

FY 2020 NEW YORK STATE EXECUTIVE BUDGET

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

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Legislative Bill Drafting Commission
12572-01-9

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
2019-2020 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 a statement of the
total funding allocation; to amend
the education law, in relation to
services aid; to amend the education
law, in relation to moneys appor-
tioned for boards of cooperative
educational services aidable expend-

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	s02 Flanagan	s09 Kaminsky	s25 Montgomery	s23 Savino
s52 Akshar	s55 Funke	s07 Kaplan	s20 Myrie	s32 Sepulveda
s46 Amedore	s59 Gallivan	s26 Kavanagh	s58 O'Mara	s41 Serino
s50 Antonacci	s05 Gaughran	s63 Kennedy	s62 Ortt	s29 Serrano
s36 Bailey	s12 Gianaris	s28 Krueger	s21 Parker	s51 Seward
s30 Benjamin	s22 Gounardes	s24 Lanza	s19 Persaud	s39 Skoufis
s34 Biaggi	s47 Griffo	s01 LaValle	s13 Ramos	s16 Stavisky
s04 Boyle	s40 Harckham	s45 Little	s61 Ranzzenhofer	s35 Stewart-
s44 Breslin	s54 Helming	s11 Liu	s48 Ritchie	Cousins
s08 Brooks	s27 Hoylman	s03 Martinez	s33 Rivera	s49 Tedisco
s38 Carlucci	s31 Jackson	s53 May	s56 Robach	s06 Thomas
s14 Comrie	s60 Jacobs	s37 Mayer	s18 Salazar	s57 Young
s17 Felder	s43 Jordan	s42 Metzger	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	a072 De La Rosa	a029 Hyndman	a144 Norris	a090 Sayegh
a092 Abinanti	a034 DenDekker	a104 Jacobson	a069 O'Donnell	a140 Schimminger
a084 Arroyo	a003 DeStefano	a097 Jaffee	a051 Ortiz	a099 Schmitt
a107 Ashby	a070 Dickens	a011 Jean-Pierre	a091 Otis	a076 Seawright
a035 Aubry	a054 Dilan	a135 Johns	a132 Palmesano	a052 Simon
a120 Barclay	a081 Dinowitz	a115 Jones	a002 Palumbo	a036 Simotas
a030 Barnwell	a147 DiPietro	a077 Joyner	a088 Paulin	a005 Smith
a106 Barrett	a016 D'Urso	a040 Kim	a141 Peoples-	a118 Smullen
a060 Barron	a048 Eichenstein	a131 Kolb	Stokes	a022 Solages
a082 Benedetto	a004 Englebright	a105 Lalor	a058 Perry	a114 Stec
a042 Bichotte	a074 Epstein	a013 Lavine	a023 Pheffer	a110 Steck
a079 Blake	a109 Fahy	a134 Lawrence	Amato	a010 Stern
a117 Blankenbush	a061 Fall	a050 Lentol	a086 Pichardo	a127 Stirpe
a098 Brabene	a080 Fernandez	a125 Lifton	a089 Pretlow	a102 Tague
a026 Braunstein	a126 Finch	a009 LiPetri	a073 Quart	a071 Taylor
a138 Bronson	a008 Fitzpatrick	a123 Lupardo	a019 Ra	a001 Thiele
a093 Buchwald	a124 Friend	a129 Magnarelli	a012 Raia	a031 Titus
a142 Burke	a046 Frontus	a064 Malliotakis	a006 Ramos	a033 Vanel
a119 Buttenschon	a095 Galef	a130 Manktelow	a018 Raynor	a116 Walczyk
a094 Byrne	a137 Gantt	a108 McDonald	a062 Reilly	a055 Walker
a133 Byrnes	a007 Garbarino	a014 McDonough	a087 Reyes	a143 Wallace
a103 Cahill	a148 Giglio	a146 McMahan	a043 Richardson	a112 Walsh
a044 Carroll	a066 Glick	a017 Mikulin	a078 Rivera	a041 Weinstein
a047 Colton	a150 Goodell	a101 Miller, B.	a068 Rodriguez	a024 Weprin
a032 Cook	a075 Gottfried	a038 Miller, M. G.	a136 Romeo	a059 Williams
a085 Crespo	a021 Griffin	a020 Miller, M. L.	a027 Rosenthal, D.	a113 Woerner
a122 Crouch	a100 Gunther	a015 Montesano	a067 Rosenthal, L.	a056 Wright
a039 Cruz	a139 Hawley	a145 Morinello	a025 Rozic	a096 Zebrowski
a063 Cusick	a083 Heastie	a057 Mosley	a149 Ryan	
a045 Cymbrowitz	a028 Hevesi	a065 Niou	a121 Salka	
a053 Davila	a128 Hunter	a037 Nolan	a111 Santabarbara	

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).

itures; to amend the education law, in relation to establishing regional STEM magnet schools; to amend the education law, in relation to supplemental public excess cost 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 the statewide universal full-day pre-kindergarten program; 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 waivers from duties; to amend the education law, in relation to annual teacher and principal evaluations; to amend the education law, in relation to the education of homeless children; to amend the education law, in relation to the suspension of pupils; to amend the education law, in relation to school safety plans; to amend the education law, in relation to including healthy relationships in health education; to amend the education law, in relation to authorizing and directing the commissioner of education to require that every school district adopt and distribute a policy regarding sex discrimination; 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 2019-2020 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 chapter 82 of the laws of 1995, amending the education law and other laws relating to state aid to school districts

and the appropriation of funds for the support of government, 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 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 91 of the laws of 2002, amending the education law and other laws relating to reorganization of the New York city school construction authority, board of education and community boards, in relation to the effectiveness thereof; to amend chapter 345 of the laws of 2009, amending the education law and other laws relating to the New York city board of education, chancellor, community councils, and community superintendents, in relation to the effectiveness thereof; to amend chapter 472 of the laws of 1998, amending the education law relating to the lease of school buses by school districts, in relation to the effectiveness thereof; to amend chapter 552 of the laws of 1995, amending the education law relating to contracts for the transportation of school children, in relation to the effectiveness thereof; to amend chapter 97 of the laws of 2011, amending the education law relating to census reporting, in relation to the effectiveness thereof; in relation to school bus driver training; in relation to special apportionment for salary expenses and public pension accruals; in relation to the city school district of the

city of Rochester; in relation to total foundation aid for the purpose of the development, maintenance or expansion of certain magnet schools or magnet school programs for the 2019-2020 school year; in relation to the support of public libraries; to repeal subparagraphs 2 and 3 of paragraph a of subdivision 1 of section 3609-a of the education law, relating to lottery apportionment and lottery textbook apportionment; and to repeal subparagraphs 1 and 2 of paragraph b of subdivision 4 of section 92-c of the state finance law, relating to the state lottery fund (Part A); 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 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 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 D); to amend the education law, in relation to the accountability of proprietary institutions (Part E); to amend the state finance law, in relation to the arts capital grants fund (Part F); to utilize reserves in the mortgage insurance fund for various housing

purposes (Part G); to amend the social services law, in relation to the initial period of licensure or registration and required inspections, background clearances and training for child care providers; and to repeal certain provisions of such law relating thereto (Part H); to amend the social services law, in relation to federally required background clearances for persons working in residential foster care programs (Part I); to amend the social services law, in relation to residential programs for domestic violence victims; and repealing certain provisions of such law relating thereto (Part J); to amend the family court act, the social services law and the executive law, in relation to persons in need of supervision; and to repeal certain provisions of the family court act and the executive law relating thereto (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 appointment of a temporary operator authority (Subpart A); and to amend part W of chapter 54 of the laws of 2016, amending the social services law relating to the powers and duties of the commissioner of social services relating to the appointment of a temporary operator, in relation to the effectiveness thereof (Subpart B) (Part M); to amend the social services law, in relation to permitting social services districts to assign individuals to participate in time-limited job try-outs as an allowable work activity leading to unsubsidized employment (Part N); to amend the labor law, in relation to increasing criminal penalties for convictions of failures to pay wages (Part O); to amend the labor law, in relation to amending unemployment insurance benefits for earnings disregard (Part P); to amend the executive law, in relation to

prohibiting wage or salary history inquiries; and to amend the labor law, in relation to the prohibition of a differential rate of pay on the basis of protected class status (Part Q); to amend the executive law, the civil rights law and the education law, in relation to prohibiting discrimination based on gender identity or expression; and to amend the penal law and the criminal procedure law, in relation to including offenses regarding gender identity or expression within the list of offenses subject to treatment as hate crimes (Part R); to amend the executive law, in relation to expanding the scope of unlawful discriminatory practices to include public educational institutions (Part S); to amend the executive law, in relation to preventing discrimination based on lawful source of income in housing (Part T); to amend the general obligations law, in relation to the amount of security deposit that a landlord may charge a tenant (Part U); to amend the executive law, the general obligations law and the labor law, in relation to the implementation of sexual harassment protocols (Part V); to amend the general business law, in relation to enacting the pension poaching prevention act (Part W); to amend the executive law, in relation to amending the definition of pregnancy-related condition (Part X); to amend the education law, in relation to prohibiting mental health professionals from engaging in sexual orientation change efforts with a patient under the age of eighteen years and expanding the definition of professional misconduct with respect to mental health professionals (Part Y); and establishing the "rent regulation act of 2019" (Part Z)

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 2019-2020
3 state fiscal year. Each component is wholly contained within a Part
4 identified as Parts A through Z. 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,
7 including the effective date of the Part, which makes reference to a
8 section "of this act", when used in connection with that particular
9 component, shall be deemed to mean and refer to the corresponding
10 section of the Part in which it is found. Section three of this act sets
11 forth the 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 CCC of chapter 59 of the laws
15 of 2018, is amended to read as follows:

16 e. Notwithstanding paragraphs a and b of this subdivision, a school
17 district that submitted a contract for excellence for the two thousand
18 eight--two thousand nine school year shall submit a contract for excel-
19 lence for the two thousand nine--two thousand ten school year in
20 conformity with the requirements of subparagraph (vi) of paragraph a of
21 subdivision two of this section unless all schools in the district are
22 identified as in good standing and provided further that, a school
23 district that submitted a contract for excellence for the two thousand
24 nine--two thousand ten school year, unless all schools in the district
25 are identified as in good standing, shall submit a contract for excel-
26 lence for the two thousand 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; and provided further that, a
16 school district that submitted a contract for excellence for the two
17 thousand eighteen--two thousand nineteen school year, unless all schools
18 in the district are identified as in good standing, shall submit a
19 contract for excellence for the two thousand nineteen--two thousand
20 twenty school year which shall, notwithstanding the requirements of
21 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 eighteen--two thousand nineteen school year. For
25 purposes of this paragraph, the "gap elimination adjustment percentage"
26 shall be calculated as the sum of one minus the quotient of the sum of
27 the school district's net gap elimination adjustment for two thousand
28 ten--two thousand eleven computed pursuant to chapter fifty-three of the

1 laws of two thousand ten, making appropriations for the support of
2 government, plus the school district's gap elimination adjustment for
3 two thousand eleven--two thousand twelve as computed pursuant to chapter
4 fifty-three of the laws of two thousand eleven, making appropriations
5 for the support of the local assistance budget, including support for
6 general support for public schools, divided by the total aid for adjust-
7 ment computed pursuant to chapter fifty-three of the laws of two thou-
8 sand eleven, making appropriations for the local assistance budget,
9 including support for general support for public schools. Provided,
10 further, that such amount shall be expended to support and maintain
11 allowable programs and activities approved in the two thousand nine--two
12 thousand ten school year or to support new or expanded allowable
13 programs and activities in the current year.

14 § 2. Section 3614 of the education law, as added by section 4 of part
15 CCC of chapter 59 of the laws of 2018, is amended to read as follows:

16 § 3614. Statement of the total funding allocation. 1. Notwithstanding
17 any provision of law, rule or regulation to the contrary, commencing
18 with the two thousand eighteen--two thousand nineteen school year for
19 school districts which contain at least four schools as reported in the
20 school report card database produced by the commissioner for the two
21 thousand sixteen--two thousand seventeen school year and which receive
22 at least fifty percent of total revenue from state aid as reported in
23 the fiscal profiles master files report produced by the commissioner
24 concerning data on school district expenditures and revenues for the two
25 thousand fifteen--two thousand sixteen school year and for school
26 districts located in a city with a population of more than one million,
27 and commencing with the two thousand nineteen--two thousand twenty
28 school year for school districts containing at least four schools as

1 reported in the school report card database produced by the commissioner
2 for the two thousand sixteen--two thousand seventeen school year, and
3 commencing with the two thousand twenty--two thousand twenty-one school
4 year for all [other] school districts eligible for an apportionment
5 pursuant to subdivision four of section thirty-six hundred two of this
6 part, such school districts shall annually submit to the commissioner
7 and the director of the budget and shall make publicly available and on
8 the district website a detailed statement of the total funding allo-
9 cation for each school in the district for the upcoming school budget
10 year [prior to the first day of] on or before the Friday prior to Labor
11 Day of such school year, provided that:

12 a. Such statements shall be in a statewide uniform form developed by
13 the director of the budget, in consultation with the commissioner,
14 provided that when preparing statements districts shall adhere to and
15 complete the prescribed form accurately and fully, and provided further
16 that the director of the budget shall request in such form only informa-
17 tion that is known to, or may be ascertained or estimated by, the
18 district. Provided, further, that each local educational agency shall
19 include in such statement the approach used to allocate funds to each
20 school and that such statement shall include but not be limited to sepa-
21 rate entries for each individual school, demographic data for the
22 school, per pupil funding level, source of funds, and uniform decision
23 rules regarding allocation of centralized spending to individual schools
24 from all funding sources.

25 b. Within [thirty] ninety days of submission of such statement by a
26 school district, the commissioner and director of the budget shall
27 review such statement and determine whether the statement is complete
28 and is in the format required by paragraph a of this subdivision. If

1 such statement is determined to be complete and in the format required
2 by paragraph a of this subdivision, a written acknowledgement of such
3 shall be sent to the school district. If no determination is made by the
4 commissioner and the director of the budget within [thirty] ninety days
5 of submission of the statement, such statement shall be deemed approved.
6 Should the commissioner or the director of the budget request additional
7 information from the school district to determine completeness, the
8 district shall submit such requested information to the commissioner and
9 the director of the budget within thirty days of such request and the
10 commissioner and the director of the budget's deadline for review and
11 determination shall be extended by [thirty] ninety days from the date of
12 submission of the additional requested information. If the commissioner
13 or director of the budget determine a school district's spending state-
14 ment to be noncompliant, such school district shall be allowed to submit
15 a revised spending statement at any time.

16 c. If a school district fails to submit a statement that is complete
17 and in the format required by paragraph a of this subdivision [by the
18 first day] on or before the Friday prior to Labor Day of such school
19 year or if the commissioner or director of the budget determine the
20 school district's spending statement to be noncompliant, a written
21 explanation shall be provided and the school district will have thirty
22 days to cure. If the school district does not cure within thirty days,
23 at the joint direction of the director of the budget and the commission-
24 er, the comptroller of the city in which such school district is situ-
25 ated, or if the city does not have an elected comptroller, the chief
26 financial officer of the city, or for school districts not located in a
27 city, the chief financial officer of the town in which the majority of
28 the school district is situated shall be authorized, at his or her

1 discretion, to obtain appropriate information from the school district,
2 and shall be authorized to complete such form and submit such statement
3 to the director of the budget and the commissioner for approval in
4 accordance with paragraph b of this subdivision. Where the comptroller
5 or chief financial officer exercises the authority to submit such form,
6 such submission shall occur within sixty days following notification of
7 the school district's failure to cure. Nothing in this paragraph shall
8 preclude a school district from submitting a spending statement for
9 approval by the director of the budget and the commissioner at any time.

10 2. Nothing in this section shall alter or suspend statutory school
11 district budget and voting or approval requirements.

12 3. a. For the two thousand nineteen--two thousand twenty school year
13 and thereafter, school districts designated as requiring an equity plan
14 shall submit such plan as defined in this section on or before July
15 first of such school year to the commissioner for his or her approval.
16 Such plan shall specify how the school district will increase per pupil
17 expenditures, from all sources, in underfunded high-need schools under
18 this subdivision within such district above the level at which the
19 school district would have otherwise funded such schools in the current
20 year in order to maintain a level of current services from the base
21 year, including but not limited to contractual salary increases and
22 other continuations. Such plan shall specify how the district will
23 utilize for this purpose an amount at least equal to the product of the
24 equity percentage multiplied by the increase in foundation aid in the
25 current year pursuant to subdivision four of section thirty-six hundred
26 two of this part.

27 b. On or before May first of the base year, the director of the budget
28 shall produce a list of underfunded high-need schools, as defined in

1 paragraph c of this subdivision. Provided, however, that the director of
2 the budget shall exclude from this list schools within district seven-
3 ty-five of the city school district of New York, schools that are of the
4 same school type within a district but do not serve any grade levels
5 that overlap, schools serving only students in prekindergarten, or any
6 other schools with irregular or outlying properties.

7 c. In the event that a school district designated as requiring an
8 equity plan for any such school year has not submitted an equity plan
9 pursuant to this subdivision that has been approved by the commissioner
10 by September first of the school year, the commissioner shall develop
11 such plan for the school district, specifying the increase in per pupil
12 expenditures required by paragraph a of this subdivision at each under-
13 funded high-need school within the school district, and shall order the
14 officers of the school district to implement such plan fully and faith-
15 fully.

16 d. For purposes of this subdivision:

17 (1) "school districts designated as requiring an equity plan" shall
18 mean any school district that is required to submit a statement under
19 subdivision one of this section for the base year with an underfunded
20 high-need school;

21 (2) "equity percentage" shall mean the product of ten percent multi-
22 plied by the number of underfunded high-need schools within the school
23 district, but shall not exceed: (A) fifty percent for any school
24 district which receives at least fifty percent of total revenue from
25 state aid as reported in the fiscal profiles master files report
26 produced by the commissioner concerning data on school district expendi-
27 tures and revenues for the two thousand fifteen--two thousand sixteen
28 school year; and (B) seventy-five percent for any other school district;

1 (3) "school type" for any school shall mean elementary, middle, high,
2 pre-k only, or K-12, as defined by the commissioner, provided that for
3 purposes of this subdivision, a "middle" school shall include any school
4 with the grade organization of either a middle school or a junior high
5 school, and a "high" school shall include any school with the grade
6 organization of either a senior high school or a junior-senior high
7 school;

8 (4) "underfunded high-need school" shall mean a school within a school
9 district that has been deemed both a significantly high-need school and
10 a significantly low funded school;

11 (5) "student need index" for any school shall mean the quotient
12 arrived at when dividing the weighted student enrollment as defined
13 herein by the K-12 enrollment for the base year as reported on the
14 statement required pursuant to this section;

15 (6) "average student need index by school type" shall mean the
16 quotient arrived at when dividing the sum of weighted student enrollment
17 as defined herein for all schools within a school district of the same
18 school type by the K-12 enrollment for the base year for all schools in
19 a school district of the same school type as reported on the statement
20 required pursuant to this section;

21 (7) "weighted student enrollment" for any school shall mean the sum
22 of: (A) K-12 enrollment plus (B) the product of the number of students
23 eligible to receive free and reduced price lunch multiplied by sixty-
24 five one-hundredths (0.65) plus (C) the product of the number of English
25 language learners multiplied by one-half (0.5), plus (D) the product of
26 the number of students with disabilities multiplied by one and forty-one
27 one-hundredths (1.41), for the base year as reported on the statement
28 required pursuant to this section;

1 (8) "significantly high-need school" shall mean a school with a
2 student need index greater than the product of the average student need
3 index by school type within the school district multiplied by one and
4 five one-hundredths (1.05);

5 (9) "per pupil expenditures" for any school shall mean the quotient
6 arrived at when dividing the expenditure amount as reported for the base
7 year in the statement required pursuant to this section, excluding
8 expenditures for prekindergarten and preschool special education
9 programs and central district costs by the weighted student enrollment
10 of the school;

11 (10) "average per pupil expenditures by school type" shall mean the
12 quotient arrived at when dividing (A) the sum of the expenditure amounts
13 reported for the base year in the statement required pursuant to this
14 section, excluding expenditures for prekindergarten and preschool
15 special education programs and central district costs, for all schools
16 within a school district of the same school type by (B) the weighted
17 student enrollment for the base year for all schools in a school
18 district of the same school type as reported on the statement required
19 pursuant to this section;

20 (11) "significantly low funded school" shall mean a school within a
21 school district that has per pupil expenditures less than the product of
22 the average per pupil expenditures by school type within the school
23 district multiplied by one and five one-hundredths (1.05).

24 (12) "base year" shall mean the base year as defined in paragraph b of
25 subdivision one of section thirty-six hundred two of this part.

26 (13) "current year" shall mean the current year as defined in para-
27 graph a of subdivision one of section thirty-six hundred two of this
28 part.

1 § 3. Paragraph bb of subdivision 1 of section 3602 of the education
2 law, as added by section 25 of part A of chapter 58 of the laws of 2011,
3 is amended to read as follows:

4 bb. "Personal income growth index" shall mean (1) for the two thousand
5 twelve--two thousand thirteen school year, the average of the quotients
6 for each year in the period commencing with the two thousand five--two
7 thousand six state fiscal year and finishing with the two thousand nine-
8 -two thousand ten state fiscal year of the total personal income of the
9 state for each such year divided by the total personal income of the
10 state for the immediately preceding state fiscal year, but not less than
11 one [and], (2) for the two thousand thirteen--two thousand fourteen
12 [school year and each school year thereafter] through two thousand eigh-
13 teen--two thousand nineteen school years, the quotient of the total
14 personal income of the state for the state fiscal year one year prior to
15 the state fiscal year in which the base year commenced divided by the
16 total personal income of the state for the immediately preceding state
17 fiscal year, but not less than one and (3) for the two thousand nine-
18 teen--two thousand twenty school year and each school year thereafter,
19 the average of the quotients for each year in the period commencing with
20 the state fiscal year nine years prior to the state fiscal year in which
21 the base year began and finishing with the state fiscal year prior to
22 the state fiscal year in which the base year began of the total personal
23 income of the state for each such year divided by the total personal
24 income of the state for the immediately preceding state fiscal year, but
25 not less than one.

26 § 4. Paragraph e of subdivision 4 of section 3602 of the education
27 law, as amended by section 9-b of part CCC of chapter 59 of the laws of
28 2018, is amended to read as follows:

1 e. Community schools aid set-aside. Each school district shall set
2 aside from its total foundation aid computed for the current year pursu-
3 ant to this subdivision an amount equal to the sum of (i) the amount, if
4 any, set forth for such district as "COMMUNITY SCHL AID (BT1617)" in the
5 data file produced by the commissioner in support of the enacted budget
6 for the two thousand sixteen--two thousand seventeen school year and
7 entitled "SA161-7", (ii) the amount, if any, set forth for such district
8 as "COMMUNITY SCHL INCR" in the data file produced by the commissioner
9 in support of the executive budget request for the two thousand seven-
10 teen--two thousand eighteen school year and entitled "BT171-8", [and]
11 (iii) the amount, if any, set forth for such district as "COMMUNITY
12 SCHOOLS INCREASE" in the data file produced by the commissioner in
13 support of the executive budget for the two thousand eighteen--two thou-
14 sand nineteen school year and entitled "BT181-9", and (iv) the amount,
15 if any, set forth for such district as "19-20 COMMUNITY SCHOOLS INCR" in
16 the data file produced by the commissioner in support of the executive
17 budget for the two thousand nineteen--two thousand twenty school year
18 and entitled "BT192-0". Each school district shall use such "COMMUNITY
19 SCHL AID (BT1617)" amount to support the transformation of school build-
20 ings into community hubs to deliver co-located or school-linked academ-
21 ic, health, mental health, nutrition, counseling, legal and/or other
22 services to students and their families, including but not limited to
23 providing a community school site coordinator, or to support other costs
24 incurred to maximize students' academic achievement. Each school
25 district shall use such "COMMUNITY SCHL INCR" amount to support the
26 transformation of school buildings into community hubs to deliver co-lo-
27 cated or school linked academic, health, mental health services and
28 personnel, after-school programming, dual language programs, nutrition,

1 counseling, legal and/or other services to students and their families,
2 including but not limited to providing a community school site coordina-
3 tor and programs for English language learners, or to support other
4 costs incurred to maximize students' academic achievement, provided
5 however that a school district whose "COMMUNITY SCHL INCR" amount
6 exceeds one million dollars (\$1,000,000) shall use an amount equal to
7 the greater of one hundred fifty thousand dollars (\$150,000) or ten
8 percent of such "COMMUNITY SCHL INCR" amount to support such transforma-
9 tion at schools with extraordinary high levels of student need as iden-
10 tified by the commissioner, subject to the approval of the director of
11 the budget. Each school district shall use such "COMMUNITY SCHOOLS
12 INCREASE" to support the transformation of school buildings into commu-
13 nity hubs to deliver co-located or school linked academic, health,
14 mental health services and personnel, after-school programming, dual
15 language programs, nutrition, counseling, legal and/or other services to
16 students and their families, including but not limited to providing a
17 community school site coordinator and programs for English language
18 learners, or to support other costs incurred to maximize students'
19 academic achievement. Each school district shall use such "19-20 COMMU-
20 NITY SCHOOLS INCR" to support the transformation of school buildings
21 into community hubs to deliver co-located or school linked academic,
22 health, mental health services and personnel, after-school programming,
23 dual language programs, nutrition, counseling, legal and/or other
24 services to students and their families, including but not limited to
25 providing a community school site coordinator and programs for English
26 language learners.

27 § 5. Subdivision 4 of section 3602 of the education law is amended by
28 adding a new paragraph g to read as follows:

1 g. Foundation aid payable in the two thousand nineteen--two thousand
2 twenty school year. Notwithstanding any provision of law to the contra-
3 ry, foundation aid payable in the two thousand nineteen--two thousand
4 twenty school year shall equal the sum of the foundation aid base
5 computed pursuant to paragraph j of subdivision one of this section plus
6 the base increase plus the two thousand nineteen--two thousand twenty
7 community schools increase, both as defined in this paragraph.

8 (1) The base increase shall equal the greater of tiers A, B, C, or D
9 as defined in this subparagraph.

10 (A) Tier A shall equal the product of the phase-in factor multiplied
11 by the positive difference, if any, of (a) the product of the total
12 aidable foundation pupil units multiplied by the district's selected
13 foundation aid less (b) the total foundation aid base computed pursuant
14 to paragraph j of subdivision one of this section, where "phase-in
15 factor" shall mean (1) for a city school district in a city with a popu-
16 lation of one million or more, eleven thousand nine hundred thirty-four
17 hundred thousandths (0.11934), and (2) for all other school districts,
18 five one-thousandths (0.005).

19 (B) Tier B shall equal, for districts with a combined wealth ratio for
20 total foundation aid computed pursuant to paragraph c of subdivision
21 three of this section less than one and an extraordinary needs percent
22 for the district computed pursuant to paragraph w of subdivision one of
23 this section greater than three hundred fifteen one-thousandths (0.315),
24 the product of public school district enrollment computed pursuant to
25 paragraph n of subdivision one of this section multiplied by the sum of
26 the EN base increase plus the sparsity increase, where "EN base
27 increase" shall mean the product, truncated to two decimals, of the
28 extraordinary needs index multiplied by ninety-seven dollars and three

1 cents (\$97.03); "extraordinary needs index" shall mean the quotient
2 arrived at when dividing the extraordinary needs percent by the quotient
3 arrived at when dividing the statewide extraordinary needs count
4 computed pursuant to paragraph s of subdivision one of this section by
5 the statewide total public school district enrollment computed pursuant
6 to paragraph n of subdivision one of this section; "sparsity increase"
7 shall mean, for districts with a sparsity factor computed pursuant to
8 paragraph r of subdivision one of this section greater than zero and
9 otherwise eligible for this tier, the product of the extraordinary needs
10 index as computed herein multiplied by thirty dollars (\$30.00).

11 (C) Tier C shall equal, for all school districts, the product of
12 public school district enrollment computed pursuant to paragraph n of
13 subdivision one of this section multiplied by the product of the tier C
14 ratio multiplied by one hundred seventy-three dollars and two and one-
15 half cents (\$173.025), where the "tier C ratio" shall be the difference
16 of one and thirty-seven hundredths (1.37) less the product of one and
17 seventy-two hundredths (1.72) multiplied by the pupil wealth ratio for
18 total foundation aid computed pursuant to paragraph a of subdivision
19 three of this section, provided that such ratio shall not be less than
20 zero nor more than nine-tenths (0.9).

21 (D) Tier D shall equal, for all school districts, the product of the
22 foundation aid base computed pursuant to paragraph j of subdivision one
23 of this section multiplied by twenty-five ten thousandths (0.0025).

24 (2) The two thousand nineteen--two thousand twenty community schools
25 increase shall equal the greater of tiers one or two, where:

26 (A) Tier one shall equal, for eligible school districts, the tier one
27 per pupil amount multiplied by public school district enrollment
28 computed pursuant to paragraph n of subdivision one of this section,

1 where the tier one per pupil amount shall equal the product of eighty-
2 two dollars and sixty-three cents (\$82.63) multiplied by the tier one
3 ratio, where the tier one ratio shall equal the difference of one less
4 the product of the combined wealth ratio for total foundation aid multi-
5 plied by sixty-four hundredths (0.64), provided that such ratio shall
6 not be less than zero nor greater than nine-tenths (0.9). An "eligible
7 school district" shall mean a school district with (i) at least one
8 school designated as failing or persistently failing by the commissioner
9 pursuant to paragraph (a) or (b) of subdivision one of section two
10 hundred eleven-f of this chapter as of January first, two thousand eigh-
11 teen or, (ii) a combined wealth ratio for total foundation aid computed
12 pursuant to paragraph c of subdivision three of this section less than
13 nine-tenths (0.9), and five year ELL growth greater than the greater of
14 one hundred (100) pupils or the growth threshold, where "five year ELL
15 growth" shall equal the positive difference of the English language
16 learner count for the two thousand eighteen--two thousand nineteen
17 school year less such count for the two thousand thirteen--two thousand
18 fourteen school year, and where "growth threshold" shall equal the prod-
19 uct of the English language learner count for the two thousand thir-
20 teen--two thousand fourteen school year multiplied by one-tenth (0.1).

21 (B) Tier two shall equal, for all school districts with a community
22 schools setaside pursuant to paragraph e of this subdivision greater
23 than zero, the positive difference, if any, of one hundred thousand
24 dollars (\$100,000) less such community schools setaside for the two
25 thousand eighteen--two thousand nineteen school year pursuant to para-
26 graph e of this subdivision.

1 § 5-a. Clause (ii) of subparagraph 2 of paragraph b of subdivision 4
2 of section 3602 of the education law, as amended by section 9-b of part
3 CCC of chapter 59 of the laws of 2018, is amended to read as follows:

4 (ii) Phase-in foundation increase factor. For the two thousand
5 eleven--two thousand twelve school year, the phase-in foundation
6 increase factor shall equal thirty-seven and one-half percent (0.375)
7 and the phase-in due minimum percent shall equal nineteen and forty-one
8 hundredths percent (0.1941), for the two thousand twelve--two thousand
9 thirteen school year the phase-in foundation increase factor shall equal
10 one and seven-tenths percent (0.017), for the two thousand thirteen--two
11 thousand fourteen school year the phase-in foundation increase factor
12 shall equal (1) for a city school district in a city having a population
13 of one million or more, five and twenty-three hundredths percent
14 (0.0523) or (2) for all other school districts zero percent, for the two
15 thousand fourteen--two thousand fifteen school year the phase-in founda-
16 tion increase factor shall equal (1) for a city school district of a
17 city having a population of one million or more, four and thirty-two
18 hundredths percent (0.0432) or (2) for a school district other than a
19 city school district having a population of one million or more for
20 which (A) the quotient of the positive difference of the foundation
21 formula aid minus the foundation aid base computed pursuant to paragraph
22 j of subdivision one of this section divided by the foundation formula
23 aid is greater than twenty-two percent (0.22) and (B) a combined wealth
24 ratio less than thirty-five hundredths (0.35), seven percent (0.07) or
25 (3) for all other school districts, four and thirty-one hundredths
26 percent (0.0431), and for the two thousand fifteen--two thousand sixteen
27 school year the phase-in foundation increase factor shall equal: (1) for
28 a city school district of a city having a population of one million or

1 more, thirteen and two hundred seventy-four thousandths percent
2 (0.13274); or (2) for districts where the quotient arrived at when
3 dividing (A) the product of the total aidable foundation pupil units
4 multiplied by the district's selected foundation aid less the total
5 foundation aid base computed pursuant to paragraph j of subdivision one
6 of this section divided by (B) the product of the total aidable founda-
7 tion pupil units multiplied by the district's selected foundation aid is
8 greater than nineteen percent (0.19), and where the district's combined
9 wealth ratio is less than thirty-three hundredths (0.33), seven and
10 seventy-five hundredths percent (0.0775); or (3) for any other district
11 designated as high need pursuant to clause (c) of subparagraph two of
12 paragraph c of subdivision six of this section for the school aid
13 computer listing produced by the commissioner in support of the enacted
14 budget for the two thousand seven--two thousand eight school year and
15 entitled "SA0708", four percent (0.04); or (4) for a city school
16 district in a city having a population of one hundred twenty-five thou-
17 sand or more but less than one million, fourteen percent (0.14); or (5)
18 for school districts that were designated as small city school districts
19 or central school districts whose boundaries include a portion of a
20 small city for the school aid computer listing produced by the commis-
21 sioner in support of the enacted budget for the two thousand fourteen--
22 two thousand fifteen school year and entitled "SA1415", four and seven
23 hundred fifty-one thousandths percent (0.04751); or (6) for all other
24 districts one percent (0.01), and for the two thousand sixteen--two
25 thousand seventeen school year the foundation aid phase-in increase
26 factor shall equal for an eligible school district the greater of: (1)
27 for a city school district in a city with a population of one million or
28 more, seven and seven hundred eighty four thousandths percent (0.07784);

1 or (2) for a city school district in a city with a population of more
2 than two hundred fifty thousand but less than one million as of the most
3 recent federal decennial census, seven and three hundredths percent
4 (0.0703); or (3) for a city school district in a city with a population
5 of more than two hundred thousand but less than two hundred fifty thou-
6 sand as of the most recent federal decennial census, six and seventy-two
7 hundredths percent (0.0672); or (4) for a city school district in a city
8 with a population of more than one hundred fifty thousand but less than
9 two hundred thousand as of the most recent federal decennial census, six
10 and seventy-four hundredths percent (0.0674); or (5) for a city school
11 district in a city with a population of more than one hundred twenty-
12 five thousand but less than one hundred fifty thousand as of the most
13 recent federal decennial census, nine and fifty-five hundredths percent
14 (0.0955); or (6) for school districts that were designated as small city
15 school districts or central school districts whose boundaries include a
16 portion of a small city for the school aid computer listing produced by
17 the commissioner in support of the enacted budget for the two thousand
18 fourteen--two thousand fifteen school year and entitled "SA141-5" with a
19 combined wealth ratio less than one and four tenths (1.4), nine percent
20 (0.09), provided, however, that for such districts that are also
21 districts designated as high need urban-suburban pursuant to clause (c)
22 of subparagraph two of paragraph c of subdivision six of this section
23 for the school aid computer listing produced by the commissioner in
24 support of the enacted budget for the two thousand seven--two thousand
25 eight school year and entitled "SA0708", nine and seven hundred and
26 nineteen thousandths percent (0.09719); or (7) for school districts
27 designated as high need rural pursuant to clause (c) of subparagraph two
28 of paragraph c of subdivision six of this section for the school aid

1 computer listing produced by the commissioner in support of the enacted
2 budget for the two thousand seven--two thousand eight school year and
3 entitled "SA0708", thirteen and six tenths percent (0.136); or (8) for
4 school districts designated as high need urban-suburban pursuant to
5 clause (c) of subparagraph two of paragraph c of subdivision six of this
6 section for the school aid computer listing produced by the commissioner
7 in support of the enacted budget for the two thousand seven--two thou-
8 sand eight school year and entitled "SA0708", seven hundred nineteen
9 thousandths percent (0.00719); or (9) for all other eligible school
10 districts, forty-seven hundredths percent (0.0047), provided further
11 that for the two thousand seventeen--two thousand eighteen school year
12 the foundation aid increase phase-in factor shall equal (1) for school
13 districts with a census 2000 poverty rate computed pursuant to paragraph
14 q of subdivision one of this section equal to or greater than twenty-six
15 percent (0.26), ten and three-tenths percent (0.103), or (2) for a
16 school district in a city with a population in excess of one million or
17 more, seventeen and seventy-seven one-hundredths percent (0.1777), or
18 (3) for a city school district in a city with a population of more than
19 two hundred fifty thousand but less than one million, as of the most
20 recent decennial census, twelve and sixty-nine hundredths percent
21 (0.1269) or (4) for a city school district in a city with a population
22 of more than one hundred fifty thousand but less than two hundred thou-
23 sand, as of the most recent federal decennial census, ten and seventy-
24 eight one hundredths percent (0.1078), or (5) for a city school district
25 in a city with a population of more than one hundred twenty-five thou-
26 sand but less than one hundred fifty thousand as of the most recent
27 federal decennial census, nineteen and one hundred eight one-thousandths
28 percent (0.19108), or (6) for a city school district in a city with a

1 population of more than two hundred thousand but less than two hundred
2 fifty thousand as of the most recent federal decennial census, ten and
3 six-tenths percent (0.106), or (7) for all other districts, four and
4 eighty-seven one-hundredths percent (0.0487), and for the two thousand
5 [nineteen] twenty--two thousand [twenty] twenty-one school year and
6 thereafter the commissioner shall annually determine the phase-in foun-
7 dation increase factor subject to allocation pursuant to the provisions
8 of subdivision eighteen of this section and any provisions of a chapter
9 of the laws of New York as described therein.

10 § 6. Paragraph d of subdivision 4 of section 3602 of the education
11 law, as amended by section 9-b of part CCC of chapter 59 of the laws of
12 2018, is amended to read as follows:

13 d. For the two thousand fourteen--two thousand fifteen through two
14 thousand [eighteen] nineteen--two thousand [nineteen] twenty school
15 years a city school district of a city having a population of one
16 million or more may use amounts apportioned pursuant to this subdivision
17 for afterschool programs.

18 § 7. Subparagraph 4 of paragraph e of subdivision 3 of section 3602 of
19 the education law, as added by section 13 of part B of chapter 57 of the
20 laws of 2007, is amended to read as follows:

21 (4) The building aid ratio shall be computed by subtracting from one
22 the product obtained by multiplying the resident weighted average daily
23 attendance wealth ratio by fifty-one percent. Such aid ratio shall be
24 expressed as a decimal carried to three places without rounding, but
25 shall not be less than (i) for the two thousand nineteen--two thousand
26 twenty and prior school years, zero , or (ii) for the two thousand twen-
27 ty--two thousand twenty-one school year and thereafter, five hun-
28 dredths (0.05).

1 § 8. Subparagraph 2 of paragraph a of subdivision 6 of section 3602 of
2 the education law, as amended by section 5 of part A of chapter 60 of
3 the laws of 2000, is amended to read as follows:

4 (2) Where a school district has expenditures for site purchase, grad-
5 ing or improvement of the site, original furnishings, equipment, machin-
6 ery or apparatus, or professional fees, or other incidental costs, the
7 cost allowances for new construction and the purchase of existing struc-
8 tures may be increased by the actual expenditures for such purposes but
9 by not more than: (i) for projects approved prior to July first, two
10 thousand nineteen by the voters of the school district or by the board
11 of education of a city school district in a city with more than one
12 hundred twenty-five thousand inhabitants, and/or the chancellor in a
13 city school district in a city having a population of one million or
14 more, an amount equal to the product of the applicable cost allowance
15 established pursuant to subparagraph one of this paragraph and twenty
16 per centum for school buildings or additions housing grades prekinderg-
17 garten through six and by not more than the product of such cost allow-
18 ance and twenty-five per centum for school buildings or additions hous-
19 ing grades seven through twelve and by not more than the product of such
20 cost allowance and twenty-five per centum for school buildings or addi-
21 tions housing special education programs as approved by the
22 commissioner; and (ii) for projects approved on or after July first, two
23 thousand nineteen by the voters of the school district or by the board
24 of education of a city school district in a city with more than one
25 hundred twenty-five thousand inhabitants, and/or the chancellor in a
26 city school district in a city having a population of one million or
27 more, an amount equal to the product of the lesser of the cost allowance
28 computed pursuant to subparagraph one of this paragraph or the actual

1 costs relating to the construction, acquisition, reconstruction, reha-
2 bilitation or improvement of a school building and twenty per centum for
3 school buildings or additions housing grades prekindergarten through six
4 and by not more than the product of such lesser amount and twenty-five
5 per centum for school buildings or additions housing grades seven
6 through twelve and by not more than the product of such lesser amount
7 and twenty-five per centum for school buildings or additions housing
8 special education programs as approved by the commissioner.

9 § 9. Clause (ii) of subparagraph 2 of paragraph b of subdivision 6 of
10 section 3602 of the education law, as amended by section 12-a of part L
11 of chapter 57 of the laws of 2005, is amended to read as follows:

12 (ii) Apportionment. The apportionment pursuant to this subparagraph
13 shall equal the product of such eligible approved expenses determined in
14 accordance with the provisions of clause (i) of this subparagraph and
15 this section and the incentive decimal computed for use in the year in
16 which the project was approved. The incentive decimal shall equal: (A)
17 for projects approved prior to July first, two thousand nineteen by the
18 voters of the school district or by the board of education of a city
19 school district in a city with more than one hundred twenty-five thou-
20 sand inhabitants, and/or the chancellor in a city school district in a
21 city having a population of one million or more, the positive remainder
22 resulting when the district's building aid ratio selected pursuant to
23 paragraph c of this subdivision is subtracted from the enhanced building
24 aid ratio. The enhanced building aid ratio shall equal the sum of the
25 building aid ratio selected for use in the current year pursuant to
26 paragraph c of this subdivision and one-tenth, computed to three deci-
27 mals without rounding, but not more than (a) ninety-eight hundredths for
28 a high need school district, as defined pursuant to regulations of the

1 commissioner, for all school building projects approved by the voters of
2 the school district or by the board of education of a city school
3 district in a city with more than one hundred twenty-five thousand
4 inhabitants, and/or the chancellor in a city school district in a city
5 having a population of one million or more, on or after July first, two
6 thousand five, or (b) ninety-five hundredths for any other school build-
7 ing project or school district, nor less than one-tenth; and (B) for
8 projects approved on or after July first, two thousand nineteen by the
9 voters of the school district or by the board of education of a city
10 school district in a city with more than one hundred twenty-five thou-
11 sand inhabitants, and/or the chancellor in a city school district in a
12 city having a population of one million or more, the positive remainder
13 resulting when the district's current year building aid ratio pursuant
14 to clause d of subparagraph two of paragraph c of this subdivision is
15 subtracted from the enhanced building aid ratio. The enhanced building
16 aid ratio shall equal the sum of the building aid ratio selected for use
17 in the current year pursuant to clause d of subparagraph two of para-
18 graph c of this subdivision and scaled incentive decimal, computed to
19 three decimals without rounding, but not more than (a) ninety-eight
20 hundredths for a high-need school district, as defined pursuant to regu-
21 lations of the commissioner and used for the school aid computer listing
22 produced by the commissioner in support of the enacted budget for the
23 two thousand seven--two thousand eight school year and entitled
24 "SA0708", for all school building projects approved by the voters of the
25 school district or by the board of education of a city school district
26 in a city with more than one hundred twenty-five thousand inhabitants,
27 and/or the chancellor in a city school district in a city having a popu-
28 lation of one million or more, or (b) ninety-five hundredths for any

1 other school building project or school district. The scaled incentive
2 decimal shall equal (a) one-tenth for a high-need school district, as
3 defined pursuant to regulations of the commissioner and used for the
4 school aid computer listing produced by the commissioner in support of
5 the enacted budget for the two thousand seven--two thousand eight school
6 year and entitled "SA0708", for all school building projects approved by
7 the voters of the school district or by the board of education of a city
8 school district in a city with more than one hundred twenty-five thou-
9 sand inhabitants, and/or the chancellor in a city school district in a
10 city having a population of one million or more, or (b) the product of
11 one-tenth multiplied by the state sharing ratio computed pursuant to
12 paragraph g of subdivision three of this section for any other school
13 building project or school district.

