Over \$14,850 but not over	\$281 plus 2.6% of excess
14	\$21,450	over \$14,850
15	Over \$21,450 but not over	\$453 plus 3% of excess
16	\$28,050	over \$21,450
17	Over \$28,050 but not over	\$651 plus 3.4% of excess
18	\$34,650	over \$28,050
19	Over \$34,650 but not over	\$875 plus 3.7% of excess
20	\$41,250	over \$34,650
21	Over \$41,250 but not over	\$1,119 plus 3.9% of excess
22	\$99,000	over \$41,250
23	Over \$99,000	\$3,371 plus 4.1% of excess
24		over \$99,000]

25 (2) Resident heads of households. The tax under this section for each
26 taxable year on the city taxable income of every city resident head of a
27 household shall be determined in accordance with the following tables:

28 (A) For taxable years beginning after two thousand nine:

29	<u>If the city taxable income is:</u>	<u>The tax is:</u>
30	<u>Not over \$14,400</u>	<u>2.55% of the city taxable income</u>
31	<u>Over \$14,400 but not</u>	<u>\$367 plus 3.1% of excess</u>
32	<u>over \$30,000</u>	<u>over \$14,400</u>
33	<u>Over \$30,000 but not</u>	<u>\$851 plus 3.15% of excess</u>
34	<u>over \$60,000</u>	<u>over \$30,000</u>
35	<u>Over \$60,000 but not</u>	<u>\$1,796 plus 3.2% of excess</u>
36	<u>over \$250,000</u>	<u>over \$60,000</u>
37	<u>Over \$250,000</u>	<u>\$7,876 plus 3.4% of excess</u>
38		<u>over \$250,000</u>

39 (B) For taxable years beginning in two thousand one and two thousand
40 two and for taxable years beginning after two thousand five and before
41 two thousand [twelve] ten:

42	If the city taxable income is:	The tax is:
43	Not over \$14,400	2.55% of the city taxable income
44	Over \$14,400 but not	\$367 plus 3.1% of excess
45	over \$30,000	over \$14,400
46	Over \$30,000 but not	\$851 plus 3.15% of excess
47	over \$60,000	over \$30,000
48	Over \$60,000	\$(1,769) 1,796
49		plus 3.2% of excess
50		over \$60,000

1 [(B) For taxable years beginning in two thousand:

2	If the city taxable income is:	The tax is:
3	Not over \$14,400	2.65% of the city taxable income
4	Over \$14,400 but not	\$382 plus 3.215% of excess
5	over \$30,000	over \$14,400
6	Over \$30,000 but not	\$883 plus 3.265% of excess
7	over \$60,000	over \$30,000
8	Over \$60,000	\$1,863 plus 3.315% of excess
9		over \$60,000

10 (C) For taxable years beginning in nineteen hundred ninety-nine:

11	If the city taxable income is:	The tax is:
12	Not over \$14,400	2.675% of the city taxable income
13	Over \$14,400 but not	\$385 plus 3.2575% of excess
14	over \$30,000	over \$14,400
15	Over \$30,000 but not	\$893 plus 3.3075% of excess
16	over \$60,000	over \$30,000
17	Over \$60,000	\$1,886 plus 3.3575% of excess
18		over \$60,000

19 (D) For taxable years beginning after nineteen hundred ninety-six and
20 before nineteen hundred ninety-nine:

21	If the city taxable income is:	The tax is:
22	Not over \$14,400	2.7% of the city taxable income
23	Over \$14,400 but not	\$389 plus 3.3% of excess
24	over \$30,000	over \$14,400
25	Over \$30,000 but not over	\$904 plus 3.35% of excess
26	\$60,000	over \$30,000
27	Over \$60,000	\$1,909 plus 3.4% of excess
28		over \$60,000

29 (E) For taxable years beginning in nineteen hundred ninety-six:

30	If the city taxable income is:	The tax is:
31	Not over \$9,600	2.6% of the city taxable income
32	Over \$9,600 but not over	\$250 plus 3% of excess
33	\$18,000	over \$9,600
34	Over \$18,000 but not over	\$502 plus 3.3% of excess
35	\$30,000	over \$18,000
36	Over \$30,000 but not over	\$898 plus 3.35% of excess
37	\$72,000	over \$30,000
38	Over \$72,000	\$2,305 plus 3.4% of excess
39		over \$72,000

40 (F) For taxable years beginning in nineteen hundred ninety-five:

41	If the city taxable income is:	The tax is:
42	Not over \$9,200	2.25% of the city taxable income
43	Over \$9,200 but not over	\$207 plus 2.85% of excess
44	\$17,250	over \$9,200
45	Over \$17,250 but not over	\$436 plus 3.3% of excess
46	\$28,750	over \$17,250
47	Over \$28,750 but not over	\$816 plus 3.35% of excess

1	\$69,000	over \$28,750
2	Over \$69,000	\$2,164 plus 3.4% of excess
3		over \$69,000

4 (G) For taxable years beginning after nineteen hundred eighty-eight
5 and before nineteen hundred ninety-five:

6	If the city taxable income is:	The tax is:
7	Not over \$8,800	2.2% of the city taxable income
8	Over \$8,800 but not over	\$194 plus 2.7% of excess
9	\$16,500	over \$8,800
10	Over \$16,500 but not over	\$402 plus 3.2% of excess
11	\$27,500	over \$16,500
12	Over \$27,500 but not over	\$754 plus 3.35% of excess
13	\$66,000	over \$27,500
14	Over \$66,000	\$2,044 plus 3.4% of excess
15		over \$66,000

16 (H) For taxable years beginning in nineteen hundred eighty-eight:

17	If the city taxable income is:	The tax is:
18	Not over \$2,750	1.5% of the city taxable income
19	Over \$2,750 but not over	\$41 plus 2.2% of excess
20	\$9,900	over \$2,750
21	Over \$9,900 but not over	\$198 plus 2.7% of excess
22	\$16,500	over \$9,900
23	Over \$16,500 but not over	\$376 plus 3.2% of excess
24	\$27,500	over \$16,500
25	Over \$27,500 but not over	\$728 plus 3.4% of excess
26	\$66,000	over \$27,500
27	Over \$66,000	\$2,037 plus 3.5% of excess
28		over \$66,000

29 (I) For taxable years beginning in nineteen hundred eighty-seven:

30	If the city taxable income is:	The tax is:
31	Not over \$2,750	1.5% of the city taxable income
32	Over \$2,750 but not over	\$41 plus 1.8% of excess
33	\$5,500	over \$2,750
34	Over \$5,500 but not over	\$91 plus 2.2% of excess
35	\$9,900	over \$5,500
36	Over \$9,900 but not over	\$188 plus 2.6% of excess
37	\$14,300	over \$9,900
38	Over \$14,300 but not over	\$302 plus 3% of excess
39	\$18,700	over \$14,300
40	Over \$18,700 but not over	\$434 plus 3.4% of excess
41	\$23,100	over \$18,700
42	Over \$23,100 but not over	\$584 plus 3.7% of excess
43	\$27,500	over \$23,100
44	Over \$27,500 but not over	\$747 plus 3.9% of excess
45	\$66,000	over \$27,500
46	Over \$66,000	\$2,249 plus 4.1% of excess
47		over \$66,000]

48 (3) Resident unmarried individuals, resident married individuals
49 filing separate returns and resident estates and trusts. The tax under

1 this section for each taxable year on the city taxable income of every
 2 city resident individual who is not a married individual who makes a
 3 single return jointly with his or her spouse under subdivision (b) of
 4 section 11-1751 of this chapter or a city resident head of a household
 5 or a city resident surviving spouse, and on the city taxable income of
 6 every city resident estate and trust shall be determined in accordance
 7 with the following tables:

8 (A) For taxable years beginning after two thousand nine:

9	<u>If the city taxable income is:</u>	<u>The tax is:</u>
10	<u>Not over \$12,000</u>	<u>2.55% of the city taxable income</u>
11	<u>Over \$12,000 but not</u>	<u>\$306 plus 3.1% of excess</u>
12	<u>over \$25,000</u>	<u>over \$12,000</u>
13	<u>Over \$25,000 but not</u>	<u>\$709 plus 3.15% of excess</u>
14	<u>over \$50,000</u>	<u>over \$25,000</u>
15	<u>Over \$50,000 but not</u>	<u>\$1,497 plus 3.2% of excess</u>
16	<u>over \$250,000</u>	<u>over \$50,000</u>
17	<u>Over \$250,000</u>	<u>\$7,897 plus 3.4% of excess</u>
18		<u>over \$250,000</u>

19 (B) For taxable years beginning in two thousand one and two thousand
 20 two and for taxable years beginning after two thousand five and before
 21 two thousand [twelve] ten:

22	<u>If the city taxable income is:</u>	<u>The tax is:</u>
23	<u>Not over \$12,000</u>	<u>2.55% of the city taxable income</u>
24	<u>Over \$12,000 but not</u>	<u>\$306 plus 3.1% of excess</u>
25	<u>over \$25,000</u>	<u>over \$12,000</u>
26	<u>Over \$25,000 but not</u>	<u>\$709 plus 3.15% of excess</u>
27	<u>over \$50,000</u>	<u>over \$25,000</u>
28	<u>Over \$50,000</u>	<u>\$1,497 plus 3.2% of excess</u>
29		<u>over \$50,000</u>

30 [(B) For taxable years beginning in two thousand:

31	<u>If the city taxable income is:</u>	<u>The tax is:</u>
32	<u>Not over \$12,000</u>	<u>2.65% of the city taxable income</u>
33	<u>Over \$12,000 but not</u>	<u>\$318 plus 3.215% of excess</u>
34	<u>over \$25,000</u>	<u>over \$12,000</u>
35	<u>Over \$25,000 but not</u>	<u>\$736 plus 3.265% of excess</u>
36	<u>over \$50,000</u>	<u>over \$25,000</u>
37	<u>Over \$50,000</u>	<u>\$1,552 plus 3.315% of excess</u>
38		<u>over \$50,000</u>

39 (C) For taxable years beginning in nineteen hundred ninety-nine:

40	<u>If the city taxable income is:</u>	<u>The tax is:</u>
41	<u>Not over \$12,000</u>	<u>2.675% of the city taxable income</u>
42	<u>Over \$12,000 but not</u>	<u>\$321 plus 3.2575% of excess</u>
43	<u>over \$25,000</u>	<u>over \$12,000</u>
44	<u>Over \$25,000 but not</u>	<u>\$744 plus 3.3075% of excess</u>
45	<u>over \$50,000</u>	<u>over \$25,000</u>
46	<u>Over \$50,000</u>	<u>\$1,571 plus 3.3575% of excess</u>
47		<u>over \$50,000</u>

1 (D) For taxable years beginning after nineteen hundred ninety-six and
2 before nineteen hundred ninety-nine:

3	If the city taxable income is:	The tax is:
4	Not over \$12,000	2.7% of the city taxable income
5	Over \$12,000 but not over	\$324 plus 3.3% of excess
6	\$25,000	over \$12,000
7	Over \$25,000 but not over	\$753 plus 3.35% of excess
8	\$50,000	over \$25,000
9	Over \$50,000	\$1,591 plus 3.4% of excess
10		over \$50,000

11 (E) For taxable years beginning in nineteen hundred ninety-six:

12	If the city taxable income is:	The tax is:
13	Not over \$8,000	2.6% of the city taxable income
14	Over \$8,000 but not over	\$208 plus 3% of excess
15	\$15,000	over \$8,000
16	Over \$15,000 but not over	\$418 plus 3.3% of excess
17	\$25,000	over \$15,000
18	Over \$25,000 but not over	\$748 plus 3.35% of excess
19	\$60,000	over \$25,000
20	Over \$60,000	\$1,920 plus 3.4% of excess
21		over \$60,000

22 (F) For taxable years beginning in nineteen hundred ninety-five:

23	If the city taxable income is:	The tax is:
24	Not over \$8,000	2.25% of the city taxable income
25	Over \$8,000 but not over	\$180 plus 2.85% of excess
26	\$15,000	over \$8,000
27	Over \$15,000 but not over	\$380 plus 3.3% of excess
28	\$25,000	over \$15,000
29	Over \$25,000 but not over	\$710 plus 3.35% of excess
30	\$60,000	over \$25,000
31	Over \$60,000	\$1,883 plus 3.4% of excess
32		over \$60,000

33 (G) For taxable years beginning after nineteen hundred eighty-eight
34 and before nineteen hundred ninety-five:

35	If the city taxable income is:	The tax is:
36	Not over \$8,000	2.2% of the city taxable income
37	Over \$8,000 but not over	\$176 plus 2.7% of excess
38	\$15,000	over \$8,000
39	Over \$15,000 but not over	\$365 plus 3.2% of excess
40	\$25,000	over \$15,000
41	Over \$25,000 but not over	\$685 plus 3.35% of excess
42	\$60,000	over \$25,000
43	Over \$60,000	\$1,858 plus 3.4% of excess
44		over \$60,000

45 (H) For taxable years beginning in nineteen hundred eighty-eight:

46	If the city taxable income is:	The tax is:
47	Not over \$2,500	1.5% of the city taxable income

1	Over \$2,500 but not over	\$38 plus 2.2% of excess
2	\$9,000	over \$2,500
3	Over \$9,000 but not over	\$181 plus 2.7% of excess
4	\$15,000	over \$9,000
5	Over \$15,000 but not over	\$343 plus 3.2% of excess
6	\$25,000	over \$15,000
7	Over \$25,000 but not over	\$663 plus 3.4% of excess
8	\$60,000	over \$25,000
9	Over \$60,000	\$1,853 plus 3.5% of excess
10		over \$60,000

11 (I) For taxable years beginning in nineteen hundred eighty-seven:

12	If the city taxable income is:	The tax is:
13	Not over \$2,500	1.5% of the city taxable income
14	Over \$2,500 but not over	\$38 plus 1.8% of excess
15	\$5,000	over \$2,500
16	Over \$5,000 but not over	\$83 plus 2.2% of excess
17	\$9,000	over \$5,000
18	Over \$9,000 but not over	\$171 plus 2.6% of excess
19	\$13,000	over \$9,000
20	Over \$13,000 but not over	\$275 plus 3% of excess
21	\$17,000	over \$13,000
22	Over \$17,000 but not over	\$395 plus 3.4% of excess
23	\$21,000	over \$17,000
24	Over \$21,000 but not over	\$531 plus 3.7% of excess
25	\$25,000	over \$21,000
26	Over \$25,000 but not over	\$679 plus 3.9% of excess
27	\$60,000	over \$25,000
28	Over \$60,000	\$2,044 plus 4.1% of excess
29		over \$60,000]

30 § 4. Notwithstanding any provision of law to the contrary, the method
31 of determining the amount to be deducted and withheld from wages on
32 account of taxes imposed by or pursuant to the authority of article 30
33 of the tax law in connection with the implementation of the provisions
34 of this act shall be prescribed by regulations of the commissioner of
35 taxation and finance with due consideration to the effect such withhold-
36 ing tables and methods would have on the receipt and amount of revenue.
37 The commissioner of taxation and finance shall adjust such withholding
38 tables and methods in regard to taxable years beginning in 2010 and
39 after in such manner as to result, so far as practicable, in withholding
40 from an employee's wages an amount substantially equivalent to the tax
41 reasonably estimated to be due for such taxable years as a result of the
42 provisions of this act. Provided, however, for tax year 2010 the with-
43 holding tables shall reflect as accurately as practicable the full
44 amount of tax year 2010 liability so that such amount is withheld by
45 December 31, 2010. Any such regulations to implement a change in with-
46 holding tables and methods for tax year 2010 shall be adopted and effec-
47 tive as soon as practicable and the commissioner may adopt such regu-
48 lations on an emergency basis notwithstanding anything to the contrary
49 in section 202 of the state administrative procedure act. In carrying
50 out his or her duties and responsibilities under this section, the
51 commissioner of taxation and finance may accompany such a rule making
52 procedure with a similar procedure with respect to the taxes required to
53 be deducted and withheld by local laws imposing taxes pursuant to the

1 authority of articles 30, 30-A and 30-B of the tax law, the provisions
2 of any other law in relation to such a procedure to the contrary
3 notwithstanding.

4 § 5. 1. Notwithstanding any provision of law to the contrary, no addi-
5 tion to tax required shall be imposed for failure to pay the estimated
6 tax in subsection (c) of section 685 of the tax law with respect to any
7 underpayment of a required installment due prior to, or within thirty
8 days of, the effective date of this act to the extent that such under-
9 payment was created or increased by the amendments made by this act
10 provided, however, that the taxpayer remits the amount of any underpay-
11 ment prior to or with his or her next quarterly estimated tax payment.

12 2. The commissioner of taxation and finance shall take steps to publi-
13 cize the necessary adjustments to estimated tax and, to the extent
14 reasonably possible, to inform the taxpayer of the tax liability changes
15 made by this act.

16 § 6. This act shall take effect immediately.

17

PART Y

18 Section 1. The opening paragraph of section 21-a of the social
19 services law, as added by section 144-a of part B of chapter 436 of the
20 laws of 1997, is amended to read as follows:

21 Any electronic benefit transfer system shall be implemented by the
22 department on a statewide basis and shall be administered pursuant to
23 the provisions of this section. An electronic benefit transfer system
24 may include direct deposit and debit cards.

25 § 2. Section 398-a of the social services law is amended by adding a
26 new subdivision 2-b to read as follows:

27 (2-b) Payments made directly by social services districts to foster
28 boarding homes for foster care pursuant to this section may be made by
29 electronic benefit transfer, direct deposit or debit card and adminis-
30 tered electronically, or by such other methods, and in accordance with
31 such guidelines, as may be set forth by regulation of the office of
32 children and family services. The office of children and family services
33 may enter into contracts on behalf of social services districts for
34 electronic benefit transfer services in accordance with section twenty-
35 one-a of this chapter.

36 § 3. Subdivision 1 of section 453 of the social services law is
37 amended by adding a new paragraph (a-1) to read as follows:

38 (a-1) Payments pursuant to this section may be made by electronic
39 benefit transfer, direct deposit or debit card and administered elec-
40 tronically, or by such other methods, and in accordance with such guide-
41 lines, as may be set forth by regulation of the office of children and
42 family services. The office of children and family services may enter
43 into contracts on behalf of local social services districts for elec-
44 tronic benefit transfer services in accordance with section twenty-one-a
45 of this chapter.

46 § 4. This act shall take effect immediately and shall be deemed to
47 have been in full force and effect on and after April 1, 2010.

