

**2015-16 NEW YORK STATE EXECUTIVE BUDGET**

**EDUCATION, LABOR AND FAMILY ASSISTANCE  
ARTICLE VII LEGISLATION**

**MEMORANDUM IN SUPPORT**

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## MEMORANDUM IN SUPPORT

A BUDGET BILL submitted by the Governor in  
Accordance with Article VII of the Constitution

AN ACT to amend the education law, in relation to contracts for excellence, apportionment of school aid, the teachers of tomorrow teacher recruitment and retention program and waivers from certain duties; to amend the state finance law, in relation to moneys appropriated from the commercial gaming revenue fund; 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 reimbursements for the 2015-2016 school year; 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 withholding a portion of employment preparation education aid and in relation to extending the effectiveness of such chapter; 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; to amend chapter 82 of the laws of 1995, amending the education law and other laws relating to state aid to school districts and the appropriation of funds for the support of government; to amend section 7 of chapter 472 of the laws of 1998 amending the education law relating to the lease of school buses by school districts; to amend chapter 147 of the laws of 2001 amending the education law relating to conditional appointment of school district, charter school or BOCES employees; 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 thereof; 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 extending the expiration of certain provisions of such chapters; allocates school bus driver training grants to school districts and boards of cooperative education services; allows for eligible school districts to receive special apportionments for salary expenses; allows for eligible school districts to receive special apportionments for public pension accruals; allows any moneys appropriated to the state education department to be suballocated to other state departments or agencies and/or shall be made

available for specific payment of aid; allows the city school district of the city of Rochester to purchase services as a non-component school district; specifies amounts of state funds set aside for each school district for the purpose of the development, maintenance or expansion of magnet schools or magnet school programs; prohibits moneys appropriated for the support of public libraries to be used for library construction (Part A); to amend the education law, in relation to streamlining higher education program approvals for SUNY and CUNY (Part B); to amend the education law, in relation to creating the New York state get on your feet loan forgiveness program (Part C); to amend the education law, in relation to eligibility requirements and conditions governing general awards, academic performance awards and student loans; eligibility requirements for assistance under the higher education opportunity programs and the collegiate science and technology entry program; the definition of "resident"; financial aid opportunities for students of the state university of New York, the city university of New York and community colleges; and the program requirements for the New York state college choice tuition savings program; and to repeal subdivision 3 of section 661 of such law relating thereto (Part D); to amend the education law and the tax law, in relation to enacting the "education tax credit act" (Part E); to amend the banking law, in relation to creating a standard financial aid award letter (Part F); to amend the education law, the business corporation law, the partnership law and the limited liability company law, in relation to certified public accountants (Part G); to amend the education law, in relation to the implementation by all colleges and universities in the state of New York of sexual assault, dating violence, domestic violence, and stalking prevention and response policies and procedures (Part H); to amend the social services law, in relation to increasing the standards of monthly need for aged, blind and disabled persons living in the community (Part I); to amend the family court act, in relation to family court proceedings, jurisdiction of the court, the definition of juvenile delinquent, the definition of a designated felony act, the procedures regarding the adjustment of cases from criminal courts to family court, the age at which children may be tried as an adult for various felonies, and the manner in which courts handle juvenile delinquent cases; to amend the social services law, in relation to state reimbursement for expenditures made by social services districts for various services; to amend the social services law, in relation to the definitions of juvenile delinquent and persons in need of supervision; to amend the penal law, in relation to the definition of infancy and the authorized dispositions, sentences, and periods of post-release supervision for juvenile offenders; to amend the criminal procedure

law, in relation to the definition of juvenile offender; to amend the criminal procedure law, in relation to the arrest of a juvenile offender without a warrant; in relation to conditional sealing of certain convictions for offenses committee by a defendant twenty years of age or younger; in relation to removal of certain proceedings to family court; in relation to joinder of offenses and consolidation of indictments; in relation to appearances and hearings for and placements of certain juvenile offenders; in relation to raising the age for juvenile offender status; in relation to creating a youth part for certain proceedings involving juvenile offenders; to amend the correction law, in relation to requiring that no county jail be used for the confinement of persons under the age of eighteen; to amend the education law, in relation to certain contracts with the office of children and family services; to amend the education law, in relation to the possession of a gun on school grounds by a student; to amend the executive law, in relation to persons in need of supervision or youthful offenders; to amend part K of chapter 57 of the laws of 2012, amending the education law, relating to authorizing the board of cooperative educational services to enter into contracts with the commissioner of children and family services to provide certain services, in relation to making such provisions permanent; to repeal certain sections of the family court act relating to custody and detention of juvenile and youthful offenders; to repeal section 180.75 of the criminal procedure law relating to proceedings upon a felony complaint against a juvenile offender; and to repeal certain provisions of the correction law relating to the housing of prisoners and other persons in custody (Part J); to amend the social services law, in relation to state reimbursement and subsidies for the adoption of children (Part K); to amend the social services law, the family court act, the public health law and the executive law, in relation to implementing provisions required by the federal preventing sex trafficking and strengthening families act (Part L); to utilize reserves in the mortgage insurance fund for various housing purposes (Part M); to amend the labor law, in relation to the minimum wage (Part N); to amend the labor law, in relation to authorized absences by healthcare professionals who volunteer to fight the Ebola virus disease overseas; and providing for the repeal of such provisions upon expiration thereof (Part O); to amend the labor law, the workers' compensation law and chapter 784 of the laws of 1951, constituting the New York state defense emergency act, in relation to eliminating certain fees charged by the department of labor; and to repeal certain provisions of the labor law and the workers' compensation law relating thereto (Part P); and to amend the education law, in relation to requiring experiential learning as a requirement for graduation (Part Q)

## **PURPOSE:**

This bill contains provisions needed to implement the Education, Labor and Family Assistance portions of the 2015-16 Executive Budget.

