

STATE OF NEW YORK

3006--B

IN ASSEMBLY

January 23, 2017

A BUDGET BILL, submitted by the Governor pursuant to article seven of the Constitution -- read once and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to contracts for excellence and the apportionment of public moneys; to amend the education law, in relation to requiring the commissioner of education to include certain information in the official score report of all students; to amend the education law, in relation to a weapon or firearm on school grounds; to amend the education law, in relation to English language learner pupils; to amend the education law, in relation to poverty counts; to amend the education law, in relation to kindergarten transition aid; to amend the education law, in relation to conforming foundation aid base change to accommodate pulling out community schools; to amend the education law, in relation to defining consumer price index; to amend the education law, in relation to establishing a foundation aid phase-in; to amend the education law, in relation to community schools aid; to amend the education law, in relation to increases in the BOCES aid salary cap; to amend the education law, in relation to special services aid for ninth graders; to amend the education law, in relation to total foundation aid; to amend the education law, in relation to community school aid; to amend the education law, in relation to building aid; to amend the education law, in relation to academic enhancement aid; to amend the education law, in relation to high tax aid; to amend the education law, in relation to universal pre-kindergarten aid; to amend the education law, in relation to the statewide universal full-day pre-kindergarten program; to amend the education law, in relation to state aid adjustments; to amend the education law, in relation to the teachers of tomorrow teacher recruitment and retention program; to amend the education law, in relation to class sizes for special classes containing certain students with disabilities; to amend 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 suspension of pupils who bring a firearm to or possess a firearm

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

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at a school, in relation to the effectiveness thereof; to amend the education law, in relation to the special needs of gifted students; 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 82 of the laws of 1995, amending the education law and certain other laws relating to state aid to school districts and the appropriation of funds for the support of government, in relation to the effectiveness thereof; to amend chapter 91 of the laws of 2002 amending the education law and other laws relating to the reorganization of the New York city school construction authority, board of education and community boards, 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 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 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 2017-2018 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 89 of the laws of 2016, relating to supplementary funding for dedicated programs for public school students in the East Ramapo central school district, in relation to reimbursement to such school district and 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; relating to school bus driver training; relates to special apportionment for salary expenses and public pension accruals; relates to suballocations of appropriations; relating to the city school district of the city of Rochester; relates to total foundation aid for the purpose of the development, maintenance or expansion of certain magnet schools or magnet school programs for the 2017-2018 school year; relates to the support of public libraries; to amend the education law, in relation to serving persons two years of age or older; to amend chapter 121 of the laws of 1996, relating to authorizing the Roosevelt union free school district to finance deficits by the issuance of serial bonds, in relation to school district apportionments; to amend chapter 57 of the laws of 2004, relating to the support of education in relation to the effectiveness thereof; to amend the education law, in relation to estimated data relating to apportionments; to amend chapter 57 of the laws of 2008, amending the education law relating to the universal pre-kindergarten program, in relation to the effectiveness thereof; to amend chapter 658 of the laws of 2002, amending the education law relating to citizenship requirements for permanent certification as a teacher, in relation to extending the effectiveness thereof; to amend the education law, in relation to reimbursement methodologies for tuition and maintenance in certain schools; to exempt the state education department from budget bulletin B-1182; relating to persistently failing school transformation grant funds; providing for the increase of tuition rates; to amend the education law, in relation to teacher



certification standards for eligible agencies; to amend the education law, in relation to contracts for the transportation of school children; to amend the tax law, in relation to exempting school buses from sales and use taxes; to amend the education law, in relation to additional expanded prekindergarten; to direct the chancellor of the New York city department of education to complete a study on the admission processes of the specialized senior high schools; to authorize the commissioner of education to recover a penalty from the Newburgh city school district; to authorize the commissioner of education to recover a penalty from the North Syracuse central school district; requiring a report on student discipline; and to repeal subdivision 16 of section 3602-ee of the education law, relating thereto (Part A); to amend the education law and the state finance law, in relation to charter schools (Part A-1); intentionally omitted (Part B); to amend the education law, in relation to the education of homeless children (Part C); to amend the education law, in relation to establishing the excelsior scholarship (Part D); to amend the education law, in relation to creating the New York DREAM fund commission; eligibility requirements and conditions governing general awards, academic performance awards and student loans; eligibility requirements for assistance under the higher education opportunity programs and the collegiate science and technology entry program; financial aid opportunities for students of the state university of New York, the city university of New York and community colleges; and the program requirements for the New York state college choice tuition savings program; and to repeal subdivision 3 of section 661 of such law relating thereto (Part E); intentionally omitted (Part F); to amend the education law and the state finance law, in relation to the NY-SUNY 2020 challenge grant program act; 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 G); to amend the education law, in relation to foundation contributions to SUNY and CUNY (Part H); to amend the limited liability company law, in relation to creating a right for victims of wage theft; to amend the labor law, in relation to employee complaints and in relation to personal liability of members with the largest ownership interests in a company for wage theft; to amend the limited liability company law and the labor law, in relation to the ability of the state to collect unpaid wages; to amend the lien law, in relation to employee liens; to amend the civil practice law and rules, in relation to grounds for attachment; and to amend the business corporation law, in relation to streamlining procedures where employees may hold shareholders of non-publicly traded corporations personally liable for wage theft (Part I); to amend the family court act, in relation to family court proceedings, jurisdiction of the court, the definition of juvenile delinquent, the definition of a designated felony act, the procedures regarding the adjustment of cases from criminal courts to family court, the age at which children may be tried as an adult for various felonies, and the manner in which courts handle juvenile delinquent cases; to amend the social services law, in relation to state reimbursement for expenditures made by social services districts for various services; to amend the social services law, in relation to the definitions of juvenile delinquent and persons in need of supervision; to amend the penal law, in relation to the definition of infancy and the authorized dispositions, sentences, and



periods of post-release supervision for juvenile offenders; to amend chapter 3 of the laws of 1995, enacting the sentencing reform act of 1995, in relation to extending the expiration of certain provisions of such chapter; to amend the criminal procedure law, in relation to the definition of juvenile offender; to amend the criminal procedure law, in relation to the arrest of a juvenile offender without a warrant; in relation to conditional sealing of certain convictions; in relation to removal of certain proceedings to family court; in relation to joinder of offenses and consolidation of indictments; in relation to appearances and hearings for and placements of certain juvenile offenders; in relation to raising the age for juvenile offender status; in relation to creating a youth part for certain proceedings involving juvenile offenders; to amend the correction law, in relation to requiring that no county jail be used for the confinement of persons under the age of eighteen; to amend the education law, in relation to certain contracts with the office of children and family services; to amend the education law, in relation to the possession of a gun on school grounds by a student; to amend the executive law, in relation to persons in need of supervision or youthful offenders; and to amend the vehicle and traffic law, in relation to convictions; and in relation to suspension, revocation and reissuance of licenses and registrations; and to repeal certain provisions of the correction law relating to the housing of prisoners and other persons in custody (Part J); to amend chapter 83 of the laws of 2002, amending the executive law and other laws relating to funding for children and family services, in relation to extending the effectiveness thereof (Subpart A); Intentionally omitted (Subpart B) (Part K); to amend the family court act, in relation to the definition of an abused child (Part L); to amend the executive law, the social services law and the family court act, in relation to increasing the age of youth eligible to be served in RHYA programs and to allow for additional length of stay for youth in residential programs (Part M); to amend the public health law, in relation to the licensure of certain health-related services provided by authorized agencies (Part N); intentionally omitted (Part O); 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 P); to amend the social services law, in relation to expanding inquiries of the statewide central register of child abuse and maltreatment and allowing additional reviews of criminal history information (Part Q); to utilize reserves in the mortgage insurance fund for various housing purposes (Part R); intentionally omitted (Part S); to amend the criminal procedure law and the judiciary law, in relation to removal of a criminal action to a veterans court (Part T); intentionally omitted (Part U); to amend the social services law, in relation to the twelve month work exemption for certain parents or relatives providing child care (Part V); to amend the social services law, in relation to educational training and educational activities (Part W); to amend the education law, in relation to public university and foundation oversight (Part X); to amend the education law, in relation to increasing the amount of tuition assistance program awards (Part Y); to amend the education law, in relation to establishing a student loan refinance program (Part Z); directing the chancellors of the state university of New York and the city university of New York to examine the process by which certain students maintain support upon transferring to a different campus or college (Part AA); to amend the education law, in



relation to part-time tuition assistance program awards (Part BB); to amend part K of chapter 58 of the laws of 2010 amending the social services law relating to establishing the savings plan demonstration project, in relation to extending the period of effectiveness thereof (Part CC); relating to public works projects (Part DD); to amend the education law, in relation to creating a firearm violence research institute (Part EE); to amend the social services law, in relation to establishing the home stability support program (Part FF); to amend the social services law, in relation to increasing the standards of monthly need for an individual receiving enhanced residential care (Part GG); to amend the education law and the general municipal law, in relation to changes in the tax cap (Part HH); and to amend the education law, in relation to certain electronic and online student resources (Part II)

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 2017-2018
3 state fiscal year. Each component is wholly contained within a Part
4 identified as Parts A through II. The effective date for each particular
5 provision contained within such Part is set forth in the last section of
6 such Part. Any provision in any section contained within a Part, includ-
7 ing the effective date of the Part, which makes a reference to a section
8 "of this act", when used in connection with that particular component,
9 shall be deemed to mean and refer to the corresponding section of the
10 Part in which it is found. Section three of this act sets forth the
11 general effective date of this act.

12 PART A

13 Section 1. Paragraph e of subdivision 1 of section 211-d of the educa-
14 tion law, as amended by section 1 of part A of chapter 54 of the laws of
15 2016, 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
27 shall, notwithstanding the requirements of subparagraph (vi) of para-
28 graph a of subdivision two of this section, provide for the expenditure
29 of an amount which shall be not less than the product of the amount
30 approved by the commissioner in the contract for excellence for the two
31 thousand nine--two thousand ten school year, multiplied by the
32 district's gap elimination adjustment percentage and provided further
33 that, a school district that submitted a contract for excellence for the
34 two thousand eleven--two thousand twelve school year, unless all schools
35 in the district are identified as in good standing, shall submit a

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



1 ant to chapter fifty-three of the laws of two thousand eleven, making
2 appropriations for the local assistance budget, including support for
3 general support for public schools. Provided, further, that such amount
4 shall be expended to support and maintain allowable programs and activ-
5 ities approved in the two thousand nine--two thousand ten school year or
6 to support new or expanded allowable programs and activities in the
7 current year.

8 § 2. The education law is amended by adding a new section 2590-v to
9 read as follows:

10 § 2590-v. Notice to students regarding certain test scores. The chan-
11 cellor shall annually notify all seventh grade students of opportunities
12 to apply for admission to the specialized high schools authorized in
13 paragraph (b) of subdivision one of section twenty-five hundred ninety-h
14 of this article.

15 § 3. Intentionally omitted.

16 § 4. Intentionally omitted.

17 § 5. Intentionally omitted.

18 § 5-a. Intentionally omitted.

19 § 5-b. Intentionally omitted.

20 § 6. Intentionally omitted.

21 § 7. Paragraph a of subdivision 33 of section 305 of the education
22 law, as amended by chapter 621 of the laws of 2003, is amended to read
23 as follows:

24 a. The commissioner shall establish procedures for the approval of
25 providers of supplemental educational services in accordance with the
26 provisions of subsection (e) of section one thousand one hundred sixteen
27 of the No Child Left Behind Act of 2001 and shall adopt regulations to
28 implement such procedures. Notwithstanding any other provision of state
29 or local law, rule or regulation to the contrary, any local educational
30 agency that receives federal funds pursuant to title I of the Elementary
31 and Secondary Education Act of nineteen hundred sixty-five, as amended,
32 shall be authorized to contract with the approved provider selected by a
33 student's parent, as such term is defined in subsection [thirty-one]
34 thirty-eight of section [nine] eight thousand one hundred one of the [No
35 Child Left Behind Act of 2001] Elementary and Secondary Education Act of
36 nineteen hundred sixty-five, as amended, for the provision of supple-
37 mental educational services to the extent required under such section
38 one thousand one hundred sixteen. Eligible approved providers shall
39 include, but not be limited to, public schools, BOCES, institutions of
40 higher education, and community based organizations.

41 § 8. Subdivision 7 of section 2802 of the education law, as added by
42 chapter 425 of the laws of 2002, is amended to read as follows:

43 7. Notwithstanding any other provision of state or local law, rule or
44 regulation to the contrary, any student who attends a persistently
45 dangerous public elementary or secondary school, as determined by the
46 commissioner pursuant to paragraph a of this subdivision, or who is a
47 victim of a violent criminal offense, as defined pursuant to paragraph b
48 of this subdivision, that occurred on the grounds of a public elementary
49 or secondary school that the student attends, shall be allowed to attend
50 a safe public school within the local educational agency to the extent
51 required by section [ninety-five] eighty-five hundred thirty-two of the
52 [No Child Left Behind Act of 2001] Elementary and Secondary Education
53 Act of nineteen hundred sixty-five, as amended.

54 a. The commissioner shall annually determine which public elementary
55 and secondary schools are persistently dangerous in accordance with
56 regulations of the commissioner developed in consultation with a repre-

1 tentative sample of local educational agencies. Such determination shall
2 be based on data submitted through the uniform violent incident report-
3 ing system over a period prescribed in the regulations, which shall not
4 be less than two years.

5 b. Each local educational agency required to provide unsafe school
6 choice shall establish procedures for determinations by the superinten-
7 dent of schools or other chief school officer of whether a student is
8 the victim of a violent criminal offense that occurred on school grounds
9 of the school that the student attends. Such superintendent of schools
10 or other chief school officer shall, prior to making any such determi-
11 nation, consult with any law enforcement agency investigating such
12 alleged violent criminal offense and consider any reports or records
13 provided by such agency. The trustees or board of education or other
14 governing board of a local educational agency may provide, by local rule
15 or by-law, for appeal of the determination of the superintendent of
16 schools to such governing board. Notwithstanding any other provision of
17 law to the contrary, the determination of such chief school officer
18 pursuant to this paragraph shall not have collateral estoppel effect in
19 any student disciplinary proceeding brought against the alleged victim
20 or perpetrator of such violent criminal offense. For purposes of this
21 subdivision, "violent criminal offense" shall mean a crime that involved
22 infliction of serious physical injury upon another as defined in the
23 penal law, a sex offense that involved forcible compulsion or any other
24 offense defined in the penal law that involved the use or threatened use
25 of a deadly weapon.

26 c. Each local educational agency, as defined in subsection [twenty-
27 six] thirty of section [ninety-one] eighty-one hundred one of the [No
28 Child Left Behind Act of 2001] Elementary and Secondary Education Act of
29 nineteen hundred sixty-five, as amended, that is required to provide
30 school choice pursuant to section [ninety-five] eighty-five hundred
31 thirty-two of the [No Child Left Behind Act of 2001] Elementary and
32 Secondary Education Act of nineteen hundred sixty-five, as amended,
33 shall establish procedures for notification of parents of, or persons in
34 parental relation to, students attending schools that have been desig-
35 nated as persistently dangerous and parents of, or persons in parental
36 relation to, students who are victims of violent criminal offenses of
37 their right to transfer to a safe public school within the local educa-
38 tional agency and procedures for such transfer, except that nothing in
39 this subdivision shall be construed to require such notification where
40 there are no other public schools within the local educational agency at
41 the same grade level or such transfer to a safe public school within the
42 local educational agency is otherwise impossible or to require a local
43 educational agency that has only one public school within the local
44 educational agency or only one public school at each grade level to
45 develop such procedures. The commissioner shall be authorized to adopt
46 any regulations deemed necessary to assure that local educational agen-
47 cies implement the provisions of this subdivision.

48 § 9. Subdivision 7 of section 3214 of the education law, as added by
49 chapter 101 of the laws of 2003, is amended to read as follows:

50 7. Transfer of disciplinary records. Notwithstanding any other
51 provision of law to the contrary, each local educational agency, as such
52 term is defined in subsection [twenty-six] thirty of section [ninety-
53 one] eighty-one hundred one of the Elementary and Secondary Education
54 Act of 1965, as amended, shall establish procedures in accordance with
55 section [forty-one hundred fifty-five] eighty-five hundred thirty-seven
56 of the Elementary and Secondary Education Act of 1965, as amended, and

1 the Family Educational Rights and Privacy Act of 1974, to facilitate the
2 transfer of disciplinary records relating to the suspension or expulsion
3 of a student to any public or nonpublic elementary or secondary school
4 in which such student enrolls or seeks, intends or is instructed to
5 enroll, on a full-time or part-time basis.

6 § 10. Intentionally omitted.

7 § 11. Intentionally omitted.

8 § 12. Section 4 of chapter 425 of the laws of 2002, amending the
9 education law relating to the provision of supplemental educational
10 services, attendance at a safe public school and the suspension of
11 pupils who bring a firearm to or possess a firearm at a school, as
12 amended by section 35 of part A of chapter 54 of the laws of 2016, is
13 amended to read as follows:

14 § 4. This act shall take effect July 1, 2002 and shall expire and be
15 deemed repealed June 30, [2017] 2018.

16 § 13. Section 5 of chapter 101 of the laws of 2003, amending the
17 education law relating to the implementation of the No Child Left Behind
18 Act of 2001, as amended by section 36 of part A of chapter 54 of the
19 laws of 2016, is amended to read as follows:

20 § 5. This act shall take effect immediately; provided that sections
21 one, two and three of this act shall expire and be deemed repealed on
22 June 30, [2017] 2018.

23 § 14. Paragraph o of subdivision 1 of section 3602 of the education
24 law, as amended by section 15 of part A of chapter 54 of the laws of
25 2016, is amended to read as follows:

26 o. "English language learner count" shall mean the number of pupils
27 served in the base year in programs for pupils [with limited English
28 proficiency] who are English language learners approved by the commis-
29 sioner pursuant to the provisions of this chapter and in accordance with
30 regulations adopted for such purpose.

31 § 15. Intentionally omitted.

32 § 16. Paragraph q of subdivision 1 of section 3602 of the education
33 law, as amended by section 25 of part A of chapter 58 of the laws of
34 2011, is amended to read as follows:

35 q. "Poverty count" shall mean the sum of the product of the lunch
36 count multiplied by sixty-five percent, plus the product of the census
37 count multiplied by sixty-five percent, provided, however, that for the
38 two thousand seventeen--two thousand eighteen school year and thereaft-
39 er, for any school district, other than a school district in a city with
40 a population of one million or more, with a selected poverty rate of
41 greater than one-quarter (0.25), the census count shall be multiplied by
42 ninety percent (0.9), where:

43 (i) "Lunch count" shall mean the product of the public school enroll-
44 ment of the school district on the date enrollment was counted in
45 accordance with this subdivision for the base year multiplied by the
46 three-year average free and reduced price lunch percent; and

47 (ii) "Census count" shall mean the product of the public school
48 enrollment of the school district on the date enrollment was counted in
49 accordance with this subdivision for the base year multiplied by: (A)
50 for the school years prior to the two thousand seventeen--two thousand
51 eighteen school year, the census 2000 poverty rate and; (B) for the two
52 thousand seventeen--two thousand eighteen school year and thereafter,
53 the selected poverty rate.

54 (iii) "Census 2000 poverty rate" shall mean the quotient of the number
55 of persons aged five to seventeen within the school district, based on
56 the [most recent] decennial census conducted in the year two thousand as

1 tabulated by the National Center on Education Statistics, who were
2 enrolled in public schools and whose families had incomes below the
3 poverty level, divided by the total number of persons aged five to
4 seventeen within the school district, based on such decennial census,
5 who were enrolled in public schools, computed to four decimals without
6 rounding.

7 (iv) "Selected poverty rate" shall mean: (A) for school districts with
8 high concentrations of nonpublic students, the greater of the census
9 2000 poverty rate or the three-year average small area income and pover-
10 ty estimate poverty rate; and (B) for all other school districts, the
11 three-year average small area income and poverty estimate poverty rate.
12 For the purposes of this subparagraph, "three-year average small area
13 income and poverty estimate poverty rate" shall equal the quotient of
14 (1) the sum of the number of persons aged five to seventeen within the
15 school district, based on the small area income and poverty estimates
16 produced by the United States census bureau, whose families had incomes
17 below the poverty level for the year two years prior to the year in
18 which the base year began, plus such number for the year three years
19 prior to the year in which the base year began, plus such number for the
20 year four years prior to the year in which the base year began, divided
21 by (2) the sum of the total number of persons aged five to seventeen
22 within the school district, based on such census bureau estimates, for
23 the year two years prior to the year in which the base year began, plus
24 such total number for the year three years prior to the year in which
25 the base year began, plus such total number for the year four years
26 prior to the year in which the base year began, computed to four deci-
27 mals without rounding.

28 (v) "School districts with high concentrations of nonpublic students"
29 shall mean any district where: (A) the quotient arrived at when dividing
30 (1) the sum of the enrollments in grades kindergarten through twelve in
31 the base year calculated pursuant to subparagraphs five and six of para-
32 graph n of this subdivision by (2) the resident public school district
33 enrollment in the base year computed pursuant to subparagraphs four,
34 five, and six of paragraph n of this subdivision is greater than
35 fifteen-hundredths (0.15); and (B) the three-year average small area
36 income and poverty estimate poverty rate is greater than ten percent
37 (0.10).

38 § 17. Intentionally omitted.

39 § 18. Intentionally omitted.

40 § 19. Paragraph a of subdivision 9 of section 3602 of the education
41 law, as amended by section 9 of part A of chapter 57 of the laws of
42 2013, is amended to read as follows:

43 a. For aid payable in the [two thousand seven--two thousand eight] two
44 thousand seventeen--two thousand eighteen school year and thereafter,
45 school districts which provided any half-day kindergarten programs or
46 had no kindergarten programs in the nineteen hundred ninety-six--nine-
47 ty-seven school year and in the base year, and which have not received
48 an apportionment pursuant to this paragraph in any prior school year,
49 shall be eligible for five year transition aid.

50 i. The aid in the first year of full day kindergarten transition is
51 equal to the product of the district's selected foundation aid calcu-
52 lated pursuant to subdivision four of this section multiplied by the
53 positive difference resulting when the full day kindergarten enrollment
54 of children attending programs in the district in the base year is
55 subtracted from such enrollment in the current year. The remaining tran-
56 sition aid shall be apportioned as follows:

1 ii. Aid in year two shall equal eighty percent of the aid received by
2 the district in year one.

3 iii. Aid in year three shall equal sixty percent of the aid received
4 by the district in year one.

5 iv. Aid in year four shall equal forty percent of the aid received by
6 the district in year one.

7 v. Aid in year five shall equal twenty percent of the aid received by
8 the district in year one.

9 § 20. Intentionally omitted.

10 § 21. Subdivision 4 of section 3602 of the education law, as amended
11 by section 5-a of part A of chapter 56 of the laws of 2015, the opening
12 paragraph, subparagraph 1 of paragraph a, clause (ii) of subparagraph 2
13 of paragraph b and paragraph d as amended and paragraph b-2 as added by
14 section 7 of part A of chapter 54 of the laws of 2016, paragraph e as
15 added by section 8 of part A of chapter 54 of the laws of 2016, is
16 amended to read as follows:

17 4. Total foundation aid. In addition to any other apportionment
18 pursuant to this chapter, a school district, other than a special act
19 school district as defined in subdivision eight of section four thousand
20 one of this chapter, shall be eligible for total foundation aid equal to
21 the product of total aidable foundation pupil units multiplied by the
22 district's selected foundation aid, which shall be the greater of five
23 hundred dollars (\$500) or foundation formula aid, provided, however that
24 for the two thousand seven--two thousand eight through two thousand
25 eight--two thousand nine school years, no school district shall receive
26 total foundation aid in excess of the sum of the total foundation aid
27 base for aid payable in the two thousand seven--two thousand eight
28 school year computed pursuant to subparagraph (i) of paragraph j of
29 subdivision one of this section, plus the phase-in foundation increase
30 computed pursuant to paragraph b of this subdivision, and provided
31 further that for the two thousand twelve--two thousand thirteen school
32 year, no school district shall receive total foundation aid in excess of
33 the sum of the total foundation aid base for aid payable in the two
34 thousand eleven--two thousand twelve school year computed pursuant to
35 subparagraph (ii) of paragraph j of subdivision one of this section,
36 plus the phase-in foundation increase computed pursuant to paragraph b
37 of this subdivision, and provided further that for the two thousand
38 thirteen--two thousand fourteen school year and thereafter, no school
39 district shall receive total foundation aid in excess of the sum of the
40 total foundation aid base computed pursuant to subparagraph (ii) of
41 paragraph j of subdivision one of this section, plus the phase-in foun-
42 dation increase computed pursuant to paragraph b of this subdivision,
43 and provided further that for the two thousand sixteen--two thousand
44 seventeen school year, no eligible school districts shall receive total
45 foundation aid in excess of the sum of the total foundation aid base
46 computed pursuant to subparagraph (ii) of paragraph j of subdivision one
47 of this section plus the sum of (A) the phase-in foundation increase,
48 (B) the executive foundation increase with a minimum increase pursuant
49 to paragraph b-2 of this subdivision, and (C) an amount equal to "COMMU-
50 NITY SCHOOLS AID" in the computer listing produced by the commissioner
51 in support of the executive budget request for the two thousand
52 sixteen--two thousand seventeen school year and entitled "BT161-7",
53 where (1) "eligible school district" shall be defined as a district with
54 (a) an unrestricted aid increase of less than seven percent (0.07) and
55 (b) a three year average free and reduced price lunch percent greater
56 than fifteen percent (0.15), and (2) "unrestricted aid increase" shall

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

46 a. Foundation formula aid. Foundation formula aid shall equal the
47 remainder when the expected minimum local contribution is subtracted
48 from the product of the foundation amount, the regional cost index, and
49 the pupil need index, or: (foundation amount x regional cost index x
50 pupil need index)- expected minimum local contribution.

51 (1) The foundation amount shall reflect the average per pupil cost of
52 general education instruction in successful school districts, as deter-
53 mined by a statistical analysis of the costs of special education and
54 general education in successful school districts, provided that the
55 foundation amount shall be adjusted annually to reflect the percentage
56 increase in the consumer price index as computed pursuant to [section

1 two thousand twenty-two of this chapter] paragraph hh of subdivision one
 2 of this section, provided that for the two thousand eight--two thousand
 3 nine school year, for the purpose of such adjustment, the percentage
 4 increase in the consumer price index shall be deemed to be two and nine-
 5 tenths percent (0.029), and provided further that the foundation amount
 6 for the two thousand seven--two thousand eight school year shall be five
 7 thousand two hundred fifty-eight dollars, and provided further that for
 8 the two thousand seven--two thousand eight through two thousand
 9 [sixteen] seventeen--two thousand [seventeen] eighteen school years, the
 10 foundation amount shall be further adjusted by the phase-in foundation
 11 percent established pursuant to paragraph b of this subdivision.

12 (2) The regional cost index shall reflect an analysis of labor market
 13 costs based on median salaries in professional occupations that require
 14 similar credentials to those of positions in the education field, but
 15 not including those occupations in the education field, provided that
 16 the regional cost indices for the two thousand [seven] seventeen--two
 17 thousand [eight] eighteen school year and thereafter shall be based upon
 18 the most recent triennial analysis conducted by the department, provided
 19 further that for the two thousand seventeen--two thousand eighteen
 20 school year and thereafter the index for the city of New York shall
 21 equal the sum of the two thousand six regional cost index plus one-half
 22 of the difference between such index and the index from the previous
 23 analysis, which shall be as follows:

Labor Force Region	Index
Capital District	[1.124] <u>1.125</u>
Southern Tier	[1.045] <u>1.060</u>
Western New York	[1.091] <u>1.069</u>
Hudson Valley	[1.314] <u>1.359</u>
[Long Island/NYC	1.425]
<u>Long Island</u>	<u>1.316</u>
<u>NYC</u>	<u>1.502</u>
Finger Lakes	[1.141] <u>1.103</u>
Central New York	[1.103] <u>1.094</u>
Mohawk Valley	1.000
North Country	[1.000] <u>1.009</u>

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

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

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

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

26 (2) (i) Phase-in foundation percent. The phase-in foundation percent
27 shall equal one hundred thirteen and fourteen one hundredths percent
28 (1.1314) for the two thousand eleven--two thousand twelve school year,
29 one hundred ten and thirty-eight hundredths percent (1.1038) for the two
30 thousand twelve--two thousand thirteen school year, one hundred seven
31 and sixty-eight hundredths percent (1.0768) for the two thousand thir-
32 teen--two thousand fourteen school year, one hundred five and six
33 hundredths percent (1.0506) for the two thousand fourteen--two thousand
34 fifteen school year, and one hundred two and five tenths percent
35 (1.0250) for the two thousand fifteen--two thousand sixteen school year.

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

1 (3) for all other school districts, four and thirty-one hundredths
2 percent (0.0431), and for the two thousand fifteen--two thousand sixteen
3 school year the phase-in foundation increase factor shall equal: (1) for
4 a city school district of a city having a population of one million or
5 more, thirteen and two hundred seventy-four thousandths percent
6 (0.13274); or (2) for districts where the quotient arrived at when
7 dividing (A) the product of the total aidable foundation pupil units
8 multiplied by the district's selected foundation aid less the total
9 foundation aid base computed pursuant to paragraph j of subdivision one
10 of this section divided by (B) the product of the total aidable founda-
11 tion pupil units multiplied by the district's selected foundation aid is
12 greater than nineteen percent (0.19), and where the district's combined
13 wealth ratio is less than thirty-three hundredths (0.33), seven and
14 seventy-five hundredths percent (0.0775); or (3) for any other district
15 designated as high need pursuant to clause (c) of subparagraph two of
16 paragraph c of subdivision six of this section for the school aid
17 computer listing produced by the commissioner in support of the enacted
18 budget for the two thousand seven--two thousand eight school year and
19 entitled "SA0708", four percent (0.04); or (4) for a city school
20 district in a city having a population of one hundred twenty-five thou-
21 sand or more but less than one million, fourteen percent (0.14); or (5)
22 for school districts that were designated as small city school districts
23 or central school districts whose boundaries include a portion of a
24 small city for the school aid computer listing produced by the commis-
25 sioner in support of the enacted budget for the two thousand fourteen--
26 two thousand fifteen school year and entitled "SA1415", four and seven
27 hundred fifty-one thousandths percent (0.04751); or (6) for all other
28 districts one percent (0.01), and for the two thousand sixteen--two
29 thousand seventeen school year the foundation aid phase-in increase
30 factor shall equal for an eligible school district the greater of: (1)
31 for a city school district in a city with a population of one million or
32 more, seven and seven hundred eighty four thousandths percent (0.07784);
33 or (2) for a city school district in a city with a population of more
34 than two hundred fifty thousand but less than one million as of the most
35 recent federal decennial census, seven and three hundredths percent
36 (0.0703); or (3) for a city school district in a city with a population
37 of more than two hundred thousand but less than two hundred fifty thou-
38 sand as of the most recent federal decennial census, six and seventy-two
39 hundredths percent (0.0672); or (4) for a city school district in a city
40 with a population of more than one hundred fifty thousand but less than
41 two hundred thousand as of the most recent federal decennial census, six
42 and seventy-four hundredths percent (0.0674); or (5) for a city school
43 district in a city with a population of more than one hundred twenty-
44 five thousand but less than one hundred fifty thousand as of the most
45 recent federal decennial census, nine and fifty-five hundredths percent
46 (0.0955); or (6) for school districts that were designated as small city
47 school districts or central school districts whose boundaries include a
48 portion of a small city for the school aid computer listing produced by
49 the commissioner in support of the enacted budget for the two thousand
50 fourteen--two thousand fifteen school year and entitled "SA141-5" with a
51 combined wealth ratio less than one and four tenths (1.4), nine percent
52 (0.09), provided, however, that for such districts that are also
53 districts designated as high need urban-suburban pursuant to clause (c)
54 of subparagraph two of paragraph c of subdivision six of this section
55 for the school aid computer listing produced by the commissioner in
56 support of the enacted budget for the two thousand seven--two thousand



1 eight school year and entitled "SA0708", nine and seven hundred and
2 nineteen thousandths percent (0.09719); or (7) for school districts
3 designated as high need rural pursuant to clause (c) of subparagraph two
4 of paragraph c of subdivision six of this section for the school aid
5 computer listing produced by the commissioner in support of the enacted
6 budget for the two thousand seven--two thousand eight school year and
7 entitled "SA0708", thirteen and six tenths percent (0.136); or (8) for
8 school districts designated as high need urban-suburban pursuant to
9 clause (c) of subparagraph two of paragraph c of subdivision six of this
10 section for the school aid computer listing produced by the commissioner
11 in support of the enacted budget for the two thousand seven--two thou-
12 sand eight school year and entitled "SA0708", seven hundred nineteen
13 thousandths percent (0.00719); or (9) for all other eligible school
14 districts, forty-seven hundredths percent (0.0047), and for the two
15 thousand seventeen--two thousand eighteen school year [and thereafter
16 the commissioner shall annually determine the phase-in foundation
17 increase factor subject to allocation pursuant to the provisions of
18 subdivision eighteen of this section and any provisions of a chapter of
19 the laws of New York as described therein] the foundation aid increase
20 phase-in factor shall equal (1) for school districts with a selected
21 poverty rate computed pursuant to paragraph q of subdivision one of this
22 section equal to or greater than twenty-four percent (0.24), thirty-five
23 percent (0.35), or (2) for a school district in a city with a population
24 of one million or more, twenty-six and one-half percent (0.265), or (3)
25 for all other school districts, nineteen and one-tenth percent (0.191),
26 and for the two thousand eighteen--two thousand nineteen school year the
27 foundation aid phase-in increase factor shall be thirty-three percent
28 (0.33), and for the two thousand nineteen--two thousand twenty school
29 year the foundation aid phase-in increase factor shall be fifty percent
30 (0.5), and for the two thousand twenty--two thousand twenty-one school
31 year and thereafter the foundation aid phase-in increase factor shall be
32 one hundred percent (1.0).

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

40 b-2. Due minimum for the two thousand sixteen--two thousand seventeen
41 school year. Notwithstanding any other provision of law to the contrary,
42 for the two thousand sixteen--two thousand seventeen school year the
43 total foundation aid shall not be less than the sum of the total founda-
44 tion aid base computed pursuant to paragraph j of subdivision one of
45 this section plus the due minimum for the two thousand sixteen--two
46 thousand seventeen school year, where such due minimum shall equal the
47 difference of (1) the product of (A) two percent (0.02) multiplied by
48 (B) the difference of total foundation aid for the base year less the
49 gap elimination adjustment for the base year, less (2) the sum of (A)
50 the difference of the amounts set forth for each school district as
51 "FOUNDATION AID" under the heading "2016-17 ESTIMATED AIDS" in the
52 school aid computer listing produced by the commissioner in support of
53 the executive budget request for the two thousand sixteen--two thousand
54 seventeen school year and entitled "BT161-7" less the amounts set forth
55 for each school district as "FOUNDATION AID" under the heading "2015-16

1 BASE YEAR AIDS" in such computer listing plus (B) the gap elimination
2 adjustment for the base year.

3 b-3. Due minimum for the two thousand seventeen--two thousand eighteen
4 school year. Notwithstanding any other provision of law to the contrary,
5 for the two thousand seventeen--two thousand eighteen school year the
6 total foundation aid shall not be less than (A) the amount set forth for
7 such school district as "FOUNDATION AID" under the heading "2017-18
8 ESTIMATED AIDS" in the school aid computer listing produced by the
9 commissioner in support of the executive budget request and entitled
10 "BT1718" or (B) the product of fifty percent (0.5) multiplied by total
11 foundation aid as computed pursuant to paragraph a of this subdivision,
12 or (C) the sum of the total foundation aid base computed pursuant to
13 paragraph j of subdivision one of this section plus the due minimum for
14 the two thousand seventeen--two thousand eighteen school year, where
15 such due minimum shall equal (1) for school districts with a selected
16 poverty rate computed pursuant to paragraph q of subdivision one of this
17 section, equal to or greater than ten percent (0.1), the product of the
18 foundation aid base for the two thousand seventeen--two thousand eigh-
19 teen school year computed pursuant to subparagraph (iii) of paragraph j
20 of subdivision one of this section multiplied by three hundred twenty-
21 five ten-thousandths (0.0325), or (2) for all other school districts the
22 product of the foundation aid base for the two thousand seventeen--two
23 thousand eighteen school year computed pursuant to subparagraph (iii) of
24 paragraph j of subdivision one of this section multiplied by one-hun-
25 dredth (0.01).

26 c. Public excess cost aid setaside. Each school district shall set
27 aside from its total foundation aid computed for the current year pursu-
28 ant to this subdivision an amount equal to the product of: (i) the
29 difference between the amount the school district was eligible to
30 receive in the two thousand six--two thousand seven school year pursuant
31 to or in lieu of paragraph six of subdivision nineteen of this section
32 as such paragraph existed on June thirtieth, two thousand seven, minus
33 the amount such district was eligible to receive pursuant to or in lieu
34 of paragraph five of subdivision nineteen of this section as such para-
35 graph existed on June thirtieth, two thousand seven, in such school
36 year, and (ii) the sum of one and the percentage increase in the consum-
37 er price index for the current year over such consumer price index for
38 the two thousand six--two thousand seven school year, as computed pursu-
39 ant to [section two thousand twenty-two of this chapter] paragraph hh of
40 subdivision one of this section. Notwithstanding any other provision of
41 law to the contrary, the public excess cost aid setaside shall be paid
42 pursuant to section thirty-six hundred nine-b of this part.

43 d. For the two thousand fourteen--two thousand fifteen through two
44 thousand [sixteen] seventeen--two thousand [seventeen] eighteen school
45 years a city school district of a city having a population of one
46 million or more may use amounts apportioned pursuant to this subdivision
47 for afterschool programs.

48 [e. Community schools aid set-aside. Each school district shall set
49 aside from its total foundation aid computed for the current year pursu-
50 ant to this subdivision an amount equal to the following amount, if any,
51 for such district and shall use the amount so set aside to support the
52 transformation of school buildings into community hubs to deliver co-lo-
53 cated or school-linked academic, health, mental health, nutrition, coun-
54 seling, legal and/or other services to students and their families,
55 including but not limited to providing a community school site coordina-

1	tor, or to support other costs incurred to maximize students' academic	
2	achievement:	
3	Addison	\$132,624
4	Adirondack	\$98,303
5	Afton	\$62,527
6	Albany	\$2,696,127
7	Albion	\$171,687
8	Altmar-Parish-Williamstown	\$154,393
9	Amityville	\$140,803
10	Amsterdam	\$365,464
11	Andover	\$41,343
12	Auburn	\$211,759
13	Ausable Valley	\$82,258
14	Avoca	\$40,506
15	Batavia	\$116,085
16	Bath	\$139,788
17	Beacon	\$87,748
18	Beaver River	\$67,970
19	Beekmantown	\$98,308
20	Belfast	\$44,520
21	Belleville Henderson	\$21,795
22	Binghamton	\$477,949
23	Bolivar-Richburg	\$102,276
24	Bradford	\$28,058
25	Brasher Falls	\$146,944
26	Brentwood	\$2,089,437
27	Bridgewater-West Winfield (Mt. Markham)	\$101,498
28	Brocton	\$63,939
29	Brookfield	\$24,973
30	Brushton-Moira	\$102,613
31	Buffalo	\$12,524,617
32	Camden	\$243,929
33	Campbell-Savona	\$81,862
34	Canajoharie	\$78,428
35	Canaseraga	\$24,622
36	Candor	\$69,400
37	Canisteo-Greenwood	\$105,783
38	Carthage	\$273,578
39	Cassadaga Valley	\$99,547
40	Catskill	\$69,599
41	Cattaraugus-Little Valley	\$89,771
42	Central Islip	\$650,359
43	Central Valley	\$154,059
44	Charlotte Valley	\$27,925
45	Chateaugay	\$43,580
46	Cheektowaga-Sloan	\$68,242
47	Chenango Valley	\$46,359
48	Cherry Valley-Springfield	\$29,704
49	Cincinnatus	\$71,378
50	Clifton-Fine	\$17,837
51	Clyde-Savannah	\$84,797
52	Clymer	\$28,267
53	Cohoes	\$110,625
54	Copenhagen	\$35,037
55	Copiague	\$308,995
56	Cortland	\$147,875



1	Crown Point	\$24,277
2	Cuba-Rushford	\$67,917
3	Dalton-Nunda (Keshequa)	\$65,630
4	Dansville	\$136,766
5	De Ruyter	\$38,793
6	Deposit	\$37,615
7	Dolgeville	\$82,884
8	Downsville	\$10,000
9	Dundee	\$59,404
10	Dunkirk	\$224,658
11	East Ramapo (Spring Valley)	\$360,848
12	Edmeston	\$30,288
13	Edwards-Knox	\$95,261
14	Elizabethtown-Lewis	\$14,844
15	Ellenville	\$128,950
16	Elmira	\$501,348
17	Fallsburg	\$111,523
18	Fillmore	\$84,252
19	Forestville	\$34,773
20	Fort Edward	\$32,403
21	Fort Plain	\$86,187
22	Franklin	\$19,086
23	Franklinville	\$84,503
24	Freeport	\$479,702
25	Friendship	\$51,013
26	Fulton	\$241,424
27	Genesee Valley	\$65,066
28	Geneva	\$146,409
29	Georgetown-South Otselic	\$34,626
30	Gilbertsville-Mount Upton	\$30,930
31	Glens Falls Common	\$10,000
32	Gloversville	\$257,549
33	Gouverneur	\$197,139
34	Gowanda	\$122,173
35	Granville	\$86,044
36	Green Island	\$17,390
37	Greene	\$87,782
38	Hadley-Luzerne	\$37,868
39	Hammond	\$18,750
40	Hancock	\$34,174
41	Hannibal	\$149,286
42	Harpursville	\$89,804
43	Hempstead	\$3,123,056
44	Herkimer	\$64,467
45	Hermon-Dekalb	\$49,211
46	Heuvelton	\$53,905
47	Hinsdale	\$47,128
48	Hornell	\$152,327
49	Hudson	\$86,263
50	Hudson Falls	\$125,709
51	Indian River	\$404,452
52	Jamestown	\$422,610
53	Jasper-Troupsburg	\$65,899
54	Jefferson	\$22,350
55	Johnson	\$179,735
56	Johnstown	\$98,329



1	Kingston	\$241,138
2	Kiryas Joel	\$10,000
3	La Fargeville	\$36,602
4	Lackawanna	\$293,188
5	Lansingburgh	\$170,080
6	Laurens	\$32,110
7	Liberty	\$141,704
8	Lisbon	\$56,498
9	Little Falls	\$76,292
10	Livingston Manor	\$32,996
11	Lowville	\$117,907
12	Lyme	\$15,856
13	Lyons	\$89,298
14	Madison	\$43,805
15	Madrid-Waddington	\$59,412
16	Malone	\$241,483
17	Marathon	\$79,560
18	Margaretville	\$10,000
19	Massena	\$227,985
20	Mcgraw	\$51,558
21	Medina	\$135,337
22	Middleburgh	\$58,936
23	Middletown	\$683,511
24	Milford	\$28,281
25	Monticello	\$185,418
26	Moriah	\$76,592
27	Morris	\$45,012
28	Morristown	\$25,106
29	Morrisville-Eaton	\$62,490
30	Mt Morris	\$58,594
31	Mt Vernon	\$517,463
32	New York City	\$28,491,241
33	Newark	\$137,556
34	Newburgh	\$837,244
35	Newfield	\$60,998
36	Niagara Falls	\$733,330
37	North Rose-Wolcott	\$107,958
38	Northern Adirondack	\$84,115
39	Norwich	\$155,921
40	Norwood-Norfolk	\$116,262
41	Odessa-Montour	\$70,110
42	Ogdensburg	\$126,942
43	Olean	\$129,603
44	Oppenheim-Ephratah-St. Johnsville	\$86,646
45	Otego-Unadilla	\$72,613
46	Oxford Acad & Central Schools	\$80,443
47	Parishville-Hopkinton	\$35,003
48	Peekskill	\$230,795
49	Penn Yan	\$71,001
50	Pine Valley (South Dayton)	\$67,455
51	Plattsburgh	\$75,055
52	Poland	\$37,498
53	Port Chester-Rye	\$241,428
54	Port Jervis	\$189,220
55	Poughkeepsie	\$1,747,582
56	Prattsburgh	\$35,110



1	Pulaski	\$89,146
2	Putnam	\$10,000
3	Randolph	\$88,646
4	Red Creek	\$87,007
5	Remsen	\$32,650
6	Rensselaer	\$74,616
7	Richfield Springs	\$37,071
8	Ripley	\$18,495
9	Rochester	\$7,624,908
10	Rome	\$369,655
11	Romulus	\$22,112
12	Roosevelt	\$353,005
13	Salamanca	\$139,051
14	Salmon River	\$200,831
15	Sandy Creek	\$72,287
16	Schenectady	\$642,884
17	Schenevus	\$29,516
18	Scio	\$47,097
19	Sharon Springs	\$26,994
20	Sherburne-Earlville	\$154,286
21	Sherman	\$45,067
22	Sidney	\$98,699
23	Silver Creek	\$68,538
24	Sodus	\$100,038
25	Solvay	\$85,506
26	South Kortright	\$23,420
27	South Lewis	\$95,627
28	South Seneca	\$49,768
29	Spencer-Van Etten	\$76,108
30	St Regis Falls	\$30,078
31	Stamford	\$20,137
32	Stockbridge Valley	\$38,537
33	Syracuse	\$10,186,478
34	Ticonderoga	\$36,467
35	Tioga	\$99,411
36	Troy	\$277,420
37	Unadilla Valley	\$90,571
38	Uniondale	\$362,887
39	Utica	\$273,267
40	Van Hornesville-Owen D. Young	\$18,604
41	Walton	\$82,541
42	Warrensburg	\$57,996
43	Waterloo	\$123,111
44	Watertown	\$222,343
45	Watervliet	\$94,487
46	Waverly	\$120,319
47	Wayland-Cohocton	\$125,273
48	Wellsville	\$114,359
49	West Canada Valley	\$58,917
50	Westbury	\$403,563
51	Westfield	\$46,542
52	Whitehall	\$46,192
53	Whitesville	\$26,719
54	Whitney Point	\$152,109
55	William Floyd	\$492,842
56	Worcester	\$26,862

1	Wyandanch	\$402,010
2	Yonkers	\$4,286,726
3	Yorkshire-Pioneer	\$210,306]

4 § 21-a. Subparagraph (ii) of paragraph j of subdivision 1 of section
5 3602 of the education law, as amended by section 11 of part B of chapter
6 57 of the laws of 2007, is amended and a new subparagraph (iii) is added
7 to read as follows:

8 (ii) For aid payable in the two thousand eight--two thousand nine
9 school year [and thereafter] through the two thousand sixteen--two thou-
10 sand seventeen school year, and the two thousand eighteen--two thousand
11 nineteen school year and thereafter, the total foundation aid base shall
12 equal the total amount a district was eligible to receive in the base
13 year pursuant to subdivision four of this section.

14 (iii) For aid payable in the two thousand seventeen--two thousand
15 eighteen school year, the total foundation aid base shall equal the
16 total amount a district was eligible to receive in the base year pursu-
17 ant to subdivision four of this section less an amount set forth as
18 "COMMUNITY SCHL AID (BT1617)" in the data file produced by the commis-
19 sioner in support of the enacted budget for the two thousand sixteen--
20 two thousand seventeen school year and entitled "SA1617".

21 § 21-b. Subdivision 1 of section 3602 of the education law is amended
22 by adding a new paragraph hh to read as follows:

23 hh. "Consumer price index" shall mean the percentage that represents
24 the average of the national consumer price indexes determined by the
25 United States department of labor, for the twelve month period preceding
26 January first of the current year.

27 § 21-c. Section 3602 of the education law is amended by adding a new
28 subdivision 19 to read as follows:

29 19. Community schools aid. For the two thousand seventeen--two thou-
30 sand eighteen school year and thereafter, each school district shall be
31 eligible to receive an apportionment for community schools aid equal to
32 the sum of the tier one apportionment and the tier two apportionment.

33 a. The tier one apportionment shall equal the amount set forth as
34 "COMMUNITY SCHL AID (BT1617)" in the data file produced by the commis-
35 sioner in support of the enacted budget for the two thousand sixteen--
36 two thousand seventeen school year and entitled "SA1617".

37 b. The tier two apportionment shall equal the amount set forth as
38 "COMMUNITY SCH INCR" in the data file produced by the commissioner in
39 support of the executive budget for the two thousand seventeen--two
40 thousand eighteen school year and entitled "BT1718".

41 c. School districts shall use amounts apportioned pursuant to this
42 subdivision to support the transformation of school buildings into
43 community hubs to deliver co-located or school-linked academic, health,
44 mental health, nutrition, counseling, legal and/or other services to
45 students and their families, including but not limited to providing a
46 community school site coordinator, or to support other costs incurred to
47 maximize students' academic achievement.

48 § 21-d. Paragraph b of subdivision 5 of section 1950 of the education
49 law, as amended by chapter 296 of the laws of 2016, is amended to read
50 as follows:

51 b. The cost of services herein referred to shall be the amount allo-
52 cated to each component school district by the board of cooperative
53 educational services to defray expenses of such board, including
54 approved expenses from the testing of potable water systems of occupied
55 school buildings under the board's jurisdiction as required pursuant to
56 section eleven hundred ten of the public health law, except that that

1 part of the salary paid any teacher, supervisor or other employee of the
2 board of cooperative educational services which is, (i) for the two
3 thousand sixteen--two thousand seventeen and prior school years in
4 excess of thirty thousand dollars, (ii) for aid payable in the two thou-
5 sand seventeen--two thousand eighteen school year, in excess of thirty-
6 four thousand dollars, (iii) for aid payable in the two thousand eigh-
7 teen--two thousand nineteen school year in excess of forty thousand
8 dollars, (iv) for aid payable in the two thousand nineteen--two thousand
9 twenty school year, in excess of forty-six thousand dollars, and (v) for
10 aid payable in the two thousand twenty--two thousand twenty-one school
11 year and thereafter, in excess of fifty-two thousand dollars, shall not
12 be such an approved expense, and except also that administrative and
13 clerical expenses shall not exceed ten percent of the total expenses for
14 purposes of this computation. Any gifts, donations or interest earned by
15 the board of cooperative educational services or on behalf of the board
16 of cooperative educational services by the dormitory authority or any
17 other source shall not be deducted in determining the cost of services
18 allocated to each component school district. Any payments made to a
19 component school district by the board of cooperative educational
20 services pursuant to subdivision eleven of section six-p of the general
21 municipal law attributable to an approved cost of service computed
22 pursuant to this subdivision shall be deducted from the cost of services
23 allocated to such component school district. The expense of transporta-
24 tion provided by the board of cooperative educational services pursuant
25 to paragraph q of subdivision four of this section shall be eligible for
26 aid apportioned pursuant to subdivision seven of section thirty-six
27 hundred two of this chapter and no board of cooperative educational
28 services transportation expense shall be an approved cost of services
29 for the computation of aid under this subdivision. Transportation
30 expense pursuant to paragraph q of subdivision four of this section
31 shall be included in the computation of the ten percent limitation on
32 administrative and clerical expenses.

33 § 21-e. Paragraph b of subdivision 10 of section 3602 of the educa-
34 tion law, as amended by section 16 of part B of chapter 57 of the laws
35 of 2007, is amended to read as follows:

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



1 tion sequences in business and marketing as defined by the commissioner
2 in regulations; provided that the special services phase-in factor shall
3 be (i) for the two thousand seventeen--two thousand eighteen school
4 year, twenty-five percent (0.25), (ii) for the two thousand eighteen--
5 two thousand nineteen school year, fifty percent (0.5), (iii) for the
6 two thousand nineteen--two thousand twenty school year, seventy-five
7 percent (0.75), and (iv) for the two thousand twenty--two thousand twen-
8 ty-one school year and thereafter, one hundred percent (1.0). The career
9 education aid ratio shall be computed by subtracting from one the prod-
10 uct obtained by multiplying fifty-nine percent by the combined wealth
11 ratio. This aid ratio shall be expressed as a decimal carried to three
12 places without rounding, but not less than thirty-six percent.

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

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

25 § 22. The closing paragraph of subdivision 5-a of section 3602 of the
26 education law, as amended by section 2 of part A of chapter 54 of the
27 laws of 2016, is amended to read as follows:

28 For the two thousand eight--two thousand nine school year, each school
29 district shall be entitled to an apportionment equal to the product of
30 fifteen percent and the additional apportionment computed pursuant to
31 this subdivision for the two thousand seven--two thousand eight school
32 year. For the two thousand nine--two thousand ten through two thousand
33 [sixteen] seventeen--two thousand [seventeen] eighteen school years,
34 each school district shall be entitled to an apportionment equal to the
35 amount set forth for such school district as "SUPPLEMENTAL PUB EXCESS
36 COST" under the heading "2008-09 BASE YEAR AIDS" in the school aid
37 computer listing produced by the commissioner in support of the budget
38 for the two thousand nine--two thousand ten school year and entitled
39 "SA0910".

40 § 23. Paragraph b of subdivision 6-c of section 3602 of the education
41 law, as amended by section 24 of part A of chapter 54 of the laws of
42 2016, is amended to read as follows:

43 b. For projects approved by the commissioner authorized to receive
44 additional building aid pursuant to this subdivision for the purchase of
45 stationary metal detectors, security cameras or other security devices
46 approved by the commissioner that increase the safety of students and
47 school personnel, provided that for purposes of this paragraph such
48 other security devices shall be limited to electronic security systems
49 and hardened doors, and provided that for projects approved by the
50 commissioner on or after the first day of July two thousand thirteen and
51 before the first day of July two thousand [seventeen] eighteen such
52 additional aid shall equal the product of (i) the building aid ratio
53 computed for use in the current year pursuant to paragraph c of subdivi-
54 sion six of this section plus ten percentage points, except that in no
55 case shall this amount exceed one hundred percent, and (ii) the actual
56 approved expenditures incurred in the base year pursuant to this subdivi-

1 vision, provided that the limitations on cost allowances prescribed by
2 paragraph a of subdivision six of this section shall not apply, and
3 provided further that any projects aided under this paragraph must be
4 included in a district's school safety plan. The commissioner shall
5 annually prescribe a special cost allowance for metal detectors, and
6 security cameras, and the approved expenditures shall not exceed such
7 cost allowance.

8 § 23-a. Section 3602 of the education law is amended by adding a new
9 subdivision 6-i to read as follows:

10 6-i. Building aid for approved expenditures for debt service for tax
11 certiorari financing. In addition to the apportionments payable to a
12 school district pursuant to subdivision six of this section, beginning
13 with debt service in the two thousand seventeen--two thousand eighteen
14 school year and thereafter, the commissioner is hereby authorized to
15 apportion to any school district additional building aid pursuant to
16 this subdivision for its approved debt service expenditures for financ-
17 ing the cost of a tax certiorari, where the total value of the bond
18 exceeds the total general fund expenditures for the school district for
19 the year prior to the year in which the school district first receives
20 bond proceeds. In order to have such debt service expenditures approved,
21 the school district shall submit to the commissioner, in a form he or
22 she prescribes, documentation relating to the issuance of such bond,
23 including but not limited to the original tax certiorari, the amorti-
24 zation schedule of such bond, and any other documentation deemed neces-
25 sary. Provided, however, that in the event the school district refunds
26 the original bond at any point, the school district shall provide such
27 updated documentation as required by the commissioner, who shall adjust
28 the annual approved expenditures accordingly. Such aid shall equal the
29 product of the sum of (1) the building aid ratio defined pursuant to
30 paragraph c of subdivision six of this section plus (2) one-tenth (0.1)
31 multiplied by the actual approved debt service expenditures incurred in
32 the base year pursuant to this subdivision.

33 § 24. Subdivision 12 of section 3602 of the education law is amended
34 by adding a new closing paragraph to read as follows:

35 For the two thousand seventeen--two thousand eighteen school year,
36 each school district shall be entitled to an apportionment equal to the
37 amount set forth for such school district as "ACADEMIC ENHANCEMENT"
38 under the heading "2016-17 ESTIMATED AIDS" in the school aid computer
39 listing produced by the commissioner in support of the budget for the
40 two thousand sixteen--two thousand seventeen school year and entitled
41 "SA161-7", and such apportionment shall be deemed to satisfy the state
42 obligation to provide an apportionment pursuant to subdivision eight of
43 section thirty-six hundred forty-one of this article.

44 § 25. The opening paragraph of subdivision 16 of section 3602 of the
45 education law, as amended by section 4 of part A of chapter 54 of the
46 laws of 2016, is amended to read as follows:

47 Each school district shall be eligible to receive a high tax aid
48 apportionment in the two thousand eight--two thousand nine school year,
49 which shall equal the greater of (i) the sum of the tier 1 high tax aid
50 apportionment, the tier 2 high tax aid apportionment and the tier 3 high
51 tax aid apportionment or (ii) the product of the apportionment received
52 by the school district pursuant to this subdivision in the two thousand
53 seven--two thousand eight school year, multiplied by the due-minimum
54 factor, which shall equal, for districts with an alternate pupil wealth
55 ratio computed pursuant to paragraph b of subdivision three of this
56 section that is less than two, seventy percent (0.70), and for all other

1 districts, fifty percent (0.50). Each school district shall be eligible
2 to receive a high tax aid apportionment in the two thousand nine--two
3 thousand ten through two thousand twelve--two thousand thirteen school
4 years in the amount set forth for such school district as "HIGH TAX AID"
5 under the heading "2008-09 BASE YEAR AIDS" in the school aid computer
6 listing produced by the commissioner in support of the budget for the
7 two thousand nine--two thousand ten school year and entitled "SA0910".
8 Each school district shall be eligible to receive a high tax aid appor-
9 tionment in the two thousand thirteen--two thousand fourteen through
10 [two thousand sixteen--two thousand seventeen] two thousand seventeen--
11 two thousand eighteen school years equal to the greater of (1) the
12 amount set forth for such school district as "HIGH TAX AID" under the
13 heading "2008-09 BASE YEAR AIDS" in the school aid computer listing
14 produced by the commissioner in support of the budget for the two thou-
15 sand nine--two thousand ten school year and entitled "SA0910" or (2) the
16 amount set forth for such school district as "HIGH TAX AID" under the
17 heading "2013-14 ESTIMATED AIDS" in the school aid computer listing
18 produced by the commissioner in support of the executive budget for the
19 2013-14 fiscal year and entitled "BT131-4".