48

PART Z

49 Section 1. Paragraph (a) of subdivision 2 of section 153-k of the
50 social services law, as added by section 15 of part C of chapter 83 of
51 the laws of 2002, is amended to read as follows:

1 (a) Notwithstanding the provisions of this chapter or of any other law
2 to the contrary, eligible expenditures by a social services district for
3 foster care services and kinship guardianship assistance shall be
4 subject to reimbursement with state funds only to the extent of annual
5 appropriations to the state foster care block grant. Such foster care
6 services shall include expenditures for the provision and administration
7 of: care, maintenance, supervision and tuition; supervision of foster
8 children placed in federally funded job corps programs; and care, main-
9 tenance, supervision and tuition for adjudicated juvenile delinquents
10 and persons in need of supervision placed in residential programs oper-
11 ated by authorized agencies and in out-of-state residential programs.
12 Such kinship guardianship assistance shall include expenditures for the
13 provision and administration of kinship guardianship assistance payments
14 and non-recurring guardianship expenses made pursuant to title ten of
15 article six of this chapter. Social services districts must develop and
16 implement children and family services delivery systems that are
17 designed to reduce the need for and the length of foster care placements
18 and must document their efforts in the multi-year consolidated services
19 plan and the annual implementation reports submitted pursuant to section
20 thirty-four-a of this chapter.

21 § 2. Paragraph (h) of subdivision 12 of section 366 of the social
22 services law, as added by section 1 of part E of chapter 58 of the laws
23 of 2006, is amended to read as follows:

24 (h) A person participating in the waiver program established by this
25 subdivision may continue participation in the program until it is no
26 longer consistent with the plan of care, or until age twenty-one, which-
27 ever occurs earlier, notwithstanding the person's status as having been
28 discharged from the care and placement of the local commissioner of a
29 social services district or the commissioner of children and family
30 services, including adoption or participation in the kinship guardian-
31 ship assistance program under title ten of article six of this chapter.

32 § 3. Section 366 of the social services law is amended by adding a new
33 subdivision 13 to read as follows:

34 13. The commissioner of health, in consultation with the commissioner
35 of the office of children and family services, shall make any available
36 amendments to the state plan for medical assistance submitted pursuant
37 to section three hundred sixty-three-a of this title, or, if an amend-
38 ment is not possible, develop and submit an application for any waiver
39 under the federal social security act that may be available to provide
40 medical assistance for those children receiving kinship guardianship
41 assistance payments under title ten of article six of this chapter who
42 are not automatically eligible for such medical assistance under title
43 IV-E of the federal social security act.

44 § 4. Article 6 of the social services law is amended by adding a new
45 title 10 to read as follows:

46 TITLE 10

47 KINSHIP GUARDIANSHIP ASSISTANCE PROGRAM

48 Section 458-a. Definitions.

49 458-b. Kinship guardianship assistance payments.

50 458-c. Payments for non-recurring guardianship expenses.

51 458-d. Medical subsidy.

52 458-e. Independent living services.

53 458-f. Fair hearings.

54 458-g. State reimbursement.

55 § 458-a. Definitions. As used in this title:



1 1. "Child" shall mean a person under the age of twenty-one years whose
2 custody, care and custody, or custody and guardianship have been commit-
3 ted to a social services official prior to such person's eighteenth
4 birthday pursuant to this chapter or article three, seven or ten of the
5 family court act.

6 2. "Applicable board rate" shall mean an amount equal to the monthly
7 payment that has been made by a social services official, in accordance
8 with section three hundred ninety-eight-a of this article and other
9 provisions of this chapter, for the care and maintenance of the child,
10 while such child was boarded out in the approved or certified foster
11 family boarding home with the prospective relative guardian. Such rate
12 shall reflect annual changes in room and board rates and clothing
13 replacement allowances.

14 3. "Prospective relative guardian" shall mean a person who is related
15 to the child through blood, marriage, or adoption who has been caring
16 for the child as a fully certified or approved foster parent for at
17 least six consecutive months prior to applying for kinship guardianship
18 assistance payments.

19 4. "Relative guardian" shall mean a person who was issued letters of
20 guardianship for a child after entering into an agreement with a social
21 services official for the receipt of payments and services in accordance
22 with this title.

23 5. "Social services official" shall mean a county commissioner of
24 social services, a city commissioner of social services, or an Indian
25 tribe with which the office of children and family services has entered
26 into an agreement to provide foster care services in accordance with
27 subdivision two of section thirty-nine of this chapter.

28 § 458-b. Kinship guardianship assistance payments. 1. A child is
29 eligible for kinship guardianship assistance payments under this title
30 if the social services official determines the following:

31 (a) The child has been in foster care for at least six consecutive
32 months in the home of the prospective relative guardian; and

33 (b) The child being returned home or adopted are not appropriate
34 permanency options for the child; and

35 (c) The child demonstrates a strong attachment to the prospective
36 relative guardian and the prospective relative guardian has a strong
37 commitment to caring permanently for the child; and

38 (d) With respect to a child who has attained fourteen years of age,
39 the child has been consulted regarding the kinship guardianship arrange-
40 ment.

41 (e) The financial status of the prospective relative guardian shall
42 not be considered in determining eligibility for kinship guardianship
43 assistance payments.

44 2. (a) A prospective relative guardian who has been caring for an
45 eligible foster child for at least six consecutive months and who
46 intends to seek guardianship of the child may apply to the social
47 services official who has custody, care and custody, or guardianship and
48 custody of the child to receive kinship guardianship assistance
49 payments, non-recurring guardianship payments, and other applicable
50 services and payments available under this title on behalf of the child.

51 (b) Applications shall only be accepted prior to issuance of letters
52 of guardianship of the child to the relative guardian pursuant to the
53 provisions of the family court act or the surrogate's court procedure
54 act.

55 (c) Notwithstanding any other provision of law to the contrary, a
56 prospective relative guardian and any person over the age of eighteen

1 living in the home of the prospective relative guardian who has not
2 already been subject to a national and state criminal history record
3 check pursuant to section three hundred seventy-eight-a of this article
4 as part of the process of the prospective relative guardian becoming a
5 certified or approved foster parent must complete such a record check in
6 accordance with the procedures and standards set forth in such section
7 prior to the social services official acting upon the application. The
8 social services official must inquire of the office of children and
9 family services whether each prospective relative guardian and each
10 person over the age of eighteen living in the home of the prospective
11 relative guardian has been or is currently the subject of an indicated
12 report of child abuse or maltreatment on file with the statewide central
13 register of child abuse and maltreatment and, if the prospective rela-
14 tive guardian or any other person over the age of eighteen residing in
15 the home of the prospective relative guardian resided in another state
16 in the five years preceding the application, request child abuse and
17 maltreatment information maintained by the child abuse and maltreatment
18 registry from the applicable child welfare agency in each such state of
19 previous residence, if such a request has not been made as part of the
20 process of the prospective relative guardian becoming a certified or
21 approved foster parent.

22 3. If the social services official determines that the child is eligi-
23 ble for kinship guardianship assistance payments and it is in the best
24 interests of the child for the relative to become the legal guardian of
25 the child, the social services official shall enter into an agreement
26 with the prospective relative guardian authorizing the provision of
27 kinship guardianship assistance payments, non-recurring guardianship
28 payments, and other services and payments available under this title
29 subject to the issuance by the court of letters of guardianship of the
30 child to the prospective relative guardian and the child being finally
31 discharged from foster care to such relative. A copy of the fully
32 executed agreement must be provided by the social services official to
33 the prospective relative guardian.

34 4. (a) Payments and eligibility for services under this title shall be
35 made pursuant to a written agreement between the social services offi-
36 cial and the prospective relative guardian.

37 (b) The written agreement shall specify, at a minimum: the amount of,
38 and manner in which, each kinship guardianship assistance payment will
39 be provided under the agreement; the manner in which the payment may be
40 adjusted periodically, in consultation with the relative guardian, based
41 on the circumstances of the relative guardian and the needs of the
42 child; the additional services and assistance that the child and the
43 relative guardian will be eligible for under the agreement, which shall
44 be limited to the additional services and assistance set forth in this
45 title; the procedures by which the relative guardian may apply for addi-
46 tional services, as needed; that the social services official will pay
47 the total cost of nonrecurring expenses associated with obtaining legal
48 guardianship of the child, to the extent the total cost does not exceed
49 two thousand dollars in accordance with section four hundred fifty-
50 eight-c of this title; and, that the agreement will remain in effect
51 regardless of the state of residence of the relative guardian at any
52 time.

53 (c) The agreement must be fully executed prior to the issuance of
54 letters of guardianship of the child to the relative guardian in order
55 for the child to be eligible for payments and services under this title.

1 5. Once the prospective relative guardian with whom a social services
2 official has entered into an agreement under subdivision four of this
3 section has been issued letters of guardianship for the child and the
4 child has been finally discharged from foster care to such relative, a
5 social services official shall make monthly kinship guardianship assist-
6 ance payments for the care and maintenance of the child.

7 6. The amount of the monthly kinship guardianship assistance payment
8 made pursuant to this section shall be determined pursuant to regu-
9 lations of the office. The amount of the monthly payment shall not be
10 less than seventy-five per centum of the applicable board rate nor more
11 than one hundred per centum of such rate as determined by the social
12 services district in accordance with the regulations of the office;
13 provided, however, that the rate chosen by the social services district
14 shall be equal to the rate used by the district for adoption subsidy
15 payments under section four hundred fifty-three of this article. The
16 social services official shall consider the financial status of the
17 prospective relative guardian or relative guardian only for the purpose
18 of determining the amount of the payments to be made.

19 7. (a) Kinship guardianship assistance payments shall be made to the
20 relative guardian or guardians until the child's eighteenth birthday or,
21 if the child had attained sixteen years of age before the agreement
22 became effective, until the child attains twenty-one years of age
23 provided the child is: (i) completing secondary education or a program
24 leading to an equivalent credential; (ii) enrolled in an institution
25 which provides post-secondary or vocational education; (iii) employed
26 for at least eighty hours per month; or (iv) incapable of any of such
27 activities due to a medical condition, which incapability is supported
28 by regularly updated information in the case plan of the child.

29 (b) Notwithstanding paragraph (a) of this subdivision, no kinship
30 guardianship assistance payments may be made pursuant to this title if
31 the social services official determines that the relative guardian is no
32 longer legally responsible for the support of the child or the child is
33 no longer receiving any support from such guardian. In accordance with
34 the regulations of the office, a relative guardian who has been receiv-
35 ing kinship guardianship assistance payments on behalf of a child under
36 this title must keep the social services official informed, on an annual
37 basis, of any circumstances that would make the relative guardian ineli-
38 gible for such payments or eligible for payments in a different amount.

39 8. The placement of the child with the relative guardian and any
40 kinship guardianship assistance payments made on behalf of the child
41 under this section shall be considered never to have been made when
42 determining the eligibility for adoption subsidy payments under title
43 nine of this article of a child in such legal guardianship arrangement.

44 § 458-c. Payments for non-recurring guardianship expenses. 1. A social
45 services official shall make payments for non-recurring guardianship
46 expenses incurred by or on behalf of the relatives who have been
47 approved by the social services official to receive kinship guardianship
48 assistance payments, when such expenses are incurred in connection with
49 assuming the guardianship of a foster child. The agreement for the
50 payment of non-recurring guardianship expenses must be reflected in the
51 written agreement set forth in subdivision four of section four hundred
52 fifty-eight-b of this title. In accordance with subdivision two of this
53 section, the payments shall be made by the social services official
54 either to the relative guardian or guardians directly or to an attorney
55 on behalf of the relative guardian or guardians for the allowable amount

1 of non-recurring guardianship expenses incurred in connection with
2 obtaining such guardianship.

3 2. The amount of the payment made pursuant to this section shall not
4 exceed two thousand dollars for each foster child and shall be available
5 only for those expenses that are determined to be eligible for
6 reimbursement by the social services official in accordance with the
7 regulations of the office of children and family services.

8 3. Payments for non-recurring guardianship expenses made by a social
9 services official pursuant to this section shall be treated as adminis-
10 trative expenditures under title IV-E of the federal social security act
11 and shall be reimbursed by the state accordingly.

12 4. As used in this section, non-recurring guardianship expenses shall
13 mean reasonable and necessary fees, court costs, attorney fees, and
14 other expenses which are directly related to obtaining legal guardian-
15 ship of an eligible child and which are not incurred in violation of
16 federal law or the laws of this state or any other state.

17 § 458-d. Medical subsidy. 1. Any child with respect to whom federally
18 reimbursable kinship guardianship assistance payments are made under
19 this title is eligible for medical assistance under title XIX of the
20 federal social security act.

21 2. In addition, a social services official shall make payments for the
22 cost of care, services and supplies payable under the state's program of
23 medical assistance for needy persons provided to any child for whom
24 kinship guardianship assistance payments are being made under this title
25 who is not eligible for medical assistance under subdivision one of this
26 section and for whom the relative guardian is unable to obtain medical
27 coverage through any other available means, regardless of whether the
28 child otherwise qualifies for medical assistance for needy persons.
29 Payments pursuant to this subdivision shall be made only with respect to
30 the cost of care, services, and supplies which are not otherwise covered
31 or subject to payment or reimbursement by insurance, medical assistance
32 or other sources. Payments made pursuant to this subdivision shall only
33 be made if the relative guardian applies to obtain such medical coverage
34 for the child from all available sources, unless the social services
35 official determines that the relative guardian has good cause for not
36 applying for such coverage.

37 3. Payments pursuant to subdivision two of this section shall be made
38 to, or on behalf of, the relative guardian or guardians of the child and
39 shall be made without regard to the financial need of such person or
40 persons.

41 4. An application for payments under this section shall be made prior
42 to the issuance of letters of guardianship for the child. An approval of
43 an application for payments under this section shall not be subject to
44 annual review by the social services official, and such approval shall
45 remain in effect for as long as kinship guardianship assistance payments
46 are being made under this title for the child. Applications for such
47 payments shall be accepted prior to the issuance of letters of guardian-
48 ship of the child, and approval thereof may be granted contingent upon
49 such issuance.

50 § 458-e. Independent living services. In accordance with regulations
51 of the office of children and family services, any child who leaves
52 foster care for guardianship with a relative after attaining sixteen
53 years of age for whom kinship guardianship assistance payments are being
54 made under this title shall be eligible:

1 1. to receive those independent living services that are made avail-
2 able by the social services district to foster children pursuant to
3 section 477 of the federal social security act; and

4 2. to apply for educational and training vouchers made available
5 pursuant to such section, which will be awarded based on the priorities
6 established by the office of children and family services and the amount
7 of funds made available therefor.

8 § 458-f. Fair hearings. 1. Any person aggrieved by the decision of a
9 social services official not to make a payment or payments pursuant to
10 this title or to make such payment or payments in an inadequate or inap-
11 propriate amount or the failure of a social services official to deter-
12 mine an application under this title within thirty days after filing,
13 may appeal to the office of children and family services, which shall
14 review the case and give such person an opportunity for a fair hearing
15 thereon. All decisions of the office of children and family services
16 shall be binding upon the social services district involved and shall be
17 complied with by the social services official thereof.

18 2. The only issues which may be raised in a fair hearing under this
19 section are: (a) whether the social services official has improperly
20 denied an application for payments under this title; (b) whether the
21 social services official has improperly discontinued payments under this
22 title; or (c) whether the social services official has determined the
23 amount of the payments made or to be made in violation of the provisions
24 of this title or the regulations of the office of children and family
25 services promulgated hereunder.

26 3. The provisions of subdivisions two and four of section twenty-two
27 of this chapter shall apply to fair hearings held and appeals taken
28 pursuant to this section.

29 § 458-g. State reimbursement. 1. Kinship guardianship assistance
30 payments, non-recurring guardianship expenses and expenditures for the
31 administration of the kinship guardianship assistance program made by
32 social services officials pursuant to the provisions of this title
33 shall, if approved by the office, be subject to reimbursement by the
34 state, in accordance with the regulations of the office of children and
35 family services as follows: there shall be paid to each social services
36 district (a) the amount of federal funds, if any, properly received or
37 to be received on account of such payments; and (b) except as set forth
38 in paragraph (c) of this subdivision, such payments shall be subject to
39 state reimbursement under the state foster care block grant established
40 pursuant to subdivision two of section one hundred fifty-three-k of this
41 chapter, after first deducting therefrom any federal funds properly
42 received or to be received on account thereof; or (c) one hundred per
43 centum of such payments after first deducting therefrom any federal
44 funds properly to be received on account of such payments, for children
45 who had been placed in foster care with the relative guardian by an
46 Indian tribe as referenced in subdivision five of section four hundred
47 fifty-eight-a of this title.

48 2. (a) Claims for state reimbursement shall be made in such form and
49 manner and at such times and for such periods as the office of children
50 and family services shall determine.

51 (b) When certified by the department, state reimbursement shall be
52 paid from the state treasury upon the audit and warrant of the comp-
53 troller out of funds made available therefor.

54 § 5. Section 657 of the family court act is amended by adding a new
55 subdivision (c) to read as follows:

1 (c) Notwithstanding any other provision of law to the contrary,
2 persons possessing a lawful order of guardianship of a child shall have
3 the right and responsibility to make decisions, including issuing any
4 necessary consents, regarding the child's protection, education, care
5 and control, health and medical needs, and the physical custody of the
6 person of the child. Provided, however, that nothing in this subdivi-
7 sion shall be construed to limit the ability of a child to consent to
8 his or her own medical care as may be otherwise provided by law.

9 § 6. Section 661 of the family court act is amended by adding a new
10 subdivision (c) to read as follows:

11 (c) Special provisions in relation to guardianship of a foster child.
12 Where the permanency goal for a foster child who is the subject of a
13 proceeding under article ten or ten-A of this act is referral for legal
14 guardianship, a petition under this article filed by a fit and willing
15 relative or other suitable person shall be filed with the court before
16 whom the most recent proceeding under article ten or ten-A of this act
17 is pending. The court presiding over the proceeding pursuant to article
18 ten or ten-A of this act may consolidate the hearing of the guardianship
19 petition filed by such relative or other suitable person with the dispo-
20 sitional hearing under article ten of this act or a permanency hearing
21 under article ten-A of this act, as applicable. In granting such a peti-
22 tion, the court must make such order in accordance with the procedures
23 and make the findings enumerated in section one thousand fifty-five-b or
24 one thousand eighty-nine-a of this act, as applicable.

25 § 7. Section 1055-b of the family court act, as added by chapter 519
26 of the laws of 2008, is amended to read as follows:

27 § 1055-b. Custody or guardianship with relatives or suitable persons
28 pursuant to article six of this act or guardianship with such a person
29 pursuant to article seventeen of the surrogate's court procedure act.

