

STATE OF NEW YORK

9506--A

IN ASSEMBLY

January 18, 2018

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 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to contracts for excellence and the apportionment of public moneys; to amend the education law, in relation to a teacher diversity study; to amend the education law, in relation to reporting requirements of school level funding; to amend the education law, in relation to supplemental basic tuition; to amend the education law, in relation to charter school tuition and facility aid for charter schools; to amend the education law, in relation to supplemental public excess cost aid; to amend the education law, in relation to the amount of the supplemental basic tuition for charter schools; to amend the education law, in relation to the consumer price index; to amend the education law, in relation to total foundation aid; to amend the education law, in relation to the effectiveness of provisions relating to BOCES intermediate districts; to amend the education law, in relation to aid for career education; to amend the education law, in relation to building aid; to amend the education law, in relation to full day kindergarten aid; to amend the education law, in relation to academic enhancement aid; to amend the education law, in relation to high tax aid; to amend the education law, in relation to universal pre-kindergarten aid; to amend the education law, in relation to the statewide universal full-day pre-kindergarten program; to ratify and validate the actions or omissions of any school district relating to the submission of a fiscal building cost report; to amend the education law, in relation to state aid adjustments; to amend the education law, in relation to payment of moneys due for prior years; to amend the education law, in relation to the teachers of tomorrow teacher recruitment and retention program; to amend the education law, in relation to teacher certification; to amend the education law, in relation to universal pre-kindergarten expansion; to amend the education law, in relation to class sizes for special classes containing certain students with disabilities; to amend the education law, in relation to a fiscal stabilization fund; to amend the education law, in relation to tuition methodology; to amend chapter 756 of the laws of 1992, relating to funding a program

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

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for work force education conducted by the consortium for worker education in New York city, in relation to reimbursements for the 2018-2019 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 the effectiveness thereof; to amend the education law, in relation to class sizes for special classes containing certain students with disabilities; to amend the education law, in relation to employment preparation education programs; 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 provide for an increase in reimbursable costs for special services or programs; to amend chapter 89 of the laws of 2016, relating to supplementary funding for dedicated programs for public school students in the East Ramapo central school district, 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, charter school or BOCES employees, in relation to 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 expiration of certain 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 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 the effectiveness thereof; to amend chapter 56 of the laws of 2014, amending the education law relating to providing that standardized test scores shall not be included on a student's permanent record, in relation to the expiration of certain provisions; to amend the education law, in relation to requiring the commissioner of education to include certain information in the official score report of all students; relating to school bus driver training; relating to special apportionment for salary expenses and public pension accruals; relating to suballocations of appropriations; relating to the city school district of the city of Rochester; relating to total foundation aid for the purpose of the development, maintenance or expansion of certain magnet schools or magnet school programs for the 2017-2018 school year; relating to the support of public libraries; to amend chapter 507 of the laws of 1974, relating to providing for the apportionment of state monies to certain nonpublic schools, to reimburse them for their expenses in complying with certain state requirements for the administration of state testing and evaluation programs and for participation in state programs for the reporting of basic educational data, in relation to the calculation of nonpublic schools' eligibility to receive aid; to amend chapter 121 of the laws of 1996 relating to authorizing the Roosevelt union free school district to finance deficits by the issuance of serial bonds, in relation to certain apportionments; to amend the education law, in relation to exempting BOCES capital expenditures from certain limitations; to amend the general municipal law, in relation to insurance reserve funds of the Mamaroneck union free school district ; to amend the



general municipal law, in relation to allowing certain school districts and boards of cooperative educational services to establish a retirement contribution reserve fund for the purposes of the New York state teachers' retirement system; providing for the repeal of such provisions upon expiration thereof; to repeal section 3602-ee of the education law relating thereto (Part A); to amend the education law and chapter 537 of the laws of 1976, relating to paid, free and reduced price breakfast for eligible pupils in certain school districts, in relation to prohibiting lunch shaming and to school breakfast and lunch programs (Part B); intentionally omitted (Part C); to amend the education law, in relation to participation in recovery high school programs (Part D); to amend the education law, in relation to creating the New York DREAM fund commission; 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; 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 E); intentionally omitted (Part F); to amend chapter 57 of the laws of 2012 amending the social services law and the family court act relating to establishing a juvenile justice services close to home initiative, and amending the social services law, the family court act and the executive law relating to juvenile delinquents, in relation to extending the close to home (CTH) initiative and juvenile justice reforms an additional five years (Part G); intentionally omitted (Part H); to amend part G of chapter 57 of the laws of 2013, amending the executive law and the social services law relating to consolidating the youth development and delinquency prevention program and the special delinquency prevention program, in relation to extending such provisions (Part I); 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 the effectiveness thereof (Part J); to amend the public authorities law, in relation to adding the office of children and family services to the list of entities to whom the dormitory authority of the state of New York (DASNY) is authorized to provide capital design and construction services (Part K); 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 L); to amend the social services law, in relation to a rental subsidy for public assistance recipients living with HIV/AIDS (Part M); to utilize reserves in the mortgage insurance fund for various housing purposes; and to amend chapter 56 of the laws of 2017, relating to utilizing reserves in the mortgage insurance fund for various housing purposes, in relation to transferring reserves to the general fund (Part N); to amend chapter 85 of the laws of 2017, relating to creating the Lake Ontario-St. Lawrence Seaway flood recovery and International Joint Commission Plan 2014 mitigation grant program, in relation to utilizing reserves in the mortgage insurance fund for various housing purposes (Part O); to amend the labor law, in relation to hours, wages and supplements in contracts for public work (Part P); to amend the lien law, in relation to employee liens; to amend the labor law, in

relation to employee complaints; to amend the civil practice law and rules, in relation to grounds for attachment; to amend the business corporation law, in relation to streamlining procedures where employees may hold shareholders of non-publicly traded corporations personally liable for wage theft; and to amend the limited liability company law, in relation to creating a right for victims of wage theft to hold the ten members with the largest ownership interests in a company personally liable for wage theft (Part Q); to amend the education law, in relation to public university and foundation oversight (Part R); to amend the education law, in relation to funding for SUNY, CUNY and SUNY health sciences centers (Part S); to amend the state finance law, in relation to five-year capital plans for the state university of New York and the city university of New York (Part T); to amend the state finance law, in relation to establishing the SUNY Stony Brook Eastern Long Island Hospital Affiliation escrow fund (Part U); to amend the education law, in relation to creating a firearm violence research institute (Part V); to amend the education law, in relation to the excelsior scholarship (Part W); to amend the education law, in relation to establishing the Martin Luther King, Jr. scholarship (Part X); to amend the education law, in relation to the enhanced tuition awards (Part Y); to amend the social services law, in relation to exemption from participation in work activities for applicants or recipients of public assistance providing child care (Part Z); to amend the state finance law, in relation to the local share requirements associated with increasing the age of juvenile jurisdiction; repealing section 54-m of the state finance law relating thereto; and to repeal section 104-a of part WWW of chapter 59 of the laws of 2017 relating to proceedings against juvenile and adolescent offenders, relating to costs associated with the transport of youth (Part AA); to amend the education law, in relation to the New York state science, technology, engineering and mathematics incentive program (Part BB); to amend the education law, in relation to authorizing reduced tuition for residents of areas impacted by a declared disaster (Part CC); to amend the social services law, in relation to establishing the homeless rental supplement pilot program (Part DD); to amend the social services law, in relation to authorizing certain social services district to offer a savings plan for individuals to contribute to in lieu of applying a portion of a temporary housing assistance recipient's earned income (Part EE); to amend the education law and the state finance law, in relation to charter schools (Part FF); and to amend the labor law, in relation to the administration of certain workforce investment funds (Part GG)

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 2018-2019
3 state fiscal year. Each component is wholly contained within a Part
4 identified as Parts A through GG. 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 a 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

1 Part in which it is found. Section three of this act sets forth the
2 general effective date of this act.

3

PART A

4 Section 1. Paragraph e of subdivision 1 of section 211-d of the educa-
5 tion law, as amended by section 1 of part YYY of chapter 59 of the laws
6 of 2017, is amended to read as follows:

7 e. Notwithstanding paragraphs a and b of this subdivision, a school
8 district that submitted a contract for excellence for the two thousand
9 eight--two thousand nine school year shall submit a contract for excel-
10 lence for the two thousand nine--two thousand ten school year in
11 conformity with the requirements of subparagraph (vi) of paragraph a of
12 subdivision two of this section unless all schools in the district are
13 identified as in good standing and provided further that, a school
14 district that submitted a contract for excellence for the two thousand
15 nine--two thousand ten school year, unless all schools in the district
16 are identified as in good standing, shall submit a contract for excel-
17 lence for the two thousand eleven--two thousand twelve school year which
18 shall, notwithstanding the requirements of subparagraph (vi) of para-
19 graph a of subdivision two of this section, provide for the expenditure
20 of an amount which shall be not less than the product of the amount
21 approved by the commissioner in the contract for excellence for the two
22 thousand nine--two thousand ten school year, multiplied by the
23 district's gap elimination adjustment percentage and provided further
24 that, a school district that submitted a contract for excellence for the
25 two thousand eleven--two thousand twelve school year, unless all schools
26 in the district are identified as in good standing, shall submit a
27 contract for excellence for the two thousand twelve--two thousand thir-
28 teen school year which shall, notwithstanding the requirements of
29 subparagraph (vi) of paragraph a of subdivision two of this section,
30 provide for the expenditure of an amount which shall be not less than
31 the amount approved by the commissioner in the contract for excellence
32 for the two thousand eleven--two thousand twelve school year and
33 provided further that, a school district that submitted a contract for
34 excellence for the two thousand twelve--two thousand thirteen school
35 year, unless all schools in the district are identified as in good
36 standing, shall submit a contract for excellence for the two thousand
37 thirteen--two thousand fourteen school year which shall, notwithstanding
38 the requirements of subparagraph (vi) of paragraph a of subdivision two
39 of this section, provide for the expenditure of an amount which shall be
40 not less than the amount approved by the commissioner in the contract
41 for excellence for the two thousand twelve--two thousand thirteen school
42 year and provided further that, a school district that submitted a
43 contract for excellence for the two thousand thirteen--two thousand
44 fourteen school year, unless all schools in the district are identified
45 as in good standing, shall submit a contract for excellence for the two
46 thousand fourteen--two thousand fifteen school year which shall,
47 notwithstanding the requirements of subparagraph (vi) of paragraph a of
48 subdivision two of this section, provide for the expenditure of an
49 amount which shall be not less than the amount approved by the commis-
50 sioner in the contract for excellence for the two thousand thirteen--two
51 thousand fourteen school year; and provided further that, a school
52 district that submitted a contract for excellence for the two thousand
53 fourteen--two thousand fifteen school year, unless all schools in the
54 district are identified as in good standing, shall submit a contract for



1 excellence for the two thousand fifteen--two thousand sixteen school
2 year which shall, notwithstanding the requirements of subparagraph (vi)
3 of paragraph a of subdivision two of this section, provide for the
4 expenditure of an amount which shall be not less than the amount
5 approved by the commissioner in the contract for excellence for the two
6 thousand fourteen--two thousand fifteen school year; and provided
7 further that a school district that submitted a contract for excellence
8 for the two thousand fifteen--two thousand sixteen school year, unless
9 all schools in the district are identified as in good standing, shall
10 submit a contract for excellence for the two thousand sixteen--two thou-
11 sand seventeen school year which shall, notwithstanding the requirements
12 of subparagraph (vi) of paragraph a of subdivision two of this section,
13 provide for the expenditure of an amount which shall be not less than
14 the amount approved by the commissioner in the contract for excellence
15 for the two thousand fifteen--two thousand sixteen school year; and
16 provided further that, a school district that submitted a contract for
17 excellence for the two thousand sixteen--two thousand seventeen school
18 year, unless all schools in the district are identified as in good
19 standing, shall submit a contract for excellence for the two thousand
20 seventeen--two thousand eighteen school year which shall, notwithstand-
21 ing the requirements of subparagraph (vi) of paragraph a of subdivision
22 two of this section, provide for the expenditure of an amount which
23 shall be not less than the amount approved by the commissioner in the
24 contract for excellence for the two thousand sixteen--two thousand
25 seventeen school year; and provided further that no school district
26 shall be required to submit a contract for excellence for the two thou-
27 sand eighteen--two thousand nineteen school year and thereafter. For
28 purposes of this paragraph, the "gap elimination adjustment percentage"
29 shall be calculated as the sum of one minus the quotient of the sum of
30 the school district's net gap elimination adjustment for two thousand
31 ten--two thousand eleven computed pursuant to chapter fifty-three of the
32 laws of two thousand ten, making appropriations for the support of
33 government, plus the school district's gap elimination adjustment for
34 two thousand eleven--two thousand twelve as computed pursuant to chapter
35 fifty-three of the laws of two thousand eleven, making appropriations
36 for the support of the local assistance budget, including support for
37 general support for public schools, divided by the total aid for adjust-
38 ment computed pursuant to chapter fifty-three of the laws of two thou-
39 sand eleven, making appropriations for the local assistance budget,
40 including support for general support for public schools. Provided,
41 further, that such amount shall be expended to support and maintain
42 allowable programs and activities approved in the two thousand nine--two
43 thousand ten school year or to support new or expanded allowable
44 programs and activities in the current year.

45 § 2. Section 305 of the education law is amended by adding a new
46 subdivision 58 to read as follows:

47 58. a. No later than December thirty-first, two thousand nineteen, the
48 commissioner shall prepare and submit to the governor, the temporary
49 president of the senate and the speaker of the assembly a report that
50 provides an overview of teacher diversity throughout the state. Such
51 report shall:

52 (i) study the potential barriers to: achieving diversity within teach-
53 er preparation programs; obtaining an initial certificate in the class-
54 room teaching service; and obtaining teacher certification as a teacher
55 aide or teaching assistant;



1 (ii) include available data on race, ethnicity, gender, and age; the
2 efforts higher education institutions with teacher preparation programs
3 are taking to recruit and retain a diverse student population into such
4 programs; and the efforts that the state and schools are taking to
5 attract, hire, and retain certified teachers who reflect the diversity
6 within New York state's schools; and

7 (iii) make recommendations on programs, practices and policies that
8 may be implemented by schools and teacher preparation programs to
9 improve teacher diversity throughout the state.

10 b. The commissioner shall consult with stakeholders and other inter-
11 ested parties when preparing such report. The state university of New
12 York, the city university of New York, the commission on independent
13 colleges and universities, and the proprietary college sector with
14 registered teacher education programs in this state shall, to the extent
15 practicable, identify and provide representatives to the department, at
16 the request of the commissioner, in order to participate in the develop-
17 ment and drafting of such report.

18 § 3. Intentionally omitted.

19 § 4. Intentionally omitted.

20 § 5. The opening paragraph of paragraph (e) of subdivision 3 of
21 section 2853 of the education law, as added by section 5 of part BB of
22 chapter 56 of the laws of 2014, is amended to read as follows:

23 In a city school district in a city having a population of one million
24 or more inhabitants, charter schools that first commence instruction or
25 that require additional space due to an expansion of grade level, pursu-
26 ant to this article, approved by their charter entity for the two thou-
27 sand fourteen--two thousand fifteen school year [or thereafter] through
28 the two thousand seventeen--two thousand eighteen school year and
29 request co-location in a public school building shall be provided access
30 to facilities pursuant to this paragraph for such charter schools that
31 first commence instruction or that require additional space due to an
32 expansion of grade level, pursuant to this article, approved by their
33 charter entity for those grades newly provided.

34 § 6. Subparagraph (vi) of paragraph (a) of subdivision 1 of section
35 2856 of the education law, as amended by section 4 of part YYY of chap-
36 ter 59 of the laws of 2017, is amended to read as follows:

37 (vi) for the two thousand eighteen--two thousand nineteen school year,
38 the charter school basic tuition shall be the lesser of (A) the product
39 of (i) the charter school basic tuition calculated for the base year
40 minus the sum of (1) five hundred dollars plus (2) the supplemental
41 basic tuition calculated for the two thousand sixteen--two thousand
42 seventeen school year, multiplied by (ii) the average of the quotients
43 for each school year in the period commencing with the year five years
44 prior to the base year and finishing with the year prior to the base
45 year of the total approved operating expense for such school district
46 calculated pursuant to paragraph t of subdivision one of section thir-
47 ty-six hundred two of this chapter for each such year divided by the
48 total approved operating expense for such district for the immediately
49 preceding year, provided that the highest and lowest annual quotients
50 shall be excluded from the calculation of such average or (B) the
51 quotient of the total general fund expenditures for the school district
52 calculated pursuant to an electronic data file created for the purpose
53 of compliance with paragraph b of subdivision twenty-one of section
54 three hundred five of this chapter published annually on May fifteenth
55 for the year prior to the base year divided by the total estimated
56 public enrollment for the school district pursuant to paragraph n of

1 subdivision one of section thirty-six hundred two of this chapter for
2 the year prior to the base year.

3 § 6-a. The closing paragraph of paragraph (a) of subdivision 1 of
4 section 2856 of the education law, as amended by section 4 of part YYY
5 of chapter 59 of the laws of 2017, is amended to read as follows:

6 For the purposes of this subdivision, the "supplemental basic tuition"
7 shall be (A) for a school district for which the charter school basic
8 tuition computed for the current year is greater than or equal to the
9 charter school basic tuition for the two thousand ten--two thousand
10 eleven school year pursuant to the provisions of subparagraph (i) of
11 this paragraph, (1) for the two thousand fourteen--two thousand fifteen
12 school year two hundred and fifty dollars, and (2) for the two thousand
13 fifteen--two thousand sixteen school year three hundred and fifty
14 dollars, and (3) for the two thousand sixteen--two thousand seventeen
15 school year five hundred dollars, and (4) for the two thousand seven-
16 teen--two thousand eighteen school year [and thereafter], the sum of (i)
17 the supplemental basic tuition calculated for the two thousand sixteen-
18 -two thousand seventeen school year plus (ii) five hundred dollars, and
19 (B) for school years prior to the two thousand seventeen--two thousand
20 eighteen school year, for a school district for which the charter school
21 basic tuition for the two thousand ten--two thousand eleven school year
22 is greater than the charter school basic tuition for the current year
23 pursuant to the provisions of subparagraph (i) of this paragraph, the
24 positive difference of the charter school basic tuition for the two
25 thousand ten--two thousand eleven school year minus the charter school
26 basic tuition for the current year pursuant to the provisions of subpar-
27 agraph (i) of this paragraph and (C) for [school years following] the
28 two thousand sixteen--two thousand seventeen and the two thousand seven-
29 teen--two thousand eighteen school years, for a school district for
30 which the charter school basic tuition for the two thousand ten--two
31 thousand eleven school year is greater than the charter school basic
32 tuition for the current year pursuant to the provisions of subparagraph
33 (i) of this paragraph, the sum of (i) the supplemental basic tuition
34 calculated for the two thousand sixteen--two thousand seventeen school
35 year plus (ii) five hundred dollars.

36 § 7. Subparagraph (vi) of paragraph (a) of subdivision 1 of section
37 2856 of the education law, as amended by section 4-a of part YYY of
38 chapter 59 of the laws of 2017, is amended to read as follows:

39 (vi) for the two thousand eighteen--two thousand nineteen school year,
40 the charter school basic tuition shall be the lesser of (A) the product
41 of (i) the charter school basic tuition calculated for the base year
42 minus the sum of (1) five hundred dollars plus (2) the supplemental
43 basic tuition calculated for the two thousand sixteen--two thousand
44 seventeen school year, multiplied by (ii) the average of the quotients
45 for each school year in the period commencing with the year five years
46 prior to the base year and finishing with the year prior to the base
47 year of the total approved operating expense for such school district
48 calculated pursuant to paragraph t of subdivision one of section thir-
49 ty-six hundred two of this chapter for each such year divided by the
50 total approved operating expense for such district for the immediately
51 preceding year, provided that the highest and lowest annual quotients
52 shall be excluded from the calculation of such average or (B) the
53 quotient of the total general fund expenditures for the school district
54 calculated pursuant to an electronic data file created for the purpose
55 of compliance with paragraph b of subdivision twenty-one of section
56 three hundred five of this chapter published annually on May fifteenth

1 for the year prior to the base year divided by the total estimated
2 public enrollment for the school district pursuant to paragraph n of
3 subdivision one of section thirty-six hundred two of this chapter for
4 the year prior to the base year.

5 § 7-a. The closing paragraph of paragraph (a) of subdivision 1 of
6 section 2856 of the education law, as amended by section 4-a of part YYY
7 of chapter 59 of the laws of 2017, is amended to read as follows:

8 For the purposes of this subdivision, the "supplemental basic tuition"
9 shall be (A) for a school district for which the charter school basic
10 tuition computed for the current year is greater than or equal to the
11 charter school basic tuition for the two thousand ten--two thousand
12 eleven school year pursuant to the provisions of subparagraph (i) of
13 this paragraph, (1) for the two thousand fourteen--two thousand fifteen
14 school year two hundred and fifty dollars, and (2) for the two thousand
15 fifteen--two thousand sixteen school year three hundred and fifty
16 dollars, and (3) for the two thousand sixteen--two thousand seventeen
17 school year five hundred dollars, and (4) for the two thousand seven-
18 teen--two thousand eighteen school year [and thereafter], the sum of (i)
19 the supplemental basic tuition calculated for the two thousand sixteen-
20 -two thousand seventeen school year plus (ii) five hundred dollars, and
21 (B) for school years prior to the two thousand seventeen--two thousand
22 eighteen school year, for a school district for which the charter school
23 basic tuition for the two thousand ten--two thousand eleven school year
24 is greater than the charter school basic tuition for the current year
25 pursuant to the provisions of subparagraph (i) of this paragraph, the
26 positive difference of the charter school basic tuition for the two
27 thousand ten--two thousand eleven school year minus the charter school
28 basic tuition for the current year pursuant to the provisions of subpar-
29 agraph (i) of this paragraph and (C) for [school years following] the
30 two thousand sixteen--two thousand seventeen and the two thousand seven-
31 teen--two thousand eighteen school years, for a school district for
32 which the charter school basic tuition for the two thousand ten--two
33 thousand eleven school year is greater than the charter school basic
34 tuition for the current year pursuant to the provisions of subparagraph
35 (i) of this paragraph, the sum of (i) the supplemental basic tuition
36 calculated for the two thousand sixteen--two thousand seventeen school
37 year plus (ii) five hundred dollars.

38 § 8. Paragraph (d) of subdivision 1 of section 2856 of the education
39 law, as amended by section 4 of part YYY of chapter 59 of the laws of
40 2017, is amended to read as follows:

41 (d) School districts shall be eligible for an annual apportionment
42 equal to the amount of the supplemental basic tuition for the charter
43 school in the base year for the expenses incurred in the two thousand
44 fourteen--two thousand fifteen, two thousand fifteen--two thousand
45 sixteen, two thousand sixteen--two thousand seventeen [school years] and
46 [thereafter] two thousand seventeen--two thousand eighteen school years,
47 provided however such payment shall be made in the current year for
48 expenses incurred in the two thousand seventeen--two thousand eighteen
49 school year.

50 § 8-a. Paragraph (c) of subdivision 1 of section 2856 of the education
51 law, as amended by section 4-a of part YYY of chapter 59 of the laws of
52 2017, is amended to read as follows:

53 (c) School districts shall be eligible for an annual apportionment
54 equal to the amount of the supplemental basic tuition for the charter
55 school in the base year for the expenses incurred in the two thousand
56 fourteen--two thousand fifteen, two thousand fifteen--two thousand

1 sixteen, two thousand sixteen--two thousand seventeen [school years] and
2 [thereafter] two thousand seventeen--two thousand eighteen school years,
3 provided however such payment shall be made in the current year for
4 expenses incurred in the two thousand seventeen--two thousand eighteen
5 school year.

6 § 9. Subdivision 1 of section 3602 of the education law is amended by
7 adding a new paragraph hh to read as follows:

8 hh. "Consumer price index" shall mean the quotient of: (i) the average
9 of the national consumer price indexes determined by the United States
10 department of labor for the twelve-month period preceding January first
11 of the current year minus the average of the national consumer price
12 indexes determined by the United States department of labor for the
13 twelve-month period preceding January first of the prior year; divided
14 by (ii) the average of the national consumer price indexes determined by
15 the United States department of labor for the twelve-month period
16 preceding January first of the prior year, with the result expressed as
17 a decimal to three places.

18 § 9-a. Subdivision 4 of section 3602 of the education law, as amended
19 by section 16-a of part YYY of chapter 59 of the laws of 2017, is
20 amended to read as follows:

21 4. Total foundation aid. In addition to any other apportionment pursu-
22 ant to this chapter, a school district, other than a special act school
23 district as defined in subdivision eight of section four thousand one of
24 this chapter, shall be eligible for total foundation aid equal to the
25 product of total aidable foundation pupil units multiplied by the
26 district's selected foundation aid, which shall be the greater of five
27 hundred dollars (\$500) or foundation formula aid, provided, however that
28 for the two thousand seven--two thousand eight through two thousand
29 eight--two thousand nine school years, no school district shall receive
30 total foundation aid in excess of the sum of the total foundation aid
31 base for aid payable in the two thousand seven--two thousand eight
32 school year computed pursuant to subparagraph (i) of paragraph j of
33 subdivision one of this section, plus the phase-in foundation increase
34 computed pursuant to paragraph b of this subdivision, and provided
35 further that for the two thousand twelve--two thousand thirteen school
36 year, no school district shall receive total foundation aid in excess of
37 the sum of the total foundation aid base for aid payable in the two
38 thousand eleven--two thousand twelve school year computed pursuant to
39 subparagraph (ii) of paragraph j of subdivision one of this section,
40 plus the phase-in foundation increase computed pursuant to paragraph b
41 of this subdivision, and provided further that for the two thousand
42 thirteen--two thousand fourteen school year and thereafter, no school
43 district shall receive total foundation aid in excess of the sum of the
44 total foundation aid base computed pursuant to subparagraph (ii) of
45 paragraph j of subdivision one of this section, plus the phase-in foun-
46 dation increase computed pursuant to paragraph b of this subdivision,
47 and provided further that for the two thousand sixteen--two thousand
48 seventeen school year, no eligible school districts shall receive total
49 foundation aid in excess of the sum of the total foundation aid base
50 computed pursuant to subparagraph (ii) of paragraph j of subdivision one
51 of this section plus the sum of (A) the phase-in foundation increase,
52 (B) the executive foundation increase with a minimum increase pursuant
53 to paragraph b-2 of this subdivision, and (C) an amount equal to "COMMU-
54 NITY SCHOOLS AID" in the computer listing produced by the commissioner
55 in support of the executive budget request for the two thousand
56 sixteen--two thousand seventeen school year and entitled "BT161-7",

1 where (1) "eligible school district" shall be defined as a district with
2 (a) an unrestricted aid increase of less than seven percent (0.07) and
3 (b) a three year average free and reduced price lunch percent greater
4 than fifteen percent (0.15), and (2) "unrestricted aid increase" shall
5 mean the quotient arrived at when dividing (a) the sum of the executive
6 foundation aid increase plus the gap elimination adjustment for the base
7 year, by (b) the difference of foundation aid for the base year less the
8 gap elimination adjustment for the base year, and (3) "executive founda-
9 tion increase" shall mean the difference of (a) the amounts set forth
10 for each school district as "FOUNDATION AID" under the heading "2016-17
11 ESTIMATED AIDS" in the school aid computer listing produced by the
12 commissioner in support of the executive budget request for the two
13 thousand sixteen--two thousand seventeen school year and entitled
14 "BT161-7" less (b) the amounts set forth for each school district as
15 "FOUNDATION AID" under the heading "2015-16 BASE YEAR AIDS" in such
16 computer listing and provided further that total foundation aid shall
17 not be less than the product of the total foundation aid base computed
18 pursuant to paragraph j of subdivision one of this section and the due-
19 minimum percent which shall be, for the two thousand twelve--two thou-
20 sand thirteen school year, one hundred and six-tenths percent (1.006)
21 and for the two thousand thirteen--two thousand fourteen school year for
22 city school districts of those cities having populations in excess of
23 one hundred twenty-five thousand and less than one million inhabitants
24 one hundred and one and one hundred and seventy-six thousandths percent
25 (1.01176), and for all other districts one hundred and three-tenths
26 percent (1.003), and for the two thousand fourteen--two thousand fifteen
27 school year one hundred and eighty-five hundredths percent (1.0085), and
28 for the two thousand fifteen--two thousand sixteen school year, one
29 hundred thirty-seven hundredths percent (1.0037), subject to allocation
30 pursuant to the provisions of subdivision eighteen of this section and
31 any provisions of a chapter of the laws of New York as described there-
32 in, nor more than the product of such total foundation aid base and one
33 hundred fifteen percent for any school year other than the two thousand
34 seventeen--two thousand eighteen school year, provided, however, that
35 for the two thousand sixteen--two thousand seventeen school year such
36 maximum shall be no more than the sum of (i) the product of such total
37 foundation aid base and one hundred fifteen percent plus (ii) the execu-
38 tive foundation increase and plus (iii) "COMMUNITY SCHOOLS AID" in the
39 computer listing produced by the commissioner in support of the execu-
40 tive budget request for the two thousand sixteen--two thousand seventeen
41 school year and entitled "BT161-7" and provided further that for the two
42 thousand nine--two thousand ten through two thousand eleven--two thou-
43 sand twelve school years, each school district shall receive total foun-
44 dation aid in an amount equal to the amount apportioned to such school
45 district for the two thousand eight--two thousand nine school year
46 pursuant to this subdivision. Total aidable foundation pupil units shall
47 be calculated pursuant to paragraph g of subdivision two of this
48 section. For the purposes of calculating aid pursuant to this subdivi-
49 sion, aid for the city school district of the city of New York shall be
50 calculated on a citywide basis.

51 a. Foundation formula aid. Foundation formula aid shall equal the
52 remainder when the expected minimum local contribution is subtracted
53 from the product of the foundation amount, the regional cost index, and
54 the pupil need index, or: (foundation amount x regional cost index x
55 pupil need index) - expected minimum local contribution.

1 (1) The foundation amount shall reflect the average per pupil cost of
 2 general education instruction in successful school districts, as deter-
 3 mined by a statistical analysis of the costs of special education and
 4 general education in successful school districts, provided that the
 5 foundation amount shall be adjusted annually to reflect the percentage
 6 increase in the consumer price index [as computed pursuant to section
 7 two thousand twenty-two of this chapter] as defined by paragraph hh of
 8 subdivision one of this section, provided that for the two thousand
 9 eight--two thousand nine school year, for the purpose of such adjust-
 10 ment, the percentage increase in the consumer price index shall be
 11 deemed to be two and nine-tenths percent (0.029), and provided further
 12 that the foundation amount for the two thousand seven--two thousand
 13 eight school year shall be five thousand two hundred fifty-eight
 14 dollars, and provided further that for the two thousand seven--two thou-
 15 sand eight through two thousand seventeen--two thousand eighteen school
 16 years, the foundation amount shall be further adjusted by the phase-in
 17 foundation percent established pursuant to paragraph b of this subdivi-
 18 sion.

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

25	Labor Force Region	Index
26	Capital District	1.124
27	Southern Tier	1.045
28	Western New York	1.091
29	Hudson Valley	1.314
30	Long Island/NYC	1.425
31	Finger Lakes	1.141
32	Central New York	1.103
33	Mohawk Valley	1.000
34	North Country	1.000

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

40 (4) The expected minimum local contribution shall equal the lesser of
 41 (i) the product of (A) the quotient arrived at when the selected actual
 42 valuation is divided by total wealth foundation pupil units, multiplied
 43 by (B) the product of the local tax factor, multiplied by the income
 44 wealth index, or (ii) the product of (A) the product of the foundation
 45 amount, the regional cost index, and the pupil need index, multiplied by
 46 (B) the positive difference, if any, of one minus the state sharing
 47 ratio for total foundation aid. The local tax factor shall be estab-
 48 lished by May first of each year by determining the product, computed to
 49 four decimal places without rounding, of ninety percent multiplied by
 50 the quotient of the sum of the statewide average tax rate as computed by
 51 the commissioner for the current year in accordance with the provisions
 52 of paragraph e of subdivision one of section thirty-six hundred nine-e
 53 of this part plus the statewide average tax rate computed by the commis-
 54 sioner for the base year in accordance with such provisions plus the
 55 statewide average tax rate computed by the commissioner for the year
 56 prior to the base year in accordance with such provisions, divided by

1 three, provided however that for the two thousand seven--two thousand
2 eight school year, such local tax factor shall be sixteen thousandths
3 (0.016), and provided further that for the two thousand eight--two thou-
4 sand nine school year, such local tax factor shall be one hundred
5 fifty-four ten thousandths (0.0154). The income wealth index shall be
6 calculated pursuant to paragraph d of subdivision three of this section,
7 provided, however, that for the purposes of computing the expected mini-
8 mum local contribution the income wealth index shall not be less than
9 sixty-five percent (0.65) and shall not be more than two hundred percent
10 (2.0) and provided however that such income wealth index shall not be
11 more than ninety-five percent (0.95) for the two thousand eight--two
12 thousand nine school year, and provided further that such income wealth
13 index shall not be less than zero for the two thousand thirteen--two
14 thousand fourteen school year. The selected actual valuation shall be
15 calculated pursuant to paragraph c of subdivision one of this section.
16 Total wealth foundation pupil units shall be calculated pursuant to
17 paragraph h of subdivision two of this section.

18 b. Phase-in foundation increase. (1) The phase-in foundation increase
19 shall equal the product of the phase-in foundation increase factor
20 multiplied by the positive difference, if any, of (i) the product of the
21 total aidable foundation pupil units multiplied by the district's
22 selected foundation aid less (ii) the total foundation aid base computed
23 pursuant to paragraph j of subdivision one of this section.

24 (2) (i) Phase-in foundation percent. The phase-in foundation percent
25 shall equal one hundred thirteen and fourteen one hundredths percent
26 (1.1314) for the two thousand eleven--two thousand twelve school year,
27 one hundred ten and thirty-eight hundredths percent (1.1038) for the two
28 thousand twelve--two thousand thirteen school year, one hundred seven
29 and sixty-eight hundredths percent (1.0768) for the two thousand thir-
30 teen--two thousand fourteen school year, one hundred five and six
31 hundredths percent (1.0506) for the two thousand fourteen--two thousand
32 fifteen school year, and one hundred two and five tenths percent
33 (1.0250) for the two thousand fifteen--two thousand sixteen school year.

34 (ii) Phase-in foundation increase factor. For the two thousand
35 eleven--two thousand twelve school year, the phase-in foundation
36 increase factor shall equal thirty-seven and one-half percent (0.375)
37 and the phase-in due minimum percent shall equal nineteen and forty-one
38 hundredths percent (0.1941), for the two thousand twelve--two thousand
39 thirteen school year the phase-in foundation increase factor shall equal
40 one and seven-tenths percent (0.017), for the two thousand thirteen--two
41 thousand fourteen school year the phase-in foundation increase factor
42 shall equal (1) for a city school district in a city having a population
43 of one million or more, five and twenty-three hundredths percent
44 (0.0523) or (2) for all other school districts zero percent, for the two
45 thousand fourteen--two thousand fifteen school year the phase-in founda-
46 tion increase factor shall equal (1) for a city school district of a
47 city having a population of one million or more, four and thirty-two
48 hundredths percent (0.0432) or (2) for a school district other than a
49 city school district having a population of one million or more for
50 which (A) the quotient of the positive difference of the foundation
51 formula aid minus the foundation aid base computed pursuant to paragraph
52 j of subdivision one of this section divided by the foundation formula
53 aid is greater than twenty-two percent (0.22) and (B) a combined wealth
54 ratio less than thirty-five hundredths (0.35), seven percent (0.07) or
55 (3) for all other school districts, four and thirty-one hundredths
56 percent (0.0431), and for the two thousand fifteen--two thousand sixteen



1 school year the phase-in foundation increase factor shall equal: (1) for
2 a city school district of a city having a population of one million or
3 more, thirteen and two hundred seventy-four thousandths percent
4 (0.13274); or (2) for districts where the quotient arrived at when
5 dividing (A) the product of the total aidable foundation pupil units
6 multiplied by the district's selected foundation aid less the total
7 foundation aid base computed pursuant to paragraph j of subdivision one
8 of this section divided by (B) the product of the total aidable founda-
9 tion pupil units multiplied by the district's selected foundation aid is
10 greater than nineteen percent (0.19), and where the district's combined
11 wealth ratio is less than thirty-three hundredths (0.33), seven and
12 seventy-five hundredths percent (0.0775); or (3) for any other district
13 designated as high need pursuant to clause (c) of subparagraph two of
14 paragraph c of subdivision six of this section for the school aid
15 computer listing produced by the commissioner in support of the enacted
16 budget for the two thousand seven--two thousand eight school year and
17 entitled "SA0708", four percent (0.04); or (4) for a city school
18 district in a city having a population of one hundred twenty-five thou-
19 sand or more but less than one million, fourteen percent (0.14); or (5)
20 for school districts that were designated as small city school districts
21 or central school districts whose boundaries include a portion of a
22 small city for the school aid computer listing produced by the commis-
23 sioner in support of the enacted budget for the two thousand fourteen--
24 two thousand fifteen school year and entitled "SA1415", four and seven
25 hundred fifty-one thousandths percent (0.04751); or (6) for all other
26 districts one percent (0.01), and for the two thousand sixteen--two
27 thousand seventeen school year the foundation aid phase-in increase
28 factor shall equal for an eligible school district the greater of: (1)
29 for a city school district in a city with a population of one million or
30 more, seven and seven hundred eighty four thousandths percent (0.07784);
31 or (2) for a city school district in a city with a population of more
32 than two hundred fifty thousand but less than one million as of the most
33 recent federal decennial census, seven and three hundredths percent
34 (0.0703); or (3) for a city school district in a city with a population
35 of more than two hundred thousand but less than two hundred fifty thou-
36 sand as of the most recent federal decennial census, six and seventy-two
37 hundredths percent (0.0672); or (4) for a city school district in a city
38 with a population of more than one hundred fifty thousand but less than
39 two hundred thousand as of the most recent federal decennial census, six
40 and seventy-four hundredths percent (0.0674); or (5) for a city school
41 district in a city with a population of more than one hundred twenty-
42 five thousand but less than one hundred fifty thousand as of the most
43 recent federal decennial census, nine and fifty-five hundredths percent
44 (0.0955); or (6) for school districts that were designated as small city
45 school districts or central school districts whose boundaries include a
46 portion of a small city for the school aid computer listing produced by
47 the commissioner in support of the enacted budget for the two thousand
48 fourteen--two thousand fifteen school year and entitled "SA141-5" with a
49 combined wealth ratio less than one and four tenths (1.4), nine percent
50 (0.09), provided, however, that for such districts that are also
51 districts designated as high need urban-suburban pursuant to clause (c)
52 of subparagraph two of paragraph c of subdivision six of this section
53 for the school aid computer listing produced by the commissioner in
54 support of the enacted budget for the two thousand seven--two thousand
55 eight school year and entitled "SA0708", nine and seven hundred and
56 nineteen thousandths percent (0.09719); or (7) for school districts

1 designated as high need rural pursuant to clause (c) of subparagraph two
2 of paragraph c of subdivision six of this section for the school aid
3 computer listing produced by the commissioner in support of the enacted
4 budget for the two thousand seven--two thousand eight school year and
5 entitled "SA0708", thirteen and six tenths percent (0.136); or (8) for
6 school districts designated as high need urban-suburban pursuant to
7 clause (c) of subparagraph two of paragraph c of subdivision six of this
8 section for the school aid computer listing produced by the commissioner
9 in support of the enacted budget for the two thousand seven--two thou-
10 sand eight school year and entitled "SA0708", seven hundred nineteen
11 thousandths percent (0.00719); or (9) for all other eligible school
12 districts, forty-seven hundredths percent (0.0047), provided further
13 that for the two thousand seventeen--two thousand eighteen school year
14 the foundation aid increase phase-in factor shall equal (1) for school
15 districts with a census 2000 poverty rate computed pursuant to paragraph
16 q of subdivision one of this section equal to or greater than twenty-six
17 percent (0.26), ten and three-tenths percent (0.103), or (2) for a
18 school district in a city with a population in excess of one million or
19 more, seventeen and seventy-seven one-hundredths percent (0.1777), or
20 (3) for a city school district in a city with a population of more than
21 two hundred fifty thousand but less than one million, as of the most
22 recent decennial census, twelve and sixty-nine hundredths percent
23 (0.1269) or (4) for a city school district in a city with a population
24 of more than one hundred fifty thousand but less than two hundred thou-
25 sand, as of the most recent federal decennial census, ten and seventy-
26 eight one hundredths percent (0.1078), or (5) for a city school district
27 in a city with a population of more than one hundred twenty-five thou-
28 sand but less than one hundred fifty thousand as of the most recent
29 federal decennial census, nineteen and one hundred eight one-thousandths
30 percent (0.19108), or (6) for a city school district in a city with a
31 population of more than two hundred thousand but less than two hundred
32 fifty thousand as of the most recent federal decennial census, ten and
33 six-tenths percent (0.106), or (7) for all other districts, four and
34 eighty-seven one-hundredths percent (0.0487), and for the two thousand
35 [~~eighteen~~] nineteen--two thousand [~~nineteen~~] twenty school year [and
36 thereafter the commissioner shall annually determine the phase-in foun-
37 dation increase factor subject to allocation pursuant to the provisions
38 of subdivision eighteen of this section and any provisions of a chapter
39 of the laws of New York as described therein] the foundation aid phase-
40 in increase factor shall be thirty-three percent (0.33), and for the two
41 thousand twenty--two thousand twenty-one school year the foundation aid
42 phase-in increase factor shall be fifty percent (0.5), and for the two
43 thousand twenty-one--two thousand twenty-two school year and thereafter
44 the foundation aid phase-in increase factor shall be one hundred percent
45 (1.0).

46 b-1. Notwithstanding any other provision of law to the contrary, for
47 the two thousand seven--two thousand eight school year and thereafter,
48 the additional amount payable to each school district pursuant to this
49 subdivision in the current year as total foundation aid, after deducting
50 the total foundation aid base, shall be deemed a state grant in aid
51 identified by the commissioner for general use for purposes of section
52 seventeen hundred eighteen of this chapter.

53 b-2. Due minimum for the two thousand sixteen--two thousand seventeen
54 school year. Notwithstanding any other provision of law to the contrary,
55 for the two thousand sixteen--two thousand seventeen school year the
56 total foundation aid shall not be less than the sum of the total founda-

1 tion aid base computed pursuant to paragraph j of subdivision one of
2 this section plus the due minimum for the two thousand sixteen--two
3 thousand seventeen school year, where such due minimum shall equal the
4 difference of (1) the product of (A) two percent (0.02) multiplied by
5 (B) the difference of total foundation aid for the base year less the
6 gap elimination adjustment for the base year, less (2) the sum of (A)
7 the difference of the amounts set forth for each school district as
8 "FOUNDATION AID" under the heading "2016-17 ESTIMATED AIDS" in the
9 school aid computer listing produced by the commissioner in support of
10 the executive budget request for the two thousand sixteen--two thousand
11 seventeen school year and entitled "BT161-7" less the amounts set forth
12 for each school district as "FOUNDATION AID" under the heading "2015-16
13 BASE YEAR AIDS" in such computer listing plus (B) the gap elimination
14 adjustment for the base year.

15 b-3. Due minimum for the two thousand seventeen--two thousand eighteen
16 school year. Notwithstanding any other provision of law to the contrary,
17 for the two thousand seventeen--two thousand eighteen school year the
18 total foundation aid shall not be less than (A) the sum of the total
19 foundation aid base computed pursuant to paragraph j of subdivision one
20 of this section plus the product of (i) the difference of the amount set
21 forth for such school district as "FOUNDATION AID" under the heading
22 "2017-18 ESTIMATED AIDS" in the school aid computer listing produced by
23 the commissioner in support of the executive budget request for the two
24 thousand seventeen--two thousand eighteen school year and entitled
25 "BT171-8" less the amount set forth for such school district as "FOUNDA-
26 TION AID" under the heading "2016-17 BASE YEAR AIDS" in the school aid
27 computer listing produced by the commissioner in support of the execu-
28 tive budget request for the two thousand seventeen--two thousand eigh-
29 teen school year and entitled "BT171-8" multiplied by (ii) one and eigh-
30 teen one-hundredths (1.18), or (B) the product of forty-four and
31 seventy-five one-hundredths percent (0.4475) multiplied by total founda-
32 tion aid as computed pursuant to paragraph a of this subdivision, or (C)
33 the sum of the total foundation aid base computed pursuant to paragraph
34 j of subdivision one of this section plus the due minimum for the two
35 thousand seventeen--two thousand eighteen school year, where such due
36 minimum shall equal (1) for school districts with a census 2000 poverty
37 rate computed pursuant to paragraph q of subdivision one of this
38 section, equal to or greater than eleven and nine-tenths percent
39 (0.119), the product of the foundation aid base for the two thousand
40 seventeen--two thousand eighteen school year computed pursuant to
41 subparagraph (iii) of paragraph j of subdivision one of this section
42 multiplied by three hundred thirty-five ten-thousandths (0.0335), or (2)
43 for all other school districts the product of the foundation aid base
44 for the two thousand seventeen--two thousand eighteen school year
45 computed pursuant to subparagraph (iii) of paragraph j of subdivision
46 one of this section multiplied by two and seventy-four one-hundredths
47 percent (0.0274).

48 b-4. Additional increase for the two thousand seventeen--two thousand
49 eighteen school year. For the two thousand seventeen--two thousand eigh-
50 teen school year, any school district eligible to receive a phase-in
51 foundation increase pursuant to this subdivision shall receive an addi-
52 tional foundation increase equal to the sum of tiers A, B, C, and D as
53 defined herein.

