

**FY 2021 NEW YORK STATE EXECUTIVE BUDGET**

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

**MEMORANDUM IN SUPPORT**

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## MEMORANDUM IN SUPPORT

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

AN ACT to amend the education law, in relation to contracts for excellence and the apportionment of public moneys; to amend the education law, in relation to the purchase and loan of text-books; to amend the education law, in relation to aid for the purchase of school library materials; to amend the education law, in relation to the purchase and loan of computer software and hardware; to amend the education law, in relation to boards of cooperative educational services; to amend the education law, in relation to the apportionment of public moneys in school districts employing eight or more teachers including foundation 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 conditions under which districts are entitled to apportionment; to amend the education law, in relation to waiving certain duties of districts, schools or boards of cooperative educational services; to amend the education law, in relation to issuance of charters; to amend the education law, in relation to courses of instruction in patriotism and citizenship and in certain historic documents; to amend the education law, in relation to instruction in the Holocaust in certain schools; to amend the education law, in relation to moneys apportioned to school districts for commercial gaming grants; 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 2020-2021 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 169 of the laws of 1994, relating to certain provisions related to the 1994-95 state operations, aid to localities, capital projects and debt service budgets, in relation to the effectiveness thereof; to amend chapter 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 part C of chapter 57 of the laws of 2004, relating to the support of education, in relation to the effectiveness thereof; relates to school bus driver training; relates to special apportionment for salary expenses and public pension accruals; relates to authorizing the city school district of the city of Rochester to purchase certain services; relates to suballocations of appropriations; and relates to the support of public libraries (Part A); to amend the education law, in relation to establishing the Syracuse Comprehensive Education and Workforce Training Center focusing on Science, Technology, Engineering, Arts, and Math to provide instruction to students in the Onondaga, Cortland and Madison county BOCES and the central New York region in the areas of science, technology, engineering, arts and mathematics (Part B); directing the commissioner of education to appoint a monitor for the Rochester city school district and establishing the powers and duties of

such monitor and certain other officers; and providing for the repeal of such provisions upon the expiration thereof (Part C); to amend the education law, in relation to predictable tuition allowing annual tuition increase for SUNY and CUNY schools; and to amend chapter 260 of the laws of 2011, amending the education law and the New York state urban development corporation act relating to establishing components of the NY-SUNY 2020 challenge grant program, in relation to the effectiveness thereof (Part D); to amend the education law, in relation to adjusted gross income qualification for the excelsior scholarship (Part E); to amend the education law, in relation to adjusted gross income caps for enhanced tuition awards (Part F); to amend the business corporation law, the partnership law and the limited liability company law, in relation to certified public accountants (Part G); to utilize reserves in the mortgage insurance fund for various housing purposes (Part H); to amend the emergency tenant protection act of nineteen seventy-four, in relation to authorizing a payment offset for rent administration costs (Part I); to amend the labor law, in relation to guaranteeing sick leave (Part J); 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 K); to amend the family court act, in relation to judgments of parentage of children conceived through assisted reproduction or pursuant to surrogacy agreements; to amend the domestic relations law, in relation to restricting genetic surrogate parenting contracts; to amend the public health law, in relation to voluntary acknowledgments of parentage, gestational surrogacy and regulations concerning ova donation; to amend the general business law, the estates, powers and trusts law, and the social services law, in relation to the regulation of surrogacy programs; and to repeal section 73 of the domestic relations law, relating to legitimacy of children born by artificial

insemination (Part L); to amend the social services law and the family court act, in relation to compliance with the Federal Family First Prevention Services Act (Part M); to amend the social services law, in relation to restructuring financing for residential school placements (Part N); and to amend the executive law, in relation to New York state veterans cemeteries (Part O)

## **PURPOSE:**

This bill contains provisions needed to implement the Education, Labor and Family Assistance portions of the FY 2021 Executive Budget.

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

## **PART A – School Aid**

### **Purpose:**

This bill would contain various provisions necessary for implementation of the education portion of the FY 2021 Executive Budget

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

Public education in New York represents a significant commitment of State and local resources. With total spending levels exceeding \$70 billion, New Yorkers have maintained the highest per-pupil spending levels in the nation – even during difficult financial times. Not only is education the largest area of State spending, it is also the largest component of local property taxes. This substantial investment reflects New York State’s long-standing commitment to providing opportunity for all students.

