

FY 2019 NEW YORK STATE EXECUTIVE BUDGET
EDUCATION, LABOR AND FAMILY ASSISTANCE
ARTICLE VII LEGISLATION

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CONTENTS

PART	DESCRIPTION	STARTING PAGE NUMBER
A	Amend Education Law and make other changes necessary to authorize School Aid and implement education-related programs in the Executive Budget.	7
B	The Executive Budget proposes legislation for several new initiatives to provide students with increased access to healthy, locally sourced meals.	81
C	Amend the education law, in relation to authorizing school bus stop cameras; and to amend the vehicle and traffic law, in relation to increasing fines for passing a stopped school bus.	87
D	Amend the Education Law to authorize non-component school districts, including the Big Five City School Districts, to participate in Recovery High School programs operated by Boards of Cooperative Educational Services.	96
E	Enact the New York State DREAM Act.	97
F	Allow public accounting firms to have minority ownership by individuals who are not Certified Public Accountants.	113
G	Reauthorize Close to Home.	135
H	Authorize Closure of Ella McQueen Reception Center.	136
I	Extend the Youth Development Program.	137
J	Extend OCFS' Authority to Contract with BOCES.	137
K	Authorize DASNY to provide capital construction services to OCFS.	138
L	Authorize the pass-through of any Federal Supplemental Security Income Cost of Living Adjustment.	138
M	Authorize a Rental Subsidy for Public Assistance Recipients Living with HIV/AIDS in Rest of State (ROS) counties.	141
N	Authorize Mortgage Insurance Fund Utilization	142

PART	DESCRIPTION	STARTING PAGE NUMBER
O	Provide funding flexibility between Lake Ontario Flood Relief Programs	145

Legislative Bill Drafting Commission
12672-01-8

S. -----
Senate

IN SENATE--Introduced by Sen

--read twice and ordered printed,
and when printed to be committed
to the Committee on

----- A.
Assembly

IN ASSEMBLY--Introduced by M. of A.

with M. of A. as co-sponsors

--read once and referred to the
Committee on

BUDGBI

(Enacts into law major components of
legislation necessary to implement
the state education, labor, housing
and family assistance budget for the
2018-2019 state fiscal year)

BUDGBI. ELFA (Executive)

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 the reporting of
teacher diversity; to amend the
education law, in relation to teach-
ing tolerance; to amend the educa-
tion law, in relation to reporting
requirements of school level fund-
ing; to amend the education law, in

IN SENATE

Senate introducer's signature

The senators whose names are circled below wish to join me in the sponsorship
of this proposal:

s15 Addabbo	s03 Croci	s27 Hoylman	s25 Montgomery	s23 Savino
s52 Akshar	s50 DeFrancisco	s60 Jacobs	s40 Murphy	s41 Serino
s31 Alcantara	s18 Dilan	s09 Kaminsky	s58 O'Mara	s29 Serrano
s46 Amedore	s17 Felder	s26 Kavanagh	s62 Ortt	s51 Seward
s11 Avella	s02 Flanagan	s63 Kennedy	s21 Parker	s16 Stavisky
s36 Bailey	s55 Funke	s34 Klein	s13 Peralta	s35 Stewart-
s30 Benjamin	s59 Gullivan	s28 Krueger	s19 Persaud	Cousins
s42 Bonacic	s12 Gianaris	s24 Lanza	s07 Phillips	s49 Tedisco
s04 Boyle	s22 Golden	s39 Larkin	s61 Ranzenhofer	s53 Valesky
s44 Breslin	s47 Griffo	s01 LaValle	s48 Ritchie	s57 Young
s08 Brooks	s20 Hamilton	s45 Little	s33 Rivera	s32
s38 Carlucci	s06 Hannon	s05 Marcellino	s56 Robach	s37
s14 Comrie	s54 Helming	s43 Marchione	s10 Sanders	

IN ASSEMBLY

Assembly introducer's signature

The Members of the Assembly whose names are circled below wish to join me in the
multi-sponsorship of this proposal:

a049 Abbate	a034 DenDekker	a135 Johns	a091 Otis	a022 Solages
a092 Abinanti	a070 Dickens	a115 Jones	a132 Palmesano	a114 Stec
a084 Arroyo	a054 Dilan	a077 Joyner	a002 Palumbo	a110 Steck
a035 Aubry	a081 Dinowitz	a040 Kim	a088 Paulin	a127 Stirpe
a120 Barclay	a147 DiPietro	a131 Kolb	a009 Pellegrino	a071 Taylor
a030 Barnwell	a016 D'Urso	a105 Lalor	a141 Peoples-	a001 Thiele
a106 Barrett	a004 Englebright	a013 Lavine	Stokes	a061 Titone
a060 Barron	a133 Errigo	a134 Lawrence	a058 Perry	a031 Titus
a082 Benedetto	a109 Fahy	a050 Lentol	a023 Pheffer	a033 Vanel
a042 Bichotte	a126 Finch	a125 Lifton	Amato	a055 Walker
a079 Blake	a008 Fitzpatrick	a123 Lupardo	a086 Pichardo	a143 Wallace
a117 Blankenbush	a124 Friend	a121 Magee	a089 Pretlow	a112 Walsh
a098 Brabenec	a095 Galef	a129 Magnarelli	a073 Quart	a146 Walter
a026 Braunstein	a137 Gantt	a064 Malliotakis	a019 Ra	a041 Weinstein
a119 Brindisi	a007 Garbarino	a090 Mayer	a012 Raia	a024 Weprin
a138 Bronson	a148 Giglio	a108 McDonald	a006 Ramos	a059 Williams
a093 Buchwald	a066 Glick	a014 McDonough	a043 Richardson	a113 Woerner
a118 Butler	a150 Goodell	a101 Miller, B.	a078 Rivera	a056 Wright
a094 Byrne	a075 Gottfried	a038 Miller, M.G.	a068 Rodriguez	a096 Zebrowski
a103 Cahill	a100 Gunther	a020 Miller, M.L.	a027 Rosenthal, D.	a005
a044 Carroll	a046 Harris	a015 Montesano	a067 Rosenthal, L.	a010
a062 Castorina	a139 Hawley	a136 Morelle	a025 Rozic	a017
a047 Colton	a083 Heastie	a145 Morinello	a149 Ryan	a039
a032 Cook	a028 Hevesi	a057 Mosley	a111 Santabarbara	a074
a085 Crespo	a048 Hikind	a003 Murray	a140 Schimming	a080
a122 Crouch	a018 Hooper	a065 Niou	a076 Seawright	a102
a021 Curran	a128 Hunter	a037 Nolan	a087 Sepulveda	a107
a063 Cusick	a029 Hyndman	a144 Norris	a052 Simon	a142
a045 Cymbrowitz	a097 Jaffee	a130 Oaks	a036 Simotas	
a053 Davila	a011 Jean-Pierre	a069 O'Donnell	a104 Skartados	
a072 De La Rosa	a116 Jenne	a051 Ortiz	a099 Skoufis	

1) Single House Bill (introduced and printed separately in either or
both houses). Uni-Bill (introduced simultaneously in both houses and printed
as one bill. Senate and Assembly introducer sign the same copy of the bill).

2) Circle names of co-sponsors and return to introduction clerk with 2
signed copies of bill and 4 copies of memorandum in support (single house);
or 4 signed copies of bill and 8 copies of memorandum
in support (uni-bill).

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 total foundation aid; 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 amend the education law, in relation to state aid adjustments; 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 class sizes for special classes containing certain students with disabilities; to amend the education law, in relation to summer programs for students with disabilities; to amend chapter 756 of the laws of 1992, relating to funding a program for work force education conducted by the consortium for worker education in New York city, in relation to reimbursements for the 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 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 amend the education law, in relation

to authorizing the granting of waivers for certain duties owed by school districts to children with handicapping conditions; 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; and relating to the support of public libraries (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 prohibiting lunch shaming and to school breakfast and lunch programs (Part B); to amend the education law, in relation to authorizing school bus stop cameras; and to amend the vehicle and traffic law, in relation to owner liability for operator illegally overtaking or passing a school bus and increasing fines for passing a stopped school bus (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 eligibility requirements and conditions governing general awards, academic performance awards and student loans; eligibility requirements for assistance under the higher education opportunity programs and the collegiate science and technology entry program; the definition of "resident"; financial aid opportunities for students of the state university of New York, the city university of New York and community colleges; and the program requirements for the New York state college choice tuition savings program; and to repeal subdivision 3 of section 661 of the education law relating thereto (Part E); to amend the education law, the business corporation law, the partnership law and the limited liability company law, in relation to certified public accountants (Part 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; and to repeal certain provisions of paragraph (a) of subdivision 8 of section 404 of the social services law relating to CTH funding and reimbursement (Part G); in relation to authorizing the closure of the Ella McQueen reception center for boys and girls (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 (Part N); and 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)

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 O. 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
10 Part in which it is found. Section three of this act sets forth the
11 general effective date of this act.

12 PART A

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

e. Notwithstanding paragraphs a and b of this subdivision, a school district that submitted a contract for excellence for the two thousand eight--two thousand nine school year shall submit a contract for excellence for the two thousand nine--two thousand ten school year in conformity with the requirements of subparagraph (vi) of paragraph a of subdivision two of this section unless all schools in the district are identified as in good standing and provided further that, a school district that submitted a contract for excellence for the two thousand nine--two thousand ten school year, unless all schools in the district are identified as in good standing, shall submit a contract for excellence for the two thousand eleven--two thousand twelve school year which

1 shall, notwithstanding the requirements of subparagraph (vi) of para-
2 graph a of subdivision two of this section, provide for the expenditure
3 of an amount which shall be not less than the product of the amount
4 approved by the commissioner in the contract for excellence for the two
5 thousand nine--two thousand ten school year, multiplied by the
6 district's gap elimination adjustment percentage and provided further
7 that, a school district that submitted a contract for excellence for the
8 two thousand eleven--two thousand twelve school year, unless all schools
9 in the district are identified as in good standing, shall submit a
10 contract for excellence for the two thousand twelve--two thousand thir-
11 teen school year which shall, notwithstanding the requirements of
12 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 eleven--two thousand twelve school year and
16 provided further that, a school district that submitted a contract for
17 excellence for the two thousand twelve--two thousand thirteen 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 thirteen--two thousand fourteen school year which shall, notwithstanding
21 the requirements of subparagraph (vi) of paragraph a of subdivision two
22 of this section, provide for the expenditure of an amount which shall be
23 not less than the amount approved by the commissioner in the contract
24 for excellence for the two thousand twelve--two thousand thirteen school
25 year and provided further that, a school district that submitted a
26 contract for excellence for the two thousand thirteen--two thousand
27 fourteen school year, unless all schools in the district are identified
28 as in good standing, shall submit a contract for excellence for the two

1 thousand fourteen--two thousand fifteen school year which shall,
2 notwithstanding the requirements of subparagraph (vi) of paragraph a of
3 subdivision two of this section, provide for the expenditure of an
4 amount which shall be not less than the amount approved by the commis-
5 sioner in the contract for excellence for the two thousand thirteen--two
6 thousand fourteen school year; and provided further that, a school
7 district that submitted a contract for excellence for the two thousand
8 fourteen--two thousand fifteen school year, unless all schools in the
9 district are identified as in good standing, shall submit a contract for
10 excellence for the two thousand fifteen--two thousand sixteen school
11 year which shall, notwithstanding the requirements of subparagraph (vi)
12 of paragraph a of subdivision two of this section, provide for the
13 expenditure of an amount which shall be not less than the amount
14 approved by the commissioner in the contract for excellence for the two
15 thousand fourteen--two thousand fifteen school year; and provided
16 further that a school district that submitted a contract for excellence
17 for the two thousand fifteen--two thousand sixteen school year, unless
18 all schools in the district are identified as in good standing, shall
19 submit a contract for excellence for the two thousand sixteen--two thou-
20 sand seventeen school year which shall, notwithstanding the requirements
21 of subparagraph (vi) of paragraph a of subdivision two of this section,
22 provide for the expenditure of an amount which shall be not less than
23 the amount approved by the commissioner in the contract for excellence
24 for the two thousand fifteen--two thousand sixteen school year; and
25 provided further that, a school district that submitted a contract for
26 excellence for the two thousand sixteen--two thousand seventeen school
27 year, unless all schools in the district are identified as in good
28 standing, shall submit a contract for excellence for the two thousand

1 seventeen--two thousand eighteen school year which shall, notwithstand-
2 ing the requirements of subparagraph (vi) of paragraph a of subdivision
3 two of this section, provide for the expenditure of an amount which
4 shall be not less than the amount approved by the commissioner in the
5 contract for excellence for the two thousand sixteen--two thousand
6 seventeen school year; and provided further that a school district that
7 submitted a contract for excellence for the two thousand seventeen--two
8 thousand eighteen school year, unless all schools in the district are
9 identified as in good standing, shall submit a contract for excellence
10 for the two thousand eighteen--two thousand nineteen school year which
11 shall, notwithstanding the requirements of subparagraph (vi) of para-
12 graph a of subdivision two of this section, provide for the expenditure
13 of an amount which shall be not less than the amount approved by the
14 commissioner in the contract for excellence for the two thousand seven-
15 teen--two thousand eighteen school year. For purposes of this paragraph,
16 the "gap elimination adjustment percentage" shall be calculated as the
17 sum of one minus the quotient of the sum of the school district's net
18 gap elimination adjustment for two thousand ten--two thousand eleven
19 computed pursuant to chapter fifty-three of the laws of two thousand
20 ten, making appropriations for the support of government, plus the
21 school district's gap elimination adjustment for two thousand eleven--
22 two thousand twelve as computed pursuant to chapter fifty-three of the
23 laws of two thousand eleven, making appropriations for the support of
24 the local assistance budget, including support for general support for
25 public schools, divided by the total aid for adjustment computed pursu-
26 ant to chapter fifty-three of the laws of two thousand eleven, making
27 appropriations for the local assistance budget, including support for
28 general support for public schools. Provided, further, that such amount

1 shall be expended to support and maintain allowable programs and activ-
2 ities approved in the two thousand nine--two thousand ten school year or
3 to support new or expanded allowable programs and activities in the
4 current year.

5 § 2. The education law is amended by adding a new section 210-d to
6 read as follows:

7 § 210-d. Data reporting requirements for graduate-level teacher and
8 educational leader programs. Each institution registered by the depart-
9 ment with graduate-level teacher and leader education programs shall
10 report to the department data in a form prescribed by the commissioner
11 regarding demographic data, on students participating in and completing
12 registered graduate-level teacher and educational leader programs.

13 § 3. Section 305 of the education law is amended by adding a new
14 subdivision 57 to read as follows:

15 57. The commissioner, in cooperation with the commissioner of the
16 division of human rights, shall establish and develop a respect for
17 diversity program within the department for the eighth and ninth grade.
18 Such program shall include but not be limited to age-appropriate model
19 curriculum, exemplar lesson plans, and best practice instructional
20 resources designed to promote awareness and respect for diversity,
21 including but not limited to respect for diversity of race, color,
22 weight, national origin, ethnic group, religion, religious practice,
23 disability, sexual orientation, gender, or sex.

24 § 4. The education law is amended by adding a new section 3614 to read
25 as follows:

26 § 3614. Statement of the total funding allocation. 1. Notwithstanding
27 any provision of law, rule or regulation to the contrary, commencing
28 with the two thousand eighteen--two thousand nineteen school year for

1 school districts located in a city with a population of more than one
2 hundred twenty-five thousand, and commencing with the two thousand nine-
3 teen--two thousand twenty school year for school districts containing at
4 least nine schools as reported in the school report card database
5 produced by the commissioner for the two thousand sixteen--two thousand
6 seventeen school year and which receive at least fifty percent of total
7 revenue from state aid as reported in the fiscal profiles master files
8 report produced by the commissioner concerning data on school district
9 expenditures and revenues for the two thousand fifteen--two thousand
10 sixteen school year, such school districts shall annually submit for the
11 approval of the commissioner and the director of the budget and shall
12 make publicly available and on the district website a detailed statement
13 of the total funding allocation for each school in the district for the
14 upcoming school budget year prior to the first day of such school year,
15 provided that:

16 a. Such statements shall be in a form developed by the commissioner
17 and approved by the director of the budget, provided that when preparing
18 statements districts shall adhere to and complete the prescribed form
19 accurately and fully. Provided, further, that each local educational
20 agency shall include in such statement the approach used to allocate
21 funds to each school and that such statement shall include but not be
22 limited to separate entries for each individual school, demographic data
23 for the school, per pupil funding level, source of funds, and uniform
24 decision rules regarding allocation of centralized spending to individ-
25 ual schools from both state and local funds.

26 b. The commissioner and director of the budget shall review and
27 approve or disapprove of such statement of the approach used to allocate
28 state and local funds, based on criteria which shall include but not be

1 limited to student need, per pupil funding, and total funding, provided
2 that no such approach shall use state or federal funds to supplant local
3 funds.

4 c. If the commissioner or director of the budget disapprove a school
5 district's spending statement, such school district shall be allowed to
6 submit a revised spending statement for approval.

7 d. Nothing in this subdivision shall alter or suspend statutory school
8 district budget and voting requirements.

9 2. Notwithstanding any inconsistent provision of law, no school
10 district subject to this section shall be eligible for an apportionment
11 of general support for public schools from the funds appropriated for
12 the current school year in excess of the amount apportioned to such
13 school district in the respective base year unless such school district
14 has submitted a statement for the current school year that has been
15 approved by the commissioner and the director of the budget as required
16 by subdivision one of this section. For purposes of this subdivision,
17 "base year" shall mean the base year as defined in paragraph b of subdivi-
18 vision one of section thirty-six hundred two of this part, and "current
19 year" shall mean the current year as defined in paragraph a of subdivi-
20 sion one of section thirty-six hundred two of this part.

21 § 5. Paragraph b of subdivision 6-g of section 3602 of the education
22 law, as amended by section 11-a of part A of chapter 54 of the laws of
23 2016, is amended to read as follows:

24 b. The apportionment shall equal the product of (1) the sum of:
25 for aid payable for expenses incurred pursuant to subparagraph five of
26 paragraph (e) of subdivision three of section twenty-eight hundred
27 fifty-three of this chapter where the charter school prevails on appeal,

1 the annual approved expenses incurred by the city school district pursu-
2 ant to such subparagraph five multiplied by

3 (2) six-tenths, provided, however, that the apportionment payable
4 pursuant to this subdivision shall not exceed ten million dollars.

5 § 6. Clause (A) of subparagraph 5 of paragraph e of subdivision 3 of
6 section 2853 of the education law, as amended by section 11 of part A of
7 chapter 54 of the laws of 2016, is amended to read as follows:

8 (A) the actual rental cost, including but not limited to lease
9 payments, costs of capital improvements, costs of occupancy, maintenance
10 and repairs, utilities, custodial, security, insurance and real property
11 taxes, of an alternative privately owned site selected by the charter
12 school or

13 § 7. Paragraph (d) of subdivision 1 of section 2856 of the education
14 law, as amended by section 4 of part YYY of chapter 59 of the laws of
15 2017, is amended to read as follows:

16 (d) School districts shall be eligible for an annual apportionment
17 equal to the amount of the supplemental basic tuition for the charter
18 school in the base year for the expenses incurred in the two thousand
19 fourteen--two thousand fifteen, two thousand fifteen--two thousand
20 sixteen, two thousand sixteen--two thousand seventeen [school years],
21 and [thereafter] two thousand seventeen--two thousand eighteen school
22 years. School districts other than a school district located in a city
23 with a population of one million people or more shall be eligible for an
24 annual apportionment in the two thousand nineteen--two thousand twenty
25 school year and thereafter equal to the amount of the supplemental basic
26 tuition for the charter school in the base year.

1 § 8. Paragraph d of subdivision 1 of section 2856 of the education
2 law, as amended by section 4-a of part YYY of chapter 59 of the laws of
3 2017, is amended to read as follows:

4 (d) School districts shall be eligible for an annual apportionment
5 equal to the amount of the supplemental basic tuition for the charter
6 school in the base year for the expenses incurred in the two thousand
7 fourteen--two thousand fifteen, two thousand fifteen--two thousand
8 sixteen, two thousand sixteen--two thousand seventeen [school years],
9 and [thereafter] two thousand seventeen--two thousand eighteen school
10 years. School districts other than a school district located in a city
11 with a population of one million people or more shall be eligible for an
12 annual apportionment in the two thousand nineteen--two thousand twenty
13 school year and thereafter equal to the amount of the supplemental basic
14 tuition for the charter school in the base year.

15 § 9. Paragraph r of subdivision 1 of section 3602 of the education
16 law, as amended by section 11 of part B of chapter 57 of the laws of
17 2007, is amended to read as follows:

18 r. "Sparsity count", for districts operating a kindergarten through
19 grade twelve school program, shall mean the product of (i) the base year
20 public school enrollment of the district and (ii) the sparsity factor,
21 which shall mean the quotient, computed to three decimals without round-
22 ing, of the positive remainder of twenty-five minus the enrollment per
23 square mile divided by fifty and nine tenths, but not less than zero.
24 Enrollment per square mile shall be the quotient, computed to two deci-
25 mals without rounding, of the public school enrollment of the school
26 district on the date enrollment was counted in accordance with this
27 subdivision for the base year divided by the square miles of the
28 district, as determined by the commissioner.

1 § 9-a. Subdivision 4 of section 3602 of the education law, as amended
2 by section 16-a of part YYY of chapter 59 of the laws of 2017, is
3 amended to read as follows:

4 4. Total foundation aid. In addition to any other apportionment pursu-
5 ant to this chapter, a school district, other than a special act school
6 district as defined in subdivision eight of section four thousand one of
7 this chapter, shall be eligible for total foundation aid equal to the
8 product of total aidable foundation pupil units multiplied by the
9 district's selected foundation aid, which shall be the greater of five
10 hundred dollars (\$500) or foundation formula aid, provided, however that
11 for the two thousand seven--two thousand eight through two thousand
12 eight--two thousand nine school years, no school district shall receive
13 total foundation aid in excess of the sum of the total foundation aid
14 base for aid payable in the two thousand seven--two thousand eight
15 school year computed pursuant to subparagraph (i) of paragraph j of
16 subdivision one of this section, plus the phase-in foundation increase
17 computed pursuant to paragraph b of this subdivision, and provided
18 further that for the two thousand twelve--two thousand thirteen school
19 year, no school district shall receive total foundation aid in excess of
20 the sum of the total foundation aid base for aid payable in the two
21 thousand eleven--two thousand twelve school year computed pursuant to
22 subparagraph (ii) of paragraph j of subdivision one of this section,
23 plus the phase-in foundation increase computed pursuant to paragraph b
24 of this subdivision, and provided further that for the two thousand
25 thirteen--two thousand fourteen school year and thereafter, no school
26 district shall receive total foundation aid in excess of the sum of the
27 total foundation aid base computed pursuant to subparagraph (ii) of
28 paragraph j of subdivision one of this section, plus the phase-in foun-

1 dation increase computed pursuant to paragraph b of this subdivision,
2 and provided further that for the two thousand sixteen--two thousand
3 seventeen school year, no eligible school districts shall receive total
4 foundation aid in excess of the sum of the total foundation aid base
5 computed pursuant to subparagraph (ii) of paragraph j of subdivision one
6 of this section plus the sum of (A) the phase-in foundation increase,
7 (B) the executive foundation increase with a minimum increase pursuant
8 to paragraph b-2 of this subdivision, and (C) an amount equal to "COMMU-
9 NITY SCHOOLS AID" in the computer listing produced by the commissioner
10 in support of the executive budget request for the two thousand
11 sixteen--two thousand seventeen school year and entitled "BT161-7",
12 where (1) "eligible school district" shall be defined as a district with
13 (a) an unrestricted aid increase of less than seven percent (0.07) and
14 (b) a three year average free and reduced price lunch percent greater
15 than fifteen percent (0.15), and (2) "unrestricted aid increase" shall
16 mean the quotient arrived at when dividing (a) the sum of the executive
17 foundation aid increase plus the gap elimination adjustment for the base
18 year, by (b) the difference of foundation aid for the base year less the
19 gap elimination adjustment for the base year, and (3) "executive founda-
20 tion increase" shall mean the difference of (a) the amounts set forth
21 for each school district as "FOUNDATION AID" under the heading "2016-17
22 ESTIMATED AIDS" in the school aid computer listing produced by the
23 commissioner in support of the executive budget request for the two
24 thousand sixteen--two thousand seventeen school year and entitled
25 "BT161-7" less (b) the amounts set forth for each school district as
26 "FOUNDATION AID" under the heading "2015-16 BASE YEAR AIDS" in such
27 computer listing and provided further that total foundation aid shall
28 not be less than the product of the total foundation aid base computed

1 pursuant to paragraph j of subdivision one of this section and the due-
2 minimum percent which shall be, for the two thousand twelve--two thou-
3 sand thirteen school year, one hundred and six-tenths percent (1.006)
4 and for the two thousand thirteen--two thousand fourteen school year for
5 city school districts of those cities having populations in excess of
6 one hundred twenty-five thousand and less than one million inhabitants
7 one hundred and one and one hundred and seventy-six thousandths percent
8 (1.01176), and for all other districts one hundred and three-tenths
9 percent (1.003), and for the two thousand fourteen--two thousand fifteen
10 school year one hundred and eighty-five hundredths percent (1.0085), and
11 for the two thousand fifteen--two thousand sixteen school year, one
12 hundred thirty-seven hundredths percent (1.0037), subject to allocation
13 pursuant to the provisions of subdivision eighteen of this section and
14 any provisions of a chapter of the laws of New York as described there-
15 in, nor more than the product of such total foundation aid base and one
16 hundred fifteen percent for any school year other than the two thousand
17 seventeen--two thousand eighteen school year, provided, however, that
18 for the two thousand sixteen--two thousand seventeen school year such
19 maximum shall be no more than the sum of (i) the product of such total
20 foundation aid base and one hundred fifteen percent plus (ii) the execu-
21 tive foundation increase and plus (iii) "COMMUNITY SCHOOLS AID" in the
22 computer listing produced by the commissioner in support of the execu-
23 tive budget request for the two thousand sixteen--two thousand seventeen
24 school year and entitled "BT161-7" and provided further that for the two
25 thousand nine--two thousand ten through two thousand eleven--two thou-
26 sand twelve school years, each school district shall receive total foun-
27 dation aid in an amount equal to the amount apportioned to such school
28 district for the two thousand eight--two thousand nine school year

1 pursuant to this subdivision. Total aidable foundation pupil units shall
2 be calculated pursuant to paragraph g of subdivision two of this
3 section. For the purposes of calculating aid pursuant to this subdivi-
4 sion, aid for the city school district of the city of New York shall be
5 calculated on a citywide basis.