30 (a) At the conclusion of the dispositional hearing under this article,
31 the court may enter an order of disposition granting custody or guardi-
32 anship of the child to a relative or other suitable person under article
33 six of this act or an order of guardianship of the child to such a
34 person under article seventeen of the surrogate's court procedure act
35 if:

36 (i) the relative or suitable person has filed a petition for custody
37 or guardianship of the child pursuant to article six of this act or a
38 petition for guardianship of the child under article seventeen of the
39 surrogate's court procedure act; and

40 (ii) the court finds that granting custody or guardianship of the
41 child to the relative or suitable person is in the best interests of the
42 child and that the safety of the child will not be jeopardized if the
43 respondent or respondents under the child protective proceeding are no
44 longer under supervision or receiving services. In determining whether
45 the best interests of the child will be promoted by the granting of
46 guardianship of the child to a relative who has cared for the child as a
47 foster parent, the court shall give due consideration to the permanency
48 goal of the child, the relationship between the child and the relative,
49 and whether the relative and the social services district have entered
50 into an agreement to provide kinship guardianship assistance payments
51 for the child to the relative under title ten of article six of the
52 social services law; and

53 (iii) the court finds that granting custody or guardianship of the
54 child to the relative or suitable person under article six of this act
55 or granting guardianship of the child to the relative or other suitable

1 person under article seventeen of the surrogate's court procedure act
2 will provide the child with a safe and permanent home; and

3 (iv) all parties to the child protective proceeding consent to the
4 granting of custody or guardianship under article six of this act or the
5 granting of guardianship under article seventeen of the surrogate's
6 court procedure act; or

7 (v) after a consolidated dispositional hearing on the child protective
8 petition and the petition under article six of this act or under article
9 seventeen of the surrogate's court procedure act;

10 (A) if a parent or parents fail to [contest] consent to the granting
11 of custody or guardianship under article six of this act or the granting
12 of guardianship under article seventeen of the surrogate's court proce-
13 dure act, the court finds that extraordinary circumstances exist that
14 support granting an order of custody or guardianship [under article six
15 of this act]; provided, however, that where the prospective relative
16 guardian and the social services district have entered into an agreement
17 to provide kinship guardianship assistance payments for the child to the
18 relative under title ten of article six of the social services law prior
19 to the order finding that the child is an abused or neglected child
20 under section one thousand fifty-one of this part, the court may enter
21 an order of disposition granting guardianship of the child to the rela-
22 tive only if the parent or parents consent to the granting of guardian-
23 ship; or

24 (B) if a party other than the parent [of] or parents fail to consent
25 to the granting of custody or guardianship under article six of this act
26 or the granting of guardianship under article seventeen of the surro-
27 gate's court procedure act, the court finds that granting custody or
28 guardianship of the child to the relative or suitable person is in the
29 best interests of the child.

30 (b) An order made in accordance with the provisions of this section
31 shall set forth the required findings as described in subdivision (a) of
32 this section and shall constitute the final disposition of the child
33 protective proceeding. Notwithstanding any other provision of law, the
34 court shall not issue an order of supervision nor may the court require
35 the local department of social services to provide services to the
36 respondent or respondents when granting custody or guardianship pursuant
37 to article six of this act under this section or granting guardianship
38 under article seventeen of the surrogate's court procedure act.

39 (c) As part of the order granting custody or guardianship pursuant to
40 article six of this act or granting guardianship under article seventeen
41 of the surrogate's court procedure act, the court may require that the
42 local department of social services and the [law guardian] attorney for
43 the child receive notice of, and be made parties to, any subsequent
44 proceeding to modify the order of custody or guardianship granted pursu-
45 ant to the article six proceeding or the order of guardianship granted
46 pursuant to article seventeen of the surrogate's court procedure act;
47 provided, however, if the guardian and the local department of social
48 services had entered into an agreement to provide kinship guardianship
49 assistance payments for the child to the relative under title ten of
50 article six of the social services law, the order must require that the
51 local department of social services and the attorney for the child
52 receive notice of, and be made parties to, any such subsequent proceed-
53 ing regarding custody or guardianship of the child.

54 (d) An order entered in accordance with this section shall conclude
55 the court's jurisdiction over the proceeding held pursuant to this arti-
56 cle and the court shall not maintain jurisdiction over the parties for

1 the purposes of permanency hearings held pursuant to article ten-A of
2 this act.

3 (e) If the youth is over the age of fourteen years, the court shall
4 ascertain his or her preference for a suitable guardian. Notwithstand-
5 ing any other section of law, where the youth is over the age of eigh-
6 teen, he or she shall consent to the appointment of a suitable guardian.

7 § 8. Section 1089-a of the family court act, as added by chapter 519
8 of the laws of 2008, is amended to read as follows:

9 § 1089-a. Custody or guardianship with relatives or suitable persons
10 pursuant to article six of this act or guardianship pursuant to article
11 seventeen of the surrogate's court procedure act. (a) Where the perman-
12 ency plan is placement with a fit and willing relative, the court may
13 issue an order of custody or guardianship in response to a petition
14 filed by a relative or suitable person seeking custody or guardianship
15 of the child under article six of this act or an order of guardianship
16 of the child under article seventeen of the surrogate's court procedure
17 act at a permanency hearing held pursuant to this article and terminate
18 [the order] all pending orders issued pursuant to article ten of this
19 act if:

20 (i) the court finds that granting custody or guardianship of the child
21 to the relative or suitable person is in the best interests of the child
22 and that the termination of the order placing the child pursuant to
23 article ten of this act will not jeopardize the safety of the child. In
24 determining whether the best interests of the child will be promoted by
25 the granting of guardianship of the child to a relative who has cared
26 for the child as a foster parent, the court shall give due consideration
27 to the permanency goal of the child, the relationship between the child
28 and the relative, and whether the relative and the local department of
29 social services have entered into an agreement to provide kinship guar-
30 dianship assistance payments for the child to the relative under title
31 ten of article six of the social services law; and

32 (ii) the court finds that granting custody or guardianship of the
33 child to the relative or suitable person will provide the child with a
34 safe and permanent home; and

35 (iii) [the parents, the law guardian for the child, the local depart-
36 ment of social services, and the foster parent of the child who has been
37 the foster parent for the child for one year or more] all parties to the
38 permanency hearing consent to the issuance of an order of custody or
39 guardianship under article six of this act or the granting of guardian-
40 ship under article seventeen of the surrogate's court procedure act and
41 the termination of the order of placement pursuant to article ten of
42 this act; or

43 (iv) after a consolidated hearing on the permanency of the child and
44 the petition under article six of this act or article seventeen of the
45 surrogate's court procedure act;

46 (A) if a parent [of] or parents fail to consent to the granting of
47 custody or guardianship under article six of this act or the granting of
48 guardianship under article seventeen of the surrogate's court procedure
49 act, the court finds that extraordinary circumstances exist that support
50 granting an order of custody or guardianship under article six of this
51 act or the granting of guardianship under article seventeen of the
52 surrogate's court procedure act; or

53 (B) [if the local department of social services, the law guardian for
54 the child, or the foster parent of the child who has been the foster
55 parent for the child for one year or more] if a party other than the
56 parent or parents fail to consent to the granting of custody or guardi-

1 anship under article six of this act or the granting of guardianship
2 under article seventeen of the surrogate's court procedure act, the
3 court finds that granting custody or guardianship of the child to the
4 relative or suitable person is in the best interests of the child.

5 (b) An order made in accordance with the provisions of this section
6 shall set forth the required findings as described in subdivision (a) of
7 this section and shall result in the termination of any orders in effect
8 pursuant to article ten of this act or pursuant to this article.
9 Notwithstanding any other provision of law, the court shall not issue an
10 order of supervision nor may the court require the local department of
11 social services to provide services to the respondent or respondents
12 when granting custody or guardianship pursuant to article six of this
13 act or the granting of guardianship under article seventeen of the
14 surrogate's court procedure act in accordance with this section.

15 (c) As part of the order granting custody or guardianship to the rela-
16 tive or suitable person pursuant to article six of this act or the
17 granting of guardianship under article seventeen of the surrogate's
18 court procedure act, the court may require that the local department of
19 social services and the [law guardian] attorney for the child receive
20 notice of, and be made parties to, any subsequent proceeding to modify
21 the order of custody or guardianship granted pursuant to the article six
22 proceeding; provided, however, if the guardian and the local department
23 of social services have entered into an agreement to provide kinship
24 guardianship assistance payments for the child to the relative under
25 title ten of article six of the social services law, the order must
26 require that the local department of social services and the attorney
27 for the child receive notice of, and be made parties to, any such subse-
28 quent proceeding involving custody or guardianship of the child.

29 (d) Any order entered pursuant to this section shall conclude the
30 court's jurisdiction over the article ten proceeding and the court shall
31 not maintain jurisdiction over the proceeding for further permanency
32 hearings.

33 (e) If the youth is over the age of fourteen years, the court shall
34 ascertain his or her preference for a suitable guardian or custodian.
35 Notwithstanding any other section of law, where the youth is over the
36 age of eighteen, he or she shall consent to the appointment of a suit-
37 able guardian or custodian.

38 § 9. Section 1702 of the surrogate's court procedure act is amended by
39 adding a new subdivision 3 to read as follows:

40 3. Where the permanency goal for a foster child who is the subject of
41 a proceeding under article ten or ten-A of the family court act is
42 referral for legal guardianship, a petition filed under this article by
43 a fit and willing relative or other suitable person shall be filed with
44 the court before whom the most recent proceeding under article ten or
45 ten-A of the family court act is pending.

46 § 10. Subdivision 1 of section 1706 of the surrogate's court procedure
47 act, as amended by chapter 404 of the laws of 2008, is amended to read
48 as follows:

49 1. Where process is not issued or upon the return of process, the
50 court shall ascertain the age of the infant, the amount of his or her
51 personal property, the gross amount of the rents and profits of his or
52 her real estate during his or her minority and the sufficiency of the
53 security offered by the proposed guardian. With respect to applications
54 for appointment as a [permanent] guardian of a child, the [permanent]
55 guardian shall have the right and responsibility to make decisions,
56 including issuing any necessary consents, regarding the child's

1 protection, education, care and control, health and medical needs, and
2 the physical custody of the person of the child[, and]. A permanent
3 guardian may consent to the adoption of the child. Provided, however,
4 that nothing in this subdivision shall be construed to limit the ability
5 of a child to consent to his or her own medical care as may be otherwise
6 provided by law. If the [infant] youth is over the age of fourteen
7 years, the court shall ascertain his or her preference for a suitable
8 guardian. Notwithstanding any other section of law, where the [infant]
9 youth is over the age of eighteen, [the infant] he or she shall consent
10 to the appointment of a suitable guardian.

11 § 11. Subdivision 2 of section 1707 of the surrogate's court procedure
12 act, as amended by chapter 404 of the laws of 2008, is amended to read
13 as follows:

14 2. The term of office of a guardian of the person or property so
15 appointed expires when the infant attains majority, unless the infant
16 consents to the continuation of or appointment of a guardian after his
17 or her eighteenth birthday, in which case such term of office expires on
18 his or her twenty-first birthday, or after such other shorter period as
19 the court establishes upon good cause shown; except that the term of
20 office of a guardian of the person of an infant expires upon the
21 infant's marriage prior to attaining majority. The appointment of a
22 [permanent] guardian of a child shall expire when the infant or child
23 reaches the age of eighteen years, unless the infant or child consents
24 to the continuation of a guardian after his or her eighteenth birthday,
25 in which case such term of office expires on his or her twenty-first
26 birthday, or unless vacated by the court prior to the infant or child's
27 eighteenth or twenty-first birthday if the court finds that, based upon
28 clear and convincing evidence, the guardian failed to or is unable,
29 unavailable or unwilling to provide proper care and custody of the
30 infant or child, or that the guardianship is no longer in the best
31 interests of the infant or child. The court shall provide in its order
32 appointing a guardian of a child for whom the guardian and a local
33 department of social services have entered into an agreement under title
34 ten of article six of the social services law that the local department
35 of social services and the attorney for the child must receive notice
36 of, and be made parties to, any subsequent proceeding to vacate or modi-
37 fy the order of guardianship.

38 § 12. This act shall take effect January 1, 2011; provided, however,
39 that the amendments to paragraph (a) of subdivision 2 of section 153-k
40 of the social services law made by section one of this act shall not
41 affect the repeal of such section and shall be deemed repealed there-
42 with, and provided, further, however, that effective immediately, the
43 addition, amendment or repeal of any rule or regulation necessary for
44 the implementation of the kinship guardianship assistance program as
45 authorized under this act on its effective date are authorized and
46 directed to be made and completed on or before such effective date.

47 PART AA

48 Section 1. The family court act is amended by adding a new section 654
49 to read as follows:

50 § 654. Court ordered investigations. If a family court judge has
51 reasonable cause to suspect that a child in a proceeding under this part
52 may be an abused or neglected child as defined in subdivision (e) and
53 (f) of section one thousand twelve of this chapter, the court may order
54 the child protective service of the appropriate social services district

1 to conduct a child protective investigation only as described by the
2 social services law and report its findings to the court. The court
3 shall set forth in such order the reasonable cause to suspect that a
4 child may be an abused or neglected child. The timeframe for completion
5 of such investigation shall not be less than that provided under section
6 four hundred twenty-four of the social services law. The court may
7 direct that the child protective services provide the court with the
8 seven-day preliminary written report of the initial investigation from
9 subdivision three of section four hundred twenty-four of the social
10 services law.

11 § 2. The family court act is amended by adding a new section 662-a to
12 read as follows:

13 § 662-a. Court ordered investigations. If a family court judge has
14 reasonable cause to suspect that a child in a proceeding under this part
15 may be an abused or neglected child as defined in subdivision (e) and
16 (f) of section one thousand twelve of this chapter, the court may order
17 the child protective service of the appropriate social services district
18 to conduct a child protective investigation only as described by the
19 social services law and report its findings to the court. The court
20 shall set forth in such order the reasonable cause to suspect that a
21 child may be an abused or neglected child. The timeframe for completion
22 of such investigation shall not be less than that provided under section
23 four hundred twenty-four of the social services law. The court may
24 direct that the child protective services provide the court with the
25 seven-day preliminary written report of the initial investigation from
26 subdivision three of section four hundred twenty-four of the social
27 services law.

28 § 3. Section 716 of the family court act, as amended by chapter 398 of
29 the laws of 1983, is amended to read as follows:

30 § 716. Substitution of petition. On its own motion and at any time in
31 the proceedings, the court may substitute a neglect petition under arti-
32 cle ten for a petition to determine whether a person is in need of
33 supervision. If a family court judge has reasonable cause to suspect
34 that a child in a proceeding under this part may be an abused or
35 neglected child as defined in subdivision (e) and (f) of section one
36 thousand twelve of this chapter, the court may order the child protec-
37 tive service of the appropriate social services district to conduct a
38 child protective investigation only as described by the social services
39 law and report its findings to the court. The court shall set forth in
40 such order the reasonable cause to suspect that a child may be an abused
41 or neglected child. The timeframe for completion of such investigation
42 shall not be less than that provided under section four hundred twenty-
43 four of the social services law. The court may direct that the child
44 protective services provide the court with the seven-day preliminary
45 written report of the initial investigation from subdivision three of
46 section four hundred twenty-four of the social services law.

47 § 4. Subdivision 1 of section 1034 of the family court act, as amended
48 by chapter 627 of the laws of 1978 and the opening paragraph as amended
49 by chapter 329 of the laws of 2009, is amended to read as follows:

50 1. [A] (a) If a family court judge has reasonable cause to suspect
51 that a child may be an abused or neglected child as defined in subdivi-
52 sion (e) and (f) of section one thousand twelve of this article, the
53 court may order the child protective service of the appropriate social
54 services district to conduct a child protective investigation only as
55 described by the social services law and report its findings to the
56 court:

1 [(a)] (i) in any proceedings under this article, or
 2 [(b)] (ii) in any proceeding under part three or four of article six
 3 or under article seven of this chapter, in order to determine whether a
 4 proceeding under this article should be initiated.

5 (b) The court shall set forth in such order the reasonable cause to
 6 suspect that a child may be an abused or neglected child.

7 (c) The timeframe for completion of such investigation shall not be
 8 less than that provided under section four hundred twenty-four of the
 9 social services law. The court may direct that the child protective
 10 services provide the court with the seven-day preliminary written report
 11 of the initial investigation from subdivision three of section four
 12 hundred twenty-four of the social services law.

13 § 5. This act shall take effect on the thirtieth day after it shall
 14 have become a law.

15

PART BB

16 Section 1. The family court act is amended by adding a new section 159
 17 to read as follows:

18 § 159. Testimony and attendance by telephone, audio-visual means, or
 19 other electronic means. (a) Where the court has granted an application
 20 to permit a party or interested person to attend, or a witness to testi-
 21 fy by telephonic, audio-visual, or other electronic means in accordance
 22 with the provisions of section 302.4, six hundred twenty-four-a, seven
 23 hundred nineteen, one thousand nineteen or one thousand eighty-six-a of
 24 this chapter, or the provisions of section three hundred eighty-four-b
 25 of the social services law, any testimony taken by telephonic, audio-vi-
 26 sual, or other electronic means shall be recorded and preserved for
 27 transcription.

28 (b) Where a party, an interested person or witness testifies by tele-
 29 phonic, audio-visual, or other electronic means documentary evidence
 30 referred to by a party, an interested person, a witness or the court may
 31 be transmitted by facsimile, telecopier, or other electronic means and
 32 may not be excluded from evidence by reason of an objection based on the
 33 means of transmission or the fact that the original document is not
 34 before the court.

35 (c) The chief administrator of the courts shall promulgate rules to
 36 facilitate the taking of testimony by telephonic, audio-visual or other
 37 electronic means and the transmission of documentary evidence by facsim-
 38 ile, telecopier or other electronic means.

39 § 2. The family court act is amended by adding a new section 302.4 to
 40 read as follows:

41 § 302.4. Testimony and attendance by telephone, audio-visual means or
 42 other electronic means. Notwithstanding any law to the contrary, the
 43 court may permit a party or an interested person to attend, or a witness
 44 to testify at a preliminary court proceeding, dispositional or permanen-
 45 cy hearing by telephonic, audio-visual, or other electronic means, as
 46 available, at a designated family court or other acceptable location
 47 where:

48 1. such party, interested person or witness resides in a county other
 49 than that of the family court where the case is pending;

50 2. such party, interested person or witness is presently incarcerated
 51 and will be incarcerated on the date on which the matter is scheduled to
 52 be heard;



1 3. the court determines that it would be an undue hardship for such
2 party, interested person, or witness to attend or testify at the family
3 court where the case is pending;

4 4. all parties concur; or

5 5. other good cause is shown.

6 § 3. The family court act is amended by adding a new section 624-a to
7 read as follows:

8 § 624-a. Testimony and attendance by telephone, audio-visual means or
9 other electronic means. (a) Notwithstanding any law to the contrary, the
10 court may permit an incarcerated parent or guardian to attend or testify
11 by telephonic, audio-visual, or other electronic means, as available, at
12 a fact-finding hearing in accordance with this part where:

13 (i) the court receives proof of: (A) proper service upon the parent or
14 guardian of the petition to terminate parental rights of such parent or
15 guardian; and (B) that reasonable and substantial efforts to secure the
16 presence of the incarcerated parent or guardian at such proceeding were
17 made; and

18 (ii) the incarcerated parent or guardian (A) is represented by coun-
19 sel; (B) is afforded the opportunity to have a personal representative
20 present at such proceeding; and (C) has elected in writing or on the
21 record to appear by such telephonic, audio-visual, or other electronic
22 means as are available.

23 Nothing contained herein shall be deemed to create any right beyond
24 that set forth in section two hundred sixty-two of this act to represen-
25 tation by counsel in termination of parental rights proceedings.