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

- **Largest Ever State Support for Schools.** The FY 2021 Executive Budget recommends a year-over-year increase of \$826 million (3.0 percent) in direct aid to school districts for a total of \$28.5 billion for the 2020-21 school year. This represents the highest level of State support to schools in New York’s history. With this increase, School Aid will have grown by \$9.0 billion, or 46 percent, since 2011-12.
- **Foundation Aid and Community Schools.** The FY 2021 Executive Budget recommends a Foundation Aid increase of \$504 million, including the consolidation of 10 existing expense-based aid categories into Foundation Aid. This increase is largely targeted to high-need school districts. Additionally, the FY 2021 Executive Budget Foundation Aid increase includes an additional \$50 million for Community Schools, bringing the total annual investment in Community Schools to \$300 million. The Community Schools increase is targeted to school districts with schools in need of comprehensive support and improvement (CSI) due to their academic performance, as well as districts with large and growing proportions of English language learners. With this increase, the FY 2021 Executive Budget will expand the number of districts receiving

community schools funding to 440 districts, an increase of 200 districts, in order to benefit all lower-wealth districts statewide.

- **Expense-Based Aid Reforms.** The FY 2021 Executive Budget recommends the consolidation of the following 10 existing aid categories into Foundation Aid, beginning with the 2020-21 school year

Academic Enhancement Aid	Library Materials Aid
BOCES Aid	Software Aid
Charter School Transitional Aid	Special Services Aid
Hardware Aid	Supplemental Public Excess Cost Aid
High Tax Aid	Textbook Aid

Additionally, the FY 2021 Executive Budget creates a new tier of Building Aid for projects approved on or after July 1, 2020, reforming the provision of aid for incidental costs, wealth-adjusting the current incentive decimal, and basing each district's aid ratio on the most current year's wealth data. In addition, starting with aid for the 2021-22 school year, the Budget reforms Transportation Aid by capping annual aidable operating expenses based on inflation and enrollment growth and eliminating the current property wealth per pupil aid ratio option (AV/RWADA). These changes will simplify aid calculations, offer more certainty over future funding, encourage school districts to control expenses outside of core instruction, give districts greater flexibility, and provide additional State resources to support Foundation Aid increases.

- **Charter Schools.** The FY 2021 Executive Budget proposes to authorize the reissuance of any charter originally issued to a charter school that has subsequently closed due to surrender, revocation, termination or non-renewal of its charter, regardless of the date of such closure. This amendment permits the issuance of additional charters to charter schools located in New York City, expanding educational opportunities for disadvantaged students.
- **Instruction in Civic Values, Diversity History, and Religious Freedom.** The FY 2021 Executive Budget recommends that all public and nonpublic school students over the age of eight receive instruction in civic education and values, our shared history of diversity, and the role of religious freedom in this country.

#### Budget Implications:

Enactment of this bill is necessary to implement the FY2021 Executive Budget.

#### Effective Date:

This bill would take effect April 1, 2020, except that selected provisions take effect immediately or on other specified dates.

## **PART B – Syracuse Comprehensive Education and Workforce Training Center**

### Purpose:

Effective immediately, this act would establish the Syracuse Comprehensive Education and Workforce Training Center (“the school”), focusing on science, technology, engineering, arts, and math. The intent of the school is to provide instruction for students in grades nine through twelve that reside within the Onondaga, Cortland, and Madison county Boards of Cooperative Educational Services (“BOCES”) region and central New York, as well as provide workforce training for residents of the area.

Beginning with the 2021-22 School Year, this bill would allow for the Syracuse City School District Board of Education (“the board”) to establish the school focusing on science, technology, education, arts, and mathematics education fields. The board would have responsibility for the operation, supervision, administration, and maintenance of the school. Additionally, the school would partner with SUNY Empire State College and other institutions of higher education to offer an early college high school program, apprenticeship training, workforce preparation, industry certifications, and other credentials. The school would also partner with local businesses and/or organizations focused on closing the skills gap and increasing employment opportunities for students. These programs would be available not only to students, but also to community members.

Students would continue to be enrolled in their school district of residence but would receive a high school diploma from the Syracuse City School District. Any student would be eligible for enrollment if their school district enters a memorandum of understanding (“MOU”) with the board. If the applicant pool exceeds the number of available spaces, student admission would be granted on a random selection basis.