6 a. Foundation formula aid. Foundation formula aid shall equal the
7 remainder when the expected minimum local contribution is subtracted
8 from the product of the foundation amount, the regional cost index, and
9 the pupil need index, or: (foundation amount x regional cost index x
10 pupil need index) - expected minimum local contribution.

11 (1) The foundation amount shall reflect the average per pupil cost of
12 general education instruction in successful school districts, as deter-
13 mined by a statistical analysis of the costs of special education and
14 general education in successful school districts, provided that the
15 foundation amount shall be adjusted annually to reflect the percentage
16 increase in the consumer price index as computed pursuant to section two
17 thousand twenty-two of this chapter, provided that for the two thousand
18 eight--two thousand nine school year, for the purpose of such adjust-
19 ment, the percentage increase in the consumer price index shall be
20 deemed to be two and nine-tenths percent (0.029), and provided further
21 that the foundation amount for the two thousand seven--two thousand
22 eight school year shall be five thousand two hundred fifty-eight
23 dollars, and provided further that for the two thousand seven--two thou-
24 sand eight through two thousand seventeen--two thousand eighteen school
25 years, the foundation amount shall be further adjusted by the phase-in
26 foundation percent established pursuant to paragraph b of this subdivi-
27 sion.

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

Labor Force Region	Index
Capital District	1.124
Southern Tier	1.045
Western New York	1.091
Hudson Valley	1.314
Long Island/NYC	1.425
Finger Lakes	1.141
Central New York	1.103
Mohawk Valley	1.000
North Country	1.000

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

(4) The expected minimum local contribution shall equal the lesser of (i) the product of (A) the quotient arrived at when the selected actual valuation is divided by total wealth foundation pupil units, multiplied by (B) the product of the local tax factor, multiplied by the income wealth index, or (ii) the product of (A) the product of the foundation amount, the regional cost index, and the pupil need index, multiplied by (B) the positive difference, if any, of one minus the state sharing

1 ratio for total foundation aid. The local tax factor shall be estab-
2 lished by May first of each year by determining the product, computed to
3 four decimal places without rounding, of ninety percent multiplied by
4 the quotient of the sum of the statewide average tax rate as computed by
5 the commissioner for the current year in accordance with the provisions
6 of paragraph e of subdivision one of section thirty-six hundred nine-e
7 of this part plus the statewide average tax rate computed by the commis-
8 sioner for the base year in accordance with such provisions plus the
9 statewide average tax rate computed by the commissioner for the year
10 prior to the base year in accordance with such provisions, divided by
11 three, provided however that for the two thousand seven--two thousand
12 eight school year, such local tax factor shall be sixteen thousandths
13 (0.016), and provided further that for the two thousand eight--two thou-
14 sand nine school year, such local tax factor shall be one hundred
15 fifty-four ten thousandths (0.0154). The income wealth index shall be
16 calculated pursuant to paragraph d of subdivision three of this section,
17 provided, however, that for the purposes of computing the expected mini-
18 mum local contribution the income wealth index shall not be less than
19 sixty-five percent (0.65) and shall not be more than two hundred percent
20 (2.0) and provided however that such income wealth index shall not be
21 more than ninety-five percent (0.95) for the two thousand eight--two
22 thousand nine school year, and provided further that such income wealth
23 index shall not be less than zero for the two thousand thirteen--two
24 thousand fourteen school year. The selected actual valuation shall be
25 calculated pursuant to paragraph c of subdivision one of this section.
26 Total wealth foundation pupil units shall be calculated pursuant to
27 paragraph h of subdivision two of this section.

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

7 (2) (i) Phase-in foundation percent. The phase-in foundation percent
8 shall equal one hundred thirteen and fourteen one hundredths percent
9 (1.1314) for the two thousand eleven--two thousand twelve school year,
10 one hundred ten and thirty-eight hundredths percent (1.1038) for the two
11 thousand twelve--two thousand thirteen school year, one hundred seven
12 and sixty-eight hundredths percent (1.0768) for the two thousand thir-
13 teen--two thousand fourteen school year, one hundred five and six
14 hundredths percent (1.0506) for the two thousand fourteen--two thousand
15 fifteen school year, and one hundred two and five tenths percent
16 (1.0250) for the two thousand fifteen--two thousand sixteen school year.

17 (ii) Phase-in foundation increase factor. For the two thousand
18 eleven--two thousand twelve school year, the phase-in foundation
19 increase factor shall equal thirty-seven and one-half percent (0.375)
20 and the phase-in due minimum percent shall equal nineteen and forty-one
21 hundredths percent (0.1941), for the two thousand twelve--two thousand
22 thirteen school year the phase-in foundation increase factor shall equal
23 one and seven-tenths percent (0.017), for the two thousand thirteen--two
24 thousand fourteen school year the phase-in foundation increase factor
25 shall equal (1) for a city school district in a city having a population
26 of one million or more, five and twenty-three hundredths percent
27 (0.0523) or (2) for all other school districts zero percent, for the two
28 thousand fourteen--two thousand fifteen school year the phase-in founda-

tion increase factor shall equal (1) for a city school district of a city having a population of one million or more, four and thirty-two hundredths percent (0.0432) or (2) for a school district other than a city school district having a population of one million or more for which (A) the quotient of the positive difference of the foundation formula aid minus the foundation aid base computed pursuant to paragraph j of subdivision one of this section divided by the foundation formula aid is greater than twenty-two percent (0.22) and (B) a combined wealth ratio less than thirty-five hundredths (0.35), seven percent (0.07) or (3) for all other school districts, four and thirty-one hundredths percent (0.0431), and for the two thousand fifteen--two thousand sixteen school year the phase-in foundation increase factor shall equal: (1) for a city school district of a city having a population of one million or more, thirteen and two hundred seventy-four thousandths percent (0.13274); or (2) for districts where the quotient arrived at when dividing (A) the product of the total aidable foundation pupil units multiplied by the district's selected foundation aid less the total foundation aid base computed pursuant to paragraph j of subdivision one of this section divided by (B) the product of the total aidable foundation pupil units multiplied by the district's selected foundation aid is greater than nineteen percent (0.19), and where the district's combined wealth ratio is less than thirty-three hundredths (0.33), seven and seventy-five hundredths percent (0.0775); or (3) for any other district designated as high need pursuant to clause (c) of subparagraph two of paragraph c of subdivision six of this section for the school aid computer listing produced by the commissioner in support of the enacted budget for the two thousand seven--two thousand eight school year and entitled "SA0708", four percent (0.04); or (4) for a city school

1 district in a city having a population of one hundred twenty-five thou-
2 sand or more but less than one million, fourteen percent (0.14); or (5)
3 for school districts that were designated as small city school districts
4 or central school districts whose boundaries include a portion of a
5 small city for the school aid computer listing produced by the commis-
6 sioner in support of the enacted budget for the two thousand fourteen--
7 two thousand fifteen school year and entitled "SA1415", four and seven
8 hundred fifty-one thousandths percent (0.04751); or (6) for all other
9 districts one percent (0.01), and for the two thousand sixteen--two
10 thousand seventeen school year the foundation aid phase-in increase
11 factor shall equal for an eligible school district the greater of: (1)
12 for a city school district in a city with a population of one million or
13 more, seven and seven hundred eighty four thousandths percent (0.07784);
14 or (2) for a city school district in a city with a population of more
15 than two hundred fifty thousand but less than one million as of the most
16 recent federal decennial census, seven and three hundredths percent
17 (0.0703); or (3) for a city school district in a city with a population
18 of more than two hundred thousand but less than two hundred fifty thou-
19 sand as of the most recent federal decennial census, six and seventy-two
20 hundredths percent (0.0672); or (4) for a city school district in a city
21 with a population of more than one hundred fifty thousand but less than
22 two hundred thousand as of the most recent federal decennial census, six
23 and seventy-four hundredths percent (0.0674); or (5) for a city school
24 district in a city with a population of more than one hundred twenty-
25 five thousand but less than one hundred fifty thousand as of the most
26 recent federal decennial census, nine and fifty-five hundredths percent
27 (0.0955); or (6) for school districts that were designated as small city
28 school districts or central school districts whose boundaries include a

1 portion of a small city for the school aid computer listing produced by
2 the commissioner in support of the enacted budget for the two thousand
3 fourteen--two thousand fifteen school year and entitled "SA141-5" with a
4 combined wealth ratio less than one and four tenths (1.4), nine percent
5 (0.09), provided, however, that for such districts that are also
6 districts designated as high need urban-suburban pursuant to clause (c)
7 of subparagraph two of paragraph c of subdivision six of this section
8 for the school aid computer listing produced by the commissioner in
9 support of the enacted budget for the two thousand seven--two thousand
10 eight school year and entitled "SA0708", nine and seven hundred and
11 nineteen thousandths percent (0.09719); or (7) for school districts
12 designated as high need rural pursuant to clause (c) of subparagraph two
13 of paragraph c of subdivision six of this section for the school aid
14 computer listing produced by the commissioner in support of the enacted
15 budget for the two thousand seven--two thousand eight school year and
16 entitled "SA0708", thirteen and six tenths percent (0.136); or (8) for
17 school districts designated as high need urban-suburban pursuant to
18 clause (c) of subparagraph two of paragraph c of subdivision six of this
19 section for the school aid computer listing produced by the commissioner
20 in support of the enacted budget for the two thousand seven--two thou-
21 sand eight school year and entitled "SA0708", seven hundred nineteen
22 thousandths percent (0.00719); or (9) for all other eligible school
23 districts, forty-seven hundredths percent (0.0047), provided further
24 that for the two thousand seventeen--two thousand eighteen school year
25 the foundation aid increase phase-in factor shall equal (1) for school
26 districts with a census 2000 poverty rate computed pursuant to paragraph
27 q of subdivision one of this section equal to or greater than twenty-six
28 percent (0.26), ten and three-tenths percent (0.103), or (2) for a

1 school district in a city with a population in excess of one million or
2 more, seventeen and seventy-seven one-hundredths percent (0.1777), or
3 (3) for a city school district in a city with a population of more than
4 two hundred fifty thousand but less than one million, as of the most
5 recent decennial census, twelve and sixty-nine hundredths percent
6 (0.1269) or (4) for a city school district in a city with a population
7 of more than one hundred fifty thousand but less than two hundred thou-
8 sand, as of the most recent federal decennial census, ten and seventy-
9 eight one hundredths percent (0.1078), or (5) for a city school district
10 in a city with a population of more than one hundred twenty-five thou-
11 sand but less than one hundred fifty thousand as of the most recent
12 federal decennial census, nineteen and one hundred eight one-thousandths
13 percent (0.19108), or (6) for a city school district in a city with a
14 population of more than two hundred thousand but less than two hundred
15 fifty thousand as of the most recent federal decennial census, ten and
16 six-tenths percent (0.106), or (7) for all other districts, four and
17 eighty-seven one-hundredths percent (0.0487), and for the two thousand
18 [eighteen] nineteen--two thousand [nineteen] twenty school year and
19 thereafter the commissioner shall annually determine the phase-in foun-
20 dation increase factor subject to allocation pursuant to the provisions
21 of subdivision eighteen of this section and any provisions of a chapter
22 of the laws of New York as described therein.

23 b-1. Notwithstanding any other provision of law to the contrary, for
24 the two thousand seven--two thousand eight school year and thereafter,
25 the additional amount payable to each school district pursuant to this
26 subdivision in the current year as total foundation aid, after deducting
27 the total foundation aid base, shall be deemed a state grant in aid

1 identified by the commissioner for general use for purposes of section
2 seventeen hundred eighteen of this chapter.

3 b-2. Due minimum for the two thousand sixteen--two thousand seventeen
4 school year. Notwithstanding any other provision of law to the contrary,
5 for the two thousand sixteen--two thousand seventeen school year the
6 total foundation aid shall not be less than the sum of the total founda-
7 tion aid base computed pursuant to paragraph j of subdivision one of
8 this section plus the due minimum for the two thousand sixteen--two
9 thousand seventeen school year, where such due minimum shall equal the
10 difference of (1) the product of (A) two percent (0.02) multiplied by
11 (B) the difference of total foundation aid for the base year less the
12 gap elimination adjustment for the base year, less (2) the sum of (A)
13 the difference of the amounts set forth for each school district as
14 "FOUNDATION AID" under the heading "2016-17 ESTIMATED AIDS" in the
15 school aid computer listing produced by the commissioner in support of
16 the executive budget request for the two thousand sixteen--two thousand
17 seventeen school year and entitled "BT161-7" less the amounts set forth
18 for each school district as "FOUNDATION AID" under the heading "2015-16
19 BASE YEAR AIDS" in such computer listing plus (B) the gap elimination
20 adjustment for the base year.

21 b-3. Due minimum for the two thousand seventeen--two thousand eighteen
22 school year. Notwithstanding any other provision of law to the contrary,
23 for the two thousand seventeen--two thousand eighteen school year the
24 total foundation aid shall not be less than (A) the sum of the total
25 foundation aid base computed pursuant to paragraph j of subdivision one
26 of this section plus the product of (i) the difference of the amount set
27 forth for such school district as "FOUNDATION AID" under the heading
28 "2017-18 ESTIMATED AIDS" in the school aid computer listing produced by

1 the commissioner in support of the executive budget request for the two
2 thousand seventeen--two thousand eighteen school year and entitled
3 "BT171-8" less the amount set forth for such school district as "FOUNDA-
4 TION AID" under the heading "2016-17 BASE YEAR AIDS" in the school aid
5 computer listing produced by the commissioner in support of the execu-
6 tive budget request for the two thousand seventeen--two thousand eigh-
7 teen school year and entitled "BT171-8" multiplied by (ii) one and eigh-
8 teen one-hundredths (1.18), or (B) the product of forty-four and
9 seventy-five one-hundredths percent (0.4475) multiplied by total founda-
10 tion aid as computed pursuant to paragraph a of this subdivision, or (C)
11 the sum of the total foundation aid base computed pursuant to paragraph
12 j of subdivision one of this section plus the due minimum for the two
13 thousand seventeen--two thousand eighteen school year, where such due
14 minimum shall equal (1) for school districts with a census 2000 poverty
15 rate computed pursuant to paragraph q of subdivision one of this
16 section, equal to or greater than eleven and nine-tenths percent
17 (0.119), the product of the foundation aid base for the two thousand
18 seventeen--two thousand eighteen school year computed pursuant to
19 subparagraph (iii) of paragraph j of subdivision one of this section
20 multiplied by three hundred thirty-five ten-thousandths (0.0335), or (2)
21 for all other school districts the product of the foundation aid base
22 for the two thousand seventeen--two thousand eighteen school year
23 computed pursuant to subparagraph (iii) of paragraph j of subdivision
24 one of this section multiplied by two and seventy-four one-hundredths
25 percent (0.0274).

26 b-4. Additional increase for the two thousand seventeen-two thousand
27 eighteen school year. For the two thousand seventeen-two thousand eigh-
28 teen school year, any school district eligible to receive a phase-in

1 foundation increase pursuant to this subdivision shall receive an addi-
2 tional foundation increase equal to the sum of tiers A, B, C, and D as
3 defined herein.

4 (i) Tier A. For all school districts other than a district within a
5 city with a population of one million or more, with a combined wealth
6 ratio less than two (2.0), where either (A) the quotient arrived at by
7 dividing the English language learner count pursuant to paragraph o of
8 subdivision one of this section for the base year by the public school
9 district enrollment for the base year pursuant to paragraph n of subdi-
10 vision one of this section is greater than two one-hundredths (0.02) or
11 (B) the quotient arrived at by dividing the difference of the English
12 language learner count pursuant to paragraph o of subdivision one of
13 this section for the base year less such count for one year prior to the
14 base year by the public school district enrollment for one year prior to
15 the base year pursuant to paragraph n of subdivision one of this section
16 is greater than one one-thousandth (0.001), tier A shall equal the prod-
17 uct of (A) the difference of two minus the combined wealth ratio multi-
18 plied by (B) one hundred dollars (\$100.00) multiplied by (C) the English
19 language learner count for the base year.

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

1 heading "2017-18 ESTIMATED AIDS" in the school aid computer listing
2 produced by the commissioner in support of the executive budget request
3 and entitled "BT1718" less the foundation aid base multiplied by (B) ten
4 and two-tenths percent (0.102).

5 (iii) Tier C. For all school districts with a combined wealth ratio
6 for total foundation aid computed pursuant to paragraph c of subdivision
7 three of this section less than one (1.0), tier C shall be the greater
8 of (A) for districts that were designated as small city school districts
9 or central school districts whose boundaries include a portion of a
10 small city for the school aid computer listing produced by the commis-
11 sioner in support of the enacted budget for the two thousand fourteen--
12 two thousand fifteen school year and entitled "SA1415", the product of
13 the public school district enrollment for the base year pursuant to
14 paragraph n of subdivision one of this section multiplied by one hundred
15 sixty-seven dollars and forty cents (\$167.40) or (B) for school
16 districts with a sparsity factor as set forth on the computer listing
17 produced by the commissioner in support of the enacted budget for the
18 two thousand seventeen--two thousand eighteen school year and entitled
19 "SA171-8" of greater than zero, the product of the public school
20 district enrollment for the base year multiplied by one hundred eighty-
21 eight dollars (\$188.00).

22 (iv) Tier D. For all school districts, other than districts within a
23 city with a population of one hundred twenty-five thousand or more, with
24 a selected poverty rate of greater than eighteen hundredths (0.18), tier
25 D shall equal the product of the selected poverty rate multiplied by the
26 school district public enrollment for the base year multiplied by two
27 hundred forty dollars (\$240.00), provided, however, that for districts
28 within a city with a population of greater than one hundred twenty-five

1 thousand but less than one million and a selected poverty rate of great-
2 er than eighteen hundredths (0.18), tier D shall equal the product of
3 the selected poverty rate multiplied by school district public enroll-
4 ment for the base year multiplied by three hundred forty-four dollars
5 (\$344.00), and for a city school district in a city with a population of
6 one million or more, tier D shall equal the product of the selected
7 poverty rate multiplied by school district public enrollment for the
8 base year multiplied by twenty-nine cents (\$0.29).

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

26 d. For the two thousand fourteen--two thousand fifteen through two
27 thousand [seventeen] eighteen--two thousand [eighteen] nineteen school
28 years a city school district of a city having a population of one

1 million or more may use amounts apportioned pursuant to this subdivision
2 for afterschool programs.

3 e. Community schools aid set-aside. 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 sum of (i) the amount, if
6 any, set forth for such district as "COMMUNITY SCHL AID (BT1617)" in the
7 data file produced by the commissioner in support of the enacted budget
8 for the two thousand sixteen--two thousand seventeen school year and
9 entitled "SA161-7" [and], (ii) the amount, if any, set forth for such
10 district as "COMMUNITY SCHL INCR" in the data file produced by the
11 commissioner in support of the executive budget request for the two
12 thousand seventeen--two thousand eighteen school year and entitled
13 "BT171-8", and (iii) the amount, if any, set forth for such district as
14 "COMMUNITY SCHOOLS INCREASE" in the data file produced by the commis-
15 sioner in support of the executive budget for the two thousand eigh-
16 teen--two thousand nineteen school year and entitled "BT181-9". Each
17 school district shall use such "COMMUNITY SCHL AID (BT1617)" amount to
18 support the transformation of school buildings into community hubs to
19 deliver co-located or school-linked academic, health, mental health,
20 nutrition, counseling, legal and/or other services to students and their
21 families, including but not limited to providing a community school site
22 coordinator, or to support other costs incurred to maximize students'
23 academic achievement. Each school district shall use such "COMMUNITY
24 SCHL INCR" amount to support the transformation of school buildings into
25 community hubs to deliver co-located or school linked academic, health,
26 mental health services and personnel, after-school programming, dual
27 language programs, nutrition, counseling, legal and/or other services to
28 students and their families, including but not limited to providing a

1 community school site coordinator and programs for English language
2 learners, or to support other costs incurred to maximize students'
3 academic achievement, provided however that a school district whose
4 "COMMUNITY SCHL INCR" amount exceeds one million dollars (\$1,000,000)
5 shall use an amount equal to the greater of one hundred fifty thousand
6 dollars (\$150,000) or ten percent of such "COMMUNITY SCHL INCR" amount
7 to support such transformation at schools with extraordinary high levels
8 of student need as identified by the commissioner, subject to the
9 approval of the director of the budget. Each school district shall use
10 such "COMMUNITY SCHOOLS INCREASE" in the data file produced by the
11 commissioner in support of the executive budget for the two thousand
12 eighteen--two thousand nineteen school year and entitled "BT181-9" to
13 support the transformation of school buildings into community hubs to
14 deliver co-located or school linked academic, health, mental health
15 services and personnel, after-school programming, dual language
16 programs, nutrition, counseling, legal and/or other services to students
17 and their families, including but not limited to providing a community
18 school site coordinator and programs for English language learners.

19 f. Foundation aid payable in the two thousand eighteen--two thousand
20 nineteen school year. Notwithstanding any provision of law to the
21 contrary, foundation aid payable in the two thousand eighteen--two thou-
22 sand nineteen school year shall equal the sum of the foundation aid base
23 plus the base increase plus the community schools increase, as defined
24 in this paragraph.

25 (i) Base increase. The base increase for the two thousand eighteen--
26 two thousand nineteen school year shall equal the greater of tiers A, B,
27 or C.