20 § 26. Subdivision 10 of section 3602-e of the education law, as
21 amended by section 22 of part B of chapter 57 of the laws of 2008, the
22 opening paragraph as amended by section 5 of part A of chapter 54 of the
23 laws of 2016, is amended to read as follows:

24 10. Universal prekindergarten aid. Notwithstanding any provision of
25 law to the contrary, for aid payable in the two thousand eight--two
26 thousand nine school year, the grant to each eligible school district
27 for universal prekindergarten aid shall be computed pursuant to this
28 subdivision, and for the two thousand nine--two thousand ten and two
29 thousand ten--two thousand eleven school years, each school district
30 shall be eligible for a maximum grant equal to the amount computed for
31 such school district for the base year in the electronic data file
32 produced by the commissioner in support of the two thousand nine--two
33 thousand ten education, labor and family assistance budget, provided,
34 however, that in the case of a district implementing programs for the
35 first time or implementing expansion programs in the two thousand eight-
36 -two thousand nine school year where such programs operate for a minimum
37 of ninety days in any one school year as provided in section 151-1.4 of
38 the regulations of the commissioner, for the two thousand nine--two
39 thousand ten and two thousand ten--two thousand eleven school years,
40 such school district shall be eligible for a maximum grant equal to the
41 amount computed pursuant to paragraph a of subdivision nine of this
42 section in the two thousand eight--two thousand nine school year, and
43 for the two thousand eleven--two thousand twelve school year each school
44 district shall be eligible for a maximum grant equal to the amount set
45 forth for such school district as "UNIVERSAL PREKINDERGARTEN" under the
46 heading "2011-12 ESTIMATED AIDS" in the school aid computer listing
47 produced by the commissioner in support of the enacted budget for the
48 2011-12 school year and entitled "SA111-2", and for two thousand twelve-
49 -two thousand thirteen through two thousand sixteen--two thousand seven-
50 teen school years each school district shall be eligible for a maximum
51 grant equal to the greater of (i) the amount set forth for such school
52 district as "UNIVERSAL PREKINDERGARTEN" under the heading "2010-11 BASE
53 YEAR AIDS" in the school aid computer listing produced by the commis-
54 sioner in support of the enacted budget for the 2011-12 school year and
55 entitled "SA111-2", or (ii) the amount set forth for such school
56 district as "UNIVERSAL PREKINDERGARTEN" under the heading "2010-11 BASE

1 YEAR AIDS" in the school aid computer listing produced by the commis-
2 sioner on May fifteenth, two thousand eleven pursuant to paragraph b of
3 subdivision twenty-one of section three hundred five of this chapter,
4 and for the two thousand seventeen--two thousand eighteen school year
5 and thereafter each school district shall be eligible to receive a grant
6 amount equal to the sum of (i) the amount set forth for such school
7 district as "UNIVERSAL PREKINDERGARTEN" under the heading "2016-17 ESTI-
8 MATED AIDS" in the school aid computer listing produced by the commis-
9 sioner in support of the enacted budget for the 2016-17 school year and
10 entitled "SA161-7" plus (ii) the amount awarded to such school district
11 for the priority full-day prekindergarten and expanded half-day prekin-
12 dergarten grant program for high need students for the two thousand
13 sixteen--two thousand seventeen school year pursuant to chapter fifty-
14 three of the laws of two thousand fourteen, and provided further that
15 the maximum grant shall not exceed the total actual grant expenditures
16 incurred by the school district in the current school year as approved
17 by the commissioner.

18 a. Each school district shall be eligible to [receive a grant amount
19 equal to the sum of (i) its prekindergarten aid base plus (ii) the prod-
20 uct of its selected aid per prekindergarten pupil multiplied by the
21 positive difference, if any of the number of aidable prekindergarten
22 pupils served in the current year, as determined pursuant to regulations
23 of the commissioner, less the base aidable prekindergarten pupils calcu-
24 lated pursuant to this subdivision for the two thousand seven--two thou-
25 sand eight school year, based on data on file for the school aid comput-
26 er listing produced by the commissioner in support of the enacted budget
27 for the two thousand seven--two thousand eight school year and entitled
28 "SA070-8". Provided, however, that in computing an apportionment pursu-
29 ant to this paragraph, for districts where the number of aidable prekin-
30 dergarten pupils served is less than the number of unserved prekinde-
31 rgarten pupils, such grant amount shall be the lesser of such sum
32 computed pursuant to this paragraph or the maximum allocation computed
33 pursuant to subdivision nine of this section] serve the sum of (i) full-
34 day prekindergarten pupils plus (ii) half-day prekindergarten pupils.

35 b. For purposes of paragraph a of this subdivision:

36 (i) "Selected aid per prekindergarten pupil" shall equal the greater
37 of (A) the product of five-tenths and the school district's selected
38 foundation aid for the current year, or (B) the aid per prekindergarten
39 pupil calculated pursuant to this subdivision for the two thousand six-
40 two thousand seven school year, based on data on file for the school aid
41 computer listing produced by the commissioner in support of the enacted
42 budget for the two thousand six--two thousand seven school year and
43 entitled "SA060-7"; provided, however, that in the two thousand eight--
44 two thousand nine school year, a city school district in a city having a
45 population of one million inhabitants or more shall not be eligible to
46 select aid per prekindergarten pupil pursuant to clause (A) of this
47 subparagraph;

48 (ii) ["Base aidable prekindergarten pupils". "Base aidable prekinde-
49 rgarten pupils" shall equal the sum of the base aidable prekindergarten
50 pupils calculated pursuant to this subdivision for the base year, based
51 on data on file for the school aid computer listing produced by the
52 commissioner in support of the enacted budget for the base year, plus
53 the additional aidable prekindergarten pupils calculated pursuant to
54 this subdivision for the base year, based on data on file for the school
55 aid computer listing produced by the commissioner in support of the
56 enacted budget for the base year] "Full-day prekindergarten pupils"

1 shall equal (i) the maximum aidable full-day prekindergarten pupils such
2 district was eligible to serve for the priority full-day prekindergarten
3 and expanded half-day prekindergarten grant program for the two thousand
4 sixteen--two thousand seventeen school year pursuant to chapter fifty-
5 three of the laws of two thousand fourteen plus (ii) the number of half-
6 day prekindergarten pupils converted into a full-day prekindergarten
7 pupil under the priority full-day prekindergarten and expanded half-day
8 prekindergarten grant program for high need students pursuant to chapter
9 fifty-three of the laws of two thousand fourteen;

10 (iii) "Half-day prekindergarten pupils shall equal (A) (i) the maximum
11 aidable universal prekindergarten pupils each district was eligible to
12 serve in the two thousand sixteen--two thousand seventeen school year
13 pursuant to this section plus (ii) the maximum aidable half-day prekin-
14 dergarten pupils such district was eligible to serve for the priority
15 full-day prekindergarten and expanded half-day prekindergarten grant
16 program for the two thousand sixteen--two thousand seventeen school year
17 pursuant to chapter fifty-three of the laws of two thousand fourteen
18 minus (B) the number of half-day prekindergarten pupils converted into a
19 full-day prekindergarten pupil under the priority full-day prekindergar-
20 ten and expanded half-day prekindergarten grant program for high need
21 students pursuant to chapter fifty-three of the laws of two thousand
22 fourteen;

23 (iv) "Unserved prekindergarten pupils" shall mean the product of
24 eighty-five percent multiplied by the positive difference, if any,
25 between the sum of the public school enrollment and the nonpublic school
26 enrollment of children attending full day and half day kindergarten
27 programs in the district in the year prior to the base year less the
28 number of resident children who attain the age of four before December
29 first of the base year, who were served during such school year by a
30 prekindergarten program approved pursuant to section forty-four hundred
31 ten of this chapter, where such services are provided for more than four
32 hours per day;

33 [(iv) "Additional aidable prekindergarten pupils". For the two thou-
34 sand seven--two thousand eight through two thousand eight--two thousand
35 nine school years, "additional aidable prekindergarten pupils" shall
36 equal the product of (A) the positive difference, if any, of the
37 unserved prekindergarten pupils less the base aidable prekindergarten
38 pupils multiplied by (B) the prekindergarten phase-in factor;

39 (v) the "prekindergarten aid base" shall mean the sum of the amounts
40 the school district received for the two thousand six--two thousand
41 seven school year for grants awarded pursuant to this section and for
42 targeted prekindergarten grants;

43 (vi) The "prekindergarten phase-in factor". For the two thousand
44 eight--two thousand nine school year, the prekindergarten phase-in
45 factor shall equal the positive difference, if any, of the pupil need
46 index computed pursuant to subparagraph three of paragraph a of subdivi-
47 sion four of section thirty-six hundred two of this part less one,
48 provided, however, that: (A) for any district where (1) the maximum
49 allocation computed pursuant to subdivision nine of this section for the
50 base year is greater than zero and (2) the amount allocated pursuant to
51 this subdivision for the base year, based on data on file for the school
52 aid computer listing produced by the commissioner on February fifteenth
53 of the base year, pursuant to paragraph b of subdivision twenty-one of
54 section three hundred five of this chapter, is greater than the positive
55 difference, if any, of such maximum allocation for the base year less
56 twenty-seven hundred, the prekindergarten phase-in factor shall not

1 exceed eighteen percent, and shall not be less than ten percent, and (B)
2 for any district not subject to the provisions of clause (A) of this
3 subparagraph where (1) the amount allocated pursuant to this subdivision
4 for the base year is equal to zero or (2) the amount allocated pursuant
5 to this section for the base year, based on data on file for the school
6 aid computer listing produced by the commissioner on February fifteenth
7 of the base year, pursuant to paragraph b of subdivision twenty-one of
8 section three hundred five of this chapter, is less than or equal to the
9 amount allocated pursuant to this section for the year prior to the base
10 year, based on data on file for the school aid computer listing produced
11 by the commissioner on February fifteenth of the base year, pursuant to
12 paragraph b of subdivision twenty-one of section three hundred five of
13 this chapter, the prekindergarten phase-in factor shall equal zero, and
14 (C) for any district not subject to the provisions of clause (A) or (B)
15 of this subparagraph, the prekindergarten phase-in factor shall not
16 exceed thirteen percent, and shall not be less than seven percent;

17 (vii) "Base year" shall mean the base year as defined pursuant to
18 subdivision one of section thirty-six hundred two of this part.]

19 (v) "Prekindergarten maintenance of effort base" shall mean the number
20 of eligible total full-day prekindergarten pupils set forth for the
21 district in this paragraph plus the product of one half (0.5) multiplied
22 by the number of eligible total half-day prekindergarten pupils set
23 forth for the district in this paragraph;

24 (vi) "Current year prekindergarten pupils served" shall mean the sum
25 of full day prekindergarten pupils served in the current year plus the
26 product of one half (0.5) multiplied by the half day prekindergarten
27 pupils in the current year;

28 (vii) "Maintenance of effort factor" shall mean the quotient arrived
29 at when dividing the current year prekindergarten pupils served by the
30 prekindergarten maintenance of effort base.

31 c. Notwithstanding any other provision of this section, the total
32 grant payable pursuant to this section shall equal the lesser of: (i)
33 the total grant amounts computed pursuant to this subdivision for the
34 current year, based on data on file with the commissioner as of Septem-
35 ber first of the school year immediately following or (ii) the total
36 actual grant expenditures incurred by the school district as approved by
37 the commissioner.

38 § 27. Subdivision 11 of section 3602-e of the education law, as
39 amended by section 10-b of part A of chapter 57 of the laws of 2012, is
40 amended to read as follows:

41 11. [Notwithstanding the provisions of subdivision ten of this
42 section, where the district serves fewer children during the current
43 year than the lesser of the children served in the two thousand ten--two
44 thousand eleven school year or its base aidable prekindergarten pupils
45 computed for the two thousand seven--two thousand eight school year, the
46 school district shall have its apportionment reduced in an amount
47 proportional to such deficiency in the current year or in the succeeding
48 school year, as determined by the commissioner, except such reduction
49 shall not apply to school districts which have fully implemented a
50 universal pre-kindergarten program by making such program available to
51 all eligible children. Expenses incurred by the school district in
52 implementing a pre-kindergarten program plan pursuant to this subdivi-
53 sion shall be deemed ordinary contingent expenses.] Maintenance of
54 effort reduction. Where a school district's current year prekindergarten
55 pupils served is less than its prekindergarten maintenance of effort
56 base, the school district shall have its current year apportionment

1 reduced by the product of the maintenance of effort factor computed in
2 paragraph b of subdivision ten of this section multiplied by the grant
3 amount it was eligible to receive pursuant to subdivision ten of this
4 section.

5 § 28. Paragraph b of subdivision 12 of section 3602-e of the education
6 law, as amended by section 19 of part B of chapter 57 of the laws of
7 2007, is amended to read as follows:

8 b. [minimum] curriculum standards [that] consistent with the New York
9 state prekindergarten early learning standards to ensure that such
10 programs have strong instructional content that is integrated with the
11 school district's instructional program in grades kindergarten [though]
12 through twelve;

13 § 29. Subdivision 14 of section 3602-e of the education law, as
14 amended by section 19 of part B of chapter 57 of the laws of 2007, is
15 amended to read as follows:

16 14. On February fifteenth, two thousand, and annually thereafter, the
17 commissioner and the board of regents shall include in its annual report
18 to the legislature and the governor, information on school districts
19 receiving grants under this section; the amount of each grant; a
20 description of the program that each grant supports and an assessment by
21 the commissioner of the extent to which the program meets measurable
22 outcomes required by the grant program or regulations of such commis-
23 sioner; and any other relevant information, which shall include but not
24 be limited to the following: (A) (i) the total number of students served
25 in state-funded district-operated prekindergarten programs, (ii) the
26 total number of students served in state-funded community-based prekin-
27 dergarten programs, (iii) the total number of students served in state-
28 funded half-day prekindergarten programs, and (iv) the total number of
29 students served in state-funded full-day prekindergarten programs; (B)
30 (i) the total number of students served in state, federal and locally
31 funded district-operated prekindergarten programs, (ii) the total number
32 of students served in state, federal and locally funded community-based
33 prekindergarten programs, (iii) the total number of students served in
34 state, federal and locally funded half-day prekindergarten programs, and
35 (iv) the total number of students served in state, federal and locally
36 funded full-day prekindergarten programs; and (C) the total spending on
37 prekindergarten programs from state, federal, and local sources. Such
38 report shall also contain any recommendations to improve or otherwise
39 change the program.

40 § 29-a. Section 3602-e of the education law is amended by adding a new
41 subdivision 14-a to read as follows:

42 14-a. The commissioner shall request from each school district in the
43 state, such district's unmet need for public prekindergarten programs as
44 defined in this section and report on such need and the funding that
45 would be required to meet such a need to the legislature by December
46 first, two thousand seventeen.

47 § 30. Section 3602-e of the education law is amended by adding a new
48 subdivision 17 to read as follows:

49 17. A school district receiving funding pursuant to this section shall
50 agree to adopt approved quality indicators within two years, including,
51 but not limited to, valid and reliable measures of environmental quali-
52 ty, the quality of teacher-student interactions and child outcomes, and
53 ensure that any such assessment of child outcomes shall not be used to
54 make high-stakes educational decisions for individual children.

55 § 30-a. Subdivision 21 of section 305 of the education law is amended
56 by adding a new paragraph d to read as follows:

1 d. Notwithstanding any inconsistent provision of law to the contrary,
2 for the purposes of determining the base year level of general support
3 for public schools pursuant to paragraph b of this subdivision for the
4 two thousand seventeen--two thousand eighteen school year, the commis-
5 sioner is directed to include the grant amounts allocated pursuant to
6 subdivision ten of section thirty-six hundred two-e of this chapter
7 where such grants had previously been allocated to districts by means
8 other than general support for public schools, provided that, notwith-
9 standing any provision of law to the contrary, such base year grant
10 amounts shall not be included in: (1) the allowable growth amount
11 computed pursuant to paragraph dd of subdivision one of section thirty-
12 six hundred two of this chapter, (2) the preliminary growth amount
13 computed pursuant to paragraph ff of subdivision one of section thirty-
14 six hundred two of this chapter, and (3) the allocable growth amount
15 computed pursuant to paragraph gg of subdivision one of section thirty-
16 six hundred two of this chapter, and shall not be considered, and shall
17 not be available for interchange with, general support for public
18 schools.

19 § 31. Subdivision 16 of section 3602-ee of the education law is
20 REPEALED.

21 § 32. Intentionally omitted.

22 § 33. The opening paragraph of section 3609-a of the education law, as
23 amended by section 10 of part A of chapter 54 of the laws of 2016, is
24 amended to read as follows:

25 For aid payable in the two thousand seven--two thousand eight school
26 year through the two thousand [sixteen] seventeen--two thousand [seven-
27 teen] eighteen school year, "moneys apportioned" shall mean the lesser
28 of (i) the sum of one hundred percent of the respective amount set forth
29 for each school district as payable pursuant to this section in the
30 school aid computer listing for the current year produced by the commis-
31 sioner in support of the budget which includes the appropriation for the
32 general support for public schools for the prescribed payments and indi-
33 vidualized payments due prior to April first for the current year plus
34 the apportionment payable during the current school year pursuant to
35 subdivision six-a and subdivision fifteen of section thirty-six hundred
36 two of this part minus any reductions to current year aids pursuant to
37 subdivision seven of section thirty-six hundred four of this part or any
38 deduction from apportionment payable pursuant to this chapter for
39 collection of a school district basic contribution as defined in subdivi-
40 sion eight of section forty-four hundred one of this chapter, less any
41 grants provided pursuant to subparagraph two-a of paragraph b of subdivi-
42 sion four of section ninety-two-c of the state finance law, less any
43 grants provided pursuant to subdivision six of section ninety-seven-nnnn
44 of the state finance law, less any grants provided pursuant to subdivi-
45 sion twelve of section thirty-six hundred forty-one of this article, or
46 (ii) the apportionment calculated by the commissioner based on data on
47 file at the time the payment is processed; provided however, that for
48 the purposes of any payments made pursuant to this section prior to the
49 first business day of June of the current year, moneys apportioned shall
50 not include any aids payable pursuant to subdivisions six and fourteen,
51 if applicable, of section thirty-six hundred two of this part as current
52 year aid for debt service on bond anticipation notes and/or bonds first
53 issued in the current year or any aids payable for full-day kindergarten
54 for the current year pursuant to subdivision nine of section thirty-six
55 hundred two of this part. The definitions of "base year" and "current
56 year" as set forth in subdivision one of section thirty-six hundred two

1 of this part shall apply to this section. For aid payable in the two
2 thousand [sixteen] seventeen--two thousand [seventeen] eighteen school
3 year, reference to such "school aid computer listing for the current
4 year" shall mean the printouts entitled ["SA161-7"] "SA171-8".

5 § 34. Paragraph b of subdivision 2 of section 3612 of the education
6 law, as amended by section 26 of part A of chapter 54 of the laws of
7 2016, is amended to read as follows:

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

27 § 35. Subdivision 6 of section 4402 of the education law, as amended
28 by section 27 of part A of chapter 54 of the laws of 2016, is amended to
29 read as follows:

30 6. Notwithstanding any other law, rule or regulation to the contrary,
31 the board of education of a city school district with a population of
32 one hundred twenty-five thousand or more inhabitants shall be permitted
33 to establish maximum class sizes for special classes for certain
34 students with disabilities in accordance with the provisions of this
35 subdivision. For the purpose of obtaining relief from any adverse fiscal
36 impact from under-utilization of special education resources due to low
37 student attendance in special education classes at the middle and
38 secondary level as determined by the commissioner, such boards of educa-
39 tion shall, during the school years nineteen hundred ninety-five--nine-
40 ty-six through June thirtieth, two thousand [seventeen] eighteen of the
41 [two thousand sixteen--two thousand seventeen] two thousand seventeen--
42 two thousand eighteen school year, be authorized to increase class sizes
43 in special classes containing students with disabilities whose age rang-
44 es are equivalent to those of students in middle and secondary schools
45 as defined by the commissioner for purposes of this section by up to but
46 not to exceed one and two tenths times the applicable maximum class size
47 specified in regulations of the commissioner rounded up to the nearest
48 whole number, provided that in a city school district having a popu-
49 lation of one million or more, classes that have a maximum class size of
50 fifteen may be increased by no more than one student and provided that
51 the projected average class size shall not exceed the maximum specified
52 in the applicable regulation, provided that such authorization shall
53 terminate on June thirtieth, two thousand. Such authorization shall be
54 granted upon filing of a notice by such a board of education with the
55 commissioner stating the board's intention to increase such class sizes
56 and a certification that the board will conduct a study of attendance

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

13 § 36. Intentionally omitted.

14 § 37. Subparagraph (i) of paragraph a of subdivision 10 of section
15 4410 of the education law is amended by adding a new clause (D) to read
16 as follows:

17 (D) Notwithstanding any other provision of law, rule or regulation to
18 the contrary, commencing with the two thousand nineteen--two thousand
19 twenty school year, approved preschool integrated special class programs
20 shall be reimbursed for such services based on an alternative methodol-
21 ogy for reimbursement to be established by the commissioner. In devel-
22 oping such methodology the commissioner shall seek input from stakehold-
23 ers that would be impacted by such alternative methodology. The
24 alternative methodology, subject to the approval of the director of the
25 budget, shall be proposed by the department no later than October first,
26 two thousand eighteen.

27 § 38. Subdivision 1 of section 4452 of the education law, as added by
28 chapter 740 of the laws of 1982, paragraph e as amended by chapter 536
29 of the laws of 1997, is amended to read as follows:

30 1. In order to provide for educational programs to meet special needs
31 of gifted pupils, the commissioner is hereby authorized to make recom-
32 mendations to school districts in accordance with the provisions of this
33 subdivision and section thirty-six hundred two of this chapter.

34 a. As used in this article, the term "gifted pupils" shall mean those
35 pupils who show evidence of high performance capability and exceptional
36 potential in areas such as general intellectual ability, special academ-
37 ic aptitude and outstanding ability in visual and performing arts. Such
38 definition shall include those pupils who require educational programs
39 or services beyond those normally provided by the regular school program
40 in order to realize their full potential.

41 b. Prior to payment of state funds for education of gifted pupils, a
42 school district shall submit to the commissioner a summary plan for the
43 identification and education of gifted pupils. The plan shall be in
44 form and content as prescribed by the commissioner.

45 c. Upon acceptance by a local school district of the apportionments
46 made under section thirty-six hundred two of this chapter such district
47 shall use such funding in accordance with guidelines to be established
48 by the commissioner for services to gifted pupils. Such services shall
49 include but not be limited to identification, instructional programs,
50 planning, inservice education and program evaluation. A board of educa-
51 tion may contract with another district or board of cooperative educa-
52 tional services to provide the program and/or services with the approval
53 of the commissioner under guidelines established by the commissioner.

54 d. [The identification of pupils for participation in gifted programs
55 funded under this chapter shall commence through the referral of a
56 parent, teacher, or administrator.

1 e. Upon referral of a pupil for participation in a gifted program
2 funded under this chapter] For any school district offering a gifted
3 program through this chapter, the school district shall so inform the
4 parent or guardian of such [pupil's referral] program and shall seek
5 their approval to administer diagnostic tests or other evaluation mech-
6 anisms related to the program objectives of the district in order to
7 determine eligibility for participation in such gifted program. Failing
8 to receive approval, the child shall not be tested, evaluated or partic-
9 ipate in the program. In no case shall the parent, guardian or pupil be
10 charged a fee for the administration of such diagnostic tests or other
11 evaluation mechanisms. Provided that, any school district offering a
12 program under this section shall provide the opportunity to administer
13 such diagnostic tests or other evaluation mechanisms for all students in
14 a grade.

15 [f.] e. The parent or guardian of a pupil designated as gifted shall
16 be informed by the local school authorities of the pupil's placement in
17 such gifted program funded under this chapter.

18 § 39. Intentionally omitted.

19 § 40. Section 7 of chapter 472 of the laws of 1998, amending the
20 education law relating to the lease of school buses by school districts,
21 as amended by section 18 of part A of chapter 56 of the laws of 2015, is
22 amended to read as follows:

23 § 7. This act shall take effect September 1, 1998, and shall expire
24 and be deemed repealed September 1, [2017] 2019.

25 § 41. Subdivision 6-a of section 140 of chapter 82 of the laws of
26 1995, amending the education law and certain other laws relating to
27 state aid to school districts and the appropriation of funds for the
28 support of government, as amended by section 17-a of part A of chapter
29 57 of the laws of 2012, is amended to read as follows:

30 (6-a) Section seventy-three of this act shall take effect July 1, 1995
31 and shall be deemed repealed June 30, [2017] 2022;

32 § 42. Section 34 of chapter 91 of the laws of 2002 amending the educa-
33 tion law and other laws relating to reorganization of the New York city
34 school construction authority, board of education and community boards,
35 as amended by section 1 of part 0 of chapter 73 of the laws of 2016, is
36 amended to read as follows:

37 § 34. This act shall take effect July 1, 2002; provided, that sections
38 one through twenty, twenty-four, and twenty-six through thirty of this
39 act shall expire and be deemed repealed June 30, [2017] 2024 provided,
40 further, that notwithstanding any provision of article 5 of the general
41 construction law, on June 30, [2017] 2024 the provisions of subdivisions
42 3, 5, and 8, paragraph b of subdivision 13, subdivision 14, paragraphs
43 b, d, and e of subdivision 15, and subdivisions 17 and 21 of section
44 2554 of the education law as repealed by section three of this act,
45 subdivision 1 of section 2590-b of the education law as repealed by
46 section six of this act, paragraph (a) of subdivision 2 of section
47 2590-b of the education law as repealed by section seven of this act,
48 section 2590-c of the education law as repealed by section eight of this
49 act, paragraph c of subdivision 2 of section 2590-d of the education law
50 as repealed by section twenty-six of this act, subdivision 1 of section
51 2590-e of the education law as repealed by section twenty-seven of this
52 act, subdivision 28 of section 2590-h of the education law as repealed
53 by section twenty-eight of this act, subdivision 30 of section 2590-h of
54 the education law as repealed by section twenty-nine of this act, subdi-
55 vision 30-a of section 2590-h of the education law as repealed by
56 section thirty of this act shall be revived and be read as such

1 provisions existed in law on the date immediately preceding the effective date of this act; provided, however, that sections seven and eight of this act shall take effect on November 30, 2003; provided further that the amendments to subdivision 25 of section 2554 of the education law made by section two of this act shall be subject to the expiration and reversion of such subdivision pursuant to section 12 of chapter 147 of the laws of 2001, as amended, when upon such date the provisions of section four of this act shall take effect.

9 § 43. Subdivision 12 of section 17 of 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, as amended by section 2 of part 0 of chapter 73 of the laws of 2016, is amended to read as follows:

14 12. any provision in sections one, two, three, four, five, six, seven, eight, nine, ten and eleven of this act not otherwise set to expire pursuant to section 34 of chapter 91 of the laws of 2002, as amended, or section 17 of chapter 123 of the laws of 2003, as amended, shall expire and be deemed repealed June 30, [2017] 2024.

19 § 44. Subdivision b of section 2 of 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, as amended by section 28 of part A of chapter 54 of the laws of 2016, is amended to read as follows:

24 b. Reimbursement for programs approved in accordance with subdivision a of this section for [the 2012--2013 school year shall not exceed 63.3 percent of the lesser of such approvable costs per contact hour or twelve dollars and thirty-five cents per contact hour, reimbursement for the 2013--2014 school year shall not exceed 62.3 percent of the lesser of such approvable costs per contact hour or twelve dollars and sixty-five cents per contact hour, reimbursement for the 2014--2015 school year shall not exceed 61.6 percent of the lesser of such approvable costs per contact hour or thirteen dollars per contact hour, reimbursement for] the 2015--2016 school year shall not exceed 60.7 percent of the lesser of such approvable costs per contact hour or thirteen dollars and forty cents per contact hour, [and] reimbursement for the 2016--2017 school year shall not exceed 60.3 percent of the lesser of such approvable costs per contact hour or thirteen dollars ninety cents per contact hour, and reimbursement for the 2017--2018 school year shall not exceed 60.4 percent of the lesser of such approvable costs per contact hour or thirteen dollars and ninety cents per contact hour, where a contact hour represents sixty minutes of instruction services provided to an eligible adult. Notwithstanding any other provision of law to the contrary, [for the 2012--2013 school year such contact hours shall not exceed one million six hundred sixty-four thousand five hundred thirty-two (1,664,532) hours; whereas for the 2013--2014 school year such contact hours shall not exceed one million six hundred forty-nine thousand seven hundred forty-six (1,649,746) hours; whereas for the 2014--2015 school year such contact hours shall not exceed one million six hundred twenty-five thousand (1,625,000) hours; whereas] for the 2015--2016 school year such contact hours shall not exceed one million five hundred ninety-nine thousand fifteen (1,599,015) hours; whereas for the 2016--2017 school year such contact hours shall not exceed one million five hundred fifty-one thousand three hundred twelve (1,551,312); and for the 2017--2018 school year such contact hours shall not exceed one million five hundred forty-nine thousand four hundred sixty-three (1,549,463). Notwithstanding any other provision of law to the contrary, the appor-



1 tionment calculated for the city school district of the city of New York
2 pursuant to subdivision 11 of section 3602 of the education law shall be
3 computed as if such contact hours provided by the consortium for worker
4 education, not to exceed the contact hours set forth herein, were eligi-
5 ble for aid in accordance with the provisions of such subdivision 11 of
6 section 3602 of the education law.

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

11 v. The provisions of this subdivision shall not apply after the
12 completion of payments for the 2017--2018 school year. Notwithstanding
13 any inconsistent provisions of law, the commissioner of education shall
14 withhold a portion of employment preparation education aid due to the
15 city school district of the city of New York to support a portion of the
16 costs of the work force education program. Such moneys shall be credited
17 to the elementary and secondary education fund-local assistance account
18 and shall not exceed thirteen million dollars (\$13,000,000).

19 § 46. Section 6 of chapter 756 of the laws of 1992, relating to fund-
20 ing a program for work force education conducted by the consortium for
21 worker education in New York city, as amended by section 30 of part A of
22 chapter 54 of the laws of 2016, is amended to read as follows:

23 § 6. This act shall take effect July 1, 1992, and shall be deemed
24 repealed on June 30, [2017] 2018.

25 § 47. Subdivisions 22 and 24 of section 140 of chapter 82 of the laws
26 of 1995, amending the education law and certain other laws relating to
27 state aid to school districts and the appropriation of funds for the
28 support of government, as amended by section 33 of part A of chapter 54
29 of the laws of 2016, are amended to read as follows:

30 (22) sections one hundred twelve, one hundred thirteen, one hundred
31 fourteen, one hundred fifteen and one hundred sixteen of this act shall
32 take effect on July 1, 1995; provided, however, that section one hundred
33 thirteen of this act shall remain in full force and effect until July 1,
34 [2017] 2018 at which time it shall be deemed repealed;

35 (24) sections one hundred eighteen through one hundred thirty of this
36 act shall be deemed to have been in full force and effect on and after
37 July 1, 1995; provided further, however, that the amendments made pursu-
38 ant to section one hundred twenty-four of this act shall be deemed to be
39 repealed on and after July 1, [2017] 2018;

40 § 48. Paragraphs (a-1) and (b) of section 5 of chapter 89 of the laws
41 of 2016 relating to supplementary funding for dedicated programs for
42 public school students in the East Ramapo central school district, are
43 amended to read as follows:

44 (a-1) The East Ramapo central school district shall be eligible to
45 receive reimbursement [from such funds made available] pursuant to
46 [paragraph (a) of] this [section] act, subject to available appropri-
47 ation, for its approved expenditures in the two thousand sixteen--two
48 thousand seventeen school year and thereafter on services to improve and
49 enhance the educational opportunities of students attending the public
50 schools in such district. Such services shall include, but not be limit-
51 ed to, reducing class sizes, expanding academic and enrichment opportu-
52 nities, establishing and expanding kindergarten programs, expanding
53 extracurricular opportunities and providing student support services,
54 provided, however, transportation services and expenses shall not be
55 eligible for reimbursement from such funds.

1 (b) In order to receive such funds, the school district in consulta-
2 tion with the monitor or monitors shall develop a long term strategic
3 academic and fiscal improvement plan within 6 months from the enactment
4 of this act and shall annually revise such plan by October first of each
5 year thereafter. Such plan, including such annual revisions thereto,
6 shall be submitted to the commissioner for approval and shall include a
7 set of goals with appropriate benchmarks and measurable objectives and
8 identify strategies to address areas where improvements are needed in
9 the district, including but not limited to its financial stability,
10 academic opportunities and outcomes, education of students with disabil-
11 ities, education of English language learners, and shall ensure compli-
12 ance with all applicable state and federal laws and regulations. This
13 improvement plan shall also include a comprehensive expenditure plan
14 that will describe how the funds made available to the district pursuant
15 to this section will be spent in the applicable school year. The
16 comprehensive expenditure plan shall ensure that funds supplement, not
17 supplant, expenditures from local, state and federal funds for services
18 provided to public school students, except that such funds may be used
19 to continue services funded pursuant to this act in prior years. Such
20 expenditure plan shall be developed and annually revised in consultation
21 with the monitor or monitors appointed by the commissioner. The board of
22 education of the East Ramapo central school district must annually
23 conduct a public hearing on the expenditure plan and shall consider the
24 input of the community before adopting such plan. Such expenditure plan
25 shall also be made publicly available and shall be annually submitted
26 along with comments made by the community to the commissioner for
27 approval once the plan is finalized. Upon review of the improvement
28 plan and the expenditure plan, required to be submitted pursuant to this
29 subdivision or section seven of this act, the commissioner shall approve
30 or deny such plan in writing and, if denied, shall include the reasons
31 therefor. The district in consultation with the monitors may resubmit
32 such plan or plans with any needed modifications thereto.

33 § 49. Section 8 of chapter 89 of the laws of 2016 relating to supple-
34 mentary funding for dedicated programs for public school students in the
35 East Ramapo central school district, is amended to read as follows:

36 § 8. This act shall take effect July 1, 2016 and shall expire and be
37 deemed repealed June 30, [2017] 2018.

38 § 50. Section 12 of chapter 147 of the laws of 2001, amending the
39 education law relating to conditional appointment of school district,
40 charter school or BOCES employees, as amended by section 34 of part A of
41 chapter 54 of the laws of 2016, is amended to read as follows:

42 § 12. This act shall take effect on the same date as chapter 180 of
43 the laws of 2000 takes effect, and shall expire July 1, [2017] 2018 when
44 upon such date the provisions of this act shall be deemed repealed.

45 § 51. School bus driver training. In addition to apportionments other-
46 wise provided by section 3602 of the education law, for aid payable in
47 the 2017--2018 school year, the commissioner of education shall allocate
48 school bus driver training grants to school districts and boards of
49 cooperative educational services pursuant to sections 3650-a, 3650-b and
50 3650-c of the education law, or for contracts directly with not-for-pro-
51 fit educational organizations for the purposes of this section. Such
52 payments shall not exceed four hundred thousand dollars (\$400,000) per
53 school year.

54 § 52. Special apportionment for salary expenses. a. Notwithstanding
55 any other provision of law, upon application to the commissioner of
56 education, not sooner than the first day of the second full business

1 week of June 2018 and not later than the last day of the third full
2 business week of June 2018, a school district eligible for an apportion-
3 ment pursuant to section 3602 of the education law shall be eligible to
4 receive an apportionment pursuant to this section, for the school year
5 ending June 30, 2018, for salary expenses incurred between April 1 and
6 June 30, 2017 and such apportionment shall not exceed the sum of (i) the
7 deficit reduction assessment of 1990--1991 as determined by the commis-
8 sioner of education, pursuant to paragraph f of subdivision 1 of section
9 3602 of the education law, as in effect through June 30, 1993, plus (ii)
10 186 percent of such amount for a city school district in a city with a
11 population in excess of 1,000,000 inhabitants, plus (iii) 209 percent of
12 such amount for a city school district in a city with a population of
13 more than 195,000 inhabitants and less than 219,000 inhabitants accord-
14 ing to the latest federal census, plus (iv) the net gap elimination
15 adjustment for 2010--2011, as determined by the commissioner of educa-
16 tion pursuant to chapter 53 of the laws of 2010, plus (v) the gap elimi-
17 nation adjustment for 2011--2012 as determined by the commissioner of
18 education pursuant to subdivision 17 of section 3602 of the education
19 law, and provided further that such apportionment shall not exceed such
20 salary expenses. Such application shall be made by a school district,
21 after the board of education or trustees have adopted a resolution to do
22 so and in the case of a city school district in a city with a population
23 in excess of 125,000 inhabitants, with the approval of the mayor of such
24 city.

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

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

1 § 53. Special apportionment for public pension accruals. a. Notwith-
2 standing any other provision of law, upon application to the commission-
3 er of education, not later than June 30, 2018, a school district eligi-
4 ble for an apportionment pursuant to section 3602 of the education law
5 shall be eligible to receive an apportionment pursuant to this section,
6 for the school year ending June 30, 2018 and such apportionment shall
7 not exceed the additional accruals required to be made by school
8 districts in the 2004--2005 and 2005--2006 school years associated with
9 changes for such public pension liabilities. The amount of such addi-
10 tional accrual shall be certified to the commissioner of education by
11 the president of the board of education or the trustees or, in the case
12 of a city school district in a city with a population in excess of
13 125,000 inhabitants, the mayor of such city. Such application shall be
14 made by a school district, after the board of education or trustees have
15 adopted a resolution to do so and in the case of a city school district
16 in a city with a population in excess of 125,000 inhabitants, with the
17 approval of the mayor of such city.

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

34 c. Notwithstanding the provisions of section 3609-a of the education
35 law, an amount equal to the amount paid to a school district pursuant to
36 subdivisions a and b of this section shall first be deducted from the
37 following payments due the school district during the school year
38 following the year in which application was made pursuant to subpara-
39 graphs (1), (2), (3), (4) and (5) of paragraph a of subdivision 1 of
40 section 3609-a of the education law in the following order: the lottery
41 apportionment payable pursuant to subparagraph (2) of such paragraph
42 followed by the fixed fall payments payable pursuant to subparagraph (4)
43 of such paragraph and then followed by the district's payments to the
44 teachers' retirement system pursuant to subparagraph (1) of such para-
45 graph, and any remainder to be deducted from the individualized payments
46 due the district pursuant to paragraph b of such subdivision shall be
47 deducted on a chronological basis starting with the earliest payment due
48 the district.

49 § 54. a. Notwithstanding any other law, rule or regulation to the
50 contrary, any moneys appropriated to the state education department may
51 be suballocated to other state departments or agencies, as needed, to
52 accomplish the intent of the specific appropriations contained therein.

53 b. Notwithstanding any other law, rule or regulation to the contrary,
54 moneys appropriated to the state education department from the general
55 fund/aid to localities, local assistance account-001, shall be for

1 payment of financial assistance, as scheduled, net of disallowances,
2 refunds, reimbursement and credits.

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

8 d. Notwithstanding any other law, rule or regulation to the contrary,
9 moneys appropriated to the state education department for general
10 support for public schools may be interchanged with any other item of
11 appropriation for general support for public schools within the general
12 fund local assistance account office of prekindergarten through grade
13 twelve education programs.

14 § 55. Notwithstanding the provision of any law, rule, or regulation to
15 the contrary, the city school district of the city of Rochester, upon
16 the consent of the board of cooperative educational services of the
17 supervisory district serving its geographic region may purchase from
18 such board for the 2017--2018 school year, as a non-component school
19 district, services required by article 19 of the education law.

20 § 56. The amounts specified in this section shall be set aside from
21 the state funds which each such district is receiving from the total
22 foundation aid: for the purpose of the development, maintenance or
23 expansion of magnet schools or magnet school programs for the 2017--2018
24 school year. To the city school district of the city of New York there
25 shall be paid forty-eight million one hundred seventy-five thousand
26 dollars (\$48,175,000) including five hundred thousand dollars (\$500,000)
27 for the Andrew Jackson High School; to the Buffalo city school district,
28 twenty-one million twenty-five thousand dollars (\$21,025,000); to the
29 Rochester city school district, fifteen million dollars (\$15,000,000);
30 to the Syracuse city school district, thirteen million dollars
31 (\$13,000,000); to the Yonkers city school district, forty-nine million
32 five hundred thousand dollars (\$49,500,000); to the Newburgh city school
33 district, four million six hundred forty-five thousand dollars
34 (\$4,645,000); to the Poughkeepsie city school district, two million four
35 hundred seventy-five thousand dollars (\$2,475,000); to the Mount Vernon
36 city school district, two million dollars (\$2,000,000); to the New
37 Rochelle city school district, one million four hundred ten thousand
38 dollars (\$1,410,000); to the Schenectady city school district, one
39 million eight hundred thousand dollars (\$1,800,000); to the Port Chester
40 city school district, one million one hundred fifty thousand dollars
41 (\$1,150,000); to the White Plains city school district, nine hundred
42 thousand dollars (\$900,000); to the Niagara Falls city school district,
43 six hundred thousand dollars (\$600,000); to the Albany city school
44 district, three million five hundred fifty thousand dollars
45 (\$3,550,000); to the Utica city school district, two million dollars
46 (\$2,000,000); to the Beacon city school district, five hundred sixty-six
47 thousand dollars (\$566,000); to the Middletown city school district,
48 four hundred thousand dollars (\$400,000); to the Freeport union free
49 school district, four hundred thousand dollars (\$400,000); to the Green-
50 burgh central school district, three hundred thousand dollars
51 (\$300,000); to the Amsterdam city school district, eight hundred thou-
52 sand dollars (\$800,000); to the Peekskill city school district, two
53 hundred thousand dollars (\$200,000); and to the Hudson city school
54 district, four hundred thousand dollars (\$400,000). Notwithstanding the
55 provisions of this section, a school district receiving a grant pursuant
56 to this section may use such grant funds for: (i) any instructional or



1 instructional support costs associated with the operation of a magnet
2 school; or (ii) any instructional or instructional support costs associ-
3 ated with implementation of an alternative approach to reduction of
4 racial isolation and/or enhancement of the instructional program and
5 raising of standards in elementary and secondary schools of school
6 districts having substantial concentrations of minority students. The
7 commissioner of education shall not be authorized to withhold magnet
8 grant funds from a school district that used such funds in accordance
9 with this paragraph, notwithstanding any inconsistency with a request
10 for proposals issued by such commissioner. For the purpose of attendance
11 improvement and dropout prevention for the 2017--2018 school year, for
12 any city school district in a city having a population of more than one
13 million, the setaside for attendance improvement and dropout prevention
14 shall equal the amount set aside in the base year. For the 2017--2018
15 school year, it is further provided that any city school district in a
16 city having a population of more than one million shall allocate at
17 least one-third of any increase from base year levels in funds set aside
18 pursuant to the requirements of this subdivision to community-based
19 organizations. Any increase required pursuant to this subdivision to
20 community-based organizations must be in addition to allocations
21 provided to community-based organizations in the base year. For the
22 purpose of teacher support for the 2017--2018 school year: to the city
23 school district of the city of New York, sixty-two million seven hundred
24 seven thousand dollars (\$62,707,000); to the Buffalo city school
25 district, one million seven hundred forty-one thousand dollars
26 (\$1,741,000); to the Rochester city school district, one million seven-
27 ty-six thousand dollars (\$1,076,000); to the Yonkers city school
28 district, one million one hundred forty-seven thousand dollars
29 (\$1,147,000); and to the Syracuse city school district, eight hundred
30 nine thousand dollars (\$809,000). All funds made available to a school
31 district pursuant to this section shall be distributed among teachers
32 including prekindergarten teachers and teachers of adult vocational and
33 academic subjects in accordance with this section and shall be in addi-
34 tion to salaries heretofore or hereafter negotiated or made available;
35 provided, however, that all funds distributed pursuant to this section
36 for the current year shall be deemed to incorporate all funds distrib-
37 uted pursuant to former subdivision 27 of section 3602 of the education
38 law for prior years. In school districts where the teachers are repres-
39 ented by certified or recognized employee organizations, all salary
40 increases funded pursuant to this section shall be determined by sepa-
41 rate collective negotiations conducted pursuant to the provisions and
42 procedures of article 14 of the civil service law, notwithstanding the
43 existence of a negotiated agreement between a school district and a
44 certified or recognized employee organization.

45 § 57. Support of public libraries. The moneys appropriated for the
46 support of public libraries by a chapter of the laws of 2017 enacting
47 the aid to localities budget shall be apportioned for the 2017-2018
48 state fiscal year in accordance with the provisions of sections 271,
49 272, 273, 282, 284, and 285 of the education law as amended by the
50 provisions of this chapter and the provisions of this section, provided
51 that library construction aid pursuant to section 273-a of the education
52 law shall not be payable from the appropriations for the support of
53 public libraries and provided further that no library, library system or
54 program, as defined by the commissioner of education, shall receive less
55 total system or program aid than it received for the year 2001-2002
56 except as a result of a reduction adjustment necessary to conform to the

1 appropriations for support of public libraries. Notwithstanding any
2 other provision of law to the contrary the moneys appropriated for the
3 support of public libraries for the year 2017-2018 by a chapter of the
4 laws of 2017 enacting the education, labor and family assistance budget
5 shall fulfill the state's obligation to provide such aid and, pursuant
6 to a plan developed by the commissioner of education and approved by the
7 director of the budget, the aid payable to libraries and library systems
8 pursuant to such appropriations shall be reduced proportionately to
9 assure that the total amount of aid payable does not exceed the total
10 appropriations for such purpose.

11 § 58. Paragraph a-1 of subdivision 11 of section 3602 of the education
12 law, as amended by chapter 45 of part A of chapter 54 of the laws of
13 2016, is amended to read as follows:

14 a-1. Notwithstanding the provisions of paragraph a of this subdivi-
15 sion, for aid payable in the school years two thousand--two thousand one
16 through two thousand nine--two thousand ten, and two thousand eleven--
17 two thousand twelve through two thousand [sixteen] seventeen--two thou-
18 sand [seventeen] eighteen, the commissioner may set aside an amount not
19 to exceed two million five hundred thousand dollars from the funds
20 appropriated for purposes of this subdivision for the purpose of serving
21 persons twenty-one years of age or older who have not been enrolled in
22 any school for the preceding school year, including persons who have
23 received a high school diploma or high school equivalency diploma but
24 fail to demonstrate basic educational competencies as defined in regu-
25 lation by the commissioner, when measured by accepted standardized
26 tests, and who shall be eligible to attend employment preparation educa-
27 tion programs operated pursuant to this subdivision.

28 § 59. Subdivision a of section 5 of chapter 121 of the laws of 1996,
29 relating to authorizing the Roosevelt union free school district to
30 finance deficits by the issuance of serial bonds, as amended by section
31 44 of part A of chapter 54 of the laws of 2016, is amended to read as
32 follows:

33 a. Notwithstanding any other provisions of law, upon application to
34 the commissioner of education submitted not sooner than April first and
35 not later than June thirtieth of the applicable school year, the Roose-
36 velt union free school district shall be eligible to receive an appor-
37 tionment pursuant to this chapter for salary expenses, including related
38 benefits, incurred between April first and June thirtieth of such school
39 year. Such apportionment shall not exceed: for the 1996-97 school year
40 through the [2016-17] 2017-18 school year, four million dollars
41 (\$4,000,000); for the [2017-18] 2018-19 school year, three million
42 dollars (\$3,000,000); for the [2018-19] 2019-20 school year, two million
43 dollars (\$2,000,000); for the [2019-20] 2020-21 school year, one million
44 dollars (\$1,000,000); and for the [2020-21] 2021-22 school year, zero
45 dollars. Such annual application shall be made after the board of
46 education has adopted a resolution to do so with the approval of the
47 commissioner of education.

48 § 60. Subdivision 11 of section 94 of part C of chapter 57 of the laws
49 of 2004, relating to the support of education, as amended by section
50 22-a of Part A of chapter 56 of the laws of 2014, is amended to read as
51 follows:

52 11. section seventy-one of this act shall expire and be deemed
53 repealed June 30, [2017] 2020;

54 § 61. Paragraph b of subdivision 21 of section 305 of the education
55 law, as added by chapter 474 of the laws of 1996, is amended to read as
56 follows:

1 b. The commissioner shall periodically prepare an updated electronic
2 data file containing actual and estimated data relating to apportion-
3 ments due and owing during the current school year and projections of
4 such apportionments for the following school year to school districts
5 and boards of cooperative educational services from the general support
6 for public schools, growth and boards of cooperative educational
7 services appropriations on the following dates: November fifteenth, or
8 such alternative date as may be requested by the director of the budget
9 for the purpose of preparation of the executive budget; February
10 fifteenth, or such alternative date as may be jointly requested by the
11 chair of the senate finance committee and the chair of the assembly ways
12 and means committee; and May fifteenth. For the purposes of using esti-
13 mated data for projections of apportionments for the following school
14 year, when no specific apportionment has yet been made for such school
15 year, but such apportionment has a history of annual reauthorization,
16 the commissioner shall estimate the apportionment at the same level as
17 the preceding school year.

18 § 62. Subdivision 4 of section 51 of part B of chapter 57 of the laws
19 of 2008 amending the education law relating to the universal pre-kinder-
20 garten program, as amended by section 23 of part A of chapter 57 of the
21 laws of 2012, is amended to read as follows:

22 4. section [23] twenty-three of this act shall take effect July 1,
23 2008 and shall expire and be deemed repealed June 30, [2017] 2022;

24 § 63. Section 2 of chapter 658 of the laws of 2002, amending the
25 education law relating to citizenship requirements for permanent certif-
26 ication as a teacher, as amended by chapter 289 of the laws of 2012, is
27 amended to read as follows:

28 § 2. This act shall take effect immediately, and shall expire and be
29 deemed repealed November 30, [2017] 2022.

30 § 64. Paragraph a of subdivision 4 of section 4405 of the education
31 law, as amended by chapter 53 of the laws of 1990, is amended to read as
32 follows:

33 a. The commissioner of education and the commissioner of social
34 services shall develop reimbursement methodologies for the tuition and
35 maintenance components of approved private schools and special act
36 school districts. The commissioner [of education], in consultation with
37 the appropriate state agencies and departments, shall have responsibil-
38 ity for developing [a] reimbursement [methodology] methodologies for
39 tuition which shall be based upon appropriate educational standards
40 promulgated pursuant to regulations of the commissioner [of education].
41 The commissioner of social services, in consultation with appropriate
42 state agencies and departments, shall have responsibility for developing
43 [a] reimbursement [methodology] methodologies for maintenance, pursuant
44 to section three hundred ninety-eight-a of the social services law and
45 the regulations promulgated thereunder.

46 § 65. Notwithstanding any law to the contrary, the state education
47 department shall be exempt from the requirements and the waiver
48 provisions included in budget bulletin B-1182, which took effect August
49 21, 2008. Provided that such department may use such authority to hire
50 additional staff, including but not limited to staff to provide prekin-
51 dergarten technical assistance statewide.

52 § 66. Notwithstanding any provision of law to the contrary, the direc-
53 tor of the division of the budget shall immediately make available all
54 persistently failing school transformation grant funds that were awarded
55 by the state education department, pursuant to chapter 61 of the laws of
56 2015, which amended section 1 of chapter 53 of the laws of 2015, and

1 which was further amended by chapter 53 of the laws of 2016, to those
2 schools identified as persistently struggling schools pursuant to
3 section 211-f of the education law as of July 16, 2015 and whose regis-
4 tration remains in effect as of April 1, 2017.

5 § 67. Tuition rates approved for the 2017--2018 school year for
6 special services or programs provided to school-age students by special
7 act school districts; approved private residential or non-residential
8 schools for the education of students with disabilities that are located
9 within the state; and providers of education to preschool children with
10 disabilities pursuant to section 4410 of the education law shall provide
11 for an increase of at least four percent in reimbursable costs.

12 § 68. Subdivision 8 of section 3602-ee of the education law, as added
13 by section 1 of part CC of chapter 56 of the laws of 2014, is amended to
14 read as follows:

15 8. All teachers in the universal full-day pre-kindergarten program
16 shall meet the same teacher certification standards applicable to public
17 schools. Pre-kindergarten teachers providing instruction through this
18 section shall possess:

19 (a) a teaching license or certificate valid for service in the early
20 childhood grades; or

21 (b) a teaching license or certificate for students with disabilities
22 valid for service in early childhood grades; or

23 (c) for eligible agencies as defined in paragraph b of subdivision one
24 of section thirty-six hundred two-e of this part that are not schools, a
25 bachelor's degree in early childhood education or a related field and a
26 written plan to obtain a certification valid for service in the early
27 childhood grades as follows:

28 (i) for teachers hired on or after the effective date of this section
29 as the teacher for a universal full-day pre-kindergarten classroom,
30 within [three] five years after commencing employment, at which time
31 such certification shall be required for employment; and

32 (ii) for teachers hired by such provider prior to the effective date
33 of this section for other early childhood care and education programs,
34 no later than June thirtieth, two thousand [seventeen] nineteen, at
35 which time such certification shall be required for employment.

36 § 69. Paragraph a of subdivision 14 of section 305 of the education
37 law, as amended by chapter 273 of the laws of 1999, is amended to read
38 as follows:

39 a. (1) All contracts for the transportation of school children, all
40 contracts to maintain school buses owned or leased by a school district
41 that are used for the transportation of school children, all contracts
42 for mobile instructional units, and all contracts to provide, maintain
43 and operate cafeteria or restaurant service by a private food service
44 management company shall be subject to the approval of the commissioner,
45 who may disapprove a proposed contract if, in his or her opinion, the
46 best interests of the district will be promoted thereby. Except as
47 provided in paragraph e of this subdivision, all such contracts involv-
48 ing an annual expenditure in excess of the amount specified for purchase
49 contracts in the bidding requirements of the general municipal law shall
50 be awarded to the lowest responsible bidder, which responsibility shall
51 be determined by the board of education or the trustee of a district,
52 with power hereby vested in the commissioner to reject any or all bids
53 if, in his or her opinion, the best interests of the district will be
54 promoted thereby and, upon such rejection of all bids, the commissioner
55 shall order the board of education or trustee of the district to seek,
56 obtain and consider new proposals. All proposals for such transporta-

1 tion, maintenance, mobile instructional units, or cafeteria and restau-
2 rant service shall be in such form as the commissioner may prescribe.
3 Advertisement for bids shall be published in a newspaper or newspapers
4 designated by the board of education or trustee of the district having
5 general circulation within the district for such purpose. Such adver-
6 tisement shall contain a statement of the time when and place where all
7 bids received pursuant to such advertisement will be publicly opened and
8 read either by the school authorities or by a person or persons desig-
9 nated by them. All bids received shall be publicly opened and read at
10 the time and place so specified. At least five days shall elapse between
11 the first publication of such advertisement and the date so specified
12 for the opening and reading of bids. The requirement for competitive
13 bidding shall not apply to an award of a contract for the transportation
14 of pupils or a contract for mobile instructional units, if such award is
15 based on an evaluation of proposals in response to a request for
16 proposals pursuant to paragraph e of this subdivision. The requirement
17 for competitive bidding shall not apply to annual, biennial, or trienni-
18 al extensions of a contract nor shall the requirement for competitive
19 bidding apply to quadrennial or quinquennial year extensions of a
20 contract involving transportation of pupils, maintenance of school buses
21 or mobile instructional units secured either through competitive bidding
22 or through evaluation of proposals in response to a request for
23 proposals pursuant to paragraph e of this subdivision, when such exten-
24 sions [(1)] (i) are made by the board of education or the trustee of a
25 district, under rules and regulations prescribed by the commissioner,
26 and, [(2)] (ii) do not extend the original contract period beyond five
27 years from the date cafeteria and restaurant service commenced there-
28 under and in the case of contracts for the transportation of pupils, for
29 the maintenance of school buses or for mobile instructional units, that
30 such contracts may be extended, except that power is hereby vested in
31 the commissioner, in addition to his or her existing statutory authority
32 to approve or disapprove transportation or maintenance contracts, [(i)]
33 (A) to reject any extension of a contract beyond the initial term there-
34 of if he or she finds that amount to be paid by the district to the
35 contractor in any year of such proposed extension fails to reflect any
36 decrease in the regional consumer price index for the N.Y.,
37 N.Y.-Northeastern, N.J. area, based upon the index for all urban consum-
38 ers (CPI-U) during the preceding twelve month period, or in a city
39 school district in a city with a population of one million or more for
40 all contracts for school buses used for the transportation of school
41 children, maintenance, and all contracts for mobile instructional units,
42 if the amount to be paid by the district to the contractor in any year
43 of such proposed extension fails to reflect any percentage decrease in
44 the employment cost index (ECI) for total compensation for private
45 industry workers in the northeast region (not seasonally adjusted) for
46 the fourth quarter of the preceding year; [and (ii)] (B) to reject any
47 extension of a contract after ten years from the date transportation or
48 maintenance service commenced thereunder, or mobile instructional units
49 were first provided, if in his or her opinion, the best interests of the
50 district will be promoted thereby. Upon such rejection of any proposed
51 extension, the commissioner may order the board of education or trustee
52 of the district to seek, obtain and consider bids pursuant to the
53 provisions of this section; and (C) to reject any extension of a
54 contract for transportation, or new contract, if he or she finds that
55 the amount to be paid by the district to the contractor in any year of
56 such proposed contract fails to reflect the savings realized from the

1 sales tax exemption on school buses, parts, equipment, lubricants and
2 fuel used for school purposes pursuant to paragraph forty-four of subdi-
3 vision (a) of section eleven hundred fifteen of the tax law. The board
4 of education or the trustee of a school district electing to extend a
5 contract as provided herein, may, in its discretion, increase the amount
6 to be paid in each year of the contract extension by an amount not to
7 exceed the regional consumer price index increase for the N.Y.,
8 N.Y.-Northeastern, N.J. area, based upon the index for all urban consum-
9 ers (CPI-U), during the preceding twelve month period, or in a city
10 school district in a city with a population of one million or more for
11 all contracts for school buses used for the transportation of school
12 children, maintenance, and all contracts for mobile instructional units,
13 by an amount not to exceed the percentage increase in the employment
14 cost index (ECI) total compensation for private industry workers in the
15 northeast region (not seasonally adjusted) for the fourth quarter of the
16 preceding year, provided it has been satisfactorily established by the
17 contractor that there has been at least an equivalent increase in the
18 amount of his or her cost of operation, during the period of the
19 contract.

20 (2) Notwithstanding any other provision of this subdivision, the board
21 of education of a school district located in a city with at least one
22 million inhabitants shall include in contracts for the transportation of
23 school children in kindergarten through grade twelve, whether awarded
24 through competitive bidding or through evaluation of proposals in
25 response to a request for proposals pursuant to paragraph e of this
26 subdivision, provisions for the retention or preference in hiring of
27 school bus workers and for the preservation of wages, health, welfare
28 and retirement benefits and seniority for school bus workers who are
29 hired pursuant to such provisions for retention or preference in hiring,
30 in connection with such contracts. For purposes of this subparagraph,
31 "school bus worker" shall mean an operator, mechanic, dispatcher or
32 attendant who: (i) was employed as of June thirtieth, two thousand ten
33 or at any time thereafter by (A) a contractor that was a party to a
34 contract with the board of education of a school district located in a
35 city with at least one million inhabitants for the transportation of
36 school children in kindergarten through grade twelve, in connection with
37 such contract, or (B) a subcontractor of a contractor that was a party
38 to a contract with the board of education of a school district located
39 in a city with at least one million inhabitants for the transportation
40 of school children in kindergarten through grade twelve, in connection
41 with such contract, and (ii) has been furloughed or become unemployed as
42 a result of a loss of such contract, or a part of such contract, by such
43 contractor or such subcontractor, or as a result of a reduction in
44 service directed by such board of education during the term of such
45 contract.

46 § 70. Paragraph c of subdivision 14 of section 305 of the education
47 law, as amended by chapter 15 of the laws of 2005, is amended to read as
48 follows:

49 c. Each board of education, or the trustees, of a school district
50 which elected or elects to extend one or more pupil transportation
51 contracts may extend a contract in an amount which is in excess of the
52 maximum increase allowed by use of the CPI or for a city school district
53 in a city with a population of one million or more ECI referenced in
54 paragraph a of this subdivision. Such excess amount shall not be greater
55 than the sum of the following: (i) the sum of the actual cost of quali-
56 fying criminal history and driver licensing testing fees attributable to

1 special requirements for drivers of school buses pursuant to articles
2 nineteen and nineteen-A of the vehicle and traffic law plus the actual
3 cost of any diagnostic tests and physical performance tests that are
4 deemed to be necessary by an examining physician or the chief school
5 officer to determine whether an applicant to drive a school bus under
6 the terms of the contract has the physical and mental ability to operate
7 a school transportation conveyance and to satisfactorily perform the
8 other responsibilities of a school bus driver pursuant to regulations of
9 the commissioner; (ii) in a school district located in a city with at
10 least one million inhabitants, the actual cost of clean air technology
11 filters and Global Positioning System (GPS) technology; (iii) in a
12 school district located in a city with at least one million inhabitants,
13 with respects only to any extension beginning in fiscal year two thou-
14 sand five--two thousand six, the sum of the actual cost of providing
15 school bus attendants including the actual cost of criminal history
16 record checks for school bus attendant applicants and training and
17 instruction for school bus attendants pursuant to section twelve hundred
18 twenty-nine-d of the vehicle and traffic law plus up to five percent of
19 such cost for necessary administrative services; and (iv) the actual
20 cost of equipment or vehicle modification, or training required, by any
21 state or local legislation or regulation promulgated or effective on or
22 after June first, two thousand five. Such costs shall be approved by the
23 commissioner upon documentation provided by the school district and
24 contractor as required by the commissioner.