14 § 10. Clause (b) of subparagraph 2 of paragraph c of subdivision 6 of
15 section 3602 of the education law, as amended by section 15 of part B of
16 chapter 57 of the laws of 2008, is amended and a new clause (d) is added
17 to read as follows:

18 (b) For aid payable in the school years two thousand--two thousand one
19 and thereafter for all school building projects approved by the voters
20 of the school district or by the board of education of a city school
21 district in a city with more than one hundred twenty-five thousand
22 inhabitants, and/or the chancellor in a city school district in a city
23 having a population of one million or more, on or after July first, two
24 thousand, and prior to July first, two thousand nineteen, any school
25 district shall compute aid under the provisions of this subdivision
26 using the sum of the high-need supplemental building aid ratio, if any,
27 computed pursuant to clause (c) of this subparagraph and the greater of
28 (i) the building aid ratio computed for use in the current year; or (ii)

1 a building aid ratio equal to the difference of the aid ratio that was
2 used or that would have been used to compute an apportionment pursuant
3 to this subdivision in the nineteen hundred ninety-nine--two thousand
4 school year as such aid ratio is computed by the commissioner based on
5 data on file with the department on or before July first of the third
6 school year following the school year in which aid is first payable,
7 less one-tenth; or (iii) for all such school building projects approved
8 by the voters of the school district or by the board of education of a
9 city school district in a city with more than one hundred twenty-five
10 thousand inhabitants, and/or the chancellor in a city school district in
11 a city having a population of one million or more, on or after July
12 first, two thousand and on or before June thirtieth, two thousand four,
13 for any school district for which the pupil wealth ratio is greater than
14 two and five-tenths in the school year in which such school building
15 project was approved by the voters of the school district or by the
16 board of education of a city school district in a city with more than
17 one hundred twenty-five thousand inhabitants, and/or the chancellor in a
18 city school district in a city having a population of one million or
19 more and for which the alternate pupil wealth ratio is less than eight-
20 y-five hundredths in such school year, and for all such school building
21 projects approved by the voters of the school district or by the board
22 of education of a city school district in a city with more than one
23 hundred twenty-five thousand inhabitants, and/or the chancellor in a
24 city school district in a city having a population of one million or
25 more, on or after July first, two thousand five and on or before June
26 thirtieth, two thousand eight, for any school district for which the
27 pupil wealth ratio was greater than two and five-tenths in the two thou-
28 sand--two thousand one school year and for which the alternate pupil

1 wealth ratio was less than eighty-five hundredths in the two thousand--
2 two thousand one school year, the additional building aid ratio;
3 provided that, school districts who are eligible for aid under paragraph
4 f of subdivision fourteen of this section may compute aid under the
5 provisions of this subdivision using the difference of the highest of
6 the aid ratios so computed for the reorganized district or the highest
7 of the aid ratios so computed for any of the individual school districts
8 which existed prior to the date of the reorganized school district less
9 one-tenth.

10 (d) For aid payable in the school years two thousand twenty--two thou-
11 sand twenty-one and thereafter for all school building projects approved
12 by the voters of the school district or by the board of education of a
13 city school district in a city with more than one hundred twenty-five
14 thousand inhabitants, and/or the chancellor in a city school district in
15 a city having a population of one million or more, on or after July
16 first, two thousand nineteen, any school district shall compute aid
17 under the provisions of this subdivision using the sum of the high-need
18 supplemental building aid ratio, if any, computed pursuant to clause (c)
19 of this subparagraph and the building aid ratio computed for use in the
20 current year as computed pursuant to subparagraph four of paragraph e of
21 subdivision three of this section; provided that, school districts who
22 are eligible for aid under paragraph f of subdivision fourteen of this
23 section may compute aid under the provisions of this subdivision using
24 the difference of the highest of the aid ratios so computed pursuant to
25 this clause for the reorganized district or the highest of the aid
26 ratios so computed for any of the individual school districts which
27 existed prior to the date of the reorganized school district.

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

3 ii. "Services aid base" for the purposes of this section for aid paya-
4 ble in the (i) two thousand twenty--two thousand twenty-one school year,
5 shall equal the total amount a district was eligible to receive in the
6 base year, as computed by the commissioner based on data on file with
7 the education department on November fifteenth, two thousand nineteen
8 for:

9 (1) the apportionment for textbooks provided and computed pursuant to
10 section seven hundred one of this chapter;

11 (2) aid for the purchase of school library materials computed pursuant
12 to section seven hundred eleven of this chapter;

13 (3) aid for computer software purchases computed pursuant to section
14 seven hundred fifty-one of this chapter;

15 (4) instructional computer hardware and technology equipment appor-
16 tionment computed pursuant to section seven hundred fifty-three of this
17 chapter;

18 (5) BOCES aid computed pursuant to section nineteen hundred fifty of
19 this chapter;

20 (6) supplemental public excess cost aid computed pursuant to subdivi-
21 sion five-a of this section;

22 (7) transportation aid computed pursuant to subdivision seven of this
23 section;

24 (8) special services aid for large city school districts and other
25 school districts which were not components of a board of cooperative
26 educational services in the base year computed pursuant to subdivision
27 ten of this section;

1 (9) academic enhancement aid computed pursuant to subdivision twelve
2 of this section;

3 (10) high tax aid computed pursuant to subdivision sixteen of this
4 section;

5 (11) transitional aid for charter school payments computed pursuant to
6 subdivision forty-one of this section; and

7 (ii) in the two thousand twenty-one--two thousand twenty--two school
8 year and thereafter shall equal the total amount a district was eligible
9 to receive in the base year pursuant to subdivision nineteen of this
10 section.

11 § 12. Section 3602 of the education law is amended by adding a new
12 subdivision 19 to read as follows:

13 19. Services aid. a. Notwithstanding sections seven hundred one, seven
14 hundred eleven, seven hundred fifty-one, seven hundred fifty-three, and
15 nineteen hundred fifty of this chapter and subdivisions five-a, seven,
16 ten, twelve, sixteen, and forty-one of this section, for the two thou-
17 sand twenty--two thousand twenty-one school year and thereafter, in lieu
18 of such apportionments, a school district shall be eligible to receive a
19 services aid apportionment in the amount of the product of the services
20 aid base computed pursuant to paragraph ii of subdivision one of this
21 section multiplied by the sum of (a) the consumer price index computed
22 pursuant to paragraph hh of subdivision one of this section for the
23 current year and (b) the annual change in resident weighted average
24 daily attendance, provided that such sum is not less than one (1.0).
25 Provided further, for the purposes of this section, "annual change in
26 resident weighted average daily attendance" shall mean the quotient of
27 (a) the difference of the resident weighted average daily attendance
28 pursuant to subparagraph two of paragraph d of subdivision one of this

1 section for the year prior to the base year less such resident weighted
2 average daily attendance for the year two years prior to the base year
3 divided by (b) the resident weighted average daily attendance for the
4 year two years prior to the base year.

5 b. For the purposes of this chapter, "BOCES payment adjustment" shall
6 mean the amount computed for the apportionment pursuant to section nine-
7 teen hundred fifty of this chapter for the two thousand nineteen--two
8 thousand twenty school year as computed by the commissioner based on
9 data on file with the education department on November fifteenth, two
10 thousand nineteen. Notwithstanding any provision of law to the contrary
11 the BOCES payment adjustment shall be paid pursuant to section thirty-
12 six hundred nine-d of this chapter.

13 § 13. The opening paragraph of section 3609-d of the education law, as
14 amended by section 20 of part L of chapter 57 of the laws of 2005, is
15 amended to read as follows:

16 Notwithstanding the provisions of section thirty-six hundred nine-a of
17 this article, apportionments payable pursuant to section nineteen
18 hundred fifty of this chapter, and the BOCES payment adjustment payable
19 pursuant to subdivision nineteen of section thirty-six hundred two of
20 this chapter shall be paid pursuant to this section. For aid payable in
21 the two thousand four--two thousand five school year and thereafter,
22 "moneys apportioned" shall mean the lesser of (i) one hundred percent of
23 the respective amount set forth for each school district as payable
24 pursuant to this section in the school aid computer listing produced by
25 the commissioner in support of the budget including the appropriation
26 for support of boards of cooperative educational services for payments
27 due prior to April first for the current year, or (ii) the apportionment
28 calculated by the commissioner based on data on file at the time the

1 payment is processed; provided however, that for the purposes of any
2 payment to be made in the month of June of two thousand six such calcu-
3 lation shall be based on the school aid computer listing for the current
4 year using updated data at the time of each payment. For districts
5 subject to chapter five hundred sixty-three of the laws of nineteen
6 hundred eighty, thirty-six hundred two-b, or two thousand forty of this
7 chapter, for aid payable in the two thousand four--two thousand five
8 school year and thereafter, "moneys apportioned" shall mean the appor-
9 tionment calculated by the commissioner based on data on file at the
10 time the payment is processed. The "school aid computer listing for the
11 current year" shall be as defined in the opening paragraph of section
12 thirty-six hundred nine-a of this article. The definitions "base year"
13 and "current year" as set forth in subdivision one of section thirty-six
14 hundred two of this article shall apply to this section.

15 § 14. Subparagraphs 2 and 3 of paragraph a of subdivision 1 of section
16 3609-a of the education law are REPEALED.

17 § 14-a. Subparagraphs 1 and 2 of paragraph b of subdivision 4 of
18 section 92-c of the state finance law are REPEALED.

19 § 15. The education law is amended by adding a new article 39-A to
20 read as follows:

21 ARTICLE 39-A

22 REGIONAL STEM MAGNET SCHOOLS

23 Section 1918. Establishment of regional STEM magnet schools.

24 § 1918. Establishment of regional STEM magnet schools. 1. a. A
25 regional science, technology, engineering, and mathematics (STEM) magnet
26 school may be established by a board of cooperative educational services
27 pursuant to this section for students in grades nine through twelve, and
28 shall be subject to the approval of the commissioner of education.

1 b. A board of cooperative educational services shall submit to the
2 commissioner a proposed plan for the operation of such school for his or
3 her approval, in a form and manner prescribed by the commissioner.

4 c. Such school shall be governed by the board of education of the
5 board of cooperative educational services.

6 d. The board of cooperative educational services shall have responsi-
7 bility for the operation, supervision and maintenance of the school and
8 shall be responsible for the administration of the school, including
9 curriculum, grading, and staffing.

10 e. The board of cooperative educational services shall be authorized
11 to enter into contracts as necessary or convenient to operate such
12 school.

13 f. For purposes of this section, the board of cooperative educational
14 services shall be deemed a school district for accountability purposes.

15 g. Students attending such school shall continue to be enrolled in
16 their school district of residence, and each school district of resi-
17 dence shall be responsible for the issuance of a high school diploma to
18 their resident students who attended the school based on such students'
19 successful completion of the school's educational program.

20 h. For purposes of all state aid calculations pursuant to this chap-
21 ter, students attending such school shall continue to be treated and
22 counted as students of their school district of residence.

23 i. Notwithstanding any other provision of law to the contrary, each
24 student's school district of residence shall be responsible for provid-
25 ing or arranging for transportation to its resident students attending
26 such school, in accordance with its school district policy, but without
27 regard to any maximum mileage limitation.

1 j. All employees of the school shall be considered employees of the
2 board of cooperative educational services.

3 k. The board of cooperative educational services may enter into a
4 lease with respect to suitable land, classrooms, offices or buildings in
5 which to maintain and conduct such school pursuant to subdivision four
6 of section nineteen hundred fifty of this title.

7 l. The board of cooperative educational services shall establish a
8 methodology for the apportionment of operational and administrative
9 costs of such school between participating school districts; provided,
10 however, that no costs shall be apportioned to component school
11 districts that elect not to participate in such school.

12 m. The trustees or board of education of a non-component school
13 district, including city school districts of cities in excess of one
14 hundred twenty-five thousand inhabitants, may enter into a memorandum of
15 understanding with a board of cooperative educational services to
16 participate in such school program for a period not to exceed five years
17 upon such terms as such trustees or board of education and the board of
18 cooperative educational services may mutually agree, provided that such
19 agreement may provide for a charge for administration costs of such
20 program, but participating non-component school districts shall not be
21 liable for payment of administrative expenses as defined in paragraph b
22 of subdivision four of section nineteen hundred fifty of this title.

23 n. A school may be jointly operated by two boards of cooperative
24 educational services pursuant to an intermunicipal sharing agreement
25 entered into pursuant to section one hundred nineteen-o of the general
26 municipal law. Upon adoption of a budget for the program for a school
27 year, costs shall be allocated between each board of cooperative educa-
28 tional services in a manner provided in the intermunicipal sharing

1 agreement and included in the budgets of each board of cooperative
2 educational service.

3 o. The commissioner is authorized to promulgate rules and regulations
4 for the implementation of the provisions of this section.

5 § 16. The closing paragraph of subdivision 5-a of section 3602 of the
6 education law, as amended by section 10 of part CCC of chapter 59 of the
7 laws of 2018, 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 [eighteen] nineteen--two thousand [nineteen] twenty school years, each
14 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 § 17. Subdivision 12 of section 3602 of the education law, as amended
21 by section 13 of part CCC of chapter 59 of the laws of 2018, is amended
22 to read as follows:

23 12. Academic enhancement aid. A school district that as of April first
24 of the base year has been continuously identified as a district in need
25 of improvement for at least five years shall, for the two thousand
26 eight--two thousand nine school year, be entitled to an additional
27 apportionment equal to the positive remainder, if any, of (a) the lesser
28 of fifteen million dollars or the product of the total foundation aid

1 base, as defined by paragraph j of subdivision one of this section,
2 multiplied by ten percent (0.10), less (b) the positive remainder of (i)
3 the sum of the total foundation aid apportioned pursuant to subdivision
4 four of this section and the supplemental educational improvement grants
5 apportioned pursuant to subdivision eight of section thirty-six hundred
6 forty-one of this article, less (ii) the total foundation aid base.

7 For the two thousand nine--two thousand ten through two thousand four-
8 teen--two thousand fifteen school years, each school district shall be
9 entitled to an apportionment equal to the amount set forth for such
10 school district as "EDUCATION GRANTS, ACADEMIC EN" under the heading
11 "2008-09 BASE YEAR AIDS" in the school aid computer listing produced by
12 the commissioner in support of the budget for the two thousand nine--two
13 thousand ten school year and entitled "SA0910", and such apportionment
14 shall be deemed to satisfy the state obligation to provide an apportion-
15 ment pursuant to subdivision eight of section thirty-six hundred forty-
16 one of this article.

17 For the two thousand fifteen--two thousand sixteen year, each school
18 district shall be entitled to an apportionment equal to the amount set
19 forth for such school district as "ACADEMIC ENHANCEMENT" under the head-
20 ing "2014-15 ESTIMATED AIDS" in the school aid computer listing produced
21 by the commissioner in support of the budget for the two thousand four-
22 teen--two thousand fifteen school year and entitled "SA141-5", and such
23 apportionment shall be deemed to satisfy the state obligation to provide
24 an apportionment pursuant to subdivision eight of section thirty-six
25 hundred forty-one of this article.

26 For the two thousand sixteen--two thousand seventeen school year, each
27 school district shall be entitled to an apportionment equal to the
28 amount set forth for such school district as "ACADEMIC ENHANCEMENT"

1 under the heading "2015-16 ESTIMATED AIDS" in the school aid computer
2 listing produced by the commissioner in support of the budget for the
3 two thousand fifteen--two thousand sixteen school year and entitled
4 "SA151-6", and such apportionment shall be deemed to satisfy the state
5 obligation to provide an apportionment pursuant to subdivision eight of
6 section thirty-six hundred forty-one of this article.

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

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

25 For the two thousand nineteen--two thousand twenty school year, each
26 school district shall be entitled to an apportionment equal to the
27 amount set forth for such school district as "ACADEMIC ENHANCEMENT"
28 under the heading "2018-19 ESTIMATED AIDS" in the school aid computer

1 listing produced by the commissioner in support of the budget for the
2 two thousand eighteen--two thousand nineteen school year and entitled
3 "SA181-9", and such apportionment shall be deemed to satisfy the state
4 obligation to provide an apportionment pursuant to subdivision eight of
5 section thirty-six hundred forty-one of this article.

6 § 18. The opening paragraph of subdivision 16 of section 3602 of the
7 education law, as amended by section 14 of part CCC of chapter 59 of the
8 laws of 2018, is amended to read as follows:

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

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

10 § 19. Subdivision 16 of section 3602-ee of the education law, as
11 amended by section 19 of part CCC of chapter 59 of the laws of 2018, is
12 amended to read as follows:

13 16. The authority of the department to administer the universal full-
14 day pre-kindergarten program shall expire June thirtieth, two thousand
15 [nineteen] twenty; provided that the program shall continue and remain
16 in full effect.

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

20 a. State aid adjustments. All errors or omissions in the apportionment
21 shall be corrected by the commissioner. Whenever a school district has
22 been apportioned less money than that to which it is entitled, the
23 commissioner may allot to such district the balance to which it is enti-
24 tled. Whenever a school district has been apportioned more money than
25 that to which it is entitled, the commissioner may, by an order, direct
26 such moneys to be paid back to the state to be credited to the general
27 fund local assistance account for state aid to the schools, or may
28 deduct such amount from the next apportionment to be made to said

1 district, provided, however, that, upon notification of excess payments
2 of aid for which a recovery must be made by the state through deduction
3 of future aid payments, a school district may request that such excess
4 payments be recovered by deducting such excess payments from the
5 payments due to such school district and payable in the month of June in
6 (i) the school year in which such notification was received and (ii) the
7 two succeeding school years, provided further that there shall be no
8 interest penalty assessed against such district or collected by the
9 state. Such request shall be made to the commissioner in such form as
10 the commissioner shall prescribe, and shall be based on documentation
11 that the total amount to be recovered is in excess of one percent of the
12 district's total general fund expenditures for the preceding school
13 year. The amount to be deducted in the first year shall be the greater
14 of (i) the sum of the amount of such excess payments that is recognized
15 as a liability due to other governments by the district for the preced-
16 ing school year and the positive remainder of the district's unreserved
17 fund balance at the close of the preceding school year less the product
18 of the district's total general fund expenditures for the preceding
19 school year multiplied by five percent, or (ii) one-third of such excess
20 payments. The amount to be recovered in the second year shall equal the
21 lesser of the remaining amount of such excess payments to be recovered
22 or one-third of such excess payments, and the remaining amount of such
23 excess payments shall be recovered in the third year. Provided further
24 that, notwithstanding any other provisions of this subdivision, any
25 pending payment of moneys due to such district as a prior year adjust-
26 ment payable pursuant to paragraph c of this subdivision for aid claims
27 that had been previously paid as current year aid payments in excess of
28 the amount to which the district is entitled and for which recovery of

1 excess payments is to be made pursuant to this paragraph, shall be
2 reduced at the time of actual payment by any remaining unrecovered
3 balance of such excess payments, and the remaining scheduled deductions
4 of such excess payments pursuant to this paragraph shall be reduced by
5 the commissioner to reflect the amount so recovered. [The commissioner
6 shall certify no payment to a school district based on a claim submitted
7 later than three years after the close of the school year in which such
8 payment was first to be made. For claims for which payment is first to
9 be made in the nineteen hundred ninety-six--ninety-seven school year,
10 the commissioner shall certify no payment to a school district based on
11 a claim submitted later than two years after the close of such school
12 year.] For claims for which payment is first to be made [in the nineteen
13 hundred ninety-seven--ninety-eight] prior to the two thousand eighteen-
14 -two thousand nineteen school year [and thereafter], the commissioner
15 shall certify no payment to a school district based on a claim submitted
16 later than one year after the close of such school year. For claims for
17 which payment is first to be made in the two thousand eighteen--two
18 thousand nineteen school year and thereafter, the commissioner shall
19 certify no payment to a school district based on a claim submitted later
20 than the first of November of such school year. Provided, however, no
21 payments shall be barred or reduced where such payment is required as a
22 result of a final audit of the state. [It is further provided that,
23 until June thirtieth, nineteen hundred ninety-six, the commissioner may
24 grant a waiver from the provisions of this section for any school
25 district if it is in the best educational interests of the district
26 pursuant to guidelines developed by the commissioner and approved by the
27 director of the budget.] Further provided that for any apportionments
28 provided pursuant to sections seven hundred one, seven hundred eleven,

1 seven hundred fifty-one, seven hundred fifty-three, nineteen hundred
2 fifty, thirty-six hundred two, thirty-six hundred two-b, thirty-six
3 hundred two-c, thirty-six hundred two-e and forty-four hundred five of
4 this chapter for the two thousand eighteen--two thousand nineteen and
5 two thousand nineteen--two thousand twenty school years, the commission-
6 er shall certify no payment to a school district, other than payments
7 pursuant to subdivisions six-a, eleven, thirteen and fifteen of section
8 thirty-six hundred two of this part, in excess of the payment computed
9 based on an electronic data file used to produce the school aid computer
10 listing produced by the commissioner in support of the executive budget
11 request submitted for the two thousand nineteen--two thousand twenty
12 state fiscal year and entitled "BT192-0", and further provided that for
13 any apportionments provided pursuant to sections seven hundred one,
14 seven hundred eleven, seven hundred fifty-one, seven hundred fifty-
15 three, nineteen hundred fifty, thirty-six hundred two, thirty-six
16 hundred two-b, thirty-six hundred two-c, thirty-six hundred two-e and
17 forty-four hundred five of this chapter for the two thousand twenty--two
18 thousand twenty-one school year and thereafter, the commissioner shall
19 certify no payment to a school district, other than payments pursuant to
20 subdivisions six-a, eleven, thirteen and fifteen of section thirty-six
21 hundred two of this part, in excess of the payment computed based on an
22 electronic data file used to produce the school aid computer listing
23 produced by the commissioner in support of the executive budget request
24 submitted for the state fiscal year in which the school year commences.

25 § 21. The opening paragraph of section 3609-a of the education law, as
26 amended by section 21 of part CCC of chapter 59 of the laws of 2018, is
27 amended to read as follows:

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

1 issued in the current year or any aids payable for full-day kindergarten
2 for the current year pursuant to subdivision nine of section thirty-six
3 hundred two of this part. The definitions of "base year" and "current
4 year" as set forth in subdivision one of section thirty-six hundred two
5 of this part shall apply to this section. [For aid payable in the two
6 thousand eighteen--two thousand nineteen school year, reference to such
7 "school aid computer listing for the current year" shall mean the print-
8 outs entitled "SA181-9".] For aid payable in the two thousand nineteen-
9 -two thousand twenty school year and thereafter, "moneys apportioned"
10 shall mean the lesser of: (i) the sum of one hundred percent of the
11 respective amount set forth for each school district as payable pursuant
12 to this section in the school aid computer listing for the current year
13 produced by the commissioner in support of the executive budget request
14 which includes the appropriation for the general support for public
15 schools for the prescribed payments and individualized payments due
16 prior to April first for the current year plus the apportionment payable
17 during the current school year pursuant to subdivisions six-a and
18 fifteen of section thirty-six hundred two of this part minus any
19 reductions to current year aids pursuant to subdivision seven of section
20 thirty-six hundred four of this part or any deduction from apportionment
21 payable pursuant to this chapter for collection of a school district
22 basic contribution as defined in subdivision eight of section forty-four
23 hundred one of this chapter, less any grants provided pursuant to
24 subparagraph two-a of paragraph b of subdivision four of section nine-
25 ty-two-c of the state finance law, less any grants provided pursuant to
26 subdivision six of section ninety-seven-nnnn of the state finance law,
27 less any grants provided pursuant to subdivision twelve of section thir-
28 ty-six hundred forty-one of this article, or (ii) the apportionment

1 calculated by the commissioner based on data on file at the time the
2 payment is processed; provided however, that for the purposes of any
3 payments made pursuant to this section prior to the first business day
4 of June of the current year, moneys apportioned shall not include any
5 aids payable pursuant to subdivisions six and fourteen, if applicable,
6 of section thirty-six hundred two of this part as current year aid for
7 debt service on bond anticipation notes and/or bonds first issued in the
8 current year or any aids payable for full-day kindergarten for the
9 current year pursuant to subdivision nine of section thirty-six hundred
10 two of this part. For aid payable in the two thousand nineteen--two
11 thousand twenty school year, reference to such "school aid computer
12 listing for the current year" shall mean the printouts entitled
13 "BT192-0".

14 § 22. Paragraph b of subdivision 2 of section 3612 of the education
15 law, as amended by section 22 of part CCC of chapter 59 of the laws of
16 2018, is amended to read as follows:

17 b. Such grants shall be awarded to school districts, within the limits
18 of funds appropriated therefor, through a competitive process that takes
19 into consideration the magnitude of any shortage of teachers in the
20 school district, the number of teachers employed in the school district
21 who hold temporary licenses to teach in the public schools of the state,
22 the number of provisionally certified teachers, the fiscal capacity and
23 geographic sparsity of the district, the number of new teachers the
24 school district intends to hire in the coming school year and the number
25 of summer in the city student internships proposed by an eligible school
26 district, if applicable. Grants provided pursuant to this section shall
27 be used only for the purposes enumerated in this section. Notwithstand-
28 ing any other provision of law to the contrary, a city school district

1 in a city having a population of one million or more inhabitants receiv-
2 ing a grant pursuant to this section may use no more than eighty percent
3 of such grant funds for any recruitment, retention and certification
4 costs associated with transitional certification of teacher candidates
5 for the school years two thousand one--two thousand two through two
6 thousand [eighteen] nineteen--two thousand [nineteen] twenty.

7 § 23. Subdivision 6 of section 4402 of the education law, as amended
8 by section 23 of part CCC of chapter 59 of the laws of 2018, is amended
9 to read as follows:

10 6. Notwithstanding any other law, rule or regulation to the contrary,
11 the board of education of a city school district with a population of
12 one hundred twenty-five thousand or more inhabitants shall be permitted
13 to establish maximum class sizes for special classes for certain
14 students with disabilities in accordance with the provisions of this
15 subdivision. For the purpose of obtaining relief from any adverse fiscal
16 impact from under-utilization of special education resources due to low
17 student attendance in special education classes at the middle and
18 secondary level as determined by the commissioner, such boards of educa-
19 tion shall, during the school years nineteen hundred ninety-five--nine-
20 ty-six through June thirtieth, two thousand [nineteen] twenty of the two
21 thousand [eighteen] nineteen--two thousand [nineteen] twenty school
22 year, be authorized to increase class sizes in special classes contain-
23 ing students with disabilities whose age ranges are equivalent to those
24 of students in middle and secondary schools as defined by the commis-
25 sioner for purposes of this section by up to but not to exceed one and
26 two tenths times the applicable maximum class size specified in regu-
27 lations of the commissioner rounded up to the nearest whole number,
28 provided that in a city school district having a population of one

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

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

23 § 4403-a. Waivers from certain duties. 1. A local school district,
24 approved private school or board of cooperative educational services may
25 submit an application for a waiver from any requirement imposed on such
26 district, school or board of cooperative educational services pursuant
27 to section forty-four hundred two or section forty-four hundred three of
28 this article, and regulations promulgated thereunder, for a specific

1 school year. Such application must be submitted at least sixty days in
2 advance of the proposed date on which the waiver would be effective and
3 shall be in a form prescribed by the commissioner.

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

20 3. The commissioner may grant a waiver from any requirement imposed on
21 a local school district, approved private school or board of cooperative
22 educational services pursuant to section forty-four hundred two or
23 section forty-four hundred three of this article, upon a finding that
24 such waiver will enable a local school district, approved private school
25 or board of cooperative educational services to implement an innovative
26 special education program that is consistent with applicable federal
27 requirements, and will enhance student achievement and/or opportunities
28 for placement in regular classes and programs. In making such determi-

1 nation, the commissioner shall consider any comments received by the
2 local school district, approved private school or board of cooperative
3 educational services from parents or persons in parental relationship to
4 the students that would be directly affected by the waiver if granted.

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

10 § 25. Section 3012-d of the education law is amended by adding a new
11 subdivision 16 to read as follows:

12 16. a. Notwithstanding any other provision of law, rule or regulation
13 to the contrary, the grades three through eight English language arts
14 and mathematics state assessments and all other state-created or admin-
15 istered tests shall not be required to be utilized in any manner to
16 determine a teacher or principal evaluation required by this section.

17 b. The commissioner shall promulgate rules and regulations providing
18 alternative assessments that may be used in grades three through eight
19 instead of all other state-created or administered tests, which shall
20 include all of the assessments that have been approved by the commis-
21 sioner for use in determining transition scores and ratings.

22 c. The selection and use of an assessment in a teacher or principal's
23 evaluation pursuant to paragraphs a and b of this subdivision and subdivi-
24 vision four of this section shall be subject to collective bargaining
25 pursuant to article fourteen of the civil service law.

26 d. Notwithstanding any provision of subdivision twelve of this section
27 to the contrary, nothing in this section shall be construed to abrogate
28 any conflicting provisions of any collective bargaining agreement in

1 effect on the date this subdivision takes effect and until the entry
2 into a successor collective bargaining agreement, provided that notwith-
3 standing any other provision of law to the contrary, upon expiration of
4 such term and the entry into a successor collective bargaining agreement
5 the provisions of this subdivision shall apply; and, provided further,
6 however, that any assessments used in determining transition scores and
7 ratings shall be used in determining scores and ratings pursuant to this
8 section instead of the grades three through eight English language arts
9 and mathematics state assessments until the entry into a successor
10 collective bargaining agreement.

11 § 26. Subparagraphs 1 and 2 of paragraph a of subdivision 4 of section
12 3012-d of the education law, subparagraph 1 as amended by section 3 of
13 subpart C of part B of chapter 20 of the laws of 2015 and subparagraph 2
14 as added by section 2 of subpart E of part EE of chapter 56 of the laws
15 of 2015, are amended to read as follows:

16 (1) For the first subcomponent, [(A) for a teacher whose course ends
17 in a state-created or administered test for which there is a state-pro-
18 vided growth model, such teacher shall have a state-provided growth
19 score based on such model, which shall take into consideration certain
20 student characteristics, as determined by the commissioner, including
21 but not limited to students with disabilities, poverty, English language
22 learner status and prior academic history and which shall identify
23 educators whose students' growth is well above or well below average
24 compared to similar students for a teacher's or principal's students
25 after the certain student characteristics above are taken into account;
26 and (B) for a teacher whose course does not end in a state-created or
27 administered test such teacher] a teacher shall have a student learning
28 objective (SLO) consistent with a goal-setting process determined or

1 developed by the commissioner, that results in a student growth score;
2 provided that, for any teacher whose course ends in a state-created or
3 administered assessment [for which there is no state-provided growth
4 model], such assessment [must] may be used as the underlying assessment
5 for such SLO;

6 (2) For the optional second subcomponent, a district may locally
7 select a second measure in accordance with this subparagraph. Such
8 second measure shall apply in a consistent manner, to the extent practi-
9 cable, across the district and be either: (A) [a second state-provided
10 growth score] based on a state-created or administered test [under
11 clause (A) of subparagraph one of this paragraph], or (B) [a growth
12 score] based on a state-designed supplemental assessment[, calculated
13 using a state-provided or approved growth model]. The optional second
14 subcomponent shall provide options for multiple assessment measures that
15 are aligned to existing classroom and school best practices and take
16 into consideration the recommendations in the testing reduction report
17 as required by section one of subpart F of [the chapter] part EE of
18 chapter fifty-six of the laws of two thousand fifteen which added this
19 section regarding the reduction of unnecessary additional testing.

20 § 27. Subdivision 5 of section 3012-d of the education law, as added
21 by section 2 of subpart E of part EE of chapter 56 of the laws of 2015,
22 is amended to read as follows:

23 5. Rating determination. The overall rating determination shall be
24 determined [according to a methodology] as follows:

25 a. [The following rules shall apply: a teacher or principal who is (1)
26 rated using two subcomponents in the student performance category and
27 receives a rating of ineffective in such category shall be rated inef-
28 fective overall; provided, however, that if the measure used in the

1 second subcomponent is a state-provided growth score on a state-created
2 or administered test pursuant to clause (A) of subparagraph one of para-
3 graph a of subdivision four of this section, a teacher or principal who
4 receives a rating of ineffective in such category shall not be eligible
5 to receive a rating of effective or highly effective overall; (2) rated
6 using only the state measure subcomponent in the student performance
7 category and receives a rating of ineffective in such category shall not
8 be eligible to receive a rating of effective or highly effective over-
9 all; and (3) rated ineffective in the teacher observations category
10 shall not be eligible to receive a rating of effective or highly effec-
11 tive overall.

12 b. Except as otherwise provided in paragraph a of this subdivision, a
13 teacher's composite score shall be determined as follows:

14 [(1)] If a teacher receives an H in the teacher observation category,
15 and an H in the student performance category, the teacher's composite
16 score shall be H;

17 [(2)] b. If a teacher receives an H in the teacher observation catego-
18 ry, and an E in the student performance category, the teacher's compos-
19 ite score shall be H;

20 [(3)] c. If a teacher receives an H in the teacher observation catego-
21 ry, and a D in the student performance category, the teacher's composite
22 score shall be E;

23 [(4)] d. If a teacher receives an H in the teacher observation catego-
24 ry, and an I in the student performance category, the teacher's compos-
25 ite score shall be D;

26 [(5)] e. If a teacher receives an E in the teacher observation catego-
27 ry, and an H in the student performance category, the teacher's compos-
28 ite score shall be H;

1 [(6)] f. If a teacher receives an E in the teacher observation category,
2 and an E in the student performance category, the teacher's composite
3 score shall be E;

4 [(7)] g. If a teacher receives an E in the teacher observation category,
5 and a D in the student performance category, the teacher's composite
6 score shall be E;

7 [(8)] h. If a teacher receives an E in the teacher observation category,
8 and an I in the student performance category, the teacher's composite
9 score shall be D;

10 [(9)] i. If a teacher receives a D in the teacher observation category,
11 and an H in the student performance category, the teacher's composite
12 score shall be E;

13 [(10)] j. If a teacher receives a D in the teacher observation category,
14 and an E in the student performance category, the teacher's composite
15 score shall be E;

16 [(11)] k. If a teacher receives a D in the teacher observation category,
17 and a D in the student performance category, the teacher's composite
18 score shall be D;

19 [(12)] l. If a teacher receives a D in the teacher observation category,
20 and an I in the student performance category, the teacher's composite
21 score shall be I;

22 [(13)] m. If a teacher receives an I in the teacher observation category,
23 and an H in the student performance category, the teacher's
24 composite score shall be D;

25 [(14)] n. If a teacher receives an I in the teacher observation category,
26 and an E in the student performance category, the teacher's
27 composite score shall be D;

1 [(15)] o. If a teacher receives an I in the teacher observation cate-
2 gory, and a D in the student performance category, the teacher's compos-
3 ite score shall be I;

4 [(16)] p. If a teacher receives an I in the teacher observation cate-
5 gory, and an I in the student performance category, the teacher's
6 composite score shall be I.

7 § 28. Subdivision 7 of section 3012-d of the education law, as added
8 by section 2 of subpart E of part EE of chapter 56 of the laws of 2015,
9 is amended to read as follows:

10 7. The commissioner shall ensure that the process by which weights and
11 scoring ranges are assigned to subcomponents and categories is transpar-
12 ent and available to those being rated before the beginning of each
13 school year. Such process must ensure that it is possible for a teacher
14 or principal to obtain any number of points in the applicable scoring
15 ranges, including zero, in each subcomponent. The superintendent,
16 district superintendent or chancellor and the representative of the
17 collective bargaining unit (where one exists) shall certify in the
18 district's plan that the evaluation process shall use the standards for
19 the scoring ranges provided by the commissioner. [Provided, however,
20 that in any event, the following rules shall apply: a teacher or princi-
21 pal who is:

22 a. rated using two subcomponents in the student performance category
23 and receives a rating of ineffective in such category shall be rated
24 ineffective overall, except that if the measure used in the second
25 subcomponent is a second state-provided growth score on a state-adminis-
26 tered or sponsored test pursuant to clause (A) of subparagraph one of
27 paragraph a of subdivision four of this section, a teacher or principal

1 that receives a rating of ineffective in such category shall not be
2 eligible to receive a rating of effective or highly effective overall;

3 b. rated using only the state measure subcomponent in the student
4 performance category and receives a rating of ineffective in such cate-
5 gory shall not be eligible to receive a rating of effective or highly
6 effective overall; and

7 c. rated ineffective in the observations category shall not be eligi-
8 ble to receive a rating of effective or highly effective overall.]

9 § 29. Subdivision 10 of section 3012-d of the education law, as added
10 by section 2 of subpart E of part EE of chapter 56 of the laws of 2015,
11 is amended to read as follows:

12 10. The local collective bargaining representative shall negotiate
13 with the district:

14 a. whether to use a second measure, and, in the event that a second
15 measure is used, which measure to use, pursuant to subparagraph two of
16 paragraph a of subdivision four of this section [and];

17 b. how to implement the provisions of paragraph b of subdivision four
18 of this section, and associated regulations as established by the
19 commissioner, in accordance with article fourteen of the civil service
20 law; and

21 c. the selection and use of an assessment in a teacher or principal's
22 evaluation pursuant to subdivision four of this section and paragraphs a
23 and b of subdivision sixteen of this section.

24 § 30. Section 2 of subpart B of part AA of chapter 56 of the laws of
25 2014 amending the education law relating to providing that standardized
26 test scores shall not be included on a student's permanent record, as
27 amended by section 35 of part CCC of chapter 59 of the laws of 2018, is
28 amended to read as follows:

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

3 § 31. Subdivision 10 of section 3209 of the education law is renum-
4 bered subdivision 11 and a new subdivision 10 is added to read as
5 follows:

6 10. Every school district receiving funds pursuant to this section
7 shall annually submit to the department an accounting of the use of such
8 funds in the prior school year before the end of the succeeding school
9 year. The commissioner shall review such accounting and develop, in
10 consultation with the commissioner of the office of temporary and disa-
11 bility assistance, an identification of best practices to support home-
12 less youth.

13 § 32. Section 2801-a of the education law is amended by adding a new
14 subdivision 10 to read as follows:

15 10. Every school shall define the roles and areas of responsibility of
16 school personnel, security personnel and law enforcement in response to
17 student misconduct that violates the code of conduct. A school district
18 or charter school that employs, contracts with, or otherwise retains law
19 enforcement or public or private security personnel, including school
20 resource officers, shall establish a written contract or memorandum of
21 understanding that is developed with stakeholder input. Such written
22 contract or memorandum of understanding shall define the relationship
23 between a school district or charter school, school personnel, students,
24 visitors, law enforcement, and public or private security personnel.
25 Such contract or memorandum of understanding shall be consistent with
26 the code of conduct, define law enforcement or security personnel's
27 roles, responsibilities and involvement within a school and clearly
28 delegate the role of school discipline to the school administration.

1 Such written contract or memorandum of understanding shall be incorpo-
2 rated into and published as part of the district safety plan.

3 § 33. The section heading of section 804 of the education law, as
4 amended by chapter 390 of the laws of 2016, is amended and a new subdi-
5 vision 7-a is added to read as follows:

6 Health education regarding mental health, alcohol, drugs, tobacco
7 abuse, and healthy relationships and the prevention and detection of
8 certain cancers.

9 7-a. (a) A healthy relationships education instruction program shall
10 be included within the health education provided to all students in
11 grades six through twelve. Such programs shall include, but not be
12 limited to age-appropriate, medically accurate instruction teaching
13 comprehensive sexual education, sexual health and healthy relationship
14 practices. Such program shall be inclusive and respectful of all pupils
15 regardless of race, ethnicity, gender, disability, sexual orientation,
16 or gender identity and include, but not be limited to:

17 (i) identification and examination of ideas about healthy relation-
18 ships and behaviors learned from home, family and the media;

19 (ii) self-esteem and self-worth;

20 (iii) friendship and empathy;

21 (iv) a definition of teen dating violence;

22 (v) recognition of warning signs established by a dating partner;

23 (vi) characteristics of a healthy relationship;

24 (vii) links between bullying and teen dating violence;

25 (viii) safe use of technology;

26 (ix) a discussion of local community resources for those in a teen
27 dating violence relationship;

1 (x) an age-appropriate definition of affirmative consent consistent
2 with that used in section sixty-four hundred forty-one of this chapter;

3 (xi) age-appropriate, medically accurate sexual health;

4 (xii) age-appropriate instructing to identify and report sexual
5 exploitation and abuse; and

6 (xiii) instruction to identify and report sexual harassment.

7 (b) The Educational Standards for such program shall be added to the
8 Health Education Standards after consultation with the commissioner of
9 health and the commissioner of children and family services and be
10 designed to educate students about healthy relationships. Prior to
11 adopting the Education Standards, the commissioner shall establish a
12 task force to study and make recommendations regarding the scope and
13 substance of the standards. The task force shall:

14 (i) seek the recommendations of teachers, school administrators,
15 teacher educators and others with educational expertise in the proposed
16 subject areas;

17 (ii) seek the recommendations of experts and organizations experienced
18 in the proposed subject areas; and

19 (iii) seek comment from parents, students and other interested
20 parties.

21 (c) The commissioner shall develop age-appropriate model instructional
22 resources for parents and educators for potential use in instructing
23 students about physical self-awareness and healthy relationships. Such
24 resources shall be developed after consultation with experts in the
25 field.

26 (d) A webpage on the department's website shall be dedicated to
27 providing information and resources to parents, students, teachers and

1 school district officials related to comprehensive sexual education and
2 healthy relationships.

3 (e) For the purposes of this section "age-appropriate" shall mean
4 topics, messages, and teaching methods suitable to particular age and
5 developmental levels, based on cognitive, emotional, social and experi-
6 ence level of most students at that age level, and "medically accurate"
7 shall mean information supported by peer reviewed, evidence-based
8 research recognized as accurate by leading professional organizations
9 and agencies with relevant experience such as the American Medical Asso-
10 ciation and the Centers for Disease Control and Prevention.

11 (f) Notwithstanding the provisions of this subdivision, a school
12 district shall provide reasonable notice to parents and guardians of
13 students in grades six through twelve that such instruction will be
14 given and the nature of the curriculum. Any parent or guardian of a
15 student in grades six through twelve may direct the removal of the
16 student from such instruction upon written notice to the school
17 district.

18 § 34. Section 305 of the education law is amended by adding a new
19 subdivision 60 to read as follows:

20 60. The commissioner is authorized and directed to require that every
21 school district adopt and distribute a policy regarding sex discrimi-
22 nation pursuant to Title IX of the Education Amendments of 1972, 20
23 U.S.C. § 1681 et seq., and that such policy shall specifically address
24 discrimination against pregnant and parenting students. Provided that
25 such policies shall include: a. students' rights to attend classes and
26 participate in extracurricular activities regardless of pregnant or
27 parenting status; b. opportunities to make up missed classwork or to
28 excuse absences due to pregnancy, childbirth or related conditions; c.

1 protections of students from harassment; and d. a formal grievance
2 procedure.

3 § 35. Subdivision b of section 2 of chapter 756 of the laws of 1992,
4 relating to funding a program for work force education conducted by the
5 consortium for worker education in New York city, as amended by section
6 25 of part CCC of chapter 59 of the laws of 2018, is amended to read as
7 follows:

8 b. Reimbursement for programs approved in accordance with subdivision
9 a of this section for the 2016--2017 school year shall not exceed 60.3
10 percent of the lesser of such approvable costs per contact hour or thir-
11 teen dollars ninety cents per contact hour, reimbursement for the 2017-
12 -2018 school year shall not exceed 60.4 percent of the lesser of such
13 approvable costs per contact hour or thirteen dollars and ninety cents
14 per contact hour, [and] reimbursement for the 2018--2019 school year
15 shall not exceed 59.4 percent of the lesser of such approvable costs per
16 contact hour or fourteen dollars and ninety-five cents per contact hour,
17 and reimbursement for the 2019--2020 school year shall not exceed 57.7
18 percent of the lesser of such approvable costs per contact hour or
19 fifteen dollars and fifty-five cents per contact hour, where a contact
20 hour represents sixty minutes of instruction services provided to an
21 eligible adult. Notwithstanding any other provision of law to the
22 contrary, for the 2016--2017 school year such contact hours shall not
23 exceed one million five hundred fifty-one thousand three hundred twelve
24 (1,551,312); whereas for the 2017--2018 school year such contact hours
25 shall not exceed one million five hundred forty-nine thousand four
26 hundred sixty-three (1,549,463); [and] whereas for the 2018--2019 school
27 year such contact hours shall not exceed one million four hundred
28 sixty-three thousand nine hundred sixty-three (1,463,963), and for the

1 2019--2020 school year such contact hours shall not exceed one million
2 two hundred eighty-two thousand fifty-one (1,282,051). Notwithstanding
3 any other provision of law to the contrary, the apportionment calculated
4 for the city school district of the city of New York pursuant to subdivi-
5 sion 11 of section 3602 of the education law shall be computed as if
6 such contact hours provided by the consortium for worker education, not
7 to exceed the contact hours set forth herein, were eligible for aid in
8 accordance with the provisions of such subdivision 11 of section 3602 of
9 the education law.

10 § 36. Section 4 of chapter 756 of the laws of 1992, relating to fund-
11 ing a program for work force education conducted by the consortium for
12 worker education in New York city, is amended by adding a new subdivi-
13 sion x to read as follows:

14 x. The provisions of this subdivision shall not apply after the
15 completion of payments for the 2019--2020 school year. Notwithstanding
16 any inconsistent provisions of law, the commissioner of education shall
17 withhold a portion of employment preparation education aid due to the
18 city school district of the city of New York to support a portion of the
19 costs of the work force education program. Such moneys shall be credited
20 to the elementary and secondary education fund-local assistance account
21 and shall not exceed eleven million five hundred thousand dollars
22 (\$11,500,000).