Additionally, the Syracuse City School District would be authorized to transfer ownership of the school building to Onondaga County, which would then renovate the facility and lease it back to the District. The State would pay twice as much Building Aid for the renovation as current law would allow. However, if the project’s cost exceeded its maximum cost allowance for Building Aid, the County could proceed with the project only after redesigning it to reduce the cost or demonstrating to the State Education Department that additional funds from the District and the City of Syracuse would be available to cover any such cost overruns.

### Budget Implications:

The State funds to support the renovation of the facility housing the school would be provided through Building Aid, with such aid to be paid starting no earlier than the 2021-22 school year, when the school is currently expected to open.

### Effective Date:

This bill would take effect immediately.

## **PART C – Rochester City School District Monitor**

### Purpose:

Effective immediately, this bill would require the Commissioner of Education and the Mayor of the City of Rochester to jointly appoint a monitor to oversee the finances and academic program of the Rochester City School District (“school district”).

The monitor would be a non-voting ex-officio member of the district's Board of Education; would have the ability to attend all meetings of the board, including executive sessions; and would be provided access to any necessary documents and records of the district. Within 60 days of his or her appointment, the monitor would be required to hold three public hearings on the State Education Department's existing oversight authority, the district's fiscal performance, and its academic performance.

By November 1, 2020, the school board, the district's superintendent, and the monitor would develop five-year financial and academic improvement plans, covering the 2020-21 through the 2024-25 school years, subject to a public hearing. If the district and the monitor could not reach consensus on the academic plan, the board's proposed plan and the monitor's recommended changes would be submitted to the Commissioner by December 15, 2020. The Commissioner would then determine the final plan by January 15, 2021.

The process for development and approval of the financial plan would be the same except that the Commissioner would review and resolve any disagreements between the district and the monitor jointly with the Mayor. The financial plan would need to consider whether the city and the district should agree to share their financial and budgetary functions, and whether district governance should be modified.

Additionally, by March 1, the school board would submit the district's proposed annual budget for review by the monitor. If the monitor finds the proposed budget to be inconsistent with the academic and financial plans, and the Commissioner and the Mayor agree, the latter two may jointly require the district to amend its proposed budget accordingly.

The Commissioner could override any decision of the monitor deemed to be not aligned with the academic plan, while the Commissioner and the Mayor could jointly overrule any decision of the monitor deemed to be not aligned with the financial plan or budget.

The monitor would notify the Commissioner of any apparent violation of the academic plan. The Commissioner would then have 20 days for review. If the Commissioner agreed with the monitor, the district would be ordered to remedy the violation. Until the

Commissioner had made a determination, the district would have to suspend all actions related to the potential violation. In the case of an apparent violation of the financial plan, the Commissioner and the Mayor would jointly make a determination.

Budget Implications:

Enactment of this bill is necessary to implement the FY2021 Executive Budget.

Effective Date:

This bill would take effect immediately and expire on June 30, 2021.

**PART D – Extend a Predictable Funding Plan for SUNY and CUNY**

Purpose:

This bill would extend a predictable funding plan for SUNY and CUNY through AY 2025.

Summary of Provisions and Statement in Support:

In 2011, the State enacted Governor Cuomo’s plan to end decades of unpredictable and sudden tuition hikes with a rational tuition system that limits SUNY and CUNY tuition increases.

This new funding policy stabilized an unpredictable tuition rollercoaster that prevented students and their families from being able to plan for the full cost of their education. Prior to this plan, there were drastic tuition spikes upwards of 45 percent. These dramatic spikes caused students to suddenly pay significantly more year-to-year. The predictable funding plan replaced this ineffective model with modest increases coupled with greater financial assistance.

Because of New York’s commitment to providing an affordable quality education through SUNY and CUNY, tuition and fees at New York’s public four-year colleges are among one of the lowest in the nation -- \$2,054 below the national average and lower than 40 other states.

The predictable funding plan also provides important financial assistance to make college affordable for students with limited income. Revenue from tuition increases has been used to fund tuition credits for students eligible for the Tuition Assistance Program, thus maintaining their access to educational opportunities.