26 (b) Notwithstanding any law to the contrary, the court may permit a
27 party or an interested person to attend, or a witness to testify by
28 telephonic, audio-visual or other electronic means, as available, at a
29 dispositional hearing at a designated family court or other acceptable
30 location where:

31 (i) such party, interested person, or witness resides in a county
32 other than that of the family court where the case is pending;

33 (ii) such party, interested person, or witness is presently incarcer-
34 ated and will be incarcerated on the date on which the matter is sched-
35 uled to be heard;

36 (iii) the court determines that it would be an undue hardship for such
37 party, interested person, or witness to attend or testify at the family
38 court where the case is pending;

39 (iv) all parties concur; or

40 (v) other good cause is shown.

41 § 4. The family court act is amended by adding a new section 719 to
42 read as follows:

43 § 719. Testimony and attendance by telephone, audio-visual means or
44 other electronic means. Notwithstanding any law to the contrary, the
45 court may permit a party or an interested person to attend, or a witness
46 to testify at a preliminary court proceeding, dispositional or permanen-
47 cy hearing by telephonic, audio-visual or other electronic means, as
48 available, at a designated family court or other acceptable location
49 where:

50 (a) such party, interested person, or witness resides in a county
51 other than that of the family court where the case is pending;

52 (b) such party, interested person or witness is presently incarcerated
53 and will be incarcerated on the date on which the matter is scheduled to
54 be heard;

1 (c) the court determines that it would be an undue hardship for such
2 party, interested person, or witness to attend or testify at the family
3 court where the case is pending;

4 (d) all parties concur; or

5 (e) other good cause is shown.

6 § 5. The family court act is amended by adding a new section 1019 to
7 read as follows:

8 § 1019. Testimony and attendance by telephone, audio-visual means or
9 other electronic means. Notwithstanding any law to the contrary, the
10 court may permit a party or an interested person to attend, or a witness
11 to testify, at a preliminary court proceeding or dispositional hearing
12 by telephonic, audio-visual or other electronic means, as available, at
13 a designated family court or other acceptable location where:

14 (a) such party, interested person or witness resides in a county other
15 than that of the family court where the case is pending;

16 (b) such party, interested person or witness is presently incarcerated
17 and will be incarcerated on the date on which the matter is scheduled to
18 be heard;

19 (c) the court determines that it would be an undue hardship for such
20 party, interested person, or witness to attend or testify at the family
21 court where the case is pending;

22 (d) all parties concur; or

23 (e) other good cause is shown.

24 § 6. The family court act is amended by adding a new section 1086-a to
25 read as follows:

26 § 1086-a. Testimony and attendance by telephone, audio-visual means or
27 other electronic means. Notwithstanding any law to the contrary, the
28 court may permit a party or an interested person to attend, or a witness
29 to testify at, such permanency hearing by telephonic, audio-visual or
30 other electronic means, as available, at a designated family court or
31 other acceptable location where:

32 (a) such party, interested person or witness resides in a county other
33 than that of the family court where the case is pending;

34 (b) such party, interested person or witness is presently incarcerated
35 and will be incarcerated on the date on which the matter is scheduled to
36 be heard;

37 (c) the court determines that it would be an undue hardship for such
38 party, interested person or witness to attend or testify at the family
39 court where the case is pending;

40 (d) the parties concur; or

41 (e) other good cause is shown.

42 § 7. Subdivision 3 of section 384-b of the social services law is
43 amended by adding two new paragraphs (m) and (n) to read as follows:

44 (m) Notwithstanding any law to the contrary, the court may permit an
45 incarcerated parent or guardian to attend or testify by telephonic,
46 audio-visual or other electronic means at a fact-finding hearing in
47 accordance with this section where:

48 (i) the court receives proof of: (A) proper service upon the parent or
49 guardian of the petition to terminate parental rights of such parent or
50 guardian; and (B) that reasonable and substantial efforts to secure the
51 presence of the incarcerated parent or guardian at such proceeding were
52 made; and

53 (ii) the incarcerated parent or guardian (A) is represented by coun-
54 sel; (B) is afforded the opportunity to have a personal representative
55 present at such proceeding; and (C) has elected in writing or on the

1 record to appear by such telephonic, audio-visual, or other electronic
2 means as are available.

3 Nothing contained herein shall be deemed to create any right beyond
4 that set forth in section two hundred sixty-two of the family court act
5 to representation by counsel in termination of parental rights
6 proceedings.

7 (n) Notwithstanding any law to the contrary, the court may permit a
8 party or an interested person to attend, or a witness to testify, other
9 than at a fact-finding hearing, by telephonic, audio-visual or other
10 electronic means at a designated family court or other acceptable
11 location where:

12 (i) such party, interested person or witness resides in a county other
13 than that of the family court where the case is pending;

14 (ii) such party, interested person, or witness is presently incarcer-
15 ated and will be incarcerated on the date on which the matter is sched-
16 uled to be heard;

17 (iii) the court determines that it would be an undue hardship for such
18 party, interested person or witness to attend or testify at the family
19 court where the case is pending;

20 (iv) all parties concur; or

21 (v) other good cause is shown.

22 § 8. This act shall take effect on April 1, 2010.

23

PART CC

24 Section 1. Subdivisions 1, 4 and 5 of section 447-a of the social
25 services law, as added by chapter 569 of the laws of 2008, are amended
26 to read as follows:

27 1. The term "sexually exploited child" means any person under the age
28 of eighteen who has been subject to sexual exploitation because he or
29 she:

30 (a) is the victim of the crime of sex trafficking as defined in
31 section 230.34 of the penal law;

32 (b) [is an abused child as defined in paragraph (iii) of subdivision
33 (e) of section ten hundred twelve of the family court act;

34 (c)] engages in any act as defined in section 230.00 or 240.37 of the
35 penal law;

36 [(d)] (c) is a victim of the crime of compelling prostitution as
37 defined in section 230.33 of the penal law;

38 [(e)] (d) engages in acts or conduct described in article two hundred
39 sixty-three of the penal law.

40 4. The term "safe house" means a residential facility operated by an
41 authorized agency as defined in subdivision ten of section three hundred
42 seventy-one of this article including a residential facility operating
43 as part of an approved runaway program as defined in subdivision four of
44 section five hundred thirty-two-a of the executive law or a not-for-pro-
45 fit agency with experience in providing services to sexually exploited
46 youth and approved in accordance with the regulations of the office of
47 children and family services that provides shelter for sexually
48 exploited children. In addition, a long-term safe house may be operated
49 by a transitional independent living support program as defined in
50 subdivision six of section five hundred thirty-two-a of the executive
51 law. A safe house [created under this article] serving sexually
52 exploited children as defined in this title shall provide or assist in
53 securing necessary services for such sexually exploited children either
54 through direct provision of services, or through written agreements with

1 other community and public agencies for the provision of services
2 including but not limited to housing, assessment, case management,
3 medical care, legal, mental health and substance and alcohol abuse
4 services. Where appropriate such safe house in accordance with a service
5 plan for such sexually exploited child may also provide counseling and
6 therapeutic services, educational services including life skills
7 services and planning services to successfully transition residents back
8 to the community. [The safe house shall be available as a final disposi-
9 tion pursuant to section seven hundred fifty-six of the family court act
10 to any sexually exploited child who is in need of long term housing.]
11 Nothing in the provisions of this [article] title or article nineteen-H
12 of the executive law shall prevent a child who is the subject of a
13 proceeding which has not reached final disposition from residing at the
14 safe house for the duration of that proceeding nor shall it prevent any
15 sexually exploited child who is not the subject of a proceeding from
16 residing at the safe house. An advocate employed by a short-term safe
17 house or other appropriate staff of a short-term safe house shall, to
18 the maximum extent possible, preferably within twenty-four hours but
19 within no more than seventy-two hours following a sexually exploited
20 child's admission into the program other than pursuant to a court order,
21 notify such child's parent, guardian or custodian of his or her physical
22 and emotional condition and the circumstances surrounding the child's
23 presence at the program, unless there are compelling circumstances why
24 the parent, guardian or custodian should not be so notified. Where such
25 circumstances exist, the advocate or other appropriate staff member
26 shall either file an appropriate petition in the family court, refer the
27 youth to the local social services district, or in instances where abuse
28 or neglect is suspected, report such case pursuant to title six of this
29 article.

30 5. The term "community-based program" means a program operated by a
31 not-for-profit organization that provides services such as street
32 outreach, voluntary drop-in services, peer counseling, individual coun-
33 seling, family-therapy and referrals for services such as educational
34 and vocational training and health care. Any such community-based
35 program [funded under this article shall] may also work with the safe
36 house [created under this article] serving sexually exploited children
37 as defined in this title to provide transitional services to such chil-
38 dren returning to the community.

39 § 2. Subdivisions 1, 2, 3, 5 and 6 of section 447-b of the social
40 services law, as added by chapter 569 of the laws of 2008, are amended
41 to read as follows:

42 1. Notwithstanding any inconsistent provision of law, pursuant to
43 regulations of the office of children and family services, every local
44 social services district shall as a component of the district's multi-
45 year consolidated services child welfare services plan address the child
46 welfare services needs of sexually exploited children and to the extent
47 that funds are available specifically therefor ensure that [preventative
48 services including] a short-term safe house or another short-term safe
49 placement such as an approved runaway and homeless youth program,
50 approved respite or crisis program providing crisis intervention or
51 respite services or community-based program to serve sexually exploited
52 children is available to children residing in such district. Nothing in
53 this section shall prohibit a local social services district from
54 utilizing existing respite or crisis intervention services already oper-
55 ated by such social services district or homeless youth programs or
56 services for victims of human trafficking pursuant to article ten-D of

1 this chapter so long as the staff members have received appropriate
2 training approved by the office of children and family services regard-
3 ing sexually exploited children and the existing programs and facilities
4 provide a safe, secure and appropriate environment for sexually
5 exploited children. Crisis intervention services, short-term safe house
6 care and community-based programming may, where appropriate, be provided
7 by the same not-for-profit agency. Local social services districts may
8 work cooperatively to provide such short-term safe house or other short-
9 term safe placement, services and programming and access to such place-
10 ment, services and programming may be provided on a regional basis,
11 provided, however, that every local social services district shall to
12 the extent that funds are available ensure that such placement, services
13 and programs shall be readily accessible to sexually exploited children
14 residing within the district.

15 2. All of the services created under this [article] title may, to the
16 extent possible provided by law, be available to all sexually exploited
17 children whether they are accessed voluntarily, as a condition of an
18 adjournment in contemplation of dismissal issued in criminal court,
19 through the diversion services created under section seven hundred thir-
20 ty-five of the family court act, through a proceeding under article
21 three of the family court act, a proceeding under article ten of the
22 family court act or through a referral from a local social services
23 agency.

24 3. The capacity of the crisis intervention services and community-
25 based programs in subdivision one of this section shall be based on the
26 number of sexually exploited children in each district who are in need
27 of such services. A determination of such need shall be made [annually]
28 in two thousand ten and every five years thereafter in every social
29 services district by the local commissioner of social services and be
30 included in the integrated county plan. Such determination shall be made
31 in consultation with local law enforcement, runaway and homeless youth
32 program providers, local probation departments, local social services
33 commissioners, the runaway and homeless youth coordinator for the local
34 social services district, local law guardians, presentment agencies,
35 public defenders and district attorney's offices and child advocates and
36 services providers who work directly with sexually exploited youth.

37 5. [The] To the extent funds are specifically appropriated therefor,
38 the office of children and family services shall contract with an appro-
39 priate not-for-profit agency with experience working with sexually
40 exploited children to operate at least one long-term safe house in a
41 geographically appropriate area of the state which shall provide safe
42 and secure long term housing and specialized services for sexually
43 exploited children throughout the state. The appropriateness of the
44 geographic location shall be determined taking into account the areas of
45 the state with high numbers of sexually exploited children and the need
46 for sexually exploited children to find shelter and long term placement
47 in a region that cannot be readily accessed by the perpetrators of sexu-
48 al exploitation. The need for more than one long-term safe house shall
49 be determined by the office of children and family services based on the
50 numbers and geographical location of sexually exploited children within
51 the state. Nothing herein shall be construed to preclude an agency from
52 applying for and accepting grants, gifts and bequests of funds from
53 private individuals, foundations and the federal government for the
54 purpose of creating or carrying out the duties of a long-term safe
55 house.

1 6. The local social services commissioner may, to the extent that
2 funds are available, in conjunction with the division of criminal
3 justice services and local law enforcement officials, contract with an
4 appropriate not-for-profit agency with experience working with sexually
5 exploited children to train law enforcement officials who are likely to
6 encounter sexually exploited children in the course of their law
7 enforcement duties on the provisions of this section and how to identify
8 and obtain appropriate services for sexually exploited children. Local
9 social services districts may work cooperatively to provide such train-
10 ing and such training may be provided on a regional basis. The [office
11 of children and family services] division of criminal justice services
12 shall assist local social services districts in obtaining any available
13 funds for the purposes of conducting law enforcement training from the
14 federal justice department [and/or] and the office of juvenile justice
15 and delinquency prevention.

16 § 3. Paragraph (c) of subdivision 4 of section 305.2 of the family
17 court act, as added by chapter 920 of the laws of 1982, is amended and
18 two new paragraphs (d) and (e) are added to read as follows:

19 (c) take the child to a place certified by the [state division for
20 youth] office of children and family services as a juvenile detention
21 facility for the reception of children[.]; or

22 (d) take the child who such officer has decided to take into custody
23 in accordance with this section or section 305.1 of this part for
24 violating the provisions of section 230.00 or 240.37 of the penal law,
25 to an available short-term safe house as defined in subdivision two of
26 section four hundred forty-seven-a of the social services law; or

27 (e) take the child, if it appears that such child is a sexually
28 exploited child as defined in paragraph (a), (c) or (d) of subdivision
29 one of section four hundred forty-seven-a of the social services law, to
30 an available short-term safe house, but only if the child consents to be
31 taken.

32 § 4. Subdivision 3 of section 311.4 of the family court act, as added
33 by chapter 569 of the laws of 2008, is amended to read as follows:

34 3. In any proceeding under this article based upon an arrest for an
35 act of prostitution or where it appears that the respondent engaged in
36 loitering for the purpose of engaging in a prostitution offense, there
37 is a presumption that the respondent meets the criteria [for a certif-
38 ication] as a victim of a severe form of trafficking as defined in
39 section 7105 of title 22 of the United States Code (Trafficking Victims
40 Protection Act of 2000). Upon the motion of the respondent, without the
41 consent of the presentment agency, a petition alleging that the respond-
42 ent is in need of supervision shall be substituted for the delinquency
43 petition. If, however, the respondent [is not a victim of a severe form
44 of trafficking as defined by the federal Trafficking Victims Protection
45 Act of 2000] was not intimidated, forced, threatened or coerced into
46 engaging in prostitution or loitering for the purposes of engaging in a
47 prostitution offense, or has been previously [found] adjudicated as a
48 juvenile delinquent under this article [to have committed an offense]
49 for an act which would be a crime pursuant to article two hundred thirty
50 of the penal law if the respondent was an adult, or has been previously
51 adjudicated under section seven hundred fifty-two of this chapter and
52 placed with a commissioner of social services pursuant to [subdivisions]
53 subdivision (a) [and (b)] of section seven hundred fifty-six of this
54 chapter, or expresses a current unwillingness to cooperate with special-
55 ized services for sexually exploited youth, continuing with the delin-
56 quency proceeding shall be within the court's discretion. The necessary

1 findings of fact to support the continuation of the delinquency proceed-
2 ing shall be reduced to writing and made part of the court record. If,
3 subsequent to issuance of a substitution order under this subdivision
4 and prior to the conclusion of the fact finding hearing on the petition
5 alleging that the respondent is a person in need of supervision, the
6 respondent is not in substantial compliance with a lawful order of the
7 court, the court may, in its discretion, substitute [a] the original
8 petition alleging that the respondent is a juvenile delinquent for the
9 petition alleging that the respondent is in need of supervision.

10 § 5. Subdivision 3 of section 320.5 of the family court act is amended
11 by adding a new paragraph (d) to read as follows:

12 (d) If the respondent may be a sexually exploited child as defined in
13 subdivision one of section four hundred forty-seven-a of the social
14 services law, the court may direct the respondent to an available short-
15 term safe house as a condition of release.

16 § 6. Section 353.3 of the family court act, as added by chapter 920 of
17 the laws of 1982, paragraphs (a), (b) and (c) of subdivision 3 and
18 subdivision 4 as amended by chapter 465 of the laws of 1992, subdivision
19 5 as amended and subdivision 10 as added by chapter 419 of the laws of
20 1987 and subdivision 7 as amended by chapter 181 of the laws of 2000, is
21 amended to read as follows:

22 § 353.3 Placement. 1. In accordance with section 352.2 of this part,
23 the court may place the respondent in his own home or in the custody of
24 a suitable relative or other suitable private person or the commissioner
25 of the local social services district or [the division for youth] the
26 office of children and family services pursuant to article nineteen-G of
27 the executive law, subject to the orders of the court.

28 2. Where the respondent is placed with the commissioner of the local
29 social services district, the court may direct the commissioner to place
30 him or her with an authorized agency or class of authorized agencies,
31 including, if the court finds that the respondent is a sexually
32 exploited child as defined in subdivision one of section four hundred
33 forty-seven-a of the social services law, an available long-term safe
34 house. Unless the dispositional order provides otherwise, the court so
35 directing shall include one of the following alternatives to apply in
36 the event that the commissioner is unable to so place the respondent:

37 (a) the commissioner shall apply to the court for an order to stay,
38 modify, set aside, or vacate such directive pursuant to the provisions
39 of section 355.1 of this part; or

40 (b) the commissioner shall return the respondent to the family court
41 for a new dispositional hearing and order.

42 3. Where the respondent is placed with the [division for youth] office
43 of children and family services, the court shall, unless it directs the
44 [division] office to place him or her with an authorized agency or class
45 of authorized agencies, including if the court finds that the respondent
46 is a sexually exploited child as defined in subdivision one of section
47 four hundred forty-seven-a of the social services law, an available
48 long-term safe house pursuant to subdivision four of this section,
49 authorize the [division] office to do one of the following:

50 (a) place the respondent in a secure facility without a further hear-
51 ing at any time or from time to time during the first sixty days of
52 residency in [division for youth] office of children and family services
53 facilities. Notwithstanding the discretion of the [division] office to
54 place the respondent in a secure facility at any time during the first
55 sixty days of residency in a [division for youth] office of children and
56 family services facility, the respondent may be placed in a non-secure

1 facility. In the event that the [division] office desires to transfer a
2 respondent to a secure facility at any time after the first sixty days
3 of residency in [division] office facilities, a hearing shall be held
4 pursuant to subdivision three of section five hundred four-a of the
5 executive law; or

6 (b) place the respondent in a limited secure facility. The respondent
7 may be transferred by the [division] office to a secure facility after a
8 hearing is held pursuant to section five hundred four-a of the executive
9 law; provided, however, that during the first twenty days of residency
10 in [division] office facilities, the respondent shall not be transferred
11 to a secure facility unless the respondent has committed an act or acts
12 which are exceptionally dangerous to the respondent or to others; or

13 (c) place the respondent in a non-secure facility. No respondent
14 placed pursuant to this paragraph may be transferred by the [division
15 for youth] office of children and family services to a secure facility.