23 § 37. Section 6 of chapter 756 of the laws of 1992, relating to fund-
24 ing a program for work force education conducted by the consortium for
25 worker education in New York city, as amended by section 27 of part CCC
26 of chapter 59 of the laws of 2018, is amended to read as follows:

27 § 6. This act shall take effect July 1, 1992, and shall be deemed
28 repealed on June 30, [2019] 2020.

1 § 38. Subdivisions 22 and 24 of section 140 of chapter 82 of the laws
2 of 1995, amending the education law and other laws relating to state aid
3 to school districts and the appropriation of funds for the support of
4 government, as amended by section 28 of part CCC of chapter 59 of the
5 laws of 2018, are amended to read as follows:

6 (22) sections one hundred twelve, one hundred thirteen, one hundred
7 fourteen, one hundred fifteen and one hundred sixteen of this act shall
8 take effect on July 1, 1995; provided, however, that section one hundred
9 thirteen of this act shall remain in full force and effect until July 1,
10 [2019] 2020 at which time it shall be deemed repealed;

11 (24) sections one hundred eighteen through one hundred thirty of this
12 act shall be deemed to have been in full force and effect on and after
13 July 1, 1995; provided further, however, that the amendments made pursu-
14 ant to section one hundred twenty-four of this act shall be deemed to be
15 repealed on and after July 1, [2019] 2020;

16 § 39. Section 12 of chapter 147 of the laws of 2001, amending the
17 education law relating to conditional appointment of school district,
18 charter school or BOCES employees, as amended by section 31 of part CCC
19 of chapter 59 of the laws of 2018, is amended to read as follows:

20 § 12. This act shall take effect on the same date as chapter 180 of
21 the laws of 2000 takes effect, and shall expire July 1, [2019] 2020 when
22 upon such date the provisions of this act shall be deemed repealed.

23 § 40. Section 4 of chapter 425 of the laws of 2002, amending the
24 education law relating to the provision of supplemental educational
25 services, attendance at a safe public school and the suspension of
26 pupils who bring a firearm to or possess a firearm at a school, as
27 amended by section 33 of part CCC of chapter 59 of the laws of 2018, is
28 amended to read as follows:

1 § 4. This act shall take effect July 1, 2002 and section one of this
2 act shall expire and be deemed repealed June 30, 2019, and sections two
3 and three of this act shall expire and be deemed repealed on June 30,
4 2020.

5 § 41. Section 5 of chapter 101 of the laws of 2003, amending the
6 education law relating to implementation of the No Child Left Behind Act
7 of 2001, as amended by section 34 of part CCC of chapter 59 of the laws
8 of 2018, is amended to read as follows:

9 § 5. This act shall take effect immediately; provided that sections
10 one, two and three of this act shall expire and be deemed repealed on
11 June 30, [2019] 2020.

12 § 42. Section 34 of chapter 91 of the laws of 2002 amending the educa-
13 tion law and other laws relating to reorganization of the New York city
14 school construction authority, board of education and community boards,
15 as amended by section 1 of part G of chapter 61 of the laws of 2017, is
16 amended to read as follows:

17 § 34. This act shall take effect July 1, 2002; provided, that sections
18 one through twenty, twenty-four, and twenty-six through thirty of this
19 act shall expire and be deemed repealed June 30, [2019] 2022 provided,
20 further, that notwithstanding any provision of article 5 of the general
21 construction law, on June 30, [2019] 2022 the provisions of subdivisions
22 3, 5, and 8, paragraph b of subdivision 13, subdivision 14, paragraphs
23 b, d, and e of subdivision 15, and subdivisions 17 and 21 of section
24 2554 of the education law as repealed by section three of this act,
25 subdivision 1 of section 2590-b of the education law as repealed by
26 section six of this act, paragraph (a) of subdivision 2 of section
27 2590-b of the education law as repealed by section seven of this act,
28 section 2590-c of the education law as repealed by section eight of this

1 act, paragraph c of subdivision 2 of section 2590-d of the education law
2 as repealed by section twenty-six of this act, subdivision 1 of section
3 2590-e of the education law as repealed by section twenty-seven of this
4 act, subdivision 28 of section 2590-h of the education law as repealed
5 by section twenty-eight of this act, subdivision 30 of section 2590-h of
6 the education law as repealed by section twenty-nine of this act, subdivi-
7 vision 30-a of section 2590-h of the education law as repealed by
8 section thirty of this act shall be revived and be read as such
9 provisions existed in law on the date immediately preceding the effec-
10 tive date of this act; provided, however, that sections seven and eight
11 of this act shall take effect on November 30, 2003; provided further
12 that the amendments to subdivision 25 of section 2554 of the education
13 law made by section two of this act shall be subject to the expiration
14 and reversion of such subdivision pursuant to section 12 of chapter 147
15 of the laws of 2001, as amended, when upon such date the provisions of
16 section four of this act shall take effect.

17 § 43. Subdivision 12 of section 17 of chapter 345 of the laws of 2009
18 amending the education law and other laws relating to the New York city
19 board of education, chancellor, community councils, and community super-
20 intendants, as amended by section 2 of part G of chapter 61 of the laws
21 of 2017, is amended to read as follows:

22 12. any provision in sections one, two, three, four, five, six, seven,
23 eight, nine, ten and eleven of this act not otherwise set to expire
24 pursuant to section 34 of chapter 91 of the laws of 2002, as amended, or
25 section 17 of chapter 123 of the laws of 2003, as amended, shall expire
26 and be deemed repealed June 30, [2019] 2022.

27 § 44. Section 7 of chapter 472 of the laws of 1998, amending the
28 education law relating to the lease of school buses by school districts,

1 as amended by section 40 of part YYY of chapter 59 of the laws of 2017,
2 is amended to read as follows:

3 § 7. This act shall take effect September 1, 1998, and shall expire
4 and be deemed repealed September 1, [2019] 2021.

5 § 45. Section 2 of chapter 552 of the laws of 1995, amending the
6 education law relating to contracts for the transportation of school
7 children, as amended by section 25 of part A of chapter 54 of the laws
8 of 2016, is amended to read as follows:

9 § 2. This act shall take effect on the first day of January next
10 succeeding the date on which it shall have become a law and shall remain
11 in full force and effect until January 1, [2020] 2023, when upon such
12 date the provisions of this act shall be deemed repealed.

13 § 46. Section 26 of subpart F of part C of chapter 97 of the laws of
14 2011 amending the education law relating to census reporting, as amended
15 by section 21-a of part A of chapter 56 of the laws of 2014, is amended
16 to read as follows:

17 § 26. This act shall take effect immediately provided, however, that
18 the provisions of section three of this act shall expire June 30, [2019]
19 2024 when upon such date the provisions of such section shall be deemed
20 repealed; provided, further that the provisions of sections eight, elev-
21 en, twelve, thirteen and twenty of this act shall expire July 1, 2014
22 when upon such date the provisions of such sections shall be deemed
23 repealed.

24 § 47. School bus driver training. In addition to apportionments other-
25 wise provided by section 3602 of the education law, for aid payable in
26 the 2019--2020 school year, the commissioner of education shall allocate
27 school bus driver training grants to school districts and boards of
28 cooperative educational services pursuant to sections 3650-a, 3650-b and

1 3650-c of the education law, or for contracts directly with not-for-pro-
2 fit educational organizations for the purposes of this section. Such
3 payments shall not exceed four hundred thousand dollars (\$400,000) per
4 school year.

5 § 48. Special apportionment for salary expenses. a. Notwithstanding
6 any other provision of law, upon application to the commissioner of
7 education, not sooner than the first day of the second full business
8 week of June 2020 and not later than the last day of the third full
9 business week of June 2020, a school district eligible for an apportion-
10 ment pursuant to section 3602 of the education law shall be eligible to
11 receive an apportionment pursuant to this section, for the school year
12 ending June 30, 2020, for salary expenses incurred between April 1 and
13 June 30, 2019 and such apportionment shall not exceed the sum of (i) the
14 deficit reduction assessment of 1990--1991 as determined by the commis-
15 sioner of education, pursuant to paragraph f of subdivision 1 of section
16 3602 of the education law, as in effect through June 30, 1993, plus (ii)
17 186 percent of such amount for a city school district in a city with a
18 population in excess of 1,000,000 inhabitants, plus (iii) 209 percent of
19 such amount for a city school district in a city with a population of
20 more than 195,000 inhabitants and less than 219,000 inhabitants accord-
21 ing to the latest federal census, plus (iv) the net gap elimination
22 adjustment for 2010--2011, as determined by the commissioner of educa-
23 tion pursuant to chapter 53 of the laws of 2010, plus (v) the gap elimi-
24 nation adjustment for 2011--2012 as determined by the commissioner of
25 education pursuant to subdivision 17 of section 3602 of the education
26 law, and provided further that such apportionment shall not exceed such
27 salary expenses. Such application shall be made by a school district,
28 after the board of education or trustees have adopted a resolution to do

1 so and in the case of a city school district in a city with a population
2 in excess of 125,000 inhabitants, with the approval of the mayor of such
3 city.

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

20 c. Notwithstanding the provisions of section 3609-a of the education
21 law, an amount equal to the amount paid to a school district pursuant to
22 subdivisions a and b of this section shall first be deducted from the
23 following payments due the school district during the school year
24 following the year in which application was made pursuant to subpara-
25 graphs (1), (2), (3), (4) and (5) of paragraph a of subdivision 1 of
26 section 3609-a of the education law in the following order: the lottery
27 apportionment payable pursuant to subparagraph (2) of such paragraph
28 followed by the fixed fall payments payable pursuant to subparagraph (4)

1 of such paragraph and then followed by the district's payments to the
2 teachers' retirement system pursuant to subparagraph (1) of such para-
3 graph, and any remainder to be deducted from the individualized payments
4 due the district pursuant to paragraph b of such subdivision shall be
5 deducted on a chronological basis starting with the earliest payment due
6 the district.

7 § 49. Special apportionment for public pension accruals. a. Notwith-
8 standing any other provision of law, upon application to the commission-
9 er of education, not later than June 30, 2020, a school district eligi-
10 ble for an apportionment pursuant to section 3602 of the education law
11 shall be eligible to receive an apportionment pursuant to this section,
12 for the school year ending June 30, 2020 and such apportionment shall
13 not exceed the additional accruals required to be made by school
14 districts in the 2004--2005 and 2005--2006 school years associated with
15 changes for such public pension liabilities. The amount of such addi-
16 tional accrual shall be certified to the commissioner of education by
17 the president of the board of education or the trustees or, in the case
18 of a city school district in a city with a population in excess of
19 125,000 inhabitants, the mayor of such city. Such application shall be
20 made by a school district, after the board of education or trustees have
21 adopted a resolution to do so and in the case of a city school district
22 in a city with a population in excess of 125,000 inhabitants, with the
23 approval of the mayor of such city.

24 b. The claim for an apportionment to be paid to a school district
25 pursuant to subdivision a of this section shall be submitted to the
26 commissioner of education on a form prescribed for such purpose, and
27 shall be payable upon determination by such commissioner that the form
28 has been submitted as prescribed. Such approved amounts shall be payable

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

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

27 § 50. Notwithstanding the provision of any law, rule, or regulation to
28 the contrary, the city school district of the city of Rochester, upon

1 the consent of the board of cooperative educational services of the
2 supervisory district serving its geographic region may purchase from
3 such board for the 2019--2020 school year, as a non-component school
4 district, services required by article 19 of the education law.

5 § 51. The amounts specified in this section shall be a set-aside from
6 the state funds which each such district is receiving from the total
7 foundation aid:

8 a. for the development, maintenance or expansion of magnet schools or
9 magnet school programs for the 2019--2020 school year. For the city
10 school district of the city of New York there shall be a setaside of
11 foundation aid equal to forty-eight million one hundred seventy-five
12 thousand dollars (\$48,175,000) including five hundred thousand dollars
13 (\$500,000) for the Andrew Jackson High School; for the Buffalo city
14 school district, twenty-one million twenty-five thousand dollars
15 (\$21,025,000); for the Rochester city school district, fifteen million
16 dollars (\$15,000,000); for the Syracuse city school district, thirteen
17 million dollars (\$13,000,000); for the Yonkers city school district,
18 forty-nine million five hundred thousand dollars (\$49,500,000); for the
19 Newburgh city school district, four million six hundred forty-five thou-
20 sand dollars (\$4,645,000); for the Poughkeepsie city school district,
21 two million four hundred seventy-five thousand dollars (\$2,475,000); for
22 the Mount Vernon city school district, two million dollars (\$2,000,000);
23 for the New Rochelle city school district, one million four hundred ten
24 thousand dollars (\$1,410,000); for the Schenectady city school district,
25 one million eight hundred thousand dollars (\$1,800,000); for the Port
26 Chester city school district, one million one hundred fifty thousand
27 dollars (\$1,150,000); for the White Plains city school district, nine
28 hundred thousand dollars (\$900,000); for the Niagara Falls city school

1 district, six hundred thousand dollars (\$600,000); for the Albany city
2 school district, three million five hundred fifty thousand dollars
3 (\$3,550,000); for the Utica city school district, two million dollars
4 (\$2,000,000); for the Beacon city school district, five hundred sixty-
5 six thousand dollars (\$566,000); for the Middletown city school
6 district, four hundred thousand dollars (\$400,000); for the Freeport
7 union free school district, four hundred thousand dollars (\$400,000);
8 for the Greenburgh central school district, three hundred thousand
9 dollars (\$300,000); for the Amsterdam city school district, eight
10 hundred thousand dollars (\$800,000); for the Peekskill city school
11 district, two hundred thousand dollars (\$200,000); and for the Hudson
12 city school district, four hundred thousand dollars (\$400,000).

13 b. Notwithstanding any inconsistent provision of law to the contrary,
14 a school district setting aside such foundation aid pursuant to this
15 section may use such setaside funds for: (i) any instructional or
16 instructional support costs associated with the operation of a magnet
17 school; or

18 (ii) any instructional or instructional support costs associated with
19 implementation of an alternative approach to promote diversity and/or
20 enhancement of the instructional program and raising of standards in
21 elementary and secondary schools of school districts having substantial
22 concentrations of minority students.

23 c. The commissioner of education shall not be authorized to withhold
24 foundation aid from a school district that used such funds in accordance
25 with this paragraph, notwithstanding any inconsistency with a request
26 for proposals issued by such commissioner for the purpose of attendance
27 improvement and dropout prevention for the 2019--2020 school year, and
28 for any city school district in a city having a population of more than

1 one million, the setaside for attendance improvement and dropout
2 prevention shall equal the amount set aside in the base year. For the
3 2019--2020 school year, it is further provided that any city school
4 district in a city having a population of more than one million shall
5 allocate at least one-third of any increase from base year levels in
6 funds set aside pursuant to the requirements of this section to communi-
7 ty-based organizations. Any increase required pursuant to this section
8 to community-based organizations must be in addition to allocations
9 provided to community-based organizations in the base year.

10 d. For the purpose of teacher support for the 2019--2020 school year:
11 for the city school district of the city of New York, sixty-two million
12 seven hundred seven thousand dollars (\$62,707,000); for the Buffalo city
13 school district, one million seven hundred forty-one thousand dollars
14 (\$1,741,000); for the Rochester city school district, one million seven-
15 ty six thousand dollars (\$1,076,000); for the Yonkers city school
16 district, one million one hundred forty-seven thousand dollars
17 (\$1,147,000); and for the Syracuse city school district, eight hundred
18 nine thousand dollars (\$809,000). All funds made available to a school
19 district pursuant to this section shall be distributed among teachers
20 including prekindergarten teachers and teachers of adult vocational and
21 academic subjects in accordance with this section and shall be in addi-
22 tion to salaries heretofore or hereafter negotiated or made available;
23 provided, however, that all funds distributed pursuant to this section
24 for the current year shall be deemed to incorporate all funds distrib-
25 uted pursuant to former subdivision 27 of section 3602 of the education
26 law for prior years. In school districts where the teachers are repres-
27 ented by certified or recognized employee organizations, all salary
28 increases funded pursuant to this section shall be determined by sepa-

1 rate collective negotiations conducted pursuant to the provisions and
2 procedures of article 14 of the civil service law, notwithstanding the
3 existence of a negotiated agreement between a school district and a
4 certified or recognized employee organization.

5 § 52. Support of public libraries. The moneys appropriated for the
6 support of public libraries by a chapter of the laws of 2018 enacting
7 the aid to localities budget shall be apportioned for the 2019--2020
8 state fiscal year in accordance with the provisions of sections 271,
9 272, 273, 282, 284, and 285 of the education law as amended by the
10 provisions of this chapter and the provisions of this section, provided
11 that library construction aid pursuant to section 273-a of the education
12 law shall not be payable from the appropriations for the support of
13 public libraries and provided further that no library, library system or
14 program, as defined by the commissioner of education, shall receive less
15 total system or program aid than it received for the year 2001--2002
16 except as a result of a reduction adjustment necessary to conform to the
17 appropriations for support of public libraries.

18 Notwithstanding any other provision of law to the contrary the moneys
19 appropriated for the support of public libraries for the year 2019--2020
20 by a chapter of the laws of 2019 enacting the education, labor and fami-
21 ly assistance budget shall fulfill the state's obligation to provide
22 such aid and, pursuant to a plan developed by the commissioner of educa-
23 tion and approved by the director of the budget, the aid payable to
24 libraries and library systems pursuant to such appropriations shall be
25 reduced proportionately to assure that the total amount of aid payable
26 does not exceed the total appropriations for such purpose.

27 § 53. Severability. The provisions of this act shall be severable, and
28 if the application of any clause, sentence, paragraph, subdivision,

1 section or part of this act to any person or circumstance shall be
2 adjudged by any court of competent jurisdiction to be invalid, such
3 judgment shall not necessarily affect, impair or invalidate the applica-
4 tion of any such clause, sentence, paragraph, subdivision, section, part
5 of this act or remainder thereof, as the case may be, to any other
6 person or circumstance, but shall be confined in its operation to the
7 clause, sentence, paragraph, subdivision, section or part thereof
8 directly involved in the controversy in which such judgment shall have
9 been rendered.

10 § 54. This act shall take effect immediately, and shall be deemed to
11 have been in full force and effect on and after April 1, 2019, provided,
12 however, that:

13 1. Sections one, three, four, five, five-a, six, seven, eight, nine,
14 ten, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twen-
15 ty-two, twenty-three, thirty-two, thirty-four, forty-seven, fifty and
16 fifty-one of this act shall take effect July 1, 2019;

17 2. Sections eleven, twelve, thirteen and fourteen of this act shall
18 take effect July 1, 2020;

19 3. Paragraph (a) of subdivision 7-a of section 804 of the education
20 law, as added by section thirty-three of this act, shall take effect
21 July 1, 2019;

22 4. The amendments to section 3614 of the education law made by section
23 two of this act shall not affect the repeal of such section and shall be
24 deemed repealed therewith; and

25 5. The amendments to chapter 756 of the laws of 1992, relating to
26 funding a program for work force education conducted by the consortium
27 for worker education in New York City made by sections thirty-five and

1 thirty-six of this act shall not affect the repeal of such chapter and
2 shall be deemed repealed therewith.

3 PART B

4 Section 1. Section 7408 of the education law is amended by adding a
5 new subdivision 6 to read as follows:

6 6. Notwithstanding any other provision of law, any firm established to
7 lawfully engage in the practice of public accountancy pursuant to arti-
8 cle fifteen of the business corporation law, articles one and eight-B of
9 the partnership law, or articles twelve and thirteen of the limited
10 liability company law shall be deemed eligible to register pursuant to
11 this section.

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

14 (h) Any firm established for the business purpose of incorporating as
15 a professional service corporation formed to lawfully engage in the
16 practice of public accountancy, as such practice is respectively defined
17 under article one hundred forty-nine of the education law shall be
18 required to show (1) that a simple majority of the ownership of the
19 firm, in terms of financial interests, including ownership-based compen-
20 sation, and voting rights held by the firm's owners, belongs to individ-
21 uals licensed to practice public accountancy in some state, and (2) that
22 all shareholders of a professional service corporation whose principal
23 place of business is in this state, and who are engaged in the practice
24 of public accountancy in this state, hold a valid license issued under
25 section seventy-four hundred four of the education law or are public
26 accountants licensed under section seventy-four hundred five of the

1 education law. Although firms may include non-licensee owners, the firm
2 and its owners must comply with rules promulgated by the state board of
3 regents. Notwithstanding the provisions of this paragraph, a firm
4 incorporated under this section may not have non-licensee owners if the
5 firm's name includes the words "certified public accountant," or "certi-
6 fied public accountants," or the abbreviations "CPA" or "CPAs". Each
7 non-licensee owner of a firm that is incorporated under this section
8 shall be a natural person who actively participates in the business of
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. Such a firm shall have attached to its certificate of incorpo-
13 ration a certificate or certificates demonstrating the firm's compliance
14 with this paragraph, in lieu of the certificate or certificates required
15 by subparagraph (ii) of paragraph (b) of this section.

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

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

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

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

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

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

9 No shareholder of a firm established for the business purpose of incor-
10 porating as a professional service corporation pursuant to paragraph (h)
11 of section fifteen hundred three of this article shall enter into a
12 voting trust agreement, proxy or any other type of agreement vesting in
13 another person, other than another shareholder of the same corporation,
14 the authority to exercise voting power of any or all of his or her
15 shares. All shares issued, agreements made or proxies granted in
16 violation of this section shall be void.

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

19 (c) The directors and officers of any firm established for the busi-
20 ness purpose of incorporating as a professional service corporation
21 pursuant to paragraph (h) of section fifteen hundred three of this arti-
22 cle may include individuals who are not licensed to practice public
23 accountancy, provided however that at least fifty-one percent of the
24 directors, at least fifty-one percent of the officers and the president,
25 the chairperson of the board of directors and the chief executive offi-
26 cer or officers are authorized by law to practice in this state a
27 profession which such corporation is authorized to practice, and are

1 either shareholders of such corporation or engaged in the practice of
2 their professions in such corporation.

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

5 § 1509. Disqualification of shareholders, directors, officers and
6 employees.

7 If any shareholder, director, officer or employee of a professional
8 service corporation, including a design professional service corpo-
9 ration, or any firm established for the business purpose of incorporat-
10 ing as a professional service corporation pursuant to paragraph (h) of
11 section fifteen hundred three of this article, who has been rendering
12 professional service to the public becomes legally disqualified to prac-
13 tice his profession within this state, he shall sever all employment
14 with, and financial interests (other than interests as a creditor) in,
15 such corporation forthwith or as otherwise provided in section 1510 of
16 this article. All provisions of law regulating the rendering of profes-
17 sional services by a person elected or appointed to a public office
18 shall be applicable to a shareholder, director, officer and employee of
19 such corporation in the same manner and to the same extent as if fully
20 set forth herein. Such legal disqualification to practice his profession
21 within this state shall be deemed to constitute an irrevocable offer by
22 the disqualified shareholder to sell his shares to the corporation,
23 pursuant to the provisions of section 1510 of this article or of the
24 certificate of incorporation, by-laws or agreement among the corporation
25 and all shareholders, whichever is applicable. Compliance with the terms
26 of such offer shall be specifically enforceable in the courts of this
27 state. A professional service corporation's failure to enforce compli-

1 ance with this provision shall constitute a ground for forfeiture of its
2 certificate of incorporation and its dissolution.

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

6 (a) No shareholder of a professional service corporation [or], includ-
7 ing a design professional service corporation, or any firm established
8 for the business purpose of incorporating as a professional service
9 corporation pursuant to paragraph (h) of section fifteen hundred three
10 of this article, may sell or transfer his shares in such corporation
11 except to another individual who is eligible to have shares issued to
12 him by such corporation or except in trust to another individual who
13 would be eligible to receive shares if he were employed by the corpo-
14 ration. Nothing herein contained shall be construed to prohibit the
15 transfer of shares by operation of law or by court decree. No transfer-
16 ee of shares by operation of law or court decree may vote the shares for
17 any purpose whatsoever except with respect to corporate action under
18 sections 909 and 1001 of this chapter. The restriction in the preceding
19 sentence shall not apply, however, where such transferee would be eligi-
20 ble to have shares issued to him if he were an employee of the corpo-
21 ration and, if there are other shareholders, a majority of such other
22 shareholders shall fail to redeem the shares so transferred, pursuant to
23 section 1510 of this article, within sixty days of receiving written
24 notice of such transfer. Any sale or transfer, except by operation of
25 law or court decree or except for a corporation having only one share-
26 holder, may be made only after the same shall have been approved by the
27 board of directors, or at a shareholders' meeting specially called for
28 such purpose by such proportion, not less than a majority, of the

1 outstanding shares as may be provided in the certificate of incorpo-
2 ration or in the by-laws of such professional service corporation. At
3 such shareholders' meeting the shares held by the shareholder proposing
4 to sell or transfer his shares may not be voted or counted for any
5 purpose, unless all shareholders consent that such shares be voted or
6 counted. The certificate of incorporation or the by-laws of the profes-
7 sional service corporation, or the professional service corporation and
8 the shareholders by private agreement, may provide, in lieu of or in
9 addition to the foregoing provisions, for the alienation of shares and
10 may require the redemption or purchase of such shares by such corpo-
11 ration at prices and in a manner specifically set forth therein. The
12 existence of the restrictions on the sale or transfer of shares, as
13 contained in this article and, if applicable, in the certificate of
14 incorporation, by-laws, stock purchase or stock redemption agreement,
15 shall be noted conspicuously on the face or back of every certificate
16 for shares issued by a professional service corporation. Any sale or
17 transfer in violation of such restrictions shall be void.

18 (c) A firm established for the business purpose of incorporating as a
19 professional service corporation pursuant to paragraph (h) of section
20 fifteen hundred three of this article, shall purchase or redeem the
21 shares of a non-licensed professional shareholder in the case of his or
22 her termination of employment within thirty days after such termination.
23 A firm established for the business purpose of incorporating as a
24 professional service corporation pursuant to paragraph (h) of section
25 fifteen hundred three of this article, shall not be required to purchase
26 or redeem the shares of a terminated non-licensed professional share-
27 holder if such shares, within thirty days after such termination, are

1 sold or transferred to another employee of the corporation pursuant to
2 this article.

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

6 (a) Notwithstanding any other provision of law, the name of a profes-
7 sional service corporation, including a design professional service
8 corporation and any firm established for the business purpose of incor-
9 porating as a professional service corporation pursuant to paragraph (h)
10 of section fifteen hundred three of this article, may contain any word
11 which, at the time of incorporation, could be used in the name of a
12 partnership practicing a profession which the corporation is authorized
13 to practice, and may not contain any word which could not be used by
14 such a partnership. Provided, however, the name of a professional
15 service corporation may not contain the name of a deceased person unless

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

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

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

23 (c) Each firm established for the business purpose of incorporating as
24 a professional service corporation pursuant to paragraph (h) of section
25 fifteen hundred three of this article shall, at least once every three
26 years on or before the date prescribed by the licensing authority,
27 furnish a statement to the licensing authority listing the names and
28 residence addresses of each shareholder, director and officer of such

1 corporation and certify as the date of certification and at all times
2 over the entire three year period that:

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

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

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

9 (iv) the president, the chairperson of the board of directors and the
10 chief executive officer or officers are and were certified public
11 accountants.

12 The statement shall be signed by the president or any certified public
13 accountant vice-president and attested to by the secretary or any
14 assistant secretary of the corporation.

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

17 (d) "Foreign professional service corporation" means a professional
18 service corporation, whether or not denominated as such, organized under
19 the laws of a jurisdiction other than this state, all of the sharehold-
20 ers, directors and officers of which are authorized and licensed to
21 practice the profession for which such corporation is licensed to do
22 business; except that all shareholders, directors and officers of a
23 foreign professional service corporation which provides health services
24 in this state shall be licensed in this state. Notwithstanding any other
25 provision of law a foreign professional service corporation formed to
26 lawfully engage in the practice of public accountancy, as such practice
27 is defined under article one hundred forty-nine of the education law, or
28 equivalent state law, shall be required to show (1) that a simple major-

1 ity of the ownership of the firm, in terms of financial interests,
2 including ownership-based compensation, and voting rights held by the
3 firm's owners, belongs to individuals licensed to practice public
4 accountancy in some state, and (2) that all shareholders of a foreign
5 professional service corporation whose principal place of business is in
6 this state, and who are engaged in the practice of public accountancy in
7 this state, hold a valid license issued under section seventy-four
8 hundred four of the education law or are public accountants licensed
9 under section seventy-four hundred five of the education law. Although
10 firms may include non-licensee owners, the firm and its owners must
11 comply with rules promulgated by the state board of regents. Notwith-
12 standing the foregoing, a firm registered under this section may not
13 have non-licensee owners if the firm's name includes the words "certi-
14 fied public accountant," or "certified public accountants," or the
15 abbreviations "CPA" or "CPAs." Each non-licensee owner of a firm that is
16 operating under this section shall be a natural person who actively
17 participates in the business of the firm or its affiliated entities,
18 provided each beneficial owner of an equity interest in such entity is a
19 natural person who actively participates in the business conducted by
20 the firm or its affiliated entities. For purposes of this subdivision,
21 "actively participate" means to provide services to clients or to other-
22 wise individually take part in the day-to-day business or management of
23 the firm.

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

27 (q) Each partner of a registered limited liability partnership formed
28 to provide medical services in this state must be licensed pursuant to

1 article 131 of the education law to practice medicine in this state and
2 each partner of a registered limited liability partnership formed to
3 provide dental services in this state must be licensed pursuant to arti-
4 cle 133 of the education law to practice dentistry in this state. Each
5 partner of a registered limited liability partnership formed to provide
6 veterinary services in this state must be licensed pursuant to article
7 135 of the education law to practice veterinary medicine in this state.
8 Each partner of a registered limited liability partnership formed to
9 provide public accountancy services, whose principal place of business
10 is in this state and who provides public accountancy services, must be
11 licensed pursuant to article 149 of the education law to practice public
12 accountancy in this state. Each partner of a registered limited liabil-
13 ity partnership formed to provide professional engineering, land survey-
14 ing, geological services, architectural and/or landscape architectural
15 services in this state must be licensed pursuant to article 145, article
16 147 and/or article 148 of the education law to practice one or more of
17 such professions in this state. Each partner of a registered limited
18 liability partnership formed to provide licensed clinical social work
19 services in this state must be licensed pursuant to article 154 of the
20 education law to practice clinical social work in this state. Each part-
21 ner of a registered limited liability partnership formed to provide
22 creative arts therapy services in this state must be licensed pursuant
23 to article 163 of the education law to practice creative arts therapy in
24 this state. Each partner of a registered limited liability partnership
25 formed to provide marriage and family therapy services in this state
26 must be licensed pursuant to article 163 of the education law to prac-
27 tice marriage and family therapy in this state. Each partner of a regis-
28 tered limited liability partnership formed to provide mental health

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

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

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

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

1 this state. Each partner of a foreign limited liability partnership
2 which provides licensed clinical social work services in this state must
3 be licensed pursuant to article 154 of the education law to practice
4 licensed clinical social work in this state. Each partner of a foreign
5 limited liability partnership which provides creative arts therapy
6 services in this state must be licensed pursuant to article 163 of the
7 education law to practice creative arts therapy in this state. Each
8 partner of a foreign limited liability partnership which provides
9 marriage and family therapy services in this state must be licensed
10 pursuant to article 163 of the education law to practice marriage and
11 family therapy in this state. Each partner of a foreign limited liabil-
12 ity partnership which provides mental health counseling services in this
13 state must be licensed pursuant to article 163 of the education law to
14 practice mental health counseling in this state. Each partner of a
15 foreign limited liability partnership which provides psychoanalysis
16 services in this state must be licensed pursuant to article 163 of the
17 education law to practice psychoanalysis in this state. Each partner of
18 a foreign limited liability partnership which provides applied behavior
19 analysis services in this state must be licensed or certified pursuant
20 to article 167 of the education law to practice applied behavior analy-
21 sis in this state. Notwithstanding any other provisions of law a
22 foreign limited liability partnership formed to lawfully engage in the
23 practice of public accountancy, as such practice is respectively defined
24 under article 149 of the education law, shall be required to show (1)
25 that a simple majority of the ownership of the firm, in terms of finan-
26 cial interests, including ownership-based compensation, and voting
27 rights held by the firm's owners, belongs to individuals licensed to
28 practice public accountancy in some state, and (2) that all partners of

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

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

22 (h) "Limited partnership" and "domestic limited partnership" mean,
23 unless the context otherwise requires, a partnership (i) formed by two
24 or more persons pursuant to this article or which complies with subdivi-
25 sion (a) of section 121-1202 of this article and (ii) having one or more
26 general partners and one or more limited partners. Notwithstanding any
27 other provisions of law a limited partnership or domestic limited part-
28 nership formed to lawfully engage in the practice of public accountancy,

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

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

1 (b) With respect to a professional service limited liability company
2 formed to provide medical services as such services are defined in arti-
3 cle 131 of the education law, each member of such limited liability
4 company must be licensed pursuant to article 131 of the education law to
5 practice medicine in this state. With respect to a professional service
6 limited liability company formed to provide dental services as such
7 services are defined in article 133 of the education law, each member of
8 such limited liability company must be licensed pursuant to article 133
9 of the education law to practice dentistry in this state. With respect
10 to a professional service limited liability company formed to provide
11 veterinary services as such services are defined in article 135 of the
12 education law, each member of such limited liability company must be
13 licensed pursuant to article 135 of the education law to practice veter-
14 inary medicine in this state. With respect to a professional service
15 limited liability company formed to provide professional engineering,
16 land surveying, architectural, landscape architectural and/or geological
17 services as such services are defined in article 145, article 147 and
18 article 148 of the education law, each member of such limited liability
19 company must be licensed pursuant to article 145, article 147 and/or
20 article 148 of the education law to practice one or more of such
21 professions in this state. With respect to a professional service
22 limited liability company formed to provide public accountancy services
23 as such services are defined in article 149 of the education law each
24 member of such limited liability company whose principal place of busi-
25 ness is in this state and who provides public accountancy services, must
26 be licensed pursuant to article 149 of the education law to practice
27 public accountancy in this state. With respect to a professional service
28 limited liability company formed to provide licensed clinical social

1 work services as such services are defined in article 154 of the educa-
2 tion law, each member of such limited liability company shall be
3 licensed pursuant to article 154 of the education law to practice
4 licensed clinical social work in this state. With respect to a profes-
5 sional service limited liability company formed to provide creative arts
6 therapy services as such services are defined in article 163 of the
7 education law, each member of such limited liability company must be
8 licensed pursuant to article 163 of the education law to practice crea-
9 tive arts therapy in this state. With respect to a professional service
10 limited liability company formed to provide marriage and family therapy
11 services as such services are defined in article 163 of the education
12 law, each member of such limited liability company must be licensed
13 pursuant to article 163 of the education law to practice marriage and
14 family therapy in this state. With respect to a professional service
15 limited liability company formed to provide mental health counseling
16 services as such services are defined in article 163 of the education
17 law, each member of such limited liability company must be licensed
18 pursuant to article 163 of the education law to practice mental health
19 counseling in this state. With respect to a professional service limited
20 liability company formed to provide psychoanalysis services as such
21 services are defined in article 163 of the education law, each member of
22 such limited liability company must be licensed pursuant to article 163
23 of the education law to practice psychoanalysis in this state. With
24 respect to a professional service limited liability company formed to
25 provide applied behavior analysis services as such services are defined
26 in article 167 of the education law, each member of such limited liabil-
27 ity company must be licensed or certified pursuant to article 167 of the
28 education law to practice applied behavior analysis in this state.

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

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

4 (a) "Foreign professional service limited liability company" means a
5 professional service limited liability company, whether or not denomi-
6 nated as such, organized under the laws of a jurisdiction other than
7 this state, (i) each of whose members and managers, if any, is a profes-
8 sional authorized by law to render a professional service within this
9 state and who is or has been engaged in the practice of such profession
10 in such professional service limited liability company or a predecessor
11 entity, or will engage in the practice of such profession in the profes-
12 sional service limited liability company within thirty days of the date
13 such professional becomes a member, or each of whose members and manag-
14 ers, if any, is a professional at least one of such members is author-
15 ized by law to render a professional service within this state and who
16 is or has been engaged in the practice of such profession in such
17 professional service limited liability company or a predecessor entity,
18 or will engage in the practice of such profession in the professional
19 service limited liability company within thirty days of the date such
20 professional becomes a member, or (ii) authorized by, or holding a
21 license, certificate, registration or permit issued by the licensing
22 authority pursuant to, the education law to render a professional
23 service within this state; except that all members and managers, if any,
24 of a foreign professional service limited liability company that
25 provides health services in this state shall be licensed in this state.
26 With respect to a foreign professional service limited liability company
27 which provides veterinary services as such services are defined in arti-
28 cle 135 of the education law, each member of such foreign professional

1 service limited liability company shall be licensed pursuant to article
2 135 of the education law to practice veterinary medicine. With respect
3 to a foreign professional service limited liability company which
4 provides medical services as such services are defined in article 131 of
5 the education law, each member of such foreign professional service
6 limited liability company must be licensed pursuant to article 131 of
7 the education law to practice medicine in this state. With respect to a
8 foreign professional service limited liability company which provides
9 dental services as such services are defined in article 133 of the
10 education law, each member of such foreign professional service limited
11 liability company must be licensed pursuant to article 133 of the educa-
12 tion law to practice dentistry in this state. With respect to a foreign
13 professional service limited liability company which provides profes-
14 sional engineering, land surveying, geologic, architectural and/or land-
15 scape architectural services as such services are defined in article
16 145, article 147 and article 148 of the education law, each member of
17 such foreign professional service limited liability company must be
18 licensed pursuant to article 145, article 147 and/or article 148 of the
19 education law to practice one or more of such professions in this state.
20 With respect to a foreign professional service limited liability company
21 which provides public accountancy services as such services are defined
22 in article 149 of the education law, each member of such foreign profes-
23 sional service limited liability company whose principal place of busi-
24 ness is in this state and who provides public accountancy services,
25 shall be licensed pursuant to article 149 of the education law to prac-
26 tice public accountancy in this state. With respect to a foreign profes-
27 sional service limited liability company which provides licensed clin-
28 ical social work services as such services are defined in article 154 of

1 the education law, each member of such foreign professional service
2 limited liability company shall be licensed pursuant to article 154 of
3 the education law to practice clinical social work in this state. With
4 respect to a foreign professional service limited liability company
5 which provides creative arts therapy services as such services are
6 defined in article 163 of the education law, each member of such foreign
7 professional service limited liability company must be licensed pursuant
8 to article 163 of the education law to practice creative arts therapy in
9 this state. With respect to a foreign professional service limited
10 liability company which provides marriage and family therapy services as
11 such services are defined in article 163 of the education law, each
12 member of such foreign professional service limited liability company
13 must be licensed pursuant to article 163 of the education law to prac-
14 tice marriage and family therapy in this state. With respect to a
15 foreign professional service limited liability company which provides
16 mental health counseling services as such services are defined in arti-
17 cle 163 of the education law, each member of such foreign professional
18 service limited liability company must be licensed pursuant to article
19 163 of the education law to practice mental health counseling in this
20 state. With respect to a foreign professional service limited liability
21 company which provides psychoanalysis services as such services are
22 defined in article 163 of the education law, each member of such foreign
23 professional service limited liability company must be licensed pursuant
24 to article 163 of the education law to practice psychoanalysis in this
25 state. With respect to a foreign professional service limited liability
26 company which provides applied behavior analysis services as such
27 services are defined in article 167 of the education law, each member of
28 such foreign professional service limited liability company must be

1 licensed or certified pursuant to article 167 of the education law to
2 practice applied behavior analysis in this state. Notwithstanding any
3 other provisions of law a foreign professional service limited liability
4 company formed to lawfully engage in the practice of public accountancy,
5 as such practice is respectively defined under article 149 of the educa-
6 tion law shall be required to show (1) that a simple majority of the
7 ownership of the firm, in terms of financial interests, including owner-
8 ship-based compensation, and voting rights held by the firm's owners,
9 belongs to individuals licensed to practice public accountancy in some
10 state, and (2) that all members of a foreign limited professional
11 service limited liability company, whose principal place of business is
12 in this state, and who are engaged in the practice of public accountancy
13 in this state, hold a valid license issued under section 7404 of the
14 education law or are public accountants licensed under section 7405 of
15 the education law. Although firms may include non-licensee owners, the
16 firm and its owners must comply with rules promulgated by the state
17 board of regents. Notwithstanding the foregoing, a firm registered
18 under this section may not have non-licensee owners if the firm's name
19 includes the words "certified public accountant," or "certified public
20 accountants," or the abbreviations "CPA" or "CPAs." Each non-licensee
21 owner of a firm that is registered under this section shall be (1) a
22 natural person who actively participates in the business of the firm or
23 its affiliated entities, or (2) an entity, including, but not limited
24 to, a partnership or professional corporation, provided each beneficial
25 owner of an equity interest in such entity is a natural person who
26 actively participates in the business conducted by the firm or its
27 affiliated entities. For purposes of this subdivision, "actively partic-

1 ipate" means to provide services to clients or to otherwise individually
2 take part in the day-to-day business or management of the firm.

3 § 15. This act shall take effect immediately.

4 PART C

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

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

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

20 43. To pass a resolution, in the discretion of the board, authorizing
21 the use of school bus cameras pursuant to section eleven hundred eigh-
22 teen of the vehicle and traffic law, provided that the board may also
23 enter into contracts with a third party for the installation, adminis-
24 tration, operation, notice processing, and maintenance of such cameras,
25 and for the sharing of revenue derived from such cameras pursuant to

1 section eleven hundred eighteen of the vehicle and traffic law, provided
2 that the purchase, lease, installation, operation and maintenance, or
3 any other costs associated with such cameras shall not be considered an
4 aidable expense pursuant to section thirty-six hundred twenty-three-a of
5 this chapter.

6 § 3. The vehicle and traffic law is amended by adding a new section
7 1118 to read as follows:

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

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

27 (b) In any school district which has adopted a resolution pursuant to
28 subdivision (a) of this section, the owner of a vehicle shall be liable

1 for a penalty imposed pursuant to this section if such vehicle was used
2 or operated with the permission of the owner, express or implied, in
3 violation of subdivision (a) of section eleven hundred seventy-four of
4 this title, and such violation is evidenced by information obtained from
5 a school bus safety camera; provided however that no owner of a vehicle
6 shall be liable for a penalty imposed pursuant to this section where the
7 operator of such vehicle has been convicted of the underlying violation
8 of subdivision (a) of section eleven hundred seventy-four of this title.

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

16 (d) No school district or school bus transportation contractor that
17 has installed cameras pursuant to this section shall access the images
18 from such cameras but shall provide, pursuant to an agreement with the
19 appropriate law enforcement agency or agencies, for the proper handling
20 and custody of such images for the forwarding of such images from such
21 cameras to a law enforcement agency having jurisdiction in the area in
22 which the violation occurred for the purpose of imposing monetary
23 liability on the owner of a motor vehicle for illegally overtaking or
24 passing a school bus in violation of subdivision (a) of section eleven
25 hundred seventy-four of this title. After receipt of such images a
26 police officer shall inspect such videotape and images to determine
27 whether a violation of subdivision (a) of section eleven hundred seven-
28 ty-four of this title was committed. Upon such a finding a certificate,

1 sworn to or affirmed by an officer of such agency, or a facsimile there-
2 of, based upon inspection of photographs, microphotographs, videotape or
3 other recorded images produced by a school bus safety camera, shall be
4 prima facie evidence of the facts contained therein. Any photographs,
5 microphotographs, videotape or other recorded images evidencing such a
6 violation shall be available for inspection in any proceeding to adjudi-
7 cate the liability for such violation.

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

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

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

24 (g) 1. A notice of liability shall be sent by the respective law
25 enforcement agency by first class mail to each person alleged to be
26 liable as an owner for a violation of subdivision (a) of section eleven
27 hundred seventy-four of this title pursuant to this section. Personal
28 delivery on the owner shall not be required. A manual or automatic

1 record of mailing prepared in the ordinary course of business shall be
2 prima facie evidence of the facts contained therein.

3 2. A notice of liability shall contain the name and address of the
4 person alleged to be liable as an owner for a violation of subdivision
5 (a) of section eleven hundred seventy-four of this title pursuant to
6 this section, the registration number of the vehicle involved in such
7 violation, the location where such violation took place, the date and
8 time of such violation and the identification number of the camera which
9 recorded the violation or other document locator number.