25 § 71. Subdivision (a) of section 1115 of the tax law is amended by
26 adding a new paragraph 44 to read as follows:

27 (44) School buses as such term is defined in section one hundred
28 forty-two of the vehicle and traffic law, and parts, equipment, lubri-
29 cants and fuel purchased and used in their operation.

30 § 72. The education law is amended by adding a new section 3602-eee to
31 read as follows:

32 § 3602-eee. Additional expanded prekindergarten. 1. Beginning in the
33 two thousand seventeen--two thousand eighteen school year fifty million
34 dollars (\$50,000,000) shall be made available for additional grants for
35 an expanded prekindergarten program for three- and four-year old
36 students; provided that such grants shall be awarded based on a method-
37 ology developed by the commissioner to school districts to establish new
38 full-day and half-day prekindergarten placements for three-year-olds and
39 four-year-olds. Such grants shall be awarded based on factors including,
40 but not limited to, the following: (i) measures of school district need,
41 (ii) measures of the need of students to be served by each of the school
42 districts, (iii) the school district's proposal to target the highest-
43 need schools and students, and (iv) the extent to which the district's
44 proposal would prioritize funds to maximize the total number of eligible
45 children in the district served in prekindergarten programs.

46 2. Grants appropriated herein shall only be available to support
47 programs (i) that agree to offer instruction consistent with applicable
48 New York state prekindergarten early learning standards; and (ii) that
49 otherwise comply with all of the same rules and requirements as
50 universal prekindergarten programs pursuant to section three thousand
51 six hundred two-e of this article.

52 3. Notwithstanding paragraph c of subdivision one of section three
53 thousand six hundred two-e of this article, for the purposes of this
54 appropriation, an eligible child shall be a resident child who is three
55 years of age on or before December first of the year in which he or she
56 is enrolled. As a condition of eligibility for receipt of such funding

1 for three-year-olds, a school district must currently offer a prekinde-
2 garten program for four-year-old children, or children who would other-
3 wise be eligible under paragraph c of subdivision one of section three
4 thousand six hundred two-e of this article. A school district may only
5 be granted as many full-day or half-day placements for three-year-old
6 children as it currently offers for four-year-old children, or children
7 who would otherwise be eligible under paragraph c of subdivision one of
8 section three thousand six hundred two-e of this article.

9 4. A school district's grant shall equal the product of (a) (i) two
10 multiplied by the approved number of new full-day prekindergarten place-
11 ments plus (ii) the approved number of new half-day prekindergarten
12 placements, and (b) the district's selected aid per prekindergarten
13 pupil pursuant to subparagraph (i) of paragraph b of subdivision ten of
14 section three thousand six hundred two-e of this article; provided,
15 however, that no district shall receive a grant in excess of the total
16 actual grant expenditures incurred by the district in the current school
17 year as approved by the commissioner.

18 § 73. No later than September 1, 2017, the chancellor of the New York
19 city department of education shall complete a study on the admission
20 processes of the specialized senior high schools established pursuant to
21 section 2590-h of the education law, including those which the city
22 board may have designated. Such study shall seek to identify barriers to
23 admission by underrepresented students and identify ways to make such
24 schools' student populations more similarly reflect the student popu-
25 lation of the district as a whole while maintaining a competitive and
26 rigorous admission process. A copy of such report shall be provided to
27 the governor, the temporary president of the senate, and the speaker of
28 the assembly.

29 § 74. Notwithstanding any provision of the law to the contrary, for
30 the Newburgh city school district, having a penalty arising from the
31 late filing of a final cost report for project number 0001-011, the
32 commissioner of education shall recover such penalty in five equal annu-
33 al installments beginning in June of 2018. Provided further that such
34 district may elect to make an initial payment no later than thirty days
35 in advance of the first annual installment which shall reduce the amount
36 of each annual installment.

37 § 75. Notwithstanding any provision of law to the contrary, for the
38 North Syracuse central school district, having a penalty arising from
39 the late filing of a final cost report for project numbers 5037-010,
40 0003-007, 0011-012, 7999-001, 0016-019 and 0009-014, the commissioner of
41 education shall recover such penalty in five equal annual installments
42 beginning in June of 2018. Provided further that such district may elect
43 to make an initial payment no later than thirty days in advance of the
44 first annual installment which shall reduce the amount of each annual
45 installment.

46 § 76. No later than June 30, 2018, the commissioner of education shall
47 prepare and submit to the governor, the temporary president of the
48 senate and the speaker of the assembly a report on student discipline
49 and best practices for establishing a safe, respectful and supportive
50 learning environment. Such report shall study and make recommendations
51 on programs, practices and policies that may be implemented by schools
52 to establish a school climate that promotes positive student behaviors,
53 holds students accountable and keeps students in school and class. Such
54 report shall consider the use of restorative practices including but not
55 limited to conflict resolution, mediation, and peer counseling in

1 addressing student misconduct. Such commissioner shall consult with
2 stakeholders and other interested parties when preparing such report.

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

14 § 78. This act shall take effect immediately, and shall be deemed to
15 have been in full force and effect on and after April 1, 2017, provided,
16 however, that:

17 1. sections one, nineteen, twenty-two, twenty-three, twenty-four,
18 twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine, thir-
19 ty, thirty-three, thirty-four, thirty-five, forty-four, forty-eight,
20 forty-nine, fifty-one, fifty-five, fifty-six, fifty-eight and fifty-nine
21 of this act shall take effect July 1, 2017;

22 2. the amendments to paragraph b-1 of subdivision 4 of section 3602 of
23 the education law made by section twenty-one of this act shall not
24 affect the expiration of such paragraph pursuant to section 13 of part A
25 of chapter 97 of the laws of 2011, as amended, and shall expire there-
26 with;

27 3. the amendments to chapter 756 of the laws of 1992, relating to
28 funding a program for work force education conducted by a consortium for
29 worker education in New York City, made by sections forty-four and
30 forty-five of this act, shall not affect the repeal of such chapter and
31 shall be deemed repealed therewith;

32 4. the amendments to chapter 89 of the laws of 2016, relating to
33 supplementary funding for dedicated programs for public school students
34 in the East Ramapo central school district, made by section forty-eight
35 of this act shall not affect the repeal of such chapter and shall be
36 deemed repealed therewith;

37 5. the amendments to subdivision 33 of section 305 of the education
38 law, made by section seven of this act, shall not affect the repeal of
39 such subdivision and shall be deemed repealed therewith;

40 6. the amendments to subdivision 7 of section 2802 of the education
41 law, made by section eight of this act, shall not affect the repeal of
42 such subdivision and shall be deemed repealed therewith;

43 7. the amendments to subdivision 7 of section 3214 of the education
44 law, made by section nine of this act, shall not affect the repeal of
45 such subdivision and shall be deemed repealed therewith; and

46 8. the amendments to paragraph c of subdivision 14 of section 305 of
47 the education law, made by section seventy of this act, shall take
48 effect on the first day of a quarterly sales tax period, as set forth in
49 subdivision (b) of section 1136 of the tax law, next succeeding April 1,
50 2017.

51 PART A-1

52 Section 1. Subdivision 1 of section 2851 of the education law, as
53 amended by chapter 101 of the laws of 2010, is amended to read as
54 follows:

1 1. An application to establish a charter school may be submitted by
2 teachers, parents, school administrators, community residents or any
3 combination thereof. Such application may be filed in conjunction with
4 a college, university, museum, educational institution, not-for-profit
5 corporation exempt from taxation under paragraph 3 of subsection (c) of
6 section 501 of the internal revenue code or for-profit business or
7 corporate entity authorized to do business in New York state. Provided
8 however, for-profit business or corporate entities shall not be eligible
9 to submit an application to establish a charter school pursuant to
10 subdivision nine-a of section twenty-eight hundred fifty-two of this
11 article, or operate or manage a charter school for a charter issued
12 pursuant to subdivision nine-a of section twenty-eight hundred fifty-two
13 of this article. For charter schools established in conjunction with a
14 for-profit or not-for-profit business or corporate entity, the charter
15 shall specify the extent of the entity's participation in the management
16 and operation of the school.

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10 § 9. The opening paragraph and subparagraph 1 of paragraph (e) of
11 subdivision 3 of section 2853 of the education law, as added by section
12 5 of part BB of chapter 56 of the laws of 2014, are amended to read as
13 follows:

14 [In] Except as provided in subparagraph seven of this paragraph, a
15 city school district in a city having a population of one million or
16 more inhabitants, charter schools that first commence instruction or
17 that require additional space due to an expansion of grade level, pursu-
18 ant to this article, approved by their charter entity for the two thou-
19 sand fourteen--two thousand fifteen school year or thereafter and
20 request co-location in a public school building and demonstrates to the
21 city school district that the charter school does not have the financial
22 capacity to procure adequate facilities shall be provided access to
23 facilities pursuant to this paragraph for such charter schools that
24 first commence instruction or that require additional space due to an
25 expansion of grade level, pursuant to this article, approved by their
26 charter entity for those grades newly provided.

27 (1) Notwithstanding any other provision of law to the contrary, within
28 the later of (i) five months after a charter school's written request
29 for co-location and (ii) provided that a charter school demonstrates
30 that it lacks the financial capacity to procure adequate facilities,
31 thirty days after the charter school's charter is approved by its char-
32 ter entity, the city school district shall either: (A) offer at no cost
33 to the charter school a co-location site in a public school building
34 approved by the board of education as provided by law, or (B) offer the
35 charter school space in a privately owned or other publicly owned facil-
36 ity at the expense of the city school district and at no cost to the
37 charter school for three years. The space must be reasonable, appropri-
38 ate and comparable and in the community school district to be served by
39 the charter school and otherwise in reasonable proximity.

40 § 10. Paragraph (e) of subdivision 3 of section 2853 of the education
41 law is amended by adding a new subparagraph 7 to read as follows:

42 (7) (A) No charter school that, either alone or in combination with any
43 charter affiliate, has any direct or indirect interest in, or may be
44 entitled to receive any beneficial interest from, any asset or assets of
45 any kind or nature that alone or combined have a value exceeding one
46 million dollars, shall be offered or entitled to receive: (i) a co-lo-
47 cation site in a public school building at no cost; or (ii) a space in a
48 privately or publicly owned facility at the expense of the city school
49 district.

50 (B) Nothing in this subparagraph shall prohibit a charter school from
51 receiving a co-location in a public building at fair market value unless
52 doing so would negatively impact the size of classes in any other school
53 in the building.

54 (C) As used in this subparagraph the term "charter affiliate" means:
55 (i) any entity that is directly or indirectly controlled by, in control
56 of, or under common control with, the charter school or (ii) any entity

1 that provides management, fundraising or other administrative support
2 services to the charter school.

3 § 11. Paragraph (c) of subdivision 4 of section 2853 of the education
4 law, as amended by section 1 of part BB of chapter 56 of the laws of
5 2014, is amended to read as follows:

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

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

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

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

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

23 (b) If a charter school either alone or together with any charter
24 affiliate has any direct or indirect interest in, or may be entitled to
25 receive any beneficial interest in, any asset or assets of any kind or
26 nature, alone or together, with a value in excess of one million
27 dollars, the charter school shall:

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

31 (ii) ensure that the financial statements of the charter school and
32 any charter affiliate are audited in accordance with generally accepted
33 auditing standards by an independent certified public accountant or an
34 independent public accountant, that such audit receives an "unqualified"
35 opinion as to, among other things, compliance with generally accepted
36 accounting principles and that such audit is completed within nine
37 months of the conclusion of the fiscal year.

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

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

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

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

52 (iv) any compensation or remuneration, whether paid or given, includ-
53 ing but not limited to salary, bonus, and deferred compensation and any
54 benefit having monetary value, including but not limited to, perqui-
55 sites, fringe benefits, employer contributions to defined contribution

1 retirement plans and other retirement or severance benefits received by
2 a charter executive from any source.

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

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

19 (e) Any report required pursuant to this subdivision shall be made to
20 the board of regents, the school's charter entity, and the comptroller
21 of the city of New York for charter schools located in New York city and
22 the comptroller of the state of New York for charter schools located
23 outside of the city of New York. The commissioner shall ensure that such
24 report is made publicly available via the department's official internet
25 website within five days of its receipt.

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

30 (g) As used in this subdivision:

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

40 (ii) "charter affiliate" means: (A) any entity that is, directly or
41 indirectly, controlled by, in control of, or under common control with
42 the charter school or (B) any entity or affiliate thereof that provides
43 management, fundraising, or other administrative support services to the
44 charter school.

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

50 § 13. Section 2853 of the education law is amended by adding a new
51 subdivision 6 to read as follows:

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

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

10 (ii) If the department and the director of the division of the budget
11 find good cause after considering the factors set forth in subparagraph
12 (iv) of this paragraph, a waiver of the limit on total compensation that
13 a charter executive may receive may be granted, provided, however, that
14 in no event shall the total compensation exceed one hundred and fifty
15 percent of Level I of the federal government's Rates of Basic Pay for
16 the Executive Schedule promulgated by the United States Office of
17 Personnel Management.

18 (iii) The application for a waiver must be filed no later than the
19 fifteenth day of February of the year for which the waiver is sought.
20 The application shall be transmitted in the manner and form specified by
21 the department and the director of the division of the budget. A waiver
22 may be only for the single calendar year in which it is granted.

23 (iv) The following factors, in addition to any other deemed relevant
24 by the department and the director of the division of the budget, shall
25 be considered in the determination of whether good cause exists to grant
26 a waiver:

27 (A) the extent to which the executive compensation that is the subject
28 of the waiver request is comparable to that given to comparable charter
29 executives of charter schools or charter affiliates of the same size and
30 within the same or comparable geographic area;

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

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

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

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

48 (F) the charter school or charter affiliate's efforts, if any, to
49 secure a charter executive with the same levels of experience, exper-
50 tise, and skills for the position of the charter executive at lower
51 levels of compensation.

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

54 (vi) Unless additional information has been requested but not received
55 from the charter school or charter affiliate, a decision on a timely

1 submitted waiver application shall be provided no later than sixty
2 calendar days after submission of the application.

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

6 (A) the total compensation that is the subject of the waiver
7 increases; or

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

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

14 (ix) Where a waiver is granted, the department shall make it publicly
15 available via the department's official internet website within five
16 days.

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

22 (d) Failure to comply with the provisions of this subdivision shall
23 result in the assessment of a penalty against the payor in an amount
24 equal to the amount of compensation paid or provided in violation of
25 this subdivision.

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

30 (f) As used in this subdivision:

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

40 (ii) "charter affiliate" means: (A) any entity that is, directly or
41 indirectly, controlled by, in control of, or under common control with
42 the charter school or (B) any entity or affiliate thereof that provides
43 management, fundraising, or other administrative support services to the
44 charter school.

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

50 § 14. Section 2853 of the education law is amended by adding a new
51 subdivision 7 to read as follows:

52 7. Notification of disenrollment. Within five business days of a
53 student who was enrolled by the charter school ceasing to be enrolled, a
54 charter school shall notify the superintendent of the district in which
55 the charter school is located or, for charter schools located within the
56 geographic area served by the city school district of the city of New

1 York, the chancellor of the city school district of the city of New
2 York, of the name of such student.

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

6 (5) For a new charter school whose charter is granted or for an exist-
7 ing charter school whose expansion of grade level, pursuant to this
8 article, is approved by their charter entity, if the appeal results in a
9 determination in favor of the charter school, for six years the city
10 school district shall pay the charter school (A) for the initial three
11 years in which aid is payable, an amount attributable to the grade level
12 expansion or the formation of the new charter school that is equal to
13 the lesser of:

14 [(A)] (i) the actual rental cost of an alternative privately owned
15 site selected by the charter school or

16 [(B)] (ii) twenty percent of the product of the charter school's basic
17 tuition for the current school year and [(i)](I) for a new charter
18 school that first commences instruction on or after July first, two
19 thousand fourteen, the charter school's current year enrollment; or
20 [(ii)] (II) for a charter school which expands its grade level, pursuant
21 to this article, the positive difference of the charter school's enroll-
22 ment in the current school year minus the charter school's enrollment in
23 the school year prior to the first year of the expansion; and

24 (B) in the fourth year, the city school district shall pay ninety
25 percent multiplied by the amount calculated pursuant to clause (A) of
26 this subparagraph; and

27 (C) in the fifth year, the city school district shall pay sixty
28 percent multiplied by the amount calculated pursuant to clause (A) of
29 this subparagraph; and

30 (D) in the sixth year, the city school district shall pay thirty
31 percent multiplied by the amount calculated pursuant to clause (A) of
32 this subparagraph.

33 § 16. Paragraph (b) of subdivision 1 of section 2854 of the education
34 law, as amended by section 10-b of part A of chapter 56 of the laws of
35 2014, is amended to read as follows:

36 (b) A charter school shall meet the same health and safety, civil
37 rights, and student assessment requirements applicable to other public
38 schools, except as otherwise specifically provided in this article. A
39 charter school shall be exempt from all other state and local laws,
40 rules, regulations or policies governing public or private schools,
41 boards of education, school districts and political subdivisions,
42 including those relating to school personnel and students, except as
43 specifically provided in the school's charter or in this article. Noth-
44 ing in this subdivision shall affect the requirements of compulsory
45 education of minors established by part one of article sixty-five of
46 this chapter, nor shall anything in this subdivision affect the require-
47 ments of the charter school to comply with section one hundred three of
48 the general municipal law and articles eight and nine of the labor law
49 with respect to the construction, reconstruction, demolition, exca-
50 vation, rehabilitation, repair, renovation, or alteration of any charter
51 school facility.

52 § 17. Subdivision 2 of section 2854 of the education law, as added by
53 chapter 4 of the laws of 1998, paragraph (a) as amended by chapter 101
54 of the laws of 2010, and paragraph (b) as amended by section 3 of
55 subpart A of part B of chapter 20 of the laws of 2015, is amended to
56 read as follows:

1 2. Admissions; enrollment; students. (a) A charter school shall be
2 nonsectarian in its programs, admission policies, employment practices,
3 and all other operations and shall not charge tuition or fees; provided
4 that a charter school may require the payment of fees on the same basis
5 and to the same extent as other public schools. A charter school shall
6 not discriminate against any student, employee or any other person on
7 the basis of ethnicity, national origin, gender, or disability or any
8 other ground that would be unlawful if done by a school. Admission of
9 students shall not be limited on the basis of intellectual ability,
10 measures of achievement or aptitude, athletic ability, disability, race,
11 creed, gender, national origin, religion, or ancestry; provided, howev-
12 er, that nothing in this article shall be construed to prevent the
13 establishment of a single-sex charter school or a charter school
14 designed to provide expanded learning opportunities for students at-risk
15 of academic failure or students with disabilities and English language
16 learners; and provided, further, that the charter school shall demon-
17 strate good faith efforts to attract and retain [a comparable] an equal
18 or greater enrollment of students with disabilities, English language
19 learners, and students who are eligible applicants for the free and
20 reduced price lunch program when compared to the enrollment figures for
21 such students in the school district in which the charter school is
22 located. A charter shall not be issued to any school that would be whol-
23 ly or in part under the control or direction of any religious denomi-
24 nation, or in which any denominational tenet or doctrine would be
25 taught.

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

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

53 (iii) Prior to a charter school selecting or enrolling students for
54 the next school year, the commissioner shall provide the charter school
55 with the minimum number of students it must enroll and continually keep
56 enrolled in each category pursuant to subparagraph (ii) of this para-

1 graph. The minimum number of students each charter school must enroll
2 and continually keep enrolled in each category pursuant to subparagraph
3 (ii) of this paragraph shall be made public by the commissioner no later
4 than five business days after it has been provided to the charter
5 school.

6 (iv) A charter school shall enroll each eligible student who submits a
7 timely application by the first day of April each year[,] unless the
8 number of applications exceeds the capacity of the grade level or build-
9 ing or would cause the charter school to be below the minimum number of
10 students it must enroll and continually keep enrolled in each category
11 pursuant to subparagraph (ii) of this paragraph. In such cases, students
12 shall be accepted from among applicants by a random selection process,
13 provided[, however,] that separate random selection processes shall be
14 conducted for students that are not in any category set forth in subpar-
15 agraph (ii) of this paragraph and for students in each category set
16 forth in subparagraph (ii) of this paragraph such that a charter school
17 enrolls at least the minimum number of students required pursuant to
18 subparagraph (ii) of this paragraph.

19 (v) Where a charter school does not enroll the minimum number of
20 students it must enroll and continually keep enrolled in each category
21 set forth in subparagraph (ii) of this paragraph, the charter school
22 shall hold open a sufficient number of enrollment spaces such that it is
23 possible for the charter school, consistent with its charter, to subse-
24 quently enroll the number of students required by subparagraph (ii) of
25 this paragraph.

26 (vi) A charter school may provide an enrollment preference [shall be
27 provided] to pupils returning to the charter school in the second or any
28 subsequent year of operation and pupils residing in the school district
29 in which the charter school is located, and siblings of pupils already
30 enrolled in the charter school provided that the charter school enrolls
31 and continually keeps enrolled the minimum number of students required
32 in each category pursuant to subparagraph (ii) of this paragraph and
33 holds open the number of enrollment spaces as required by subparagraph
34 (v) of this paragraph. Preference may also be provided to children of
35 employees of the charter school or charter management organization,
36 provided that the charter school enrolls and continually keeps enrolled
37 the minimum number of students required in each category pursuant to
38 subparagraph (ii) of this paragraph and holds open the number of enroll-
39 ment spaces as required by subparagraph (v) of this paragraph and
40 provided further that such children of employees may constitute no more
41 than fifteen percent of the charter school's total enrollment.

42 (vii) For purposes of this paragraph, if a student withdraws from a
43 charter school as a result of a voluntary decision of the student's
44 parent or guardian and, as a direct result, the charter school no longer
45 has the minimum number of students in each category required pursuant to
46 subparagraph (ii) of this paragraph, the charter school shall neverthe-
47 less be considered to have continually kept enrolled the minimum number
48 of students required by subparagraph (ii) of this paragraph if, within
49 thirty days of the student being withdrawn, the charter school replaces
50 the student that was withdrawn with a different student such that the
51 charter school has the minimum number of students in each category
52 required pursuant to subparagraph (ii) of this paragraph, provided
53 however, that this subparagraph shall not apply (A) if the charter
54 school was already in violation of the requirements of subparagraph (ii)
55 of this paragraph at the time the student was withdrawn or (B) if the
56 decision of the student's parent or guardian was substantially motivated

1 by any action or inaction of the charter school, or any of its agents or
2 employees, that was in violation of any law, rule, or regulation.

3 (viii) (A) A charter school shall report the names of any parents or
4 guardians of students who are on a waitlist for enrollment in the char-
5 ter school to the superintendent of the district in which the charter
6 school is located or, for charter schools located within the geographic
7 area served by the city school district of the city of New York, the
8 chancellor of the city school district of the city of New York, whether
9 each such student is in one of the categories set forth in subparagraph
10 (ii) of this paragraph and, if so, which one.

11 (B) A charter school that, at any time, does not have enrolled the
12 minimum number of students required in each category pursuant to subpar-
13 agraph (ii) of this paragraph shall notify the superintendent of the
14 district in which the charter school is located or, for charter schools
15 located within the geographic area served by the city school district of
16 the city of New York, the chancellor of the city school district of the
17 city of New York, within five days of the date of the school being below
18 the minimum number of students. A separate notification shall be
19 provided each time a charter school's enrollment falls below the minimum
20 in any category pursuant to subparagraph (ii) of this paragraph.

21 (C) Where the superintendent of the district or the chancellor of the
22 city school district of the city of New York receives notification
23 pursuant to clause (B) of this subparagraph, he or she shall first offer
24 the enrollment spaces to any parents or guardians of students who are in
25 a category in which the charter school is below the minimum set forth in
26 subparagraph (ii) of this paragraph who are on the school's waitlist,
27 then to any parents or guardians of students who are in a category in
28 which the charter school is below the minimum set forth in subparagraph
29 (ii) of this paragraph who are on the waitlist of another charter school
30 in the district in which the charter school is located or, for charter
31 schools located within the geographic area served by the city school
32 district of the city of New York geographically located in the community
33 school district, and then to any other parents or guardians of students
34 who are in a category in which the charter school is below the minimum
35 set forth in subparagraph (ii) of this paragraph who reside in the
36 district; such process of enrollment offers shall continue until the
37 charter school is no longer below such minimum in any category or such
38 superintendent or chancellor certifies there are no such students seek-
39 ing enrollment.

40 (D) Offers made pursuant to this subparagraph shall be made in writing
41 in the parent or guardian's primary language. Where an offer is made
42 pursuant to this subparagraph and the parent or guardian accepts, the
43 charter school shall enroll the student within five calendar days of the
44 offer being accepted.

45 (ix) (A) For each month during the school year, a charter school shall
46 report the number of students then enrolled, as of the first day of the
47 month, in each category set forth in subparagraph (ii) of this paragraph
48 and the number of students then enrolled, as of the first day of the
49 month, that are in none of the categories set forth in subparagraph (ii)
50 of this paragraph.

51 (B) Reports pursuant to this subparagraph shall be made to the board
52 of regents, the school's charter entity, the comptroller of the city of
53 New York for charter schools located in New York city and the comp-
54 troller of the state of New York for charter schools located outside of
55 the city of New York, and the superintendent of the district in which
56 the charter school is located or, for charter schools located within the

1 geographic area served by the city school district of the city of New
2 York, the chancellor of the city school district of the city of New
3 York. The commissioner shall ensure that such report is made publicly
4 available via such department's official internet website within five
5 days of its receipt.

6 (C) Reports pursuant to this subparagraph shall be made on the fifth
7 day of the ensuing month during the school year and shall be accompanied
8 by a statement, under oath, by the chairperson of the school's board of
9 trustees or other appropriate member of the board of trustees, that,
10 after the due inquiry, the reports are true and correct and have been
11 provided to each member of the school's board of trustees.

12 (x) The commissioner shall establish regulations to require that the
13 random selection [process] processes conducted pursuant to this para-
14 graph be performed in a transparent and equitable manner and to require
15 that the time and place of the random selection process be publicized in
16 a manner consistent with the requirements of section one hundred four of
17 the public officers law and be open to the public. [For] Except where
18 another definition is provided, for the purposes of this paragraph and
19 paragraph (a) of this subdivision, the school district in which the
20 charter school is located shall mean, for the city school district of
21 the city of New York, the community district in which the charter school
22 is located.

23 (xi) The commissioner may, by regulation, require the board of educa-
24 tion of each school district or the chancellor of the city school
25 district of the city of New York to provide to him or her such informa-
26 tion as is necessary to calculate the minimum number of students a char-
27 ter school must enroll and continually have enrolled pursuant to subpar-
28 agraph (ii) of this paragraph. Such information shall be made public by
29 the commissioner within five business days of receipt.

30 (xii) (A) If a charter school fails to enroll the number of students
31 required by subparagraph (ii) of this paragraph the appropriate school
32 district shall withhold from the charter school's funding an amount
33 equal to the additional per pupil funding the charter school would have
34 received had each student not enrolled as required by subparagraph (ii)
35 of this paragraph been enrolled.

36 (B) Money withheld by the school district in accordance with this
37 subparagraph shall be returned to the commissioner for distribution to
38 each of the school districts, using an equitable formula determined by
39 the commissioner, provided the charter school or schools from which the
40 monies are withheld shall not be entitled to the return of any money
41 withheld pursuant to this subparagraph or any additional monies as a
42 result of the commissioner's distribution of funds pursuant to this
43 subparagraph.

44 (xiii) (A) No charter school shall first commence instruction if it is
45 operated by, managed by, affiliated with, in the same chain as, shares
46 the same management company as, or has any common charter applicant as,
47 a school that has been in violation, within the last two years, of the
48 enrollment requirements of subparagraph (ii) of this paragraph.

49 (B) No charter school shall expand beyond the grades with enrolled
50 students, even if such expansion is authorized by its charter, if it has
51 been in violation, within the last two years, of the enrollment require-
52 ments of subparagraph (ii) of this paragraph.

53 (C) A charter school that does not have enrolled the minimum number of
54 students as required by subparagraph (ii) of this paragraph shall not be
55 offered or entitled pursuant to paragraph (e) of subdivision three of
56 section two thousand eight hundred fifty-three of this article (1) a

1 co-location site in a public school building at no cost or (2) space in
2 a privately owned or other publicly owned facility at the expense of the
3 city school district. A charter school that has already been co-located
4 in a public school building or given space in a privately owned or other
5 publicly owned facility pursuant to this paragraph and then fails to
6 continually have enrolled the required minimum number of students shall
7 be required to pay the fair market value of such space for such period
8 of time of non-compliance.

9 (xiv) The provisions of this paragraph shall be enforceable by the
10 commissioner or by a court of competent jurisdiction. Any employee of
11 the school district in which the charter school is located or the parent
12 or guardian of a student attending the district in which the charter
13 school is located shall have standing to enforce the provisions of this
14 paragraph.

15 (xv) A charter school's failure to comply with the provisions of this
16 paragraph shall be a very significant factor in determining whether the
17 charter entity or the board of regents terminates the school's charter.

18 (b-1) Prior to submission of enrollment counts to a school district
19 pursuant to subdivision one of section twenty-eight hundred fifty-six of
20 this article, on or after October first of the two thousand seventeen--
21 two thousand eighteen school year and October first of each school year
22 thereafter, a charter school shall determine whether that school
23 district is the school district of residence of each student for whom
24 enrollment is claimed. Such residency determination shall be made in
25 accordance with the regulations of the commissioner and the residency
26 policy of the school district in which the charter school is located,
27 provided that the charter school may fulfill such requirement by requir-
28 ing that the parents or other persons in parental relation register
29 their child with the school district they have identified as their
30 school district of residence. Notwithstanding any other provision of
31 law to the contrary, the parents or other persons in parental relation
32 shall not be required to annually prove their continued residency,
33 provided that they either annually certify to the charter school and the
34 school district of residence that their residency has not changed or
35 notify the charter school and the school district that their residency
36 has changed and that a new school district of residence should be iden-
37 tified pursuant to this paragraph. Upon making a residency determi-
38 nation, a charter school making its own residency determination shall
39 promptly submit its proof of residence to the school district identified
40 as the district of residence for purposes of enrollment of the student
41 in such school district in accordance with subdivision one of section
42 twenty-eight hundred fifty-six of this article, and the provision of
43 services pursuant to subdivision four of section twenty-eight hundred
44 fifty-three of this article. In the event of a dispute over the residen-
45 cy of a student, the school district shall make its own residency deter-
46 mination pursuant to the regulations of the commissioner after consider-
47 ing the proof of residency submitted by the charter school, and such
48 determination may be appealed to the commissioner by the charter school
49 or by the parent or other person in parental relation or both pursuant
50 to section three hundred ten of this chapter. During the pendency of
51 such appeal, the student shall be deemed enrolled in the school
52 district, shall be entitled to services pursuant to subdivision four of
53 section twenty-eight hundred fifty-three of this article, and the school
54 district shall be liable for charter school tuition, provided that upon
55 a final determination in such appeal that the student is not a resident
56 of the school district, the school district may deduct the cost of such

1 tuition and services from future payments due the charter school. The
2 provisions of this paragraph shall not apply to charter schools located
3 in a city having a population of one million or more.

4 (c) A charter school shall serve one or more of the grades one through
5 twelve, and shall limit admission to pupils within the grade levels
6 served. Nothing herein shall prohibit a charter school from establishing
7 a kindergarten program.

8 (d) A student may withdraw from a charter school at any time and
9 enroll in a public school. [A charter school may refuse admission to any
10 student who has been expelled or suspended from a public school until
11 the period of suspension or expulsion from the public school has
12 expired, consistent with the requirements of due process]

13 (i) A student may only be disciplined, suspended or expelled from a
14 charter school in accordance with the applicable provisions of subdivi-
15 sions two-a, three, and three-a of section thirty-two hundred fourteen
16 of this chapter. Every charter school shall develop a code of conduct in
17 accordance with the provisions of section twenty-eight hundred one of
18 this title.

19 (ii) Every charter school shall submit a detailed annual report
20 regarding disciplinary measures imposed on students. The report shall be
21 submitted to the charter entity and the board of regents as part of the
22 annual report required pursuant to subdivision two of section twenty-
23 eight hundred fifty-seven of this article. The report shall be in a form
24 prescribed by the commissioner, and shall include, but not be limited
25 to, number of classroom removals, number of in-school suspensions,
26 number of out-of-school suspensions, number of expulsions, and the
27 action the student took that led to each disciplinary measure imposed.
28 Such data shall be disaggregated by race/ethnicity, status as a student
29 with a disability and status as an English language learner. The report
30 shall be posted on the department's website.

31 (iii) For the purposes of this subdivision:

32 (A) the term "superintendent," "superintendent of schools," "district
33 superintendent of schools," or "community superintendent," as used in
34 subdivision three of section thirty-two hundred fourteen of this chap-
35 ter, as such terms relate to charter schools shall mean the chairperson
36 of the board of trustees of the charter school or the chief school offi-
37 cer of the charter school; and

38 (B) the term "board of education" or "board," as used in subdivision
39 three of section thirty-two hundred fourteen of this chapter, as such
40 terms relate to charter schools shall mean the board of trustees of the
41 charter school.

42 § 18. Subdivision 1 of section 2855 of the education law, as amended
43 by chapter 101 of the laws of 2010, is amended to read as follows:

44 1. The charter entity, or the board of regents, may terminate a char-
45 ter upon any of the following grounds:

46 (a) When a charter school's outcome on student assessment measures
47 adopted by the board of regents falls below the level that would allow
48 the commissioner to revoke the registration of another public school,
49 and student achievement on such measures has not shown improvement over
50 the preceding three school years;

51 (b) [Serious violations] A violation of law;

52 (c) [Material and substantial] A violation of the charter[, including
53 fiscal mismanagement];

54 (d) When the public employment relations board makes a determination
55 that the charter school [demonstrates a practice and pattern of egre-
56 gious and intentional violations of] has violated subdivision one of

1 section two hundred nine-a of the civil service law involving interfer-
2 ence with or discrimination against employee rights under article four-
3 teen of the civil service law; or the national labor relations board
4 created pursuant to subchapter II of chapter seven of title twenty-nine
5 of the United States Code, or any person or entity to whom the national
6 labor relations board has lawfully delegated its authority, makes a
7 determination that the charter school has violated section 158(a) of
8 title twenty-nine of the United States Code; or

9 (e) [Repeated failure] Failure to comply with the requirement to meet
10 or exceed enrollment and retention targets of students with disabili-
11 ties, English language learners, and students who are eligible appli-
12 cants for the free and reduced price lunch program pursuant to targets
13 established by the board of regents or the board of trustees of the
14 state university of New York, as applicable. Provided, however, if no
15 grounds for terminating a charter are established pursuant to this
16 section other than pursuant to this paragraph, and the charter school
17 demonstrates that it has made extensive efforts to recruit and retain
18 such students, including outreach to parents and families in the
19 surrounding communities, widely publicizing the lottery for such school,
20 and efforts to academically support such students in such charter
21 school, then the charter entity or board of regents may retain such
22 charter.

23 § 19. Paragraph (e) of subdivision 1 of section 2855 of the education
24 law, as added by chapter 101 of the laws of 2010, is amended and a new
25 paragraph (f) is added to read as follows:

26 (e) [Repeated failure to comply with the requirement to meet or exceed
27 enrollment and retention targets of students with disabilities, English
28 language learners, and students who are eligible applicants for the free
29 and reduced price lunch program pursuant to targets established by the
30 board of regents or the board of trustees of the state university of New
31 York, as applicable. Provided, however, if no grounds for terminating a
32 charter are established pursuant to this section other than pursuant to
33 this paragraph, and the charter school demonstrates that it has made
34 extensive efforts to recruit and retain such students, including
35 outreach to parents and families in the surrounding communities, widely
36 publicizing the lottery for such school, and efforts to academically
37 support such students in such charter school, then the charter entity or
38 board of regents may retain such charter.] Failure to comply with the
39 requirements of paragraph (b) of subdivision two of section two thousand
40 eight hundred fifty-four of this article; or

41 (f) Failure to comply with the data reporting requirements prescribed
42 in subdivisions two and two-a of section twenty-eight hundred fifty-sev-
43 en of this article.

44 § 20. Subdivision 3 of section 2855 of the education law, as added by
45 chapter 4 of the laws of 1998, is amended to read as follows:

46 3. (a) In addition to the provisions of subdivision two of this
47 section, the charter entity or the board of regents may place a charter
48 school falling within the provisions of subdivision one of this section
49 on probationary status to allow the implementation of a remedial action
50 plan. The failure of a charter school to comply with the terms and
51 conditions of a remedial action plan may result in summary revocation of
52 the school's charter.

53 (b) A charter school that is placed on probationary status shall annu-
54 ally notify the parents or guardians of all students and applicants of
55 the placement. The initial notice shall be distributed within two weeks
56 of being placed on probationary status. Such notice shall be written and

1 delivered via mail. The department shall identify all charter schools on
2 probationary status on the department's website and shall also post the
3 remedial action plan.

4 § 21. Subdivision 4 of section 2855 of the education law, as added by
5 chapter 4 of the laws of 1998, is amended to read as follows:

6 4. (a) Any individual or group may bring a complaint to the board of
7 trustees of a charter school alleging a violation of the provisions of
8 this article, the charter, or any other provision of law relating to the
9 management or operation of the charter school. If, after presentation of
10 the complaint to the board of trustees of a charter school, the individ-
11 ual or group determines that such board has not adequately addressed the
12 complaint, they may present that complaint to the charter entity, which
13 shall investigate and respond. If, after presentation of the complaint
14 to the charter entity, the individual or group determines that the char-
15 ter entity has not adequately addressed the complaint, they may present
16 that complaint to the board of regents, which shall investigate and
17 respond. The charter entity and the board of regents shall have the
18 power and the duty to issue appropriate remedial orders to charter
19 schools under their jurisdiction to effectuate the provisions of this
20 section.

21 (b) At the beginning of each school year, a charter school shall
22 provide the parent or guardian of each student enrolled in the charter
23 school information detailing the process by which a complaint can be
24 brought against the charter school pursuant to paragraph (a) of this
25 subdivision. In addition to detailing the process by which a complaint
26 can be brought, the information provided shall include, but not be
27 limited to the contact information for the board of trustees of the
28 charter school in which the student is enrolled, the contact information
29 for the charter entity of the charter school, and the contact informa-
30 tion for the board of regents, if the board of regents is not the char-
31 ter entity. Such information shall also be posted and updated annually
32 on the charter school's website.

33 § 22. Subparagraph (i) of paragraph (a) of subdivision 1 of section
34 2856 of the education law, as amended by section 3 of part BB of chapter
35 56 of the laws of 2014, is amended to read as follows:

36 (i) for school years prior to the two thousand nine--two thousand ten
37 school year [and for school years following the two thousand sixteen--
38 two thousand seventeen school year], an amount equal to one hundred
39 percent of the amount calculated pursuant to paragraph f of subdivision
40 one of section thirty-six hundred two of this chapter for the school
41 district for the year prior to the base year increased by the percentage
42 change in the state total approved operating expense calculated pursuant
43 to paragraph t of subdivision one of section thirty-six hundred two of
44 this chapter from two years prior to the base year to the base year;

45 § 23. Subparagraph (i) of paragraph (a) of subdivision 1 of section
46 2856 of the education law, as amended by section 4 of part BB of chapter
47 56 of the laws of 2014, is amended to read as follows:

48 (i) for school years prior to the two thousand nine--two thousand ten
49 school year [and for school years following the two thousand sixteen--
50 two thousand seventeen school year], an amount equal to one hundred
51 percent of the amount calculated pursuant to paragraph f of subdivision
52 one of section thirty-six hundred two of this chapter for the school
53 district for the year prior to the base year increased by the percentage
54 change in the state total approved operating expense calculated pursuant
55 to paragraph t of subdivision one of section thirty-six hundred two of
56 this chapter from two years prior to the base year to the base year;

1 § 24. Paragraph (a) of subdivision 1 of section 2856 of the education
2 law is amended by adding a new subparagraph (v) to read as follows:

3 (v) for the two thousand seventeen--two thousand eighteen school year
4 and thereafter, the charter school basic tuition shall be the lesser of
5 the charter school basic tuition computed for the current year pursuant
6 to the provisions of subparagraph (i) of this paragraph or the charter
7 school basic tuition computed for the two thousand ten--two thousand
8 eleven school year pursuant to the provisions of subparagraph (i) of
9 this paragraph.

10 § 25. Subdivisions 2 and 3 of section 2856 of the education law are
11 renumbered subdivisions 3 and 4 and a new subdivision 2 is added to read
12 as follows:

13 2. In the event that in any school year a charter school receives
14 combined payments from any local, state, or federal source that exceed
15 expenditures for such school year related to the operation of such char-
16 ter school by seven percent, then any excess funds above such amount
17 shall be returned proportionately to all school districts that have paid
18 tuition to such charter school.

19 § 26. Subdivision 3 of section 2856 of the education law, as added by
20 chapter 4 of the laws of 1998 and as renumbered by section twenty-five
21 of this act, is amended to read as follows:

22 3. (a) In the event of the failure of the school district to make
23 payments required by this section, the state comptroller shall deduct
24 from any state funds which become due to such school district an amount
25 equal to the unpaid obligation. The comptroller shall pay over such sum
26 to the charter school upon certification of the commissioner. The
27 commissioner shall promulgate regulations to implement the provisions of
28 this subdivision.

29 (b) At least thirty days prior to submission of a request for an
30 intercept of state funds pursuant to paragraph (a) of this subdivision,
31 the charter school shall provide the school district of residence with a
32 list of students whose tuition is proposed to be included in the inter-
33 cept and documentation of any special education services provided by the
34 charter school, the cost of which would be included in the intercept.
35 If the school district objects to inclusion of the tuition or cost of
36 services in the intercept, the school district shall provide the charter
37 school with a written statement of its reasons for objecting to the
38 intercept that identifies the students whose costs are in dispute and
39 the charter school shall schedule a resolution session for the purpose
40 of resolving the dispute, which shall be held within five business days
41 of receipt of the school district's objection. Each party shall ensure
42 that their representatives who attend the resolution are fully author-
43 ized to bind the school district or charter school, and any agreement
44 reached at the resolution session shall be final and binding upon both
45 parties. In the event the school district does not notify the charter
46 school of its objections within ten days of its receipt of the list of
47 students or fails to participate in a resolution session, the school
48 district shall be deemed to have waived its objections to the intercept
49 and the charter school shall not be required to offer a resolution
50 session. If the parties are unable to reach agreement at a resolution
51 session, they may agree to schedule additional resolution sessions or,
52 if one of the parties informs the other that agreement is not possible,
53 the dispute may be raised by the district as a charter school complaint
54 pursuant to subdivision four of section twenty-eight hundred fifty-five
55 of this article, or, if the dispute concerns the residency of a student,
56 an appeal may be brought pursuant to paragraph (c) of this subdivision.



1 The department shall not process an intercept for tuition or the cost of
2 services of a student whose costs are in dispute until the charter
3 school notifies the department that a resolution session has been held
4 and no agreement has been reached, or that no resolution session is
5 required because the school district failed to provide timely notice or
6 failed to participate in a scheduled resolution session.

7 (c) In the event of a dispute over the residency of a student, the
8 school district shall make its own residency determination pursuant to
9 the regulations of the commissioner after considering the proof of resi-
10 dency submitted by the charter school, and such determination may be
11 appealed to the commissioner by the charter school or by the parent or
12 other person in parental relation or both pursuant to section three
13 hundred ten of this chapter. During the pendency of such appeal, the
14 student shall be deemed enrolled in the school district, shall be enti-
15 tled to services pursuant to subdivision four of section twenty-eight
16 hundred fifty-three of this article, and the school district shall be
17 liable for charter school tuition, provided that upon a final determi-
18 nation in such appeal that the student is not a resident of the school
19 district, the school district may deduct the cost of such tuition and
20 services from future payments due the charter school.

21 § 27. Subdivision 2 of section 2857 of the education law, as amended
22 by chapter 101 of the laws of 2010, is amended and a new subdivision 2-a
23 is added to read as follows:

24 2. Each charter school shall submit to the charter entity and to the
25 board of regents an annual report. Such report shall be issued no later
26 than the first day of August of each year for the preceding school year
27 and shall be made publicly available by such date and shall be posted on
28 both the charter school's [website] and the department's websites. The
29 annual report shall be in such form as shall be prescribed by the
30 commissioner and shall include at least the following components:

31 (a) a charter school report card, which shall include measures of the
32 comparative academic and fiscal performance of the school, as prescribed
33 by the commissioner in regulations adopted for such purpose. Such meas-
34 ures shall include, but not be limited to, graduation rates, dropout
35 rates, performance of students on standardized tests, college entry
36 rates, total spending per pupil and administrative spending per pupil.
37 Such measures shall be presented in a format that is easily comparable
38 to similar public schools. In addition, the charter school shall ensure
39 that such information is easily accessible to the community including
40 making it publicly available by transmitting it to local newspapers of
41 general circulation and making it available for distribution at board of
42 trustee meetings[.];

43 (b) discussion of the progress made towards achievement of the goals
44 set forth in the charter[.];

45 (c) a certified financial statement setting forth, by appropriate
46 categories, the revenues and expenditures for the preceding school year,
47 including a copy of the most recent independent fiscal audit of the
48 school and any audit conducted by the comptroller of the state of New
49 York[.];

50 (d) efforts taken by the charter school in the existing school year,
51 and a plan for efforts to be taken in the succeeding school year, to
52 meet or exceed the enrollment [and retention targets set by the board of
53 regents or the board of trustees of the state university of New York, as
54 applicable, of students with disabilities, English language learners,
55 and students who are eligible applicants for the free and reduced price
56 lunch program established pursuant to paragraph (e) of subdivision four

1 of section twenty-eight hundred fifty-one of this article.] requirements
2 of subparagraph (ii) of paragraph (b) of subdivision two of section two
3 thousand eight hundred fifty-four of this article;

4 (e) for any charter school that contracts with a management company or
5 any other entity that provides services to the charter school, a
6 detailed statement of services provided to the charter school by the
7 management company and/or any other entity and the amount the charter
8 school pays for such services. The department shall post the annual
9 reports submitted by charter schools on the department's website; and

10 (f) a notice of any relationship that may exist between any member of
11 a charter school's board of trustees or charter school staff and any
12 for-profit or not-for-profit corporate or other business entity that is
13 responsible for the administration, management or operation of such
14 charter school or related vendor.

15 2-a. Each charter school shall post contact information for the
16 school's board of trustees as well as the name and contact information
17 of the school's charter entity on the website of the charter school.

18 § 28. Subdivision 7 of section 179-q of the state finance law, as
19 added by chapter 166 of the laws of 1991, is amended to read as follows:

20 7. "Not-for-profit organization" or "organization" means a domestic
21 corporation incorporated pursuant to or otherwise subject to the not-
22 for-profit corporation law, a charitable organization registered with
23 the secretary of state, a special act corporation created pursuant to
24 chapter four hundred sixty-eight of the laws of eighteen hundred nine-
25 ty-nine, as amended, a special act corporation formed pursuant to chap-
26 ter two hundred fifty-six of the laws of nineteen hundred seventeen, as
27 amended, a corporation authorized pursuant to an act of congress
28 approved January fifth, nineteen hundred five, (33 stat. 599), as
29 amended, a corporation established by merger of charitable organizations
30 pursuant to an order of the supreme court, New York county dated July
31 twenty-first, nineteen hundred eighty-six and filed in the department of
32 state on July twenty-ninth, nineteen hundred eighty-six, or a corpo-
33 ration having tax exempt status under section 501(c)(3) of the United
34 States Internal revenue code, and shall further be deemed to mean and
35 include any federation of charitable organizations. Provided, however,
36 that a public educational entity within the meaning of section seventy-
37 one of part C of chapter fifty-seven of the laws of two thousand four
38 shall not be deemed a "not-for-profit organization" or "organization"
39 for purposes of this article.

40 § 29. This act shall take effect immediately; provided, however, that
41 the amendments to subdivision 1 of section 2856 of the education law
42 made by section twenty-two of this act shall be subject to the expira-
43 tion and reversion of such subdivision pursuant to subdivision d of
44 section 27 of chapter 378 of the laws of 2007, as amended, when upon
45 such date the provisions of section twenty-three of this act shall take
46 effect; provided, however, that the amendments to paragraph (a) of
47 subdivision 1 of section 2856 of the education law made by section twen-
48 ty-four of this act shall survive the expiration and reversion of such
49 paragraph as provided in subdivision d of section 27 of chapter 378 of
50 the laws of 2007, as amended.

51 PART B

52 Intentionally Omitted

53 PART C



1 Section 1. Section 3209 of the education law, as amended by chapter
2 569 of the laws of 1994, paragraphs a and a-1 of subdivision 1 as
3 amended and subdivision 2-a as added by chapter 101 of the laws of 2003,
4 paragraph b of subdivision 3 as amended by section 28 of part B of chap-
5 ter 57 of the laws of 2007, is amended to read as follows:

6 § 3209. Education of homeless children. 1. Definitions.

7 a. Homeless child. For the purposes of this article, the term "home-
8 less child" shall mean:

9 (1) a child or youth who lacks a fixed, regular, and adequate night-
10 time residence, including a child or youth who is:

11 (i) sharing the housing of other persons due to a loss of housing,
12 economic hardship or a similar reason;

13 (ii) living in motels, hotels, trailer parks or camping grounds due to
14 the lack of alternative adequate accommodations;

15 (iii) abandoned in hospitals; or

16 (iv) [awaiting foster care placement; or

17 (v)] a migratory child, as defined in subsection two of section thir-
18 teen hundred nine of the Elementary and Secondary Education Act of 1965,
19 as amended by the Every Student Succeeds Act of 2015, who qualifies as
20 homeless under any of the provisions of clauses (i) through [(iv)] (iii)
21 of this subparagraph or subparagraph two of this paragraph; [or]

22 (v) an unaccompanied youth, as defined in section seven hundred twen-
23 ty-five of subtitle B of title VII of the McKinney-Vento Homeless
24 Assistance Act; or

25 (2) a child or youth who has a primary nighttime location that is:

26 (i) a supervised publicly or privately operated shelter designed to
27 provide temporary living accommodations including, but not limited to,
28 shelters operated or approved by the state or local department of social
29 services, and residential programs for runaway and homeless youth estab-
30 lished pursuant to article nineteen-H of the executive law; or

31 (ii) a public or private place not designed for, or ordinarily used
32 as, a regular sleeping accommodation for human beings, including a child
33 or youth who is living in a car, park, public space, abandoned building,
34 substandard housing, bus or train stations or similar setting.

35 a-1. Exception. For the purposes of this article the term "homeless
36 child" shall not include a child in a foster care placement or receiving
37 educational services pursuant to subdivision four, five, six, six-a or
38 seven of section thirty-two hundred two of this [article] part or pursu-
39 ant to article eighty-one, eighty-five, eighty-seven or eighty-eight of
40 this chapter.

41 b. Designator. The term "designator" shall mean:

42 (1) the parent or the person in parental relation to a homeless child;
43 or

44 (2) the homeless child, if no parent or person in parental relation is
45 available; or

46 (3) the director of a residential program for runaway and homeless
47 youth established pursuant to article nineteen-H of the executive law,
48 in consultation with the homeless child, where such homeless child is
49 living in such program.

50 c. School district of origin. The term "school district of origin"
51 shall mean the school district within the state of New York in which the
52 homeless child was attending a public school or preschool on a tuition-
53 free basis or was entitled to attend when circumstances arose which
54 caused such child to become homeless, which is different from the school
55 district of current location. [Whenever the school district of origin is
56 designated pursuant to subdivision two of this section, the child shall

1 be entitled to return to the school building where previously enrolled.]
2 School district of origin shall also mean the school district in the
3 state of New York in which the child was residing when circumstances
4 arose which caused such child to become homeless if such child was
5 eligible to apply, register, or enroll in public preschool or kindergar-
6 ten at the time such child became homeless, or the homeless child has a
7 sibling who attends a school in the school district in which the child
8 was residing when circumstances arose which caused such child to become
9 homeless.

10 d. School district of current location. The term "school district of
11 current location" shall mean the public school district within the state
12 of New York in which the hotel, motel, shelter or other temporary hous-
13 ing arrangement of a homeless child, or the residential program for
14 runaway and homeless youth, is located, which is different from the
15 school district of origin. [Whenever the school district of current
16 location is designated pursuant to subdivision two of this section, the
17 child shall be entitled to attend the school that is zoned for his or
18 her temporary location or any school that nonhomeless students who live
19 in the same attendance zone in which the homeless child or youth is
20 temporarily residing are entitled to attend.]

21 e. Regional placement plan. The term "regional placement plan" shall
22 mean a comprehensive regional approach to the provision of educational
23 placements for homeless children which has been approved by the commis-
24 sioner.

25 f. Feeder school. The term "feeder school" shall mean:

26 (1) a preschool whose students are entitled to attend a specified
27 elementary school or group of elementary schools upon completion of that
28 preschool;

29 (2) a school whose students are entitled to attend a specified elemen-
30 tary, middle, intermediate, or high school or group of specified elemen-
31 tary, middle, intermediate, or high schools upon completion of the
32 terminal grade of such school; or

33 (3) a school that sends its students to a receiving school in a neigh-
34 boring school district pursuant to section two thousand forty of this
35 chapter.

36 g. Preschool. The term "preschool" shall mean a publicly funded prek-
37 indergarten program administered by the department or a local educa-
38 tional agency or a Head Start program administered by a local educa-
39 tional agency and/or services under the Individuals with Disabilities
40 Education Act administered by a local educational agency.

41 h. Receiving school. The term "receiving school" shall mean:

42 (1) a school that enrolls students from a specified or group of
43 preschools, elementary schools, middle schools, intermediate schools, or
44 high schools; or

45 (2) a school that enrolls students from a feeder school in a neighbor-
46 ing local educational agency pursuant to section two thousand forty of
47 this chapter.

48 i. School of origin. The term "school of origin" shall mean a public
49 school that a child or youth attended when permanently housed, or the
50 school in which the child or youth was last enrolled, including a
51 preschool or a charter school. Provided that, for a homeless child or
52 youth who completes the final grade level served by the school of
53 origin, the term "school of origin" shall include the designated receiv-
54 ing school at the next grade level for all feeder schools. Where the
55 child is eligible to attend school in the school district of origin
56 because the child becomes homeless after such child is eligible to

1 apply, register, or enroll in the public preschool or kindergarten or
2 the child is living with a school-age sibling who attends school in the
3 school district of origin, the school of origin shall include any public
4 school or preschool in which such child would have been entitled or
5 eligible to attend based on such child's last residence before the
6 circumstances arose which caused such child to become homeless.

7 2. Choice of district and school.

8 a. The designator shall have the right to designate one of the follow-
9 ing as the school district within which the homeless child shall be
10 entitled to attend upon instruction:

11 (1) the school district of current location;

12 (2) the school district of origin; or

13 (3) a school district participating in a regional placement plan.

14 b. The designator shall also have the right to designate one of the
15 following as the school where a homeless child seeks to attend for
16 instruction:

17 (1) the school of origin; or

18 (2) any school that nonhomeless children and youth who live in the
19 attendance area in which the child or youth is actually living are
20 eligible to attend, including a preschool.

21 c. (1) Notwithstanding any other provision of law to the contrary,
22 where the public school district in which a homeless child is temporar-
23 ily housed is the [same school district the child was attending on a
24 tuition-free basis or was entitled to attend when circumstances arose
25 which caused the child to become homeless] school district of origin,
26 the homeless child shall be entitled to attend the schools of such
27 district without the payment of tuition in accordance with subdivision
28 one of section thirty-two hundred two of this article for the duration
29 of the homelessness and until the end of the school year in which such
30 child becomes permanently housed and for one additional year if that
31 year constitutes the child's terminal year in such building. [Such
32 child may choose to remain in the public school building they previously
33 attended until the end of the school year and for one additional year if
34 that year constitutes the child's terminal year in such building in lieu
35 of the school serving the attendance zone in which the temporary housing
36 facility is located.]

37 (2) Notwithstanding any other provision of law to the contrary, where
38 the [public] school [or school district] district of origin or school of
39 origin that a homeless child was attending on a tuition-free basis or
40 was entitled to attend when circumstances arose which caused the child
41 to become homeless is located [outside the state] in New York state and
42 the homeless child's temporary housing arrangement is located in a
43 contiguous state, the homeless child shall be [deemed a resident of the
44 school district in which the hotel, motel, shelter or other temporary
45 housing arrangement of the child is currently located and shall be]
46 entitled to [attend the schools of such district without payment of
47 tuition in accordance with subdivision one of section thirty-two hundred
48 two of this article. Such district of residence shall not be considered
49 a school district of origin or a school district of current location for
50 purposes of this section] attend the school of origin or any school that
51 nonhomeless children and youth who live in the attendance area in which
52 the child or youth is actually living are eligible to attend, including
53 a preschool, subject to a best interest determination pursuant to
54 subparagraph three of paragraph f of this subdivision, for the duration
55 of the homelessness and until the end of the school year in which such



1 child becomes permanently housed and for one additional year if that
2 year constitutes the child's terminal year in such building.

3 (3) Notwithstanding any other provision of law to the contrary, where
4 the child's temporary housing arrangement is located in New York state,
5 the homeless child shall be entitled to attend the school of origin or
6 any school that nonhomeless children and youth who live in the attend-
7 ance area in which the child or youth is actually living are eligible to
8 attend, including a preschool, subject to a best interest determination
9 pursuant to subparagraph three of paragraph f of this subdivision, for
10 the duration of the homelessness and until the end of the school year in
11 which such child becomes permanently housed and for one additional year
12 if that year constitutes the child's terminal year in such building.

13 [c.] d. Notwithstanding the provisions of paragraph a of this subdivi-
14 sion, a homeless child who has designated the school district of current
15 location as the district of attendance and who has relocated to another
16 temporary housing arrangement outside of such district, or to a differ-
17 ent attendance zone or community school district within such district,
18 shall be entitled to continue [the prior designation to enable the
19 student to remain] to attend in the same school building or designate
20 any school that nonhomeless children and youth who live in the attend-
21 ance area in which the child or youth is actually living are eligible to
22 attend, including a preschool, subject to a best interest determination
23 in accordance with subparagraph three of paragraph f of this subdivi-
24 sion, for the duration of the homelessness and until the end of the
25 school year in which the child becomes permanently housed and for one
26 additional year if that year constitutes the child's terminal year in
27 such building.

28 [d.] e. Such designation shall be made on forms specified by the
29 commissioner, and shall include the name of the child, the name of the
30 parent or person in parental relation to the child, the name and
31 location of the temporary housing arrangement, the name of the school
32 district of origin, the name of the school district where the child's
33 records are located, the complete address where the family was located
34 at the time circumstances arose which caused such child to become home-
35 less and any other information required by the commissioner. All school
36 districts, temporary housing facilities operated or approved by a local
37 social services district, and residential facilities for runaway and
38 homeless youth shall make such forms available and shall ensure that the
39 completed designation forms are given to the local educational agency
40 liaison for the local educational agency in which the designated school
41 is located in a timeframe prescribed by the commissioner in regulations.
42 Where the homeless child is located in a temporary housing facility
43 operated or approved by a local social services district, or a residen-
44 tial facility for runaway and homeless youth, the director of the facil-
45 ity or a person designated by the social services district, shall, with-
46 in two business days, assist the designator in completing the
47 designation forms and enrolling the homeless child in the designated
48 school district and shall forward the completed designation form to the
49 local educational agency liaison for the local educational agency in
50 which the designated school is located in a timeframe prescribed by the
51 commissioner in regulations.