16 4. Where the respondent is placed with the [division for youth] office
17 of children and family services, the court may direct the [division]
18 office to place the respondent with an authorized agency or class of
19 authorized agencies, including, if the court finds that the respondent
20 is a sexually exploited child as defined in subdivision one of section
21 four hundred forty-seven-a of the social services law, an available
22 long-term safe house, and in the event the [division] office is unable
23 to so place the respondent or, discontinues the placement with the
24 authorized agency, the respondent shall be deemed to have been placed
25 with the [division] office pursuant to paragraph (b) or (c) of subdivi-
26 sion three of this section. In such cases, the [division] office shall
27 notify the court, presentment agency, law guardian and parent or other
28 person responsible for the respondent's care, of the reason for discon-
29 tinuing the placement with the authorized agency and the level and
30 location of the youth's placement.

31 5. If the respondent has committed a felony the initial period of
32 placement shall not exceed eighteen months. If the respondent has
33 committed a misdemeanor such initial period of placement shall not
34 exceed twelve months. If the respondent has been in detention pending
35 disposition, the initial period of placement ordered under this section
36 shall be credited with and diminished by the amount of time spent by the
37 respondent in detention prior to the commencement of the placement
38 unless the court finds that all or part of such credit would not serve
39 the needs and best interests of the respondent or the need for
40 protection of the community.

41 6. The court may at any time conduct a hearing in accordance with
42 section 355.1 of this part concerning the need for continuing a place-
43 ment.

44 7. The place in which or the person with whom the respondent has been
45 placed under this section shall submit a report to the court, law guard-
46 ian or attorney of record, and presentment agency at the conclusion of
47 the placement period, except as provided in paragraphs (a) and (b) of
48 this subdivision. Such report shall include recommendations and such
49 supporting data as is appropriate. The court may extend a placement
50 pursuant to section 355.3 of this [article] part.

51 (a) Where the respondent is placed pursuant to subdivision two or
52 three of this section and where the agency is not seeking an extension
53 of the placement pursuant to section 355.3 of this [article] part, such
54 report shall be submitted not later than thirty days prior to the
55 conclusion of the placement.

1 (b) Where the respondent is placed pursuant to subdivision two or
2 three of this section and where the agency is seeking an extension of
3 the placement pursuant to section 355.3 of this [article] part and a
4 permanency hearing pursuant to section 355.5 of this [article] part,
5 such report shall be submitted not later than sixty days prior to the
6 date on which the permanency hearing must be held and shall be annexed
7 to the petition for a permanency hearing and extension of placement.

8 (c) Where the respondent is placed pursuant to subdivision two or
9 three of this section, such report shall contain a plan for the release,
10 or conditional release (pursuant to section five hundred ten-a of the
11 executive law), of the respondent to the custody of his or her parent or
12 other person legally responsible, to independent living or to another
13 permanency alternative as provided in paragraph (d) of subdivision seven
14 of section 355.5 of this [article] part. If the respondent is subject
15 to article sixty-five of the education law or elects to participate in
16 an educational program leading to a high school diploma, such plan shall
17 include, but not be limited to, the steps that the agency with which the
18 respondent is placed has taken and will be taking to facilitate the
19 enrollment of the respondent in a school or educational program leading
20 to a high school diploma following release, or, if such release occurs
21 during the summer recess, upon the commencement of the next school term.
22 If the respondent is not subject to article sixty-five of the education
23 law and does not elect to participate in an educational program leading
24 to a high school diploma, such plan shall include, but not be limited
25 to, the steps that the agency with which the respondent is placed has
26 taken and will be taking to assist the respondent to become gainfully
27 employed or enrolled in a vocational program following release.

28 8. In its discretion, the court may recommend restitution or require
29 services for the public good pursuant to section 353.6 of this part in
30 conjunction with an order of placement.

31 9. If the court places a respondent with the [division for youth]
32 office of children and family services pursuant to this section after
33 finding that such child committed a felony, the court may, in its
34 discretion, further order that such respondent shall be confined in a
35 residential facility for a minimum period set by the order, not to
36 exceed six months.

37 10. A placement pursuant to this section with the commissioner of the
38 local social services district shall not be directed in any detention
39 facility, but the court may direct detention pending transfer to a
40 placement authorized and ordered under this section for no more than
41 thirty days after the order of placement is made or in a city of one
42 million or more, for no more than fifteen days after such order of
43 placement is made. Such direction shall be subject to extension pursuant
44 to subdivision three of section three hundred ninety-eight of the social
45 services law.

46 § 7. Subdivision (a) of section 712 of the family court act, as
47 amended by chapter 569 of the laws of 2008, is amended to read as
48 follows:

49 (a) "Person in need of supervision". A person less than eighteen years
50 of age who does not attend school in accordance with the provisions of
51 part one of article sixty-five of the education law or who is incorrigi-
52 ble, ungovernable or habitually disobedient and beyond the lawful
53 control of a parent or other person legally responsible for such child's
54 care, or other lawful authority, or who violates the provisions of
55 section 221.05, 230.00, or 240.37 of the penal law, or who appears to be
56 a sexually exploited child as defined in paragraph (a), (c) or (d) of

1 subdivision one of section four hundred forty-seven-a of the social
2 services law, but only if the child consents to the filing of a petition
3 under this article.

4 § 8. Subdivision 5 of section 720 of the family court act is amended
5 by adding a new paragraph (c) to read as follows:

6 (c) If the respondent may be a sexually exploited child as defined in
7 subdivision one of section four hundred forty-seven-a of the social
8 services law, the court may direct the respondent to an available short-
9 term safe house as defined in subdivision two of section four hundred
10 forty-seven-a of the social services law as an alternative to detention.

11 § 9. Subdivisions (a), (b), (c) and (d) of section 732 of the family
12 court act, subdivision (a) as amended by chapter 569 of the laws of
13 2008, subdivisions (b) and (c) as amended and subdivision (d) as added
14 by section 6 of part E of chapter 57 of the laws of 2005, are amended to
15 read as follows:

16 (a) (i) the respondent is an habitual truant or is incorrigible, ungo-
17 vernable, or habitually disobedient and beyond the lawful control of his
18 or her parents, guardian or lawful custodian, or has been the victim of
19 sexual exploitation as defined in subdivision one of section four
20 hundred forty-seven-a of the social services law, and specifying the
21 acts on which the allegations are based and the time and place they
22 allegedly occurred. Where habitual truancy is alleged or the petitioner
23 is a school district or local educational agency, the petition shall
24 also include the steps taken by the responsible school district or local
25 educational agency to improve the school attendance and/or conduct of
26 the respondent;

27 [(b)] (ii) the respondent was under eighteen years of age at the time
28 of the specified acts;

29 [(c)] (iii) the respondent requires supervision or treatment; and

30 [(d)] (iv) the petitioner has complied with the provisions of section
31 seven hundred thirty-five of this article[.]; or

32 (b) the respondent appears to be a sexually exploited child as defined
33 in paragraph (a), (c) or (d) of subdivision one of section four hundred
34 forty-seven-a of the social services law but only if the child consents
35 to the filing of a petition under this article.

36 § 10. Subdivision (a) of section 739 of the family court act, as
37 amended by section 8 of part E of chapter 57 of the laws of 2005, is
38 amended to read as follows:

39 (a) After the filing of a petition under section seven hundred thir-
40 ty-two of this article, the court in its discretion may release the
41 respondent or direct his or her detention. If the respondent may be a
42 sexually exploited child as defined in subdivision one of section four
43 hundred forty-seven-a of the social services law, the court may direct
44 the respondent to an available short-term safe house as an alternative
45 to detention. However, the court shall not direct detention unless it
46 finds and states the facts and reasons for so finding that unless the
47 respondent is detained there is a substantial probability that the
48 respondent will not appear in court on the return date and all available
49 alternatives to detention have been exhausted.

50 § 11. Paragraph (ii) of subdivision (a) of section 756 of the family
51 court act, as amended by chapter 920 of the laws of 1982, is amended to
52 read as follows:

53 (ii) Where the child is placed with the commissioner of the local
54 social services district, the court may direct the commissioner to place
55 the child with an authorized agency or class of authorized agencies,
56 including, if the court finds that the respondent is a sexually

1 exploited child as defined in subdivision one of section four hundred
2 forty-seven-a of the social services law, an available long-term safe
3 house. Unless the dispositional order provides otherwise, the court so
4 directing shall include one of the following alternatives to apply in
5 the event that the commissioner is unable to so place the child:

6 § 12. Paragraph (i) of subdivision (a) of section 1055 of the family
7 court act, as amended by chapter 519 of the laws of 2008, is amended to
8 read as follows:

9 (i) For purposes of section one thousand fifty-two of this part the
10 court may place the child in the custody of a relative or other suitable
11 person pursuant to this article, or of the local commissioner of social
12 services or of such other officer, board or department as may be author-
13 ized to receive children as public charges, or a duly authorized associ-
14 ation, agency, society or in an institution suitable for the placement
15 of a child. The court may also place a child who it finds to be a sexu-
16 ally exploited child as defined in subdivision one of section four
17 hundred forty-seven-a of the social services law with the local commis-
18 sioner of social services for placement in an available long-term safe
19 house. The court may also place the child in the custody of the local
20 commissioner of social services and may direct such commissioner to have
21 the child reside with a relative or other suitable person who has indi-
22 cated a desire to become a foster parent for the child and further
23 direct such commissioner, pursuant to regulations of the office of chil-
24 dren and family services, to commence an investigation of the home of
25 such relative or other suitable person within twenty-four hours and
26 thereafter expedite approval or certification of such relative or other
27 suitable person, if qualified, as a foster parent. If such home is found
28 to be unqualified for approval or certification, the local commissioner
29 shall report such fact to the court forthwith so that the court may make
30 a placement determination that is in the best interests of the child.

31 § 13. Section 532-a of the executive law is amended by adding a new
32 subdivision 7 to read as follows:

33 7. "Safe house" shall mean a residential program for sexually
34 exploited children as defined in subdivision one of section four hundred
35 forty-seven-a of the social services law. An approved runaway program
36 may operate a short-term safe house, as defined in subdivision two of
37 section four hundred forty-seven-a of the social services law, for sexu-
38 ally exploited children. A transitional independent living support
39 program may operate a long-term safe house for sexually exploited chil-
40 dren.

41 § 14. This act shall take effect on the same date and in the same
42 manner as chapter 569 of the laws of 2008, as amended, takes effect.

43

PART DD

44 Section 1. Notwithstanding any provisions of law to the contrary, an
45 organization that is certified by the State Employment Relations Board
46 or any successor agency to be the designated unit representative of a
47 representative unit comprised of licensed group family day care home,
48 registered family day care home, or legally-exempt child care providers,
49 or some combination thereof, may require the providers in such a repre-
50 sentative unit that choose not to be members of the organization to pay
51 to the organization a payment for services rendered. The amount of the
52 payment shall not exceed the amount of dues uniformly required of the
53 providers in such representative unit who choose to be members of the
54 organization.

1 The provisions of this section shall only be applicable in the case of
2 a representative unit which has established and maintained a procedure
3 providing for the refund to any provider demanding the return of any
4 part of such a payment which represents the provider's pro rata share of
5 expenditures by the representation unit in aid of activities or causes
6 of a political or ideological nature only incidentally related to being
7 a licensed group family day care provider, registered family day care
8 provider or legally-exempt child care provider. Nothing in this section
9 shall be deemed to require a provider to become a member of such repre-
10 sentation unit. If the affected provider and the designated unit repre-
11 sentative are unable to reach an agreement on the matter, the State
12 Employment Relations Board or any successor agency may establish an
13 approved list of charitable organizations to which such payments may be
14 made. At the time of payment, the provider shall simultaneously send
15 verifiable notice of such payment to the designated unit representative.

16 For each non-member provider in a representative unit who is paid
17 directly by a social services district on behalf of one or more families
18 receiving subsidized child care services in accordance with the social
19 services law, the social services district shall deduct the amount of
20 the payment required under this section from child care subsidy funds
21 otherwise due to be paid to the provider and transmit such payment to
22 the applicable designated unit representative. The designated unit
23 representative will assume all the design, development and on-going
24 maintenance costs for any changes to the applicable payment systems of
25 the state or the city of New York, as applicable, and any other associ-
26 ated administrative costs necessary for the payments to be deducted and
27 transferred to the designated unit representative from payments due to
28 the applicable providers. Payments will only be deducted for activities
29 occurring after the completion of the necessary technical changes and
30 after the provision to the state by the designated unit representative
31 of information about those providers who are responsible for making
32 payments required under this section. Such information shall be provided
33 to the state, in a format determined by the state as is necessary to
34 electronically input the information into the applicable payment systems
35 to enable the systems to deduct and transfer the payments to the desig-
36 nated unit representative. The designated unit representative shall be
37 responsible for responding to all complaints and concerns regarding the
38 deduction of payments required under this section; provided, however,
39 that nothing in this section shall preclude any public entity from
40 appearing and making any arguments in any legal proceeding, or otherwise
41 representing their interests, concerning payments required under this
42 section. The designated unit representative shall indemnify and hold
43 the state and its social services districts harmless against any and all
44 claims, damages, suits, and other forms of liability which may arise out
45 of any action taken or not taken by the state or a social services
46 district for the purposes of complying with the provisions of this
47 section.

48 Should any part of this section or any provision contained herein be
49 determined to be contrary to law; be determined by the federal govern-
50 ment to jeopardize the receipt by the state of any federal child care
51 funds; and/or, in cases where it may be necessary, not be approved by
52 the federal government, such part or provision shall be deemed invalid;
53 provided, however, that invalidation of such part or provision shall not
54 invalidate the remaining portions of this section and the remaining
55 portions shall remain in full force and effect.

1 § 2. This act shall take effect immediately and shall expire September
2 30, 2013 when upon such date the provisions of this act shall be deemed
3 repealed.

4

PART EE

5 Section 1. Paragraph (b) of subdivision 1, subdivisions 2, 3, 4, 5,
6 and paragraph (c) of subdivision 6 of section 34-a of the social
7 services law, paragraph (b) of subdivision 1 as amended by chapter 231
8 of the laws of 1987, subdivision 2 as amended by chapter 677 of the laws
9 of 1985, subdivisions 3 and 5 as added by chapter 681 of the laws of
10 1981, subdivision 4 as amended by section 18 of part E of chapter 57 of
11 the laws of 2005 and paragraph (c) of subdivision 6 as added by chapter
12 160 of the laws of 2004, are amended to read as follows:

13 (b) [Commencing with the years following preparation of the multi-year
14 consolidated services plan, each] Each local district [shall also] may
15 be required by the commissioner to prepare [an annual implementation
16 report] other reports or updates to the multi-year services plan to
17 describe any significant changes to the services plan that occur during
18 the five-year plan cycle.

19 2. [(a)] The commissioner shall have authority to promulgate regu-
20 lations specifying the contents of both the multi-year services plan and
21 [the annual implementation] any other required reports or updates,
22 provided however that such regulations shall not be inconsistent with
23 the standards of review by the commissioner of such plan and reports
24 specified in subdivision four of this section.

25 [(b)] The regulations promulgated pursuant to paragraph (a) of this
26 subdivision shall require the multi-year services plan and where appro-
27 priate the annual implementation reports, to include a summary of the
28 understanding between the local social services district and the
29 district attorney's office, which outlines the cooperative procedures to
30 be followed by both parties in investigating incidents of child abuse
31 and maltreatment, consistent with their respective obligations for the
32 investigation or prosecution of such incidents, as otherwise required by
33 law.]

34 3. (a) There shall be a public [hearing] participation process to
35 provide public comment on the multi-year services plan [or each annual
36 implementation report. Commencing in nineteen hundred eighty-two, such
37 public hearing shall be held only after fifteen days notice is]. This
38 process must be easily accessible to the public and may include use of
39 the internet, a public hearing process, or other appropriate means.
40 Notice of the proposed plan submission and the public participation
41 process must be provided in a newspaper of general circulation within
42 the county, by posting on the county and the social services district
43 website, by signage within the district's offices and other public
44 buildings, or by other means of broad distribution. Such notice shall
45 specifically identify how to access the proposed county plan, the public
46 participation process, the times [of the public hearing in which] for
47 receipt of comments and the manner in which such comments may be submit-
48 ted on the child protective services and other services components of
49 the multi-year services plan or [annual implementation] other required
50 reports [are to be considered] or updates requiring public
51 participation.

52 (b) [Commencing in nineteen hundred eighty-two, after such hearing]
53 Following completion of the public participation process if required,
54 the multi-year services plan or [the annual implementation] other

1 required reports or updates shall be submitted for approval to the chief
2 executive officer of the county or to the legislative body in those
3 counties without a chief executive officer. Full approval of the multi-
4 year services plan or [of the annual implementation report] other
5 required reports or updates by the chief executive officer or legisla-
6 tive body shall be required before submission of such plan or report to
7 the commissioner.

8 (c) [Commencing in nineteen hundred eighty-two, the] The multi-year
9 services plan [or the annual implementation reports] or other required
10 reports or updates shall not be forwarded to the commissioner until at
11 least fifteen days have passed from the [date] end of the public [hear-
12 ing thereon] participation process, if required.

13 4. (a) Except as provided in paragraph (b) of this subdivision, the
14 commissioner shall review both the multi-year services plan and [the
15 annual implementation] any other required reports or updates submitted
16 by the social services district, using standards consistent with the
17 provisions of sections [one hundred thirty-one-1,] four hundred nine-d
18 and four hundred twenty-three of this chapter, and shall notify such
19 district, in writing, of approval of such plan [or reports], report or
20 update in whole or in part; provided, however, that for any portions not
21 approved, the commissioner shall in writing to the district specify the
22 portions not approved, the reasons for such determination, the actions
23 required for resubmittal of such portions, and the time period of resub-
24 mittal; and provided further, that disapproval of a portion of such plan
25 [or], report or update shall not render the entire plan [or], report or
26 update invalid. No portion of the multi-year services plan or [of the
27 annual implementation reports] other report or update shall be finally
28 disapproved until the district has had at least one opportunity for
29 resubmittal. Upon resubmittal, or if no resubmittal is made within the
30 time specified, the commissioner may grant further extensions to the
31 district to allow it to resubmit any unapproved portions, or may finally
32 disapprove such portions. Any social services district aggrieved by a
33 final disapproval of the commissioner under this section shall have the
34 right to a fair hearing in accordance with the appropriate provisions of
35 this chapter. An adverse fair hearing decision shall be reviewable
36 pursuant to article seventy-eight of the civil practice law and rules.
37 State reimbursement may be withheld for all or a portion of a local
38 district's activities, if the multi-year services plan, [annual imple-
39 mentation report,] other required report, update or portions [of either]
40 thereof are disapproved.