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

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

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

27 (i) If an owner receives a notice of liability pursuant to this
28 section for any time period during which the vehicle was reported to a

1 police department as having been stolen, it shall be a valid defense to
2 an allegation of liability for a violation of subdivision (a) of section
3 eleven hundred seventy-four of this title pursuant to this section that
4 the vehicle had been reported to the police as stolen prior to the time
5 the violation occurred and had not been recovered by such time. For
6 purposes of asserting the defense provided by this subdivision it shall
7 be sufficient that a certified copy of the police report on the stolen
8 vehicle be sent by first class mail to the traffic violations bureau,
9 court having jurisdiction or parking violations bureau.

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

1 eleven hundred seventy-four of this title pursuant to this section and
2 shall be sent a notice of liability pursuant to subdivision (g) of this
3 section.

4 (k) 1. If the owner liable for a violation of subdivision (a) of
5 section eleven hundred seventy-four of this title pursuant to this
6 section was not the operator of the vehicle at the time of the
7 violation, the owner may maintain an action for indemnification against
8 the operator.

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

17 (l) Nothing in this section shall be construed to limit the liability
18 of an operator of a vehicle for any violation of subdivision (a) of
19 section eleven hundred seventy-four of this title.

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

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

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

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

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

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

12 6. the number of violations adjudicated and results of such adjudi-
13 cations including breakdowns of dispositions made for violations
14 recorded by such systems;

15 7. the total amount of revenue realized by such school district from
16 such adjudications;

17 8. expenses incurred by such school district in connection with the
18 program; and

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

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

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

27 (c) Every person convicted of a violation of subdivision (a) of this
28 section shall: for a first conviction thereof, be punished by a fine of

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

15 § 5. This act shall take effect immediately.

16 PART D

17 Section 1. This act shall be known and may be cited as the "Senator
18 Jose R. Peralta New York State DREAM Act".

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

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

23 a. (i) Except as provided in subdivision two of section six hundred
24 seventy-four of this part and subparagraph (ii) of this paragraph, an
25 applicant for an award at the undergraduate level of study must either
26 [(i)] (a) have been a legal resident of the state for at least one year

1 immediately preceding the beginning of the semester, quarter or term of
2 attendance for which application for assistance is made, or [(ii)] (b)
3 be a legal resident of the state and have been a legal resident during
4 his or her last two semesters of high school either prior to graduation,
5 or prior to admission to college. Provided further that persons shall be
6 eligible to receive awards under section six hundred sixty-eight or
7 section six hundred sixty-nine of this part who are currently legal
8 residents of the state and are otherwise qualified.

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

17 (a) attended a registered New York state high school for two or more
18 years, graduated from a registered New York state high school, lived
19 continuously in New York state while attending an approved New York
20 state high school, applied for attendance at the institution of higher
21 education for the undergraduate study for which an award is sought, and
22 attended within five years of receiving a New York state high school
23 diploma; or

24 (b) attended an approved New York state program for a state high
25 school equivalency diploma, lived continuously in New York state while
26 attending an approved New York state program for a general equivalency
27 diploma, received a state high school equivalency diploma, subsequently
28 applied for attendance at the institution of higher education for the

1 undergraduate study for which an award is sought, earned admission based
2 on that general equivalency diploma, and attended the institution of
3 higher education for the undergraduate study for which an award is
4 sought within five years of receiving a state high school equivalency
5 diploma; or

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

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

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

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

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

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

16 (b) attended an approved New York state program for a state high
17 school equivalency diploma, lived continuously in New York state while
18 attending an approved New York state program for a general equivalency
19 diploma, received a state high school equivalency diploma, subsequently
20 applied for attendance at the institution of higher education for the
21 graduate study for which an award is sought, and attended the institu-
22 tion of higher education for the graduate study for which an award is
23 sought within ten years of receiving a state high school equivalency
24 diploma; or

25 (c) is otherwise eligible for the payment of tuition and fees at a
26 rate no greater than that imposed for resident students of the state
27 university of New York, the city university of New York or community
28 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 § 5. Paragraph d of subdivision 5 of section 661 of the education law,
9 as amended by chapter 844 of the laws of 1975, is amended to read as
10 follows:

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

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

24 e. Notwithstanding any other provision of this article to the contra-
25 ry, the New York state [residency] eligibility [requirement] require-
26 ments for receipt of awards [is] set forth in paragraphs a and b of this
27 subdivision are waived for a member, or the spouse or dependent of a

1 member, of the armed forces of the United States on full-time active
2 duty and stationed in this state.

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

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

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

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

24 (i) attended an approved New York high school for two or more years,
25 graduated from an approved New York high school, lived continuously in
26 New York state while attending an approved New York high school, and
27 applied for attendance [at] and attended an institution or educational

1 unit of the city university within five years of receiving a New York
2 state high school diploma; or

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

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

16 (a) The board of trustees shall establish positions, departments,
17 divisions and faculties; appoint and in accordance with the provisions
18 of law fix salaries of instructional and non-instructional employees
19 therein; establish and conduct courses and curricula; prescribe condi-
20 tions of student admission, attendance and discharge; and shall have the
21 power to determine in its discretion whether tuition shall be charged
22 and to regulate tuition charges, and other instructional and non-in-
23 structional fees and other fees and charges at the educational units of
24 the city university. The trustees shall review any proposed community
25 college tuition increase and the justification for such increase. The
26 justification provided by the community college for such increase shall
27 include a detailed analysis of ongoing operating costs, capital, debt
28 service expenditures, and all revenues. The trustees shall not impose a

1 differential tuition charge based upon need or income. All students
2 enrolled in programs leading to like degrees at the senior colleges
3 shall be charged a uniform rate of tuition, except for differential
4 tuition rates based on state residency. Notwithstanding any other
5 provision of this paragraph, the trustees may authorize the setting of a
6 separate category of tuition rate, that shall be greater than the
7 tuition rate for resident students and less than the tuition rate for
8 non-resident students, only for students enrolled in distance learning
9 courses who are not residents of the state. The trustees shall further
10 provide that the payment of tuition and fees by any student who is not a
11 resident of New York state, other than a non-immigrant alien within the
12 meaning of paragraph (15) of subsection (a) of section 1101 of title 8
13 of the United States Code, shall be paid at a rate or charge no greater
14 than that imposed for students who are residents of the state if such
15 student:

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

8 A student without lawful immigration status shall also be required to
9 file an affidavit with such institution or educational unit stating that
10 the student has filed an application to legalize his or her immigration
11 status, or will file such an application as soon as he or she is eligi-
12 ble to do so. The trustees shall not adopt changes in tuition charges
13 prior to the enactment of the annual budget. The board of trustees may
14 accept as partial reimbursement for the education of veterans of the
15 armed forces of the United States who are otherwise qualified such sums
16 as may be authorized by federal legislation to be paid for such educa-
17 tion. The board of trustees may conduct on a fee basis extension courses
18 and courses for adult education appropriate to the field of higher
19 education. In all courses and courses of study it may, in its
20 discretion, require students to pay library, laboratory, locker, break-
21 age and other instructional and non-instructional fees and meet the cost
22 of books and consumable supplies. In addition to the foregoing fees and
23 charges, the board of trustees may impose and collect fees and charges
24 for student government and other student activities and receive and
25 expend them as agent or trustee.

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

1 5. "Resident." A person who has resided in the state for a period of
2 at least one year and in the county, city, town, intermediate school
3 district, school district or community college region, as the case may
4 be, for a period of at least six months, both immediately preceding the
5 date of such person's registration in a community college or, for the
6 purposes of section sixty-three hundred five of this article, his or her
7 application for a certificate of residence; provided, however, that this
8 term shall include any student who is not a resident of New York state,
9 other than a non-immigrant alien within the meaning of paragraph (15) of
10 subsection (a) of section 1101 of title 8 of the United States Code, if
11 such student:

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

18 (ii) attended an approved New York state program for general equiv-
19 alency diploma exam preparation, received a general equivalency diploma
20 issued within New York state, lived continuously in New York state while
21 attending an approved New York state program for general equivalency
22 diploma exam preparation, and subsequently applied for attendance [at an
23 institution or educational unit of the state university], earned admis-
24 sion based on that general equivalency diploma, and attended a community
25 college within five years of receiving a general equivalency diploma
26 issued within New York state; or

27 (iii) was enrolled in [an institution or educational unit of the state
28 university] a community college in the fall semester or quarter of the

1 two thousand one--two thousand two academic year and was authorized by
2 such [institution or educational unit] community college to pay tuition
3 at the rate or charge imposed for students who are residents of the
4 state.

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

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

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

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

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

4 (v) Any necessary supplemental financial assistance, which may include
5 the cost of books and necessary maintenance for such students, including
6 students without lawful immigration status provided that the student
7 meets the requirements set forth in subparagraph (ii) of paragraph a or
8 subparagraph (ii) of paragraph b of subdivision five of section six
9 hundred sixty-one of this chapter, as applicable; provided, however,
10 that such supplemental financial assistance shall be furnished pursuant
11 to criteria promulgated by such universities and approved by the regents
12 and the director of the budget.

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

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

1 approved, undergraduate level program of study, as defined by the
2 regents.

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

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

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

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

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

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

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

27 (ii) An applicant who is not a legal resident of the state eligible
28 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 graduate 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 graduate study for which an award is sought, and
12 attended within ten 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 graduate study for which an award is sought, and attended the institu-
20 tion of higher education for the graduate study for which an award is
21 sought within ten years of receiving a state high school equivalency
22 diploma; or

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

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

6 § 15. Subparagraph (i) of paragraph a of subdivision 2 of section
7 695-e of the education law, as amended by chapter 593 of the laws of
8 2003, is amended to read as follows:

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

16 § 16. Subparagraph (iii) of paragraph a of subdivision 2 of section
17 695-e of the education law, as amended by chapter 593 of the laws of
18 2003, is amended to read as follows:

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

26 § 17. The president of the higher education services corporation shall
27 establish an application form and procedures that shall allow a student
28 applicant that meets the requirements set forth in subparagraph (ii) of

1 paragraph a or subparagraph (ii) of paragraph b of subdivision 5 of
2 section 661 of the education law to apply directly to the higher educa-
3 tion services corporation for applicable awards without having to submit
4 information to any other state or federal agency. All information
5 contained with the applications filed with such corporation shall be
6 deemed confidential, except that the corporation shall be entitled to
7 release information to participating institutions as necessary for the
8 administration of financial aid programs and to the extent required
9 pursuant to article 6 of the public officers law or otherwise required
10 by law.

11 § 18. The higher education services corporation is authorized to
12 promulgate rules and regulations, and may promulgate emergency regu-
13 lations, necessary for the implementation of the provisions of this act.

14 § 19. This act shall take effect on the ninetieth day after the issu-
15 ance of regulations and the development of an application form by the
16 president of the higher education services corporation or on the nineti-
17 eth day after it shall have become a law, whichever shall be later;
18 provided, however, that:

19 a. the amendments to subparagraphs (i) and (ii) of paragraph (a-1) of
20 subdivision 7 of section 6206 of the education law made by section eight
21 of this act shall not affect the expiration of such paragraph and shall
22 be deemed to expire therewith, when upon such date the provisions of
23 section nine of this act shall take effect; and

24 b. the president of the higher education services corporation shall
25 notify the legislative bill drafting commission upon the occurrence of
26 the issuance of regulations and the development of an application form
27 provided for in this section in order that the commission may maintain
28 an accurate and timely effective data base of the official text of the

1 laws of the state of New York in furtherance of effectuating the
2 provisions of section 44 of the legislative law and section 70-b of the
3 public officers law.

4 PART E

5 Section 1. This act shall be known and be cited as the "For-Profit
6 College Accountability Act".

7 § 2. The education law is amended by adding a new section 239-c to
8 read as follows:

9 § 239-c. Standards for for-profit higher education institutions. 1.
10 For the purposes of this section a "proprietary institution of higher
11 education" means a school that:

12 (a) (i) provides an eligible program of training to prepare students
13 for gainful employment in a recognized occupation; or

14 (ii) provides a program leading to an associates or baccalaureate
15 degree;

16 (b) is legally authorized in New York state to provide a program of
17 education beyond secondary education; and

18 (c) is neither a public or nonprofit institution.

19 2. (a) Commencing in the two thousand nineteen--two thousand twenty
20 academic year and thereafter, a proprietary institution of higher educa-
21 tion, shall derive not less than twenty percent of such institution's
22 annual revenues from sources other than the combined revenues from
23 limited revenue sources as defined in subparagraph (i) of this para-
24 graph.

1 (i) For the purposes of this subdivision "limited revenue sources"
2 means: (A) the tuition assistance program pursuant to section six
3 hundred sixty-seven of this title;
4 (B) the enhanced tuition award pursuant to section six hundred sixty-
5 seven-d of this title;
6 (C) all federal student loan and grant programs authorized under
7 Subchapter IV of Chapter 28 of Title 20 of the United States Code; and
8 (D) any other local, state, or federal government loan, grant, or
9 scholarship program utilized to pay tuition, institutional fees, room
10 and board, or other costs of attendance on behalf of a student or
11 students utilizing public funds.

12 (ii) For purposes of this subdivision "limited revenue sources" shall
13 not include:
14 (A) the amount of funds the institution received from private or non-
15 government sources;
16 (B) the amount of funds received by students in the form of direct
17 payment;
18 (C) the amount of funds provided by the institution as matching funds
19 for a limited revenue source;
20 (D) interest or investment income;
21 (E) the amount of funds provided by the institution for a limited
22 revenue source that are required to be refunded or returned; and
23 (F) the amount charged for books, supplies, and equipment, unless the
24 institution includes that amount as tuition, fees, or other institu-
25 tional charges.

26 (iii) For purposes of this subdivision, institutional aid provided to
27 students by the institution shall not be included within the calculation
28 of annual revenues.

1 (b) A proprietary institution of higher education that fails to meet
2 the requirement of paragraph (a) of this subdivision for two consecutive
3 academic years shall be ineligible to enroll new students participating
4 in any program authorized under this chapter for a period of not less
5 than two academic years, commencing with the academic year immediately
6 following the year in which the institution's financial statement demon-
7 strating failure to meet the requirement for the second consecutive
8 academic year is submitted to the commissioner pursuant to subdivision
9 four of this section. To regain eligibility to enroll new students
10 participating in the programs authorized under this chapter, a proprie-
11 tary institution of higher education shall demonstrate compliance with
12 paragraph (a) of this subdivision for a minimum of two academic years
13 after the academic year in which the institution became ineligible.

14 3. On or before September first, a proprietary institution of higher
15 education shall annually submit to the commissioner and the commissioner
16 shall publish on the department's website a detailed financial statement
17 disclosing the institution's revenues and expenditures for the prior
18 academic year and shall disclose the sources of revenue by type as well
19 as types of expenditures. Such statement shall also include a listing of
20 the total individual compensation from the institution to all officers,
21 directors, board members, trustees, shareholders, members, owners, and
22 senior administrators, including all fringe benefits, bonuses, and
23 performance incentives paid in the prior academic year. Such statement
24 shall adhere to generally accepted accounting principles and shall be
25 certified by an independent certified public accountant and certified by
26 the president of the institution. Such statement shall be submitted in a
27 form and manner as determined by the commissioner.

1 4. No proprietary institution of higher education shall permit any
2 senior staff or board member of the institution to serve on the board of
3 any regional or national accrediting agency or association which is an
4 accreditor of the institution.

5 5. No proprietary institution of higher education shall include any
6 provision requiring arbitration of disputes within any student enroll-
7 ment contract or agreement.

8 6. (a) Commencing in the two thousand nineteen--two thousand twenty
9 academic year and thereafter, no less than fifty percent of a proprie-
10 tary institution of higher education's annual expenditures shall be made
11 in the area of student instruction.

12 (b) for the purposes of this subdivision "student instruction" means
13 expenditures for salaries, fringe benefits, professional development
14 expenses, and other payments made to instructors related to classroom
15 instruction. Such term does not include expenditures for staff training
16 required under state or federal laws, or for student recruitment,
17 marketing, direct mailing, or expenses of non-instructional staff.

18 (c) A proprietary institution of higher education that fails to meet
19 the requirement of paragraph (a) of this subdivision for two consecutive
20 academic years shall be ineligible to enroll new students participating
21 in any program authorized under this chapter for a period of not less
22 than two academic years, commencing with the academic year immediately
23 following the year in which the institution's financial statement demon-
24 strating failure to meet the requirement for the second consecutive
25 academic year is submitted to the commissioner pursuant to subdivision
26 four of this section. To regain eligibility to enroll new students
27 participating in the programs authorized under this chapter, a proprie-
28 tary institution of higher education shall demonstrate compliance with

1 paragraph (a) of this subdivision for a minimum of two academic years
2 after the academic year in which the institution became ineligible.

3 7. Failure to comply with the provisions of this section or a direc-
4 tive of the commissioner arising therefrom shall constitute a violation
5 of the laws governing state financial aid programs for the purposes of
6 section six hundred sixty-five-a of this title, and the president of the
7 higher education services corporation shall be authorized to terminate
8 existing agreements with the institution to participate in state finan-
9 cial aid programs and may prohibit participation of the institution in
10 state financial aid programs with respect to students enrolled after the
11 date of termination of such agreements. Further, where a proprietary
12 institution of higher education fails to comply with the provisions of
13 this section or a directive of the commissioner arising therefrom, the
14 commissioner shall be authorized to rescind such institution's authority
15 to enroll new students in academic programs in the state.

16 8. The commissioner is authorized to promulgate rules and regulations,
17 and may promulgate emergency regulations, necessary for the implementa-
18 tion of the provisions of this section.

19 § 3. This act shall take effect immediately.

20 PART F

21 Section 1. Section 97-z of the state finance law, as added by chapter
22 625 of the laws of 1987, subdivision 3 as amended by chapter 83 of the
23 laws of 1995, is amended to read as follows:

24 § 97-z. Arts capital [revolving] grants fund. 1. A special fund to be
25 known as the "arts capital [revolving] grants fund" is hereby estab-

1 lished in the custody of the state comptroller and the commissioner of
2 taxation and finance.

3 2. The fund shall consist of all monies appropriated for its purpose,
4 all monies transferred to such fund pursuant to law, all monies required
5 by this section or any other provision of law to be paid into or credit-
6 ed to the fund[, including payments of principal of and interest on
7 loans made from the fund] and any interest earnings which may accrue
8 from the investment of monies in the fund. Nothing contained herein
9 shall prevent the New York state council on the arts from receiving
10 grants, gifts or bequests for the purposes of the fund as defined in
11 this section and depositing them into the fund according to law.

12 3. Monies of the fund, when allocated, shall be available for adminis-
13 trative costs of the council and to make [loans] grants to eligible
14 not-for-profit arts organizations as provided in section 3.07 of the
15 arts and cultural affairs law [and to pay the reasonable administrative
16 costs of the dormitory authority incurred in monitoring construction on
17 eligible projects and costs associated with contracts with outside enti-
18 ties to disburse loans and receive payments on such loans, as provided
19 in such section].

20 4. Monies shall be payable from the fund on the audit and warrant of
21 the comptroller on vouchers approved and certified by the chairman of
22 the New York state council on the arts.

23 § 2. This act shall take effect immediately.

24 PART G

25 Section 1. Notwithstanding any other provision of law, the housing
26 trust fund corporation may provide, for purposes of the neighborhood

1 preservation program, a sum not to exceed \$8,479,000 for the fiscal year
2 ending March 31, 2020. Notwithstanding any other provision of law, and
3 subject to the approval of the New York state director of the budget,
4 the board of directors of the state of New York mortgage agency shall
5 authorize the transfer to the housing trust fund corporation, for the
6 purposes of reimbursing any costs associated with neighborhood preserva-
7 tion program contracts authorized by this section, a total sum not to
8 exceed \$8,479,000, such transfer to be made from (i) the special account
9 of the mortgage insurance fund created pursuant to section 2429-b of the
10 public authorities law, in an amount not to exceed the actual excess
11 balance in the special account of the mortgage insurance fund, as deter-
12 mined and certified by the state of New York mortgage agency for the
13 fiscal year 2018-2019 in accordance with section 2429-b of the public
14 authorities law, if any, and/or (ii) provided that the reserves in the
15 project pool insurance account of the mortgage insurance fund created
16 pursuant to section 2429-b of the public authorities law are sufficient
17 to attain and maintain the credit rating (as determined by the state of
18 New York mortgage agency) required to accomplish the purposes of such
19 account, the project pool insurance account of the mortgage insurance
20 fund, such transfer to be made as soon as practicable but no later than
21 June 30, 2019.

22 § 2. Notwithstanding any other provision of law, the housing trust
23 fund corporation may provide, for purposes of the rural preservation
24 program, a sum not to exceed \$3,539,000 for the fiscal year ending March
25 31, 2020. Notwithstanding any other provision of law, and subject to
26 the approval of the New York state director of the budget, the board of
27 directors of the state of New York mortgage agency shall authorize the
28 transfer to the housing trust fund corporation, for the purposes of

1 reimbursing any costs associated with rural preservation program
2 contracts authorized by this section, a total sum not to exceed
3 \$3,539,000, such transfer to be made from (i) the special account of the
4 mortgage insurance fund created pursuant to section 2429-b of the public
5 authorities law, in an amount not to exceed the actual excess balance in
6 the special account of the mortgage insurance fund, as determined and
7 certified by the state of New York mortgage agency for the fiscal year
8 2018-2019 in accordance with section 2429-b of the public authorities
9 law, if any, and/or (ii) provided that the reserves in the project pool
10 insurance account of the mortgage insurance fund created pursuant to
11 section 2429-b of the public authorities law are sufficient to attain
12 and maintain the credit rating (as determined by the state of New York
13 mortgage agency) required to accomplish the purposes of such account,
14 the project pool insurance account of the mortgage insurance fund, such
15 transfer to be made as soon as practicable but no later than June 30,
16 2019.

17 § 3. This act shall take effect immediately.

18 PART H

19 Section 1. Subparagraph (i) of paragraph (a) of subdivision 1 of
20 section 390 of the social services law, as added by chapter 750 of the
21 laws of 1990, is amended to read as follows:

22 (i) "Child day care" shall mean child care where a license or regis-
23 tration pursuant to this section is required and shall include care for
24 a child on a regular basis provided away from the child's residence for
25 less than twenty-four hours per day by someone other than: (1) the
26 parent, step-parent, guardian, or relative within the third degree of

1 consanguinity of the parents or step-parents of such child; or (2) an
2 enrolled legally-exempt provider as such term is defined in paragraph
3 (g) of this subdivision.

4 § 2. Subdivision 1 of section 390 of the social services law is
5 amended by adding two new paragraphs (g) and (h) to read as follows:

6 (g) "Enrolled legally-exempt provider" shall mean a person or entity
7 that is not required to be licensed or registered pursuant to this
8 section and that is enrolled to provide subsidized child care services
9 to eligible families in accordance with title five-C of this article and
10 the regulations of the office of children and family services.

11 (h) "Relative enrolled legally-exempt provider" shall mean an enrolled
12 legally-exempt provider who is an individual, age eighteen or older, and
13 who, by virtue of blood, marriage or court decree, is, to all of the
14 children that such person is enrolled to provide subsidized child care
15 services to in accordance with title five-C of this article:

16 (i) a grandparent;

17 (ii) a great-grandparent;

18 (iii) a sibling provided that such sibling resides in a separate
19 household from the child;

20 (iv) an aunt; or

21 (v) an uncle.

22 § 3. Paragraph (a) of subdivision 2 of section 390 of the social
23 services law, as amended by chapter 117 of the laws of 2010, is amended
24 to read as follows:

25 (a) Child day care centers caring for seven or more children and group
26 family day care programs, as defined in subdivision one of this section,
27 shall obtain a license from the office of children and family services
28 and shall operate in accordance with the terms of such license and the

1 regulations of such office. Initial licenses [shall be valid for a peri-
2 od of up to two years;] and subsequent licenses shall be valid for a
3 period of up to four years so long as the provider remains substantially
4 in compliance with applicable law and regulations during such period.

5 § 4. Clause (A) of subparagraph (ii) of paragraph (d) of subdivision 2
6 of section 390 of the social services law, as amended by chapter 117 of
7 the laws of 2010, is amended to read as follows:

8 (A) Initial registrations [shall be valid for a period of up to two
9 years,] and subsequent registrations shall be valid for a period of up
10 to four years so long as the provider remains substantially in compli-
11 ance with applicable law and regulations during such period.

12 § 5. Paragraphs (a) and (b) of subdivision 3 of section 390 of the
13 social services law, paragraph (a) as amended by chapter 416 of the laws
14 of 2000, and paragraph (b) as amended by chapter 117 of the laws of
15 2010, are amended to read as follows:

16 (a) The office of children and family services may make announced or
17 unannounced inspections of the records and premises of any child [day]
18 care provider, whether or not such provider has a license from, or is
19 registered with, the office of children and family services. The office
20 of children and family services shall make unannounced inspections of
21 the records and premises of any child day care provider within fifteen
22 days after the office of children and family services receives a
23 complaint that, if true, would indicate such provider does not comply
24 with the applicable regulations of the office of children and family
25 services or with statutory requirements. If the complaint indicates that
26 there may be imminent danger to the children, the office of children and
27 family services shall investigate the complaint no later than the next

1 day of operation of the provider. The office of children and family
2 services may provide for inspections through the purchase of services.

3 (b) (i) Where inspections have been made and violations of applicable
4 statutes or regulations have been found, the office of children and
5 family services shall within ten days advise the child day care provider
6 in writing of the violations and require the provider to correct such
7 violations. The office of children and family services may also act
8 pursuant to subdivisions ten and eleven of this section.

9 (ii) Where inspections have been made and violations of applicable
10 statutes or regulations have been found, the office of children and
11 family services or its designee shall, within ten days, advise the
12 enrolled legally-exempt provider in writing of the violations and
13 require the provider to correct such violations.

14 § 6. Paragraph (a) of subdivision 4 of section 390 of the social
15 services law, as amended by chapter 416 of the laws of 2000, is amended
16 to read as follows:

17 (a) The office of children and family services on an annual basis
18 shall inspect [at least twenty percent of all registered family day care
19 homes, registered child day care centers and registered school age child
20 care programs to determine whether such homes, centers and programs are
21 operating in compliance with applicable statutes and regulations. The
22 office of children and family services shall increase the percentage of
23 family day care homes, child day care centers and school age child care
24 programs which are inspected pursuant to this subdivision as follows: to
25 at least thirty percent by the thirty-first of December two thousand;
26 and to at least fifty percent by the thirty-first of December two thou-
27 sand one] all child day care programs and all enrolled legally-exempt
28 providers other than relative enrolled legally-exempt providers. The

1 office of children and family services may provide for such inspections
2 through purchase of services. [Priority shall be given to family day
3 care homes which have never been licensed or certified prior to initial
4 registration.]

5 § 7. Subdivision 3 of section 390-a of the social services law, as
6 added by chapter 416 of the laws of 2000, paragraph (b) as amended by
7 chapter 552 of the laws of 2003, subparagraph (ix) as amended by chapter
8 117 of the laws of 2010, is amended to read as follows:

9 3. (a) The office of children and family services shall promulgate
10 regulations requiring operators, program directors, employees and
11 assistants of family day care homes, group family day care homes,
12 school-age child care programs and child day care centers to receive
13 pre-service and annual training, as applicable. Provided however that
14 such providers shall be required to receive thirty hours of training
15 every two years; provided, further however, that fifteen hours of such
16 training must be received within the first six months of the initial
17 licensure, registration or employment. Such training requirements shall
18 also apply to any volunteer in such day care homes, programs or centers
19 who has the potential for regular and substantial contact with children.
20 The thirty hours of training required during the first biennial cycle
21 after initial licensure or registration shall include training received
22 while an application for licensure or registration pursuant to section
23 three hundred ninety of this title is pending. The office of children
24 and family services may provide this training through purchase of
25 services.

26 (b) The training required in paragraph (a) of this subdivision shall
27 address topics and subject matters required by federal law and the
28 following topics or subject matters, unless such topics or subject

1 matters are substantially covered in training that is required pursuant
2 to federal law:

- 3 (i) principles of childhood development, focusing on the developmental
4 stages of the age groups for which the program provides care;
- 5 (ii) nutrition and health needs of infants and children;
- 6 (iii) child day care program development;
- 7 (iv) safety and security procedures;
- 8 (v) business record maintenance and management;
- 9 (vi) child abuse and maltreatment identification and prevention;
- 10 (vii) statutes and regulations pertaining to child day care;
- 11 (viii) statutes and regulations pertaining to child abuse and
12 maltreatment; and
- 13 (ix) for operators, program directors, employees and assistants of
14 family day care homes, group family day care homes and child day care
15 centers, education and information on the identification, diagnosis and
16 prevention of shaken baby syndrome.
- 17 (c) For the thirty hours of biennial training required after the
18 initial period of licensure or registration, each provider who can
19 demonstrate basic competency shall determine in which of the specified
20 topics he or she needs further study, based on the provider's experience
21 and the needs of the children in the provider's care.
- 22 (d) Family day care home and group family day care home operators
23 shall obtain training pertaining to protection of the health and safety
24 of children, as required by regulation, prior to the issuance of a
25 license or registration by the office of children and family services.
- 26 (e) Upon request by the office of children and family services, the
27 child day care applicant or provider shall submit documentation demon-
28 strating compliance with the training requirements of this section.

1 § 8. The section heading of section 390-b of the social services law,
2 as added by chapter 416 of the laws of 2000, is amended to read as
3 follows:

4 Criminal history review and background clearances of child care
5 providers, generally.

6 § 9. Subdivisions 1, 2 and 3 of section 390-b of the social services
7 law are REPEALED and five new subdivisions 1, 1-a, 2, 3 and 3-a are
8 added to read as follows:

9 1. Notwithstanding any other provision of law to the contrary, and
10 subject to rules and regulations of the office of children and family
11 services and, where applicable, the division of criminal justice
12 services, the following clearances shall be conducted for entities spec-
13 ified in subdivision two of this section in the time and manner as
14 required by this section:

15 (a) a criminal history record check with the division of criminal
16 justice services;

17 (b) a search of the criminal history repository in each state other
18 than New York where such person resides or resided during the preceding
19 five years, if applicable unless such state's criminal history record
20 information will be provided as part of the results or the clearance
21 conducted pursuant to paragraph (c) of this subdivision;

22 (c) a national criminal record check with the federal bureau of inves-
23 tigation; the division of criminal justice services is directed to
24 submit fingerprints to the federal bureau of investigation for the
25 purpose of a nationwide criminal history record check, pursuant to and
26 consistent with public law 113-186 to determine whether such persons
27 shall have a criminal history in any state or federal jurisdiction;

28 (d) a search of the New York state sex offender registry;

1 (e) a search of any state sex offender registry or repository in each
2 state other than New York where such person resides or resided during
3 the preceding five years, if applicable unless such state's sex offender
4 registry information will be provided as part of the clearance conducted
5 pursuant to paragraph (f) of this subdivision;

6 (f) a search of the national sex offender registry using the national
7 crime and information center, established under the Adam Walsh child
8 protection and safety act of 2006 (42 U.S.C. 16901 et seq.);

9 (g) a database check of the statewide central register of child abuse
10 and maltreatment in accordance with section four hundred twenty-four-a
11 of this article; and

12 (h) a search of a state-based child abuse or neglect repository of any
13 state other than New York where such person resides or resided during
14 the preceding five years; if applicable.

15 1-a. For purposes of this section, and in accordance with federal law,
16 the term "enrolled legally-exempt provider" shall refer to a person who
17 meets the definition of "enrolled legally-exempt provider" as defined in
18 paragraph (g) of subdivision one of section three hundred ninety of this
19 title and who is not an individual who is related to all children for
20 whom child care services are provided.

21 2. In relation to any child day care program and any enrolled legal-
22 ly-exempt provider:

23 (a) the clearances required pursuant to paragraphs (a), (c), (d) and
24 (g) of subdivision one of this section shall be conducted for:

25 (i) every prospective volunteer with the potential for unsupervised
26 contact with children in care;

27 (ii) every applicant to become an enrolled legally-exempt provider;

1 (iii) every prospective caregiver or employee, including directors and
2 operators of such a program; and

3 (iv) where the child care services will be or are provided in a home
4 setting where the child does not reside, any individual age eighteen or
5 older who, for a prospective program, resides, or who, for an existing
6 program, begins residing on the premises where the child care services
7 are provided;

8 (b) notwithstanding any other provision of law to the contrary, prior
9 to October first, two thousand twenty, all clearances listed in subdivi-
10 sion one of this section that have not previously been conducted pursu-
11 ant to paragraph (a) of this subdivision and for which on-going criminal
12 history results are not already provided, shall be conducted in accord-
13 ance with a schedule developed by the office of children and family
14 services, for all:

15 (i) existing volunteers with the potential for unsupervised contact
16 with children in care;

17 (ii) existing caregivers and employees including directors and opera-
18 tors of any such program; and

19 (iii) where the child care services are provided in a home setting
20 where the child does not reside, any individual age eighteen or older
21 who resides on the premises where the child care services are provided;

22 (c) notwithstanding any other provision of law to the contrary, the
23 clearances required pursuant to this section other than those for which
24 on-going criminal history results are provided, shall be conducted for a
25 person listed in subparagraphs (i), (ii) and (iii) of paragraph (b) of
26 this subdivision at least once every five years in accordance with a
27 schedule developed by the office of children and family services.

1 3. (a) Notwithstanding any other provision of law to the contrary, in
2 relation to the clearances required pursuant this section, an individual
3 or a program shall be deemed ineligible, as such term is defined in
4 paragraph (b) of this subdivision, if such individual:

5 (i) refuses to consent to such clearance;

6 (ii) knowingly makes a materially false statement in connection with
7 such a clearance;

8 (iii) is registered, or is required to be registered, on a state sex
9 offender registry or repository or the national sex offender registry
10 established under the Adam Walsh child protection and safety act of 2006
11 (42 U.S.C. 16901 et seq.); or

12 (iv) has been convicted of a crime enumerated in subparagraph (E) or
13 clauses (i) through (viii) of subparagraph (D) of paragraph (1) of
14 subdivision (C) of 42 U.S.C. 9858f.

15 (b) For purpose of this subdivision, the term "ineligible" shall mean:

16 (i) the individual who engaged in conduct listed in paragraph (a) of
17 this subdivision shall not be permitted to:

18 (1) operate, direct, be the caregiver for, or be employed by a child
19 day care program or an enrolled legally-exempt provider; or

20 (2) be a volunteer with the potential for unsupervised contact with
21 children in a child day care program or with an enrolled legally-exempt
22 provider; or

23 (3) be an enrolled legally-exempt provider; or

24 (ii) in relation to child day care programs or any enrolled legally-
25 exempt providers, where child care is, or is proposed to be provided, to
26 a child in a home setting where such child does not reside, such program
27 or provider shall not be eligible to operate or to be enrolled to serve
28 children receiving child care subsidies pursuant to title five-C of this

1 article, if an individual over the age of eighteen who resides in the
2 household where child care is, or is proposed to be provided, engaged in
3 conduct listed in paragraph (a) of this subdivision.

4 3-a. (a) In relation to child day care programs and any enrolled
5 legally-exempt provider, when a clearance conducted pursuant to this
6 section reveals that any existing operator, director, caregiver, or
7 person over the age of eighteen that resides in a home where child care
8 is provided in a home setting where the child does not reside has been
9 convicted of a crime other than one set forth in subparagraph (iv) of
10 paragraph (a) of subdivision three of this section, the office of chil-
11 dren and family services shall conduct a safety assessment of the
12 program and take all appropriate steps to protect the health and safety
13 of the children in the program, and may deny, limit, suspend, revoke or
14 reject such program's license or registration or terminate or reject
15 such program's enrollment, as applicable, unless the office of children
16 and family services, determines in its discretion, that continued opera-
17 tion by the child day care program or enrolled legally-exempt provider
18 will not in any way jeopardize the health, safety or welfare of the
19 children cared for in the program or by the provider.

20 (b) In relation to child day care programs and any enrolled legally-
21 exempt provider, when a clearance conducted pursuant to this section
22 reveals that any existing employee or volunteer with the potential for
23 unsupervised contact with children has been convicted of a crime other
24 than one set forth in subparagraph (iv) of paragraph (a) of subdivision
25 three of this section, the office of children of family services shall
26 conduct a safety assessment of the program and take all appropriate
27 steps to protect the health and safety of the children in the program.
28 The office of children of family services may direct the program or

1 provider to terminate the employee or volunteer based on such a
2 conviction, consistent with article twenty-three-A of the correction
3 law.

4 (c) In relation to any child day care programs and any enrolled legal-
5 ly-exempt providers or any applicants to become an enrolled legally-ex-
6 empt provider, where a clearance conducted pursuant to this section
7 reveals a conviction for a crime other than one set forth in subpara-
8 graph (iv) of paragraph (a) of subdivision three of this section, for
9 any prospective employee, volunteer, or applicant seeking enrollment,
10 the office of children and family services may direct that such person
11 not be hired or be enrolled, as applicable, based on such a conviction,
12 consistent with article twenty-three-A of the correction law.

13 (d) (i) Where a clearance conducted pursuant to this section reveals
14 that an applicant to be the operator or director of a child day care
15 program, or anyone who resides in the home over the age of eighteen
16 where child day care is proposed to be provided to children in a home-
17 based setting has been charged with a crime, the office of children and
18 family services shall hold the application in abeyance until the charge
19 is finally resolved.

20 (ii) Where a clearance conducted pursuant to this section reveals that
21 the current operator or director of a child day care program or any
22 person over the age of eighteen that resides in a home where child day
23 care is provided has been charged with a crime, the office of children
24 and family services shall conduct a safety assessment of the program and
25 take all appropriate steps to protect the health and safety of children
26 in the program. The office of children and family services may suspend a
27 license or registration or terminate enrollment based on such a charge

1 when necessary to protect the health and safety of children in the
2 program.

3 (iii) Where a clearance conducted pursuant to this section reveals
4 that an existing caregiver, volunteer or an existing employee of an
5 enrolled legally-exempt provider or any person over the age of eighteen
6 that resides in a home where child care is provided by an enrolled
7 legally-exempt provider in a home setting where the child does not
8 reside, has been charged with a crime, the office of children and family
9 services shall take one or more of the following steps:

10 (A) conduct a safety assessment; or

11 (B) take all appropriate steps to protect the health and safety of
12 children in the program.

13 (iv) Where a clearance conducted pursuant to this section reveals that
14 an applicant to be an employee or volunteer with the potential for unsu-
15 pervised contact with children of a child day care program has been
16 charged with a crime, the office shall hold the application in abeyance
17 until the charge is finally resolved.

18 (v) Where a clearance conducted pursuant to this section reveals that
19 a current employee, or current volunteer with the potential for unsuper-
20 vised contact with children of a child day care program or enrolled
21 legally-exempt provider has been charged with a crime, the office of
22 children and family services shall conduct a safety assessment of the
23 program and take all appropriate steps to protect the health and safety
24 of the children in the program.

25 § 10. Subdivision 6 of section 390-b of the social services law is
26 REPEALED and a new subdivision 6 is added to read as follows:

27 6. The office of children and family services shall pay any required
28 processing fee for a criminal history or sex offender clearance pursuant

1 to this section. The office of children and family services shall
2 promptly submit fingerprints obtained pursuant to this section and such
3 processing fee to the division of criminal justice services.

4 § 11. Subdivision 7 of section 390-b of the social services law, as
5 added by chapter 416 of the laws of 2000, is amended to read as follows:

6 7. Where the office of children and family services or its designee
7 denies or directs a child day care or an enrolled legally-exempt provid-
8 er to deny an application based on the criminal history record[,]; (a)
9 the provider must notify the applicant that such record is the basis of
10 the denial; and (b) the office of children and family services shall
11 also notify as the case may be, such current or prospective operator,
12 director, employee, assistant, legally exempt provider, volunteer with
13 the potential for unsupervised contact with children or other person
14 eighteen years of age or older, who resides in the home where care is
15 provided, other than the child's home, that the criminal record check
16 was the basis for the denial of clearance and shall provide such indi-
17 vidual with a copy of the results of the national criminal record check
18 upon which such denial was based together with a written statement
19 setting forth the reasons for such denial, as well as a copy of article
20 twenty-three-A of the correction law and inform such individual of his
21 or her right to seek correction of any incorrect information contained
22 in such national record check provided by the federal bureau of investi-
23 gation.

24 § 12. Subdivisions 9 and 10 of section 390-b of the social services
25 law, as added by chapter 416 of the laws of 2000, are amended and a new
26 subdivision 11 is added to read as follows:

27 9. (a) Any criminal history record provided by the division of crimi-
28 nal justice services, and any summary of the criminal history record

1 provided by the office of children and family services to a [child day
2 care provider] person that receives a clearance pursuant to this
3 section, is confidential and shall not be available for public
4 inspection; provided, however, nothing herein shall prevent [a child day
5 care provider or] the office of children and family services from
6 disclosing criminal history information or the individual from disclos-
7 ing his or her criminal history information at any administrative or
8 judicial proceeding relating to the denial or revocation of an applica-
9 tion, employment, license or registration. The subject of a criminal
10 history review conducted pursuant to this section shall be entitled to
11 receive, upon written request, a copy of the summary of the criminal
12 history record [provided by the office of children and family services
13 to the child day care provider]. Unauthorized disclosure of such
14 records or reports shall be subject [the provider] to civil penalties in
15 accordance with the provisions of subdivision eleven of section three
16 hundred ninety of this title.

17 (b) The office of children and family services shall not release the
18 content of the results of the nationwide criminal history record check
19 conducted by the federal bureau of investigation in accordance with this
20 subdivision to any non-public entity.

21 10. A child day care or enrolled legally-exempt provider shall advise
22 the office of children and family services when an individual who is
23 subject to criminal history record review in accordance with subdivision
24 one or two of this section is no longer subject to such review. The
25 office of children and family services shall inform the division of
26 criminal justice services when an individual who is subject to criminal
27 history review is no longer subject to such review so that the division
28 of criminal justice services may terminate its retain processing with

1 regard to such person. At least once a year, the office of children and
2 family services will be required to conduct a validation of the records
3 maintained by the division of criminal justice services.

4 11. Child day care centers which are not subject to the provisions of
5 section three hundred ninety of this title shall not be subject to the
6 provisions of this section, provided however, that the city of New York
7 shall require that such child day care centers meet the requirements of
8 any federal laws and regulations pertaining to the child care develop-
9 ment and block grant and the related federally approved plans of the
10 state of New York.

11 § 13. Subparagraph (z) of paragraph (A) of subdivision 4 of section
12 422 of the social services law, as amended by section 11 of part L of
13 chapter 56 of the laws of 2015, is amended to read as follows:

14 (z) an entity with appropriate legal authority in another state to
15 license, certify or otherwise approve prospective foster parents,
16 prospective adoptive parents, prospective relative guardians [or],
17 prospective successor guardians or child care program where disclosure
18 of information regarding such prospective foster or prospective adoptive
19 parents or prospective relative or prospective successor guardians and
20 other persons over the age of eighteen residing in the home of such
21 persons [is] or where child care is provided, as required under either
22 title IV-E of the federal social security act or the federal child care
23 and development block grant act (section nine thousand eight hundred
24 fifty-eight, et seq. of title forty-two of the United States Code); and

25 § 14. Paragraph (a) of subdivision 1 of section 424-a of the social
26 services law, as amended by section 12 of part L of chapter 56 of the
27 laws of 2015, is amended to read as follows:

1 (a) A licensing agency shall inquire of the [department] office of
2 children and family services and the [department] office shall, subject
3 to the provisions of paragraph (e) of this subdivision, inform such
4 agency and the subject of the inquiry whether an applicant for a certif-
5 icate, license, enrollment or permit, [assistants to group] or to become
6 an employee or volunteer with the potential for unsupervised contact
7 with children in care of a family day care [providers] provider or an
8 enrolled legally-exempt provider as such term is defined in subdivision
9 one-a of section three hundred ninety-b of this article the director of
10 a camp subject to the provisions of article thirteen-B of the public
11 health law, a prospective successor guardian when a clearance is
12 conducted pursuant to paragraph (d) of subdivision two of section four
13 hundred fifty-eight-b of this article, and any person over the age of
14 eighteen who resides in the home of a person who has applied to become
15 an adoptive parent or a foster parent or to operate a family day care
16 home or group family day care home or any person over the age of eigh-
17 teen residing in the home of a prospective successor guardian when a
18 clearance is conducted of a prospective successor guardian pursuant to
19 this paragraph, or any person age eighteen or older that resides on the
20 premises of where child care is provided in a setting that is not the
21 child's own home by an enrolled legally-exempt provider as such term is
22 defined in subdivision one-a of section three hundred ninety-b of this
23 article has been or is currently the subject of an indicated child abuse
24 and maltreatment report on file with the statewide central register of
25 child abuse and maltreatment.