52 [e.] f. Upon receipt of the designation form, the designated school
53 district shall immediately:

- 54 (1) review the designation form to ensure that it has been completed;
55 (2) admit the homeless child even if the child or youth is unable to
56 produce records normally a requirement for enrollment, such as previous

1 academic records, records of immunization and/or other required health
2 records, proof of residency or other documentation and/or even if the
3 child has missed application or enrollment deadlines during any period
4 of homelessness, if applicable. Provided that nothing herein shall be
5 construed to require the immediate attendance of an enrolled student
6 lawfully excluded from school temporarily pursuant to section nine
7 hundred six of this chapter because of a communicable or infectious
8 disease that imposes a significant risk of infection of others;

9 [(2)] (3) determine whether the designation made by the designator is
10 consistent with the best interests of the homeless child or youth. In
11 determining a homeless child's best interest, a local educational agency
12 shall:

13 (i) presume that keeping the homeless child or youth in the school of
14 origin is in the child's or youth's best interest, except when doing so
15 is contrary to the request of the child's parent or guardian, or in the
16 case of an unaccompanied youth, the youth;

17 (ii) consider student-centered factors, including but not limited to
18 factors related to the impact of mobility on achievement, education, the
19 health and safety of the homeless child, giving priority to the request
20 of the child's or youth's parent or guardian or the youth in the case of
21 an unaccompanied youth;

22 (iii) if after considering student-centered factors and conducting a
23 best interest school placement determination, the local educational
24 agency determines that it is not in the homeless child's best interest
25 to attend the school of origin or the school designated by the designa-
26 tor, the local educational agency must provide a written explanation of
27 the reasons for its determination, in a manner and form understandable
28 to such parent, guardian, or unaccompanied youth. The information must
29 also include information regarding the right to a timely appeal in
30 accordance with regulations of the commissioner. The homeless child or
31 youth must be enrolled in the school in which enrollment is sought by
32 the designator during the pendency of all available appeals;

33 (4) treat the homeless child as a resident for all purposes;

34 [(3)] (5) make a written request to the school district where the
35 child's records are located for a copy of such records; and

36 [(4)] (6) forward the designation form to the [commissioner, and the]
37 school district of origin where applicable.

38 [f.] g. Within five days of receipt of a request for records pursuant
39 to subparagraph [three] five of paragraph [e] f of this subdivision, the
40 school district shall forward, in a manner consistent with state and
41 federal law, a complete copy of the homeless child's records including,
42 but not limited to, proof of age, academic records, evaluations, immuni-
43 zation records, and guardianship papers, if applicable.

44 [g.] h. Where the school of origin is a charter school, the school
45 district designated pursuant to this subdivision shall be deemed to be
46 the school district of residence of such child for purposes of fiscal
47 and programmatic responsibility under article fifty-six of this chapter
48 and shall be responsible for transportation of the homeless child if a
49 social services district is not otherwise responsible pursuant to subdi-
50 vision four of this section.

51 i. The commissioner shall promulgate regulations setting forth the
52 circumstances pursuant to which a change in designation may be made and
53 establishing a procedure for the identification of the school district
54 of origin.

55 2-a. Notwithstanding any other provision of law to the contrary, each
56 local educational agency, as such term is defined in subsection twenty-

1 six of section ninety-one hundred one of the Elementary and Secondary
2 Education Act of 1965, as amended by the Every Student Succeeds Act of
3 2015, shall designate a local educational agency liaison for homeless
4 children and youths and shall, consistent with the provisions of this
5 section, otherwise comply with the applicable requirements of paragraphs
6 three through seven of subsection (g) of section seven hundred twenty-
7 two of subtitle B of title VII of the McKinney-Vento Assistance Act.

8 3. Reimbursement.

9 a. Where either the school district of current location or a school
10 district participating in a regional placement plan is designated as the
11 district in which the homeless child shall attend upon instruction and
12 such homeless child's school district of origin is within New York
13 state, the school district providing instruction, including preschool
14 instruction, shall be eligible for reimbursement by the department, as
15 approved by the commissioner, for the direct cost of educational
16 services, not otherwise reimbursed under special federal programs,
17 calculated pursuant to regulations of the commissioner for the period of
18 time for which such services are provided. The claim for such reimburse-
19 ment shall be in a form prescribed by the commissioner. The educational
20 costs for such children shall not be otherwise aidable or reimbursable.

21 b. The school district of origin shall reimburse the department for
22 its expenditure for educational services on behalf of a homeless child
23 pursuant to paragraph a of this subdivision in an amount equal to the
24 school district basic contribution, as such term is defined in subdivi-
25 sion eight of section forty-four hundred one of this chapter, pro-rated
26 for the period of time for which such services were provided in the base
27 year by a school district other than the school district of origin. Upon
28 certification by the commissioner, the comptroller shall deduct from any
29 state funds which become due to the school district of origin an amount
30 equal to the reimbursement required to be made by such school district
31 in accordance with this paragraph, and the amount so deducted shall not
32 be included in the operating expense of such district for the purpose of
33 computing the approved operating expense pursuant to paragraph t of
34 subdivision one of section thirty-six hundred two of this chapter.

35 4. Transportation.

36 a. A social services district shall provide for the transportation of
37 each homeless child, including those in preschool and students with
38 disabilities identified pursuant to sections forty-four hundred one and
39 forty-four hundred two of this chapter whose individualized education
40 programs include special transportation services, who is eligible for
41 benefits pursuant to section three hundred fifty-j of the social
42 services law, to and from a temporary housing location in which the
43 child was placed by the social services district and the school attended
44 by such child pursuant to this section, if such temporary housing facil-
45 ity is located outside of the designated school district pursuant to
46 paragraph a of subdivision two of this section. A social services
47 district shall be authorized to contract with a board of education or a
48 board of cooperative educational services for the provision of such
49 transportation. Where the social services district requests that the
50 designated school district of attendance provide or arrange for trans-
51 portation for a homeless child eligible for transportation pursuant to
52 this paragraph, the designated school district of attendance shall
53 provide or arrange for the transportation and the social services
54 district shall fully and promptly reimburse the designated school
55 district of attendance for the cost as determined by the designated
56 school district. This paragraph shall apply to placements made by a

1 social services district without regard to whether a payment is made by
2 the district to the operator of the temporary housing facility.

3 b. [The division for youth, to the extent funds are provided for such
4 purpose, as determined by the director of the budget,] The designated
5 school district of attendance shall provide for the transportation of
6 each homeless child who is living in a residential program for runaway
7 and homeless youth established pursuant to article nineteen-H of the
8 executive law, to and from such residential program, and the school
9 attended by such child pursuant to this section, if such temporary hous-
10 ing location is located outside the designated school district. The
11 [division for youth or the director of a residential program for runaway
12 and homeless youth] designated district of attendance shall be author-
13 ized to contract with [a school district or] a board of cooperative
14 educational services or a residential program for runaway and homeless
15 youth for the provision of such transportation. The department shall
16 reimburse the designated school district of attendance for the cost of
17 transporting such child to and from the residential program and the
18 school attended by such child to the extent funds are provided for such
19 purpose, as determined by the director of the budget.

20 c. Notwithstanding any other provision of law, any homeless child not
21 entitled to receive transportation pursuant to [paragraph] paragraphs a
22 and b of this subdivision who requires transportation in order to attend
23 a school [district] of origin designated pursuant to [paragraph a of]
24 subdivision two of this section [outside of the district in which such
25 child is housed], shall be entitled to receive such transportation
26 pursuant to this paragraph. [If the] The designated [school district
27 pursuant to paragraph a of subdivision two of this section is the school
28 district of origin or a school district participating in a regional
29 placement plan, such] school district of attendance shall provide trans-
30 portation to and from the child's temporary housing location and the
31 school [the child legally attends] of origin. Such transportation shall
32 not be in excess of fifty miles each way except where the commissioner
33 certifies that transportation in excess of fifty miles is in the best
34 interest of the child. Any cost incurred for such transportation that is
35 allowable pursuant to the applicable provision of parts two and three of
36 article seventy-three of this chapter or herein, shall be aidable pursu-
37 ant to subdivision seven of section thirty-six hundred two of this chap-
38 ter, provided that the approved transportation expense shall not exceed
39 an amount determined by the commissioner to be the total cost for
40 providing the most cost-effective mode of such transportation in a
41 manner consistent with commissioner's regulations. The commissioner
42 shall promulgate regulations setting forth the circumstances pursuant to
43 which parent accompaniment for transportation may be reimbursable,
44 including but not limited to: the age of the child; the distance of the
45 transportation; the cost-effectiveness of the transportation; and wheth-
46 er the child has a handicapping condition.

47 d. Notwithstanding any other provision of law, where a homeless child
48 designates the school district of current location as the district the
49 child will attend and such child does not attend the school of origin,
50 such school district shall provide transportation to such child on the
51 same basis as a resident student.

52 e. [Notwithstanding any other provision of law, if a homeless child
53 chooses to remain in the public school building the child previously
54 attended pursuant to subparagraph one of paragraph b of subdivision two
55 of this section or paragraph c of subdivision two of this section the
56 school district shall provide transportation to and from the child's

1 temporary housing location and the school the child legally attends if
2 such temporary housing is located in a different attendance zone or
3 community school district within such district. The cost of such trans-
4 portation shall be reimbursed in accordance with the provisions of para-
5 graph c of this subdivision.] Where the designated school district of
6 attendance has recommended that the homeless child attend a summer
7 educational program and the lack of transportation poses a barrier to
8 such child's participation in the summer educational program, the desig-
9 nated school district of attendance shall provide transportation.

10 f. The designated school district of attendance, or the social
11 services district if such child is eligible for transportation from the
12 social services district pursuant to paragraph a of this subdivision,
13 shall provide or arrange for transportation to extracurricular or
14 academic activities where:

15 (1) the homeless child participates in or would like to participate in
16 an extracurricular or academic activity, including an after-school
17 activity, at the school;

18 (2) the homeless child meets the relevant eligibility criteria for the
19 activity; and

20 (3) the lack of transportation poses a barrier to such child's partic-
21 ipation in the activity.

22 g. Where the homeless child is temporarily living in a contiguous
23 state and has designated a school of origin located in the state of New
24 York, the designated school district in New York state shall collaborate
25 with the local educational agency in which such child is temporarily
26 living to arrange for transportation in accordance with section
27 722(g) (1) (J) (iii) (II) of the McKinney-Vento Homeless Assistance Act.

28 h. Where the homeless child is temporarily living in New York state
29 and continues to attend a school of origin located in a contiguous
30 state, the school district of current location shall coordinate with the
31 local educational agency where such child is attending school to arrange
32 for transportation in accordance with section 722(g) (1) (J) (iii) (II) of
33 the McKinney-Vento Homeless Assistance Act.

34 i. Transportation as described in this subdivision must be provided to
35 the homeless child by the designated school district of attendance or
36 the social services district for the duration of homelessness. The
37 designated district of attendance must transport the child for the
38 remainder of the school year in which the child becomes permanently
39 housed and one additional year if that year constitutes the child's
40 terminal year in the designated school. Such transportation shall not be
41 in excess of fifty miles each way except where the commissioner certi-
42 fies that transportation in excess of fifty miles is in the best inter-
43 est of the child. The designated school district of attendance shall be
44 entitled to reimbursement from the current school district in which the
45 child becomes permanently housed for any cost incurred for transporta-
46 tion for the remainder of the school year after the child becomes perma-
47 nently housed and one additional year if that year constitutes the
48 child's terminal year in the designated school.

49 5. Each school district shall:

50 a. establish procedures, in accordance with 42 U.S.C. section
51 11432(g) (3) (E), for the prompt resolution of disputes regarding school
52 selection or enrollment of a homeless child or youth, including, but not
53 limited to, disputes regarding transportation and/or a child's or
54 youth's status as a homeless child or unaccompanied youth;

55 b. provide a written explanation, including a statement regarding the
56 right to appeal pursuant to 42 U.S.C. section 11432(g) (3) (E) (ii), the

1 name, post office address and telephone number of the local educational
2 agency liaison and the form petition for commencing an appeal to the
3 commissioner pursuant to section three hundred ten of this chapter of a
4 final determination regarding enrollment, school selection and/or trans-
5 portation, to the homeless child's or youth's parent or guardian, if the
6 school district declines to either enroll and/or transport such child or
7 youth to the school of origin or a school requested by the parent or
8 guardian; and

9 c. shall immediately enroll the child or youth in the school in which
10 enrollment is sought pending final resolution of the dispute over the
11 school district's final determination of the child's or youth's homeless
12 status, including all available appeals within the local educational
13 agency and the commissioner pursuant to the provisions of section three
14 hundred ten of this chapter.

15 6. a. By January thirty-first, nineteen hundred ninety-five, the
16 commissioner, the commissioner of [social services, and the director of
17 the division for youth] the office of temporary and disability assist-
18 ance and the commissioner of the office of children and family services
19 shall develop a plan to ensure coordination and access to education for
20 homeless children and shall annually review such plan.

21 b. The commissioner shall periodically monitor local school districts
22 to ensure their compliance with the provisions of this article, and that
23 such districts review and revise any local regulations, policies, or
24 practices that may act as barriers to the enrollment or attendance of
25 homeless children in school or their receipt of comparable services as
26 defined in Part B of Title VII of the Federal Stewart B. McKinney Act.

27 c. School districts shall periodically report such information to the
28 commissioner as he or she may require to carry out the purposes of this
29 section.

30 [6.] 7. Public welfare officials, except as otherwise provided by law,
31 shall furnish indigent children with suitable clothing, shoes, books,
32 food, transportation and other necessities to enable them to attend upon
33 instruction as required by law. Upon demonstration of need, such neces-
34 saries shall also include transportation of indigent children for the
35 purposes of evaluations pursuant to section forty-four hundred ten of
36 this chapter and title II-A of article twenty-five of the public health
37 law.

38 [7.] 8. Information about a homeless child's or youth's living situ-
39 ation shall be treated as a student educational record, and shall not be
40 deemed to be directory information, under the McKinney-Vento Homeless
41 Assistance Act, as amended by the Every Student Succeeds Act of 2015.

42 9. Each homeless child to be assisted under this section shall be
43 provided services comparable to services offered to other students in
44 the school selected under this section, including the following: trans-
45 portation services; educational services for which the child or youth
46 meets the eligibility criteria, such as services provided under Title I
47 of the Elementary and Secondary Education Act of 1965 or similar state
48 or local programs; educational programs for children with disabilities;
49 educational programs for English learners; programs in career and tech-
50 nical education; programs for gifted and talented students; and school
51 nutrition programs.

52 10. The commissioner may promulgate regulations to carry out the
53 purposes of this section.

54 § 2. Paragraph a of subdivision 1 of section 3209 of the education
55 law, as added by chapter 569 of the laws of 1994, is amended to read as
56 follows:

1 a. Homeless child. For the purposes of this article, the term "home-
2 less child" shall mean:

3 (1) a child who lacks a fixed, regular, and adequate nighttime resi-
4 dence, including a child or youth who is:

5 (i) sharing the housing of other persons due to a loss of housing,
6 economic hardship or a similar reason;

7 (ii) living in motels, hotels, trailer parks or camping grounds due to
8 the lack of alternative adequate accommodations;

9 (iii) abandoned in hospitals;

10 (iv) a migratory child, as defined in subsection two of section thir-
11 teen hundred nine of the Elementary and Secondary Education Act of 1965,
12 as amended by the Every Student Succeeds Act of 2015, who qualifies as
13 homeless under any of the provisions of clauses (i) through (iii) of
14 this subparagraph or subparagraph two of this paragraph; or

15 (v) an unaccompanied youth, as defined in section seven hundred twen-
16 ty-five of subtitle B of title VII of the McKinney-Vento Homeless
17 Assistance Act; or

18 (2) a child who has a primary nighttime location that is:

19 (i) a supervised publicly or privately operated shelter designed to
20 provide temporary living accommodations including, but not limited to,
21 shelters operated or approved by the state or local department of social
22 services, and residential programs for runaway and homeless youth estab-
23 lished pursuant to article nineteen-H of the executive law; or

24 (ii) a public or private place not designed for, or ordinarily used
25 as, a regular sleeping accommodation for human beings, including a child
26 or youth who is living in a car, park, public space, abandoned building,
27 substandard housing, bus or train stations or similar setting.

28 (3) the term "homeless child" shall not include a child in foster care
29 placement or receiving educational services pursuant to subdivision
30 four, five, six, six-a or seven of section thirty-two hundred two of
31 this article or pursuant to article eighty-one, eighty-five, eighty-sev-
32 en or eighty-eight of this chapter.

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

34 (a) the amendments to paragraph a of subdivision 1 of section 3209 of
35 the education law made by section one of this act shall be subject to
36 the expiration and reversion of such paragraph pursuant to section 5 of
37 chapter 101 of the laws of 2003, as amended, when upon such date the
38 provisions of section two of this act shall take effect;

39 (b) the amendments to paragraph a-1 of subdivision 1 of section 3209
40 of the education law made by section one of this act shall not affect
41 the expiration of such paragraph and shall be deemed to expire there-
42 with; and

43 (c) the amendments to subdivision 2-a of section 3209 of the education
44 law made by section one of this act shall not affect the repeal of such
45 subdivision and shall be deemed repealed therewith.

46

PART D

47 Section 1. The education law is amended by adding a new section 669-h
48 to read as follows:

49 § 669-h. Excelsior scholarship. 1. Eligibility. An excelsior scholar-
50 ship award shall be made to an applicant who: (a) is matriculated in an
51 approved program leading to an undergraduate degree at a New York state
52 public institution of higher education; (b) enrolls in and completes at
53 least fifteen combined credits per term, or its equivalent, applicable
54 to his or her program or programs of study, provided, however, that an

1 applicant may have two semesters where he or she completes at least
2 twelve combined credits per term, or its equivalent, applicable to his
3 or her program or programs of study. The corporation shall prescribe in
4 regulation (i) rules that allow applicants who are disabled as defined
5 by the Americans with Disabilities Act of 1990, 42 USC 12101, to be
6 eligible for an award pursuant to this section based on modified crite-
7 ria, and (ii) the limited circumstances in which the requirements of
8 this section may be waived or modified for an applicant. Applicants who
9 fail to meet the requirements of this section shall be able to re-es-
10 tablish eligibility for an award after he or she successfully enrolls in
11 an completes at least fifteen combined credits per term, or its equiv-
12 alent, applicable to his or her program or programs of study. Notwith-
13 standing, in the student's last semester, the student may take at least
14 one course needed to meet his or her graduation requirements and enroll
15 in at least part-time study; (c) has an adjusted gross income, as
16 defined in this subdivision, equal to or less than: (i) one hundred
17 thousand dollars for recipients receiving an award in the two thousand
18 seventeen--two thousand eighteen academic year; (ii) one hundred ten
19 thousand dollars for recipients receiving an award in the two thousand
20 eighteen--two thousand nineteen academic year; (iii) one hundred twen-
21 ty-five thousand dollars for recipients receiving an award in the two
22 thousand nineteen--two thousand twenty academic year; and (iv) one
23 hundred fifty thousand dollars for recipients receiving an award in the
24 two thousand twenty--two thousand twenty-one academic year and thereaft-
25 er; and (d) complies with the applicable provisions of this article and
26 all requirements promulgated by the corporation for the administration
27 of the program. Adjusted gross income shall be the total of the combined
28 adjusted gross income of the applicant and the applicant's parents or
29 the applicant and the applicant's spouse, if married, as reported on the
30 federal income tax return, or as otherwise obtained by the corporation,
31 for the calendar year coinciding with the tax year established by the
32 U.S. department of education to qualify applicants for federal student
33 financial aid programs authorized by Title IV of the Higher Education
34 act of nineteen hundred sixty-five, as amended, for the school year in
35 which application for assistance is made.

36 2. Amount. Awards shall be granted beginning with the two thousand
37 seventeen--two thousand eighteen academic year and thereafter to appli-
38 cants that the corporation has determined are eligible to receive such
39 awards. The corporation shall grant such awards in the amount equal to
40 the amount of undergraduate tuition for residents of New York state
41 charged by the state university of New York or actual tuition, whichever
42 is less; provided, however, (a) a student who receives educational
43 grants and/or scholarships that cover the student's full cost of attend-
44 ance shall not be eligible for an award under this program; and (b) an
45 award under this program shall be applied to tuition after the applica-
46 tion of payments received under the tuition assistance program pursuant
47 to section six hundred sixty-seven of this subpart, tuition credits
48 pursuant to section six hundred eighty-nine-a of this article, two-
49 thirds of any federal Pell grant pursuant to section one thousand seven-
50 ty of title twenty of the United States code, et. seq., and any other
51 program that covers the cost of attendance, and the award under this
52 program shall be reduced in the amount equal to such payments, provided
53 that the combined benefits do not exceed the student's full cost of
54 tuition. Upon notification of an award under this program, the institu-
55 tion shall defer the amount of tuition. Notwithstanding paragraph h of
56 subdivision two of section three hundred fifty-five and paragraph (a) of

1 subdivision seven of section six thousand two hundred six of this chap-
2 ter, and any other law, rule or regulation to the contrary, the under-
3 graduate tuition charged by the institution to recipients of an award
4 shall not exceed the tuition rate established by the institution for the
5 two thousand sixteen--two thousand seventeen academic year, provided,
6 however, that in the two thousand twenty-one--two thousand twenty-two
7 academic year and every four years thereafter, the undergraduate tuition
8 charged by the institution to recipients of an award shall be reset to
9 equal the tuition rate established by the institution for the forthcom-
10 ing academic year.

11 3. Duration. An eligible recipient shall not receive an award for more
12 than four academic years of full-time undergraduate study or five
13 academic years if the program of study normally requires five years. An
14 eligible recipient enrolled in an eligible two year program of study
15 shall not receive an award for more than two academic years while
16 enrolled in such program of study. Notwithstanding, such duration may
17 be extended for an allowable interruption of study.

18 4. Conditions. (a) An applicant who would be eligible for a New York
19 state tuition assistance program award pursuant to section six hundred
20 sixty-seven of this subpart and/or a federal Pell grant pursuant to
21 section one thousand seventy of title twenty of the United States code,
22 et. seq., is required to apply for each such award.

23 (b) An applicant who has earned a bachelor's degree is ineligible to
24 receive an award pursuant to this section.

25 (c) An applicant who has earned an associate's degree is ineligible to
26 receive an award for a two year program of study pursuant to this
27 section, provided, however, that such applicant shall remain eligible to
28 receive an award for a program of study leading to a bachelor's degree.

29 (d) Notwithstanding paragraph c of subdivision four of section six
30 hundred sixty-one of this part, a school shall certify that a recipient
31 has achieved the minimum grade point average necessary for successful
32 completion of his or her coursework to receive payment under the award.

33 5. The corporation is authorized to promulgate rules and regulations,
34 and may promulgate emergency regulations, necessary for the implementa-
35 tion of the provisions of this section.

36 § 2. This act shall take effect immediately.

37 PART E

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

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

42 § 609-a. New York DREAM fund commission. 1. (a) There shall be
43 created a New York DREAM fund commission which shall be committed to
44 advancing the educational opportunities of the children of immigrants.

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

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

48 (ii) Three members shall be appointed by the temporary president of
49 the senate;

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

51 (iv) One member shall be appointed by the minority leader of the
52 senate;

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



1 (c) To the extent practicable, members of such commission shall
2 reflect the racial, ethnic, gender, language, and geographic diversity
3 of the state.

4 (d) To the extent practicable, members of such commission shall
5 include college and university administrators and faculty, and other
6 individuals committed to advancing the educational opportunities of the
7 children of immigrants.

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

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

11 (i) Administer the provisions of this section;

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

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

18 (iv) Publicize the availability of such scholarships from the New York
19 DREAM fund;

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

22 (vi) Research issues pertaining to the availability of assistance with
23 the costs of higher education for the children of immigrants and other
24 issues regarding access for and the performance of the children of immi-
25 grants within higher education;

26 (vii) Establish, publicize, and administer training programs for high
27 school counselors, admissions officers, and financial aid officers of
28 institutions of higher education. The training programs shall instruct
29 participants on the educational opportunities available to college-bound
30 students who are the children of immigrants, including, but not limited
31 to, in-state tuition and scholarship programs. To the extent practica-
32 ble, the New York DREAM fund commission shall offer the training program
33 to school districts and boards of cooperative educational services
34 throughout the state, provided however, that priority shall be given to
35 school districts and boards of cooperative educational services with
36 larger number of students who are the children of immigrants over school
37 districts and boards of cooperative educational services with lesser
38 number of students who are the children of immigrants;

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

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

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

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

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

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

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

1 (c) The New York DREAM fund commission and the New York DREAM fund
2 shall be funded entirely by private contributions and no state funds
3 shall be appropriated to or used by the New York DREAM fund. No funds
4 of the New York DREAM fund or the New York DREAM fund commission shall
5 be transferred to the general fund or any special revenue fund or shall
6 be used for any purpose other than the purposes set forth in this
7 section.

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

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

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

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

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
29 citizen, a permanent lawful resident, a lawful non-immigrant alien or an
30 applicant without lawful immigration status shall be eligible for an
31 award at the undergraduate level of study provided that the student:

32 (a) attended a registered New York state high school for two or more
33 years, graduated from a registered New York state high school and
34 applied for attendance at the institution of higher education for the
35 undergraduate study for which an award is sought within five years of
36 receiving a New York state high school diploma; or

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

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

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

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

1 b. [An] (i) Except as otherwise provided in subparagraph (ii) of this
2 paragraph, an applicant for an award at the graduate level of study must
3 either [(i)] (a) have been a legal resident of the state for at least
4 one year immediately preceding the beginning of the semester, quarter or
5 term of attendance for which application for assistance is made, or
6 [(ii)] (b) be a legal resident of the state and have been a legal resi-
7 dent during his last academic year of undergraduate study and have
8 continued to be a legal resident until matriculation in the graduate
9 program.

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

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

20 (b) attended an approved New York state program for a state high
21 school equivalency diploma, received a state high school equivalency
22 diploma and applied for attendance at the institution of higher educa-
23 tion for the graduate study for which an award is sought within ten
24 years of receiving a state high school equivalency 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-
29 sion two of section three hundred fifty-five or paragraph (a) of subdivi-
30 sion seven of section sixty-two hundred six of this chapter.

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

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

39 d. If an applicant for an award allocated on a geographic basis has
40 more than one residence in this state, his or her residence for the
41 purpose of this article shall be his or her place of actual residence
42 during the major part of the year while attending school, as determined
43 by the commissioner; and further provided that an applicant who does not
44 have a residence in this state and is eligible for an award pursuant to
45 subparagraph (ii) of paragraph a or subparagraph (ii) of paragraph b of
46 this subdivision shall be deemed to reside in the geographic area of the
47 institution of higher education in which he or she attends for purposes
48 of an award allocated on a geographic basis.

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

52 e. Notwithstanding any other provision of this article to the contra-
53 ry, the New York state [residency] eligibility [requirement] require-
54 ments for receipt of awards [is] set forth in paragraphs a and b of this
55 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 § 8. Paragraph h of subdivision 2 of section 355 of the education law
4 is amended by adding a new subparagraph 10 to read as follows:

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

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

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

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

29 8-a. The payment of tuition and other fees and charges of a student
30 who is attending a community college and who is not a legal resident of
31 New York state but is a United States citizen, a permanent lawful resi-
32 dent, a lawful non-immigrant alien or an applicant without lawful immi-
33 gration status may be reduced by state-aided programs, scholarships and
34 other financial assistance awarded under the provisions of articles
35 thirteen, thirteen-A, fourteen and fourteen-A of this chapter, provided
36 that the student meets the requirements set forth in subparagraph (ii)
37 of paragraph a or subparagraph (ii) of paragraph b of subdivision five
38 of section six hundred sixty-one of this chapter, as applicable.

39 § 11. Paragraph d of subdivision 3 of section 6451 of the education
40 law, as amended by chapter 149 of the laws of 1972, is amended to read
41 as follows:

42 d. Any necessary supplemental financial assistance, which may include
43 the cost of books and necessary maintenance for such enrolled students,
44 including students without lawful immigration status provided that the
45 student meets the requirements set forth in subparagraph (ii) of para-
46 graph a or subparagraph (ii) of paragraph b of subdivision five of
47 section six hundred sixty-one of this chapter, as applicable; provided,
48 however, that such supplemental financial assistance shall be furnished
49 pursuant to criteria promulgated by the commissioner with the approval
50 of the director of the budget.

51 § 11-a. Paragraph d of subdivision 3 of section 6451 of the education
52 law, as amended by chapter 494 of the laws of 2016, is amended to read
53 as follows:

54 d. Any necessary supplemental financial assistance, which may include
55 the cost of books and necessary maintenance for such enrolled students,
56 including students without lawful immigration status provided that the

1 student meets the requirements set forth in subparagraph (ii) of para-
2 graph a or subparagraph (ii) of paragraph b of subdivision five of
3 section six hundred sixty-one of this chapter, as applicable; provided,
4 however, that such supplemental financial assistance shall be furnished
5 pursuant to criteria promulgated by the commissioner with the approval
6 of the director of the budget;

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

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

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

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

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

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

46 (2) attended an approved New York state program for a state high
47 school equivalency diploma, received a state high school equivalency
48 diploma and applied for attendance at the institution of higher educa-
49 tion for the undergraduate study for which an award is sought within
50 five years of receiving a state high school equivalency diploma,
51 attended an approved New York state high school for two or more years,
52 graduated from an approved New York state high school and applied for
53 attendance at an institution of higher education within five years of
54 receiving a New York state high school diploma; or

55 (3) is otherwise eligible for the payment of tuition and fees at a
56 rate no greater than that imposed for resident students of the state



1 university of New York, the city university of New York or community
2 colleges as prescribed in subparagraph eight of paragraph h of subdivi-
3 sion two of section three hundred fifty-five or paragraph (a) of subdivi-
4 vision seven of section sixty-two hundred six of this chapter.

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

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

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

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

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

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

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

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

51 § 15. Subparagraph (i) of paragraph a of subdivision 2 of section
52 695-e of the education law, as amended by chapter 593 of the laws of
53 2003, is amended to read as follows:

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

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

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

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

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

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

26 (a) section two of this act shall take effect January 1, 2018;

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

32 (c) sections three through fourteen and section seventeen of this act
33 shall take effect on the ninetieth day after the issuance of regulations
34 and the development of an application form by the president of the high-
35 er education services corporation and commissioner of education or on
36 the ninetieth day after it shall have become a law, whichever shall be
37 later; provided, however, that if chapter 494 of the laws of 2016 shall
38 not have taken effect on or before such date then section eleven-a of
39 this act shall take effect on the same date and in the same manner as
40 such chapter of the laws of 2016 takes effect; provided, further, howev-
41 er that effective immediately the addition, amendment and/or repeal of
42 any rule or regulation necessary for the implementation of this act on
43 its effective date are authorized and directed to be made and completed
44 on or before such date; provided, further, however, that the president
45 of the higher education services corporation and the commissioner of
46 education shall notify the legislative bill drafting commission upon the
47 occurrence of the issuance of the regulations and the development of an
48 application form in order that the commission may maintain an accurate
49 and timely effective data base of the official text of the laws of the
50 state of New York in furtherance of effectuating the provisions of
51 section 44 of the legislative law and section 70-b of the public offi-
52 cers law.

53

PART F

54

Intentionally Omitted



1

PART G

2 Section 1. Subparagraph 4 of paragraph h of subdivision 2 of section
3 355 of the education law, as amended by section 1 of part D of chapter
4 54 of the laws of 2016, is amended to read as follows:

5 (4) The trustees shall not impose a differential tuition charge based
6 upon need or income. Except as hereinafter provided, all students
7 enrolled in programs leading to like degrees at state-operated insti-
8 tutions of the state university shall be charged a uniform rate of
9 tuition except for differential tuition rates based on state residency.
10 Provided, however, that the trustees may authorize the presidents of the
11 colleges of technology and the colleges of agriculture and technology to
12 set differing rates of tuition for each of the colleges for students
13 enrolled in degree-granting programs leading to an associate degree and
14 non-degree granting programs so long as such tuition rate does not
15 exceed the tuition rate charged to students who are enrolled in like
16 degree programs or degree-granting undergraduate programs leading to a
17 baccalaureate degree at other state-operated institutions of the state
18 university of New York. Notwithstanding any other provision of this
19 subparagraph, the trustees may authorize the setting of a separate cate-
20 gory of tuition rate, that shall be greater than the tuition rate for
21 resident students and less than the tuition rate for non-resident
22 students, only for students enrolled in distance learning courses who
23 are not residents of the state. Except as otherwise authorized in this
24 subparagraph, the trustees shall not adopt changes affecting tuition
25 charges prior to the enactment of the annual budget, provided however
26 that:

27 (i) Commencing with the two thousand eleven--two thousand twelve
28 academic year and ending in the two thousand fifteen--two thousand
29 sixteen academic year the state university of New York board of trustees
30 shall be empowered to increase the resident undergraduate rate of
31 tuition by not more than three hundred dollars over the resident under-
32 graduate rate of tuition adopted by the board of trustees in the prior
33 academic year, provided however that commencing with the two thousand
34 eleven--two thousand twelve academic year [and each year thereafter] and
35 ending in the two thousand sixteen--two thousand seventeen academic year
36 if the annual resident undergraduate rate of tuition would exceed five
37 thousand dollars, then a tuition credit for each eligible student, as
38 determined and calculated by the New York state higher education
39 services corporation pursuant to section six hundred eighty-nine-a of
40 this title, shall be applied toward the tuition charged for each semes-
41 ter, quarter or term of study. Tuition for each semester, quarter or
42 term of study shall not be due for any student eligible to receive such
43 tuition credit until the tuition credit is calculated and applied
44 against the tuition charged for the corresponding semester, quarter or
45 term.

46 (ii) Commencing with the two thousand seventeen--two thousand eighteen
47 academic year and ending in the two thousand twenty-one--two thousand
48 twenty-two academic year the state university of New York board of trus-
49 tees shall be empowered to increase the resident undergraduate rate of
50 tuition by not more than two hundred dollars over the resident under-
51 graduate rate of tuition adopted by the board of trustees in the prior
52 academic year, provided, however that if the annual resident undergradu-
53 ate rate of tuition would exceed the maximum tuition assistance program
54 award pursuant to subitem (c) of item one of clause (A) of subparagraph
55 (i) of paragraph a of subdivision three of section six hundred sixty-



1 seven of this title, then a tuition credit for each eligible student, as
2 determined and calculated by the New York state higher education
3 services corporation pursuant to section six hundred eighty-nine-a of
4 this title, shall be applied toward the tuition charged for each semes-
5 ter, quarter or term of study. Tuition for each semester, quarter or
6 term of study shall not be due for any student eligible to receive such
7 tuition credit until the tuition credit is calculated and applied
8 against the tuition charged for the corresponding semester, quarter or
9 term. Provided, further that the revenue resulting from an increase in
10 the rate of tuition shall be allocated to each campus pursuant to a plan
11 approved by the board of trustees to support investments in faculty,
12 instruction, initiatives to improve student success and on-time
13 completion and a tuition credit for each eligible student.

14 (iii) On or before November thirtieth, two thousand [eleven]
15 seventeen, the trustees shall approve and submit to the chairs of the
16 assembly ways and means committee and the senate finance committee and
17 to the director of the budget a master tuition plan setting forth the
18 tuition rates that the trustees propose for resident undergraduate
19 students for the five year period commencing with the two thousand
20 [eleven] seventeen--two thousand [twelve] eighteen academic year and
21 ending in the two thousand [fifteen] twenty-one--two thousand [sixteen]
22 twenty-two academic year, and shall submit any proposed amendments to
23 such plan by November thirtieth of each subsequent year thereafter
24 through November thirtieth, two thousand [fifteen] twenty-one, and
25 provided further, that with the approval of the board of trustees, each
26 university center may increase non-resident undergraduate tuition rates
27 each year by not more than ten percent over the tuition rates of the
28 prior academic year for a six year period commencing with the two thou-
29 sand eleven--two thousand twelve academic year and ending in the two
30 thousand sixteen--two thousand seventeen academic year.

31 [(iii)] (iv) Beginning in state fiscal year two thousand twelve--two
32 thousand thirteen and ending in state fiscal year two thousand fifteen--
33 two thousand sixteen, the state shall appropriate and make available
34 general fund operating support, including fringe benefits, for the state
35 university in an amount not less than the amount appropriated and made
36 available in the prior state fiscal year; provided, however, that if the
37 governor declares a fiscal emergency, and communicates such emergency to
38 the temporary president of the senate and speaker of the assembly, state
39 support for operating expenses at the state university and city univer-
40 sity may be reduced in a manner proportionate to one another, and the
41 aforementioned provisions shall not apply.

42 [(iv)] (v) The state shall appropriate annually and make available
43 general fund operating support including fringe benefits, for the state
44 university in an amount not less than the amount appropriated and made
45 available to the state university in state fiscal year two thousand
46 eleven--two thousand twelve. Beginning in state fiscal year two thousand
47 eighteen--two thousand nineteen and thereafter, the state shall appro-
48 prate and make available general fund operating support for the state
49 university and the state university health science centers in an amount
50 not less than the amounts separately appropriated and made available in
51 the prior state fiscal year; provided, further, the state shall appro-
52 prate and make available general fund operating support to cover all
53 mandatory costs of the state university and the state university health
54 science centers, which shall include, but not be limited to, collective
55 bargaining costs including salary increments, fringe benefits, and other
56 non-personal service costs such as utility costs, building rentals and



1 other inflationary expenses incurred by the state university and the
2 state university health science centers. If the governor, however,
3 declares a fiscal emergency, and communicates such emergency to the
4 temporary president of the senate and speaker of the assembly, state
5 support for operating expenses at the state university and city univer-
6 sity may be reduced in a manner proportionate to one another, and the
7 above-mentioned provisions shall not apply.

8 (vi) For the state university fiscal years commencing two thousand
9 eleven--two thousand twelve and ending two thousand fifteen--two thou-
10 sand sixteen, each university center may set aside a portion of its
11 tuition revenues derived from tuition increases to provide increased
12 financial aid for New York state resident undergraduate students whose
13 net taxable income is eighty thousand dollars or more subject to the
14 approval of a NY-SUNY 2020 proposal by the governor and the chancellor
15 of the state university of New York. Nothing in this paragraph shall be
16 construed as to authorize that students whose net taxable income is
17 eighty thousand dollars or more are eligible for tuition assistance
18 program awards pursuant to section six hundred sixty-seven of this chap-
19 ter.

20 § 2. Paragraph (a) of subdivision 7 of section 6206 of the education
21 law, as amended by section 2 of part D of chapter 54 of the laws of
22 2016, is amended to read as follows:

23 (a) The board of trustees shall establish positions, departments,
24 divisions and faculties; appoint and in accordance with the provisions
25 of law fix salaries of instructional and non-instructional employees
26 therein; establish and conduct courses and curricula; prescribe condi-
27 tions of student admission, attendance and discharge; and shall have the
28 power to determine in its discretion whether tuition shall be charged
29 and to regulate tuition charges, and other instructional and non-in-
30 structural fees and other fees and charges at the educational units of
31 the city university. The trustees shall review any proposed community
32 college tuition increase and the justification for such increase. The
33 justification provided by the community college for such increase shall
34 include a detailed analysis of ongoing operating costs, capital, debt
35 service expenditures, and all revenues. The trustees shall not impose a
36 differential tuition charge based upon need or income. All students
37 enrolled in programs leading to like degrees at the senior colleges
38 shall be charged a uniform rate of tuition, except for differential
39 tuition rates based on state residency. Notwithstanding any other
40 provision of this paragraph, the trustees may authorize the setting of a
41 separate category of tuition rate, that shall be greater than the
42 tuition rate for resident students and less than the tuition rate for
43 non-resident students, only for students enrolled in distance learning
44 courses who are not residents of the state; provided, however, that:

45 (i) Commencing with the two thousand eleven--two thousand twelve
46 academic year and ending in the two thousand fifteen--two thousand
47 sixteen academic year, the city university of New York board of trustees
48 shall be empowered to increase the resident undergraduate rate of
49 tuition by not more than three hundred dollars over the resident under-
50 graduate rate of tuition adopted by the board of trustees in the prior
51 academic year, provided however that commencing with the two thousand
52 eleven--two thousand twelve academic year and [each year thereafter]
53 ending with the two thousand sixteen--two thousand seventeen academic
54 year if the annual resident undergraduate rate of tuition would exceed
55 five thousand dollars, then a tuition credit for each eligible student,
56 as determined and calculated by the New York state higher education

1 services corporation pursuant to section six hundred eighty-nine-a of
2 this chapter, shall be applied toward the tuition charged for each
3 semester, quarter or term of study. Tuition for each semester, quarter
4 or term of study shall not be due for any student eligible to receive
5 such tuition credit until the tuition credit is calculated and applied
6 against the tuition charged for the corresponding semester, quarter or
7 term.

8 (ii) Commencing with the two thousand seventeen--two thousand eighteen
9 academic year and ending in the two thousand twenty-one--two thousand
10 twenty-two academic year the city university of New York board of trus-
11 tees shall be empowered to increase the resident undergraduate rate of
12 tuition by not more than two hundred dollars over the resident under-
13 graduate rate of tuition adopted by the board of trustees in the prior
14 academic year, provided however that if the annual resident undergradu-
15 ate rate of tuition would exceed the maximum tuition assistance program
16 award pursuant to subitem (c) of item one of clause (A) of subparagraph
17 (i) of paragraph a of subdivision three of section six hundred sixty-
18 seven of this chapter, then a tuition credit for each eligible student,
19 as determined and calculated by the New York state higher education
20 services corporation pursuant to section six hundred eighty-nine-a of
21 this title, shall be applied toward the tuition charged for each semes-
22 ter, quarter or term of study. Tuition for each semester, quarter or
23 term of study shall not be due for any student eligible to receive such
24 tuition credit until the tuition credit is calculated and applied
25 against the tuition charged for the corresponding semester, quarter or
26 term. Provided, further that the revenue resulting from an increase in
27 the rate of tuition shall be allocated to each campus pursuant to a plan
28 approved by the board of trustees to support investments in faculty,
29 instruction, initiatives to improve student success and on-time
30 completion and a tuition credit for each eligible student.

31 (iii) On or before November thirtieth, two thousand [eleven]
32 seventeen, the trustees shall approve and submit to the chairs of the
33 assembly ways and means committee and the senate finance committee and
34 to the director of the budget a master tuition plan setting forth the
35 tuition rates that the trustees propose for resident undergraduate
36 students for the five year period commencing with the two thousand
37 [eleven] ~~seventeen~~--two thousand [twelve] eighteen academic year and
38 ending in the two thousand [fifteen] ~~twenty-one~~--two thousand [sixteen]
39 ~~twenty-two~~ academic year, and shall submit any proposed amendments to
40 such plan by November thirtieth of each subsequent year thereafter
41 through November thirtieth, two thousand [fifteen] twenty-one.

42 [(iii)] (iv) Beginning in state fiscal year two thousand twelve--two
43 thousand thirteen and ending in state fiscal year two thousand fifteen-
44 two thousand sixteen, the state shall appropriate and make available
45 state support for operating expenses, including fringe benefits, for the
46 city university in an amount not less than the amount appropriated and
47 made available in the prior state fiscal year; provided, however, that
48 if the governor declares a fiscal emergency, and communicates such emer-
49 gency to the temporary president of the senate and speaker of the assem-
50 bly, state support for operating expenses of the state university and
51 city university may be reduced in a manner proportionate to one another,
52 and the aforementioned provisions shall not apply.

53 (v) The state shall appropriate annually and make available state
54 support for operating expenses, including fringe benefits, for the city
55 university in an amount not less than the amount appropriated and made
56 available to the city university in state fiscal year two thousand

1 eleven--two thousand twelve. Beginning in state fiscal year two thousand
2 eighteen--two thousand nineteen and thereafter, the state shall appro-
3 priate and make available state support for operating expenses for the
4 city university in an amount not less than the amounts separately appro-
5 priated and made available in the prior state fiscal year; provided,
6 further, the state shall appropriate and make available general fund
7 operating support to cover all mandatory costs of the city university,
8 which shall include, but not be limited to, collective bargaining costs,
9 including salary increments, fringe benefits, and other non-personal
10 service costs such as utility costs, building rentals and other infla-
11 tionary expenses incurred by the city university. If the governor,
12 however, declares a fiscal emergency, and communicates such emergency to
13 the temporary president of the senate and the speaker of the assembly,
14 state support for operating expenses of the state university and city
15 university may be reduced in a manner proportionate to one another, and
16 the aforementioned provisions shall not apply.

17 § 3. Section 359 of the education law is amended by adding a new
18 subdivision 6 to read as follows:

19 6. The state university trustees shall annually report on how the
20 revenue generated has been invested in faculty, instruction, initiatives
21 to improve student success and on-time completion and student financial
22 assistance for the duration of the five year tuition plan. The trustees
23 shall submit the report by September first of each subsequent year.

24 § 4. Section 6206 of the education law is amended by adding a new
25 subdivision 19 to read as follows:

26 19. The city university trustees shall annually report on how the
27 revenue generated has been invested in faculty, instruction, initiatives
28 to improve student success and on-time completion and student financial
29 assistance for the duration of the five year tuition plan. The trustees
30 shall submit the report by September first of each subsequent year.

31 § 5. Section 689-a of the education law, as added by chapter 260 of
32 the laws of 2011, is amended to read as follows:

33 § 689-a. Tuition credits. 1. The New York state higher education
34 services corporation shall calculate a tuition credit for each resident
35 undergraduate student who has filed an application with such corporation
36 for a tuition assistance program award pursuant to section six hundred
37 sixty-seven of this article, and is determined to be eligible to receive
38 such award, and is also enrolled in a program of undergraduate study at
39 a state operated or senior college of the state university of New York
40 or the city university of New York where the annual resident undergradu-
41 ate tuition rate will exceed [five thousand dollars] the maximum tuition
42 assistance program award pursuant to subitem (c) of item one of clause
43 (A) of subparagraph (i) of paragraph a of subdivision three of section
44 six hundred sixty-seven of this article. Such tuition credit shall be
45 calculated for each semester, quarter or term of study that tuition is
46 charged and tuition for the corresponding semester, quarter or term
47 shall not be due for any student eligible to receive such tuition credit
48 until such credit is calculated, the student and school where the
49 student is enrolled is notified of the tuition credit amount, and such
50 tuition credit is applied toward the tuition charged.

51 2. Each tuition credit pursuant to this section shall be an amount
52 equal to the product of the total annual resident undergraduate tuition
53 rate minus [five thousand dollars] the maximum tuition assistance
54 program award pursuant to subitem (c) of item one of clause (A) of
55 subparagraph (i) of paragraph a of subdivision three of section six
56 hundred sixty-seven of this article, then multiplied by an amount equal



1 to the product of the total annual award for the student pursuant to
2 section six hundred sixty-seven of this article divided by an amount
3 equal to the maximum amount the student qualifies to receive pursuant to
4 clause (A) of subparagraph (i) of paragraph a of subdivision three of
5 section six hundred sixty-seven of this article.

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

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

32 § 7. Section 16 of chapter 260 of the laws of 2011 amending the educa-
33 tion law and the New York state urban development corporation act relat-
34 ing to establishing components of the NY-SUNY 2020 challenge grant
35 program, as amended by section 5 of part D of chapter 54 of the laws of
36 2016, is amended to read as follows:

37 § 16. This act shall take effect July 1, 2011; provided that sections
38 one, two, three, four, five, six, eight, nine, ten, eleven, twelve and
39 thirteen of this act shall expire [6] 11 years after such effective date
40 when upon such date the provisions of this act shall be deemed repealed;
41 and provided further that sections fourteen and fifteen of this act
42 shall expire 5 years after such effective date when upon such date the
43 provisions of this act shall be deemed repealed.

44 § 8. This act shall take effect immediately; provided that the amend-
45 ments to subparagraph 4 of paragraph h of subdivision 2 of section 355
46 of the education law made by section one of this act and the amendments
47 to paragraph (a) of subdivision 7 of section 6206 of the education law
48 made by section two of this act shall not affect the expiration of such
49 provisions and shall be deemed to expire therewith; provided further,
50 however, that the amendments to section 689-a of the education law made
51 by section five of this act shall not affect the repeal of such section
52 and shall be deemed repealed therewith.

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

3 ARTICLE 128

4 PUBLIC UNIVERSITY AFFILIATED ORGANIZATIONS AND FOUNDATIONS

5 Section 6361. Foundation contributions to the state university of New
6 York and city university of New York.

7 § 6361. Foundation contributions to the state university of New York
8 and city university of New York. 1. Any affiliated organization or foun-
9 dation of the state university of New York or the city university of New
10 York shall examine their mission, and consistent with such mission and
11 to the extent legal and practical, support programs, services, and scho-
12 larships to provide additional benefits for students attending the state
13 university of New York or the city university of New York, respectively.

14 2. As defined in this section "affiliated organization or foundation"
15 means an organization or foundation formed under the not-for-profit
16 corporation law or any other entity formed for the benefit of or
17 controlled by the state university of New York or the city university of
18 New York or their respective universities, colleges, community colleges,
19 campuses or subdivisions, including the research foundation of the state
20 university of New York and the research foundation of the city universi-
21 ty of New York, to assist in meeting the specific needs of, or providing
22 a direct benefit to, the respective university, college, community
23 college, campus or subdivision or the university as a whole, that has
24 control of, manages or receives one hundred thousand dollars or more
25 annually, including alumni associations. For the purposes of this
26 section, this term does not include a student-run organization comprised
27 solely of enrolled students and formed for the purpose of advancing a
28 student objective.

29 § 2. This act shall take effect immediately, and shall be deemed to
30 have been in full force and effect on or after April 1, 2017.

31 PART I

32 Section 1. Subdivision (c) of section 609 of the limited liability
33 company law, as added by chapter 537 of the laws of 2014, is amended to
34 read as follows:

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

1 to the excess so paid, over and above his or her pro rata share, and may
2 sue them jointly or severally or any number of them to recover the
3 amount due from them. Such recovery may be had in a separate action. As
4 used in this subdivision, "pro rata" means in proportion to percentage
5 ownership interest. Before a member may claim contribution from other
6 members under this section, he or she shall give them notice in writing
7 that he or she intends to hold them so liable to him or her.

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

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

35 § 3. Subdivision 1 of section 196 of the labor law is amended by
36 adding a new paragraph f to read as follows:

37 f. When an employer is a corporation or limited liability company,
38 including foreign as well as domestic, the commissioner's duties, powers
39 and authority shall include the following with respect to the ten larg-
40 est shareholders, within the meaning of section six hundred thirty of
41 the business corporation law, or the ten members with the largest
42 percentage ownership interest, within the meaning of section six hundred
43 nine of the limited liability company law, in connection with an assign-
44 ment, investigation, proceeding, order, or judgment under this article,
45 under section two hundred fifteen, or under article eight, eight-A,
46 nine, nineteen, nineteen-A or twenty-five-A of this chapter:

47 (i) to order the employer to identify such shareholders and members
48 and, if the employer shall fail to identify such shareholders within ten
49 days after an order under this subparagraph, to bring an action in the
50 name and on behalf of the people of the state of New York against such
51 employer in the supreme court to compel such employer to identify such
52 shareholders and members and pay a civil penalty of no more than ten
53 thousand dollars;

54 (ii) to serve written notices on such shareholders and members pursu-
55 ant to section six hundred thirty of the business corporation law and
56 section six hundred nine of the limited liability company law, on behalf



1 of laborers, servants or employees, within the time period prescribed by
2 those sections, which time period shall be tolled during the commission-
3 er's investigation; and

4 (iii) to name such shareholders and members in any order or judgement
5 within the scope of this paragraph and to hold such shareholders and
6 members jointly and severally liable for all wages, pay, and compen-
7 sation, together with interest assessed under this chapter, from the
8 date of any written notice pursuant to subparagraph (ii) of this para-
9 graph, which orders and judgments may be enforced as provided for under
10 this chapter, in lieu of actions commenced under section six hundred
11 thirty of the business corporation law and section six hundred nine of
12 the limited liability company law.

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

15 3. Each employee and his or her authorized representative shall be
16 notified in writing, of the termination of the commissioner's investi-
17 gation of the employee's complaint and the result of such investigation,
18 of any award and collection of back wages and civil penalties, and of
19 any intent to seek criminal penalties. In the event that criminal penal-
20 ties are sought the employee and his or her authorized representative
21 shall be notified of the outcome of prosecution.

22 § 5. Subdivision 2 of section 663 of the labor law, as amended by
23 chapter 564 of the laws of 2010, is amended to read as follows:

24 2. By commissioner. On behalf of any employee paid less than the wage
25 to which the employee is entitled under the provisions of this article,
26 the commissioner may bring any legal action necessary, including admin-
27 istrative action, to collect such claim, and the employer shall be
28 required to pay the full amount of the underpayment, plus costs, and
29 unless the employer proves a good faith basis to believe that its under-
30 payment was in compliance with the law, an additional amount as liqui-
31 dated damages. Liquidated damages shall be calculated by the commission-
32 er as no more than one hundred percent of the total amount of
33 underpayments found to be due the employee. In any action brought by the
34 commissioner in a court of competent jurisdiction, liquidated damages
35 shall be calculated as an amount equal to one hundred percent of under-
36 payments found to be due the employee. Each employee or his or her
37 authorized representative shall be notified in writing of the outcome of
38 any legal action brought on the employee's behalf pursuant to this
39 section.

40 § 6. Section 2 of the lien law is amended by adding three new subdivi-
41 sions 21, 22 and 23 to read as follows:

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

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

50 23. Wage claim. The term "wage claim", when used in this chapter,
51 means a claim that an employee has suffered a violation of sections one
52 hundred seventy, one hundred ninety-one, one hundred ninety-three, one
53 hundred ninety-six-d, six hundred fifty-two or six hundred seventy-three
54 of the labor law or the related regulations and wage orders promulgated
55 by the commissioner, a claim for wages due to an employee pursuant to an
56 employment contract that were unpaid in violation of that contract, or a

1 claim that an employee has suffered a violation of 29 U.S.C. § 206 or
2 207.

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

5 § 3. Mechanic's lien and employee's lien on [real] property. 1.
6 Mechanic's lien. A contractor, subcontractor, laborer, materialman,
7 landscape gardener, nurseryman or person or corporation selling fruit or
8 ornamental trees, roses, shrubbery, vines and small fruits, who performs
9 labor or furnishes materials for the improvement of real property with
10 the consent or at the request of the owner thereof, or of his agent,
11 contractor or subcontractor, and any trust fund to which benefits and
12 wage supplements are due or payable for the benefit of such laborers,
13 shall have a lien for the principal and interest, of the value, or the
14 agreed price, of such labor, including benefits and wage supplements due
15 or payable for the benefit of any laborer, or materials upon the real
16 property improved or to be improved and upon such improvement, from the
17 time of filing a notice of such lien as prescribed in this chapter.
18 Where the contract for an improvement is made with a husband or wife and
19 the property belongs to the other or both, the husband or wife contract-
20 ing shall also be presumed to be the agent of the other, unless such
21 other having knowledge of the improvement shall, within ten days after
22 learning of the contract give the contractor written notice of his or
23 her refusal to consent to the improvement. Within the meaning of the
24 provisions of this chapter, materials actually manufactured for but not
25 delivered to the real property, shall also be deemed to be materials
26 furnished.

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

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

46 § 8. Subdivisions 1 and 2 of section 4 of the lien law, subdivision 1
47 as amended by chapter 515 of the laws of 1929 and subdivision 2 as added
48 by chapter 704 of the laws of 1985, are amended to read as follows:

49 (1) [Such] A mechanic's or employee's lien and employee's lien against
50 real property shall extend to the owner's right, title or interest in
51 the real property and improvements, existing at the time of filing the
52 notice of lien, or thereafter acquired, except as hereinafter in this
53 article provided. If an owner assigns his interest in such real property
54 by a general assignment for the benefit of creditors, within thirty days
55 prior to such filing, the lien shall extend to the interest thus
56 assigned. If any part of the real property subjected to such lien be

1 removed by the owner or by any other person, at any time before the
2 discharge thereof, such removal shall not affect the rights of the
3 lienor, either in respect to the remaining real property, or the part so
4 removed. If labor is performed for, or materials furnished to, a
5 contractor or subcontractor for an improvement, the mechanic's lien
6 shall not be for a sum greater than the sum earned and unpaid on the
7 contract at the time of filing the notice of lien, and any sum subse-
8 quently earned thereon. In no case shall the owner be liable to pay by
9 reason of all mechanic's liens created pursuant to this article a sum
10 greater than the value or agreed price of the labor and materials
11 remaining unpaid, at the time of filing notices of such liens, except as
12 hereinafter provided.

13 (2) [Such] A mechanic's or employee's lien shall not extend to the
14 owner's right, title or interest in real property and improvements,
15 existing at the time of filing the notice of lien if such lien arises
16 from the failure of a lessee of the right to explore, develop or produce
17 natural gas or oil, to pay for, compensate or render value for improve-
18 ments made with the consent or at the request of such lessee by a
19 contractor, subcontractor, materialman, equipment operator or owner,
20 landscaper, nurseryman, or person or corporation who performs labor or
21 furnishes materials for the exploration, development, or production of
22 oil or natural gas or otherwise improves such leased property. Such
23 mechanic's or employee's lien shall extend to the improvements made for
24 the exploration, development and production of oil and natural gas, and
25 the working interest held by a lessee of the right to explore, develop
26 or produce oil and natural gas.

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

29 The proceeds of any insurance which by the terms of the policy are
30 payable to the owner of real property improved, and actually received or
31 to be received by him because of the destruction or removal by fire or
32 other casualty of an improvement on which lienors have performed labor
33 or services or for which they have furnished materials, or upon which an
34 employee has established an employee's lien, shall after the owner has
35 been reimbursed therefrom for premiums paid by him, if any, for such
36 insurance, be subject to liens provided by this act to the same extent
37 and in the same order of priority as the real property would have been
38 had such improvement not been so destroyed or removed.

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

41 1. The name of the lienor, and either the residence of the lienor or
42 the name and business address of the lienor's attorney, if any; and if
43 the lienor is a partnership or a corporation, the business address of
44 such firm, or corporation, the names of partners and principal place of
45 business, and if a foreign corporation, its principal place of business
46 within the state.

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

50 5. The amount unpaid to the lienor for such labor or materials, or the
51 amount of the wage claim if a wage claim is the basis for establishment
52 of the lien, the items of the wage claim and the value thereof which
53 make up the amount for which the lienor claims a lien.