1 (A) Tier A. Tier A shall equal the product of the phase-in factor and
2 the positive difference, if any, of total foundation aid less the foun-
3 dation aid base. The phase-in factor shall equal, for a city school
4 district in a city having a population of one million or more, nine
5 thousand nine hundred five hundred thousandths (0.09905), and for all
6 other districts, the product of three hundred fifty-six ten thousandths
7 (0.0356) multiplied by a CWR sliding scale, where the CWR sliding scale
8 shall be equal to the positive difference, if any, of one and six
9 hundred sixteen thousandths (1.616) less the product of (a) one and one
10 thousand twenty-five ten thousandths (1.1025) multiplied by (b) the
11 combined wealth ratio for total foundation aid computed pursuant to
12 paragraph c of subdivision three of this section multiplied again by (c)
13 the combined wealth ratio for total foundation aid computed pursuant to
14 paragraph c of subdivision three of this section, provided that such
15 ratio shall be no more than one.

16 (B) Tier B. For districts with a combined wealth ratio for total foun-
17 dation aid computed pursuant to paragraph c of subdivision three of this
18 section less than one (1.0), Tier B shall be equal to the product of
19 district public enrollment for the base year pursuant to paragraph n of
20 subdivision one of this section multiplied by the sum of (I) the EN
21 percent base increase, (II) the EN percent sparsity increase, (III) the
22 EN percent growth increase, and (IV) the scaled per pupil amount. For
23 purposes of this subparagraph, the extraordinary needs index shall be
24 equal to a district's extraordinary needs percent calculated pursuant to
25 paragraph w of subdivision one of this section divided by five hundred
26 fifty-seven thousandths (0.557).

27 (I) EN percent base increase. For all school districts with an
28 extraordinary needs percent calculated pursuant to paragraph w of subdi-

1 vision one of this section greater than twenty-five hundredths (0.25),
2 the EN percent base increase shall be equal to the product of the
3 extraordinary needs index multiplied by thirty-two dollars and fifty
4 cents (\$32.50).

5 (II) EN percent sparsity increase. For all school districts with an EN
6 percent base increase greater than zero and with a sparsity factor
7 pursuant to paragraph r of subdivision one of this section greater than
8 zero, the EN percent sparsity increase shall be equal to the product of
9 the extraordinary needs index multiplied by nine dollars and forty-two
10 cents (\$9.42).

11 (III) EN percent growth increase. For all school districts with an EN
12 percent base increase greater than zero and where the extraordinary
13 needs percent calculated for the two thousand eighteen--two thousand
14 nineteen school year is more than three hundred twenty-five ten thou-
15 sandths (0.0325) greater than the extraordinary needs percent calculated
16 for the two thousand sixteen--two thousand seventeen school year, the EN
17 percent growth increase shall be equal to the product of the extraor-
18 dinary needs index multiplied by thirty dollars (\$30.00).

19 (IV) Scaled per pupil amount. The scaled per pupil amount shall equal
20 for all school districts with a combined wealth ratio for total founda-
21 tion aid computed pursuant to paragraph c of subdivision three of this
22 section less than one (1.0), the product of sixty-nine dollars (\$69.00)
23 multiplied by the positive difference, if any, of one and six hundred
24 sixteen thousandths (1.616) less the product of (a) one and one thousand
25 twenty-five ten thousandths (1.1025) multiplied by (b) the combined
26 wealth ratio for total foundation aid computed pursuant to paragraph c
27 of subdivision three of this section multiplied again by (c) the
28 combined wealth ratio for total foundation aid computed pursuant to

1 paragraph c of subdivision three of this section, provided that such
2 ratio shall be no more than one.

3 (C) Tier C. For all school districts, tier C shall be equal to the
4 product of twenty-five ten thousandths (0.0025) multiplied by the foun-
5 dation aid base.

6 (ii) Community schools increase. The community schools increase for
7 the two thousand eighteen--two thousand nineteen school year shall equal
8 the greater of the community schools formula increase or the community
9 schools level-up increase.

10 (A) Community schools formula increase. For all eligible school
11 districts, the community schools formula increase shall equal the prod-
12 uct of (1) the difference of one (1.0) less the product of sixty-four
13 hundredths (0.64) multiplied by the combined wealth ratio for total
14 foundation aid, provided that such ratio shall be no more than nine
15 tenths (0.9) nor less than zero, multiplied by (2) eighty-three dollars
16 and seventeen cents (\$83.17), multiplied by (3) school district public
17 enrollment for the base year pursuant to paragraph n of subdivision one
18 of this section, provided that the community schools formula increase
19 shall not be less than seventy-five thousand dollars (\$75,000) for any
20 eligible districts.

21 (B) A school district shall be eligible for the community schools
22 formula increase if it is (i) a school district that contains at least
23 one school designated as failing or persistently failing by the commis-
24 sioner pursuant to paragraphs (a) or (b) of subdivision one of section
25 two hundred eleven-f of this chapter as of January first, two thousand
26 eighteen or (ii) a school district (1) that has a combined wealth ratio
27 for total foundation aid less than one (1.0), and (2) where the positive
28 difference, if any, of the English language learner count pursuant to

1 paragraph o of subdivision one of this section less the amount equal to
2 "2012-13 ENGLISH LANG. LEARNERS" in the computer listing produced by the
3 commissioner in support of the executive budget request for the two
4 thousand eighteen--two thousand nineteen school year entitled "BT181-9"
5 is greater than both (a) one hundred pupils and (b) the product of one-
6 tenth (0.10) multiplied by the amount equal to "2012-13 ENGLISH LANG.
7 LEARNERS" in the computer listing produced by the commissioner in
8 support of the executive budget request for the two thousand eighteen--
9 two thousand nineteen school year and entitled "BT181-9", and (3) where
10 the quotient arrived at when dividing the English language learner count
11 by the base year public school district enrollment as computed pursuant
12 to subparagraph two of paragraph n of subdivision one of this section
13 exceeds five percent (0.05); or (iii) a school district where (1) the
14 quotient arrived at when dividing the amount equal to "2016-17 HOMELESS
15 PUPILS" in the computer listing produced by the commissioner in support
16 of the executive budget request for the two thousand eighteen--two thou-
17 sand nineteen school year entitled "BT181-9" by the amount equal to
18 "2012-13 HOMELESS PUPILS" in the computer listing produced by the
19 commissioner in support of the executive budget request for the two
20 thousand eighteen--two thousand nineteen school year entitled "BT181-9"
21 is greater than one and four tenths (1.4), and (2) the quotient arrived
22 at when dividing the amount equal to "2016-17 HOMELESS PUPILS" in the
23 computer listing produced by the commissioner in support of the execu-
24 tive budget request for the two thousand eighteen--two thousand nineteen
25 school year entitled "BT181-9" by public school district enrollment as
26 computed pursuant to subparagraph two of paragraph n of subdivision one
27 of this section, for the year prior to the base year, is greater than
28 five hundredths (0.05), and (3) where the amount equal to "2016-17 HOME-

1 LESS PUPILS" in the computer listing produced by the commissioner in
2 support of the executive budget request for the two thousand eighteen--
3 two thousand nineteen school year entitled "BT181-9" is greater than one
4 hundred pupils.

5 (B) Community schools level-up increase. For all school districts with
6 a community schools aid set-aside amount pursuant to paragraph e of this
7 subdivision greater than zero, the community schools level-up increase
8 shall be equal to the positive difference, if any, of (1) seventy-five
9 thousand dollars less (2) the community schools aid set-aside amount for
10 the two thousand seventeen--two thousand eighteen school year pursuant
11 to paragraph e of this subdivision.

12 § 9-b. Subdivision 6 of section 3602 of the education law is amended
13 by adding a new paragraph k to read as follows:

14 k. (1) Notwithstanding any inconsistent provision of law, for appor-
15 tionments provided in the two thousand nineteen-two thousand twenty
16 school year and thereafter, all apportionments otherwise payable pursu-
17 ant to this subdivision shall be further multiplied by the efficiency
18 factor as defined pursuant to this paragraph, provided, however, that
19 apportionments for projects for a city school district in a city having
20 a population of one million or more approved by the commissioner prior
21 to July first, two thousand eighteen shall not be subject to such effi-
22 ciency factor.

23 (2) Efficiency factor calculation. At the time of each data file
24 update pursuant to paragraph b of subdivision twenty-one of section
25 three hundred five of this chapter, beginning in the two thousand nine-
26 teen-two thousand twenty school year, the commissioner shall compute an
27 efficiency factor equal to the quotient arrived at when dividing (i) the
28 statewide sum of all such apportionments for the base year pursuant to

1 this subdivision multiplied by one and two one-hundredths (1.02) by (ii)
2 the statewide sum of all such apportionments otherwise payable for the
3 current year pursuant to this subdivision, provided, however, that such
4 efficiency factor shall not be more than one, and shall be deemed final
5 and not subject to change as of the update produced by the commissioner
6 pursuant to subdivision twenty-one of section three hundred five of this
7 chapter on November fifteenth of the school year immediately following
8 the close of such base year.

9 § 9-c. Section 1950 of the education law is amended by adding a new
10 subdivision 20 to read as follows:

11 20. Aid payable in the two thousand nineteen-two thousand twenty
12 school year and thereafter. Notwithstanding any inconsistent provision
13 of law, beginning in the two thousand nineteen-two thousand twenty
14 school year, a school district's apportionment pursuant to this section
15 shall not exceed the product of the apportionment calculated pursuant to
16 this section for the base year, as of the update produced by the commis-
17 sioner pursuant to subdivision twenty-one of section three hundred five
18 of this chapter on November fifteenth of the school year immediately
19 following the close of such base year, multiplied by one and two one-
20 hundredths (1.02).

21 § 9-d. Subdivision 7 of section 3602 of the education law is amended
22 by adding a new paragraph f to read as follows:

23 f. Aid payable in the two thousand nineteen-two thousand twenty school
24 year and thereafter. Notwithstanding any inconsistent provision of law,
25 beginning in the two thousand nineteen-two thousand twenty school year,
26 a school district's apportionment pursuant to this subdivision shall not
27 exceed the product of the apportionment calculated pursuant to this
28 subdivision for the base year, as of the update produced by the commis-

1 sioner pursuant to subdivision twenty-one of section three hundred five
2 of this chapter on November fifteenth of the school year immediately
3 following the close of such base year, multiplied by one and two one-
4 hundredths (1.02).

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

8 For the two thousand eight--two thousand nine school year, each school
9 district shall be entitled to an apportionment equal to the product of
10 fifteen percent and the additional apportionment computed pursuant to
11 this subdivision for the two thousand seven--two thousand eight school
12 year. For the two thousand nine--two thousand ten through two thousand
13 [seventeen] eighteen--two thousand [eighteen] nineteen school years,
14 each school district shall be entitled to an apportionment equal to the
15 amount set forth for such school district as "SUPPLEMENTAL PUB EXCESS
16 COST" under the heading "2008-09 BASE YEAR AIDS" in the school aid
17 computer listing produced by the commissioner in support of the budget
18 for the two thousand nine--two thousand ten school year and entitled
19 "SA0910".

20 § 11. Paragraph b of subdivision 6-c of section 3602 of the education
21 law, as amended by section 23 of part YYY of chapter 59 of the laws of
22 2017, is amended to read as follows:

23 b. For projects approved by the commissioner authorized to receive
24 additional building aid pursuant to this subdivision for the purchase of
25 stationary metal detectors, security cameras or other security devices
26 approved by the commissioner that increase the safety of students and
27 school personnel, provided that for purposes of this paragraph such
28 other security devices shall be limited to electronic security systems

1 and hardened doors, and provided that for projects approved by the
2 commissioner on or after the first day of July two thousand thirteen and
3 before the first day of July two thousand [eighteen] nineteen such addi-
4 tional aid shall equal the product of (i) the building aid ratio
5 computed for use in the current year pursuant to paragraph c of subdivi-
6 sion six of this section plus ten percentage points, except that in no
7 case shall this amount exceed one hundred percent, and (ii) the actual
8 approved expenditures incurred in the base year pursuant to this subdi-
9 vision, provided that the limitations on cost allowances prescribed by
10 paragraph a of subdivision six of this section shall not apply, and
11 provided further that any projects aided under this paragraph must be
12 included in a district's school safety plan. The commissioner shall
13 annually prescribe a special cost allowance for metal detectors, and
14 security cameras, and the approved expenditures shall not exceed such
15 cost allowance.

16 § 12. Subdivision 9 of section 3602 of the education law is amended by
17 adding a new paragraph c to read as follows:

18 c. Notwithstanding the provisions of paragraph a of this subdivision,
19 school districts receiving an apportionment pursuant to paragraph a of
20 this subdivision in the two thousand eighteen--two thousand nineteen
21 school year shall be eligible for an apportionment in the two thousand
22 nineteen--two thousand twenty school year equal to the product of fifty
23 percent multiplied by the aid received by the district pursuant to para-
24 graph a of this subdivision in the two thousand eighteen--two thousand
25 nineteen school year.

26 § 13. Subdivision 12 of section 3602 of the education law, as amended
27 by section 3 of part A of chapter 56 of the laws of 2015, the fourth
28 undesignated paragraph as added by section 3 of part A of chapter 54 of

1 the laws of 2016, the closing paragraph as added by section 24 of part
2 YYY of chapter 59 of the laws of 2017, is amended to read as follows:

3 12. Academic enhancement aid. A school district that as of April first
4 of the base year has been continuously identified as a district in need
5 of improvement for at least five years shall, for the two thousand
6 eight--two thousand nine school year, be entitled to an additional
7 apportionment equal to the positive remainder, if any, of (a) the lesser
8 of fifteen million dollars or the product of the total foundation aid
9 base, as defined by paragraph j of subdivision one of this section,
10 multiplied by ten percent (0.10), less (b) the positive remainder of (i)
11 the sum of the total foundation aid apportioned pursuant to subdivision
12 four of this section and the supplemental educational improvement grants
13 apportioned pursuant to subdivision eight of section thirty-six hundred
14 forty-one of this article, less (ii) the total foundation aid base.

15 For the two thousand nine--two thousand ten through two thousand four-
16 teen--two thousand fifteen school years, each school district shall be
17 entitled to an apportionment equal to the amount set forth for such
18 school district as "EDUCATION GRANTS, ACADEMIC EN" under the heading
19 "2008-09 BASE YEAR AIDS" in the school aid computer listing produced by
20 the commissioner in support of the budget for the two thousand nine--two
21 thousand ten school year and entitled "SA0910", and such apportionment
22 shall be deemed to satisfy the state obligation to provide an apportion-
23 ment pursuant to subdivision eight of section thirty-six hundred forty-
24 one of this article.

25 For the two thousand fifteen--two thousand sixteen year, each school
26 district shall be entitled to an apportionment equal to the amount set
27 forth for such school district as "ACADEMIC ENHANCEMENT" under the head-
28 ing "2014-15 ESTIMATED AIDS" in the school aid computer listing produced

1 by the commissioner in support of the budget for the two thousand four-
2 teen--two thousand fifteen school year and entitled "SA141-5", and such
3 apportionment shall be deemed to satisfy the state obligation to provide
4 an apportionment pursuant to subdivision eight of section thirty-six
5 hundred forty-one of this article.

6 For the two thousand sixteen--two thousand seventeen school year, each
7 school district shall be entitled to an apportionment equal to the
8 amount set forth for such school district as "ACADEMIC ENHANCEMENT"
9 under the heading "2015-16 ESTIMATED AIDS" in the school aid computer
10 listing produced by the commissioner in support of the budget for the
11 two thousand fifteen--two thousand sixteen school year and entitled
12 "SA151-6", and such apportionment shall be deemed to satisfy the state
13 obligation to provide an apportionment pursuant to subdivision eight of
14 section thirty-six hundred forty-one of this article.

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

24 For the two thousand eighteen--two thousand nineteen school year, each
25 school district shall be entitled to an apportionment equal to the
26 amount set forth for such school district as "ACADEMIC ENHANCEMENT"
27 under the heading "2017-18 ESTIMATED AIDS" in the school aid computer
28 listing produced by the commissioner in support of the budget for the

1 two thousand seventeen--two thousand eighteen school year and entitled
2 "SA171-8", and such apportionment shall be deemed to satisfy the state
3 obligation to provide an apportionment pursuant to subdivision eight of
4 section thirty-six hundred forty-one of this article.

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

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

1 district as "HIGH TAX AID" under the heading "2008-09 BASE YEAR AIDS" in
2 the school aid computer listing produced by the commissioner in support
3 of the budget for the two thousand nine--two thousand ten school year
4 and entitled "SA0910" or (2) the amount set forth for such school
5 district as "HIGH TAX AID" under the heading "2013-14 ESTIMATED AIDS" in
6 the school aid computer listing produced by the commissioner in support
7 of the executive budget for the 2013-14 fiscal year and entitled
8 "BT131-4".

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

12 Notwithstanding any provision of law to the contrary, (i) for aid
13 payable in the two thousand eight--two thousand nine school year, the
14 grant to each eligible school district for universal prekindergarten aid
15 shall be computed pursuant to this subdivision, and (ii) for the two
16 thousand nine--two thousand ten and two thousand ten--two thousand elev-
17 en school years, each school district shall be eligible for a maximum
18 grant equal to the amount computed for such school district for the base
19 year in the electronic data file produced by the commissioner in support
20 of the two thousand nine--two thousand ten education, labor and family
21 assistance budget, provided, however, that in the case of a district
22 implementing programs for the first time or implementing expansion
23 programs in the two thousand eight--two thousand nine school year where
24 such programs operate for a minimum of ninety days in any one school
25 year as provided in section 151-1.4 of the regulations of the commis-
26 sioner, for the two thousand nine--two thousand ten and two thousand
27 ten--two thousand eleven school years, such school district shall be
28 eligible for a maximum grant equal to the amount computed pursuant to

1 paragraph a of subdivision nine of this section in the two thousand
2 eight--two thousand nine school year, and (iii) for the two thousand
3 eleven--two thousand twelve school year each school district shall be
4 eligible for a maximum grant equal to the amount set forth for such
5 school district as "UNIVERSAL PREKINDERGARTEN" under the heading "2011-
6 12 ESTIMATED AIDS" in the school aid computer listing produced by the
7 commissioner in support of the enacted budget for the 2011-12 school
8 year and entitled "SA111-2", and (iv) for two thousand twelve--two thou-
9 sand thirteen through two thousand sixteen--two thousand seventeen
10 school years each school district shall be eligible for a maximum grant
11 equal to the greater of (A) the amount set forth for such school
12 district as "UNIVERSAL PREKINDERGARTEN" under the heading "2010-11 BASE
13 YEAR AIDS" in the school aid computer listing produced by the commis-
14 sioner in support of the enacted budget for the 2011-12 school year and
15 entitled "SA111-2", or (B) the amount set forth for such school district
16 as "UNIVERSAL PREKINDERGARTEN" under the heading "2010-11 BASE YEAR
17 AIDS" in the school aid computer listing produced by the commissioner on
18 May fifteenth, two thousand eleven pursuant to paragraph b of subdivi-
19 sion twenty-one of section three hundred five of this chapter, and (v)
20 for the two thousand seventeen--two thousand eighteen and two thousand
21 eighteen--two thousand nineteen school [year] years, each school
22 district shall be eligible to receive a grant amount equal to the sum of
23 (A) the amount set forth for such school district as "UNIVERSAL PREKIN-
24 DERGARTEN" under the heading "2016-17 ESTIMATED AIDS" in the school aid
25 computer listing produced by the commissioner in support of the enacted
26 budget for the two thousand sixteen--two thousand seventeen school year
27 and entitled "SA161-7" plus (B) the amount awarded to such school
28 district for the priority full-day prekindergarten and expanded half-day

1 prekindergarten grant program for high need students for the two thou-
2 sand sixteen--two thousand seventeen school year pursuant to chapter
3 fifty-three of the laws of two thousand thirteen, and (vi) for the two
4 thousand [eighteen] nineteen--two thousand [nineteen] twenty school
5 year, each school district shall be eligible to receive a grant amount
6 equal to the sum of (A) the amount set forth for such school district as
7 "UNIVERSAL PREKINDERGARTEN" in the school aid computer listing produced
8 by the commissioner in support of the enacted budget for the two thou-
9 sand [seventeen] eighteen--two thousand [eighteen] nineteen school year
10 plus (B) the amount awarded to such school district for the federal
11 preschool development expansion grant for the two thousand seventeen--
12 two thousand eighteen school year pursuant to the American Recovery and
13 Reinvestment Act of 2009 (ARRA), Sections 14005, 14006, and 14013, Title
14 XIV, (Public Law 112-10), as amended by section 1832(b) of Division B of
15 the Department of Defense and Full-Year Continuing Appropriations Act,
16 2011 (Pub. L. 112-10), and the Department of Education Appropriations
17 Act, 2012 (Title III Division F of Pub. L. 112-74, the Consolidated
18 Appropriations Act, 2012) [, and (vii) for the two thousand nineteen--two
19 thousand twenty school year, each school district shall be eligible to
20 receive a grant amount equal to the sum of (A) the amount set forth for
21 such school district as "UNIVERSAL PREKINDERGARTEN ALLOCATION" on the
22 computer file produced by the commissioner in support of the enacted
23 budget for the two thousand eighteen--two thousand nineteen school year]
24 plus [(B)] (C) the amount awarded to such school district for the
25 expanded prekindergarten program for three and four year-olds for the
26 two thousand eighteen--two thousand nineteen school year pursuant to
27 chapter sixty-one of the laws of two thousand fifteen plus [(C)] (D) the
28 amount awarded to such school district for the expanded prekindergarten

1 for three-year-olds in high need districts program for the two thousand
2 eighteen--two thousand nineteen school year pursuant to chapter fifty-
3 three of the laws of two thousand sixteen plus [(D)] (E) the amount
4 awarded to such school district for the expanded prekindergarten program
5 for three- and four-year-olds for the two thousand eighteen--two thou-
6 sand nineteen school year pursuant to a chapter of the laws of two thou-
7 sand seventeen plus [(E)] (F) the amount awarded to such school
8 district, subject to an available appropriation, through the pre-kinder-
9 garten expansion grant for the two thousand eighteen--two thousand nine-
10 teen school year, provided that such school district has met all
11 requirements pursuant to this section, and [(viii)] (vii) for the two
12 thousand twenty--two thousand twenty-one school year and thereafter,
13 each school district shall be eligible to receive a grant amount equal
14 to the sum of (A) the amount set forth for such school district as
15 "UNIVERSAL PREKINDERGARTEN ALLOCATION" on the computer file produced by
16 the commissioner in support of the enacted budget for the prior year
17 plus (B) the amount awarded to such school district, subject to an
18 available appropriation, through the pre-kindergarten expansion grant
19 for the prior year, provided that such school district has met all
20 requirements pursuant to this section, and provided further that the
21 maximum grant shall not exceed the total actual grant expenditures
22 incurred by the school district in the current school year as approved
23 by the commissioner.