26 § 15. Subdivision 4 of section 424-a of the social services law, as
27 amended by section 14 of part L of chapter 56 of the laws of 2015, is
28 amended to read as follows:

1 4. For purposes of this section, the term "licensing agency" shall
2 mean an authorized agency which has received an application to become an
3 adoptive parent or an authorized agency which has received an applica-
4 tion for a certificate or license to receive, board or keep any child
5 pursuant to the provisions of section three hundred seventy-six or three
6 hundred seventy-seven of this article or an authorized agency which has
7 received an application from a relative within the second degree or
8 third degree of consanguinity of the parent of a child or a relative
9 within the second degree or third degree of consanguinity of the step-
10 parent of a child or children, or the child's legal guardian for
11 approval to receive, board or keep such child, or an authorized agency
12 that conducts a clearance pursuant to paragraph (d) of subdivision two
13 of section four hundred fifty-eight-b of this article, or a state or
14 local governmental agency which receives an application to provide child
15 day care services in a child day care center, school-age child care
16 program, family day care home or group family day care home or enrolled
17 legally-exempt provider as such term is defined in subdivision one-a of
18 section three hundred ninety-b of this article pursuant to the
19 provisions of section three hundred ninety of this article, or the
20 department of health and mental hygiene of the city of New York, when
21 such department receives an application for a certificate of approval to
22 provide child day care services in a child day care center pursuant to
23 the provisions of the health code of the city of New York, or the office
24 of mental health or the office for people with developmental disabili-
25 ties when such office receives an application for an operating certif-
26 icate pursuant to the provisions of the mental hygiene law to operate a
27 family care home, or a state or local governmental official who receives
28 an application for a permit to operate a camp which is subject to the

1 provisions of article thirteen-B of the public health law or the office
2 of children and family services which has received an application for a
3 certificate to receive, board or keep any child at a foster family home
4 pursuant to articles nineteen-G and nineteen-H of the executive law or
5 any other facility or provider agency, as defined in subdivision four of
6 section four hundred eighty-eight of this chapter, in regard to any
7 licensing or certification function carried out by such facility or
8 agency.

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

19 § 17. This act shall take effect immediately; provided, however that
20 sections one, two, eight, nine, ten, eleven, twelve, thirteen, fourteen
21 and fifteen of this act shall take effect September 1, 2019; and
22 provided, further that sections three, four, five and six of this act
23 shall take effect September 30, 2019; and provided, further, that the
24 office of children and family services is authorized to promulgate any
25 rules or regulations necessary for the implementation of this act on its
26 effective date.

1 Section 1. Subdivision 1 of section 378-a of the social services law,
2 as amended by chapter 83 of the laws of 2013, is amended to read as
3 follows:

4 1. (a) Every authorized agency which operates a residential program
5 for children licensed or certified by the office of children and family
6 services, and the office of children and family services in relation to
7 any juvenile justice program it operates, shall request that the justice
8 center for the protection of people with special needs check, and upon
9 such request, such justice center shall request and shall be authorized
10 to receive from the division of criminal justice services and the feder-
11 al bureau of investigation criminal history information, as such phrase
12 is defined in paragraph (c) of subdivision one of section eight hundred
13 forty-five-b of the executive law concerning each prospective operator,
14 employee or volunteer of such a residential program who will have regu-
15 lar and substantial unsupervised or unrestricted physical contact with
16 children in such program.

17 (b) Every authorized agency that operates a residential program for
18 foster children that is licensed or certified by the office of children
19 and family services shall request that the justice center for the
20 protection of people with special needs check, and upon such request,
21 such justice center shall request and shall be authorized to receive
22 from the division of criminal justice services and the federal bureau of
23 investigation criminal history information, as such phrase is defined in
24 paragraph (c) of subdivision one of the section eight hundred forty-
25 five-b of the executive law, for every:

26 (i) prospective employee of such program that is not already required
27 to be cleared pursuant to paragraph (a) of this subdivision; and

1 (ii) notwithstanding any other provision of law to the contrary, prior
2 to April first, two thousand twenty and in accordance with a schedule
3 developed by the office of children and family services, any person who
4 is employed in a residential foster care program that has not previously
5 had a clearance conducted pursuant to this section in connection to such
6 employment.

7 (c) For the purposes of this section, "operator" shall include any
8 natural person with an ownership interest in the authorized agency.

9 (d) Access to and the use of [such] information obtained pursuant to
10 this subdivision shall be governed by the provisions of section eight
11 hundred forty-five-b of the executive law.

12 § 2. Paragraph A of subdivision 4 of section 422 of the social
13 services law, is amended by adding a new subparagraph (bb) to read as
14 follows:

15 (bb) an entity with appropriate legal authority in another state to
16 license, certify or otherwise approve residential programs for foster
17 children where disclosure of information regarding any prospective or
18 current employee of such program is required by paragraph twenty of
19 subdivision (a) of section six hundred seventy-one of title forty-two of
20 the United States code.

21 § 3. Subparagraph (i) of paragraph (b) of subdivision 1 of section
22 424-a of the social services law, as amended by section 8-a of part D of
23 chapter 501 of the laws of 2012, is amended to read as follows:

24 (i) (A) Subject to the provisions of subdivision seven of this
25 section, a provider agency shall inquire of the office and the office
26 shall, subject to the provisions of paragraph (e) of this subdivision,
27 inform such agency and the subject of the inquiry whether any person who
28 is actively being considered for employment and who will have the poten-

1 tial for regular and substantial contact with individuals who are cared
2 for by the agency, is the subject of an indicated child abuse and
3 maltreatment report on file with the statewide central register of child
4 abuse and maltreatment prior to permitting such person to have unsuper-
5 vised contact with such individuals. Such agency may inquire of the
6 office and the office shall inform such agency and the subject of the
7 inquiry whether any person who is currently employed and who has the
8 potential for regular and substantial contact with individuals who are
9 cared for by such agency is the subject of an indicated child abuse and
10 maltreatment report on file with the statewide central register of child
11 abuse and maltreatment. A provider agency shall also inquire of the
12 office and the office shall inform such agency and the subject of the
13 inquiry whether any person who is employed by an individual, corpo-
14 ration, partnership or association which provides goods or services to
15 such agency who has the potential for regular and substantial contact
16 with individuals who are cared for by the agency, is the subject of an
17 indicated child abuse and maltreatment report on file with the statewide
18 central register of child abuse and maltreatment prior to permitting
19 such person to have unsupervised contact with such individuals.
20 Inquiries made to the office pursuant to this subparagraph by a provider
21 agency on current employees shall be made no more often than once in any
22 six month period.

23 (B) Notwithstanding clause (A) of this subparagraph, where the provid-
24 er agency is an authorized agency that operates a residential program
25 for foster children that is licensed or certified by the office of chil-
26 dren and family services such agency shall inquire of the office and the
27 office shall, subject to the provisions of paragraph (e) of this subdi-
28 vision, inform such agency and the subject of the inquiry whether:

1 (I) any person who is actively being considered for employment in such
2 program who is not already required to be cleared pursuant to clause (A)
3 of this subparagraph is the subject of an indicated child abuse and
4 maltreatment report on file with the statewide central register of child
5 abuse and maltreatment; and

6 (II) Notwithstanding any other provision of law to the contrary, prior
7 to April first, two thousand twenty and in accordance with a schedule
8 developed by the office of children and family services, whether any
9 person who is employed in a residential foster care program that has not
10 previously had a clearance conducted pursuant to this subparagraph in
11 connection to such employment is the subject of an indicated child abuse
12 and maltreatment report on file with the statewide central register of
13 child abuse and maltreatment.

14 § 4. This act shall take effect July 1, 2019.

15 PART J

16 Section 1. The section heading and the opening paragraph of subdivi-
17 sion 1 of section 131-u of the social services law, as amended by chap-
18 ter 169 of the laws of 1994, is amended to read as follows:

19 Domestic violence services [to eligible persons].

20 Notwithstanding any inconsistent provision of law, a social services
21 district shall, in accordance with the provisions of this section and
22 regulations of the department, offer and provide emergency shelter and
23 services at a residential program for victims of domestic violence, as
24 defined in article six-A of this chapter, to the extent that such shel-
25 ter and services are necessary and available to a victim of domestic
26 violence, as defined in article six-A of this chapter, and in need of

1 emergency shelter and services, who was residing in the social services
2 district at the time of the alleged domestic violence [and who:].

3 § 2. Paragraphs (a) and (b) of subdivision 1 of section 131-u of the
4 social services law are REPEALED.

5 § 3. Subdivision 2 of section 131-u of the social services law, as
6 amended by chapter 169 of the laws of 1994, is amended to read as
7 follows:

8 2. The department [shall] may annually establish, subject to the
9 approval of the director of the budget, a daily rate of reimbursement
10 for each residential program for victims of domestic violence, as
11 defined in article six-A of this chapter, certified by the department
12 which provides emergency shelter and services to persons eligible for
13 such emergency shelter and services pursuant to this section. A social
14 services district financially responsible for a victim of domestic
15 violence shall reimburse a residential program for victims of domestic
16 violence for the costs of emergency shelter and services provided to
17 such victim at the daily reimbursement rate established by the depart-
18 ment reduced by [the sum of all fees which such victim is able to pay
19 toward the costs of such shelter and services as determined in accord-
20 ance with the public assistance budgeting rules set forth in the regu-
21 lations of the department and by] any [third party] other reimbursement
22 available for such costs.

23 § 4. Section 459-f of the social services law, as amended by chapter
24 169 of the laws of 1994, is amended to read as follows:

25 § 459-f. [Fees] Payment for services. [Any program defined in subdivi-
26 sion four of section four hundred fifty-nine-a of this article may
27 charge a service fee to a victim of domestic violence who is able to pay
28 all or part of the costs of the emergency shelter and services provided

1 to the victim.] Payments by a social services district to a residential
2 program for victims of domestic violence for the costs of emergency
3 shelter and services provided to a victim of domestic violence at the
4 daily reimbursement rate determined by the department in accordance with
5 section one hundred thirty-one-u of this chapter shall be reduced by the
6 sum of [all fees which such victim is able to pay toward the costs of
7 such shelter and services as determined in accordance with the public
8 assistance budgeting rules set forth in the regulations of the depart-
9 ment and by] any [third party] other reimbursement available for such
10 costs.

11 § 5. This act shall take effect April 1, 2019.

12 PART K

13 Section 1. Section 712 of the family court act, as amended by chapter
14 920 of the laws of 1982, subdivision (a) as amended by section 7 of part
15 G of chapter 58 of the laws of 2010, subdivision (b) as amended by chap-
16 ter 465 of the laws of 1992, subdivision (g) as amended by section 2 of
17 part B of chapter 3 of the laws of 2005, subdivision (h) as added by
18 chapter 7 of the laws of 1999, subdivision (i) as amended and subdivi-
19 sions (j), (k), (l) and (m) as added by chapter 38 of the laws of 2014,
20 is amended to read as follows:

21 § 712. Definitions. As used in this article, the following terms shall
22 have the following meanings:

23 (a) "Person in need of supervision". A person less than eighteen years
24 of age who does not attend school in accordance with the provisions of
25 part one of article sixty-five of the education law or who is incorrigi-
26 ble, ungovernable or habitually disobedient and beyond the lawful

1 control of a parent or other person legally responsible for such child's
2 care, or other lawful authority, or who violates the provisions of
3 section 221.05 or 230.00 of the penal law, or who appears to be a sexu-
4 ally exploited child as defined in paragraph (a), (c) or (d) of subdivi-
5 sion one of section four hundred forty-seven-a of the social services
6 law, but only if the child consents to the filing of a petition under
7 this article.

8 (b) ["Detention". The temporary care and maintenance of children away
9 from their own homes as defined in section five hundred two of the exec-
10 utive law.

11 (c) "Secure detention facility". A facility characterized by phys-
12 ically restricting construction, hardware and procedures.

13 (d) "Non-secure detention facility". A facility characterized by the
14 absence of physically restricting construction, hardware and procedures.

15 (e)] "Fact-finding hearing". A hearing to determine whether the
16 respondent did the acts alleged to show that he or she violated a law or
17 is incorrigible, ungovernable or habitually disobedient and beyond the
18 control of his or her parents, guardian or legal custodian.

19 [(f)] (c) "Dispositional hearing". A hearing to determine whether the
20 respondent requires supervision or treatment.

21 [(g)] (d) "Aggravated circumstances". Aggravated circumstances shall
22 have the same meaning as the definition of such term in subdivision (j)
23 of section one thousand twelve of this act.

24 [(h)] (e) "Permanency hearing". A hearing held in accordance with
25 paragraph (b) of subdivision two of section seven hundred fifty-four or
26 section seven hundred fifty-six-a of this article for the purpose of
27 reviewing the foster care status of the respondent and the appropriate-

1 ness of the permanency plan developed by the social services official on
2 behalf of such respondent.

3 [(i)] (f) "Diversion services". Services provided to children and
4 families pursuant to section seven hundred thirty-five of this article
5 for the purpose of avoiding the need to file a petition [or direct the
6 detention of the child]. Diversion services shall include: efforts to
7 adjust cases pursuant to this article before a petition is filed, or by
8 order of the court, after the petition is filed but before fact-finding
9 is commenced; and preventive services provided in accordance with
10 section four hundred nine-a of the social services law to avert the
11 placement of the child [into foster care], including crisis intervention
12 and respite services. Diversion services may also include, in cases
13 where any person is seeking to file a petition that alleges that the
14 child has a substance use disorder or is in need of immediate detoxifi-
15 cation or substance use disorder services, an assessment for substance
16 use disorder; provided, however, that notwithstanding any other
17 provision of law to the contrary, the designated lead agency shall not
18 be required to pay for all or any portion of the costs of such assess-
19 ment or substance use disorder or detoxification services, except in
20 cases where medical assistance for needy persons may be used to pay for
21 all or any portion of the costs of such assessment or services.

22 [(j)] (g) "Substance use disorder". The misuse of, dependence on, or
23 addiction to alcohol and/or legal or illegal drugs leading to effects
24 that are detrimental to the person's physical and mental health or the
25 welfare of others.

26 [(k)] (h) "Assessment for substance use disorder". Assessment by a
27 provider that has been certified by the office of alcoholism and
28 substance abuse services of a person less than eighteen years of age

1 where it is alleged that the youth is suffering from a substance use
2 disorder which could make a youth a danger to himself or herself or
3 others.

4 [(1)] (i) "A substance use disorder which could make a youth a danger
5 to himself or herself or others". A substance use disorder that is
6 accompanied by the dependence on, or the repeated use or abuse of, drugs
7 or alcohol to the point of intoxication such that the person is in need
8 of immediate detoxification or other substance use disorder services.

9 [(m)] (j) "Substance use disorder services". Substance use disorder
10 services shall have the same meaning as provided for in section 1.03 of
11 the mental hygiene law.

12 § 2. The part heading of part 2 of article 7 of the family court act
13 is amended to read as follows:

14 CUSTODY [AND DETENTION]

15 § 3. Section 720 of the family court act, as amended by chapter 419 of
16 the laws of 1987, subdivision 3 as amended by section 9 of subpart B of
17 part Q of chapter 58 of the laws of 2011, subdivision 5 as amended by
18 section 3 of part E of chapter 57 of the laws of 2005, and paragraph (c)
19 of subdivision 5 as added by section 8 of part G of chapter 58 of the
20 laws of 2010, is amended to read as follows:

21 § 720. Detention precluded. [1.] The detention of a child shall not be
22 directed under any of the provisions of this article, except as other-
23 wise authorized by the interstate compact on juveniles. No child to whom
24 the provisions of this article may apply, shall be detained in any pris-
25 on, jail, lockup, or other place used for adults convicted of crime or
26 under arrest and charged with a crime.

27 [2. The detention of a child in a secure detention facility shall not
28 be directed under any of the provisions of this article.

1 3. Detention of a person alleged to be or adjudicated as a person in
2 need of supervision shall, except as provided in subdivision four of
3 this section, be authorized only in a foster care program certified by
4 the office of children and family services, or a certified or approved
5 family boarding home, or a non-secure detention facility certified by
6 the office and in accordance with section seven hundred thirty-nine of
7 this article. The setting of the detention shall take into account (a)
8 the proximity to the community in which the person alleged to be or
9 adjudicated as a person in need of supervision lives with such person's
10 parents or to which such person will be discharged, and (b) the existing
11 educational setting of such person and the proximity of such setting to
12 the location of the detention setting.

13 4. Whenever detention is authorized and ordered pursuant to this arti-
14 cle, for a person alleged to be or adjudicated as a person in need of
15 supervision, a family court in a city having a population of one million
16 or more shall, notwithstanding any other provision of law, direct
17 detention in a foster care facility established and maintained pursuant
18 to the social services law. In all other respects, the detention of such
19 a person in a foster care facility shall be subject to the identical
20 terms and conditions for detention as are set forth in this article and
21 in section two hundred thirty-five of this act.

22 5. (a) The court shall not order or direct detention under this arti-
23 cle, unless the court determines that there is no substantial likelihood
24 that the youth and his or her family will continue to benefit from
25 diversion services and that all available alternatives to detention have
26 been exhausted; and

27 (b) Where the youth is sixteen years of age or older, the court shall
28 not order or direct detention under this article, unless the court

1 determines and states in its order that special circumstances exist to
2 warrant such detention.

3 (c) If the respondent may be a sexually exploited child as defined in
4 subdivision one of section four hundred forty-seven-a of the social
5 services law, the court may direct the respondent to an available short-
6 term safe house as defined in subdivision two of section four hundred
7 forty-seven-a of the social services law as an alternative to
8 detention.]

9 § 4. Section 727 of the family court act is REPEALED.

10 § 5. The section heading and subdivisions (c) and (d) of section 728
11 of the family court act, subdivision (d) as added by chapter 145 of the
12 laws of 2000, paragraph (i) as added and paragraph (ii) of subdivision
13 (d) as renumbered by section 5 of part E of chapter 57 of the laws of
14 2005, and paragraph (iii) as amended and paragraph (iv) of subdivision
15 (d) as added by section 10 of subpart B of part Q of chapter 58 of the
16 laws of 2011, are amended to read as follows:

17 Discharge[,] or release [or detention] by judge after hearing and
18 before filing of petition in custody cases.

19 (c) An order of release under this section may, but need not, be
20 conditioned upon the giving of a recognizance in accord with [sections
21 seven hundred twenty-four (b)] paragraph (i) of subdivision (b) of
22 section seven hundred twenty-four of this article.

23 [(d) Upon a finding of facts and reasons which support a detention
24 order pursuant to this section, the court shall also determine and state
25 in any order directing detention:

26 (i) that there is no substantial likelihood that the youth and his or
27 her family will continue to benefit from diversion services and that all
28 available alternatives to detention have been exhausted; and

1 (ii) whether continuation of the child in the child's home would be
2 contrary to the best interests of the child based upon, and limited to,
3 the facts and circumstances available to the court at the time of the
4 hearing held in accordance with this section; and

5 (iii) where appropriate, whether reasonable efforts were made prior to
6 the date of the court hearing that resulted in the detention order, to
7 prevent or eliminate the need for removal of the child from his or her
8 home or, if the child had been removed from his or her home prior to the
9 court appearance pursuant to this section, where appropriate, whether
10 reasonable efforts were made to make it possible for the child to safely
11 return home; and

12 (iv) whether the setting of the detention takes into account the prox-
13 imity to the community in which the person alleged to be or adjudicated
14 as a person in need of supervision lives with such person's parents or
15 to which such person will be discharged, and the existing educational
16 setting of such person and the proximity of such setting to the location
17 of the detention setting.]

18 § 6. Section 729 of the family court act is REPEALED.

19 § 7. Subdivisions (b), paragraph (i) of subdivision (d) and subdivi-
20 sion (f) of section 735 of the family court act, subdivision (b) as
21 amended by chapter 38 of the laws of 2014, paragraph (i) of subdivision
22 (d) as amended by chapter 535 of the laws of 2011 and subdivision (f) as
23 added by section 7 of part E of chapter 57 of the laws of 2005, are
24 amended to read as follows:

25 (b) The designated lead agency shall:

26 (i) confer with any person seeking to file a petition, the youth who
27 may be a potential respondent, his or her family, and other interested

1 persons, concerning the provision of diversion services before any peti-
2 tion may be filed; and

3 (ii) diligently attempt to prevent the filing of a petition under this
4 article or, after the petition is filed, to prevent the placement of the
5 youth into foster care; and

6 (iii) assess whether the youth would benefit from residential respite
7 services; and

8 (iv) assess whether the youth is a sexually exploited child as defined
9 in section four hundred forty-seven-a of the social services law and, if
10 so, whether such youth should be referred to a safe house; and

11 (v) determine whether alternatives to detention are appropriate to
12 avoid remand of the youth to detention; and

13 [(v)] (vi) determine whether an assessment of the youth for substance
14 use disorder by an office of alcoholism and substance abuse services
15 certified provider is necessary when a person seeking to file a petition
16 alleges in such petition that the youth is suffering from a substance
17 use disorder which could make the youth a danger to himself or herself
18 or others. Provided, however, that notwithstanding any other provision
19 of law to the contrary, the designated lead agency shall not be required
20 to pay for all or any portion of the costs of such assessment or for any
21 substance use disorder or detoxification services, except in cases where
22 medical assistance for needy persons may be used to pay for all or any
23 portion of the costs of such assessment or services. The office of alco-
24 holism and substance abuse services shall make a list of its certified
25 providers available to the designated lead agency.

26 (i) providing, at the first contact, information on the availability
27 of or a referral to services in the geographic area where the youth and
28 his or her family are located that may be of benefit in avoiding the

1 need to file a petition under this article; including the availability,
2 for up to twenty-one days, of a residential respite program, if the
3 youth and his or her parent or other person legally responsible for his
4 or her care agree, and the availability of other non-residential crisis
5 intervention programs such as family crisis counseling or alternative
6 dispute resolution programs or an educational program as defined in
7 section four hundred fifty-eight-1 of the social services law.

8 (f) Efforts to prevent the filing of a petition pursuant to this
9 section may extend until the designated lead agency determines that
10 there is no substantial likelihood that the youth and his or her family
11 will benefit from further attempts. Efforts at diversion pursuant to
12 this section may continue after the filing of a petition where the
13 designated lead agency determines that the youth and his or her family
14 will benefit from further attempts to prevent placement of the youth
15 [from entering foster care] in accordance with section seven hundred
16 fifty-six of this article.

17 § 8. Section 739 of the family court act, as amended by chapter 920 of
18 the laws of 1982, subdivision (a) as amended by section 10 of part G of
19 chapter 58 of the laws of 2010, subdivision (c) as added by chapter 145
20 of the laws of 2000, is amended to read as follows:

21 § 739. Release or [detention] referral after filing of petition and
22 prior to order of disposition. [(a)] After the filing of a petition
23 under section seven hundred thirty-two of this part, the court in its
24 discretion may release the respondent [or direct his or her detention].
25 If the respondent may be a sexually exploited child as defined in subdi-
26 vision one of section four hundred forty-seven-a of the social services
27 law, the court may direct the respondent to an available short-term safe
28 house [as an alternative to detention. However, the court shall not

1 direct detention unless it finds and states the facts and reasons for so
2 finding that unless the respondent is detained there is a substantial
3 probability that the respondent will not appear in court on the return
4 date and all available alternatives to detention have been exhausted.

5 (b) Unless the respondent waives a determination that probable cause
6 exists to believe that he is a person in need of supervision, no
7 detention under this section may last more than three days (i) unless
8 the court finds, pursuant to the evidentiary standards applicable to a
9 hearing on a felony complaint in a criminal court, that such probable
10 cause exists, or (ii) unless special circumstances exist, in which cases
11 such detention may be extended not more than an additional three days
12 exclusive of Saturdays, Sundays and public holidays.

13 (c) Upon a finding of facts and reasons which support a detention
14 order pursuant to subdivision (a) of this section, the court shall also
15 determine and state in any order directing detention:

16 (i) whether continuation of the respondent in the respondent's home
17 would be contrary to the best interests of the respondent based upon,
18 and limited to, the facts and circumstance available to the court at the
19 time of the court's determination in accordance with this section; and

20 (ii) where appropriate, whether reasonable efforts were made prior to
21 the date of the court order directing detention in accordance with this
22 section, to prevent or eliminate the need for removal of the respondent
23 from his or her home or, if the respondent had been removed from his or
24 her home prior to the court appearance pursuant to this section, where
25 appropriate, whether reasonable efforts were made to make it possible
26 for the respondent to safely return home].

1 § 9. Section 741-a of the family court act, as amended by section 3 of
2 part B of chapter 327 of the laws of 2007, is amended to read as
3 follows:

4 § 741-a. Notice and right to be heard. The foster parent caring for
5 [the child] a sexually exploited child placed in accordance with section
6 seven hundred fifty-six of this article or any pre-adoptive parent or
7 relative providing care for the respondent shall be provided with notice
8 of any permanency hearing held pursuant to this article by the social
9 services official. Such foster parent, pre-adoptive parent or relative
10 shall have the right to be heard at any such hearing; provided, however,
11 no such foster parent, pre-adoptive parent or relative shall be
12 construed to be a party to the hearing solely on the basis of such
13 notice and right to be heard. The failure of the foster parent, pre-a-
14 doptive parent, or relative caring for the child to appear at a perman-
15 ency hearing shall constitute a waiver of the right to be heard and such
16 failure to appear shall not cause a delay of the permanency hearing nor
17 shall such failure to appear be a ground for the invalidation of any
18 order issued by the court pursuant to this section.

19 § 10. Section 747 of the family court act is REPEALED.

20 § 11. Section 748 of the family court act is REPEALED.

21 § 12. Subdivision (b) of section 749 of the family court act, as
22 amended by chapter 806 of the laws of 1973, is amended to read as
23 follows:

24 (b) On its own motion, the court may adjourn the proceedings on
25 conclusion of a fact-finding hearing or during a dispositional hearing
26 to enable it to make inquiry into the surroundings, conditions and
27 capacities of the respondent. An [adjournment on the court's motion may
28 not be for a period of more than ten days if the respondent is detained,

1 in which case not more than a total of two such adjournments may be
2 granted in the absence of special circumstances. If the respondent is
3 not detained, an] adjournment may be for a reasonable time, but the
4 total number of adjourned days may not exceed two months.

5 § 13. Paragraph (a) of subdivision 2 of section 754 of the family
6 court act, as amended by chapter 7 of the laws of 1999, subparagraph
7 (ii) of paragraph (a) as amended by section 20 of part L of chapter 56
8 of the laws of 2015, is amended to read as follows:

9 (a) The order shall state the court's reasons for the particular
10 disposition. If the court places the child in accordance with section
11 seven hundred fifty-six of this part, the court in its order shall
12 determine: (i) whether continuation in the child's home would be contra-
13 ry to the best interest of the child and where appropriate, that reason-
14 able efforts were made prior to the date of the dispositional hearing
15 held pursuant to this article to prevent or eliminate the need for
16 removal of the child from his or her home and, if the child was removed
17 from his or her home prior to the date of such hearing, that such
18 removal was in the child's best interest and, where appropriate, reason-
19 able efforts were made to make it possible for the child to return safe-
20 ly home. If the court determines that reasonable efforts to prevent or
21 eliminate the need for removal of the child from the home were not made
22 but that the lack of such efforts was appropriate under the circum-
23 stances, the court order shall include such a finding; and (ii) in the
24 case of a child who has attained the age of fourteen, the services need-
25 ed, if any, to assist the child to make the transition from foster care
26 to independent living. [Nothing in this subdivision shall be construed
27 to modify the standards for directing detention set forth in section
28 seven hundred thirty-nine of this article.]

1 § 14. Section 756 of the family court act, as amended by chapter 920
2 of the laws of 1982, paragraph (i) of subdivision (a) as amended by
3 chapter 309 of the laws of 1996, the opening paragraph of paragraph (ii)
4 of subdivision (a) as amended by section 11 of part G of chapter 58 of
5 the laws of 2010, subdivision (b) as amended by chapter 7 of the laws of
6 1999, and subdivision (c) as amended by section 10 of part E of chapter
7 57 of the laws of 2005, is amended to read as follows:

8 § 756. Placement. (a) (i) For purposes of section seven hundred
9 fifty-four of this part, the court may place the child in its own home
10 or in the custody of a suitable relative or other suitable private
11 person [or a commissioner of social services], subject to the orders of
12 the court.

13 (ii) [Where the child is placed] If the court finds that the respond-
14 ent is a sexually exploited child as defined in subdivision one of
15 section four hundred forty-seven-a of the social services law, the court
16 may place the child with the commissioner of the local social services
17 district[, the court] and may direct the commissioner to place the child
18 with an authorized agency or class of authorized agencies, including[,
19 if the court finds that the respondent is a sexually exploited child as
20 defined in subdivision one of section four hundred forty-seven-a of the
21 social services law,] an available long-term safe house. Unless the
22 dispositional order provides otherwise, the court so directing shall
23 include one of the following alternatives to apply in the event that the
24 commissioner is unable to so place the child:

25 (1) the commissioner shall apply to the court for an order to stay,
26 modify, set aside, or vacate such directive pursuant to the provisions
27 of section seven hundred sixty-two or seven hundred sixty-three of this
28 part; or

1 (2) the commissioner shall return the child to the family court for a
2 new dispositional hearing and order.

3 (b) Placements under this section may be for an initial period of
4 twelve months. The court may extend a placement pursuant to section
5 seven hundred fifty-six-a. In its discretion, the court may recommend
6 restitution or require services for public good pursuant to section
7 seven hundred fifty-eight-a of this part in conjunction with an order of
8 placement. For the purposes of calculating the initial period of place-
9 ment, such placement shall be deemed to have commenced sixty days after
10 the date the child was removed from his or her home in accordance with
11 the provisions of this article. [If the respondent has been in detention
12 pending disposition, the initial period of placement ordered under this
13 section shall be credited with and diminished by the amount of time
14 spent by the respondent in detention prior to the commencement of the
15 placement unless the court finds that all or part of such credit would
16 not serve the best interests of the respondent.

17 (c) A placement pursuant to this section with the commissioner of
18 social services shall not be directed in any detention facility, but the
19 court may direct detention pending transfer to a placement authorized
20 and ordered under this section for no more than than fifteen days after
21 such order of placement is made. Such direction shall be subject to
22 extension pursuant to subdivision three of section three hundred nine-
23 ty-eight of the social services law, upon written documentation to the
24 office of children and family services that the youth is in need of
25 specialized treatment or placement and the diligent efforts by the
26 commissioner of social services to locate an appropriate placement.]

27 § 15. Section 758-a of the family court act, as amended by chapter 73
28 of the laws of 1979, subdivision 1 as amended by chapter 4 of the laws

1 of 1987, paragraph (b) of subdivision 1 as amended by chapter 575 of the
2 laws of 2007, subdivision 2 as amended by chapter 309 of the laws of
3 1996, and subdivision 3 as separately amended by chapter 568 of the laws
4 of 1979, is amended to read as follows:

5 § 758-a. Restitution. 1. In cases involving acts of [infants] children
6 over [ten] twelve and less than [sixteen] eighteen years of age, the
7 court may

8 (a) recommend as a condition of placement, or order as a condition of
9 probation or suspended judgment, restitution in an amount representing a
10 fair and reasonable cost to replace the property or repair the damage
11 caused by the [infant] child, not, however, to exceed one thousand
12 dollars. [In the case of a placement, the court may recommend that the
13 infant pay out of his or her own funds or earnings the amount of
14 replacement or damage, either in a lump sum or in periodic payments in
15 amounts set by the agency with which he is placed, and in the case of
16 probation or suspended judgment, the] The court may require that the
17 [infant] child pay out of his or her own funds or earnings the amount of
18 replacement or damage, either in a lump sum or in periodic payments in
19 amounts set by the court; and/or

20 (b) order as a condition of placement, probation, or suspended judg-
21 ment, services for the public good including in the case of a crime
22 involving willful, malicious, or unlawful damage or destruction to real
23 or personal property maintained as a cemetery plot, grave, burial place,
24 or other place of interment of human remains, services for the mainte-
25 nance and repair thereof, taking into consideration the age and physical
26 condition of the [infant] child.

27 2. [If the court recommends restitution or requires services for the
28 public good in conjunction with an order of placement pursuant to

1 section seven hundred fifty-six, the placement shall be made only to an
2 authorized agency which has adopted rules and regulations for the super-
3 vision of such a program, which rules and regulations shall be subject
4 to the approval of the state department of social services. Such rules
5 and regulations shall include, but not be limited to provisions (i)
6 assuring that the conditions of work, including wages, meet the stand-
7 ards therefor prescribed pursuant to the labor law; (ii) affording
8 coverage to the child under the workers' compensation law as an employee
9 of such agency, department or institution; (iii) assuring that the enti-
10 ty receiving such services shall not utilize the same to replace its
11 regular employees; and (iv) providing for reports to the court not less
12 frequently than every six months, unless the order provides otherwise.

13 3.] If the court requires restitution or services for the public good
14 [as a condition of probation or suspended judgment], it shall provide
15 that an agency or person supervise the restitution or services and that
16 such agency or person report to the court not less frequently than every
17 six months, unless the order provides otherwise. Upon the written notice
18 sent by a school district to the court and the appropriate probation
19 department or agency which submits probation recommendations or reports
20 to the court, the court may provide that such school district shall
21 supervise the performance of services for the public good.

22 [4.] 3. The court, upon receipt of the reports provided for in subdi-
23 vision two [or three] of this section may, on its own motion or the
24 motion of any party or the agency, hold a hearing to determine whether
25 the [placement] condition should be altered or modified.

26 § 16. Section 774 of the family court act is amended to read as
27 follows:

1 § 774. Action on petition for transfer. On receiving a petition under
2 section seven hundred seventy-three of this part, the court may proceed
3 under sections seven hundred thirty-seven, seven hundred thirty-eight or
4 seven hundred thirty-nine of this article with respect to the issuance
5 of a summons or warrant [and sections seven hundred twenty-seven and
6 seven hundred twenty-nine govern questions of detention and failure to
7 comply with a promise to appear]. Due notice of the petition and a copy
8 of the petition shall also be served personally or by mail upon the
9 office of the locality chargeable for the support of the person involved
10 and upon the person involved and his or her parents and other persons.

11 § 17. Subdivisions 3, 3-a, 11 and 12 of section 398 of the social
12 services law, subdivision 3 as amended by chapter 419 of the laws of
13 1987, paragraph (c) of subdivision 3 as amended by section 19 of part E
14 of chapter 57 of the laws of 2005, subdivision 3-a as added by section 1
15 of subpart B of part G of chapter 57 of the laws of 2012, subdivision 11
16 as added by chapter 514 of the laws of 1976 and subdivision 12 as
17 amended by section 12 of subpart B of part Q of chapter 58 of the laws
18 of 2011, are amended to read as follows:

19 3. As to delinquent children [and persons in need of supervision]:

20 (a) Investigate complaints as to alleged delinquency of a child.

21 (b) Bring such case of alleged delinquency when necessary before the
22 family court.

23 (c) Receive within fifteen days from the order of placement as a
24 public charge any delinquent child committed or placed [or person in
25 need of supervision placed] in his or her care by the family court
26 provided, however, that the commissioner of the social services district
27 with whom the child is placed may apply to the state commissioner or his
28 or her designee for approval of an additional fifteen days, upon written

1 documentation to the office of children and family services that the
2 youth is in need of specialized treatment or placement and the diligent
3 efforts by the commissioner of social services to locate an appropriate
4 placement.

5 [3-a. As to delinquent children:

6 (a) (d) (1) Conditionally release any juvenile delinquent placed with
7 the district to aftercare whenever the district determines conditional
8 release to be consistent with the needs and best interests of such juve-
9 nile delinquent, that suitable care and supervision can be provided, and
10 that there is a reasonable probability that such juvenile delinquent can
11 be conditionally released without endangering public safety; provided,
12 however, that such conditional release shall be made in accordance with
13 the regulations of the office of children and family services, and
14 provided further that no juvenile delinquent while absent from a facili-
15 ty or program without the consent of the director of such facility or
16 program shall be conditionally released by the district solely by reason
17 of the absence.

18 (2) It shall be a condition of such release that a juvenile delinquent
19 so released shall continue to be the responsibility of the social
20 services district for the period provided in the order of placement.

21 (3) The social services district may provide clothing, services and
22 other necessities for any conditionally released juvenile delinquent, as
23 may be required, including medical care and services not provided to
24 such juvenile delinquent as medical assistance for needy persons pursu-
25 ant to title eleven of article five of this chapter.

26 (4) The social services district, pursuant to the regulations of the
27 office of children and family services, may cause a juvenile delinquent
28 to be returned to a facility operated and maintained by the district, or

1 an authorized agency under contract with the district, at any time with-
2 in the period of placement, where there is a violation of the conditions
3 of release or a change of circumstances.

4 (5) Juvenile delinquents conditionally released by a social services
5 district may be provided for as follows:

6 (i) If, in the opinion of the social services district, there is no
7 suitable parent, relative or guardian to whom a juvenile delinquent can
8 be conditionally released, and suitable care cannot otherwise be
9 secured, the district may conditionally release such juvenile delinquent
10 to the care of any other suitable person; provided that where such suit-
11 able person has no legal relationship with the juvenile, the district
12 shall advise such person of the procedures for obtaining custody or
13 guardianship of the juvenile.

14 (ii) If a conditionally released juvenile delinquent is subject to
15 article sixty-five of the education law or elects to participate in an
16 educational program leading to a high school diploma, he or she shall be
17 enrolled in a school or educational program leading to a high school
18 diploma following release, or, if such release occurs during the summer
19 recess, upon the commencement of the next school term. If a condi-
20 tionally released juvenile delinquent is not subject to article sixty-
21 five of the education law, and does not elect to participate in an
22 educational program leading to a high school diploma, steps shall be
23 taken, to the extent possible, to facilitate his or her gainful employ-
24 ment or enrollment in a vocational program following release.

25 [(b)] (e) When a juvenile delinquent placed with the social services
26 district is absent from placement without consent, such absence shall
27 interrupt the calculation of time for his or her placement. Such inter-
28 ruption shall continue until such juvenile delinquent returns to the

1 facility or authorized agency in which he or she was placed. Provided,
2 however, that any time spent by a juvenile delinquent in custody from
3 the date of absence to the date placement resumes shall be credited
4 against the time of such placement provided that such custody:

5 (1) was due to an arrest or surrender based upon the absence; or

6 (2) arose from an arrest or surrender on another charge which did not
7 culminate in a conviction, adjudication or adjustment.

8 [(c)] (f) In addition to the other requirements of this section, no
9 juvenile delinquent placed with a social services district operating an
10 approved juvenile justice services close to home initiative pursuant to
11 section four hundred four of this chapter pursuant to a restrictive
12 placement under the family court act shall be released except pursuant
13 to section 353.5 of the family court act.

14 11. In the case of a child who is adjudicated [a person in need of
15 supervision or] a juvenile delinquent and is placed by the family court
16 with the [division for youth] office of children and family services and
17 who is placed by [the division for youth] such office with an authorized
18 agency pursuant to court order, the social services official shall make
19 expenditures in accordance with the regulations of the department for
20 the care and maintenance of such child during the term of such placement
21 subject to state reimbursement pursuant to section one hundred fifty-
22 three-k of this [title, or article nineteen-G of the executive law in
23 applicable cases] article.

24 12. A social services official shall be permitted to place persons
25 adjudicated [in need of supervision or] delinquent[, and alleged persons
26 to be in need of supervision] in detention pending transfer to a place-
27 ment, in the same foster care facilities as are providing care to desti-
28 tute, neglected, abused or abandoned children. Such foster care facili-

1 ties shall not provide care to a youth in the care of a social services
2 official as a convicted juvenile offender.

3 § 18. Paragraph (a) of subdivision 1 of section 409-a of the social
4 services law, as amended by chapter 87 of the laws of 1993, subparagraph
5 (i) as amended by chapter 342 of the laws of 2010, and subparagraph (ii)
6 as amended by section 22 of part C of chapter 83 of the laws of 2002, is
7 amended to read as follows:

8 (a) A social services official shall provide preventive services to a
9 child and his or her family, in accordance with the family's service
10 plan as required by section four hundred nine-e of this [chapter] arti-
11 cle and the social services district's child welfare services plan
12 submitted and approved pursuant to section four hundred nine-d of this
13 [chapter] article, upon a finding by such official that [(i)] the child
14 will be placed, returned to or continued in foster care unless such
15 services are provided and that it is reasonable to believe that by
16 providing such services the child will be able to remain with or be
17 returned to his or her family, and for a former foster care youth under
18 the age of twenty-one who was previously placed in the care and custody
19 or custody and guardianship of the local commissioner of social services
20 or other officer, board or department authorized to receive children as
21 public charges where it is reasonable to believe that by providing such
22 services the former foster care youth will avoid a return to foster care
23 [or (ii) the child is the subject of a petition under article seven of
24 the family court act, or has been determined by the assessment service
25 established pursuant to section two hundred forty-three-a of the execu-
26 tive law, or by the probation service where no such assessment service
27 has been designated, to be at risk of being the subject of such a peti-

1 tion, and the social services official determines that the child is at
2 risk of placement into foster care].

3 Such finding shall be entered in the child's uniform case record
4 established and maintained pursuant to section four hundred nine-f of
5 this [chapter] article. The commissioner shall promulgate regulations to
6 assist social services officials in making determinations of eligibility
7 for mandated preventive services pursuant to this [subparagraph] para-
8 graph.

9 § 18-a. Subparagraph (ii) of paragraph (a) of subdivision 1 of section
10 409-a of the social services law, as amended by chapter 87 of the laws
11 of 1993, is amended to read as follows:

12 [(ii) the child is the subject of a petition under article seven of
13 the family court act, or has been determined by the assessment service
14 established pursuant to section two hundred forty-three-a of the execu-
15 tive law, or by the probation service where no such assessment service
16 has been designated, to be at risk of being the subject of such a peti-
17 tion, and the social services official determines according to standards
18 promulgated pursuant to section three hundred ninety-eight-b of this
19 chapter that the child is at risk of placement into foster care.]

20 Such finding shall be entered in the child's uniform case record
21 established and maintained pursuant to section four hundred nine-f of
22 this [chapter] article. The commissioner shall promulgate regulations to
23 assist social services officials in making determinations of eligibility
24 for mandated preventive services pursuant to [clause (ii) of] this para-
25 graph.

26 § 19. Subdivision 3 of section 502 of the executive law, as amended by
27 section 79 of part WWW of chapter 59 of the laws of 2017, is amended to
28 read as follows:

1 3. "Detention" means the temporary care and maintenance of youth held
2 away from their homes pursuant to article three [or seven] of the family
3 court act, or held pending a hearing for alleged violation of the condi-
4 tions of release from an office of children and family services facility
5 or authorized agency, or held pending a hearing for alleged violation of
6 the condition of parole as a juvenile offender, youthful offender or
7 adolescent offender or held pending return to a jurisdiction other than
8 the one in which the youth is held, or held pursuant to a securing order
9 of a criminal court if the youth named therein as principal is charged
10 as a juvenile offender, youthful offender or adolescent offender or held
11 pending a hearing on an extension of placement or held pending transfer
12 to a facility upon commitment or placement by a court. Only alleged or
13 convicted juvenile offenders, youthful offenders or adolescent offenders
14 who have not attained their eighteenth or, commencing October first, two
15 thousand eighteen, their twenty-first birthday shall be subject to
16 detention in a detention facility. Commencing October first, two thou-
17 sand eighteen, a youth who on or after such date committed an offense
18 when the youth was sixteen years of age; or commencing October first,
19 two thousand nineteen, a youth who committed an offense on or after such
20 date when the youth was seventeen years of age held pursuant to a secur-
21 ing order of a criminal court if the youth is charged as an adolescent
22 offender or held pending a hearing for alleged violation of the condi-
23 tion of parole as an adolescent offender, must be held in a specialized
24 secure juvenile detention facility for older youth certified by the
25 state office of children and family services in conjunction with the
26 state commission of correction.

27 § 20. Subdivision 1, the opening paragraph of subdivision 2 and
28 subparagraph (i) of paragraph (a) of subdivision 3 of section 529-b of

1 the executive law, as amended by section 99 of part WWW of chapter 59 of
2 the laws of 2017, are amended to read as follows:

3 1. (a) Notwithstanding any provision of law to the contrary, eligible
4 expenditures by an eligible municipality for services to divert youth at
5 risk of, alleged to be, or adjudicated as juvenile delinquents [or
6 persons alleged or adjudicated to be in need of supervision], or youth
7 alleged to be or convicted as juvenile offenders, youthful offenders or
8 adolescent offenders from placement in detention or in residential care
9 shall be subject to state reimbursement under the supervision and treat-
10 ment services for juveniles program for up to sixty-two percent of the
11 municipality's expenditures, subject to available appropriations and
12 exclusive of any federal funds made available for such purposes, not to
13 exceed the municipality's distribution under the supervision and treat-
14 ment services for juveniles program.