This program also allows campuses to better plan and leverage the State’s investments for student success. SUNY and CUNY have used the proceeds from tuition increases and consistent level of State support to hire additional faculty and establish new degree

programs in high-need fields to ensure New Yorkers are prepared for the jobs of the future.

To keep tuition low and predictable, and to infuse additional funds into New York's public university systems, this bill would extend the predictable funding plan through AY 2025. During this period, SUNY and CUNY would be authorized, but not required, to raise tuition up to \$200 annually. The revenue generated from any tuition increase would be reinvested to support faculty, instruction, initiatives to improve student success and completion, and tuition credits for TAP-eligible students.

In addition, this bill would authorize the SUNY College of Environmental Science and Forestry to raise tuition rates for non-resident undergraduate students by 10 percent annually for a four-year period beginning in the Fall of 2020. providing flexibility to set non-resident tuition similar to SUNY University Centers.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2021 Executive Budget.

Effective Date:

This bill would take effect immediately and sunset on July 1, 2025.

**PART E – Expand Free College Tuition to More Middle-Class Families**

Purpose:

This bill would expand free college tuition to more middle-class families by raising the Excelsior Scholarship eligibility threshold from \$125,000 to \$150,000.

Summary of Provisions and Statement in Support:

In 2017, Governor Cuomo created the historic Excelsior Scholarship, a first-in-the-nation program that provides free tuition at New York's public colleges and universities for middle class families.

To expand this transformational opportunity to more middle-class families, this bill raises the Excelsior eligibility threshold from \$125,000 to \$150,000. The income eligibility threshold will increase to \$135,000 in AY 2021 and fully phase in to \$150,000 in AY 2022. By increasing this threshold, more than 230,000 New York residents will attend SUNY or CUNY tuition free.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2021 Executive Budget.

Effective Date:

This bill would take effect immediately.

**PART F – Expand the Enhanced Tuition Awards Program**

Purpose:

This bill would expand college financial aid to more middle-class families by raising the Enhanced Tuition Awards eligibility threshold from \$125,000 to \$150,000.

Summary of Provisions and Statement in Support:

The Enhanced Tuition Awards program was enacted in 2017 to provide tuition awards to students who are New York State residents attending a participating private college located in New York State. The program provides recipients \$6,000 in annual tuition assistance through a combination of their Enhanced Tuition Award and a match from their private college.

To expand college financial aid to more middle-class families, this bill raises the Enhanced Tuition Award eligibility threshold from \$125,000 to \$150,000 of adjusted gross income. In AY 2021, the income eligibility threshold will increase to \$135,000 and fully phase in to \$150,000 in AY 2022.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2021 Executive Budget.

Effective Date:

This bill would take effect immediately.

**PART G – Allow Public Accounting Firms to Have Minority Ownership by Individuals Who Are Not Certified Public Accountants**

Purpose:

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

Summary of Provisions and Statement in Support:

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

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

Budget Implications:

Enactment of this bill is necessary to implement the FY 2021 Executive Budget.

Effective Date:

This bill would take effect immediately.

**PART H – Authorize Mortgage Insurance Fund (MIF) Utilization**

Purpose:

This bill would provide for the utilization of \$81.8 million projected to be available in MIF excess balance and/or reserves.

Summary of Provisions and Statement in Support:

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

The SONYMA statute requires excess revenues from the MIF, after expenses and the required reserves, be returned to the State following SONYMA Board approval. The MIF has been previously used to support new housing development and to provide relief for budgetary deficits; in the FY 2020 Budget, excess revenues were used for community development and other programs.

The MIF is currently projected to have \$81.8 million comprised of (i) excess revenues through FY 2020 and (ii) reserves that can be accessed without negatively impacting the MIF's credit rating. As set forth in sections 1 through 4 of the bill, these funds would be used to support the following programs:

- Neighborhood and Rural Preservation Programs (\$18.2 million), which support community-based housing corporations across the State that provide various housing related services for low- and moderate-income populations;
- Rural Rental Assistance Program (\$21.0 million), which supports rental subsidies for low-income and elderly and family tenants residing in federally-funded multi-family projects in rural areas of the State; and
- Homeless housing programs (\$42.6 million), including the Solutions to End Homelessness Program, the New York State Supportive Housing Program, and the Operational Support for AIDS Housing Program.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2021 Executive Budget, which assumes MIF revenues for the aforementioned programs.