This memorandum describes Parts A through Q of the bill which are described wholly within the parts listed below.

### **Part A - Amend the Education Law and make other changes necessary to authorize School Aid and implement education-related programs in the Executive Budget**

#### **Purpose:**

This bill contains various provisions necessary to implement the education portion of the 2015-16 Executive Budget.

#### **Statement in Support, Summary of Provisions, Existing Law, and Prior Legislative History:**

Public education in New York represents a significant commitment of State and local resources. With total annual spending levels exceeding \$60 billion, New Yorkers have maintained the highest per-pupil spending levels in the nation – even during difficult financial times. Not only is education the largest area of State spending, it is also the largest component of local property taxes. This substantial investment reflects New York State's long-standing commitment to providing opportunity for all students.

This bill includes measures to authorize School Aid along with other changes necessary to implement education-related programs in the Executive Budget. Significant provisions include:

- **Commercial Gaming Revenue Payments.** This bill would enact an annual payment schedule to establish the timing of School Aid payments financed with the State's share of commercial gaming revenues.
- **Preschool Special Education Reforms.** The bill would authorize the State Education Department to establish regional rates for the Special Education Itinerant Teacher (SEIT) program to be phased in over a four-year period starting in the 2015-16 school year.
- **School District Mandate Relief.** The bill would create a new waiver process that would allow school districts, BOCES and approved private special education

programs to petition the State Education Department for flexibility in meeting certain special education requirements.

- **Contracts for Excellence.** The bill would require all school districts currently in the Contracts for Excellence program to remain in the program unless all of the school buildings in the school district are reported as “In Good Standing” for purposes of the State accountability system. School districts that remain would be required to maintain funding for Contracts for Excellence programs at the same level required for the 2015-16 school year.
- **Other Miscellaneous Provisions.** The bill would also provide for a number of other provisions including extensions of existing provisions of State law.

Budget Implications:

Enactment of this bill is necessary to implement the 2015-16 Executive Budget.

Effective Date:

This bill takes effect April 1, 2015, except that selected provisions take effect immediately or on other specified dates.

**Part B - Streamline new education program approval to meet workforce needs**

Purpose:

This bill would streamline the approval process for any new curriculum or program of study at the State University of New York (SUNY) and the City University of New York (CUNY).

Summary of Provisions and Statement in Support:

This bill would amend Education Law to provide that any new curriculum or program of study offered by a community college or a four-year college that does not require Board of Regents approval of a master plan amendment and that is approved by either the State University Board of Trustees or the City University Board of Trustees will be deemed registered with the State Education Department.

In today's constantly evolving economy, the skills required and sought by employers change continuously. This bill would allow SUNY and CUNY to respond quickly to these ever-changing employer demands, thus allowing these institutions to adapt curriculum and degree programs to meet the needs of growing sectors. The current process surrounding the creation of new programs of study is cumbersome and time-consuming; these delays have slowed New York's ability to compete in the global



economy. Therefore, this bill is necessary to allow the State to streamline the current process.

Budget Implications:

Enactment of this bill is necessary to implement the 2015-16 Executive Budget.

Effective Date:

This bill would take effect April 1, 2015.

**Part C - Enact the Get On Your Feet Loan Forgiveness Program**

Purpose:

This bill would enact the Get On Your Feet Loan Forgiveness Program to make it easier for recent college graduates to live and work in New York State.

Summary of Provisions and Statement in Support:

This bill would amend Education Law to establish the New York State Get on Your Feet Loan Forgiveness Program, which would allow New York residents who graduate from college and continue to live in the state to pay nothing on their student loans for the first two years out of school.

The program would be offered to New York State residents who attended college in New York and continue to live in the State following graduation, participate in the federal Pay As You Earn (PAYE) income-based loan repayment program, and earn less than \$50,000 in annual income. For qualified residents, New York State would pay the first two years of their monthly student loan obligations under the PAYE program.

Mounting student debt makes it difficult for recent graduates to deal with the everyday costs of living, which often increases the amount of credit card and other debt they must take on in order to survive. The Get on Your Feet Loan Forgiveness Program would cover the student loans of recent graduates for two years so they are not overwhelmed with debt repayments while launching their career.

Budget Implications:

Enactment of this bill is necessary to implement the 2015-16 Executive Budget.

Effective Date:

This bill would take effect April 1, 2015.

## **Part D - Enact the New York State DREAM Act**

### Purpose:

This bill would enact the New York State DREAM Act to support the advancement of undocumented immigrant students by making them eligible to receive State financial assistance for college.

### Summary of Provisions and Statement in Support:

The New York State DREAM Act would amend Education Law to make students without lawful immigration status eligible for the Tuition Assistance Program and other State financial assistance programs offered to college students who are New York State residents.