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

1 1. (a) Notice of mechanic's lien may be filed at any time during the
2 progress of the work and the furnishing of the materials, or, within
3 eight months after the completion of the contract, or the final perform-
4 ance of the work, or the final furnishing of the materials, dating from
5 the last item of work performed or materials furnished; provided, howev-
6 er, that where the improvement is related to real property improved or
7 to be improved with a single family dwelling, the notice of mechanic's
8 lien may be filed at any time during the progress of the work and the
9 furnishing of the materials, or, within four months after the completion
10 of the contract, or the final performance of the work, or the final
11 furnishing of the materials, dating from the last item of work performed
12 or materials furnished; and provided further where the notice of mechan-
13 ic's lien is for retainage, the notice of mechanic's lien may be filed
14 within ninety days after the date the retainage was due to be released;
15 except that in the case of a mechanic's lien by a real estate broker,
16 the notice of mechanic's lien may be filed only after the performance of
17 the brokerage services and execution of lease by both lessor and lessee
18 and only if a copy of the alleged written agreement of employment or
19 compensation is annexed to the notice of lien, provided that where the
20 payment pursuant to the written agreement of employment or compensation
21 is to be made in installments, then a notice of lien may be filed within
22 eight months after the final payment is due, but in no event later than
23 a date five years after the first payment was made. For purposes of this
24 section, the term "single family dwelling" shall not include a dwelling
25 unit which is a part of a subdivision that has been filed with a munici-
26 pality in which the subdivision is located when at the time the lien is
27 filed, such property in the subdivision is owned by the developer for
28 purposes other than his personal residence. For purposes of this
29 section, "developer" shall mean and include any private individual,
30 partnership, trust or corporation which improves two or more parcels of
31 real property with single family dwellings pursuant to a common scheme
32 or plan. [The]

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

36 (c) A notice of lien, other than for a lien on personal property, must
37 be filed in the clerk's office of the county where the property is situ-
38 ated. If such property is situated in two or more counties, the notice
39 of lien shall be filed in the office of the clerk of each of such coun-
40 ties. The county clerk of each county shall provide and keep a book to
41 be called the "lien docket," which shall be suitably ruled in columns
42 headed "owners," "lienors," "lienor's attorney," "property," "amount,"
43 "time of filing," "proceedings had," in each of which he shall enter the
44 particulars of the notice, properly belonging therein. The date, hour
45 and minute of the filing of each notice of lien shall be entered in the
46 proper column. Except where the county clerk maintains a block index,
47 the names of the owners shall be arranged in such book in alphabetical
48 order. The validity of the lien and the right to file a notice thereof
49 shall not be affected by the death of the owner before notice of the
50 lien is filed. A notice of employee's lien on personal property must be
51 filed, together with a financing statement, in the filing office as set
52 forth in section 9-501 of the uniform commercial code.

53 § 12. Section 11 of the lien law, as amended by chapter 147 of the
54 laws of 1996, is amended to read as follows:

55 § 11. Service of copy of notice of lien. 1. Within five days before
56 or thirty days after filing the notice of a mechanic's lien, the lienor

1 shall serve a copy of such notice upon the owner, if a natural person,
2 (a) by delivering the same to him personally, or if the owner cannot be
3 found, to his agent or attorney, or (b) by leaving it at his last known
4 place of residence in the city or town in which the real property or
5 some part thereof is situated, with a person of suitable age and
6 discretion, or (c) by registered or certified mail addressed to his last
7 known place of residence, or (d) if such owner has no such residence in
8 such city or town, or cannot be found, and he has no agent or attorney,
9 by affixing a copy thereof conspicuously on such property, between the
10 hours of nine o'clock in the forenoon and four o'clock in the afternoon;
11 if the owner be a corporation, said service shall be made (i) by deliv-
12 ering such copy to and leaving the same with the president, vice-presi-
13 dent, secretary or clerk to the corporation, the cashier, treasurer or a
14 director or managing agent thereof, personally, within the state, or
15 (ii) if such officer cannot be found within the state by affixing a copy
16 thereof conspicuously on such property between the hours of nine o'clock
17 in the forenoon and four o'clock in the afternoon, or (iii) by regis-
18 tered or certified mail addressed to its last known place of business.
19 Failure to file proof of such a service with the county clerk within
20 thirty-five days after the notice of lien is filed shall terminate the
21 notice as a lien. Until service of the notice has been made, as above
22 provided, an owner, without knowledge of the lien, shall be protected in
23 any payment made in good faith to any contractor or other person claim-
24 ing a lien.

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

55 § 13. Section 11-b of the lien law, as amended by chapter 147 of the
56 laws of 1996, is amended to read as follows:

1 § 11-b. Copy of notice of mechanic's lien to a contractor or subcon-
2 tractor. Within five days before or thirty days after filing a notice
3 of mechanic's lien in accordance with section ten of this chapter or the
4 filing of an amendment of notice of mechanic's lien in accordance with
5 section twelve-a of this [chapter] article the lienor shall serve a copy
6 of such notice or amendment by certified mail on the contractor, subcon-
7 tractor, assignee or legal representative for whom he was employed or to
8 whom he furnished materials or if the lienor is a contractor or subcon-
9 tractor to the person, firm or corporation with whom the contract was
10 made. A lienor having a direct contractual relationship with a subcon-
11 tractor or a sub-subcontractor but not with a contractor shall also
12 serve a copy of such notice or amendment by certified mail to the
13 contractor. Failure to file proof of such a service with the county
14 clerk within thirty-five days after the notice of lien is filed shall
15 terminate the notice as a lien. Any lienor, or a person acting on behalf
16 of a lienor, who fails to serve a copy of the notice of mechanic's lien
17 as required by this section shall be liable for reasonable attorney's
18 fees, costs and expenses, as determined by the court, incurred in
19 obtaining such copy.

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

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

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

30 (1) [A] An employee's lien, or a lien for materials furnished or labor
31 performed in the improvement of real property, shall have priority over
32 a conveyance, mortgage, judgment or other claim against such property
33 not recorded, docketed or filed at the time of the filing of the notice
34 of such lien, except as hereinafter in this chapter provided; over
35 advances made upon any mortgage or other encumbrance thereon after such
36 filing, except as hereinafter in this article provided; and over the
37 claim of a creditor who has not furnished materials or performed labor
38 upon such property, if such property has been assigned by the owner by a
39 general assignment for the benefit of creditors, within thirty days
40 before the filing of either of such notices; and also over an attachment
41 hereafter issued or a money judgment hereafter recovered upon a claim,
42 which, in whole or in part, was not for materials furnished, labor
43 performed or moneys advanced for the improvement of such real property;
44 and over any claim or lien acquired in any proceedings upon such judg-
45 ment. Such liens shall also have priority over advances made upon a
46 contract by an owner for an improvement of real property which contains
47 an option to the contractor, his successor or assigns to purchase the
48 property, if such advances were made after the time when the labor began
49 or the first item of material was furnished, as stated in the notice of
50 lien. If several buildings are demolished, erected, altered or repaired,
51 or several pieces or parcels of real property are improved, under one
52 contract, and there are conflicting liens thereon, each lienor shall
53 have priority upon the particular part of the real property or upon the
54 particular building or premises where his labor is performed or his
55 materials are used. Persons shall have no priority on account of the
56 time of filing their respective notices of liens, but all liens shall be

1 on a parity except as hereinafter in section fifty-six of this chapter
2 provided; and except that in all cases laborers for daily or weekly
3 wages with a mechanic's lien, and employees with an employee's lien,
4 shall have preference over all other claimants under this article.

5 § 16. Section 17 of the lien law, as amended by chapter 324 of the
6 laws of 2000, is amended to read as follows:

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

48 (b) A lien, the duration of which has been extended by the filing of a
49 notice of the pendency of an action as above provided, shall neverthe-
50 less terminate as a lien after such notice has been canceled as provided
51 in section sixty-five hundred fourteen of the civil practice law and
52 rules or has ceased to be effective as constructive notice as provided
53 in section sixty-five hundred thirteen of the civil practice law and
54 rules.

55 2. (a) No employee's lien on real property shall be a lien for a long-
56 er period than one year after the notice of lien has been filed, unless

1 an extension to such lien is filed with the county clerk of the county
2 in which the notice of lien is filed within one year from the filing of
3 the original notice of lien, continuing such lien and such lien shall be
4 redocketed as of the date of filing such extension. Such extension shall
5 contain the names of the lienor and the owner of the real property
6 against whose interest therein such lien is claimed, a brief description
7 of the property affected by such lien, the amount of such lien, and the
8 date of filing the notice of lien. No lien shall be continued by such
9 extension for more than one year from the filing thereof. In the event
10 an action is not commenced to obtain judgment on the wage claim or to
11 foreclose the lien within such extended period, such lien shall be
12 extinguished unless an order be granted by a court of record or a judge
13 or justice thereof, continuing such lien, and such lien shall be redock-
14 eted as of the date of granting such order and a statement made that
15 such lien is continued by virtue of such order.

16 (b) No employee's lien on personal property shall be a lien for a
17 longer period than one year after the financing statement has been
18 recorded, unless an extension to such lien, is filed with the filing
19 office in which the financing statement is required to be filed pursuant
20 to section 9-501 of the uniform commercial code within one year from the
21 filing of the original financing statement, continuing such lien. Such
22 extension shall contain the names of the lienor and the owner of the
23 property against whose interest therein such lien is claimed, a brief
24 description of the prior financing statement to be extended, and the
25 date of filing the prior financing statement. No lien shall be contin-
26 ued by such extension for more than one year from the filing thereof. In
27 the event an action is not commenced to obtain judgment on the wage
28 claim or to foreclose the lien within such extended period, such lien
29 shall be extinguished unless an order be granted by a court of record or
30 a judge or justice thereof, continuing such lien, and such lien shall be
31 refiled as of the date of granting such order and a statement made that
32 such lien is continued by virtue of such order.

33 (c) If a lienor is made a party defendant in an action to enforce
34 another lien, and the plaintiff or such defendant has filed a notice of
35 the pendency of the action within the time prescribed in this section,
36 the lien of such defendant is thereby continued. Such action shall be
37 deemed an action to enforce the lien of such defendant lienor. The fail-
38 ure to file a notice of pendency of action shall not abate the action as
39 to any person liable for the payment of the debt specified in the notice
40 of lien, and the action may be prosecuted to judgment against such
41 person. The provisions of this section in regard to continuing liens
42 shall apply to liens discharged by deposit or by order on the filing of
43 an undertaking. Where a lien is discharged by deposit or by order, a
44 notice of pendency of action shall not be filed.

45 (d) Notwithstanding the foregoing, if a lienor commences a foreclosure
46 action or an action to obtain a judgment on the wage claim within one
47 year from the filing of the notice of lien on real property or the
48 recording of the financing statement creating lien on personal property,
49 the lien shall be extended during the pendency of the action and for one
50 hundred twenty days following the entry of final judgment in such
51 action, unless the action results in a final judgment or administrative
52 order in the lienor's favor on the wage claims and the lienor commences
53 a foreclosure action, in which instance the lien shall be valid during
54 the pendency of the foreclosure action. If a lien is extended due to the
55 pendency of a foreclosure action or an action to obtain a judgment on
56 the wage claim, the lienor shall file a notice of such pendency and

1 extension with the county clerk of the county in which the notice of
2 lien is filed, containing the names of the parties to the action, the
3 object of the action, a brief description of the property affected
4 thereby, and the time of filing the notice of lien, or in the case of a
5 lien on personal property shall file such notice with the office author-
6 ized to accept financing statements pursuant to section 9-501 of the
7 uniform commercial code. For purposes of this section, an action to
8 obtain judgment on a wage claim includes an action brought in any court
9 of competent jurisdiction, the submission of a complaint to the depart-
10 ment of labor or the submission of a claim to arbitration pursuant to an
11 arbitration agreement. An action also includes an investigation of wage
12 claims by the commissioner of labor or the attorney general of the state
13 of New York, regardless of whether such investigation was initiated by a
14 complaint.

15 (e) A lien, the duration of which has been extended by the filing of a
16 notice of the pendency of an action as above provided, shall neverthe-
17 less terminate as a lien after such notice has been canceled as provided
18 in section sixty-five hundred fourteen of the civil practice law and
19 rules or has ceased to be effective as constructive notice as provided
20 in section sixty-five hundred thirteen of the civil practice law and
21 rules.

22 § 17. Subdivisions 2 and 4 of section 19 of the lien law, subdivision
23 2 as amended by chapter 310 of the laws of 1962, subdivision 4 as added
24 by chapter 582 of the laws of 2002 and paragraph a of subdivision 4 as
25 further amended by section 104 of part A of chapter 62 of the laws of
26 2011, are amended to read as follows:

27 (2) By failure to begin an action to foreclose such lien or to secure
28 an order continuing it, within one year from the time of filing the
29 notice of lien, unless (i) an action be begun within the same period to
30 foreclose a mortgage or another mechanic's lien upon the same property
31 or any part thereof and a notice of pendency of such action is filed
32 according to law, or (ii) an action is commenced to obtain a judgment on
33 a wage claim pursuant to subdivision two of section seventeen of this
34 article, but a lien, the duration of which has been extended by the
35 filing of a notice of the pendency of an action as herein provided,
36 shall nevertheless terminate as a lien after such notice has been
37 cancelled or has ceased to be effective as constructive notice.

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

43 a. The execution of any such bond or undertaking by any fidelity or
44 surety company authorized by the laws of this state to transact busi-
45 ness, shall be sufficient; and where a certificate of qualification has
46 been issued by the superintendent of financial services under the
47 provisions of section one thousand one hundred eleven of the insurance
48 law, and has not been revoked, no justification or notice thereof shall
49 be necessary. Any such company may execute any such bond or undertaking
50 as surety by the hand of its officers, or attorney, duly authorized
51 thereto by resolution of its board of directors, a certified copy of
52 which resolution, under the seal of said company, shall be filed with
53 each bond or undertaking. Any such bond or undertaking shall be filed
54 with the clerk of the county in which the notice of lien is filed, and a
55 copy shall be served upon the adverse party. The undertaking is effec-
56 tive when so served and filed. If a certificate of qualification issued

1 pursuant to subsections (b), (c) and (d) of section one thousand one
2 hundred eleven of the insurance law is not filed with the undertaking, a
3 party may except, to the sufficiency of a surety and by a written notice
4 of exception served upon the adverse party within ten days after
5 receipt, a copy of the undertaking. Exceptions deemed by the court to
6 have been taken unnecessarily, or for vexation or delay, may, upon
7 notice, be set aside, with costs. Where no exception to sureties is
8 taken within ten days or where exceptions taken are set aside, the
9 undertaking shall be allowed.

10 b. In the case of bonds or undertakings not executed pursuant to para-
11 graph a of this subdivision, the employer, owner or contractor shall
12 execute an undertaking with two or more sufficient sureties, who shall
13 be free holders, to the clerk of the county where the premises are situ-
14 ated. The sureties must together justify in at least double the sum
15 named in the undertaking. A copy of the undertaking, with notice that
16 the sureties will justify before the court, or a judge or justice there-
17 of, at the time and place therein mentioned, must be served upon the
18 lienor or his attorney, not less than five days before such time. Upon
19 the approval of the undertaking by the court, judge or justice an order
20 shall be made by such court, judge or justice discharging such lien.

21 c. If the lienor cannot be found, or does not appear by attorney,
22 service under this subsection may be made by leaving a copy of such
23 undertaking and notice at the lienor's place of residence, or if a
24 corporation at its principal place of business within the state as stat-
25 ed in the notice of lien, with a person of suitable age and discretion
26 therein, or if the house of his abode or its place of business is not
27 stated in said notice of lien and is not known, then in such manner as
28 the court may direct. The premises, if any, described in the notice of
29 lien as the lienor's residence or place of business shall be deemed to
30 be his said residence or its place of business for the purposes of said
31 service at the time thereof, unless it is shown affirmatively that the
32 person servicing the papers or directing the service had knowledge to
33 the contrary. Notwithstanding the other provisions of this subdivision
34 relating to service of notice, in any case where the mailing address of
35 the lienor is outside the state such service may be made by registered
36 or certified mail, return receipt requested, to such lienor at the mail-
37 ing address contained in the notice of lien.

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

43 § 18. Section 24 of the lien law, as amended by chapter 515 of the
44 laws of 1929, is amended to read as follows:

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

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

1 § 19. Section 26 of the lien law, as amended by chapter 373 of the
2 laws of 1977, is amended to read as follows:

3 § 26. Subordination of liens after agreement with owner. In case an
4 owner of real property shall execute to one or more persons, or a corpo-
5 ration, as trustee or trustees, a bond and mortgage or a note and mort-
6 gage affecting such property in whole or in part, or an assignment of
7 the moneys due or to become due under a contract for a building loan in
8 relation to such property, and in case such mortgage, if any, shall be
9 recorded in the office of the register of the county where such real
10 property is situated, or if such county has no register then in the
11 office of the clerk of such county, and in case such assignment, if any,
12 shall be filed in the office of the clerk of the county where such real
13 property is situated; and in case lienors having [mechanics'] liens
14 against said real property, notices of which have been filed up to and
15 not later than fifteen days after the recording of such mortgage or the
16 filing of such assignment, and which liens have not been discharged as
17 in this article provided, shall, to the extent of at least fifty-five
18 per centum of the aggregate amount for which such notices of liens have
19 been so filed, approve such bond and mortgage or such note and mortgage,
20 if any, and such assignment, if any, by an instrument or instruments in
21 writing, duly acknowledged and filed in the office of such county clerk,
22 then all mechanics' liens for labor performed or material furnished
23 prior to the recording of such mortgage or filing of such assignment,
24 whether notices thereof have been theretofore or are thereafter filed
25 and which have not been discharged as in this article provided, shall be
26 subordinate to the lien of such trust bond and mortgage or such trust
27 note and mortgage to the extent of the aggregate amount of all certif-
28 icates of interest therein issued by such trustee or trustees, or their
29 successors, for moneys loaned, materials furnished, labor performed and
30 any other indebtedness incurred after said trust mortgage shall have
31 been recorded, and for expenses in connection with said trust mortgage,
32 and shall also be subordinate to the lien of the bond and mortgage or
33 note and mortgage, given to secure the amount agreed to be advanced
34 under such contract for a building loan to the extent of the amount
35 which shall be advanced by the holder of such bond and mortgage or such
36 note and mortgage to the trustee or trustees, or their successors, under
37 such assignment. The provisions of this section shall apply to all bonds
38 and mortgages and notes and mortgages and all assignments of moneys due,
39 or to become due under building loan contracts executed by such owner,
40 in like manner, and recorded or filed, from time to time as hereinbefore
41 provided. In case of an assignment to trustees under the provisions of
42 this section, the trustees and their successors shall be the agents of
43 the assignor to receive and receipt for any and all sums advanced by the
44 holder of the building loan bond and mortgage or the building loan note
45 and mortgage under the building loan contract and such assignment. No
46 lienor shall have any priority over the bond and mortgage or note and
47 mortgage given to secure the money agreed to be advanced under a build-
48 ing loan contract or over the advances made thereunder, by reason of any
49 act preceding the making and approval of such assignment.

50 § 20. Section 38 of the lien law, as amended by chapter 859 of the
51 laws of 1930, is amended to read as follows:

52 § 38. Itemized statement may be required of lienor. A lienor who has
53 filed a notice of mechanic's lien shall, on demand in writing, deliver
54 to the owner or contractor making such demand a statement in writing
55 which shall set forth the items of labor and/or material and the value
56 thereof which make up the amount for which he claims a lien, and which

1 shall also set forth the terms of the contract under which such items
2 were furnished. The statement shall be verified by the lienor or his
3 agent in the form required for the verification of notices in section
4 nine of this [chapter] article. If the lienor shall fail to comply with
5 such a demand within five days after the same shall have been made by
6 the owner or contractor, or if the lienor delivers an insufficient
7 statement, the person aggrieved may petition the supreme court of this
8 state or any justice thereof, or the county court of the county where
9 the premises are situated, or the county judge of such county for an
10 order directing the lienor within a time specified in the order to
11 deliver to the petitioner the statement required by this section. Two
12 days' notice in writing of such application shall be served upon the
13 lienor. Such service shall be made in the manner provided by law for the
14 personal service of a summons. The court or a justice or judge thereof
15 shall hear the parties and upon being satisfied that the lienor has
16 failed, neglected or refused to comply with the requirements of this
17 section shall have an appropriate order directing such compliance. In
18 case the lienor fails to comply with the order so made within the time
19 specified, then upon five days' notice to the lienor, served in the
20 manner provided by law for the personal service of a summons, the court
21 or a justice or judge thereof may make an order cancelling the lien.

22 § 21. Section 39 of the lien law, as added by chapter 859 of the laws
23 of 1930, is amended to read as follows:

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

33 § 22. Section 40 of the lien law, as amended by chapter 515 of the
34 laws of 1929, is amended to read as follows:

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

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

42 § 41. Enforcement of mechanic's or employee's lien on real property. A
43 mechanic's lien or employee's lien on real property may be enforced
44 against such property, and against a person liable for the debt upon
45 which the lien is founded, by an action, by the lienor, his assignee or
46 legal representative, in the supreme court or in a county court other-
47 wise having jurisdiction, regardless of the amount of such debt, or in a
48 court which has jurisdiction in an action founded on a contract for a
49 sum of money equivalent to the amount of such debt.

50 § 24. Section 43 of the lien law, as amended by chapter 310 of the
51 laws of 1962, is amended to read as follows:

52 § 43. Action in a court of record; consolidation of actions. The
53 provisions of the real property actions and proceedings law relating to
54 actions for the foreclosure of a mortgage upon real property, and the
55 sale and the distribution of the proceeds thereof apply to actions in a
56 court of record, to enforce mechanics' liens and employees' liens on

1 real property, except as otherwise provided in this article. If actions
2 are brought by different lienors in a court of record, the court in
3 which the first action was brought, may, upon its own motion, or upon
4 the application of any party in any of such actions, consolidate all of
5 such actions.

6 § 25. Section 46 of the lien law, as amended by chapter 515 of the
7 laws of 1929, is amended to read as follows:

8 § 46. Action in a court not of record. If an action to enforce a
9 mechanic's lien or employee's lien against real property is brought in a
10 court not of record, it shall be commenced by the personal service upon
11 the owner of a summons and complaint verified in the same manner as a
12 complaint in an action in a court of record. The complaint must set
13 forth substantially the facts contained in the notice of lien, and the
14 substance of the agreement under which the labor was performed or the
15 materials were furnished, or if the lien is based upon a wage claim as
16 defined in section two of this chapter, the basis for such wage claim.
17 The form and contents of the summons shall be the same as provided by
18 law for the commencement of an action upon a contract in such court. The
19 summons must be returnable not less than twelve nor more than twenty
20 days after the date of the summons, or if service is made by publica-
21 tion, after the day of the last publication of the summons. Service
22 must be made at least eight days before the return day.

23 § 26. Section 50 of the lien law, as amended by chapter 515 of the
24 laws of 1929, is amended to read as follows:

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

31 § 27. Section 53 of the lien law, as amended by chapter 515 of the
32 laws of 1929, is amended to read as follows:

33 § 53. Costs and disbursements. If an action is brought to enforce a
34 mechanic's lien or an employee's lien against real property in a court
35 of record, the costs and disbursements shall rest in the discretion of
36 the court, and may be awarded to the prevailing party. The judgment
37 rendered in such an action shall include the amount of such costs and
38 specify to whom and by whom the costs are to be paid. If such action is
39 brought in a court not of record, they shall be the same as allowed in
40 civil actions in such court. The expenses incurred in serving the
41 summons by publication may be added to the amount of costs now allowed
42 in such court.

43 § 28. Section 59 of the lien law, as amended by chapter 515 of the
44 laws of 1929, is amended to read as follows:

45 § 59. Vacating of a [mechanic's] lien; cancellation of bond; return of
46 deposit, by order of court. 1. A mechanic's lien notice of which has
47 been filed on real property or a bond given to discharge the same may be
48 vacated and cancelled or a deposit made to discharge a lien pursuant to
49 section twenty of this chapter may be returned, by an order of a court
50 of record. Before such order shall be granted, a notice shall be served
51 upon the lienor, either personally or by leaving it as his last known
52 place of residence, with a person of suitable age, with directions to
53 deliver it to the lienor. Such notice shall require the lienor to
54 commence an action to enforce the lien, within a time specified in the
55 notice, not less than thirty days from the time of service, or show
56 cause at a special term of a court of record, or at a county court, in a

1 county in which the property is situated, at a time and place specified
2 therein, why the notice of lien filed or the bond given should not be
3 vacated and cancelled, or the deposit returned, as the case may be.
4 Proof of such service and that the lienor has not commenced the action
5 to foreclose such lien, as directed in the notice, shall be made by
6 affidavit, at the time of applying for such order.

7 2. An employee's lien notice of which has been filed on real property
8 or a bond given to discharge the same may be vacated and cancelled or a
9 deposit made to discharge a lien pursuant to section twenty of this
10 chapter may be returned, by an order of a court of record. Before such
11 order shall be granted, a notice shall be served upon the lienor, either
12 personally or by leaving it at his last known place of residence or
13 attorney's place of business, with a person of suitable age, with
14 directions to deliver it to the lienor. Such notice shall require the
15 lienor to commence an action to enforce the lien, or to commence an
16 action to obtain judgment on the wage claim upon which the lien was
17 established, within a time specified in the notice, not less than ninety
18 days from the time of service, or show cause at a special term of a
19 court of record, or at a county court, in a county in which the property
20 is situated, at a time and place specified therein, why the notice of
21 lien filed or the bond given should not be vacated and cancelled, or the
22 deposit returned, as the case may be. Proof of such service and that the
23 lienor has not commenced the action to foreclose such lien or an action
24 to obtain judgment on the wage claim upon which the lien was estab-
25 lished, as directed in the notice, shall be made by affidavit, at the
26 time of applying for such order.

27 § 29. Section 62 of the lien law, as amended by chapter 697 of the
28 laws of 1934, is amended to read as follows:

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

54 § 30. Subdivision 5 of section 6201 of the civil practice law and
55 rules, as amended by chapter 860 of the laws of 1977 and as renumbered

1 by chapter 618 of the laws of 1992, is amended and a new subdivision 6
2 is added to read as follows:

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

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

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

22 § 6210. Order of attachment on notice; temporary restraining order;
23 contents. Upon a motion on notice for an order of attachment, the court
24 may, without notice to the defendant, grant a temporary restraining
25 order prohibiting the transfer of assets by a garnishee as provided in
26 subdivision (b) of section 6214. When attachment is sought pursuant to
27 subdivision six of section 6201, and if the employer contests the
28 motion, the court shall hold a hearing within ten days of when the
29 employer's response to plaintiffs' motion for attachment is due. The
30 contents of the order of attachment granted pursuant to this section
31 shall be as provided in subdivision (a) of section 6211.

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

35 (b) Confirmation of order. Except where an order of attachment is
36 granted on the ground specified in subdivision one or six of section
37 6201, an order of attachment granted without notice shall provide that
38 within a period not to exceed five days after levy, the plaintiff shall
39 move, on such notice as the court shall direct to the defendant, the
40 garnishee, if any, and the sheriff, for an order confirming the order of
41 attachment. Where an order of attachment without notice is granted on
42 the ground specified in subdivision one or six of section 6201, the
43 court shall direct that the statement required by section 6219 be served
44 within five days, that a copy thereof be served upon the plaintiff, and
45 the plaintiff shall move within ten days after levy for an order
46 confirming the order of attachment. If the plaintiff upon such motion
47 shall show that the statement has not been served and that the plaintiff
48 will be unable to satisfy the requirement of subdivision (b) of section
49 6223 until the statement has been served, the court may grant one exten-
50 sion of the time to move for confirmation for a period not to exceed ten
51 days. If plaintiff fails to make such motion within the required period,
52 the order of attachment and any levy thereunder shall have no further
53 effect and shall be vacated upon motion. Upon the motion to confirm, the
54 provisions of subdivision (b) of section 6223 shall apply. An order of
55 attachment granted without notice may provide that the sheriff refrain

1 from taking any property levied upon into his actual custody, pending
2 further order of the court.

3 § 33. Subdivisions (b) and (e) of rule 6212 of the civil practice law
4 and rules, subdivision (b) as separately amended by chapters 15 and 860
5 of the laws of 1977 and subdivision (e) as added by chapter 860 of the
6 laws of 1977, are amended to read as follows:

7 (b) Undertaking. [On] 1. Except where an order of attachment is sought
8 on the ground specified in subdivision six of section 6201, on a motion
9 for an order of attachment, the plaintiff shall give an undertaking, in
10 a total amount fixed by the court, but not less than five hundred
11 dollars, a specified part thereof conditioned that the plaintiff shall
12 pay to the defendant all costs and damages, including reasonable attor-
13 ney's fees, which may be sustained by reason of the attachment if the
14 defendant recovers judgment or if it is finally decided that the plain-
15 tiff was not entitled to an attachment of the defendant's property, and
16 the balance conditioned that the plaintiff shall pay to the sheriff all
17 of his allowable fees.

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

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

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

34 § 6223. Vacating or modifying attachment. (a) Motion to vacate or
35 modify. Prior to the application of property or debt to the satisfac-
36 tion of a judgment, the defendant, the garnishee or any person having an
37 interest in the property or debt may move, on notice to each party and
38 the sheriff, for an order vacating or modifying the order of attachment.
39 Upon the motion, the court may give the plaintiff a reasonable opportu-
40 nity to correct any defect. [If] Except as provided under subdivision
41 (b), if, after the defendant has appeared in the action, the court
42 determines that the attachment is unnecessary to the security of the
43 plaintiff, it shall vacate the order of attachment. Such a motion shall
44 not of itself constitute an appearance in the action.

45 (b) Burden of proof. [Upon] Except where an order of attachment is
46 granted pursuant to subdivision six of section 6201, upon a motion to
47 vacate or modify an order of attachment the plaintiff shall have the
48 burden of establishing the grounds for the attachment, the need for
49 continuing the levy and the probability that he will succeed on the
50 merits. Upon a motion to vacate or modify an order of attachment granted
51 pursuant to subdivision six of section 6201, the defendant shall have
52 the burden to demonstrate that the attachment is unnecessary to the
53 security of the plaintiff, in order to vacate or modify the attachment
54 order.

1 § 35. Paragraph (b) of section 624 of the business corporation law, as
2 amended by chapter 449 of the laws of 1997, is amended to read as
3 follows:

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

27 § 36. Section 630 of the business corporation law, paragraph (a) as
28 amended by chapter 5 of the laws of 2016, paragraph (c) as amended by
29 chapter 746 of the laws of 1963, is amended to read as follows:

30 § 630. Liability of shareholders for wages due to laborers, servants or
31 employees.

32 (a) The ten largest shareholders, as determined by the fair value of
33 their beneficial interest as of the beginning of the period during which
34 the unpaid services referred to in this section are performed, of every
35 domestic corporation or of any foreign corporation, when the unpaid
36 services were performed in the state, no shares of which are listed on a
37 national securities exchange or regularly quoted in an over-the-counter
38 market by one or more members of a national or an affiliated securities
39 association, shall jointly and severally be personally liable for all
40 debts, wages or salaries due and owing to any of its laborers, servants
41 or employees other than contractors, for services performed by them for
42 such corporation. [Before such laborer, servant or employee shall charge
43 such shareholder for such services, he shall give notice in writing to
44 such shareholder that he intends to hold him liable under this section.
45 Such notice shall be given within one hundred and eighty days after
46 termination of such services, except that if, within such period, the
47 laborer, servant or employee demands an examination of the record of
48 shareholders under paragraph (b) of section 624 (Books and records;
49 right of inspection, prima facie evidence) of this article, such notice
50 may be given within sixty days after he has been given the opportunity
51 to examine the record of shareholders. An action to enforce such liabil-
52 ity shall be commenced within ninety days after the return of an
53 execution unsatisfied against the corporation upon a judgment recovered
54 against it for such services.] The provisions of this paragraph shall
55 not apply to an investment company registered as such under an act of
56 congress entitled "Investment Company Act of 1940."

1 (b) For the purposes of this section, wages or salaries shall mean all
2 compensation and benefits payable by an employer to or for the account
3 of the employee for personal services rendered by such employee includ-
4 ing any concomitant liquidated damages, penalties, interest, attorney's
5 fees or costs. These shall specifically include but not be limited to
6 salaries, overtime, vacation, holiday and severance pay; employer
7 contributions to or payments of insurance or welfare benefits; employer
8 contributions to pension or annuity funds; and any other moneys properly
9 due or payable for services rendered by such employee.

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

24 § 37. This act shall take effect immediately with respect to liabil-
25 ities owed to laborers, servants or employees whose services had not
26 been terminated more than one hundred eighty days prior to the effective
27 date of this act.

28 PART J

29 Section 1. Paragraph (vi) of subdivision (a) of section 115 of the
30 family court act, as amended by chapter 222 of the laws of 1994, is
31 amended to read as follows:

32 (vi) proceedings concerning juvenile delinquency as set forth in arti-
33 cle three of this act that are commenced in family court.

34 § 2. Subdivision (e) of section 115 of the family court act, as added
35 by chapter 222 of the laws of 1994, is amended to read as follows:

36 (e) The family court has concurrent jurisdiction with the criminal
37 court over all family offenses as defined in article eight of this act
38 and has concurrent jurisdiction with the youth part of a superior court
39 over any juvenile delinquency proceeding resulting from the removal of
40 the case to the family court pursuant to article seven hundred twenty-
41 five of the criminal procedure law.

42 § 3. Subdivision (b) of section 117 of the family court act, as
43 amended by chapter 7 of the laws of 2007, is amended to read as follows:

44 (b) For every juvenile delinquency proceeding under article three of
45 this act involving an allegation of an act committed by a person which,
46 if done by an adult, would [be a crime (i) defined in sections 125.27
47 (murder in the first degree); 125.25 (murder in the second degree);
48 135.25 (kidnapping in the first degree); or 150.20 (arson in the first
49 degree) of the penal law committed by a person thirteen, fourteen or
50 fifteen years of age; or such conduct committed as a sexually motivated
51 felony, where authorized pursuant to section 130.91 of the penal law;
52 (ii) defined in sections 120.10 (assault in the first degree); 125.20
53 (manslaughter in the first degree); 130.35 (rape in the first degree);
54 130.50 (criminal sexual act in the first degree); 135.20 (kidnapping in

1 the second degree), but only where the abduction involved the use or
2 threat of use of deadly physical force; 150.15 (arson in the second
3 degree); or 160.15 (robbery in the first degree) of the penal law
4 committed by a person thirteen, fourteen or fifteen years of age; or
5 such conduct committed as a sexually motivated felony, where authorized
6 pursuant to section 130.91 of the penal law; (iii) defined in the penal
7 law as an attempt to commit murder in the first or second degree or
8 kidnapping in the first degree committed by a person thirteen, fourteen
9 or fifteen years of age; or such conduct committed as a sexually moti-
10 vated felony, where authorized pursuant to section 130.91 of the penal
11 law; (iv) defined in section 140.30 (burglary in the first degree);
12 subdivision one of section 140.25 (burglary in the second degree);
13 subdivision two of section 160.10 (robbery in the second degree) of the
14 penal law; or section 265.03 of the penal law, where such machine gun or
15 such firearm is possessed on school grounds, as that phrase is defined
16 in subdivision fourteen of section 220.00 of the penal law committed by
17 a person fourteen or fifteen years of age; or such conduct committed as
18 a sexually motivated felony, where authorized pursuant to section 130.91
19 of the penal law; (v) defined in section 120.05 (assault in the second
20 degree) or 160.10 (robbery in the second degree) of the penal law
21 committed by a person fourteen or fifteen years of age but only where
22 there has been a prior finding by a court that such person has previous-
23 ly committed an act which, if committed by an adult, would be the crime
24 of assault in the second degree, robbery in the second degree or any
25 designated felony act specified in clause (i), (ii) or (iii) of this
26 subdivision regardless of the age of such person at the time of the
27 commission of the prior act; or (vi) other than a misdemeanor, committed
28 by a person at least seven but less than sixteen years of age, but only
29 where there has been two prior findings by the court that such person
30 has committed a prior act which, if committed by an adult would be a
31 felony] constitute a designated felony act as defined in subdivision
32 eight of section 301.2 of such article:

33 (i) There is hereby established in the family court in the city of New
34 York at least one "designated felony act part." Such part or parts shall
35 be held separate from all other proceedings of the court, and shall have
36 jurisdiction over all proceedings involving such an allegation that are
37 not referred to the youth part of a superior court. All such proceedings
38 shall be originated in or be transferred to this part from other parts
39 as they are made known to the court.

40 (ii) Outside the city of New York, all proceedings involving such an
41 allegation shall have a hearing preference over every other proceeding
42 in the court, except proceedings under article ten of this act.

43 § 4. Subdivision 1 of section 301.2 of the family court act, as added
44 by chapter 920 of the laws of 1982, is amended to read as follows:

45 1. "Juvenile delinquent" means a person [over seven and less than
46 sixteen years of age, who, having committed an act that would constitute
47 a crime if committed by an adult, (a) is not criminally responsible for
48 such conduct by reason of infancy, or (b) is the defendant in an action
49 ordered removed from a criminal court to the family court pursuant to
50 article seven hundred twenty-five of the criminal procedure law]:

51 (a) who is:

52 (i) ten or eleven years of age who committed an act that would consti-
53 tute a crime as defined in section 125.25 (murder in the second degree)
54 of the penal law if committed by an adult; or



1 (ii) at least twelve years of age and less than eighteen years of age
2 who committed an act that would constitute a crime if committed by an
3 adult; or

4 (iii) sixteen or seventeen years of age who committed a violation of
5 paragraph (a) of subdivision two of section sixty-five-b of the alcohol-
6 ic beverage control law provided, however, that such person shall only
7 be deemed to be a juvenile delinquent for the purposes of imposing
8 license sanctions in accordance with subdivision four of section 352.2
9 of this article; and

10 (b) who is either:

11 (i) not criminally responsible for such conduct by reason of infancy;
12 or

13 (ii) the defendant in an action based on such act that has been
14 ordered removed to the family court pursuant to article seven hundred
15 twenty-five of the criminal procedure law.

16 § 5. Subdivisions 8 and 9 of section 301.2 of the family court act,
17 subdivision 8 as amended by chapter 7 of the laws of 2007 and subdivi-
18 sion 9 as added by chapter 920 of the laws of 1982, are amended to read
19 as follows:

20 8. "Designated felony act" means an act which, if done by an adult,
21 would be a crime: (i) defined in sections [125.27 (murder in the first
22 degree);] 125.25 (murder in the second degree); 135.25 (kidnapping in
23 the first degree); or 150.20 (arson in the first degree) of the penal
24 law committed by a person thirteen, fourteen [or], fifteen, sixteen, or
25 seventeen years of age; or such conduct committed as a sexually moti-
26 vated felony, where authorized pursuant to section 130.91 of the penal
27 law; (ii) defined in sections 120.10 (assault in the first degree);
28 125.20 (manslaughter in the first degree); 130.35 (rape in the first
29 degree); 130.50 (criminal sexual act in the first degree); 130.70
30 (aggravated sexual abuse in the first degree); 135.20 (kidnapping in the
31 second degree) but only where the abduction involved the use or threat
32 of use of deadly physical force; 150.15 (arson in the second degree) or
33 160.15 (robbery in the first degree) of the penal law committed by a
34 person thirteen, fourteen [or], fifteen, sixteen, or seventeen years of
35 age; or such conduct committed as a sexually motivated felony, where
36 authorized pursuant to section 130.91 of the penal law; (iii) defined in
37 the penal law as an attempt to commit murder in the first or second
38 degree or kidnapping in the first degree committed by a person thirteen,
39 fourteen [or], fifteen, sixteen, or seventeen years of age; or such
40 conduct committed as a sexually motivated felony, where authorized
41 pursuant to section 130.91 of the penal law; (iv) defined in section
42 140.30 (burglary in the first degree); subdivision one of section 140.25
43 (burglary in the second degree); subdivision two of section 160.10
44 (robbery in the second degree) of the penal law; or section 265.03 of
45 the penal law, where such machine gun or such firearm is possessed on
46 school grounds, as that phrase is defined in subdivision fourteen of
47 section 220.00 of the penal law committed by a person fourteen or
48 fifteen years of age; or such conduct committed as a sexually motivated
49 felony, where authorized pursuant to section 130.91 of the penal law;
50 (v) defined in section 120.05 (assault in the second degree) or 160.10
51 (robbery in the second degree) of the penal law committed by a person
52 fourteen [or], fifteen, sixteen or seventeen years of age but only where
53 there has been a prior finding by a court that such person has previous-
54 ly committed an act which, if committed by an adult, would be the crime
55 of assault in the second degree, robbery in the second degree or any
56 designated felony act specified in paragraph (i), (ii), or (iii) of this

1 subdivision regardless of the age of such person at the time of the
2 commission of the prior act; [or] (vi) other than a misdemeanor commit-
3 ted by a person at least [seven] twelve but less than [sixteen] eighteen
4 years of age, but only where there has been two prior findings by the
5 court that such person has committed a prior felony; or (vii) defined in
6 section 460.22 (aggravated enterprise corruption); 490.25 (crime of
7 terrorism); 490.45 (criminal possession of a chemical weapon or biolog-
8 ical weapon in the first degree); 490.50 (criminal use of a chemical
9 weapon or biological weapon in the second degree); 490.55 (criminal use
10 of a chemical weapon or biological weapon in the first degree); 120.11
11 (aggravated assault upon a police officer or a peace officer); 125.22
12 (aggravated manslaughter in the first degree); 215.17 (intimidating a
13 victim or witness in the first degree); 265.04 (criminal possession of a
14 weapon in the first degree); 265.09 (criminal use of a firearm in the
15 first degree); 265.13 (criminal sale of a firearm in the first degree);
16 490.35 (hindering prosecution of terrorism in the first degree); 490.40
17 (criminal possession of a chemical weapon or biological weapon in the
18 second degree); 490.47 (criminal use of a chemical weapon or biological
19 weapon in the third degree); 121.13 (strangulation in the first degree);
20 490.37 (criminal possession of a chemical weapon or biological weapon in
21 the third degree) of the penal law; or a felony sex offense as defined
22 in paragraph (a) of subdivision one of section 70.80 of the penal law.

23 9. "Designated class A felony act" means a designated felony act
24 [defined in paragraph (i) of subdivision eight] that would constitute a
25 class A felony if committed by an adult.

26 § 6. Subdivision 1 of section 302.1 of the family court act, as added
27 by chapter 920 of the laws of 1982, is amended to read as follows:

28 1. The family court has exclusive original jurisdiction over any
29 proceeding to determine whether a person is a juvenile delinquent
30 commenced in family court and concurrent jurisdiction with the youth
31 part of a superior court over any such proceeding removed to the family
32 court pursuant to article seven hundred twenty-five of the criminal
33 procedure law.

34 § 6-a. Section 302.1 of the family court act is amended by adding a
35 new subdivision 3 to read as follows:

36 3. Whenever a crime and a traffic infraction arise out of the same
37 transaction or occurrence, a charge alleging both offenses may be made
38 returnable before the court having jurisdiction over the crime. Nothing
39 herein provided shall be construed to prevent a court, having jurisdic-
40 tion over a criminal charge relating to traffic or a traffic infraction,
41 from lawfully entering a judgment of conviction, whether or not based on
42 a plea of guilty, for an offense classified as a traffic infraction.

43 § 7. Section 304.1 of the family court act, as added by chapter 920 of
44 the laws of 1982, subdivision 2 as amended by chapter 419 of the laws of
45 1987, is amended to read as follows:

46 § 304.1. Detention. 1. A facility certified by the state [division for
47 youth] office of children and family services as a juvenile detention
48 facility must be operated in conformity with the regulations of the
49 state [division for youth and shall be subject to the visitation and
50 inspection of the state board of social welfare] office of children and
51 family services.

52 2. No child to whom the provisions of this article may apply shall be
53 detained in any prison, jail, lockup, or other place used for adults
54 convicted of crime or under arrest and charged with crime without the
55 approval of the state [division for youth] office of children and family
56 services in the case of each child and the statement of its reasons



1 therefor. The state [division for youth] office of children and family
2 services shall promulgate and publish the rules which it shall apply in
3 determining whether approval should be granted pursuant to this subdivi-
4 sion.

5 3. [The detention of a child under ten years of age in a secure
6 detention facility shall not be directed under any of the provisions of
7 this article.

8 4.] A detention facility which receives a child under subdivision four
9 of section 305.2 shall immediately notify the child's parent or other
10 person legally responsible for his or her care or, if such legally
11 responsible person is unavailable the person with whom the child
12 resides, that he or she has been placed in detention.

13 § 8. Intentionally omitted.

14 § 9. Subdivision 1 of section 305.1 of the family court act, as added
15 by chapter 920 of the laws of 1982, is amended to read as follows:

16 1. A private person may take a child [under the age of sixteen] who
17 may be subject to the provisions of this article for committing an act
18 that would be a crime if committed by an adult into custody in cases in
19 which [he] such private person may arrest an adult for a crime under
20 section 140.30 of the criminal procedure law.

21 § 10. Subdivision 2 of section 305.2 of the family court act, as added
22 by chapter 920 of the laws of 1982, is amended to read as follows:

23 2. An officer may take a child [under the age of sixteen] who may be
24 subject to the provisions of this article for committing an act that
25 would be a crime if committed by an adult into custody without a warrant
26 in cases in which [he] the officer may arrest a person for a crime under
27 article one hundred forty of the criminal procedure law.

28 § 11. Paragraph (b) of subdivision 4 of section 305.2 of the family
29 court act, as amended by chapter 492 of the laws of 1987, is amended to
30 read as follows:

31 (b) forthwith and with all reasonable speed take the child directly,
32 and without his first being taken to the police station house, to the
33 family court located in the county in which the act occasioning the
34 taking into custody allegedly was committed, or, when the family court
35 is not in session, to the most accessible magistrate, if any, designated
36 by the appellate division of the supreme court in the applicable depart-
37 ment to conduct a hearing under section 307.4 of this part, unless the
38 officer determines that it is necessary to question the child, in which
39 case he or she may take the child to a facility designated by the chief
40 administrator of the courts as a suitable place for the questioning of
41 children or, upon the consent of a parent or other person legally
42 responsible for the care of the child, to the child's residence and
43 there question him or her for a reasonable period of time; or

44 § 12. Subdivision 1 of section 306.1 of the family court act, as
45 amended by chapter 645 of the laws of 1996, is amended to read as
46 follows:

47 1. Following the arrest of a child alleged to be a juvenile delin-
48 quent, or the filing of a delinquency petition involving a child who has
49 not been arrested, the arresting officer or other appropriate police
50 officer or agency shall take or cause to be taken fingerprints of such
51 child if:

52 (a) the child is eleven years of age or older and the crime which is
53 the subject of the arrest or which is charged in the petition consti-
54 tutes a class [A or B] A-1 felony; [or]

1 (b) the child is twelve years of age or older and the crime which is
2 the subject of the arrest or which is charged in the petition consti-
3 tutes a class A or B felony; or

4 (c) the child is thirteen years of age or older and the crime which is
5 the subject of the arrest or which is charged in the petition consti-
6 tutes a class C, D or E felony.

7 § 13. Section 307.3 of the family court act, as added by chapter 920
8 of the laws of 1982, subdivisions 1 and 2 as amended by chapter 419 of
9 the laws of 1987, is amended to read as follows:

10 § 307.3. Rules of court authorizing release before filing of petition.

11 1. The agency responsible for operating a detention facility pursuant to
12 section two hundred eighteen-a of the county law, five hundred [ten-a]
13 three of the executive law or other applicable provisions of law, shall
14 release a child in custody before the filing of a petition to the custo-
15 dy of his or her parents or other person legally responsible for his or
16 her care, or if such legally responsible person is unavailable, to a
17 person with whom he or she resides, when the events occasioning the
18 taking into custody do not appear to involve allegations that the child
19 committed a delinquent act.

20 2. When practicable such agency may release a child before the filing
21 of a petition to the custody of his or her parents or other person
22 legally responsible for his or her care, or if such legally responsible
23 person is unavailable, to a person with whom he or she resides, when the
24 events occasioning the taking into custody appear to involve allegations
25 that the child committed a delinquent act; provided, however, that such
26 agency must release the child if:

27 (a) such events appear to involve only allegations that the child
28 committed acts that would constitute more than a violation but no more
29 than a misdemeanor if committed by an adult if:

30 (i) the alleged acts did not result in any physical injury as defined
31 in subdivision nine of section 10.00 of the penal law to another person;
32 and

33 (ii) the child was assessed at a low risk on the applicable detention
34 risk assessment instrument approved by the office of children and family
35 services unless the agency determines that detention is necessary
36 because the respondent otherwise poses an imminent risk to public safety
37 and states the reasons for such determination in the child's record; or

38 (b) such events appear to involve allegations that the child committed
39 acts that would constitute a felony if committed by an adult if:

40 (i) the alleged acts did not result in any physical injury as defined
41 in subdivision nine of section 10.00 of the penal law to another person;

42 (ii) the child does not have any prior adjudications for an act that
43 would constitute a felony if committed by an adult;

44 (iii) the child has no more than one prior adjudication for an act
45 that would constitute a misdemeanor if committed by an adult and that
46 act also did not result in any physical injury to another person; and

47 (iv) the child was assessed at a low risk on the applicable detention
48 risk assessment instrument approved by the office of children and family
49 services unless the agency determines that detention is necessary
50 because the respondent otherwise poses an imminent risk to public safety
51 and states the reasons for such determination in the child's record.

52 3. If a child is released under this section, the child and the person
53 legally responsible for his or her care shall be issued a family court
54 appearance ticket in accordance with section 307.1.

55 4. If the agency for any reason does not release a child under this
56 section, such child shall be brought before the appropriate family

1 court, or when such family court is not in session, to the most accessi-
2 ble magistrate, if any, designated by the appellate division of the
3 supreme court in the applicable department; provided, however, that if
4 such family court is not in session and if a magistrate is not avail-
5 able, such youth shall be brought before such family court within seven-
6 ty-two hours or the next day the court is in session, whichever is soon-
7 er. Such agency shall thereupon file an application for an order
8 pursuant to section 307.4 and shall forthwith serve a copy of the appli-
9 cation upon the appropriate presentment agency. Nothing in this subdivi-
10 sion shall preclude the adjustment of suitable cases pursuant to section
11 308.1.

12 § 14. Section 308.1 of the family court act, as added by chapter 920
13 of the laws of 1982, subdivision 2 as amended by section 3 of part V of
14 chapter 55 of the laws of 2012, subdivision 4 as amended by chapter 264
15 of the laws of 2003, subdivisions 5 and 8 as amended by chapter 398 of
16 the laws of 1983, and subdivision 6 as amended by chapter 663 of the
17 laws of 1985, is amended to read as follows:

18 § 308.1. [Rules of court for preliminary] Preliminary procedure;
19 adjustment of cases. 1. [Rules of court shall authorize and determine
20 the circumstances under which the] The probation service may confer with
21 any person seeking to have a juvenile delinquency petition filed, the
22 potential respondent and other interested persons concerning the advis-
23 ability of requesting that a petition be filed in accordance with this
24 section.

25 2. (a) Except as provided in subdivisions three [and], four, and thir-
26 teen of this section, the probation service [may, in accordance with
27 rules of court,] shall attempt to adjust [suitable cases] a case before
28 a petition is filed. Such attempts may include the use of a juvenile
29 review board comprised of appropriate community members to work with the
30 child and his or her family on developing recommended adjustment activ-
31 ities. The probation service may stop attempting to adjust such a case
32 if it determines that there is no substantial likelihood that the child
33 will benefit from attempts at adjustment in the time remaining for
34 adjustment or the time for adjustment has expired.

35 (b) The inability of the respondent or his or her family to make
36 restitution shall not be a factor in a decision to adjust a case or in a
37 recommendation to the presentment agency pursuant to subdivision six of
38 this section.

39 (c) Nothing in this section shall prohibit the probation service or
40 the court from directing a respondent to obtain employment and to make
41 restitution from the earnings from such employment. Nothing in this
42 section shall prohibit the probation service or the court from directing
43 an eligible person to complete an education reform program in accordance
44 with section four hundred fifty-eight-1 of the social services law.

45 3. The probation service shall not attempt to adjust a case that
46 commenced in family court in which the child has allegedly committed a
47 designated felony act that involves allegations that the child caused
48 physical injury to a person unless [it] the probation service has
49 received the written approval of the court.

50 4. The probation service shall not attempt to adjust a case in which
51 the child has allegedly committed a delinquent act which would be a
52 crime defined in section 120.25, (reckless endangerment in the first
53 degree), subdivision one of section 125.15, (manslaughter in the second
54 degree), subdivision one of section 130.25, (rape in the third degree),
55 subdivision one of section 130.40, (criminal sexual act in the third
56 degree), subdivision one or two of section 130.65, (sexual abuse in the

1 first degree), section 135.65, (coercion in the first degree), section
2 140.20, (burglary in the third degree), section 150.10, (arson in the
3 third degree), section 160.05, (robbery in the third degree), subdivi-
4 sion two[,] or three [or four] of section 265.02, (criminal possession
5 of a weapon in the third degree), section 265.03, (criminal possession
6 of a weapon in the second degree), or section 265.04, (criminal
7 possession of a [dangerous] weapon in the first degree) of the penal law
8 where the child has previously had one or more adjustments of a case in
9 which such child allegedly committed an act which would be a crime spec-
10 ified in this subdivision unless it has received written approval from
11 the court and the appropriate presentment agency.

12 5. The fact that a child is detained prior to the filing of a petition
13 shall not preclude the probation service from adjusting a case; upon
14 adjusting such a case the probation service shall notify the detention
15 facility to release the child.

16 6. The probation service shall not transmit or otherwise communicate
17 to the presentment agency any statement made by the child to a probation
18 officer. However, the probation service may make a recommendation
19 regarding adjustment of the case to the presentment agency and provide
20 such information, including any report made by the arresting officer and
21 record of previous adjustments and arrests, as it shall deem relevant.

22 7. No statement made to the probation service prior to the filing of a
23 petition may be admitted into evidence at a fact-finding hearing or, if
24 the proceeding is transferred to a criminal court, at any time prior to
25 a conviction.

26 8. The probation service may not prevent any person who wishes to
27 request that a petition be filed from having access to the appropriate
28 presentment agency for that purpose.

29 9. Efforts at adjustment [pursuant to rules of court] under this
30 section may not extend for a period of more than two months [without],
31 or, for a period of more than four months if the probation service
32 determines that adjustment beyond the first two months is warranted
33 because documented barriers to adjustment exist or changes need to be
34 made to the child's services plan, except upon leave of the court, which
35 may extend the adjustment period for an additional two months.

36 10. If a case is not adjusted by the probation service, such service
37 shall notify the appropriate presentment agency of that fact within
38 forty-eight hours or the next court day, whichever occurs later.

39 11. The probation service may not be authorized under this section to
40 compel any person to appear at any conference, produce any papers, or
41 visit any place.

42 12. The probation service shall certify to the division of criminal
43 justice services and to the appropriate police department or law
44 enforcement agency whenever it adjusts a case in which the potential
45 respondent's fingerprints were taken pursuant to section 306.1 in any
46 manner other than the filing of a petition for juvenile delinquency for
47 an act which, if committed by an adult, would constitute a felony,
48 provided, however, in the case of a child [eleven or] twelve years of
49 age, such certification shall be made only if the act would constitute a
50 class A or B felony, or, in the case of a child eleven years of age,
51 such certification shall be made only if the act would constitute a
52 class A-1 felony.

53 13. The [provisions of this section] probation service shall not
54 [apply] attempt to adjust a case where the petition is an order of
55 removal to the family court pursuant to article seven hundred twenty-

1 five of the criminal procedure law unless it has received the written
2 approval of the court.

3 14. Where written approval is required prior to adjustment attempts,
4 the probation department shall seek such approval.

5 § 15. Paragraph (c) of subdivision 3 of section 311.1 of the family
6 court act, as added by chapter 920 of the laws of 1982, is amended to
7 read as follows:

8 (c) the fact that the respondent is a person [under sixteen years of]
9 of the necessary age to be a juvenile delinquent at the time of the
10 alleged act or acts;

11 § 16. Subdivision 1 of section 320.5 of the family court act, as added
12 by chapter 920 of the laws of 1982, is amended to read as follows:

13 1. At the initial appearance, the court in its discretion may (a)
14 release the respondent or (b) direct his detention.

15 § 17. Subdivision 3 of section 320.5 of the family court act is
16 amended by adding a new paragraph (a-1) to read as follows:

17 (a-1) Notwithstanding paragraph (a) of this subdivision, the court
18 shall not direct detention if:

19 (i) such events appear to involve only allegations that the child
20 committed acts that would constitute more than a violation but no more
21 than a misdemeanor if committed by an adult if:

22 (1) the alleged acts did not result in any physical injury as defined
23 in subdivision nine of section 10.00 of the penal law to another person;
24 and

25 (2) the child was assessed at a low risk on the applicable detention
26 risk assessment instrument approved by the office of children and family
27 services unless the agency determines that detention is necessary
28 because the respondent otherwise poses an imminent risk to public safety
29 and states the reasons for such determination in the child's record; or

30 (ii) such events appear to involve allegations that the child commit-
31 ted acts that would constitute a felony if committed by an adult if:

32 (1) the alleged acts did not result in any physical injury as defined
33 in subdivision nine of section 10.00 of the penal law to another person;

34 (2) the child does not have any prior adjudications for an act that
35 would constitute a felony if committed by an adult;

36 (3) the child has no more than one prior adjudication for an act that
37 would constitute a misdemeanor if committed by an adult and that act
38 also did not result in any physical injury to another person; and

39 (4) the child was assessed at a low risk on the applicable detention
40 risk assessment instrument approved by the office of children and family
41 services unless the agency determines that detention is necessary
42 because the respondent otherwise poses an imminent risk to public safety
43 and states the reasons for such determination in the child's record.

44 § 18. Subdivision 5 of section 322.2 of the family court act, as added
45 by chapter 920 of the laws of 1982, paragraph (a) as amended by chapter
46 37 of the laws of 2016 and paragraph (d) as amended by chapter 41 of the
47 laws of 2010, is amended to read as follows:

48 5. (a) If the court finds that there is probable cause to believe
49 that the respondent committed a felony, it shall order the respondent
50 committed to the custody of the commissioner of mental health or the
51 commissioner of the office for people with developmental disabilities
52 for an initial period not to exceed one year from the date of such
53 order. Such period may be extended annually upon further application to
54 the court by the commissioner having custody or his or her designee.
55 Such application must be made not more than sixty days prior to the
56 expiration of such period on forms that have been prescribed by the

1 chief administrator of the courts. At that time, the commissioner must
2 give written notice of the application to the respondent, the counsel
3 representing the respondent and the mental hygiene legal service if the
4 respondent is at a residential facility. Upon receipt of such applica-
5 tion, the court must conduct a hearing to determine the issue of capaci-
6 ty. If, at the conclusion of a hearing conducted pursuant to this subdi-
7 vision, the court finds that the respondent is no longer incapacitated,
8 he or she shall be returned to the family court for further proceedings
9 pursuant to this article. If the court is satisfied that the respondent
10 continues to be incapacitated, the court shall authorize continued
11 custody of the respondent by the commissioner for a period not to exceed
12 one year. Such extensions shall not continue beyond a reasonable period
13 of time necessary to determine whether the respondent will attain the
14 capacity to proceed to a fact finding hearing in the foreseeable future
15 but in no event shall continue beyond the respondent's eighteenth birth-
16 day or, if the respondent was at least sixteen years of age when the act
17 was committed, beyond the respondent's twenty-first birthday.

18 (b) If a respondent is in the custody of the commissioner upon the
19 respondent's eighteenth birthday, or if the respondent was at least
20 sixteen years of age when the act resulting in the respondent's place-
21 ment was committed, beyond the respondent's twenty-first birthday, the
22 commissioner shall notify the clerk of the court that the respondent was
23 in his custody on such date and the court shall dismiss the petition.

24 (c) If the court finds that there is probable cause to believe that
25 the respondent has committed a designated felony act, the court shall
26 require that treatment be provided in a residential facility within the
27 appropriate office of the department of mental hygiene.