41 (b) The commissioner of the office of children and family services
42 shall review and approve or disapprove the diversion services portion of
43 the plan jointly with the director of probation and correctional alter-
44 natives or any other successor agency or entity. The requirements for
45 the portion of the plan and report regarding the provision of diversion
46 services shall be jointly established by the commissioner of the office
47 of children and family services and the director of probation and
48 correctional alternatives or any other successor agency or entity. The
49 multi-year services plan and where appropriate [the annual implementa-
50 tion] other required reports or updates shall be based upon a written
51 understanding between the local social services district and the
52 probation department which outlines the cooperative procedures to be
53 followed by both parties regarding diversion services pursuant to
54 section seven hundred thirty-five of the family court act, consistent
55 with their respective obligations as otherwise required by law.

1 5. The commissioner shall promulgate regulations concerning the time
2 by which:

3 (a) each local social services district shall submit its multi-year
4 services plan and [annual implementation report] other required reports
5 or updates;

6 (b) the commissioner shall, in writing, notify a local district of
7 approval or disapproval of all or parts of such district's multi-year
8 services plan or [annual implementation] other required reports or
9 updates; and

10 (c) each local social services district shall submit a revised version
11 of its multi-year services plan or [annual implementation report] other
12 required reports or updates, or parts thereof.

13 (c) The office of children and family services may waive any regulato-
14 ry requirements relating to the content and timing of multi-year consol-
15 idated services plans and [annual implementation] other required reports
16 or updates that may impede the ability of a county to implement a county
17 child and family services plan.

18 § 2. Paragraph (a) of subdivision 2 and subparagraph (ii) of paragraph
19 (e) of subdivision 4 of section 153-k of the social services law, as
20 added by section 15 of part C of chapter 83 of the laws of 2002, are
21 amended to read as follows:

22 (a) Notwithstanding the provisions of this chapter or of any other law
23 to the contrary, eligible expenditures by a social services district for
24 foster care services shall be subject to reimbursement with state funds
25 only to the extent of annual appropriations to the state foster care
26 block grant. Such foster care services shall include expenditures for
27 the provision and administration of: care, maintenance, supervision and
28 tuition; supervision of foster children placed in federally funded job
29 corps programs; and care, maintenance, supervision and tuition for adju-
30 dicated juvenile delinquents and persons in need of supervision placed
31 in residential programs operated by authorized agencies and in out-of-
32 state residential programs. Social services districts must develop and
33 implement children and family services delivery systems that are
34 designed to reduce the need for and the length of foster care placements
35 and must document their efforts in the multi-year consolidated services
36 plan and [the annual implementation] other required reports or updates
37 submitted pursuant to section thirty-four-a of this chapter.

38 (ii) Such a plan may include requests for a waiver of any statutory or
39 regulatory requirements established pursuant to sections thirty-four-a,
40 four hundred nine-d and four hundred nine-e of this chapter regarding
41 the form, content, development, or amendment of the child welfare
42 services plan component of the multi-year services plan and [the annual
43 implementation] other required reports or updates, family services plans
44 and uniform case records.

45 § 3. Section 409-d of the social services law, as added by chapter 611
46 of the laws of 1979, subdivisions 1 and 2 as amended and paragraph (a)
47 of subdivision 3 as added by chapter 231 of the laws of 1987, is amended
48 to read as follows:

49 § 409-d. District-wide child welfare services plan. 1. Each social
50 services district shall prepare and submit to the [department] office of
51 children and family services, in such form and manner and times as [the
52 department] such office shall by regulation require, a district-wide
53 child welfare services plan which shall be a component of the district's
54 multi-year consolidated services plan setting forth requested informa-
55 tion about: the child welfare services needs of children and families
56 for whom the social services district is or may be responsible[; histor-

1 ic program and fiscal trends of the district in the level of care, main-
2 tenance and services provided to children and their families, including
3 but not limited to expenditure trends], the child welfare services
4 provided and the children and families served [and costs of services
5 provided; an assessment of projected program and fiscal requirements of
6 the district in meeting identified needs in the next state fiscal year;
7 and a description of the resources known to be available or likely to
8 become available to meet those needs. Commencing the year following
9 preparation of a multi-year consolidated services plan, each]. Where
10 applicable, social services district shall prepare an [annual implemen-
11 tation report] update related to its child welfare services plan to
12 describe any significant changes to the plan during the five-year plan
13 cycle. As used in this section "services" shall mean and include preven-
14 tive services, foster care maintenance and services, and adoption
15 services. Such regulations shall [include but need not be limited to
16 criteria and methodology for determining child welfare services needs
17 and the adequacy of the resources known to be available or likely to
18 become available to meet those needs], to the extent practicable, be
19 limited to requiring the information necessary for the state to meet
20 federal reporting requirements and state statutory requirements, and, to
21 the extent practicable, provide a mechanism for localities to avoid
22 having to report duplicate information to multiple state agencies.

23 2. The child welfare services plan and [annual implementation] any
24 other required reports or updates shall be developed by the district in
25 consultation with other government agencies concerned with the welfare
26 of children residing in the district, authorized agencies, and other
27 concerned individuals and organizations. The plan and other required
28 reports and updates as submitted to the [department] office of children
29 and family services for approval and as approved by [the department]
30 such office shall be made available to such agencies, individuals and
31 organizations upon request.

32 3. (a) Each social services district shall submit its child welfare
33 services plan and [annual implementation] other required reports or
34 updates pertaining to this plan to the [department] office of children
35 and family services as a component of the multi-year consolidated
36 services plan and [subsequent annual implementation reports and the
37 department] such office shall review and approve or disapprove the
38 proposed plan or other required reports or updates in accordance with
39 the procedures set forth in section thirty-four-a of this chapter.

40 (b) Such plan or other required reports or updates shall not be
41 approved unless:

- 42 (i) it complies with the provisions of this section;
43 (ii) it demonstrates that child welfare services included in the plan
44 are appropriate to meet the assessed needs of the children and families
45 for whom the social services district is or may be responsible;
46 (iii) it is consistent with applicable provisions of this chapter and
47 regulations of [the department] such office promulgated thereunder; and
48 (iv) it is in the format and includes such standardized information
49 [and data] as may be required by [the department] such office to effec-
50 tively evaluate such [plans] plan, report or update.

51 § 4. Paragraph (a) of subdivision 3 of section 423 of the social
52 services law, as amended by chapter 231 of the laws of 1987 and such
53 paragraph as designated by chapter 707 of the laws of 1988, is amended
54 to read as follows:

55 [(a)] Each social services district shall prepare and submit to the
56 commissioner, after consultation with local law enforcement agencies,

1 the family court and appropriate public or voluntary agencies [including
2 societies for the prevention of cruelty to children] and after [a] an
3 opportunity for public [hearing] participation, a district-wide plan, as
4 prescribed by the commissioner, for the provision of child protective
5 services which shall be a component of the district's multi-year consol-
6 idated services plan. This plan shall describe the district's implemen-
7 tation of this title [including the organization, staffing, mode of
8 operations and financing of the child protective service as well as the
9 provisions made for purchase of service and inter-agency relations.
10 Commencing the year following preparation of a multi-year consolidated
11 services plan, each]. Where applicable, the local district shall prepare
12 [annual implementation reports including information] an update related
13 to its child protective services plan to describe any significant chang-
14 es to the plan during the five-year plan cycle. The social services
15 district shall submit the child protective services plan to the [depart-
16 ment] office of children and family services as a component of its
17 multi-year consolidated services plan [and subsequent thereto as a
18 component of its annual implementation reports] and [the department]
19 such office shall review and approve or disapprove the proposed plan
20 [and reports] and any other required reports or updates in accordance
21 with the procedures set forth in section thirty-four-a of this chapter.

22 § 5. Subdivision 5 of section 423 of the social services law is
23 REPEALED.

24 § 6. Subdivision 2 of section 459-c of the social services law, as
25 added by chapter 169 of the laws of 1994, is amended to read as follows:

26 2. To the extent that funds are appropriated expressly [therefore]
27 therefor and a social services district has exhausted its allocation
28 under title XX of the federal social security act, state reimbursement
29 shall be available for fifty percent of the expenditures made by a
30 social services district for those non-residential services provided to
31 victims of domestic violence which are included in the social services
32 district's multi-year consolidated services plans and [annual implemen-
33 tation] other required reports or updates approved by the [department]
34 office of children and family services pursuant to section thirty-four-a
35 of this chapter.

36 § 7. Paragraphs (b) and (c) of subdivision 2 of section 473 of the
37 social services law, paragraph (b) as amended and paragraph (c) as added
38 by chapter 231 of the laws of 1987, are amended to read as follows:

39 (b) Each social services district shall prepare, with the approval of
40 the chief executive officer, or the legislative body in those counties
41 without a chief executive officer, after consultation with appropriate
42 public, private and voluntary agencies, a district-wide plan for the
43 provision of adult protective services which shall be a component of the
44 district's multi-year consolidated services plan as required in section
45 thirty-four-a of this chapter. This plan shall describe the local imple-
46 mentation of this section including the organization, staffing, mode of
47 operations and financing of the adult protective services as well as the
48 provisions made for purchase of services, and inter-agency relations[,
49 inter-agency agreements, service referral mechanisms, and locus of
50 responsibility for cases with multi-agency services needs. Commencing
51 the year following preparation of a multi-year consolidated services
52 plan, each]. Where applicable, the local district shall prepare [annual
53 implementation reports including information related] an update to its
54 adult protective services plan describing any significant changes to the
55 plan during the five-year plan cycle, as required in section thirty-
56 four-a of [the social services law] this chapter.

1 (c) Each social services district shall submit the adult protective
2 services plan to the [department] office of children and family services
3 as a component of its multi-year consolidated services plan [and subse-
4 quent thereto as a component of its annual implementation reports] and
5 [the department] such office shall review and approve the proposed plan
6 and any other required reports or updates in accordance with the proce-
7 dures set forth in section thirty-four-a of this chapter.

8 § 8. This act shall take effect on the thirtieth day after it shall
9 have become a law; provided, however, that the amendments to paragraph
10 (a) of subdivision 2 and subparagraph (ii) of paragraph (e) of subdivi-
11 sion 4 of section 153-k of the social services law made by section two
12 of this act shall not affect the repeal of such section and shall be
13 deemed repealed therewith.

14

PART FF

15 Section 1. Paragraph (c) of subdivision 6 of section 529 of the execu-
16 tive law, as added by chapter 906 of the laws of 1973, is amended to
17 read as follows:

18 (c) The [director] commissioner of the [division for youth] office of
19 children and family services, subject to the approval of the director of
20 the budget and certification to the [chairmen] chairs of the senate
21 finance and assembly ways and means committees, may establish a single
22 per diem rate for all [division] office facilities or may establish
23 separate rates as may be appropriate to reflect the differentials in
24 cost of specific [division] office programs including making any adjust-
25 ments to the costs included in determining such rates to reflect any
26 changes in federal funding made available to the office or to social
27 services districts for such costs.

28 § 2. Subdivision 9 of section 529 of the executive law, as added by
29 section 2 of part G of chapter 57 of the laws of 2007, is amended to
30 read as follows:

31 9. All reimbursement made by social services districts for care, main-
32 tenance and supervision under this section shall be paid directly to the
33 state through the office of children and family services for deposit
34 into a miscellaneous special revenue fund known as the youth facility
35 per diem account. Notwithstanding any other provision of law, if a
36 social services district fails to provide reimbursement to such office
37 within sixty days of receiving a bill for such services or by the date
38 certain set by the office for providing such reimbursement, whichever is
39 later, the offices of the department of family assistance are authorized
40 to exercise the state's set-off rights by withholding any amounts due
41 and owing to such district from such office under this article or the
42 social services law up to the amounts due and owing to the state under
43 this section and transferring such funds to the youth facilities per
44 diem account.

45 § 3. This act shall take effect immediately and shall be deemed to
46 have been in full force and effect on and after April 1, 2010; provided,
47 however, that the provisions of section one of this act shall apply to
48 all per diems established by the office of children and family services
49 for office programs for the 2002 calendar year and thereafter; and
50 provided further, however, that the provisions of section two of this
51 act shall apply to all outstanding reimbursements due by social services
52 districts to the office of children and family services on or before
53 April 1, 2010 and thereafter.

1

PART GG

2 Section 1. Paragraphs (a-2) and (a-3) of subdivision 2 of section
3 131-a of the social services law, as added by section 1 of part Y of
4 chapter 57 of the laws of 2009, are amended and two new paragraphs (a-4)
5 and (a-5) are added to read as follows:

6 (a-2) For the period beginning July first, two thousand ten and ending
7 June thirtieth, two thousand eleven, the following schedule shall be the
8 standard of monthly need for determining eligibility for all categories
9 of assistance in and by all social services districts:

10	Number of Persons in Household					
11	One	Two	Three	Four	Five	Six
12	[\$141]	[\$225]	[\$300]	[\$386]	[\$477]	[\$551]
13	<u>\$134</u>	<u>\$214</u>	<u>\$285</u>	<u>\$366</u>	<u>\$452</u>	<u>\$522</u>

14 For each additional person in the household there shall be added an
15 additional amount of [seventy-five] seventy-one dollars monthly.

16 (a-3) For the period beginning July first, two thousand eleven and
17 [thereafter,] ending June thirtieth, two thousand twelve the following
18 schedule shall be the standard of monthly need for determining eligibil-
19 ity for all categories of assistance in and by all social services
20 districts:

21	Number of Persons in Household					
22	One	Two	Three	Four	Five	Six
23	[\$158]	[\$252]	[\$335]	[\$432]	[\$533]	[\$616]
24	<u>\$142</u>	<u>\$226</u>	<u>\$301</u>	<u>\$388</u>	<u>\$479</u>	<u>\$553</u>

25 For each additional person in the household there shall be added an
26 additional amount of [eighty-four] seventy-six dollars monthly.

27 (a-4) For the period beginning July first, two thousand twelve and
28 ending June thirtieth, two thousand thirteen, the following schedule
29 shall be the standard of monthly need for determining eligibility for
30 all categories of assistance in and by all social services districts:

31	Number of Persons in Household					
32	<u>One</u>	<u>Two</u>	<u>Three</u>	<u>Four</u>	<u>Five</u>	<u>Six</u>
33	<u>\$150</u>	<u>\$239</u>	<u>\$319</u>	<u>\$411</u>	<u>\$507</u>	<u>\$585</u>

34 For each additional person in the household there shall be added an
35 additional amount of eighty dollars monthly.

36 (a-5) For the period beginning July first, two thousand thirteen and
37 thereafter, the following schedule shall be the standard of monthly need
38 for determining eligibility for all categories of assistance in and by
39 all social services districts:

40	Number of Persons in Household					
41	<u>One</u>	<u>Two</u>	<u>Three</u>	<u>Four</u>	<u>Five</u>	<u>Six</u>
42	<u>\$159</u>	<u>\$253</u>	<u>\$338</u>	<u>\$435</u>	<u>\$537</u>	<u>\$619</u>

43 For each additional person in the household there shall be added an
44 additional amount of eighty-five dollars monthly.

45 § 2. Paragraphs (a-2) and (a-3) of subdivision 3 of section 131-a of
46 the social services law, as added by section 2 of part Y of chapter 57
47 of the laws of 2009, is amended and two new paragraphs (a-4) and (a-5)
48 are added to read as follows:

49 (a-2) For the period beginning July first, two thousand ten and ending
50 June thirtieth, two thousand eleven, persons and families determined to
51 be eligible by the application of the standard of need prescribed by the
52 provisions of subdivision two of this section, less any available income
53 or resources which are not required to be disregarded by other
54 provisions of this chapter, shall receive maximum monthly grants and

1 reimbursement. The office of temporary and disability assistance shall
2 develop a methodology for determining the reimbursement to social
3 services districts pursuant to this section.

4 § 4. This act shall take effect immediately and shall be deemed to
5 have been in full force and effect on and after April 1, 2010.

6

PART HH

7 Section 1. Paragraphs (a), (b), (c) and (d) of subdivision 1 of
8 section 131-o of the social services law, paragraphs (a), (b) and (d) as
9 amended and paragraph (c) as added by section 1 of part U of chapter 57
10 of the laws of 2009, are amended to read as follows:

11 (a) in the case of each individual receiving family care, an amount
12 equal to at least \$130.00 for each month beginning on or after January
13 first, two thousand [nine] ten.

14 (b) in the case of each individual receiving residential care, an
15 amount equal to at least \$150.00 for each month beginning on or after
16 January first, two thousand [nine] ten.

17 (c) in the case of each individual receiving enhanced residential
18 care, an amount equal to at least \$178.00 for each month beginning on or
19 after January first, two thousand [nine] ten.

20 (d) for the period commencing January first, two thousand [ten]
21 eleven, the monthly personal needs allowance shall be an amount equal to
22 the sum of the amounts set forth in subparagraphs one and two of this
23 paragraph:

24 (1) the amounts specified in paragraphs (a), (b) and (c) of this
25 subdivision; and

26 (2) the amount in subparagraph one of this paragraph, multiplied by
27 the percentage of any federal supplemental security income cost of
28 living adjustment which becomes effective on or after January first, two
29 thousand [ten] eleven, but prior to June thirtieth, two thousand [ten]
30 eleven, rounded to the nearest whole dollar.

31 § 2. Paragraphs (a), (b), (c), (d), (e) and (f) of subdivision 2 of
32 section 209 of the social services law, paragraphs (a), (b), (c), (d)
33 and (e) as amended by section 3 and paragraph (f) as added by section 4
34 of part U of chapter 57 of the laws of 2009, are amended to read as
35 follows:

36 (a) On and after January first, two thousand [nine] ten, for an eligi-
37 ble individual living alone, \$761.00; and for an eligible couple living
38 alone, \$1115.00.

39 (b) On and after January first, two thousand [nine] ten, for an eligi-
40 ble individual living with others with or without in-kind income,
41 \$697.00; and for an eligible couple living with others with or without
42 in-kind income, \$1057.00.

43 (c) On and after January first, two thousand [nine] ten, (i) for an
44 eligible individual receiving family care, \$940.48 if he or she is
45 receiving such care in the city of New York or the county of Nassau,
46 Suffolk, Westchester or Rockland; and (ii) for an eligible couple
47 receiving family care in the city of New York or the county of Nassau,
48 Suffolk, Westchester or Rockland, two times the amount set forth in
49 subparagraph (i) of this paragraph; or (iii) for an eligible individual
50 receiving such care in any other county in the state, \$902.48; and (iv)
51 for an eligible couple receiving such care in any other county in the
52 state, two times the amount set forth in subparagraph (iii) of this
53 paragraph.

1 (d) On and after January first, two thousand [nine] ten, (i) for an
2 eligible individual receiving residential care, \$1109.00 if he or she is
3 receiving such care in the city of New York or the county of Nassau,
4 Suffolk, Westchester or Rockland; and (ii) for an eligible couple
5 receiving residential care in the city of New York or the county of
6 Nassau, Suffolk, Westchester or Rockland, two times the amount set forth
7 in subparagraph (i) of this paragraph; or (iii) for an eligible individ-
8 ual receiving such care in any other county in the state, \$1079.00; and
9 (iv) for an eligible couple receiving such care in any other county in
10 the state, two times the amount set forth in subparagraph (iii) of this
11 paragraph.