54 (i) Tier A. For all school districts other than a district within a
55 city with a population of one million or more, with a combined wealth
56 ratio less than two (2.0), where either (A) the quotient arrived at by

1 dividing the English language learner count pursuant to paragraph o of
2 subdivision one of this section for the base year by the public school
3 district enrollment for the base year pursuant to paragraph n of subdivi-
4 sion one of this section is greater than two one-hundredths (0.02) or
5 (B) the quotient arrived at by dividing the difference of the English
6 language learner count pursuant to paragraph o of subdivision one of
7 this section for the base year less such count for one year prior to the
8 base year by the public school district enrollment for one year prior to
9 the base year pursuant to paragraph n of subdivision one of this section
10 is greater than one one-thousandth (0.001), tier A shall equal the prod-
11 uct of (A) the difference of two minus the combined wealth ratio multi-
12 plied by (B) one hundred dollars (\$100.00) multiplied by (C) the English
13 language learner count for the base year.

14 (ii) Tier B. For any school district (A) where the amount set forth as
15 "25% LIMIT CAP ON INCREASE" on the computer file produced by the commis-
16 sioner in support of the enacted budget for the two thousand seven--two
17 thousand eight school year and entitled "SA070-8" is less than zero and
18 (B) with a combined wealth ratio computed pursuant to paragraph c of
19 subdivision three of this section greater than one (1.0), tier B shall
20 equal the product of (A) the sum of (1) the difference of total founda-
21 tion aid less the foundation aid base plus (2) the difference of the
22 amount set forth for such school district as "FOUNDATION AID" under the
23 heading "2017-18 ESTIMATED AIDS" in the school aid computer listing
24 produced by the commissioner in support of the executive budget request
25 and entitled "BT1718" less the foundation aid base multiplied by (B) ten
26 and two-tenths percent (0.102).

27 (iii) Tier C. For all school districts with a combined wealth ratio
28 for total foundation aid computed pursuant to paragraph c of subdivision
29 three of this section less than one (1.0), tier C shall be the greater
30 of (A) for districts that were designated as small city school districts
31 or central school districts whose boundaries include a portion of a
32 small city for the school aid computer listing produced by the commis-
33 sioner in support of the enacted budget for the two thousand fourteen--
34 two thousand fifteen school year and entitled "SA1415", the product of
35 the public school district enrollment for the base year pursuant to
36 paragraph n of subdivision one of this section multiplied by one hundred
37 sixty-seven dollars and forty cents (\$167.40) or (B) for school
38 districts with a sparsity factor as set forth on the computer listing
39 produced by the commissioner in support of the enacted budget for the
40 two thousand seventeen--two thousand eighteen school year and entitled
41 "SA171-8" of greater than zero, the product of the public school
42 district enrollment for the base year multiplied by one hundred eighty-
43 eight dollars (\$188.00).

44 (iv) Tier D. For all school districts, other than districts within a
45 city with a population of one hundred twenty-five thousand or more, with
46 a selected poverty rate of greater than eighteen hundredths (0.18), tier
47 D shall equal the product of the selected poverty rate multiplied by the
48 school district public enrollment for the base year multiplied by two
49 hundred forty dollars (\$240.00), provided, however, that for districts
50 within a city with a population of greater than one hundred twenty-five
51 thousand but less than one million and a selected poverty rate of great-
52 er than eighteen hundredths (0.18), tier D shall equal the product of
53 the selected poverty rate multiplied by school district public enroll-
54 ment for the base year multiplied by three hundred forty-four dollars
55 (\$344.00), and for a city school district in a city with a population of
56 one million or more, tier D shall equal the product of the selected

1 poverty rate multiplied by school district public enrollment for the
2 base year multiplied by twenty-nine cents (\$0.29).

3 c. Public excess cost aid setaside. Each school district shall set
4 aside from its total foundation aid computed for the current year pursu-
5 ant to this subdivision an amount equal to the product of: (i) the
6 difference between the amount the school district was eligible to
7 receive in the two thousand six--two thousand seven school year pursuant
8 to or in lieu of paragraph six of subdivision nineteen of this section
9 as such paragraph existed on June thirtieth, two thousand seven, minus
10 the amount such district was eligible to receive pursuant to or in lieu
11 of paragraph five of subdivision nineteen of this section as such para-
12 graph existed on June thirtieth, two thousand seven, in such school
13 year, and (ii) the sum of one and the percentage increase in the consum-
14 er price index for the current year over such consumer price index for
15 the two thousand six--two thousand seven school year, [as computed
16 pursuant to section two thousand twenty-two of this chapter] as defined
17 by paragraph hh of subdivision one of this section. Notwithstanding any
18 other provision of law to the contrary, the public excess cost aid seta-
19 side shall be paid pursuant to section thirty-six hundred nine-b of this
20 part.

21 d. For the two thousand fourteen--two thousand fifteen through two
22 thousand [seventeen] eighteen--two thousand [eighteen] nineteen school
23 years a city school district of a city having a population of one
24 million or more may use amounts apportioned pursuant to this subdivision
25 for afterschool programs.

26 e. Community schools aid set-aside. Each school district shall set
27 aside from its total foundation aid computed for the current year pursu-
28 ant to this subdivision an amount equal to the sum of (i) the amount, if
29 any, set forth for such district as "COMMUNITY SCHL AID (BT1617)" in the
30 data file produced by the commissioner in support of the enacted budget
31 for the two thousand sixteen--two thousand seventeen school year and
32 entitled "SA161-7" [and]; (ii) the amount, if any, set forth for such
33 district as "COMMUNITY SCHL INCR" in the data file produced by the
34 commissioner in support of the executive budget request for the two
35 thousand seventeen--two thousand eighteen school year and entitled
36 "BT171-8". [Each school district shall use such "COMMUNITY SCHL AID
37 (BT1617)" amount to support the transformation of school buildings into
38 community hubs to deliver co-located or school-linked academic, health,
39 mental health, nutrition, counseling, legal and/or other services to
40 students and their families, including but not limited to providing a
41 community school site coordinator, or to support other costs incurred to
42 maximize students' academic achievement.]; and (iii) the amount, if any
43 set forth for such districts as "COMMUNITY SCHOOL INCREASE" in the data
44 file produced by the commissioner in support of the executive budget for
45 the two thousand eighteen--two thousand nineteen school year and enti-
46 tled "BT181-9", provided however that for the two thousand eighteen--two
47 thousand nineteen school year and thereafter, the community school aid
48 set-aside shall not exceed two and five-tenths percent (0.025) of the
49 foundation aid payable computed for the current year pursuant to this
50 subdivision, provided further that such annual increase in the community
51 school set-aside shall not exceed twenty percent (0.20) of the founda-
52 tion aid payable for the current year less the total foundational aid
53 base. Nothing in this subdivision shall prevent a school district from
54 using amounts above these limits to support community school programs.
55 Each school district shall use such ["COMMUNITY SCHL INCR"] community
56 school aid set-aside amount to support the transformation of school

1 buildings into community hubs to deliver co-located or school linked
2 academic, health, mental health services and personnel, after-school
3 programming, dual language programs, nutrition, counseling, legal and/or
4 other services to students and their families, including but not limited
5 to providing a community school site coordinator and programs for
6 English language learners, or to support other costs incurred to maxi-
7 mize students' academic achievement[, provided however that a school
8 district whose "COMMUNITY SCHL INCR" amount exceeds one million dollars
9 (\$1,000,000) shall use an amount equal to the greater of one hundred
10 fifty thousand dollars (\$150,000) or ten percent of such "COMMUNITY SCHL
11 INCR" amount to support such transformation at schools with extraor-
12 dinary high levels of student need as identified by the commissioner,
13 subject to the approval of the director of the budget].

14 f. Foundation aid payable in the two thousand eighteen--two thousand
15 nineteen school year. Notwithstanding any provision of law to the
16 contrary, foundation aid payable in the two thousand eighteen--two thou-
17 sand nineteen school year shall equal the sum of (1) the foundation aid
18 base plus (2) the greater of (I) the two thousand eighteen--two thousand
19 nineteen school year phase-in increases or (II) the two thousand eigh-
20 teen--two thousand nineteen school year due minimum plus (3) the low
21 capacity small city phase-in increase plus (4) the executive foundation
22 aid increase. For the purposes of this paragraph, "foundation aid
23 remaining" shall mean the positive difference, if any, of (I) the prod-
24 uct of the total aidable foundation pupil units; multiplied by the
25 district's selected foundation aid less (II) the total foundation aid
26 base computed pursuant to paragraph j of subdivision one of this
27 section.

28 (i) The two thousand eighteen--two thousand nineteen school year
29 phase-in increases shall be equal to the product of foundation aid
30 remaining multiplied by the greater of the following phase-in percent-
31 ages:

32 (A) six hundredths (0.06);

33 (B) for school districts: (1) with a three year average free and
34 reduced price lunch percent greater than or equal to fifteen percent
35 (0.15), (2) where the difference of the three year average free and
36 reduced price lunch percent for the current year less such average for
37 the base year is greater than or equal to one one-hundredth (0.01), and
38 (3) with a combined wealth ratio for total foundation aid computed
39 pursuant to paragraph c of subdivision three of this section less than
40 or equal to eight tenths (0.8), thirteen hundredths (0.13);

41 (C) For school districts with enrollment growth of greater than or
42 equal to two and eighty-five hundredths percent (0.0285), two tenths
43 (0.2), where "enrollment growth" shall be the quotient arrived at when
44 dividing the difference of public school district enrollment for the
45 current year pursuant to paragraph n of subdivision one of this section
46 less such enrollment for the base year divided by such enrollment for
47 the base year, provided that such difference is greater than or equal to
48 twenty-five;

49 (D) For school districts (1) with a three year average free and
50 reduced price lunch percent greater or equal to twenty percent (0.20);
51 (2) where the difference of the three year average free and reduced
52 price lunch percent for the current year less such percent for the base
53 year is greater than or equal to twenty-five thousandths (0.025); (3)
54 with a combined wealth ratio for total foundation aid computed pursuant
55 to paragraph c of subdivision three of this section less than or equal
56 to eight tenths (0.8); (4) where the difference of the extraordinary



1 needs percent for the current year less such percent for the base year
2 is greater than or equal to two tenths (0.02); and (5) where the
3 quotient arrived at by dividing the difference of the English language
4 learner count pursuant to paragraph o of subdivision one of this section
5 for the base year less such count for the two thousand twelve-two thou-
6 sand thirteen school year divided by such two thousand twelve-two thou-
7 sand thirteen school year count is greater than or equal to thirty-five
8 percent (0.35), twenty-five hundredths (0.25).

9 (E) For school districts with a FRPL index greater than or equal to
10 eight, twenty-five one hundredths (0.25), where "FRPL index" shall be
11 the quotient arrived at when dividing the lunch count computed pursuant
12 to paragraph q of subdivision one of this section divided the state
13 average lunch count, and where "state average lunch count" shall be the
14 quotient arrived at when dividing the sum of all school district lunch
15 counts, exclusive of central high school districts, by six hundred
16 seventy-one, provided that no school district in a city with a popu-
17 lation of one million or more shall be eligible for this phase-in
18 percentage;

19 (F) For school districts with an extraordinary needs percent greater
20 than or equal to eighty three percent (0.83), twenty-five hundredths
21 (0.25);

22 (G) For school districts in a city with a population of one million or
23 more, two thousand four hundred sixty-three ten thousandths (0.2463); or

24 (H) For school districts that were designated as small city school
25 districts or central school districts whose boundaries include a portion
26 of a small city for the school aid computer listing produced by the
27 commissioner in support of the enacted budget for the two thousand four-
28 teen--two thousand fifteen school year and entitled "SA1415", sixteen
29 hundredths (0.16);

30 (ii) The two thousand eighteen--two thousand nineteen school year due
31 minimum shall equal the greater of:

32 (A) For school districts where the quotient arrived at when dividing
33 foundation aid remaining by total foundation aid is greater than five
34 tenths (0.5), the difference of the product of total foundation aid
35 multiplied by five tenths (0.5) less the total foundation aid base;

36 (B) For school districts where (i) the quotient arrived at when divid-
37 ing foundation aid remaining by total foundation aid is greater than
38 forty-four one-hundredths (0.44), (ii) the pupil wealth ratio is less
39 than or equal to one and one-tenth (1.1), and (iii) where the difference
40 of the three year average free and reduced price lunch percent for the
41 current year less such average for the base year is greater than or
42 equal to two percent (0.02), and (iv) where the three year average free
43 and reduced price lunch percent for the current year is greater than or
44 equal to fifty percent (0.50), the difference of the product of total
45 foundation aid multiplied by fifty-six hundredths (0.56) less the total
46 foundation aid base;

47 (C) For school districts with (i) a three year average free and
48 reduced price lunch percent for the current year greater than or equal
49 to twenty-four percent (0.24) and (ii) a combined wealth ratio for foun-
50 dation aid less than or equal to one (1.0), the product of the total
51 foundation aid base multiplied by three hundred two ten thousandths
52 (0.0302); or

53 (D) For all other school districts, the product of the total founda-
54 tion aid base multiplied by twenty-one one-thousandths (0.021).

55 (iii) The low capacity small city phase-in increase, for school
56 districts that were designated as small city school districts or central

1 school districts whose boundaries include a portion of a small city for
2 the school aid computer listing produced by the commissioner in support
3 of the enacted budget for the two thousand fourteen--two thousand
4 fifteen school year and entitled "SA1415", and have a pupil wealth ratio
5 of less than or equal to one and three-tenths (1.3), the product of one
6 tenth (0.1) multiplied by foundation aid remaining.

7 (iv) The executive foundation aid increase shall be equal to the
8 difference of (a) the amounts set forth for each school district as
9 "FOUNDATION AID" under the heading "2018-19 ESTIMATED AIDS" in the
10 school aid computer listing produced by the commissioner in support of
11 the executive budget request for the two thousand eighteen--two thousand
12 nineteen school year and entitled "BT181-9" less (b) the amounts set
13 forth for each school district as "FOUNDATION AID" under the heading
14 "2017-18 BASE YEAR AIDS" in such computer listing.

15 § 9-b. Section 3602 of the education law is amended by adding a new
16 subdivision 6-i to read as follows:

17 6-i. Building aid for approved expenditures for debt service for tax
18 certiorari financing. In addition to the apportionments payable to a
19 school district pursuant to subdivision six of this section, beginning
20 with debt service in the two thousand eighteen--two thousand nineteen
21 school year and thereafter, the commissioner is hereby authorized to
22 apportion to any school district additional building aid pursuant to
23 this subdivision for its approved debt service expenditures for financ-
24 ing the cost of a tax certiorari, where the total value of the bond
25 exceeds the total general fund expenditures for the school district for
26 the year prior to the year in which the school district first receives
27 bond proceeds. In order to have such debt service expenditures approved,
28 the school district shall submit to the commissioner, in a form he or
29 she prescribes, documentation relating to the issuance of such bond,
30 including but not limited to the original tax certiorari, the amorti-
31 zation schedule of such bond, and any other documentation deemed neces-
32 sary. Provided, however, that in the event the school district refunds
33 the original bond at any point, the school district shall provide such
34 updated documentation as required by the commissioner, who shall adjust
35 the annual approved expenditures accordingly. Such aid shall equal the
36 product of the sum of (1) the building aid ratio defined pursuant to
37 paragraph c of subdivision six of this section plus (2) one-tenth (0.1)
38 multiplied by the actual approved debt service expenditures incurred in
39 the base year pursuant to this subdivision.

40 § 9-c. Subparagraph 2 of paragraph a of subdivision 4 of section 1950
41 of the education law, as amended by chapter 698 of the laws of 2003, is
42 amended to read as follows:

43 (2) Notwithstanding any inconsistent provision of law in no event
44 shall the total salary including amounts paid pursuant to section twen-
45 ty-two hundred nine of this chapter for district superintendents [for
46 each school year through the two thousand two--two thousand three school
47 year exceed ninety-eight percent of that earned by the commissioner for
48 state fiscal year nineteen hundred ninety-two--ninety-three, and in no
49 event shall such total salary for a district superintendent] for the two
50 thousand [three] eighteen--two thousand [four] nineteen school year or
51 any subsequent school year exceed: (i) one hundred six percent of the
52 salary cap applicable in the preceding school year, or (ii) ninety-eight
53 percent of that earned by the commissioner in the two thousand [three]
54 seventeen--two thousand [four] eighteen state fiscal year, whichever is
55 less. In no event shall any district superintendent be permitted to
56 accumulate vacation or sick leave credits in excess of the vacation and

1 sick leave credits managerial/confidential employees of the state are
2 permitted to accumulate pursuant to regulations promulgated by the state
3 civil service commission, nor may any district superintendent at the
4 time of separation from service be compensated for accrued and unused
5 vacation credits or sick leave, or use accrued and unused sick leave for
6 retirement service credit or to pay for health insurance in retirement,
7 at a rate in excess of the rate permitted to managerial/confidential
8 employees of the state pursuant to regulations of the state civil
9 service commission. In addition to the payment of supplementary salary,
10 a board of cooperative educational services may provide for the payment
11 of all or a portion of the cost of insurance benefits for the district
12 superintendent of schools, including but not limited to health insur-
13 ance, disability insurance, life insurance or any other form of insur-
14 ance benefit made available to managerial/confidential employees of the
15 state; provided that any such payments for whole life, split dollar or
16 other life insurance policies having a cash value shall be included in
17 the total salary of the district superintendent for purposes of this
18 subparagraph, and provided further that any payments for the employee
19 contribution, co-pay or uncovered medical expenses under a health insur-
20 ance plan also shall be included in the total salary of the district
21 superintendent. Notwithstanding any other provision of law, payments
22 for such insurance benefits may be based on the district superinten-
23 dent's total salary or the amount of his or her supplementary salary
24 only. Any payments for transportation or travel expenses in excess of
25 actual, documented expenses incurred in the performance of duties for
26 the board of cooperative educational services or the state, and any
27 other lump sum payment not specifically excluded from total salary
28 pursuant to this subparagraph, shall be included in the total salary of
29 the district superintendent for purposes of this subparagraph. Nothing
30 herein shall prohibit a district superintendent from waiving any rights
31 provided for in an existing contract or agreement as hereafter prohibit-
32 ed in favor of revised compensation or benefit provisions as permitted
33 herein. In no event shall the terms of the district superintendent's
34 contract, including any provisions relating to an increase in salary,
35 compensation or other benefits, be contingent upon the terms of any
36 contract or collective bargaining agreement between the board of cooper-
37 ative educational services and its teachers or other employees. The
38 commissioner may adopt regulations for the purpose of implementing the
39 provisions of this paragraph.

40 § 9-d. Paragraph b of subdivision 5 of section 1950 of the education
41 law, as amended by chapter 296 of the laws of 2016, is amended to read
42 as follows:

43 b. The cost of services herein referred to shall be the amount allo-
44 cated to each component school district by the board of cooperative
45 educational services to defray expenses of such board, including
46 approved expenses from the testing of potable water systems of occupied
47 school buildings under the board's jurisdiction as required pursuant to
48 section eleven hundred ten of the public health law, except that that
49 part of the salary paid any teacher, supervisor or other employee of the
50 board of cooperative educational services which is, (i) for the two
51 thousand eighteen--two thousand nineteen and prior school years, in
52 excess of thirty thousand dollars, (ii) for aid payable in the two thou-
53 sand nineteen--two thousand twenty school year in excess of thirty-four
54 thousand dollars, (iii) for aid payable in the two thousand twenty--two
55 thousand twenty-one school year, in excess of forty thousand dollars,
56 (iv) for aid payable in the two thousand twenty-one--two thousand twen-

1 ty-two school year, in excess of forty-six thousand dollars, and (v) for
2 aid payable in the two thousand twenty--two thousand twenty-three school
3 year and thereafter, in excess of fifty-two thousand dollars, shall not
4 be such an approved expense, and except also that administrative and
5 clerical expenses shall not exceed ten percent of the total expenses for
6 purposes of this computation. Any gifts, donations or interest earned by
7 the board of cooperative educational services or on behalf of the board
8 of cooperative educational services by the dormitory authority or any
9 other source shall not be deducted in determining the cost of services
10 allocated to each component school district. Any payments made to a
11 component school district by the board of cooperative educational
12 services pursuant to subdivision eleven of section six-p of the general
13 municipal law attributable to an approved cost of service computed
14 pursuant to this subdivision shall be deducted from the cost of services
15 allocated to such component school district. The expense of transporta-
16 tion provided by the board of cooperative educational services pursuant
17 to paragraph q of subdivision four of this section shall be eligible for
18 aid apportioned pursuant to subdivision seven of section thirty-six
19 hundred two of this chapter and no board of cooperative educational
20 services transportation expense shall be an approved cost of services
21 for the computation of aid under this subdivision. Transportation
22 expense pursuant to paragraph q of subdivision four of this section
23 shall be included in the computation of the ten percent limitation on
24 administrative and clerical expenses.

25 § 9-e. Paragraph b of subdivision 10 of section 3602 of the education
26 law, as amended by section 16 of part B of chapter 57 of the laws of
27 2007, is amended to read as follows:

28 b. Aid for career education. There shall be apportioned to such city
29 school districts and other school districts which were not components of
30 a board of cooperative educational services in the base year for pupils
31 in grades [ten] nine through twelve in attendance in career education
32 programs as such programs are defined by the commissioner, subject for
33 the purposes of this paragraph to the approval of the director of the
34 budget, an amount for each such pupil to be computed by multiplying the
35 career education aid ratio by three thousand nine hundred dollars. Such
36 aid will be payable for weighted pupils attending career education
37 programs operated by the school district and for weighted pupils for
38 whom such school district contracts with boards of cooperative educa-
39 tional services to attend career education programs operated by a board
40 of cooperative educational services. Weighted pupils for the purposes of
41 this paragraph shall mean the sum of (i) the product of the attendance
42 of students in grade nine multiplied by the special services phase-in
43 factor plus (ii) the attendance of students in grades ten through twelve
44 in career education sequences in trade, industrial, technical, agricul-
45 tural or health programs plus the product of sixteen hundredths multi-
46 plied by the sum of (i) the product of the attendance of students in
47 grade nine multiplied by the special services phase-in factor plus (ii)
48 the attendance of students in grades ten through twelve in career educa-
49 tion sequences in business and marketing as defined by the commissioner
50 in regulations; provided that the special services phase-in factor shall
51 be (i) for the two thousand nineteen--two thousand twenty school year,
52 twenty-five percent (0.25), (ii) for the two thousand twenty--two thou-
53 sand twenty-one--two thousand twenty-two school year, seventy-five
54 percent (0.75), and (iv) for the two thousand twenty-two--two thousand
55 twenty-three school year and thereafter, one hundred percent (1.0). The
56



1 career education aid ratio shall be computed by subtracting from one the
2 product obtained by multiplying fifty-nine percent by the combined
3 wealth ratio. This aid ratio shall be expressed as a decimal carried to
4 three places without rounding, but not less than thirty-six percent.

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

8 A board of education which spends less than its local funds as defined
9 by regulations of the commissioner for career education in the base year
10 during the current year shall have its apportionment under this subdivi-
11 sion reduced in an amount equal to such deficiency in the current or a
12 succeeding school year, provided however that the commissioner may waive
13 such reduction upon determination that overall expenditures per pupil in
14 support of career education programs were continued at a level equal to
15 or greater than the level of such overall expenditures per pupil in the
16 preceding school year.

17 § 10. The closing paragraph of subdivision 5-a of section 3602 of the
18 education law, as amended by section 22 of part YYY of chapter 59 of the
19 laws of 2017, is amended to read as follows:

20 For the two thousand eight--two thousand nine school year, each school
21 district shall be entitled to an apportionment equal to the product of
22 fifteen percent and the additional apportionment computed pursuant to
23 this subdivision for the two thousand seven--two thousand eight school
24 year. For the two thousand nine--two thousand ten through two thousand
25 [seventeen] eighteen--two thousand [eighteen] nineteen school years,
26 each school district shall be entitled to an apportionment equal to the
27 amount set forth for such school district as "SUPPLEMENTAL PUB EXCESS
28 COST" under the heading "2008-09 BASE YEAR AIDS" in the school aid
29 computer listing produced by the commissioner in support of the budget
30 for the two thousand nine--two thousand ten school year and entitled
31 "SA0910".

32 § 11. Paragraph b of subdivision 6-c of section 3602 of the education
33 law, as amended by section 23 of part YYY of chapter 59 of the laws of
34 2017, is amended to read as follows:

35 b. For projects approved by the commissioner authorized to receive
36 additional building aid pursuant to this subdivision for the purchase of
37 stationary metal detectors, security cameras or other security devices
38 approved by the commissioner that increase the safety of students and
39 school personnel, provided that for purposes of this paragraph such
40 other security devices shall be limited to electronic security systems
41 and hardened doors, and provided that for projects approved by the
42 commissioner on or after the first day of July two thousand thirteen and
43 before the first day of July two thousand [eighteen] nineteen such addi-
44 tional aid shall equal the product of (i) the building aid ratio
45 computed for use in the current year pursuant to paragraph c of subdivi-
46 sion six of this section plus ten percentage points, except that in no
47 case shall this amount exceed one hundred percent, and (ii) the actual
48 approved expenditures incurred in the base year pursuant to this subdivi-
49 sion, provided that the limitations on cost allowances prescribed by
50 paragraph a of subdivision six of this section shall not apply, and
51 provided further that any projects aided under this paragraph must be
52 included in a district's school safety plan. The commissioner shall
53 annually prescribe a special cost allowance for metal detectors, and
54 security cameras, and the approved expenditures shall not exceed such
55 cost allowance.

1 § 12. Subdivision 4 of section 3602 of the education law is amended by
2 adding a new paragraph f to read as follows:

3 f. Notwithstanding any inconsistent provision to the contrary, for the
4 two thousand nineteen--two thousand twenty school year and thereafter,
5 in addition to other amounts received in such school year under this
6 subdivision, a school district shall also receive the amount, if any, of
7 aid for conversion to full day kindergarten that such school district
8 was eligible to receive in the base year pursuant to subdivision nine of
9 this section. In the subsequent school year, such additional amount
10 shall be included in the foundation aid base for the purposes of para-
11 graph j of subdivision one of this section.

12 § 13. Subdivision 12 of section 3602 of the education law, as amended
13 by section 3 of part A of chapter 56 of the laws of 2015, the fourth
14 undesignated paragraph as added by section 3 of part A of chapter 54 of
15 the laws of 2016, the closing paragraph as added by section 24 of part
16 YYY of chapter 59 of the laws of 2017, is amended to read as follows:

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

29 For the two thousand nine--two thousand ten through two thousand four-
30 teen--two thousand fifteen school years, each school district shall be
31 entitled to an apportionment equal to the amount set forth for such
32 school district as "EDUCATION GRANTS, ACADEMIC EN" under the heading
33 "2008-09 BASE YEAR AIDS" in the school aid computer listing produced by
34 the commissioner in support of the budget for the two thousand nine--two
35 thousand ten school year and entitled "SA0910", and such apportionment
36 shall be deemed to satisfy the state obligation to provide an apportion-
37 ment pursuant to subdivision eight of section thirty-six hundred forty-
38 one of this article.

39 For the two thousand fifteen--two thousand sixteen year, each school
40 district shall be entitled to an apportionment equal to the amount set
41 forth for such school district as "ACADEMIC ENHANCEMENT" under the head-
42 ing "2014-15 ESTIMATED AIDS" in the school aid computer listing produced
43 by the commissioner in support of the budget for the two thousand four-
44 teen--two thousand fifteen school year and entitled "SA141-5", and such
45 apportionment shall be deemed to satisfy the state obligation to provide
46 an apportionment pursuant to subdivision eight of section thirty-six
47 hundred forty-one of this article.

48 For the two thousand sixteen--two thousand seventeen school year, each
49 school district shall be entitled to an apportionment equal to the
50 amount set forth for such school district as "ACADEMIC ENHANCEMENT"
51 under the heading "2015-16 ESTIMATED AIDS" in the school aid computer
52 listing produced by the commissioner in support of the budget for the
53 two thousand fifteen--two thousand sixteen school year and entitled
54 "SA151-6", and such apportionment shall be deemed to satisfy the state
55 obligation to provide an apportionment pursuant to subdivision eight of
56 section thirty-six hundred forty-one of this article.

1 For the two thousand seventeen--two thousand eighteen school year,
2 each school district shall be entitled to an apportionment equal to the
3 amount set forth for such school district as "ACADEMIC ENHANCEMENT"
4 under the heading "2016-17 ESTIMATED AIDS" in the school aid computer
5 listing produced by the commissioner in support of the budget for the
6 two thousand sixteen--two thousand seventeen school year and entitled
7 "SA161-7", and such apportionment shall be deemed to satisfy the state
8 obligation to provide an apportionment pursuant to subdivision eight of
9 section thirty-six hundred forty-one of this article.

10 For the two thousand eighteen--two thousand nineteen school year, each
11 school district shall be entitled to an apportionment equal to the
12 amount set forth for such school district as "ACADEMIC ENHANCEMENT"
13 under the heading "2017-18 ESTIMATED AIDS" in the school aid computer
14 listing produced by the commissioner in support of the budget for the
15 two thousand seventeen--two thousand eighteen school year and entitled
16 "SA171-8", and such apportionment shall be deemed to satisfy the state
17 obligation to provide an apportionment pursuant to subdivision eight of
18 section thirty-six hundred forty-one of this article.

19 § 14. The opening paragraph of subdivision 16 of section 3602 of the
20 education law, as amended by section 25 of part YYY of chapter 59 of the
21 laws of 2017, is amended to read as follows:

22 Each school district shall be eligible to receive a high tax aid
23 apportionment in the two thousand eight--two thousand nine school year,
24 which shall equal the greater of (i) the sum of the tier 1 high tax aid
25 apportionment, the tier 2 high tax aid apportionment and the tier 3 high
26 tax aid apportionment or (ii) the product of the apportionment received
27 by the school district pursuant to this subdivision in the two thousand
28 seven--two thousand eight school year, multiplied by the due-minimum
29 factor, which shall equal, for districts with an alternate pupil wealth
30 ratio computed pursuant to paragraph b of subdivision three of this
31 section that is less than two, seventy percent (0.70), and for all other
32 districts, fifty percent (0.50). Each school district shall be eligible
33 to receive a high tax aid apportionment in the two thousand nine--two
34 thousand ten through two thousand twelve--two thousand thirteen school
35 years in the amount set forth for such school district as "HIGH TAX AID"
36 under the heading "2008-09 BASE YEAR AIDS" in the school aid computer
37 listing produced by the commissioner in support of the budget for the
38 two thousand nine--two thousand ten school year and entitled "SA0910".
39 Each school district shall be eligible to receive a high tax aid appor-
40 tionment in the two thousand thirteen--two thousand fourteen through two
41 thousand [seventeen] eighteen--two thousand [eighteen] nineteen school
42 years equal to the greater of (1) the amount set forth for such school
43 district as "HIGH TAX AID" under the heading "2008-09 BASE YEAR AIDS" in
44 the school aid computer listing produced by the commissioner in support
45 of the budget for the two thousand nine--two thousand ten school year
46 and entitled "SA0910" or (2) the amount set forth for such school
47 district as "HIGH TAX AID" under the heading "2013-14 ESTIMATED AIDS" in
48 the school aid computer listing produced by the commissioner in support
49 of the executive budget for the 2013-14 fiscal year and entitled
50 "BT131-4".

51 § 15. The opening paragraph of subdivision 10 of section 3602-e of the
52 education law, as amended by section 26 of part YYY of chapter 59 of the
53 laws of 2017, is amended to read as follows:

54 Notwithstanding any provision of law to the contrary, (i) for aid
55 payable in the two thousand eight--two thousand nine school year, the
56 grant to each eligible school district for universal prekindergarten aid

1 shall be computed pursuant to this subdivision, and (ii) for the two
2 thousand nine--two thousand ten and two thousand ten--two thousand elev-
3 en school years, each school district shall be eligible for a maximum
4 grant equal to the amount computed for such school district for the base
5 year in the electronic data file produced by the commissioner in support
6 of the two thousand nine--two thousand ten education, labor and family
7 assistance budget, provided, however, that in the case of a district
8 implementing programs for the first time or implementing expansion
9 programs in the two thousand eight--two thousand nine school year where
10 such programs operate for a minimum of ninety days in any one school
11 year as provided in section 151-1.4 of the regulations of the commis-
12 sioner, for the two thousand nine--two thousand ten and two thousand
13 ten--two thousand eleven school years, such school district shall be
14 eligible for a maximum grant equal to the amount computed pursuant to
15 paragraph a of subdivision nine of this section in the two thousand
16 eight--two thousand nine school year, and (iii) for the two thousand
17 eleven--two thousand twelve school year each school district shall be
18 eligible for a maximum grant equal to the amount set forth for such
19 school district as "UNIVERSAL PREKINDERGARTEN" under the heading "2011-
20 12 ESTIMATED AIDS" in the school aid computer listing produced by the
21 commissioner in support of the enacted budget for the 2011-12 school
22 year and entitled "SA111-2", and (iv) for two thousand twelve--two thou-
23 sand thirteen through two thousand sixteen--two thousand seventeen
24 school years each school district shall be eligible for a maximum grant
25 equal to the greater of (A) the amount set forth for such school
26 district as "UNIVERSAL PREKINDERGARTEN" under the heading "2010-11 BASE
27 YEAR AIDS" in the school aid computer listing produced by the commis-
28 sioner in support of the enacted budget for the 2011-12 school year and
29 entitled "SA111-2", or (B) the amount set forth for such school district
30 as "UNIVERSAL PREKINDERGARTEN" under the heading "2010-11 BASE YEAR
31 AIDS" in the school aid computer listing produced by the commissioner on
32 May fifteenth, two thousand eleven pursuant to paragraph b of subdivi-
33 sion twenty-one of section three hundred five of this chapter, and (v)
34 for the two thousand seventeen--two thousand eighteen and two thousand
35 eighteen--two thousand nineteen school [year] years, each school
36 district shall be eligible to receive a grant amount equal to the sum of
37 (A) the amount set forth for such school district as "UNIVERSAL PREKIN-
38 DERGARTEN" under the heading "2016-17 ESTIMATED AIDS" in the school aid
39 computer listing produced by the commissioner in support of the enacted
40 budget for the two thousand sixteen--two thousand seventeen school year
41 and entitled "SA161-7" plus (B) the amount awarded to such school
42 district for the priority full-day prekindergarten and expanded half-day
43 prekindergarten grant program for high need students for the two thou-
44 sand sixteen--two thousand seventeen school year pursuant to chapter
45 fifty-three of the laws of two thousand thirteen, and (vi) for the two
46 thousand [eighteen] nineteen--two thousand [nineteen] twenty school
47 year, each school district shall be eligible to receive a grant amount
48 equal to the sum of (A) the amount set forth for such school district as
49 "UNIVERSAL PREKINDERGARTEN" in the school aid computer listing produced
50 by the commissioner in support of the enacted budget for the two thou-
51 sand [seventeen] eighteen--two thousand [eighteen] nineteen school year
52 plus (B) the amount awarded to such school district for the federal
53 preschool development expansion grant for the two thousand seventeen--
54 two thousand eighteen school year pursuant to the American Recovery and
55 Reinvestment Act of 2009 (ARRA), Sections 14005, 14006, and 14013, Title
56 XIV, (Public Law 112-10), as amended by section 1832(b) of Division B of

1 the Department of Defense and Full-Year Continuing Appropriations Act,
2 2011 (Pub. L. 112-10), and the Department of Education Appropriations
3 Act, 2012 (Title III Division F of Pub. L. 112-74, the Consolidated
4 Appropriations Act, 2012)[, and (vii) for the two thousand nineteen--two
5 thousand twenty school year, each school district shall be eligible to
6 receive a grant amount equal to the sum of (A) the amount set forth for
7 such school district as "UNIVERSAL PREKINDERGARTEN ALLOCATION" on the
8 computer file produced by the commissioner in support of the enacted
9 budget for the two thousand eighteen--two thousand nineteen school year]
10 plus (C) the amount awarded to such school district for the statewide
11 universal full-day prekindergarten program for the two thousand eigh-
12 teen--two thousand nineteen school year pursuant to chapter fifty-three
13 of the laws of two thousand fourteen plus (D) the amount awarded to such
14 school district for the expanded prekindergarten for three- and four-
15 year-old students program for the two thousand eighteen--two thousand
16 nineteen school year pursuant to the chapter of the laws of 2018 estab-
17 lishing such program plus [(B)] (E) the amount awarded to such school
18 district for the expanded prekindergarten program for three and four
19 year-olds for the two thousand eighteen--two thousand nineteen school
20 year pursuant to chapter sixty-one of the laws of two thousand fifteen
21 plus [(C)] (F) the amount awarded to such school district for the
22 expanded prekindergarten for three-year-olds in high need districts
23 program for the two thousand eighteen--two thousand nineteen school year
24 pursuant to chapter fifty-three of the laws of two thousand sixteen plus
25 [(D)] (G) the amount awarded to such school district for the expanded
26 prekindergarten program for three- and four-year-olds for the two thou-
27 sand eighteen--two thousand nineteen school year pursuant to a chapter
28 of the laws of two thousand seventeen plus [(E)] (H) the amount awarded
29 to such school district, subject to an available appropriation, through
30 the pre-kindergarten expansion grant for the two thousand eighteen--two
31 thousand nineteen school year, provided that such school district has
32 met all requirements pursuant to this section, and [(viii)] (vii) for
33 the two thousand twenty--two thousand twenty-one school year and there-
34 after, each school district shall be eligible to receive a grant amount
35 equal to the sum of (A) the amount set forth for such school district as
36 "UNIVERSAL PREKINDERGARTEN ALLOCATION" on the computer file produced by
37 the commissioner in support of the enacted budget for the prior year
38 plus (B) the amount awarded to such school district, subject to an
39 available appropriation, through the pre-kindergarten expansion grant
40 for the prior year, provided that such school district has met all
41 requirements pursuant to this section, and provided further that the
42 maximum grant shall not exceed the total actual grant expenditures
43 incurred by the school district in the current school year as approved
44 by the commissioner.

45 § 16. Subparagraphs (ii) and (iii) of paragraph b of subdivision 10 of
46 section 3602-e of the education law, as amended by section 26 of part
47 YYY of chapter 59 of the laws of 2017, are amended to read as follows:

48 (ii) "Full-day prekindergarten pupils" shall equal:

49 For the two thousand seventeen--two thousand eighteen school year the
50 sum of, from the priority full-day prekindergarten program, (A) the
51 maximum aidable pupils such district was eligible to serve in the base
52 year plus (B) the maximum aidable number of half-day prekindergarten
53 pupils converted into a full-day prekindergarten pupil in the base year;

54 For the two thousand eighteen--two thousand nineteen school year the
55 sum of, from [each of (A)] the programs pursuant to this section [and
56 (B) the federal preschool development expansion grant, (1)], (A) the

1 maximum aidable full-day prekindergarten pupils such district was eligi-
2 ble to serve in the base year plus [(2)] (B) the maximum aidable number
3 of half-day prekindergarten pupils converted into a full-day prekinde-
4 rgarten pupil in the base year;

5 For the two thousand nineteen--two thousand twenty school year the sum
6 of, from each of (A) the programs pursuant to this section, (B) the
7 federal preschool development expansion grant, (C) the expanded prekin-
8 dergarten program, [(C)] (D) the expanded prekindergarten for three-
9 year-olds, [(D)] (E) the expanded prekindergarten program for three- and
10 four-year-olds, and [(E)] (F) the statewide universal full-day prekin-
11 dergarten program, (G) the expanded prekindergarten for three- and four-
12 year-old students program, (H) the prekindergarten expansion grant, (1)
13 the maximum aidable full-day prekindergarten pupils such district was
14 eligible to serve in the base year, plus (2) the maximum aidable number
15 of half-day prekindergarten pupils converted into a full-day prekinde-
16 rgarten pupil in the base year;

17 For the two thousand twenty--two thousand twenty-one school year and
18 thereafter the sum of, from each of (A) the programs pursuant to this
19 section and (B) the pre-kindergarten expansion grant, (1) the maximum
20 aidable full-day prekindergarten pupils such district was eligible to
21 serve in the base year, plus (2) the maximum aidable number of half-day
22 prekindergarten pupils converted into a full-day prekindergarten pupil
23 in the base year;

24 (iii) "Half-day prekindergarten pupils" shall equal:

25 For the two thousand seventeen--two thousand eighteen school year the
26 sum of the maximum aidable half-day prekindergarten pupils such district
27 was eligible to serve for the base year from (A) the program pursuant to
28 this section plus such pupils from (B) the priority full-day prekinde-
29 rgarten program, less the maximum aidable number of half-day prekinde-
30 rgarten pupils converted into a full-day prekindergarten pupil under the
31 priority full-day prekindergarten program for the base year;

32 For the two thousand eighteen--two thousand nineteen school year the
33 maximum aidable half-day prekindergarten pupils such district was eligi-
34 ble to serve for the base year from [(A) the program pursuant to this
35 section less (B) the maximum aidable number of half-day prekindergarten
36 pupils converted into a full-day prekindergarten pupil under the federal
37 preschool development expansion grant for the base year] the program
38 pursuant to this section;

39 For the two thousand nineteen--two thousand twenty school year the sum
40 of the maximum aidable half-day prekindergarten pupils such district was
41 eligible to serve for the base year from (A) the program pursuant to
42 this section plus such pupils from (B) the expanded prekindergarten
43 program plus such pupils from (C) the expanded prekindergarten for
44 three-year-olds plus such pupils from (D) the expanded prekindergarten
45 program for three- and four-year-olds plus such pupils from (E) the
46 prekindergarten expansion grant, less the sum of the maximum aidable
47 number of half-day prekindergarten pupils converted into a full-day
48 prekindergarten pupil under each of (1) the federal preschool expansion
49 grant for the base year plus such pupils from (2) the expanded prekin-
50 dergarten program plus such pupils from [(2)] (3) the expanded prekin-
51 dergarten for three-year-olds plus such pupils from [(3)] (4) the
52 expanded prekindergarten program for three- and four-year-olds plus such
53 pupils from [(4)] (5) the statewide universal full-day prekindergarten
54 program plus such pupils from (6) the expanded prekindergarten for
55 three- and four-year-old students program plus such pupils from (7) the
56 prekindergarten expansion grant for the base year;

1 For the two thousand twenty-two thousand twenty-one school year and
2 thereafter the sum of the maximum aidable half-day prekindergarten
3 pupils such district was eligible to serve for the base year from (A)
4 the program pursuant to this section plus such pupils from (B) the pre-
5 kindergarten expansion grant, less the maximum aidable number of half-
6 day prekindergarten pupils converted into a full-day prekindergarten
7 pupil under the prekindergarten expansion grant for the base year;

8 § 17. The closing paragraph of paragraph b of subdivision 10 of
9 section 3602-e of the education law, as amended by section 26 of part
10 YYY of chapter 59 of the laws of 2017, is amended to read as follows:

11 For the purposes of this paragraph:

12 (A) "Priority full-day prekindergarten program" shall mean the priori-
13 ty full-day prekindergarten and expanded half-day prekindergarten grant
14 program for high need students pursuant to chapter fifty-three of the
15 laws of two thousand thirteen;

16 (B) "Federal preschool development expansion grant" shall mean the
17 federal preschool development expansion grant pursuant to the American
18 Recovery and Reinvestment Act of 2009 (ARRA), Sections 14005, 14006, and
19 14013, Title XIV, (Public Law 112-10), as amended by section 1832(b) of
20 Division B of the Department of Defense and Full-Year Continuing Appro-
21 priations Act, 2011 (Pub. L. 112-10), and the Department of Education
22 Appropriations Act, 2012 (Title III Division F of Pub. L. 112-74, the
23 Consolidated Appropriations Act, 2012);

24 (C) "Expanded prekindergarten program" shall mean the expanded prekin-
25 dergarten program for three- and four year-olds pursuant to chapter
26 sixty-one of the laws of two thousand fifteen;

27 (D) "Expanded prekindergarten for three-year-olds" shall mean the
28 expanded prekindergarten for three-year-olds in high need districts
29 program pursuant to chapter fifty-three of the laws of two thousand
30 sixteen;

31 (E) "Expanded prekindergarten program for three- and four-year-olds"
32 shall mean the expanded prekindergarten program for three- and four-
33 year-olds pursuant to a chapter of the laws of two thousand seventeen;

34 (F) "Statewide universal full-day prekindergarten program" shall mean
35 the statewide universal full-day prekindergarten program pursuant to
36 chapter fifty-three of the laws of two thousand fourteen;

37 (G) "The expanded prekindergarten for three- and four-year-old
38 students program" shall mean the expanded prekindergarten for three- and
39 four-year-old students program pursuant to the chapter of the laws of
40 2018 establishing such program;

41 [(F)] (H) "Prekindergarten expansion grant" shall mean the prekinde-
42 rgarten expansion grant for the two thousand eighteen--two thousand nine-
43 teen school year and thereafter, pursuant to subdivision eighteen of
44 this section, to the extent such program was available subject to appro-
45 priation, and provided that such school district has met all require-
46 ments pursuant to this section.

47 § 18. Subdivision 11 of section 3602-e of the education law, as
48 amended by section 27 of part YYY of chapter 59 of the laws of 2017, is
49 amended to read as follows:

50 11. Maintenance of effort reduction. Where a school district's current
51 year prekindergarten pupils served is less than its prekindergarten
52 maintenance of effort base, the school district shall have its current
53 year apportionment [reduced by] equal to the product of the maintenance
54 of effort factor computed in paragraph b of subdivision ten of this
55 section multiplied by the grant amount it was eligible to receive pursu-
56 ant to subdivision ten of this section.

1 § 18-a. Subparagraph (ii) of paragraph (c) of subdivision 8 of section
2 3602-ee of the education law, as amended by section 31-a of part YYY of
3 chapter 59 of the laws of 2017, is amended to read as follows:

4 (ii) Provided that, notwithstanding any provisions of this paragraph
5 to the contrary, for the two thousand seventeen-two thousand eighteen
6 and two thousand eighteen-two thousand nineteen school [year] years, an
7 exemption to the certification requirement of subparagraph (i) of this
8 paragraph may be made for a teacher without certification valid for
9 service in the early childhood grades who possesses a written plan to
10 obtain certification and who has registered in the ASPIRE workforce
11 registry as required under regulations of the commissioner of the office
12 of children and family services. [Notwithstanding any exemption
13 provided by this subparagraph, certification shall be required for
14 employment no later than June thirtieth, two thousand eighteen.]