Effective Date:

This bill would take effect immediately.

**PART I – Streamline Billing for the Administration of Rent Regulation**

Purpose:

This bill would authorize recoupment of State costs incurred for the administration of rent regulation in New York City by reflecting them in local assistance payments, replacing the current billing process.

Summary of Provisions and Statement in Support:

The Office of Rent Administration (ORA) under the Division of Housing and Community Renewal (DHCR) administers the Rent Laws on behalf of New York City. Currently, the State incurs costs for ORA in the first instance and is subsequently reimbursed through a billing process for activities in New York City.

This proposal streamlines the reimbursement process by authorizing the adjustment of local assistance payments by an amount equal to what had previously been billed, thereby replacing a process involving payments in both directions with one net payment by the State to the City of New York. There is no change to ORA's programs, services, or budget.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2021 Executive Budget to provide a more streamlined reimbursement process for the administration of rent regulation in New York City.

Effective Date:

This bill would take effect immediately.

**PART J – Guarantee Access to Sick Leave**

Purpose:

This bill would require all employers to provide sick leave to their employees each calendar year.

Summary of Provisions and Statement in Support:

Guaranteeing access to sick leave would help provide job and economic security to workers while simultaneously benefiting overall worker productivity. It would also help to combat disease transmission, prevent illness, and reduce healthcare costs.

This bill would add a new section 196-b to the Labor Law to require:

- employers with 0-4 employees to provide five unpaid sick days each calendar year;
- employers with 5-99 employees to provide five paid sick days each calendar year; and
- employers with 100 or more employees to provide seven paid sick days each calendar year.

In addition, the bill would grant the Department of Labor (DOL) the ability to adopt regulations and issue guidance needed to effectuate this section of law.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2021 Executive Budget because DOL's Worker Protection Program assumes the enactment of this initiative and responsibility for administration and enforcement.

Effective Date:

This bill would take effect one year after enactment.

## **PART K – Authorize the Pass-Through of Any Federal Supplemental Security Income Cost of Living Adjustment**

### Purpose:

This bill would authorize Federal Supplemental Security Income (SSI) benefits to be increased in 2021 by the percentage of any SSI Cost of Living Adjustment (COLA).

### Summary of Provisions and Statement in Support:

Section 131-o and 209 of the Social Services Law establish specific amounts for the monthly Personal Needs Allowance (PNA) and the monthly SSI standard of need (the maximum combined Federal and State benefit) for recipients in various living arrangements. This bill would amend those sections of law to set forth the actual 2020 PNA amounts and the standard of need for eligibility and payment of additional State payments. It also authorizes those amounts to be automatically increased in 2021 by the percentage of any Federal SSI COLA that becomes effective within the first half of the calendar year 2021.

### Budget Implications:

If the pass-through of the Federal SSI COLA is not enacted in the FY 2021 budget, there will be no statutory authority to provide SSI recipients with the full amount of any Federal increase plus a State supplement at the current level. The State supplements would be automatically reduced to reflect the current standards of need set forth in the SSL.

### Effective Date:

This bill would take effect December 31, 2020.

## **PART L – Legalizing Gestational Surrogacy**

### Purpose:

This bill would legally establish a child's relationship to the child's parents when the birth is a result of assisted reproduction, artificial insemination or a gestational carrier arrangement.

### Summary of Provisions and Statement in Support:

The new legislation will:

- Lift the State's harmful ban on gestational surrogacy. Under current law, paid surrogacy is punishable by a fine, and unpaid surrogacy agreements are unenforceable and not legally binding.
- Create the Surrogates' Bill of Rights, which will guarantee the strongest protections in the nation for surrogates, ensuring the unfettered right of surrogates to make their own health care decisions, including whether to terminate or continue a pregnancy, and that surrogates have access to comprehensive health insurance and independent legal counsel of their choosing, all paid for by the intended parents.
- Create legal protections for parents of children conceived by reproductive technologies such as artificial insemination and egg donation.
- Establish criteria for surrogacy contracts to protect all parties in the process.
- Eliminate the need in many instances to utilize "second parent adoption," instead requiring a single visit to court to recognize legal parenthood while the child is in utero.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2021 Executive Budget.