15 (b) The state funds appropriated for the supervision and treatment
16 services for juveniles program shall be distributed to eligible munici-
17 palities by the office of children and family services based on a plan
18 developed by the office which may consider historical information
19 regarding the number of youth seen at probation intake for an alleged
20 act of delinquency, the number of alleged persons in need of supervision
21 receiving diversion services under section seven hundred thirty-five of
22 the family court act, the number of youth remanded to detention, the
23 number of juvenile delinquents placed with the office, the number of
24 juvenile delinquents [and persons in need of supervision] placed in
25 residential care with the municipality, the municipality's reduction in
26 the use of detention and residential placements, and other factors as
27 determined by the office. Such plan developed by the office shall be
28 subject to the approval of the director of the budget. The office is

1 authorized, in its discretion, to make advance distributions to a muni-
2 cipality in anticipation of state reimbursement.

3 As used in this section, the term "municipality" shall mean a county,
4 or a city having a population of one million or more, and "supervision
5 and treatment services for juveniles" shall mean community-based
6 services or programs designed to safely maintain youth in the community
7 pending a family court disposition or conviction in criminal court and
8 services or programs provided to youth adjudicated as juvenile delin-
9 quents [or persons in need of supervision], or youth alleged to be juve-
10 nile offenders, youthful offenders or adolescent offenders to prevent
11 residential placement of such youth or a return to placement where such
12 youth have been released to the community from residential placement or
13 programs provided to youth alleged to be adjudicated persons in need of
14 supervision to prevent such youth from further involvement in the juve-
15 nile or criminal justice systems. Supervision and treatment services for
16 juveniles may include but are not limited to services or programs that:

17 (i) an analysis that identifies the neighborhoods or communities from
18 which the greatest number of juvenile delinquents [and persons in need
19 of supervision] are remanded to detention or residentially placed;

20 § 21. The opening paragraph and paragraph (a) of subdivision 2,
21 subparagraphs 1 and 4 of paragraph (a) and paragraph (b) of subdivision
22 5, and subdivision 7 of section 530 of the executive law, the opening
23 paragraph and paragraph (a) of subdivision 2 and subparagraphs 1 and 4
24 of paragraph (a) and paragraph (b) of subdivision 5 as amended by
25 section 100 of part WWW of chapter 59 of the laws of 2017 and subdivi-
26 sion 7 as amended by section 6 of subpart B of part Q of chapter 58 of
27 the laws of 2011, are amended to read as follows:

1 Expenditures made by municipalities in providing care, maintenance and
2 supervision to youth in detention facilities designated pursuant to
3 [sections seven hundred twenty and] section 305.2 of the family court
4 act and certified by office of children and family services, shall be
5 subject to reimbursement by the state, as follows:

6 (a) Notwithstanding any provision of law to the contrary, eligible
7 expenditures by a municipality during a particular program year for the
8 care, maintenance and supervision [in foster care programs certified by
9 the office of children and family services, certified or approved family
10 boarding homes, and non-secure detention facilities certified by the
11 office for those youth alleged to be persons in need of supervision or
12 adjudicated persons in need of supervision held pending transfer to a
13 facility upon placement; and] in secure and non-secure detention facili-
14 ties certified by the office in accordance with section five hundred
15 three of this article for those youth alleged to be juvenile delin-
16 quents; adjudicated juvenile delinquents held pending transfer to a
17 facility upon placement, and juvenile delinquents held at the request of
18 the office of children and family services pending extension of place-
19 ment hearings or release revocation hearings or while awaiting disposi-
20 tion of such hearings; and youth alleged to be or convicted as juvenile
21 offenders, youthful offenders and adolescent offenders and prior to
22 January first, two thousand twenty, youth alleged to be persons in need
23 of supervision or adjudicated persons in need of supervision held pend-
24 ing transfer to a facility upon placement in foster care programs certi-
25 fied by the office of children and family services, certified or
26 approved foster boarding homes and non-secure detention facilities
27 certified by the office, shall be subject to state reimbursement for up
28 to fifty percent of the municipality's expenditures, exclusive of any

1 federal funds made available for such purposes, not to exceed the
2 municipality's distribution from funds that have been appropriated
3 specifically therefor for that program year. Municipalities shall imple-
4 ment the use of detention risk assessment instruments in a manner
5 prescribed by the office so as to inform detention decisions. Notwith-
6 standing any other provision of state law to the contrary, data neces-
7 sary for completion of a detention risk assessment instrument may be
8 shared among law enforcement, probation, courts, detention administra-
9 tors, detention providers, and the attorney for the child upon retention
10 or appointment; solely for the purpose of accurate completion of such
11 risk assessment instrument, and a copy of the completed detention risk
12 assessment instrument shall be made available to the applicable
13 detention provider, the attorney for the child and the court.

14 (1) temporary care, maintenance and supervision provided to alleged
15 juvenile delinquents [and persons in need of supervision] in detention
16 facilities certified pursuant to [sections seven hundred twenty and]
17 section 305.2 of the family court act by the office of children and
18 family services, pending adjudication of alleged delinquency [or alleged
19 need of supervision] by the family court, or pending transfer to insti-
20 tutions to which committed or placed by such court or while awaiting
21 disposition by such court after adjudication or held pursuant to a
22 securing order of a criminal court if the person named therein as prin-
23 cipal is under seventeen years of age; or

24 (4) prior to January first, two thousand twenty temporary care, main-
25 tenance and supervision provided youth detained in foster care facili-
26 ties or certified or approved family boarding homes pursuant to article
27 seven of the family court act.

1 (b) Payments made for reserved accommodations, whether or not in full
2 time use, approved and certified by the office of children and family
3 services and certified pursuant to [sections seven hundred twenty and]
4 section 305.2 of the family court act, in order to assure that adequate
5 accommodations will be available for the immediate reception and proper
6 care therein of youth for which detention costs are reimbursable pursu-
7 ant to paragraph (a) of this subdivision, shall be reimbursed as expend-
8 itures for care, maintenance and supervision under the provisions of
9 this section, provided the office shall have given its prior approval
10 for reserving such accommodations.

11 7. The agency administering detention for each county and the city of
12 New York shall submit to the office of children and family services, at
13 such times and in such form and manner and containing such information
14 as required by the office of children and family services, an annual
15 report on youth remanded pursuant to article three or seven of the fami-
16 ly court act who are detained during each calendar year including,
17 commencing January first, two thousand twelve, the risk level of each
18 detained youth as assessed by a detention risk assessment instrument
19 approved by the office of children and family services provided, howev-
20 er, that the report due January first, two thousand twenty-one and ther-
21 eafter shall not be required to contain any information on youth who are
22 subject to article seven of the family court act. The office may require
23 that such data on detention use be submitted to the office electron-
24 ically. Such report shall include, but not be limited to, the reason for
25 the court's determination in accordance with section 320.5 or seven
26 hundred thirty-nine of the family court act to detain the youth; the
27 offense or offenses with which the youth is charged; and all other

1 reasons why the youth remains detained. The office shall submit a compi-
2 lation of all the separate reports to the governor and the legislature.

3 § 22. Subdivision 8 of section 530 of the executive law is REPEALED.

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

14 § 24. This act shall take effect January 1, 2020 and shall be deemed
15 to be applicable to the detention or placement of youth pursuant to
16 petitions filed pursuant to article seven of the family court act on or
17 after such effective date; provided, however, that:

18 (a) the amendments to subdivision 3-a of section 398 of the social
19 services law made by section seventeen of this act shall not affect the
20 repeal of such subdivision and shall be deemed repealed therewith; and

21 (b) the amendments to subparagraph (ii) of paragraph (a) of subdivi-
22 sion 1 of section 409-a of the social services law made by section eigh-
23 teen of this act shall be subject to the expiration and reversion of
24 such subparagraph pursuant to section 28 of part C of chapter 83 of the
25 laws of 2002, as amended, when upon such date the provisions of section
26 eighteen-a of this act shall take effect.

1 Section 1. Paragraphs (a), (b), (c) and (d) of subdivision 1 of
2 section 131-o of the social services law, as amended by section 1 of
3 part YY of chapter 59 of the laws of 2018, are amended to read as
4 follows:

5 (a) in the case of each individual receiving family care, an amount
6 equal to at least [~~\$144.00~~] \$148.00 for each month beginning on or after
7 January first, two thousand [~~eighteen~~] nineteen.

8 (b) in the case of each individual receiving residential care, an
9 amount equal to at least [~~\$166.00~~] \$171.00 for each month beginning on
10 or after January first, two thousand [~~eighteen~~] nineteen.

11 (c) in the case of each individual receiving enhanced residential
12 care, an amount equal to at least [~~\$198.00~~] \$204.00 for each month
13 beginning on or after January first, two thousand [~~eighteen~~] nineteen.

14 (d) for the period commencing January first, two thousand [~~nineteen~~]
15 twenty, the monthly personal needs allowance shall be an amount equal to
16 the sum of the amounts set forth in subparagraphs one and two of this
17 paragraph:

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

20 (2) the amount in subparagraph one of this paragraph, multiplied by
21 the percentage of any federal supplemental security income cost of
22 living adjustment which becomes effective on or after January first, two
23 thousand [~~nineteen~~] twenty, but prior to June thirtieth, two thousand
24 [~~nineteen~~] twenty, rounded to the nearest whole dollar.

25 § 2. Paragraph (a), (b), (c), (d), (e) and (f) of subdivision 2 of
26 section 209 of the social services law, as amended by section 2 of part
27 YY of chapter 59 of the laws of 2018, are amended to read as follows:

1 (a) On and after January first, two thousand [eighteen] nineteen, for
2 an eligible individual living alone, [\$837.00] \$858.00; and for an
3 eligible couple living alone, [\$1,229.00] \$1,261.00.

4 (b) On and after January first, two thousand [eighteen] nineteen, for
5 an eligible individual living with others with or without in-kind
6 income, [\$773.00] \$794.00; and for an eligible couple living with others
7 with or without in-kind income, [\$1,171.00] \$1,203.00.

8 (c) On and after January first, two thousand [eighteen] nineteen, (i)
9 for an eligible individual receiving family care, [\$1,016.48] \$1,037.48
10 if he or she is receiving such care in the city of New York or the coun-
11 ty of Nassau, Suffolk, Westchester or Rockland; and (ii) for an eligible
12 couple receiving family care in the city of New York or the county of
13 Nassau, Suffolk, Westchester or Rockland, two times the amount set forth
14 in subparagraph (i) of this paragraph; or (iii) for an eligible individ-
15 ual receiving such care in any other county in the state, [\$978.48]
16 \$999.48; and (iv) for an eligible couple receiving such care in any
17 other county in the state, two times the amount set forth in subpara-
18 graph (iii) of this paragraph.

19 (d) On and after January first, two thousand [eighteen] nineteen, (i)
20 for an eligible individual receiving residential care, [\$1,185.00]
21 \$1,206.00 if he or she is receiving such care in the city of New York or
22 the county of Nassau, Suffolk, Westchester or Rockland; and (ii) for an
23 eligible couple receiving residential care in the city of New York or
24 the county of Nassau, Suffolk, Westchester or Rockland, two times the
25 amount set forth in subparagraph (i) of this paragraph; or (iii) for an
26 eligible individual receiving such care in any other county in the
27 state, [\$1,155.00] \$1,176.00; and (iv) for an eligible couple receiving

1 such care in any other county in the state, two times the amount set
2 forth in subparagraph (iii) of this paragraph.

3 (e) (i) On and after January first, two thousand [eighteen] nineteen,
4 for an eligible individual receiving enhanced residential care,
5 [\$1,444.00] \$1,465.00; and (ii) for an eligible couple receiving
6 enhanced residential care, two times the amount set forth in subpara-
7 graph (i) of this paragraph.

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

13 § 3. This act shall take effect December 31, 2019.

14 PART M

15 Section 1. This Part enacts into law major components of legislation
16 which are necessary to improve the foster care system. Each component is
17 wholly contained within a Subpart identified as Subparts A through B.
18 The effective date for each particular provision contained within such
19 Subpart is set forth in the last section of such Subpart. Any provision
20 in any section contained within a Subpart, including the effective date
21 of the Subpart, which makes a reference to a section "of this act," when
22 used in connection with that particular component, shall be deemed to
23 mean and refer to the corresponding section of the Subpart in which it
24 is found. Section three of this Part sets forth the general effective
25 date of this Part.

1 SUBPART A

2 Section 1. The social services law is amended by adding a new section
3 462-c to read as follows:

4 § 462-c. Appointment of a temporary operator of a foster care program.

5 1. The office of children and family services shall have the authority
6 to appoint a temporary operator in accordance with this section.

7 2. For the purposes of this section:

8 (a) "Commissioner" shall mean the commissioner of the office or his or
9 her designee.

10 (b) "Office" shall mean the office of children and family services.

11 (c) "Foster care agency" shall mean an authorized agency as defined in
12 paragraph (a) of subdivision ten of section three hundred seventy-one of
13 this chapter that operates one or more foster care programs.

14 (d) "Established operator" shall mean a foster care agency.

15 (e) "Temporary operator" shall mean any foster care agency appointed
16 by the commissioner that:

17 (i) agrees to provide foster care on a temporary basis in the best
18 interests of the foster care youth served by the established operator;

19 (ii) has a history of recent compliance with applicable laws, rules,
20 and regulations and a record of providing foster care of good quality,
21 as determined by the commissioner; and

22 (iii) prior to appointment as temporary operator, develops a plan
23 determined to be satisfactory by the commissioner to address the estab-
24 lished operator's deficiencies.

25 (f) "Local social services district" shall include any local social
26 services district with care and custody or custody and guardianship of a
27 foster care youth placed with the established operator that may be

1 subject to the appointment of a temporary operator pursuant to this
2 section, as well as the local social services district where the estab-
3 lished operator is located.

4 3. (a) (i) A temporary operator may only be appointed after the estab-
5 lished operator has been provided notice of alleged violations and the
6 ability to cure such violations.

7 (ii) The local social services district shall also be notified of the
8 alleged violations prior to the appointment of a temporary operator.

9 (iii) If the established operator fails to cure such violations in a
10 timely manner, a temporary operator may be appointed:

11 (A) where the established operator is unable or unwilling to ensure
12 the proper operation of the foster care program and there exist condi-
13 tions that have the potential to seriously endanger or jeopardize the
14 health, safety, or welfare of foster care youth; or

15 (B) when necessary to protect the health, safety or welfare of youth
16 served by the established program.

17 (iv) If the commissioner determines to appoint a temporary operator,
18 the commissioner shall notify the established operator and the local
19 social services district of his or her intention to appoint a temporary
20 operator to assume sole responsibility for the established operator's
21 operations for a limited period of time.

22 (v) The appointment of a temporary operator shall be effectuated
23 pursuant to this section, and shall be in addition to any other remedies
24 provided by law.

25 (b) The established operator may at any time request the commissioner
26 to appoint a temporary operator. Upon receiving such a request, the
27 commissioner may, if he or she determines that such an action is neces-
28 sary, enter into an agreement with the established operator for the

1 appointment of a temporary operator to restore or maintain the provision
2 of services to children and families provided in the foster care
3 program, until the established operator can resume operations within
4 the designated time period or other action is taken to suspend, revoke,
5 or limit the authority of the established operator.

6 4. (a) A temporary operator appointed pursuant to this section shall
7 use his or her best efforts to implement the plan deemed satisfactory by
8 the commissioner to correct or eliminate any concerns regarding health,
9 safety or welfare of the established operator, and promote the quality
10 and accessibility of services provided to foster children and their
11 families in the applicable foster care program.

12 (b) During the term of appointment, the temporary operator shall have
13 the authority to direct the staff of the established operator as neces-
14 sary to appropriately provide care for foster care youth in accordance
15 with the plan approved by the commissioner. The temporary operator
16 shall, during this period, provide programs and services for foster
17 youth in such a manner as to promote the health, safety, and welfare of
18 the youth by the established operator until either the established oper-
19 ator can resume operations or until the office revokes the authority of
20 the established operator to operate a foster care program.

21 (c) The established operator shall grant the temporary operator access
22 to the established operator's accounts and records in order to address
23 any serious health, safety or welfare deficiencies. The temporary opera-
24 tor shall approve any decision related to an established provider's day
25 to day operations or the established provider's ability to provide
26 programs and services for foster youth.

27 (d) The temporary operator shall not be required to file any bond. No
28 security interest in any real or personal property comprising the estab-

1 lished operator, contained within the established operator, or in any
2 fixture of the building or buildings owned by the established operator,
3 shall be impaired or diminished in priority by the temporary operator.
4 Neither the temporary operator nor the office shall engage in any activ-
5 ity that constitutes a confiscation of property.

6 5. Costs associated with the temporary operator, including compen-
7 sation, shall be borne by the established operator and follow the
8 financing structure established in accordance with section one hundred
9 fifty-three-k of this chapter as modified by the current aid to locali-
10 ties provisions for the office of children and family services within
11 the department of family assistance. The temporary operator shall be
12 liable in its capacity as temporary operator for injury to persons and
13 property by reason of its operation of such building; no liability shall
14 incur in the temporary operator's personal capacity, except for gross
15 negligence and intentional acts.

16 6. (a) The initial term of the appointment of the temporary operator
17 shall not exceed ninety days. After ninety days, if the commissioner
18 determines that termination of the temporary operator would cause
19 significant deterioration of the quality of the foster care program run
20 by the established operator or that reappointment is necessary to
21 correct the deficiencies that required the appointment of the temporary
22 operator, the commissioner may authorize additional ninety day terms.

23 (b) Within fourteen days prior to the termination of each term of the
24 appointment of the temporary operator, the temporary operator shall
25 submit to the commissioner, to the local social services district, and
26 to the established operator a report describing:

1 (i) the actions taken during the appointment to address the identified
2 deficiencies, the resumption of operations by the established operator,
3 or the revocation of authority to operate a foster care program;

4 (ii) objectives for the continuation of the temporary operatorship if
5 necessary and a schedule for satisfaction of such objectives; and

6 (iii) if applicable, the recommended actions for the ongoing provision
7 of foster care after the temporary operatorship is complete.

8 (c) The term of the initial appointment and of any subsequent reap-
9 pointment of a temporary operator in accordance with this section may be
10 terminated prior to the expiration of the designated term, if the estab-
11 lished operator and the commissioner agree on a plan of correction and
12 the implementation of such plan.

13 7. (a) The commissioner shall, upon making a determination of an
14 intention to appoint a temporary operator pursuant to this section,
15 cause the established operator and the local social services district
16 to be notified of the intention by registered or certified mail
17 addressed to the principal office of the established operator and the
18 local social services district. Such notification shall include a
19 detailed description of the findings underlying the intention to appoint
20 a temporary operator, and the date and time of a required meeting with
21 the commissioner within ten business days of the receipt of such
22 notice. At such meeting, the established operator, and the commissioner
23 shall have the opportunity to review and discuss all relevant findings.
24 At such meeting, the commissioner and the established operator shall
25 attempt to develop a mutually satisfactory plan of correction and sched-
26 ule for implementation. If a mutually satisfactory plan of correction
27 and schedule for implementation is developed, the commissioner shall
28 notify the established operator that the commissioner will abstain from

1 appointing a temporary operator contingent upon the established operator
2 remediating the identified deficiencies within the agreed upon time-
3 frame.

4 (b) The commissioner shall, upon making a determination of an inten-
5 tion to appoint a temporary operator pursuant to this section, cause the
6 temporary president of the senate, and the speaker of the assembly to
7 receive appropriate and timely notification of the intention to appoint
8 a temporary operator. Such notification shall include a description of
9 the findings underlying the intention to appoint a temporary operator,
10 the identification of the temporary operator when practicable, and the
11 date of expected transfer of operations. Such notice shall be made as
12 soon as practicable under the circumstances.

13 (c) The commissioner, at any time he or she deems necessary, and to
14 the extent practicable, shall consult and may involve the local social
15 services district.

16 (d) Should the commissioner and the established operator be unable to
17 establish a plan of correction pursuant to this subdivision, or should
18 the established operator fail to respond to the commissioner's initial
19 notification, there shall be an administrative hearing on the commis-
20 sioner's determination to appoint a temporary operator to begin no later
21 than thirty days from the date of the notice to the established opera-
22 tor. Any such hearing shall be strictly limited to the issue of whether
23 the determination of the commissioner to appoint a temporary operator is
24 supported by substantial evidence. A copy of the decision shall be sent
25 to the established operator and the local social services district.

26 (e) If the decision to appoint a temporary operator is upheld such
27 temporary operator shall be appointed as soon as is practicable and
28 shall provide appropriate care and services for the foster care youth

1 as well as take any necessary actions pursuant to the provisions of this
2 chapter or the regulations of the office of children and family
3 services.

4 8. Notwithstanding the appointment of a temporary operator, the estab-
5 lished operator shall remain obligated for the continued provision of
6 care and services for the foster care youth. No provision contained in
7 this section shall be deemed to relieve the established operator or any
8 other person of any civil or criminal liability incurred, or any duty
9 imposed by law, by reason of acts or omissions of the established opera-
10 tor or any other person prior to the appointment of any temporary opera-
11 tor of the building hereunder; nor shall anything contained in this
12 section be construed to suspend during the term of the appointment of
13 the temporary operator of the building any obligation of the estab-
14 lished operator or any other person for the maintenance and repair of
15 the building, provision of utility services, payment of taxes or other
16 operating and maintenance expenses of the building, nor of the estab-
17 lished operator or any other person for the payment of mortgages or
18 liens.

19 § 2. This act shall take effect immediately.

20 SUBPART B

21 Section 1. Section 4 of part W of chapter 54 of the laws of 2016,
22 amending the social services law relating to the powers and duties of
23 the commissioner of social services relating to the appointment of a
24 temporary operator, is amended to read as follows:

25 § 4. This act shall take effect immediately and shall be deemed to
26 have been in full force and effect on and after April 1, 2016, provided

1 further that this act shall expire and be deemed repealed March 31,
2 [2019] 2022.

3 § 2. This act shall take effect immediately.

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

13 § 3. This act shall take effect immediately; provided, however, that
14 the applicable effective date of Subparts A through B of this act shall
15 be as specifically set forth in the last section of such Subparts.

16 PART N

17 Section 1. Paragraph (n) of subdivision 1 of section 336 of the social
18 services law, as amended by section 148 of part B of chapter 436 of the
19 laws of 1997, is amended and a new paragraph (o) is added to read as
20 follows:

21 (n) educational activities pursuant to section three hundred thirty-
22 six-a of this title[.];

23 (o) time-limited job try-outs as work experience assignments with
24 private for-profit, non-profit and public sector entities that lead to
25 unsubsidized full-time or part-time employment.

1 § 2. Subparagraph (iii) of paragraph (e) of subdivision 1 of section
2 335-b of the social services law, as amended by section 2 of part J of
3 chapter 58 of the laws of 2006, is amended to read as follows:

4 (iii) In the case of a two-parent family receiving federally funded
5 child care assistance and a parent in the family is not disabled or
6 caring for a severely disabled child, the individual and the other
7 parent in the family are participating in work activities for a total of
8 at least fifty-five hours per week during the month, not fewer than
9 fifty hours of which are attributable to activities described in para-
10 graphs (a) through (h) [and], (l) and (o) of subdivision one of section
11 three hundred thirty-six of this title.

12 § 3. Subdivision 2 of section 335-b of the social services law, as
13 amended by chapter 380 of the laws of 2004, is amended to read as
14 follows:

15 2. Engaged in work for a month shall mean participating in work activ-
16 ities identified in subdivision one of section three hundred thirty-six
17 of this title for the required number of hours specified in this section
18 provided, however, that at least twenty hours of such participation, or
19 thirty hours for two-parent families, or fifty hours for two-parent
20 families receiving federally funded child care as set forth in subpara-
21 graph (iii) of paragraph (d) of subdivision one of this section, shall
22 be attributable to the activities described in paragraphs (a) through
23 (h) [and], (l) and (o) of subdivision one of section three hundred thir-
24 ty-six of this title, or for households without dependent children at
25 least twenty hours of participation shall be attributable to the activ-
26 ities set forth in paragraphs (a) through (h) [and], (l) and (o) of
27 subdivision one of section three hundred thirty-six of this title, and
28 further provided that participation in job search and job readiness

1 assistance as identified in paragraph (f) of subdivision one of section
2 three hundred thirty-six of this title shall only be determined as
3 engaged in work for a maximum period of six weeks, only four of which
4 may be consecutive as otherwise limited by federal law; and that indi-
5 viduals in all families and in two parent families may be engaged in
6 work for a month by reason of participation in vocational training to
7 the extent allowed by federal law. Any non-graduate student participat-
8 ing or approved by CUNY, SUNY or another degree granting institution, or
9 any other state or local district approved education, training or voca-
10 tional rehabilitation agency to participate in work-study, or in intern-
11 ships, externships, or other work placements that are part of the
12 curriculum of that student, shall not be unreasonably denied the ability
13 to participate in such programs and each hour of participation shall
14 count toward satisfaction of such student's work activity requirements
15 of this title provided that the district may consider, among other
16 factors, (a) whether the student has voluntarily terminated his or her
17 employment or voluntarily reduced his or her earnings to qualify for
18 public assistance pursuant to subdivision ten of section one hundred
19 thirty-one of this article; (b) whether a comparable job or on the job
20 training position can reasonably be expected to exist in the private,
21 public or not-for-profit sector; (c) that the student has a cumulative C
22 average or its equivalent, which may be waived by the district for undue
23 hardship based on (1) the death of a relative of the student, (2) the
24 personal injury or illness of the student, or (3) other extenuating
25 circumstances; and (d) whether the institution cooperates in monitoring
26 students attendance and performance and reports to the local social
27 services department monthly on each student. Failure of the institution
28 to monitor and report monthly to local social services districts on

1 attendance and performance of the student's work study, internship,
2 externship or other work placement shall be cause for the department to
3 reasonably deny the student's ability to participate in such programs.
4 Students shall be subject to sanctions equivalent to those associated
5 with failure to adequately satisfy their other required work activities.
6 In assigning a non-graduate student participating in work-study, intern-
7 ships, externships or other work placements, pursuant to this section,
8 to other work activities the district shall make reasonable effort to
9 assign the student to hours that do not conflict with the student's
10 academic schedule.

11 § 4. Subdivision 1 of section 336-c of the social services law is
12 amended by adding a new paragraph (c) to read as follows:

13 (c) A social services district may also establish time-limited, job
14 try-out opportunities with private for-profit, non-profit or public
15 sector entities leading to unsubsidized full-time or part-time employ-
16 ment.

17 § 5. Subdivision 2 of section 336-c of the social services law, as
18 amended by section 148 of part B of chapter 436 of the laws of 1997, is
19 amended to read as follows:

20 2. A recipient may be assigned to participate in [such] a work experi-
21 ence program only if:

22 (a) appropriate federal and state standards of health, safety and
23 other work conditions are maintained;

24 (b) The maximum number of hours a participant in work experience
25 activities authorized pursuant to this section shall be required to work
26 in such assignment shall not exceed [a number] forty hours in any week
27 and shall not exceed the number of hours which equals the amount of
28 assistance payable with respect to such [individual] individual's public

1 assistance household (inclusive of the value of [food stamps] supple-
2 mental nutrition assistance program benefits received by such [individ-
3 ual] household, if any) divided by the [higher] highest of [(a)] (i) the
4 federal minimum wage [provided that such hours shall be limited as set
5 forth in subdivision four of section three hundred thirty-six of this
6 title,]; or [(b)] (ii) the applicable state minimum wage; or (iii) for
7 those placements with a for-profit entity, the wage normally provided
8 for trainees in such positions;

9 (c) such recipients are provided appropriate workers' compensation or
10 equivalent protection for on-the-job injuries and tort claims protection
11 on the same basis, but not necessarily at the same benefit level, as
12 they are provided to other persons in the same or similar positions,
13 while participating in work experience activities under this section;

14 (d) the project to which the participant is assigned [serves] pursuant
15 to paragraph (b) of subdivision one of this section must serve a useful
16 public purpose in fields such as health, social services, environmental
17 protection, education, urban and rural development and redevelopment,
18 welfare, recreation, operation of public facilities, public safety, and
19 child day care;

20 (e) such assignment would not result in (i) the displacement of any
21 currently employed worker or loss of position (including partial
22 displacement such as reduction in the hours of non-overtime work, wages
23 or employment benefits) or result in the impairment of existing
24 contracts for services or collective bargaining agreements; (ii) the
25 loss of exclusivity, if any, to any employee organization with regard to
26 the work performed by any employees as part of a negotiating unit pursu-
27 ant to article fourteen of the civil service law; (iii) the employment
28 or assignment of a participant or the filling of a position when any

1 other person is on layoff from the same or any equivalent position
2 consistent with article five of the civil service law or the employer
3 has terminated the employment of any regular employee or otherwise
4 reduced its workforce with the effect of filling the vacancy so created
5 with a participant assigned pursuant to this section; [(iii)] (iv) any
6 infringement of the promotional opportunities of any current employed
7 person when a participant is assigned pursuant to paragraph (b) of
8 subdivision one of this section; [or (iv)] (v) the performance, by such
9 participant, of a substantial portion of the work ordinarily and actual-
10 ly performed by regular employees; or [(v)] (vi) the loss of a bargain-
11 ing unit position as a result of work experience participants perform-
12 ing, in part or in whole, the work normally performed by the employee in
13 such position;

14 (f) such assignment is not at any work site at which the regular
15 employees are on a legal strike against the employer or are being
16 subjected to lock out by the employer.

17 § 6. Section 336-c of the social services law is amended by adding a
18 new subdivision 2-a to read as follows:

19 2-a. Job try-out programs in private for-profit, non-profit, and
20 public sector entities leading to unsubsidized full-time or part-time
21 employment. (a) Social services districts may enter agreements with
22 private for-profit, non-profit, or public sector entities to establish
23 job try-out programs which will provide public assistance recipients the
24 training opportunities to learn the skills necessary to perform the job
25 duties for an anticipated job opening. Any such agreements between
26 social services districts and private for-profit, non-profit or public
27 sector entities shall provide that participants will be offered full-
28 time or part-time unsubsidized employment following the end of a nine-

1 ty-day job try-out period absent demonstrated reasonable cause for not
2 hiring the participants. An entity which unreasonably terminates the
3 ninety-day job try-out period or fails to offer full-time or part-time
4 unsubsidized employment to a participant who successfully completes the
5 ninety-day job try-out shall become ineligible to participate in the job
6 try-out program, as provided for in paragraph (c) of this subdivision.

7 (b) A public assistance recipient may be assigned to participate in a
8 job try-out pursuant to this subdivision only if:

9 (i) the private for-profit, non-profit, or public sector entity has
10 entered into an agreement with a social services district pursuant to
11 paragraph (a) of this subdivision;

12 (ii) there is no conflict with laws and regulations regarding collec-
13 tive bargaining in the private for-profit, non-profit, and public
14 sectors;

15 (iii) notwithstanding any other section of law, the job try-out posi-
16 tion to which the participant is assigned shall be unpaid and shall not
17 be considered employment; however, the following provisions shall be
18 excepted and shall apply to job try-out placements:

19 (A) the human rights law as set forth in article fifteen of the execu-
20 tive law;

21 (B) licensure and employment of persons previously convicted of one or
22 more criminal offenses as set forth in article twenty-three-a of the
23 correction law;

24 (C) one day of rest in seven as set forth in section one hundred
25 sixty-one of the labor law;

26 (D) time allowed for meals as set forth in section one hundred sixty-
27 two of the labor law;

1 (E) prohibited discrimination against engagement in certain activities
2 as set forth in section two hundred one-d of the labor law; and

3 (F) prohibited retaliation as set forth in section two hundred fifteen
4 of the labor law;

5 (iv) the household of which the participant is a member will continue
6 to receive any public assistance, supplemental nutrition assistance
7 program, or other benefits that such household is otherwise eligible for
8 throughout the job try-out assignment;

9 (v) the job try-out program to which the participant is assigned shall
10 be limited to ninety days. The assignment may not be extended beyond the
11 ninety days, even if agreed to by the participant and the private for-
12 profit, non-profit or public sector entity;

13 (vi) prior to the job try-out assignment, the participant will receive
14 from the private for-profit, non-profit or public sector entity a writ-
15 ten explanation of his or her training expectations along with a
16 description of the supervision and skills to be learned;

17 (vii) the private sector for-profit, non-profit or public sector enti-
18 ty is required to provide to the social services district, at no less
19 than thirty-day intervals, information regarding the participant's
20 attendance and performance as part of a job try-out assignment;

21 (c) Non-compliance. If a social services district determines that a
22 private for-profit, non-profit or public sector entity without reason-
23 able cause, has not retained the participant for the full ninety day job
24 try-out period or has not offered full-time or part-time unsubsidized
25 employment to the participant on or before the end of the ninety day job
26 try-out period pursuant to the requirements of this subdivision, the
27 social services district shall take the following actions:

1 (i) a first violation shall result in a one-month ban on new assign-
2 ments with the private for-profit, non-profit or public sector entity;

3 (ii) a second violation, within one year of the first violation, shall
4 result in a three-month ban on new assignments with the private for-pro-
5 fit, non-profit or public sector entity; and

6 (iii) a third violation, and any further violations, within two years
7 of the first violation, shall result in a one-year ban on new assignment
8 placements with the private for-profit, non-profit or public sector
9 entity.

10 § 7. This act shall take effect on the one hundred twentieth day after
11 it shall have become a law; provided that the commissioner of the office
12 of temporary and disability assistance may promulgate any rules or regu-
13 lations necessary to implement this act on or before its effective date.

14 PART O

15 Section 1. Subdivision 1 of section 198-a of the labor law, as amended
16 by chapter 564 of the laws of 2010, is amended to read as follows:

17 1. Every employer who does not pay the wages of all of his or her
18 employees in accordance with the provisions of this chapter, and the
19 officers and agents of any corporation, partnership, or limited liabil-
20 ity company who knowingly permit the corporation, partnership, or limit-
21 ed liability company to violate this chapter by failing to pay the wages
22 of any of its employees in accordance with the provisions thereof, shall
23 be guilty [of a misdemeanor for the first offense and upon conviction
24 therefor shall be fined not less than five hundred nor more than twenty
25 thousand dollars or imprisoned for not more than one year, and, in the
26 event that any second or subsequent offense occurs within six years of

1 the date of conviction for a prior offense, shall be guilty of a felony
2 for the second or subsequent offense, and upon conviction therefor,
3 shall be fined not less than five hundred nor more than twenty thousand
4 dollars or imprisoned for not more than one year plus one day, or
5 punished by both such fine and imprisonment, for each such offense. An
6 indictment of a person or corporation operating a steam surface railroad
7 for an offense specified in this section may be found and tried in any
8 county within the state in which such railroad ran at the time of such
9 offense] , except as otherwise provided in this chapter or in the penal
10 law, of a class A misdemeanor for failure to pay a single employee less
11 than one thousand dollars or less than twenty-five thousand dollars to
12 more than one employee; of a class E felony for failure to pay a single
13 employee greater than one thousand dollars or greater than twenty-five
14 thousand dollars to more than one employee; of a class D felony for
15 failure to pay a single employee greater than three thousand dollars or
16 one hundred thousand dollars to more than one employee; and a class C
17 felony for failure to pay a single employee greater than fifty thousand
18 dollars or greater than five hundred thousand dollars to more than one
19 employee. Further, a court may order restitution of wages in the amount
20 of the underpayment and together with such amounts provided for by
21 section two hundred eighteen of this chapter.

22 § 2. Section 213 of the labor law, as amended by chapter 729 of the
23 laws of 1980, is amended to read as follows:

24 § 213. Violations of provisions of labor law; the rules, regulations
25 or orders of the industrial commissioner and the industrial board of
26 appeals. Any person who violates or does not comply with any provision
27 of the labor law, any rule, regulation or lawful order of the industrial
28 commissioner or the industrial board of appeals, and the officers and

1 agents of any corporation who knowingly permit the corporation to
2 violate such provisions, are guilty of a class A misdemeanor and upon
3 conviction shall be punished in accordance with the penal law, [except
4 as in this chapter or in the penal law otherwise provided, for a first
5 offense by a fine of not more than one hundred dollars, provided, howev-
6 er, that if the first offense is a violation of a rule or provision for
7 the protection of the safety or health of employees or persons lawfully
8 frequenting a place to which this chapter applies, the punishment shall
9 be a fine of not more than one hundred dollars or by imprisonment for
10 not more than fifteen days or by both such fine and imprisonment;] and,
11 for a second [offense by a fine of not less than one hundred nor more
12 than five hundred dollars, or by imprisonment for not more than thirty
13 days or by both such fine and imprisonment; for a subsequent offense by
14 a fine of not less than three hundred dollars, or by imprisonment for
15 not more than sixty days, or by both such fine and imprisonment] or
16 subsequent offense committed within six years of the date of conviction
17 of a prior offense, are guilty of a class E felony and upon conviction
18 shall be punished in accordance with the penal law. This section shall
19 not apply to any person covered by section twenty-seven-a of this chap-
20 ter.

21 § 3. This act shall take effect immediately.

22 PART P

23 Section 1. Section 522 of the labor law, as amended by chapter 720 of
24 the laws of 1953, is amended to read as follows:

25 § 522. Total unemployment. "Total unemployment" or "totally unem-
26 ployed" means the [total] lack of any employment [on] in any [day] week.

1 The term "employment" as used in this section means any employment
2 including that not defined in this title.

3 § 2. Section 523 of the labor law, as amended by chapter 675 of the
4 laws of 1977, is amended to read as follows:

5 § 523. [Effective day. "Effective day" means a full day of total unem-
6 ployment provided such day falls within a week in which a claimant had
7 four or more days of total unemployment and provided further that only
8 those days of total unemployment in excess of three days within such
9 week are deemed "effective days". No effective day is deemed to occur in
10 a week in which the claimant has days of employment for which he is paid
11 compensation exceeding the highest benefit rate which is applicable to
12 any claimant in such week. A claimant who is employed on a shift
13 continuing through midnight is deemed to have been employed on the day
14 beginning before midnight with respect to such shift, except where night
15 shift employees are regularly scheduled to start their work week at
16 seven post meridiem or thereafter on Sunday night, their regularly sche-
17 duled starting time on Sunday shall be considered as starting on
18 Monday.] Partial unemployment. "Partial unemployment" or "partially
19 unemployed" means any week if the total remuneration of any nature paya-
20 ble for services of any kind during such week amounts to less than one
21 and one-half times the claimant's benefit rate for total unemployment
22 rounded to the lowest next dollar. For purposes of this section, remun-
23 eration shall also include any holiday or vacation pay payable with
24 respect to any such week, whether or not any service was performed
25 during such week or was in any other way required for receipt of such
26 holiday or vacation pay. For purposes of this section, the commissioner
27 shall consider earnings derived from self-employment, but only to the

1 extent such earnings are actually received or payable with respect to a
2 given week of partial unemployment.

3 § 3. Section 524 of the labor law, as added by chapter 5 of the laws
4 of 2000, is amended to read as follows:

5 § 524. Week of employment. For purposes of this article, "week of
6 employment" shall mean a Monday through Sunday period during which a
7 claimant was paid remuneration for employment for an employer or employ-
8 ers liable for contributions or for payments in lieu of contributions
9 under this article. A claimant who is employed on a shift continuing
10 through midnight is deemed to have been employed on the day beginning
11 before midnight with respect to such shift, except where night shift
12 employees are regularly scheduled to start their work week at seven post
13 meridiem or thereafter on Sunday night, their regularly scheduled start-
14 ing time on Sunday shall be considered as starting on Monday.

15 § 4. Subdivision 4 of section 527 of the labor law, as amended by
16 chapter 832 of the laws of 1968 and as renumbered by chapter 381 of the
17 laws of 1984, is amended to read as follows:

18 4. General condition. A valid original claim may be filed only in a
19 week in which the claimant [has at least one effective day of unemploy-
20 ment] is totally unemployed or partially unemployed as defined in this
21 article.

22 § 5. Clauses (i), (ii), (iii) and (iv) of subparagraph 2 of paragraph
23 (e) of subdivision 1 of section 581 of the labor law, as amended by
24 chapter 282 of the laws of 2002, are amended to read as follows:

25 (i) In those instances where the claimant may not utilize wages paid
26 to establish entitlement based upon subdivision ten of section five
27 hundred ninety of this article and an educational institution is the
28 claimant's last employer prior to the filing of the claim for benefits,

1 or the claimant performed services in such educational institution in
2 such capacity while employed by an educational service agency which is
3 the claimant's last employer prior to the filing of the claim for bene-
4 fits, such employer shall not be liable for benefit charges [for the
5 first twenty-eight effective days of benefits paid] in an amount equal
6 to the benefits paid for seven weeks of total unemployment as otherwise
7 provided by this section. Under such circumstances, benefits paid shall
8 be charged to the general account. In addition, wages paid during the
9 base period by such educational institutions, or for services in such
10 educational institutions for claimants employed by an educational
11 service agency shall not be considered base period wages during periods
12 that such wages may not be used to gain entitlement to benefits pursuant
13 to subdivision ten of section five hundred ninety of this article.

14 (ii) In those instances where the claimant may not utilize wages paid
15 to establish entitlement based upon subdivision eleven of section five
16 hundred ninety of this article and an educational institution is the
17 claimant's last employer prior to the filing of the claim for benefits,
18 or the claimant performed services in such educational institution in
19 such capacity while employed by an educational service agency which is
20 the claimant's last employer prior to the filing of the claim for bene-
21 fits, such employer shall not be liable for benefit charges [for the
22 first twenty-eight effective days of benefits paid] in an amount equal
23 to the benefits paid for seven weeks of total unemployment as otherwise
24 provided by this section. Under such circumstances, benefits paid will
25 be charged to the general account. In addition, wages paid during the
26 base period by such educational institutions, or for services in such
27 educational institutions for claimants employed by an educational
28 service agency shall not be considered base period wages during periods

1 that such wages may not be used to gain entitlement to benefits pursuant
2 to subdivision eleven of section five hundred ninety of this article.
3 However, in those instances where a claimant was not afforded an oppor-
4 tunity to perform services for the educational institution for the next
5 academic year or term after reasonable assurance was provided, such
6 employer shall be liable for benefit charges as provided for in this
7 paragraph for any retroactive payments made to the claimant.

8 (iii) In those instances where the federal government is the claim-
9 ant's last employer prior to the filing of the claim for benefits and
10 such employer is not a base-period employer, payments [equaling the
11 first twenty-eight effective days of benefits] in an amount equal to the
12 benefits paid for seven weeks of total unemployment as otherwise
13 prescribed by this section shall be charged to the general account. In
14 those instances where the federal government is the claimant's last
15 employer prior to the filing of the claim for benefits and a base-period
16 employer, such employer shall be liable for charges for all benefits
17 paid on such claim in the same proportion that the remuneration paid by
18 such employer during the base period bears to the remuneration paid by
19 all employers during the base period. In addition, benefit payment
20 charges [for the first twenty-eight effective days of benefits] in an
21 amount equal to the benefits paid for seven weeks of total unemployment
22 other than those chargeable to the federal government as prescribed
23 above shall be made to the general account.

24 (iv) In those instances where a combined wage claim is filed pursuant
25 to interstate reciprocal agreements and the claimant's last employer
26 prior to the filing of the claim is an out-of-state employer and such
27 employer is not a base-period employer, benefit payments [equaling the
28 first twenty-eight effective days of benefits] in an amount equal to the

1 benefits paid for seven weeks of total unemployment as otherwise
2 prescribed by this section shall be charged to the general account. In
3 those instances where the out-of-state employer is the last employer
4 prior to the filing of the claim for benefits and a base-period employer
5 such employer shall be liable for charges for all benefits paid on such
6 claim in the same proportion that the remuneration paid by such employer
7 during the base period bears to the remuneration paid by all employers
8 during the base period. In addition, benefit payment charges [for the
9 twenty-eight effective days of benefits] in an amount equal to the bene-
10 fits paid for seven weeks of total unemployment other than those charge-
11 able to the out-of-state employer as prescribed above shall be made to
12 the general account.

13 § 6. Subdivisions 1, 3, 4, paragraph (a) of subdivision 5 and subdivi-
14 sions 6 and 7 of section 590 of the labor law, subdivisions 1 and 3 as
15 amended by chapter 645 of the laws of 1951, subdivision 4 as amended by
16 chapter 457 of the laws of 1987, paragraph (a) of subdivision 5 as
17 amended by section 8 of part 0 of chapter 57 of the laws of 2013, subdivi-
18 sion 6 as added by chapter 720 of the laws of 1953 and as renumbered
19 by chapter 675 of the laws of 1977, and subdivision 7 as amended by
20 chapter 415 of the laws of 1983, are amended and two new paragraphs (c)
21 and (d) are added to subdivision 5 to read as follows:

22 1. Entitlement to benefits. A claimant shall be entitled to [accumu-
23 late effective days for the purpose of benefit rights] the payment of
24 benefits only if he or she has complied with the provisions of this
25 article regarding the filing of his or her claim, including the filing
26 of a valid original claim, registered as totally unemployed or partially
27 unemployed, reported his or her subsequent employment and unemployment,

1 and reported for work or otherwise given notice of the continuance of
2 his or her unemployment.