15 § 18-b. Subdivision 18 of section 3602-e of the education law, as
16 added by section 30 of part YYY of chapter 59 of the laws of 2017, is
17 amended to read as follows:

18 18. Universal [prekindergarten] pre-kindergarten expansion [grants].
19 a. Subject to available appropriation, any additional funding for pre-
20 kindergarten in the two thousand eighteen--two thousand nineteen school
21 year and thereafter shall be made available for additional grants for
22 pre-kindergarten programs for four-year-old students; provided that such
23 grants shall be awarded to school districts to establish new full-day
24 and half-day pre-kindergarten placements for four-year-olds. All school
25 districts shall be eligible to apply for such grants, which shall be
26 awarded based on factors including, but not limited to, the following:
27 (i) measures of school district need, (ii) measures of the need of
28 students to be served by the school district, (iii) the school
29 district's proposal to target the highest-need schools and students, and
30 (iv) the extent to which the district's proposal would prioritize funds
31 to maximize the total number of eligible children in the district served
32 in pre-kindergarten programs.

33 b. Grants appropriated herein shall only be available to support
34 programs: (i) that agree to offer instruction consistent with applicable
35 New York state pre-kindergarten early learning standards; and (ii) that
36 otherwise comply with all of the same rules and requirements as
37 universal pre-kindergarten programs pursuant to this section.

38 c. A school district's grant shall equal the product of: (i) (A) two
39 multiplied by the approved number of new full-day pre-kindergarten
40 placements plus (B) the approved number of half-day pre-kindergarten
41 placement conversions and new half-day pre-kindergarten placements, and
42 (ii) the district's selected aid per pre-kindergarten pupil pursuant to
43 subparagraph (i) of paragraph b of subdivision ten of this section;
44 provided, however, that no district shall receive a grant in excess of
45 the total actual grant expenditures incurred by the district in the
46 current school year as approved by the commissioner.

47 § 19. Subdivision 16 of section 3602-ee of the education law is
48 REPEALED.

49 § 19-a. Section 3602-ee of the education law is REPEALED.

50 § 20. a. Notwithstanding any other provision of law to the contrary,
51 the actions or omissions of any school district which failed to submit a
52 final building project cost report by June 30 of the school year follow-
53 ing June 30 of the school year in which the certificate of substantial
54 completion of the project is issued by the architect or engineer, or six
55 months after issuance of such certificate, whichever is later, are here-
56 by ratified and validated, provided that such building project was

1 eligible for aid in a year for which the commissioner of education is
2 required to prepare an estimate of apportionments due and owing pursuant
3 to paragraph c of subdivision 21 of section 305 of the education law,
4 provided further that such school district submits a final cost report
5 on or before December 31, 2018 and such report is approved by the
6 commissioner of education, and provided further that any amount due and
7 payable for school years prior to the 2019--2020 school year as a result
8 of this act shall be paid pursuant to the provisions of paragraph c of
9 subdivision 5 of section 3604 of the education law, provided however if
10 such aid has already been paid to the district then such district may
11 retain such aid net any disallowances calculated under subdivision c of
12 this section.

13 b. Notwithstanding any other provision of law to the contrary, any
14 pending payment of moneys due to such district as a prior year adjust-
15 ment payable pursuant to paragraph c of subdivision 5 of section 3604 of
16 the education law for aid claims that had been previously paid in excess
17 as current year aid payments and for which recovery of excess payments
18 is to be made pursuant to this act, shall be reduced by any remaining
19 unrecovered balance of such excess payments, and the remaining scheduled
20 deductions of such excess payments pursuant to this act shall be reduced
21 by the commissioner of education to reflect the amount so recovered.

22 c. The education department is hereby directed to adjust the approved
23 costs of the aforementioned projects on a pro-rata basis to reflect the
24 number of years between June 30 of the school year following June 30 of
25 the school year in which the certificate of substantial completion of
26 the project is issued by the architect or engineer, or six months after
27 issuance of such certificate, whichever is later and the date upon which
28 the district filed a final cost report as a proportion of the useful
29 life of the project, provided that in no case shall such adjustment be
30 larger than five percent, and to consider such adjusted approved costs
31 as valid and proper obligations of such school districts.

32 d. The office of the state comptroller shall review the state aid
33 claims process of any district which files a final cost report under the
34 provisions of subdivision a of this section.

35 § 21. The opening paragraph of section 3609-a of the education law, as
36 amended by section 33 of part YYY of chapter 59 of the laws of 2017, is
37 amended to read as follows:

38 For aid payable in the two thousand seven--two thousand eight school
39 year through the two thousand [seventeen] eighteen--two thousand [eigh-
40 teen] nineteen school year, "moneys apportioned" shall mean the lesser
41 of (i) the sum of one hundred percent of the respective amount set forth
42 for each school district as payable pursuant to this section in the
43 school aid computer listing for the current year produced by the commis-
44 sioner in support of the budget which includes the appropriation for the
45 general support for public schools for the prescribed payments and indi-
46 vidualized payments due prior to April first for the current year plus
47 the apportionment payable during the current school year pursuant to
48 subdivision six-a and subdivision fifteen of section thirty-six hundred
49 two of this part minus any reductions to current year aids pursuant to
50 subdivision seven of section thirty-six hundred four of this part or any
51 deduction from apportionment payable pursuant to this chapter for
52 collection of a school district basic contribution as defined in subdi-
53 vision eight of section forty-four hundred one of this chapter, less any
54 grants provided pursuant to subparagraph two-a of paragraph b of subdi-
55 vision four of section ninety-two-c of the state finance law, less any
56 grants provided pursuant to subdivision six of section ninety-seven-nnnn



1 of the state finance law, less any grants provided pursuant to subdivi-
2 sion twelve of section thirty-six hundred forty-one of this article, or
3 (ii) the apportionment calculated by the commissioner based on data on
4 file at the time the payment is processed; provided however, that for
5 the purposes of any payments made pursuant to this section prior to the
6 first business day of June of the current year, moneys apportioned shall
7 not include any aids payable pursuant to subdivisions six and fourteen,
8 if applicable, of section thirty-six hundred two of this part as current
9 year aid for debt service on bond anticipation notes and/or bonds first
10 issued in the current year or any aids payable for full-day kindergarten
11 for the current year pursuant to subdivision nine of section thirty-six
12 hundred two of this part. The definitions of "base year" and "current
13 year" as set forth in subdivision one of section thirty-six hundred two
14 of this part shall apply to this section. For aid payable in the two
15 thousand [seventeen] eighteen-two thousand [eighteen] nineteen school
16 year, reference to such "school aid computer listing for the current
17 year" shall mean the printouts entitled ["SA171-8"] SA181-9.

18 § 22. Paragraph b of subdivision 2 of section 3612 of the education
19 law, as amended by section 34 of part YYY of chapter 59 of the laws of
20 2017, is amended to read as follows:

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

39 § 23. Subdivision 6 of section 4402 of the education law, as amended
40 by section 35 of part YYY of chapter 59 of the laws of 2017, is amended
41 to read as follows:

42 6. Notwithstanding any other law, rule or regulation to the contrary,
43 the board of education of a city school district with a population of
44 one hundred twenty-five thousand or more inhabitants shall be permitted
45 to establish maximum class sizes for special classes for certain
46 students with disabilities in accordance with the provisions of this
47 subdivision. For the purpose of obtaining relief from any adverse fiscal
48 impact from under-utilization of special education resources due to low
49 student attendance in special education classes at the middle and
50 secondary level as determined by the commissioner, such boards of educa-
51 tion shall, during the school years nineteen hundred ninety-five--nine-
52 ty-six through June thirtieth, two thousand [eighteen] nineteen of the
53 two thousand [seventeen] eighteen-two thousand [eighteen] nineteen
54 school year, be authorized to increase class sizes in special classes
55 containing students with disabilities whose age ranges are equivalent to
56 those of students in middle and secondary schools as defined by the



1 commissioner for purposes of this section by up to but not to exceed one
2 and two tenths times the applicable maximum class size specified in
3 regulations of the commissioner rounded up to the nearest whole number,
4 provided that in a city school district having a population of one
5 million or more, classes that have a maximum class size of fifteen may
6 be increased by no more than one student and provided that the projected
7 average class size shall not exceed the maximum specified in the appli-
8 cable regulation, provided that such authorization shall terminate on
9 June thirtieth, two thousand. Such authorization shall be granted upon
10 filing of a notice by such a board of education with the commissioner
11 stating the board's intention to increase such class sizes and a certif-
12 ication that the board will conduct a study of attendance problems at
13 the secondary level and will implement a corrective action plan to
14 increase the rate of attendance of students in such classes to at least
15 the rate for students attending regular education classes in secondary
16 schools of the district. Such corrective action plan shall be submitted
17 for approval by the commissioner by a date during the school year in
18 which such board increases class sizes as provided pursuant to this
19 subdivision to be prescribed by the commissioner. Upon at least thirty
20 days notice to the board of education, after conclusion of the school
21 year in which such board increases class sizes as provided pursuant to
22 this subdivision, the commissioner shall be authorized to terminate such
23 authorization upon a finding that the board has failed to develop or
24 implement an approved corrective action plan.

25 § 24. Paragraph c of subdivision 5 of section 3604 of the education
26 law, as added by chapter 82 of the laws of 1995, is amended to read as
27 follows:

28 c. Payment of moneys due for prior years. State aid payments due for
29 prior years in accordance with the provisions of this subdivision shall
30 be paid either: (i) from funds available in the general support for
31 public school appropriation as a result of the deduction of excess
32 payments of aid pursuant to paragraph a of this subdivision, or (ii)
33 within the limit of the appropriation designated therefor provided,
34 however, that each eligible claim shall be payable in the order that it
35 has been approved for payment by the commissioner, but in no case shall
36 a single claim draw down more than forty percent of the appropriation so
37 designated for a single year, and provided further that no claim shall
38 be set aside for insufficiency of funds to make a complete payment, but
39 shall be eligible for a partial payment in one year and shall retain its
40 priority date status for appropriations designated for such purposes in
41 future years.

42 § 25. Subdivision b of section 2 of chapter 756 of the laws of 1992,
43 relating to funding a program for work force education conducted by the
44 consortium for worker education in New York city, as amended by section
45 44 of part YYY of chapter 59 of the laws of 2017, is amended to read as
46 follows:

47 b. Reimbursement for programs approved in accordance with subdivision
48 a of this section for the [2015--2016 school year shall not exceed 60.7
49 percent of the lesser of such approvable costs per contact hour or thir-
50 teen dollars and forty cents per contact hour, reimbursement for the]
51 2016--2017 school year shall not exceed 60.3 percent of the lesser of
52 such approvable costs per contact hour or thirteen dollars ninety cents
53 per contact hour, [and] reimbursement for the 2017--2018 school year
54 shall not exceed 60.4 percent of the lesser of such approvable costs per
55 contact hour or thirteen dollars and ninety cents per contact hour, and
56 reimbursement for the 2018--2019 school year shall not exceed 59.4

1 percent of the lesser of such approvable costs per contact hour or four-
2 teen dollars and ninety-five cents per contact hour, where a contact
3 hour represents sixty minutes of instruction services provided to an
4 eligible adult. Notwithstanding any other provision of law to the
5 contrary, [for the 2015--2016 school year such contact hours shall not
6 exceed one million five hundred ninety-nine thousand fifteen (1,599,015)
7 hours; whereas] for the 2016--2017 school year such contact hours shall
8 not exceed one million five hundred fifty-one thousand three hundred
9 twelve (1,551,312); [and] whereas for the 2017--2018 school year such
10 contact hours shall not exceed one million five hundred forty-nine thou-
11 sand four hundred sixty-three (1,549,463); and for the 2018--2019 school
12 year such contact hours shall not exceed one million four hundred
13 sixty-three thousand nine hundred sixty-three (1,463,963). Notwith-
14 standing any other provision of law to the contrary, the apportionment
15 calculated for the city school district of the city of New York pursuant
16 to subdivision 11 of section 3602 of the education law shall be computed
17 as if such contact hours provided by the consortium for worker educa-
18 tion, not to exceed the contact hours set forth herein, were eligible
19 for aid in accordance with the provisions of such subdivision 11 of
20 section 3602 of the education law.

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

25 w. The provisions of this subdivision shall not apply after the
26 completion of payments for the 2018--2019 school year. Notwithstanding
27 any inconsistent provisions of law, the commissioner of education shall
28 withhold a portion of employment preparation education aid due to the
29 city school district of the city of New York to support a portion of the
30 costs of the work force education program. Such moneys shall be credited
31 to the elementary and secondary education fund-local assistance account
32 and shall not exceed thirteen million dollars (\$13,000,000).

33 § 27. 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 46 of part YYY
36 of chapter 59 of the laws of 2017, 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, [2018] 2019.

39 § 27-a. Paragraph a-1 of subdivision 11 of section 3602 of the educa-
40 tion law, as amended by section 60 of part YYY of chapter 59 of the laws
41 of 2017, is amended to read as follows:

42 a-1. Notwithstanding the provisions of paragraph a of this subdivi-
43 sion, for aid payable in the school years two thousand--two thousand one
44 through two thousand nine--two thousand ten, and two thousand eleven--
45 two thousand twelve through two thousand [seventeen] eighteen--two thou-
46 sand [eighteen] nineteen, the commissioner may set aside an amount not
47 to exceed two million five hundred thousand dollars from the funds
48 appropriated for purposes of this subdivision for the purpose of serving
49 persons twenty-one years of age or older who have not been enrolled in
50 any school for the preceding school year, including persons who have
51 received a high school diploma or high school equivalency diploma but
52 fail to demonstrate basic educational competencies as defined in regu-
53 lation by the commissioner, when measured by accepted standardized
54 tests, and who shall be eligible to attend employment preparation educa-
55 tion programs operated pursuant to this subdivision.

1 § 28. Subdivisions 22 and 24 of section 140 of chapter 82 of the laws
2 of 1995, amending the education law and certain other laws relating to
3 state aid to school districts and the appropriation of funds for the
4 support of government, as amended by section 47 of part YYY of chapter
5 59 of the laws of 2017, are amended to read as follows:

6 (22) sections one hundred twelve, one hundred thirteen, one hundred
7 fourteen, one hundred fifteen and one hundred sixteen of this act shall
8 take effect on July 1, 1995; provided, however, that section one hundred
9 thirteen of this act shall remain in full force and effect until July 1,
10 [2018] 2019 at which time it shall be deemed repealed;

11 (24) sections one hundred eighteen through one hundred thirty of this
12 act shall be deemed to have been in full force and effect on and after
13 July 1, 1995; provided further, however, that the amendments made pursu-
14 ant to section one hundred twenty-four of this act shall be deemed to be
15 repealed on and after July 1, [2018] 2019;

16 § 29. Tuition rates approved for the two thousand eighteen--two thou-
17 sand nineteen school year for special services or programs provided to
18 school-age students by special act school districts; approved private
19 residential or non-residential schools for the education of students
20 with disabilities that are located within the state; and providers of
21 education to preschool children with disabilities pursuant to section
22 4410 of the education law shall provide for an increase of at least four
23 percent in reimbursable costs.

24 § 29-a. Section 4004 of the education law is amended by adding a new
25 subdivision 5 to read as follows:

26 5. The board of education of a special act school district shall be
27 authorized to establish a fiscal stabilization reserve fund. There may
28 be paid into such fund an amount as may be provided pursuant to the
29 requirements of paragraph k of subdivision four of section forty-four
30 hundred five of this title.

31 § 29-b. Subdivision 4 of section 4405 of the education law is amended
32 by adding a new paragraph k to read as follows:

33 k. The tuition methodology established pursuant to this subdivision
34 for the two thousand eighteen--two thousand nineteen school year and
35 thereafter shall authorize approved private residential or non-residen-
36 tial schools for the education of students with disabilities that are
37 located within the state, and special act school districts, to retain
38 funds in excess of their allowable and reimbursable costs incurred for
39 services and programs provided to school-age students. The amount of
40 funds that may be annually retained shall not exceed one percent of the
41 school's or school district's total allowable and reimbursable costs for
42 services and programs provided to school-age students for the school
43 year from which the funds are to be retained; provided that the total
44 accumulated balance that may be retained shall not exceed four percent
45 of such total costs for such school year. Funds may be expended only
46 pursuant to an authorization of the governing board of the school or
47 school district, for a purpose expressly authorized as part of the
48 approved tuition methodology for the year in which the funds are to be
49 expended. The director of the budget, in consultation with the commis-
50 sioner, shall establish the authorized uses for the expenditures of such
51 funds as part of the approved tuition methodology. Any school or school
52 district that retains funds pursuant to this paragraph shall be required
53 to annually report a statement of the total balance of any such retained
54 funds, the amount, if any, retained in the prior school year, an amount,
55 if any, dispersed in the prior school year, and any additional informa-

1 tion requested by the department as part of the financial reports that
2 are required to be annually submitted to the department.

3 § 30. Section 8 of chapter 89 of the laws of 2016, relating to supple-
4 mentary funding for dedicated programs for public school students in the
5 East Ramapo central school district, as amended by section 49 of part
6 YYY of chapter 59 of the laws of 2017, is amended to read as follows:

7 § 8. This act shall take effect July 1, 2016 and shall expire and be
8 deemed repealed June 30, [2018] 2019, except that paragraph (b) of
9 section five of this act and paragraph seven of this act shall expire
10 and be deemed repealed June 30, 2021.

11 § 31. Section 12 of chapter 147 of the laws of 2001, amending the
12 education law relating to conditional appointment of school district,
13 charter school or BOCES employees, as amended by section 50 of part YYY
14 of chapter 59 of the laws of 2017, is amended to read as follows:

15 § 12. This act shall take effect on the same date as chapter 180 of
16 the laws of 2000 takes effect, and shall expire July 1, [2018] 2019 when
17 upon such date the provisions of this act shall be deemed repealed.

18 § 32. Subdivision 1 of section 167 of chapter 169 of the laws of 1994,
19 relating to certain provisions related to the 1994-95 state operations,
20 aid to localities, capital projects and debt service budgets, as amended
21 by section 32 of part A of chapter 54 of the laws of 2016, is amended to
22 read as follows:

23 1. Sections one through seventy of this act shall be deemed to have
24 been in full force and effect as of April 1, 1994 provided, however,
25 that sections one, two, twenty-four, twenty-five and twenty-seven
26 through seventy of this act shall expire and be deemed repealed on March
27 31, 2000; provided, however, that section twenty of this act shall apply
28 only to hearings commenced prior to September 1, 1994, and provided
29 further that section twenty-six of this act shall expire and be deemed
30 repealed on March 31, 1997; and provided further that sections four
31 through fourteen, sixteen, and eighteen, nineteen and twenty-one through
32 twenty-one-a of this act shall expire and be deemed repealed on March
33 31, 1997; and provided further that sections three, fifteen, seventeen,
34 twenty, twenty-two and twenty-three of this act shall expire and be
35 deemed repealed on March 31, [2018] 2020.

36 § 33. Section 4 of chapter 425 of the laws of 2002, amending the
37 education law relating to the provision of supplemental educational
38 services, attendance at a safe public school and the suspension of
39 pupils who bring a firearm to or possess a firearm at a school, as
40 amended by section 12 of part YYY of chapter 59 of the laws of 2017, is
41 amended to read as follows:

42 § 4. This act shall take effect July 1, 2002 and shall expire and be
43 deemed repealed June 30, [2018] 2019.

44 § 34. Section 5 of chapter 101 of the laws of 2003, amending the
45 education law relating to the implementation of the No Child Left Behind
46 Act of 2001, as amended by section 13 of part YYY of chapter 59 of the
47 laws of 2017, is amended to read as follows:

48 § 5. This act shall take effect immediately; provided that sections
49 one, two and three of this act shall expire and be deemed repealed on
50 June 30, [2018] 2019.

51 § 35. Section 2 of subpart B of part AA of chapter 56 of the laws of
52 2014, amending the education law relating to providing that standardized
53 test scores shall not be included on a student's permanent record, is
54 amended to read as follows:

55 § 2. This act shall take effect immediately and shall expire and be
56 deemed repealed on December 31, [2018] 2019.

1 § 36. School bus driver training. In addition to apportionments other-
2 wise provided by section 3602 of the education law, for aid payable in
3 the 2018-2019 school year, the commissioner of education shall allocate
4 school bus driver training grants to school districts and boards of
5 cooperative educational services pursuant to sections 3650-a, 3650-b and
6 3650-c of the education law, or for contracts directly with not-for-pro-
7 fit educational organizations for the purposes of this section. Such
8 payments shall not exceed four hundred thousand dollars (\$400,000) per
9 school year.

10 § 37. Special apportionment for salary expenses. a. Notwithstanding
11 any other provision of law, upon application to the commissioner of
12 education, not sooner than the first day of the second full business
13 week of June 2019 and not later than the last day of the third full
14 business week of June 2019, a school district eligible for an apportion-
15 ment pursuant to section 3602 of the education law shall be eligible to
16 receive an apportionment pursuant to this section, for the school year
17 ending June 30, 2019, for salary expenses incurred between April 1 and
18 June 30, 2018 and such apportionment shall not exceed the sum of (i) the
19 deficit reduction assessment of 1990--1991 as determined by the commis-
20 sioner of education, pursuant to paragraph f of subdivision 1 of section
21 3602 of the education law, as in effect through June 30, 1993, plus (ii)
22 186 percent of such amount for a city school district in a city with a
23 population in excess of 1,000,000 inhabitants, plus (iii) 209 percent of
24 such amount for a city school district in a city with a population of
25 more than 195,000 inhabitants and less than 219,000 inhabitants accord-
26 ing to the latest federal census, plus (iv) the net gap elimination
27 adjustment for 2010--2011, as determined by the commissioner of educa-
28 tion pursuant to chapter 53 of the laws of 2010, plus (v) the gap elimi-
29 nation adjustment for 2011--2012 as determined by the commissioner of
30 education pursuant to subdivision 17 of section 3602 of the education
31 law, and provided further that such apportionment shall not exceed such
32 salary expenses. Such application shall be made by a school district,
33 after the board of education or trustees have adopted a resolution to do
34 so and in the case of a city school district in a city with a population
35 in excess of 125,000 inhabitants, with the approval of the mayor of such
36 city.

37 b. The claim for an apportionment to be paid to a school district
38 pursuant to subdivision a of this section shall be submitted to the
39 commissioner of education on a form prescribed for such purpose, and
40 shall be payable upon determination by such commissioner that the form
41 has been submitted as prescribed. Such approved amounts shall be payable
42 on the same day in September of the school year following the year in
43 which application was made as funds provided pursuant to subparagraph
44 (4) of paragraph b of subdivision 4 of section 92-c of the state finance
45 law, on the audit and warrant of the state comptroller on vouchers
46 certified or approved by the commissioner of education in the manner
47 prescribed by law from moneys in the state lottery fund and from the
48 general fund to the extent that the amount paid to a school district
49 pursuant to this section exceeds the amount, if any, due such school
50 district pursuant to subparagraph (2) of paragraph a of subdivision 1 of
51 section 3609-a of the education law in the school year following the
52 year in which application was made.

53 c. Notwithstanding the provisions of section 3609-a of the education
54 law, an amount equal to the amount paid to a school district pursuant to
55 subdivisions a and b of this section shall first be deducted from the
56 following payments due the school district during the school year

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

12 § 38. Special apportionment for public pension accruals. a. Notwith-
13 standing any other provision of law, upon application to the commission-
14 er of education, not later than June 30, 2019, a school district eligi-
15 ble for an apportionment pursuant to section 3602 of the education law
16 shall be eligible to receive an apportionment pursuant to this section,
17 for the school year ending June 30, 2019 and such apportionment shall
18 not exceed the additional accruals required to be made by school
19 districts in the 2004--2005 and 2005--2006 school years associated with
20 changes for such public pension liabilities. The amount of such addi-
21 tional accrual shall be certified to the commissioner of education by
22 the president of the board of education or the trustees or, in the case
23 of a city school district in a city with a population in excess of
24 125,000 inhabitants, the mayor of such city. Such application shall be
25 made by a school district, after the board of education or trustees have
26 adopted a resolution to do so and in the case of a city school district
27 in a city with a population in excess of 125,000 inhabitants, with the
28 approval of the mayor of such city.

29 b. The claim for an apportionment to be paid to a school district
30 pursuant to subdivision a of this section shall be submitted to the
31 commissioner of education on a form prescribed for such purpose, and
32 shall be payable upon determination by such commissioner that the form
33 has been submitted as prescribed. Such approved amounts shall be payable
34 on the same day in September of the school year following the year in
35 which application was made as funds provided pursuant to subparagraph
36 (4) of paragraph b of subdivision 4 of section 92-c of the state finance
37 law, on the audit and warrant of the state comptroller on vouchers
38 certified or approved by the commissioner of education in the manner
39 prescribed by law from moneys in the state lottery fund and from the
40 general fund to the extent that the amount paid to a school district
41 pursuant to this section exceeds the amount, if any, due such school
42 district pursuant to subparagraph (2) of paragraph a of subdivision 1 of
43 section 3609-a of the education law in the school year following the
44 year in which application was made.

45 c. Notwithstanding the provisions of section 3609-a of the education
46 law, an amount equal to the amount paid to a school district pursuant to
47 subdivisions a and b of this section shall first be deducted from the
48 following payments due the school district during the school year
49 following the year in which application was made pursuant to subpara-
50 graphs (1), (2), (3), (4) and (5) of paragraph a of subdivision 1 of
51 section 3609-a of the education law in the following order: the lottery
52 apportionment payable pursuant to subparagraph (2) of such paragraph
53 followed by the fixed fall payments payable pursuant to subparagraph (4)
54 of such paragraph and then followed by the district's payments to the
55 teachers' retirement system pursuant to subparagraph (1) of such para-
56 graph, and any remainder to be deducted from the individualized payments

1 due the district pursuant to paragraph b of such subdivision shall be
2 deducted on a chronological basis starting with the earliest payment due
3 the district.

4 § 39. a. Notwithstanding any other law, rule or regulation to the
5 contrary, any moneys appropriated to the state education department may
6 be suballocated to other state departments or agencies, as needed, to
7 accomplish the intent of the specific appropriations contained therein.

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

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

18 d. Notwithstanding any other law, rule or regulation to the contrary,
19 moneys appropriated to the state education department for general
20 support for public schools may be interchanged with any other item of
21 appropriation for general support for public schools within the general
22 fund local assistance account office of prekindergarten through grade
23 twelve education programs.

24 § 40. Notwithstanding the provision of any law, rule, or regulation to
25 the contrary, the city school district of the city of Rochester, upon
26 the consent of the board of cooperative educational services of the
27 supervisory district serving its geographic region may purchase from
28 such board for the 2018--2019 school year, as a non-component school
29 district, services required by article 19 of the education law.

30 § 41. The amounts specified in this section shall be a setaside from
31 the state funds which each such district is receiving from the total
32 foundation aid:

33 a. for the development, maintenance or expansion of magnet schools or
34 magnet school programs for the 2018--2019 school year. For the city
35 school district of the city of New York there shall be a setaside of
36 foundation aid equal to forty-eight million one hundred seventy-five
37 thousand dollars (\$48,175,000) including five hundred thousand dollars
38 (\$500,000) for the Andrew Jackson High School; for the Buffalo city
39 school district, twenty-one million twenty-five thousand dollars
40 (\$21,025,000); for the Rochester city school district, fifteen million
41 dollars (\$15,000,000); for the Syracuse city school district, thirteen
42 million dollars (\$13,000,000); for the Yonkers city school district,
43 forty-nine million five hundred thousand dollars (\$49,500,000); for the
44 Newburgh city school district, four million six hundred forty-five thou-
45 sand dollars (\$4,645,000); for the Poughkeepsie city school district,
46 two million four hundred seventy-five thousand dollars (\$2,475,000); for
47 the Mount Vernon city school district, two million dollars (\$2,000,000);
48 for the New Rochelle city school district, one million four hundred ten
49 thousand dollars (\$1,410,000); for the Schenectady city school district,
50 one million eight hundred thousand dollars (\$1,800,000); for the Port
51 Chester city school district, one million one hundred fifty thousand
52 dollars (\$1,150,000); for the White Plains city school district, nine
53 hundred thousand dollars (\$900,000); for the Niagara Falls city school
54 district, six hundred thousand dollars (\$600,000); for the Albany city
55 school district, three million five hundred fifty thousand dollars
56 (\$3,550,000); for the Utica city school district, two million dollars



1 (\$2,000,000); for the Beacon city school district, five hundred sixty-
2 six thousand dollars (\$566,000); for the Middletown city school
3 district, four hundred thousand dollars (\$400,000); for the Freeport
4 union free school district, four hundred thousand dollars (\$400,000);
5 for the Greenburgh central school district, three hundred thousand
6 dollars (\$300,000); for the Amsterdam city school district, eight
7 hundred thousand dollars (\$800,000); for the Peekskill city school
8 district, two hundred thousand dollars (\$200,000); and for the Hudson
9 city school district, four hundred thousand dollars (\$400,000).

10 b. Notwithstanding any inconsistent provision of law to the contrary,
11 a school district setting aside such foundation aid pursuant to this
12 section may use such setaside funds for: (i) any instructional or
13 instructional support costs associated with the operation of a magnet
14 school; or (ii) any instructional or instructional support costs associ-
15 ated with implementation of an alternative approach to promote diversity
16 and/or enhancement of the instructional program and raising of standards
17 in elementary and secondary schools of school districts having substan-
18 tial concentrations of minority students.

19 c. The commissioner of education shall not be authorized to withhold
20 foundation aid from a school district that used such funds in accordance
21 with this paragraph, notwithstanding any inconsistency with a request
22 for proposals issued by such commissioner for the purpose of attendance
23 improvement and dropout prevention for the 2018--2019 school year, and
24 for any city school district in a city having a population of more than
25 one million, the setaside for attendance improvement and dropout
26 prevention shall equal the amount set aside in the base year. For the
27 2018--2019 school year, it is further provided that any city school
28 district in a city having a population of more than one million shall
29 allocate at least one-third of any increase from base year levels in
30 funds set aside pursuant to the requirements of this section to communi-
31 ty-based organizations. Any increase required pursuant to this section
32 to community-based organizations must be in addition to allocations
33 provided to community-based organizations in the base year.

34 d. For the purpose of teacher support for the 2018--2019 school year:
35 for the city school district of the city of New York, sixty-two million
36 seven hundred seven thousand dollars (\$62,707,000); for the Buffalo city
37 school district, one million seven hundred forty-one thousand dollars
38 (\$1,741,000); for the Rochester city school district, one million seven-
39 ty-six thousand dollars (\$1,076,000); for the Yonkers city school
40 district, one million one hundred forty-seven thousand dollars
41 (\$1,147,000); and for the Syracuse city school district, eight hundred
42 nine thousand dollars (\$809,000). All funds made available to a school
43 district pursuant to this section shall be distributed among teachers
44 including prekindergarten teachers and teachers of adult vocational and
45 academic subjects in accordance with this section and shall be in addi-
46 tion to salaries heretofore or hereafter negotiated or made available;
47 provided, however, that all funds distributed pursuant to this section
48 for the current year shall be deemed to incorporate all funds distrib-
49 uted pursuant to former subdivision 27 of section 3602 of the education
50 law for prior years. In school districts where the teachers are repres-
51 ented by certified or recognized employee organizations, all salary
52 increases funded pursuant to this section shall be determined by sepa-
53 rate collective negotiations conducted pursuant to the provisions and
54 procedures of article 14 of the civil service law, notwithstanding the
55 existence of a negotiated agreement between a school district and a
56 certified or recognized employee organization.

1 § 42. Support of public libraries. The moneys appropriated for the
2 support of public libraries by a chapter of the laws of 2017 enacting
3 the aid to localities budget shall be apportioned for the 2018-2019
4 state fiscal year in accordance with the provisions of sections 271,
5 272, 273, 282, 284, and 285 of the education law as amended by the
6 provisions of this chapter and the provisions of this section, provided
7 that library construction aid pursuant to section 273-a of the education
8 law shall not be payable from the appropriations for the support of
9 public libraries and provided further that no library, library system or
10 program, as defined by the commissioner of education, shall receive less
11 total system or program aid than it received for the year 2001-2002
12 except as a result of a reduction adjustment necessary to conform to the
13 appropriations for support of public libraries.

14 Notwithstanding any other provision of law to the contrary the moneys
15 appropriated for the support of public libraries for the year 2018-2019
16 by a chapter of the laws of 2018 enacting the education, labor and fami-
17 ly assistance budget shall fulfill the state's obligation to provide
18 such aid and, pursuant to a plan developed by the commissioner of educa-
19 tion and approved by the director of the budget, the aid payable to
20 libraries and library systems pursuant to such appropriations shall be
21 reduced proportionately to assure that the total amount of aid payable
22 does not exceed the total appropriations for such purpose.

23 § 42-a. Section 3 of chapter 507 of the laws of 1974, relating to
24 providing for the apportionment of state monies to certain nonpublic
25 schools, to reimburse them for their expenses in complying with certain
26 state requirements for the administration of state testing and evalu-
27 ation programs and for participation in state programs for the reporting
28 of basic educational data, as amended by section 17 of part YYY of chap-
29 ter 59 of the laws of 2017, is amended to read as follows:

30 § 3. Apportionment. a. The commissioner shall annually apportion to
31 each qualifying school, for school years beginning on and after July
32 first, nineteen hundred seventy-four, an amount equal to the actual cost
33 incurred by each such school during the preceding school year for
34 providing services required by law to be rendered to the state in
35 compliance with the requirements of the state's pupil evaluation
36 program, the basic educational data system, regents examinations, the
37 statewide evaluation plan, the uniform procedure for pupil attendance
38 reporting, the state's immunization program and other similar state
39 prepared examinations and reporting procedures.

40 b. Such nonpublic schools shall be eligible to receive aid based on
41 the number of days or portion of days attendance is taken and either a
42 5.0/5.5 hour standard instructional day, or another work day as certi-
43 fied by the nonpublic school officials, in accordance with the methodol-
44 ogy for computing salary and benefits applied by the department in
45 paying aid for the two thousand twelve--two thousand thirteen and prior
46 school years.

47 c. The commissioner shall annually apportion to each qualifying school
48 in the cities of New York, Buffalo and Rochester, for school years
49 beginning on or after July first two thousand sixteen, an amount equal
50 to the actual cost incurred by each such school during the preceding
51 school year in meeting the recording and reporting requirements of the
52 state school immunization program, provided that the state's liability
53 shall be limited to the amount appropriated for this purpose.

54 § 42-b. Subdivision a of section 5 of chapter 121 of the laws of 1996,
55 relating to authorizing the Roosevelt union free school district to
56 finance deficits by the issuance of serial bonds, as amended by section

1 38 of part YYY of chapter 59 of the laws of 2017, is amended to read as
2 follows:

3 a. Notwithstanding any other provisions of law, upon application to
4 the commissioner of education submitted not sooner than April first and
5 not later than June thirtieth of the applicable school year, the Roose-
6 velt union free school district shall be eligible to receive an appor-
7 tionment pursuant to this chapter for salary expenses, including related
8 benefits, incurred between April first and June thirtieth of such school
9 year. Such apportionment shall not exceed: for the 1996-97 school year
10 through the [2017-18] 2018-19 school year, four million dollars
11 (\$4,000,000); for the [2018-19] 2019-20 school year, three million
12 dollars (\$3,000,000); for the [2019-20] 2020-21 school year, two million
13 dollars (\$2,000,000); for the [2020-21] 2021-22 school year, one million
14 dollars (\$1,000,000); and for the [2021-22] 2022-23 school year, zero
15 dollars. Such annual application shall be made after the board of
16 education has adopted a resolution to do so with the approval of the
17 commissioner of education.

18 § 42-c. Paragraph c of subdivision 2 of section 2023-a of the educa-
19 tion law, as amended by section 1 of subpart C of part C of chapter 20
20 of the laws of 2015, is amended to read as follows:

21 c. "Capital local expenditures" means (i) the taxes associated with
22 budgeted expenditures resulting from the financing, refinancing, acqui-
23 sition, design, construction, reconstruction, rehabilitation, improve-
24 ment, furnishing and equipping of, or otherwise providing for school
25 district capital facilities or school district capital equipment,
26 including debt service and lease expenditures, and transportation capi-
27 tal debt service, and (ii) the school district's share of capital local
28 expenditures, as defined in subparagraph (i) of this paragraph, for
29 boards of cooperative educational services as authorized pursuant to
30 section nineteen hundred fifty of this title and approved by the commis-
31 sioner, subject to the approval of the qualified voters where required
32 by law. [The commissioner of taxation and finance shall, as appropri-
33 ate, promulgate rules and regulations which may provide for adjustment
34 of capital local expenditures to reflect a school district's share of
35 additional budgeted capital expenditures made by a board of cooperative
36 educational services.]

37 § 42-d. Subparagraph 1 of paragraph b of subdivision 4 of section 1950
38 of the education law, as amended by chapter 474 of the laws of 1996, is
39 amended to read as follows:

40 (1) Prepare, prior to the annual meeting of members of the boards of
41 education and school trustees, held as provided in paragraph o of this
42 subdivision, a tentative budget of expenditures for the program costs, a
43 tentative budget for capital costs, and a tentative budget for the
44 administration costs of the board of cooperative educational services.
45 Such budgets shall include the proposed budget for the upcoming school
46 year, the previous school year's actual costs and the current school
47 year's projected costs for each object of expenditure. Such program,
48 capital and administrative budgets shall be separately delineated in
49 accordance with the definition of program, capital and administrative
50 costs which shall be promulgated by the commissioner after consultation
51 with school district officials and the director of the budget. Personal
52 service costs for each budget shall include the number of full-time
53 equivalent positions funded and total salary and, except as noted here-
54 in, fringe benefit costs for such positions by program. Each program
55 budget shall also include the local and statewide unit costs of such
56 programs and services proposed for the upcoming school year, such actual

1 unit costs for the previous school year, and the current school year's
2 projected unit costs, all established in accordance with paragraph d of
3 this subdivision. The capital budget shall include facility construction
4 and lease expenditures authorized pursuant to paragraphs p, t and u of
5 this subdivision, payments for the repayment of indebtedness related to
6 capital projects, payments for the acquisition or construction of facil-
7 ities, sites or additions, provided that such budget shall contain a
8 rental, operations and maintenance section that will include base rent
9 costs, total rent costs, operations and maintenance charges, cost per
10 square foot for each facility rented or leased by such board of cooper-
11 ative educational services, and any and all expenditures associated with
12 custodial salaries and benefits, service contracts, supplies, utilities,
13 maintenance and repairs for such facilities, and that such budget shall
14 include the annual debt service and total debt for all facilities
15 financed by bonds or notes of the component districts, annual rental and
16 lease payments and total rental and lease costs for all facilities rent-
17 ed by such board; such capital budget shall also include expenditures
18 resulting from court judgments and orders from administrative bodies or
19 officers, and, to the extent a board's administrative budget has been
20 adopted, one-time costs incurred in the first year in which an employee
21 retires. The administrative budget shall include, but need not be limit-
22 ed to, office and central administrative expenses, traveling expenses
23 and salaries and benefits of supervisors and administrative personnel
24 necessary to carry out the central administrative duties of the supervi-
25 sory district, any and all expenditures associated with the board, the
26 office of district superintendent, general administration, central
27 support services, planning, and all other administrative activities.
28 Such administrative budget shall also specify the amount of supplementa-
29 ry salary and benefits, if any, which the board determines should be
30 paid to the district superintendent of schools and the board shall
31 append to such budget a detailed statement of the total compensation to
32 be paid the district superintendent of schools by the board, including a
33 delineation of the salary, annualized cost of benefits and any in-kind
34 or other form of remuneration to be paid, plus, commencing with the
35 presentation of the budget for the nineteen hundred ninety-seven-nine-
36 ty-eight school year, a list of items of expense eligible for reimburse-
37 ment on expense accounts in the ensuing school year and a statement of
38 the amount of expenses paid to the district superintendent of schools in
39 the prior year for purposes of carrying out his or her official duties;
40 provided, however, any school district's share of capital local expendi-
41 tures of a board of cooperative educational services, as defined in
42 subparagraph (ii) of paragraph c of subdivision two of section two thou-
43 sand twenty-three-a of this title, and approved by the commissioner
44 shall not be included in a school district's tax levy pursuant to such
45 section.

46 § 42-e. Paragraph (a) of subdivision 2 of section 6-n of the general
47 municipal law, as separately amended by chapters 414 and 416 of the laws
48 of 2016, is amended to read as follows:

49 (a) The governing board of any municipal corporation may establish a
50 reserve fund to be known as the insurance reserve fund. Upon the
51 creation of the fund, the municipality may make expenditures from the
52 fund for any loss, claim, action or judgment for which the municipal
53 corporation is authorized or required to purchase or maintain insurance,
54 except those kinds of risks for which insurance is authorized pursuant
55 to paragraph one, two, three, fifteen, sixteen, seventeen, eighteen,
56 twenty-two or twenty-three of subsection (a) of section one thousand one

1 hundred thirteen of the insurance law, or for payments in lieu of
2 contributions under article eighteen of the labor law; provided however,
3 that no municipality shall make an expenditure from such fund for any
4 loss, claim, action or judgment for which the municipal corporation has
5 established a reserve fund under any other provision of law; provided,
6 further that the Scarsdale union free school district, the Mamaroneck
7 union free school district, the Minisink Valley central school district
8 and the Vernon Verona Sherrill central school district may establish
9 insurance reserve funds in compliance with this section and article
10 seventy-four of the education law [and the Minisink Valley central
11 school district may establish insurance reserve funds in compliance with
12 this section and article seventy-four of the education law] and such
13 school districts may make expenditures in compliance with this section
14 and article seventy-four of the education law from such reserve fund for
15 any loss, claim, action or judgment for which the school districts are
16 authorized or required to purchase or maintain insurance for the kinds
17 of risks for which insurance is authorized pursuant to paragraph three
18 of subsection (a) of section one thousand one hundred thirteen of the
19 insurance law.

20 § 42-f. Paragraphs b and c of subdivision 1 of section 6-r of the
21 general municipal law, as added by chapter 260 of the laws of 2004, are
22 amended to read as follows:

23 b. "Participating employer" means: (i) a participating employer as
24 defined in subdivision twenty of section two of the retirement and
25 social security law or in subdivision twenty of section three hundred
26 two of such law; or (ii) a participating employer as defined in subdivi-
27 sion three of section five hundred one of the education law.

28 c. "Retirement contribution" shall mean all or any portion of the
29 amount payable by a municipal corporation to: (i) either the New York
30 state and local employees' retirement system or the New York state and
31 local police and fire retirement system pursuant to section seventeen or
32 three hundred seventeen of the retirement and social security law; or
33 (ii) the New York state teachers' retirement system pursuant to section
34 five hundred twenty-one of the education law.

35 § 42-g. Subdivision 2 of section 6-r of the general municipal law, as
36 added by chapter 260 of the laws of 2004, is amended to read as follows:

37 2. The governing board of any municipal corporation which is also a
38 participating employer by resolution may establish a retirement contrib-
39 ution reserve fund for the purpose of (a) financing retirement contrib-
40 utions, and/or (b) in the case of a municipal corporation which is a
41 participating employer as defined in subdivision three of section five
42 hundred one of the education law, financing appropriations authorized by
43 law in order to offset all or a portion of the amount deducted from the
44 moneys apportioned to the municipal corporation from the state for the
45 support of common schools pursuant to section five hundred twenty-one of
46 the education law.

47 § 42-h. Section 6-r of the general municipal law is amended by adding
48 a new subdivision 2-a to read as follows:

49 2-a. With respect to a municipal corporation which is a participating
50 employer as defined in subdivision three of section five hundred one of
51 the education law, which elects to utilize a retirement contribution
52 reserve fund (a) to finance retirement contributions to the New York
53 state teachers' retirement system pursuant to section five hundred twen-
54 ty-one of the education law and/or (b) to offset all or a portion of the
55 amount deducted from the moneys apportioned to the municipal corporation
56 from the state for the support of common schools pursuant to section

1 five hundred twenty-one of the education law, such municipal corporation
2 shall establish a sub-fund within the retirement contribution reserve
3 fund, which shall be separately administered consistent with the
4 provisions of this section. Such municipal corporation may pay into such
5 sub-fund during any particular fiscal year an amount not to exceed two
6 per centum of the total compensation or salaries of all teachers in the
7 employ of said municipal corporation who are members of the New York
8 state teachers' retirement system paid during the immediately preceding
9 fiscal year. The balance of such sub-fund may not exceed ten per centum
10 of the total compensation or salaries of all teachers in the employ of
11 the municipal corporation who are members of the New York state teach-
12 ers' retirement system paid during the immediately preceding fiscal
13 year. For the purposes of this subdivision, the term "teacher" shall
14 have the same meaning as such term is defined under subdivision four of
15 section five hundred one of the education law.

16 § 42-i. Subdivision 5 of section 6-r of the general municipal law, as
17 added by chapter 260 of the laws of 2004, is amended to read as follows:

18 5. The governing board of such municipal corporation by resolution may
19 authorize expenditures from a retirement contribution reserve fund.
20 Except as otherwise provided by law, moneys in a retirement contribution
21 reserve fund may only be expended (a) to finance retirement contrib-
22 utions, and/or (b) in the case of a municipal corporation which is a
23 participating employer, as defined in subdivision three of section five
24 hundred one of the education law, for appropriations authorized by law
25 in order to offset all or a portion of the amount deducted from the
26 moneys apportioned to the participating employer from the state for the
27 support of common schools pursuant to section five hundred twenty-one of
28 the education law. With respect to a municipal corporation which is a
29 participating employer as defined in subdivision three of section five
30 hundred one of the education law, expenditures from the retirement
31 contribution reserve fund to finance retirement contributions to the New
32 York State teachers' retirement system pursuant to section five hundred
33 twenty-one of the education law and/or to offset all or a portion of the
34 amount deducted from the moneys apportioned to the municipal corporation
35 from the state for the support of common schools pursuant to section
36 five hundred twenty-one of the education law may only be made from the
37 sub-fund established pursuant to subdivision two-a of this section.