To become eligible for State financial assistance, a student without lawful immigration status would need to have lived continuously in New York State while attending high school or a high school general equivalency program in the State, and apply for admission at a college in New York within five years of receiving a high school or high school equivalency diploma. The bill would also make conforming changes to the laws governing resident tuition policy at the State University of New York and the City University of New York.

The DREAM Act will support the advancement of undocumented immigrant students and continue New York State's tradition of welcoming immigrants and honoring their contribution to our culture and economy.

### Budget Implications:

Enactment of this bill is necessary to implement the 2015-16 Executive Budget.

### Effective Date:

This bill would take effect 90 days after the issuance of regulations and the development of an application form by the Higher Education Services Corporation; provided, however, that this bill shall only take effect upon enactment of the Education Tax Credit in Part E of this Act.

## **Part E - Establish the Education Tax Credit**

### Purpose:

This bill would amend the Education Law and Tax Law to authorize the New York State Education Tax Credit. This proposal would provide a tax credit incentive to encourage

individual and business donations to support public schools' educational improvement programs as well as public and non-public school scholarships for elementary and secondary school students.

#### Summary of Provisions and Statement in Support:

The Education Tax Credit (ETC) would leverage private donations from individual taxpayers and businesses to provide additional investments in public schools' educational improvement programs and scholarships to children from low- and middle-income households interested in attending a public school in another district, or a non-public school. This bill encourages individual and business contributions directly to public schools, or to local education funds and school improvement organizations. These donations could fund: pre-kindergarten programs, instructional materials or programs to meet the needs of at-risk students or students with disabilities, including mentoring and tutoring, and academic programs.

Under the ETC program, contributions may be made to approved Educational Scholarship Organizations (ESOs) that will, in turn, award scholarships for eligible students choosing to attend non-public schools, or public schools outside of their districts of residence. Scholarship eligibility is based on family income. Students residing in a household of up to two dependent children would qualify if their household federal Adjusted Gross Income (AGI) is \$250,000 or less. This threshold will increase by \$10,000 for each additional dependent child, up to a maximum allowable AGI of \$300,000. Further, the bill requires ESOs to award at least half of the scholarships to students whose family income does not exceed 150 percent of the income qualifications required for reduced price school lunches under the National School Lunch Act. There is no maximum scholarship award for a student.

The Education Tax Credit program would make available \$100 million in credits annually. Both businesses and individuals would be eligible to participate in the tax credit program. Taxpayers would receive a tax credit of seventy-five percent of their authorized donation. The maximum annual credit for an individual taxpayer or business would be \$1 million.

The bill directs the State Education Department (SED) and the Department of Taxation and Finance (DTF) to oversee and monitor various aspects of the program. SED would certify and monitor organizations eligible to receive donations through this program. DTF will administer and manage credits provided within the program cap. ESOs and other eligible organizations receiving contributions must disburse at least 90 percent of contributions received each year. These eligible organizations under the ETC program may utilize up to ten percent of the funds received to pay for ETC-related administrative expenses.

Budget Implications:

Enactment of this bill is necessary to implement the 2015-16 Executive Budget because it would create a key element of the Governor's overall education reform and improvement program. It would reduce revenues by \$100 million annually beginning in 2017-18.

Effective Date:

This bill would take effect immediately and shall apply to taxable years beginning on or after January 1, 2016; provided however that this bill shall only take effect upon enactment of Part D (Dream Act) of this Act.

**Part F - Standardize college financial aid award letters**

Purpose:

This bill would standardize the financial aid letters provided to students who attend college and vocational institutions in New York State.

Summary of Provisions and Statement in Support:

This bill would amend the Banking Law to authorize the Superintendent of Financial Services, in consultation with the President of the Higher Education Service Corporation, to develop a standard financial aid award letter by December 31, 2015 for colleges and vocational institutions to use in responding to financial aid applicants for the 2016-2017 academic year and thereafter.

As the rising cost of college and sub-optimal student outcomes make college choice more critical than ever, prospective students and their parents need a tool to have the information needed to make wise decisions. The standardized financial aid award letter authorized under this bill would provide information to prospective students on the total costs of an education, how much aid they will receive and how much needs to be repaid. The letter would also include data regarding institutional performance in the areas of student access, degree completion and post-graduation success.

Budget Implications:

Enactment of this bill is necessary to implement the 2015-16 Executive Budget.

Effective Date:

This bill would take effect after April 1, 2015.

## **Part G - Allow public accounting firms to have minority ownership by individuals who are not Certified Public Accountants**

### Purpose:

This bill would authorize public accounting firms to incorporate in New York State with minority ownership by individuals who are not Certified Public Accountants.

### Summary of Provisions and Statement in Support:

This bill would allow public accounting firms to incorporate in New York State with minority ownership by individuals who are not Certified Public Accountants, provided the words "Certified Public Accountant" or the abbreviation "CPA" is excluded from the firm's name.

In today's rapidly evolving economy, accounting firms endeavor to provide a variety of services to their clients and to do so often requires the skills of individuals who are not Certified Public Accountants such as actuaries, industry experts, information technology professionals and valuation specialists. By allowing non-CPA professionals to become minority owners of public accounting firms, this bill would modernize New York's incorporation laws and better enable accounting firms in the State to provide the services their clients have come to expect.

### Budget Implications:

Enactment of this bill is necessary to implement the 2015-16 Executive Budget.