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

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

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

6 For the two thousand eighteen--two thousand nineteen school year the
7 sum of, from [each of (A)] the programs pursuant to this section [and
8 (B) the federal preschool development expansion grant, (1)], (A) the
9 maximum aidable full-day prekindergarten pupils such district was eligi-
10 ble to serve in the base year plus [(2)] (B) the maximum aidable number
11 of half-day prekindergarten pupils converted into a full-day prekinde-
12 rgarten pupil in the base year;

13 For the two thousand nineteen--two thousand twenty school year the sum
14 of, from each of (A) the programs pursuant to this section, (B) the
15 federal preschool development expansion grant, (C) the expanded prekin-
16 dergarten program, [(C)] (D) the expanded prekindergarten for three-
17 year-olds, [(D)] (E) the expanded prekindergarten program for three- and
18 four-year-olds, and [(E)] (F) the prekindergarten expansion grant, (1)
19 the maximum aidable full-day prekindergarten pupils such district was
20 eligible to serve in the base year, plus (2) the maximum aidable number
21 of half-day prekindergarten pupils converted into a full-day prekinde-
22 rgarten pupil in the base year;

23 For the two thousand twenty--two thousand twenty-one school year and
24 thereafter the sum of, from each of (A) the programs pursuant to this
25 section and (B) the pre-kindergarten expansion grant, (1) the maximum
26 aidable full-day prekindergarten pupils such district was eligible to
27 serve in the base year, plus (2) the maximum aidable number of half-day

1 prekindergarten pupils converted into a full-day prekindergarten pupil
2 in the base year;

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

4 For the two thousand seventeen--two thousand eighteen school year the
5 sum of the maximum aidable half-day prekindergarten pupils such district
6 was eligible to serve for the base year from (A) the program pursuant to
7 this section plus such pupils from (B) the priority full-day prekinde-
8 garten program, less the maximum aidable number of half-day prekinde-
9 garten pupils converted into a full-day prekindergarten pupil under the
10 priority full-day prekindergarten program for the base year;

11 For the two thousand eighteen--two thousand nineteen school year the
12 maximum aidable half-day prekindergarten pupils such district was eligi-
13 ble to serve for the base year from [(A) the program pursuant to this
14 section less (B) the maximum aidable number of half-day prekindergarten
15 pupils converted into a full-day prekindergarten pupil under the federal
16 preschool development expansion grant for the base year] the program
17 pursuant to this section;

18 For the two thousand nineteen--two thousand twenty school year the sum
19 of the maximum aidable half-day prekindergarten pupils such district was
20 eligible to serve for the base year from (A) the program pursuant to
21 this section plus such pupils from (B) the expanded prekindergarten
22 program plus such pupils from (C) the expanded prekindergarten for
23 three-year-olds plus such pupils from (D) the expanded prekindergarten
24 program for three- and four-year-olds plus such pupils from (E) the
25 prekindergarten expansion grant, less the sum of the maximum aidable
26 number of half-day prekindergarten pupils converted into a full-day
27 prekindergarten pupil under each of (1) the federal preschool expansion
28 grant for the base year plus such pupils from (2) the expanded prekin-

1 dergarten program plus such pupils from [(2)] (3) the expanded prekin-
2 dergarten for three-year-olds plus such pupils from [(3)] (4) the
3 expanded prekindergarten program for three- and four-year-olds plus such
4 pupils from [(4)] (5) the prekindergarten expansion grant for the base
5 year;

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

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

16 For the purposes of this paragraph:

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

21 (B) "Federal preschool development expansion grant" shall mean the
22 federal preschool development expansion grant pursuant to the American
23 Recovery and Reinvestment Act of 2009 (ARRA), Sections 14005, 14006, and
24 14013, Title XIV, (Public Law 112-10), as amended by section 1832(b) of
25 Division B of the Department of Defense and Full-Year Continuing Appro-
26 priations Act, 2011 (Pub. L. 112-10), and the Department of Education
27 Appropriations Act, 2012 (Title III Division F of Pub. L. 112-74, the
28 Consolidated Appropriations Act, 2012);

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

4 (D) "Expanded prekindergarten for three-year-olds" shall mean the
5 expanded prekindergarten for three-year-olds in high need districts
6 program pursuant to chapter fifty-three of the laws of two thousand
7 sixteen;

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

11 (F) "Prekindergarten expansion grant" shall mean the prekindergarten
12 expansion grant for the two thousand eighteen--two thousand nineteen
13 school year and thereafter, pursuant to subdivision eighteen of this
14 section, to the extent such program was available subject to appropri-
15 ation, and provided that such school district has met all requirements
16 pursuant to this section.

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

20 11. Maintenance of effort reduction. Where a school district's current
21 year prekindergarten pupils served is less than its prekindergarten
22 maintenance of effort base, the school district shall have its current
23 year apportionment [reduced by] equal to the product of the maintenance
24 of effort factor computed in paragraph b of subdivision ten of this
25 section multiplied by the grant amount it was eligible to receive pursu-
26 ant to subdivision ten of this section.

1 § 19. Subdivision 16 of section 3602-ee of the education law, as
2 amended by section 31 of part YYY of chapter 59 of the laws of 2017, is
3 amended to read as follows:

4 16. The authority of the department to administer the universal full-
5 day pre-kindergarten program shall expire June thirtieth, two thousand
6 [eighteen] nineteen; provided that the program shall continue and remain
7 in full effect.

8 § 20. Paragraph a of subdivision 5 of section 3604 of the education
9 law, as amended by chapter 161 of the laws of 2005, is amended to read
10 as follows:

11 a. State aid adjustments. All errors or omissions in the apportionment
12 shall be corrected by the commissioner. Whenever a school district has
13 been apportioned less money than that to which it is entitled, the
14 commissioner may allot to such district the balance to which it is enti-
15 tled. Whenever a school district has been apportioned more money than
16 that to which it is entitled, the commissioner may, by an order, direct
17 such moneys to be paid back to the state to be credited to the general
18 fund local assistance account for state aid to the schools, or may
19 deduct such amount from the next apportionment to be made to said
20 district, provided, however, that, upon notification of excess payments
21 of aid for which a recovery must be made by the state through deduction
22 of future aid payments, a school district may request that such excess
23 payments be recovered by deducting such excess payments from the
24 payments due to such school district and payable in the month of June in
25 (i) the school year in which such notification was received and (ii) the
26 two succeeding school years, provided further that there shall be no
27 interest penalty assessed against such district or collected by the
28 state. Such request shall be made to the commissioner in such form as

1 the commissioner shall prescribe, and shall be based on documentation
2 that the total amount to be recovered is in excess of one percent of the
3 district's total general fund expenditures for the preceding school
4 year. The amount to be deducted in the first year shall be the greater
5 of (i) the sum of the amount of such excess payments that is recognized
6 as a liability due to other governments by the district for the preced-
7 ing school year and the positive remainder of the district's unreserved
8 fund balance at the close of the preceding school year less the product
9 of the district's total general fund expenditures for the preceding
10 school year multiplied by five percent, or (ii) one-third of such excess
11 payments. The amount to be recovered in the second year shall equal the
12 lesser of the remaining amount of such excess payments to be recovered
13 or one-third of such excess payments, and the remaining amount of such
14 excess payments shall be recovered in the third year. Provided further
15 that, notwithstanding any other provisions of this subdivision, any
16 pending payment of moneys due to such district as a prior year adjust-
17 ment payable pursuant to paragraph c of this subdivision for aid claims
18 that had been previously paid as current year aid payments in excess of
19 the amount to which the district is entitled and for which recovery of
20 excess payments is to be made pursuant to this paragraph, shall be
21 reduced at the time of actual payment by any remaining unrecovered
22 balance of such excess payments, and the remaining scheduled deductions
23 of such excess payments pursuant to this paragraph shall be reduced by
24 the commissioner to reflect the amount so recovered. [The commissioner
25 shall certify no payment to a school district based on a claim submitted
26 later than three years after the close of the school year in which such
27 payment was first to be made. For claims for which payment is first to
28 be made in the nineteen hundred ninety-six--ninety-seven school year,

1 the commissioner shall certify no payment to a school district based on
2 a claim submitted later than two years after the close of such school
3 year.] For claims for which payment is first to be made [in the nineteen
4 hundred ninety-seven--ninety-eight] prior to the two thousand seven-
5 teen--two thousand eighteen school year [and thereafter], the commis-
6 sioner shall certify no payment to a school district based on a claim
7 submitted later than one year after the close of such school year. For
8 claims for which payment is first to be made in the two thousand seven-
9 teen--two thousand eighteen school year and thereafter, the commissioner
10 shall certify no payment to a school district based on a claim submitted
11 later than the first of November of such school year. Provided, however,
12 no payments shall be barred or reduced where such payment is required as
13 a result of a final audit of the state. [It is further provided that,
14 until June thirtieth, nineteen hundred ninety-six, the commissioner may
15 grant a waiver from the provisions of this section for any school
16 district if it is in the best educational interests of the district
17 pursuant to guidelines developed by the commissioner and approved by the
18 director of the budget.] Further provided that for any apportionments
19 provided pursuant to sections seven hundred one, seven hundred eleven,
20 seven hundred fifty-one, seven hundred fifty-three, nineteen hundred
21 fifty, thirty-six hundred two, thirty-six hundred two-b, thirty-six
22 hundred two-c, thirty-six hundred two-e and forty-four hundred five of
23 this chapter for the two thousand seventeen--two thousand eighteen and
24 two thousand eighteen--two thousand nineteen school years, the commis-
25 sioner shall certify no payment to a school district, other than
26 payments pursuant to subdivisions six-a, eleven, thirteen and fifteen of
27 section thirty-six hundred two of this part, in excess of the payment
28 computed based on an electronic data file used to produce the school aid

1 computer listing produced by the commissioner in support of the execu-
2 tive budget request submitted for the two thousand eighteen--two thou-
3 sand nineteen state fiscal year and entitled "BT181-9", and further
4 provided that for any apportionments provided pursuant to sections seven
5 hundred one, seven hundred eleven, seven hundred fifty-one, seven
6 hundred fifty-three, nineteen hundred fifty, thirty-six hundred two,
7 thirty-six hundred two-b, thirty-six hundred two-c, thirty-six hundred
8 two-e and forty-four hundred five of this chapter for the two thousand
9 nineteen--two thousand twenty school year and thereafter, the commis-
10 sioner shall certify no payment to a school district, other than
11 payments pursuant to subdivisions six-a, eleven, thirteen and fifteen of
12 section thirty-six hundred two of this part, in excess of the payment
13 computed based on an electronic data file used to produce the school aid
14 computer listing produced by the commissioner in support of the execu-
15 tive budget request submitted for the state fiscal year in which the
16 school year commences.

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

20 For aid payable in the two thousand seven--two thousand eight school
21 year through the two thousand seventeen--two thousand eighteen school
22 year, "moneys apportioned" shall mean the lesser of (i) the sum of one
23 hundred percent of the respective amount set forth for each school
24 district as payable pursuant to this section in the school aid computer
25 listing for the current year produced by the commissioner in support of
26 the budget which includes the appropriation for the general support for
27 public schools for the prescribed payments and individualized payments
28 due prior to April first for the current year plus the apportionment

1 payable during the current school year pursuant to subdivision six-a and
2 subdivision fifteen of section thirty-six hundred two of this part minus
3 any reductions to current year aids pursuant to subdivision seven of
4 section thirty-six hundred four of this part or any deduction from
5 apportionment payable pursuant to this chapter for collection of a
6 school district basic contribution as defined in subdivision eight of
7 section forty-four hundred one of this chapter, less any grants provided
8 pursuant to subparagraph two-a of paragraph b of subdivision four of
9 section ninety-two-c of the state finance law, less any grants provided
10 pursuant to subdivision six of section ninety-seven-nnnn of the state
11 finance law, less any grants provided pursuant to subdivision twelve of
12 section thirty-six hundred forty-one of this article, or (ii) the appor-
13 tionment calculated by the commissioner based on data on file at the
14 time the payment is processed; provided however, that for the purposes
15 of any payments made pursuant to this section prior to the first busi-
16 ness day of June of the current year, moneys apportioned shall not
17 include any aids payable pursuant to subdivisions six and fourteen, if
18 applicable, of section thirty-six hundred two of this part as current
19 year aid for debt service on bond anticipation notes and/or bonds first
20 issued in the current year or any aids payable for full-day kindergarten
21 for the current year pursuant to subdivision nine of section thirty-six
22 hundred two of this part. The definitions of "base year" and "current
23 year" as set forth in subdivision one of section thirty-six hundred two
24 of this part shall apply to this section. [For aid payable in the two
25 thousand seventeen--two thousand eighteen school year, reference to such
26 "school aid computer listing for the current year" shall mean the print-
27 outs entitled "SA171-8"] For aid payable in the two thousand eighteen--
28 two thousand nineteen school year and thereafter, "moneys apportioned"

1 shall mean the lesser of: (i) the sum of one hundred percent of the
2 respective amount set forth for each school district as payable pursuant
3 to this section in the school aid computer listing for the current year
4 produced by the commissioner in support of the executive budget request
5 which includes the appropriation for the general support for public
6 schools for the prescribed payments and individualized payments due
7 prior to April first for the current year plus the apportionment payable
8 during the current school year pursuant to subdivisions six-a and
9 fifteen of section thirty-six hundred two of this part minus any
10 reductions to current year aids pursuant to subdivision seven of section
11 thirty-six hundred four of this part or any deduction from apportionment
12 payable pursuant to this chapter for collection of a school district
13 basic contribution as defined in subdivision eight of section forty-four
14 hundred one of this chapter, less any grants provided pursuant to
15 subparagraph two-a of paragraph b of subdivision four of section nine-
16 ty-two-c of the state finance law, less any grants provided pursuant to
17 subdivision six of section ninety-seven-nnnn of the state finance law,
18 less any grants provided pursuant to subdivision twelve of section thir-
19 ty-six hundred forty-one of this article, or (ii) the apportionment
20 calculated by the commissioner based on data on file at the time the
21 payment is processed; provided however, that for the purposes of any
22 payments made pursuant to this section prior to the first business day
23 of June of the current year, moneys apportioned shall not include any
24 aids payable pursuant to subdivisions six and fourteen, if applicable,
25 of section thirty-six hundred two of this part as current year aid for
26 debt service on bond anticipation notes and/or bonds first issued in the
27 current year or any aids payable for full-day kindergarten for the
28 current year pursuant to subdivision nine of section thirty-six hundred

1 two of this part. For aid payable in the two thousand eighteen--two
2 thousand nineteen school year, reference to such "school aid computer
3 listing for the current year" shall mean the printouts entitled
4 "BT181-9".

5 § 22. Paragraph b of subdivision 2 of section 3612 of the education
6 law, as amended by section 34 of part YYY of chapter 59 of the laws of
7 2017, is amended to read as follows:

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

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

1 6. Notwithstanding any other law, rule or regulation to the contrary,
2 the board of education of a city school district with a population of
3 one hundred twenty-five thousand or more inhabitants shall be permitted
4 to establish maximum class sizes for special classes for certain
5 students with disabilities in accordance with the provisions of this
6 subdivision. For the purpose of obtaining relief from any adverse fiscal
7 impact from under-utilization of special education resources due to low
8 student attendance in special education classes at the middle and
9 secondary level as determined by the commissioner, such boards of educa-
10 tion shall, during the school years nineteen hundred ninety-five--nine-
11 ty-six through June thirtieth, two thousand [eighteen] nineteen of the
12 two thousand [seventeen] eighteen--two thousand [eighteen] nineteen
13 school year, be authorized to increase class sizes in special classes
14 containing students with disabilities whose age ranges are equivalent to
15 those of students in middle and secondary schools as defined by the
16 commissioner for purposes of this section by up to but not to exceed one
17 and two tenths times the applicable maximum class size specified in
18 regulations of the commissioner rounded up to the nearest whole number,
19 provided that in a city school district having a population of one
20 million or more, classes that have a maximum class size of fifteen may
21 be increased by no more than one student and provided that the projected
22 average class size shall not exceed the maximum specified in the appli-
23 cable regulation, provided that such authorization shall terminate on
24 June thirtieth, two thousand. Such authorization shall be granted upon
25 filing of a notice by such a board of education with the commissioner
26 stating the board's intention to increase such class sizes and a certif-
27 ication that the board will conduct a study of attendance problems at
28 the secondary level and will implement a corrective action plan to

1 increase the rate of attendance of students in such classes to at least
2 the rate for students attending regular education classes in secondary
3 schools of the district. Such corrective action plan shall be submitted
4 for approval by the commissioner by a date during the school year in
5 which such board increases class sizes as provided pursuant to this
6 subdivision to be prescribed by the commissioner. Upon at least thirty
7 days notice to the board of education, after conclusion of the school
8 year in which such board increases class sizes as provided pursuant to
9 this subdivision, the commissioner shall be authorized to terminate such
10 authorization upon a finding that the board has failed to develop or
11 implement an approved corrective action plan.

12 § 24. Section 4408 of the education law, as amended by chapter 82 of
13 the laws of 1995, subdivision 1 as amended by section 32 of part A-1 of
14 chapter 58 of the laws of 2006, subdivision 3 as amended by section 59
15 and subdivision 5 as amended by section 60 of part A of chapter 58 of
16 the laws of 2011, is amended to read as follows:

17 § 4408. Payment for July and August programs for students with disa-
18 bilities. 1. State aid. The commissioner shall make payments for
19 approved July and August programs for students with disabilities in
20 accordance with this section in an amount equal to the sum of the
21 tuition state payment amount pursuant to subdivision five of this
22 section, plus the product of eighty percent [of] multiplied by the sum
23 of the [approved tuition and] maintenance rates and the transportation
24 expense for the current year enrollment of students with disabilities
25 ages five through twenty-one or students eligible for services during
26 July and August pursuant to article eighty-five, eighty-seven or eight-
27 y-eight of this chapter, where such costs are determined pursuant to
28 section forty-four hundred five of this article, provided that the

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

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

19 3. Payment schedule. For aid payable in the two thousand six--two
20 thousand seven school year and thereafter, moneys appropriated annually
21 to the department from the general fund - local assistance account under
22 the office of prekindergarten through grade twelve education program for
23 July and August programs for students with disabilities, shall be used
24 as follows: (i) for remaining base year and prior school years obli-
25 gations, (ii) for the purposes of subdivision four of this section for
26 schools operated under articles eighty-seven and eighty-eight of this
27 [chapter] title, and (iii) notwithstanding any inconsistent provisions
28 of this chapter, for payments made pursuant to this section for current

1 school year obligations, provided, however, that such payments shall not
2 exceed seventy percent of the state aid due for the sum of the approved
3 tuition and maintenance rates and transportation expense provided for
4 herein; provided, however, that payment of eligible claims shall be
5 payable in the order that such claims have been approved for payment by
6 the commissioner, but in no case shall a single payee draw down more
7 than forty-five percent of the appropriation provided for the purposes
8 of this section, and provided further that no claim shall be set aside
9 for insufficiency of funds to make a complete payment, but shall be
10 eligible for a partial payment in one year and shall retain its priority
11 date status for appropriations provided for this section in future
12 years.

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

1 5. [State share] Tuition state payment amount. a. For school years
2 commencing prior to July first, two thousand eighteen, the tuition state
3 payment amount shall be eighty percent of the sum of such approved
4 tuition expense.

5 b. For school years commencing on or after July first, two thousand
6 eighteen, the tuition state payment amount shall be equal to (i) for
7 students placed pursuant to section thirty-two hundred two and articles
8 eighty-five, eighty-seven, and eighty-eight of this title, eighty
9 percent of such tuition expense, or (ii) for all other students, such
10 approved tuition expense multiplied by the state sharing ratio for
11 public high cost excess cost aid computed pursuant to subdivision five
12 of section thirty-six hundred two of this chapter, but shall not be less
13 than one quarter (0.25) nor more than nine tenths (0.9).

14 c. Nothing in this subdivision shall be construed to alter the charge-
15 back to the municipality requirement pursuant to subdivision two of this
16 section.

17 6. Medicaid adjustment. In accordance with the provisions of subpara-
18 graph four of paragraph b of subdivision one of section thirty-six
19 hundred nine-a of this chapter for services provided during the two
20 thousand eight--two thousand nine and prior school years, any moneys due
21 the school district shall be reduced by an amount equal to fifty percent
22 of any federal participation, pursuant to title XIX of the social secu-
23 rity act, in special education programs provided pursuant to this
24 section. For services provided during the two thousand nine--two thou-
25 sand ten school year and thereafter, or for services provided in a prior
26 school year that were not reimbursed by the state on or before April
27 first, two thousand eleven, such state share shall be designated and

1 transferred pursuant to section thirty-six hundred nine-b of this chap-
2 ter.

3 [6.] 7. Notwithstanding any other provision of law to the contrary, no
4 payments shall be made by the commissioner pursuant to this section on
5 or after July first, nineteen hundred ninety-six based on a claim
6 submitted later than three years after the end of the school year in
7 which services were rendered, provided however that no payment shall be
8 barred or reduced where such payment is required as a result of a court
9 order or judgment or a final audit.

10 § 25. Subdivision b of section 2 of chapter 756 of the laws of 1992,
11 relating to funding a program for work force education conducted by the
12 consortium for worker education in New York city, as amended by section
13 44 of part YYY of chapter 59 of the laws of 2017, is amended to read as
14 follows:

15 b. Reimbursement for programs approved in accordance with subdivision
16 a of this section for the 2015--2016 school year shall not exceed 60.7
17 percent of the lesser of such approvable costs per contact hour or thir-
18 teen dollars and forty cents per contact hour, reimbursement for the
19 2016--2017 school year shall not exceed 60.3 percent of the lesser of
20 such approvable costs per contact hour or thirteen dollars ninety cents
21 per contact hour, [and] reimbursement for the 2017--2018 school year
22 shall not exceed 60.4 percent of the lesser of such approvable costs per
23 contact hour or thirteen dollars and ninety cents per contact hour, and
24 reimbursement for the 2018--2019 school year shall not exceed 59.4
25 percent of the lesser of such approvable costs per contact hour or four-
26 teen dollars and seventy-five cents per contact hour, where a contact
27 hour represents sixty minutes of instruction services provided to an
28 eligible adult. Notwithstanding any other provision of law to the

1 contrary, for the 2015--2016 school year such contact hours shall not
2 exceed one million five hundred ninety-nine thousand fifteen (1,599,015)
3 hours; whereas for the 2016--2017 school year such contact hours shall
4 not exceed one million five hundred fifty-one thousand three hundred
5 twelve (1,551,312); [and] whereas for the 2017--2018 school year such
6 contact hours shall not exceed one million five hundred forty-nine thou-
7 sand four hundred sixty-three (1,549,463); and for the 2018--2019 school
8 year such contact hours shall not exceed one million three hundred
9 twelve thousand seven hundred eighty-five (1,312,785). Notwithstanding
10 any other provision of law to the contrary, the apportionment calculated
11 for the city school district of the city of New York pursuant to subdi-
12 vision 11 of section 3602 of the education law shall be computed as if
13 such contact hours provided by the consortium for worker education, not
14 to exceed the contact hours set forth herein, were eligible for aid in
15 accordance with the provisions of such subdivision 11 of section 3602 of
16 the education law.

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

21 w. The provisions of this subdivision shall not apply after the
22 completion of payments for the 2018--2019 school year. Notwithstanding
23 any inconsistent provisions of law, the commissioner of education shall
24 withhold a portion of employment preparation education aid due to the
25 city school district of the city of New York to support a portion of the
26 costs of the work force education program. Such moneys shall be credited
27 to the elementary and secondary education fund-local assistance account

1 and shall not exceed eleven million five hundred thousand dollars
2 (\$11,500,000).

3 § 27. Section 6 of chapter 756 of the laws of 1992, relating to fund-
4 ing a program for work force education conducted by the consortium for
5 worker education in New York city, as amended by section 46 of part YYY
6 of chapter 59 of the laws of 2017, is amended to read as follows:

7 § 6. This act shall take effect July 1, 1992, and shall be deemed
8 repealed on June 30, [2018] 2019.

9 § 28. Subdivisions 22 and 24 of section 140 of chapter 82 of the laws
10 of 1995, amending the education law and certain other laws relating to
11 state aid to school districts and the appropriation of funds for the
12 support of government, as amended by section 47 of part YYY of chapter
13 59 of the laws of 2017, are amended to read as follows:

14 (22) sections one hundred twelve, one hundred thirteen, one hundred
15 fourteen, one hundred fifteen and one hundred sixteen of this act shall
16 take effect on July 1, 1995; provided, however, that section one hundred
17 thirteen of this act shall remain in full force and effect until July 1,
18 [2018] 2019 at which time it shall be deemed repealed;

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

24 § 29. The education law is amended by adding a new section 4403-a to
25 read as follows:

26 § 4403-a. Waivers from certain duties. 1. A local school district,
27 approved private school or board of cooperative educational services may
28 submit an application for a waiver from any requirement imposed on such

1 district, school or board of cooperative educational services pursuant
2 to section forty-four hundred two or section forty-four hundred three of
3 this article, and regulations promulgated thereunder, for a specific
4 school year. Such application must be submitted at least sixty days in
5 advance of the proposed date on which the waiver would be effective and
6 shall be in a form prescribed by the commissioner.

7 2. Before submitting an application for a waiver, the local school
8 district, approved private school or board of cooperative educational
9 services shall provide notice of the proposed waiver to the parents or
10 persons in parental relationship to the students that would be impacted
11 by the waiver if granted. Such notice shall be in a form and manner that
12 will ensure that such parents and persons in parental relationship will
13 be aware of all relevant changes that would occur under the waiver, and
14 shall include information on the form, manner and date by which parents
15 may submit written comments on the proposed waiver. The local school
16 district, approved private school, or board of cooperative educational
17 services shall provide at least sixty days for such parents and persons
18 in parental relationship to submit written comments, and shall include
19 in the waiver application submitted to the commissioner pursuant to
20 subdivision one of this section any written comments received from such
21 parents or persons in parental relationship to such students.