3 3. Compensable periods. Benefits shall be paid for each [accumulation
4 of effective days within a] week of partial unemployment or total unem-
5 ployment.

6 4. Duration. Benefits shall not be paid for more than [one hundred and
7 four effective days] an amount exceeding twenty-six times the claimant's
8 weekly benefit rate in any benefit year, except as provided in section
9 six hundred one and subdivision two of section five hundred ninety-nine
10 of this [chapter] title.

11 (a) A claimant's weekly benefit amount shall be one twenty-sixth of
12 the remuneration paid during the highest calendar quarter of the base
13 period by employers, liable for contributions or payments in lieu of
14 contributions under this article, provided the claimant has remuneration
15 paid in all four calendar quarters during his or her base period or
16 alternate base period. However, for any claimant who has remuneration
17 paid in all four calendar quarters during his or her base period or
18 alternate base period and whose high calendar quarter remuneration
19 during the base period is three thousand five hundred seventy-five
20 dollars or less, the benefit amount shall be one twenty-fifth of the
21 remuneration paid during the highest calendar quarter of the base period
22 by employers liable for contributions or payments in lieu of contrib-
23 utions under this article. A claimant's weekly benefit shall be one
24 twenty-sixth of the average remuneration paid in the two highest quar-
25 ters paid during the base period or alternate base period by employers
26 liable for contributions or payments in lieu of contributions under this
27 article when the claimant has remuneration paid in two or three calendar
28 quarters provided however, that a claimant whose high calendar quarter

1 is four thousand dollars or less but greater than three thousand five
2 hundred seventy-five dollars shall have a weekly benefit amount of one
3 twenty-sixth of such high calendar quarter. However, for any claimant
4 who has remuneration paid in two or three calendar quarters during his
5 or her base period or alternate base period and whose high calendar
6 quarter remuneration during the base period is three thousand five
7 hundred seventy-five dollars or less, the benefit amount shall be one
8 twenty-fifth of the remuneration paid during the highest calendar quar-
9 ter of the base period by employers liable for contributions or payments
10 in lieu of contributions under this article. Any claimant whose high
11 calendar quarter remuneration during the base period is more than three
12 thousand five hundred seventy-five dollars shall not have a weekly bene-
13 fit amount less than one hundred forty-three dollars. The weekly benefit
14 amount, so computed, that is not a multiple of one dollar shall be
15 lowered to the next multiple of one dollar. On the first Monday of
16 September, nineteen hundred ninety-eight the weekly benefit amount shall
17 not exceed three hundred sixty-five dollars nor be less than forty
18 dollars, until the first Monday of September, two thousand, at which
19 time the maximum benefit payable pursuant to this subdivision shall
20 equal one-half of the state average weekly wage for covered employment
21 as calculated by the department no sooner than July first, two thousand
22 and no later than August first, two thousand, rounded down to the lowest
23 dollar. On and after the first Monday of October, two thousand fourteen,
24 the weekly benefit shall not be less than one hundred dollars, nor shall
25 it exceed four hundred twenty dollars until the first Monday of October,
26 two thousand fifteen when the maximum benefit amount shall be four
27 hundred twenty-five dollars, until the first Monday of October, two
28 thousand sixteen when the maximum benefit amount shall be four hundred

1 thirty dollars, until the first Monday of October, two thousand seven-
2 teen when the maximum benefit amount shall be four hundred thirty-five
3 dollars, until the first Monday of October, two thousand eighteen when
4 the maximum benefit amount shall be four hundred fifty dollars, until
5 the first Monday of October, two thousand nineteen when the maximum
6 benefit amount shall be thirty-six percent of the average weekly wage
7 until the first Monday of October, two thousand twenty when the maximum
8 benefit amount shall be thirty-eight percent of the average weekly wage,
9 until the first Monday of October two thousand twenty-one when the maxi-
10 mum benefit amount shall be forty percent of the average weekly wage,
11 until the first Monday of October, two thousand twenty-two when the
12 maximum benefit amount shall be forty-two percent of the average weekly
13 wage, until the first Monday of October, two thousand twenty-three when
14 the maximum benefit amount shall be forty-four percent of the average
15 weekly wage, until the first Monday of October, two thousand twenty-four
16 when the maximum benefit amount shall be forty-six percent of the aver-
17 age weekly wage, until the first Monday of October, two thousand twen-
18 ty-five when the maximum benefit amount shall be forty-eight percent of
19 the average weekly wage, until the first Monday of October, two thousand
20 twenty-six and each year thereafter on the first Monday of October when
21 the maximum benefit amount shall be fifty percent of the average weekly
22 wage provided, however, that in no event shall the maximum benefit
23 amount be reduced from the previous year. A claimant shall receive his
24 or her full benefit rate for each week of total unemployment.

25 (c) Any claimant who is partially unemployed throughout a week shall
26 be paid with respect to such week an amount equal to the claimant's
27 benefit rate for total unemployment reduced by an amount equal to two-
28 thirds, rounded to the next lower whole dollar, of the total remunera-

1 tion, rounded to the lower whole dollar, of any nature payable to the
2 claimant for services of any kind during such week.

3 (d) Any claimant who is partially unemployed whose employment is
4 limited to one or two days during any week of unemployment and whose
5 paid or payable remuneration for such week is equal to or less than the
6 weekly maximum benefit amount shall be paid:

7 (1) for employment limited to one day, a benefit amount equal to three
8 quarters of his or her weekly benefit amount, if that amount is greater
9 than what the claimant would have received had his or her benefit amount
10 been computed pursuant to paragraph (c) of this subdivision.

11 (2) for employment limited to two days, a benefit amount equal to
12 fifty percent of his or her weekly benefit amount, if that amount is
13 greater than what the claimant would have received had his or her bene-
14 fit amount been computed pursuant to paragraph (c) of this subdivision.

15 6. Notification requirement. [No effective day shall be counted for
16 any purposes except effective days as to] Benefits shall be payable only
17 for any week for which notification has been given in a manner
18 prescribed by the commissioner.

19 7. Waiting period. A claimant shall not be entitled to [accumulate
20 effective days for the purpose of] receive benefit payments until he or
21 she has [accumulated] completed a waiting period of [four effective days
22 either wholly within the] one week of total unemployment or partial
23 unemployment in which he or she established [his] a valid original claim
24 [or partly within such week and partly] within his or her benefit year
25 initiated by such claim.

26 § 7. Subdivisions 1 and 2, paragraph (a) of subdivision 3 and para-
27 graph (a) of subdivision 6 of section 591 of the labor law, subdivisions
28 1 and 2 as amended by chapter 413 of the laws of 2003, paragraph (a) of

1 subdivision 3 as amended by chapter 794 of the laws of 1963 and para-
2 graph (a) of subdivision 6 as added by section 13 of part 0 of chapter
3 57 of laws of 2013, are amended to read as follows:

4 1. Unemployment. Benefits, except as provided in section five hundred
5 ninety-one-a of this title, shall be paid only to a claimant who is
6 totally unemployed or partially unemployed and who is unable to engage
7 in his or her usual employment or in any other for which he or she is
8 reasonably fitted by training and experience. A claimant who is receiv-
9 ing benefits under this article shall not be denied such benefits pursu-
10 ant to this subdivision or to subdivision two of this section because of
11 such claimant's service on a grand or petit jury of any state or of the
12 United States.

13 2. Availability and capability. Except as provided in section five
14 hundred ninety-one-a of this title, no benefits shall be payable to any
15 claimant who is not capable of work or who is not ready, willing and
16 able to work in his usual employment or in any other for which he is
17 reasonably fitted by training and experience. The commissioner shall
18 promulgate regulations defining a claimant's eligibility for benefits
19 when such claimant is not capable of work or not ready, willing and able
20 to work in his or her usual employment or in any other which he or she
21 is reasonably fitted by training and experience.

22 (a) [No benefits shall be] Benefits payable to a claimant for any day
23 during a paid vacation period, or for a paid holiday, [nor shall any
24 such day be considered a day of total unemployment under section five
25 hundred twenty-two] shall be calculated as provided in section five
26 hundred twenty-three and subdivision five of section five hundred ninety
27 of this article.

1 (a) No benefits shall be payable to a claimant for any week during a
2 dismissal period for which a claimant receives dismissal pay[, nor shall
3 any day within such week be considered a day of total unemployment under
4 section five hundred twenty-two of this article,] if such weekly
5 dismissal pay exceeds the maximum weekly benefit rate.

6 § 8. Subdivisions 1 and 2 of section 591 of the labor law, subdivision
7 1 as amended by chapter 446 of the laws of 1981 and subdivision 2 as
8 amended by section 12 of part 0 of chapter 57 of the laws of 2013, are
9 amended to read as follows:

10 1. Unemployment. Benefits shall be paid only to a claimant who is
11 totally unemployed or partially unemployed and who is unable to engage
12 in his or her usual employment or in any other for which he or she is
13 reasonably fitted by training and experience. A claimant who is receiv-
14 ing benefits under this article shall not be denied such benefits pursu-
15 ant to this subdivision or to subdivision two of this section because of
16 such claimant's service on a grand or petit jury of any state or of the
17 United States.

18 2. Availability, capability, and work search. No benefits shall be
19 payable to any claimant who is not capable of work or who is not ready,
20 willing and able to work in his or her usual employment or in any other
21 for which he or she is reasonably fitted by training and experience and
22 who is not actively seeking work. In order to be actively seeking work a
23 claimant must be engaged in systematic and sustained efforts to find
24 work. The commissioner shall promulgate regulations defining systematic
25 and sustained efforts to find work and setting standards for the proof
26 of work search efforts. The commissioner shall promulgate regulations
27 defining a claimant's eligibility for benefits when such claimant is not
28 capable of work or not ready, willing and able to work in his or her

1 usual employment or in any other which he or she is reasonably fitted by
2 training and experience.

3 § 9. Subdivision 2 of section 592 of the labor law, as amended by
4 chapter 415 of the laws of 1983, is amended to read as follows:

5 2. Concurrent payments prohibited. No [days of total unemployment
6 shall be deemed to occur] benefits shall be payable in any week with
7 respect to which or a part of which a claimant has received or is seek-
8 ing unemployment benefits under an unemployment compensation law of any
9 other state or of the United States, provided that this provision shall
10 not apply if the appropriate agency of such other state or of the United
11 States finally determines that he or she is not entitled to such unem-
12 ployment benefits.

13 § 10. Paragraph (a) of subdivision 1, the opening paragraph of subdivi-
14 sion 2 and subdivisions 3 and 4 of section 593 of the labor law, para-
15 graph (a) of subdivision 1, the opening paragraph of subdivision 2 and
16 subdivision 3 as amended by section 15 of part 0 of chapter 57 of the
17 laws of 2013 and subdivision 4 as amended by chapter 589 of the laws of
18 1998, are amended to read as follows:

19 (a) No [days of total unemployment shall be deemed to occur] benefits
20 shall be payable for any week of total unemployment or partial unemploy-
21 ment that occurs after a claimant's voluntary separation without good
22 cause from employment until he or she has subsequently worked in employ-
23 ment and earned remuneration at least equal to ten times his or her
24 weekly benefit rate. In addition to other circumstances that may be
25 found to constitute good cause, including a compelling family reason as
26 set forth in paragraph (b) of this subdivision, voluntary separation
27 from employment shall not in itself disqualify a claimant if circum-
28 stances have developed in the course of such employment that would have

1 justified the claimant in refusing such employment in the first instance
2 under the terms of subdivision two of this section or if the claimant,
3 pursuant to an option provided under a collective bargaining agreement
4 or written employer plan which permits waiver of his or her right to
5 retain the employment when there is a temporary layoff because of lack
6 of work, has elected to be separated for a temporary period and the
7 employer has consented thereto.

8 No [days of total unemployment shall be deemed to occur] benefits
9 shall be payable for any week of total unemployment or partial unemploy-
10 ment beginning with the day on which a claimant, without good cause,
11 refuses to accept an offer of employment for which he or she is reason-
12 ably fitted by training and experience, including employment not subject
13 to this article, until he or she has subsequently worked in employment
14 and earned remuneration at least equal to ten times his or her weekly
15 benefit rate. Except that claimants who are not subject to a recall date
16 or who do not obtain employment through a union hiring hall and who are
17 still unemployed after receiving ten weeks of benefits shall be required
18 to accept any employment proffered that such claimants are capable of
19 performing, provided that such employment would result in a wage not
20 less than eighty percent of such claimant's high calendar quarter wages
21 received in the base period and not substantially less than the prevail-
22 ing wage for similar work in the locality as provided for in paragraph
23 (d) of this subdivision. No refusal to accept employment shall be deemed
24 without good cause nor shall it disqualify any claimant otherwise eligi-
25 ble to receive benefits if:

26 3. Misconduct. No [days of total unemployment shall be deemed to
27 occur] benefits shall be payable for any week of total unemployment or
28 partial unemployment that occurs after a claimant lost employment

1 through misconduct in connection with his or her employment until he or
2 she has subsequently worked in employment and earned remuneration at
3 least equal to ten times his or her weekly benefit rate.

4 4. Criminal acts. No [days of total unemployment shall be deemed to
5 occur during] benefits shall be payable for any week of total unemploy-
6 ment or partial unemployment for a period of twelve months after a
7 claimant loses employment as a result of an act constituting a felony in
8 connection with such employment, provided the claimant is duly convicted
9 thereof or has signed a statement admitting that he or she has committed
10 such an act. Determinations regarding a benefit claim may be reviewed
11 at any time. Any benefits paid to a claimant prior to a determination
12 that the claimant has lost employment as a result of such act shall not
13 be considered to have been accepted by the claimant in good faith. In
14 addition, remuneration paid to the claimant by the affected employer
15 prior to the claimant's loss of employment due to such criminal act may
16 not be utilized for the purpose of establishing entitlement to a subse-
17 quent, valid original claim. The provisions of this subdivision shall
18 apply even if the employment lost as a result of such act is not the
19 claimant's last employment prior to the filing of his or her claim.

20 § 11. Section 594 of the labor law, as amended by section 16 of part O
21 of chapter 57 of the laws of 2013, is amended to read as follows:

22 § 594. [Reduction and recovery] Recovery of benefits and penalties for
23 wilful false statement. (1) A claimant who has wilfully made a false
24 statement or representation to obtain any benefit under the provisions
25 of this article shall [forfeit benefits for at least the first four but
26 not more than the first eighty effective days following discovery of
27 such offense for which he or she otherwise would have been entitled to

1 receive benefits. Such penalty shall apply only once with respect to
2 each such offense.

3 (2) For the purpose of subdivision four of section five hundred ninety
4 of this article, the claimant shall be deemed to have received benefits
5 for such forfeited effective days.

6 (3) The penalty provided in this section shall not be confined to a
7 single benefit year but shall no longer apply in whole or in part after
8 the expiration of two years from the date of the final determination.
9 Such two-year period shall be tolled during the time period a claimant
10 has an appeal pending] be subject to the penalties set forth in this
11 section.

12 [(4)] (2) A claimant shall refund all moneys received because of such
13 false statement or representation and pay a civil penalty in an amount
14 equal to [the greater of one hundred dollars or fifteen] twenty-five
15 percent of the total overpaid benefits determined pursuant to this
16 section. [The] If a claimant is found to have made a second false
17 statement or representation within five years of the first determi-
18 nation, the penalty shall be fifty percent of the total overpaid bene-
19 fits. Fifteen percent of the penalties collected hereunder for the first
20 and second occurrences shall be deposited in the fund. The remaining
21 percentage of the penalties shall be deposited in the unemployment
22 insurance control fund. The penalties assessed under this subdivision
23 shall apply and be assessed for any benefits paid under federal unem-
24 ployment and extended unemployment programs administered by the depart-
25 ment in the same manner as provided in this article. The penalties in
26 this section shall be in addition to any penalties imposed under this
27 chapter or any state or federal criminal statute. No penalties or inter-

1 est assessed pursuant to this section may be deducted or withheld from
2 benefits.

3 [(5)] (3) (a) Upon a determination based upon a willful false state-
4 ment or representation becoming final through exhaustion of appeal
5 rights or failure to exhaust hearing rights, the commissioner may
6 recover the amount found to be due by commencing a civil action, or by
7 filing with the county clerk of the county where the claimant resides
8 the final determination of the commissioner or the final decision by an
9 administrative law judge, the appeal board, or a court containing the
10 amount found to be due including interest and civil penalty. The commis-
11 sioner may only make such a filing with the county clerk when:

12 (i) The claimant has responded to requests for information prior to a
13 determination and such requests for information notified the claimant of
14 his or her rights to a fair hearing as well as the potential conse-
15 quences of an investigation and final determination under this section
16 including the notice required by subparagraph (iii) of paragraph (b) of
17 this subdivision. Additionally if the claimant requested a fair hearing
18 or appeal subsequent to a determination, that the claimant was present
19 either in person or through electronic means at such hearing, or subse-
20 quent appeal from which a final determination was rendered;

21 (ii) The commissioner has made efforts to collect on such final deter-
22 mination; and

23 (iii) The commissioner has sent a notice, in accordance with paragraph
24 (b) of this subdivision, of intent to docket such final determination by
25 first class or certified mail, return receipt requested, ten days prior
26 to the docketing of such determination.

27 (b) The notice required in subparagraph (iii) of paragraph (a) of this
28 subdivision shall include the following:

1 (i) That the commissioner intends to docket a final determination
2 against such claimant as a judgment;

3 (ii) The total amount to be docketed; and

4 (iii) Conspicuous language that reads as follows: "Once entered, a
5 judgment is good and can be used against you for twenty years, and your
6 money, including a portion of your paycheck and/or bank account, may be
7 taken. Also, a judgment will hurt your credit score and can affect your
8 ability to rent a home, find a job, or take out a loan."

9 § 11-a. Section 11 of this act shall apply to all false statements and
10 representations determined on or after the effective date of this act
11 and all forfeited effective days determined prior to such effective
12 date shall remain in full force and effect for two years from the expi-
13 ration of the initial determination. For purposes of applying such
14 forfeited benefits, four effective days shall be considered one week of
15 forfeited benefits and any remaining amount of less than four days shall
16 not be applied to future benefits.

17 § 12. Subdivisions 1 and 4 of section 596 of the labor law, subdivi-
18 sion 1 as amended by chapter 204 of the laws of 1982 and subdivision 4
19 as added by chapter 705 of the laws of 1944 and as renumbered by section
20 148-a of part B of chapter 436 of the laws of 1997, are amended to read
21 as follows:

22 1. Claim filing and certification to unemployment. A claimant shall
23 file a claim for benefits [at] with the [local state employment office
24 serving the area in which he was last employed or in which he resides]
25 department of labor within such time and in such manner as the commis-
26 sioner shall prescribe. He or she shall disclose whether he or she owes
27 child support obligations, as hereafter defined. If a claimant making
28 such disclosure is eligible for benefits, the commissioner shall notify

1 the state or local child support enforcement agency, as hereafter
2 defined, that the claimant is eligible.

3 A claimant shall correctly report any [days of] employment and any
4 compensation [he] received for such employment, including [employments]
5 employment not subject to this article, and the days on which he or she
6 was totally unemployed or partially unemployed and shall make such
7 reports in accordance with such regulations as the commissioner shall
8 prescribe.

9 4. Registration and reporting for work. A claimant shall register as
10 totally unemployed or partially unemployed at a local state employment
11 office serving the area in which he or she was last employed or in which
12 he or she resides in accordance with such regulations as the commission-
13 er shall prescribe. After so registering, such claimant shall report for
14 work at the same local state employment office or otherwise give notice
15 of the continuance of his or her unemployment as often and in such
16 manner as the commissioner shall prescribe.

17 § 12-a. Subdivision 3 of section 597 of the labor law, as amended by
18 chapter 42 of the laws of 1961, is amended to read as follows:

19 3. Limitation on review of determinations. Any determination regarding
20 a benefit claim may, in the absence of fraud or wilful misrepresen-
21 tation, be reviewed only within [one year] two years from the date it is
22 issued because of new or corrected information, or, if the review is
23 based thereon, within six months from a retroactive payment of remunera-
24 tion, provided that no decision on the merits of the case has been made
25 upon hearing or appeal. Such review shall be conducted and a new deter-
26 mination issued in accordance with the provisions of this article and
27 regulations and procedure prescribed thereunder with respect to the
28 adjudication and payment of claims, including the right of appeal.

1 § 13. Paragraph (a) of subdivision 2 of section 599 of the labor law,
2 as amended by chapter 593 of the laws of 1991, is amended to read as
3 follows:

4 (a) Notwithstanding any other provision of this chapter, a claimant
5 attending an approved training course or program under this section may
6 receive additional benefits of up to [one hundred four effective days]
7 twenty-six times his or her weekly benefit amount following exhaustion
8 of regular and, if in effect, any other extended benefits, provided that
9 entitlement to a new benefit claim cannot be established. Certification
10 of continued satisfactory participation and progress in such training
11 course or program must be submitted to the commissioner prior to the
12 payment of any such benefits. The [duration] amount of such additional
13 benefits shall in no case exceed twice the [number of effective days]
14 amount of regular benefits to which the claimant is entitled at the time
15 the claimant is accepted in, or demonstrates application for appropriate
16 training.

17 § 14. The opening paragraph and paragraph (e) of subdivision 2 of
18 section 601 of the labor law, as amended by chapter 35 of the laws of
19 2009, are amended to read as follows:

20 Extended benefits shall be payable to a claimant for [effective days
21 occurring in] any week of total unemployment or partial unemployment
22 within an eligibility period, provided the claimant

23 (e) is not claiming benefits pursuant to an interstate claim filed
24 under the interstate benefit payment plan in a state where an extended
25 benefit period is not in effect, except that this condition shall not
26 apply with respect to the first [eight effective days] two weeks of
27 total unemployment or partial unemployment for which extended benefits

1 shall otherwise be payable pursuant to an interstate claim filed under
2 the interstate benefit payment plan; and

3 § 15. Subdivisions 3 and 4 and paragraphs (b) and (e) of subdivision 5
4 of section 601 of the labor law, as amended by chapter 35 of the laws of
5 2009, are amended to read as follows:

6 3. Extended benefit amounts; rate and duration. Extended benefits
7 shall be paid to a claimant

8 (a) at a rate equal to his or her rate for regular benefits during his
9 or her applicable benefit year but

10 (b) for not more than [fifty-two effective days with respect to his or
11 her applicable benefit year, with a total maximum amount equal to] fifty
12 percentum of the total maximum amount of regular benefits payable in
13 such benefit year, and

14 (c) if a claimant's benefit year ends within an extended benefit peri-
15 od, the remaining balance of extended benefits to which he or she would
16 be entitled, if any, shall be reduced by the [number of effective days]
17 amount of benefits for which he or she was entitled to receive trade
18 readjustment allowances under the federal trade act of nineteen hundred
19 seventy-four during such benefit year, and

20 (d) for periods of high unemployment for not more than [eighty effec-
21 tive days with respect to the applicable benefit year with a total maxi-
22 mum amount equal to] eighty percent of the total maximum amount of regu-
23 lar benefits payable in such benefit year.

24 4. Charging of extended benefits. The provisions of paragraph (e) of
25 subdivision one of section five hundred eighty-one of this article shall
26 apply to benefits paid pursuant to the provisions of this section, and
27 if they were paid for [effective days] weeks of total unemployment or
28 partial unemployment occurring in weeks following the end of a benefit

1 year, they shall be deemed paid with respect to that benefit year.
2 However, except for governmental entities as defined in section five
3 hundred sixty-five and Indian tribes as defined in section five hundred
4 sixty-six of this article, only one-half of the amount of such benefits
5 shall be debited to the employers' account; the remainder thereof shall
6 be debited to the general account, and such account shall be credited
7 with the amount of payments received in the fund pursuant to the
8 provisions of the federal-state extended unemployment compensation act.
9 Notwithstanding the foregoing, where the state has entered an extended
10 benefit period triggered pursuant to subparagraph one of paragraph (a)
11 of subdivision one of this section for which federal law provides for
12 one hundred percent federal sharing of the costs of benefits, all charg-
13 es shall be debited to the general account and such account shall be
14 credited with the amount of payments received in the fund pursuant to
15 the provisions of the federal-state extended unemployment compensation
16 act or other federal law providing for one hundred percent federal shar-
17 ing for the cost of such benefits.

18 (b) No [days of total unemployment shall be deemed to occur in] bene-
19 fits shall be payable for any week within an eligibility period during
20 which a claimant fails to accept any offer of suitable work or fails to
21 apply for suitable work to which he or she was referred by the commis-
22 sioner, who shall make such referral if such work is available, or
23 during which he or she fails to engage actively in seeking work by
24 making a systematic and sustained effort to obtain work and providing
25 tangible evidence of such effort, and until he or she has worked in
26 employment during at least four subsequent weeks and earned remuneration
27 of at least four times his or her benefit rate.

1 (e) No [days of total unemployment] benefits shall be [deemed to occur
2 in] payable for any week within an eligibility period under section five
3 hundred ninety-three of this [article] title, until he or she has subse-
4 quently worked in employment in accordance with the requirements set
5 forth in section five hundred ninety-three of this [article] title.

6 § 16. Section 603 of the labor law, as amended by section 21 of part 0
7 of chapter 57 of the laws of 2013, is amended to read as follows:

8 § 603. Definitions. For purposes of this title: "Total unemployment"
9 and "partial unemployment" shall [mean the total lack of any employment
10 on any day,] have the same meanings as defined in this article, other
11 than with an employer applying for a shared work program. "Work force"
12 shall mean the total work force, a clearly identifiable unit or units
13 thereof, or a particular shift or shifts. The work force subject to
14 reduction shall consist of no less than two employees.

15 § 17. Severability. If any amendment contained in a clause, sentence,
16 paragraph, section or part of this act shall be adjudged by the United
17 States Department of Labor to violate requirements for maintaining bene-
18 fit standards required of the state in order to be eligible for any
19 financial benefit offered through federal law or regulation, such amend-
20 ments shall be severed from this act and shall not affect, impair or
21 invalidate the remainder thereof.

22 § 18. This act shall take effect on the ninetieth day after the
23 commissioner of labor certifies that the department of labor has an
24 information technology system capable of accommodating the provisions in
25 this act; provided that the commissioner of labor shall notify the
26 legislative bill drafting commission of the date of such certification
27 in order that the commission may maintain an accurate and timely effec-
28 tive database of the official text of the laws of the state of New York

1 in furtherance of effecting the provisions of section 44 of the legisla-
2 tive law and section 70-b of the public officers law. Effective imme-
3 diately, the addition, amendment and/or repeal of any rule or regulation
4 necessary for the implementation of this act on its effective date are
5 authorized to be made and completed on or before such effective date.
6 Provided further that the amendments to subdivisions 1 and 2 of section
7 591 of the labor law made by section seven of this act shall be subject
8 to the expiration and reversion of such subdivisions pursuant to section
9 10 of chapter 413 of the laws of 2003, when upon such date the
10 provisions of section eight of this act shall take effect.

11 PART Q

12 Section 1. Subdivision 1 of section 296 of the executive law is
13 amended by adding a new paragraph (h) to read as follows:

14 (h) For an employer or employment agency in writing or otherwise, to
15 rely on, or inquire about, the salary history information of an appli-
16 cant for employment as a factor in determining whether to offer employ-
17 ment to an applicant or what salary to offer an applicant. Nothing in
18 this subdivision shall prevent an applicant from voluntarily and without
19 prompting disclosing salary history information to a prospective employ-
20 er. If an applicant volunteers salary history information, nothing shall
21 prohibit that employer from considering or relying on that information.
22 Nothing in this subdivision shall prohibit an employer, without inquir-
23 ing about salary history, from engaging in discussion with the applicant
24 about their expectations with respect to salary, benefits, and other
25 compensation.

1 § 2. The section heading and subdivision 1 of section 194 of the labor
2 law, the section heading as added by chapter 548 of the laws of 1966 and
3 subdivision 1 as amended by chapter 362 of the laws of 2015, are amended
4 to read as follows:

5 Differential in rate of pay because of [sex] protected class status
6 prohibited. 1. No employee who is a member of a protected class shall
7 be paid a wage at a rate less than the rate at which an employee [of the
8 opposite sex] who is not a member of the protected class in the same
9 establishment is paid for [equal work on a job the performance of which
10 requires equal skill, effort and responsibility, and which is performed
11 under similar working conditions] substantially similar work, when
12 viewed as a composite of skill, effort, and responsibility, and
13 performed under similar working conditions, except where payment is made
14 pursuant to a differential based on:

15 a. a seniority system;

16 b. a merit system;

17 c. a system which measures earnings by quantity or quality of
18 production; or

19 d. a bona fide factor other than [sex] the protected class status,
20 such as education, training, or experience. Such factor: (i) shall not
21 be based upon [or derived from] a [sex-based] differential in compen-
22 sation that was originally derived from a protected class status and
23 (ii) shall be job-related with respect to the position in question and
24 shall be consistent with business necessity. Such exception under this
25 paragraph shall not apply when the employee demonstrates (A) that an
26 employer uses a particular employment practice that causes a disparate
27 impact on the basis of [sex] protected class status, (B) that an alter-
28 native employment practice exists that would serve the same business

1 purpose and not produce such differential, and (C) that the employer has
2 refused to adopt such alternative practice.

3 § 3. This act shall take effect on the one hundred eightieth day after
4 it shall have become a law.

5 PART R

6 Section 1. Subdivisions 1 and 2 of section 291 of the executive law,
7 as amended by chapter 196 of the laws of 2010, are amended to read as
8 follows:

9 1. The opportunity to obtain employment without discrimination because
10 of age, race, creed, color, national origin, sexual orientation, gender
11 identity or expression, military status, sex, marital status, or disa-
12 bility, is hereby recognized as and declared to be a civil right.

13 2. The opportunity to obtain education, the use of places of public
14 accommodation and the ownership, use and occupancy of housing accommo-
15 dations and commercial space without discrimination because of age,
16 race, creed, color, national origin, sexual orientation, gender identity
17 or expression, military status, sex, marital status, or disability, as
18 specified in section two hundred ninety-six of this article, is hereby
19 recognized as and declared to be a civil right.

20 § 2. Section 292 of the executive law is amended by adding a new
21 subdivision 35 to read as follows:

22 35. The term "gender identity or expression" means a person's actual
23 or perceived gender-related identity, appearance, behavior, expression,
24 or other gender-related characteristic regardless of the sex assigned to
25 that person at birth, including, but not limited to, the status of being
26 transgender.

1 § 3. Subdivisions 8 and 9 of section 295 of the executive law, as
2 amended by chapter 106 of the laws of 2003, are amended to read as
3 follows:

4 8. To create such advisory councils, local, regional or state-wide, as
5 in its judgment will aid in effectuating the purposes of this article
6 and of section eleven of article one of the constitution of this state,
7 and the division may empower them to study the problems of discrimi-
8 nation in all or specific fields of human relationships or in specific
9 instances of discrimination because of age, race, creed, color, national
10 origin, sexual orientation, gender identity or expression, military
11 status, sex, disability or marital status and make recommendations to
12 the division for the development of policies and procedures in general
13 and in specific instances. The advisory councils also shall disseminate
14 information about the division's activities to organizations and indi-
15 viduals in their localities. Such advisory councils shall be composed of
16 representative citizens, serving without pay, but with reimbursement for
17 actual and necessary traveling expenses; and the division may make
18 provision for technical and clerical assistance to such councils and for
19 the expenses of such assistance.

20 9. To develop human rights plans and policies for the state and assist
21 in their execution and to make investigations and studies appropriate to
22 effectuate this article and to issue such publications and such results
23 of investigations and research as in its judgement will tend to inform
24 persons of the rights assured and remedies provided under this article,
25 to promote good-will and minimize or eliminate discrimination because of
26 age, race, creed, color, national origin, sexual orientation, gender
27 identity or expression, military status, sex, disability or marital
28 status.

1 § 4. Paragraphs (a), (b), (c) and (d) of subdivision 1 of section 296
2 of the executive law, as amended by chapter 365 of the laws of 2015, are
3 amended to read as follows:

4 (a) For an employer or licensing agency, because of an individual's
5 age, race, creed, color, national origin, sexual orientation, gender
6 identity or expression, military status, sex, disability, predisposing
7 genetic characteristics, familial status, marital status, or domestic
8 violence victim status, to refuse to hire or employ or to bar or to
9 discharge from employment such individual or to discriminate against
10 such individual in compensation or in terms, conditions or privileges of
11 employment.

12 (b) For an employment agency to discriminate against any individual
13 because of age, race, creed, color, national origin, sexual orientation,
14 gender identity or expression, military status, sex, disability, predis-
15 posing genetic characteristics, familial status, or marital status, in
16 receiving, classifying, disposing or otherwise acting upon applications
17 for its services or in referring an applicant or applicants to an
18 employer or employers.

19 (c) For a labor organization, because of the age, race, creed, color,
20 national origin, sexual orientation, gender identity or expression,
21 military status, sex, disability, predisposing genetic characteristics,
22 familial status, or marital status of any individual, to exclude or to
23 expel from its membership such individual or to discriminate in any way
24 against any of its members or against any employer or any individual
25 employed by an employer.

26 (d) For any employer or employment agency to print or circulate or
27 cause to be printed or circulated any statement, advertisement or publi-
28 cation, or to use any form of application for employment or to make any

1 inquiry in connection with prospective employment, which expresses
2 directly or indirectly, any limitation, specification or discrimination
3 as to age, race, creed, color, national origin, sexual orientation,
4 gender identity or expression, military status, sex, disability, predis-
5 posing genetic characteristics, familial status, or marital status, or
6 any intent to make any such limitation, specification or discrimination,
7 unless based upon a bona fide occupational qualification; provided,
8 however, that neither this paragraph nor any provision of this chapter
9 or other law shall be construed to prohibit the department of civil
10 service or the department of personnel of any city containing more than
11 one county from requesting information from applicants for civil service
12 examinations concerning any of the aforementioned characteristics, other
13 than sexual orientation, for the purpose of conducting studies to iden-
14 tify and resolve possible problems in recruitment and testing of members
15 of minority groups to insure the fairest possible and equal opportu-
16 nities for employment in the civil service for all persons, regardless
17 of age, race, creed, color, national origin, sexual orientation or
18 gender identity or expression, military status, sex, disability, predis-
19 posing genetic characteristics, familial status, or marital status.

20 § 5. Paragraphs (b), (c) and (d) of subdivision 1-a of section 296 of
21 the executive law, as amended by chapter 365 of the laws of 2015, are
22 amended to read as follows:

23 (b) To deny to or withhold from any person because of race, creed,
24 color, national origin, sexual orientation, gender identity or
25 expression, military status, sex, age, disability, familial status, or
26 marital status, the right to be admitted to or participate in a guidance
27 program, an apprenticeship training program, on-the-job training

1 program, executive training program, or other occupational training or
2 retraining program;

3 (c) To discriminate against any person in his or her pursuit of such
4 programs or to discriminate against such a person in the terms, condi-
5 tions or privileges of such programs because of race, creed, color,
6 national origin, sexual orientation, gender identity or expression,
7 military status, sex, age, disability, familial status or marital
8 status;

9 (d) To print or circulate or cause to be printed or circulated any
10 statement, advertisement or publication, or to use any form of applica-
11 tion for such programs or to make any inquiry in connection with such
12 program which expresses, directly or indirectly, any limitation, spec-
13 ification or discrimination as to race, creed, color, national origin,
14 sexual orientation, gender identity or expression, military status, sex,
15 age, disability, familial status or marital status, or any intention to
16 make any such limitation, specification or discrimination, unless based
17 on a bona fide occupational qualification.

18 § 6. Paragraph (a) of subdivision 2 of section 296 of the executive
19 law, as amended by chapter 106 of the laws of 2003, is amended to read
20 as follows:

21 (a) It shall be an unlawful discriminatory practice for any person,
22 being the owner, lessee, proprietor, manager, superintendent, agent or
23 employee of any place of public accommodation, resort or amusement,
24 because of the race, creed, color, national origin, sexual orientation,
25 gender identity or expression, military status, sex, [or] disability or
26 marital status of any person, directly or indirectly, to refuse, with-
27 hold from or deny to such person any of the accommodations, advantages,
28 facilities or privileges thereof, including the extension of credit, or,

1 directly or indirectly, to publish, circulate, issue, display, post or
2 mail any written or printed communication, notice or advertisement, to
3 the effect that any of the accommodations, advantages, facilities and
4 privileges of any such place shall be refused, withheld from or denied
5 to any person on account of race, creed, color, national origin, sexual
6 orientation, gender identity or expression, military status, sex, [or]
7 disability or marital status, or that the patronage or custom thereof of
8 any person of or purporting to be of any particular race, creed, color,
9 national origin, sexual orientation, gender identity or expression,
10 military status, sex or marital status, or having a disability is unwel-
11 come, objectionable or not acceptable, desired or solicited.

12 § 7. Paragraphs (a), (b), (c) and (c-1) of subdivision 2-a of section
13 296 of the executive law, paragraphs (a), (b) and (c) as amended and
14 paragraph (c-1) as added by chapter 106 of the laws of 2003, are amended
15 to read as follows:

16 (a) To refuse to sell, rent or lease or otherwise to deny to or with-
17 hold from any person or group of persons such housing accommodations
18 because of the race, creed, color, disability, national origin, sexual
19 orientation, gender identity or expression, military status, age, sex,
20 marital status, or familial status of such person or persons, or to
21 represent that any housing accommodation or land is not available for
22 inspection, sale, rental or lease when in fact it is so available.

23 (b) To discriminate against any person because of his or her race,
24 creed, color, disability, national origin, sexual orientation, gender
25 identity or expression, military status, age, sex, marital status, or
26 familial status in the terms, conditions or privileges of any publicly-
27 assisted housing accommodations or in the furnishing of facilities or
28 services in connection therewith.

1 (c) To cause to be made any written or oral inquiry or record concern-
2 ing the race, creed, color, disability, national origin, sexual orien-
3 tation, gender identity or expression, membership in the reserve armed
4 forces of the United States or in the organized militia of the state,
5 age, sex, marital status, or familial status of a person seeking to rent
6 or lease any publicly-assisted housing accommodation; provided, however,
7 that nothing in this subdivision shall prohibit a member of the reserve
8 armed forces of the United States or in the organized militia of the
9 state from voluntarily disclosing such membership.

10 (c-1) To print or circulate or cause to be printed or circulated any
11 statement, advertisement or publication, or to use any form of applica-
12 tion for the purchase, rental or lease of such housing accommodation or
13 to make any record or inquiry in connection with the prospective
14 purchase, rental or lease of such a housing accommodation which
15 expresses, directly or indirectly, any limitation, specification or
16 discrimination as to race, creed, color, national origin, sexual orien-
17 tation, gender identity or expression, military status, sex, age, disa-
18 bility, marital status, or familial status, or any intent to make any
19 such limitation, specification or discrimination.

20 § 8. Subdivision 3-b of section 296 of the executive law, as amended
21 by chapter 106 of the laws of 2003, is amended to read as follows:

22 3-b. It shall be an unlawful discriminatory practice for any real
23 estate broker, real estate salesperson or employee or agent thereof or
24 any other individual, corporation, partnership or organization for the
25 purpose of inducing a real estate transaction from which any such person
26 or any of its stockholders or members may benefit financially, to repre-
27 sent that a change has occurred or will or may occur in the composition
28 with respect to race, creed, color, national origin, sexual orientation,

1 gender identity or expression, military status, sex, disability, marital
2 status, or familial status of the owners or occupants in the block,
3 neighborhood or area in which the real property is located, and to
4 represent, directly or indirectly, that this change will or may result
5 in undesirable consequences in the block, neighborhood or area in which
6 the real property is located, including but not limited to the lowering
7 of property values, an increase in criminal or anti-social behavior, or
8 a decline in the quality of schools or other facilities.

9 § 9. Subdivision 4 of section 296 of the executive law, as amended by
10 chapter 106 of the laws of 2003, is amended to read as follows:

11 4. It shall be an unlawful discriminatory practice for an education
12 corporation or association which holds itself out to the public to be
13 non-sectarian and exempt from taxation pursuant to the provisions of
14 article four of the real property tax law to deny the use of its facili-
15 ties to any person otherwise qualified, or to permit the harassment of
16 any student or applicant, by reason of his race, color, religion, disa-
17 bility, national origin, sexual orientation, gender identity or
18 expression, military status, sex, age or marital status, except that any
19 such institution which establishes or maintains a policy of educating
20 persons of one sex exclusively may admit students of only one sex.

21 § 10. Subdivision 5 of section 296 of the executive law, as amended by
22 chapter 106 of the laws of 2003, is amended to read as follows:

23 5. (a) It shall be an unlawful discriminatory practice for the owner,
24 lessee, sub-lessee, assignee, or managing agent of, or other person
25 having the right to sell, rent or lease a housing accommodation,
26 constructed or to be constructed, or any agent or employee thereof:

27 (1) To refuse to sell, rent, lease or otherwise to deny to or withhold
28 from any person or group of persons such a housing accommodation because

1 of the race, creed, color, national origin, sexual orientation, gender
2 identity or expression, military status, sex, age, disability, marital
3 status, or familial status of such person or persons, or to represent
4 that any housing accommodation or land is not available for inspection,
5 sale, rental or lease when in fact it is so available.

6 (2) To discriminate against any person because of race, creed, color,
7 national origin, sexual orientation, gender identity or expression,
8 military status, sex, age, disability, marital status, or familial
9 status in the terms, conditions or privileges of the sale, rental or
10 lease of any such housing accommodation or in the furnishing of facili-
11 ties or services in connection therewith.

12 (3) To print or circulate or cause to be printed or circulated any
13 statement, advertisement or publication, or to use any form of applica-
14 tion for the purchase, rental or lease of such housing accommodation or
15 to make any record or inquiry in connection with the prospective
16 purchase, rental or lease of such a housing accommodation which
17 expresses, directly or indirectly, any limitation, specification or
18 discrimination as to race, creed, color, national origin, sexual orien-
19 tation, gender identity or expression, military status, sex, age, disa-
20 bility, marital status, or familial status, or any intent to make any
21 such limitation, specification or discrimination.

22 The provisions of this paragraph (a) shall not apply (1) to the rental
23 of a housing accommodation in a building which contains housing accommo-
24 dations for not more than two families living independently of each
25 other, if the owner resides in one of such housing accommodations, (2)
26 to the restriction of the rental of all rooms in a housing accommodation
27 to individuals of the same sex or (3) to the rental of a room or rooms
28 in a housing accommodation, if such rental is by the occupant of the

1 housing accommodation or by the owner of the housing accommodation and
2 the owner resides in such housing accommodation or (4) solely with
3 respect to age and familial status to the restriction of the sale,
4 rental or lease of housing accommodations exclusively to persons sixty-
5 two years of age or older and the spouse of any such person, or for
6 housing intended and operated for occupancy by at least one person
7 fifty-five years of age or older per unit. In determining whether hous-
8 ing is intended and operated for occupancy by persons fifty-five years
9 of age or older, Sec. 807(b) (2) (c) (42 U.S.C. 3607 (b) (2) (c)) of the
10 federal Fair Housing Act of 1988, as amended, shall apply.

11 (b) It shall be an unlawful discriminatory practice for the owner,
12 lessee, sub-lessee, or managing agent of, or other person having the
13 right of ownership or possession of or the right to sell, rent or lease,
14 land or commercial space:

15 (1) To refuse to sell, rent, lease or otherwise deny to or withhold
16 from any person or group of persons land or commercial space because of
17 the race, creed, color, national origin, sexual orientation, gender
18 identity or expression, military status, sex, age, disability, marital
19 status, or familial status of such person or persons, or to represent
20 that any housing accommodation or land is not available for inspection,
21 sale, rental or lease when in fact it is so available;

22 (2) To discriminate against any person because of race, creed, color,
23 national origin, sexual orientation, gender identity or expression,
24 military status, sex, age, disability, marital status, or familial
25 status in the terms, conditions or privileges of the sale, rental or
26 lease of any such land or commercial space; or in the furnishing of
27 facilities or services in connection therewith;

1 (3) To print or circulate or cause to be printed or circulated any
2 statement, advertisement or publication, or to use any form of applica-
3 tion for the purchase, rental or lease of such land or commercial space
4 or to make any record or inquiry in connection with the prospective
5 purchase, rental or lease of such land or commercial space which
6 expresses, directly or indirectly, any limitation, specification or
7 discrimination as to race, creed, color, national origin, sexual orien-
8 tation, gender identity or expression, military status, sex, age, disa-
9 bility, marital status, or familial status; or any intent to make any
10 such limitation, specification or discrimination.

11 (4) With respect to age and familial status, the provisions of this
12 paragraph shall not apply to the restriction of the sale, rental or
13 lease of land or commercial space exclusively to persons fifty-five
14 years of age or older and the spouse of any such person, or to the
15 restriction of the sale, rental or lease of land to be used for the
16 construction, or location of housing accommodations exclusively for
17 persons sixty-two years of age or older, or intended and operated for
18 occupancy by at least one person fifty-five years of age or older per
19 unit. In determining whether housing is intended and operated for occu-
20 pancy by persons fifty-five years of age or older, Sec. 807(b) (2) (c)
21 (42 U.S.C. 3607(b) (2) (c)) of the federal Fair Housing Act of 1988, as
22 amended, shall apply.