38 § 42-j. Section 6-r of the general municipal law is amended by adding
39 a new subdivision 11 to read as follows:

40 11. The governing board of a municipal corporation which is a partic-
41 ipating employer as defined in subdivision three of section five hundred
42 one of the education law by resolution may (a) authorize the transfer of
43 all or a portion of the monies in the separately administered sub-fund
44 as established under subdivision two-a of this section to the retirement
45 contribution reserve fund, and/or (b) authorize the transfer of all or a
46 portion of the monies in the retirement contribution reserve fund to the
47 separately administered sub-fund as provided in subdivision two-a of
48 this section, subject to the limits on annual payments into the sub-fund
49 and the balance of the sub-fund specified by the subdivision two-a of
50 this section.

51 § 43. Severability. The provisions of this act shall be severable, and
52 if the application of any clause, sentence, paragraph, subdivision,
53 section or part of this act to any person or circumstance shall be
54 adjudged by any court of competent jurisdiction to be invalid, such
55 judgment shall not necessarily affect, impair or invalidate the applica-
56 tion of any such clause, sentence, paragraph, subdivision, section, part

1 of this act or remainder thereof, as the case may be, to any other
2 person or circumstance, but shall be confined in its operation to the
3 clause, sentence, paragraph, subdivision, section or part thereof
4 directly involved in the controversy in which such judgment shall have
5 been rendered.

6 § 44. This act shall take effect immediately, and shall be deemed to
7 have been in full force and effect on and after April 1, 2018; provided,
8 however, that:

9 1. Sections one, five, seven, nine, nine-a, nine-c, ten, eleven,
10 twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nine-
11 teen, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five,
12 twenty-seven-a, thirty-six, forty, forty-one, forty-two-a and
13 forty-two-b of this act shall take effect July 1, 2018;

14 1-a. Section nineteen-a of this act shall take effect July 1, 2019;

15 2. The amendments to subdivision 1 of section 2856 of the education
16 law made by section six of this act shall be subject to the expiration
17 and reversion of such subdivision pursuant to section 27 of chapter 378
18 of the laws of 2007, as amended, when upon such date the provisions of
19 section seven of this act shall take effect;

20 2-a. The amendments to the closing paragraph of paragraph (a) of
21 subdivision 1 of section 2856 of the education law made by section six-a
22 of this act shall be subject to the expiration and reversion of such
23 subdivision pursuant to section 27 of chapter 378 of the laws of 2007,
24 as amended, when upon such date the provisions of section seven-a of
25 this act shall take effect;

26 3. The amendments to subdivision 1 of section 2856 of the education
27 law made by section eight of this act shall be subject to the expiration
28 and reversion of such subdivision pursuant to subdivision d of section
29 27 of chapter 378 of the laws of 2007, as amended, when upon such date
30 the provisions of section eight-a of this act shall take effect;
31 provided, further, that if this act shall become a law after June 30,
32 2018, section eight-b of this act shall take effect immediately and
33 shall be deemed to have been in full force and effect on and after June
34 30, 2018;

35 4. The amendments to chapter 756 of the laws of 1992, relating to
36 funding a program for work force education conducted by the consortium
37 for worker education in New York city made by sections twenty-five and
38 twenty-six of this act shall not affect the repeal of such chapter and
39 shall be deemed repealed therewith;

40 5. Section twenty-eight of this act shall be deemed to have been in
41 full force and effect on and after the effective date of section 140 of
42 chapter 82 of the laws of 1995;

43 6. The amendments to paragraph b-1 of subdivision 4 of section 3602 of
44 the education law made by section nine-a of this act shall not affect
45 the expiration of such paragraph and shall expire therewith;

46 7. The amendments to paragraph c of subdivision 2 of section 2023-a of
47 the education law made by section forty-two-c of this act shall not
48 affect the repeal of such section and shall be deemed repealed there-
49 with; and

50 8. The amendments to subparagraph 1 of paragraph b of subdivision 4 of
51 section 1950 of the education law made by section forty-two-d of this
52 act shall expire on the same date and in the same manner as section 13
53 of part A of chapter 97 of the laws of 2011, as amended, expires.
FISCAL NOTE.-- Pursuant to Legislative Law, Section 50:

This bill would amend Section 6-r of the General Municipal Law to
allow eligible participating employers of the New York State Teachers'

Retirement System (NYSTRS) to establish a reserve sub-fund within the retirement contribution reserve fund for the purpose of reserving money to offset future required contributions to NYSTRS. An employer may pay into such sub-fund during any particular fiscal year an amount not to exceed two percent of the total compensation or salaries of all teachers employed by the employer who are members of NYSTRS paid during the immediately preceding fiscal year. Additionally, the total balance in the sub-fund shall not exceed ten percent of the total compensation or salaries of all teachers employed by the employer who are members of NYSTRS paid during the immediately preceding final year.

The governing board of the employer may by resolution authorize expenditures from the retirement contribution reserve fund. The governing board of the employer may also by resolution authorize the transfer of money between the separately administered sub-fund and the retirement contribution reserve fund subject to the limits on annual payments into the sub-fund and the balance of the sub-fund as provided in this bill.

It is estimated that there will be no annual cost to the employers of members of the New York State Teachers' Retirement System if this bill is enacted.

Member data is from the System's most recent actuarial valuation files, consisting of data provided by the employers to the Retirement System. Data distributions and statistics can be found in the System's Comprehensive Annual Financial Report (CAFR). System assets are as reported in the System's financial statements, and can also be found in the CAFR. Actuarial assumptions and methods are provided in the System's Actuarial Valuation Report.

The source of this estimate is Fiscal Note 2018-2 dated October 6, 2017 prepared by the Actuary of the New York State Teachers' Retirement System and is intended for use only during the 2018 Legislative Session. I, Richard A. Young, am the Actuary for the New York State Teachers' Retirement System. I am a member of the American Academy of Actuaries and I meet the Qualification Standards of the American Academy of Actuaries to render the actuarial opinion contained herein.

1

PART B

2 Section 1. The education law is amended by adding a new section 908 to
3 read as follows:

4 § 908. Prohibition against meal shaming. 1. All school districts,
5 charter schools and non-public schools in the state that participate in
6 the national school lunch program or school breakfast program in which
7 there is a school where not all students are eligible to participate in
8 the community eligibility provision or provision two of the federal
9 national school lunch act shall develop a policy, consistent with feder-
10 al and state guidance on meal charge policies, to ensure that a student
11 whose parent or guardian has unpaid school meal fees is not shamed or
12 treated differently than a student whose parent or guardian does not
13 have unpaid school meal fees. The school district, charter school or
14 non-public school shall adopt and post the policy on its website by July
15 first, two thousand eighteen. The policy shall be provided annually, in
16 writing, to all students at the start of each school year. The plan
17 shall include, but not be limited to:

18 a. a requirement stating that the school provide the student with the
19 student's meal of choice from the available reimbursable meal choices
20 for such school day, if the student requests one, provided that the



1 school is only required to provide access to reimbursable meals, not a
2 la carte items, adult meals, or other similar items;

3 b. an explanation of how staff will be trained to ensure that the
4 policy is implemented correctly and to assist parents or guardians in
5 determining whether their child is eligible for free or reduced-price
6 meals;

7 c. actions that the school will take to collect a student's unpaid
8 school meal fees from the student's parent or guardian including a
9 procedure for notifying the student's parent or guardian that the
10 student's meal card or account balance is exhausted and unpaid meal
11 charges are due. The school may use a repayment schedule to collect
12 unpaid school meal fees from a parent or guardian, but the school shall
13 not charge any interest or fees in connection with any meals charged and
14 shall not use a debt collector, as defined in section 1692a of title 15
15 of the United States Code. Nothing in this section, however, is intended
16 to allow for the unlimited accrual of debt; and

17 d. a procedure designed to inform and assist eligible families in
18 enrolling their child for free or reduced price meals. Such procedure
19 shall include a process for determining eligibility when a student owes
20 money for five or more meals, wherein the school shall:

21 i. make every attempt to determine if a student is directly certified
22 to be eligible for free or reduced price meals;

23 ii. make at least two attempts, not including the application or
24 instructions included in a school enrollment packet, to reach the
25 student's parent or guardian and have the parent or guardian fill out a
26 meal application; and

27 iii. require a designated school administrator or other school person-
28 nel to contact the parent or guardian to offer assistance with a meal
29 application, determine if there are other issues within the household
30 that have caused the child to have insufficient funds to purchase a
31 school meal and offer any other assistance that is appropriate.

32 2. No school shall:

33 a. publicly identify or stigmatize a student who cannot pay for a meal
34 or who owes a meal debt by any means including, but not limited to,
35 requiring that a student wear a wristband or hand stamp;

36 b. require a student who cannot pay for a meal or who owes a meal debt
37 to do chores or other work to pay for meals;

38 c. require that a student throw away a meal after it has been served
39 because of the student's inability to pay for the meal or because money
40 is owed for earlier meals; or

41 d. take any action directed at a student to collect unpaid school meal
42 fees. A school or school district shall only communicate directly with a
43 parent or guardian about payment of school meal fees or collection of
44 unpaid school meal fees. A school or school district may, however,
45 direct actions or communications about such fees to or through a student
46 if a parent or guardian provides written consent.

47 3. If a school becomes aware that a student who has not submitted a
48 meal application is eligible for free or reduced price meals, the school
49 shall complete and file an application for the student pursuant to part
50 245 of the code of federal regulations , as such regulations may, from
51 time to time, be amended.

52 4. School liaisons designated under subdivision two-a of section thir-
53 ty-two hundred nine of this chapter for homeless students and school
54 district points of contact designated for foster students shall ensure
55 eligible students receive school meals, in accordance with federal law.



1 § 2. Section 4 of chapter 537 of the laws of 1976, relating to paid,
2 free and reduced price breakfast for eligible pupils in certain school
3 districts, is renumbered section 6 and two new sections 4 and 5 are
4 added to read as follows:

5 § 4. a. All public elementary and secondary schools in this state,
6 including charter schools authorized by article 56 of the education law,
7 with at least seventy percent or more of its pupils eligible for free or
8 reduced-price meals under the National School Lunch Program in the prior
9 school year, as determined by the State Education Department, shall be
10 required to offer all pupils a school breakfast after the instructional
11 day has begun. The commissioner of education shall develop and distrib-
12 ute guidelines, consistent with applicable federal and state laws
13 governing the national school breakfast program, for schools to use to
14 implement such a program.

15 b. Each school may determine the breakfast service delivery model that
16 best suits its pupils. Service delivery models may include, but are not
17 limited to, breakfast in the classroom, grab and go breakfast, and
18 second chance breakfast. Time spent by pupils consuming breakfast may be
19 considered instructional time when pupils consume breakfast while
20 instruction is being provided. In determining a service delivery model,
21 schools shall consult with teachers, parents or guardians, pupils, local
22 food authorities and members of the community. Every school shall notify
23 a pupil's parent or guardian that the school will be offering a break-
24 fast after the instructional day has begun program.

25 c. On or before May 1, 2018 and each year thereafter, the commissioner
26 of education shall identify and publish a list of schools that shall
27 comply with the requirements of this subdivision in the following school
28 year. Any school identified pursuant to this subdivision may apply to
29 the commissioner of education, in accordance with regulations estab-
30 lished by the commissioner of education, for a waiver from establishing
31 a breakfast after the instructional day has begun program pursuant to
32 this section. A waiver may be granted upon demonstrating one or more of
33 the following:

34 i. a lack of need for a school breakfast after the instructional day
35 has begun program because of a successful existing breakfast program;

36 ii. a lack of need for a school breakfast after the instructional day
37 has begun program due to documented projections of low participation;

38 iii. providing a breakfast after the instructional day has begun
39 program would cause economic hardship for the school; or

40 iv. other good cause shown that makes the establishment of a school
41 breakfast after the instructional day has begun program impractical.

42 § 5. a. Notwithstanding any monetary limitations with respect to
43 school lunch programs contained in any law or regulation, for school
44 lunch meals served in the school year commencing July 1, 2019 and each
45 July 1 thereafter, a school food authority shall be eligible for a lunch
46 meal State subsidy of twenty-five cents, which shall include any annual
47 State subsidy received by such school food authority under any other
48 provision of State law, for any school lunch meal served by such school
49 food authority; provided that the school food authority certifies to the
50 State Education Department through the application submitted pursuant to
51 subdivision b of this section that at least thirty percent of the total
52 cost of food products for the school lunch service program of such food
53 authority is purchased from New York state farmers, growers, producers
54 or processors that process food in facilities located in New York state
55 in the preceding school year.



1 b. The State Education Department, in cooperation with the Department
2 of Agriculture and Markets, shall develop an application for school food
3 authorities to seek an additional State subsidy pursuant to this section
4 in a timeline and format prescribed by the commissioner of education.
5 Such application shall include, but not be limited to, documentation
6 demonstrating the school food authority's total food purchases for its
7 school lunch service programs, including its total food purchases for
8 its school lunch service programs and percentages for such programs from
9 New York State farmers, growers, producers or processors that process
10 food in facilities located in New York state in the preceding school
11 year. The application shall also include an attestation from the school
12 food authority's chief operating officer that at least thirty percent of
13 the total cost of food products for the school lunch service program of
14 such food authority is purchased from New York State farmers, growers,
15 producers or processors that process food in facilities located in New
16 York state in the preceding school year in order to meet the require-
17 ments for this additional State subsidy. School food authorities shall
18 be required to annually apply for this subsidy.

19 c. The State Education Department shall annually publish information
20 on its website commencing on September 1, 2019 and each September 1
21 thereafter, relating to each school food authority that applied for and
22 received this additional State subsidy.

23 § 3. Paragraph i of subdivision a of section 1 of chapter 537 of the
24 laws of 1976, relating to paid, free and reduced price breakfast for
25 eligible pupils in certain school districts, is amended to read as
26 follows:

27 i. The term "pupil" means a child attending any public school or char-
28 ter school in any grade from pre-kindergarten through high school,
29 whether such pupil attends classes on either a full day, split session
30 or half day basis, provided, however, a pupil attending an afternoon
31 session shall be eligible only for the school lunch program.

32 § 4. This act shall take effect immediately; provided, however, that
33 subdivision a of section 4 of chapter 537 of the laws of 1976, as added
34 by section two of this act, shall take effect September 1, 2018.

35 PART C

36 Intentionally Omitted

37 PART D

38 Section 1. Subdivision 4 of section 1950 of the education law is
39 amended by adding a new paragraph oo to read as follows:

40 oo. Notwithstanding any other provision of law, a board of cooperative
41 educational services is authorized to enter into a memorandum of under-
42 standing with the trustees or board of education of a non-component
43 school district, including city school districts of cities with one
44 hundred twenty-five thousand inhabitants or more, to participate in a
45 recovery high school program operated by the board of cooperative educa-
46 tional services for a period not to exceed five years upon such terms as
47 such trustees or board of education and the board of cooperative educa-
48 tional services may mutually agree, provided that such agreement may
49 provide for a charge for administration of the recovery high school
50 program including capital costs, but participating non-component school
51 districts shall not be liable for payment of administrative expenses as
52 defined in paragraph b of this subdivision. Costs allocated to a partic-

1 ipating non-component school district pursuant to a memorandum of under-
2 standing shall be aidable pursuant to subdivision five of this section
3 to the same extent and on the same basis as costs allocated to a compo-
4 nent school district.

5 § 2. This act shall take effect immediately.

6

PART E

7 Section 1. This act shall be known and may be cited as the "New York
8 state DREAM act".

9 § 2. The education law is amended by adding a new section 609-a to
10 read as follows:

11 § 609-a. New York DREAM fund commission. 1. (a) There shall be
12 created a New York DREAM fund commission which shall be committed to
13 advancing the educational opportunities of the children of immigrants.

14 (b) The New York DREAM fund commission shall be composed of twelve
15 members to be appointed as follows:

16 (i) Four members shall be appointed by the governor;

17 (ii) Three members shall be appointed by the temporary president of
18 the senate;

19 (iii) Three members shall be appointed by the speaker of the assembly;

20 (iv) One member shall be appointed by the minority leader of the
21 senate;

22 (v) One member shall be appointed by the minority leader of the assem-
23 bly;

24 (c) To the extent practicable, members of such commission shall
25 reflect the racial, ethnic, gender, language, and geographic diversity
26 of the state.

27 (d) To the extent practicable, members of such commission shall
28 include college and university administrators and faculty, and other
29 individuals committed to advancing the educational opportunities of the
30 children of immigrants.

31 (e) Members of the New York DREAM fund commission shall receive no
32 compensation for their services.

33 2. (a) The New York DREAM fund commission shall have the power to:

34 (i) Administer the provisions of this section;

35 (ii) Create and raise funds for the New York DREAM fund;

36 (iii) Establish a not-for-profit entity charged with the responsibil-
37 ity of raising funds for the administration of this section and any
38 educational or training programs such commission is tasked with adminis-
39 trating and funding scholarships to students who are children of immi-
40 grants to the United States;

41 (iv) Publicize the availability of such scholarships from the New York
42 DREAM fund;

43 (v) Develop criteria and a selection process for the recipients of
44 scholarships from the New York DREAM fund;

45 (vi) Research issues pertaining to the availability of assistance with
46 the costs of higher education for the children of immigrants and other
47 issues regarding access for and the performance of the children of immi-
48 grants within higher education;

49 (vii) Establish, publicize, and administer training programs for high
50 school counselors, admissions officers, and financial aid officers of
51 institutions of higher education. The training programs shall instruct
52 participants on the educational opportunities available to college-bound
53 students who are the children of immigrants, including, but not limited
54 to, in-state tuition and scholarship programs. To the extent practica-



1 ble, the New York DREAM fund commission shall offer the training program
2 to school districts and boards of cooperative educational services
3 throughout the state, provided however, that priority shall be given to
4 school districts and boards of cooperative educational services with
5 larger number of students who are the children of immigrants over school
6 districts and boards of cooperative educational services with lesser
7 number of students who are the children of immigrants;

8 (viii) Establish a public awareness campaign regarding educational
9 opportunities available to college bound students who are the children
10 of immigrants; and

11 (ix) Establish, by rule, procedures for accepting and evaluating
12 applications for scholarships from the children of immigrants and issu-
13 ing scholarships to selected student applicants;

14 (b) To receive a scholarship pursuant to this section, a student
15 applicant must meet the following qualifications:

16 (i) Have resided with his or her parents or guardians while attending
17 a public or private high school in this state;

18 (ii) Have graduated from a public or private high school or received
19 the equivalent of a high school diploma in this state;

20 (iii) Have attended a public or private high school in this state for
21 at least two years as of the date he or she graduated from high school
22 or received the equivalent of a high school diploma;

23 (iv) Have at least one parent or guardian who immigrated to the United
24 States.

25 (c) The New York DREAM fund commission and the New York DREAM fund
26 shall be funded entirely by private contributions and no state funds
27 shall be appropriated to or used by the New York DREAM fund. No funds
28 of the New York DREAM fund or the New York DREAM fund commission shall
29 be transferred to the general fund or any special revenue fund or shall
30 be used for any purpose other than the purposes set forth in this
31 section.

32 3. The New York DREAM fund commission and the New York DREAM fund
33 shall be subject to the provisions of articles six and seven and section
34 seventy-four of the public officers law.

35 § 3. Subdivision 3 of section 661 of the education law is REPEALED.

36 § 4. Paragraph a of subdivision 5 of section 661 of the education law,
37 as amended by chapter 466 of the laws of 1977, is amended to read as
38 follows:

39 a. (i) Except as provided in subdivision two of section six hundred
40 seventy-four of this part and subparagraph (ii) of this paragraph, an
41 applicant for an award at the undergraduate level of study must either
42 [(i)] (a) have been a legal resident of the state for at least one year
43 immediately preceding the beginning of the semester, quarter or term of
44 attendance for which application for assistance is made, or [(ii)] (b)
45 be a legal resident of the state and have been a legal resident during
46 his last two semesters of high school either prior to graduation, or
47 prior to admission to college. Provided further that persons shall be
48 eligible to receive awards under section six hundred sixty-eight or
49 section six hundred sixty-nine of this part who are currently legal
50 residents of the state and are otherwise qualified.

51 (ii) An applicant who is not a legal resident of the state eligible
52 pursuant to subparagraph (i) of this paragraph, but is a United States
53 citizen, a permanent lawful resident, a lawful non-immigrant alien or an
54 applicant without lawful immigration status shall be eligible for an
55 award at the undergraduate level of study provided that the student:

1 (a) attended a registered New York state high school for two or more
2 years, graduated from a registered New York state high school and
3 applied for attendance at the institution of higher education for the
4 undergraduate study for which an award is sought within five years of
5 receiving a New York state high school diploma; or

6 (b) attended an approved New York state program for a state high
7 school equivalency diploma, received a state high school equivalency
8 diploma and applied for attendance at the institution of higher educa-
9 tion for the undergraduate study for which an award is sought within
10 five years of receiving a state high school equivalency diploma; or

11 (c) is otherwise eligible for the payment of tuition and fees at a
12 rate no greater than that imposed for resident students of the state
13 university of New York, the city university of New York or community
14 colleges as prescribed in subparagraph eight of paragraph h of subdivi-
15 sion two of section three hundred fifty-five or paragraph (a) of subdivi-
16 vision seven of section sixty-two hundred six of this chapter.

17 Provided, further, that a student without lawful immigration status
18 shall also be required to file an affidavit with such institution of
19 higher education stating that the student has filed an application to
20 legalize his or her immigration status, or will file such an application
21 as soon as he or she is eligible to do so.

22 § 5. Paragraph b of subdivision 5 of section 661 of the education law,
23 as amended by chapter 466 of the laws of 1977, is amended to read as
24 follows:

25 b. [An] (i) Except as otherwise provided in subparagraph (ii) of this
26 paragraph, an applicant for an award at the graduate level of study must
27 either [(i)] (a) have been a legal resident of the state for at least
28 one year immediately preceding the beginning of the semester, quarter or
29 term of attendance for which application for assistance is made, or
30 [(ii)] (b) be a legal resident of the state and have been a legal resi-
31 dent during his last academic year of undergraduate study and have
32 continued to be a legal resident until matriculation in the graduate
33 program.

34 (ii) An applicant who is not a legal resident of the state eligible
35 pursuant to subparagraph (i) of this paragraph, but is a United States
36 citizen, a permanent lawful resident, a lawful non-immigrant alien or an
37 applicant without lawful immigration status shall be eligible for an
38 award at the graduate level of study provided that the student:

39 (a) attended a registered approved New York state high school for two
40 or more years, graduated from a registered New York state high school
41 and applied for attendance at the institution of higher education for
42 the graduate study for which an award is sought within ten years of
43 receiving a New York state high school diploma; or

44 (b) attended an approved New York state program for a state high
45 school equivalency diploma, received a state high school equivalency
46 diploma and applied for attendance at the institution of higher educa-
47 tion for the graduate study for which an award is sought within ten
48 years of receiving a state high school equivalency diploma; or

49 (c) is otherwise eligible for the payment of tuition and fees at a
50 rate no greater than that imposed for resident students of the state
51 university of New York, the city university of New York or community
52 colleges as prescribed in subparagraph eight of paragraph h of subdivi-
53 sion two of section three hundred fifty-five or paragraph (a) of subdivi-
54 vision seven of section sixty-two hundred six of this chapter.

55 Provided, further, that a student without lawful immigration status
56 shall also be required to file an affidavit with such institution of

1 higher education stating that the student has filed an application to
2 legalize his or her immigration status, or will file such an application
3 as soon as he or she is eligible to do so.

4 § 6. Paragraph d of subdivision 5 of section 661 of the education law,
5 as amended by chapter 844 of the laws of 1975, is amended to read as
6 follows:

7 d. If an applicant for an award allocated on a geographic basis has
8 more than one residence in this state, his or her residence for the
9 purpose of this article shall be his or her place of actual residence
10 during the major part of the year while attending school, as determined
11 by the commissioner; and further provided that an applicant who does not
12 have a residence in this state and is eligible for an award pursuant to
13 subparagraph (ii) of paragraph a or subparagraph (ii) of paragraph b of
14 this subdivision shall be deemed to reside in the geographic area of the
15 institution of higher education in which he or she attends for purposes
16 of an award allocated on a geographic basis.

17 § 7. Paragraph e of subdivision 5 of section 661 of the education law,
18 as added by chapter 630 of the laws of 2005, is amended to read as
19 follows:

20 e. Notwithstanding any other provision of this article to the contra-
21 ry, the New York state [residency] eligibility [requirement] require-
22 ments for receipt of awards [is] set forth in paragraphs a and b of this
23 subdivision are waived for a member, or the spouse or dependent of a
24 member, of the armed forces of the United States on full-time active
25 duty and stationed in this state.

26 § 8. Paragraph h of subdivision 2 of section 355 of the education law
27 is amended by adding a new subparagraph 10 to read as follows:

28 (10) Such regulations shall further provide that any student who is
29 not a legal resident of New York state but is a United States citizen, a
30 permanent lawful resident, a lawful non-immigrant alien or an applicant
31 without lawful immigration status may have the payment of tuition and
32 other fees and charges reduced by state-aided programs, scholarships or
33 other financial assistance awarded under the provisions of articles
34 thirteen, thirteen-A, fourteen and fourteen-A of this chapter, provided
35 that the student meets the requirements set forth in subparagraph (ii)
36 of paragraph a or subparagraph (ii) of paragraph b of subdivision five
37 of section six hundred sixty-one of this chapter, as applicable.

38 § 9. Subdivision 7 of section 6206 of the education law is amended by
39 adding a new paragraph (d) to read as follows:

40 (d) The trustees shall further provide that any student who is not a
41 legal resident of New York state but is a United States citizen, a
42 permanent lawful resident, a lawful non-immigrant alien or an applicant
43 without lawful immigration status may have the payment of tuition and
44 other fees and charges reduced by state-aided programs, scholarships or
45 other financial assistance awarded under the provisions of articles
46 thirteen, thirteen-A, fourteen and fourteen-A of this chapter, provided
47 that the student meets the requirements set forth in subparagraph (ii)
48 of paragraph a or subparagraph (ii) of paragraph b of subdivision five
49 of section six hundred sixty-one of this chapter, as applicable.

50 § 10. Section 6305 of the education law is amended by adding a new
51 subdivision 8-a to read as follows:

52 8-a. The payment of tuition and other fees and charges of a student
53 who is attending a community college and who is not a legal resident of
54 New York state but is a United States citizen, a permanent lawful resi-
55 dent, a lawful non-immigrant alien or an applicant without lawful immi-
56 gration status may be reduced by state-aided programs, scholarships and

1 other financial assistance awarded under the provisions of articles
2 thirteen, thirteen-A, fourteen and fourteen-A of this chapter, provided
3 that the student meets the requirements set forth in subparagraph (ii)
4 of paragraph a or subparagraph (ii) of paragraph b of subdivision five
5 of section six hundred sixty-one of this chapter, as applicable.

6 § 11. Paragraph d of subdivision 3 of section 6451 of the education
7 law, as amended by chapter 494 of the laws of 2016, is amended to read
8 as follows:

9 d. Any necessary supplemental financial assistance, which may include
10 the cost of books and necessary maintenance for such enrolled students,
11 including students without lawful immigration status provided that the
12 student meets the requirements set forth in subparagraph (ii) of para-
13 graph a or subparagraph (ii) of paragraph b of subdivision five of
14 section six hundred sixty-one of this chapter, as applicable; provided,
15 however, that such supplemental financial assistance shall be furnished
16 pursuant to criteria promulgated by the commissioner with the approval
17 of the director of the budget;

18 § 12. Subparagraph (v) of paragraph a of subdivision 4 of section 6452
19 of the education law, as added by chapter 917 of the laws of 1970, is
20 amended to read as follows:

21 (v) Any necessary supplemental financial assistance, which may include
22 the cost of books and necessary maintenance for such students, including
23 students without lawful immigration status provided that the student
24 meets the requirements set forth in subparagraph (ii) of paragraph a or
25 subparagraph (ii) of paragraph b of subdivision five of section six
26 hundred sixty-one of this chapter, as applicable; provided, however,
27 that such supplemental financial assistance shall be furnished pursuant
28 to criteria promulgated by such universities and approved by the regents
29 and the director of the budget.

30 § 13. Paragraph (a) of subdivision 2 of section 6455 of the education
31 law, as added by chapter 285 of the laws of 1986, is amended to read as
32 follows:

33 (a) (i) Undergraduate science and technology entry program moneys may
34 be used for tutoring, counseling, remedial and special summer courses,
35 supplemental financial assistance, program administration, and other
36 activities which the commissioner may deem appropriate. To be eligible
37 for undergraduate collegiate science and technology entry program
38 support, a student must be a resident of New York [who is], or meet the
39 requirements of subparagraph (ii) of this paragraph, and must be either
40 economically disadvantaged or from a minority group historically under
41 represented in the scientific, technical, health and health-related
42 professions, and [who demonstrates] must demonstrate interest in and a
43 potential for a professional career if provided special services. Eligi-
44 ble students must be in good academic standing, enrolled full time in an
45 approved, undergraduate level program of study, as defined by the
46 regents.

47 (ii) An applicant who is not a legal resident of New York state, but
48 who is a United States citizen, a permanent lawful resident, a lawful
49 non-immigrant alien or an applicant without lawful immigration status,
50 shall be eligible for an award at the undergraduate level of study
51 provided that the student:

52 (1) attended a registered New York state high school for two or more
53 years, graduated from a registered New York state high school and
54 applied for attendance at the institution of higher education for the
55 undergraduate study for which an award is sought within five years of
56 receiving a New York state high school diploma; or



1 (2) attended an approved New York state program for a state high
2 school equivalency diploma, received a state high school equivalency
3 diploma and applied for attendance at the institution of higher educa-
4 tion for the undergraduate study for which an award is sought within
5 five years of receiving a state high school equivalency diploma; or

6 (3) is otherwise eligible for the payment of tuition and fees at a
7 rate no greater than that imposed for resident students of the state
8 university of New York, the city university of New York or community
9 colleges as prescribed in subparagraph eight of paragraph h of subdivi-
10 sion two of section three hundred fifty-five or paragraph (a) of subdivi-
11 vision seven of section sixty-two hundred six of this chapter.

12 Provided, further, that a student without lawful immigration status
13 shall also be required to file an affidavit with such institution of
14 higher education stating that the student has filed an application to
15 legalize his or her immigration status, or will file such an application
16 as soon as he or she is eligible to do so.

17 § 14. Paragraph (a) of subdivision 3 of section 6455 of the education
18 law, as added by chapter 285 of the laws of 1986, is amended to read as
19 follows:

20 (a) (i) Graduate science and technology entry program moneys may be
21 used for recruitment, academic enrichment, career planning, supplemental
22 financial assistance, review for licensing examinations, program admin-
23 istration, and other activities which the commissioner may deem appro-
24 priate. To be eligible for graduate collegiate science and technology
25 entry program support, a student must be a resident of New York [who
26 is], or meet the requirements of subparagraph (ii) of this paragraph,
27 and must be either economically disadvantaged or from a minority group
28 historically underrepresented in the scientific, technical and health-
29 related professions. Eligible students must be in good academic stand-
30 ing, enrolled full time in an approved graduate level program, as
31 defined by the regents.

32 (ii) An applicant who is not a legal resident of New York state, but
33 either is a United States citizen, a permanent lawful resident, a lawful
34 non-immigrant alien or an applicant without lawful immigration status
35 shall be eligible for an award at the graduate level of study provided
36 that the student:

37 (1) attended a registered approved New York state high school for two
38 or more years, graduated from a registered New York state high school
39 and applied for attendance at the institution of higher education for
40 the graduate study for which an award is sought within ten years of
41 receiving a New York state high school diploma; or

42 (2) attended an approved New York state program for a state high
43 school equivalency diploma, received a state high school equivalency
44 diploma and applied for attendance at the institution of higher educa-
45 tion for the graduate study for which an award is sought within ten
46 years of receiving a state high school equivalency diploma; or

47 (3) is otherwise eligible for the payment of tuition and fees at a
48 rate no greater than that imposed for resident students of the state
49 university of New York, the city university of New York or community
50 colleges as prescribed in subparagraph eight of paragraph h of subdivi-
51 sion two of section three hundred fifty-five or paragraph (a) of subdivi-
52 vision seven of section sixty-two hundred six of this chapter.

53 Provided, further, that a student without lawful immigration status
54 shall also be required to file an affidavit with such institution of
55 higher education stating that the student has filed an application to

1 legalize his or her immigration status, or will file such an application
2 as soon as he or she is eligible to do so.

3 § 15. Subparagraph (i) of paragraph a of subdivision 2 of section
4 695-e of the education law, as amended by chapter 593 of the laws of
5 2003, is amended to read as follows:

6 (i) the name, address and social security number [or], employer iden-
7 tification number, or individual taxpayer identification number of the
8 account owner unless a family tuition account that was in effect prior
9 to the effective date of the chapter of the laws of two thousand eigh-
10 teen that amended this subparagraph does not allow for a taxpayer iden-
11 tification number, in which case a taxpayer identification number shall
12 be allowed upon the expiration of the contract;

13 § 16. Subparagraph (iii) of paragraph a of subdivision 2 of section
14 695-e of the education law, as amended by chapter 593 of the laws of
15 2003, is amended to read as follows:

16 (iii) the name, address, and social security number, employer iden-
17 tification number, or individual taxpayer identification number of the
18 designated beneficiary, unless a family tuition account that was in
19 effect prior to the effective date of the chapter of the laws of two
20 thousand eighteen that amended this subparagraph does not allow for a
21 taxpayer identification number, in which case a taxpayer identification
22 number shall be allowed upon the expiration of the contract; and

23 § 17. The president of the higher education services corporation, in
24 consultation with the commissioner of education, shall establish an
25 application form and procedures that shall allow a student applicant
26 that meets the requirements set forth in subparagraph (ii) of paragraph
27 (a) or subparagraph (ii) of paragraph b of subdivision 5 of section 661
28 of the education law to apply directly to the higher education services
29 corporation or education department for applicable awards without having
30 to submit information to any other state or federal agency. All informa-
31 tion contained within the applications filed with such corporation or
32 department shall be deemed confidential.

33 § 18. This act shall take effect immediately; provided, however, that:

34 (a) section two of this act shall take effect January 1, 2019;

35 (b) sections fifteen and sixteen of this act shall take effect on the
36 ninetieth day after it shall have become a law; provided, however, that
37 any rule or regulation necessary for the timely implementation of this
38 act on its effective date shall be promulgated on or before such effec-
39 tive date; and

40 (c) sections three through fourteen and section seventeen of this act
41 shall take effect on the ninetieth day after the issuance of regulations
42 and the development of an application form by the president of the high-
43 er education services corporation and commissioner of education or on
44 the ninetieth day after it shall have become a law, whichever shall be
45 later; provided, further, however that effective immediately the addi-
46 tion, amendment and/or repeal of any rule or regulation necessary for
47 the implementation of this act on its effective date are authorized and
48 directed to be made and completed on or before such date; provided,
49 further, however, that the president of the higher education services
50 corporation and the commissioner of education shall notify the legisla-
51 tive bill drafting commission upon the occurrence of the issuance of the
52 regulations and the development of an application form in order that the
53 commission may maintain an accurate and timely effective data base of
54 the official text of the laws of the state of New York in furtherance of
55 effectuating the provisions of section 44 of the legislative law and
56 section 70-b of the public officers law.

1

PART F

2

Intentionally Omitted

3

PART G

4

Section 1. Section 11 of subpart A of part G of chapter 57 of the laws of 2012, amending the social services law and the family court act relating to establishing a juvenile justice services close to home initiative, is amended to read as follows:

8

§ 11. This act shall take effect April 1, 2012 and shall expire on March 31, [2018] 2023 when upon such date the provisions of this act shall be deemed repealed; provided, however, that effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized and directed to be made and completed on or before such effective date; provided, however, upon the repeal of this act, a social services district that has custody of a juvenile delinquent pursuant to an approved juvenile justice services close to home initiative shall retain custody of such juvenile delinquent until custody may be legally transferred in an orderly fashion to the office of children and family services.

20

§ 2. Section 7 of subpart B of part G of chapter 57 of the laws of 2012, amending the social services law, the family court act and the executive law relating to juvenile delinquents, is amended to read as follows:

24

§ 7. This act shall take effect April 1, 2012 and shall expire on March 31, [2018] 2023 when upon such date the provisions of this act shall be deemed repealed; provided, however, that effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date is authorized and directed to be made and completed on or before such effective date.

31

§ 3. This act shall take effect immediately and shall be deemed to have been in full force and effect on March 31, 2018.

33

PART H

34

Intentionally Omitted

35

PART I

36

Section 1. Section 9 of part G of chapter 57 of the laws of 2013, amending the executive law and the social services law relating to consolidating the youth development and delinquency prevention program and the special delinquency prevention program, is amended to read as follows:

41

§ 9. This act shall take effect January 1, 2014 and shall expire and be deemed repealed on December 31, [2018] 2021.

43

§ 2. This act shall take effect immediately.

44

PART J

45

Section 1. Section 4 of 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

1 of children and family services to provide certain services, as amended
 2 by section 5 of part J of chapter 56 of laws of 2015, is amended to read
 3 as follows:

4 § 4. This act shall take effect July 1, 2012 and shall expire June 30,
 5 [2018] 2021 when upon such date the provisions of this act shall be
 6 deemed repealed.

7 § 2. This act shall take effect immediately.

8 PART K

9 Section 1. Paragraph (b) of subdivision 2 of section 1676 of the
 10 public authorities law is amended by adding a new undesignated paragraph
 11 to read as follows:

12 The office of children and family services of the state of New York.

13 § 2. This act shall take effect immediately.

14 PART L

15 Section 1. Paragraphs (a), (b), (c) and (d) of subdivision 1 of
 16 section 131-o of the social services law, as amended by section 1 of
 17 part P of chapter 56 of the laws of 2017, are amended to read as
 18 follows:

19 (a) in the case of each individual receiving family care, an amount
 20 equal to at least [\\$141.00] \\$144.00 for each month beginning on or after
 21 January first, two thousand [seventeen] eighteen.

22 (b) in the case of each individual receiving residential care, an
 23 amount equal to at least [\\$163.00] \\$166.00 for each month beginning on
 24 or after January first, two thousand [seventeen] eighteen.

25 (c) in the case of each individual receiving enhanced residential
 26 care, an amount equal to at least [\\$194.00] \\$198.00 for each month
 27 beginning on or after January first, two thousand [seventeen] eighteen.

28 (d) for the period commencing January first, two thousand [eighteen]
 29 nineteen, the monthly personal needs allowance shall be an amount equal
 30 to the sum of the amounts set forth in subparagraphs one and two of this
 31 paragraph:

32 (1) the amounts specified in paragraphs (a), (b) and (c) of this
 33 subdivision; and

34 (2) the amount in subparagraph one of this paragraph, multiplied by
 35 the percentage of any federal supplemental security income cost of
 36 living adjustment which becomes effective on or after January first, two
 37 thousand [eighteen] nineteen, but prior to June thirtieth, two thousand
 38 [eighteen] nineteen, rounded to the nearest whole dollar.

39 § 2. Paragraphs (a), (b), (c), (d), (e) and (f) of subdivision 2 of
 40 section 209 of the social services law, as amended by section 2 of part
 41 P of chapter 56 of the laws of 2017, are amended to read as follows:

42 (a) On and after January first, two thousand [seventeen] eighteen, for
 43 an eligible individual living alone, [\\$822.00] \\$837.00; and for an
 44 eligible couple living alone, [\\$1,207.00] \\$1,229.00.

45 (b) On and after January first, two thousand [seventeen] eighteen, for
 46 an eligible individual living with others with or without in-kind
 47 income, [\\$758.00] \\$773.00; and for an eligible couple living with others
 48 with or without in-kind income, [\\$1,149.00] \\$1,171.00.

49 (c) On and after January first, two thousand [seventeen] eighteen, (i)
 50 for an eligible individual receiving family care, [\\$1,001.48] \\$1,016.48
 51 if he or she is receiving such care in the city of New York or the coun-
 52 ty of Nassau, Suffolk, Westchester or Rockland; and (ii) for an eligible

1 couple receiving family care in the city of New York or the county of
 2 Nassau, Suffolk, Westchester or Rockland, two times the amount set forth
 3 in subparagraph (i) of this paragraph; or (iii) for an eligible individ-
 4 ual receiving such care in any other county in the state, [\$963.48]
 5 \$978.48; and (iv) for an eligible couple receiving such care in any
 6 other county in the state, two times the amount set forth in subpara-
 7 graph (iii) of this paragraph.

8 (d) On and after January first, two thousand [seventeen] eighteen, (i)
 9 for an eligible individual receiving residential care, [\$1,170.00]
 10 \$1,185.00 if he or she is receiving such care in the city of New York or
 11 the county of Nassau, Suffolk, Westchester or Rockland; and (ii) for an
 12 eligible couple receiving residential care in the city of New York or
 13 the county of Nassau, Suffolk, Westchester or Rockland, two times the
 14 amount set forth in subparagraph (i) of this paragraph; or (iii) for an
 15 eligible individual receiving such care in any other county in the
 16 state, [\$1,140.00] \$1,155.00; and (iv) for an eligible couple receiving
 17 such care in any other county in the state, two times the amount set
 18 forth in subparagraph (iii) of this paragraph.

19 (e) (i) On and after January first, two thousand [seventeen] eighteen,
 20 for an eligible individual receiving enhanced residential care,
 21 [\$1,429.00] \$1,444.00; and (ii) for an eligible couple receiving
 22 enhanced residential care, two times the amount set forth in subpara-
 23 graph (i) of this paragraph.

24 (f) The amounts set forth in paragraphs (a) through (e) of this subdi-
 25 vision shall be increased to reflect any increases in federal supple-
 26 mental security income benefits for individuals or couples which become
 27 effective on or after January first, two thousand [eighteen] nineteen
 28 but prior to June thirtieth, two thousand [eighteen] nineteen.

29 § 3. This act shall take effect December 31, 2018.

30

PART M

31 Section 1. Subdivision 14 of section 131-a of the social services law,
 32 as added by section 1 of part H of chapter 58 of the laws of 2014, is
 33 amended to read as follows:

34 14. In determining the need for aid provided pursuant to public
 35 assistance programs, each person living with [clinical/symptomatic HIV
 36 illness or AIDS] medically diagnosed HIV infection as defined by the
 37 AIDS institute of the department of health in social services districts
 38 with a population over five million who is receiving services through
 39 such district's administrative unit providing HIV/AIDS services, public
 40 assistance and earned and/or unearned income, shall not be required to
 41 pay more than thirty percent of his or her monthly earned and/or
 42 unearned income toward the cost of rent that such person has a direct
 43 obligation to pay; this provision shall not apply to room and board
 44 arrangements.

45 § 2. Section 131-a of the social services law is amended by adding a
 46 new subdivision 15 to read as follows:

47 15. In determining the need for aid provided pursuant to public
 48 assistance programs, each public assistance recipient living with
 49 medically diagnosed HIV infection as defined by the AIDS institute of
 50 the department of health in social services districts with a population
 51 of five million or fewer, at local option and in accordance with a plan
 52 approved by the office of temporary and disability assistance, may not
 53 be required to pay more than thirty percent of his or her monthly earned
 54 and/or unearned income toward the cost of rent that such person has a



1 direct obligation to pay; this provision shall not apply to room and
2 board arrangements.

3 § 3. This act shall take effect on the ninetieth day after it shall
4 have become a law; provided, that the commissioner of the office of
5 temporary and disability assistance may promulgate all rules and regu-
6 lations necessary to implement the provisions of this act on an emergen-
7 cy basis.

8

PART N

9 Section 1. Notwithstanding any other provision of law, the housing
10 trust fund corporation may provide, for purposes of the rural rental
11 assistance program pursuant to article 17-a of the private housing
12 finance law, a sum not to exceed \$23,649,000 for the fiscal year ending
13 March 31, 2019. Notwithstanding any other provision of law, and subject
14 to the approval of the New York state director of the budget, the board
15 of directors of the state of New York mortgage agency shall authorize
16 the transfer to the housing trust fund corporation, for the purposes of
17 reimbursing any costs associated with rural rental assistance program
18 contracts authorized by this section, a total sum not to exceed
19 \$23,649,000, such transfer to be made from (i) the special account of
20 the mortgage insurance fund created pursuant to section 2429-b of the
21 public authorities law, in an amount not to exceed the actual excess
22 balance in the special account of the mortgage insurance fund, as deter-
23 mined and certified by the state of New York mortgage agency for the
24 fiscal year 2017-2018 in accordance with section 2429-b of the public
25 authorities law, if any, and/or (ii) provided that the reserves in the
26 project pool insurance account of the mortgage insurance fund created
27 pursuant to section 2429-b of the public authorities law are sufficient
28 to attain and maintain the credit rating (as determined by the state of
29 New York mortgage agency) required to accomplish the purposes of such
30 account, the project pool insurance account of the mortgage insurance
31 fund, such transfer to be made as soon as practicable but no later than
32 June 30, 2018.