22 3. The commissioner may grant a waiver from any requirement imposed on
23 a local school district, approved private school or board of cooperative
24 educational services pursuant to section forty-four hundred two or
25 section forty-four hundred three of this article, upon a finding that
26 such waiver will enable a local school district, approved private school
27 or board of cooperative educational services to implement an innovative
28 special education program that is consistent with applicable federal

1 requirements, and will enhance student achievement and/or opportunities
2 for placement in regular classes and programs. In making such determi-
3 nation, the commissioner shall consider any comments received by the
4 local school district, approved private school or board of cooperative
5 educational services from parents or persons in parental relation to the
6 students that would be directly affected by the waiver if granted.

7 4. Any local school district, approved private school or board of
8 cooperative educational services granted a waiver shall submit an annual
9 report to the commissioner regarding the operation and evaluation of the
10 program no later than thirty days after the end of each school year for
11 which a waiver is granted.

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

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

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

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

27 § 32. Subdivision 1 of section 167 of chapter 169 of the laws of 1994,
28 relating to certain provisions related to the 1994-95 state operations,

1 aid to localities, capital projects and debt service budgets, as amended
2 by section 32 of part A of chapter 54 of the laws of 2016, is amended to
3 read as follows:

4 1. Sections one through seventy of this act shall be deemed to have
5 been in full force and effect as of April 1, 1994 provided, however,
6 that sections one, two, twenty-four, twenty-five and twenty-seven
7 through seventy of this act shall expire and be deemed repealed on March
8 31, 2000; provided, however, that section twenty of this act shall apply
9 only to hearings commenced prior to September 1, 1994, and provided
10 further that section twenty-six of this act shall expire and be deemed
11 repealed on March 31, 1997; and provided further that sections four
12 through fourteen, sixteen, and eighteen, nineteen and twenty-one through
13 twenty-one-a of this act shall expire and be deemed repealed on March
14 31, 1997; and provided further that sections three, fifteen, seventeen,
15 twenty, twenty-two and twenty-three of this act shall expire and be
16 deemed repealed on March 31, [2018] 2020.

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

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

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

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

4 § 35. Section 2 of subpart B of part AA of chapter 56 of the laws of
5 2014, amending the education law relating to providing that standardized
6 test scores shall not be included on a student's permanent record, is
7 amended to read as follows:

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

10 § 36. School bus driver training. In addition to apportionments other-
11 wise provided by section 3602 of the education law, for aid payable in
12 the 2018-2019 school year, the commissioner of education shall allocate
13 school bus driver training grants to school districts and boards of
14 cooperative educational services pursuant to sections 3650-a, 3650-b and
15 3650-c of the education law, or for contracts directly with not-for-pro-
16 fit educational organizations for the purposes of this section. Such
17 payments shall not exceed four hundred thousand dollars (\$400,000) per
18 school year.

19 § 37. Special apportionment for salary expenses. a. Notwithstanding
20 any other provision of law, upon application to the commissioner of
21 education, not sooner than the first day of the second full business
22 week of June 2019 and not later than the last day of the third full
23 business week of June 2019, a school district eligible for an apportion-
24 ment pursuant to section 3602 of the education law shall be eligible to
25 receive an apportionment pursuant to this section, for the school year
26 ending June 30, 2019, for salary expenses incurred between April 1 and
27 June 30, 2018 and such apportionment shall not exceed the sum of (i) the
28 deficit reduction assessment of 1990--1991 as determined by the commis-

1 sioner of education, pursuant to paragraph f of subdivision 1 of section
2 3602 of the education law, as in effect through June 30, 1993, plus (ii)
3 186 percent of such amount for a city school district in a city with a
4 population in excess of 1,000,000 inhabitants, plus (iii) 209 percent of
5 such amount for a city school district in a city with a population of
6 more than 195,000 inhabitants and less than 219,000 inhabitants accord-
7 ing to the latest federal census, plus (iv) the net gap elimination
8 adjustment for 2010--2011, as determined by the commissioner of educa-
9 tion pursuant to chapter 53 of the laws of 2010, plus (v) the gap elimi-
10 nation adjustment for 2011--2012 as determined by the commissioner of
11 education pursuant to subdivision 17 of section 3602 of the education
12 law, and provided further that such apportionment shall not exceed such
13 salary expenses. Such application shall be made by a school district,
14 after the board of education or trustees have adopted a resolution to do
15 so and in the case of a city school district in a city with a population
16 in excess of 125,000 inhabitants, with the approval of the mayor of such
17 city.

18 b. The claim for an apportionment to be paid to a school district
19 pursuant to subdivision a of this section shall be submitted to the
20 commissioner of education on a form prescribed for such purpose, and
21 shall be payable upon determination by such commissioner that the form
22 has been submitted as prescribed. Such approved amounts shall be payable
23 on the same day in September of the school year following the year in
24 which application was made as funds provided pursuant to subparagraph
25 (4) of paragraph b of subdivision 4 of section 92-c of the state finance
26 law, on the audit and warrant of the state comptroller on vouchers
27 certified or approved by the commissioner of education in the manner
28 prescribed by law from moneys in the state lottery fund and from the

1 general fund to the extent that the amount paid to a school district
2 pursuant to this section exceeds the amount, if any, due such school
3 district pursuant to subparagraph (2) of paragraph a of subdivision 1 of
4 section 3609-a of the education law in the school year following the
5 year in which application was made.

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

21 § 38. Special apportionment for public pension accruals. a. Notwith-
22 standing any other provision of law, upon application to the commission-
23 er of education, not later than June 30, 2019, a school district eligi-
24 ble for an apportionment pursuant to section 3602 of the education law
25 shall be eligible to receive an apportionment pursuant to this section,
26 for the school year ending June 30, 2019 and such apportionment shall
27 not exceed the additional accruals required to be made by school
28 districts in the 2004--2005 and 2005--2006 school years associated with

1 changes for such public pension liabilities. The amount of such addi-
2 tional accrual shall be certified to the commissioner of education by
3 the president of the board of education or the trustees or, in the case
4 of a city school district in a city with a population in excess of
5 125,000 inhabitants, the mayor of such city. Such application shall be
6 made by a school district, after the board of education or trustees have
7 adopted a resolution to do so and in the case of a city school district
8 in a city with a population in excess of 125,000 inhabitants, with the
9 approval of the mayor of such city.

10 b. The claim for an apportionment to be paid to a school district
11 pursuant to subdivision a of this section shall be submitted to the
12 commissioner of education on a form prescribed for such purpose, and
13 shall be payable upon determination by such commissioner that the form
14 has been submitted as prescribed. Such approved amounts shall be payable
15 on the same day in September of the school year following the year in
16 which application was made as funds provided pursuant to subparagraph
17 (4) of paragraph b of subdivision 4 of section 92-c of the state finance
18 law, on the audit and warrant of the state comptroller on vouchers
19 certified or approved by the commissioner of education in the manner
20 prescribed by law from moneys in the state lottery fund and from the
21 general fund to the extent that the amount paid to a school district
22 pursuant to this section exceeds the amount, if any, due such school
23 district pursuant to subparagraph (2) of paragraph a of subdivision 1 of
24 section 3609-a of the education law in the school year following the
25 year in which application was made.

26 c. Notwithstanding the provisions of section 3609-a of the education
27 law, an amount equal to the amount paid to a school district pursuant to
28 subdivisions a and b of this section shall first be deducted from the

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

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

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

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

27 d. Notwithstanding any other law, rule or regulation to the contrary,
28 moneys appropriated to the state education department for general

1 support for public schools may be interchanged with any other item of
2 appropriation for general support for public schools within the general
3 fund local assistance account office of prekindergarten through grade
4 twelve education programs.

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

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

14 a. for the development, maintenance or expansion of magnet schools or
15 magnet school programs for the 2018--2019 school year. For the city
16 school district of the city of New York there shall be a setaside of
17 foundation aid equal to forty-eight million one hundred seventy-five
18 thousand dollars (\$48,175,000) including five hundred thousand dollars
19 (\$500,000) for the Andrew Jackson High School; for the Buffalo city
20 school district, twenty-one million twenty-five thousand dollars
21 (\$21,025,000); for the Rochester city school district, fifteen million
22 dollars (\$15,000,000); for the Syracuse city school district, thirteen
23 million dollars (\$13,000,000); for the Yonkers city school district,
24 forty-nine million five hundred thousand dollars (\$49,500,000); for the
25 Newburgh city school district, four million six hundred forty-five thou-
26 sand dollars (\$4,645,000); for the Poughkeepsie city school district,
27 two million four hundred seventy-five thousand dollars (\$2,475,000); for
28 the Mount Vernon city school district, two million dollars (\$2,000,000);

1 for the New Rochelle city school district, one million four hundred ten
2 thousand dollars (\$1,410,000); for the Schenectady city school district,
3 one million eight hundred thousand dollars (\$1,800,000); for the Port
4 Chester city school district, one million one hundred fifty thousand
5 dollars (\$1,150,000); for the White Plains city school district, nine
6 hundred thousand dollars (\$900,000); for the Niagara Falls city school
7 district, six hundred thousand dollars (\$600,000); for the Albany city
8 school district, three million five hundred fifty thousand dollars
9 (\$3,550,000); for the Utica city school district, two million dollars
10 (\$2,000,000); for the Beacon city school district, five hundred sixty-
11 six thousand dollars (\$566,000); for the Middletown city school
12 district, four hundred thousand dollars (\$400,000); for the Freeport
13 union free school district, four hundred thousand dollars (\$400,000);
14 for the Greenburgh central school district, three hundred thousand
15 dollars (\$300,000); for the Amsterdam city school district, eight
16 hundred thousand dollars (\$800,000); for the Peekskill city school
17 district, two hundred thousand dollars (\$200,000); and for the Hudson
18 city school district, four hundred thousand dollars (\$400,000).

19 b. Notwithstanding any inconsistent provision of law to the contrary,
20 a school district setting aside such foundation aid pursuant to this
21 section may use such setaside funds for: (i) any instructional or
22 instructional support costs associated with the operation of a magnet
23 school; or (ii) any instructional or instructional support costs associ-
24 ated with implementation of an alternative approach to promote diversity
25 and/or enhancement of the instructional program and raising of standards
26 in elementary and secondary schools of school districts having substan-
27 tial concentrations of minority students.

1 c. The commissioner of education shall not be authorized to withhold
2 foundation aid from a school district that used such funds in accordance
3 with this paragraph, notwithstanding any inconsistency with a request
4 for proposals issued by such commissioner for the purpose of attendance
5 improvement and dropout prevention for the 2018--2019 school year, and
6 for any city school district in a city having a population of more than
7 one million, the setaside for attendance improvement and dropout
8 prevention shall equal the amount set aside in the base year. For the
9 2018--2019 school year, it is further provided that any city school
10 district in a city having a population of more than one million shall
11 allocate at least one-third of any increase from base year levels in
12 funds set aside pursuant to the requirements of this section to communi-
13 ty-based organizations. Any increase required pursuant to this section
14 to community-based organizations must be in addition to allocations
15 provided to community-based organizations in the base year.

16 d. For the purpose of teacher support for the 2018--2019 school year:
17 for the city school district of the city of New York, sixty-two million
18 seven hundred seven thousand dollars (\$62,707,000); for the Buffalo city
19 school district, one million seven hundred forty-one thousand dollars
20 (\$1,741,000); for the Rochester city school district, one million seven-
21 ty-six thousand dollars (\$1,076,000); for the Yonkers city school
22 district, one million one hundred forty-seven thousand dollars
23 (\$1,147,000); and for the Syracuse city school district, eight hundred
24 nine thousand dollars (\$809,000). All funds made available to a school
25 district pursuant to this section shall be distributed among teachers
26 including prekindergarten teachers and teachers of adult vocational and
27 academic subjects in accordance with this section and shall be in addi-
28 tion to salaries heretofore or hereafter negotiated or made available;

1 provided, however, that all funds distributed pursuant to this section
2 for the current year shall be deemed to incorporate all funds distrib-
3 uted pursuant to former subdivision 27 of section 3602 of the education
4 law for prior years. In school districts where the teachers are repres-
5 ented by certified or recognized employee organizations, all salary
6 increases funded pursuant to this section shall be determined by sepa-
7 rate collective negotiations conducted pursuant to the provisions and
8 procedures of article 14 of the civil service law, notwithstanding the
9 existence of a negotiated agreement between a school district and a
10 certified or recognized employee organization.

11 § 42. Support of public libraries. The moneys appropriated for the
12 support of public libraries by a chapter of the laws of 2017 enacting
13 the aid to localities budget shall be apportioned for the 2018-2019
14 state fiscal year in accordance with the provisions of sections 271,
15 272, 273, 282, 284, and 285 of the education law as amended by the
16 provisions of this chapter and the provisions of this section, provided
17 that library construction aid pursuant to section 273-a of the education
18 law shall not be payable from the appropriations for the support of
19 public libraries and provided further that no library, library system or
20 program, as defined by the commissioner of education, shall receive less
21 total system or program aid than it received for the year 2001-2002
22 except as a result of a reduction adjustment necessary to conform to the
23 appropriations for support of public libraries.

24 Notwithstanding any other provision of law to the contrary the moneys
25 appropriated for the support of public libraries for the year 2018-2019
26 by a chapter of the laws of 2018 enacting the education, labor and fami-
27 ly assistance budget shall fulfill the state's obligation to provide
28 such aid and, pursuant to a plan developed by the commissioner of educa-

1 tion and approved by the director of the budget, the aid payable to
2 libraries and library systems pursuant to such appropriations shall be
3 reduced proportionately to assure that the total amount of aid payable
4 does not exceed the total appropriations for such purpose.

5 § 43. Severability. The provisions of this act shall be severable, and
6 if the application of any clause, sentence, paragraph, subdivision,
7 section or part of this act to any person or circumstance shall be
8 adjudged by any court of competent jurisdiction to be invalid, such
9 judgment shall not necessarily affect, impair or invalidate the applica-
10 tion of any such clause, sentence, paragraph, subdivision, section, part
11 of this act or remainder thereof, as the case may be, to any other
12 person or circumstance, but shall be confined in its operation to the
13 clause, sentence, paragraph, subdivision, section or part thereof
14 directly involved in the controversy in which such judgment shall have
15 been rendered.

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

19 1. Sections one, four, five, six, seven, nine, nine-a, nine-b, nine-c,
20 nine-d, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen,
21 seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-
22 three, thirty-six, forty and forty-one of this act shall take effect
23 July 1, 2018; and

24 2. The amendments to chapter 756 of the laws of 1992, relating to
25 funding a program for work force education conducted by the consortium
26 for worker education in New York city made by sections twenty-five and
27 twenty-six of this act shall not affect the repeal of such chapter and
28 shall be deemed repealed therewith; and

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

4 4. The amendments to paragraph (d) of subdivision 1 of section 2856 of
5 the education law made by section seven of this act shall be subject to
6 the expiration and reversion of such subdivision pursuant to subdivision
7 d of section 27 of chapter 378 of the laws of 2007, as amended, when
8 upon such date the provisions of section eight of this act shall take
9 effect; and the amendments to paragraph b-1 of subdivision 4 of section
10 3602 of the education law made by section nine-a of this act shall not
11 affect the expiration of such paragraph and shall expire therewith.

12 PART B

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

15 § 908. Prohibition against lunch shaming. All public schools, includ-
16 ing charter schools and non-public schools in the state that participate
17 in the national school lunch program or school breakfast program in
18 which there is a school at which all pupils are not eligible to be
19 served breakfast and lunch under the community eligibility provision or
20 provision two of the federal national school lunch act, 42 U.S.C. Sec.
21 1751 et seq., shall develop a plan to ensure that a pupil whose parent
22 or guardian has unpaid school meal fees is not shamed or treated differ-
23 ently than a pupil whose parent or guardian does not have unpaid school
24 meal fees. The plan shall be submitted to the commissioner by July
25 first, two thousand eighteen, or sixty days from the effective date of
26 this section after enactment in conformance with regulations of the

1 commissioner. After submission of such plan, the school shall adopt and
2 post the plan on its website. The plan shall include, but not be limited
3 to, the following elements:

4 a. A policy stating that the school shall provide the student with the
5 student's meal of choice for that school day of the available reimbursa-
6 ble meal choices for such school day, if the student requests one,
7 unless the student's parent or guardian has specifically provided writ-
8 ten permission to the school to withhold a meal, provided that such
9 policy shall only require the school to provide access to reimbursable
10 meals, not a la carte items, adult meals, or other similar items;

11 b. An explanation of how staff will be trained to ensure that the
12 policy is carried out correctly and how the affected parents and guardi-
13 ans will be provided with assistance in establishing eligibility for
14 free or reduced-price meals for their children;

15 c. A policy requiring the school to notify the student's parent or
16 guardian that the student's meal card or account balance is exhausted
17 and unpaid meal charges are due. The notification policy may include a
18 repayment schedule, but the school may not charge any interest or fees
19 in connection with any meals charged;

20 d. A communication procedure designed to support eligible families
21 enrolling in the national free and reduced price meal program. Such
22 communication procedures shall also include a process for determining
23 eligibility when a student owes money for five or more meals, wherein
24 the school shall:

25 i. make every attempt to determine if a student is directly certified
26 to be eligible for free meals;

27 ii. make at least two attempts, not including the application or
28 instructions included in a school enrollment packet, to reach the

1 student's parent or guardian and have the parent or guardian fill out a
2 meal application; and

3 iii. require a principal, assistant principal or counselor to contact
4 the parent or guardian to offer assistance with a meal application,
5 determine if there are other issues within the household that have
6 caused the child to have insufficient funds to purchase a school meal
7 and offer any other assistance that is appropriate;

8 e. A clear explanation of policies designed to decrease student
9 distress or embarrassment, provided that, no school shall:

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

13 ii. require a student who cannot pay for a meal or who owes a meal
14 debt to do chores or other work to pay for meals, provided that chores
15 or work required of all students regardless of a meal debt is permitted;

16 iii. require that a student throw away a meal after it has been served
17 because of the student's inability to pay for the meal or because money
18 is owed for earlier meals;

19 iv. take any action directed at a pupil to collect unpaid school meal
20 fees. A school may attempt to collect unpaid school meal fees from a
21 parent or guardian, but shall not use a debt collector, as defined in
22 section eight hundred three of the federal consumer credit protection
23 act, 15 U.S.C. Sec. 1692a; or

24 v. discuss any outstanding meal debt in the presence of other
25 students;

26 f. A clear explanation of the policy to handle unpaid meal charges,
27 provided that nothing in this section is intended to allow for the
28 unlimited accrual of debt;

1 g. Procedures to enroll in the free and reduced price lunch program,
2 provided that such procedures shall include that, at the beginning of
3 each school year, a school shall provide:

4 i. a free, printed meal application in every school enrollment packet,
5 or if the school chooses to use an electronic meal application, provide
6 in school enrollment packets an explanation of the electronic meal
7 application process and instructions for how parents or guardians may
8 request a paper application at no cost; and

9 ii. meal applications and instructions in a language that parents and
10 guardians understand. If a parent or guardian cannot read or understand
11 a meal application, the school shall offer assistance in completing the
12 application;

13 h. If a school becomes aware that a student who has not submitted a
14 meal application is eligible for free or reduced-fee meals, the school
15 shall complete and file an application for the student pursuant to title
16 seven, section 245.6(d) of the code of federal regulations; and

17 i. School liaisons required for homeless, foster, and migrant students
18 shall coordinate with the nutrition department to make sure such
19 students receive free school meals, in accordance with federal law.

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

24 § 4. a. All public elementary or secondary schools in this state, not
25 including a charter school authorized by article 56 of the education
26 law, with at least seventy percent or more of its students eligible for
27 free or reduced-price meals under the federal National School Lunch
28 Program as determined by the State Education Department based upon data

1 submitted by schools through the basic educational data system (BEDS)
2 for the prior school year, shall be required to offer all students a
3 school breakfast after the instructional day has begun.

4 b. Each public school may determine the breakfast service delivery
5 model that best suits its students. Service delivery models may include,
6 but are not limited to, breakfast in the classroom, grab and go break-
7 fast, and breakfast served in the cafeteria. Time spent by students
8 consuming breakfast may be considered instructional time when students
9 consume breakfast in the students' classrooms and instruction is being
10 provided while students are consuming breakfast. In determining a
11 service delivery model, schools shall consult with teachers, parents,
12 students and members of the community.

13 c. Schools subject to this requirement shall provide notice to
14 students' parents and guardians that the school will be offering break-
15 fast to all students after the instructional day has begun.

16 d. The State Education Department shall:

17 i. on or before May 1, 2018, and on or before May 1 of each year ther-
18 eafter preceding each school year, publish on its website a list of the
19 public schools that meet the requirements for operating such programs,
20 and provide notification to such schools;

21 ii. develop and distribute guidelines for the implementation of such
22 programs, which shall be in the compliance with all applicable federal
23 and state laws governing the School Breakfast Program;

24 iii. provide technical assistance relating to the implementation of
25 such program and submission of claims for reimbursement under the School
26 Breakfast Program; and

27 iv. annually publish by December 2019, and each December thereafter,
28 on its website information relating to each school subject to this

1 requirement, as well as any other schools operating such program which
2 are not subject to this requirement, in the prior school year. Such
3 information shall include, but not be limited to: the school name,
4 service delivery models implemented, student enrollment, the free and
5 reduced-price lunch percentage, the average daily breakfast partic-
6 ipation rate, the total number of breakfast meals served during the
7 school year, the total cost of the breakfast program during the school
8 year, the total federal reimbursement for breakfast meals during the
9 school year, and the total state reimbursement for breakfast meals
10 during the school year.

11 § 5. a. Notwithstanding any monetary limitations with respect to
12 school lunch programs contained in any law or regulation, for school
13 lunch meals served in the school year commencing July 1, 2019 and each
14 July 1 thereafter, a school food authority shall be eligible for a lunch
15 meal State subsidy of twenty-five cents, which shall include any annual
16 State subsidy received by such school food authority under any other
17 provision of State law, for any school lunch meal served by such school
18 food authority; provided that the school food authority certifies to the
19 State Education Department through the application submitted pursuant to
20 subdivision b of this section that such food authority has purchased at
21 least thirty percent of its total cost of food products for its school
22 food service program from New York state farmers, growers, producers or
23 processors in the preceding school year.

24 b. The State Education Department, in cooperation with the Department
25 of Agriculture and Markets, shall develop an application for school food
26 authorities to seek an additional State subsidy pursuant to this section
27 in a timeline and format prescribed by the commissioner of education.
28 Such application shall include, but not be limited to, documentation

1 demonstrating the school food authority's total food purchases for its
2 school food service programs, including but not limited to school lunch,
3 breakfast and snack programs, and documentation demonstrating its total
4 food purchases and percentages for such programs from New York State
5 farmers, growers, producers or processors in the preceding school year.
6 The application shall also include an attestation from the school food
7 authority's chief operating officer that it purchased at least thirty
8 percent of its total cost of food products for its school food service
9 program from New York State farmers, growers, producers or processors in
10 the preceding school year in order to meet the requirements for this
11 additional State subsidy. School food authorities shall be required to
12 annually apply for this subsidy.

13 c. The State Education Department shall annually publish information
14 on its website commencing on September 1, 2019 and each September 1
15 thereafter, relating to each school food authority that applied for and
16 received this additional State subsidy, including but not limited to:
17 the school food authority name, student enrollment, average daily lunch
18 participation, total food costs for its school food service programs,
19 total cost of products for its school food service programs purchased
20 from New York State farmers, growers, producers or processors, and the
21 percent of total food costs that were purchased from New York State
22 farmers, growers, producers or processors.

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

1 Section 1. Section 1604 of the education law is amended by adding a
2 new subdivision 43 to read as follows:

3 43. To pass, in the discretion of the trustees, a resolution authoriz-
4 ing the use of school bus cameras pursuant to section eleven hundred
5 eighteen of the vehicle and traffic law, provided that the trustees may
6 also enter into contracts with a third party for the installation,
7 administration, operation, notice processing, and maintenance of such
8 cameras, and for the sharing of revenue derived from such cameras pursu-
9 ant to section eleven hundred eighteen of the vehicle and traffic law,
10 provided that the purchase, lease, installation, operation and mainte-
11 nance, or any other costs associated with such cameras shall not be
12 considered an aidable expense pursuant to section thirty-six hundred
13 twenty-three-a of this chapter.