23 (c) It shall be an unlawful discriminatory practice for any real
24 estate broker, real estate salesperson or employee or agent thereof:

25 (1) To refuse to sell, rent or lease any housing accommodation, land
26 or commercial space to any person or group of persons or to refuse to
27 negotiate for the sale, rental or lease, of any housing accommodation,
28 land or commercial space to any person or group of persons because of

1 the race, creed, color, national origin, sexual orientation, gender
2 identity or expression, military status, sex, age, disability, marital
3 status, or familial status of such person or persons, or to represent
4 that any housing accommodation, land or commercial space is not avail-
5 able for inspection, sale, rental or lease when in fact it is so avail-
6 able, or otherwise to deny or withhold any housing accommodation, land
7 or commercial space or any facilities of any housing accommodation, land
8 or commercial space from any person or group of persons because of the
9 race, creed, color, national origin, sexual orientation, gender identity
10 or expression, military status, sex, age, disability, marital status, or
11 familial status of such person or persons.

12 (2) To print or circulate or cause to be printed or circulated any
13 statement, advertisement or publication, or to use any form of applica-
14 tion for the purchase, rental or lease of any housing accommodation,
15 land or commercial space or to make any record or inquiry in connection
16 with the prospective purchase, rental or lease of any housing accommo-
17 dation, land or commercial space which expresses, directly or indirect-
18 ly, any limitation, specification, or discrimination as to race, creed,
19 color, national origin, sexual orientation, gender identity or
20 expression, military status, sex, age, disability, marital status, or
21 familial status; or any intent to make any such limitation, specifica-
22 tion or discrimination.

23 (3) With respect to age and familial status, the provisions of this
24 paragraph shall not apply to the restriction of the sale, rental or
25 lease of any housing accommodation, land or commercial space exclusively
26 to persons fifty-five years of age or older and the spouse of any such
27 person, or to the restriction of the sale, rental or lease of any hous-
28 ing accommodation or land to be used for the construction or location of

1 housing accommodations for persons sixty-two years of age or older, or
2 intended and operated for occupancy by at least one person fifty-five
3 years of age or older per unit. In determining whether housing is
4 intended and operated for occupancy by persons fifty-five years of age
5 or older, Sec. 807 (b) (2) (c) (42 U.S.C. 3607 (b) (2) (c)) of the
6 federal Fair Housing Act of 1988, as amended, shall apply.

7 (d) It shall be an unlawful discriminatory practice for any real
8 estate board, because of the race, creed, color, national origin, sexual
9 orientation, gender identity or expression, military status, age, sex,
10 disability, marital status, or familial status of any individual who is
11 otherwise qualified for membership, to exclude or expel such individual
12 from membership, or to discriminate against such individual in the
13 terms, conditions and privileges of membership in such board.

14 (e) It shall be an unlawful discriminatory practice for the owner,
15 proprietor or managing agent of, or other person having the right to
16 provide care and services in, a private proprietary nursing home, conva-
17 lescent home, or home for adults, or an intermediate care facility, as
18 defined in section two of the social services law, heretofore
19 constructed, or to be constructed, or any agent or employee thereof, to
20 refuse to provide services and care in such home or facility to any
21 individual or to discriminate against any individual in the terms,
22 conditions, and privileges of such services and care solely because such
23 individual is a blind person. For purposes of this paragraph, a "blind
24 person" shall mean a person who is registered as a blind person with the
25 commission for the visually handicapped and who meets the definition of
26 a "blind person" pursuant to section three of chapter four hundred
27 fifteen of the laws of nineteen hundred thirteen entitled "An act to

1 establish a state commission for improving the condition of the blind of
2 the state of New York, and making an appropriation therefor".

3 (f) The provisions of this subdivision, as they relate to age, shall
4 not apply to persons under the age of eighteen years.

5 (g) It shall be an unlawful discriminatory practice for any person
6 offering or providing housing accommodations, land or commercial space
7 as described in paragraphs (a), (b), and (c) of this subdivision to make
8 or cause to be made any written or oral inquiry or record concerning
9 membership of any person in the state organized militia in relation to
10 the purchase, rental or lease of such housing accommodation, land, or
11 commercial space, provided, however, that nothing in this subdivision
12 shall prohibit a member of the state organized militia from voluntarily
13 disclosing such membership.

14 § 11. Paragraph (a) of subdivision 9 of section 296 of the executive
15 law, as amended by chapter 365 of the laws of 2015, is amended to read
16 as follows:

17 (a) It shall be an unlawful discriminatory practice for any fire
18 department or fire company therein, through any member or members there-
19 of, officers, board of fire commissioners or other body or office having
20 power of appointment of volunteer firefighters, directly or indirectly,
21 by ritualistic practice, constitutional or by-law prescription, by tacit
22 agreement among its members, or otherwise, to deny to any individual
23 membership in any volunteer fire department or fire company therein, or
24 to expel or discriminate against any volunteer member of a fire depart-
25 ment or fire company therein, because of the race, creed, color,
26 national origin, sexual orientation, gender identity or expression,
27 military status, sex, marital status, or familial status, of such indi-
28 vidual.

1 § 12. Subdivision 13 of section 296 of the executive law, as amended
2 by chapter 365 of the laws of 2015, is amended to read as follows:

3 13. It shall be an unlawful discriminatory practice (i) for any person
4 to boycott or blacklist, or to refuse to buy from, sell to or trade
5 with, or otherwise discriminate against any person, because of the race,
6 creed, color, national origin, sexual orientation, gender identity or
7 expression, military status, sex, disability, or familial status, of
8 such person, or of such person's partners, members, stockholders, direc-
9 tors, officers, managers, superintendents, agents, employees, business
10 associates, suppliers or customers, or (ii) for any person wilfully to
11 do any act or refrain from doing any act which enables any such person
12 to take such action. This subdivision shall not apply to:

13 (a) Boycotts connected with labor disputes; or

14 (b) Boycotts to protest unlawful discriminatory practices.

15 § 13. Subdivisions 1, 2 and 3 of section 296-a of the executive law,
16 as amended by chapter 106 of the laws of 2003, are amended to read as
17 follows:

18 1. It shall be an unlawful discriminatory practice for any creditor or
19 any officer, agent or employee thereof:

20 a. In the case of applications for credit with respect to the
21 purchase, acquisition, construction, rehabilitation, repair or mainte-
22 nance of any housing accommodation, land or commercial space to discrim-
23 inate against any such applicant because of the race, creed, color,
24 national origin, sexual orientation, gender identity or expression,
25 military status, age, sex, marital status, disability, or familial
26 status of such applicant or applicants or any member, stockholder,
27 director, officer or employee of such applicant or applicants, or of the
28 prospective occupants or tenants of such housing accommodation, land or

1 commercial space, in the granting, withholding, extending or renewing,
2 or in the fixing of the rates, terms or conditions of, any such credit;

3 b. To discriminate in the granting, withholding, extending or renew-
4 ing, or in the fixing of the rates, terms or conditions of, any form of
5 credit, on the basis of race, creed, color, national origin, sexual
6 orientation, gender identity or expression, military status, age, sex,
7 marital status, disability, or familial status;

8 c. To use any form of application for credit or use or make any record
9 or inquiry which expresses, directly or indirectly, any limitation,
10 specification, or discrimination as to race, creed, color, national
11 origin, sexual orientation, gender identity or expression, military
12 status, age, sex, marital status, disability, or familial status;

13 d. To make any inquiry of an applicant concerning his or her capacity
14 to reproduce, or his or her use or advocacy of any form of birth control
15 or family planning;

16 e. To refuse to consider sources of an applicant's income or to
17 subject an applicant's income to discounting, in whole or in part,
18 because of an applicant's race, creed, color, national origin, sexual
19 orientation, gender identity or expression, military status, age, sex,
20 marital status, childbearing potential, disability, or familial status;

21 f. To discriminate against a married person because such person
22 neither uses nor is known by the surname of his or her spouse.

23 This paragraph shall not apply to any situation where the use of a
24 surname would constitute or result in a criminal act.

25 2. Without limiting the generality of subdivision one of this section,
26 it shall be considered discriminatory if, because of an applicant's or
27 class of applicants' race, creed, color, national origin, sexual orien-
28 tation, gender identity or expression, military status, age, sex, mari-

1 tal status or disability, or familial status, (i) an applicant or class
2 of applicants is denied credit in circumstances where other applicants
3 of like overall credit worthiness are granted credit, or (ii) special
4 requirements or conditions, such as requiring co-obligors or reapplica-
5 tion upon marriage, are imposed upon an applicant or class of applicants
6 in circumstances where similar requirements or conditions are not
7 imposed upon other applicants of like overall credit worthiness.

8 3. It shall not be considered discriminatory if credit differen-
9 tiations or decisions are based upon factually supportable, objective
10 differences in applicants' overall credit worthiness, which may include
11 reference to such factors as current income, assets and prior credit
12 history of such applicants, as well as reference to any other relevant
13 factually supportable data; provided, however, that no creditor shall
14 consider, in evaluating the credit worthiness of an applicant, aggregate
15 statistics or assumptions relating to race, creed, color, national
16 origin, sexual orientation, gender identity or expression, military
17 status, sex, marital status or disability, or to the likelihood of any
18 group of persons bearing or rearing children, or for that reason receiv-
19 ing diminished or interrupted income in the future.

20 § 14. Paragraph (b) of subdivision 2 of section 296-b of the executive
21 law, as added by chapter 481 of the laws of 2010, is amended to read as
22 follows:

23 (b) Subject a domestic worker to unwelcome harassment based on gender,
24 race, religion, sexual orientation, gender identity or expression or
25 national origin, where such harassment has the purpose or effect of
26 unreasonably interfering with an individual's work performance by creat-
27 ing an intimidating, hostile, or offensive working environment.

1 § 15. Section 40-c of the civil rights law, as amended by chapter 2 of
2 the laws of 2002, is amended to read as follows:

3 § 40-c. Discrimination. 1. All persons within the jurisdiction of this
4 state shall be entitled to the equal protection of the laws of this
5 state or any subdivision thereof.

6 2. No person shall, because of race, creed, color, national origin,
7 sex, marital status, sexual orientation, gender identity or expression,
8 or disability, as such term is defined in section two hundred ninety-two
9 of the executive law, be subjected to any discrimination in his or her
10 civil rights, or to any harassment, as defined in section 240.25 of the
11 penal law, in the exercise thereof, by any other person or by any firm,
12 corporation or institution, or by the state or any agency or subdivision
13 of the state.

14 § 16. Paragraph (a) of subdivision 1 of section 313 of the education
15 law, as amended by chapter 2 of the laws of 2002, is amended to read as
16 follows:

17 (a) It is hereby declared to be the policy of the state that the Amer-
18 ican ideal of equality of opportunity requires that students, otherwise
19 qualified, be admitted to educational institutions and be given access
20 to all the educational programs and courses operated or provided by such
21 institutions without regard to race, color, sex, religion, creed, mari-
22 tal status, age, sexual orientation as defined in section two hundred
23 ninety-two of the executive law, gender identity or expression as
24 defined in section two hundred ninety-two of the executive law, or
25 national origin, except that, with regard to religious or denominational
26 educational institutions, students, otherwise qualified, shall have the
27 equal opportunity to attend therein without discrimination because of
28 race, color, sex, marital status, age, sexual orientation as defined in

1 section two hundred ninety-two of the executive law, gender identity or
2 expression as defined in section two hundred ninety-two of the executive
3 law, or national origin. It is a fundamental American right for members
4 of various religious faiths to establish and maintain educational insti-
5 tutions exclusively or primarily for students of their own religious
6 faith or to effectuate the religious principles in furtherance of which
7 they are maintained. Nothing herein contained shall impair or abridge
8 that right.

9 § 17. Subdivision 3 of section 313 of the education law, as amended by
10 chapter 2 of the laws of 2002, is amended to read as follows:

11 (3) Unfair educational practices. It shall be an unfair educational
12 practice for an educational institution after September fifteenth, nine-
13 teen hundred forty-eight:

14 (a) To exclude or limit or otherwise discriminate against any person
15 or persons seeking admission as students to such institution or to any
16 educational program or course operated or provided by such institution
17 because of race, religion, creed, sex, color, marital status, age, sexu-
18 al orientation as defined in section two hundred ninety-two of the exec-
19 utive law, gender identity or expression as defined in section two
20 hundred ninety-two of the executive law, or national origin; except that
21 nothing in this section shall be deemed to affect, in any way, the right
22 of a religious or denominational educational institution to select its
23 students exclusively or primarily from members of such religion or
24 denomination or from giving preference in such selection to such members
25 or to make such selection of its students as is calculated by such
26 institution to promote the religious principles for which it is estab-
27 lished or maintained. Nothing herein contained shall impair or abridge
28 the right of an independent institution, which establishes or maintains

1 a policy of educating persons of one sex exclusively, to admit students
2 of only one sex.

3 (b) To penalize any individual because he or she has initiated, testi-
4 fied, participated or assisted in any proceedings under this section.

5 (c) To accept any endowment or gift of money or property conditioned
6 upon teaching the doctrine of supremacy of any particular race.

7 (d) With respect to any individual who withdraws from attendance to
8 serve on active duty in the armed forces of the United States in time of
9 war, including any individual who withdrew from attendance on or after
10 August second, nineteen hundred ninety to serve on active duty in the
11 armed forces of the United States in the Persian Gulf conflict: (i) to
12 deny or limit the readmission of such individual to such institution or
13 to any educational program or course operated or provided by such insti-
14 tution because of such withdrawal from attendance or because of the
15 failure to complete any educational program or course due to such with-
16 drawal; (ii) to impose any academic penalty on such person because of
17 such withdrawal or because of the failure to complete any educational
18 program or course due to such withdrawal; (iii) to reduce or eliminate
19 any financial aid award granted to such individual which could not be
20 used, in whole or part, because of such withdrawal or because of the
21 failure to complete any educational program or course due to such with-
22 drawal; or (iv) to fail to provide a credit or refund of tuition and
23 fees paid by such individual for any semester, term or quarter not
24 completed because of such withdrawal or because of the failure to
25 complete any program or course due to such withdrawal.

26 (e) It shall not be an unfair educational practice for any educational
27 institution to use criteria other than race, religion, creed, sex,
28 color, marital status, age, sexual orientation as defined in section two

1 hundred ninety-two of the executive law, gender identity or expression
2 as defined in section two hundred ninety-two of the executive law, or
3 national origin in the admission of students to such institution or to
4 any of the educational programs and courses operated or provided by such
5 institution.

6 § 18. Section 485.00 of the penal law, as added by chapter 107 of the
7 laws of 2000, is amended to read as follows:

8 § 485.00 Legislative findings.

9 The legislature finds and determines as follows: criminal acts involv-
10 ing violence, intimidation and destruction of property based upon bias
11 and prejudice have become more prevalent in New York state in recent
12 years. The intolerable truth is that in these crimes, commonly and
13 justly referred to as "hate crimes", victims are intentionally selected,
14 in whole or in part, because of their race, color, national origin,
15 ancestry, gender, gender identity or expression, religion, religious
16 practice, age, disability or sexual orientation. Hate crimes do more
17 than threaten the safety and welfare of all citizens. They inflict on
18 victims incalculable physical and emotional damage and tear at the very
19 fabric of free society. Crimes motivated by invidious hatred toward
20 particular groups not only harm individual victims but send a powerful
21 message of intolerance and discrimination to all members of the group to
22 which the victim belongs. Hate crimes can and do intimidate and disrupt
23 entire communities and vitiate the civility that is essential to healthy
24 democratic processes. In a democratic society, citizens cannot be
25 required to approve of the beliefs and practices of others, but must
26 never commit criminal acts on account of them. Current law does not
27 adequately recognize the harm to public order and individual safety that
28 hate crimes cause. Therefore, our laws must be strengthened to provide

1 clear recognition of the gravity of hate crimes and the compelling
2 importance of preventing their recurrence.

3 Accordingly, the legislature finds and declares that hate crimes
4 should be prosecuted and punished with appropriate severity.

5 § 19. Subdivisions 1, 2 and 4 of section 485.05 of the penal law, as
6 added by chapter 107 of the laws of 2000, are amended to read as
7 follows:

8 1. A person commits a hate crime when he or she commits a specified
9 offense and either:

10 (a) intentionally selects the person against whom the offense is
11 committed or intended to be committed in whole or in substantial part
12 because of a belief or perception regarding the race, color, national
13 origin, ancestry, gender, gender identity or expression, religion, reli-
14 gious practice, age, disability or sexual orientation of a person,
15 regardless of whether the belief or perception is correct, or

16 (b) intentionally commits the act or acts constituting the offense in
17 whole or in substantial part because of a belief or perception regarding
18 the race, color, national origin, ancestry, gender, gender identity or
19 expression, religion, religious practice, age, disability or sexual
20 orientation of a person, regardless of whether the belief or perception
21 is correct.

22 2. Proof of race, color, national origin, ancestry, gender, gender
23 identity or expression, religion, religious practice, age, disability or
24 sexual orientation of the defendant, the victim or of both the defendant
25 and the victim does not, by itself, constitute legally sufficient
26 evidence satisfying the people's burden under paragraph (a) or (b) of
27 subdivision one of this section.

28 4. For purposes of this section:

1 (a) the term "age" means sixty years old or more;

2 (b) the term "disability" means a physical or mental impairment that
3 substantially limits a major life activity[.];

4 (c) the term "gender identity or expression" means a person's actual
5 or perceived gender-related identity, appearance, behavior, expression,
6 or other gender-related characteristic regardless of the sex assigned to
7 that person at birth, including, but not limited to, the status of being
8 transgender.

9 § 20. Subdivision 3 of section 240.30 of the penal law, as amended by
10 chapter 188 of the laws of 2014, is amended to read as follows:

11 3. With the intent to harass, annoy, threaten or alarm another person,
12 he or she strikes, shoves, kicks, or otherwise subjects another person
13 to physical contact, or attempts or threatens to do the same because of
14 a belief or perception regarding such person's race, color, national
15 origin, ancestry, gender, gender identity or expression, religion, reli-
16 gious practice, age, disability or sexual orientation, regardless of
17 whether the belief or perception is correct; or

18 § 21. The opening paragraph of section 240.31 of the penal law, as
19 amended by chapter 49 of the laws of 2006, is amended to read as
20 follows:

21 A person is guilty of aggravated harassment in the first degree when
22 with intent to harass, annoy, threaten or alarm another person, because
23 of a belief or perception regarding such person's race, color, national
24 origin, ancestry, gender, gender identity or expression, religion, reli-
25 gious practice, age, disability or sexual orientation, regardless of
26 whether the belief or perception is correct, he or she:

27 § 22. Section 240.00 of the penal law is amended by adding a new
28 subdivision 7 to read as follows:

1 7. "Gender identity or expression" means a person's actual or
2 perceived gender-related identity, appearance, behavior, expression, or
3 other gender-related characteristic regardless of the sex assigned to
4 that person at birth, including, but not limited to, the status of being
5 transgender.

6 § 23. Paragraph (c) of subdivision 7 of section 200.50 of the criminal
7 procedure law, as amended by chapter 7 of the laws of 2007, is amended
8 to read as follows:

9 (c) in the case of any hate crime, as defined in section 485.05 of the
10 penal law, specifies, as applicable, that the defendant or defendants
11 intentionally selected the person against whom the offense was committed
12 or intended to be committed; or intentionally committed the act or acts
13 constituting the offense, in whole or in substantial part because of a
14 belief or perception regarding the race, color, national origin, ances-
15 try, gender, gender identity or expression, religion, religious prac-
16 tice, age, disability or sexual orientation of a person; and

17 § 24. This act shall take effect on the thirtieth day after it shall
18 have become a law; provided, however, that sections eighteen through
19 twenty-three of this act shall take effect on the first of November next
20 succeeding the date on which it shall have become a law.

21 PART S

22 Section 1. Section 292 of the executive law is amended by adding a new
23 subdivision 35 to read as follows:

24 35. The term "educational institution" shall mean:

1 (a) any education corporation or association which holds itself out to
2 the public to be non-sectarian and exempt from taxation pursuant to the
3 provisions of article four of the real property tax law; or

4 (b) any public school, including any school district, board of cooper-
5 ative education services, public college or public university.

6 § 2. Subdivision 4 of section 296 of the executive law, as amended by
7 chapter 106 of the laws of 2003, is amended to read as follows:

8 4. It shall be an unlawful discriminatory practice for an [education
9 corporation or association which holds itself out to the public to be
10 non-sectarian and exempt from taxation pursuant to the provisions of
11 article four of the real property tax law] educational institution to
12 deny the use of its facilities to any person otherwise qualified, or to
13 permit the harassment of any student or applicant, by reason of his
14 race, color, religion, disability, national origin, sexual orientation,
15 military status, sex, age or marital status, except that any such insti-
16 tution which establishes or maintains a policy of educating persons of
17 one sex exclusively may admit students of only one sex.

18 § 3. This act shall take effect immediately.

19 PART T

20 Section 1. Short title. This act shall be known and may be cited as
21 the "Lawful Source of Income Non-Discrimination Act of 2019".

22 § 2. Section 292 of the executive law is amended by adding a new
23 subdivision 35 to read as follows:

24 35. The term "lawful source of income" shall include, but not be
25 limited to, child support, alimony, foster care subsidies, income
26 derived from social security, or any form of federal, state, or local

1 public assistance or housing assistance including, but not limited to,
2 section 8 vouchers, or any other form of housing assistance payment or
3 credit whether or not such income or credit is paid or attributed
4 directly to a landlord, and any other forms of lawful income.

5 § 3. Paragraphs (a), (b), (c) and (c-1) of subdivision 2-a of section
6 296 of the executive law, paragraphs (a), (b) and (c) as amended and
7 paragraph (c-1) as added by chapter 106 of the laws of 2003, are amended
8 to read as follows:

9 (a) To refuse to sell, rent or lease or otherwise to deny to or with-
10 hold from any person or group of persons such housing accommodations
11 because of the race, creed, color, disability, national origin, sexual
12 orientation, military status, age, sex, marital status, lawful source of
13 income or familial status of such person or persons, or to represent
14 that any housing accommodation or land is not available for inspection,
15 sale, rental or lease when in fact it is so available.

16 (b) To discriminate against any person because of his or her race,
17 creed, color, disability, national origin, sexual orientation, military
18 status, age, sex, marital status, lawful source of income or familial
19 status in the terms, conditions or privileges of any publicly-assisted
20 housing accommodations or in the furnishing of facilities or services in
21 connection therewith.

22 (c) To cause to be made any written or oral inquiry or record concern-
23 ing the race, creed, color, disability, national origin, sexual orien-
24 tation, membership in the reserve armed forces of the United States or
25 in the organized militia of the state, age, sex, marital status, lawful
26 source of income or familial status of a person seeking to rent or lease
27 any publicly-assisted housing accommodation; provided, however, that
28 nothing in this subdivision shall prohibit a member of the reserve armed

1 forces of the United States or in the organized militia of the state
2 from voluntarily disclosing such membership.

3 (c-1) To print or circulate or cause to be printed or circulated any
4 statement, advertisement or publication, or to use any form of applica-
5 tion for the purchase, rental or lease of such housing accommodation or
6 to make any record or inquiry in connection with the prospective
7 purchase, rental or lease of such a housing accommodation which
8 expresses, directly or indirectly, any limitation, specification or
9 discrimination as to race, creed, color, national origin, sexual orien-
10 tation, military status, sex, age, disability, marital status, lawful
11 source of income or familial status, or any intent to make any such
12 limitation, specification or discrimination.

13 § 4. Subparagraphs 1, 2 and 3 of paragraph (a) of subdivision 5 of
14 section 296 of the executive law, as amended by chapter 106 of the laws
15 of 2003, are amended to read as follows:

16 (1) To refuse to sell, rent, lease or otherwise to deny to or withhold
17 from any person or group of persons such a housing accommodation because
18 of the race, creed, color, national origin, sexual orientation, military
19 status, sex, age, disability, marital status, lawful source of income or
20 familial status of such person or persons, or to represent that any
21 housing accommodation or land is not available for inspection, sale,
22 rental or lease when in fact it is so available.

23 (2) To discriminate against any person because of race, creed, color,
24 national origin, sexual orientation, military status, sex, age, disabil-
25 ity, marital status, lawful source of income or familial status in the
26 terms, conditions or privileges of the sale, rental or lease of any such
27 housing accommodation or in the furnishing of facilities or services in
28 connection therewith.

1 (3) To print or circulate or cause to be printed or circulated any
2 statement, advertisement or publication, or to use any form of applica-
3 tion for the purchase, rental or lease of such housing accommodation or
4 to make any record or inquiry in connection with the prospective
5 purchase, rental or lease of such a housing accommodation which
6 expresses, directly or indirectly, any limitation, specification or
7 discrimination as to race, creed, color, national origin, sexual orien-
8 tation, military status, sex, age, disability, marital status, lawful
9 source of income or familial status, or any intent to make any such
10 limitation, specification or discrimination.

11 § 5. Subparagraphs 1 and 2 of paragraph (c) of subdivision 5 of
12 section 296 of the executive law, as amended by chapter 106 of the laws
13 of 2003, are amended to read as follows:

14 (1) To refuse to sell, rent or lease any housing accommodation, land
15 or commercial space to any person or group of persons or to refuse to
16 negotiate for the sale, rental or lease, of any housing accommodation,
17 land or commercial space to any person or group of persons because of
18 the race, creed, color, national origin, sexual orientation, military
19 status, sex, age, disability, marital status, lawful source of income or
20 familial status of such person or persons, or to represent that any
21 housing accommodation, land or commercial space is not available for
22 inspection, sale, rental or lease when in fact it is so available, or
23 otherwise to deny or withhold any housing accommodation, land or commer-
24 cial space or any facilities of any housing accommodation, land or
25 commercial space from any person or group of persons because of the
26 race, creed, color, national origin, sexual orientation, military
27 status, sex, age, disability, marital status, lawful source of income,
28 or familial status of such person or persons.

1 (2) To print or circulate or cause to be printed or circulated any
2 statement, advertisement or publication, or to use any form of applica-
3 tion for the purchase, rental or lease of any housing accommodation,
4 land or commercial space or to make any record or inquiry in connection
5 with the prospective purchase, rental or lease of any housing accommo-
6 dation, land or commercial space which expresses, directly or indirect-
7 ly, any limitation, specification, or discrimination as to race, creed,
8 color, national origin, sexual orientation, military status, sex, age,
9 disability, marital status, lawful source of income or familial status;
10 or any intent to make any such limitation, specification or discrimi-
11 nation.

12 § 6. Paragraph (d) of subdivision 5 of section 296 of the executive
13 law, as amended by chapter 106 of the laws of 2003, amended to read as
14 follows:

15 (d) It shall be an unlawful discriminatory practice for any real
16 estate board, because of the race, creed, color, national origin, sexual
17 orientation, military status, age, sex, disability, marital status,
18 lawful source of income or familial status of any individual who is
19 otherwise qualified for membership, to exclude or expel such individual
20 from membership, or to discriminate against such individual in the
21 terms, conditions and privileges of membership in such board.

22 § 7. This act shall take effect immediately and shall apply to all
23 causes of action filed on or after such effective date.

24 PART U

25 Section 1. Subdivision 2 of section 7-108 of the general obligations
26 law is amended by adding a new paragraph (f) to read as follows:

1 (f) Except in instances where statutes or regulations provide for a
2 lesser payment, fee, deposit or charge, no landlord, lessor, sub-lessor
3 or grantor may demand any payment, fee, deposit, or charge, including,
4 but not limited to, any payment, fee, deposit, or charge that is imposed
5 at the beginning of the tenancy to be used to reimburse the landlord for
6 costs associated with processing a new tenant or that is imposed as an
7 advance payment of rent, used or to be used for any purpose, including a
8 security deposit, in an amount or value in excess of an amount equal to
9 two months' rent, including the first month's rent.

10 § 2. This act shall take effect immediately.

11 PART V

12 Section 1. Section 300 of the executive law, as amended by chapter 166
13 of the laws of 2000, is amended to read as follows:

14 § 300. Construction. The provisions of this article shall be construed
15 liberally for the accomplishment of the purposes thereof. Judicial
16 interpretations of similarly worded provisions of federal civil rights
17 laws are not controlling. Such interpretations of federal civil rights
18 laws establish a floor below which interpretation of this article cannot
19 fall, rather than a ceiling above which interpretation of this article
20 cannot rise. Nothing contained in this article shall be deemed to repeal
21 any of the provisions of the civil rights law or any other law of this
22 state relating to discrimination because of race, creed, color or
23 national origin; but, as to acts declared unlawful by section two
24 hundred ninety-six of this article, the procedure herein provided shall,
25 while pending, be exclusive; and the final determination therein shall
26 exclude any other state civil action[, civil or criminal,] based on the

1 same grievance of the individual concerned. If such individual insti-
2 tutes any action based on such grievance without resorting to the proce-
3 dure provided in this article, he or she may not subsequently resort to
4 the procedure herein.

5 § 2. Subdivision 21 of section 296 of the executive law, as renumbered
6 by chapter 536 of the laws of 2010, is renumbered subdivision 22 and a
7 new subdivision 21 is added to read as follows:

8 21. Harassment on the basis of any protected characteristic is an
9 unlawful discriminatory practice in any area of jurisdiction as set
10 forth in this article. Harassment includes the types of actions that
11 have been found by the courts to create a hostile environment or a
12 tangible job detriment. Such actions are an unlawful discriminatory
13 practice when they result in a person or persons being treated not as
14 well as others because of a protected characteristic. Harassment is not
15 limited only to those actions that are severe or pervasive. Harassment
16 does not include what a reasonable person with the same protected char-
17 acteristic would consider petty slights or trivial inconveniences.

18 § 3. Section 5-336 of the general obligations law, as added by section
19 1 of subpart D of part KK of chapter 57 of the laws of 2018, is amended
20 to read as follows:

21 § 5-336. Nondisclosure agreements. 1. Notwithstanding any other law to
22 the contrary, no employer, its officers or employees shall have the
23 authority to include or agree to include in any settlement, agreement or
24 other resolution of any claim, the factual foundation for which involves
25 sexual harassment, any term or condition that would prevent the disclo-
26 sure of the underlying facts and circumstances to the claim or action
27 unless the condition of confidentiality is the complainant's preference.
28 Any such term or condition must be provided to all parties, and the

1 complainant shall have twenty-one days to consider such term or condi-
2 tion. If after twenty-one days such term or condition is the
3 complainant's preference, such preference shall be memorialized in an
4 agreement signed by all parties. For a period of at least seven days
5 following the execution of such agreement, the complainant may revoke
6 the agreement, and the agreement shall not become effective or be
7 enforceable until such revocation period has expired.

8 2. Notwithstanding any other law to the contrary, any provision in a
9 contract or other agreement between an employer or an agent of an
10 employer and any employee or potential employee of that employer entered
11 into on or after January first, two thousand twenty, that prevents the
12 disclosure of factual information related to any future claim of sexual
13 harassment, assault, or discrimination is void or unenforceable unless
14 such provision includes language ensuring that the parties to the agree-
15 ment still have the right to file a complaint about such factual infor-
16 mation with a state or local agency, and testify or otherwise partic-
17 ipate in a government investigation.

18 § 4. Subdivision 3 of section 201-g of the labor law is renumbered
19 subdivision 4 and a new subdivision 3 is added to read as follows:

20 3. The department shall consult with the division of human rights to
21 produce and distribute a workplace sexual harassment prevention poster.

22 a. Such poster shall include an explanation of sexual harassment
23 consistent with guidance issued by the department in consultation with
24 the division of human rights and information concerning employees'
25 rights of redress and all available forums for adjudicating complaints.

26 b. Every employer shall post such poster or a poster that equals or
27 exceeds the minimum standards of such poster in a conspicuous location.

28 § 5. This act shall take effect January 1, 2020.

1

PART W

2 Section 1. This act shall be known and may be cited as the "pension
3 poaching prevention act".

4 § 2. Legislative findings and intent. Nationally, veterans and their
5 family members are often subject to a practice commonly called pension
6 poaching. This troubling practice, as described in recent reports from
7 the Federal Trade Commission, the Federal Government Accountability
8 Office, the United States Department of Veterans Affairs, and several
9 other entities, generally target elderly or disabled veterans and their
10 family members. Pension poaching involves dishonest financial planners,
11 insurance agents, and other professionals luring veterans and their
12 family members to pay substantial funds for veterans' benefits services
13 that the offering entity is unqualified to provide and that can detri-
14 mentally impact the future financial situations of the veteran and his
15 or her dependents.

16 Entities engaging in pension poaching tend to use high-pressure sales
17 tactics directed toward potential customers, falsely guaranteeing bene-
18 fits for veterans and their families even when the advertising entity
19 lacks the federal accreditation required by law to file such claims and
20 appeals for federal veterans' benefits. Often, they persuade veterans
21 and their family members to abruptly move most or all of their assets to
22 potentially qualify for certain federal veterans benefits, frequently
23 causing veterans and their family members to unwittingly lose control
24 over their assets and adversely affecting the ability of veterans and
25 their families to qualify for Medicaid and other important benefits in
26 the future. These entities frequently charge extremely high fees for

1 these services, even in matters where federal law expressly prohibits
2 such fees.

3 Through this legislation, the legislature intends to restrain this
4 harmful and deceptive practice within New York State, providing neces-
5 sary protections to the men and women of this state who courageously
6 served in our nation's armed forces.

7 § 3. The general business law is amended by adding a new section 349-f
8 to read as follows:

9 § 349-f. Pension poaching prevention. 1. For purposes of this section:

10 (a) The term "veteran" means a person who has served on active duty
11 service in the armed forces of the United States, or service in the Army
12 national guard, air national guard, commissioned officer in the public
13 health service, commissioned officer of the national oceanic atmospheric
14 administration or environmental sciences services administration, cadet
15 at a United States armed forces service academy or provisions under 38
16 U.S.C. § 106, and who has been released from such service under honor-
17 able conditions.

18 (b) The term "veterans' benefits matter" means the preparation, pres-
19 entation, or prosecution of any claim affecting any person who has filed
20 or expressed an intent to file a claim for any benefit, program,
21 service, commodity, function, or status, entitlement which is determined
22 under the laws and regulations administered by the United States depart-
23 ment of veterans affairs or the New York state division of veterans'
24 affairs pertaining to veterans, their dependents, their survivors, and
25 any other party eligible for such benefits.

26 (c) The term "compensation" means money, property, or anything else of
27 value.

1 (d) The term "entity" includes, but is not limited to, any natural
2 person, corporation, trust, partnership, alliance, or unincorporated
3 association.

4 2. (a) No entity shall receive compensation for advising or assisting
5 any party with any veterans' benefits matter, except as permitted under
6 title 38 of the United States code and the corresponding provisions
7 within title 38 of the United States code of federal regulations.

8 (b) No entity shall receive compensation for referring any party to
9 another individual to advise or assist this party with any veterans'
10 benefits matter.

11 (c) Any entity seeking to receive compensation for advising or assist-
12 ing any party with any veterans' benefits matter shall, before rendering
13 any services, memorialize all terms regarding the party's payment of
14 fees for services rendered in a written agreement, signed by both
15 parties, that adheres to all criteria specified within title 38, section
16 14.636, of the United States code of federal regulations.

17 (d) No entity shall receive any fees for any services rendered before
18 the date on which a notice of disagreement is filed with respect to the
19 veteran's case.

20 (e) No entity shall guarantee, either directly or by implication, that
21 any party is certain to receive specific veterans' benefits or that any
22 party is certain to receive a specific level, percentage, or amount of
23 veterans' benefits.

24 (f) No entity shall receive excessive or unreasonable fees as compen-
25 sation for advising or assisting any party with any veterans' benefits
26 matter. The factors articulated within title 38, section 14.636 of the
27 code of federal regulations shall govern determinations of whether a fee
28 is excessive or unreasonable.

1 3. (a) No entity shall advise or assist for compensation any party
2 with any veterans' benefits matter without clearly providing, at the
3 outset of this business relationship, the following disclosure, both
4 orally and in writing: "this business is not sponsored by, or affiliated
5 with, the United States department of veterans affairs, the New York
6 state division of veterans' affairs, or any other congressionally char-
7 tered veterans service organization. Other organizations, including but
8 not limited to the New York state division of veterans' affairs, your
9 local county veterans service agency, and other congressionally char-
10 tered veterans service organizations, may be able to provide you with
11 this service free of charge. Products or services offered by this busi-
12 ness are not necessarily endorsed by any of these organizations. You
13 may qualify for other veterans' benefits beyond the benefits for which
14 you are receiving services here." The written disclosure must appear in
15 at least twelve-point font and must appear in a readily noticeable and
16 identifiable place in the entity's agreement with the party seeking
17 services. The party must verbally acknowledge understanding of the oral
18 disclosure and must provide his or her signature to represent under-
19 standing of these provisions on the document in which the written
20 disclosure appears. The entity offering services must retain a copy of
21 the written disclosure while providing veterans' benefits services for
22 compensation to the party and for at least one year after the date on
23 which this service relationship terminates.

24 (b) No entity shall advertise for-compensation services in veterans
25 benefits matters without including the following disclosure: "this busi-
26 ness is not sponsored by, or affiliated with, the United States depart-
27 ment of veterans affairs, the New York state division of veterans'
28 affairs, or any other congressionally chartered veterans service organ-

1 ization. Other organizations, including but not limited to the New York
2 state division of veterans' affairs, your local county veterans service
3 agency, and other congressionally chartered veterans service organiza-
4 tions, may be able to provide you with these services free of charge.
5 Products or services offered by this business are not necessarily
6 endorsed by any of these organizations. You may qualify for other veter-
7 ans' benefits beyond the services that this business offers." If the
8 advertisement is printed, including but not limited to advertisements
9 visible to internet users, the disclosure must appear in a readily visi-
10 ble place on the advertisement. If the advertisement is verbal, the
11 spoken statement of the disclosure must be clear and intelligible.

12 4. (a) Any violation of this section shall constitute a deceptive act
13 in the conduct of business, trade, or commerce, and shall be subject to
14 the provisions of section three hundred forty nine of this article,
15 including any right of action and corresponding penalties described
16 within such section.

17 (b) If an entity's violation of this section concerns a party who is
18 sixty-five years of age or older, said entity may be liable for supple-
19 mental civil penalties as established within, and subject of the terms
20 of, section three hundred forty-nine-c of this article.

21 5. If any provision of this section or its application to any person
22 or circumstance is ever held invalid, the remainder of this act or the
23 application of its provisions to other persons or circumstances shall
24 remain unaffected.

25 § 4. This act shall take effect on the one hundred twentieth day after
26 it shall have become a law.

1 Section 1. Subdivision 21-f of section 292 of the executive law, as
2 added by chapter 369 of the laws of 2015, is amended to read as follows:

3 21-f. The term "pregnancy-related condition" means a medical condition
4 related to pregnancy or childbirth that inhibits the exercise of a
5 normal bodily function or is demonstrable by medically accepted clinical
6 or laboratory diagnostic techniques, including but not limited to lacta-
7 tion; provided, however, that in all provisions of this article dealing
8 with employment, the term shall be limited to conditions which, upon the
9 provision of reasonable accommodations, do not prevent the complainant
10 from performing in a reasonable manner the activities involved in the
11 job or occupation sought or held; and provided further, however, that
12 pregnancy-related conditions shall be treated as temporary disabilities
13 for the purposes of this article.

14 § 2. This act shall take effect immediately.

15 PART Y

16 Section 1. The education law is amended by adding a new section 6509-e
17 to read as follows:

18 § 6509-e. Additional definition of professional misconduct; mental
19 health professionals. 1. For the purposes of this section:

20 a. "Mental health professional" means a person subject to the
21 provisions of article one hundred fifty-three, one hundred fifty-four or
22 one hundred sixty-three of this title; or any other person designated as
23 a mental health professional pursuant to law, rule or regulation.

24 b. "Sexual orientation change efforts" (i) means any practice by a
25 mental health professional that seeks to change an individual's sexual
26 orientation, including, but not limited to, efforts to change behaviors,

1 gender identity, or gender expressions, or to eliminate or reduce sexual
2 or romantic attractions or feelings towards individuals of the same sex
3 and (ii) shall not include counseling for a person seeking to transition
4 from one gender to another, or psychotherapies that: (A) provide accept-
5 ance, support and understanding of patients or the facilitation of
6 patients' coping, social support and identity exploration and develop-
7 ment, including sexual orientation-neutral interventions to prevent or
8 address unlawful conduct or unsafe sexual practices; and (B) do not seek
9 to change sexual orientation.

10 2. It shall be professional misconduct for a mental health profes-
11 sional to engage in sexual orientation change efforts upon any patient
12 under the age of eighteen years, and any mental health professional
13 found guilty of such misconduct under the procedures prescribed in
14 section sixty-five hundred ten of this subarticle shall be subject to
15 the penalties prescribed in section sixty-five hundred eleven of this
16 subarticle.

17 § 2. The education law is amended by adding a new section 6531-a to
18 read as follows:

19 § 6531-a. Additional definition of professional misconduct; mental
20 health professionals. 1. Definitions. For the purposes of this section:

21 a. "Mental health professional" means a person subject to the
22 provisions of article one hundred thirty-one of this title.

23 b. "Sexual orientation change efforts" (i) means any practice by a
24 mental health professional that seeks to change an individual's sexual
25 orientation, including, but not limited to, efforts to change behaviors,
26 gender identity, or gender expressions, or to eliminate or reduce sexual
27 or romantic attractions or feelings towards individuals of the same sex;
28 and (ii) shall not include counseling for a person seeking to transition

1 from one gender to another, or psychotherapies that: (A) provide accept-
2 ance, support and understanding of patients or the facilitation of
3 patients' coping, social support, and identity exploration and develop-
4 ment, including sexual orientation-neutral interventions to prevent or
5 address unlawful conduct or unsafe sexual practices; and (B) do not seek
6 to change sexual orientation.

7 2. It shall be professional misconduct for a mental health profes-
8 sional to engage in sexual orientation change efforts upon any patient
9 under the age of eighteen years, and any mental health professional
10 found guilty of such misconduct under the procedures prescribed in title
11 two-A of article two of the public health law shall be subject to the
12 penalties prescribed in section two hundred thirty-a of the public
13 health law, as added by chapter six hundred six of the laws of nineteen
14 hundred ninety-one.

15 § 3. This act shall take effect immediately.

16 PART Z

17 Section 1. Short title. This act shall be known and may be cited as
18 the "rent regulation act of 2019".

19 § 2. Rent regulation act of 2019. Notwithstanding any other provision
20 of law to the contrary, the New York state system of rent regulation
21 pursuant to chapter 576 of the laws of 1974, chapter 274 of the laws of
22 1946, chapter 329 of the laws of 1963, chapter 555 of the laws of 1982,
23 chapter 402 of the laws of 1983, chapter 116 of the laws of 1997, and
24 sections 26-501, 26-502, and 26-520 of the administrative code of the
25 city of New York, shall be extended pursuant to a chapter of the laws of
26 2019. Provided, however, such extension shall include rent regulation

1 reforms to end vacancy decontrol, amend the application of preferential
2 rent, and limit capital improvement charges based on a report on rent
3 regulation delivered to the governor by the commissioner of the division
4 of housing and community renewal ("the division") on or after March 1,
5 2019 which shall include (i) the number of rent stabilized housing
6 accommodations within the city of New York; (ii) the number of rent
7 stabilized housing accommodations outside the city of New York; (iii)
8 the number of rent controlled housing accommodations in the city of New
9 York; (iv) the number of rent controlled housing accommodations outside
10 the city of New York; (v) the number of applications for major capital
11 improvements filed with such division; (vi) the number of units which
12 are registered with such division where the amount charged to and paid
13 by the tenant is less than the registered rent for the housing accommo-
14 dation; (vii) for housing accommodations that are registered with such
15 division where the amount charged to and paid by the tenant is less than
16 the registered rent for the housing accommodation the average of the
17 difference between the registered rent for a housing accommodation and
18 the amount charged to and paid by the tenant; (viii) the number of rent
19 overcharge complaints processed by the division; and (ix) the number of
20 final overcharge orders granting an overcharge.

21 § 3. This act shall take effect immediately.

22 § 2. Severability clause. If any clause, sentence, paragraph, subdivi-
23 sion, section or part of this act shall be adjudged by any court of
24 competent jurisdiction to be invalid, such judgment shall not affect,
25 impair, or invalidate the remainder thereof, but shall be confined in
26 its operation to the clause, sentence, paragraph, subdivision, section
27 or part thereof directly involved in the controversy in which such judg-
28 ment shall have been rendered. It is hereby declared to be the intent of

1 the legislature that this act would have been enacted even if such
2 invalid provisions had not been included herein.

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