28 (d) The commissioner shall review the condition of the respondent
29 within forty-five days after the respondent is committed to the custody
30 of the commissioner. He or she shall make a second review within ninety
31 days after the respondent is committed to his or her custody. Thereaft-
32 er, he or she shall review the condition of the respondent every ninety
33 days. The respondent and the counsel for the respondent, shall be noti-
34 fied of any such review and afforded an opportunity to be heard. The
35 commissioner having custody shall apply to the court for an order
36 dismissing the petition whenever he or she determines that there is a
37 substantial probability that the respondent will continue to be incapac-
38 itated for the foreseeable future. At the time of such application the
39 commissioner must give written notice of the application to the respond-
40 ent, the presentment agency and the mental hygiene legal service if the
41 respondent is at a residential facility. Upon receipt of such applica-
42 tion, the court may on its own motion conduct a hearing to determine
43 whether there is substantial probability that the respondent will
44 continue to be incapacitated for the foreseeable future, and it must
45 conduct such hearing if a demand therefor is made by the respondent or
46 the mental hygiene legal service within ten days from the date that
47 notice of the application was given to them. The respondent may apply to
48 the court for an order of dismissal on the same ground.

49 § 19. Subdivisions 1 and 5 of section 325.1 of the family court act,
50 subdivision 1 as amended by chapter 398 of the laws of 1983, subdivision
51 5 as added by chapter 920 of the laws of 1982, are amended to read as
52 follows:

53 1. At the initial appearance, if the respondent denies a charge
54 contained in the petition and the court determines in accordance with
55 the requirements of section 320.5 of this part that [he] the respondent
56 shall be detained for more than three days pending a fact-finding hear-

1 ing, the court shall schedule a probable-cause hearing to determine the
2 issues specified in section 325.3 of this part.

3 5. Where the petition consists of an order of removal pursuant to
4 article seven hundred twenty-five of the criminal procedure law, unless
5 the removal was pursuant to subdivision three of section 725.05 of such
6 law and the respondent was not afforded a probable cause hearing [pursu-
7 ant to subdivision three of section 180.75 of such law for a reason
8 other than his waiver thereof pursuant to subdivision two of section
9 180.75 of such law], the petition shall be deemed to be based upon a
10 determination that probable cause exists to believe the respondent is a
11 juvenile delinquent and the respondent shall not be entitled to any
12 further inquiry on the subject of whether probable cause exists. After
13 the filing of any such petition the court must, however, exercise inde-
14 pendent, de novo discretion with respect to release or detention as set
15 forth in section 320.5.

16 § 20. Subdivisions 1 and 2 of section 340.2 of the family court act,
17 as added by chapter 920 of the laws of 1982, are amended to read as
18 follows:

19 1. [The] Except when authorized in accordance with section 346.1 of
20 this part involving a case removed to family court pursuant to article
21 seven hundred twenty-five of the criminal procedure law, the judge who
22 presides at the commencement of the fact-finding hearing shall continue
23 to preside until such hearing is concluded and an order entered pursuant
24 to section 345.1 of this part unless a mistrial is declared.

25 2. The judge who presides at the fact-finding hearing or accepts an
26 admission pursuant to section 321.3 of this article shall preside at any
27 other subsequent hearing in the proceeding, including but not limited to
28 the dispositional hearing except where the case is removed to family
29 court pursuant to article seven hundred twenty-five of the criminal
30 procedure law after a fact-finding hearing has occurred.

31 § 21. Subdivision 2 of section 351.1 of the family court act, as
32 amended by chapter 880 of the laws of 1985, is amended to read as
33 follows:

34 2. Following a determination that a respondent committed a crime and
35 prior to the dispositional hearing, the court shall order a probation
36 investigation, a risk and needs assessment, and may order a diagnostic
37 assessment. Based upon the assessment findings, the probation department
38 shall recommend to the court that the respondent participate in any
39 services necessary to mitigate identified risks and address individual
40 needs.

41 § 22. Paragraph (a) of subdivision 2 of section 352.2 of the family
42 court act, as amended by chapter 880 of the laws of 1985, is amended to
43 read as follows:

44 (a) In determining an appropriate order the court shall consider the
45 needs and best interests of the respondent as well as the need for
46 protection of the community. If the respondent has committed a desig-
47 nated felony act the court shall determine the appropriate disposition
48 in accord with section 353.5. In all other cases the court shall order
49 the least restrictive available alternative enumerated in subdivision
50 one of this section which is consistent with the needs and best inter-
51 ests of the respondent and the need for protection of the community;
52 provided, however, that the court shall not direct the placement of a
53 respondent with a commissioner of social services or the office of chil-
54 dren and family services if:

1 (i) such events appear to involve only allegations that the child
2 committed acts that would constitute more than a violation but no more
3 than a misdemeanor if committed by an adult if:

4 (1) the alleged acts did not result in any physical injury as defined
5 in subdivision nine of section 10.00 of the penal law to another person;
6 and

7 (2) the child was assessed at a low risk on the applicable detention
8 risk assessment instrument approved by the office of children and family
9 services unless the agency determines that detention is necessary
10 because the respondent otherwise poses an imminent risk to public safety
11 and states the reasons for such determination in the child's record; or

12 (ii) such events appear to involve allegations that the child commit-
13 ted acts that would constitute a felony if committed by an adult if:

14 (1) the alleged acts did not result in any physical injury as defined
15 in subdivision nine of section 10.00 of the penal law to another person;

16 (2) the child does not have any prior adjudications for an act that
17 would constitute a felony if committed by an adult;

18 (3) the child has no more than one prior adjudication for an act that
19 would constitute a misdemeanor if committed by an adult and that act
20 also did not result in any physical injury to another person; and

21 (4) the child was assessed at a low risk on the applicable detention
22 risk assessment instrument approved by the office of children and family
23 services unless the agency determines that detention is necessary
24 because the respondent otherwise poses an imminent risk to public safety
25 and states the reasons for such determination in the child's record.

26 § 22-a. Section 352.2 of the family court act is amended by adding a
27 new subdivision 4 to read as follows:

28 4. Where a youth receives a juvenile delinquency adjudication for
29 conduct committed when the youth was age sixteen or older that would
30 constitute a crime under the vehicle and traffic law, or a violation of
31 paragraph (a) of subdivision two of section sixty-five-b of the alcohol-
32 ic beverage control law, the court shall notify the commissioner of
33 motor vehicles of such adjudication. Where a youth receives a juvenile
34 delinquency adjudication for conduct that would constitute a violation
35 of any other provision of law which allows for the imposition of a
36 license and registration sanction, the court shall notify the commis-
37 sioner of motor vehicles of such adjudication. The court shall have the
38 power to impose any suspension or revocation of driving privileges,
39 ignition interlock devices, any drug or alcohol rehabilitation program,
40 victim impact program, driver responsibility assessment, victim assist-
41 ance fee, and surcharge as is otherwise required upon a conviction of a
42 crime under the vehicle and traffic law, or an offense for which a
43 license sanction is required, and, further, shall notify the commis-
44 ioner of motor vehicles of said suspension or revocation.

45 § 23. Paragraph (a) of subdivision 1 and paragraphs (f) and (h) of
46 subdivision 2 of section 353.2 of the family court act, paragraph (a) of
47 subdivision 1 as added by chapter 920 of the laws of 1982, paragraphs
48 (f) and (h) of subdivision 2 as amended by chapter 124 of the laws of
49 1993, are amended to read as follows:

50 (a) placement of respondent is not or may not be necessary or allow-
51 able;

52 (f) make restitution or perform services for the public good pursuant
53 to section 353.6, provided the respondent is over [ten] twelve years of
54 age;

55 (h) comply with such other reasonable conditions as the court shall
56 determine to be necessary or appropriate to ameliorate the conduct which

1 gave rise to the filing of the petition or to prevent placement with the
2 commissioner of social services or the [division for youth] office of
3 children and family services.

4 § 23-a. Paragraph (e) of subdivision 2 of section 353.2 of the family
5 court act, as amended by chapter 124 of the laws of 1993, is amended to
6 read as follows:

7 (e) co-operate with a mental health, social services or other appro-
8 priate community facility or agency to which the respondent is referred,
9 including a family support center pursuant to title twelve of article
10 six of the social services law;

11 § 23-b. Subdivision 3 of section 353.2 of the family court act, as
12 added by chapter 920 of the laws of 1982, paragraph (f) as amended by
13 chapter 465 of the laws of 1992, is amended to read as follows:

14 3. When ordering a period of probation, the court may, as a condition
15 of such order, further require that the respondent:

16 (a) meet with a probation officer when directed to do so by that offi-
17 cer and permit the officer to visit the respondent at home or elsewhere;

18 (b) permit the probation officer to obtain information from any person
19 or agency from whom respondent is receiving or was directed to receive
20 diagnosis, treatment or counseling;

21 (c) permit the probation officer to obtain information from the
22 respondent's school;

23 (d) co-operate with the probation officer in seeking to obtain and in
24 accepting employment, and supply records and reports of earnings to the
25 officer when requested to do so; and

26 (e) obtain permission from the probation officer for any absence from
27 respondent's residence in excess of two weeks[; and

28 (f) with the consent of the division for youth, spend a specified
29 portion of the probation period, not exceeding one year, in a non-secure
30 facility provided by the division for youth pursuant to article nine-
31 teen-G of the executive law].

32 § 24. The opening paragraph of subparagraph (iii) of paragraph (a) and
33 paragraph (d) of subdivision 4 of section 353.5 of the family court act,
34 as amended by section 6 of subpart A of part G of chapter 57 of the laws
35 of 2012, are amended to read as follows:

36 after the period set under subparagraph (ii) of this paragraph, the
37 respondent shall be placed in a residential facility for a period of
38 twelve months; provided, however, that if the respondent has been placed
39 from a family court in a social services district operating an approved
40 juvenile justice services close to home initiative pursuant to section
41 four hundred four of the social services law for an act committed when
42 the respondent was under sixteen years of age, once the time frames in
43 subparagraph (ii) of this paragraph are met:

44 (d) Upon the expiration of the initial period of placement, or any
45 extension thereof, the placement may be extended in accordance with
46 section 355.3 on a petition of any party or the office of children and
47 family services, or, if applicable, a social services district operating
48 an approved juvenile justice services close to home initiative pursuant
49 to section four hundred four of the social services law, after a dispo-
50 sitional hearing, for an additional period not to exceed twelve months,
51 but no initial placement or extension of placement under this section
52 may continue beyond the respondent's twenty-first birthday, or, for an
53 act that was committed when the respondent was sixteen years of age or
54 older, the respondent's twenty-third birthday.



1 § 25. Paragraph (d) of subdivision 4 of section 353.5 of the family
2 court act, as amended by chapter 398 of the laws of 1983, is amended to
3 read as follows:

4 (d) Upon the expiration of the initial period of placement, or any
5 extension thereof, the placement may be extended in accordance with
6 section 355.3 on a petition of any party or the [division for youth]
7 office of children and family services after a dispositional hearing,
8 for an additional period not to exceed twelve months, but no initial
9 placement or extension of placement under this section may continue
10 beyond the respondent's twenty-first birthday, or, for an act that was
11 committed when the respondent was sixteen years of age or older, the
12 respondent's twenty-third birthday.

13 § 26. The opening paragraph of subdivision 1 of section 353.6 of the
14 family court act, as amended by chapter 877 of the laws of 1983, is
15 amended to read as follows:

16 At the conclusion of the dispositional hearing in cases involving
17 respondents over [ten] twelve years of age the court may:

18 § 27. Section 354.1 of the family court act, as added by chapter 920
19 of the laws of 1982, subdivisions 2, 6 and 7 as amended by chapter 645
20 of the laws of 1996, subdivisions 4 and 5 as amended by chapter 398 of
21 the laws of 1983, is amended to read as follows:

22 § 354.1. Retention and destruction of fingerprints of persons alleged
23 to be juvenile delinquents. 1. If a person whose fingerprints, palm-
24 prints or photographs were taken pursuant to section 306.1 or was
25 initially fingerprinted as a juvenile offender and the action is subse-
26 quently removed to a family court pursuant to article seven hundred
27 twenty-five of the criminal procedure law is adjudicated to be a juve-
28 nile delinquent for a felony, the family court shall forward or cause to
29 be forwarded to the division of criminal justice services notification
30 of such adjudication and such related information as may be required by
31 such division, provided, however, in the case of a person eleven [or
32 twelve] years of age such notification shall be provided only if the act
33 upon which the adjudication is based would constitute a class [A or B]
34 A-1 felony or, in the case of a person twelve years of age, such notifi-
35 cation shall be provided only if the act upon which the adjudication is
36 based would constitute a class A or B felony.

37 2. If a person whose fingerprints, palmprints or photographs were
38 taken pursuant to section 306.1 or was initially fingerprinted as a
39 juvenile offender and the action is subsequently removed to family court
40 pursuant to article seven hundred twenty-five of the criminal procedure
41 law has had all petitions disposed of by the family court in any manner
42 other than an adjudication of juvenile delinquency for a felony, but in
43 the case of acts committed when such person was eleven [or twelve] years
44 of age which would constitute a class [A or B] A-1 felony only, or, in
45 the case of acts committed when such person was twelve years of age
46 which would constitute a class A or B felony only, all such finger-
47 prints, palmprints, photographs, and copies thereof, and all information
48 relating to such allegations obtained by the division of criminal
49 justice services pursuant to section 306.1 shall be destroyed forthwith.
50 The clerk of the court shall notify the commissioner of the division of
51 criminal justice services and the heads of all police departments and
52 law enforcement agencies having copies of such records, who shall
53 destroy such records without unnecessary delay.

54 3. If the appropriate presentment agency does not originate a proceed-
55 ing under section 310.1 for a case in which the potential respondent's
56 fingerprints were taken pursuant to section 306.1, the presentment agen-

1 cy shall serve a certification of such action upon the division of crim-
2 inal justice services, and upon the appropriate police department or law
3 enforcement agency.

4 4. If, following the taking into custody of a person alleged to be a
5 juvenile delinquent and the taking and forwarding to the division of
6 criminal justice services of such person's fingerprints but prior to
7 referral to the probation department or to the family court, an officer
8 or agency, elects not to proceed further, such officer or agency shall
9 serve a certification of such election upon the division of criminal
10 justice services.

11 5. Upon certification pursuant to subdivision twelve of section 308.1
12 or subdivision three or four of this section, the department or agency
13 shall destroy forthwith all fingerprints, palmprints, photographs, and
14 copies thereof, and all other information obtained in the case pursuant
15 to section 306.1. Upon receipt of such certification, the division of
16 criminal justice services and all police departments and law enforcement
17 agencies having copies of such records shall destroy them.

18 6. If a person fingerprinted pursuant to section 306.1 and subsequent-
19 ly adjudicated a juvenile delinquent for a felony, but in the case of
20 acts committed when such a person was eleven [or twelve] years of age
21 which would constitute a class [A or B] A-1 felony only, or, in the case
22 of acts committed when such a person was twelve years of age which would
23 constitute a class A or B felony only, is subsequently convicted of a
24 crime, all fingerprints and related information obtained by the division
25 of criminal justice services pursuant to such section and not destroyed
26 pursuant to subdivisions two, five and seven or subdivision twelve of
27 section 308.1 shall become part of such division's permanent adult crim-
28 inal record for that person, notwithstanding section 381.2 or 381.3.

29 7. When a person fingerprinted pursuant to section 306.1 and subse-
30 quently adjudicated a juvenile delinquent for a felony, but in the case
31 of acts committed when such person was eleven [or twelve] years of age
32 which would constitute a class [A or B] A-1 felony only, or, in the case
33 of acts committed when such a person was twelve years of age which would
34 constitute a class A or B felony only, reaches the age of twenty-one, or
35 has been discharged from placement under this act for at least three
36 years, whichever occurs later, and has no criminal convictions or pend-
37 ing criminal actions which ultimately terminate in a criminal
38 conviction, all fingerprints, palmprints, photographs, and related
39 information and copies thereof obtained pursuant to section 306.1 in the
40 possession of the division of criminal justice services, any police
41 department, law enforcement agency or any other agency shall be
42 destroyed forthwith. The division of criminal justice services shall
43 notify the agency or agencies which forwarded fingerprints to such divi-
44 sion pursuant to section 306.1 of their obligation to destroy those
45 records in their possession. In the case of a pending criminal action
46 which does not terminate in a criminal conviction, such records shall be
47 destroyed forthwith upon such determination.

48 § 28. Subdivisions 1 and 6 of section 355.3 of the family court act,
49 subdivision 1 as amended by chapter 398 of the laws of 1983, subdivision
50 6 as amended by chapter 663 of the laws of 1985, are amended to read as
51 follows:

52 1. In any case in which the respondent has been placed pursuant to
53 section 353.3 the respondent, the person with whom the respondent has
54 been placed, the commissioner of social services, or the [division for
55 youth] office of children and family services may petition the court to
56 extend such placement. Such petition shall be filed at least sixty days

1 prior to the expiration of the period of placement, except for good
2 cause shown but in no event shall such petition be filed after the
3 original expiration date.

4 6. Successive extensions of placement under this section may be grant-
5 ed, but no placement may be made or continued beyond the respondent's
6 eighteenth birthday without the child's consent for acts committed
7 before the respondent's sixteenth birthday and in no event past the
8 child's twenty-first birthday except as provided for in subdivision four
9 of section 353.5.

10 § 29. Subdivision 5 of section 355.4 of the family court act, as added
11 by chapter 479 of the laws of 1992, is amended to read as follows:

12 5. Nothing in this section shall: require that consent be obtained
13 from the youth's parent or legal guardian to any medical, dental, or
14 mental health service and treatment when no consent is necessary or the
15 youth is authorized by law to consent on his or her own behalf; preclude
16 a youth from consenting on his or her own behalf to any medical, dental
17 or mental health service and treatment where otherwise authorized by law
18 to do so[, or the division for youth]; or preclude the officer of chil-
19 dren and family services or a social services district from petitioning
20 the court pursuant to section two hundred thirty-three of this act, as
21 appropriate.

22 § 30. Paragraph (b) of subdivision 3 of section 355.5 of the family
23 court act, as amended by chapter 145 of the laws of 2000, is amended to
24 read as follows:

25 (b) subsequent permanency hearings shall be held no later than every
26 twelve months following the respondent's initial twelve months in place-
27 ment but in no event past the respondent's twenty-first birthday;
28 provided, however, that they shall be held in conjunction with an exten-
29 sion of placement hearing held pursuant to section 355.3 of this [arti-
30 cle] part.

31 § 31. Subdivisions 2 and 6 of section 360.3 of the family court act,
32 as added by chapter 920 of the laws of 1982, are amended to read as
33 follows:

34 2. At the time of his or her first appearance following the filing of
35 a petition of violation the court must: (a) advise the respondent of the
36 contents of the petition and furnish him or her with a copy thereof; (b)
37 determine whether the respondent should be released or detained pursuant
38 to section 320.5, provided, however, that nothing herein shall authorize
39 a respondent to be detained for a violation of a condition that would
40 not constitute a crime if committed by an adult unless the court deter-
41 mines (i) that the respondent poses a specific imminent threat to public
42 safety and states the reasons for the finding on the record or (ii) the
43 respondent is on probation for an act that would constitute a violent
44 felony as defined in section 70.02 of the penal law if committed by an
45 adult and the use of graduated sanctions have been exhausted without
46 success; and (c) ask the respondent whether he or she wishes to make any
47 statement with respect to the violation. If the respondent makes a
48 statement, the court may accept it and base its decision thereon; the
49 provisions of subdivision two of section 321.3 shall apply in determin-
50 ing whether a statement should be accepted. If the court does not accept
51 such statement or if the respondent does not make a statement, the court
52 shall proceed with the hearing. Upon request, the court shall grant a
53 reasonable adjournment to the respondent to enable him or her to prepare
54 for the hearing.

55 6. At the conclusion of the hearing the court may revoke, continue or
56 modify the order of probation or conditional discharge. If the court

1 revokes the order, it shall order a different disposition pursuant to
2 section 352.2, provided, however, that nothing herein shall authorize
3 the placement of a respondent for a violation of a condition that would
4 not constitute a crime if committed by an adult unless the court deter-
5 mines (i) that the respondent poses a specific imminent threat to public
6 safety and states the reasons for the finding on the record or (ii) the
7 respondent is on probation for an act that would constitute a violent
8 felony as defined in section 70.02 of the penal law if committed by an
9 adult and the use of graduated sanctions have been exhausted without
10 success. If the court continues the order of probation or conditional
11 discharge, it shall dismiss the petition of violation.

12 § 32. Subdivision 6 of section 375.2 of the family court act, as
13 added by chapter 926 of the laws of 1982 and renumbered by chapter 398
14 of the laws of 1983, is amended to read as follows:

15 6. Such a motion cannot be filed until the respondent's [sixteenth]
16 eighteenth birthday.

17 § 32-a. Section 712 of the family court act, as amended by chapter 920
18 of the laws of 1982, subdivision (a) as amended by section 7 of part G
19 of chapter 58 of the laws of 2010, subdivision (b) as amended by chapter
20 465 of the laws of 1992, subdivision (g) as amended by section 2 of part
21 B of chapter 3 of the laws of 2005, subdivision (h) as added by chapter
22 7 of the laws of 1999 and subdivision (i) as amended and subdivisions
23 (j), (k), (l) and (m) as added by chapter 38 of the laws of 2014, is
24 amended to read as follows:

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

27 (a) "Person in need of supervision". A person less than eighteen years
28 of age who does not attend school in accordance with the provisions of
29 part one of article sixty-five of the education law or who is incorrigi-
30 ble, ungovernable or habitually disobedient and beyond the lawful
31 control of a parent or other person legally responsible for such child's
32 care, or other lawful authority, or who violates the provisions of
33 section 221.05 or 230.00 of the penal law, or who appears to be a sexu-
34 ally exploited child as defined in paragraph (a), (c) or (d) of subdivi-
35 sion one of section four hundred forty-seven-a of the social services
36 law, but only if the child consents to the filing of a petition under
37 this article.

38 (b) "Detention". The temporary care and maintenance of children away
39 from their own homes [as defined in section five hundred two of the
40 executive law] in a foster care program certified by the office of chil-
41 dren and family services or a certified or approved family boarding
42 home, or in a city having a population of one million or more, a foster
43 care facility established and maintained pursuant to social services
44 law.

45 (c) "[Secure detention] Detention facility". A facility [characterized
46 by physically restricting construction, hardware and procedures] oper-
47 ated in accordance with section five hundred three of the executive law.

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

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

54 [(f)] (e) "Dispositional hearing". A hearing to determine whether the
55 respondent requires supervision or treatment.

1 [(g)] (f) "Aggravated circumstances". Aggravated circumstances shall
2 have the same meaning as the definition of such term in subdivision (j)
3 of section one thousand twelve of this act.

4 [(h)] (g) "Permanency hearing". A hearing held in accordance with
5 paragraph (b) of subdivision two of section seven hundred fifty-four or
6 section seven hundred fifty-six-a of this article for the purpose of
7 reviewing the foster care status of the respondent and the appropriate-
8 ness of the permanency plan developed by the social services official on
9 behalf of such respondent.

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

29 [(j)] (i) "Substance use disorder". The misuse of, dependence on, or
30 addiction to alcohol and/or legal or illegal drugs leading to effects
31 that are detrimental to the person's physical and mental health or the
32 welfare of others.

33 [(k)] (j) "Assessment for substance use disorder". Assessment by a
34 provider that has been certified by the office of alcoholism and
35 substance abuse services of a person less than eighteen years of age
36 where it is alleged that the youth is suffering from a substance use
37 disorder which could make a youth a danger to himself or herself or
38 others.

39 [(l)] (k) "A substance use disorder which could make a youth a danger
40 to himself or herself or others". A substance use disorder that is
41 accompanied by the dependence on, or the repeated use or abuse of, drugs
42 or alcohol to the point of intoxication such that the person is in need
43 of immediate detoxification or other substance use disorder services.

44 [(m)] (l) "Substance use disorder services". Substance use disorder
45 services shall have the same meaning as provided for in section 1.03 of
46 the mental hygiene law.

47 (m) "Family support center". A program established pursuant to title
48 twelve of article six of the social services law.

49 § 33. Section 720 of the family court act, as amended by chapter 419
50 of the laws of 1987, subdivision 3 as amended by section 9 of subpart B
51 of part Q of chapter 58 of the laws of 2011, subdivision 5 as amended by
52 section 3 of part E of chapter 57 of the laws of 2005, and paragraph (c)
53 of subdivision 5 as added by section 8 of part G of chapter 58 of the
54 laws of 2010, is amended to read as follows:

55 § 720. Detention. 1. No child to whom the provisions of this article
56 may apply, shall be detained in any prison, jail, lockup, or other place

1 used for adults convicted of crime or under arrest and charged with a
2 crime.

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

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

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

26 5. (a) The court shall not order or direct detention under this arti-
27 cle, unless the court determines that there is no substantial likelihood
28 that the youth and his or her family will continue to benefit from
29 diversion services, and that continuation in the home would not be
30 appropriate because such continuation would (A) continue or worsen the
31 circumstances alleged in the underlying petition, or that created the
32 need for a petition to be sought or (B) create a safety risk to the
33 child or the child's family and that all other available alternatives to
34 detention have been exhausted; and

35 (b) [Where the youth is sixteen years of age or older, the court shall
36 not order or direct detention under this article, unless the court
37 determines and states in its order that special circumstances exist to
38 warrant such detention.

39 (c) If the respondent may be a sexually exploited child as defined in
40 subdivision one of section four hundred forty-seven-a of the social
41 services law, the court may direct the respondent to an available short-
42 term safe house as defined in subdivision two of section four hundred
43 forty-seven-a of the social services law as an alternative to detention.

44 § 33-a. Section 727 of the family court act, as amended by chapter 920
45 of the laws of 1982, subdivisions (a) and (b) as amended by chapter 419
46 of the laws of 1987, is amended to read as follows:

47 § 727. Rules of court authorizing release before filing of petition.

48 (a) The agency responsible for operating a [detention facility] foster
49 care program certified by the office of children and family services or
50 a certified or approved family boarding home, or in a city of one
51 million or more, the agency responsible for operating a foster care
52 facility, may release a child in custody before the filing of a petition
53 to the custody of his parents or other relative, guardian or legal
54 custodian when the events occasioning the taking into custody appear to
55 involve a petition to determine whether a person is in need of super-

1 vision rather than a petition to determine whether a person is a juve-
2 nile delinquent.

3 (b) When a release is made under this section such release may, but
4 need not, be conditioned upon the giving of a recognizance in accord
5 with paragraph (i) of subdivision (b) of section seven hundred twenty-
6 four [(b) (i)] of this part.

7 (c) If the probation service for any reason does not release a child
8 under this section, the child shall promptly be brought before a judge
9 of the court, if practicable, and section seven hundred twenty-eight of
10 this part shall apply.

11 § 34. Section 728 of the family court act, subdivision (a) as amended
12 by chapter 41 of the laws of 2010, subdivision (b) as amended by chapter
13 419 of the laws of 1987, subdivision (d) as added by chapter 145 of the
14 laws of 2000, paragraph (i) as added and paragraph (ii) of subdivision
15 (d) as renumbered by section 5 of part E of chapter 57 of the laws of
16 2005, and paragraph (iii) as amended and paragraph (iv) of subdivision
17 (d) as added by section 10 of subpart B of part Q of chapter 58 of the
18 laws of 2011, is amended to read as follows:

19 § 728. Discharge, release or detention by judge after hearing and
20 before filing of petition in custody cases. (a) If a child in custody
21 is brought before a judge of the family court before a petition is
22 filed, the judge shall hold a hearing for the purpose of making a
23 preliminary determination of whether the court appears to have jurisdic-
24 tion over the child. At the commencement of the hearing, the judge shall
25 advise the child of his or her right to remain silent, his or her right
26 to be represented by counsel of his or her own choosing, and of the
27 right to have an attorney assigned in accord with part four of article
28 two of this act. The judge must also allow the child a reasonable time
29 to send for his or her parents or other person or persons legally
30 responsible for his or her care, and for counsel, and adjourn the hear-
31 ing for that purpose.

32 (b) After hearing, the judge shall order the release of the child to
33 the custody of his parent or other person legally responsible for his
34 care if the court does not appear to have jurisdiction.

35 (c) An order of release under this section may, but need not, be
36 conditioned upon the giving of a recognizance in accord with [sections]
37 section seven hundred twenty-four (b) (i).

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

41 (i) that there is no substantial likelihood that the youth and his or
42 her family will continue to benefit from diversion services, that
43 continuation in the home would not be appropriate because such continua-
44 tion would (A) continue or worsen the circumstances alleged in the
45 underlying petition, or that created the need for a petition to be
46 sought or (B) create a safety risk to the child or the child's family
47 and that all other available alternatives to detention have been
48 exhausted; and

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

53 (iii) where appropriate, whether reasonable efforts were made prior to
54 the date of the court hearing that resulted in the detention order, to
55 prevent or eliminate the need for removal of the child from his or her
56 home or, if the child had been removed from his or her home prior to the

1 court appearance pursuant to this section, where appropriate, whether
2 reasonable efforts were made to make it possible for the child to safely
3 return home; and

4 (iv) whether the setting of the detention takes into account the prox-
5 imity to the community in which the person alleged to be or adjudicated
6 as a person in need of supervision lives with such person's parents or
7 to which such person will be discharged, and the existing educational
8 setting of such person and the proximity of such setting to the location
9 of the detention setting.

10 § 35. Section 735 of the family court act, as added by section 7 of
11 part E of chapter 57 of the laws of 2005, subdivision (b) as amended by
12 chapter 38 of the laws of 2014, paragraph (i) of subdivision (d) as
13 amended by chapter 535 of the laws of 2011, and subdivision (h) as
14 amended by chapter 499 of the laws of 2015, is amended to read as
15 follows:

16 § 735. Preliminary procedure; diversion services. (a) Each county and
17 any city having a population of one million or more shall offer diver-
18 sion services as defined in section seven hundred twelve of this article
19 to youth who are at risk of being the subject of a person in need of
20 supervision petition. Such services shall be designed to provide an
21 immediate response to families in crisis, to identify and utilize appro-
22 priate alternatives to detention and to divert youth from being the
23 subject of a petition in family court. Each county and such city shall
24 designate either the local social services district or the probation
25 department as lead agency for the purposes of providing diversion
26 services.

27 (b) The designated lead agency shall:

28 (i) confer with any person seeking to file a petition, the youth who
29 may be a potential respondent, his or her family, and other interested
30 persons, concerning the provision of diversion services before any peti-
31 tion may be filed; and

32 (ii) diligently attempt to prevent the filing of a petition under this
33 article or, after the petition is filed, to prevent the placement of the
34 youth into foster care in accordance with section seven hundred fifty-
35 six of this article; and

36 (iii) assess whether the youth would benefit from residential respite
37 services; and

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

41 (v) determine whether alternatives to detention are appropriate to
42 avoid remand of the youth to detention;

43 (vi) determine whether the youth and his or her family should be
44 referred to an available family support center; [and]

45 (vii) assess whether remaining in the home would cause the continua-
46 tion or worsening of the circumstances that created the need for a peti-
47 tion to be sought, or create a safety risk to the child or the child's
48 family; and

49 [(v)] (viii) determine whether an assessment of the youth for
50 substance use disorder by an office of alcoholism and substance abuse
51 services certified provider is necessary when a person seeking to file a
52 petition alleges in such petition that the youth is suffering from a
53 substance use disorder which could make the youth a danger to himself or
54 herself or others. Provided, however, that notwithstanding any other
55 provision of law to the contrary, the designated lead agency shall not
56 be required to pay for all or any portion of the costs of such assess-

1 ment or for any substance use disorder or detoxification services,
2 except in cases where medical assistance for needy persons may be used
3 to pay for all or any portion of the costs of such assessment or
4 services. The office of alcoholism and substance abuse services shall
5 make a list of its certified providers available to the designated lead
6 agency.

7 (c) Any person or agency seeking to file a petition pursuant to this
8 article which does not have attached thereto the documentation required
9 by subdivision (g) of this section shall be referred by the clerk of the
10 court to the designated lead agency which shall schedule and hold, on
11 reasonable notice to the potential petitioner, the youth and his or her
12 parent or other person legally responsible for his or her care, at least
13 one conference in order to determine the factual circumstances and
14 determine whether the youth and his or her family should receive diver-
15 sion services pursuant to this section. Diversion services shall include
16 clearly documented diligent attempts to provide appropriate services to
17 the youth and his or her family unless it is determined that there is no
18 substantial likelihood that the youth and his or her family will benefit
19 from further diversion attempts. Notwithstanding the provisions of
20 section two hundred sixteen-c of this act, the clerk shall not accept
21 for filing under this part any petition that does not have attached
22 thereto the documentation required by subdivision (g) of this section.

23 (d) Diversion services shall include documented diligent attempts to
24 engage the youth and his or her family in appropriately targeted commu-
25 nity-based services, but shall not be limited to:

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
29 need to file a petition under this article; including the availability,
30 for up to twenty-one days, of a residential respite program, if the
31 youth and his or her parent or other person legally responsible for his
32 or her care agree, and the availability of other non-residential crisis
33 intervention programs such as a family support center, family crisis
34 counseling or alternative dispute resolution programs or an educational
35 program as defined in section four hundred fifty-eight-1 of the social
36 services law.

37 (ii) scheduling and holding at least one conference with the youth and
38 his or her family and the person or representatives of the entity seek-
39 ing to file a petition under this article concerning alternatives to
40 filing a petition and services that are available. Diversion services
41 shall include clearly documented diligent attempts to provide appropri-
42 ate services to the youth and his or her family before it may be deter-
43 mined that there is no substantial likelihood that the youth and his or
44 her family will benefit from further attempts.

45 (iii) where the entity seeking to file a petition is a school district
46 or local educational agency, the designated lead agency shall review the
47 steps taken by the school district or local educational agency to
48 improve the youth's attendance and/or conduct in school and attempt to
49 engage the school district or local educational agency in further diver-
50 sion attempts, if it appears from review that such attempts will be
51 beneficial to the youth.

52 (e) The designated lead agency shall maintain a written record with
53 respect to each youth and his or her family for whom it considers
54 providing or provides diversion services pursuant to this section. The
55 record shall be made available to the court at or prior to the initial

1 appearance of the youth in any proceeding initiated pursuant to this
2 article.

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

12 (g) (i) The designated lead agency shall promptly give written notice
13 to the potential petitioner whenever attempts to prevent the filing of a
14 petition have terminated, and shall indicate in such notice whether
15 efforts were successful. The notice shall also detail the diligent
16 attempts made to divert the case if a determination has been made that
17 there is no substantial likelihood that the youth will benefit from
18 further attempts. No persons in need of supervision petition may be
19 filed pursuant to this article during the period the designated lead
20 agency is providing diversion services. A finding by the designated lead
21 agency that the case has been successfully diverted shall constitute
22 presumptive evidence that the underlying allegations have been success-
23 fully resolved in any petition based upon the same factual allegations.
24 No petition may be filed pursuant to this article by the parent or other
25 person legally responsible for the youth where diversion services have
26 been terminated because of the failure of the parent or other person
27 legally responsible for the youth to consent to or actively participate.

28 (ii) The clerk of the court shall accept a petition for filing only if
29 it has attached thereto the following:

30 (A) if the potential petitioner is the parent or other person legally
31 responsible for the youth, a notice from the designated lead agency
32 indicating there is no bar to the filing of the petition as the poten-
33 tial petitioner consented to and actively participated in diversion
34 services; and

35 (B) a notice from the designated lead agency stating that it has
36 terminated diversion services because it has determined that there is no
37 substantial likelihood that the youth and his or her family will benefit
38 from further attempts, and that the case has not been successfully
39 diverted.

40 (h) No statement made to the designated lead agency or to any agency
41 or organization to which the potential respondent has been referred,
42 prior to the filing of the petition, or if the petition has been filed,
43 prior to the time the respondent has been notified that attempts at
44 diversion will not be made or have been terminated, or prior to the
45 commencement of a fact-finding hearing if attempts at diversion have not
46 terminated previously, may be admitted into evidence at a fact-finding
47 hearing or, if the proceeding is transferred to a criminal court, at any
48 time prior to a conviction.

49 § 36. Subdivision (b) of section 742 of the family court act, as
50 amended by section 9 of part E of chapter 57 of the laws of 2005, is
51 amended to read as follows:

52 (b) At the initial appearance of the respondent, the court shall
53 review any termination of diversion services pursuant to such section,
54 and the documentation of diligent attempts to provide appropriate
55 services and determine whether such efforts or services provided are
56 sufficient [and]. The court may, at any time, subject to the provisions

1 of section seven hundred forty-eight of this article, order that addi-
2 tional diversion attempts be undertaken by the designated lead agency.
3 The court may order the youth and the parent or other person legally
4 responsible for the youth to participate in diversion services. If the
5 designated lead agency thereafter determines that the case has been
6 successfully resolved, it shall so notify the court, and the court shall
7 dismiss the petition.

8 § 37. Subdivision (a) of section 749 of the family court act, as
9 amended by section 4 of part V of chapter 55 of the laws of 2012, is
10 amended to read as follows:

11 (a) (i) Upon or after a fact-finding hearing, the court may, upon its
12 own motion or upon a motion of a party to the proceeding, order that the
13 proceeding be "adjourned in contemplation of dismissal". An adjournment
14 in contemplation of dismissal is an adjournment of the proceeding, for a
15 period not to exceed six months with a view to ultimate dismissal of the
16 petition in furtherance of justice. Upon issuing such an order, upon
17 such permissible terms and conditions as the rules of court shall
18 define, the court must release the individual.

19 (ii) The court may, as a condition of an adjournment in contemplation
20 of dismissal order: (A) in cases where the record indicates that the
21 consumption of alcohol may have been a contributing factor, require the
22 respondent to attend and complete an alcohol awareness program estab-
23 lished pursuant to section 19.25 of the mental hygiene law; or (B) in
24 cases where the record indicates that cyberbullying or sexting was the
25 basis of the petition, require an eligible person to complete an educa-
26 tion reform program in accordance with section four hundred
27 fifty-eight-1 of the social services law; or (C) participate in services
28 including but not limited to those provided by family support centers.

29 (iii) Upon application of the petitioner, or upon the court's own
30 motion, made at any time during the duration of the order, the court may
31 restore the matter to the calendar. If the proceeding is not so
32 restored, the petition is at the expiration of the order, deemed to have
33 been dismissed by the court in furtherance of justice.

34 § 38. Section 751 of the family court act, as amended by chapter 100
35 of the laws of 1993, is amended to read as follows:

36 § 751. Order dismissing petition. If the allegations of a petition
37 under this article are not established, the court shall dismiss the
38 petition. The court may in its discretion dismiss a petition under this
39 article, in the interests of justice where attempts have been made to
40 adjust the case as provided for in sections seven hundred thirty-five
41 and seven hundred forty-two of this article and the probation service
42 has exhausted its efforts to successfully adjust such case as a result
43 of the petition's failure to provide reasonable assistance to the
44 probation service. In dismissing a petition pursuant to this section,
45 the court shall consider whether a referral of services would be appro-
46 priate to meet the needs of the respondent and his or her family.

47 § 39. Section 754 of the family court act, subdivision 1 as designated
48 by chapter 878 of the laws of 1976, paragraph (c) of subdivision 1 as
49 amended by section 4 of part V of chapter 383 of the laws of 2001, the
50 closing paragraph of subdivision 1 as added by section 5 of part V of
51 chapter 55 of the laws of 2012, subdivision 2 as amended by chapter 7 of
52 the laws of 1999, subparagraph (ii) of paragraph (a) of subdivision 2 as
53 amended by section 20 and the closing paragraph of paragraph (b) of
54 subdivision 2 as amended by section 21 of part L of chapter 56 of the
55 laws of 2015, is amended to read as follows:

1 § 754. Disposition on adjudication of person in need of supervision.
2 1. Upon an adjudication of person in need of supervision, the court
3 shall enter an order of disposition:

4 (a) Discharging the respondent with warning;

5 (b) Suspending judgment in accord with section seven hundred fifty-
6 five of this part;

7 (c) Continuing the proceeding and placing the respondent in accord
8 with section seven hundred fifty-six of this part; provided, however,
9 that the court shall not place the respondent in accord with section
10 seven hundred fifty-six where the respondent is sixteen years of age or
11 older, unless the court determines and states in its order that special
12 circumstances exist to warrant such placement; or

13 (d) Putting the respondent on probation in accord with section seven
14 hundred fifty-seven of this part.

15 The court may order an eligible person to complete an education reform
16 program in accordance with section four hundred fifty-eight-1 of the
17 social services law, as part of a disposition pursuant to paragraph (a),
18 (b) or (d) of this subdivision. The court may also order services,
19 including those provided by a family support center, as part of a dispo-
20 sition pursuant to paragraph (a), (b) or (d) of this subdivision.

21 2. (a) Notwithstanding any other provision of law to the contrary, the
22 court shall not order placement with the local commissioner of social
23 services pursuant to section seven hundred fifty-six of this part unless
24 the court finds and states in writing that:

25 (i) no appropriate suitable relative or suitable private person is
26 available for placement pursuant to section seven hundred fifty-six of
27 this part; and

28 (ii) placement in the child's home would not be appropriate because
29 such placement would:

30 (A) continue or worsen the circumstances alleged in the underlying
31 petition or,

32 (B) create a safety risk to the child or the child's family.

33 (b) The order shall state the court's reasons for the particular
34 disposition. If the court places the child in accordance with section
35 seven hundred fifty-six of this part, the court in its order shall
36 determine: (i) whether continuation in the child's home would be contra-
37 ry to the best interest of the child and where appropriate, that reason-
38 able efforts were made prior to the date of the dispositional hearing
39 held pursuant to this article to prevent or eliminate the need for
40 removal of the child from his or her home and, if the child was removed
41 from his or her home prior to the date of such hearing, that such
42 removal was in the child's best interest and, where appropriate, reason-
43 able efforts were made to make it possible for the child to return safe-
44 ly home. If the court determines that reasonable efforts to prevent or
45 eliminate the need for removal of the child from the home were not made
46 but that the lack of such efforts was appropriate under the circum-
47 stances, the court order shall include such a finding; and (ii) in the
48 case of a child who has attained the age of fourteen, the services need-
49 ed, if any, to assist the child to make the transition from foster care
50 to independent living. Nothing in this subdivision shall be construed to
51 modify the standards for directing detention set forth in section seven
52 hundred thirty-nine of this article.

53 [(b)] (c) For the purpose of this section, reasonable efforts to
54 prevent or eliminate the need for removing the child from the home of
55 the child or to make it possible for the child to return safely to the
56 home of the child shall not be required where the court determines that:

1 (i) the parent of such child has subjected the child to aggravated
2 circumstances, as defined in subdivision (g) of section seven hundred
3 twelve of this article;

4 (ii) the parent of such child has been convicted of (A) murder in the
5 first degree as defined in section 125.27 or murder in the second degree
6 as defined in section 125.25 of the penal law and the victim was another
7 child of the parent; or (B) manslaughter in the first degree as defined
8 in section 125.20 or manslaughter in the second degree as defined in
9 section 125.15 of the penal law and the victim was another child of the
10 parent, provided, however, that the parent must have acted voluntarily
11 in committing such crime;

12 (iii) the parent of such child has been convicted of an attempt to
13 commit any of the crimes set forth in subparagraphs (i) and (ii) of this
14 paragraph, and the victim or intended victim was the child or another
15 child of the parent; or has been convicted of criminal solicitation as
16 defined in article one hundred, conspiracy as defined in article one
17 hundred five or criminal facilitation as defined in article one hundred
18 fifteen of the penal law for conspiring, soliciting or facilitating any
19 of the foregoing crimes, and the victim or intended victim was the child
20 or another child of the parent;

21 (iv) the parent of such child has been convicted of assault in the
22 second degree as defined in section 120.05, assault in the first degree
23 as defined in section 120.10 or aggravated assault upon a person less
24 than eleven years old as defined in section 120.12 of the penal law, and
25 the commission of one of the foregoing crimes resulted in serious phys-
26 ical injury to the child or another child of the parent;

27 (v) the parent of such child has been convicted in any other jurisdic-
28 tion of an offense which includes all of the essential elements of any
29 crime specified in subparagraph (ii), (iii) or (iv) of this paragraph,
30 and the victim of such offense was the child or another child of the
31 parent; or

32 (vi) the parental rights of the parent to a sibling of such child have
33 been involuntarily terminated;
34 unless the court determines that providing reasonable efforts would be
35 in the best interests of the child, not contrary to the health and safe-
36 ty of the child, and would likely result in the reunification of the
37 parent and the child in the foreseeable future. The court shall state
38 such findings in its order.

39 If the court determines that reasonable efforts are not required
40 because of one of the grounds set forth above, a permanency hearing
41 shall be held within thirty days of the finding of the court that such
42 efforts are not required. At the permanency hearing, the court shall
43 determine the appropriateness of the permanency plan prepared by the
44 social services official which shall include whether and when the child:
45 (A) will be returned to the parent; (B) should be placed for adoption
46 with the social services official filing a petition for termination of
47 parental rights; (C) should be referred for legal guardianship; (D)
48 should be placed permanently with a fit and willing relative; or (E)
49 should be placed in another planned permanent living arrangement with a
50 significant connection to an adult willing to be a permanency resource
51 for the child if the child is age sixteen or older and if the require-
52 ments of subparagraph (E) of paragraph (iv) of subdivision (d) of
53 section seven hundred fifty-six-a of this part have been met. The social
54 services official shall thereafter make reasonable efforts to place the
55 child in a timely manner and to complete whatever steps are necessary to
56 finalize the permanent placement of the child as set forth in the

1 permanency plan approved by the court. If reasonable efforts are deter-
2 mined by the court not to be required because of one of the grounds set
3 forth in this paragraph, the social services official may file a peti-
4 tion for termination of parental rights in accordance with section three
5 hundred eighty-four-b of the social services law.

6 [(c)] (d) For the purpose of this section, in determining reasonable
7 efforts to be made with respect to a child, and in making such reason-
8 able efforts, the child's health and safety shall be the paramount
9 concern.

10 [(d)] (e) For the purpose of this section, a sibling shall include a
11 half-sibling.

12 § 40. Section 755 of the family court act, subdivision (a) as amended
13 by chapter 124 of the laws of 1993, is amended to read as follows:

14 § 755. Suspended judgment. (a) Rules of court shall define permissible
15 terms and conditions of a suspended judgment. The court may order as a
16 condition of a suspended judgment restitution, services, including those
17 provided by a family support center pursuant to title twelve of article
18 six of the social services law or services for public good pursuant to
19 section seven hundred fifty-eight-a, and[, except when the respondent
20 has been assigned to a facility in accordance with subdivision four of
21 section five hundred four of the executive law,] in cases wherein the
22 record indicates that the consumption of alcohol by the respondent may
23 have been a contributing factor, the court may order attendance at and
24 completion of an alcohol awareness program established pursuant to
25 section 19.25 of the mental hygiene law.

26 (b) The maximum duration of any term or condition of a suspended judg-
27 ment is one year, unless the court finds at the conclusion of that peri-
28 od that exceptional circumstances require an additional period of one
29 year.

30 § 41. Section 756 of the family court act, as amended by chapter 920
31 of the laws of 1982, paragraph (i) of subdivision (a) as amended by
32 chapter 309 of the laws of 1996, the opening paragraph of paragraph (ii)
33 of subdivision (a) as amended by section 11 of part G of chapter 58 of
34 the laws of 2010, subdivision (b) as amended by chapter 7 of the laws of
35 1999, and subdivision (c) as amended by section 10 of part E of chapter
36 57 of the laws of 2005, is amended to read as follows:

37 § 756. Placement. (a) (i) For purposes of section seven hundred
38 fifty-four, the court may place the child in its own home or in the
39 custody of a suitable relative or other suitable private person [or a
40 commissioner of social services], subject to the orders of the court.

41 (ii) Where the child is placed with the commissioner of the local
42 social services district, the court may direct the commissioner to place
43 the child with an authorized agency or class of authorized agencies,
44 including, if the court finds that the respondent is a sexually
45 exploited child as defined in subdivision one of section four hundred
46 forty-seven-a of the social services law, an available long-term safe
47 house. Unless the dispositional order provides otherwise, the court so
48 directing shall include one of the following alternatives to apply in
49 the event that the commissioner is unable to so place the child:

50 (1) the commissioner shall apply to the court for an order to stay,
51 modify, set aside, or vacate such directive pursuant to the provisions
52 of section seven hundred sixty-two or seven hundred sixty-three; or

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

55 (b) Placements under this section may be for an initial period of
56 [twelve months] ninety days. The court may extend a placement pursuant

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

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

24 § 42. Section 756-a of the family court act, as added by chapter 604
25 of the laws of 1986, subdivision (a) as amended by chapter 309 of the
26 laws of 1996, subdivisions (b) and (d) as amended by section 4 of part B
27 of chapter 327 of the laws of 2007, subdivisions (c) and (e) as amended
28 by chapter 7 of the laws of 1999, paragraph (ii) of subdivision (d) as
29 amended by section 3 of part M of chapter 54 of the laws of 2016, para-
30 graphs (iii), (iv) and (v) of subdivision (d) as amended by section 23
31 and subdivision (d-1) as amended by section 24 of part L of chapter 56
32 of the laws of 2015, is amended to read as follows:

33 § 756-a. Extension of placement. (a) In any case in which the child
34 has been placed pursuant to section seven hundred fifty-six, the child,
35 the person with whom the child has been placed or the commissioner of
36 social services may petition the court to extend such placement. Such
37 petition shall be filed at least [sixty] thirty days prior to the expi-
38 ration of the period of placement, except for good cause shown, but in
39 no event shall such petition be filed after the original expiration
40 date.

41 (b) The court shall conduct a permanency hearing concerning the need
42 for continuing the placement. The child, the person with whom the child
43 has been placed and the commissioner of social services shall be noti-
44 fied of such hearing and shall have the right to be heard thereat.

45 (c) The provisions of section seven hundred forty-five shall apply at
46 such permanency hearing. If the petition is filed within [sixty] thirty
47 days prior to the expiration of the period of placement, the court shall
48 first determine at such permanency hearing whether good cause has been
49 shown. If good cause is not shown, the court shall dismiss the petition.

50 (d) At the conclusion of the permanency hearing the court may, in its
51 discretion, order an extension of the placement for not more than [one
52 year] ninety days. The court must consider and determine in its order:

53 (i) where appropriate, that reasonable efforts were made to make it
54 possible for the child to safely return to his or her home, or if the
55 permanency plan for the child is adoption, guardianship or some other
56 permanent living arrangement other than reunification with the parent or

1 parents of the child, reasonable efforts are being made to make and
2 finalize such alternate permanent placement including consideration of
3 appropriate in-state and out-of-state placements;

4 (ii) in the case of a child who has attained the age of fourteen, (A)
5 the services needed, if any, to assist the child to make the transition
6 from foster care to successful adulthood; and (B) (1) that the permanency
7 plan developed for the child, and any revision or addition to the plan
8 shall be developed in consultation with the child and, at the option of
9 the child, with up to two additional members of the child's permanency
10 planning team who are selected by the child and who are not a foster
11 parent of, or case worker, case planner or case manager for, the child,
12 except that the local commissioner of social services with custody of
13 the child may reject an individual so selected by the child if such
14 commissioner has good cause to believe that the individual would not act
15 in the best interests of the child, and (2) that one individual so
16 selected by the child may be designated to be the child's advisor and,
17 as necessary, advocate with respect to the application of the reasonable
18 and prudent parent standard;

19 (iii) in the case of a child placed outside New York state, whether
20 the out-of-state placement continues to be appropriate and in the best
21 interests of the child;

22 (iv) whether and when the child: (A) will be returned to the parent;
23 (B) should be placed for adoption with the social services official
24 filing a petition for termination of parental rights; (C) should be
25 referred for legal guardianship; (D) should be placed permanently with a
26 fit and willing relative; or (E) should be placed in another planned
27 permanent living arrangement with a significant connection to an adult
28 willing to be a permanency resource for the child if the child is age
29 sixteen or older and (1) the social services official has documented to
30 the court: (I) intensive, ongoing, and, as of the date of the hearing,
31 unsuccessful efforts made by the social services district to return the
32 child home or secure a placement for the child with a fit and willing
33 relative including adult siblings, a legal guardian, or an adoptive
34 parent, including through efforts that utilize search technology includ-
35 ing social media to find biological family members for children, (II)
36 the steps the social services district is taking to ensure that (A) the
37 child's foster family home or child care facility is following the
38 reasonable and prudent parent standard in accordance with guidance
39 provided by the United States department of health and human services,
40 and (B) the child has regular, ongoing opportunities to engage in age or
41 developmentally appropriate activities including by consulting with the
42 child in an age-appropriate manner about the opportunities of the child
43 to participate in activities; and (2) the social services district has
44 documented to the court and the court has determined that there are
45 compelling reasons for determining that it continues to not be in the
46 best interest of the child to return home, be referred for termination
47 of parental rights and placed for adoption, placed with a fit and will-
48 ing relative, or placed with a legal guardian; and (3) the court has
49 made a determination explaining why, as of the date of the hearing,
50 another planned living arrangement with a significant connection to an
51 adult willing to be a permanency resource for the child is the best
52 permanency plan for the child; and

53 (v) where the child will not be returned home, consideration of appro-
54 priate in-state and out-of-state placements.

55 (d-1) At the permanency hearing, the court shall consult with the
56 respondent in an age-appropriate manner regarding the permanency plan;

1 provided, however, that if the respondent is age sixteen or older and
2 the requested permanency plan for the respondent is placement in another
3 planned permanent living arrangement with a significant connection to an
4 adult willing to be a permanency resource for the respondent, the court
5 must ask the respondent about the desired permanency outcome for the
6 respondent.

7 (e) Pending final determination of a petition to extend such placement
8 filed in accordance with the provisions of this section, the court may,
9 on its own motion or at the request of the petitioner or respondent,
10 enter one or more temporary orders extending a period of placement not
11 to exceed thirty days upon satisfactory proof showing probable cause for
12 continuing such placement and that each temporary order is necessary.
13 The court may order additional temporary extensions, not to exceed a
14 total of fifteen days, if the court is unable to conclude the hearing
15 within the thirty day temporary extension period. In no event shall the
16 aggregate number of days in extensions granted or ordered under this
17 subdivision total more than forty-five days. The petition shall be
18 dismissed if a decision is not rendered within the period of placement
19 or any temporary extension thereof. Notwithstanding any provision of law
20 to the contrary, the initial permanency hearing shall be held within
21 [twelve months of the date the child was placed into care] a reasonable
22 period of time prior to the expiration of the initial period of place-
23 ment pursuant to section seven hundred fifty-six [of this article] and
24 no later than every twelve months thereafter. [For the purposes of this
25 section, the date the child was placed into care shall be sixty days
26 after the child was removed from his or her home in accordance with the
27 provisions of this section.]

28 (f) Successive extensions of placement under this section may be
29 granted, but no placement may be made or continued beyond the child's
30 eighteenth birthday without his or her consent and in no event past his
31 or her twenty-first birthday.

32 § 43. Section 757 of the family court act is amended by adding a new
33 subdivision (e) to read as follows:

34 (e) The court may order services deemed appropriate to address the
35 circumstances alleged in the underlying petition including services
36 provided by family support centers.

37 § 44. Section 758-a of the family court act, as amended by chapter 73
38 of the laws of 1979, subdivision 1 as amended by chapter 4 of the laws
39 of 1987, paragraph (b) of subdivision 1 as amended by chapter 575 of the
40 laws of 2007, subdivision 2 as amended by chapter 309 of the laws of
41 1996, and subdivision 3 as separately amended by chapter 568 of the laws
42 of 1979, is amended to read as follows:

43 § 758-a. Restitution. 1. In cases involving acts of [infants] children
44 over [ten] twelve and less than [sixteen] eighteen years of age, the
45 court may

46 (a) recommend as a condition of placement, or order as a condition of
47 probation or suspended judgment, restitution in an amount representing a
48 fair and reasonable cost to replace the property or repair the damage
49 caused by the [infant] child, not, however, to exceed one thousand
50 dollars. [In the case of a placement, the court may recommend that the
51 infant pay out of his or her own funds or earnings the amount of
52 replacement or damage, either in a lump sum or in periodic payments in
53 amounts set by the agency with which he is placed, and in the case of
54 probation or suspended judgment, the] The court may require that the
55 [infant] child pay out of his or her own funds or earnings the amount of

1 replacement or damage, either in a lump sum or in periodic payments in
2 amounts set by the court; and/or

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

10 2. If the court recommends restitution or requires services for the
11 public good in conjunction with an order of placement pursuant to
12 section seven hundred fifty-six, the placement shall be made only to an
13 authorized agency which has adopted rules and regulations for the super-
14 vision of such a program, which rules and regulations shall be subject
15 to the approval of the state department of social services. Such rules
16 and regulations shall include, but not be limited to provisions (i)
17 assuring that the conditions of work, including wages, meet the stand-
18 ards therefor prescribed pursuant to the labor law; (ii) affording
19 coverage to the child under the workers' compensation law as an employee
20 of such agency, department or institution; (iii) assuring that the enti-
21 ty receiving such services shall not utilize the same to replace its
22 regular employees; and (iv) providing for reports to the court not less
23 frequently than every six months, unless the order provides otherwise.

24 3. If the court requires restitution or services for the public good
25 as a condition of probation or suspended judgment, it shall provide that
26 an agency or person supervise the restitution or services and that such
27 agency or person report to the court not less frequently than every six
28 months, unless the order provides otherwise. Upon the written notice
29 sent by a school district to the court and the appropriate probation
30 department or agency which submits probation recommendations or reports
31 to the court, the court may provide that such school district shall
32 supervise the performance of services for the public good.

33 4. The court, upon receipt of the reports provided for in subdivision
34 two or three of this section may, on its own motion or the motion of any
35 party or the agency, hold a hearing to determine whether the placement
36 should be altered or modified.

37 § 45. Subdivision (f) of section 759 of the family court act, as
38 amended by section 11 of part E of chapter 57 of the laws of 2005, is
39 amended to read as follows:

40 (f) to participate in family counseling or other professional coun-
41 seling activities, or other services, including services provided by
42 family support centers, alternative dispute resolution services
43 conducted by an authorized person or an authorized agency to which the
44 youth has been referred or placed, deemed necessary for the rehabili-
45 tation of the youth, provided that such family counseling, other coun-
46 seling activity or other necessary services are not contrary to such
47 person's religious beliefs;

48 § 46. Section 768 of the family court act is amended to read as
49 follows:

50 § 768. Successive petitions. If a petition under section seven hundred
51 sixty-four is denied, it may not be renewed for a period of [ninety]
52 thirty days after the denial, unless the order of denial permits renewal
53 at an earlier time.

54 § 47. Section 153-k of the social services law is amended by adding
55 two new subdivisions 2-a and 2-b to read as follows:

1 2-a. Notwithstanding any other provision of law to the contrary, state
2 reimbursement shall be made available for one hundred percent of expend-
3 itures made by social services districts, exclusive of any federal funds
4 made available for such purposes, for preventive services, aftercare
5 services, independent living services and foster care services provided
6 to youth age sixteen years of age or older when such services would not
7 otherwise have been provided to such youth absent the provisions in a
8 chapter of the laws of two thousand seventeen that increased the age of
9 juvenile jurisdiction above fifteen years of age.

10 2-b. Notwithstanding any other provision of law to the contrary, state
11 reimbursement shall be made available for one hundred percent of expend-
12 itures made by social services districts, exclusive of any federal funds
13 made available for such purpose, for family support centers established
14 pursuant to title twelve of this article.

15 § 48. Subdivisions 5 and 6 of section 371 of the social services law,
16 subdivision 5 as added by chapter 690 of the laws of 1962, and subdivi-
17 sion 6 as amended by chapter 596 of the laws of 2000, are amended to
18 read as follows:

19 5. "Juvenile delinquent" means a person [over seven and less than
20 sixteen years of age who does any act which, if done by an adult, would
21 constitute a crime] as defined in section 301.2 of the family court act.