33 § 2. Notwithstanding any other provision of law, the housing trust
34 fund corporation may provide, for purposes of the neighborhood preserva-
35 tion program, a sum not to exceed \$14,779,000 for the fiscal year ending
36 March 31, 2019. Within this total amount, one hundred fifty thousand
37 dollars shall be used for the purpose of entering into a contract with
38 the neighborhood preservation coalition to provide technical assistance
39 and services to companies funded pursuant to article XVI of the private
40 housing finance law. Notwithstanding any other provision of law, and
41 subject to the approval of the New York state director of the budget,
42 the board of directors of the state of New York mortgage agency shall
43 authorize the transfer to the housing trust fund corporation, for the
44 purposes of reimbursing any costs associated with neighborhood preserva-
45 tion program contracts authorized by this section, a total sum not to
46 exceed \$14,779,000, such transfer to be made from (i) the special
47 account of the mortgage insurance fund created pursuant to section
48 2429-b of the public authorities law, in an amount not to exceed the
49 actual excess balance in the special account of the mortgage insurance
50 fund, as determined and certified by the state of New York mortgage
51 agency for the fiscal year 2017-2018 in accordance with section 2429-b
52 of the public authorities law, if any, and/or (ii) provided that the
53 reserves in the project pool insurance account of the mortgage insurance
54 fund created pursuant to section 2429-b of the public authorities law



1 are sufficient to attain and maintain the credit rating (as determined
2 by the state of New York mortgage agency) required to accomplish the
3 purposes of such account, the project pool insurance account of the
4 mortgage insurance fund, such transfer to be made as soon as practicable
5 but no later than June 30, 2018.

6 § 3. Notwithstanding any other provision of law, the housing trust
7 fund corporation may provide, for purposes of the rural preservation
8 program, a sum not to exceed \$6,239,000 for the fiscal year ending March
9 31, 2019. Within this total amount, one hundred fifty thousand dollars
10 shall be used for the purpose of entering into a contract with the rural
11 housing coalition to provide technical assistance and services to compa-
12 nies funded pursuant to article XVII of the private housing finance law.
13 Notwithstanding any other provision of law, and subject to the approval
14 of the New York state director of the budget, the board of directors of
15 the state of New York mortgage agency shall authorize the transfer to
16 the housing trust fund corporation, for the purposes of reimbursing any
17 costs associated with rural preservation program contracts authorized by
18 this section, a total sum not to exceed \$6,239,000, such transfer to be
19 made from (i) the special account of the mortgage insurance fund created
20 pursuant to section 2429-b of the public authorities law, in an amount
21 not to exceed the actual excess balance in the special account of the
22 mortgage insurance fund, as determined and certified by the state of New
23 York mortgage agency for the fiscal year 2017-2018 in accordance with
24 section 2429-b of the public authorities law, if any, and/or (ii)
25 provided that the reserves in the project pool insurance account of the
26 mortgage insurance fund created pursuant to section 2429-b of the public
27 authorities law are sufficient to attain and maintain the credit rating
28 (as determined by the state of New York mortgage agency) required to
29 accomplish the purposes of such account, the project pool insurance
30 account of the mortgage insurance fund, such transfer to be made as soon
31 as practicable but no later than June 30, 2018.

32 § 4. Notwithstanding any other provision of law, the homeless housing
33 and assistance corporation may provide, for purposes of the New York
34 state supportive housing program, the solutions to end homelessness
35 program or the operational support for AIDS housing program, or to qual-
36 ified grantees under those programs, in accordance with the requirements
37 of those programs, a sum not to exceed \$8,333,000 for the fiscal year
38 ending March 31, 2019. The homeless housing and assistance corporation
39 may enter into an agreement with the office of temporary and disability
40 assistance to administer such sum in accordance with the requirements of
41 the programs. Notwithstanding any other provision of law, and subject to
42 the approval of the New York state director of the budget, the board of
43 directors of the state of New York mortgage agency shall authorize the
44 transfer to the homeless housing and assistance corporation, a total sum
45 not to exceed \$8,333,000, such transfer to be made from (i) the special
46 account of the mortgage insurance fund created pursuant to section
47 2429-b of the public authorities law, in an amount not to exceed the
48 actual excess balance in the special account of the mortgage insurance
49 fund, as determined and certified by the state of New York mortgage
50 agency for the fiscal year 2017-2018 in accordance with section 2429-b
51 of the public authorities law, if any, and/or (ii) provided that the
52 reserves in the project pool insurance account of the mortgage insurance
53 fund created pursuant to section 2429-b of the public authorities law
54 are sufficient to attain and maintain the credit rating (as determined
55 by the state of New York mortgage agency) required to accomplish the
56 purposes of such account, the project pool insurance account of the

1 mortgage insurance fund, such transfer to be made as soon as practicable
2 but no later than March 31, 2019.

3 § 5. Notwithstanding any other provision of law to the contrary, the
4 housing trust fund corporation may provide, for purposes of the access
5 to home program pursuant to article 25 of the private housing finance
6 law, a sum not to exceed \$3,000,000 for the fiscal year ending March 31,
7 2019. Notwithstanding any other provision of law, and subject to the
8 approval of the New York state director of the budget, the board of
9 directors of the state of New York mortgage agency shall authorize the
10 transfer to the housing trust fund corporation, for the purposes of
11 reimbursing any costs associated with access to home contracts author-
12 ized by this section, a total sum not to exceed \$3,000,000, such trans-
13 fer to be made from (i) the special account of the mortgage insurance
14 fund created pursuant to section 2429-b of the public authorities law,
15 in an amount not to exceed the actual excess balance in the special
16 account of the mortgage insurance fund, as determined and certified by
17 the state of New York mortgage agency for the fiscal year 2017-2018 in
18 accordance with section 2429-b of the public authorities law, if any,
19 and/or (ii) provided that the reserves in the project pool insurance
20 account of the mortgage insurance fund created pursuant to section
21 2429-b of the public authorities law are sufficient to attain and main-
22 tain the credit rating (as determined by the state of New York mortgage
23 agency) required to accomplish the purposes of such account, the project
24 pool insurance account of the mortgage insurance fund, such transfer to
25 be made as soon as practicable but not later than June 30, 2018.

26 § 6. Notwithstanding any other provision of law to the contrary, the
27 state office for the aging may provide, for costs associated with
28 naturally occurring retirement communities, a sum not to exceed one
29 million dollars for the fiscal year ending March 31, 2019. Notwith-
30 standing any other provision of law to the contrary, and subject to the
31 approval of the New York state director of the budget, the board of
32 directors of the state of New York mortgage agency shall authorize the
33 transfer to the general fund, for the purposes of reimbursing any costs
34 associated with naturally occurring retirement communities authorized by
35 this section, a total sum not to exceed one million dollars, such trans-
36 fer to be made from (i) the special account of the mortgage insurance
37 fund created pursuant to section 2429-b of the public authorities law,
38 in an amount not to exceed the actual excess balance in the special
39 account of the mortgage insurance fund, as determined and certified by
40 the state of New York mortgage agency for the fiscal year 2017-2018 in
41 accordance with section 2429-b of the public authorities law, if any,
42 and/or (ii) provided that the reserves in the project pool insurance
43 account of the mortgage insurance fund created pursuant to section
44 2429-b of the public authorities law are sufficient to attain and main-
45 tain the credit rating (as determined by the state of New York mortgage
46 agency) required to accomplish the purposes of such account, the project
47 pool insurance account of the mortgage insurance fund, such transfer to
48 be made as soon as practicable but no later than June 30, 2019.

49 § 7. Notwithstanding any other provision of law to the contrary, the
50 state office for the aging may provide, for costs associated with neigh-
51 borhood naturally occurring retirement communities, a sum not to exceed
52 one million dollars for the fiscal year ending March 31, 2019. Notwith-
53 standing any other provision of law to the contrary, and subject to the
54 approval of the New York state director of the budget, the board of
55 directors of the state of New York mortgage agency shall authorize the
56 transfer to the general fund, for the purposes of reimbursing any costs

1 associated with neighborhood naturally occurring retirement communities
2 authorized by this section, a total sum not to exceed one million
3 dollars, such transfer to be made from (i) the special account of the
4 mortgage insurance fund created pursuant to section 2429-b of the public
5 authorities law, in an amount not to exceed the actual excess balance in
6 the special account of the mortgage insurance fund, as determined and
7 certified by the state of New York mortgage agency for the fiscal year
8 2017-2018 in accordance with section 2429-b of the public authorities
9 law, if any, and/or (ii) provided that the reserves in the project pool
10 insurance account of the mortgage insurance fund created pursuant to
11 section 2429-b of the public authorities law are sufficient to attain
12 and maintain the credit rating (as determined by the state of New York
13 mortgage agency) required to accomplish the purposes of such account,
14 the project pool insurance account of the mortgage insurance fund, such
15 transfer to be made as soon as practicable but no later than June 30,
16 2019.

17 § 8. Sections 12 and 13 of part R of chapter 56 of the laws of 2017,
18 relating to utilizing reserves in the mortgage insurance fund for vari-
19 ous housing purposes, are amended to read as follows:

20 § 12. Notwithstanding any other provision of law to the contrary, the
21 state office for the aging may provide, for costs associated with
22 naturally occurring retirement communities, a sum not to exceed one
23 million dollars for the fiscal year ending March 31, 2018. Notwith-
24 standing any other provision of law to the contrary, and subject to the
25 approval of the New York state director of the budget, the board of
26 directors of the state of New York mortgage agency shall authorize the
27 transfer to the [state office for the aging] general fund, for the
28 purposes of reimbursing any costs associated with naturally occurring
29 retirement communities authorized by this section, a total sum not to
30 exceed one million dollars, such transfer to be made from (i) the
31 special account of the mortgage insurance fund created pursuant to
32 section 2429-b of the public authorities law, in an amount not to exceed
33 the actual excess balance in the special account of the mortgage insur-
34 ance fund, as determined and certified by the state of New York mortgage
35 agency for the fiscal year 2016-2017 in accordance with section 2429-b
36 of the public authorities law, if any, and/or (ii) provided that the
37 reserves in the project pool insurance account of the mortgage insurance
38 fund created pursuant to section 2429-b of the public authorities law
39 are sufficient to attain and maintain the credit rating (as determined
40 by the state of New York mortgage agency) required to accomplish the
41 purposes of such account, the project pool insurance account of the
42 mortgage insurance fund, such transfer to be made as soon as practicable
43 but no later than June 30, 2018.

44 § 13. Notwithstanding any other provision of law to the contrary, the
45 state office for the aging may provide, for costs associated with neigh-
46 borhood naturally occurring retirement communities, a sum not to exceed
47 one million dollars for the fiscal year ending March 31, 2018. Notwith-
48 standing any other provision of law to the contrary, and subject to the
49 approval of the New York state director of the budget, the board of
50 directors of the state of New York mortgage agency shall authorize the
51 transfer to the [state office for the aging] general fund, for the
52 purposes of reimbursing any costs associated with neighborhood naturally
53 occurring retirement communities authorized by this section, a total sum
54 not to exceed one million dollars, such transfer to be made from (i) the
55 special account of the mortgage insurance fund created pursuant to
56 section 2429-b of the public authorities law, in an amount not to exceed

1 the actual excess balance in the special account of the mortgage insur-
2 ance fund, as determined and certified by the state of New York mortgage
3 agency for the fiscal year 2016-2017 in accordance with section 2429-b
4 of the public authorities law, if any, and/or (ii) provided that the
5 reserves in the project pool insurance account of the mortgage insurance
6 fund created pursuant to section 2429-b of the public authorities law
7 are sufficient to attain and maintain the credit rating (as determined
8 by the state of New York mortgage agency) required to accomplish the
9 purposes of such account, the project pool insurance account of the
10 mortgage insurance fund, such transfer to be made as soon as practicable
11 but no later than June 30, 2018.

12 § 9. Notwithstanding any other provision of law, and in addition to
13 the powers currently authorized to be exercised by the state of New York
14 municipal bond bank agency, the state of New York municipal bond bank
15 agency may provide, for purposes of municipal relief to the city of
16 Albany, a sum not to exceed \$9,500,000 dollars for the city fiscal year
17 ending December 31, 2018, to the city of Albany. Notwithstanding any
18 other provision of law, and subject to the approval of the New York
19 state director of the budget, the state of New York mortgage agency
20 shall transfer to the state of New York municipal bond bank agency for
21 distribution as municipal relief to the city of Albany, a total sum not
22 to exceed \$9,500,000 dollars, such transfer to be made from (i) the
23 special account of the mortgage insurance fund created pursuant to
24 section 2429-b of the public authorities law, in an amount not to exceed
25 the actual excess balance in the special account of the mortgage insur-
26 ance fund, as determined and certified by the state of New York mortgage
27 agency for the fiscal year 2017-2018 in accordance with section 2429-b
28 of the public authorities law, if any, and/or (ii) provided that the
29 reserves in the project pool insurance account of the mortgage insurance
30 fund created pursuant to section 2429-b of the public authorities law
31 are sufficient to attain and maintain the credit rating (as determined
32 by the agency) required to accomplish the purposes of such account, the
33 project pool insurance account of the mortgage insurance fund created
34 pursuant to section 2429-b of the public authorities law, such transfer
35 to be made as soon as practicable after May 15, 2018, but no later than
36 December 31, 2018, and provided further that the New York state director
37 of the budget may request additional information from the city of Albany
38 regarding the utilization of these funds and the finances and operations
39 of the city, as appropriate.

40 § 10. This act shall take effect immediately; provided, however, that
41 the amendments to sections 12 and 13 of chapter 56 of the laws of 2017,
42 made by section eight of this act, shall be deemed to have been in full
43 force and effect on and after April 1, 2017.

44

PART O

45 Section 1. Paragraph (c) of subdivision 2 of section 1 of part A of
46 chapter 85 of the laws of 2017, relating to creating the Lake Ontario-
47 St. Lawrence Seaway flood recovery and International Joint Commission
48 Plan 2014 mitigation grant program, as amended by section 2 of part J of
49 chapter 61 of the laws of 2017, is amended to read as follows:

50 (c) The New York state urban development corporation shall administer
51 this grant program, which shall not exceed in the aggregate \$15,000,000
52 plus any funds directed from the programs authorized in subdivisions 3
53 and 4 of this section. Such corporation and other relevant state agen-
54 cies and state authorities are hereby empowered to establish grant

1 guidelines and additional eligibility criteria as deemed necessary to
2 effectuate the administration of this program. Any grant guidelines and
3 eligibility criteria established by the corporation pursuant to this
4 subdivision shall be equivalent to, and shall not be more restrictive
5 than, those established by the New York State Urban Development Corpo-
6 ration, doing business as the Empire State Development Corporation, in
7 the grant programs it administered pursuant to part H of chapter 56 of
8 the laws of 2011. In providing assistance pursuant to this subdivision,
9 the New York state urban development corporation shall give preference
10 to applicants that demonstrate the greatest need, based on available
11 flood damage data provided by applicable state and/or federal agencies.

12 § 2. Paragraph (c) of subdivision 3 of section 1 of part A of chapter
13 85 of the laws of 2017, relating to creating the Lake Ontario-St.
14 Lawrence Seaway flood recovery and International Joint Commission Plan
15 2014 mitigation grant program, as amended by section 2 of part J of
16 chapter 61 of the laws of 2017, is amended to read as follows:

17 (c) The affordable housing corporation shall administer this grant
18 program, which shall not exceed in the aggregate \$15,000,000 plus any
19 funds directed from the programs authorized in subdivisions 2 and 4 of
20 this section. Such corporation and other relevant state agency or state
21 authorities are hereby empowered to establish grant guidelines and addi-
22 tional eligibility criteria as deemed necessary to effectuate the admin-
23 istration of this program. Any grant guidelines and eligibility crite-
24 ria established by the corporation pursuant to this subdivision shall be
25 equivalent to, and shall not be more restrictive than, those established
26 by the New York State Urban Development Corporation, doing business as
27 the Empire State Development Corporation, in the grant programs it
28 administered pursuant to part H of chapter 56 of the laws of 2011. In
29 providing assistance pursuant to this subdivision, the affordable hous-
30 ing corporation shall give preference to applicants that demonstrate the
31 greatest need, based on available flood damage data provided by applica-
32 ble state and/or federal agencies.

33 § 3. Paragraph (c) of subdivision 4 of section 1 of part A of chapter
34 85 of the laws of 2017, relating to creating the Lake Ontario-St.
35 Lawrence Seaway flood recovery and International Joint Commission Plan
36 2014 mitigation grant program, as amended by section 2 of part J of
37 chapter 61 of the laws of 2017, is amended to read as follows:

38 (c) The housing trust fund corporation shall administer this grant
39 program, which shall not exceed in the aggregate \$15,000,000 plus any
40 funds directed from the programs authorized in subdivisions 2 and 3 of
41 this section. Such corporation, and other relevant state agencies or
42 state authorities, is hereby empowered to establish grant guidelines and
43 additional eligibility criteria, based on available flood damage data
44 provided by applicable state and/or federal agencies, as it deems neces-
45 sary to effectuate the administration of this program. Any grant guide-
46 lines and eligibility criteria established by the corporation pursuant
47 to this subdivision shall be equivalent to, and shall not be more
48 restrictive than, those established by the New York State Urban Develop-
49 ment Corporation, doing business as the Empire State Development Corpo-
50 ration, in the grant programs it administered pursuant to part H of
51 chapter 56 of the laws of 2011. In providing assistance pursuant to
52 this subdivision, the corporation shall give preference to applicants
53 that demonstrate the greatest need, based on available flood damage data
54 provided by applicable state and/or federal agencies.

55 § 4. This act shall take effect immediately.

1

PART P

2 Section 1. Subdivision 2 of section 220 of the labor law, as amended
3 by chapter 678 of the laws of 2007, is amended to read as follows:

4 2. [Each] Every contract [to which the state or a public benefit
5 corporation or a municipal corporation or a commission appointed pursu-
6 ant to law is a party, and any contract for public work entered into by
7 a third party acting in place of, on behalf of and for the benefit of
8 such public entity pursuant to any lease, permit or other agreement
9 between such third party and the public entity, and which may involve
10 the employment of laborers, workers or mechanics] for public work shall
11 contain a stipulation that no laborer, worker or mechanic in the employ
12 of the contractor, subcontractor or other person doing or contracting to
13 do the whole or a part of the work contemplated by the contract shall be
14 permitted or required to work more than eight hours in any one calendar
15 day or more than five days in any one week except in cases of extraor-
16 dinary emergency including fire, flood or danger to life or property. No
17 such person shall be so employed more than eight hours in any day or
18 more than five days in any one week except in such emergency. Extraor-
19 dinary emergency within the meaning of this section shall be deemed to
20 include situations in which sufficient laborers, workers and mechanics
21 cannot be employed to carry on public work expeditiously as a result of
22 such restrictions upon the number of hours and days of labor and the
23 immediate commencement or prosecution or completion without undue delay
24 of the public work is necessary in the judgment of the commissioner for
25 the preservation of the contract site and for the protection of the life
26 and limb of the persons using the same. Upon the application of any
27 person interested, the commissioner shall make a determination as to
28 whether or not on any public project or on all public projects in any
29 area of this state, sufficient laborers, workers and mechanics of any or
30 all classifications can be employed to carry on work expeditiously if
31 their labor is restricted to eight hours per day and five days per week,
32 and in the event that the commissioner determines that there are not
33 sufficient workers, laborers and mechanics of any or all classifications
34 which may be employed to carry on such work expeditiously if their labor
35 is restricted to eight hours per day and five days per week, and the
36 immediate commencement or prosecution or completion without undue delay
37 of the public work is necessary in the judgment of the commissioner for
38 the preservation of the contract site and for the protection of the life
39 and limb of the persons using the same, the commissioner shall grant a
40 dispensation permitting all laborers, workers and mechanics, or any
41 classification of such laborers, workers and mechanics, to work such
42 additional hours or days per week on such public project or in such
43 areas the commissioner shall determine. Whenever such a dispensation is
44 granted, all work in excess of eight hours per day and five days per
45 week shall be considered overtime work, and the laborers, workers and
46 mechanics performing such work shall be paid a premium wage commensurate
47 with the premium wages prevailing in the area in which the work is
48 performed. No such dispensation shall be effective with respect to any
49 public work unless and until the department of jurisdiction, as defined
50 in this section, certifies to the commissioner that such public work is
51 of an important nature and that a delay in carrying it to completion
52 would result in serious disadvantage to the public. Time lost in any
53 week because of inclement weather by employees engaged in the
54 construction, reconstruction and maintenance of highways outside of the



1 limits of cities and villages may be made up during that week and/or the
2 succeeding three weeks.

3 § 2. Subdivision 5 of section 220 of the labor law is amended by
4 adding four new paragraphs m, n, o and p to read as follows:

5 m. For the purposes of this article, "public work" means any of the
6 following:

7 (i) Construction paid for in whole or in part out of public funds;

8 (ii) Construction work performed under private contract when all of
9 the following conditions exist:

10 (A) The construction contract is between private parties;

11 (B) The property subject to the construction contract is privately
12 owned, but upon completion of the construction work, any portion of the
13 property is leased or will be leased to the state or any public entity,
14 and one of the following conditions exist:

15 (1) The public entity entered into or bargained for the lease agree-
16 ment prior to the construction contract; or

17 (2) The construction work is performed according to plans, specifica-
18 tions, or criteria furnished by the public entity, and the lease agree-
19 ment between the lessor and public entity, as lessee, is entered into
20 during, or upon completion of, the construction work, or within six
21 months following completion of the construction work; or

22 (iii) Construction work performed on property owned by a public entity
23 in whole or in part or will be owned or maintained by a public entity in
24 whole or in part upon completion of the project.

25 (iv) For the purposes of this article, "public work" shall not mean
26 any of the following:

27 (A) Construction work on one or two family dwellings where the proper-
28 ty is the owner's primary residence or construction work done on proper-
29 ty where the owner of the property owns no more than four dwelling
30 units;

31 (B) Construction work performed under a contract with a non-profit as
32 defined in section one hundred two of the not-for-profit corporation law
33 where the value of the public funds provided to the non-profit for the
34 project is less than one hundred thousand dollars and the non-profit has
35 gross annual revenue and support less than one million dollars; or

36 (C) Construction work performed on a multiple dwelling where no less
37 than seventy-five percent of the residential units are affordable for
38 households up to sixty percent of the area median income, adjusted for
39 family size, as calculated by the United States department of housing
40 and urban development, provided however, that any construction performed
41 on non-residential space in connection with a multiple dwelling project
42 shall be considered public work if it meets any of the criteria in this
43 paragraph. Further, any construction work performed on a project eligi-
44 ble for benefits under section four hundred twenty-one-a of the real
45 property tax law shall not be considered public work for the purposes of
46 this article.

47 n. "Paid for in whole or in part out of public funds" means all of the
48 following:

49 (i) The payment of money or the equivalent of money, including the
50 issuance of bonds and grants, by the state or a public entity, or a
51 third party acting on behalf of and for the benefit of the state or
52 public entity, directly to or on behalf of the public works contractor,
53 subcontractor, or developer.

54 (ii) Performance of construction work by the state or any public enti-
55 ty in the execution of the project.

1 (iii) Transfer by the state or a public entity of an asset of value
2 for less than fair market value.

3 (iv) Fees, costs, rents, insurance or bond premiums, loans, interest
4 rates, taxes, or other obligations that would normally be required in
5 the execution of the project, that are paid, reduced, charged at less
6 than fair market value, waived, or forgiven by the state or public enti-
7 ty.

8 (v) Money loaned by the state or public entity that is to be repaid on
9 a contingent basis.

10 (vi) Credits that are applied by the state or public entity against
11 repayment obligations to the state or public entity.

12 o. "Public entity" includes, but is not limited to, the state, a
13 local development corporation as defined in subdivision eight of section
14 eighteen hundred one of the public authorities law or section fourteen
15 hundred eleven of the not-for-profit corporation law, municipal corpo-
16 ration as defined in section one hundred nineteen-n of the general
17 municipal law, industrial development agencies formed pursuant to arti-
18 cle eighteen-a of the general municipal law or industrial development
19 authorities formed pursuant to article eight of the public authorities
20 law, educational corporation established under article fifty-six of the
21 education law, commission appointed pursuant to law, as well as state,
22 local and interstate and international authorities as defined in section
23 two of the public authorities law; and shall include any trust created
24 by any such entities.

25 p. (i) "Construction" includes, but is not limited to, demolition,
26 reconstruction, excavation, rehabilitation, repair, installation, reno-
27 vation, alteration, and custom fabrication. "Construction" also includes
28 work preformed during the design and preconstruction phases of
29 construction, including but not limited to, inspection and land survey-
30 ing work and work performed during the post-construction phases of
31 construction, including, but not limited to, all cleanup work at the
32 jobsite. "Construction" also includes the delivery to and hauling from
33 the jobsite of aggregate supply construction materials, such as sand,
34 gravel, stone, dirt, fill, as well as any necessary return hauls, wheth-
35 er empty or loaded.

36 (ii) For the purposes of this article, "custom fabrication" means the
37 fabrication and all drafting related to the fabrication of all masonry
38 panels, woodwork, cases, cabinets, or counters, and the fabrication of
39 plumbing, heating, cooling, ventilation, or exhaust duct systems, and
40 mechanical insulation solely and specifically designed and engineered
41 for installation in the construction, repair, or renovation of a build-
42 ing, regardless of where the custom fabrication is performed. The appli-
43 cable prevailing wage for any off-site custom fabrication work shall be
44 the on-site prevailing wage for the public work site.

45 § 3. The labor law is amended by adding a new section 224-a to read as
46 follows:

47 § 224-a. Stop-work orders. Where a complaint is received pursuant to
48 this article, or where the fiscal officer upon his or her own investi-
49 gation, finds cause to believe that any person, in connection with the
50 performance of any contract for public work, has substantially and mate-
51 rially failed to comply with or intentionally evaded the provisions of
52 this article, the commissioner may notify such person in writing of his
53 or her intention to issue a stop-work order. Such notice shall (i) be
54 served in a manner consistent with section three hundred eight of the
55 civil practice law and rules; (ii) notify such person of his or her
56 right to a hearing; and (iii) state the factual basis upon which the

1 commissioner has based his or her decision to issue a stop-work order.
2 Any documents, reports, or information that form a basis for such deci-
3 sion shall be provided to such person within a reasonable time before
4 the hearing. Such hearing shall be expeditiously conducted.

5 Following the hearing, if the commissioner issues a stop-work order,
6 it shall be served by regular mail, and a second copy may be served by
7 telefacsimile or by electronic mail, with service effective upon receipt
8 of any of such order. Such stop-work order shall also be served with
9 regard to a worksite by posting a copy of such order in a conspicuous
10 location at the worksite. The order shall remain in effect until the
11 commissioner directs that the stop-work order be removed, upon a final
12 determination on the complaint or where such failure to comply or evade
13 has been deemed corrected. If the person against whom such order is
14 issued shall within thirty days after issuance of the stop-work order
15 makes an application in affidavit form for a redetermination review of
16 such order the commissioner shall make a decision in writing on the
17 issues raised in such application. The commissioner may direct a condi-
18 tional release from a stop-work order upon a finding that such person
19 has taken meaningful and good faith steps to comply with the provisions
20 of this article.

21 § 4. This act shall take effect immediately.

22

PART Q

23 Section 1. Section 2 of the lien law is amended by adding three new
24 subdivisions 21, 22 and 23 to read as follows:

25 21. Employee. The term "employee", when used in this chapter, shall
26 have the same meaning as "employee" pursuant to articles one, six, nine-
27 teen and nineteen-A of the labor law, as applicable, or the Fair Labor
28 Standards Act, 29 U.S.C. § 201 et. seq., as applicable.

29 22. Employer. The term "employer", when used in this chapter, shall
30 have the same meaning as "employer" pursuant to articles one, six, nine-
31 teen and nineteen-A of the labor law, as applicable, or the Fair Labor
32 Standards Act, 29 U.S.C. § 201 et. seq., as applicable.

33 23. Wage claim. The term "wage claim", when used in this chapter,
34 means a claim that an employee has suffered a violation of sections one
35 hundred seventy, one hundred ninety-one, one hundred ninety-three, one
36 hundred ninety-six-d, six hundred fifty-two or six hundred seventy-three
37 of the labor law or the related regulations and wage orders promulgated
38 by the commissioner, a claim for wages due to an employee pursuant to an
39 employment contract that were unpaid in violation of that contract, or a
40 claim that an employee has suffered a violation of 29 U.S.C. § 206 or
41 207.

42 § 2. Section 3 of the lien law, as amended by chapter 137 of the laws
43 of 1985, is amended to read as follows:

44 § 3. Mechanic's lien and employee's lien on [real] property. 1.
45 Mechanic's lien. A contractor, subcontractor, laborer, materialman,
46 landscape gardener, nurseryman or person or corporation selling fruit or
47 ornamental trees, roses, shrubbery, vines and small fruits, who performs
48 labor or furnishes materials for the improvement of real property with
49 the consent or at the request of the owner thereof, or of his agent,
50 contractor or subcontractor, and any trust fund to which benefits and
51 wage supplements are due or payable for the benefit of such laborers,
52 shall have a lien for the principal and interest, of the value, or the
53 agreed price, of such labor, including benefits and wage supplements due
54 or payable for the benefit of any laborer, or materials upon the real



1 property improved or to be improved and upon such improvement, from the
2 time of filing a notice of such lien as prescribed in this chapter.
3 Where the contract for an improvement is made with a husband or wife and
4 the property belongs to the other or both, the husband or wife contract-
5 ing shall also be presumed to be the agent of the other, unless such
6 other having knowledge of the improvement shall, within ten days after
7 learning of the contract give the contractor written notice of his or
8 her refusal to consent to the improvement. Within the meaning of the
9 provisions of this chapter, materials actually manufactured for but not
10 delivered to the real property, shall also be deemed to be materials
11 furnished.

12 2. Employee's lien. An employee who has a wage claim as that term is
13 defined in subdivision twenty-three of section two of this chapter shall
14 have a lien on his or her employer's interest in property for the value
15 of the wage claim arising out of the employment, including liquidated
16 damages pursuant to subdivision one-a of section one hundred ninety-
17 eight, section six hundred sixty-three or section six hundred eighty-one
18 of the labor law, or 29 U.S.C. § 216 (b), from the time of filing a
19 notice of such lien as prescribed in this chapter. An employee's lien
20 based on a wage claim may be had against the employer's interest in real
21 property and against the employer's interest in personal property that
22 can be sufficiently described within the meaning of section 9-108 of the
23 uniform commercial code, except that an employee's lien shall not extend
24 to deposit accounts or goods as those terms are defined in section 9-102
25 of the uniform commercial code. The department of labor and the attor-
26 ney general may obtain an employee's lien for the value of wage claims
27 of the employees who are the subject of their investigations, court
28 actions or administrative agency actions.

29 3. As used in this article and unless otherwise specified, a lien
30 shall mean an employee's lien or a mechanic's lien.

31 § 3. Subdivisions 1 and 2 of section 4 of the lien law, subdivision 1
32 as amended by chapter 515 of the laws of 1929 and subdivision 2 as added
33 by chapter 704 of the laws of 1985, are amended to read as follows:

34 (1) [Such] A mechanic's or employee's lien and employee's lien against
35 real property shall extend to the owner's right, title or interest in
36 the real property and improvements, existing at the time of filing the
37 notice of lien, or thereafter acquired, except as hereinafter in this
38 article provided. If an owner assigns his interest in such real property
39 by a general assignment for the benefit of creditors, within thirty days
40 prior to such filing, the lien shall extend to the interest thus
41 assigned. If any part of the real property subjected to such lien be
42 removed by the owner or by any other person, at any time before the
43 discharge thereof, such removal shall not affect the rights of the
44 lienor, either in respect to the remaining real property, or the part so
45 removed. If labor is performed for, or materials furnished to, a
46 contractor or subcontractor for an improvement, the mechanic's lien
47 shall not be for a sum greater than the sum earned and unpaid on the
48 contract at the time of filing the notice of lien, and any sum subse-
49 quently earned thereon. In no case shall the owner be liable to pay by
50 reason of all mechanic's liens created pursuant to this article a sum
51 greater than the value or agreed price of the labor and materials
52 remaining unpaid, at the time of filing notices of such liens, except as
53 hereinafter provided.

54 (2) [Such] A mechanic's or employee's lien shall not extend to the
55 owner's right, title or interest in real property and improvements,
56 existing at the time of filing the notice of lien if such lien arises

1 from the failure of a lessee of the right to explore, develop or produce
2 natural gas or oil, to pay for, compensate or render value for improve-
3 ments made with the consent or at the request of such lessee by a
4 contractor, subcontractor, materialman, equipment operator or owner,
5 landscaper, nurseryman, or person or corporation who performs labor or
6 furnishes materials for the exploration, development, or production of
7 oil or natural gas or otherwise improves such leased property. Such
8 mechanic's or employee's lien shall extend to the improvements made for
9 the exploration, development and production of oil and natural gas, and
10 the working interest held by a lessee of the right to explore, develop
11 or produce oil and natural gas.

12 § 4. The opening paragraph of section 4-a of the lien law, as amended
13 by chapter 696 of the laws of 1959, is amended to read as follows:

14 The proceeds of any insurance which by the terms of the policy are
15 payable to the owner of real property improved, and actually received or
16 to be received by him because of the destruction or removal by fire or
17 other casualty of an improvement on which lienors have performed labor
18 or services or for which they have furnished materials, or upon which an
19 employee has established an employee's lien, shall after the owner has
20 been reimbursed therefrom for premiums paid by him, if any, for such
21 insurance, be subject to liens provided by this act to the same extent
22 and in the same order of priority as the real property would have been
23 had such improvement not been so destroyed or removed.

24 § 5. Subdivisions 1, 2 and 5 of section 9 of the lien law, as amended
25 by chapter 515 of the laws of 1929, are amended to read as follows:

26 1. The name of the lienor, and either the residence of the lienor or
27 the name and business address of the lienor's attorney, if any; and if
28 the lienor is a partnership or a corporation, the business address of
29 such firm, or corporation, the names of partners and principal place of
30 business, and if a foreign corporation, its principal place of business
31 within the state.

32 2. The name of the owner of the [real] property against whose interest
33 therein a lien is claimed, and the interest of the owner as far as known
34 to the lienor.

35 5. The amount unpaid to the lienor for such labor or materials, or the
36 amount of the wage claim if a wage claim is the basis for establishment
37 of the lien, the items of the wage claim and the value thereof which
38 make up the amount for which the lienor claims a lien.

39 § 6. Subdivision 1 of section 10 of the lien law, as amended by chap-
40 ter 367 of the laws of 2011, is amended to read as follows:

41 1. (a) Notice of mechanic's lien may be filed at any time during the
42 progress of the work and the furnishing of the materials, or, within
43 eight months after the completion of the contract, or the final perform-
44 ance of the work, or the final furnishing of the materials, dating from
45 the last item of work performed or materials furnished; provided, howev-
46 er, that where the improvement is related to real property improved or
47 to be improved with a single family dwelling, the notice of mechanic's
48 lien may be filed at any time during the progress of the work and the
49 furnishing of the materials, or, within four months after the completion
50 of the contract, or the final performance of the work, or the final
51 furnishing of the materials, dating from the last item of work performed
52 or materials furnished; and provided further where the notice of mechan-
53 ic's lien is for retainage, the notice of mechanic's lien may be filed
54 within ninety days after the date the retainage was due to be released;
55 except that in the case of a mechanic's lien by a real estate broker,
56 the notice of mechanic's lien may be filed only after the performance of

1 the brokerage services and execution of lease by both lessor and lessee
2 and only if a copy of the alleged written agreement of employment or
3 compensation is annexed to the notice of lien, provided that where the
4 payment pursuant to the written agreement of employment or compensation
5 is to be made in installments, then a notice of lien may be filed within
6 eight months after the final payment is due, but in no event later than
7 a date five years after the first payment was made. For purposes of this
8 section, the term "single family dwelling" shall not include a dwelling
9 unit which is a part of a subdivision that has been filed with a munici-
10 pality in which the subdivision is located when at the time the lien is
11 filed, such property in the subdivision is owned by the developer for
12 purposes other than his personal residence. For purposes of this
13 section, "developer" shall mean and include any private individual,
14 partnership, trust or corporation which improves two or more parcels of
15 real property with single family dwellings pursuant to a common scheme
16 or plan. [The]

17 (b) Notice of employee's lien may be filed at any time not later than
18 three years following the end of the employment giving rise to the wage
19 claim.

20 (c) A notice of lien, other than for a lien on personal property, must
21 be filed in the clerk's office of the county where the property is situ-
22 ated. If such property is situated in two or more counties, the notice
23 of lien shall be filed in the office of the clerk of each of such coun-
24 ties. The county clerk of each county shall provide and keep a book to
25 be called the "lien docket," which shall be suitably ruled in columns
26 headed "owners," "lienors," "lienor's attorney," "property," "amount,"
27 "time of filing," "proceedings had," in each of which he shall enter the
28 particulars of the notice, properly belonging therein. The date, hour
29 and minute of the filing of each notice of lien shall be entered in the
30 proper column. Except where the county clerk maintains a block index,
31 the names of the owners shall be arranged in such book in alphabetical
32 order. The validity of the lien and the right to file a notice thereof
33 shall not be affected by the death of the owner before notice of the
34 lien is filed. A notice of employee's lien on personal property must be
35 filed, together with a financing statement, in the filing office as set
36 forth in section 9-501 of the uniform commercial code.

37 § 7. Section 11 of the lien law, as amended by chapter 147 of the laws
38 of 1996, is amended to read as follows:

39 § 11. Service of copy of notice of lien. 1. Within five days before
40 or thirty days after filing the notice of a mechanic's lien, the lienor
41 shall serve a copy of such notice upon the owner, if a natural person,
42 (a) by delivering the same to him personally, or if the owner cannot be
43 found, to his agent or attorney, or (b) by leaving it at his last known
44 place of residence in the city or town in which the real property or
45 some part thereof is situated, with a person of suitable age and
46 discretion, or (c) by registered or certified mail addressed to his last
47 known place of residence, or (d) if such owner has no such residence in
48 such city or town, or cannot be found, and he has no agent or attorney,
49 by affixing a copy thereof conspicuously on such property, between the
50 hours of nine o'clock in the forenoon and four o'clock in the afternoon;
51 if the owner be a corporation, said service shall be made (i) by deliv-
52 ering such copy to and leaving the same with the president, vice-presi-
53 dent, secretary or clerk to the corporation, the cashier, treasurer or a
54 director or managing agent thereof, personally, within the state, or
55 (ii) if such officer cannot be found within the state by affixing a copy
56 thereof conspicuously on such property between the hours of nine o'clock

1 in the forenoon and four o'clock in the afternoon, or (iii) by regis-
2 tered or certified mail addressed to its last known place of business.
3 Failure to file proof of such a service with the county clerk within
4 thirty-five days after the notice of lien is filed shall terminate the
5 notice as a lien. Until service of the notice has been made, as above
6 provided, an owner, without knowledge of the lien, shall be protected in
7 any payment made in good faith to any contractor or other person claim-
8 ing a lien.

9 2. Within five days before or thirty days after filing the notice of
10 an employee's lien, the lienor shall serve a copy of such notice upon
11 the employer, if a natural person, (a) by delivering the same to him
12 personally, or if the employer cannot be found, to his agent or attor-
13 ney, or (b) by leaving it as his last known place of residence or busi-
14 ness, with a person of suitable age and discretion, or (c) by registered
15 or certified mail addressed to his last known place of residence or
16 business, or (d) if such employer owns real property, by affixing a copy
17 thereof conspicuously on such property, between the hours of nine
18 o'clock in the forenoon and four o'clock in the afternoon. The lienor
19 also shall, within thirty days after filing the notice of employee's
20 lien, affix a copy thereof conspicuously on the real property identified
21 in the notice of employee's lien, between the hours of nine o'clock in
22 the forenoon and four o'clock in the afternoon. If the employer be a
23 corporation, said service shall be made (i) by delivering such copy to
24 and leaving the same with the president, vice-president, secretary or
25 clerk to the corporation, the cashier, treasurer or a director or manag-
26 ing agent thereof, personally, within the state, or (ii) if such officer
27 cannot be found within the state by affixing a copy thereof conspicu-
28 ously on such property between the hours of nine o'clock in the forenoon
29 and four o'clock in the afternoon, or (iii) by registered or certified
30 mail addressed to its last known place of business, or (iv) by delivery
31 to the secretary of the department of state in the same manner as
32 required by subparagraph one of paragraph (b) of section three hundred
33 six of the business corporation law. Failure to file proof of such a
34 service with the county clerk within thirty-five days after the notice
35 of lien is filed shall terminate the notice as a lien. Until service of
36 the notice has been made, as above provided, an owner, without knowledge
37 of the lien, shall be protected in any payment made in good faith to any
38 other person claiming a lien.

39 § 8. Section 11-b of the lien law, as amended by chapter 147 of the
40 laws of 1996, is amended to read as follows:

41 § 11-b. Copy of notice of mechanic's lien to a contractor or subcon-
42 tractor. Within five days before or thirty days after filing a notice
43 of mechanic's lien in accordance with section ten of this chapter or the
44 filing of an amendment of notice of mechanic's lien in accordance with
45 section twelve-a of this [chapter] article the lienor shall serve a copy
46 of such notice or amendment by certified mail on the contractor, subcon-
47 tractor, assignee or legal representative for whom he was employed or to
48 whom he furnished materials or if the lienor is a contractor or subcon-
49 tractor to the person, firm or corporation with whom the contract was
50 made. A lienor having a direct contractual relationship with a subcon-
51 tractor or a sub-subcontractor but not with a contractor shall also
52 serve a copy of such notice or amendment by certified mail to the
53 contractor. Failure to file proof of such a service with the county
54 clerk within thirty-five days after the notice of lien is filed shall
55 terminate the notice as a lien. Any lienor, or a person acting on behalf
56 of a lienor, who fails to serve a copy of the notice of mechanic's lien

1 as required by this section shall be liable for reasonable attorney's
2 fees, costs and expenses, as determined by the court, incurred in
3 obtaining such copy.

4 § 9. Subdivision 1 of section 12-a of the lien law, as amended by
5 chapter 1048 of the laws of 1971, is amended to read as follows:

6 1. Within sixty days after the original filing, a lienor may amend his
7 lien upon twenty days notice to existing lienors, mortgagees and the
8 owner, provided that no action or proceeding to enforce or cancel the
9 mechanics' lien or employee's lien has been brought in the interim,
10 where the purpose of the amendment is to reduce the amount of the lien,
11 except the question of wilful exaggeration shall survive such amendment.

12 § 10. Subdivision 1 of section 13 of the lien law, as amended by chap-
13 ter 878 of the laws of 1947, is amended to read as follows:

14 (1) [A] An employee's lien, or a lien for materials furnished or labor
15 performed in the improvement of real property, shall have priority over
16 a conveyance, mortgage, judgment or other claim against such property
17 not recorded, docketed or filed at the time of the filing of the notice
18 of such lien, except as hereinafter in this chapter provided; over
19 advances made upon any mortgage or other encumbrance thereon after such
20 filing, except as hereinafter in this article provided; and over the
21 claim of a creditor who has not furnished materials or performed labor
22 upon such property, if such property has been assigned by the owner by a
23 general assignment for the benefit of creditors, within thirty days
24 before the filing of either of such notices; and also over an attachment
25 hereafter issued or a money judgment hereafter recovered upon a claim,
26 which, in whole or in part, was not for materials furnished, labor
27 performed or moneys advanced for the improvement of such real property;
28 and over any claim or lien acquired in any proceedings upon such judg-
29 ment. Such liens shall also have priority over advances made upon a
30 contract by an owner for an improvement of real property which contains
31 an option to the contractor, his successor or assigns to purchase the
32 property, if such advances were made after the time when the labor began
33 or the first item of material was furnished, as stated in the notice of
34 lien. If several buildings are demolished, erected, altered or repaired,
35 or several pieces or parcels of real property are improved, under one
36 contract, and there are conflicting liens thereon, each lienor shall
37 have priority upon the particular part of the real property or upon the
38 particular building or premises where his labor is performed or his
39 materials are used. Persons shall have no priority on account of the
40 time of filing their respective notices of liens, but all liens shall be
41 on a parity except as hereinafter in section fifty-six of this chapter
42 provided; and except that in all cases laborers for daily or weekly
43 wages with a mechanic's lien, and employees with an employee's lien,
44 shall have preference over all other claimants under this article.

45 § 11. Section 17 of the lien law, as amended by chapter 324 of the
46 laws of 2000, is amended to read as follows:

47 § 17. Duration of lien. 1. (a) No mechanic's lien specified in this
48 article shall be a lien for a longer period than one year after the
49 notice of lien has been filed, unless within that time an action is
50 commenced to foreclose the lien, and a notice of the pendency of such
51 action, whether in a court of record or in a court not of record, is
52 filed with the county clerk of the county in which the notice of lien is
53 filed, containing the names of the parties to the action, the object of
54 the action, a brief description of the real property affected thereby,
55 and the time of filing the notice of lien; or unless an extension to
56 such lien, except for a lien on real property improved or to be improved

1 with a single family dwelling, is filed with the county clerk of the
2 county in which the notice of lien is filed within one year from the
3 filing of the original notice of lien, continuing such lien and such
4 lien shall be redocketed as of the date of filing such extension. Such
5 extension shall contain the names of the lienor and the owner of the
6 real property against whose interest therein such lien is claimed, a
7 brief description of the real property affected by such lien, the amount
8 of such lien, and the date of filing the notice of lien. No lien shall
9 be continued by such extension for more than one year from the filing
10 thereof. In the event an action is not commenced to foreclose the lien
11 within such extended period, such lien shall be extinguished unless an
12 order be granted by a court of record or a judge or justice thereof,
13 continuing such lien, and such lien shall be redocketed as of the date
14 of granting such order and a statement made that such lien is continued
15 by virtue of such order. A lien on real property improved or to be
16 improved with a single family dwelling may only be extended by an order
17 of a court of record, or a judge or justice thereof. No lien shall be
18 continued by court order for more than one year from the granting there-
19 of, but a new order and entry may be made in each of two successive
20 years. If a lienor is made a party defendant in an action to enforce
21 another lien, and the plaintiff or such defendant has filed a notice of
22 the pendency of the action within the time prescribed in this section,
23 the lien of such defendant is thereby continued. Such action shall be
24 deemed an action to enforce the lien of such defendant lienor. The fail-
25 ure to file a notice of pendency of action shall not abate the action as
26 to any person liable for the payment of the debt specified in the notice
27 of lien, and the action may be prosecuted to judgment against such
28 person. The provisions of this section in regard to continuing liens
29 shall apply to liens discharged by deposit or by order on the filing of
30 an undertaking. Where a lien is discharged by deposit or by order, a
31 notice of pendency of action shall not be filed.