12 (e) (i) On and after January first, two thousand [nine] ten, for an
13 eligible individual receiving enhanced residential care, \$1368.00; and
14 (ii) for an eligible couple receiving enhanced residential care, two
15 times the amount set forth in subparagraph (i) of this paragraph.

16 (f) The amounts set forth in paragraphs (a) through (e) of this subdi-
17 vision shall be increased to reflect any increases in federal supple-
18 mental security income benefits for individuals or couples which become
19 effective on or after January first, two thousand [ten] eleven but prior
20 to June thirtieth, two thousand [ten] eleven.

21 § 3. This act shall take effect December 31, 2010.

22

PART II

23 Section 1. Subdivision 2 of section 208 of the social services law, as
24 added by chapter 1080 of the laws of 1974, is amended to read as
25 follows:

26 2. "Additional state payments" shall mean payments made to aged, blind
27 and disabled persons who are receiving, or who would but for their
28 income be eligible to receive, federal supplemental security income
29 benefits, whether made by social services districts in accordance with
30 the provisions of this title and with title sixteen of the federal
31 social security act, or by the secretary of the federal department of
32 health, education and welfare, pursuant to and in accordance with the
33 provisions of this title, title sixteen of the federal social security
34 act, and provisions of any agreement entered into between the state and
35 such secretary by which the secretary agrees to administer such addi-
36 tional state payments on behalf of the state. Such payments are equal to
37 the standard of need less the greater of the federal benefit rate or
38 countable income. For purposes of this title, the "federal benefit rate"
39 shall mean the maximum payment of supplemental security income payable
40 to a person or couple with no countable income.

41 § 2. Section 208 of the social services law is amended by adding a new
42 subdivision 12 to read as follows:

43 12. "Standard of need" shall refer solely to the maximum level of
44 income a person or couple may have and remain eligible for additional
45 state payments under this title. The term applies solely to the program
46 of additional state payments and has no application to any other program
47 or benefit.

48 § 3. Paragraph (a) of subdivision 1 of section 209 of the social
49 services law, as added by chapter 1080 of the laws of 1974 and subpara-
50 graph (iv) as amended by chapter 214 of the laws of 1998, is amended to
51 read as follows:

52 (a) Notwithstanding any law to the contrary, no person shall be eligi-
53 ble for any payment pursuant to this title who is ineligible for supple-
54 mental security income for any reason other than having countable income

1 exceeding the federal benefit rate for such program. An individual shall
 2 be eligible to receive additional state payments if, as specified in
 3 regulations of the department, he or she has applied for supplemental
 4 security income benefits, has received a determination with respect to
 5 such application and:

6 (i) is over sixty-five years of age, or is blind or disabled; and

7 (ii) does not have countable income in an amount equal to or greater
 8 than the standard of need established in subdivision two of this
 9 section; and

10 (iii) does not have countable resources in an amount equal to or
 11 greater than the amount of resources an individual or couple may have
 12 and remain eligible for supplemental security income benefits pursuant
 13 to federal law and regulations of the department; and

14 (iv) is a resident of the state and is either a citizen of the United
 15 States or is not an alien who is or would be ineligible for federal
 16 supplemental security income benefits solely by reason of alien status.

17 § 4. The opening paragraph and paragraph (a) of subdivision 3 of
 18 section 209 of the social services law, as added by chapter 1080 of the
 19 laws of 1974, are amended to read as follows:

20 As used in subdivision two of this section and in accordance with
 21 regulations of the department:

22 (a) "Living alone" shall mean living in a private household composed
 23 of one eligible individual or one eligible couple and not categorized as
 24 living with others under paragraph (b) of this subdivision.

25 § 5. Section 212 of the social services law is amended by adding a new
 26 subdivision 3 to read as follows:

27 3. Notwithstanding subdivision one of this section or any other
 28 provision of this chapter to the contrary, the commissioner of the
 29 office of temporary and disability assistance, upon a determination that
 30 to do so would be fiscally advantageous to the state and subject to the
 31 approval of the director of the budget, may provide additional state
 32 payments to eligible residents of the state as required by this title
 33 and perform without limitation all the duties set forth in paragraphs
 34 (a), (b), (c) and (d) of subdivision one of this section, either direct-
 35 ly or through state supervision of a fiscal agent.

36 § 6. This act shall take effect immediately.

37 PART JJ

38 Section 1. Title 7 of article 25 of the public health law is REPEALED.

39 § 2. The social services law is amended by adding a new article 8-A to
 40 read as follows:

41 ARTICLE 8-A

42 NUTRITION OUTREACH AND PUBLIC

43 EDUCATION PROGRAM

44 Section 465. Nutrition outreach and public education program; estab-
 45 lishment.

46 465-a. Definitions.

47 465-b. Responsibilities of the commissioner.

48 465-c. Grants to community organizations.

49 465-d. Criteria for high risk areas.

50 § 465. Nutrition outreach and public education program; establishment.
 51 The nutrition outreach and public education program is established with-
 52 in the office of temporary and disability assistance. Such program is
 53 established to ensure maximum participation by eligible persons in

1 federal and state food assistance programs. The program shall be struc-
2 tured so as to increase participation statewide but with particular
3 attention to high risk areas with a focus on certain at risk popu-
4 lations.

5 § 465-a. Definitions. As used in this article:

6 1. "High risk areas" means any county or urban area where a signif-
7 icant percentage or number of those potentially eligible for food
8 assistance programs are not participating in such programs.

9 2. "Food assistance programs" means programs including but not limited
10 to food stamp programs, school breakfast and lunch programs, child care
11 food programs, summer food service programs, special supplemental
12 programs for women, infants and children, congregate meal programs and
13 home delivered meal programs.

14 3. "At risk populations" means populations including but not limited
15 to families with children receiving family assistance, households
16 receiving federal supplemental security income payments, households with
17 incomes at or below one hundred eighty-five percent of the poverty
18 level, recipients of emergency food, elderly or disabled persons, home-
19 less persons, unemployed persons, and families and persons residing in
20 rural households who are at risk of nutritional deficiencies.

21 § 465-b. Responsibilities of the commissioner. The commissioner shall
22 directly or through contract administer a program of nutrition outreach
23 that shall include but not be limited to:

24 1. statewide coordination;

25 2. provision of information as to the availability of, eligibility
26 criteria for, and application procedure for food assistance programs;

27 3. coordination of efforts among state agencies including, but not
28 limited to, the department of health, the office for the aging, and the
29 education department and community agencies involved in food assistance
30 programs;

31 4. compilation of statistical data from state and local agencies and
32 dissemination to community organizations; and

33 5. nutrition education.

34 § 465-c. Grants to community organizations. The commissioner shall
35 make grants within the amount appropriated therefor to community-based
36 organizations or consortia of community-based organizations in high risk
37 areas for outreach activities. Such outreach activities shall include
38 but not be limited to:

39 1. identification of barriers to participation in food assistance
40 programs including the unavailability of such programs;

41 2. information as to program availability, individual or household
42 eligibility, and application procedure;

43 3. identification of at risk populations and individuals within the at
44 risk populations who are not participating;

45 4. assistance with eligibility requirements including verification and
46 enrollment;

47 5. dissemination of information to and conducting training sessions
48 for local groups; and

49 6. nutrition education to at risk populations.

50 § 465-d. Criteria for high risk areas. In selecting those areas which
51 would be determined to be high risk and therefore eligible for a grant,
52 the commissioner may consider factors including, but not limited to:

53 1. fifty percent or more of those potentially eligible are not partic-
54 ipating in the food stamp program or where a significant number of the
55 population potentially eligible, particularly the working poor and the
56 elderly, are not participating;

1 2. twenty-five percent or more of children are eligible for free or
2 reduced price meals within the school lunch program;
3 3. infant mortality or morbidity rates;
4 4. economic indicators including, but not limited to, the unemployment
5 rate, prevailing wages, and recent loss of job base;
6 5. high concentration of at risk populations; and
7 6. unavailability of food assistance programs in the area because of
8 lack of provider participation or knowledge about the existence of such
9 programs.

10 § 3. This act shall take effect immediately.

11 PART KK

12 Section 1. Paragraphs (a) and (b) of subdivision 3 of section 171-a of
13 the tax law, paragraph (a) as amended by section 3 of part V of chapter
14 57 of the laws of 2009 and paragraph (b) as added by chapter 818 of the
15 laws of 1990, are amended to read as follows:

16 (a) Notwithstanding any law to the contrary, the commissioner [of
17 taxation and finance] shall maintain cooperative agreements with the
18 [state] office of temporary and disability assistance, which shall
19 provide:

20 (i) for the utilization by the office of temporary and disability
21 assistance of information obtained pursuant to subdivision one of this
22 section, for the purpose of verifying eligibility for and entitlement to
23 amounts of benefits under the social services law, administration of
24 such office's public assistance programs, locating absent parents or
25 other persons legally responsible for the support of applicants or
26 recipients of public assistance and care under the social services law
27 and persons legally responsible for the support of a recipient of
28 services under section one hundred eleven-g of the social services law
29 and, in appropriate cases, establishing support obligations pursuant to
30 the social services law and the family court act, and for the purpose of
31 evaluating the effect on earnings of participation in employment or
32 training programs authorized pursuant to the social services law by
33 current recipients of public assistance and care and by former recipi-
34 ents of public assistance and care, such agreement shall further provide
35 to the degree required by federal law for the commissioner and the
36 office of temporary and disability assistance to provide information
37 obtained pursuant to subdivision one of this section to the federal
38 social security administration or to public agencies in other states
39 which administer programs under the food stamp act of nineteen hundred
40 seventy-seven or title I, II, IV-A, IV-D, X, XIV, XVI, or XIX of the
41 federal social security act and to take such other steps as may be
42 required by section one thousand one hundred thirty-seven of the social
43 security act or federal regulations promulgated thereunder; and

44 (ii) for the utilization by the office of temporary and disability
45 assistance of information obtained pursuant to subdivision one of this
46 section, with respect to the parents, the stepparents, the child and the
47 siblings of the child who were living in the same household as a child
48 who is in the custody, care and custody or custody and guardianship of a
49 local social services district or of the office of children and family
50 services during the month that the court proceedings leading to the
51 child's removal from the household were initiated, or the written
52 instrument transferring care and custody of the child pursuant to the
53 provisions of section three hundred fifty-eight-a or three hundred
54 eighty-four-a of the social services law was signed, provided however,

1 that the office of temporary and disability assistance shall only use
2 the information obtained pursuant to this subdivision, for the purpose
3 of determining the eligibility of such child for federal payments for
4 foster care and adoption assistance pursuant to the provisions of title
5 IV-E of the federal social security act. Notwithstanding any other
6 provision of law, the office of temporary and disability assistance is
7 authorized to share information obtained pursuant to this subdivision
8 with any applicable social services district, provided however, that if
9 such information is shared, that such social services district shall
10 only use the information obtained for the purpose of determining the
11 eligibility of such child for federal payments for foster care and
12 adoption assistance pursuant to the provisions of title IV-E of the
13 federal social security act.

14 (b) Notwithstanding any law to the contrary and not later than ninety
15 days after the effective date of this paragraph, the commissioner [of
16 taxation and finance] shall enter into a cooperative agreement with the
17 commissioner of [social services] the office of temporary and disability
18 assistance for the delivery to [the state department of social services]
19 such office of information obtained pursuant to subdivision one [hereof]
20 of this section, which information shall be utilized for the purpose of
21 enabling such [department] office to fulfill obligations and responsi-
22 bilities otherwise incumbent upon the state department of labor under
23 section one hundred twenty-four of the federal family support act of
24 nineteen hundred eighty-eight by giving the federal parent locator
25 service, maintained by the federal department of health and human
26 services, prompt access to certain wage information for use by such
27 latter department for the purpose of complying with such act.

28 § 2. Subdivision 4 of section 171-a of the tax law, as amended by
29 chapter 214 of the laws of 1998, is amended to read as follows:

30 (4) Notwithstanding any law to the contrary and not later than Septem-
31 ber first, nineteen hundred ninety-seven, the commissioner shall enter
32 into a cooperative agreement with the state department of labor to allow
33 the information obtained by the department pursuant to subdivision one
34 of this section to be made available to the department of labor, or
35 other individuals designated by the commissioner of labor, for adminis-
36 tration of such department's employment security programs[, public
37 assistance work programs,] or for other purposes deemed appropriate by
38 the commissioner of labor consistent with the provisions of the labor
39 law, as well as for the evaluation of the effect on earnings of partic-
40 ipation in training programs with respect to which the department of
41 labor has reporting, monitoring, administering, or evaluating responsi-
42 bilities.

43 § 3. Paragraph 3 of subsection (e) of section 697 of the tax law, as
44 amended by section 4 of part V of chapter 57 of the laws of 2009, is
45 amended to read as follows:

46 (3) Nothing [herein] in this subsection shall be construed to prohibit
47 the department, its officers or employees from furnishing information to
48 the office of temporary and disability assistance relating to the
49 payment of the credit for certain household and dependent care services
50 necessary for gainful employment under subsection (c) of section six
51 hundred six of this article and the earned income credit under
52 subsection (d) of section six hundred six of this article, or pursuant
53 to a local law enacted by a city having a population of one million or
54 more pursuant to subsection (f) of section thirteen hundred ten of this
55 chapter, only to the extent necessary to calculate qualified state
56 expenditures under paragraph seven of subdivision (a) of section four

1 hundred nine of the federal social security act or to document the prop-
2 er expenditure of federal temporary assistance for needy families funds
3 under section four hundred three of such act. The office of temporary
4 and disability assistance may redisclose such information to the United
5 States department of health and human services only to the extent neces-
6 sary to calculate such qualified state expenditures or to document the
7 proper expenditure of such federal temporary assistance for needy fami-
8 lies funds. Nothing [herein] in this subsection shall be construed to
9 prohibit the delivery by the commissioner to a commissioner of jurors,
10 appointed pursuant to section five hundred four of the judiciary law,
11 or, in counties within cities having a population of one million or
12 more, to the county clerk of such county, of a mailing list of individ-
13 uals to whom income tax forms are mailed by the commissioner for the
14 sole purpose of compiling a list of prospective jurors as provided in
15 article sixteen of the judiciary law. Provided, however, such delivery
16 shall only be made pursuant to an order of the chief administrator of
17 the courts, appointed pursuant to section two hundred ten of the judici-
18 ary law. No such order may be issued unless such chief administrator is
19 satisfied that such mailing list is needed to compile a proper list of
20 prospective jurors for the county for which such order is sought and
21 that, in view of the responsibilities imposed by the various laws of the
22 state on the department, it is reasonable to require the commissioner to
23 furnish such list. Such order shall provide that such list shall be used
24 for the sole purpose of compiling a list of prospective jurors and that
25 such commissioner of jurors, or such county clerk, shall take all neces-
26 sary steps to insure that the list is kept confidential and that there
27 is no unauthorized use or disclosure of such list. Furthermore, nothing
28 [herein] in this subsection shall be construed to prohibit the delivery
29 to a taxpayer or his or her duly authorized representative of a certi-
30 fied copy of any return or report filed in connection with his or her
31 tax or to prohibit the publication of statistics so classified as to
32 prevent the identification of particular reports or returns and the
33 items thereof, or the inspection by the attorney general or other legal
34 representatives of the state of the report or return of any taxpayer or
35 of any employer filed under section one hundred seventy-one-h of this
36 chapter, where such taxpayer or employer shall bring action to set aside
37 or review the tax based thereon, or against whom an action or proceeding
38 under this chapter or under this chapter and article eighteen of the
39 labor law has been recommended by the commissioner, the commissioner of
40 labor with respect to unemployment insurance matters, or the attorney
41 general or has been instituted, or the inspection of the reports or
42 returns required under this article by the comptroller or duly desig-
43 nated officer or employee of the state department of audit and control,
44 for purposes of the audit of a refund of any tax paid by a taxpayer
45 under this article, or the furnishing to the state department of labor
46 of unemployment insurance information obtained or derived from quarterly
47 combined withholding, wage reporting and unemployment insurance returns
48 required to be filed by employers pursuant to paragraph four of
49 subsection (a) of section six hundred seventy-four of this article, for
50 purposes of administration of such department's unemployment insurance
51 program, employment services program, federal and state employment and
52 training programs, employment statistics and labor market information
53 programs, worker protection programs, federal programs for which the
54 department has administrative responsibility or for other purposes
55 deemed appropriate by the commissioner of labor consistent with the
56 provisions of the labor law, and redisclosure of such information in



1 accordance with the provisions of sections five hundred thirty-six and
2 five hundred thirty-seven of the labor law or any other applicable law,
3 or the furnishing to the [state] office of temporary and disability
4 assistance of information obtained or derived from New York state
5 personal income tax returns as described in paragraph (b) of subdivision
6 two of section one hundred seventy-one-g of this chapter for the purpose
7 of reviewing support orders enforced pursuant to title six-A of article
8 three of the social services law to aid in the determination of whether
9 such orders should be adjusted, or the furnishing of information
10 obtained from the reports required to be submitted by employers regard-
11 ing newly hired or re-hired employees pursuant to section one hundred
12 seventy-one-h of this chapter to the [state] office of temporary and
13 disability assistance, the state department of health, the state depart-
14 ment of labor and the workers' compensation board for purposes of admin-
15 istration of the child support enforcement program, verification of
16 individuals' eligibility for one or more of the programs specified in
17 subsection (b) of section eleven hundred thirty-seven of the federal
18 social security act and for other public assistance programs authorized
19 by state law, and administration of the state's employment security and
20 workers' compensation programs, and to the national directory of new
21 hires established pursuant to section four hundred fifty-three-A of the
22 federal social security act for the purposes specified in such section,
23 or the furnishing to the [state] office of temporary and disability
24 assistance of the amount of an overpayment of income tax and interest
25 thereon certified to the comptroller to be credited against past-due
26 support pursuant to section one hundred seventy-one-c of this chapter
27 and of the name and social security number of the taxpayer who made such
28 overpayment, or the disclosing to the commissioner of finance of the
29 city of New York, pursuant to section one hundred seventy-one-l of this
30 chapter, of the amount of an overpayment and interest thereon certified
31 to the comptroller to be credited against a city of New York tax warrant
32 judgment debt and of the name and social security number of the taxpayer
33 who made such overpayment, or the furnishing to the New York state high-
34 er education services corporation of the amount of an overpayment of
35 income tax and interest thereon certified to the comptroller to be cred-
36 ited against the amount of a default in repayment of any education loan
37 debt, including judgments, owed to the federal or New York state govern-
38 ment that is being collected by the New York state higher education
39 services corporation, and of the name and social security number of the
40 taxpayer who made such overpayment, or the furnishing to the state
41 department of health of the information required by paragraph (f) of
42 subdivision two and subdivision two-a of section two thousand five
43 hundred eleven of the public health law and by subdivision eight of
44 section three hundred sixty-six-a and paragraphs (b) and (d) of subdivi-
45 sion two of section three hundred sixty-nine-ee of the social services
46 law, or the furnishing to the state university of New York or the city
47 university of New York respectively or the attorney general on behalf of
48 such state or city university the amount of an overpayment of income tax
49 and interest thereon certified to the comptroller to be credited against
50 the amount of a default in repayment of a state university loan pursuant
51 to section one hundred seventy-one-e of this chapter and of the name and
52 social security number of the taxpayer who made such overpayment, or the
53 disclosing to a state agency, pursuant to section one hundred seventy-
54 one-f of this chapter, of the amount of an overpayment and interest
55 thereon certified to the comptroller to be credited against a past-due
56 legally enforceable debt owed to such agency and of the name and social