### Effective Date:

This bill would take effect immediately.

## **Part H - Implement uniform prevention and response policies and procedures relating to sexual violence in all colleges and universities**

### Purpose:

This bill would require all colleges and universities in the State of New York to implement uniform prevention and response policies and procedures relating to sexual violence including sexual assault, domestic violence, dating violence, and stalking.

### Summary of Provisions and Statement in Support:

Sexual assault, domestic violence, dating violence and stalking affect thousands of college students in New York State and across the nation. In addition to the trauma

caused by such violence, many victims drop out of school, experience difficulty working, and see promising opportunities cut short. While it is not just college students that experience these crimes, colleges and universities have unique opportunities to educate members of the college community about these crimes and incidents so that we may better safeguard students.

Colleges and universities can act to lessen the incidence of these crimes and respond strongly when they learn of such incidents. Under the leadership of Governor Cuomo, the State University of New York (SUNY) undertook a system-wide review of sexual assault prevention and response and, in coordination with the Governor's Office and experts inside and outside the SUNY System, developed uniform system-wide policies that have been called cutting-edge and national models.

This legislation would build on the reforms already made within the public university system by enacting similar policies in all colleges and universities across the state that include:

- Definition of Affirmative Consent to Sexual Activity
- Policy for Alcohol and/or Drug Use Amnesty in Sexual Violence Cases
- Victim and Survivor Bill of Rights
- Response to Reports
- Campus Climate Assessments
- Options for Confidential Disclosure
- Student Onboarding and Ongoing Education Guide
- Privacy in Legal Challenges to Conduct Findings

Such policies shall be developed and implemented for the academic year beginning no more than one year after passage of this legislation.

### **Definition of Affirmative Consent to Sexual Activity**

This definition of affirmative consent requires that both parties engaging in sexual activity consent to doing so. Those who are asleep or incapacitated such that they cannot make a decision about sexual activity cannot consent. Consent is active, not passive, and all parties maintain their own rights to determine whether they wish to engage in sexual activity without such activity being imposed upon them against their consent.

### **Policy for Alcohol and/or Drug Use Amnesty in Sexual Violence Cases**

Colleges and universities must take reports of sexual violence seriously and this legislation recognizes that sexual violence is more devastating than minor alcohol and drug use violations of the campus code. This provision makes clear that no bystander who reports in good faith or victim who reports sexual violence shall be charged with an alcohol or drug use violation of the college code of conduct. This provision is intended to encourage reporting of these crimes and quell any fear by victims or bystanders that

they will be charged with an alcohol or drug use violation of college policy for coming forward.

### **Victim and Survivor Bill of Rights**

This Bill of Rights states clearly and plainly that colleges and universities take these crimes seriously, will support victims and survivors of these crimes, and will offer them opportunities to disclose these crimes, seek resources, and report to law enforcement and/or campus professionals. This Bill of Rights shall be distributed widely to students and college community members and shall be sent electronically to students at least once annually.

### **Response to Reports**

This policy requires that institutions notify students about rights and resources available to them and how the college or university will respond to reports of sexual assault, domestic violence, dating violence and stalking. The policy includes a list of resources to disclose and report violence, intervention, medical and mental health counseling availability, protection and accommodations, and information about the student conduct process.

### **Campus Climate Assessments**

Starting in the academic year that begins at least one year following passage of this legislation, all colleges and universities shall conduct a campus climate assessment developed using standard and commonly recognized research methods and shall conduct such assessment no less than every other year. The climate assessment prepared by the State University of New York may serve as one acceptable model for such an assessment. Each college or university shall take care to ensure that answers to such surveys remain anonymous and no individual respondent is identified. Each college or university shall publish high-level results of such surveys on their website provided that no personally identifiable information or information which can reasonably lead a reader to identify an individual respondent shall be shared. This will encourage transparency and provide an incentive to improve in lagging areas.

### **Options for Confidential Disclosure**

This policy requires that institutions use plain language to notify students about the laws surrounding confidentiality and privacy, which can be confusing, and to list confidential and private resources that students can reach out to, as well as provide technical information about how institutions will respond to requests for confidentiality.

### **Student Onboarding and Ongoing Education Guide**

Modern research on disclosure and educating students recognizes that sexual assault and related violence prevention cannot be effectively taught during a single orientation session, but rather should be part of a year-round campaign. This policy draws heavily from the Violence Against Women Act (VAWA), the First Report of the White House Task Force to Protect Students From Sexual Assault, and cutting-edge research regarding effective education methods. These policies also comply with VAWA's training requirements. While all students are offered generalized and specialized

training, all athletes must complete such training prior to competing in intercollegiate athletics and all officers and leaders of clubs and organizations must complete such training prior to their club or organization being recognized by, or registered with, the college or university. This will encourage positive modeling of behavior by students who are looked at as leaders and role models on campus.

### **Privacy in Legal Challenges to Conduct Findings**

One method of intimidating victims or survivors as well as witnesses who come forward to report incidents of sexual violence, or other related violations of college code, is by naming them publically in court documents or threatening to do so if the victim or survivor does not recant or withdraw the complaint. This provision of the legislation provides exceptions for testifying witnesses, except for those witnesses that testify in their professional capacity (such as victims/survivors, police officers, college officials, investigators, and medical professionals), and witnesses that give written consent to being disclosed.