32 (b) A lien, the duration of which has been extended by the filing of a
33 notice of the pendency of an action as above provided, shall neverthe-
34 less terminate as a lien after such notice has been canceled as provided
35 in section sixty-five hundred fourteen of the civil practice law and
36 rules or has ceased to be effective as constructive notice as provided
37 in section sixty-five hundred thirteen of the civil practice law and
38 rules.

39 2. (a) No employee's lien on real property shall be a lien for a long-
40 er period than one year after the notice of lien has been filed, unless
41 an extension to such lien is filed with the county clerk of the county
42 in which the notice of lien is filed within one year from the filing of
43 the original notice of lien, continuing such lien and such lien shall be
44 redocketed as of the date of filing such extension. Such extension shall
45 contain the names of the lienor and the owner of the real property
46 against whose interest therein such lien is claimed, a brief description
47 of the property affected by such lien, the amount of such lien, and the
48 date of filing the notice of lien. No lien shall be continued by such
49 extension for more than one year from the filing thereof. In the event
50 an action is not commenced to obtain judgment on the wage claim or to
51 foreclose the lien within such extended period, such lien shall be
52 extinguished unless an order be granted by a court of record or a judge
53 or justice thereof, continuing such lien, and such lien shall be redock-
54 eted as of the date of granting such order and a statement made that
55 such lien is continued by virtue of such order.

1 (b) No employee's lien on personal property shall be a lien for a
2 longer period than one year after the financing statement has been
3 recorded, unless an extension to such lien, is filed with the filing
4 office in which the financing statement is required to be filed pursuant
5 to section 9-501 of the uniform commercial code within one year from the
6 filing of the original financing statement, continuing such lien. Such
7 extension shall contain the names of the lienor and the owner of the
8 property against whose interest therein such lien is claimed, a brief
9 description of the prior financing statement to be extended, and the
10 date of filing the prior financing statement. No lien shall be contin-
11 ued by such extension for more than one year from the filing thereof. In
12 the event an action is not commenced to obtain judgment on the wage
13 claim or to foreclose the lien within such extended period, such lien
14 shall be extinguished unless an order be granted by a court of record or
15 a judge or justice thereof, continuing such lien, and such lien shall be
16 refiled as of the date of granting such order and a statement made that
17 such lien is continued by virtue of such order.

18 (c) If a lienor is made a party defendant in an action to enforce
19 another lien, and the plaintiff or such defendant has filed a notice of
20 the pendency of the action within the time prescribed in this section,
21 the lien of such defendant is thereby continued. Such action shall be
22 deemed an action to enforce the lien of such defendant lienor. The fail-
23 ure to file a notice of pendency of action shall not abate the action as
24 to any person liable for the payment of the debt specified in the notice
25 of lien, and the action may be prosecuted to judgment against such
26 person. The provisions of this section in regard to continuing liens
27 shall apply to liens discharged by deposit or by order on the filing of
28 an undertaking. Where a lien is discharged by deposit or by order, a
29 notice of pendency of action shall not be filed.

30 (d) Notwithstanding the foregoing, if a lienor commences a foreclosure
31 action or an action to obtain a judgment on the wage claim within one
32 year from the filing of the notice of lien on real property or the
33 recording of the financing statement creating lien on personal property,
34 the lien shall be extended during the pendency of the action and for one
35 hundred twenty days following the entry of final judgment in such
36 action, unless the action results in a final judgment or administrative
37 order in the lienor's favor on the wage claims and the lienor commences
38 a foreclosure action, in which instance the lien shall be valid during
39 the pendency of the foreclosure action. If a lien is extended due to the
40 pendency of a foreclosure action or an action to obtain a judgment on
41 the wage claim, the lienor shall file a notice of such pendency and
42 extension with the county clerk of the county in which the notice of
43 lien is filed, containing the names of the parties to the action, the
44 object of the action, a brief description of the property affected
45 thereby, and the time of filing the notice of lien, or in the case of a
46 lien on personal property shall file such notice with the office author-
47 ized to accept financing statements pursuant to section 9-501 of the
48 uniform commercial code. For purposes of this section, an action to
49 obtain judgment on a wage claim includes an action brought in any court
50 of competent jurisdiction, the submission of a complaint to the depart-
51 ment of labor or the submission of a claim to arbitration pursuant to an
52 arbitration agreement. An action also includes an investigation of wage
53 claims by the commissioner of labor or the attorney general of the state
54 of New York, regardless of whether such investigation was initiated by a
55 complaint.

1 (e) A lien, the duration of which has been extended by the filing of a
2 notice of the pendency of an action as above provided, shall neverthe-
3 less terminate as a lien after such notice has been canceled as provided
4 in section sixty-five hundred fourteen of the civil practice law and
5 rules or has ceased to be effective as constructive notice as provided
6 in section sixty-five hundred thirteen of the civil practice law and
7 rules.

8 § 12. Subdivisions 2 and 4 of section 19 of the lien law, subdivision
9 2 as amended by chapter 310 of the laws of 1962, subdivision 4 as added
10 by chapter 582 of the laws of 2002 and paragraph a of subdivision 4 as
11 further amended by section 104 of part A of chapter 62 of the laws of
12 2011, are amended to read as follows:

13 (2) By failure to begin an action to foreclose such lien or to secure
14 an order continuing it, within one year from the time of filing the
15 notice of lien, unless (i) an action be begun within the same period to
16 foreclose a mortgage or another mechanic's lien upon the same property
17 or any part thereof and a notice of pendency of such action is filed
18 according to law, or (ii) an action is commenced to obtain a judgment on
19 a wage claim pursuant to subdivision two of section seventeen of this
20 article, but a lien, the duration of which has been extended by the
21 filing of a notice of the pendency of an action as herein provided,
22 shall nevertheless terminate as a lien after such notice has been
23 cancelled or has ceased to be effective as constructive notice.

24 (4) Either before or after the beginning of an action by the employer,
25 owner or contractor executing a bond or undertaking in an amount equal
26 to one hundred ten percent of such lien conditioned for the payment of
27 any judgment which may be rendered against the property or employer for
28 the enforcement of the lien:

29 a. The execution of any such bond or undertaking by any fidelity or
30 surety company authorized by the laws of this state to transact busi-
31 ness, shall be sufficient; and where a certificate of qualification has
32 been issued by the superintendent of financial services under the
33 provisions of section one thousand one hundred eleven of the insurance
34 law, and has not been revoked, no justification or notice thereof shall
35 be necessary. Any such company may execute any such bond or undertaking
36 as surety by the hand of its officers, or attorney, duly authorized
37 thereto by resolution of its board of directors, a certified copy of
38 which resolution, under the seal of said company, shall be filed with
39 each bond or undertaking. Any such bond or undertaking shall be filed
40 with the clerk of the county in which the notice of lien is filed, and a
41 copy shall be served upon the adverse party. The undertaking is effec-
42 tive when so served and filed. If a certificate of qualification issued
43 pursuant to subsections (b), (c) and (d) of section one thousand one
44 hundred eleven of the insurance law is not filed with the undertaking, a
45 party may except, to the sufficiency of a surety and by a written notice
46 of exception served upon the adverse party within ten days after
47 receipt, a copy of the undertaking. Exceptions deemed by the court to
48 have been taken unnecessarily, or for vexation or delay, may, upon
49 notice, be set aside, with costs. Where no exception to sureties is
50 taken within ten days or where exceptions taken are set aside, the
51 undertaking shall be allowed.

52 b. In the case of bonds or undertakings not executed pursuant to para-
53 graph a of this subdivision, the employer, owner or contractor shall
54 execute an undertaking with two or more sufficient sureties, who shall
55 be free holders, to the clerk of the county where the premises are situ-
56 ated. The sureties must together justify in at least double the sum

1 named in the undertaking. A copy of the undertaking, with notice that
2 the sureties will justify before the court, or a judge or justice there-
3 of, at the time and place therein mentioned, must be served upon the
4 lienor or his attorney, not less than five days before such time. Upon
5 the approval of the undertaking by the court, judge or justice an order
6 shall be made by such court, judge or justice discharging such lien.

7 c. If the lienor cannot be found, or does not appear by attorney,
8 service under this subsection may be made by leaving a copy of such
9 undertaking and notice at the lienor's place of residence, or if a
10 corporation at its principal place of business within the state as stat-
11 ed in the notice of lien, with a person of suitable age and discretion
12 therein, or if the house of his abode or its place of business is not
13 stated in said notice of lien and is not known, then in such manner as
14 the court may direct. The premises, if any, described in the notice of
15 lien as the lienor's residence or place of business shall be deemed to
16 be his said residence or its place of business for the purposes of said
17 service at the time thereof, unless it is shown affirmatively that the
18 person servicing the papers or directing the service had knowledge to
19 the contrary. Notwithstanding the other provisions of this subdivision
20 relating to service of notice, in any case where the mailing address of
21 the lienor is outside the state such service may be made by registered
22 or certified mail, return receipt requested, to such lienor at the mail-
23 ing address contained in the notice of lien.

24 d. Except as otherwise provided in this subdivision, the provisions of
25 article twenty-five of the civil practice law and rules regulating
26 undertakings is applicable to a bond or undertaking given for the
27 discharge of a lien on account of private improvements or of an employ-
28 ee's lien.

29 § 13. Section 24 of the lien law, as amended by chapter 515 of the
30 laws of 1929, is amended to read as follows:

31 § 24. Enforcement of [mechanic's] lien. (1) Real property. The
32 [mechanics'] liens on real property specified in this article may be
33 enforced against the property specified in the notice of lien and which
34 is subject thereto and against any person liable for the debt upon which
35 the lien is founded, as prescribed in article three of this chapter.

36 (2) Personal property. An employee's lien on personal property speci-
37 fied in this article may immediately be enforced against the property
38 through a foreclosure as prescribed in article nine of the uniform
39 commercial code, or upon judgment obtained by the employee, commissioner
40 of labor or attorney general of the state of New York, may be enforced
41 in any manner available to the judgment creditor pursuant to article
42 nine of the uniform commercial code or other applicable laws.

43 § 14. Section 26 of the lien law, as amended by chapter 373 of the
44 laws of 1977, is amended to read as follows:

45 § 26. Subordination of liens after agreement with owner. In case an
46 owner of real property shall execute to one or more persons, or a corpo-
47 ration, as trustee or trustees, a bond and mortgage or a note and mort-
48 gage affecting such property in whole or in part, or an assignment of
49 the moneys due or to become due under a contract for a building loan in
50 relation to such property, and in case such mortgage, if any, shall be
51 recorded in the office of the register of the county where such real
52 property is situated, or if such county has no register then in the
53 office of the clerk of such county, and in case such assignment, if any,
54 shall be filed in the office of the clerk of the county where such real
55 property is situated; and in case lienors having [mechanics'] liens
56 against said real property, notices of which have been filed up to and

1 not later than fifteen days after the recording of such mortgage or the
2 filing of such assignment, and which liens have not been discharged as
3 in this article provided, shall, to the extent of at least fifty-five
4 per centum of the aggregate amount for which such notices of liens have
5 been so filed, approve such bond and mortgage or such note and mortgage,
6 if any, and such assignment, if any, by an instrument or instruments in
7 writing, duly acknowledged and filed in the office of such county clerk,
8 then all mechanics' liens for labor performed or material furnished
9 prior to the recording of such mortgage or filing of such assignment,
10 whether notices thereof have been theretofore or are thereafter filed
11 and which have not been discharged as in this article provided, shall be
12 subordinate to the lien of such trust bond and mortgage or such trust
13 note and mortgage to the extent of the aggregate amount of all certifi-
14 cates of interest therein issued by such trustee or trustees, or their
15 successors, for moneys loaned, materials furnished, labor performed and
16 any other indebtedness incurred after said trust mortgage shall have
17 been recorded, and for expenses in connection with said trust mortgage,
18 and shall also be subordinate to the lien of the bond and mortgage or
19 note and mortgage, given to secure the amount agreed to be advanced
20 under such contract for a building loan to the extent of the amount
21 which shall be advanced by the holder of such bond and mortgage or such
22 note and mortgage to the trustee or trustees, or their successors, under
23 such assignment. The provisions of this section shall apply to all bonds
24 and mortgages and notes and mortgages and all assignments of moneys due,
25 or to become due under building loan contracts executed by such owner,
26 in like manner, and recorded or filed, from time to time as hereinbefore
27 provided. In case of an assignment to trustees under the provisions of
28 this section, the trustees and their successors shall be the agents of
29 the assignor to receive and receipt for any and all sums advanced by the
30 holder of the building loan bond and mortgage or the building loan note
31 and mortgage under the building loan contract and such assignment. No
32 lienor shall have any priority over the bond and mortgage or note and
33 mortgage given to secure the money agreed to be advanced under a build-
34 ing loan contract or over the advances made thereunder, by reason of any
35 act preceding the making and approval of such assignment.

36 § 15. Section 38 of the lien law, as amended by chapter 859 of the
37 laws of 1930, is amended to read as follows:

38 § 38. Itemized statement may be required of lienor. A lienor who has
39 filed a notice of mechanic's lien shall, on demand in writing, deliver
40 to the owner or contractor making such demand a statement in writing
41 which shall set forth the items of labor and/or material and the value
42 thereof which make up the amount for which he claims a lien, and which
43 shall also set forth the terms of the contract under which such items
44 were furnished. The statement shall be verified by the lienor or his
45 agent in the form required for the verification of notices in section
46 nine of this [chapter] article. If the lienor shall fail to comply with
47 such a demand within five days after the same shall have been made by
48 the owner or contractor, or if the lienor delivers an insufficient
49 statement, the person aggrieved may petition the supreme court of this
50 state or any justice thereof, or the county court of the county where
51 the premises are situated, or the county judge of such county for an
52 order directing the lienor within a time specified in the order to
53 deliver to the petitioner the statement required by this section. Two
54 days' notice in writing of such application shall be served upon the
55 lienor. Such service shall be made in the manner provided by law for the
56 personal service of a summons. The court or a justice or judge thereof

1 shall hear the parties and upon being satisfied that the lienor has
2 failed, neglected or refused to comply with the requirements of this
3 section shall have an appropriate order directing such compliance. In
4 case the lienor fails to comply with the order so made within the time
5 specified, then upon five days' notice to the lienor, served in the
6 manner provided by law for the personal service of a summons, the court
7 or a justice or judge thereof may make an order cancelling the lien.

8 § 16. Section 39 of the lien law, as added by chapter 859 of the laws
9 of 1930, is amended to read as follows:

10 § 39. Lien wilfully exaggerated is void. In any action or proceeding
11 to enforce a [mechanic's] lien upon a private or public improvement or
12 in which the validity of the lien is an issue, if the court shall find
13 that a lienor has wilfully exaggerated the amount for which he claims a
14 lien as stated in his notice of lien, his lien shall be declared to be
15 void and no recovery shall be had thereon. No such lienor shall have a
16 right to file any other or further lien for the same claim. A second or
17 subsequent lien filed in contravention of this section may be vacated
18 upon application to the court on two days' notice.

19 § 17. Section 40 of the lien law, as amended by chapter 515 of the
20 laws of 1929, is amended to read as follows:

21 § 40. Construction of article. This article is to be construed in
22 connection with article two of this chapter, and provides proceedings
23 for the enforcement of employee's liens on real property, as well as
24 liens for labor performed and materials furnished in the improvement of
25 real property, created by virtue of such article.

26 § 18. Section 41 of the lien law, as amended by chapter 807 of the
27 laws of 1952, is amended to read as follows:

28 § 41. Enforcement of mechanic's or employee's lien on real property. A
29 mechanic's lien or employee's lien on real property may be enforced
30 against such property, and against a person liable for the debt upon
31 which the lien is founded, by an action, by the lienor, his assignee or
32 legal representative, in the supreme court or in a county court other-
33 wise having jurisdiction, regardless of the amount of such debt, or in a
34 court which has jurisdiction in an action founded on a contract for a
35 sum of money equivalent to the amount of such debt.

36 § 19. Section 43 of the lien law, as amended by chapter 310 of the
37 laws of 1962, is amended to read as follows:

38 § 43. Action in a court of record; consolidation of actions. The
39 provisions of the real property actions and proceedings law relating to
40 actions for the foreclosure of a mortgage upon real property, and the
41 sale and the distribution of the proceeds thereof apply to actions in a
42 court of record, to enforce mechanics' liens and employees' liens on
43 real property, except as otherwise provided in this article. If actions
44 are brought by different lienors in a court of record, the court in
45 which the first action was brought, may, upon its own motion, or upon
46 the application of any party in any of such actions, consolidate all of
47 such actions.

48 § 20. Section 46 of the lien law, as amended by chapter 515 of the
49 laws of 1929, is amended to read as follows:

50 § 46. Action in a court not of record. If an action to enforce a
51 mechanic's lien or employee's lien against real property is brought in a
52 court not of record, it shall be commenced by the personal service upon
53 the owner of a summons and complaint verified in the same manner as a
54 complaint in an action in a court of record. The complaint must set
55 forth substantially the facts contained in the notice of lien, and the
56 substance of the agreement under which the labor was performed or the

1 materials were furnished, or if the lien is based upon a wage claim as
2 defined in section two of this chapter, the basis for such wage claim.
3 The form and contents of the summons shall be the same as provided by
4 law for the commencement of an action upon a contract in such court. The
5 summons must be returnable not less than twelve nor more than twenty
6 days after the date of the summons, or if service is made by publica-
7 tion, after the day of the last publication of the summons. Service
8 must be made at least eight days before the return day.

9 § 21. Section 50 of the lien law, as amended by chapter 515 of the
10 laws of 1929, is amended to read as follows:

11 § 50. Execution. Execution may be issued upon a judgment obtained in
12 an action to enforce a mechanic's lien or an employee's lien against
13 real property in a court not of record, which shall direct the officer
14 to sell the title and interest of the owner in the premises, upon which
15 the lien set forth in the complaint existed at the time of filing the
16 notice of lien.

17 § 22. Section 53 of the lien law, as amended by chapter 515 of the
18 laws of 1929, is amended to read as follows:

19 § 53. Costs and disbursements. If an action is brought to enforce a
20 mechanic's lien or an employee's lien against real property in a court
21 of record, the costs and disbursements shall rest in the discretion of
22 the court, and may be awarded to the prevailing party. The judgment
23 rendered in such an action shall include the amount of such costs and
24 specify to whom and by whom the costs are to be paid. If such action is
25 brought in a court not of record, they shall be the same as allowed in
26 civil actions in such court. The expenses incurred in serving the
27 summons by publication may be added to the amount of costs now allowed
28 in such court.

29 § 23. Section 59 of the lien law, as amended by chapter 515 of the
30 laws of 1929, is amended to read as follows:

31 § 59. Vacating of a [mechanic's] lien; cancellation of bond; return of
32 deposit, by order of court. 1. A mechanic's lien notice of which has
33 been filed on real property or a bond given to discharge the same may be
34 vacated and cancelled or a deposit made to discharge a lien pursuant to
35 section twenty of this chapter may be returned, by an order of a court
36 of record. Before such order shall be granted, a notice shall be served
37 upon the lienor, either personally or by leaving it as his last known
38 place of residence, with a person of suitable age, with directions to
39 deliver it to the lienor. Such notice shall require the lienor to
40 commence an action to enforce the lien, within a time specified in the
41 notice, not less than thirty days from the time of service, or show
42 cause at a special term of a court of record, or at a county court, in a
43 county in which the property is situated, at a time and place specified
44 therein, why the notice of lien filed or the bond given should not be
45 vacated and cancelled, or the deposit returned, as the case may be.
46 Proof of such service and that the lienor has not commenced the action
47 to foreclose such lien, as directed in the notice, shall be made by
48 affidavit, at the time of applying for such order.

49 2. An employee's lien notice of which has been filed on real property
50 or a bond given to discharge the same may be vacated and cancelled or a
51 deposit made to discharge a lien pursuant to section twenty of this
52 chapter may be returned, by an order of a court of record. Before such
53 order shall be granted, a notice shall be served upon the lienor, either
54 personally or by leaving it at his last known place of residence or
55 attorney's place of business, with a person of suitable age, with
56 directions to deliver it to the lienor. Such notice shall require the

1 lienor to commence an action to enforce the lien, or to commence an
2 action to obtain judgment on the wage claim upon which the lien was
3 established, within a time specified in the notice, not less than ninety
4 days from the time of service, or show cause at a special term of a
5 court of record, or at a county court, in a county in which the property
6 is situated, at a time and place specified therein, why the notice of
7 lien filed or the bond given should not be vacated and cancelled, or the
8 deposit returned, as the case may be. Proof of such service and that the
9 lienor has not commenced the action to foreclose such lien or an action
10 to obtain judgment on the wage claim upon which the lien was estab-
11 lished, as directed in the notice, shall be made by affidavit, at the
12 time of applying for such order.

13 § 24. Section 62 of the lien law, as amended by chapter 697 of the
14 laws of 1934, is amended to read as follows:

15 § 62. Bringing in new parties. A lienor who has filed a notice of lien
16 after the commencement of an action in a court of record to foreclose or
17 enforce an employee's lien or a mechanic's lien against real property or
18 a public improvement, may at any time up to and including the day
19 preceding the day on which the trial of such action is commenced, make
20 application upon notice to the plaintiff or his attorney in such action,
21 to be made a party therein. Upon good cause shown, the court must order
22 such lienor to be brought in by amendment. If the application is made by
23 any other party in said action to make such lienor or other person a
24 party, the court may in its discretion direct such lienor or other
25 person to be brought in by like amendment. The order to be entered on
26 such application shall provide the time for and manner of serving the
27 pleading of such additional lienor or other person and shall direct that
28 the pleadings, papers and proceedings of the other several parties in
29 such action, shall be deemed amended, so as not to require the making or
30 serving of papers other than said order to effectuate such amendment,
31 and shall further provide that the allegations in the answer of such
32 additional lienor or other person shall, for the purposes of the action,
33 be deemed denied by the other parties therein. The action shall be so
34 conducted by the court as not to cause substantially any delay in the
35 trial thereof. The bringing in of such additional lienor or other
36 person shall be without prejudice to the proceedings had, and if the
37 action be on the calendar of the court, same shall retain its place on
38 such calendar without the necessity of serving a new note of issue and
39 new notices of trial.

40 § 25. Subdivision 3 of section 199-a of the labor law, as amended by
41 chapter 564 of the laws of 2010, is amended to read as follows:

42 3. Each employee and his or her authorized representative shall be
43 notified in writing, of the termination of the commissioner's investi-
44 gation of the employee's complaint and the result of such investigation,
45 of any award and collection of back wages and civil penalties, and of
46 any intent to seek criminal penalties. In the event that criminal penal-
47 ties are sought the employee and his or her authorized representative
48 shall be notified of the outcome of prosecution.

49 § 26. Subdivision 2 of section 663 of the labor law, as amended by
50 chapter 564 of the laws of 2010, is amended to read as follows:

51 2. By commissioner. On behalf of any employee paid less than the wage
52 to which the employee is entitled under the provisions of this article,
53 the commissioner may bring any legal action necessary, including admin-
54 istrative action, to collect such claim, and the employer shall be
55 required to pay the full amount of the underpayment, plus costs, and
56 unless the employer proves a good faith basis to believe that its under-

1 payment was in compliance with the law, an additional amount as liqui-
2 dated damages. Liquidated damages shall be calculated by the commission-
3 er as no more than one hundred percent of the total amount of
4 underpayments found to be due the employee. In any action brought by the
5 commissioner in a court of competent jurisdiction, liquidated damages
6 shall be calculated as an amount equal to one hundred percent of under-
7 payments found to be due the employee. Each employee or his or her
8 authorized representative shall be notified in writing of the outcome of
9 any legal action brought on the employee's behalf pursuant to this
10 section.

11 § 27. Subdivision 5 of section 6201 of the civil practice law and
12 rules, as amended by chapter 860 of the laws of 1977 and as renumbered
13 by chapter 618 of the laws of 1992, is amended and a new subdivision 6
14 is added to read as follows:

15 5. the cause of action is based on a judgment, decree or order of a
16 court of the United States or of any other court which is entitled to
17 full faith and credit in this state, or on a judgment which qualifies
18 for recognition under the provisions of article 53[.] of this chapter;
19 or

20 6. the cause of action is based on wage claims. "Wage claims," when
21 used in this chapter, shall include any claims of violations of articles
22 five, six, and nineteen of the labor law, section two hundred fifteen of
23 the labor law, and the related regulations or wage orders promulgated by
24 the commissioner of labor, including but not limited to any claims of
25 unpaid, minimum, overtime, and spread-of-hours pay, unlawfully retained
26 gratuities, unlawful deductions from wages, unpaid commissions, unpaid
27 benefits and wage supplements, and retaliation, and any claims pursuant
28 to 18 U.S.C. § 1595, 29 U.S.C. § 201 et seq., and/or employment contract
29 as well as the concomitant liquidated damages and penalties authorized
30 pursuant to the labor law, the Fair Labor Standards Act, or any employ-
31 ment contract.

32 § 28. Section 6210 of the civil practice law and rules, as added by
33 chapter 860 of the laws of 1977, is amended to read as follows:

34 § 6210. Order of attachment on notice; temporary restraining order;
35 contents. Upon a motion on notice for an order of attachment, the court
36 may, without notice to the defendant, grant a temporary restraining
37 order prohibiting the transfer of assets by a garnishee as provided in
38 subdivision (b) of section 6214. When attachment is sought pursuant to
39 subdivision six of section 6201, and if the employer contests the
40 motion, the court shall hold a hearing within ten days of when the
41 employer's response to plaintiffs' motion for attachment is due. The
42 contents of the order of attachment granted pursuant to this section
43 shall be as provided in subdivision (a) of section 6211.

44 § 29. Subdivision (b) of section 6211 of the civil practice law and
45 rules, as amended by chapter 566 of the laws of 1985, is amended to read
46 as follows:

47 (b) Confirmation of order. Except where an order of attachment is
48 granted on the ground specified in subdivision one or six of section
49 6201, an order of attachment granted without notice shall provide that
50 within a period not to exceed five days after levy, the plaintiff shall
51 move, on such notice as the court shall direct to the defendant, the
52 garnishee, if any, and the sheriff, for an order confirming the order of
53 attachment. Where an order of attachment without notice is granted on
54 the ground specified in subdivision one or six of section 6201, the
55 court shall direct that the statement required by section 6219 be served
56 within five days, that a copy thereof be served upon the plaintiff, and

1 the plaintiff shall move within ten days after levy for an order
2 confirming the order of attachment. If the plaintiff upon such motion
3 shall show that the statement has not been served and that the plaintiff
4 will be unable to satisfy the requirement of subdivision (b) of section
5 6223 until the statement has been served, the court may grant one exten-
6 sion of the time to move for confirmation for a period not to exceed ten
7 days. If plaintiff fails to make such motion within the required period,
8 the order of attachment and any levy thereunder shall have no further
9 effect and shall be vacated upon motion. Upon the motion to confirm, the
10 provisions of subdivision (b) of section 6223 shall apply. An order of
11 attachment granted without notice may provide that the sheriff refrain
12 from taking any property levied upon into his actual custody, pending
13 further order of the court.

14 § 30. Subdivisions (b) and (e) of rule 6212 of the civil practice law
15 and rules, subdivision (b) as separately amended by chapters 15 and 860
16 of the laws of 1977 and subdivision (e) as added by chapter 860 of the
17 laws of 1977, are amended to read as follows:

18 (b) Undertaking. [On] 1. Except where an order of attachment is sought
19 on the ground specified in subdivision six of section 6201, on a motion
20 for an order of attachment, the plaintiff shall give an undertaking, in
21 a total amount fixed by the court, but not less than five hundred
22 dollars, a specified part thereof conditioned that the plaintiff shall
23 pay to the defendant all costs and damages, including reasonable attor-
24 ney's fees, which may be sustained by reason of the attachment if the
25 defendant recovers judgment or if it is finally decided that the plain-
26 tiff was not entitled to an attachment of the defendant's property, and
27 the balance conditioned that the plaintiff shall pay to the sheriff all
28 of his allowable fees.

29 2. On a motion for an attachment pursuant to subdivision six of
30 section 6201, the court shall order that the plaintiff give an accessi-
31 ble undertaking of no more than five hundred dollars, or in the alterna-
32 tive, may waive the undertaking altogether. The attorney for the plain-
33 tiff shall not be liable to the sheriff for such fees. The surety on the
34 undertaking shall not be discharged except upon notice to the sheriff.

35 (e) Damages. [The] Except where an order of attachment is sought on
36 the ground specified in subdivision six of section 6201, the plaintiff
37 shall be liable to the defendant for all costs and damages, including
38 reasonable attorney's fees, which may be sustained by reason of the
39 attachment if the defendant recovers judgment, or if it is finally
40 decided that the plaintiff was not entitled to an attachment of the
41 defendant's property. Plaintiff's liability shall not be limited by the
42 amount of the undertaking.

43 § 31. Section 6223 of the civil practice law and rules, as amended by
44 chapter 860 of the laws of 1977, is amended to read as follows:

45 § 6223. Vacating or modifying attachment. (a) Motion to vacate or
46 modify. Prior to the application of property or debt to the satisfac-
47 tion of a judgment, the defendant, the garnishee or any person having an
48 interest in the property or debt may move, on notice to each party and
49 the sheriff, for an order vacating or modifying the order of attachment.
50 Upon the motion, the court may give the plaintiff a reasonable opportu-
51 nity to correct any defect. [If] Except as provided under subdivision
52 (b), if, after the defendant has appeared in the action, the court
53 determines that the attachment is unnecessary to the security of the
54 plaintiff, it shall vacate the order of attachment. Such a motion shall
55 not of itself constitute an appearance in the action.

1 (b) Burden of proof. [Upon] Except where an order of attachment is
2 granted pursuant to subdivision six of section 6201, upon a motion to
3 vacate or modify an order of attachment the plaintiff shall have the
4 burden of establishing the grounds for the attachment, the need for
5 continuing the levy and the probability that he will succeed on the
6 merits. Upon a motion to vacate or modify an order of attachment granted
7 pursuant to subdivision six of section 6201, the defendant shall have
8 the burden to demonstrate that the attachment is unnecessary to the
9 security of the plaintiff, in order to vacate or modify the attachment
10 order.

11 § 32. Paragraph (b) of section 624 of the business corporation law, as
12 amended by chapter 449 of the laws of 1997, is amended to read as
13 follows:

14 (b) Any person who shall have been a shareholder of record of a corpo-
15 ration, or who is or shall have been a laborer, servant or employee,
16 upon at least five days' written demand shall have the right to examine
17 in person or by agent or attorney, during usual business hours, its
18 minutes of the proceedings of its shareholders and record of sharehold-
19 ers and to make extracts therefrom for any purpose reasonably related to
20 such person's interest as a shareholder, laborer, servant or employee.
21 Holders of voting trust certificates representing shares of the corpo-
22 ration shall be regarded as shareholders for the purpose of this
23 section. Any such agent or attorney shall be authorized in a writing
24 that satisfies the requirements of a writing under paragraph (b) of
25 section 609 (Proxies). A corporation requested to provide information
26 pursuant to this paragraph shall make available such information in
27 written form and in any other format in which such information is main-
28 tained by the corporation and shall not be required to provide such
29 information in any other format. If a request made pursuant to this
30 paragraph includes a request to furnish information regarding beneficial
31 owners, the corporation shall make available such information in its
32 possession regarding beneficial owners as is provided to the corporation
33 by a registered broker or dealer or a bank, association or other entity
34 that exercises fiduciary powers in connection with the forwarding of
35 information to such owners. The corporation shall not be required to
36 obtain information about beneficial owners not in its possession.

37 § 33. Section 630 of the business corporation law, paragraph (a) as
38 amended by chapter 5 of the laws of 2016, paragraph (c) as amended by
39 chapter 746 of the laws of 1963, is amended to read as follows:

40 § 630. Liability of shareholders for wages due to laborers, servants or
41 employees.

42 (a) The ten largest shareholders, as determined by the fair value of
43 their beneficial interest as of the beginning of the period during which
44 the unpaid services referred to in this section are performed, of every
45 domestic corporation or of any foreign corporation, when the unpaid
46 services were performed in the state, no shares of which are listed on a
47 national securities exchange or regularly quoted in an over-the-counter
48 market by one or more members of a national or an affiliated securities
49 association, shall jointly and severally be personally liable for all
50 debts, wages or salaries due and owing to any of its laborers, servants
51 or employees other than contractors, for services performed by them for
52 such corporation. [Before such laborer, servant or employee shall charge
53 such shareholder for such services, he shall give notice in writing to
54 such shareholder that he intends to hold him liable under this section.
55 Such notice shall be given within one hundred and eighty days after
56 termination of such services, except that if, within such period, the

1 laborer, servant or employee demands an examination of the record of
2 shareholders under paragraph (b) of section 624 (Books and records;
3 right of inspection, prima facie evidence) of this article, such notice
4 may be given within sixty days after he has been given the opportunity
5 to examine the record of shareholders. An action to enforce such liabil-
6 ity shall be commenced within ninety days after the return of an
7 execution unsatisfied against the corporation upon a judgment recovered
8 against it for such services.] The provisions of this paragraph shall
9 not apply to an investment company registered as such under an act of
10 congress entitled "Investment Company Act of 1940."

11 (b) For the purposes of this section, wages or salaries shall mean all
12 compensation and benefits payable by an employer to or for the account
13 of the employee for personal services rendered by such employee includ-
14 ing any concomitant liquidated damages, penalties, interest, attorney's
15 fees or costs. These shall specifically include but not be limited to
16 salaries, overtime, vacation, holiday and severance pay; employer
17 contributions to or payments of insurance or welfare benefits; employer
18 contributions to pension or annuity funds; and any other moneys properly
19 due or payable for services rendered by such employee.

20 (c) A shareholder who has paid more than his pro rata share under this
21 section shall be entitled to contribution pro rata from the other share-
22 holders liable under this section with respect to the excess so paid,
23 over and above his pro rata share, and may sue them jointly or severally
24 or any number of them to recover the amount due from them. Such recov-
25 ery may be had in a separate action. As used in this paragraph, "pro
26 rata" means in proportion to beneficial share interest. Before a share-
27 holder may claim contribution from other shareholders under this para-
28 graph, he shall[, unless they have been given notice by a laborer, serv-
29 ant or employee under paragraph (a),] give them notice in writing that
30 he intends to hold them so liable to him. Such notice shall be given by
31 him within twenty days after the date that [notice was given to him by]
32 he became aware that a laborer, servant or employee may seek to hold him
33 liable under paragraph (a).

34 § 34. Subdivision (c) of section 609 of the limited liability company
35 law, as added by chapter 537 of the laws of 2014, is amended to read as
36 follows:

37 (c) Notwithstanding the provisions of subdivisions (a) and (b) of this
38 section, the ten members with the largest percentage ownership interest,
39 as determined as of the beginning of the period during which the unpaid
40 services referred to in this section are performed, of every limited
41 liability company, shall jointly and severally be personally liable for
42 all debts, wages or salaries due and owing to any of its laborers, serv-
43 ants or employees, for services performed by them for such limited
44 liability company. [Before such laborer, servant or employee shall
45 charge such member for such services, he or she shall give notice in
46 writing to such member that he or she intends to hold such member liable
47 under this section. Such notice shall be given within one hundred eighty
48 days after termination of such services. An action to enforce such
49 liability shall be commenced within ninety days after the return of an
50 execution unsatisfied against the limited liability company upon a judg-
51 ment recovered against it for such services.] A member who has paid more
52 than his or her pro rata share under this section shall be entitled to
53 contribution pro rata from the other members liable under this section
54 with respect to the excess so paid, over and above his or her pro rata
55 share, and may sue them jointly or severally or any number of them to
56 recover the amount due from them. Such recovery may be had in a separate

1 action. As used in this subdivision, "pro rata" means in proportion to
2 percentage ownership interest. Before a member may claim contribution
3 from other members under this section, he or she shall give them notice
4 in writing that he or she intends to hold them so liable to him or her.

5 § 35. Section 1102 of the limited liability company law is amended by
6 adding a new subdivision (e) to read as follows:

7 (e) Any person who is or shall have been a laborer, servant or employ-
8 ee of a limited liability company, upon at least five days' written
9 demand shall have the right to examine in person or by agent or attor-
10 ney, during usual business hours, records described in paragraph two of
11 subdivision (a) of this section throughout the period of time during
12 which such laborer, servant or employee provided services to such compa-
13 ny. A company requested to provide information pursuant to this para-
14 graph shall make available such records in written form and in any other
15 format in which such information is maintained by the company and shall
16 not be required to provide such information in any other format. Upon
17 refusal by the company or by an officer or agent of the company to
18 permit an inspection of the records described in this paragraph, the
19 person making the demand for inspection may apply to the supreme court
20 in the judicial district where the office of the company is located,
21 upon such notice as the court may direct, for an order directing the
22 company, its members or managers to show cause why an order should not
23 be granted permitting such inspection by the applicant. Upon the return
24 day of the order to show cause, the court shall hear the parties summar-
25 ily, by affidavit or otherwise, and if it appears that the applicant is
26 qualified and entitled to such inspection, the court shall grant an
27 order compelling such inspection and awarding such further relief as to
28 the court may seem just and proper. If the applicant is found to be
29 qualified and entitled to such inspection, the company shall pay all
30 reasonable attorney's fees and costs of said applicant related to the
31 demand for inspection of the records.

32 § 36. This act shall take effect on the thirtieth day after it shall
33 have become a law. The procedures and rights created in this act may be
34 used by employees, laborers or servants in connection with claims for
35 liabilities that arose prior to the effective date.

36 PART R

37 Section 1. The education law is amended by adding a new article 128 to
38 read as follows:

39 ARTICLE 128

40 PUBLIC UNIVERSITY AFFILIATED ORGANIZATIONS AND FOUNDATIONS

41 Section 6360. Public university and foundation oversight.

42 § 6360. Public university and foundation oversight. 1. Definition.
43 For purposes of this section, the term "affiliated organization or foun-
44 dation" shall mean an organization or foundation formed under the not-
45 for-profit corporation law or any other entity formed for the benefit of
46 or controlled by the state university of New York or the city university
47 of New York or their respective universities, colleges, community
48 colleges, campuses or subdivisions, including the research foundation of
49 the state university of New York and the research foundation of the city
50 university of New York, to assist in meeting the specific needs of, or
51 providing a direct benefit to, the respective university, college, or
52 community college, campus or subdivision or the university as a whole,
53 that has control of, manages or receives one hundred thousand dollars or
54 more annually, including alumni associations. For the purposes of this

1 section, this term does not include a student-run organization comprised
2 solely of enrolled students and formed for the purpose of advancing a
3 student objective.

4 2. Financial control policies. (a) The trustees of the state universi-
5 ty of New York and the city university of New York and each affiliated
6 organization or foundation shall respectively adopt financial control
7 policies designed to prevent corruption, fraud, criminal activity,
8 conflicts of interest or abuse.

9 (b) The state university of New York, the city university of New York,
10 and each affiliated organization or foundation shall each appoint
11 compliance officers to provide assistance in oversight and monitoring of
12 the financial control policies established pursuant to this section by
13 the respective state university of New York, city university of New York
14 or affiliated organization or foundation.

15 3. Reporting requirements. (a) The trustees of the state university of
16 New York and the city university of New York shall require, on or before
17 November first of each year, an annual report of any affiliated organ-
18 ization or foundation, in a standardized format developed by the chan-
19 cellor. The annual reports required by this subdivision shall be posted
20 publicly on the website of the state university of New York or the city
21 university of New York, respectively, in a readable format by November
22 first of each year. The reports shall include, but not be limited to:

23 (i) financial reports, including: audited financials following gener-
24 ally accepted accounting principles as defined in subdivision ten of
25 section two of the state finance law; and any long-term liabilities;

26 (ii) a list of all contracts including amount, purpose and identifying
27 vendor information of each; and

28 (iii) the total number of employees of such organization or foundation
29 by department and job location and amount spent on personnel by depart-
30 ment and job location, which shall include annual employee salaries, or
31 other compensation, employee job titles and descriptions and employee
32 benefits.

33 (b) The reports required by this subdivision shall not require disclo-
34 sure of information that: (i) is specifically exempted from disclosure
35 by state or federal law; (ii) if disclosed would constitute an unwar-
36 ranted invasion of personal privacy under the provisions of subdivision
37 two of section eighty-nine of the public officers law; (iii) if
38 disclosed would impair imminent contract awards or collective bargaining
39 negotiations; (iv) are trade secrets or is information that if disclosed
40 would cause substantial injury to a competitive business position; (v)
41 are records of an affiliated organization or foundation relating to
42 charitable donors or prospective donors, provided that records relating
43 to fundraising strategies would, if disclosed, impair the ability of
44 such affiliated organization or foundation to attract or gain donations,
45 and provided, however, that the name of any donor and the amount of
46 donation made by such donor shall be subject to disclosure if such
47 donor, or any entity in which such donor has a substantial interest,
48 seeks to transact business, or does transact business, with such affil-
49 iated organization or foundation to which the donation is made within
50 three years of the date of such donation; and (vi) are academic or
51 scientific research or research-related records, including any draft,
52 preliminary or unfunded grant or contract document, whether sponsored by
53 the affiliated organization or foundation itself or in conjunction with
54 a third party, or records relating to such affiliated organization or
55 foundation's intellectual property, which, if disclosed, would adversely
56 affect license, patent, copyright or other rights of such affiliated



1 organization or foundation. This paragraph shall not be construed to
2 permit an affiliated organization or foundation to withhold records or
3 portions thereof pertaining to the name, title, expenditure, source or
4 amount of public funding relating to such research or intellectual prop-
5 erty.

6 4. Access to records. a. Access to records of each affiliated organ-
7 ization or foundation which receives or distributes any public money,
8 and which provides grants, funding or other support for economic devel-
9 opment purposes, construction purposes, or other capital purposes, shall
10 be governed pursuant to article six of the public officers law,
11 provided, however, that such affiliated organization or foundation may
12 also deny access to records or portions thereof that: (i) are records of
13 an affiliated organization or foundation relating to charitable donors
14 or prospective donors provided that records relating to fundraising
15 strategies would, if disclosed, impair the ability of such affiliated
16 organization or foundation to attract or gain donations, and provided,
17 however, that the name of any donor and the amount of any donation made
18 by such donor shall be subject to disclosure if such donor, or any enti-
19 ty in which such donor has a substantial interest, seeks to transact
20 business, or does transact business, with such affiliated organization
21 or foundation to which the donation is made within three years of the
22 date of such donation; or (ii) are academic or scientific research or
23 research-related records, including any draft, preliminary or unfunded
24 grant or contract document, whether sponsored by the affiliated organ-
25 ization or foundation itself or in conjunction with a third party, or
26 records relating to such affiliated organization or foundation's intel-
27 lectual property, which, if disclosed, would adversely affect license,
28 patent, copyright or other rights of such affiliated organization or
29 foundation;

30 b. This subdivision shall not be construed to permit an affiliated
31 organization or foundation to withhold records or portions thereof
32 pertaining to the name, title, expenditure, source or amount of public
33 funding relating to such research or intellectual property.

34 c. This subdivision shall be liberally construed to provide access to
35 records to the greatest extent possible.

36 5. Open meetings. a. Meetings of each affiliated organization or foun-
37 dation which receives or distributes any public money, and which
38 provides grants, funding or other support for economic development
39 purposes, construction purposes, or other capital purposes, shall be
40 open to the public pursuant to article seven of the public officers law,
41 provided, however, that an affiliated organization or foundation may
42 upon a majority vote of its total membership, taken in an open meeting
43 pursuant to a motion identifying the specific subject to be considered
44 may also conduct an executive session to discuss: (i) matters relating
45 to charitable donors or prospective donors provided that discussion of
46 such fundraising strategies would, if discussed in public, impair the
47 ability of such affiliated organization or foundation to attract or gain
48 donations; or (ii) matters that are academic or scientific research or
49 research-related, including discussion of any draft, preliminary or
50 unfunded grant or contract document, whether sponsored by the affiliated
51 organization or foundation itself or in conjunction with a third party;
52 or (iii) matters relating to such affiliated organization or founda-
53 tion's intellectual property, which, if disclosed, would adversely
54 affect license, patent, copyright or other rights of such affiliated
55 organization or foundation.



1 b. This subdivision shall be liberally construed to permit public
2 access to meetings of the affiliated organization or foundation to the
3 greatest extent possible.

4 § 2. This act shall take effect immediately.

5

PART S

6 Section 1. Clauses (v) and (vi) of subparagraph 4 of paragraph h of
7 subdivision 2 of section 355 of the education law, as amended by section
8 1 of part JJJ of chapter 59 of the laws of 2017, are amended and a new
9 clause (vi) is added to read as follows:

10 (v) Beginning in state fiscal year two thousand seventeen--two thou-
11 sand eighteen and ending in state fiscal year two thousand [twenty]
12 eighteen--two thousand [twenty-one] nineteen, the state shall appropri-
13 ate and make available general fund operating support, including fringe
14 benefits, for the state university in an amount not less than the amount
15 appropriated and made available in the prior state fiscal year;
16 provided, however, that if the governor declares a fiscal emergency, and
17 communicates such emergency to the temporary president of the senate and
18 speaker of the assembly, state support for operating expenses at the
19 state university and city university may be reduced in a manner propor-
20 tionate to one another, and the aforementioned provisions shall not
21 apply; provided further, the state shall appropriate and make available
22 general fund support to fully fund the tuition credit pursuant to subdi-
23 vision two of section six hundred sixty-nine-h of this title.