1 security number of the taxpayer who made such overpayment, or the
2 furnishing of employee and employer information obtained through the
3 wage reporting system, pursuant to section one hundred seventy-one-a of
4 this chapter, as added by chapter five hundred forty-five of the laws of
5 nineteen hundred seventy-eight, to the [state] office of temporary and
6 disability assistance, the department of health or to the state office
7 of the medicaid inspector general for the purpose of verifying eligibil-
8 ity for and entitlement to amounts of benefits under the social services
9 law or similar law of another jurisdiction, locating absent parents or
10 other persons legally responsible for the support of applicants for or
11 recipients of public assistance and care under the social services law
12 and persons legally responsible for the support of a recipient of
13 services under section one hundred eleven-g of the social services law
14 and, in appropriate cases, establishing support obligations pursuant to
15 the social services law and the family court act or similar provision of
16 law of another jurisdiction for the purpose of evaluating the effect on
17 earnings of participation in employment, training or other programs
18 designed to promote self-sufficiency authorized pursuant to the social
19 services law by current recipients of public assistance and care and by
20 former applicants and recipients of public assistance and care, [(except
21 that with regard to former recipients, information which relates to a
22 particular former recipient shall be provided with client identifying
23 data deleted),] to the [state] office of temporary and disability
24 assistance for the purpose of the administration of such office's public
25 assistance programs, provided, however, that this information regarding
26 former recipients shall not be used to recover public assistance previ-
27 ously provided to such recipients and shall only be available to the
28 office of temporary and disability assistance for a period of three
29 years six months after the closure of the recipient's public assistance
30 case and only for the purpose of evaluating such former recipient's
31 eligibility for transitional benefits and for the purpose of evaluating
32 the effectiveness of public assistance programs and employment perform-
33 ance when recipients leave public assistance and any uses of the infor-
34 mation not expressly permitted are prohibited, and for the purpose of
35 determining the eligibility of any child in the custody, care and custo-
36 dy or custody and guardianship of a local social services district or of
37 the office of children and family services for federal payments for
38 foster care and adoption assistance pursuant to the provisions of title
39 IV-E of the federal social security act by providing information with
40 respect to the parents, the stepparents, the child and the siblings of
41 the child who were living in the same household as such child during the
42 month that the court proceedings leading to the child's removal from the
43 household were initiated, or the written instrument transferring care
44 and custody of the child pursuant to the provisions of section three
45 hundred fifty-eight-a or three hundred eighty-four-a of the social
46 services law was signed, provided however that the office of temporary
47 and disability assistance shall only use the information obtained pursu-
48 ant to this [subdivision] subsection for the purpose of determining the
49 eligibility of such child for federal payments for foster care and
50 adoption assistance pursuant to the provisions of title IV-E of the
51 federal social security act, and to the state department of labor, or
52 other individuals designated by the commissioner of labor, for the
53 purpose of the administration of such department's unemployment insur-
54 ance program, employment services program, federal and state employment
55 and training programs, employment statistics and labor market informa-
56 tion programs, worker protection programs, federal programs for which



1 the department has administrative responsibility or for other purposes
2 deemed appropriate by the commissioner of labor consistent with the
3 provisions of the labor law, and redisclosure of such information in
4 accordance with the provisions of sections five hundred thirty-six and
5 five hundred thirty-seven of the labor law, or the furnishing of infor-
6 mation, which is obtained from the wage reporting system operated pursu-
7 ant to section one hundred seventy-one-a of this chapter, as added by
8 chapter five hundred forty-five of the laws of nineteen hundred seven-
9 ty-eight, to the [state] office of temporary and disability assistance
10 so that it may furnish such information to public agencies of other
11 jurisdictions with which the [state] office of temporary and disability
12 assistance has an agreement pursuant to paragraph (h) or (i) of subdivi-
13 sion three of section twenty of the social services law, and to the
14 [state] office of temporary and disability assistance for the purpose of
15 fulfilling obligations and responsibilities otherwise incumbent upon the
16 state department of labor, under section one hundred twenty-four of the
17 federal family support act of nineteen hundred eighty-eight, by giving
18 the federal parent locator service, maintained by the federal department
19 of health and human services, prompt access to such information as
20 required by such act, or to the state department of health to verify
21 eligibility under the child health insurance plan pursuant to subdivi-
22 sions two and two-a of section two thousand five hundred eleven of the
23 public health law, to verify eligibility under the medical assistance
24 and family health plus programs pursuant to subdivision eight of section
25 three hundred sixty-six-a and paragraphs (b) and (d) of subdivision two
26 of section three hundred sixty-nine-ee of the social services law, and
27 to verify eligibility for the program for elderly pharmaceutical insur-
28 ance coverage under title three of article two of the elder law, or to
29 the office of vocational and educational services for individuals with
30 disabilities of the education department, the commission for the blind
31 and visually handicapped and any other state vocational rehabilitation
32 agency, for purposes of obtaining reimbursement from the federal social
33 security administration for expenditures made by such office, commission
34 or agency on behalf of disabled individuals who have achieved economic
35 self-sufficiency or to the higher education services corporation for the
36 purpose of assisting the corporation in default prevention and default
37 collection of education loan debt, including judgments, owed to the
38 federal or New York state government; provided, however, that such
39 information shall be limited to the names, social security numbers, home
40 and/or business addresses, and employer names of defaulted or delinquent
41 student loan borrowers.

42 Provided, however, that with respect to employee information the
43 office of temporary and disability assistance shall only be furnished
44 with the names, social security account numbers and gross wages of those
45 employees who are (A) applicants for or recipients or former recipients
46 of benefits under the social services law, or similar provision of law
47 of another jurisdiction (pursuant to an agreement under subdivision
48 three of section twenty of the social services law), provided, however,
49 that this information regarding former recipients shall not be used to
50 recover public assistance previously provided to such recipients and
51 shall only be available to the office of temporary and disability
52 assistance for a period of three years six months after the closure of
53 the recipient's public assistance case and only for the purpose of eval-
54 uating such former recipient's eligibility for transitional benefits and
55 for the purpose of evaluating the effectiveness of public assistance
56 programs and employment performance when recipients leave public assist-



1 ance and any uses of the information not expressly permitted are prohib-
2 ited, or, (B) absent parents or other persons legally responsible for
3 the support of applicants for or recipients of public assistance and
4 care under the social services law or similar provision of law of anoth-
5 er jurisdiction (pursuant to an agreement under subdivision three of
6 section twenty of the social services law), or (C) persons legally
7 responsible for the support of a recipient of services under section one
8 hundred eleven-g of the social services law or similar provision of law
9 of another jurisdiction (pursuant to an agreement under subdivision
10 three of section twenty of the social services law), or (D) employees
11 about whom wage reporting system information is being furnished to
12 public agencies of other jurisdictions, with which the [state] office of
13 temporary and disability assistance has an agreement pursuant to para-
14 graph (h) or (i) of subdivision three of section twenty of the social
15 services law, or (E) employees about whom wage reporting system informa-
16 tion is being furnished to the federal parent locator service, main-
17 tained by the federal department of health and human services, for the
18 purpose of enabling the [state] office of temporary and disability
19 assistance to fulfill obligations and responsibilities otherwise incum-
20 bent upon the state department of labor, under section one hundred twen-
21 ty-four of the federal family support act of nineteen hundred eighty-
22 eight, and, only if, the office of temporary and disability assistance
23 certifies to the commissioner that such persons are such applicants,
24 recipients, absent parents or persons legally responsible for support or
25 persons about whom information has been requested by a public agency of
26 another jurisdiction or by the federal parent locator service and
27 further certifies that in the case of information requested under agree-
28 ments with other jurisdictions entered into pursuant to subdivision
29 three of section twenty of the social services law, that such request is
30 in compliance with any applicable federal law. Provided, further, that
31 where the office of temporary and disability assistance requests employ-
32 ee information for the purpose of evaluating the effects on earnings of
33 participation in employment, training or other programs designed to
34 promote self-sufficiency authorized pursuant to the social services law,
35 the office of temporary and disability assistance shall [only] be
36 furnished with (i) the name, (ii) the wages of individuals including the
37 quarterly gross wages [(excluding any reference to the name], (iii) the
38 information provided by the office of temporary and disability assist-
39 ance to the department for the purposes of matching to the department's
40 records, (iv) the social security number or [any] other information
41 which could be used to identify [any employee or] employees, and (v) the
42 name [or identification number of any employer) paid to] and federal
43 employer identification numbers of employers for such employees who are
44 former applicants for or recipients or former recipients of public
45 assistance and care and who are so certified to the commissioner by the
46 commissioner of the office of temporary and disability assistance.
47 Provided, further, that with respect to employee information, the
48 department of health shall only be furnished with the information
49 required pursuant to the provisions of paragraph (f) of subdivision two
50 and subdivision two-a of section two thousand five hundred eleven of the
51 public health law and subdivision eight of section three hundred sixty-
52 six-a and paragraphs (b) and (d) of subdivision two of section three
53 hundred sixty-nine-ee of the social services law, with respect to those
54 individuals whose eligibility under the child health insurance plan,
55 medical assistance program, and family health plus program is to be
56 determined pursuant to such provisions and with respect to those members



1 of any such individual's household whose income affects such individ-
2 ual's eligibility and who are so certified to the commissioner or by the
3 department of health. Provided, further, that wage reporting information
4 shall be furnished to the office of vocational and educational services
5 for individuals with disabilities of the education department, the
6 commission for the blind and visually handicapped and any other state
7 vocational rehabilitation agency only if such office, commission or
8 agency, as applicable, certifies to the commissioner that such informa-
9 tion is necessary to obtain reimbursement from the federal social secu-
10 rity administration for expenditures made on behalf of disabled individ-
11 uals who have achieved self-sufficiency. Reports and returns shall be
12 preserved for three years and thereafter until the commissioner orders
13 them to be destroyed.

14 § 4. Subparagraph (B) of paragraph 2 of subsection (1) of section 697
15 of the tax law, as amended by chapter 214 of the laws of 1998, is
16 amended to read as follows:

17 (B) For purposes of this subsection, the term "employment security
18 [and public assistance work] program purposes" means the unemployment
19 insurance programs administered by the commissioner of labor pursuant to
20 the labor law and those employment and training programs with respect to
21 which the department of labor has administrative, reporting, monitoring,
22 or evaluating responsibilities.

23 § 5. Section 697 of the tax law is amended by adding a new subsection
24 (p) to read as follows:

25 (p) Exchange of wage reporting information with the office of tempo-
26 rary and disability assistance.--Notwithstanding any provision of law to
27 the contrary, the department shall furnish to the office of temporary
28 and disability assistance for purposes consistent with all requirements
29 and limitations set forth in this section, the social services law, and
30 the federal social security act, the name, the wages of individuals, the
31 information provided by the office of temporary and disability assist-
32 ance to the department for the purposes of matching to the department's
33 records, the social security number or other information which could be
34 used to identify employees, and the name and federal employer identifi-
35 cation numbers of employers contained within withholding tax information
36 required from employers pursuant to part V of this article for the
37 purpose of evaluating the effects of participation in employment, train-
38 ing or other programs designed to promote self-sufficiency on earnings.

39 § 6. Paragraphs (a), (b), (c), and (c) and (d) of subdivision 1 of
40 section 23 of the social services law, paragraph (a) as amended by
41 section 1 of part V of chapter 57 of the laws of 2009, paragraphs (b),
42 (c) and (d) as amended by chapter 304 of the laws of 1990 and paragraph
43 (c) as added by chapter 818 of the laws of 1990, are amended to read as
44 follows:

45 (a) to social services districts:

46 (i) with respect to applicants for and recipients of public assistance
47 and care or other benefits pursuant to this chapter for which such
48 districts are responsible;

49 (ii) with respect to any person legally responsible for the support of
50 such applicants and recipients;

51 (iii) with respect to any person legally responsible for the support
52 of a recipient of services under section one hundred eleven-g of this
53 chapter or to any agent of any entity that is under contract with the
54 child support program pursuant to title six-A of article three of this
55 chapter; [and]

1 (iv) with respect to the parents, the stepparents, the child and the
2 siblings of the child who were living in the same household as a child
3 who is in the custody, care and custody or custody and guardianship of a
4 local social services district or of the office of children and family
5 services during the month that the court proceedings leading to the
6 child's removal from the household were initiated, or the written
7 instrument transferring care and custody of the child pursuant to the
8 provisions of section three hundred fifty-eight-a of this chapter or
9 section three hundred eighty-four-a of this chapter was signed, provided
10 however, that such social services district shall only use the informa-
11 tion obtained pursuant to this subdivision for the purpose of determin-
12 ing the eligibility of such child for federal payments for foster care
13 and adoption assistance pursuant to the provisions of title IV-E of the
14 federal social security act[.];

15 (b) to a public agency responsible for the administration of public
16 assistance and care in any geographically contiguous state with which
17 the department has an agreement with respect to wage information pursu-
18 ant to paragraph (h) of subdivision three of section twenty of this
19 article[.];

20 (c) to social services districts with respect to participants in
21 employment [or], training [programs] or other programs designed to
22 promote self-sufficiency authorized pursuant to this chapter who are
23 current recipients of public assistance and care or who are former
24 recipients of public assistance and care, (except that with regard to
25 former recipients, information which relates to a particular former
26 recipient shall be provided with client identifying data deleted) for
27 the purpose of evaluating the effect of participation in such programs
28 on such current and former recipients[, and];

29 [(c)] (d) to the federal parent locator service, maintained by the
30 federal department of health and human services, as required by section
31 one hundred twenty-four of the federal family support act of nineteen
32 hundred eighty-eight, for the purpose of enabling the [department]
33 office of temporary and disability assistance to fulfill obligations and
34 responsibilities otherwise incumbent upon the state department of
35 labor[.]; and

36 [(d)] (e) to the federal social security administration or public
37 agency of another state with which the [department] office of temporary
38 and disability assistance has an agreement with respect to wage informa-
39 tion pursuant to paragraph (i) of subdivision three of section twenty of
40 this article.

41 § 7. Subdivision 3 of section 23 of the social services law, as
42 amended by section 2 of part V of chapter 57 of the laws of 2009, is
43 amended to read as follows:

44 3. Information obtained by the office of temporary and disability
45 assistance from the wage reporting system operated by the state depart-
46 ment of taxation and finance shall be considered confidential and shall
47 not be disclosed to persons or agencies other than those considered
48 entitled to such information when such disclosure is necessary for the
49 proper administration of [programs of] public assistance and care [or
50 for the proper administration] programs, of the child support program
51 pursuant to title six-A of article three of this chapter, or of eligi-
52 bility assessments of children for federal payments for foster care and
53 adoption assistance pursuant to the provisions of title IV-E of the
54 federal social security act. For the purpose of this subdivision, any
55 disclosure made pursuant to subdivision one of this section shall be
56 considered necessary for the proper administration of [programs of]

1 public assistance and care programs, including assessments of the effec-
2 tiveness thereof, of the child support program pursuant to title six-A
3 of article three of this chapter, or of eligibility assessments of chil-
4 dren for federal payments for foster care and adoption assistance pursu-
5 ant to the provisions of title IV-E of the federal social security act;
6 and the federal parent locator service shall be considered an agency
7 entitled to such information as is necessary for the proper adminis-
8 tration of the child support program pursuant to title six-A of article
9 three of this chapter.

10 § 8. The social services law is amended by adding a new section 24 to
11 read as follows:

12 § 24. Reporting of public assistance recipient outcomes using wage
13 reporting data. Using information obtained from the wage reporting
14 system for New York state and for each social services district, the
15 office of temporary and disability assistance shall post on its website
16 on a quarterly basis:

17 1. the percentage and number of public assistance recipients eighteen
18 years of age and older with earnings during the quarter, and the average
19 amount of the earnings;

20 2. the percentage and number of persons eighteen years of age and
21 older leaving public assistance who had earnings during the quarter of
22 exit, and the average amount of the earnings;

23 3. the percentage and number of public assistance recipients without
24 earnings in a quarter who have earnings in the subsequent quarter, and
25 the average amount of the earnings;

26 4. for persons entering employment, the percentage of persons with
27 earnings in each of the four quarters following job entry and the aver-
28 age change in earnings, with such rates reported separately for those
29 leaving and remaining on public assistance; and

30 5. the percentage of public assistance recipients leaving assistance
31 for employment who receive food stamp benefits in each of the four quar-
32 ters following exit.

33 § 9. The office of temporary and disability assistance shall add a
34 provision to its common application (LDSS 2921), at the time of its next
35 revision, advising applicants that the office of temporary and disabili-
36 ty assistance may obtain information from the wage reporting system
37 operated by the state department of taxation and finance regarding
38 applicants for, recipients of and former recipients of public assistance
39 and care, provided, however, that this information regarding former
40 recipients obtained using personal identifying information shall not be
41 used to recover public assistance previously provided to such recipients
42 and shall only be available to the office of temporary and disability
43 assistance and to the social services districts in accordance with
44 section 23 of the social services law for a period of three years six
45 months after the closure of the recipient's public assistance case and
46 only for the purpose of evaluating such former recipient's eligibility
47 for transitional benefits and for the purpose of evaluating the effec-
48 tiveness of public assistance programs and employment performance when
49 recipients leave public assistance and any uses of the information not
50 expressly permitted are prohibited.

51 § 10. In addition to quarterly reporting, the office of temporary and
52 disability assistance shall submit to the legislature and the governor a
53 final report of public assistance recipient outcomes using the wage
54 reporting data no later than January 1, 2014. Such report shall be made
55 available to the public on the website maintained by the office of
56 temporary and disability assistance.

1 § 11. This act shall take effect immediately and shall expire June 1,
2 2014 when upon such date the provisions of this act shall be deemed
3 repealed.

4 § 2. Severability clause. If any clause, sentence, paragraph, subdivi-
5 sion, section or part of this act shall be adjudged by any court of
6 competent jurisdiction to be invalid, such judgment shall not affect,
7 impair, or invalidate the remainder thereof, but shall be confined in
8 its operation to the clause, sentence, paragraph, subdivision, section
9 or part thereof directly involved in the controversy in which such judg-
10 ment shall have been rendered. It is hereby declared to be the intent of
11 the legislature that this act would have been enacted even if such
12 invalid provisions had not been included herein.

13 § 3. This act shall take effect immediately provided, however, that
14 the applicable effective date of Parts A through KK of this act shall be
15 as specifically set forth in the last section of such Parts.