#### Budget Implications:

Enactment of this bill is necessary to implement the 2015-16 Executive Budget.

#### Effective Date:

This bill shall take effect in no later than 180 days, except for sections on Victim and Survivor Bill of Rights and Privacy in legal challenges to conduct findings that shall take effect in 60 days, and the section on Campus Climate Assessments that shall take effect in one year and 60 days.

### **Part I - Authorize the pass-through of any Federal Supplemental Security Income Cost of Living Adjustment which becomes effective on or after January 1, 2016**

#### Purpose:

This bill would authorize federal Supplemental Security Income (SSI) benefits to be increased in 2016 by the percentage of any SSI Cost of Living Adjustment (COLA).

#### Summary of Provisions and Statement in Support:

Sections 131-o and 209 of the Social Services Law establish specific amounts for the monthly Personal Needs Allowance (PNA) and the monthly SSI standard of need (the maximum combined federal and State benefit) for recipients in various living arrangements. This bill would amend those sections of law to set forth the actual 2015 PNA amounts and the standard of need for eligibility and payment of additional State payments. It would also authorize those amounts to be automatically increased in 2016 by the percentage of any federal SSI COLA which becomes effective within the first half of calendar year 2016.



Legislation to effectuate the federal SSI COLA has been enacted annually since 1984.

Budget Implications:

If the pass-through of the federal SSI COLA is not enacted in the 2015-16 budget, there will be no statutory authority to provide SSI recipients with the full amount of any federal increase plus a State supplement at the current level. The State supplements would be automatically reduced to reflect the current standards of need set forth in the SSL.

Effective Date:

This bill would take effect December 31, 2015.

**Part J - Raise the age of juvenile jurisdiction**

Purpose:

This bill would raise the age of juvenile jurisdiction from 16 to 18 years of age and establish the services necessary to improve outcomes for youth.

Summary of Provisions and Statement in Support:

New York is one of only two states that sets its age of juvenile jurisdiction at 16 years of age. This means that all 16 and 17 year olds are processed in the criminal justice system, and not through the family courts, no matter their offense. All other states, except for North Carolina, set the age at 17 or 18 years old. Research has shown that incarcerating adolescents in adult jails and prisons has significant negative impacts including higher suicide rates and increased recidivism. Experience in other states, such as Connecticut and Illinois, has shown that raising the age of juvenile jurisdiction can lower recidivism and juvenile crime rates through evidence-based interventions designed specifically for adolescents.

In 2014, the Governor established the Commission on Youth, Public Safety and Justice to make recommendations on how best to raise the age of juvenile jurisdiction to age 18, improve outcomes for youth, and promote community safety. The 2015-16 Executive Budget reflects the first steps to implement the Commission's recommendations with an investment of \$25 million to plan, create and expand services, including but not limited to diversion and probation services, for 16 and 17 year old youth who will be involved in the juvenile justice system and to place 16 and 17 year old youth who are newly sentenced to a term in prison in Office of Children and Family Services (OCFS) facilities. The age of juvenile jurisdiction will be raised to age 17 on January 1, 2017 and to age 18 on January 1, 2018. Full implementation costs are estimated at \$375 million in 2020-21.

The major provisions of this bill would:

- Raise the age of juvenile jurisdiction from age 16 to age 17 on January 1, 2017 and to age 18 on January 1, 2018; raise the lower age of juvenile jurisdiction from seven to 12 on January 1, 2018 for all offenses except homicide; expand Family Court jurisdiction to include youth ages 16 and 17 charged with non-violent felonies, misdemeanors, or harassment or disorderly conduct violations; on or after December 1, 2015, commit 16 and 17 year olds newly sentenced to prison to OCFS;
- Create “Youth Parts” in a superior court to process juvenile offender cases and allow the Youth Part to hear cases removed to family court under the provisions of the Family Court Act;
- Originate cases for the following crimes committed at age 16 and 17 in the Youth Part: all violent felony offenses, class A crimes, homicide offenses, sexually motivated felonies, crimes of terrorism, felony vehicular assaults, aggravated criminal contempt, and conspiracy to commit any of these offenses or tampering with a witness related to any of these offenses;
- Provide current capacity for removal of juvenile offender cases to family court for 16 and 17 year old cases in the Youth Part and create a new rebuttable presumption for removal to family court for the current juvenile offender crime of second degree robbery and for any violent felony offense that is not a juvenile offender crime for youth age 15 and under;
- Prohibit confinement of any minor in adult jail or prison;
- Prohibit detention and placement for youth who are low risk if they are adjudicated for first or second-time misdemeanors that do not involve harm to another person and for youth who have technical violations of probation and do not pose an imminent risk to public safety;
- Expand to 16 and 17 year olds the current juvenile practice regarding parental notification of arrest and the use of Office of Court Administration approved rooms for questioning by police;
- Mandate diversion attempts for low-risk (per risk assessment) misdemeanor cases;
- Allow for additional time for probation adjustment in order to access necessary services and create the capacity for probation to obtain an order of protection while adjusting a case;