24 (vi) Beginning in state fiscal year two thousand nineteen--two thou-
25 sand twenty and thereafter, the state shall appropriate and make avail-
26 able general fund operating support and fringe benefits, for the state
27 university and the state university health science centers in an amount
28 not less than the amounts separately appropriated and made available in
29 the prior state fiscal year; provided, further, the state shall appro-
30 priate and make available general fund operating support to cover all
31 mandatory costs of the state university and the state university health
32 science centers, which shall include, but not be limited to, collective
33 bargaining costs including salary increments, fringe benefits, and other
34 non-personal service costs such as utility costs, building rentals and
35 other inflationary expenses incurred by the state university and the
36 state university health science centers, and any increase in the tuition
37 credit pursuant to section six hundred eighty-nine-a of this title as
38 tuition increases are enacted by the board of trustees of the state
39 university; provided, however, that if the governor declares a fiscal
40 emergency, and communicates such emergency to the temporary president of
41 the senate and speaker of the assembly, state support for operating
42 expenses at the state university and city university may be reduced in a
43 manner proportionate to one another, and the aforementioned provisions
44 shall not apply; provided further, the state shall appropriate and make
45 available general fund support to fully fund the tuition credit pursuant
46 to subdivision two of section six hundred sixty-nine-h of this title.

47 [(vi)] (vii) For the state university fiscal years commencing two
48 thousand eleven--two thousand twelve and ending two thousand fifteen--
49 two thousand sixteen, each university center may set aside a portion of
50 its tuition revenues derived from tuition increases to provide increased
51 financial aid for New York state resident undergraduate students whose
52 net taxable income is eighty thousand dollars or more subject to the
53 approval of a NY-SUNY 2020 proposal by the governor and the chancellor
54 of the state university of New York. Nothing in this paragraph shall be

1 construed as to authorize that students whose net taxable income is
2 eighty thousand dollars or more are eligible for tuition assistance
3 program awards pursuant to section six hundred sixty-seven of this chap-
4 ter.

5 § 2. Subparagraph (v) of paragraph (a) of subdivision 7 of section
6 6206 of the education law, as amended by section 2 of part JJJ of chap-
7 ter 59 of the laws of 2017, is amended and a new subparagraph (vi) is
8 added to read as follows:

9 (v) Beginning in state fiscal year two thousand seventeen--two thou-
10 sand eighteen and ending in state fiscal year two thousand [twenty]
11 eighteen--two thousand [twenty-one] nineteen, the state shall appropri-
12 ate and make available general fund operating support, including fringe
13 benefits, for the city university in an amount not less than the amount
14 appropriated and made available in the prior state fiscal year;
15 provided, however, that if the governor declares a fiscal emergency, and
16 communicates such emergency to the temporary president of the senate and
17 speaker of the assembly, state support for operating expenses at the
18 state university and city university may be reduced in a manner propor-
19 tionate to one another, and the aforementioned provisions shall not
20 apply; provided further, the state shall appropriate and make available
21 general fund support to fully fund the tuition credit pursuant to subdi-
22 vision two of section six hundred sixty-nine-h of this chapter.

23 (vi) Beginning in state fiscal year two thousand nineteen--two thou-
24 sand twenty and thereafter, the state shall appropriate and make avail-
25 able general fund operating support and fringe benefits, for the city
26 university in an amount not less than the amounts separately appropri-
27 ated and made available in the prior state fiscal year; provided,
28 further, the state shall appropriate and make available general fund
29 operating support to cover all mandatory costs of the city university,
30 which shall include, but not be limited to, collective bargaining costs,
31 including salary increments, fringe benefits, and other non-personal
32 service costs such as utility costs, building rentals and other infla-
33 tionary expenses incurred by the city university, and any increase in
34 the tuition credit pursuant to section six hundred eighty-nine-a of this
35 chapter as tuition increases are enacted by the board of trustees of the
36 city university; provided, however, that if the governor declares a
37 fiscal emergency, and communicates such emergency to the temporary pres-
38 ident of the senate and speaker of the assembly, state support for oper-
39 ating expenses at the state university and city university may be
40 reduced in a manner proportionate to one another, and the aforementioned
41 provisions shall not apply; provided further, the state shall appropri-
42 ate and make available general fund support to fully fund the tuition
43 credit pursuant to subdivision two of section six hundred sixty-nine-h
44 of this chapter.

45 § 3. This act shall take effect immediately provided that:

46 (a) the amendments to subparagraph 4 of paragraph h of subdivision 2
47 of section 355 of the education law made by section one of this act
48 shall not affect the expiration and reversion of such subparagraph
49 pursuant to chapter 260 of the laws of 2011, as amended, and shall
50 expire therewith; and

51 (b) the amendments to paragraph (a) of subdivision 7 of section 6206
52 of the education law made by section two of this act shall not affect
53 the expiration and reversion of such paragraph pursuant to chapter 260
54 of the laws of 2011, as amended, and shall expire therewith.



1 Section 1. Section 22-c of the state finance law is amended by adding
2 a new subdivision 7 to read as follows:

3 7. For the fiscal year beginning on April first, two thousand nineteen
4 and every fifth fiscal year thereafter, the governor shall submit to the
5 legislature as part of the annual executive budget, five-year capital
6 plans for the state university of New York state-operated campuses and
7 city university of New York senior colleges. Such plans shall provide
8 for the annual appropriation of capital funds to cover one hundred
9 percent of the annual critical maintenance needs identified by each
10 university system, and may include funds for new infrastructure or other
11 major capital initiatives, provided that such funding for new infras-
12 tructure or other major capital initiatives shall not count towards
13 meeting the overall critical maintenance requirement. In the event that
14 such plan is unable to fund one hundred percent of the critical mainte-
15 nance needs due to the limitation imposed by article five-B of this
16 chapter, the director of the budget shall develop five-year capital
17 plans whereby the implementation of each capital plan would annually
18 reduce the overall facility condition index (FCI) for each university
19 system. For the purposes of this subdivision, "facility condition index"
20 shall mean an industry benchmark that measures the ratio of deferred
21 maintenance dollars to replacement dollars for the purposes of analyzing
22 the effect of investing in facility improvements. The apportionment of
23 capital appropriations to each state-operated campus or senior college
24 shall be based on a methodology to be developed by the director of the
25 budget, in consultation with the state university of New York and city
26 university of New York.

27 § 2. This act shall take effect immediately.

28 PART U

29 Section 1. The state finance law is amended by adding a new section
30 99-bb to read as follows:

31 § 99-bb. SUNY Stony Brook Eastern Long Island Hospital Affiliation
32 escrow fund. 1. Notwithstanding any other provision of law, rule, regu-
33 lation, or practice to the contrary, there is hereby established in the
34 joint custody of the comptroller and the chancellor of the state univer-
35 sity of New York (SUNY) a trust and agency fund, to be known as the
36 "SUNY Stony Brook Eastern Long Island Hospital Affiliation escrow fund"
37 which shall be available without fiscal year limitation.

38 2. The SUNY Stony Brook Eastern Long Island Hospital Affiliation
39 escrow fund shall consist of (i) all monies generated through the activ-
40 ities of Stony Brook at Eastern Long Island Hospital, including but not
41 limited to patient revenue, federal reimbursement, and other associated
42 revenue sources, (ii) rent payments made by Stony Brook University
43 Hospital to the Eastern Long Island Hospital Association under a certain
44 lease agreement approved by the director of the budget, the office of
45 the New York state attorney general and the office of the New York state
46 comptroller and (iii) to the extent permitted under the lease agreement
47 referred to in paragraph (ii) of this subdivision, working capital
48 advances and capital acquisition advances made by Stony Brook University
49 Hospital to the Eastern Long Island Hospital Association.

50 3. Monies of the SUNY Stony Brook Eastern Long Island Hospital Affil-
51 iation escrow fund shall be expended only for the purposes of Stony
52 Brook at Eastern Long Island Hospital.

53 § 2. This act shall take effect immediately.

1

PART V

2 Section 1. The education law is amended by adding a new article 120 to
3 read as follows:

ARTICLE 120NEW YORK STATE FIREARM VIOLENCE RESEARCH

6 Section 5950. New York state firearm violence research institute.

7 § 5950. New York state firearm violence research institute. 1. Insti-
8 tute formation and goals. The New York state firearm violence research
9 institute, hereinafter the "institute", is hereby created within the
10 state university of New York. The purposes of the institute shall
11 include:

12 (a) advising the governor, governmental agencies, the regents, and the
13 legislature on matters relating to firearm violence in New York state;

14 (b) fostering, pursuing and sponsoring collaborative firearm violence
15 research;

16 (c) increasing understanding by establishing and reporting on what is
17 known and what is not known about firearm violence of the state;

18 (d) identifying priority needs for firearm violence research and
19 inventory work within New York that currently are not receiving adequate
20 attention, and identifying public or private entities that are best
21 situated to address such needs, thereby leading to better coordination
22 of firearm violence research efforts in the state;

23 (e) promoting awareness of existing and new sources of firearm
24 violence information and firearm violence while educating elected offi-
25 cial, governmental agencies, and the general public on firearm violence
26 issues through such means as it may determine;

27 (f) organizing and sponsoring meetings on firearm violence topics;

28 (g) encouraging the establishment of networks of collaborating experts
29 engaged in related aspects of firearm violence research;

30 (h) raising sensitivity to firearm violence concerns among state and
31 local government agencies, and serving as a forum for enhanced intera-
32 gency information sharing and cooperation;

33 (i) working on a continuing basis with policymakers in the legislature
34 and state agencies to identify, implement, and evaluate innovative
35 firearm violence prevention policies and programs;

36 (j) recruiting and providing specialized training opportunities for
37 new researchers, including postdoctoral scholars, doctoral students, and
38 undergraduates; and

39 (k) providing copies of their research publications to the legislature
40 and to agencies supplying data used in the conduct of such research as
41 soon as is practicable following publication.

42 2. Research. The institute shall foster, pursue, and sponsor basic,
43 translational, and transformative research, field studies, and all other
44 such activities to research:

45 (a) the nature of firearm violence, including individual and societal
46 determinants of risk for involvement in firearm violence, whether as a
47 victim or a perpetrator;

48 (b) the individual, community, and societal consequences of firearm
49 violence;

50 (c) the prevention and treatment of firearm violence at the individ-
51 ual, community, and societal levels; and

52 (d) the effectiveness of existing laws and policies intended to reduce
53 firearm violence and efforts to promote the responsible ownership and
54 use of firearms.



1 3. Education and information transfer programs. The institute shall
2 foster the collection, transfer, and application of firearm violence
3 information in the state by:

4 (a) fostering access, compatibility, interchange, and synthesis of
5 data about firearm violence maintained by public entities, academic and
6 research institutions, and private organizations;

7 (b) employing advanced technology to coordinate for ease of use of the
8 scattered firearm violence resources of the state; and

9 (c) supporting the preparation and publication of interpretative works
10 that draw upon firearm violence resources.

11 4. Quinquennial reports. The institute shall prepare and submit a
12 report on or before January first, two thousand nineteen and every five
13 years thereafter to the governor and the legislature describing programs
14 undertaken or sponsored by the institute, the status of knowledge
15 regarding the state's firearm violence, and research needs related ther-
16 eto.

17 5. Executive committee. The institute shall be guided by an executive
18 committee. Members of the committee shall be from varying backgrounds
19 with members selected from the scientific community, academic community,
20 as well as from government service. Such committee shall consist of
21 seventeen members including the commissioner, the commissioner of crimi-
22 nal justice services, the commissioner of health, the chancellor of the
23 university or their designees, seven at large members appointed by the
24 governor, one of whom shall be chairperson, two members appointed by the
25 temporary president of the senate, one member appointed by the minority
26 leader of the senate, two members appointed by the speaker of the assem-
27 bly and one member appointed by the minority leader of the assembly.
28 Appointed members shall serve for a term of three years, provided that
29 such members may be reappointed. The executive committee shall:

30 (a) adopt policies, procedures, and criteria governing the programs
31 and operations of the institute;

32 (b) recommend to the governor and legislature appropriate actions to
33 deal with firearm violence within the state;

34 (c) develop and implement the research, education and information
35 transfer programs of the institute;

36 (d) identify proposals for firearm violence research; and

37 (e) meet publicly at least twice a year. The committee shall widely
38 disseminate notice of its meetings at least two weeks prior to each
39 meeting. The commissioners on the executive committee and the chancellor
40 of the university shall aid in such dissemination.

41 6. Scientific working group. The executive committee shall appoint a
42 scientific working group composed of not more than fifteen individuals
43 representing governmental agencies, academic or research institutions,
44 educational organizations, the firearm industry and related non-profit
45 organizations. Members of the scientific working group shall have know-
46 ledge and expertise in firearm violence research and shall serve for a
47 term of three years, provided, however that members may be reappointed
48 for more than one term at the discretion of the executive committee. The
49 scientific working group shall make recommendations to the executive
50 committee with respect to:

51 (a) the identification of priority firearm violence research needs in
52 the state;

53 (b) the development and implementation of the institute's research,
54 education, and information transfer programs; and

55 (c) identification of proposals for firearm violence research.

1 7. Institute director. The institute shall have a director who shall
2 be appointed by the executive committee and shall after appointment be
3 an employee of the state university. The institute director shall serve
4 at the pleasure of the executive committee. The institute director shall
5 serve as chief administrative officer of the institute and provide the
6 necessary support for the executive committee.

7 8. Compensation. The members of the executive committee and the scien-
8 tific working group shall serve without additional compensation,
9 provided however, members of the executive committee representing state
10 agencies may receive reimbursement for their actual and necessary
11 expenses from their respective agencies. Members of the executive
12 committee and scientific working group shall be considered state employ-
13 ees for the purposes of sections seventeen and nineteen of the public
14 officers law.

15 9. Memorandum of understanding. The department, the department of
16 health, the department of motor vehicles, and the division of criminal
17 justice services shall enter into a written memorandum of understanding
18 to facilitate the appropriate implementation of the firearm violence
19 research institute and the goals, responsibilities, and programs estab-
20 lished by this section.

21 § 2. This act shall take effect on the ninetieth day after it shall
22 have become a law.

23

PART W

24 Section 1. Subdivision 1 of section 669-h of the education law, as
25 added by section 1 of part HHH of chapter 59 of the laws of 2017, is
26 amended to read as follows:

27 1. Eligibility. An excelsior scholarship award shall be made to an
28 applicant who: (a) is matriculated in an approved program leading to an
29 undergraduate degree at a New York state public institution of higher
30 education; (b) if enrolled in (i) a public institution of higher educa-
31 tion prior to application, has completed at least thirty combined cred-
32 its per year following the student's start date, or its equivalent,
33 applicable to his or her program or programs of study or (ii) an insti-
34 tution of higher education prior to application, has completed at least
35 thirty combined credits per year following the student's start date, or
36 its equivalent, applicable to his or her program or programs of study
37 and which were accepted upon transfer to a public institution of higher
38 education; (c) enrolls in at least twelve credits per semester and
39 completes at least thirty combined credits per year following the
40 student's start date, or its equivalent, applicable to his or her
41 program or programs of study except in limited circumstances as
42 prescribed by the corporation in regulation. Notwithstanding, in the
43 student's last semester, the student may take at least one course needed
44 to meet his or her graduation requirements and enroll in and complete at
45 least twelve credit hours or its equivalent. For students who are disa-
46 bled as defined by the Americans With Disabilities Act of 1990, 42 USC
47 12101, the corporation shall prescribe rules and regulations that allow
48 applicants who are disabled to be eligible for an award pursuant to this
49 section based on modified criteria; (d) has an adjusted gross income for
50 the qualifying year, as such terms are defined in this subdivision,
51 equal to or less than: (i) one hundred thousand dollars for recipients
52 receiving an award in the two thousand seventeen--two thousand eighteen
53 academic year; (ii) one hundred ten thousand dollars for recipients
54 receiving an award in the two thousand eighteen--two thousand nineteen



1 academic year; and (iii) one hundred twenty-five thousand dollars for
2 recipients receiving an award in the two thousand nineteen--two thousand
3 twenty academic year and thereafter; and (e) complies with the applica-
4 ble provisions of this article and all requirements promulgated by the
5 corporation for the administration of the program. Adjusted gross income
6 shall be the total of the combined adjusted gross income of the appli-
7 cant and the applicant's parents or the applicant and the applicant's
8 spouse, if married[,]. Qualifying year shall be the adjusted gross
9 income as reported on the federal income tax return, or as otherwise
10 obtained by the corporation, for the calendar year coinciding with the
11 tax year established by the U.S. department of education to qualify
12 applicants for federal student financial aid programs authorized by
13 Title IV of the Higher Education Act of nineteen hundred sixty-five, as
14 amended, for the school year in which application for assistance is
15 made. Provided, however, if an applicant demonstrates to the corpo-
16 ration that there has been a change in such applicant's adjusted gross
17 income in the year subsequent to the qualifying year which would qualify
18 such applicant for an award, the corporation shall review and make a
19 determination as to whether such applicant meets the requirement set
20 forth in paragraph (d) of this subdivision based on such year.
21 § 2. This act shall take effect immediately.

22

PART X

23 Section 1. The education law is amended by adding a new section 669-i
24 to read as follows:

25 § 669-i. Martin Luther King, Jr. scholarship. 1. Purpose. The New York
26 state Martin Luther King, Jr. scholarship is hereby established for the
27 purpose of granting awards to assist students with the expenses of non-
28 tuition costs and fees associated with attending an institution of high-
29 er education in the state of New York.

30 2. Eligibility. A Martin Luther King, Jr. scholarship award shall be
31 made to an applicant who is eligible for an award under the tuition
32 assistance program as set forth in section six hundred sixty-seven of
33 this subpart.

34 3. Amount. Within amounts appropriated therefor and based on the
35 availability of funds, awards shall be granted beginning with the two-
36 thousand eighteen--two thousand nineteen academic year and thereafter to
37 applicants that the corporation has determined are eligible to receive
38 such awards. The corporation shall grant an annual award in the amount
39 of three thousand five hundred dollars to each applicant.

40 4. Qualified non-tuition costs. An award pursuant to this section
41 shall be applied toward a recipient's non-tuition costs and fees. For
42 the purposes of this section non-tuition costs shall include room and
43 board, transportation expenses, textbooks and instructional materials,
44 technology and electronic devices, and personal expenses including
45 clothing, food, or medical, vision, and dental insurance.

46 5. Duration. An eligible recipient shall not receive an award for more
47 than four academic years of full-time undergraduate study or five
48 academic years if the program of study normally requires five years. An
49 eligible recipient enrolled in an eligible two-year program of study
50 shall not receive an award for more than two academic years.

51 6. Recipient selection. The president may establish: (a) an applica-
52 tion deadline and (b) a method of selecting recipients in accordance
53 with the demonstrated financial needs if in any given year there are
54 insufficient funds to cover the needs of all applicants as determined by



1 the corporation, provided that priority shall be given to eligible
2 applicants who have received an award pursuant to this section in a
3 prior year.

4 7. Other awards. Recipients shall be eligible to apply for other
5 awards under this article. Awards pursuant to this section shall not be
6 included within the calculation for determining a student's eligibility
7 or award amount for an excelsior scholarship pursuant to section six
8 hundred sixty-nine-h of this subpart or an enhanced tuition award pursu-
9 ant to section six hundred sixty-seven-d of this subpart.

10 8. Rules and regulations. The corporation is authorized to promulgate
11 rules and regulations, and may promulgate emergency regulations, neces-
12 sary for the implementation of the provisions of this section.

13 § 2. This section shall take effect immediately.

14

PART Y

15 Section 1. Paragraphs a and d of subdivision 1 of section 667-d of the
16 education law, as added by section 1 of part III of chapter 59 of the
17 laws of 2017, are amended to read as follows:

18 a. Establishment. Enhanced tuition awards are available for students
19 who are enrolled in approved programs in private [not-for-profit] degree
20 granting institutions of higher education except those institutions set
21 forth in paragraph b of subdivision four of section six hundred sixty-
22 one of this part and who demonstrate the ability to complete such cours-
23 es, in accordance with standards established by the commissioner;
24 provided, that, no award shall exceed one hundred percent of the amount
25 of tuition charged.

26 d. Credit requirements. An award shall be made to an applicant who:
27 (i) if enrolled in (A) a private degree granting institution of higher
28 education prior to application, has completed at least thirty combined
29 credits per year following the student's start date, or its equivalent,
30 applicable to his or her program or programs of study or (B) a public
31 degree granting institution of higher education prior to application,
32 has completed at least thirty combined credits per year following the
33 student's start date, or its equivalent, applicable to his or her
34 program or programs of study and which were accepted upon transfer to a
35 private degree granting institution of higher education; (ii) enrolls in
36 at least twelve credits per semester and completes at least thirty
37 combined credits per year following the student's start date, or its
38 equivalent, applicable to his or her program or programs of study except
39 in limited circumstances as prescribed by the corporation in regulation.
40 Notwithstanding, in the student's last semester, the student may take at
41 least one course needed to meet his or her graduation requirements and
42 enroll in and complete at least twelve credit hours or its equivalent.
43 For students who are disabled as defined by the Americans With Disabili-
44 ties Act of 1990, 42 USC 12101, the corporation shall prescribe rules
45 and regulations that allow applicants who are disabled to be eligible
46 for an award pursuant to this section based on modified criteria.

47 § 2. This act shall take effect immediately.

48

PART Z

49 Section 1. Paragraph (d) of subdivision 1 of section 332 of the social
50 services law, as amended by section 148 of part B of chapter 436 of the
51 laws of 1997, is amended to read as follows:



1 (d) a parent or other relative of a child who is personally providing
2 care for such child under one year of age [for a maximum period of
3 twelve months, only three months of which shall be attributable to any
4 one child, except as otherwise extended up to the twelve month period by
5 the social services official];

6 § 2. Subdivision 2 of section 410-x of the social services law, as
7 amended by chapter 416 of the laws of 2000, is amended to read as
8 follows:

9 2. (a) A social services district may establish priorities for the
10 families which will be eligible to receive funding; provided that the
11 priorities provide that eligible families will receive equitable access
12 to child care assistance funds to the extent that these funds are avail-
13 able.

14 (b) A social services district shall set forth its priorities for
15 child care assistance in the district's consolidated services plan. The
16 commissioner of the office of children and family services shall not
17 approve any plan that does not provide for equitable access to child
18 care assistance funds.

19 (c) A social services district shall be authorized to set aside
20 portions of its block grant allocation to serve one or more of its
21 priority groups and/or to discontinue funding to families with lower
22 priorities in order to serve families with higher priorities; provided
23 that the method of disbursement to priority groups provides that eligi-
24 ble families within a priority group will receive equitable access to
25 child care assistance funds to the extent that these funds are avail-
26 able.

27 (d) Notwithstanding any other provision of law to the contrary, the
28 commissioner in any social services district that does not have suffi-
29 cient funding to serve all eligible working families under two hundred
30 percent of the state income standard, shall offer the twelve month work
31 exemption provided in paragraph (d) of subdivision one of section three
32 hundred thirty-two of this chapter, to all parents or other relatives in
33 receipt of public assistance who are personally providing care for a
34 child under one year of age regardless of whether such parent or other
35 relative has previously been offered an exemption under such section
36 three hundred thirty-two. This section shall not apply to individuals
37 who:

38 (i) solely participate in work activities that provide earned income;
39 or

40 (ii) participate in a combination of work activities; for the portion
41 of work activities that provide earned income.

42 (e) In the event that a social services district must discontinue
43 funding to a priority group it shall notify the office of children and
44 family services within ten days of such action, identifying the partic-
45 ular group affected. In the event that funding is restored, the social
46 services district shall notify the office of children and family
47 services within ten days of such restoration.

48 (f) Each social services district shall collect and submit to the
49 commissioner of the office of children and family services in a manner
50 to be specified by the commissioner of the office of children and family
51 services information concerning the disbursement of child care assist-
52 ance funds showing geographic distribution of children receiving assist-
53 ance within the district, the number of working families who were other-
54 wise eligible for child care assistance but who were denied because the
55 district lacked sufficient funding to serve all eligible families and
56 the number and age of children who could not be served as a result.



1 [(e)] (g) The commissioner of the office of children and family
 2 services shall submit a report to the governor, temporary president of
 3 the senate and the speaker of the assembly on or before August thirty-
 4 first[, two thousand one] of every year concerning the implementation of
 5 this section. This report shall include information concerning the
 6 disbursement of child care assistance funds showing geographic distrib-
 7 ution of children receiving assistance within the state. Beginning
 8 August thirty-first, one year after the chapter of the laws of two thou-
 9 sand eighteen that amended this subdivision shall take effect, and each
 10 subsequent report thereafter, such report shall also:

11 (i) identify the counties that have discontinued or restored funding
 12 to priority groups, as set forth in subdivision (e) of this section;

13 (ii) list the priority groups affected;

14 (iii) provide for each county for each of the twelve months covered by
 15 this report the number of working families who were otherwise eligible
 16 for child care assistance but who were denied because the district
 17 lacked sufficient funding to serve all eligible families; and

18 (iv) the number and age of children who could not be served as a
 19 result.

20 § 3. This act shall take effect April 1, 2018.

21

PART AA

22 Section 1. Section 54-m of the state finance law is REPEALED and a new
 23 section 54-m is added to read as follows:

24 § 54-m. Local share requirements associated with increasing the age of
 25 juvenile jurisdiction above fifteen years of age. Notwithstanding any
 26 other provision of law to the contrary, counties and the city of New
 27 York shall not be required to contribute a local share of eligible
 28 expenditures that would not have been incurred absent the provisions of
 29 chapter fifty-nine of the laws of two thousand seventeen that increased
 30 the age of juvenile jurisdiction above fifteen years of age.

31 § 2. Section 104-a of part WWW of chapter 59 of the laws of 2017,
 32 relating to proceedings against juvenile and adolescent offenders,
 33 relating to costs associated with the transport of youth is REPEALED.

34 § 3. Notwithstanding any other provision of law to the contrary, state
 35 funding shall be available for one hundred percent of a county's costs
 36 associated with transport of youth by the applicable county sheriff that
 37 would not otherwise have occurred absent the provisions of chapter 59 of
 38 the laws of 2017 that increased the age of juvenile jurisdiction above
 39 fifteen years of age.

40 § 4. This act shall take effect immediately provided:

41 (a) section one of this act shall take effect April 1, 2018; and

42 (b) section three of this act shall be deemed to be in full force and
 43 effect on and after April 1, 2017.

44

PART BB

45 Section 1. Subdivision 1 of section 669-e of the education law, as
 46 added by section 1 of part G of chapter 56 of the laws of 2014, is
 47 amended to read as follows:

48 1. Undergraduate students who are matriculated in an approved under-
 49 graduate program leading to a career in science, technology, engineering
 50 or mathematics at a New York state [public institution of higher educa-
 51 tion] college as defined in subdivision two of section six hundred one
 52 of this title shall be eligible for an award under this section,



1 provided the applicant: (a) graduates from a high school located in New
2 York state during or after the two thousand thirteen--fourteen school
3 year; and (b) graduates within the top ten percent of his or her high
4 school class; and (c) enrolls in full-time study each term beginning in
5 the fall term after his or her high school graduation in an approved
6 undergraduate program in science, technology, engineering or mathemat-
7 ics, as defined by the corporation, at a New York state [public institu-
8 tion of higher education] college as defined in subdivision two of
9 section six hundred one of this title; and (d) signs a contract with the
10 corporation agreeing that his or her award will be converted to a
11 student loan in the event the student fails to comply with the terms of
12 this program as set forth in subdivision four of this section; and (e)
13 complies with the applicable provisions of this article and all require-
14 ments promulgated by the corporation for the administration of the
15 program.

16 § 2. This act shall take effect immediately.

17

PART CC

18 Section 1. Paragraph h of subdivision 2 of section 355 of the educa-
19 tion law is amended by adding a new subparagraph 3-a to read as follows:

20 (3-a) Upon a formal declaration of a disaster in accordance with the
21 Robert T. Stafford Disaster Relief and Emergency Assistance Act, the
22 state university trustees shall be authorized to set a reduced rate of
23 tuition and/or fees for residents of the area impacted by the declara-
24 tion provided that such reduced rate of tuition and fees is no less than
25 that imposed for students who are residents of the state.

26 § 2. Section 6305 of the education law is amended by adding a new
27 subdivision 8-a to read as follows:

28 8-a. Upon a formal declaration of a disaster in accordance with the
29 Robert T. Stafford Disaster Relief and Emergency Assistance Act, a
30 community college shall be authorized to set a reduced rate of tuition
31 and/or fees for residents of the area impacted by the declaration
32 provided that such reduced rate of tuition and fees is no less than the
33 tuition rate charged for residents as approved by the state university
34 trustees.

35 § 3. This act shall take effect immediately.

36

PART DD

37 Section 1. The social services law is amended by adding a new section
38 131-bb to read as follows:

39 § 131-bb. Homeless rental supplement pilot program. 1. Establishment.
40 Notwithstanding any other provision of law to the contrary, participat-
41 ing local social services districts shall establish a homeless rental
42 supplement pilot program for eligible individuals and families in
43 accordance with this section.

44 2. Homeless rental supplement. (a) On and after October first, two
45 thousand eighteen, participating local social services districts shall,
46 within amounts appropriated therefor, provide a supplement to eligible
47 individuals and families as defined in subdivision three of this
48 section, that, in addition to their shelter allowance, is equal to one
49 hundred percent of the fair market rent in the district, as established
50 by the two thousand eighteen federal department of housing and urban
51 development, for the particular household composition. Provided however,
52 nothing herein shall require a participating local social services



1 district to provide a shelter supplement that is more than the actual
2 cost of rent. The shelter supplement shall be issued by the local social
3 services district directly to the landlord or vendor and shall not be
4 considered as part of the standard of need as defined in paragraph (b)
5 of subdivision ten of section one hundred thirty-one-a of this title.

6 (b) Individuals not in receipt of public assistance, residing in a
7 household that is benefiting from such supplement shall contribute thir-
8 ty percent of their gross income, or their pro rata share of the rent,
9 whichever is less. Minor children without income shall not be counted in
10 the pro rata share equation. In addition, the income of minor children
11 shall not be considered part of the gross income.

12 3. Eligibility. For the purposes of this section, "eligible individ-
13 uals and families" shall mean individuals and families residing in a
14 participating local social services district who are eligible for public
15 assistance and are either homeless and lack a fixed, regular, and
16 adequate nighttime residence, including but not limited to, the formerly
17 incarcerated returning to the community who lack such residence, or are
18 at imminent risk of becoming homeless. A participating local social
19 services district may establish priority groups for eligible individuals
20 and families depending on the need within the local social services
21 district.

22 4. Supplement availability. Participating local social services
23 districts shall provide the supplement to eligible individuals and fami-
24 lies for a period of three years, provided however, that if such indi-
25 viduals or families are no longer eligible for public assistance, the
26 local social services district shall continue to provide the supplement
27 for one year from the date of such determination of ineligibility, so
28 long as the income of such individual or family does not exceed two
29 hundred percent of the federal poverty level.

30 5. Sanction status. The supplement shall not be affected by a recipi-
31 ent's sanction status.

32 6. Report. (a) Each participating local social services district shall
33 contract with a not-for-profit agency with previous experience interact-
34 ing with and assisting homeless individuals and families to evaluate the
35 homeless rental supplement pilot program. Such reports shall identify
36 and evaluate, to the extent practicable, the number of individuals and
37 families who received a supplement; factors contributing to the partic-
38 ipants' homelessness; whether any priority groups were identified to be
39 served and the reason for such prioritization; the program's effective-
40 ness in keeping individuals and families receiving the supplement stably
41 housed; estimated avoided costs from such stability, including, but not
42 limited to avoided costs in temporary shelter; improved outcomes for the
43 individuals and families receiving the supplement as it pertains to
44 education and attendance at school, where applicable, job retention, and
45 health, and general well-being of individuals and families receiving the
46 supplement, compared to similarly situated individuals not in receipt of
47 the supplement; and any other information the contracted agencies deem
48 relevant and necessary for a comprehensive evaluation of the homeless
49 rental supplement.

50 (b) Such contracted agencies shall issue an initial report on January
51 first, two thousand twenty and a final report on January first, two
52 thousand twenty-two to the governor, the speaker of the assembly, the
53 temporary president of the senate, the chairs of the senate and assembly
54 social services committees, the chairs of the assembly ways and means
55 committee and the senate finance committee.

1 § 2. This act shall take effect October 1, 2018. Effective immediate-
2 ly, the addition, amendment and/or repeal of any rule or regulation
3 necessary for the implementation of this act on its effective date are
4 authorized to be made and completed by the commissioner of the office of
5 temporary and disability assistance on or before such date.

6

PART EE

7 Section 1. Section 131 of the social services law is amended by adding
8 a new subdivision 21 to read as follows:

9 21. (a)(i) Notwithstanding any other provision of law, rule or regu-
10 lation to the contrary, a local social services district with a popu-
11 lation of five million or more shall offer a savings plan approved by
12 the office of temporary and disability assistance, which individuals may
13 contribute to in lieu of applying a portion of a temporary housing
14 assistance recipient's earned income that, but for the other provisions
15 of this subdivision, would be applied to reduce the need for the shelter
16 component of temporary housing assistance provided in a temporary emer-
17 gency shelter.

18 (ii) Individuals or families in receipt of temporary housing assist-
19 ance who are participating in a plan as established by this subdivision
20 shall not be denied or have their temporary housing assistance discon-
21 tinued if they fail to immediately participate in such plan.

22 (iii) Any earned income contributed by an individual or family in
23 receipt of temporary housing assistance to a savings plan established by
24 this subdivision, shall be payable only to such individual or family and
25 may be used to facilitate their transition to, or stabilize their resi-
26 dence in, permanent housing. Such income shall be considered exempt as
27 income or a resource until the twelfth month following the month in
28 which the individual or family ceases to receive temporary housing
29 assistance in a temporary emergency shelter.

30 (b) Any other local social services district may implement a plan,
31 upon approval from the office of temporary and disability assistance
32 that would assist homeless individuals or families receiving temporary
33 housing assistance to facilitate their transition to, or stabilize their
34 residence in, permanent housing. Provided that any plan established by a
35 local social services district shall, at a minimum include the elements
36 in subparagraphs (ii) and (iii) of paragraph (a) of this subdivision.

37 (c) Any local social services district implementing a plan pursuant to
38 this subdivision shall be deemed in compliance with section one hundred
39 thirty-one-a of this title for reimbursement of expenditures made for
40 temporary housing assistance, provided such local social services
41 district is implementing the plan fully in accordance with the
42 provisions of this subdivision.

43 § 2. This act shall take effect April 1, 2018.

44

PART FF

45 Section 1. Subdivision 1 of section 2851 of the education law, as
46 amended by chapter 101 of the laws of 2010, is amended to read as
47 follows:

48 1. An application to establish a charter school may be submitted by
49 teachers, parents, school administrators, community residents or any
50 combination thereof. Such application may be filed in conjunction with
51 a college, university, museum, educational institution, not-for-profit
52 corporation exempt from taxation under paragraph 3 of subsection (c) of

1 section 501 of the internal revenue code or for-profit business or
2 corporate entity authorized to do business in New York state. Provided
3 however, for-profit business or corporate entities shall not be eligible
4 to submit an application to establish a charter school pursuant to
5 subdivision nine-a of section twenty-eight hundred fifty-two of this
6 article, or operate or manage a charter school for a charter issued
7 pursuant to subdivision nine-a of section twenty-eight hundred fifty-two
8 of this article. For charter schools established in conjunction with a
9 for-profit or not-for-profit business or corporate entity, the charter
10 shall specify the extent of the entity's participation in the management
11 and operation of the school.

12 § 2. Paragraph (h) of subdivision 2 of section 2851 of the education
13 law, as added by chapter 4 of the laws of 1998, is amended to read as
14 follows:

15 (h) The rules and procedures by which students may be disciplined[,
16 including but not limited to expulsion or suspension from the school,
17 which shall be consistent with the requirements of due process and with
18 federal laws and regulations governing the placement of students with
19 disabilities] shall be in accordance with the provisions of subdivisions
20 two-a, three and three-a of section thirty-two hundred fourteen of this
21 chapter. The charters of all charter schools that were issued on or
22 before July first, two thousand eighteen shall be deemed amended to
23 require compliance with the procedures set forth in subdivisions two-a,
24 three and three-a of section thirty-two hundred fourteen of this
25 chapter.

26 § 3. Paragraph (e) of subdivision 4 of section 2851 of the education
27 law, as added by chapter 101 of the laws of 2010, is amended to read as
28 follows:

29 (e) The means by which the charter school will meet or exceed the
30 enrollment [and retention targets as prescribed by the board of regents
31 or the board of trustees of the state university of New York, as appli-
32 cable, of students with disabilities, English language learners, and
33 students who are eligible applicants for the free and reduced price
34 lunch program which shall be considered by the charter entity prior to
35 approving such charter school's application for renewal. When developing
36 such targets, the board of regents and the board of trustees of the
37 state university of New York shall ensure (1) that such enrollment
38 targets are comparable to the enrollment figures of such categories of
39 students attending the public schools within the school district, or in
40 a city school district in a city having a population of one million or
41 more inhabitants, the community school district, in which the charter
42 school is located; and (2) that such retention targets are comparable to
43 the rate of retention of such categories of students attending the
44 public schools within the school district, or in a city school district
45 in a city having a population of one million or more inhabitants, the
46 community school district, in which the proposed charter school would be
47 located] requirements of subparagraph (ii) of paragraph (b) of subdivi-
48 sion two of section two thousand eight hundred fifty-four of this arti-
49 cle.

50 Such renewal application shall be submitted to the charter entity no
51 sooner than one calendar year prior to the expiration of the charter and
52 no later than six months prior to the expiration of the charter;
53 provided, however, that the charter entity may waive such deadline for
54 good cause shown.

1 § 4. Subdivision 2 of section 2852 of the education law, as amended by
2 section 2 of part D-2 of chapter 57 of the laws of 2007, is amended to
3 read as follows:

4 2. An application for a charter school shall not be approved unless
5 the charter entity finds in writing that:

6 (a) the charter school described in the application meets the require-
7 ments set out in this article and all other applicable laws, rules and
8 regulations;

9 (b) the applicant can demonstrate the ability to operate the school in
10 an educationally and fiscally sound manner;

11 (c) granting the application is likely to improve student learning and
12 achievement and materially further the purposes set out in subdivision
13 two of section twenty-eight hundred fifty of this article; and

14 (d) in a school district where the total enrollment of resident
15 students attending charter schools in the base year is greater than five
16 percent of the total public school enrollment of the school district in
17 the base year (i) granting the application would have a significant
18 educational benefit to the students expected to attend the proposed
19 charter school [or] and (ii) the school district in which the charter
20 school will be located consents to such application.

21 In reviewing applications, the charter entity is encouraged to give
22 preference to applications that demonstrate the capability to provide
23 comprehensive learning experiences to students identified by the appli-
24 cants as at risk of academic failure. Upon making a determination of
25 whether an application for a charter school shall be approved, the char-
26 ter entity shall provide detailed written findings related to each of
27 the requirements in this subdivision, which shall be made available to
28 the charter school applicant, board of regents and the school district
29 in which the proposed charter school would be located.

30 § 5. Subdivision 5 of section 2852 of the education law, as amended by
31 chapter 101 of the laws of 2010, is amended to read as follows:

32 5. (a) Upon approval of an application by a charter entity, the appli-
33 cant and charter entity shall enter into a proposed agreement allowing
34 the applicants to organize and operate a charter school. Such written
35 agreement, known as the charter, shall include [(a)] (i) the information
36 required by subdivision two of section twenty-eight hundred fifty-one of
37 this article, as modified or supplemented during the approval process,
38 [(b)] (ii) in the case of charters to be issued pursuant to subdivision
39 nine-a of this section, information required by such subdivision, [(c)]
40 (iii) a provision prohibiting the charter school from entering into,
41 renewing or extending any agreement with a for-profit or not-for-profit
42 business or other corporate entity for the administration, management or
43 operation of the charter school unless the agreement requires such enti-
44 ty to provide state and local officers having the power to audit the
45 charter school pursuant to this article with access to the entity's
46 records relating to the costs of, and fees for, providing such services
47 to the school, (iv) any other terms or conditions required by applicable
48 laws, rules and regulations, and [(d)] any other terms or conditions,
49 not inconsistent with law, agreed upon by the applicant and the charter
50 entity. In addition, the charter shall include the specific commitments
51 of the charter entity relating to its obligations to oversee and super-
52 vise the charter school. Within five days after entering into a proposed
53 charter, the charter entity other than the board of regents shall submit
54 to the board of regents a copy of the charter, the application and
55 supporting documentation for final approval and issuance by the board of

1 regents in accordance with subdivisions five-a and five-b of this
2 section.

3 (b) No charter school having a charter that was issued and approved on
4 or before the effective date of this paragraph shall enter into, renew
5 or extend the duration of any agreement with a for-profit or not-for-
6 profit business or corporate entity for the administration, management
7 or operation of the charter school unless the agreement requires such
8 entity to provide state and local officers having the power to audit the
9 charter school pursuant to this article with access to the entity's
10 records relating to the costs of, and fees for, providing such services
11 to the school. Any agreement entered into, renewed or extended in
12 violation of this section shall be null, void and wholly unenforceable,
13 and a violation of this section shall be grounds for revocation or
14 termination of a charter pursuant to section twenty-eight hundred
15 fifty-five of this article.

16 § 6. Subparagraph (i) of paragraph (b) of subdivision 9-a of section
17 2852 of the education law, as amended by section 2 of subpart A of part
18 B of chapter 20 of the laws of 2015, is amended to read as follows:

19 (i) that the proposed charter school would meet or exceed the enroll-
20 ment [and retention targets, as prescribed by the board of regents or
21 the board of trustees of the state university of New York, as applica-
22 ble, of students with disabilities, English language learners, and
23 students who are eligible applicants for the free and reduced price
24 lunch program. When developing such targets, the board of regents and
25 the board of trustees of the state university of New York, shall ensure
26 (1) that such enrollment targets are comparable to the enrollment
27 figures of such categories of students attending the public schools
28 within the school district, or in a city school district in a city
29 having a population of one million or more inhabitants, the community
30 school district, in which the proposed charter school would be located;
31 and (2) that such retention targets are comparable to the rate of
32 retention of such categories of students attending the public schools
33 within the school district, or in a city school district in a city
34 having a population of one million or more inhabitants, the community
35 school district, in which the proposed charter school would be located]
36 requirements of subparagraph (ii) of paragraph (b) of subdivision two of
37 section two thousand eight hundred fifty-four of this article; and

38 § 7. Section 2853 of the education law is amended by adding a new
39 subdivision 2-b to read as follows:

40 2-b. In any case where a charter school enters into, renews or extends
41 any agreement with a for-profit or not-for-profit business or corporate
42 entity for the administration, management or operation of a charter
43 school, the charter school is required to have a formal contract with
44 such entity. Any such contract shall be reviewed and approved by the
45 charter entity.

46 § 8. Paragraph (a) of subdivision 3 of section 2853 of the education
47 law, as amended by chapter 101 of the laws of 2010, is amended to read
48 as follows:

49 (a) A charter school may be located in part of an existing public
50 school building, in space provided on a private work site, in a public
51 building or in any other suitable location. Provided, however, before a
52 charter school may be located in part of an existing public school
53 building, the charter entity shall provide notice to the parents or
54 guardians of the students then enrolled in the existing school building
55 and shall hold a public hearing for purposes of discussing the location
56 of the charter school. All contracts entered into by such charter

1 school; any education corporation organized to operate a charter school;
2 any public entity including the state, a public benefit corporation,
3 municipal corporation; or any private entity acting on behalf of any of
4 these entities, involving the construction, reconstruction, demolition,
5 excavation, rehabilitation, repair, renovation, or alteration of any
6 charter school facility shall be subject to the requirements of section
7 one hundred three of the general municipal law and articles eight and
8 nine of the labor law. A charter school may own, lease or rent its
9 space.

10 § 9. Paragraph (c) of subdivision 4 of section 2853 of the education
11 law, as amended by section 1 of part BB of chapter 56 of the laws of
12 2014, is amended to read as follows:

13 (c) A charter school may contract with the governing body of a public
14 college or university for the use of a school building and grounds, the
15 operation and maintenance thereof. Any such contract shall provide such
16 services or facilities at [cost] fair market value. [A school district
17 shall permit any charter school granted approval to co-locate, to use
18 such services and facilities without cost.]

19 § 10. Section 2853 of the education law is amended by adding a new
20 subdivision 5 to read as follows:

21 5. Disclosure. (a) A charter school shall report:

22 (i) by the fifteenth day of February of each calendar year, the name,
23 address and total compensation paid to each person serving as a charter
24 executive in the previous calendar year; and

25 (ii) within thirty days of receipt, the name and address of any indi-
26 vidual, corporation, association, or entity providing a contribution,
27 gift, loan, advance or deposit of one thousand dollars or more to the
28 charter school or charter affiliate and the amount of each such contrib-
29 ution, gift, loan, advance or deposit.

30 (b) If a charter school either alone or together with any charter
31 affiliate has any direct or indirect interest in, or may be entitled to
32 receive any beneficial interest in, any asset or assets of any kind or
33 nature, alone or together, with a value in excess of one million
34 dollars, the charter school shall:

35 (i) ensure that the financial statements of the charter school and
36 each charter affiliate conform to and are reported according to general-
37 ly accepted accounting principles; and

38 (ii) ensure that the financial statements of the charter school and
39 any charter affiliate are audited in accordance with generally accepted
40 auditing standards by an independent certified public accountant or an
41 independent public accountant, that such audit receives an "unqualified"
42 opinion as to, among other things, compliance with generally accepted
43 accounting principles and that such audit is completed within nine
44 months of the conclusion of the fiscal year.