22 6. "Person in need of supervision" means a person [less than eighteen
23 years of age who is habitually truant or who is incorrigible, ungovernable
24 or habitually disobedient and beyond the lawful control of a parent
25 or other person legally responsible for such child's care, or other
26 lawful authority] as defined in section seven hundred twelve of the
27 family court act.

28 § 49. Article 6 of the social services law is amended by adding a new
29 title 12 to read as follows:

30 TITLE 12

31 FAMILY SUPPORT CENTERS

32 Section 458-m. Family support centers.

33 458-n. Funding for family support centers.

34 § 458-m. Family support centers. 1. As used in this title, the term
35 "family support center" shall mean a program established pursuant to
36 this title to provide community-based supportive services to youth at
37 risk of being, or alleged or adjudicated to be persons in need of super-
38 vision pursuant to article seven of the family court act, and their
39 families. Family support centers may also provide community-based
40 supportive services to youth who are alleged or adjudicated to be juve-
41 venile delinquents pursuant to article three of the family court act.

42 2. Family support centers shall provide comprehensive services to such
43 children and their families, either directly or through referrals with
44 partner agencies, including, but not limited to:

45 (a) rapid family assessments and screenings;

46 (b) crisis intervention;

47 (c) family mediation and skills building;

48 (d) mental and behavioral health services, as defined in subdivision
49 fifty-eight of section 1.03 of the mental hygiene law, including cogni-
50 tive interventions;

51 (e) case management;

52 (f) respite services; and

53 (g) other family support services.

54 3. To the extent practicable, the services that are provided shall be
55 trauma sensitive, family focused, gender-responsive, where appropriate,
56 and evidence and/or strength based and shall be tailored to the individ-



1 alized needs of the child and family based on the assessments and
2 screenings conducted by such family support center.

3 4. Family support centers shall have the capacity to serve families
4 outside of regular business hours including evenings or weekends.

5 § 458-n. Funding for family support centers. 1. Notwithstanding any
6 other provision of law to the contrary, state reimbursement shall be
7 made available for one hundred percent of expenditures made by social
8 services districts, exclusive of any federal funds made available for
9 such purpose, for family support centers statewide.

10 2. Notwithstanding any other provision of law to the contrary, family
11 support centers shall be established in each social services district
12 throughout the state with the approval of the office of children and
13 family services, provided however that two or more social services
14 districts may join together to establish, operate and maintain a family
15 support center and may make and perform agreements in connection there-
16 with.

17 3. Social services districts may contract with not-for-profit corpo-
18 rations or utilize existing programs to operate family support centers
19 in accordance with the provisions of this title and the specific program
20 requirements issued by the office. Family support centers shall have
21 sufficient capacity to provide services to youth within the social
22 services district or districts who are at risk of becoming, alleged or
23 adjudicated to be persons in need of supervision pursuant to article
24 seven of the family court act, and their families. In addition, to the
25 extent practicable, family support centers may provide services to youth
26 who are alleged or adjudicated under article three of the family court
27 act.

28 4. Social services districts receiving funding under this title shall
29 report to the office of children and family services, in the form and
30 manner and at such times as determined by the office, on the performance
31 outcomes of any family support center located within such district that
32 receives funding under this title.

33 § 50. Subdivisions 3 and 11 of section 398 of the social services law,
34 subdivision 3 as amended by chapter 419 of the laws of 1987, paragraph
35 (c) of subdivision 3 as amended by section 19 of part E of chapter 57 of
36 the laws of 2005, subdivision 11 as added by chapter 514 of the laws of
37 1976, are amended to read as follows:

38 3. As to delinquent children and persons in need of supervision:

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

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

42 (c) Receive within fifteen days from the order of placement as a
43 public charge any delinquent child committed or placed or in the case of
44 a person in need of supervision placed, ten days, in his or her care by
45 the family court provided, however, that the commissioner of the social
46 services district with whom the child is placed may apply to the state
47 commissioner or his or her designee for approval of an additional
48 fifteen days, or in the case of a person in need of supervision, ten
49 days, upon written documentation to the office of children and family
50 services that the youth is in need of specialized treatment or placement
51 and the diligent efforts by the commissioner of social services to
52 locate an appropriate placement.

53 11. In the case of a child who is adjudicated a person in need of
54 supervision or a juvenile delinquent and is placed by the family court
55 with the [division for youth] office of children and family services and
56 who is placed by [the division for youth] such office with an authorized

1 agency pursuant to court order, the social services official shall make
2 expenditures in accordance with the regulations of the department for
3 the care and maintenance of such child during the term of such placement
4 subject to state reimbursement pursuant to section one hundred fifty-
5 three-k of this title[, or article nineteen-G of the executive law in
6 applicable cases].

7 § 51. Subdivision 8 of section 404 of the social services law, as
8 added by section 1 of subpart A of part G of chapter 57 of the laws of
9 2012, is amended to read as follows:

10 8. (a) Notwithstanding any other provision of law to the contrary[,]
11 except as provided for in paragraph (a-1) of this subdivision, eligible
12 expenditures during the applicable time periods made by a social
13 services district for an approved juvenile justice services close to
14 home initiative shall, if approved by the department of family assist-
15 ance, be subject to reimbursement with state funds only up to the extent
16 of an annual appropriation made specifically therefor, after first
17 deducting therefrom any federal funds properly received or to be
18 received on account thereof; provided, however, that when such funds
19 have been exhausted, a social services district may receive state
20 reimbursement from other available state appropriations for that state
21 fiscal year for eligible expenditures for services that otherwise would
22 be reimbursable under such funding streams. Any claims submitted by a
23 social services district for reimbursement for a particular state fiscal
24 year for which the social services district does not receive state
25 reimbursement from the annual appropriation for the approved close to
26 home initiative may not be claimed against that district's appropriation
27 for the initiative for the next or any subsequent state fiscal year.

28 (i) State funding for reimbursement shall be, subject to appropri-
29 ation, in the following amounts: for state fiscal year 2013-14,
30 \$35,200,000 adjusted by any changes in such amount required by subpara-
31 graphs (ii) and (iii) of this paragraph; for state fiscal year 2014-15,
32 \$41,400,000 adjusted to include the amount of any changes made to the
33 state fiscal year 2013-14 appropriation under subparagraphs (ii) and
34 (iii) of this paragraph plus any additional changes required by such
35 subparagraphs; and, such reimbursement shall be, subject to appropri-
36 ation, for all subsequent state fiscal years in the amount of the prior
37 year's actual appropriation adjusted by any changes required by subpara-
38 graphs (ii) and (iii) of this paragraph.

39 (ii) The reimbursement amounts set forth in subparagraph (i) of this
40 paragraph shall be increased or decreased by the percentage that the
41 average of the most recently approved maximum state aid rates for group
42 residential foster care programs is higher or lower than the average of
43 the approved maximum state aid rates for group residential foster care
44 programs in existence immediately prior to the most recently approved
45 rates.

46 (iii) The reimbursement amounts set forth in subparagraph (i) of this
47 paragraph shall be increased if either the population of alleged juve-
48 nile delinquents who receive a probation intake or the total population
49 of adjudicated juvenile delinquents placed on probation combined with
50 the population of adjudicated juvenile delinquents placed out of their
51 homes in a setting other than a secure facility pursuant to section
52 352.2 of the family court act, increases by at least ten percent over
53 the respective population in the annual baseline year. The baseline year
54 shall be the period from July first, two thousand ten through June thir-
55 tieth, two thousand eleven or the most recent twelve month period for
56 which there is complete data, whichever is later. In each successive

1 year, the population of the previous July first through June thirtieth
2 period shall be compared to the baseline year for determining any
3 adjustments to a state fiscal year appropriation. When either population
4 increases by ten percent or more, the reimbursement will be adjusted by
5 a percentage equal to the larger of the percentage increase in either
6 the number of probation intakes for alleged juvenile delinquents or the
7 total population of adjudicated juvenile delinquents placed on probation
8 combined with the population of adjudicated juvenile delinquents placed
9 out of their homes in a setting other than a secure facility pursuant to
10 section 352.2 of the family court act.

11 (iv) The social services district and/or the New York city department
12 of probation shall provide an annual report including the data required
13 to calculate the population adjustment to the New York city office of
14 management and budget, the division of criminal justice services and the
15 state division of the budget no later than the first day of September
16 following the close of the previous July first through June thirtieth
17 period.

18 (a-1) State reimbursement shall be made available for one hundred
19 percent of eligible expenditures made by a social services district,
20 exclusive of any federal funds made available for such purposes, for
21 approved juvenile justice services under an approved close to home
22 initiative provided to youth age sixteen years of age or older when such
23 services would not otherwise have been provided to such youth absent the
24 provisions in a chapter of the laws of two thousand seventeen that
25 increased the age of juvenile jurisdiction above fifteen years of age.

26 (b) The department of family assistance is authorized, in its
27 discretion, to make advances to a social services district in antic-
28 ipation of the state reimbursement provided for in this section.

29 (c) A social services district shall conduct eligibility determi-
30 nations for federal and state funding and submit claims for reimburse-
31 ment in such form and manner and at such times and for such periods as
32 the department of family assistance shall determine.

33 (d) Notwithstanding any inconsistent provision of law or regulation of
34 the department of family assistance, state reimbursement shall not be
35 made for any expenditure made for the duplication of any grant or allow-
36 ance for any period.

37 (e) Claims submitted by a social services district for reimbursement
38 shall be paid after deducting any expenditures defrayed by fees, third
39 party reimbursement, and any non-tax levy funds including any donated
40 funds.

41 (f) The office of children and family services shall not reimburse any
42 claims for expenditures for residential services that are submitted more
43 than twenty-two months after the calendar quarter in which the expendi-
44 tures were made.

45 (g) Notwithstanding any other provision of law, the state shall not be
46 responsible for reimbursing a social services district and a district
47 shall not seek state reimbursement for any portion of any state disal-
48 lowance or sanction taken against the social services district, or any
49 federal disallowance attributable to final federal agency decisions or
50 to settlements made, when such disallowance or sanction results from the
51 failure of the social services district to comply with federal or state
52 requirements, including, but not limited to, failure to document eligi-
53 bility for the federal or state funds in the case record. To the extent
54 that the social services district has sufficient claims other than those
55 that are subject to disallowance or sanction to draw down the full annu-
56 al appropriation, such disallowance or sanction shall not result in a

1 reduction in payment of state funds to the district unless the district
2 requests that the department use a portion of the appropriation toward
3 meeting the district's responsibility to repay the federal government
4 for the disallowance or sanction and any related interest payments.

5 (h) Rates for residential services. (i) The office shall establish the
6 rates, in accordance with section three hundred ninety-eight-a of this
7 chapter, for any non-secure facilities established under an approved
8 juvenile justice services close to home initiative. For any such non-se-
9 cure facility that will be used primarily by the social services
10 district with an approved close to home initiative, final authority for
11 establishment of such rates and any adjustments thereto shall reside
12 with the office, but such rates and any adjustments thereto shall be
13 established only upon the request of, and in consultation with, such
14 social services district.

15 (ii) A social services district with an approved juvenile justice
16 services close to home initiative for juvenile delinquents placed in
17 limited secure settings shall have the authority to establish and
18 adjust, on an annual or regular basis, maintenance rates for limited
19 secure facilities providing residential services under such initiative.
20 Such rates shall not be subject to the provisions of section three
21 hundred ninety-eight-a of this chapter but shall be subject to maximum
22 cost limits established by the office of children and family services.

23 § 52. Paragraph (a) of subdivision 1 of section 409-a of the social
24 services law, as amended by chapter 87 of the laws of 1993, subparagraph
25 (i) as amended by chapter 342 of the laws of 2010, and subparagraph (ii)
26 as amended by section 22 of part C of chapter 83 of the laws of 2002, is
27 amended to read as follows:

28 (a) A social services official shall provide preventive services to a
29 child and his or her family, in accordance with the family's service
30 plan as required by section four hundred nine-e of this chapter and the
31 social services district's child welfare services plan submitted and
32 approved pursuant to section four hundred nine-d of this chapter, upon a
33 finding by such official that (i) the child will be placed, returned to
34 or continued in foster care unless such services are provided and that
35 it is reasonable to believe that by providing such services the child
36 will be able to remain with or be returned to his or her family, and for
37 a former foster care youth under the age of twenty-one who was previous-
38 ly placed in the care and custody or custody and guardianship of the
39 local commissioner of social services or other officer, board or depart-
40 ment authorized to receive children as public charges where it is
41 reasonable to believe that by providing such services the former foster
42 care youth will avoid a return to foster care or (ii) the child is the
43 subject of a petition under article seven of the family court act, or
44 has been determined by the assessment service established pursuant to
45 section two hundred forty-three-a of the executive law, or by the
46 probation service where no such assessment service has been designated,
47 to be at risk of being the subject of such a petition, and the social
48 services official determines that the child is at risk of placement into
49 foster care. Such finding shall be entered in the child's uniform case
50 record established and maintained pursuant to section four hundred
51 nine-f of this chapter. The commissioner shall promulgate regulations to
52 assist social services officials in making determinations of eligibility
53 for mandated preventive services pursuant to this [subparagraph] para-
54 graph.



1 § 53. Section 30.00 of the penal law, as amended by chapter 481 of the
2 laws of 1978, subdivision 2 as amended by chapter 7 of the laws of 2007,
3 is amended to read as follows:

4 § 30.00 Infancy.

5 1. Except as provided in [subdivision] subdivisions two and three of
6 this section, a person less than [sixteen] eighteen years old is not
7 criminally responsible for conduct.

8 2. A person thirteen, fourteen [or], fifteen, sixteen, or seventeen
9 years of age is criminally responsible for acts constituting murder in
10 the second degree as defined in subdivisions one and two of section
11 125.25 and in subdivision three of such section provided that the under-
12 lying crime for the murder charge is one for which such person is crimi-
13 nally responsible or for such conduct as a sexually motivated felony,
14 where authorized pursuant to section 130.91 of [the penal law] this
15 chapter; and a person fourteen [or], fifteen, sixteen or seventeen years
16 of age is criminally responsible for acts constituting the crimes
17 defined in section 135.25 (kidnapping in the first degree); 150.20
18 (arson in the first degree); subdivisions one and two of section 120.10
19 (assault in the first degree); 125.20 (manslaughter in the first
20 degree); subdivisions one and two of section 130.35 (rape in the first
21 degree); subdivisions one and two of section 130.50 (criminal sexual act
22 in the first degree); 130.70 (aggravated sexual abuse in the first
23 degree); 140.30 (burglary in the first degree); subdivision one of
24 section 140.25 (burglary in the second degree); 150.15 (arson in the
25 second degree); 160.15 (robbery in the first degree); subdivision two of
26 section 160.10 (robbery in the second degree) of this chapter; or
27 section 265.03 of this chapter, where such machine gun or such firearm
28 is possessed on school grounds, as that phrase is defined in subdivision
29 fourteen of section 220.00 of this chapter; or defined in this chapter
30 as an attempt to commit murder in the second degree or kidnapping in the
31 first degree, or for such conduct as a sexually motivated felony, where
32 authorized pursuant to section 130.91 of [the penal law] this chapter.

33 3. A person sixteen or seventeen years of age is criminally responsi-
34 ble for acts constituting the crimes defined in section 460.22 (aggra-
35 vated enterprise corruption); 490.25 (crime of terrorism); 490.45 (crim-
36 inal possession of a chemical or biological weapon in the first degree);
37 490.50 (criminal use of a chemical weapon or biological weapon in the
38 second degree); 490.55 (criminal use of a chemical weapon or biological
39 weapon in the first degree); 120.11 (aggravated assault upon a police
40 officer or a peace officer); 125.22 (aggravated manslaughter in the
41 first degree); 215.17 (intimidating a victim or witness in the first
42 degree); 265.04 (criminal possession of a weapon in the first degree);
43 265.09 (criminal use of a firearm in the first degree); 265.13 (criminal
44 sale of a firearm in the first degree); 490.35 (hindering prosecution of
45 terrorism in the first degree); 490.40 (criminal possession of a chemi-
46 cal weapon or biological weapon in the second degree); 490.47 (criminal
47 use of a chemical weapon or biological weapon in the third degree);
48 121.13 (strangulation in the first degree); 490.37 (criminal possession
49 of a chemical weapon or biological weapon in the third degree) of this
50 chapter; or a felony sex offense as defined in paragraph (a) of subdivi-
51 sion one of section 70.80 of this chapter.

52 4. In any prosecution for an offense, lack of criminal responsibility
53 by reason of infancy, as defined in this section, is a defense.

54 § 54. Subdivision 2 of section 60.02 of the penal law, as amended by
55 chapter 471 of the laws of 1980, is amended to read as follows:

1 (2) If the sentence is to be imposed upon a youthful offender finding
2 which has been substituted for a conviction for any felony, the court
3 must impose a sentence authorized to be imposed upon a person convicted
4 of a class E felony provided, however, that (a) the court must not
5 impose a sentence of [conditional discharge or] unconditional discharge
6 if the youthful offender finding was substituted for a conviction of a
7 felony defined in article two hundred twenty of this chapter.

8 § 55. Section 60.10 of the penal law, as amended by chapter 411 of the
9 laws of 1979, is amended to read as follows:

10 § 60.10 Authorized disposition; juvenile offender.

11 1. When a juvenile offender is convicted of a crime, the court shall
12 sentence the defendant to imprisonment in accordance with section 70.05
13 or sentence [him] the defendant upon a youthful offender finding in
14 accordance with section 60.02 of this chapter.

15 2. Subdivision one of this section shall apply when sentencing a juve-
16 nile offender notwithstanding the provisions of any other law that deals
17 with the authorized sentence for persons who are not juvenile offenders.
18 Provided, however, that the limitation prescribed by this section shall
19 not be deemed or construed to bar use of a conviction of a juvenile
20 offender, other than a juvenile offender who has been adjudicated a
21 youthful offender pursuant to section 720.20 of the criminal procedure
22 law, as a previous or predicate felony offender under section 70.04,
23 70.06, 70.07, 70.08[, or 70.10,] or 70.80 when sentencing a person who
24 commits a felony after [he] such person has reached the age of [sixteen]
25 eighteen.

26 § 56. Paragraph (b) of subdivision 2 of section 70.05 of the penal
27 law, as added by chapter 481 of the laws of 1978, is amended and three
28 new paragraphs (b-1), (f) and (g) are added to read as follows:

29 (b) For [the] a class [A] A-I felony [of arson in the first degree, or
30 for the class A felony of kidnapping in the first degree] other than
31 murder in the second degree, the term shall be fixed by the court, and
32 shall be at least twelve years but shall not exceed fifteen years;

33 (b-1) For a class A-II felony the term shall be fixed by the court and
34 shall be at least ten years but shall not exceed fourteen years;

35 (f) For a class E felony, the term shall be fixed by the court and
36 shall not exceed two years;

37 (g) Notwithstanding any inconsistent provision of law, the court may
38 sentence a juvenile offender to an alternative sentence, including
39 probation or a definite sentence of imprisonment of one year or less, if
40 such alternative sentence is authorized by law for a person eighteen
41 years of age or older convicted of the same offense.

42 § 57. Paragraph (b) of subdivision 3 of section 70.05 of the penal
43 law, as added by chapter 481 of the laws of 1978, is amended and three
44 new paragraphs (b-1), (c-1) and (d) are added to read as follows:

45 (b) For [the] a class [A] A-I felony [of arson in the first degree, or
46 for the class A felony of kidnapping in the first degree] other than
47 murder in the second degree, the minimum period of imprisonment shall be
48 fixed by the court and shall be not less than four years but shall not
49 exceed six years; and

50 (b-1) For a class A-II felony, the minimum period of imprisonment
51 shall be fixed by the court and shall be not less than three years but
52 shall not exceed five years; and

53 (c-1) For a class E felony, the minimum period of imprisonment shall
54 be fixed by the court at one year.

55 (d) Notwithstanding any inconsistent provision of law, the court may
56 sentence a juvenile offender to an alternative sentence, including

1 probation or a definite sentence of imprisonment of one year or less, if
2 such alternative sentence is authorized by law for a person eighteen
3 years of age or older convicted of the same offense.

4 § 58. Subdivision 1 of section 70.20 of the penal law, as amended by
5 section 124 of subpart B of part C of chapter 62 of the laws of 2011, is
6 amended to read as follows:

7 1. [(a)] Indeterminate or determinate sentence. Except as provided in
8 subdivision four of this section, when an indeterminate or determinate
9 sentence of imprisonment is imposed, the court shall commit the defend-
10 ant to the custody of the state department of corrections and community
11 supervision for the term of his or her sentence and until released in
12 accordance with the law; provided, however, that a defendant sentenced
13 pursuant to subdivision seven of section 70.06 shall be committed to the
14 custody of the state department of corrections and community supervision
15 for immediate delivery to a reception center operated by the department.

16 [(b) The court in committing a defendant who is not yet eighteen years
17 of age to the department of corrections and community supervision shall
18 inquire as to whether the parents or legal guardian of the defendant, if
19 present, will grant to the minor the capacity to consent to routine
20 medical, dental and mental health services and treatment.

21 (c) Notwithstanding paragraph (b) of this subdivision, where the court
22 commits a defendant who is not yet eighteen years of age to the custody
23 of the department of corrections and community supervision in accordance
24 with this section and no medical consent has been obtained prior to said
25 commitment, the commitment order shall be deemed to grant the capacity
26 to consent to routine medical, dental and mental health services and
27 treatment to the person so committed.

28 (d) Nothing in this subdivision shall preclude a parent or legal guar-
29 dian of an inmate who is not yet eighteen years of age from making a
30 motion on notice to the department of corrections and community super-
31 vision pursuant to article twenty-two of the civil practice law and
32 rules and section one hundred forty of the correction law, objecting to
33 routine medical, dental or mental health services and treatment being
34 provided to such inmate under the provisions of paragraph (b) of this
35 subdivision.

36 (e) Nothing in this section shall require that consent be obtained
37 from the parent or legal guardian, where no consent is necessary or
38 where the defendant is authorized by law to consent on his or her own
39 behalf to any medical, dental, and mental health service or treatment.]

40 § 58-a. Subdivision d of section 74 of chapter 3 of the laws of 1995,
41 enacting the sentencing reform act of 1995, as amended by section 19 of
42 part B of chapter 55 of the laws of 2015, is amended and a new subdivi-
43 sion d-1 is added to read as follows:

44 d. Sections one-a through eight, ten through twenty, twenty-four
45 through twenty-eight, thirty through thirty-nine, forty-two and forty-
46 four of this act shall be deemed repealed on September 1, 2017;

47 d-1. Section nine of this act shall be deemed repealed on September 1,
48 2019;

49 § 59. Subdivision 2 of section 70.20 of the penal law, as amended by
50 chapter 437 of the laws of 2013, is amended to read as follows:

51 2. [(a)] Definite sentence. Except as provided in subdivision four of
52 this section, when a definite sentence of imprisonment is imposed, the
53 court shall commit the defendant to the county or regional correctional
54 institution for the term of his sentence and until released in accord-
55 ance with the law.

1 [(b) The court in committing a defendant who is not yet eighteen years
2 of age to the local correctional facility shall inquire as to whether
3 the parents or legal guardian of the defendant, if present, will grant
4 to the minor the capacity to consent to routine medical, dental and
5 mental health services and treatment.

6 (c) Nothing in this subdivision shall preclude a parent or legal guar-
7 dian of an inmate who is not yet eighteen years of age from making a
8 motion on notice to the local correction facility pursuant to article
9 twenty-two of the civil practice law and rules and section one hundred
10 forty of the correction law, objecting to routine medical, dental or
11 mental health services and treatment being provided to such inmate under
12 the provisions of paragraph (b) of this subdivision.]

13 § 60. Subdivision 4 of section 70.20 of the penal law, as amended by
14 section 124 of subpart B of part C of chapter 62 of the laws of 2011, is
15 amended to read as follows:

16 4. (a) Notwithstanding any other provision of law to the contrary, a
17 juvenile offender[,] or a juvenile offender who is adjudicated a youth-
18 ful offender and given an indeterminate or a definite sentence, and who
19 is under the age of twenty-one at the time of sentencing, shall be
20 committed to the custody of the commissioner of the office of children
21 and family services who shall arrange for the confinement of such offen-
22 der in [secure] facilities of the office. The release or transfer of
23 such offenders from the office of children and family services shall be
24 governed by section five hundred eight of the executive law. If the
25 juvenile offender is convicted or adjudicated a youthful offender and is
26 twenty-one years of age or older at the time of sentencing, he or she
27 shall be delivered to the department of corrections and community super-
28 vision.

29 (a-1) Notwithstanding any other provision of law to the contrary, a
30 person who is sentenced to an indeterminate sentence as an adult for
31 committing a crime when he or she was sixteen or seventeen years of age
32 who is sentenced on or after December first, two thousand seventeen to a
33 term of at least one year of imprisonment and who is under the age of
34 eighteen at the time he or she is sentenced shall be committed to the
35 custody of the commissioner of the office of children and family
36 services who shall arrange for the confinement of such offender in
37 facilities of the office. The release or transfer of such offenders from
38 the office of children and family services shall be governed by section
39 five hundred eight of the executive law.

40 (b) The court in committing [a juvenile offender and youthful offen-
41 der] an offender under eighteen years of age to the custody of the
42 office of children and family services shall inquire as to whether the
43 parents or legal guardian of the youth, if present, will consent for the
44 office of children and family services to provide routine medical,
45 dental and mental health services and treatment.

46 (c) Notwithstanding paragraph (b) of this subdivision, where the court
47 commits an offender to the custody of the office of children and family
48 services in accordance with this section and no medical consent has been
49 obtained prior to said commitment, the commitment order shall be deemed
50 to grant consent for the office of children and family services to
51 provide for routine medical, dental and mental health services and
52 treatment to the offender so committed.

53 (d) Nothing in this subdivision shall preclude a parent or legal guar-
54 dian of an offender who is not yet eighteen years of age from making a
55 motion on notice to the office of children and family services pursuant
56 to article twenty-two of the civil practice law and rules objecting to

1 routine medical, dental or mental health services and treatment being
2 provided to such offender under the provisions of paragraph (b) of this
3 subdivision.

4 (e) Nothing in this section shall require that consent be obtained
5 from the parent or legal guardian, where no consent is necessary or
6 where the offender is authorized by law to consent on his or her own
7 behalf to any medical, dental and mental health service or treatment.

8 § 60-a. Paragraph (f) of subdivision 1 of section 70.30 of the penal
9 law, as added by chapter 481 of the laws of 1978 and relettered by chap-
10 ter 3 of the laws of 1995, is amended to read as follows:

11 (f) The aggregate maximum term of consecutive sentences imposed upon a
12 juvenile offender for two or more crimes, not including a class A felo-
13 ny, committed before he has reached the age of sixteen, shall, if it
14 exceeds ten years, be deemed to be ten years. If consecutive indetermi-
15 nate sentences imposed upon a juvenile offender include a sentence for
16 [the] a class A felony [of arson in the first degree or for the class A
17 felony of kidnapping in the first degree] other than murder in the
18 second degree, then the aggregate maximum term of such sentences shall,
19 if it exceeds fifteen years, be deemed to be fifteen years. Where the
20 aggregate maximum term of two or more consecutive sentences is reduced
21 by a calculation made pursuant to this paragraph, the aggregate minimum
22 period of imprisonment, if it exceeds one-half of the aggregate maximum
23 term as so reduced, shall be deemed to be one-half of the aggregate
24 maximum term as so reduced.

25 § 61. Subdivision 18 of section 10.00 of the penal law, as amended by
26 chapter 7 of the laws of 2007, is amended to read as follows:

27 18. "Juvenile offender" means (1) a person thirteen years old who is
28 criminally responsible for acts constituting murder in the second degree
29 as defined in subdivisions one and two of section 125.25 of this chapter
30 or such conduct as a sexually motivated felony, where authorized pursu-
31 ant to section 130.91 of [the penal law; and] this chapter;

32 (2) a person fourteen [or], fifteen, sixteen or seventeen years old
33 who is criminally responsible for acts constituting the crimes defined
34 in subdivisions one and two of section 125.25 (murder in the second
35 degree) and in subdivision three of such section provided that the
36 underlying crime for the murder charge is one for which such person is
37 criminally responsible; section 135.25 (kidnapping in the first degree);
38 150.20 (arson in the first degree); subdivisions one and two of section
39 120.10 (assault in the first degree); 125.20 (manslaughter in the first
40 degree); subdivisions one and two of section 130.35 (rape in the first
41 degree); subdivisions one and two of section 130.50 (criminal sexual act
42 in the first degree); 130.70 (aggravated sexual abuse in the first
43 degree); 140.30 (burglary in the first degree); subdivision one of
44 section 140.25 (burglary in the second degree); 150.15 (arson in the
45 second degree); 160.15 (robbery in the first degree); subdivision two of
46 section 160.10 (robbery in the second degree) of this chapter; or
47 section 265.03 of this chapter, where such machine gun or such firearm
48 is possessed on school grounds, as that phrase is defined in subdivision
49 fourteen of section 220.00 of this chapter; or defined in this chapter
50 as an attempt to commit murder in the second degree or kidnapping in the
51 first degree, or such conduct as a sexually motivated felony, where
52 authorized pursuant to section 130.91 of [the penal law] this chapter;
53 and

54 (3) a person sixteen or seventeen years of age is criminally responsi-
55 ble for acts constituting the crimes defined in section 460.22 (aggra-
56 vated enterprise corruption); 490.25 (crime of terrorism); 490.45 (crim-



1 inal possession of a chemical weapon or biological weapon in the first
2 degree); 490.50 (criminal use of a chemical weapon or biological weapon
3 in the second degree); 490.55 (criminal use of a chemical weapon or
4 biological weapon in the first degree); 120.11 (aggravated assault upon
5 a police officer or a peace officer); 125.22 (aggravated manslaughter in
6 the first degree); 215.17 (intimidating a victim or witness in the first
7 degree); 265.04 (criminal possession of a weapon in the first degree);
8 265.09 (criminal use of a firearm in the first degree); 265.13 (criminal
9 sale of a firearm in the first degree); 490.35 (hindering prosecution of
10 terrorism in the first degree); 490.40 (criminal possession of a chemi-
11 cal weapon or biological weapon in the second degree); 490.47 (criminal
12 use of a chemical weapon or biological weapon in the third degree);
13 121.13 (strangulation in the first degree); 490.37 (criminal possession
14 of a chemical weapon or biological weapon in the third degree) of this
15 chapter; or a felony sex offense as defined in paragraph (a) of subdivi-
16 sion one of section 70.80 of this chapter.

17 § 62. Subdivision 42 of section 1.20 of the criminal procedure law, as
18 amended by chapter 7 of the laws of 2007, is amended to read as follows:

19 42. "Juvenile offender" means (1) a person, thirteen years old who is
20 criminally responsible for acts constituting murder in the second degree
21 as defined in subdivisions one and two of section 125.25 of the penal
22 law, or such conduct as a sexually motivated felony, where authorized
23 pursuant to section 130.91 of the penal law; [and] (2) a person fourteen
24 [or], fifteen, sixteen or seventeen years old who is criminally respon-
25 sible for acts constituting the crimes defined in subdivisions one and
26 two of section 125.25 (murder in the second degree) and in subdivision
27 three of such section provided that the underlying crime for the murder
28 charge is one for which such person is criminally responsible; section
29 135.25 (kidnapping in the first degree); 150.20 (arson in the first
30 degree); subdivisions one and two of section 120.10 (assault in the
31 first degree); 125.20 (manslaughter in the first degree); subdivisions
32 one and two of section 130.35 (rape in the first degree); subdivisions
33 one and two of section 130.50 (criminal sexual act in the first degree);
34 130.70 (aggravated sexual abuse in the first degree); 140.30 (burglary
35 in the first degree); subdivision one of section 140.25 (burglary in the
36 second degree); 150.15 (arson in the second degree); 160.15 (robbery in
37 the first degree); subdivision two of section 160.10 (robbery in the
38 second degree) of the penal law; or section 265.03 of the penal law,
39 where such machine gun or such firearm is possessed on school grounds,
40 as that phrase is defined in subdivision fourteen of section 220.00 of
41 the penal law; or defined in the penal law as an attempt to commit
42 murder in the second degree or kidnapping in the first degree, or such
43 conduct as a sexually motivated felony, where authorized pursuant to
44 section 130.91 of the penal law; and (3) a person sixteen or seventeen
45 years of age is criminally responsible for acts constituting the crimes
46 defined in section 460.22 (aggravated enterprise corruption); 490.25
47 (crime of terrorism); 490.45 (criminal possession of a chemical weapon
48 or biological weapon in the first degree); 490.50 (criminal use of a
49 chemical weapon or biological weapon in the second degree); 490.55
50 (criminal use of a chemical weapon or biological weapon in the first
51 degree); 120.11 (aggravated assault upon a police officer or a peace
52 officer); 125.22 (aggravated manslaughter in the first degree); 215.17
53 (intimidating a victim or witness in the first degree); 265.04 (criminal
54 possession of a weapon in the first degree); 265.09 (criminal use of a
55 firearm in the first degree); 265.13 (criminal sale of a firearm in the
56 first degree); 490.35 (hindering prosecution of terrorism in the first

1 degree); 490.40 (criminal possession of a chemical weapon or biological
2 weapon in the second degree); 490.47 (criminal use of a chemical weapon
3 or biological weapon in the third degree); 121.13 (strangulation in the
4 first degree); 490.37 (criminal possession of a chemical weapon or
5 biological weapon in the third degree) of this chapter; or a felony sex
6 offense as defined in paragraph (a) of subdivision one of section 70.80
7 of this chapter.

8 § 63. The article heading of article 100 of the criminal procedure law
9 is amended to read as follows:

10 --COMMENCEMENT OF ACTION IN LOCAL
11 CRIMINAL COURT OR YOUTH PART OF A SUPERIOR COURT-- [LOCAL
12 CRIMINAL COURT] ACCUSATORY INSTRUMENTS

13 § 63-a. The opening paragraph of section 100.05 of the criminal proce-
14 dure law is amended to read as follows:

15 A criminal action is commenced by the filing of an accusatory instru-
16 ment with a criminal court, or, in the case of a juvenile offender, the
17 youth part of the superior court, and if more than one such instrument
18 is filed in the course of the same criminal action, such action
19 commences when the first of such instruments is filed. The only way in
20 which a criminal action can be commenced in a superior court is by the
21 filing therewith by a grand jury of an indictment against a defendant
22 who has never been held by a local criminal court for the action of such
23 grand jury with respect to any charge contained in such indictment;
24 provided, however, that when the criminal action is commenced against a
25 juvenile offender, such criminal action, whatever the form of commence-
26 ment, shall be filed in the youth part of the superior court or, if the
27 youth part is not in session, filed with the most accessible magistrate
28 designated by the appellate division of the supreme court in the appli-
29 cable department to act as a youth part. Otherwise, a criminal action
30 can be commenced only in a local criminal court, by the filing therewith
31 of a local criminal court accusatory instrument, namely:

32 § 63-b. The section heading and subdivision 5 of section 100.10 of the
33 criminal procedure law are amended to read as follows:

34 Local criminal court and youth part of the superior court accusatory
35 instruments; definitions thereof.

36 5. A "felony complaint" is a verified written accusation by a person,
37 filed with a local criminal court, or youth part of the superior court,
38 charging one or more other persons with the commission of one or more
39 felonies. It serves as a basis for the commencement of a criminal
40 action, but not as a basis for prosecution thereof.

41 § 63-c. The section heading of section 100.40 of the criminal proce-
42 dure law is amended to read as follows:

43 Local criminal court and youth part of the superior court accusatory
44 instruments; sufficiency on face.

45 § 63-d. The criminal procedure law is amended by adding a new section
46 100.60 to read as follows:

47 § 100.60 Youth part of the superior court accusatory instruments; in
48 what courts filed.

49 Any youth part of the superior court accusatory instrument may be
50 filed with the youth part of the superior court of a particular county
51 when an offense charged therein was allegedly committed in such county
52 or that part thereof over which such court has jurisdiction.

53 § 63-e. The article heading of article 110 of the criminal procedure
54 law is amended to read as follows:

--REQUIRING DEFENDANT'S APPEARANCE
IN LOCAL CRIMINAL COURT OR YOUTH PART OF SUPERIOR COURT
FOR ARRAIGNMENT

§ 63-f. The section heading and subdivisions 1 and 2 of section 110.10 of the criminal procedure law are amended to read as follows:

Methods of requiring defendant's appearance in local criminal court or youth part of the superior court for arraignment; in general.

1. After a criminal action has been commenced in a local criminal court or youth part of the superior court by the filing of an accusatory instrument therewith, a defendant who has not been arraigned in the action and has not come under the control of the court may under certain circumstances be compelled or required to appear for arraignment upon such accusatory instrument by:

(a) The issuance and execution of a warrant of arrest, as provided in article one hundred twenty; or

(b) The issuance and service upon him of a summons, as provided in article one hundred thirty; or

(c) Procedures provided in articles five hundred sixty, five hundred seventy, five hundred eighty, five hundred ninety and six hundred for securing attendance of defendants in criminal actions who are not at liberty within the state.

2. Although no criminal action against a person has been commenced in any court, he may under certain circumstances be compelled or required to appear in a local criminal court or youth part of a superior court for arraignment upon an accusatory instrument to be filed therewith at or before the time of his appearance by:

(a) An arrest made without a warrant, as provided in article one hundred forty; or

(b) The issuance and service upon him of an appearance ticket, as provided in article one hundred fifty.

§ 63-g. Section 110.20 of the criminal procedure law, as amended by chapter 843 of the laws of 1980, is amended to read as follows:

§ 110.20 Local criminal court or youth part of the superior court accusatory instruments; notice thereof to district attorney.

When a criminal action in which a crime is charged is commenced in a local criminal court, other than the criminal court of the city of New York, or youth part of the superior court, a copy of the accusatory instrument shall be promptly transmitted to the appropriate district attorney upon or prior to the arraignment of the defendant on the accusatory instrument. If a police officer or a peace officer is the complainant or the filer of a simplified information, or has arrested the defendant or brought him before the local criminal court or youth part of the superior court on behalf of an arresting person pursuant to subdivision one of section 140.20, such officer or his agency shall transmit the copy of the accusatory instrument to the appropriate district attorney. In all other cases, the clerk of the court in which the defendant is arraigned shall so transmit it.

§ 63-h. The opening paragraph of subdivision 1 of section 120.20 of the criminal procedure law, as amended by chapter 506 of the laws of 2000, is amended to read as follows:

When a criminal action has been commenced in a local criminal court or youth part of the superior court by the filing therewith of an accusatory instrument, other than a simplified traffic information, against a defendant who has not been arraigned upon such accusatory instrument and has not come under the control of the court with respect thereto:

1 § 63-i. Section 120.30 of the criminal procedure law is amended to
2 read as follows:

3 § 120.30 Warrant of arrest; by what courts issuable and in what courts
4 returnable.

5 1. A warrant of arrest may be issued only by the local criminal court
6 or youth part of the superior court with which the underlying accusatory
7 instrument has been filed, and it may be made returnable in such issuing
8 court only.

9 2. The particular local criminal court or courts or youth part of
10 superior court with which any particular local criminal court or youth
11 part of the superior court accusatory instrument may be filed for the
12 purpose of obtaining a warrant of arrest are determined, generally, by
13 the provisions of section 100.55 or 100.60, as applicable. If, however,
14 a particular accusatory instrument may pursuant to said section 100.55
15 be filed with a particular town court and such town court is not avail-
16 able at the time such instrument is sought to be filed and a warrant
17 obtained, such accusatory instrument may be filed with the town court of
18 any adjoining town of the same county. If such instrument may be filed
19 pursuant to said section 100.55 with a particular village court and such
20 village court is not available at the time, it may be filed with the
21 town court of the town embracing such village, or if such town court is
22 not available either, with the town court of any adjoining town of the
23 same county.

24 § 63-j. Section 120.55 of the criminal procedure law, as amended by
25 section 71 of subpart B of part C of chapter 62 of the laws of 2011, is
26 amended to read as follows:

27 § 120.55 Warrant of arrest; defendant under parole or probation super-
28 vision.

29 If the defendant named within a warrant of arrest issued by a local
30 criminal court or youth part of the superior court pursuant to the
31 provisions of this article, or by a superior court issued pursuant to
32 subdivision three of section 210.10 of this chapter, is under the super-
33 vision of the state department of corrections and community supervision
34 or a local or state probation department, then a warrant for his or her
35 arrest may be executed by a parole officer or probation officer, when
36 authorized by his or her probation director, within his or her geograph-
37 ical area of employment. The execution of the warrant by a parole offi-
38 cer or probation officer shall be upon the same conditions and conducted
39 in the same manner as provided for execution of a warrant by a police
40 officer.

41 § 63-k. Subdivision 1 of section 120.70 of the criminal procedure law
42 is amended to read as follows:

43 1. A warrant of arrest issued by a district court, by the New York
44 City criminal court, the youth part of a superior court or by a superior
45 court judge sitting as a local criminal court may be executed anywhere
46 in the state.

47 § 63-l. Section 120.90 of the criminal procedure law, as amended by
48 chapter 424 of the laws of 1998, subdivision 8 as amended by chapter 96
49 of the laws of 2010, is amended to read as follows:

50 § 120.90 Warrant of arrest; procedure after arrest.

51 1. Upon arresting a defendant for any offense pursuant to a warrant
52 of arrest in the county in which the warrant is returnable or in any
53 adjoining county, or upon so arresting him for a felony in any other
54 county, a police officer, if he be one to whom the warrant is addressed,
55 must without unnecessary delay bring the defendant before the local

1 criminal court or youth part of the superior court in which such warrant
2 is returnable.

3 2. Upon arresting a defendant for any offense pursuant to a warrant
4 of arrest in a county adjoining the county in which the warrant is
5 returnable, or upon so arresting him for a felony in any other county, a
6 police officer, if he be one delegated to execute the warrant pursuant
7 to section 120.60, must without unnecessary delay deliver the defendant
8 or cause him to be delivered to the custody of the officer by whom he
9 was so delegated, and the latter must then proceed as provided in subdivi-
10 sion one.

11 3. Upon arresting a defendant for an offense other than a felony
12 pursuant to a warrant of arrest in a county other than the one in which
13 the warrant is returnable or one adjoining it, a police officer, if he
14 be one to whom the warrant is addressed, must inform the defendant that
15 he has a right to appear before a local criminal court of the county of
16 arrest for the purpose of being released on his own recognizance or
17 having bail fixed. If the defendant does not desire to avail himself of
18 such right, the officer must request him to endorse such fact upon the
19 warrant, and upon such endorsement the officer must without unnecessary
20 delay bring him before the court in which the warrant is returnable. If
21 the defendant does desire to avail himself of such right, or if he
22 refuses to make the aforementioned endorsement, the officer must without
23 unnecessary delay bring him before a local criminal court of the county
24 of arrest. Such court must release the defendant on his own recogni-
25 zance or fix bail for his appearance on a specified date in the court in
26 which the warrant is returnable. If the defendant is in default of
27 bail, the officer must without unnecessary delay bring him before the
28 court in which the warrant is returnable.

29 4. Upon arresting a defendant for an offense other than a felony
30 pursuant to a warrant of arrest in a county other than the one in which
31 the warrant is returnable or one adjoining it, a police officer, if he
32 be one delegated to execute the warrant pursuant to section 120.60, may
33 hold the defendant in custody in the county of arrest for a period not
34 exceeding two hours for the purpose of delivering him to the custody of
35 the officer by whom he was delegated to execute such warrant. If the
36 delegating officer receives custody of the defendant during such period,
37 he must proceed as provided in subdivision three. Otherwise, the deleg-
38 ated officer must inform the defendant that he has a right to appear
39 before a local criminal court for the purpose of being released on his
40 own recognizance or having bail fixed. If the defendant does not desire
41 to avail himself of such right, the officer must request him to make,
42 sign and deliver to him a written statement of such fact, and if the
43 defendant does so, the officer must retain custody of him but must with-
44 out unnecessary delay deliver him or cause him to be delivered to the
45 custody of the delegating police officer. If the defendant does desire
46 to avail himself of such right, or if he refuses to make and deliver the
47 aforementioned statement, the delegated or arresting officer must with-
48 out unnecessary delay bring him before a local criminal court of the
49 county of arrest and must submit to such court a written statement
50 reciting the material facts concerning the issuance of the warrant, the
51 offense involved, and all other essential matters relating thereto.
52 Upon the submission of such statement, such court must release the
53 defendant on his own recognizance or fix bail for his appearance on a
54 specified date in the court in which the warrant is returnable. If the
55 defendant is in default of bail, the officer must retain custody of him
56 but must without unnecessary delay deliver him or cause him to be deliv-

1 ered to the custody of the delegating officer. Upon receiving such
2 custody, the latter must without unnecessary delay bring the defendant
3 before the court in which the warrant is returnable.

4 5. Whenever a police officer is required pursuant to this section to
5 bring an arrested defendant before a town court in which a warrant of
6 arrest is returnable, and if such town court is not available at the
7 time, such officer must, if a copy of the underlying accusatory instru-
8 ment has been attached to the warrant pursuant to section 120.40,
9 instead bring such defendant before any village court embraced, in whole
10 or in part, by such town, or any local criminal court of an adjoining
11 town or city of the same county or any village court embraced, in whole
12 or in part, by such adjoining town. When the court in which the warrant
13 is returnable is a village court which is not available at the time, the
14 officer must in such circumstances bring the defendant before the town
15 court of the town embracing such village or any other village court
16 within such town or, if such town court or village court is not avail-
17 able either, before the local criminal court of any town or city of the
18 same county which adjoins such embracing town or, before the local crim-
19 inal court of any village embraced in whole or in part by such adjoining
20 town. When the court in which the warrant is returnable is a city court
21 which is not available at the time, the officer must in such circum-
22 stances bring the defendant before the local criminal court of any
23 adjoining town or village embraced in whole or in part by such adjoining
24 town of the same county.

25 5-a. Whenever a police officer is required, pursuant to this section,
26 to bring an arrested defendant before a youth part of a superior court
27 in which a warrant of arrest is returnable, and if such court is not
28 available at the time, such officer must bring such defendant before the
29 most accessible magistrate designated by the appellate division of the
30 supreme court in the applicable department to act as a youth part.

31 6. Before bringing a defendant arrested pursuant to a warrant before
32 the local criminal court or youth part of a superior court in which such
33 warrant is returnable, a police officer must without unnecessary delay
34 perform all fingerprinting and other preliminary police duties required
35 in the particular case. In any case in which the defendant is not
36 brought by a police officer before such court but, following his arrest
37 in another county for an offense specified in subdivision one of section
38 160.10, is released by a local criminal court of such other county on
39 his own recognizance or on bail for his appearance on a specified date
40 before the local criminal court before which the warrant is returnable,
41 the latter court must, upon arraignment of the defendant before it,
42 direct that he be fingerprinted by the appropriate officer or agency,
43 and that he appear at an appropriate designated time and place for such
44 purpose.

45 7. Upon arresting a juvenile offender, the police officer shall imme-
46 diately notify the parent or other person legally responsible for his
47 care or the person with whom he is domiciled, that the juvenile offender
48 has been arrested, and the location of the facility where he is being
49 detained.

50 8. Upon arresting a defendant, other than a juvenile offender, for
51 any offense pursuant to a warrant of arrest, a police officer shall,
52 upon the defendant's request, permit the defendant to communicate by
53 telephone provided by the law enforcement facility where the defendant
54 is held to a phone number located anywhere in the United States or Puer-
55 to Rico, for the purposes of obtaining counsel and informing a relative
56 or friend that he or she has been arrested, unless granting the call

1 will compromise an ongoing investigation or the prosecution of the
2 defendant.

3 § 63-1-1. Subdivision 1 of section 120.90 of the criminal procedure
4 law, as amended by chapter 492 of the laws of 2016, is amended to read
5 as follows:

6 1. Upon arresting a defendant for any offense pursuant to a warrant of
7 arrest in the county in which the warrant is returnable or in any
8 adjoining county, or upon so arresting him or her for a felony in any
9 other county, a police officer, if he or she be one to whom the warrant
10 is addressed, must without unnecessary delay bring the defendant before
11 the local criminal court or youth part of the superior court in which
12 such warrant is returnable, provided that, where a local criminal court
13 in the county in which the warrant is returnable hereunder is operating
14 an off-hours arraignment part designated in accordance with paragraph
15 (w) of subdivision one of section two hundred twelve of the judiciary
16 law at the time of defendant's return, such police officer may bring the
17 defendant before such local criminal court.

18 § 63-m. Subdivision 1 of section 130.10 of the criminal procedure law,
19 as amended by chapter 446 of the laws of 1993, is amended to read as
20 follows:

21 1. A summons is a process issued by a local criminal court directing a
22 defendant designated in an information, a prosecutor's information, a
23 felony complaint or a misdemeanor complaint filed with such court, or a
24 youth part of a superior court directing a defendant designated in a
25 felony complaint, or by a superior court directing a defendant desig-
26 nated in an indictment filed with such court, to appear before it at a
27 designated future time in connection with such accusatory instrument.
28 The sole function of a summons is to achieve a defendant's court appear-
29 ance in a criminal action for the purpose of arraignment upon the accu-
30 satory instrument by which such action was commenced.

31 § 63-n. Section 130.30 of the criminal procedure law, as amended by
32 chapter 506 of the laws of 2000, is amended to read as follows:

33 § 130.30 Summons; when issuable.

34 A local criminal court or youth part of the superior court may issue a
35 summons in any case in which, pursuant to section 120.20, it is author-
36 ized to issue a warrant of arrest based upon an information, a
37 prosecutor's information, a felony complaint or a misdemeanor complaint.
38 If such information, prosecutor's information, felony complaint or
39 misdemeanor complaint is not sufficient on its face as prescribed in
40 section 100.40, and if the court is satisfied that on the basis of the
41 available facts or evidence it would be impossible to draw and file an
42 authorized accusatory instrument that is sufficient on its face, the
43 court must dismiss the accusatory instrument. A superior court may issue
44 a summons in any case in which, pursuant to section 210.10, it is
45 authorized to issue a warrant of arrest based upon an indictment.

46 § 63-o. Subdivision 1 of section 140.20 of the criminal procedure law
47 is amended by adding a new paragraph (f) to read as follows:

48 (f) If the arrest is for a person under the age of eighteen, such
49 person shall be brought before the youth part of the superior court. If
50 the youth part is not in session, such person shall be brought before
51 the most accessible magistrate designated by the appellate division of
52 the supreme court in the applicable department to act as a youth part.

53 § 64. Subdivision 6 of section 140.20 of the criminal procedure law,
54 as added by chapter 411 of the laws of 1979, is amended to read as
55 follows:

1 6. Upon arresting a juvenile offender without a warrant, the police
2 officer shall immediately notify the parent or other person legally
3 responsible for his or her care or the person with whom he or she is
4 domiciled, that the juvenile offender has been arrested, and the
5 location of the facility where he or she is being detained. If the offi-
6 cer determines that it is necessary to question a juvenile offender or a
7 child under eighteen years of age who fits within the definition of a
8 juvenile offender as defined in section 30.00 of the penal law, the
9 officer must take the juvenile to a facility designated by the chief
10 administrator of the courts as a suitable place for the questioning of
11 children or, upon the consent of a parent or other person legally
12 responsible for the care of the juvenile, to the juvenile's residence
13 and there question him or her for a reasonable period of time. A juve-
14 nile shall not be questioned pursuant to this section unless the juve-
15 nile and a person required to be notified pursuant to this subdivision,
16 if present, have been advised:

17 (a) of the juvenile's right to remain silent;

18 (b) that the statements made by the juvenile may be used in a court of
19 law;

20 (c) of the juvenile's right to have an attorney present at such ques-
21 tioning; and

22 (d) of the juvenile's right to have an attorney provided for him or
23 her without charge if he or she is indigent.

24 In determining the suitability of questioning and determining the
25 reasonable period of time for questioning such a juvenile offender, the
26 juvenile's age, the presence or absence of his or her parents or other
27 persons legally responsible for his or her care and notification pursu-
28 ant to this subdivision shall be included among relevant considerations.

29 § 64-a. Subdivision 2 of section 140.27 of the criminal procedure law,
30 as amended by chapter 843 of the laws of 1980, is amended to read as
31 follows:

32 2. Upon arresting a person without a warrant, a peace officer, except
33 as otherwise provided in subdivision three or three-a, must without
34 unnecessary delay bring him or cause him to be brought before a local
35 criminal court, as provided in section 100.55 and subdivision one of
36 section 140.20, and must without unnecessary delay file or cause to be
37 filed therewith an appropriate accusatory instrument. If the offense
38 which is the subject of the arrest is one of those specified in subdivi-
39 sion one of section 160.10, the arrested person must be fingerprinted
40 and photographed as therein provided. In order to execute the required
41 post-arrest functions, such arresting peace officer may perform such
42 functions himself or he may enlist the aid of a police officer for the
43 performance thereof in the manner provided in subdivision one of section
44 140.20.

45 § 64-b. Section 140.27 of the criminal procedure law is amended by
46 adding a new subdivision 3-a to read as follows:

47 3-a. If the arrest is for a person under the age of eighteen, such
48 person shall be brought before the youth part of the superior court. If
49 the youth part is not in session, such person shall be brought before
50 the most accessible magistrate designated by the appellate division of
51 the supreme court in the applicable department to act as a youth part.

52 § 65. Subdivision 5 of section 140.27 of the criminal procedure law,
53 as added by chapter 411 of the laws of 1979, is amended to read as
54 follows:

55 5. Upon arresting a juvenile offender without a warrant, the peace
56 officer shall immediately notify the parent or other person legally

1 responsible for his care or the person with whom he or she is domiciled,
2 that the juvenile offender has been arrested, and the location of the
3 facility where he or she is being detained. If the officer determines
4 that it is necessary to question a juvenile offender or a child under
5 eighteen years of age who fits within the definition of a juvenile
6 offender as defined in section 30.00 of the penal law the officer must
7 take the juvenile to a facility designated by the chief administrator of
8 the courts as a suitable place for the questioning of children or, upon
9 the consent of a parent or other person legally responsible for the care
10 of the juvenile, to the juvenile's residence and there question him or
11 her for a reasonable period of time. A juvenile shall not be questioned
12 pursuant to this section unless the juvenile and a person required to be
13 notified pursuant to this subdivision, if present, have been advised:

14 (a) of the juvenile's right to remain silent;

15 (b) that the statements made by the juvenile may be used in a court of
16 law;

17 (c) of the juvenile's right to have an attorney present at such ques-
18 tioning; and

19 (d) of the juvenile's right to have an attorney provided for him or
20 her without charge if he or she is indigent.

21 In determining the suitability of questioning and determining the
22 reasonable period of time for questioning such a juvenile offender, the
23 juvenile's age, the presence or absence of his or her parents or other
24 persons legally responsible for his or her care and notification pursu-
25 ant to this subdivision shall be included among relevant considerations.

26 § 66. Subdivision 5 of section 140.40 of the criminal procedure law,
27 as added by chapter 411 of the laws of 1979, is amended to read as
28 follows:

29 5. If a police officer takes an arrested juvenile offender into
30 custody, the police officer shall immediately notify the parent or other
31 person legally responsible for his or her care or the person with whom
32 he or she is domiciled, that the juvenile offender has been arrested,
33 and the location of the facility where he or she is being detained. If
34 the officer determines that it is necessary to question a juvenile
35 offender or a child under eighteen years of age who fits within the
36 definition of a juvenile offender as defined in section 30.00 of the
37 penal law the officer must take the juvenile to a facility designated by
38 the chief administrator of the courts as a suitable place for the ques-
39 tioning of children or, upon the consent of a parent or other person
40 legally responsible for the care of the juvenile, to the juvenile's
41 residence and there question him or her for a reasonable period of time.
42 A juvenile shall not be questioned pursuant to this section unless the
43 juvenile and a person required to be notified pursuant to this subdivi-
44 sion, if present, have been advised:

45 (a) of the juvenile's right to remain silent;

46 (b) that the statements made by the juvenile may be used in a court of
47 law;

48 (c) of the juvenile's right to have an attorney present at such ques-
49 tioning; and

50 (d) of the juvenile's right to have an attorney provided for him or
51 her without charge if he or she is indigent.

52 In determining the suitability of questioning and determining the
53 reasonable period of time for questioning such a juvenile offender, the
54 juvenile's age, the presence or absence of his or her parents or other
55 persons legally responsible for his or her care and notification pursu-
56 ant to this subdivision shall be included among relevant considerations.



1 § 66-a. Section 150.40 of the criminal procedure law is amended by
2 adding a new subdivision 5 to read as follows:

3 5. Notwithstanding any other provision of this chapter, any uniform
4 traffic ticket issued to a person sixteen or seventeen years of age
5 pursuant to a violation of any provision of the vehicle and traffic law,
6 or any local law, constituting a traffic infraction shall be returnable
7 to the local city, town, or village court, or traffic violations bureau
8 having jurisdiction.

9 § 67. The criminal procedure law is amended by adding a new section
10 160.56 to read as follows:

11 § 160.56 Sealing of certain convictions.

12 1. Definitions: As used in this section, the following terms shall
13 have the following meanings:

14 (a) "Eligible offense" shall mean any offense defined in the laws of
15 this state other than a sex offense defined in article one hundred thir-
16 ty of the penal law, an offense defined in article two hundred sixty-
17 three of the penal law, a felony offense defined in article one hundred
18 twenty-five of the penal law, a violent felony offense defined in
19 section 70.02 of the penal law, a class A felony offense defined in the
20 penal law other than a class A felony offense defined in article two
21 hundred twenty of the penal law, or an offense for which registration as
22 a sex offender is required pursuant to article six-C of the correction
23 law. For the purposes of this section, where the defendant is convicted
24 of more than one eligible offense, committed as part of the same crimi-
25 nal transaction as defined in subdivision two of section 40.10 of this
26 chapter, those offenses shall be considered one eligible offense.

27 2. A defendant who has been convicted of up to two eligible offenses
28 but not more than one felony offense may petition the court in which he
29 or she was convicted of the most serious offense to have such conviction
30 or convictions sealed. If all offenses are offenses with the same clas-
31 sification, the petition shall be filed in the court in which the
32 defendant was last convicted. On the defendant's motion, the court may
33 order that all official records and papers relating to the arrest, pros-
34 ecution and conviction for the defendant's prior eligible offenses be
35 conditionally sealed when:

36 (a) the defendant has not been convicted of any other crime, including
37 crimes sealed under section 160.58 of this chapter, other than the
38 eligible offenses;

39 (b) for a misdemeanor, at least one year has passed since: the entry
40 of the judgment or, if the defendant was sentenced to a conditional
41 discharge or a period of probation, including a period of incarceration
42 imposed in conjunction with a sentence of probation or conditional
43 discharge, the completion of the defendant's term of probation or condi-
44 tional discharge, or if the defendant was sentenced to incarceration,
45 the defendant's release from incarceration, whichever is the longest; or

46 (c) for an eligible felony, at least three years have passed since:
47 the entry of the judgment or, if the defendant was sentenced to a condi-
48 tional discharge or a period of probation, including a period of incar-
49 ceration imposed in conjunction with a sentence of probation or condi-
50 tional discharge, the completion of the defendant's term of probation or
51 conditional discharge, or if the defendant was sentenced to carcera-
52 tion, the defendant's release from incarceration, whichever is the long-
53 est; and

54 (d) the sentencing court has requested and received from the division
55 of criminal justice services or the federal bureau of investigation a
56 fingerprint based criminal history record of the defendant, including



1 any sealed or suppressed information. The division of criminal justice
2 services shall also include a criminal history report, if any, from the
3 federal bureau of investigation regarding any criminal history informa-
4 tion that occurred in other jurisdictions. The division is hereby
5 authorized to receive such information from the federal bureau of inves-
6 tigation for this purpose. The parties shall be permitted to examine
7 these records;

8 (e) the defendant or court has identified the misdemeanor conviction
9 or convictions or felony conviction for which relief may be granted;

10 (f) the court has received documentation that the sentences imposed on
11 the eligible convictions have been completed, or if no such documenta-
12 tion is reasonably available, a sworn affidavit that the sentences
13 imposed on the prior eligible convictions have been completed;

14 (g) the court has notified the district attorney of each jurisdiction
15 in which the defendant has been convicted of an offense with respect to
16 which sealing is sought, and the court or courts of conviction for such
17 offenses, that the court is considering sealing the records of the
18 defendant's eligible convictions. Both the district attorney and the
19 court shall be given a reasonable opportunity, which shall be up to
20 thirty days, in which to comment and submit materials to aid the court
21 in making such a determination. When the court notifies a district
22 attorney of a sealing application, the district attorney shall provide
23 notice to the victim, if any, of the sealing application by mailing
24 written notice to the victim's last-known address. For purposes of this
25 section "victim" means any person who has sustained physical or finan-
26 cial injury to person or to property as a direct result of the crime or
27 crimes for which sealing is applied. The court shall provide the defend-
28 ant with any materials submitted to the court in response to the defend-
29 ant's petition; and

30 (h) no charges for any offense are pending against the defendant.