14 § 2. Section 1709 of the education law is amended by adding a new
15 subdivision 43 to read as follows:

16 43. To pass a resolution, in the discretion of the board, authorizing
17 the use of school bus cameras pursuant to section eleven hundred eigh-
18 teen of the vehicle and traffic law, provided that the board may also
19 enter into contracts with a third party for the installation, adminis-
20 tration, operation, notice processing, and maintenance of such cameras,
21 and for the sharing of revenue derived from such cameras pursuant to
22 section eleven hundred eighteen of the vehicle and traffic law, provided
23 that the purchase, lease, installation, operation and maintenance, or
24 any other costs associated with such cameras shall not be considered an
25 aidable expense pursuant to section thirty-six hundred twenty-three-a of
26 this chapter.

27 § 3. The vehicle and traffic law is amended by adding a new section
28 1118 to read as follows:

1 § 1118. Owner liability for operator illegally overtaking or passing a
2 school bus. (a) 1. Notwithstanding any other provision of law, each
3 board of education or trustees of a school district is hereby authorized
4 and empowered to adopt and amend a resolution establishing a school bus
5 safety camera program imposing monetary liability on the owner of a
6 vehicle for failure of an operator thereof to comply with section eleven
7 hundred seventy-four of this title. Such program shall empower a board
8 of education or school district or school bus transportation contractor
9 that has contracted with such school district to install school bus
10 safety cameras upon school buses operated by or contracted with such
11 district.

12 2. Such program shall utilize necessary technologies to ensure, to the
13 extent practicable, that photographs produced by such school bus safety
14 cameras shall not include images that identify the driver, the passen-
15 gers, or the contents of the vehicle. Provided, however, that no notice
16 of liability issued pursuant to this section shall be dismissed solely
17 because a photograph or photographs allow for the identification of the
18 contents of a vehicle, provided that such school district has made a
19 reasonable effort to comply with the provisions of this paragraph.

20 (b) In any school district which has adopted a resolution pursuant to
21 subdivision (a) of this section, the owner of a vehicle shall be liable
22 for a penalty imposed pursuant to this section if such vehicle was used
23 or operated with the permission of the owner, express or implied, in
24 violation of subdivision (a) of section eleven hundred seventy-four of
25 this title, and such violation is evidenced by information obtained from
26 a school bus safety camera; provided however that no owner of a vehicle
27 shall be liable for a penalty imposed pursuant to this section where the

1 operator of such vehicle has been convicted of the underlying violation
2 of subdivision (a) of section eleven hundred seventy-four of this title.

3 (c) For purposes of this section, "owner" shall have the meaning
4 provided in article two-B of this chapter. For purposes of this section,
5 "school bus safety camera" shall mean an automated photo monitoring
6 device affixed to the outside of a school bus and designated to detect
7 and store videotape and one or more images of motor vehicles that over-
8 take or pass school buses in violation of subdivision (a) of section
9 eleven hundred seventy-four of this title.

10 (d) No school district or school bus transportation contractor that
11 has installed cameras pursuant to this section shall access the images
12 from such cameras but shall provide, pursuant to an agreement with the
13 appropriate law enforcement agency or agencies, for the proper handling
14 and custody of such images for the forwarding of such images from such
15 cameras to a law enforcement agency having jurisdiction in the area in
16 which the violation occurred for the purpose of imposing monetary
17 liability on the owner of a motor vehicle for illegally overtaking or
18 passing a school bus in violation of subdivision (a) of section eleven
19 hundred seventy-four of this title. After receipt of such images a
20 police officer shall inspect such videotape and images to determine
21 whether a violation of subdivision (a) of section eleven hundred seven-
22 ty-four of this title was committed. Upon such a finding a certificate,
23 sworn to or affirmed by an officer of such agency, or a facsimile there-
24 of, based upon inspection of photographs, microphotographs, videotape or
25 other recorded images produced by a school bus safety camera, shall be
26 prima facie evidence of the facts contained therein. Any photographs,
27 microphotographs, videotape or other recorded images evidencing such a

1 violation shall be available for inspection in any proceeding to adjudi-
2 cate the liability for such violation.

3 (e) An owner found liable pursuant to this section for a violation of
4 subdivision (a) of section eleven hundred seventy-four of this title
5 shall be liable for a monetary penalty of two hundred fifty dollars.

6 (e-1) Payment of the monetary penalty imposed by subdivision (e) of
7 this section shall be payable to the school district. Nothing herein
8 shall prevent the school district from entering into a memorandum of
9 understanding with a local law enforcement agency to return a portion of
10 such penalty received to the local law enforcement agency, provided
11 however, in no case shall such portion returned to a local law enforce-
12 ment agency exceed twenty percent of the amount received by the school
13 district.

14 (f) An imposition of liability under this section shall not be deemed
15 a conviction as an operator and shall not be made part of the operating
16 record of the person upon whom such liability is imposed nor shall it be
17 used for insurance purposes in the provision of motor vehicle insurance
18 coverage.

19 (g) 1. A notice of liability shall be sent by the respective law
20 enforcement agency by first class mail to each person alleged to be
21 liable as an owner for a violation of subdivision (a) of section eleven
22 hundred seventy-four of this title pursuant to this section. Personal
23 delivery on the owner shall not be required. A manual or automatic
24 record of mailing prepared in the ordinary course of business shall be
25 prima facie evidence of the facts contained therein.

26 2. A notice of liability shall contain the name and address of the
27 person alleged to be liable as an owner for a violation of subdivision
28 (a) of section eleven hundred seventy-four of this title pursuant to

1 this section, the registration number of the vehicle involved in such
2 violation, the location where such violation took place, the date and
3 time of such violation and the identification number of the camera which
4 recorded the violation or other document locator number.

5 3. The notice of liability shall contain information advising the
6 person charged of the manner and the time in which he may contest the
7 liability alleged in the notice. Such notice of liability shall also
8 contain a warning to advise the persons charged that failure to contest
9 in the manner and time provided shall be deemed an admission of liabil-
10 ity and that a default judgment may be entered thereon.

11 4. The notice of liability shall be prepared and mailed by the respec-
12 tive law enforcement agency having jurisdiction over the location where
13 the violation occurred.

14 (h) Adjudication of the liability imposed upon owners by this section
15 shall be by a traffic violations bureau established pursuant to section
16 three hundred seventy of the general municipal law or, if there be none,
17 by the court having jurisdiction over traffic infractions, except that
18 any city which has established or designated an administrative tribunal
19 to hear and determine owner liability established by this article for
20 failure to comply with traffic-control indications shall use such tribu-
21 nal to adjudicate the liability imposed by this section.

22 (i) If an owner receives a notice of liability pursuant to this
23 section for any time period during which the vehicle was reported to a
24 police department as having been stolen, it shall be a valid defense to
25 an allegation of liability for a violation of subdivision (a) of section
26 eleven hundred seventy-four of this title pursuant to this section that
27 the vehicle had been reported to the police as stolen prior to the time
28 the violation occurred and had not been recovered by such time. For

1 purposes of asserting the defense provided by this subdivision it shall
2 be sufficient that a certified copy of the police report on the stolen
3 vehicle be sent by first class mail to the traffic violations bureau,
4 court having jurisdiction or parking violations bureau.

5 (j) Where the adjudication of liability imposed upon owners pursuant
6 to this section is by an administrative tribunal, traffic violations
7 bureau, or a court having jurisdiction, an owner who is a lessor of a
8 vehicle to which a notice of liability was issued pursuant to subdivi-
9 sion (g) of this section shall not be liable for the violation of subdivi-
10 vision (a) of section eleven hundred seventy-four of this title,
11 provided that he or she sends to the administrative tribunal, traffic
12 violations bureau, or court having jurisdiction a copy of the rental,
13 lease or other such contract document covering such vehicle on the date
14 of the violation, with the name and address of the lessee clearly legi-
15 ble, within thirty-seven days after receiving notice from the bureau or
16 court of the date and time of such violation, together with the other
17 information contained in the original notice of liability. Failure to
18 send such information within such thirty-seven day time period shall
19 render the owner liable for the penalty prescribed by this section.
20 Where the lessor complies with the provisions of this paragraph, the
21 lessee of such vehicle on the date of such violation shall be deemed to
22 be the owner of such vehicle for purposes of this section, shall be
23 subject to liability for the violation of subdivision (a) of section
24 eleven hundred seventy-four of this title pursuant to this section and
25 shall be sent a notice of liability pursuant to subdivision (g) of this
26 section.

27 (k) 1. If the owner liable for a violation of subdivision (a) of
28 section eleven hundred seventy-four of this title pursuant to this

1 section was not the operator of the vehicle at the time of the
2 violation, the owner may maintain an action for indemnification against
3 the operator.

4 2. Notwithstanding any other provision of this section, no owner of a
5 vehicle shall be subject to a monetary fine imposed pursuant to this
6 section if the operator of such vehicle was operating such vehicle with-
7 out the consent of the owner at the time such operator was found to have
8 been overtaking or passing a school bus. For purposes of this subdivi-
9 sion there shall be a presumption that the operator of such vehicle was
10 operating such vehicle with the consent of the owner at the time such
11 operator was found to have been overtaking or passing a school bus.

12 (1) Nothing in this section shall be construed to limit the liability
13 of an operator of a vehicle for any violation of subdivision (a) of
14 section eleven hundred seventy-four of this title.

15 (m) In any school district which adopts a school bus safety camera
16 program pursuant to subdivision (a) of this section, such school
17 district shall submit an annual report on the results of the use of its
18 school bus safety cameras to the governor, the temporary president of
19 the senate and the speaker of the assembly on or before June first, two
20 thousand nineteen and on the same date in each succeeding year in which
21 the demonstration program is operable. Such report shall include, but
22 not be limited to:

23 1. a description of the number of busses and routes where school bus
24 safety cameras were used;

25 2. the aggregate number of annual incidents of violations of subdivi-
26 sion (a) of section eleven hundred seventy-four of this title within the
27 district;

1 3. the number of violations recorded by school bus safety cameras in
2 the aggregate and on a daily, weekly and monthly basis;

3 4. the total number of notices of liability issued for violations
4 recorded by such systems;

5 5. the number of fines and total amount of fines paid after first
6 notice of liability issued for violations recorded by such systems;

7 6. the number of violations adjudicated and results of such adjudi-
8 cations including breakdowns of dispositions made for violations
9 recorded by such systems;

10 7. the total amount of revenue realized by such school district from
11 such adjudications;

12 8. expenses incurred by such school district in connection with the
13 program; and

14 9. quality of the adjudication process and its results.

15 (n) It shall be a defense to any prosecution for a violation of subdi-
16 vision (a) of section eleven hundred seventy-four of this title that
17 such school bus safety cameras were malfunctioning at the time of the
18 alleged violation.

19 § 4. Subdivision (c) of section 1174 of the vehicle and traffic law,
20 as amended by chapter 254 of the laws of 2002, is amended to read as
21 follows:

22 (c) Every person convicted of a violation of subdivision (a) of this
23 section shall: for a first conviction thereof, be punished by a fine of
24 not less than [two hundred fifty] five hundred dollars nor more than
25 [four] seven hundred fifty dollars or by imprisonment for not more than
26 thirty days or by both such fine and imprisonment; for a conviction of a
27 second violation, both of which were committed within a period of three
28 years, such person shall be punished by a fine of not less than [six

1 hundred] one thousand dollars nor more than [seven] one thousand two
2 hundred fifty dollars or by imprisonment for not more than one hundred
3 eighty days or by both such fine and imprisonment; upon a conviction of
4 a third or subsequent violation, all of which were committed within a
5 period of three years, such person shall be punished by a fine of not
6 less than [seven hundred fifty] one thousand two hundred fifty dollars
7 nor more than one thousand five hundred dollars or by imprisonment for
8 not more than one hundred eighty days or by both such fine and imprison-
9 ment.

10 § 5. This act shall take effect immediately.

11 PART D

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

14 oo. Notwithstanding any other provision of law, a board of cooperative
15 educational services is authorized to enter into a memorandum of under-
16 standing with the trustees or board of education of a non-component
17 school district, including city school districts of cities with one
18 hundred twenty-five thousand inhabitants or more, to participate in a
19 recovery high school program operated by the board of cooperative educa-
20 tional services for a period not to exceed five years upon such terms as
21 such trustees or board of education and the board of cooperative educa-
22 tional services may mutually agree, provided that such agreement may
23 provide for a charge for administration of the recovery high school
24 program including capital costs, but participating non-component school
25 districts shall not be liable for payment of administrative expenses as
26 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. Subdivision 3 of section 661 of the education law is REPEALED.

10 § 3. Paragraph a of subdivision 5 of section 661 of the education law,
11 as amended by chapter 466 of the laws of 1977, is amended to read as
12 follows:

13 a. (i) Except as provided in subdivision two of section six hundred
14 seventy-four of this part and subparagraph (ii) of this paragraph, an
15 applicant for an award at the undergraduate level of study must either
16 [(i)] (a) have been a legal resident of the state for at least one year
17 immediately preceding the beginning of the semester, quarter or term of
18 attendance for which application for assistance is made, or [(ii)] (b)
19 be a legal resident of the state and have been a legal resident during
20 his or her last two semesters of high school either prior to graduation,
21 or prior to admission to college. Provided further that persons shall be
22 eligible to receive awards under section six hundred sixty-eight or
23 section six hundred sixty-nine of this part who are currently legal
24 residents of the state and are otherwise qualified.

25 (ii) An applicant who is not a legal resident of the state eligible
26 pursuant to subparagraph (i) of this paragraph, but is a United States

1 citizen, an alien lawfully admitted for permanent residence in the
2 United States, an individual of a class of refugees paroled by the
3 attorney general of the United States under his or her parole authority
4 pertaining to the admission of aliens to the United States, or an appli-
5 cant without lawful immigration status shall be eligible for an award at
6 the undergraduate level of study provided that the student:

7 (a) attended a registered New York state high school for two or more
8 years, graduated from a registered New York state high school, lived
9 continuously in New York state while attending an approved New York
10 state high school, applied for attendance at the institution of higher
11 education for the undergraduate study for which an award is sought, and
12 attended within five years of receiving a New York state high school
13 diploma; or

14 (b) attended an approved New York state program for a state high
15 school equivalency diploma, lived continuously in New York state while
16 attending an approved New York state program for a general equivalency
17 diploma, received a state high school equivalency diploma, subsequently
18 applied for attendance at the institution of higher education for the
19 undergraduate study for which an award is sought, earned admission based
20 on that general equivalency diploma, and attended the institution of
21 higher education for the undergraduate study for which an award is
22 sought within five years of receiving a state high school equivalency
23 diploma; or

24 (c) is otherwise eligible for the payment of tuition and fees at a
25 rate no greater than that imposed for resident students of the state
26 university of New York, the city university of New York or community
27 colleges as prescribed in subparagraph eight of paragraph h of subdivi-

1 sion two of section three hundred fifty-five or paragraph (a) of subdi-
2 vision seven of section six thousand two hundred six of this chapter.

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

8 § 4. Paragraph b of subdivision 5 of section 661 of the education law,
9 as amended by chapter 466 of the laws of 1977, is amended to read as
10 follows:

11 b. [An] (i) Except as otherwise provided in subparagraph (ii) of this
12 paragraph, an applicant for an award at the graduate level of study must
13 either [(i)] (a) have been a legal resident of the state for at least
14 one year immediately preceding the beginning of the semester, quarter or
15 term of attendance for which application for assistance is made, or
16 [(ii)] (b) be a legal resident of the state and have been a legal resi-
17 dent during his or her last academic year of undergraduate study and
18 have continued to be a legal resident until matriculation in the gradu-
19 ate program.

20 (ii) An applicant who is not a legal resident of the state eligible
21 pursuant to subparagraph (i) of this paragraph, but is a United States
22 citizen, an alien lawfully admitted for permanent residence in the
23 United States, an individual of a class of refugees paroled by the
24 attorney general of the United States under his or her parole authority
25 pertaining to the admission of aliens to the United States, or an appli-
26 cant without lawful immigration status shall be eligible for an award at
27 the graduate 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, lived
3 continuously in New York state while attending an approved New York
4 state high school, applied for attendance at the institution of higher
5 education for the graduate study for which an award is sought, and
6 attended within ten years of receiving a New York state high school
7 diploma; or

8 (b) attended an approved New York state program for a state high
9 school equivalency diploma, lived continuously in New York state while
10 attending an approved New York state program for a general equivalency
11 diploma, received a state high school equivalency diploma, subsequently
12 applied for attendance at the institution of higher education for the
13 graduate study for which an award is sought, and attended the institu-
14 tion of higher education for the graduate study for which an award is
15 sought within ten years of receiving a state high school equivalency
16 diploma; or

17 (c) is otherwise eligible for the payment of tuition and fees at a
18 rate no greater than that imposed for resident students of the state
19 university of New York, the city university of New York or community
20 colleges as prescribed in subparagraph eight of paragraph h of subdivi-
21 sion two of section three hundred fifty-five or paragraph (a) of subdivi-
22 vision seven of section six thousand two hundred six of this chapter.

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

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

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

14 § 6. Paragraph e of subdivision 5 of section 661 of the education law,
15 as added by chapter 630 of the laws of 2005, is amended to read as
16 follows:

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

23 § 7. Clauses (i) and (ii) of subparagraph 8 of paragraph h of subdivi-
24 sion 2 of section 355 of the education law, as added by chapter 327 of
25 the laws of 2002, are amended to read as follows:

26 (i) attended an approved New York high school for two or more years,
27 graduated from an approved New York high school, lived continuously in
28 New York state while attending an approved New York high school, and

1 applied for attendance [at] and attended an institution or educational
2 unit of the state university within five years of receiving a New York
3 state high school diploma; or

4 (ii) attended an approved New York state program for general equiv-
5 alency diploma exam preparation, received a general equivalency diploma
6 issued within New York state, lived continuously in New York state while
7 attending an approved New York state program for general equivalency
8 diploma exam preparation, and subsequently applied for attendance [at],
9 earned admission based on that general equivalency diploma, and attended
10 an institution or educational unit of the state university within five
11 years of receiving a general equivalency diploma issued within New York
12 state; or

13 § 8. Subparagraphs (i) and (ii) of paragraph (a-1) of subdivision 7 of
14 section 6206 of the education law, as amended by chapter 260 of the laws
15 of 2011, are amended to read as follows:

16 (i) attended an approved New York high school for two or more years,
17 graduated from an approved New York high school, lived continuously in
18 New York state while attending an approved New York high school, and
19 applied for attendance [at] and attended an institution or educational
20 unit of the city university within five years of receiving a New York
21 state high school diploma; or

22 (ii) attended an approved New York state program for general equiv-
23 alency diploma exam preparation, received a general equivalency diploma
24 issued within New York state, lived continuously in New York state while
25 attending an approved New York state program for general equivalency
26 diploma exam preparation, and subsequently applied for attendance [at],
27 earned admission based on that general equivalency diploma, and attended
28 an institution or educational unit of the city university within five

1 years of receiving a general equivalency diploma issued within New York
2 state; or

3 § 9. Paragraph (a) of subdivision 7 of section 6206 of the education
4 law, as amended by chapter 327 of the laws of 2002, the opening para-
5 graph as amended by section 4 of chapter 437 of the laws of 2015, is
6 amended to read as follows:

7 (a) The board of trustees shall establish positions, departments,
8 divisions and faculties; appoint and in accordance with the provisions
9 of law fix salaries of instructional and non-instructional employees
10 therein; establish and conduct courses and curricula; prescribe condi-
11 tions of student admission, attendance and discharge; and shall have the
12 power to determine in its discretion whether tuition shall be charged
13 and to regulate tuition charges, and other instructional and non-in-
14 structional fees and other fees and charges at the educational units of
15 the city university. The trustees shall review any proposed community
16 college tuition increase and the justification for such increase. The
17 justification provided by the community college for such increase shall
18 include a detailed analysis of ongoing operating costs, capital, debt
19 service expenditures, and all revenues. The trustees shall not impose a
20 differential tuition charge based upon need or income. All students
21 enrolled in programs leading to like degrees at the senior colleges
22 shall be charged a uniform rate of tuition, except for differential
23 tuition rates based on state residency. Notwithstanding any other
24 provision of this paragraph, the trustees may authorize the setting of a
25 separate category of tuition rate, that shall be greater than the
26 tuition rate for resident students and less than the tuition rate for
27 non-resident students, only for students enrolled in distance learning
28 courses who are not residents of the state. The trustees shall further

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

7 (i) attended an approved New York high school for two or more years,
8 graduated from an approved New York high school, lived continuously in
9 New York state while attending an approved New York high school, and
10 applied for attendance [at] and attended an institution or educational
11 unit of the city university within five years of receiving a New York
12 state high school diploma; or

13 (ii) attended an approved New York state program for general equiv-
14 alency diploma exam preparation, received a general equivalency diploma
15 issued within New York state, lived continuously in New York state while
16 attending an approved New York state program for general equivalency
17 diploma exam preparation, and subsequently applied for attendance [at],
18 earned admission based on that general equivalency diploma, and attended
19 an institution or educational unit of the city university within five
20 years of receiving a general equivalency diploma issued within New York
21 state; or

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

27 A student without lawful immigration status shall also be required to
28 file an affidavit with such institution or educational unit stating that

1 the student has filed an application to legalize his or her immigration
2 status, or will file such an application as soon as he or she is eligi-
3 ble to do so. The trustees shall not adopt changes in tuition charges
4 prior to the enactment of the annual budget. The board of trustees may
5 accept as partial reimbursement for the education of veterans of the
6 armed forces of the United States who are otherwise qualified such sums
7 as may be authorized by federal legislation to be paid for such educa-
8 tion. The board of trustees may conduct on a fee basis extension courses
9 and courses for adult education appropriate to the field of higher
10 education. In all courses and courses of study it may, in its
11 discretion, require students to pay library, laboratory, locker, break-
12 age and other instructional and non-instructional fees and meet the cost
13 of books and consumable supplies. In addition to the foregoing fees and
14 charges, the board of trustees may impose and collect fees and charges
15 for student government and other student activities and receive and
16 expend them as agent or trustee.

17 § 10. Subdivision 5 of section 6301 of the education law, as amended
18 by chapter 327 of the laws of 2002, is amended to read as follows:

19 5. "Resident." A person who has resided in the state for a period of
20 at least one year and in the county, city, town, intermediate school
21 district, school district or community college region, as the case may
22 be, for a period of at least six months, both immediately preceding the
23 date of such person's registration in a community college or, for the
24 purposes of section sixty-three hundred five of this article, his or her
25 application for a certificate of residence; provided, however, that this
26 term shall include any student who is not a resident of New York state,
27 other than a non-immigrant alien within the meaning of paragraph (15) of

1 subsection (a) of section 1101 of title 8 of the United States Code, if
2 such student:

3 (i) attended an approved New York high school for two or more years,
4 graduated from an approved New York high school, lived continuously in
5 New York state while attending an approved New York high school, and
6 applied for attendance [at an institution or educational unit of the
7 state university] and attended a community college within five years of
8 receiving a New York state high school diploma; or

9 (ii) attended an approved New York state program for general equiv-
10 alency diploma exam preparation, received a general equivalency diploma
11 issued within New York state, lived continuously in New York state while
12 attending an approved New York state program for general equivalency
13 diploma exam preparation, and subsequently applied for attendance [at an
14 institution or educational unit of the state university], earned admis-
15 sion based on that general equivalency diploma, and attended a community
16 college within five years of receiving a general equivalency diploma
17 issued within New York state; or

18 (iii) was enrolled in [an institution or educational unit of the state
19 university] a community college in the fall semester or quarter of the
20 two thousand one--two thousand two academic year and was authorized by
21 such [institution or educational unit] community college to pay tuition
22 at the rate or charge imposed for students who are residents of the
23 state.