Effective Date:

This bill would take effect on January 1, 2021. Effective immediately are the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act.

**PART M – Comply with Federal Family First Prevention Services Act Requirements**

Purpose:

This bill would enact changes required to comply with the Federal Family First Prevention Services Act regarding the placement of youth in a qualified residential treatment program (QRTP).

Summary of Provisions and Statement in Support:

This bill would enact the following changes to comply with the Federal Family First Prevention Services Act:

- Require either a local social services district or the Office of Children and Family Services (OCFS) that has custody of a child to provide notice to the Family Court and all attorneys when a child is placed with a qualified residential treatment program (QRTP).
- Require an assessment of each placement of a child into a QRTP. The assessment must be completed within 30 days of placement into the QRTP. If it is determined that QRTP placement is not appropriate, the child shall be removed within 30 days.
- Require Family Court review and approval of a child's placement in a QRTP within 60 days of the placement. The Court's review must consider the assessment, documentation, and determination made by the qualified individual as defined by OCFS regulations and applicable federal law; as to whether the child's placement into a QRTP is appropriate. It also establishes criteria the Family Court must use to determine whether continuation of the QRTP placement is both appropriate and consistent with the short and long-term permanency goals of the child.
- Amends permanency hearing requirements held for children placed in a QRTP. Agencies with custody of a child placed in a QRTP must provide evidence that supports continued placement in that QRTP. This evidence includes the efforts made by the agency to prepare the child to return home, be placed with a willing relative, a legal guardian or adoptive parent or in a foster home.

Budget Implications:

Enactment of this bill is necessary to implement in the FY 2021 Executive Budget because failure to comply with the Federal Family First Prevention Services Act would place New York at risk of losing up to \$600 million in Federal IV-E reimbursement for foster care and adoption costs.

Effective Date:

The effective date of this bill is contingent on Federal approval of the title IV-E state plan amendment. Upon Federal approval, this bill would take effect on September 29, 2021.

**PART N – Realign Financing for Residential Placements of Children with Special Needs Outside of New York City**

Purpose:

This bill would restructure the funding for the Committee on Special Education (CSE) residential placements outside of New York City.

### Summary of Provisions and Statement in Support:

Section 1 of the bill would change the funding structure of CSE placements outside of New York City. Currently, the Office of Children and Family Services (OCFS) is responsible for the maintenance costs of students who are placed in residential schools.

Such placements are made by a school district's CSE. This proposal would eliminate the 18.424% State share for placement by districts outside of New York City, and increase the school district's share by an equal amount from 38.424% to 56.848%. This proposal would better align fiscal responsibilities with the entity that makes the placement decisions and provide parity with New York City's funding structure of CSE placements.

Section 2 of the bill would provide that this act take effect immediately.

### Budget Implications:

Enactment of this bill is necessary to implement the FY 2021 Executive Budget because it restructures the funding for CSE placements from school districts outside of New York City, which has an estimated FY 2021 savings of \$26 million.

### Effective Date:

This bill would take effect immediately.

## **PART O – Streamline the Process to Establish a State Veterans Cemetery**

### Purpose:

This bill would streamline the process for establishing a state veterans cemetery.

### Summary of Provisions and Statement in Support:

Section 1 of the bill would make the following changes:

- Amend the statutory requirements to establish a state veterans cemetery. Currently, Executive Law requires fifteen years of funding for the perpetual care of a state veterans cemetery be available before conducting an investigation and study on the issue of establishing New York state's first state veterans cemetery. This proposal would remove the fifteen-year requirement which has prevented the state from establishing such cemetery.
- Remove duplicative and unnecessarily prescriptive processes.
- Amend the responsibilities of the management board of the veterans cemetery.

- Remove the requirement to conduct an investigation on establishing additional state veterans cemeteries every ten years, and the removal of a five-year waiting period before the state may explore establishing another state veterans cemetery.

Section 2 of the bill would amend statutory powers and duties to include ownership of a state veterans cemetery and contracting for such ownership and operations.

Section 3 of the bill would provide that this act take effect immediately.

Budget Implications:

Enactment of this bill is necessary to implement the FY 2021 Executive Budget because DVS assumes the enactment of this initiative and responsibility for administration of the state veterans cemetery.

Effective Date:

This act would take effect immediately.

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