45 (c) If a charter school either alone or together with any charter
46 affiliate has any direct or indirect interest in, or may be entitled to
47 receive any beneficial interest in, any asset or assets of any kind or
48 nature, alone or together, with a value in excess of one million
49 dollars, it shall also report by the fifteenth day of February of each
50 ensuing calendar year the following:

51 (i) the most recent audited financial statements of the charter school
52 and any charter affiliate which shall conform to and be reported accord-
53 ing to generally accepted accounting principles;

54 (ii) the most recent auditor's report on the financial statements of
55 the charter school and any charter affiliate;

1 (iii) the "unqualified" opinion received from the auditor of the most
2 recent financial statements as to, among other things, compliance with
3 generally accepted accounting principles; and

4 (iv) any compensation or remuneration, whether paid or given, includ-
5 ing but not limited to salary, bonus, and deferred compensation and any
6 benefit having monetary value, including but not limited to, perqui-
7 sites, fringe benefits, employer contributions to defined contribution
8 retirement plans and other retirement or severance benefits received by
9 a charter executive from any source.

10 (d)(i) Each report required by this subdivision shall be accompanied
11 by a statement, under oath, by the chairperson of the school's board of
12 trustees or other appropriate member of the board of trustees, that,
13 after the due inquiry, the reports are true and correct to the best of
14 his or her knowledge and have been provided to each member of the
15 school's board of trustees.

16 (ii) A charter school to which paragraphs (b) and (c) of this subdivi-
17 sion do not apply shall, by the fifteenth day of February of each calen-
18 dar year, submit a statement as part of its report pursuant to subpara-
19 graph (ii) of paragraph (a) of this subdivision, under oath, by the
20 chairperson of the school's board of trustees or other appropriate
21 member of the board of trustees, that, after the due inquiry, the char-
22 ter school either alone or together with any charter affiliate does not
23 have any direct or indirect interest in or may be entitled to receive
24 any beneficial interest in any asset or assets of any kind or nature,
25 alone or together, with a value in excess of one million dollars.

26 (e) Any report required pursuant to this subdivision shall be made to
27 the board of regents, the school's charter entity, and the comptroller
28 of the city of New York for charter schools located in New York city and
29 the comptroller of the state of New York for charter schools located
30 outside of the city of New York. The commissioner shall ensure that such
31 report is made publicly available via the department's official internet
32 website within five days of its receipt.

33 (f) A charter school's failure to comply with the provisions of this
34 subdivision shall be a very significant factor in determining whether
35 the charter entity or the board of regents terminates the school's char-
36 ter.

37 (g) As used in this subdivision:

38 (i) "total compensation" shall include: (A) any compensation or remun-
39 eration, whether paid or given, by or on behalf of the charter school or
40 any charter affiliate, for services rendered to, on behalf of, or at the
41 request of the charter school, including but not limited to salary,
42 bonus, and deferred compensation and (B) any benefit having monetary
43 value provided by or on behalf of the charter school or any charter
44 affiliate, including but not limited to, perquisites, fringe benefits,
45 employer contributions to defined contribution retirement plans and
46 other retirement or severance benefits.

47 (ii) "charter affiliate" means: (A) any entity that is, directly or
48 indirectly, controlled by, in control of, or under common control with
49 the charter school or (B) any entity or affiliate thereof that provides
50 management, fundraising, or other administrative support services to the
51 charter school.

52 (iii) "charter executive" means: (A) an officer, director, trustee,
53 consultant, supervisory employee of a charter school or charter affil-
54 iate or (B) anyone who exerts operational or managerial influence or
55 control over the school including, but not limited to, influence or
56 control over the school through a charter management company.

1 § 11. Section 2853 of the education law is amended by adding a new
2 subdivision 6 to read as follows:

3 6. Executive compensation. (a) No charter school shall provide any
4 compensation to any individual who is also an officer, director, trus-
5 tee, consultant, or employee of a charter affiliate or to any individual
6 who exerts operational or managerial influence or control over the
7 school through a charter affiliate.

8 (b) (i) No charter school or charter affiliate shall permit the total
9 compensation received by a charter executive to be greater than one
10 hundred ninety-nine thousand dollars per annum, including not only state
11 funds and state-authorized payments but also any other sources of fund-
12 ing, and greater than the seventy-fifth percentile of that compensation
13 provided to charter executives of other charter schools and charter
14 affiliates within the same or comparable geographic area as established
15 by a compensation survey identified, provided, or recognized by the
16 commissioner and the director of the division of the budget.

17 (ii) If the commissioner and the director of the division of the budg-
18 et find good cause after considering the factors set forth in subpara-
19 graph (iv) of this paragraph, a waiver of the limit on total compen-
20 sation that a charter executive may receive may be granted, provided,
21 however, that in no event shall the total compensation exceed one
22 hundred and fifty percent of Level I of the federal government's Rates
23 of Basic Pay for the Executive Schedule promulgated by the United States
24 Office of Personnel Management.

25 (iii) The application for a waiver must be filed no later than the
26 fifteenth day of February of the year for which the waiver is sought.
27 The application shall be transmitted in the manner and form specified by
28 the commissioner and the director of the division of the budget. A waiv-
29 er may be only for the single calendar year in which it is granted.

30 (iv) The following factors, in addition to any other deemed relevant
31 by the commissioner and the director of the division of the budget,
32 shall be considered in the determination of whether good cause exists to
33 grant a waiver:

34 (A) the extent to which the executive compensation that is the subject
35 of the waiver request is comparable to that given to comparable charter
36 executives of charter schools or charter affiliates of the same size and
37 within the same or comparable geographic area;

38 (B) the extent to which the charter school would be unable to provide
39 educational services at the same levels of quality and availability
40 without a waiver of the limit on total compensation that a charter exec-
41 utive may receive;

42 (C) the nature, size, and complexity of the charter school or charter
43 affiliate's operations;

44 (D) the charter school or charter affiliate's review and approval
45 process for the total compensation that is the subject of the waiver,
46 including whether such process involved a review and approval by the
47 board of trustees of the school, whether such review was conducted by at
48 least two independent directors or independent members of the board of
49 trustees, whether such review included an assessment of comparability
50 data including a compensation survey, and a contemporaneous substanti-
51 ation of the deliberation and decision to approve the total compen-
52 sation;

53 (E) the qualifications and experience possessed by or required for the
54 charter executive's position; and

55 (F) the charter school or charter affiliate's efforts, if any, to
56 secure a charter executive with the same levels of experience, exper-

1 tise, and skills for the position of the charter executive at lower
2 levels of compensation.

3 (v) To be considered, an application for such a waiver shall comply
4 with this paragraph in its entirety.

5 (vi) Unless additional information has been requested but not received
6 from the charter school or charter affiliate, a decision on a timely
7 submitted waiver application shall be provided no later than sixty
8 calendar days after submission of the application.

9 (vii) If granted, a waiver to a charter executive shall remain in
10 effect for the calendar year it is issued in, but shall be deemed
11 revoked if:

12 (A) the total compensation that is the subject of the waiver
13 increases; or

14 (B) notice of revocation is provided to the charter executive at the
15 discretion of the department as a result of additional relevant circum-
16 stances.

17 (viii) Information provided in connection with a waiver application
18 shall be subject to public disclosure pursuant to article six of the
19 public officers law.

20 (ix) Where a waiver is granted, the commissioner shall make it public-
21 ly available via the department's official internet website within five
22 days.

23 (c) No charter school shall use funds received pursuant to section
24 twenty-eight hundred fifty-six of this article or allow a charter affil-
25 iate to use funds received from the charter school to provide a total
26 compensation to a charter executive greater than one hundred ninety-nine
27 thousand dollars per annum.

28 (d) Failure to comply with the provisions of this subdivision shall
29 result in the assessment of a penalty against the payor in an amount
30 equal to the amount of compensation paid or provided in violation of
31 this subdivision.

32 (e) A charter school's failure to comply with the provisions of this
33 subdivision shall be a very significant factor in determining whether
34 the charter entity or the board of regents terminates the school's char-
35 ter.

36 (f) As used in this subdivision:

37 (i) "total compensation" shall include: (A) any compensation or remun-
38 eration, whether paid or given, by or on behalf of the charter school or
39 any charter affiliate, for services rendered to, on behalf of, or at the
40 request of the charter school, including but not limited to salary,
41 bonus, and deferred compensation and (B) any benefit having monetary
42 value provided by or on behalf of the charter school or any charter
43 affiliate, including but not limited to, perquisites, fringe benefits,
44 employer contributions to defined contribution retirement plans and
45 other retirement or severance benefits.

46 (ii) "charter affiliate" means: (A) any entity that is, directly or
47 indirectly, controlled by, in control of, or under common control with
48 the charter school or (B) any entity or affiliate thereof that provides
49 management, fundraising, or other administrative support services to the
50 charter school.

51 (iii) "charter executive" means: (A) an officer, director, trustee,
52 consultant, supervisory employee of a charter school or charter affil-
53 iate or (B) anyone who exerts operational or managerial influence or
54 control over the school including, but is not limited to, influence or
55 control over the school through a charter management company.

1 § 12. Section 2853 of the education law is amended by adding a new
2 subdivision 7 to read as follows:

3 7. Notification of disenrollment. Within five business days of a
4 student who was enrolled by the charter school ceasing to be enrolled, a
5 charter school shall notify the superintendent of the district in which
6 the charter school is located or, for charter schools located within the
7 geographic area served by the city school district of the city of New
8 York, the chancellor of the city school district of the city of New
9 York, of the name of such student.

10 § 13. Paragraphs (b) and (c) of subdivision 1 of section 2854 of the
11 education law, as amended by section 10-b of part A of chapter 56 of the
12 laws of 2014, are amended to read as follows:

13 (b) A charter school shall meet the same health and safety, civil
14 rights, and student assessment requirements applicable to other public
15 schools, except as otherwise specifically provided in this article. A
16 charter school shall be exempt from all other state and local laws,
17 rules, regulations or policies governing public or private schools,
18 boards of education, school districts and political subdivisions,
19 including those relating to school personnel and students, except as
20 specifically provided in the school's charter or in this article. Noth-
21 ing in this subdivision shall affect the requirements of compulsory
22 education of minors established by part one of article sixty-five of
23 this chapter, nor shall anything in this subdivision affect the require-
24 ments of the charter school to comply with section one hundred three of
25 the general municipal law and articles eight and nine of the labor law
26 with respect to the construction, reconstruction, demolition, exca-
27 vation, rehabilitation, repair, renovation, or alteration of any charter
28 school facility.

29 (c) A charter school shall be subject to the financial audits, the
30 audit procedures, and the audit requirements set forth in the charter,
31 and shall be subject to audits of the comptroller of the city school
32 district of the city of New York for charter schools located in New York
33 city, and to the audits of the comptroller of the state of New York for
34 all charter schools [located] in [the rest of] the state, at his or her
35 discretion, with respect to the school's financial operations. Such
36 procedures and standards shall be consistent with generally accepted
37 accounting and audit standards. Independent fiscal audits shall be
38 required at least once annually.

39 § 14. Subdivision 2 of section 2854 of the education law, as added by
40 chapter 4 of the laws of 1998, paragraph (a) as amended by chapter 101
41 of the laws of 2010, and paragraph (b) as amended by section 3 of
42 subpart A of part B of chapter 20 of the laws of 2015, is amended to
43 read as follows:

44 2. Admissions; enrollment; students. (a) A charter school shall be
45 nonsectarian in its programs, admission policies, employment practices,
46 and all other operations and shall not charge tuition or fees; provided
47 that a charter school may require the payment of fees on the same basis
48 and to the same extent as other public schools. A charter school shall
49 not discriminate against any student, employee or any other person on
50 the basis of ethnicity, national origin, gender, or disability or any
51 other ground that would be unlawful if done by a school. Admission of
52 students shall not be limited on the basis of intellectual ability,
53 measures of achievement or aptitude, athletic ability, disability, race,
54 creed, gender, national origin, religion, or ancestry; provided, howev-
55 er, that nothing in this article shall be construed to prevent the
56 establishment of a single-sex charter school or a charter school

1 designed to provide expanded learning opportunities for students at-risk
2 of academic failure or students with disabilities and English language
3 learners; and provided, further, that the charter school shall demon-
4 strate good faith efforts to attract and retain [a comparable] an equal
5 or greater enrollment of students with disabilities, English language
6 learners, and students who are eligible applicants for the free and
7 reduced price lunch program when compared to the enrollment figures for
8 such students in the school district in which the charter school is
9 located. A charter shall not be issued to any school that would be whol-
10 ly or in part under the control or direction of any religious denomi-
11 nation, or in which any denominational tenet or doctrine would be
12 taught.

13 (b) (i) Any child who is qualified under the laws of this state for
14 admission to a public school is qualified for admission to a charter
15 school. Applications for admission to a charter school shall be submit-
16 ted on a uniform application form created by the department and shall be
17 made available by a charter school in languages predominately spoken in
18 the community in which such charter school is located. [The]

19 (ii) A charter school shall enroll and continually keep enrolled the
20 minimum number of students in each of the following categories: (A)
21 students who are English language learners as defined in regulations of
22 the commissioner, (B) students who receive or are mandated to receive
23 any special education service, (C) students who have individual educa-
24 tion plans that mandate they receive services for at least sixty percent
25 of the school day outside the general education setting, (D) students
26 who are eligible to receive free lunch in accordance with title I of the
27 elementary and secondary education act, and (E) students who reside in
28 temporary or transitional housing. The minimum number of students a
29 charter school shall enroll and continually keep enrolled in each such
30 category shall be the number of students that, as a percentage of the
31 students authorized to be served by the charter school in its charter,
32 is equal to the percentage of students in each category that non-charter
33 public schools in the district where the charter school is located
34 enrolled in the preceding June in all of the grades combined which are
35 served by the charter school. For purposes of this subparagraph, for the
36 city school district of the city of New York, district shall mean the
37 community school district and shall include all non-charter public
38 schools, except those in district seventy-five, geographically located
39 in the community school district.

40 (iii) Prior to a charter school selecting or enrolling students for
41 the next school year, the commissioner shall provide the charter school
42 with the minimum number of students it shall enroll and continually keep
43 enrolled in each category pursuant to subparagraph (ii) of this para-
44 graph. The minimum number of students each charter school shall enroll
45 and continually keep enrolled in each category pursuant to subparagraph
46 (ii) of this paragraph shall be made public by the commissioner no later
47 than five business days after it has been provided to the charter
48 school.

49 (iv) A charter school shall enroll each eligible student who submits a
50 timely application by the first day of April each year[,] unless the
51 number of applications exceeds the capacity of the grade level or build-
52 ing or would cause the charter school to be below the minimum number of
53 students it must enroll and continually keep enrolled in each category
54 pursuant to subparagraph (ii) of this paragraph. In such cases, students
55 shall be accepted from among applicants by a random selection process,
56 provided[, however,] that separate random selection processes shall be

1 conducted for students that are not in any category set forth in subpar-
2 agraph (ii) of this paragraph and for students in each category set
3 forth in subparagraph (ii) of this paragraph such that a charter school
4 enrolls at least the minimum number of students required pursuant to
5 subparagraph (ii) of this paragraph.

6 (v) Where a charter school does not enroll the minimum number of
7 students it must enroll and continually keep enrolled in each category
8 set forth in subparagraph (ii) of this paragraph, the charter school
9 shall hold open a sufficient number of enrollment spaces such that it is
10 possible for the charter school, consistent with its charter, to subse-
11 quently enroll the number of students required by subparagraph (ii) of
12 this paragraph.

13 (vi) A charter school may provide an enrollment preference [shall be
14 provided] to pupils returning to the charter school in the second or any
15 subsequent year of operation and pupils residing in the school district
16 in which the charter school is located, and siblings of pupils already
17 enrolled in the charter school provided that the charter school enrolls
18 and continually keeps enrolled the minimum number of students required
19 in each category pursuant to subparagraph (ii) of this paragraph and
20 holds open the number of enrollment spaces as required by subparagraph
21 (v) of this paragraph. Preference may also be provided to children of
22 employees of the charter school or charter management organization,
23 provided that the charter school enrolls and continually keeps enrolled
24 the minimum number of students required in each category pursuant to
25 subparagraph (ii) of this paragraph and holds open the number of enroll-
26 ment spaces as required by subparagraph (v) of this paragraph and
27 provided further that such children of employees may constitute no more
28 than fifteen percent of the charter school's total enrollment.

29 (vii) For purposes of this paragraph, if a student withdraws from a
30 charter school as a result of a voluntary decision of the student's
31 parent or guardian and, as a direct result, the charter school no longer
32 has the minimum number of students in each category required pursuant to
33 subparagraph (ii) of this paragraph, the charter school shall neverthe-
34 less be considered to have continually kept enrolled the minimum number
35 of students required by subparagraph (ii) of this paragraph if, within
36 thirty days of the student being withdrawn, the charter school replaces
37 the student that was withdrawn with a different student such that the
38 charter school has the minimum number of students in each category
39 required pursuant to subparagraph (ii) of this paragraph, provided
40 however, that this subparagraph shall not apply (A) if the charter
41 school was already in violation of the requirements of subparagraph (ii)
42 of this paragraph at the time the student was withdrawn or (B) if the
43 decision of the student's parent or guardian was substantially motivated
44 by any action or inaction of the charter school, or any of its agents or
45 employees, that was in violation of any law, rule, or regulation.

46 (viii) (A) A charter school shall report the names of any parents or
47 guardians of students who are on a waitlist for enrollment in the char-
48 ter school to the superintendent of the district in which the charter
49 school is located or, for charter schools located within the geographic
50 area served by the city school district of the city of New York, the
51 chancellor of the city school district of the city of New York, whether
52 each such student is in one of the categories set forth in subparagraph
53 (ii) of this paragraph and, if so, which one.

54 (B) A charter school that, at any time, does not have enrolled the
55 minimum number of students required in each category pursuant to subpar-
56 agraph (ii) of this paragraph shall notify the superintendent of the

1 district in which the charter school is located or, for charter schools
2 located within the geographic area served by the city school district of
3 the city of New York, the chancellor of the city school district of the
4 city of New York, within five days of the date of the school being below
5 the minimum number of students. A separate notification shall be
6 provided each time a charter school's enrollment falls below the minimum
7 in any category pursuant to subparagraph (ii) of this paragraph.

8 (C) Where the superintendent of the district or the chancellor of the
9 city school district of the city of New York receives notification
10 pursuant to clause (B) of this subparagraph, he or she shall first offer
11 the enrollment spaces to any parents or guardians of students who are in
12 a category in which the charter school is below the minimum set forth in
13 subparagraph (ii) of this paragraph who are on the school's waitlist,
14 then to any parents or guardians of students who are in a category in
15 which the charter school is below the minimum set forth in subparagraph
16 (ii) of this paragraph who are on the waitlist of another charter school
17 in the district in which the charter school is located or, for charter
18 schools located within the geographic area served by the city school
19 district of the city of New York geographically located in the community
20 school district, and then to any other parents or guardians of students
21 who are in a category in which the charter school is below the minimum
22 set forth in subparagraph (ii) of this paragraph who reside in the
23 district; such process of enrollment offers shall continue until the
24 charter school is no longer below such minimum in any category or such
25 superintendent or chancellor certifies there are no such students seek-
26 ing enrollment.

27 (D) Offers made pursuant to this subparagraph shall be made in writing
28 in the parent or guardian's primary language. Where an offer is made
29 pursuant to this subparagraph and the parent or guardian accepts, the
30 charter school shall enroll the student within five calendar days of the
31 offer being accepted.

32 (ix) (A) For each month during the school year, a charter school shall
33 report the number of students then enrolled, as of the first day of the
34 month, in each category set forth in subparagraph (ii) of this paragraph
35 and the number of students then enrolled, as of the first day of the
36 month, that are in none of the categories set forth in subparagraph (ii)
37 of this paragraph.

38 (B) Reports pursuant to this subparagraph shall be made to the board
39 of regents, the school's charter entity, the comptroller of the city of
40 New York for charter schools located in New York city and the comp-
41 troller of the state of New York for charter schools located outside of
42 the city of New York, and the superintendent of the district in which
43 the charter school is located or, for charter schools located within the
44 geographic area served by the city school district of the city of New
45 York, the chancellor of the city school district of the city of New
46 York. The commissioner shall ensure that such report is made publicly
47 available via such department's official internet website within five
48 days of its receipt.

49 (C) Reports pursuant to this subparagraph shall be made on the fifth
50 day of the ensuing month during the school year and shall be accompanied
51 by a statement, under oath, by the chairperson of the school's board of
52 trustees or other appropriate member of the board of trustees, that,
53 after the due inquiry, the reports are true and correct and have been
54 provided to each member of the school's board of trustees.

55 (x) The commissioner shall establish regulations to require that the
56 random selection [process] processes conducted pursuant to this para-

1 graph be performed in a transparent and equitable manner and to require
2 that the time and place of the random selection process be publicized in
3 a manner consistent with the requirements of section one hundred four of
4 the public officers law and be open to the public. [For] Except where
5 another definition is provided, for the purposes of this paragraph and
6 paragraph (a) of this subdivision, the school district in which the
7 charter school is located shall mean, for the city school district of
8 the city of New York, the community district in which the charter school
9 is located.

10 (xi) The commissioner may, by regulation, require the board of educa-
11 tion of each school district or the chancellor of the city school
12 district of the city of New York to provide to him or her such informa-
13 tion as is necessary to calculate the minimum number of students a char-
14 ter school must enroll and continually have enrolled pursuant to subpar-
15 agraph (ii) of this paragraph. Such information shall be made public by
16 the commissioner within five business days of receipt.

17 (xii) (A) If a charter school fails to enroll the number of students
18 required by subparagraph (ii) of this paragraph the appropriate school
19 district shall withhold from the charter school's funding an amount
20 equal to the additional per pupil funding the charter school would have
21 received had each student not enrolled as required by subparagraph (ii)
22 of this paragraph been enrolled.

23 (B) Money withheld by the school district in accordance with this
24 subparagraph shall be returned to the commissioner for distribution to
25 each of the school districts, using an equitable formula determined by
26 the commissioner, provided the charter school or schools from which the
27 monies are withheld shall not be entitled to the return of any money
28 withheld pursuant to this subparagraph or any additional monies as a
29 result of the commissioner's distribution of funds pursuant to this
30 subparagraph.

31 (xiii) (A) No charter school shall first commence instruction if it is
32 operated by, managed by, affiliated with, in the same chain as, shares
33 the same management company as, or has any common charter applicant as,
34 a school that has been in violation, within the last two years, of the
35 enrollment requirements of subparagraph (ii) of this paragraph.

36 (B) No charter school shall expand beyond the grades with enrolled
37 students, even if such expansion is authorized by its charter, if it has
38 been in violation, within the last two years, of the enrollment require-
39 ments of subparagraph (ii) of this paragraph.

40 (xiv) The provisions of this paragraph shall be enforceable by the
41 commissioner or by a court of competent jurisdiction. Any employee of
42 the school district in which the charter school is located or the parent
43 or guardian of a student attending the district in which the charter
44 school is located shall have standing to enforce the provisions of this
45 paragraph.

46 (xv) A charter school's failure to comply with the provisions of this
47 paragraph shall be a very significant factor in determining whether the
48 charter entity or the board of regents terminates the school's charter.

49 (b-1) Prior to submission of enrollment counts to a school district
50 pursuant to subdivision one of section twenty-eight hundred fifty-six of
51 this article, on or after October first of the two thousand eighteen--
52 two thousand nineteen school year and October first of each school year
53 thereafter, a charter school shall determine whether that school
54 district is the school district of residence of each student for whom
55 enrollment is claimed. Such residency determination shall be made in
56 accordance with the regulations of the commissioner and the residency

1 policy of the school district in which the charter school is located,
2 provided that the charter school may fulfill such requirement by requir-
3 ing that the parents or other persons in parental relation register
4 their child with the school district they have identified as their
5 school district of residence. Notwithstanding any other provision of
6 law to the contrary, the parents or other persons in parental relation
7 shall not be required to annually prove their continued residency,
8 provided that they either annually certify to the charter school and the
9 school district of residence that their residency has not changed or
10 notify the charter school and the school district that their residency
11 has changed and that a new school district of residence should be iden-
12 tified pursuant to this paragraph. Upon making a residency determi-
13 nation, a charter school making its own residency determination shall
14 promptly submit its proof of residence to the school district identified
15 as the district of residence for purposes of enrollment of the student
16 in such school district in accordance with subdivision one of section
17 twenty-eight hundred fifty-six of this article, and the provision of
18 services pursuant to subdivision four of section twenty-eight hundred
19 fifty-three of this article. In the event of a dispute over the residen-
20 cy of a student, the school district shall make its own residency deter-
21 mination pursuant to the regulations of the commissioner after consider-
22 ing the proof of residency submitted by the charter school, and such
23 determination may be appealed to the commissioner by the charter school
24 or by the parent or other person in parental relation or both pursuant
25 to section three hundred ten of this chapter. During the pendency of
26 such appeal, the student shall be deemed enrolled in the school
27 district, shall be entitled to services pursuant to subdivision four of
28 section twenty-eight hundred fifty-three of this article, and the school
29 district shall be liable for charter school tuition, provided that upon
30 a final determination in such appeal that the student is not a resident
31 of the school district, the school district may deduct the cost of such
32 tuition and services from future payments due the charter school. The
33 provisions of this paragraph shall not apply to charter schools located
34 in a city having a population of one million or more.

35 (c) A charter school shall serve one or more of the grades one through
36 twelve, and shall limit admission to pupils within the grade levels
37 served. Nothing herein shall prohibit a charter school from establishing
38 a kindergarten program.

39 (d) A student may withdraw from a charter school at any time and
40 enroll in a public school. [A charter school may refuse admission to any
41 student who has been expelled or suspended from a public school until
42 the period of suspension or expulsion from the public school has
43 expired, consistent with the requirements of due process]

44 (i) A student may only be disciplined, suspended or expelled from a
45 charter school in accordance with the applicable provisions of subdivi-
46 sions two-a, three, and three-a of section thirty-two hundred fourteen
47 of this chapter. Every charter school shall develop a code of conduct in
48 accordance with the provisions of section twenty-eight hundred one of
49 this title.

50 (ii) Every charter school shall submit a detailed annual report
51 regarding disciplinary measures imposed on students. The report shall be
52 submitted to the charter entity and the board of regents as part of the
53 annual report required pursuant to subdivision two of section twenty-
54 eight hundred fifty-seven of this article. The report shall be in a form
55 prescribed by the commissioner, and shall include, but not be limited
56 to, number of classroom removals, number of in-school suspensions,

1 number of out-of-school suspensions, number of expulsions, and the
2 action the student took that led to each disciplinary measure imposed.
3 Such data shall be disaggregated by race/ethnicity, status as a student
4 with a disability and status as an English language learner. The report
5 shall be posted on the department's website.

6 (iii) For the purposes of this subdivision:

7 (A) the term "superintendent," "superintendent of schools," "district
8 superintendent of schools," or "community superintendent," as used in
9 subdivision three of section thirty-two hundred fourteen of this chap-
10 ter, as such terms relate to charter schools shall mean the chairperson
11 of the board of trustees of the charter school or the chief school offi-
12 cer of the charter school; and

13 (B) the term "board of education" or "board," as used in subdivision
14 three of section thirty-two hundred fourteen of this chapter, as such
15 terms relate to charter schools shall mean the board of trustees of the
16 charter school.

17 § 15. Subdivision 1 of section 2855 of the education law, as amended
18 by chapter 101 of the laws of 2010, is amended to read as follows:

19 1. The charter entity, or the board of regents, may terminate a char-
20 ter upon any of the following grounds:

21 (a) When a charter school's outcome on student assessment measures
22 adopted by the board of regents falls below the level that would allow
23 the commissioner to revoke the registration of another public school,
24 and student achievement on such measures has not shown improvement over
25 the preceding three school years;

26 (b) [Serious violations] A violation of law;

27 (c) [Material and substantial] A violation of the charter[, including
28 fiscal mismanagement];

29 (d) When the public employment relations board makes a determination
30 that the charter school [demonstrates a practice and pattern of egre-
31 gious and intentional violations of] has violated subdivision one of
32 section two hundred nine-a of the civil service law involving interfer-
33 ence with or discrimination against employee rights under article four-
34 teen of the civil service law; or the national labor relations board
35 created pursuant to subchapter II of chapter seven of title twenty-nine
36 of the United States Code, or any person or entity to whom the national
37 labor relations board has lawfully delegated its authority, makes a
38 determination that the charter school has violated section 158(a) of
39 title twenty-nine of the United States Code;

40 (e) [Repeated failure] Failure to comply with the requirement to meet
41 or exceed enrollment and retention targets of students with disabili-
42 ties, English language learners, and students who are eligible appli-
43 cants for the free and reduced price lunch program pursuant to targets
44 established by the board of regents or the board of trustees of the
45 state university of New York, as applicable. Provided, however, if no
46 grounds for terminating a charter are established pursuant to this
47 section other than pursuant to this paragraph, and the charter school
48 demonstrates that it has made extensive efforts to recruit and retain
49 such students, including outreach to parents and families in the
50 surrounding communities, widely publicizing the lottery for such school,
51 and efforts to academically support such students in such charter
52 school, then the charter entity or board of regents may retain such
53 charter; or

54 (f) Failure to comply with the data reporting requirements prescribed
55 in subdivisions two and two-a of section twenty-eight hundred fifty-sev-
56 en of this article.

1 § 16. Subdivision 3 of section 2855 of the education law, as added by
2 chapter 4 of the laws of 1998, is amended to read as follows:

3 3. (a) In addition to the provisions of subdivision two of this
4 section, the charter entity or the board of regents may place a charter
5 school falling within the provisions of subdivision one of this section
6 on probationary status to allow the implementation of a remedial action
7 plan. The failure of a charter school to comply with the terms and
8 conditions of a remedial action plan may result in summary revocation of
9 the school's charter.

10 (b) A charter school that is placed on probationary status shall annu-
11 ally notify the parents or guardians of all students and applicants of
12 the placement. The initial notice shall be distributed within two weeks
13 of being placed on probationary status. Such notice shall be written and
14 delivered via mail. The department shall identify all charter schools on
15 probationary status on the department's website and shall also post the
16 remedial action plan.

17 § 17. Subdivision 4 of section 2855 of the education law, as added by
18 chapter 4 of the laws of 1998, is amended to read as follows:

19 4. (a) Any individual or group may bring a complaint to the board of
20 trustees of a charter school alleging a violation of the provisions of
21 this article, the charter, or any other provision of law relating to the
22 management or operation of the charter school. If, after presentation of
23 the complaint to the board of trustees of a charter school, the individ-
24 ual or group determines that such board has not adequately addressed the
25 complaint, they may present that complaint to the charter entity, which
26 shall investigate and respond. If, after presentation of the complaint
27 to the charter entity, the individual or group determines that the char-
28 ter entity has not adequately addressed the complaint, they may present
29 that complaint to the board of regents, which shall investigate and
30 respond. The charter entity and the board of regents shall have the
31 power and the duty to issue appropriate remedial orders to charter
32 schools under their jurisdiction to effectuate the provisions of this
33 section.

34 (b) At the beginning of each school year, a charter school shall
35 provide the parent or guardian of each student enrolled in the charter
36 school information detailing the process by which a complaint can be
37 brought against the charter school pursuant to paragraph (a) of this
38 subdivision. In addition to detailing the process by which a complaint
39 can be brought, the information provided shall include, but not be
40 limited to the contact information for the board of trustees of the
41 charter school in which the student is enrolled, the contact informa-
42 tion for the charter entity of the charter school, and the contact informa-
43 tion for the board of regents, if the board of regents is not the char-
44 ter entity. Such information shall also be posted and updated annually
45 on the charter school's website.

46 § 18. Subdivisions 2 and 3 of section 2856 of the education law are
47 renumbered subdivisions 3 and 4 and a new subdivision 2 is added to read
48 as follows:

49 2. In the event that in any school year a charter school receives
50 combined payments from any local, state, or federal source that exceed
51 expenditures for such school year related to the operation of such char-
52 ter school by seven percent, then any excess funds above such amount
53 shall be returned proportionately to all school districts that have paid
54 tuition to such charter school.

1 § 19. Subdivision 3 of section 2856 of the education law, as added by
2 chapter 4 of the laws of 1998 and as renumbered by section eighteen of
3 this act, is amended to read as follows:

4 3. (a) In the event of the failure of the school district to make
5 payments required by this section, the state comptroller shall deduct
6 from any state funds which become due to such school district an amount
7 equal to the unpaid obligation. The comptroller shall pay over such sum
8 to the charter school upon certification of the commissioner. The
9 commissioner shall promulgate regulations to implement the provisions of
10 this subdivision.

11 (b) At least thirty days prior to submission of a request for an
12 intercept of state funds pursuant to paragraph (a) of this subdivision,
13 the charter school shall provide the school district of residence with a
14 list of students whose tuition is proposed to be included in the inter-
15 cept and documentation of any special education services provided by the
16 charter school, the cost of which would be included in the intercept.
17 If the school district objects to inclusion of the tuition or cost of
18 services in the intercept, the school district shall provide the charter
19 school with a written statement of its reasons for objecting to the
20 intercept that identifies the students whose costs are in dispute and
21 the charter school shall schedule a resolution session for the purpose
22 of resolving the dispute, which shall be held within five business days
23 of receipt of the school district's objection. Each party shall ensure
24 that their representatives who attend the resolution are fully author-
25 ized to bind the school district or charter school, and any agreement
26 reached at the resolution session shall be final and binding upon both
27 parties. In the event the school district does not notify the charter
28 school of its objections within ten days of its receipt of the list of
29 students or fails to participate in a resolution session, the school
30 district shall be deemed to have waived its objections to the intercept
31 and the charter school shall not be required to offer a resolution
32 session. If the parties are unable to reach agreement at a resolution
33 session, they may agree to schedule additional resolution sessions or,
34 if one of the parties informs the other that agreement is not possible,
35 the dispute may be raised by the district as a charter school complaint
36 pursuant to subdivision four of section twenty-eight hundred fifty-five
37 of this article, or, if the dispute concerns the residency of a student,
38 an appeal may be brought pursuant to paragraph (c) of this subdivision.
39 The department shall not process an intercept for tuition or the cost of
40 services of a student whose costs are in dispute until the charter
41 school notifies the department that a resolution session has been held
42 and no agreement has been reached, or that no resolution session is
43 required because the school district failed to provide timely notice or
44 failed to participate in a scheduled resolution session.

45 (c) In the event of a dispute over the residency of a student, the
46 school district shall make its own residency determination pursuant to
47 the regulations of the commissioner after considering the proof of resi-
48 dency submitted by the charter school, and such determination may be
49 appealed to the commissioner by the charter school or by the parent or
50 other person in parental relation or both pursuant to section three
51 hundred ten of this chapter. During the pendency of such appeal, the
52 student shall be deemed enrolled in the school district, shall be enti-
53 tled to services pursuant to subdivision four of section twenty-eight
54 hundred fifty-three of this article, and the school district shall be
55 liable for charter school tuition, provided that upon a final determi-
56 nation in such appeal that the student is not a resident of the school

1 district, the school district may deduct the cost of such tuition and
2 services from future payments due the charter school.

3 § 20. Subdivision 2 of section 2857 of the education law, as amended
4 by chapter 101 of the laws of 2010, is amended and a new subdivision 2-a
5 is added to read as follows:

6 2. Each charter school shall submit to the charter entity and to the
7 board of regents an annual report. Such report shall be issued no later
8 than the first day of August of each year for the preceding school year
9 and shall be made publicly available by such date and shall be posted on
10 both the charter school's [website] and the department's websites. The
11 annual report shall be in such form as shall be prescribed by the
12 commissioner and shall include at least the following components:

13 (a) a charter school report card, which shall include measures of the
14 comparative academic and fiscal performance of the school, as prescribed
15 by the commissioner in regulations adopted for such purpose. Such meas-
16 ures shall include, but not be limited to, graduation rates, dropout
17 rates, performance of students on standardized tests, college entry
18 rates, total spending per pupil and administrative spending per pupil.
19 Such measures shall be presented in a format that is easily comparable
20 to similar public schools. In addition, the charter school shall ensure
21 that such information is easily accessible to the community including
22 making it publicly available by transmitting it to local newspapers of
23 general circulation and making it available for distribution at board of
24 trustee meetings[.];

25 (b) discussion of the progress made towards achievement of the goals
26 set forth in the charter[.];

27 (c) a certified financial statement setting forth, by appropriate
28 categories, the revenues and expenditures for the preceding school year,
29 including a copy of the most recent independent fiscal audit of the
30 school and any audit conducted by the comptroller of the state of New
31 York[.];

32 (d) efforts taken by the charter school in the existing school year,
33 and a plan for efforts to be taken in the succeeding school year, to
34 meet or exceed the enrollment [and retention targets set by the board of
35 regents or the board of trustees of the state university of New York, as
36 applicable, of students with disabilities, English language learners,
37 and students who are eligible applicants for the free and reduced price
38 lunch program established pursuant to paragraph (e) of subdivision four
39 of section twenty-eight hundred fifty-one of this article.] requirements
40 of subparagraph (ii) of paragraph (b) of subdivision two of section two
41 thousand eight hundred fifty-four of this article;

42 (e) for any charter school that contracts with a management company or
43 any other entity that provides services to the charter school, a
44 detailed statement of services provided to the charter school by the
45 management company and/or any other entity and the amount the charter
46 school pays for such services. The department shall post the annual
47 reports submitted by charter schools on the department's website; and

48 (f) a notice of any relationship that may exist between any member of
49 a charter school's board of trustees or charter school staff and any
50 for-profit or not-for-profit corporate or other business entity that is
51 responsible for the administration, management or operation of such
52 charter school or related vendor.

53 2-a. Each charter school shall post contact information for the
54 school's board of trustees as well as the name and contact information
55 of the school's charter entity on the website of the charter school.

1 § 21. Subdivision 7 of section 179-q of the state finance law, as
2 added by chapter 166 of the laws of 1991, is amended to read as follows:

3 7. "Not-for-profit organization" or "organization" means a domestic
4 corporation incorporated pursuant to or otherwise subject to the not-
5 for-profit corporation law, a charitable organization registered with
6 the secretary of state, a special act corporation created pursuant to
7 chapter four hundred sixty-eight of the laws of eighteen hundred nine-
8 ty-nine, as amended, a special act corporation formed pursuant to chap-
9 ter two hundred fifty-six of the laws of nineteen hundred seventeen, as
10 amended, a corporation authorized pursuant to an act of congress
11 approved January fifth, nineteen hundred five, (33 stat. 599), as
12 amended, a corporation established by merger of charitable organizations
13 pursuant to an order of the supreme court, New York county dated July
14 twenty-first, nineteen hundred eighty-six and filed in the department of
15 state on July twenty-ninth, nineteen hundred eighty-six, or a corpo-
16 ration having tax exempt status under section 501(c)(3) of the United
17 States Internal revenue code, and shall further be deemed to mean and
18 include any federation of charitable organizations. Provided, however,
19 that a public educational entity within the meaning of section seventy-
20 one of part C of chapter fifty-seven of the laws of two thousand four
21 shall not be deemed a "not-for-profit organization" or "organization"
22 for purposes of this article.

23 § 22. This act shall take effect immediately.

24

PART GG

25 Section 1. Section 851 of the labor law, as added by chapter 624 of
26 the laws of 1999, is amended to read as follows:

27 § 851. Administration. The department shall be the state's lead work-
28 force investment and development agency and shall be responsible for the
29 administration of certain workforce investment funds appropriated on or
30 after April first, two thousand eighteen for programs that focus on
31 emerging industries across New York state.

32 § 2. Subdivision 3 of section 852 of the labor law, as added by chap-
33 ter 624 of the laws of 1999, is amended to read as follows:

34 3. Duties and responsibilities of the board. (a) The board shall
35 assist the governor in fulfilling the requirements of the federal Work-
36 force Investment Act of 1998 (P.L.105-220) including:

37 [(a)] (i) development of the state plan;

38 [(b)] (ii) development and continuous improvement of a statewide
39 system of activities that are funded under subtitle B of title I of the
40 federal Workforce Investment Act of 1998 (P.L. 105-220) or carried out
41 through a one-stop delivery system that receives funds under such subti-
42 tle, including:

43 [(i)] (A) development of linkages in order to assure coordination and
44 nonduplication among the programs and activities that comprise the one-
45 stop delivery system; and

46 [(ii)] (B) review of local plans;

47 [(c)] (iii) commenting at least once annually on the measures taken
48 pursuant to paragraph fourteen of subdivision (b) of section one hundred
49 thirteen of the Carl D. Perkins Vocational and Applied Technology Educa-
50 tion Act (20 U.S.C.2323 (b) (14));

51 [(d)] (iv) designation of local workforce investment areas. With
52 regard to designations that are not automatic or temporary, the governor
53 may approve a request from any unit of general local government (includ-
54 ing a combination of such units) for designation as a local area if the

1 board determines, taking into account the factors described in clauses
2 (i) through (v) of subparagraph (B) of paragraph (1) of subdivision (a)
3 of section one hundred sixteen of the federal Workforce Investment Act
4 of 1998 (P.L. 105-220), and recommends to the governor that such area
5 should be so designated;

6 [(e)] (v) development of allocation formulas for the distribution of
7 funds for adult employment and training activities and youth activities
8 to local areas;

9 [(f)] (vi) development and continuous improvement of comprehensive
10 state performance measures, including state adjusted levels of perform-
11 ance to assess the effectiveness of the workforce investment activities
12 in the state;

13 [(g)] (vii) development of the statewide employment statistics system
14 described in subdivision (e) of section fifteen of the Wagner/Peyser
15 Act; and

16 [(h)] (viii) development of an application for incentive grants
17 awarded by the secretary of labor to states that exceed the state
18 adjusted levels of performance.

19 (b) The board shall be responsible for the administration of certain
20 workforce investment funds appropriated on or after April first, two
21 thousand eighteen including, but not limited to, the following programs
22 that focus on emerging industries across New York state:

23 (i) workforce development and training programs that are administered
24 by the re-employment service fund established under section five hundred
25 fifty-two-a of this chapter;

26 (ii) adult, youth and dislocated worker employment and training local
27 workforce investment area programs and statewide rapid response activ-
28 ities that are funded under subtitle B of title I of the federal Work-
29 force Investment Act of 1998 (P.L. 105-220), provided, however up to one
30 million dollars shall be used for the development of a job training
31 program for employment opportunities at John F. Kennedy International
32 Airport;

33 (iii) job training funds made available to community colleges based on
34 a workforce development plan submitted by the state university of New
35 York or the city university of New York, as approved by the director of
36 the budget;

37 (iv) state financial assistance for community college contract courses
38 and workforce development administered by the state university of New
39 York or the city university of New York;

40 (v) services and expenses to support community colleges of the state
41 university of New York or the city university of New York in establish-
42 ing and developing registered apprenticeship programs with area busi-
43 nesses;

44 (vi) plans for grant awards available to all colleges, universities
45 and community colleges as defined by section three hundred fifty and
46 section sixty-two hundred two of the education law that provide exper-
47 imental learning opportunities that connect students to the workforce,
48 as approved by the governor and the chancellor of the state university
49 of New York or the chancellor of the city university of New York;

50 (vii) tax credits to New York state employers for procuring skills
51 training that upgrades or improves the productivity of their employees
52 pursuant to article twenty-two of the economic development law; and

53 (viii) the development of offshore wind resources pursuant to a plan
54 administered by the New York state energy research and development
55 authority.

1 (c) For the purposes of this subdivision, each of the programs
2 described in paragraph (b) of this subdivision shall be considered a
3 "workforce development funding program" as defined by subdivision
4 fifteen of section twenty-one of this chapter.

5 § 3. Section 853 of the labor law, as added by chapter 624 of the laws
6 of 1999, is amended to read as follows:

7 § 853. Report. 1. The department shall be responsible for the prepara-
8 tion of the annual report to the secretary of labor describing those
9 activities of the workforce investment board taken to comply with the
10 requirements of the federal Workforce Investment Act of 1998 (P.L.
11 105-220), as well as a report to the governor and legislature describing
12 such activities, on or before the first day of January, two thousand one
13 and on the first day of January in each consecutive year thereafter.

14 2. The department shall be responsible for the preparation of an annu-
15 al report to evaluate the activities of the workforce investment board
16 with respect to its administration of certain workforce investment funds
17 appropriated on or after April first, two thousand eighteen including,
18 but not limited to, programs that focus on emerging industries across
19 New York state, as authorized pursuant to paragraph (b) of subdivision
20 three of section eight hundred fifty-two of this article. Such report
21 shall be submitted to the governor, the temporary president of the
22 senate, and the speaker of the assembly on or before the first day of
23 January, two thousand nineteen and each year thereafter by the first of
24 January and shall include the following information:

25 (a) the name and description of each program and a description of the
26 workforce investment funds, which shall include, but not be limited to,
27 the process by which such funds were distributed, any co-investment or
28 matching requirements, and any maintenance of effort requirements;

29 (b) the number and types of jobs, training, and other workforce devel-
30 opment opportunities that have been created in the state and in each
31 labor market region defined by the department as the result of such
32 funds;

33 (c) all amounts appropriated to and disbursed by each program for
34 workforce development purposes in each of the most recent three years;

35 (d) a detailed analysis of the distribution and utilization of such
36 funds for workforce development purposes, taking into consideration any
37 programmatic or geographic restrictions, including, but not limited to,
38 a description of the regions and individuals served by each program;

39 (e) a detailed analysis of the impact of such funds on the creation
40 and development of jobs, training, and other workforce investment oppor-
41 tunities in New York state; and

42 (f) all relevant data pertaining to the outcomes and effectiveness of
43 each program and the number of persons served by such funding.

44 § 4. This act shall take effect April 1, 2018.

45 § 2. Severability clause. If any clause, sentence, paragraph, subdivi-
46 sion, section or part of this act shall be adjudged by any court of
47 competent jurisdiction to be invalid, such judgment shall not affect,
48 impair, or invalidate the remainder thereof, but shall be confined in
49 its operation to the clause, sentence, paragraph, subdivision, section
50 or part thereof directly involved in the controversy in which such judg-
51 ment shall have been rendered. It is hereby declared to be the intent of
52 the legislature that this act would have been enacted even if such
53 invalid provisions had not been included herein.

54 § 3. This act shall take effect immediately provided, however, that
55 the applicable effective date of Parts A through GG of this act shall be
56 as specifically set forth in the last section of such Parts.