- Establish probation family engagement specialists to facilitate adjustment; and a continuum of evidenced-based diversion services;
- Establish Family Support Centers to provide comprehensive services to children at risk of person in need of supervision (PINS) adjudications and their families as well as very young children who are no longer subject to jurisdiction as juvenile delinquents;
- Effective January 1, 2018, prohibit the use of detention in PINS proceedings and only authorize PINS foster care placements, if appropriate, for sexualized exploited youth who may be in need of specialized services;
- Provide access to bail and weekend arraignment for family court cases;
- Use determinate sentencing for youth sentenced under Juvenile Offender or Youthful Offender statuses, including 16 and 17 year olds;
- Require post-release supervision provided by OCFS for Juvenile Offender youth coming out of OCFS facilities to facilitate better re-entry;
- Expand the presumption for granting Youthful Offender status and provide for confidentiality of felony filings that are eligible for Youthful Offender status;
- Provide for the conditional sealing of records of certain convictions;
- Continue OCFS' authority to contract with the Boards of Cooperative Educational Services (BOCES) for certain educational services for youth and expand such authority to allow OCFS to contract with BOCES to provide any educational services at OCFS youth facilities that BOCES provides to school districts;
- Authorizes Civil Service in consultation with OCFS to develop the required experience and qualifications for OCFS facility director positions; and
- Authorize state reimbursement of 100 percent for foster care, aftercare and independent living services, detention, and Close to Home for 16 and 17 year old youth newly placed as a result in the change of age of juvenile jurisdiction; waive reimbursement from Local Social Service Districts for placement with OCFS for 16 and 17 year old youth placed as a result in the change of age of juvenile jurisdiction.

#### Budget Implications:

The SFY 15-16 Executive Budget provides for full State financing for all State and local responsibilities associated with the legislation. The Financial Plan assumes \$25 million of resources in this fiscal year, growing in the outyears as the program is phased in. It is

possible that savings that are not currently assumed may occur as a result of this legislation that would substantially mitigate these costs.

Effective Date:

This bill would take effect immediately except as otherwise noted.

**Part K - Provides for the issuance of adoption assistance payments for the private adoption of children with special needs only when the adoptive parents reside in New York State at the time of application**

Purpose:

This bill would conform the Social Services Law to federal child welfare policy that directs states to pay adoption assistance payments for the private adoption of children with special needs only when the adoptive parent resides in the state at the time of application.

Summary of Provisions and Statement in Support:

Currently, New York pays adoption assistance for the private adoption of children with special needs when the child is located in New York State, regardless of where the adoptive parents are located. Federal child welfare policy was clarified to advise that the state where the prospective adoptive parent resides shall make the adoption assistance payments. This bill would amend state law to be consistent with federal child welfare policy by allowing adoption assistance payments only when the prospective adoptive parent resides in New York at the time of the adoption.

This bill would also codify existing practice where the State, rather than the local social services districts, enters into agreements and makes payments for the private adoption of children with special needs who are placed for adoption by voluntary authorized agencies. The Office of Children and Family Services had previously administratively relieved local social services districts of this responsibility since they have no legal relationship with these types of children.

Budget Implications:

This bill results in estimated State savings of \$32,000 in 2015-16, annualizing to \$100,000 in 2016-17.

Effective Date:

This bill would take effect on July 1, 2015.

## **Part L - Make statutory changes to comply with the recent federal Preventing Sex Trafficking and Strengthening Families Act**

### Purpose:

The bill would enact provisions to conform State law to the federal Preventing Sex Trafficking and Strengthening Families Act (the Act), which is required for the State and local departments of social services (LDSSs) to continue receiving approximately \$600 million in federal funding under Title IV-E of the Social Security Act (SSA).

### Summary of Provisions and Statement in Support:

President Obama signed the Act into law on September 29, 2014. It will help reduce the incidence of sex trafficking among youth in foster care, help ensure that foster children participate in age or developmentally appropriate activities to promote normalcy in their lives and help increase the speed with which permanency for foster youth is achieved.

This bill would make the statutory changes needed for New York to comply with the new requirements imposed by the Act. Consistent with those requirements, the bill would:

- Allow a missing child report to be made and reported to the National Crime Information Center (NCIC) database of the Federal Bureau of Investigation for any youth under 21 years of age who the Office of Children and Family Services (OCFS) or an LDSS has reasonable cause to believe is, or is at risk of being, a sex trafficking victim;
- Authorize kinship guardianship assistance payments to be made to a successor guardian upon the death or incapacity of the child's relative guardian;
- Decrease the age at which a permanency hearing must address whether a foster child is receiving services to help transition him or her to independent living from 16 to 14 years of age;
- Require that a foster child be at least 16 years of age to have a permanency goal of another planned permanent living arrangement (APPLA);
- Require caseworkers to document the intensive, ongoing and unsuccessful efforts made to secure an alternative permanency plan to APPLA and the steps being taken to ensure that foster children have regular and on-going age or developmentally appropriate activities;

- Require that foster children be asked about their desired permanency outcome at hearings where APPLA is the requested permanency goal; and,
- Authorize OCFS or an LDSS to obtain a certified copy or transcript of a birth certificate for a foster child in its care and to extend to other foster children the current provision authorizing OCFS and the LDSS to obtain free copies of birth certificates for juvenile delinquents.

Budget Implications:

Enactment of this bill is necessary to implement the 2015-16 Executive Budget because it would allow the State and LDSSs to continue to receive approximately \$600 million in federal child welfare funding under Title IV-E of the SSA.

Effective Date:

This bill would take effect on September 1, 2015, except the provisions pertaining to successor kinship guardianship would take effect immediately and the provision related to reporting missing children to the NCIC would take effect on January 1, 2016.