24 Provided, further, that a student without lawful immigration status
25 shall also be required to file an affidavit with such [institution or
26 educational unit] community college stating that the student has filed
27 an application to legalize his or her immigration status, or will file
28 such an application as soon as he or she is eligible to do so.

1 In the event that a person qualified as above for state residence, but
2 has been a resident of two or more counties in the state during the six
3 months immediately preceding his or her application for a certificate of
4 residence pursuant to section sixty-three hundred five of this [chapter]
5 article, the charges to the counties of residence shall be allocated
6 among the several counties proportional to the number of months, or
7 major fraction thereof, of residence in each county.

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

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

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

23 (v) Any necessary supplemental financial assistance, which may include
24 the cost of books and necessary maintenance for such students, including
25 students without lawful immigration status provided that the student
26 meets the requirements set forth in subparagraph (ii) of paragraph a or
27 subparagraph (ii) of paragraph b of subdivision five of section six
28 hundred sixty-one of this chapter, as applicable; provided, however,

1 that such supplemental financial assistance shall be furnished pursuant
2 to criteria promulgated by such universities and approved by the regents
3 and the director of the budget.

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

7 (a) (i) Undergraduate science and technology entry program moneys may
8 be used for tutoring, counseling, remedial and special summer courses,
9 supplemental financial assistance, program administration, and other
10 activities which the commissioner may deem appropriate. To be eligible
11 for undergraduate collegiate science and technology entry program
12 support, a student must be a resident of New York [who is], or meet the
13 requirements of subparagraph (ii) of this paragraph, and must be either
14 economically disadvantaged or from a minority group historically under
15 represented in the scientific, technical, health and health-related
16 professions, and [who demonstrates] must demonstrate interest in and a
17 potential for a professional career if provided special services. Eligi-
18 ble students must be in good academic standing, enrolled full time in an
19 approved, undergraduate level program of study, as defined by the
20 regents.

21 (ii) An applicant who is not a legal resident of the state eligible
22 pursuant to subparagraph (i) of this paragraph, but is a United States
23 citizen, an alien lawfully admitted for permanent residence in the
24 United States, an individual of a class of refugees paroled by the
25 attorney general of the United States under his or her parole authority
26 pertaining to the admission of aliens to the United States, or an appli-
27 cant without lawful immigration status shall be eligible for an award at
28 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, lived
3 continuously in New York state while attending an approved New York
4 state high school, applied for attendance at the institution of higher
5 education for the undergraduate study for which an award is sought, and
6 attended within five years of receiving a New York state high school
7 diploma; or

8 (B) attended an approved New York state program for a state high
9 school equivalency diploma, lived continuously in New York state while
10 attending an approved New York state program for a general equivalency
11 diploma, received a state high school equivalency diploma, subsequently
12 applied for attendance at the institution of higher education for the
13 undergraduate study for which an award is sought, earned admission based
14 on that general equivalency diploma, and attended the institution of
15 higher education for the undergraduate study for which an award is
16 sought within five years of receiving a state high school equivalency
17 diploma; or

18 (C) is otherwise eligible for the payment of tuition and fees at a
19 rate no greater than that imposed for resident students of the state
20 university of New York, the city university of New York or community
21 colleges as prescribed in subparagraph eight of paragraph h of subdivi-
22 sion two of section three hundred fifty-five or paragraph (a) of subdi-
23 vision seven of section six thousand two hundred six of this chapter.

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

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

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

(ii) An applicant who is not a legal resident of the state eligible pursuant to subparagraph (i) of this paragraph, but is a United States citizen, an alien lawfully admitted for permanent residence in the United States, an individual of a class of refugees paroled by the attorney general of the United States under his or her parole authority pertaining to the admission of aliens to the United States, or an applicant without lawful immigration status shall be eligible for an award at the graduate level of study provided that the student:

(A) attended a registered New York state high school for two or more years, graduated from a registered New York state high school, lived continuously in New York state while attending an approved New York state high school, applied for attendance at the institution of higher education for the graduate study for which an award is sought, and

1 attended within ten years of receiving a New York state high school
2 diploma; or

3 (B) attended an approved New York state program for a state high
4 school equivalency diploma, lived continuously in New York state while
5 attending an approved New York state program for a general equivalency
6 diploma, received a state high school equivalency diploma, subsequently
7 applied for attendance at the institution of higher education for the
8 graduate study for which an award is sought, and attended the institu-
9 tion of higher education for the graduate study for which an award is
10 sought within ten years of receiving a state high school equivalency
11 diploma; or

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

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

23 § 15. Subparagraph (i) of paragraph a of subdivision 2 of section
24 695-e of the education law, as amended by chapter 593 of the laws of
25 2003, is amended to read as follows:

26 (i) the name, address and social security number [or], employer iden-
27 tification number, or individual taxpayer identification number of the
28 account owner unless a family tuition account that was in effect prior

1 to the effective date of the chapter of the laws of two thousand eigh-
2 teen that amended this subparagraph does not allow for a taxpayer iden-
3 tification number, in which case a taxpayer identification number shall
4 be allowed upon the expiration of the contract;

5 § 16. Subparagraph (iii) of paragraph a of subdivision 2 of section
6 695-e of the education law, as amended by chapter 593 of the laws of
7 2003, is amended to read as follows:

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

15 § 17. The president of the higher education services corporation shall
16 establish an application form and procedures that shall allow a student
17 applicant that meets the requirements set forth in subparagraph (ii) of
18 paragraph a or subparagraph (ii) of paragraph b of subdivision 5 of
19 section 661 of the education law to apply directly to the higher educa-
20 tion services corporation for applicable awards without having to submit
21 information to any other state or federal agency. All information
22 contained with the applications filed with such corporation shall be
23 deemed confidential, except that the corporation shall be entitled to
24 release information to participating institutions as necessary for the
25 administration of financial aid programs and to the extent required
26 pursuant to article 6 of the public officers law or otherwise required
27 by law.

cle fifteen of the business corporation law, articles one and eight-B of
the partnership law, or articles twelve and thirteen of the limited
liability company law shall be deemed eligible to register pursuant to
this section.

§ 2. Section 1503 of the business corporation law is amended by adding
a new paragraph (h) to read as follows:

(h) Any firm established for the business purpose of incorporating as
a professional service corporation formed to lawfully engage in the
practice of public accountancy, as such practice is respectively defined
under article one hundred forty-nine of the education law shall be
required to show (1) that a simple majority of the ownership of the
firm, in terms of financial interests, including ownership-based compen-
sation, and voting rights held by the firm's owners, belongs to individ-
uals licensed to practice public accountancy in some state, and (2) that
all shareholders of a professional service corporation whose principal
place of business is in this state, and who are engaged in the practice
of public accountancy in this state, hold a valid license issued under
section seventy-four hundred four of the education law or are public
accountants licensed under section seventy-four hundred five of the
education law. Although firms may include non-licensee owners, the firm
and its owners must comply with rules promulgated by the state board of
regents. Notwithstanding the provisions of this paragraph, a firm
incorporated under this section may not have non-licensee owners if the
firm's name includes the words "certified public accountant," or "certi-
fied public accountants," or the abbreviations "CPA" or "CPAs". Each
non-licensee owner of a firm that is incorporated under this section
shall be a natural person who actively participates in the business of
the firm or its affiliated entities. For purposes of this subdivision,

1 "actively participate" means to provide services to clients or to other-
2 wise individually take part in the day-to-day business or management of
3 the firm. Such a firm shall have attached to its certificate of incorpo-
4 ration a certificate or certificates demonstrating the firm's compliance
5 with this paragraph, in lieu of the certificate or certificates required
6 by subparagraph (ii) of paragraph (b) of this section.

7 § 3. Section 1507 of the business corporation law is amended by adding
8 a new paragraph (c) to read as follows:

9 (c) Any firm established for the business purpose of incorporating as
10 a professional service corporation pursuant to paragraph (h) of section
11 fifteen hundred three of this article may issue shares to individuals
12 who are authorized by law to practice in this state a profession which
13 such corporation is authorized to practice and who are or have been
14 engaged in the practice of such profession in such corporation or a
15 predecessor entity, or who will engage in the practice of such profes-
16 sion in such corporation within thirty days of the date such shares are
17 issued and may also issue shares to employees of the corporation not
18 licensed as certified public accountants, provided that:

19 (i) at least fifty-one percent of the outstanding shares of stock of
20 the corporation are owned by certified public accountants,

21 (ii) at least fifty-one percent of the directors are certified public
22 accountants,

23 (iii) at least fifty-one percent of the officers are certified public
24 accountants,

25 (iv) the president, the chairperson of the board of directors and the
26 chief executive officer or officers are certified public accountants.

27 No shareholder of a firm established for the business purpose of incor-
28 porating as a professional service corporation pursuant to paragraph (h)

1 of section fifteen hundred three of this article shall enter into a
2 voting trust agreement, proxy or any other type of agreement vesting in
3 another person, other than another shareholder of the same corporation,
4 the authority to exercise voting power of any or all of his or her
5 shares. All shares issued, agreements made or proxies granted in
6 violation of this section shall be void.

7 § 4. Section 1508 of the business corporation law is amended by adding
8 a new paragraph (c) to read as follows:

9 (c) The directors and officers of any firm established for the busi-
10 ness purpose of incorporating as a professional service corporation
11 pursuant to paragraph (h) of section fifteen hundred three of this arti-
12 cle may include individuals who are not licensed to practice public
13 accountancy, provided however that at least fifty-one percent of the
14 directors, at least fifty-one percent of the officers and the president,
15 the chairperson of the board of directors and the chief executive offi-
16 cer or officers are authorized by law to practice in this state a
17 profession which such corporation is authorized to practice, and are
18 either shareholders of such corporation or engaged in the practice of
19 their professions in such corporation.

20 § 5. Section 1509 of the business corporation law, as amended by chap-
21 ter 550 of the laws of 2011, is amended to read as follows:

22 § 1509. Disqualification of shareholders, directors, officers and
23 employees.

24 If any shareholder, director, officer or employee of a professional
25 service corporation, including a design professional service corpo-
26 ration, or any firm established for the business purpose of incorporat-
27 ing as a professional service corporation pursuant to paragraph (h) of
28 section fifteen hundred three of this article, who has been rendering

1 professional service to the public becomes legally disqualified to prac-
2 tice his profession within this state, he shall sever all employment
3 with, and financial interests (other than interests as a creditor) in,
4 such corporation forthwith or as otherwise provided in section 1510 of
5 this article. All provisions of law regulating the rendering of profes-
6 sional services by a person elected or appointed to a public office
7 shall be applicable to a shareholder, director, officer and employee of
8 such corporation in the same manner and to the same extent as if fully
9 set forth herein. Such legal disqualification to practice his profession
10 within this state shall be deemed to constitute an irrevocable offer by
11 the disqualified shareholder to sell his shares to the corporation,
12 pursuant to the provisions of section 1510 of this article or of the
13 certificate of incorporation, by-laws or agreement among the corporation
14 and all shareholders, whichever is applicable. Compliance with the terms
15 of such offer shall be specifically enforceable in the courts of this
16 state. A professional service corporation's failure to enforce compli-
17 ance with this provision shall constitute a ground for forfeiture of its
18 certificate of incorporation and its dissolution.

19 § 6. Paragraph (a) of section 1511 of the business corporation law, as
20 amended by chapter 550 of the laws of 2011, is amended and a new para-
21 graph (c) is added to read as follows:

22 (a) No shareholder of a professional service corporation [or], includ-
23 ing a design professional service corporation, or any firm established
24 for the business purpose of incorporating as a professional service
25 corporation pursuant to paragraph (h) of section fifteen hundred three
26 of this article, may sell or transfer his shares in such corporation
27 except to another individual who is eligible to have shares issued to
28 him by such corporation or except in trust to another individual who

1 would be eligible to receive shares if he were employed by the corpo-
2 ration. Nothing herein contained shall be construed to prohibit the
3 transfer of shares by operation of law or by court decree. No transfer-
4 ee of shares by operation of law or court decree may vote the shares for
5 any purpose whatsoever except with respect to corporate action under
6 sections 909 and 1001 of this chapter. The restriction in the preceding
7 sentence shall not apply, however, where such transferee would be eligi-
8 ble to have shares issued to him if he were an employee of the corpo-
9 ration and, if there are other shareholders, a majority of such other
10 shareholders shall fail to redeem the shares so transferred, pursuant to
11 section 1510 of this article, within sixty days of receiving written
12 notice of such transfer. Any sale or transfer, except by operation of
13 law or court decree or except for a corporation having only one share-
14 holder, may be made only after the same shall have been approved by the
15 board of directors, or at a shareholders' meeting specially called for
16 such purpose by such proportion, not less than a majority, of the
17 outstanding shares as may be provided in the certificate of incorpo-
18 ration or in the by-laws of such professional service corporation. At
19 such shareholders' meeting the shares held by the shareholder proposing
20 to sell or transfer his shares may not be voted or counted for any
21 purpose, unless all shareholders consent that such shares be voted or
22 counted. The certificate of incorporation or the by-laws of the profes-
23 sional service corporation, or the professional service corporation and
24 the shareholders by private agreement, may provide, in lieu of or in
25 addition to the foregoing provisions, for the alienation of shares and
26 may require the redemption or purchase of such shares by such corpo-
27 ration at prices and in a manner specifically set forth therein. The
28 existence of the restrictions on the sale or transfer of shares, as

1 contained in this article and, if applicable, in the certificate of
2 incorporation, by-laws, stock purchase or stock redemption agreement,
3 shall be noted conspicuously on the face or back of every certificate
4 for shares issued by a professional service corporation. Any sale or
5 transfer in violation of such restrictions shall be void.

6 (c) A firm established for the business purpose of incorporating as a
7 professional service corporation pursuant to paragraph (h) of section
8 fifteen hundred three of this article, shall purchase or redeem the
9 shares of a non-licensed professional shareholder in the case of his or
10 her termination of employment within thirty days after such termination.

11 A firm established for the business purpose of incorporating as a
12 professional service corporation pursuant to paragraph (h) of section
13 fifteen hundred three of this article, shall not be required to purchase
14 or redeem the shares of a terminated non-licensed professional share-
15 holder if such shares, within thirty days after such termination, are
16 sold or transferred to another employee of the corporation pursuant to
17 this article.

18 § 7. Paragraph (a) of section 1512 of the business corporation law, as
19 amended by chapter 550 of the laws of 2011, is amended to read as
20 follows:

21 (a) Notwithstanding any other provision of law, the name of a profes-
22 sional service corporation, including a design professional service
23 corporation and any firm established for the business purpose of incor-
24 porating as a professional service corporation pursuant to paragraph (h)
25 of section fifteen hundred three of this article, may contain any word
26 which, at the time of incorporation, could be used in the name of a
27 partnership practicing a profession which the corporation is authorized
28 to practice, and may not contain any word which could not be used by

1 such a partnership. Provided, however, the name of a professional
2 service corporation may not contain the name of a deceased person unless

3 (1) such person's name was part of the corporate name at the time of
4 such person's death; or

5 (2) such person's name was part of the name of an existing partnership
6 and at least two-thirds of such partnership's partners become sharehold-
7 ers of the corporation.

8 § 8. Section 1514 of the business corporation law is amended by adding
9 a new paragraph (c) to read as follows:

10 (c) Each firm established for the business purpose of incorporating as
11 a professional service corporation pursuant to paragraph (h) of section
12 fifteen hundred three of this article shall, at least once every three
13 years on or before the date prescribed by the licensing authority,
14 furnish a statement to the licensing authority listing the names and
15 residence addresses of each shareholder, director and officer of such
16 corporation and certify as the date of certification and at all times
17 over the entire three year period that:

18 (i) at least fifty-one percent of the outstanding shares of stock of
19 the corporation are and were owned by certified public accountants,

20 (ii) at least fifty-one percent of the directors are and were certi-
21 fied public accountants,

22 (iii) at least fifty-one percent of the officers are and were certi-
23 fied public accountants,

24 (iv) the president, the chairperson of the board of directors and the
25 chief executive officer or officers are and were certified public
26 accountants.

1 The statement shall be signed by the president or any certified public
2 accountant vice-president and attested to by the secretary or any
3 assistant secretary of the corporation.

4 § 9. Paragraph (d) of section 1525 of the business corporation law, as
5 added by chapter 505 of the laws of 1983, is amended to read as follows:

6 (d) "Foreign professional service corporation" means a professional
7 service corporation, whether or not denominated as such, organized under
8 the laws of a jurisdiction other than this state, all of the sharehold-
9 ers, directors and officers of which are authorized and licensed to
10 practice the profession for which such corporation is licensed to do
11 business; except that all shareholders, directors and officers of a
12 foreign professional service corporation which provides health services
13 in this state shall be licensed in this state. Notwithstanding any other
14 provision of law a foreign professional service corporation formed to
15 lawfully engage in the practice of public accountancy, as such practice
16 is defined under article one hundred forty-nine of the education law, or
17 equivalent state law, shall be required to show (1) that a simple major-
18 ity of the ownership of the firm, in terms of financial interests,
19 including ownership-based compensation, and voting rights held by the
20 firm's owners, belongs to individuals licensed to practice public
21 accountancy in some state, and (2) that all shareholders of a foreign
22 professional service corporation whose principal place of business is in
23 this state, and who are engaged in the practice of public accountancy in
24 this state, hold a valid license issued under section seventy-four
25 hundred four of the education law or are public accountants licensed
26 under section seventy-four hundred five of the education law. Although
27 firms may include non-licensee owners, the firm and its owners must
28 comply with rules promulgated by the state board of regents. Notwith-

1 standing the foregoing, a firm registered under this section may not
2 have non-licensee owners if the firm's name includes the words "certi-
3 fied public accountant," or "certified public accountants," or the
4 abbreviations "CPA" or "CPAs." Each non-licensee owner of a firm that is
5 operating under this section shall be a natural person who actively
6 participates in the business of the firm or its affiliated entities,
7 provided each beneficial owner of an equity interest in such entity is a
8 natural person who actively participates in the business conducted by
9 the firm or its affiliated entities. For purposes of this subdivision,
10 "actively participate" means to provide services to clients or to other-
11 wise individually take part in the day-to-day business or management of
12 the firm.

13 § 10. Subdivision (q) of section 121-1500 of the partnership law, as
14 amended by chapter 475 of the laws of 2014, is amended to read as
15 follows:

16 (q) Each partner of a registered limited liability partnership formed
17 to provide medical services in this state must be licensed pursuant to
18 article 131 of the education law to practice medicine in this state and
19 each partner of a registered limited liability partnership formed to
20 provide dental services in this state must be licensed pursuant to arti-
21 cle 133 of the education law to practice dentistry in this state. Each
22 partner of a registered limited liability partnership formed to provide
23 veterinary services in this state must be licensed pursuant to article
24 135 of the education law to practice veterinary medicine in this state.
25 Each partner of a registered limited liability partnership formed to
26 provide public accountancy services, whose principal place of business
27 is in this state and who provides public accountancy services, must be
28 licensed pursuant to article 149 of the education law to practice public

1 accountancy in this state. Each partner of a registered limited liabil-
2 ity partnership formed to provide professional engineering, land survey-
3 ing, geological services, architectural and/or landscape architectural
4 services in this state must be licensed pursuant to article 145, article
5 147 and/or article 148 of the education law to practice one or more of
6 such professions in this state. Each partner of a registered limited
7 liability partnership formed to provide licensed clinical social work
8 services in this state must be licensed pursuant to article 154 of the
9 education law to practice clinical social work in this state. Each part-
10 ner of a registered limited liability partnership formed to provide
11 creative arts therapy services in this state must be licensed pursuant
12 to article 163 of the education law to practice creative arts therapy in
13 this state. Each partner of a registered limited liability partnership
14 formed to provide marriage and family therapy services in this state
15 must be licensed pursuant to article 163 of the education law to prac-
16 tice marriage and family therapy in this state. Each partner of a regis-
17 tered limited liability partnership formed to provide mental health
18 counseling services in this state must be licensed pursuant to article
19 163 of the education law to practice mental health counseling in this
20 state. Each partner of a registered limited liability partnership formed
21 to provide psychoanalysis services in this state must be licensed pursu-
22 ant to article 163 of the education law to practice psychoanalysis in
23 this state. Each partner of a registered limited liability partnership
24 formed to provide applied behavior analysis service in this state must
25 be licensed or certified pursuant to article 167 of the education law to
26 practice applied behavior analysis in this state. Notwithstanding any
27 other provisions of law a limited liability partnership formed to
28 lawfully engage in the practice of public accountancy, as such practice

1 is respectively defined under article 149 of the education law, shall be
2 required to show (1) that a simple majority of the ownership of the
3 firm, in terms of financial interests, including ownership-based compen-
4 sation, and voting rights held by the firm's owners, belongs to individ-
5 uals licensed to practice public accountancy in some state, and (2) that
6 all partners of a limited liability partnership whose principal place of
7 business is in this state, and who are engaged in the practice of public
8 accountancy in this state, hold a valid license issued under section
9 7404 of the education law or are public accountants licensed under
10 section 7405 of the education law. Although firms may include non-licen-
11 see owners, the firm and its owners must comply with rules promulgated
12 by the state board of regents. Notwithstanding the foregoing, a firm
13 registered under this section may not have non-licensee owners if the
14 firm's name includes the words "certified public accountant," or "certi-
15 fied public accounts," or the abbreviations "CPA" or "CPAs." Each non-
16 licensee owner of a firm that is incorporated under this section shall
17 be (1) a natural person who actively participates in the business of the
18 firm or its affiliated entities, or (2) an entity, including, but not
19 limited to, a partnership or professional corporation, provided each
20 beneficial owner of an equity interest in such entity is a natural
21 person who actively participates in the business conducted by the firm
22 or its affiliated entities. For purposes of this subdivision, "actively
23 participate" means to provide services to clients or to otherwise indi-
24 vidually take part in the day-to-day business or management of the firm.

25 § 11. Subdivision (q) of section 121-1502 of the partnership law, as
26 amended by chapter 475 of the laws of 2014, is amended to read as
27 follows:

1 (q) Each partner of a foreign limited liability partnership which
2 provides medical services in this state must be licensed pursuant to
3 article 131 of the education law to practice medicine in the state and
4 each partner of a foreign limited liability partnership which provides
5 dental services in the state must be licensed pursuant to article 133 of
6 the education law to practice dentistry in this state. Each partner of a
7 foreign limited liability partnership which provides veterinary service
8 in the state shall be licensed pursuant to article 135 of the education
9 law to practice veterinary medicine in this state. Each partner of a
10 foreign limited liability partnership which provides professional engi-
11 neering, land surveying, geological services, architectural and/or land-
12 scape architectural services in this state must be licensed pursuant to
13 article 145, article 147 and/or article 148 of the education law to
14 practice one or more of such professions. Each partner of a foreign
15 registered limited liability partnership formed to provide public
16 accountancy services, whose principal place of business is in this state
17 and who provides public accountancy services, must be licensed pursuant
18 to article 149 of the education law to practice public accountancy in
19 this state. Each partner of a foreign limited liability partnership
20 which provides licensed clinical social work services in this state must
21 be licensed pursuant to article 154 of the education law to practice
22 licensed clinical social work in this state. Each partner of a foreign
23 limited liability partnership which provides creative arts therapy
24 services in this state must be licensed pursuant to article 163 of the
25 education law to practice creative arts therapy in this state. Each
26 partner of a foreign limited liability partnership which provides
27 marriage and family therapy services in this state must be licensed
28 pursuant to article 163 of the education law to practice marriage and

1 family therapy in this state. Each partner of a foreign limited liabil-
2 ity partnership which provides mental health counseling services in this
3 state must be licensed pursuant to article 163 of the education law to
4 practice mental health counseling in this state. Each partner of a
5 foreign limited liability partnership which provides psychoanalysis
6 services in this state must be licensed pursuant to article 163 of the
7 education law to practice psychoanalysis in this state. Each partner of
8 a foreign limited liability partnership which provides applied behavior
9 analysis services in this state must be licensed or certified pursuant
10 to article 167 of the education law to practice applied behavior analy-
11 sis in this state. Notwithstanding any other provisions of law a
12 foreign limited liability partnership formed to lawfully engage in the
13 practice of public accountancy, as such practice is respectively defined
14 under article 149 of the education law, shall be required to show (1)
15 that a simple majority of the ownership of the firm, in terms of finan-
16 cial interests, including ownership-based compensation, and voting
17 rights held by the firm's owners, belongs to individuals licensed to
18 practice public accountancy in some state, and (2) that all partners of
19 a foreign limited liability partnership whose principal place of busi-
20 ness is in this state, and who are engaged in the practice of public
21 accountancy in this state, hold a valid licence issued under section
22 7404 of the education law or are public accountants licensed under
23 section 7405 of the education law. Although firms may include non-licen-
24 see owners, the firm and its owners must comply with rules promulgated
25 by the state board of regents. Notwithstanding the foregoing, a firm
26 registered under this section may not have non-licensee owners if the
27 firm's name includes the words "certified public accountant," or "certi-
28 fied public accountants," or the abbreviations "CPA" or "CPAs." Each

1 non-licensee owner of a firm that is incorporated under this section
2 shall be (1) a natural person who actively participates in the business
3 of the firm or its affiliated entities, or (2) an entity, including, but
4 not limited to, a partnership or professional corporation, provided each
5 beneficial owner of an equity interest in such entity is a natural
6 person who actively participates in the business conducted by the firm
7 or its affiliated entities. For purposes of this subdivision, "actively
8 participate" means to provide services to clients or to otherwise indi-
9 vidually take part in the day-to-day business or management of the firm.