**Part M - Utilize excess Mortgage Insurance Fund reserves**

Purpose:

This bill would utilize \$125 million in excess Mortgage Insurance Fund (MIF) reserves.

Summary of Provisions and Statement in Support:

The MIF, a division of the State of New York Mortgage Agency (SONYMA), was created in 1978 to insure mortgage loans for projects that would not otherwise be able to obtain private mortgage insurance, thereby encouraging the commercial and public investment of mortgage capital and increasing the supply of affordable housing in New York State.

The SONYMA statute allows for excess revenues from the MIF, after expenses and the required reserves, to be returned to the State following SONYMA Board approval. The MIF has been previously used to support new housing development or provide relief for budgetary deficits; in FY 2015, \$81 million was used for various housing assistance and capital programs, and \$34 million was used for municipal assistance.

The MIF is currently projected to have over \$125 million in reserves through FY 2016 that can be accessed without negatively impacting the Fund's credit rating. The funding will be utilized in the following manner, as prescribed within the bill:

- Rural Rental Assistance Program (\$21.6 million): supports rental subsidies for low-income elderly and family tenants residing in federally-funded multifamily projects in rural areas of the State;
- Mitchell-Lama Portfolio (\$42 million): supports the initial refinancing and capital repairs of 35 Mitchell-Lama affordable housing projects that Homes and Community Renewal acquired from the Empire State Development Corporation;
- Neighborhood and Rural Preservation Programs (\$12 million): supports community-based housing corporations across the State that provide various housing related services for low and moderate income populations;
- Various affordable housing capital programs (\$33 million): supports the Rural and Urban Community Development Fund Program (\$17 million); the Low-Income Housing Trust Fund Program (\$7.5 million); and the Homes for Working Families Program (\$8.5 million) pursuant to the Governor's House New York initiative; and
- Homeless Housing Programs (\$16.3 million): supports the OTDA consolidated homeless programs, which include: the New York State Supportive Housing Program, the Solutions to End Homelessness Program, and the Operational Support for AIDS Housing program.

Budget Implications:

The bill is necessary for enactment of the 2015-16 Executive Budget, which assumes MIF revenue for the aforementioned programs.

Effective Date:

This bill would take effect immediately.

**Part N - Increase the minimum wage**

Purpose:

This bill would raise the minimum hourly wage from \$9.00 to \$11.50 in New York City and \$10.50 in the remainder of the State, effective December 31, 2016.

Summary of Provisions and Statement in Support:

A minimum wage ensures that the most vulnerable members of the workforce can participate in and contribute to a robust economy. A reasonable minimum wage increases the standard of living for workers, reduces poverty and incentivizes fair and more efficient business practices. New York's minimum wage has not kept pace with

increases in the cost of living. At present, eight states have a higher minimum wage than New York, including our neighbors Connecticut, Vermont, and Massachusetts.

Effective December 31, 2015, New York's current statutory minimum wage of \$8.75 will increase to \$9.00. This bill would amend section 652 of the Labor Law to increase the statutory minimum wage by \$2.50, to \$11.50 in New York City and by \$1.50 to \$10.50 in the remainder of the State, effective December 31, 2016. This would bring the minimum wage more in line with the cost of living and the wage required to lift a family out of poverty.

Budget Implications:

Enactment of this bill has broad budget implications as it increases the standard of living for workers, reduces poverty, and incentivizes fair and more efficient business practices.

Effective Date:

This bill would take effect immediately.

**Part O - Provide a leave of absence for healthcare professionals who volunteer to fight the Ebola virus overseas**

Purpose:

This bill would provide a healthcare professional who volunteers to fight the Ebola virus overseas with a right take to a leave of absence unless said absence would impose an undue hardship on the business or operations of the healthcare professional's employer.

Summary of Provisions and Statement in Support:

The Ebola virus disease is a rare and potentially deadly disease caused by infection with one of four Ebola strains known to cause disease in humans. The World Health Organization has declared that the current Ebola virus disease outbreak in West Africa constitutes a public health emergency of international concern. As reported by the United States Centers for Disease Control and Prevention, the number of future Ebola virus disease cases will reach extraordinary levels without a scale-up of interventions.

This bill would support New York state healthcare professionals including physicians, physician assistants, nurse practitioners, and registered nurses who want to fight the Ebola virus in a country that has been classified as having widespread transmission of the Ebola virus. New York's existing Human Rights Law provides broad anti-discrimination protection to these healthcare professionals when they return from fighting Ebola. The bill would expand upon these protections and provide professionals with a right to request an unpaid leave of absence from their employer to volunteer to fight the Ebola virus. The bill would require the leave of absence to be granted unless



the absence would impose an undue hardship on the employer's business or operations. The bill would apply to private sector employees as well as employees of the State and local governments. During such a leave of absence, the bill would require that the professionals be entitled to participate in insurance and other benefits consistent with their employer's existing practices for employees on a leave of absence. The bill would further require that a healthcare professional returning from a leave of absence be restored to the same or comparable position without loss of seniority upon the completion of the leave. The bill also contains detailed rules outlining the procedures that a healthcare professional must satisfy in requesting a leave of absence to fight the Ebola virus.