§ 12. Subdivision (h) of section 121-101 of the partnership law, as added by chapter 950 of the laws of 1990, is amended to read as follows:

(h) "Limited partnership" and "domestic limited partnership" mean, unless the context otherwise requires, a partnership (i) formed by two or more persons pursuant to this article or which complies with subdivision (a) of section 121-1202 of this article and (ii) having one or more general partners and one or more limited partners. Notwithstanding any other provisions of law a limited partnership or domestic limited partnership formed to lawfully engage in the practice of public accountancy, as such practice is respectively defined under article 149 of the education law shall be required to show (1) that a simple majority of the ownership of the firm, in terms of financial interests, including ownership-based compensation, and voting rights held by the firm's owners, belongs to individuals licensed to practice public accountancy in some state, and (2) that all partners of a limited partnership or domestic limited partnership, whose principal place of business is in this state, and who are engaged in the practice of public accountancy in this state, hold a valid license issued under section 7404 of the education law or are public accountants licensed under section 7405 of the education law.

1 Although firms may include non-licensee owners, the firm and its owners
2 must comply with rules promulgated by the state board of regents.
3 Notwithstanding the foregoing, a firm registered under this section may
4 not have non-licensee owners if the firm's name includes the words
5 "certified public accountant," or "certified public accountants," or the
6 abbreviations "CPA" or "CPAs." Each non-licensee owner of a firm that is
7 registered under this section shall be (1) a natural person who actively
8 participates in the business of the firm or its affiliated entities, or
9 (2) an entity, including, but not limited to, a partnership or profes-
10 sional corporation, provided each beneficial owner of an equity interest
11 in such entity is a natural person who actively participates in the
12 business conducted by the firm or its affiliated entities. For purposes
13 of this subdivision, "actively participate" means to provide services to
14 clients or to otherwise individually take part in the day-to-day busi-
15 ness or management of the firm.

16 § 13. Subdivision (b) of section 1207 of the limited liability company
17 law, as amended by chapter 475 of the laws of 2014, is amended to read
18 as follows:

19 (b) With respect to a professional service limited liability company
20 formed to provide medical services as such services are defined in arti-
21 cle 131 of the education law, each member of such limited liability
22 company must be licensed pursuant to article 131 of the education law to
23 practice medicine in this state. With respect to a professional service
24 limited liability company formed to provide dental services as such
25 services are defined in article 133 of the education law, each member of
26 such limited liability company must be licensed pursuant to article 133
27 of the education law to practice dentistry in this state. With respect
28 to a professional service limited liability company formed to provide

1 veterinary services as such services are defined in article 135 of the
2 education law, each member of such limited liability company must be
3 licensed pursuant to article 135 of the education law to practice veter-
4 inary medicine in this state. With respect to a professional service
5 limited liability company formed to provide professional engineering,
6 land surveying, architectural, landscape architectural and/or geological
7 services as such services are defined in article 145, article 147 and
8 article 148 of the education law, each member of such limited liability
9 company must be licensed pursuant to article 145, article 147 and/or
10 article 148 of the education law to practice one or more of such
11 professions in this state. With respect to a professional service
12 limited liability company formed to provide public accountancy services
13 as such services are defined in article 149 of the education law each
14 member of such limited liability company whose principal place of busi-
15 ness is in this state and who provides public accountancy services, must
16 be licensed pursuant to article 149 of the education law to practice
17 public accountancy in this state. With respect to a professional service
18 limited liability company formed to provide licensed clinical social
19 work services as such services are defined in article 154 of the educa-
20 tion law, each member of such limited liability company shall be
21 licensed pursuant to article 154 of the education law to practice
22 licensed clinical social work in this state. With respect to a profes-
23 sional service limited liability company formed to provide creative arts
24 therapy services as such services are defined in article 163 of the
25 education law, each member of such limited liability company must be
26 licensed pursuant to article 163 of the education law to practice crea-
27 tive arts therapy in this state. With respect to a professional service
28 limited liability company formed to provide marriage and family therapy

1 services as such services are defined in article 163 of the education
2 law, each member of such limited liability company must be licensed
3 pursuant to article 163 of the education law to practice marriage and
4 family therapy in this state. With respect to a professional service
5 limited liability company formed to provide mental health counseling
6 services as such services are defined in article 163 of the education
7 law, each member of such limited liability company must be licensed
8 pursuant to article 163 of the education law to practice mental health
9 counseling in this state. With respect to a professional service limited
10 liability company formed to provide psychoanalysis services as such
11 services are defined in article 163 of the education law, each member of
12 such limited liability company must be licensed pursuant to article 163
13 of the education law to practice psychoanalysis in this state. With
14 respect to a professional service limited liability company formed to
15 provide applied behavior analysis services as such services are defined
16 in article 167 of the education law, each member of such limited liabil-
17 ity company must be licensed or certified pursuant to article 167 of the
18 education law to practice applied behavior analysis in this state.
19 Notwithstanding any other provisions of law a professional service
20 limited liability company formed to lawfully engage in the practice of
21 public accountancy, as such practice is respectively defined under arti-
22 cle 149 of the education law shall be required to show (1) that a simple
23 majority of the ownership of the firm, in terms of financial interests,
24 including ownership-based compensation, and voting rights held by the
25 firm's owners, belongs to individuals licensed to practice public
26 accountancy in some state, and (2) that all members of a limited profes-
27 sional service limited liability company, whose principal place of busi-
28 ness is in this state, and who are engaged in the practice of public

1 accountancy in this state, hold a valid license issued under section
2 7404 of the education law or are public accountants licensed under
3 section 7405 of the education law. Although firms may include non-licen-
4 see owners, the firm and its owners must comply with rules promulgated
5 by the state board of regents. Notwithstanding the foregoing, a firm
6 registered under this section may not have non-licensee owners if the
7 firm's name includes the words "certified public accountant," or "certi-
8 fied public accountants," or the abbreviations "CPA" or "CPAs." Each
9 non-licensee owner of a firm that is registered under this section shall
10 be (1) a natural person who actively participates in the business of the
11 firm or its affiliated entities, or (2) an entity, including, but not
12 limited to, a partnership or professional corporation, provided each
13 beneficial owner of an equity interest in such entity is a natural
14 person who actively participates in the business conducted by the firm
15 or its affiliated entities. For purposes of this subdivision, "actively
16 participate" means to provide services to clients or to otherwise indi-
17 vidually take part in the day-to-day business or management of the firm.

18 § 14. Subdivision (a) of section 1301 of the limited liability company
19 law, as amended by chapter 475 of the laws of 2014, is amended to read
20 as follows:

21 (a) "Foreign professional service limited liability company" means a
22 professional service limited liability company, whether or not denomi-
23 nated as such, organized under the laws of a jurisdiction other than
24 this state, (i) each of whose members and managers, if any, is a profes-
25 sional authorized by law to render a professional service within this
26 state and who is or has been engaged in the practice of such profession
27 in such professional service limited liability company or a predecessor
28 entity, or will engage in the practice of such profession in the profes-

1 sional service limited liability company within thirty days of the date
2 such professional becomes a member, or each of whose members and manag-
3 ers, if any, is a professional at least one of such members is author-
4 ized by law to render a professional service within this state and who
5 is or has been engaged in the practice of such profession in such
6 professional service limited liability company or a predecessor entity,
7 or will engage in the practice of such profession in the professional
8 service limited liability company within thirty days of the date such
9 professional becomes a member, or (ii) authorized by, or holding a
10 license, certificate, registration or permit issued by the licensing
11 authority pursuant to, the education law to render a professional
12 service within this state; except that all members and managers, if any,
13 of a foreign professional service limited liability company that
14 provides health services in this state shall be licensed in this state.
15 With respect to a foreign professional service limited liability company
16 which provides veterinary services as such services are defined in arti-
17 cle 135 of the education law, each member of such foreign professional
18 service limited liability company shall be licensed pursuant to article
19 135 of the education law to practice veterinary medicine. With respect
20 to a foreign professional service limited liability company which
21 provides medical services as such services are defined in article 131 of
22 the education law, each member of such foreign professional service
23 limited liability company must be licensed pursuant to article 131 of
24 the education law to practice medicine in this state. With respect to a
25 foreign professional service limited liability company which provides
26 dental services as such services are defined in article 133 of the
27 education law, each member of such foreign professional service limited
28 liability company must be licensed pursuant to article 133 of the educa-

1 tion law to practice dentistry in this state. With respect to a foreign
2 professional service limited liability company which provides profes-
3 sional engineering, land surveying, geologic, architectural and/or land-
4 scape architectural services as such services are defined in article
5 145, article 147 and article 148 of the education law, each member of
6 such foreign professional service limited liability company must be
7 licensed pursuant to article 145, article 147 and/or article 148 of the
8 education law to practice one or more of such professions in this state.
9 With respect to a foreign professional service limited liability company
10 which provides public accountancy services as such services are defined
11 in article 149 of the education law, each member of such foreign profes-
12 sional service limited liability company whose principal place of busi-
13 ness is in this state and who provides public accountancy services,
14 shall be licensed pursuant to article 149 of the education law to prac-
15 tice public accountancy in this state. With respect to a foreign profes-
16 sional service limited liability company which provides licensed clin-
17 ical social work services as such services are defined in article 154 of
18 the education law, each member of such foreign professional service
19 limited liability company shall be licensed pursuant to article 154 of
20 the education law to practice clinical social work in this state. With
21 respect to a foreign professional service limited liability company
22 which provides creative arts therapy services as such services are
23 defined in article 163 of the education law, each member of such foreign
24 professional service limited liability company must be licensed pursuant
25 to article 163 of the education law to practice creative arts therapy in
26 this state. With respect to a foreign professional service limited
27 liability company which provides marriage and family therapy services as
28 such services are defined in article 163 of the education law, each

1 member of such foreign professional service limited liability company
2 must be licensed pursuant to article 163 of the education law to prac-
3 tice marriage and family therapy in this state. With respect to a
4 foreign professional service limited liability company which provides
5 mental health counseling services as such services are defined in arti-
6 cle 163 of the education law, each member of such foreign professional
7 service limited liability company must be licensed pursuant to article
8 163 of the education law to practice mental health counseling in this
9 state. With respect to a foreign professional service limited liability
10 company which provides psychoanalysis services as such services are
11 defined in article 163 of the education law, each member of such foreign
12 professional service limited liability company must be licensed pursuant
13 to article 163 of the education law to practice psychoanalysis in this
14 state. With respect to a foreign professional service limited liability
15 company which provides applied behavior analysis services as such
16 services are defined in article 167 of the education law, each member of
17 such foreign professional service limited liability company must be
18 licensed or certified pursuant to article 167 of the education law to
19 practice applied behavior analysis in this state. Notwithstanding any
20 other provisions of law a foreign professional service limited liability
21 company formed to lawfully engage in the practice of public accountancy,
22 as such practice is respectively defined under article 149 of the educa-
23 tion law shall be required to show (1) that a simple majority of the
24 ownership of the firm, in terms of financial interests, including owner-
25 ship-based compensation, and voting rights held by the firm's owners,
26 belongs to individuals licensed to practice public accountancy in some
27 state, and (2) that all members of a foreign limited professional
28 service limited liability company, whose principal place of business is

1 in this state, and who are engaged in the practice of public accountancy
2 in this state, hold a valid license issued under section 7404 of the
3 education law or are public accountants licensed under section 7405 of
4 the education law, Although firms may include non-licensee owners, the
5 firm and its owners must comply with rules promulgated by the state
6 board of regents. Notwithstanding the foregoing, a firm registered
7 under this section may not have non-licensee owners if the firm's name
8 includes the words "certified public accountant," or "certified public
9 accountants," or the abbreviations "CPA" or "CPAs." Each non-licensee
10 owner of a firm that is registered under this section shall be (1) a
11 natural person who actively participates in the business of the firm or
12 its affiliated entities, or (2) an entity, including, but not limited
13 to, a partnership or professional corporation, provided each beneficial
14 owner of an equity interest in such entity is a natural person who
15 actively participates in the business conducted by the firm or its
16 affiliated entities. For purposes of this subdivision, "actively partic-
17 ipate" means to provide services to clients or to otherwise individually
18 take part in the day-to-day business or management of the firm.

19 § 15. This act shall take effect immediately.

20 PART G

21 Section 1. Subparagraphs (i), (ii), (iii) and (iv) of paragraph (a) of
22 subdivision 8 of section 404 of the social services law are REPEALED.

23 § 2. Section 11 of subpart A of part G of chapter 57 of the laws of
24 2012, amending the social services law and the family court act relating
25 to establishing a juvenile justice services close to home initiative, is
26 amended to read as follows:

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

13 § 3. Section 7 of subpart B of part G of chapter 57 of the laws of
14 2012, amending the social services law, the family court act and the
15 executive law relating to juvenile delinquents, is amended to read as
16 follows:

17 § 7. This act shall take effect April 1, 2012 and shall expire on
18 March 31, [2018] 2023 when upon such date the provisions of this act
19 shall be deemed repealed; provided, however, that effective immediately,
20 the addition, amendment and/or repeal of any rule or regulation neces-
21 sary for the implementation of this act on its effective date is author-
22 ized and directed to be made and completed on or before such effective
23 date.

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

1 Section 1. 1. Notwithstanding the time period required for notice
2 pursuant to subdivision 15 of section 501 of the executive law, the
3 office of children and family services may close the Ella McQueen recep-
4 tion center for boys and girls. At least thirty days prior to taking any
5 such action, the commissioner of such office shall provide notice of
6 such action to the speaker of the assembly and the temporary president
7 of the senate and shall post such notice upon its public website.

8 2. The commissioner of the office of children and family services
9 shall be authorized to conduct any and all preparatory actions which may
10 be required to effectuate this closure.

11 § 2. This act shall take effect immediately.

12 PART I

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

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

20 § 2. This act shall take effect immediately.

21 PART J

22 Section 1. Section 4 of part K of chapter 57 of the laws of 2012,
23 amending the education law, relating to authorizing the board of cooper-
24 ative 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.

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

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

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

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

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

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

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

25 (c) On and after January first, two thousand [seventeen] eighteen, (i)
26 for an eligible individual receiving family care, [\$1,001.48] \$1,016.48
27 if he or she is receiving such care in the city of New York or the coun-
28 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.

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

2 PART M

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

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

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

19 15. In determining the need for aid provided pursuant to public
20 assistance programs, each public assistance recipient living with
21 medically diagnosed HIV infection as defined by the AIDS institute of
22 the department of health in social services districts with a population
23 of five million or fewer, at local option and in accordance with a plan
24 approved by the office of temporary and disability assistance, may not
25 be required to pay more than thirty percent of his or her monthly earned
26 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

1 pursuant to section 2429-b of the public authorities law are sufficient
2 to attain and maintain the credit rating (as determined by the state of
3 New York mortgage agency) required to accomplish the purposes of such
4 account, the project pool insurance account of the mortgage insurance
5 fund, such transfer to be made as soon as practicable but no later than
6 June 30, 2018.

7 § 2. Notwithstanding any other provision of law, the housing trust
8 fund corporation may provide, for purposes of the neighborhood preserva-
9 tion program, a sum not to exceed \$8,479,000 for the fiscal year ending
10 March 31, 2019. Notwithstanding any other provision of law, and subject
11 to the approval of the New York state director of the budget, the board
12 of directors of the state of New York mortgage agency shall authorize
13 the transfer to the housing trust fund corporation, for the purposes of
14 reimbursing any costs associated with neighborhood preservation program
15 contracts authorized by this section, a total sum not to exceed
16 \$8,479,000, such transfer to be made from (i) the special account of the
17 mortgage insurance fund created pursuant to section 2429-b of the public
18 authorities law, in an amount not to exceed the actual excess balance in
19 the special account of the mortgage insurance fund, as determined and
20 certified by the state of New York mortgage agency for the fiscal year
21 2017-2018 in accordance with section 2429-b of the public authorities
22 law, if any, and/or (ii) provided that the reserves in the project pool
23 insurance account of the mortgage insurance fund created pursuant to
24 section 2429-b of the public authorities law are sufficient to attain
25 and maintain the credit rating (as determined by the state of New York
26 mortgage agency) required to accomplish the purposes of such account,
27 the project pool insurance account of the mortgage insurance fund, such

1 transfer to be made as soon as practicable but no later than June 30,
2 2018.

3 § 3. Notwithstanding any other provision of law, the housing trust
4 fund corporation may provide, for purposes of the rural preservation
5 program, a sum not to exceed \$3,539,000 for the fiscal year ending March
6 31, 2019. Notwithstanding any other provision of law, and subject to
7 the approval of the New York state director of the budget, the board of
8 directors of the state of New York mortgage agency shall authorize the
9 transfer to the housing trust fund corporation, for the purposes of
10 reimbursing any costs associated with rural preservation program
11 contracts authorized by this section, a total sum not to exceed
12 \$3,539,000, such transfer to be made from (i) the special account of the
13 mortgage insurance fund created pursuant to section 2429-b of the public
14 authorities law, in an amount not to exceed the actual excess balance in
15 the special account of the mortgage insurance fund, as determined and
16 certified by the state of New York mortgage agency for the fiscal year
17 2017-2018 in accordance with section 2429-b of the public authorities
18 law, if any, and/or (ii) provided that the reserves in the project pool
19 insurance account of the mortgage insurance fund created pursuant to
20 section 2429-b of the public authorities law are sufficient to attain
21 and maintain the credit rating (as determined by the state of New York
22 mortgage agency) required to accomplish the purposes of such account,
23 the project pool insurance account of the mortgage insurance fund, such
24 transfer to be made as soon as practicable but no later than June 30,
25 2018.

26 § 4. Notwithstanding any other provision of law, the homeless housing
27 and assistance corporation may provide, for purposes of the New York
28 state supportive housing program, the solutions to end homelessness

1 program or the operational support for AIDS housing program, or to qual-
2 ified grantees under those programs, in accordance with the requirements
3 of those programs, a sum not to exceed \$8,333,000 for the fiscal year
4 ending March 31, 2019. The homeless housing and assistance corporation
5 may enter into an agreement with the office of temporary and disability
6 assistance to administer such sum in accordance with the requirements of
7 the programs. Notwithstanding any other provision of law, and subject to
8 the 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 homeless housing and assistance corporation, a total sum
11 not to exceed \$8,333,000, such transfer to be made from (i) the special
12 account of the mortgage insurance fund created pursuant to section
13 2429-b of the public authorities law, in an amount not to exceed the
14 actual excess balance in the special account of the mortgage insurance
15 fund, as determined and certified by the state of New York mortgage
16 agency for the fiscal year 2017-2018 in accordance with section 2429-b
17 of the public authorities law, if any, and/or (ii) provided that the
18 reserves in the project pool insurance account of the mortgage insurance
19 fund created pursuant to section 2429-b of the public authorities law
20 are sufficient to attain and maintain the credit rating (as determined
21 by the state of New York mortgage agency) required to accomplish the
22 purposes of such account, the project pool insurance account of the
23 mortgage insurance fund, such transfer to be made as soon as practicable
24 but no later than March 31, 2019.

25 § 5. This act shall take effect immediately.

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

6 (c) The New York state urban development corporation shall administer
7 this grant program, which shall not exceed in the aggregate \$15,000,000
8 plus any funds directed from the programs authorized in subdivisions 3
9 and 4 of this section. Such corporation and other relevant state agen-
10 cies and state authorities are hereby empowered to establish grant
11 guidelines and additional eligibility criteria as deemed necessary to
12 effectuate the administration of this program. Any grant guidelines and
13 eligibility criteria established by the corporation pursuant to this
14 subdivision shall be equivalent to, and shall not be more restrictive
15 than, those established by the New York State Urban Development Corpo-
16 ration, doing business as the Empire State Development Corporation, in
17 the grant programs it administered pursuant to part H of chapter 56 of
18 the laws of 2011. In providing assistance pursuant to this subdivision,
19 the New York state urban development corporation shall give preference
20 to applicants that demonstrate the greatest need, based on available
21 flood damage data provided by applicable state and/or federal agencies.

22 § 2. Paragraph (c) of subdivision 3 of section 1 of part A of chapter
23 85 of the laws of 2017, relating to creating the Lake Ontario-St.
24 Lawrence Seaway flood recovery and International Joint Commission Plan
25 2014 mitigation grant program, as amended by section 2 of part J of
26 chapter 61 of the laws of 2017, is amended to read as follows:

27 (c) The affordable housing corporation shall administer this grant
28 program, which shall not exceed in the aggregate \$15,000,000 plus any

1 funds directed from the programs authorized in subdivisions 2 and 4 of
2 this section. Such corporation and other relevant state agency or state
3 authorities are hereby empowered to establish grant guidelines and addi-
4 tional eligibility criteria as deemed necessary to effectuate the admin-
5 istration of this program. Any grant guidelines and eligibility crite-
6 ria established by the corporation pursuant to this subdivision shall be
7 equivalent to, and shall not be more restrictive than, those established
8 by the New York State Urban Development Corporation, doing business as
9 the Empire State Development Corporation, in the grant programs it
10 administered pursuant to part H of chapter 56 of the laws of 2011. In
11 providing assistance pursuant to this subdivision, the affordable hous-
12 ing corporation shall give preference to applicants that demonstrate the
13 greatest need, based on available flood damage data provided by applica-
14 ble state and/or federal agencies.

15 § 3. Paragraph (c) of subdivision 4 of section 1 of part A of chapter
16 85 of the laws of 2017, relating to creating the Lake Ontario-St.
17 Lawrence Seaway flood recovery and International Joint Commission Plan
18 2014 mitigation grant program, as amended by section 2 of part J of
19 chapter 61 of the laws of 2017, is amended to read as follows:

20 (c) The housing trust fund corporation shall administer this grant
21 program, which shall not exceed in the aggregate \$15,000,000 plus any
22 funds directed from the programs authorized in subdivisions 2 and 3 of
23 this section. Such corporation, and other relevant state agencies or
24 state authorities, is hereby empowered to establish grant guidelines and
25 additional eligibility criteria, based on available flood damage data
26 provided by applicable state and/or federal agencies, as it deems neces-
27 sary to effectuate the administration of this program. Any grant guide-
28 lines and eligibility criteria established by the corporation pursuant

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

9 § 4. This act shall take effect immediately.

10 § 2. Severability clause. If any clause, sentence, paragraph, subdivi-
11 sion, section or part of this act shall be adjudged by any court of
12 competent jurisdiction to be invalid, such judgment shall not affect,
13 impair, or invalidate the remainder thereof, but shall be confined in
14 its operation to the clause, sentence, paragraph, subdivision, section
15 or part thereof directly involved in the controversy in which such judg-
16 ment shall have been rendered. It is hereby declared to be the intent of
17 the legislature that this act would have been enacted even if such
18 invalid provisions had not been included herein.

19 § 3. This act shall take effect immediately provided, however, that
20 the applicable effective date of Parts A through O of this act shall be
21 as specifically set forth in the last section of such Parts.