#### Budget Implications:

Enactment of this bill would provide job protection for health care professionals who volunteer their services to address the Ebola crisis, a public health emergency. The mandated leave is unpaid, although employees may utilize payroll accruals during the leave period; thus the bill imposes no extra costs upon employers, including State or local governments. Providing the leave helps manage a potential public health situation that, if unaddressed, could require a significant investment of State and local resources to address.

#### Effective Date:

This bill would take effect thirty days after it becomes a law. The right of a healthcare professional to request a leave of absence expires on December 1, 2016. All other provisions of the bill expire on December 1, 2017.

### **Part P - Repeal of various Department of Labor fees**

#### Purpose:

This bill would repeal 21 fees assessed by the Department of Labor for a variety of inspection and enforcement activities and permits, while retaining the necessary functions associated with those fees. Nine additional fees will be repealed through regulatory action.

#### Summary of Provisions and Statement in Support:

The 21 fees that would be eliminated by this bill place a burden on businesses and individuals in New York State. The fees that would be repealed by this bill are as follows:

- **External and Internal Antique Boiler Inspection Fees (2)** - \$25 fee charged to the owners of antique steam engines and other boilers that must be inspected externally and internally every year.

- **Miniature Boiler Inspection Fee** - \$50 fee charged to the owners of miniature boilers that must be inspected annually.
- **Commissary Operator Permit Fee** - \$40 fee charged to commissary operators who apply for a one year permit to operate a commissary that serves migrant farm workers at the camp or processing plant where they are employed.
- **Defense Dispensation Fee** - \$40 fee charged to Defense contractors and canneries that apply for a dispensation from certain provisions of the Labor Law.
- **Day of Rest Easement Application Fee** - \$40 fee charged to employers that apply to an exemption from the day of rest statute that requires employees be given one 24 hour period off from work in each calendar week.
- **Farm Grower Permit Fee** - \$40 fee charged to agriculture growers who apply for a one year permit that allows the grower to employ more than five non-H2A migrant farm workers.
- **Farm Labor Contractor Permit Fee** - \$200 fee charged to farm labor contractors that apply for a one year permit to transport and provide non-H2A migrant farm workers to a grower.
- **Industrial Homework Certificate Fee - Employer** - \$100 fee charged to Manufacturers who apply for a one year permit that allows the manufacturer to distribute unfinished material, such as clothing or jewelry, to employees for completion at their homes.
- **Industrial Homework Certificate Fee - Homeworker** - \$25 fee charged to individuals who apply for a one year permit that enables the individual to accept and perform industrial work in their homes.
- **Professional Employer Organization Registration and Renewal Fees (2)** - \$1,000 initial registration fee charged to professional employer organizations to allow the leasing of employees to businesses in New York. A \$500 renewal fee is charged annually.
- **Professional Employer Organization Exemption Fee** - \$250 fee charged to professional employer organizations annually that are already licensed in another state. The organization must have no office and less than 25 employees in New York to qualify for this exemption.
- **Workplace Safety and Loss Certification Fee** - \$1,000 fee charged to individuals who apply and are certified to conduct workplace safety and loss prevention consultations. Fees are lower when multiple individuals apply.

- **Workplace Safety and Loss Specialist Certification and Recertification Fees (2)** - \$800 fee charged to individuals who receive certification as a workplace safety and loss prevention management specialist. A \$600 recertification fee is charged every three years with \$100 charged for each additional recertification. Fees are lower when multiple individuals apply.
- **Workplace Safety and Loss Consultation Fee** - \$350 per day charged to clients who receive a workplace safety and loss prevention consultation from DOL staff.
- **Written Assurances Fee** - \$100 fee charged to apparel industry manufacturers or contractors when they apply for a one year written assurance from DOL that a subcontractor has complied with certain requirements of the Labor Law.
- **Slot Machine Repair License Fees (2)** – \$500 fee for each machine used in the slot machine apprenticeship program. \$100 fee for each person registered in the slot machine apprenticeship program. Both fees are renewable every six months.
- **Building Plans Exam Fee** – \$200 fee charged for the examination of plans submitted to DOL for review and approval to build or alter a place of public assembly located therein. The fee is based on the estimated cost of the project with a maximum charge of \$200.

Budget Implications:

This bill would result in the loss of \$134,000 in recurring revenue to the Financial Plan.

Effective Date:

This bill would take effect immediately.

**Part Q - Make experiential learning a graduation requirement at SUNY and CUNY**

Purpose:

This bill would make experiential learning a mandatory requirement for graduation at the State University of New York and the City University of New York to ensure our public institutions of higher education connect students to employers and jobs.

Summary of Provisions and Statement in Support:

This bill would amend Education Law to require the Boards of Trustees of the State University of New York and the City University of New York to each pass a resolution

making experiential learning or applied learning activities a mandatory requirement for graduation.

To gain employment after graduation, it is no longer sufficient for a student simply to attain a degree or certificate in a specific field. Rather, students must also demonstrate work readiness and prior relevant experience to prospective employers. Experiential learning such as cooperative education ("co-op") and internships provide a win-win-win for New York's businesses, colleges, and -- most importantly -- students.

Budget Implications:

Enactment of this bill is necessary to implement the 2015-16 Executive Budget.

Effective Date:

This bill would take effect April 1, 2015.

The provisions of this act shall take effect immediately, provided, however, that the applicable effective date of each part of this act shall be as specifically set forth in the last section of such part.