31 3. At the request of the defendant or the district attorney of a coun-
32 ty in which the defendant committed a crime that is the subject of the
33 sealing application, the court may conduct a hearing to consider and
34 review any relevant evidence offered by either party that would aid the
35 court in its decision whether to seal the records of the defendant's
36 arrests, prosecutions and convictions. In making such a determination,
37 the court shall consider any relevant factors, including but not limited
38 to:

39 (a) the circumstances and seriousness of the offense or offenses that
40 resulted in the conviction or convictions;

41 (b) the character of the defendant, including what steps the petition-
42 er has taken since the time of the offense toward personal rehabili-
43 tation, including treatment, work, school, or other personal history
44 that demonstrates rehabilitation;

45 (c) the defendant's criminal history;

46 (d) the impact of sealing the defendant's records upon his or her
47 rehabilitation and his or her successful and productive reentry and
48 reintegration into society, and on public safety; and

49 (e) any statements made by the victim of the offense where there is in
50 fact a victim of the crime.

51 4. When a court orders sealing pursuant to this section, all official
52 records and papers relating to the arrests, prosecutions, and
53 convictions, including all duplicates and copies thereof, on file with
54 the division of criminal justice services or any court shall be sealed
55 and not made available to any person or public or private agency;

1 provided, however, the division shall retain any fingerprints, palm-
2 prints, photographs, or digital images of the same.

3 5. When the court orders sealing pursuant to this section, the clerk
4 of such court shall immediately notify the commissioner of the division
5 of criminal justice services, and any court that sentenced the defendant
6 for an offense which has been conditionally sealed, regarding the
7 records that shall be sealed pursuant to this section.

8 6. Records sealed pursuant to this section shall be made available to:

9 (a) the defendant or the defendant's designated agent;

10 (b) qualified agencies, as defined in subdivision nine of section
11 eight hundred thirty-five of the executive law, and federal and state
12 law enforcement agencies, when acting within the scope of their law
13 enforcement duties;

14 (c) any state or local officer or agency with responsibility for the
15 issuance of licenses to possess guns, when the person has made applica-
16 tion for such a license;

17 (d) any prospective employer of a police officer or peace officer as
18 those terms are defined in subdivisions thirty-three and thirty-four of
19 section 1.20 of this chapter, in relation to an application for employ-
20 ment as a police officer or peace officer; provided, however, that every
21 person who is an applicant for the position of police officer or peace
22 officer shall be furnished with a copy of all records obtained under
23 this paragraph and afforded an opportunity to make an explanation there-
24 to; or

25 (e) the criminal justice information services division of the federal
26 bureau of investigation, for the purposes of responding to queries to
27 the national instant criminal background check system regarding attempts
28 to purchase or otherwise take possession of firearms, as defined in 18
29 USC 921 (a) (3).

30 10. If, within ten years following the entry of the judgment or, if
31 the defendant was sentenced to a conditional discharge or a period of
32 probation, including a period of incarceration imposed in conjunction
33 with a sentence of probation or conditional discharge, the completion of
34 the defendant's term of probation or conditional discharge, or if the
35 defendant was sentenced to incarceration, the defendant's release from
36 incarceration, the person who is the subject of such records sealed
37 pursuant to this section is arrested for or formally charged with any
38 misdemeanor or felony offense, such records shall be unsealed immedi-
39 ately and remain unsealed; provided, however, that if such new misdemeanor
40 or felony arrest results in a termination in favor of the accused as
41 defined in subdivision three of section 160.50 of this article or by
42 conviction for a non-criminal offense as described in section 160.55 of
43 this article, such unsealed records shall be conditionally sealed pursu-
44 ant to this section.

45 11. No defendant shall be required or permitted to waive eligibility
46 for conditional sealing pursuant to this section as part of a plea of
47 guilty, sentence or any agreement related to a conviction for an eligi-
48 ble offense and any such waiver shall be deemed void and wholly unen-
49 forceable.

50 § 68. Section 180.75 of the criminal procedure law, as added by chap-
51 ter 481 of the laws of 1978, paragraph (b) of subdivision 3 as amended
52 by chapter 920 of the laws of 1982, subdivision 4 as amended by chapter
53 264 of the laws of 2003, and subdivisions 5 and 6 as added by chapter
54 411 of the laws of 1979, is amended to read as follows:

55 § 180.75 Proceedings upon felony complaint; juvenile offender.

1 1. When the youth part of a superior court is not in session and a
2 juvenile offender is arraigned before [a local criminal court] the most
3 accessible magistrate designated by the appellate division of the
4 supreme court in the applicable department to act as a youth part, the
5 provisions of this section shall apply in lieu of the provisions of
6 sections 180.30, 180.50 and 180.70 of this article.

7 2. [If] Whether or not the defendant waives a hearing upon the felony
8 complaint, the court must [order that the defendant be held for the
9 action of the grand jury of the appropriate superior court with respect
10 to the charge or charges contained in the felony complaint] transfer the
11 action to the youth part of the superior court. In such case the court
12 must promptly transmit to such youth part of the superior court the
13 order, the felony complaint, the supporting depositions and all other
14 pertinent documents. Until such papers are received by the youth part
15 of the superior court, the action is deemed to be still pending in the
16 [local criminal court] court designated by the appellate division of the
17 supreme court in the applicable department to act as a youth part.

18 3. If there be a hearing, then at the conclusion of the hearing, the
19 court must dispose of the felony complaint as follows:

20 (a) If there is reasonable cause to believe that the defendant commit-
21 ted a crime for which a person under the age of [sixteen] eighteen is
22 criminally responsible, the court must order that the defendant be held
23 for the action of a grand jury of the appropriate superior court; or

24 (b) If there is not reasonable cause to believe that the defendant
25 committed a crime for which a person under the age of [sixteen] eigh-
26 teen, is criminally responsible but there is reasonable cause to believe
27 that the defendant is a "juvenile delinquent" as defined in subdivision
28 one of section 301.2 of the family court act, the court must specify the
29 act or acts it found reasonable cause to believe the defendant did and
30 direct that the action be removed to the family court in accordance with
31 the provisions of article seven hundred twenty-five of this chapter; or

32 (c) If there is not reasonable cause to believe that the defendant
33 committed any criminal act, the court must dismiss the felony complaint
34 and discharge the defendant from custody if he is in custody, or if he
35 is at liberty on bail, it must exonerate the bail.

36 4. Notwithstanding the provisions of subdivisions two and three of
37 this section, [a local criminal] the court shall, at the request of the
38 district attorney, order removal of an action against a juvenile offen-
39 der to the family court pursuant to the provisions of article seven
40 hundred twenty-five of this chapter if, upon consideration of the crite-
41 ria specified in subdivision two of section 210.43 of this chapter, it
42 is determined that to do so would be in the interests of justice.
43 Where, however, the felony complaint charges the juvenile offender with
44 murder in the second degree as defined in section 125.25 of the penal
45 law, rape in the first degree as defined in subdivision one of section
46 130.35 of the penal law, criminal sexual act in the first degree as
47 defined in subdivision one of section 130.50 of the penal law, or an
48 armed felony as defined in paragraph (a) of subdivision forty-one of
49 section 1.20 of this chapter, a determination that such action be
50 removed to the family court shall, in addition, be based upon a finding
51 of one or more of the following factors: (i) mitigating circumstances
52 that bear directly upon the manner in which the crime was committed; or
53 (ii) where the defendant was not the sole participant in the crime, the
54 defendant's participation was relatively minor although not so minor as
55 to constitute a defense to the prosecution; or (iii) possible deficien-
56 cies in proof of the crime.

1 5. Notwithstanding the provisions of subdivision two, three, or four,
2 if a currently undetermined felony complaint against a juvenile offender
3 is pending [in a local criminal court], and the defendant has not waived
4 a hearing pursuant to subdivision two and a hearing pursuant to subdivi-
5 sion three has not commenced, the defendant may move in the youth part
6 of the superior court which would exercise the trial jurisdiction of the
7 offense or offenses charged were an indictment therefor to result, to
8 remove the action to family court. The procedural rules of subdivisions
9 one and two of section 210.45 of this chapter are applicable to a motion
10 pursuant to this subdivision. Upon such motion, the [superior] court
11 [shall be authorized to sit as a local criminal court to exercise the
12 preliminary jurisdiction specified in subdivisions two and three of this
13 section, and] shall proceed and determine the motion as provided in
14 section 210.43 of this chapter; provided, however, that the exception
15 provisions of paragraph (b) of subdivision one of such section 210.43
16 shall not apply when there is not reasonable cause to believe that the
17 juvenile offender committed one or more of the crimes enumerated there-
18 in, and in such event the provisions of paragraph (a) thereof shall
19 apply.

20 6. (a) If the court orders removal of the action to family court, it
21 shall state on the record the factor or factors upon which its determi-
22 nation is based, and the court shall give its reasons for removal in
23 detail and not in conclusory terms.

24 (b) the district attorney shall state upon the record the reasons for
25 his consent to removal of the action to the family court where such
26 consent is required. The reasons shall be stated in detail and not in
27 conclusory terms.

28 (c) For the purpose of making a determination pursuant to subdivision
29 four or five, the court may make such inquiry as it deems necessary. Any
30 evidence which is not legally privileged may be introduced. If the
31 defendant testifies, his testimony may not be introduced against him in
32 any future proceeding, except to impeach his testimony at such future
33 proceeding as inconsistent prior testimony.

34 (d) Where a motion for removal by the defendant pursuant to subdivi-
35 sion five has been denied, no further motion pursuant to this section or
36 section 210.43 of this chapter may be made by the juvenile offender with
37 respect to the same offense or offenses.

38 (e) Except as provided by paragraph (f), this section shall not be
39 construed to limit the powers of the grand jury.

40 (f) Where a motion by the defendant pursuant to subdivision five has
41 been granted, there shall be no further proceedings against the juvenile
42 offender in any local or superior criminal court including the youth
43 part of the superior court for the offense or offenses which were the
44 subject of the removal order.

45 § 68-a. The opening paragraph of section 180.80 of the criminal proce-
46 dure law, as amended by chapter 556 of the laws of 1982, is amended to
47 read as follows:

48 Upon application of a defendant against whom a felony complaint has
49 been filed with a local criminal court or the youth part of a superior
50 court, and who, since the time of his arrest or subsequent thereto, has
51 been held in custody pending disposition of such felony complaint, and
52 who has been confined in such custody for a period of more than one
53 hundred twenty hours or, in the event that a Saturday, Sunday or legal
54 holiday occurs during such custody, one hundred forty-four hours, with-
55 out either a disposition of the felony complaint or commencement of a

1 hearing thereon, the [local criminal] court must release him on his own
2 recognizance unless:

3 § 69. Subdivisions (a) and (b) of section 190.71 of the criminal
4 procedure law, subdivision (a) as amended by chapter 7 of the laws of
5 2007, subdivision (b) as added by chapter 481 of the laws of 1978, are
6 amended to read as follows:

7 (a) Except as provided in subdivision six of section 200.20 of this
8 chapter, a grand jury may not indict (i) a person thirteen years of age
9 for any conduct or crime other than conduct constituting a crime defined
10 in subdivisions one and two of section 125.25 (murder in the second
11 degree) or such conduct as a sexually motivated felony, where authorized
12 pursuant to section 130.91 of the penal law; (ii) a person fourteen
13 [or], fifteen, sixteen or seventeen years of age for any conduct or
14 crime other than conduct constituting a crime defined in subdivisions
15 one and two of section 125.25 (murder in the second degree) and in
16 subdivision three of such section provided that the underlying crime for
17 the murder charge is one for which such person is criminally responsi-
18 ble; 135.25 (kidnapping in the first degree); 150.20 (arson in the first
19 degree); subdivisions one and two of section 120.10 (assault in the
20 first degree); 125.20 (manslaughter in the first degree); subdivisions
21 one and two of section 130.35 (rape in the first degree); subdivisions
22 one and two of section 130.50 (criminal sexual act in the first degree);
23 130.70 (aggravated sexual abuse in the first degree); 140.30 (burglary
24 in the first degree); subdivision one of section 140.25 (burglary in the
25 second degree); 150.15 (arson in the second degree); 160.15 (robbery in
26 the first degree); subdivision two of section 160.10 (robbery in the
27 second degree) of the penal law; subdivision four of section 265.02 of
28 the penal law, where such firearm is possessed on school grounds, as
29 that phrase is defined in subdivision fourteen of section 220.00 of the
30 penal law; or section 265.03 of the penal law, where such machine gun or
31 such firearm is possessed on school grounds, as that phrase is defined
32 in subdivision fourteen of section 220.00 of the penal law; or defined
33 in the penal law as an attempt to commit murder in the second degree or
34 kidnapping in the first degree, or such conduct as a sexually motivated
35 felony, where authorized pursuant to section 130.91 of the penal law;
36 and (iii) a person sixteen or seventeen years of age is criminally
37 responsible for acts constituting the crimes defined in section 460.22
38 (aggravated enterprise corruption); 490.25 (crime of terrorism); 490.45
39 (criminal possession of a chemical weapon or biological weapon in the
40 first degree); 490.50 (criminal use of a chemical weapon or biological
41 weapon in the second degree); 490.55 (criminal use of a chemical weapon
42 or biological weapon in the first degree); 120.11 (aggravated assault
43 upon a police officer or a peace officer); 125.22 (aggravated
44 manslaughter in the first degree); 215.17 (intimidating a victim or
45 witness); 265.04 (criminal possession of a weapon in the first degree);
46 265.09 (criminal use of a firearm in the first degree); 265.13 (criminal
47 sale of a firearm in the first degree); 490.35 (hindering prosecution of
48 terrorism in the first degree); 490.40 (criminal possession of a chemi-
49 cal weapon or biological weapon in the second degree); 490.47 (criminal
50 use of a chemical weapon or biological weapon in the third degree);
51 121.13 (strangulation in the first degree); 490.37 (criminal possession
52 of a chemical weapon or biological weapon in the third degree) of this
53 chapter; or a felony sex offense as defined in paragraph (a) of subdivi-
54 sion one of section 70.80 of this chapter.

55 (b) A grand jury may vote to file a request to remove a charge to the
56 family court if it finds that a person [thirteen, fourteen or fifteen]

1 seventeen years of age or younger did an act which, if done by a person
2 over the age of [sixteen] eighteen, would constitute a crime provided
3 (1) such act is one for which it may not indict; (2) it does not indict
4 such person for a crime; and (3) the evidence before it is legally
5 sufficient to establish that such person did such act and competent and
6 admissible evidence before it provides reasonable cause to believe that
7 such person did such act.

8 § 70. Subdivision 6 of section 200.20 of the criminal procedure law,
9 as added by chapter 136 of the laws of 1980, is amended to read as
10 follows:

11 6. Where an indictment charges at least one offense against a defend-
12 ant who was under the age of [sixteen] eighteen at the time of the
13 commission of the crime and who did not lack criminal responsibility for
14 such crime by reason of infancy, the indictment may, in addition, charge
15 in separate counts one or more other offenses for which such person
16 would not have been criminally responsible by reason of infancy, if:

17 (a) the offense for which the defendant is criminally responsible and
18 the one or more other offenses for which he or she would not have been
19 criminally responsible by reason of infancy are based upon the same act
20 or upon the same criminal transaction, as that term is defined in subdi-
21 vision two of section 40.10 of this chapter; or

22 (b) the offenses are of such nature that either proof of the first
23 offense would be material and admissible as evidence in chief upon a
24 trial of the second, or proof of the second would be material and admis-
25 sible as evidence in chief upon a trial of the first.

26 § 71. Subdivision 1 of section 210.43 of the criminal procedure law,
27 as added by chapter 411 of the laws of 1979, paragraph (b) as amended by
28 chapter 264 of the laws of 2003, is amended to read as follows:

29 1. After a motion by a juvenile offender, pursuant to subdivision five
30 of section 180.75 of this chapter, or after arraignment of a juvenile
31 offender upon an indictment, the youth part of a superior court may, on
32 motion of any party or on its own motion:

33 (a) except as otherwise provided by paragraph (b) of this section,
34 order removal of the action to the family court pursuant to the
35 provisions of article seven hundred twenty-five of this chapter, if,
36 after consideration of the factors set forth in subdivision two of this
37 section, the court determines that to do so would be in the interests of
38 justice. Provided, however, that a youth part shall be required to order
39 removal of an action against a juvenile offender accused of robbery in
40 the second degree as defined in subdivision two of section 160.10 of
41 this part, unless the district attorney proves by a preponderance of the
42 evidence that the youth played a primary role in commission of the crime
43 or that aggravating circumstances set forth in the memorandum in oppo-
44 sition submitted by the district attorney that bear directly on the
45 manner in which the crime was committed are present; or

46 (b) [with the consent] after consideration of the recommendation of
47 the district attorney, order removal of an action involving an indict-
48 ment charging a juvenile offender with murder in the second degree as
49 defined in section 125.25 of the penal law; rape in the first degree, as
50 defined in subdivision one of section 130.35 of the penal law; criminal
51 sexual act in the first degree, as defined in subdivision one of section
52 130.50 of the penal law; or an armed felony as defined in paragraph (a)
53 of subdivision forty-one of section 1.20, to the family court pursuant
54 to the provisions of article seven hundred twenty-five of this chapter
55 if the court finds one or more of the following factors: (i) mitigating
56 circumstances that bear directly upon the manner in which the crime was

1 committed; (ii) where the defendant was not the sole participant in the
2 crime, the defendant's participation was relatively minor although not
3 so minor as to constitute a defense to the prosecution; or (iii) possi-
4 ble deficiencies in the proof of the crime, and, after consideration of
5 the factors set forth in subdivision two of this section, the court
6 determined that removal of the action to the family court would be in
7 the interests of justice.

8 § 72. Paragraph (g) of subdivision 5 of section 220.10 of the criminal
9 procedure law, as amended by chapter 410 of the laws of 1979, subpara-
10 graph (iii) as amended by chapter 264 of the laws of 2003, the second
11 undesignated paragraph as amended by chapter 920 of the laws of 1982 and
12 the closing paragraph as amended by chapter 411 of the laws of 1979, is
13 amended to read as follows:

14 (g) Where the defendant is a juvenile offender, the provisions of
15 paragraphs (a), (b), (c) and (d) of this subdivision shall not apply and
16 any plea entered pursuant to subdivision three or four of this section,
17 must be as follows:

18 (i) If the indictment charges a person fourteen [or], fifteen,
19 sixteen, or seventeen years old with the crime of murder in the second
20 degree any plea of guilty entered pursuant to subdivision three or four
21 must be a plea of guilty of a crime for which the defendant is criminal-
22 ly responsible;

23 (ii) If the indictment does not charge a crime specified in subpara-
24 graph (i) of this paragraph, then any plea of guilty entered pursuant to
25 subdivision three or four of this section must be a plea of guilty of a
26 crime for which the defendant is criminally responsible unless a plea of
27 guilty is accepted pursuant to subparagraph (iii) of this paragraph;

28 (iii) Where the indictment does not charge a crime specified in
29 subparagraph (i) of this paragraph, the district attorney may recommend
30 removal of the action to the family court. Upon making such recommenda-
31 tion the district attorney [shall] may submit a subscribed memorandum
32 setting forth: (1) a recommendation that the interests of justice would
33 best be served by removal of the action to the family court; and (2) if
34 the indictment charges a thirteen year old with the crime of murder in
35 the second degree, or a fourteen [or], fifteen, sixteen or seventeen
36 year old with the crimes of rape in the first degree as defined in
37 subdivision one of section 130.35 of the penal law, or criminal sexual
38 act in the first degree as defined in subdivision one of section 130.50
39 of the penal law, or an armed felony as defined in paragraph (a) of
40 subdivision forty-one of section 1.20 of this chapter specific factors,
41 one or more of which reasonably supports the recommendation, showing,
42 (i) mitigating circumstances that bear directly upon the manner in which
43 the crime was committed, or (ii) where the defendant was not the sole
44 participant in the crime, that the defendant's participation was rela-
45 tively minor although not so minor as to constitute a defense to the
46 prosecution, or (iii) possible deficiencies in proof of the crime, or
47 (iv) where the juvenile offender has no previous adjudications of having
48 committed a designated felony act, as defined in subdivision eight of
49 section 301.2 of the family court act, regardless of the age of the
50 offender at the time of commission of the act, that the criminal act was
51 not part of a pattern of criminal behavior and, in view of the history
52 of the offender, is not likely to be repeated.

53 If the court is of the opinion based on specific factors set forth in
54 [the district attorney's memorandum] this subparagraph that the inter-
55 ests of justice would best be served by removal of the action to the
56 family court, a plea of guilty of a crime or act for which the defendant

1 is not criminally responsible may be entered pursuant to subdivision
2 three or four of this section, except that a thirteen year old charged
3 with the crime of murder in the second degree may only plead to a desig-
4 nated felony act, as defined in subdivision eight of section 301.2 of
5 the family court act.

6 Upon accepting any such plea, the court must specify upon the record
7 the portion or portions of the district attorney's statement the court
8 is relying upon as the basis of its opinion and that it believes the
9 interests of justice would best be served by removal of the proceeding
10 to the family court. Such plea shall then be deemed to be a juvenile
11 delinquency fact determination and the court upon entry thereof must
12 direct that the action be removed to the family court in accordance with
13 the provisions of article seven hundred twenty-five of this chapter.

14 § 72-a. Section 330.25 of the criminal procedure law, as added by
15 chapter 481 of the laws of 1978, and subdivision 2 as amended by chapter
16 920 of the laws of 1982, is amended to read as follows:

17 § 330.25 Removal after verdict.

18 1. Where a defendant is a juvenile offender who does not stand
19 convicted of murder in the second degree, upon motion and with the
20 consent of the district attorney, the action may be removed to the fami-
21 ly court in the interests of justice pursuant to article seven hundred
22 twenty-five of this chapter notwithstanding the verdict.

23 2. If the district attorney consents to the motion for removal pursu-
24 ant to this section, [he shall file a subscribed memorandum with the
25 court setting forth (1) a recommendation that] the court, in determining
26 the motion, shall consider: (1) whether the interests of justice would
27 best be served by removal of the action to the family court; and (2) if
28 the conviction is of an offense set forth in paragraph (b) of subdivi-
29 sion one of section 210.43 of this chapter, whether specific factors
30 exist, one or more of which reasonably [support] supports the [recommen-
31 dation] motion, showing, (i) mitigating circumstances that bear directly
32 upon the manner in which the crime was committed, or (ii) where the defen-
33 dant was not the sole participant in the crime, that the defend-
34 ant's participation was relatively minor although not so minor as to
35 constitute a defense to prosecution, or (iii) where the juvenile offen-
36 der has no previous adjudications of having committed a designated felo-
37 ny act, as defined in subdivision eight of section 301.2 of the family
38 court act, regardless of the age of the offender at the time of commis-
39 sion of the act, that the criminal act was not part of a pattern of
40 criminal behavior and, in view of the history of the offender, is not
41 likely to be repeated.

42 3. If the court is of the opinion, based upon the specific factors
43 [set forth in the district attorney's memorandum] shown to the court,
44 that the interests of justice would best be served by removal of the
45 action to the family court, the verdict shall be set aside and a plea of
46 guilty of a crime or act for which the defendant is not criminally
47 responsible may be entered pursuant to subdivision three or four of
48 section 220.10 of this chapter. Upon accepting any such plea, the court
49 must specify upon the record the [portion or portions of the district
50 attorney's statement] factors the court is relying upon as the basis of
51 its opinion and that it believes the interests of justice would best be
52 served by removal of the proceeding to the family court. Such plea
53 shall then be deemed to be a juvenile delinquency fact determination and
54 the court upon entry thereof must direct that the action be removed to
55 the family court in accordance with the provisions of article seven
56 hundred twenty-five of this chapter.

1 § 72-b. Subdivision 2 of section 410.40 of the criminal procedure law,
2 as amended by chapter 652 of the laws of 2008, is amended to read as
3 follows:

4 2. Warrant. (a) Where the probation officer has requested that a
5 probation warrant be issued, the court shall, within seventy-two hours
6 of its receipt of the request, issue or deny the warrant or take any
7 other lawful action including issuance of a notice to appear pursuant to
8 subdivision one of this section. If at any time during the period of a
9 sentence of probation or of conditional discharge the court has reason-
10 able grounds to believe that the defendant has violated a condition of
11 the sentence, the court may issue a warrant to a police officer or to an
12 appropriate peace officer directing him or her to take the defendant
13 into custody and bring the defendant before the court without unneces-
14 sary delay; provided, however, if the court in which the warrant is
15 returnable is a superior court, and such court is not available, and the
16 warrant is addressed to a police officer or appropriate probation offi-
17 cer certified as a peace officer, such executing officer may unless
18 otherwise specified under paragraph (b) of this section, bring the
19 defendant to the local correctional facility of the county in which such
20 court sits, to be detained there until not later than the commencement
21 of the next session of such court occurring on the next business day; or
22 if the court in which the warrant is returnable is a local criminal
23 court, and such court is not available, and the warrant is addressed to
24 a police officer or appropriate probation officer certified as a peace
25 officer, such executing officer must without unnecessary delay bring the
26 defendant before an alternate local criminal court, as provided in
27 subdivision five of section 120.90 of this chapter. A court which issues
28 such a warrant may attach thereto a summary of the basis for the
29 warrant. In any case where a defendant arrested upon the warrant is
30 brought before a local criminal court other than the court in which the
31 warrant is returnable, such local criminal court shall consider such
32 summary before issuing a securing order with respect to the defendant.

33 (b) If the court in which the warrant is returnable is a superior
34 court, and such court and its youth part is not available, and the
35 warrant is addressed to a police officer or appropriate probation offi-
36 cer certified as a peace officer, such executing officer shall, where a
37 defendant is seventeen years of age or younger who allegedly commits an
38 offense or a violation of his or her probation or conditional discharge
39 imposed for an offense, bring the defendant to a juvenile detention
40 facility, to be detained there until brought without unnecessary delay
41 before the most accessible magistrate designated by the appellate divi-
42 sion of the supreme court in the applicable department to act as a youth
43 part.

44 § 73. Section 410.60 of the criminal procedure law, as amended by
45 chapter 652 of the laws of 2008, is amended to read as follows:

46 § 410.60 Appearance before court.

47 (a) A person who has been taken into custody pursuant to section
48 410.40 or section 410.50 of this article for violation of a condition of
49 a sentence of probation or a sentence of conditional discharge must
50 forthwith be brought before the court that imposed the sentence. Where a
51 violation of probation petition and report has been filed and the person
52 has not been taken into custody nor has a warrant been issued, an
53 initial court appearance shall occur within ten business days of the
54 court's issuance of a notice to appear. If the court has reasonable
55 cause to believe that such person has violated a condition of the
56 sentence, it may commit him or her to the custody of the sheriff or fix

1 bail or release such person on his or her own recognizance for future
2 appearance at a hearing to be held in accordance with section 410.70 of
3 this article. If the court does not have reasonable cause to believe
4 that such person has violated a condition of the sentence, it must
5 direct that he or she be released.

6 (b) A juvenile offender who has been taken into custody pursuant to
7 section 410.40 or section 410.50 of this article for violation of a
8 condition of a sentence of probation or a sentence of conditional
9 discharge must forthwith be brought before the court that imposed the
10 sentence. Where a violation of probation petition and report has been
11 filed and the person has not been taken into custody nor has a warrant
12 been issued, an initial court appearance shall occur within ten business
13 days of the court's issuance of a notice to appear. If the court has
14 reasonable cause to believe that such person has violated a condition of
15 the sentence, it may commit him or her to the custody of the sheriff or
16 in the case of a juvenile offender less than eighteen years of age to
17 the custody of the office of children and family services, or fix bail
18 or release such person on his or her own recognizance for future appear-
19 ance at a hearing to be held in accordance with section 410.70 of this
20 article. Provided, however, nothing herein shall authorize a juvenile to
21 be detained for a violation of a condition that would not constitute a
22 crime if committed by an adult unless the court determines (i) that the
23 juvenile poses a specific imminent threat to public safety and states
24 the reasons for the finding on the record or (ii) the use of graduated
25 sanctions has been exhausted without success. If the court does not have
26 reasonable cause to believe that such person has violated a condition of
27 the sentence, it must direct that the juvenile be released.

28 § 74. Subdivision 5 of section 410.70 of the criminal procedure law,
29 as amended by chapter 17 of the laws of 2014, is amended to read as
30 follows:

31 5. Revocation; modification; continuation. (a) At the conclusion of
32 the hearing the court may revoke, continue or modify the sentence of
33 probation or conditional discharge. Where the court revokes the
34 sentence, it must impose sentence as specified in subdivisions three and
35 four of section 60.01 of the penal law. Where the court continues or
36 modifies the sentence, it must vacate the declaration of delinquency and
37 direct that the defendant be released. If the alleged violation is
38 sustained and the court continues or modifies the sentence, it may
39 extend the sentence up to the period of interruption specified in subdivi-
40 sion two of section 65.15 of the penal law, but any time spent in
41 custody in any correctional institution or juvenile detention facility
42 pursuant to section 410.40 or 410.60 of this article shall be credited
43 against the term of the sentence. Provided further, where the alleged
44 violation is sustained and the court continues or modifies the sentence,
45 the court may also extend the remaining period of probation up to the
46 maximum term authorized by section 65.00 of the penal law. Provided,
47 however, a defendant shall receive credit for the time during which he
48 or she was supervised under the original probation sentence prior to any
49 declaration of delinquency and for any time spent in custody pursuant to
50 this article for an alleged violation of probation.

51 (b) Notwithstanding paragraph (a) of this subdivision, nothing herein
52 shall authorize the placement of a juvenile for a violation of a condi-
53 tion that would not constitute a crime if committed by an adult unless
54 the court determines (i) that the juvenile poses a specific imminent
55 threat to public safety and states the reasons for the finding on the

1 record or (ii) the use of graduated sanctions has been exhausted without
2 success.

3 § 75. The criminal procedure law is amended by adding a new section
4 410.90-a to read as follows:

5 § 410.90-a Superior court; youth part.

6 Notwithstanding any other provisions of this article, all proceedings
7 relating to a juvenile offender shall be heard in the youth part of the
8 superior court having jurisdiction and any intrastate transfers under
9 this article shall be between courts designated as a youth part pursuant
10 to article seven hundred twenty-two of this chapter.

11 § 76. Section 510.15 of the criminal procedure law, as amended by
12 chapter 411 of the laws of 1979, subdivision 1 as designated and subdi-
13 vision 2 as added by chapter 359 of the laws of 1980, is amended to read
14 as follows:

15 § 510.15 Commitment of principal under [sixteen] eighteen.

16 1. When a principal who is under the age of [sixteen] eighteen, is
17 committed to the custody of the sheriff the court must direct that the
18 principal be taken to and lodged in a place certified by the state
19 [division for youth] office of children and family services as a juve-
20 nile detention facility for the reception of children. Where such a
21 direction is made the sheriff shall deliver the principal in accordance
22 therewith and such person shall although lodged and cared for in a juve-
23 nile detention facility continue to be deemed to be in the custody of
24 the sheriff. No principal under the age [of sixteen] specified to whom
25 the provisions of this section may apply shall be detained in any pris-
26 on, jail, lockup, or other place used for adults convicted of a crime or
27 under arrest and charged with the commission of a crime without the
28 approval of the [state division for youth] office of children and family
29 services in the case of each principal and the statement of its reasons
30 therefor. The sheriff shall not be liable for any acts done to or by
31 such principal resulting from negligence in the detention of and care
32 for such principal, when the principal is not in the actual custody of
33 the sheriff.

34 2. Except upon consent of the defendant or for good cause shown, in
35 any case in which a new securing order is issued for a principal previ-
36 ously committed to the custody of the sheriff pursuant to this section,
37 such order shall further direct the sheriff to deliver the principal
38 from a juvenile detention facility to the person or place specified in
39 the order.

40 § 77. Subdivision 1 of section 720.10 of the criminal procedure law,
41 as amended by chapter 411 of the laws of 1979, is amended to read as
42 follows:

43 1. "Youth" means a person charged with a crime alleged to have been
44 committed when he was at least sixteen years old and less than [nine-
45 teen] twenty-one years old or a person charged with being a juvenile
46 offender as defined in subdivision forty-two of section 1.20 of this
47 chapter.

48 § 78. Subdivision 3 of section 720.15 of the criminal procedure law,
49 as amended by chapter 774 of the laws of 1985, is amended to read as
50 follows:

51 3. The provisions of subdivisions one and two of this section requir-
52 ing or authorizing the accusatory instrument filed against a youth to be
53 sealed, and the arraignment and all proceedings in the action to be
54 conducted in private shall not apply in connection with a pending charge
55 of committing any [felony] sex offense as defined in the penal law. [The
56 provisions of subdivision one requiring the accusatory instrument filed

1 against a youth to be sealed shall not apply where such youth has previ-
2 ously been adjudicated a youthful offender or convicted of a crime.]

3 § 79. Subdivision 1 of section 720.20 of the criminal procedure law,
4 as amended by chapter 652 of the laws of 1974, is amended to read as
5 follows:

6 1. Upon conviction of an eligible youth, the court must order a pre-
7 sentence investigation of the defendant. After receipt of a written
8 report of the investigation and at the time of pronouncing sentence the
9 court must determine whether or not the eligible youth is a youthful
10 offender. Such determination shall be in accordance with the following
11 criteria:

12 (a) If in the opinion of the court the interest of justice would be
13 served by relieving the eligible youth from the onus of a criminal
14 record and by not imposing an indeterminate term of imprisonment of more
15 than four years, the court may, in its discretion, find the eligible
16 youth is a youthful offender; [and]

17 (b) Where the conviction is had in a local criminal court and the
18 eligible youth had not prior to commencement of trial or entry of a plea
19 of guilty been convicted of a crime or found a youthful offender, the
20 court must find he is a youthful offender[.]; and

21 (c) There shall be a presumption to grant youthful offender status to
22 an eligible youth, unless the district attorney upon motion with not
23 less than seven days notice to such person or his or her attorney demon-
24 strates to the satisfaction of the court that the interests of justice
25 require otherwise.

26 § 79-a. Subdivision 1 of section 720.35 of the criminal procedure law,
27 as amended by chapter 402 of the laws of 2014, is amended to read as
28 follows:

29 1. [A youthful] Youthful offender adjudication is not a judgment of
30 conviction for a crime or any other offense, and does not operate as a
31 disqualification of any person so adjudged to hold public office or
32 public employment or to receive any license granted by public authority
33 but shall be deemed a conviction only for the purposes of transfer of
34 supervision and custody pursuant to section [two hundred fifty-nine-m]
35 two hundred fifty-nine-mm of the executive law. A defendant for whom a
36 youthful offender adjudication was substituted, who was originally
37 charged with prostitution as defined in section 230.00 of the penal law
38 or loitering for the purposes of prostitution as defined in subdivision
39 two of section 240.37 of the penal law provided that the person does not
40 stand charged with loitering for the purpose of patronizing a prosti-
41 tute, for an offense allegedly committed when he or she was sixteen or
42 seventeen years of age, shall be deemed a "sexually exploited child" as
43 defined in subdivision one of section four hundred forty-seven-a of the
44 social services law and therefore shall not be considered an adult for
45 purposes related to the charges in the youthful offender proceeding or a
46 proceeding under section 170.80 of this chapter.

47 § 80. The criminal procedure law is amended by adding a new article
48 722 to read as follows:

49 ARTICLE 722

50 PROCEEDINGS AGAINST JUVENILE OFFENDERS; ESTABLISHMENT OF YOUTH

51 PART AND RELATED PROCEDURES

52 Section 722.00 Probation case planning and services.

53 722.10 Youth part of the superior court established.

54 722.20 Proceedings in a youth part of superior court.

55 § 722.00 Probation case planning and services.

1 1. Every probation department shall conduct a risk and needs assess-
2 ment of any juvenile following arraignment by a youth part within its
3 jurisdiction. In cases not otherwise disposed of at arraignment, the
4 court shall order any such juvenile to report within seven calendar days
5 to the probation department for purposes of assessment. Such juvenile
6 shall have the right to have an attorney present throughout the assess-
7 ment process. Based upon the assessment findings, the probation depart-
8 ment shall refer the juvenile to available specialized and evidence-
9 based services to mitigate any risks identified and to address
10 individual needs.

11 2. Any juvenile agreeing to undergo services shall execute appropriate
12 and necessary consent forms, where applicable, to ensure that the
13 probation department may communicate with any service provider and
14 receive progress reports with respect to services offered and/or deliv-
15 ered including, but not limited to, diagnosis, treatment, prognosis,
16 test results, juvenile attendance and information regarding juvenile
17 compliance or noncompliance with program service requirements, if any.

18 3. Nothing shall preclude the probation department, the juvenile and
19 his or her counsel from entering into a voluntary written/formal case
20 plan as to terms and conditions to be met, including, but not limited
21 to, reporting to the probation department and other probation department
22 contacts, undergoing alcohol, substance abuse, or mental health testing,
23 participating in specific services, adhering to service program require-
24 ments, and school attendance, where applicable. Such juvenile shall
25 confer with counsel prior to entering into any such case plan. Following
26 the juvenile's successful completion of the conditions of his or her
27 case plan, the court shall consider the dismissal of the indictment
28 provided however, that nothing herein shall limit the court's authority
29 to dismiss the case pursuant to section 210.40 of this chapter.

30 4. When preparing a pre-sentence investigation report of any such
31 youth, the probation department shall incorporate a summary of the
32 assessment findings, any referrals and progress with respect to mitigat-
33 ing risk and addressing any identified juvenile needs.

34 5. The probation department shall not transmit or otherwise communi-
35 cate to the district attorney or the youth part any statement made by
36 the juvenile offender to a probation officer. The probation department
37 may make a recommendation regarding the completion of his or her case
38 plan to the youth part and provide relevant information.

39 6. No statement made to an employee or representative of the probation
40 department may be admitted in evidence prior to conviction on any charge
41 or charges related thereto or, in the case of a matter proceeding before
42 the court under the family court act, prior to an adjudication.
43 § 722.10 Youth part of the superior court established.

44 1. The chief administrator of the courts is hereby directed to estab-
45 lish, in a superior court in each county of the state that exercises
46 criminal jurisdiction, a part of court to be known as the youth part of
47 the superior court for the county in which such court presides. Judges
48 presiding in the youth part shall receive training in specialized areas,
49 including, but not limited to, juvenile justice, adolescent development
50 and effective treatment methods for reducing crime commission by adoles-
51 cents. The youth part shall have exclusive jurisdiction of all
52 proceedings in relation to juvenile offenders, except as provided in
53 section 180.75 of this chapter.

54 2. The chief administrator of the courts shall also direct the presid-
55 ing justice of the appellate division, in each judicial department of
56 the state, to designate magistrates to serve as accessible magistrates,

1 for the purpose of acting as a youth part for certain initial
2 proceedings involving youths, as provided by law. Magistrates so desig-
3 nated shall be superior court judges and judges of other courts, in each
4 county of the state, that exercise criminal jurisdiction. A judge
5 presiding as such a magistrate shall receive training in specialized
6 areas, including, but not limited to, juvenile justice, adolescent
7 development and effective treatment methods for reducing crime commis-
8 sion by adolescents.

9 § 722.20 Proceedings in a youth part of superior court.

10 1. When a juvenile offender is arraigned before a youth part or trans-
11 ferred to a youth part pursuant to section 180.75 of this chapter, the
12 provisions of this article shall apply.

13 2. If an action is not removed to the family court pursuant to the
14 applicable provisions of this chapter, the youth part shall hear the
15 case sitting as a criminal court or, in its discretion, when the defend-
16 ant is sixteen or seventeen years of age the youth part may retain it as
17 a juvenile delinquency proceeding for all purposes, and shall make such
18 proceeding fully subject to the provisions and grant any relief avail-
19 able under article three of the family court act. Provided, however,
20 that the provisions of paragraph (b) of subdivision one of section
21 210.43 of this chapter shall apply to any action involving an indictment
22 charging a juvenile offender with any of the crimes enumerated in such
23 paragraph.

24 § 81. The opening paragraph of section 725.05 of the criminal proce-
25 dure law, as added by chapter 481 of the laws of 1978, is amended to
26 read as follows:

27 When a [court] youth part directs that an action or charge is to be
28 removed to the family court the [court] youth part must issue an order
29 of removal in accordance with this section. Such order must be as
30 follows:

31 § 82. Section 725.20 of the criminal procedure law, as added by chap-
32 ter 481 of the laws of 1978, subdivisions 1 and 2 as amended by chapter
33 411 of the laws of 1979, is amended to read as follows:

34 § 725.20 Record of certain actions removed.

35 1. The provisions of this section shall apply in any case where an
36 order of removal to the family court is entered pursuant to a direction
37 authorized by subdivision four of section 180.75, or section 210.43, or
38 subparagraph (iii) of paragraph [(h)] (g) of subdivision five of section
39 220.10 of this chapter, or section 330.25 of this chapter.

40 2. When such an action is removed the court that directed the removal
41 must cause the following additional records to be filed with the clerk
42 of the county court or in the city of New York with the clerk of the
43 supreme court of the county wherein the action was pending and with the
44 division of criminal justice services:

45 (a) A certified copy of the order of removal;

46 (b) Where the direction is one authorized by subdivision four of
47 section 180.75 of this chapter, a copy of [the] any statement of the
48 district attorney made pursuant to paragraph (b) of subdivision six of
49 section 180.75 of this chapter;

50 (c) Where the direction is authorized by section 180.75, a copy of
51 the portion of the minutes containing the statement by the court pursu-
52 ant to paragraph (a) of subdivision six of such section 180.75;

53 (d) Where the direction is one authorized by subparagraph (iii) of
54 paragraph [(h)] (g) of subdivision five of section 220.10 or section
55 330.25 of this chapter, a copy of the minutes of the plea of guilty,



1 including the minutes of the memorandum submitted by the district attorney and the court;

2
3 (e) Where the direction is one authorized by subdivision one of section 210.43 of this chapter, a copy of that portion of the minutes containing [the] any statement by the court pursuant to paragraph (a) of subdivision five of section 210.43 of this chapter;

7 (f) Where the direction is one authorized by paragraph (b) of subdivision one of section 210.43 of this chapter, a copy of that portion of the minutes containing [the] any statement of the district attorney made pursuant to paragraph (b) of subdivision five of section 210.43 of this chapter; and

12 (g) In addition to the records specified in this subdivision, such further statement or submission of additional information pertaining to the proceeding in criminal court in accordance with standards established by the commissioner of the division of criminal justice services, subject to the provisions of subdivision three of this section.

17 3. It shall be the duty of said clerk to maintain a separate file for copies of orders and minutes filed pursuant to this section. Upon receipt of such orders and minutes the clerk must promptly delete such portions as would identify the defendant, but the clerk shall nevertheless maintain a separate confidential system to enable correlation of the documents so filed with identification of the defendant. After making such deletions the orders and minutes shall be placed within the file and must be available for public inspection. Information permitting correlation of any such record with the identity of any defendant shall not be divulged to any person except upon order of a justice of the supreme court based upon a finding that the public interest or the interests of justice warrant disclosure in a particular cause for a particular case or for a particular purpose or use.

30 § 83. Subdivision 1 of section 500-a of the correction law is amended by adding a new paragraph (h) to read as follows:

32 (h) Notwithstanding any other provision of law, no county jail shall be used for the confinement of any person under the age of eighteen. Placement of any person who may not be confined to a county jail pursuant to this subdivision shall be determined by the office of children and family services.

37 § 84. Subdivision 4 of section 500-b of the correction law is REPEALED.

39 § 85. Subparagraph 3 of paragraph (c) of subdivision 8 of section 500-b of the correction law is REPEALED.

41 § 86. Subdivision 13 of section 500-b of the correction law is REPEALED.

43 § 87. Subparagraph 1 of paragraph d of subdivision 3 of section 3214 of the education law, as amended by chapter 425 of the laws of 2002, is amended to read as follows:

46 (1) Consistent with the federal gun-free schools act, any public school pupil who is determined under this subdivision to have brought a firearm to or possessed a firearm at a public school shall be suspended for a period of not less than one calendar year and any nonpublic school pupil participating in a program operated by a public school district using funds from the elementary and secondary education act of nineteen hundred sixty-five who is determined under this subdivision to have brought a firearm to or possessed a firearm at a public school or other premises used by the school district to provide such programs shall be suspended for a period of not less than one calendar year from participation in such program. The procedures of this subdivision shall apply

1 to such a suspension of a nonpublic school pupil. A superintendent of
2 schools, district superintendent of schools or community superintendent
3 shall have the authority to modify this suspension requirement for each
4 student on a case-by-case basis. The determination of a superintendent
5 shall be subject to review by the board of education pursuant to para-
6 graph c of this subdivision and the commissioner pursuant to section
7 three hundred ten of this chapter. Nothing in this subdivision shall be
8 deemed to authorize the suspension of a student with a disability in
9 violation of the individuals with disabilities education act or article
10 eighty-nine of this chapter. A superintendent shall refer the pupil
11 under the age of [sixteen] eighteen who has been determined to have
12 brought a weapon or firearm to school in violation of this subdivision
13 to a presentment agency for a juvenile delinquency proceeding consistent
14 with article three of the family court act except a student [fourteen or
15 fifteen years of age] who qualifies for juvenile offender status under
16 subdivision forty-two of section 1.20 of the criminal procedure law. A
17 superintendent shall refer any pupil [sixteen] eighteen years of age or
18 older or a student [fourteen or fifteen years of age] who qualifies for
19 juvenile offender status under subdivision forty-two of section 1.20 of
20 the criminal procedure law, who has been determined to have brought a
21 weapon or firearm to school in violation of this subdivision to the
22 appropriate law enforcement officials.

23 § 87-a. Paragraph d of subdivision 3 of section 3214 of the education
24 law, as amended by chapter 181 of the laws of 2000, is amended to read
25 as follows:

26 d. Consistent with the federal gun-free schools act of nineteen
27 hundred ninety-four, any public school pupil who is determined under
28 this subdivision to have brought a weapon to school shall be suspended
29 for a period of not less than one calendar year and any nonpublic school
30 pupil participating in a program operated by a public school district
31 using funds from the elementary and secondary education act of nineteen
32 hundred sixty-five who is determined under this subdivision to have
33 brought a weapon to a public school or other premises used by the school
34 district to provide such programs shall be suspended for a period of not
35 less than one calendar year from participation in such program. The
36 procedures of this subdivision shall apply to such a suspension of a
37 nonpublic school pupil. A superintendent of schools, district super-
38 intendent of schools or community superintendent shall have the authori-
39 ty to modify this suspension requirement for each student on a case-by-
40 case basis. The determination of a superintendent shall be subject to
41 review by the board of education pursuant to paragraph c of this subdi-
42 vision and the commissioner pursuant to section three hundred ten of
43 this chapter. Nothing in this subdivision shall be deemed to authorize
44 the suspension of a student with a disability in violation of the indi-
45 viduals with disabilities education act or article eighty-nine of this
46 chapter. A superintendent shall refer the pupil under the age of
47 [sixteen] eighteen who has been determined to have brought a weapon to
48 school in violation of this subdivision to a presentment agency for a
49 juvenile delinquency proceeding consistent with article three of the
50 family court act except a student [fourteen or fifteen years of age] who
51 qualifies for juvenile offender status under subdivision forty-two of
52 section 1.20 of the criminal procedure law. A superintendent shall refer
53 any pupil [sixteen] eighteen years of age or older or a student [four-
54 teen or fifteen years of age who] qualifies for juvenile offender status
55 under subdivision forty-two of section 1.20 of the criminal procedure
56 law, who has been determined to have brought a weapon to school in

1 violation of this subdivision to the appropriate law enforcement offi-
2 cials.

3 § 88. Paragraph b of subdivision 4 of section 3214 of the education
4 law, as amended by chapter 181 of the laws of 2000, is amended to read
5 as follows:

6 b. The school authorities may institute proceedings before a court
7 having jurisdiction to determine the liability of a person in parental
8 relation to contribute towards the maintenance of a school delinquent
9 under [sixteen] seventeen years of age ordered to attend upon instruc-
10 tion under confinement. If the court shall find the person in parental
11 relation able to contribute towards the maintenance of such a minor, it
12 may issue an order fixing the amount to be paid weekly.

13 § 89. Subdivisions 3 and 4 of section 246 of the executive law, as
14 amended by section 10 of part D of chapter 56 of the laws of 2010, are
15 amended to read as follows:

16 3. Applications from counties or the city of New York for state aid
17 under this section shall be made by filing with the division of criminal
18 justice services, a detailed plan, including cost estimates covering
19 probation services for the fiscal year or portion thereof for which aid
20 is requested. Included in such estimates shall be clerical costs and
21 maintenance and operation costs as well as salaries of probation person-
22 nel, family engagement specialists and such other pertinent information
23 as the commissioner of the division of criminal justice services may
24 require. Items for which state aid is requested under this section shall
25 be duly designated in the estimates submitted. The commissioner of the
26 division of criminal justice services, after consultation with the state
27 probation commission and the director of the office of probation and
28 correctional alternatives, shall approve such plan if it conforms to
29 standards relating to the administration of probation services as speci-
30 fied in the rules adopted by him or her.

31 4. a. An approved plan and compliance with standards relating to the
32 administration of probation services promulgated by the commissioner of
33 the division of criminal justice services shall be a prerequisite to
34 eligibility for state aid.

35 The commissioner of the division of criminal justice services may take
36 into consideration granting additional state aid from an appropriation
37 made for state aid for county probation services for counties or the
38 city of New York when a county or the city of New York demonstrates that
39 additional probation services were dedicated to intensive supervision
40 programs[,] and intensive programs for sex offenders [or programs
41 defined as juvenile risk intervention services]. The commissioner shall
42 grant additional state aid from an appropriation dedicated to juvenile
43 risk intervention services coordination by probation departments which
44 shall include, but not be limited to, probation services performed under
45 article three of the family court act or article seven hundred twenty-
46 two of the criminal procedure law. The administration of such additional
47 grants shall be made according to rules and regulations promulgated by
48 the commissioner of the division of criminal justice services. Each
49 county and the city of New York shall certify the total amount collected
50 pursuant to section two hundred fifty-seven-c of this chapter. The
51 commissioner of the division of criminal justice services shall thereup-
52 on certify to the comptroller for payment by the state out of funds
53 appropriated for that purpose, the amount to which the county or the
54 city of New York shall be entitled under this section. The commissioner
55 shall, subject to an appropriation made available for such purpose,
56 establish and provide funding to probation departments for a continuum



1 of evidence-based intervention services for youth alleged or adjudicated
2 juvenile delinquents pursuant to article three of the family court act
3 or for eligible youth before or sentenced under the youth part in
4 accordance with article seven hundred twenty-two of the criminal proce-
5 dure law.

6 b. Additional state aid shall be made in an amount necessary to pay
7 one hundred percent of the expenditures for evidence-based practices and
8 juvenile risk and evidence-based intervention services provided to youth
9 aged sixteen years of age or older when such services would not other-
10 wise have been provided absent the provisions of a chapter of the laws
11 of two thousand seventeen that increased the age of juvenile jurisdic-
12 tion.

13 § 89-a. The second undesignated paragraph of subdivision 4 of section
14 246 of the executive law, as added by chapter 479 of the laws of 1970,
15 is amended to read as follows:

16 The [director] commissioner of the division of criminal justice
17 services shall thereupon certify to the comptroller for payment by the
18 state out of funds appropriated for that purpose, the amount to which
19 the county or the city of New York shall be entitled under this section.
20 The commissioner shall grant additional state aid from an appropriation
21 dedicated to juvenile risk intervention services coordination by
22 probation departments which shall include, but not be limited to,
23 probation services performed under article three of the family court act
24 or article seven hundred twenty-two of the criminal procedure law. The
25 commissioner shall, subject to an appropriation made available for such
26 purpose, establish and provide funding to probation departments for a
27 continuum of evidence-based intervention services for youth alleged or
28 adjudicated juvenile delinquents pursuant to article three of the family
29 court act or for eligible youth before or sentenced under the youth part
30 in accordance with article seven hundred twenty-two of the criminal
31 procedure law.

32 § 90. The executive law is amended by adding a new section 259-p to
33 read as follows:

34 § 259-p. Interstate detention. 1. Notwithstanding any other provision
35 of law, a defendant subject to section two hundred fifty-nine-mm of this
36 article, may be detained as authorized by the interstate compact for
37 adult offender supervision.

38 2. A defendant shall be detained at a local correctional facility,
39 except as otherwise provided in subdivision three of this section.

40 3. A defendant seventeen years of age or younger who allegedly commits
41 a criminal act or violation of his or her supervision shall be detained
42 in a juvenile detention facility.

43 § 91. Subdivision 16 of section 296 of the executive law, as separate-
44 ly amended by section 3 of part N and section 14 of part AAA of chapter
45 56 of the laws of 2009, is amended to read as follows:

46 16. It shall be an unlawful discriminatory practice, unless specif-
47 ically required or permitted by statute, for any person, agency, bureau,
48 corporation or association, including the state and any political subdi-
49 vision thereof, to make any inquiry about, whether in any form of appli-
50 cation or otherwise, or to act upon adversely to the individual
51 involved, any arrest or criminal accusation of such individual not then
52 pending against that individual which was followed by a termination of
53 that criminal action or proceeding in favor of such individual, as
54 defined in subdivision two of section 160.50 of the criminal procedure
55 law, or by a youthful offender adjudication, as defined in subdivision
56 one of section 720.35 of the criminal procedure law, or by a conviction

1 for a violation sealed pursuant to section 160.55 of the criminal proce-
2 dure law or by a conviction which is sealed pursuant to section 160.56
3 or 160.58 of the criminal procedure law, in connection with the licens-
4 ing, employment or providing of credit or insurance to such individual;
5 provided, further, that no person shall be required to divulge informa-
6 tion pertaining to any arrest or criminal accusation of such individual
7 not then pending against that individual which was followed by a termi-
8 nation of that criminal action or proceeding in favor of such individ-
9 ual, as defined in subdivision two of section 160.50 of the criminal
10 procedure law, or by a youthful offender adjudication, as defined in
11 subdivision one of section 720.35 of the criminal procedure law, or by a
12 conviction for a violation sealed pursuant to section 160.55 of the
13 criminal procedure law, or by a conviction which is sealed pursuant to
14 section 160.56 or 160.58 of the criminal procedure law. The provisions
15 of this subdivision shall not apply to the licensing activities of
16 governmental bodies in relation to the regulation of guns, firearms and
17 other deadly weapons or in relation to an application for employment as
18 a police officer or peace officer as those terms are defined in subdivi-
19 sions thirty-three and thirty-four of section 1.20 of the criminal
20 procedure law; provided further that the provisions of this subdivision
21 shall not apply to an application for employment or membership in any
22 law enforcement agency with respect to any arrest or criminal accusation
23 which was followed by a youthful offender adjudication, as defined in
24 subdivision one of section 720.35 of the criminal procedure law, or by a
25 conviction for a violation sealed pursuant to section 160.55 of the
26 criminal procedure law, or by a conviction which is sealed pursuant to
27 section 160.56 or 160.58 of the criminal procedure law.

28 § 92. Section 502 of the executive law, as added by chapter 465 of the
29 laws of 1992, subdivision 3 as amended by section 1 of subpart B of part
30 Q of chapter 58 of the laws of 2011, is amended to read as follows:

31 § 502. Definitions. Unless otherwise specified in this article:

32 1. "Director" means the [director of the division for youth] commis-
33 sioner of the office of children and family services.

34 2. ["Division] "Division", "Office" or "division for youth" means the
35 [division for youth] office of children and family services.

36 3. "Detention" means the temporary care and maintenance of youth held
37 away from their homes pursuant to article three [or seven] of the family
38 court act, or held pending a hearing for alleged violation of the condi-
39 tions of release from an office of children and family services facility
40 or authorized agency, or held pending a hearing for alleged violation of
41 the condition of parole as a juvenile offender, or held pending return
42 to a jurisdiction other than the one in which the youth is held, or held
43 pursuant to a securing order of a criminal court if the youth named
44 therein as principal is charged as a juvenile offender or held pending a
45 hearing on an extension of placement or held pending transfer to a
46 facility upon commitment or placement by a court. Only alleged or
47 convicted juvenile offenders who have not attained their [eighteenth]
48 twenty-first birthday shall be subject to detention in a detention
49 facility.

50 4. For purposes of this article, the term "youth" shall [be synonymous
51 with the term "child" and means] mean a person not less than [seven] ten
52 years of age and not more than [twenty] twenty-three years of age.

53 5. "Placement" means the transfer of a youth to the custody of the
54 [division] office pursuant to the family court act.

55 6. "Commitment" means the transfer of a youth to the custody of the
56 [division] office pursuant to the penal law.

1 7. "Conditional release" means the transfer of a youth from facility
2 status to aftercare supervision under the continued custody of the
3 [division] office.

4 8. "Discharge" means the termination of [division] office custody of a
5 youth.

6 9. "Aftercare" means supervision of a youth on conditional release
7 status under the continued custody of the division.

8 § 93. Subdivision 7 of section 503 of the executive law, as amended by
9 section 2 of subpart B of part Q of chapter 58 of the laws of 2011, is
10 amended to read as follows:

11 7. The person in charge of each detention facility shall keep a record
12 of all time spent in such facility for each youth in care. The detention
13 facility shall deliver a certified transcript of such record to the
14 office, social services district, or other agency taking custody of the
15 youth pursuant to article three [or seven] of the family court act,
16 before, or at the same time as the youth is delivered to the office,
17 district or other agency, as is appropriate.

18 § 94. Section 507-a of the executive law, as amended by chapter 465
19 of the laws of 1992, paragraph (a) of subdivision 1 as amended by chap-
20 ter 309 of the laws of 1996, is amended to read as follows:

21 § 507-a. Placement and commitment; procedures. 1. Youth may be placed
22 in or committed to the custody of the [division] office of children and
23 family services:

24 (a) for placement, as a juvenile delinquent pursuant to the family
25 court act; or

26 (b) for commitment pursuant to the penal law.

27 2. (a) Consistent with other provisions of law, only those youth who
28 have reached the age of [seven] ten, but who have not reached the age of
29 twenty-one may be placed in[, committed to or remain in] the [divi-
30 sion's] custody of the office of children and family services. Except as
31 provided for in paragraph (a-1) of this subdivision, no youth who has
32 reached the age of twenty-one may remain in custody of the office of
33 children and family services.

34 (a-1) (i) A youth who is committed to the office of children and fami-
35 ly services as a juvenile offender or youthful offender may remain in
36 the custody of the office during the period of his or her sentence
37 beyond the age of twenty-one in accordance with the provisions of subdi-
38 vision five of section five hundred eight of this article but in no
39 event may such a youth remain in the custody of the office beyond his or
40 her twenty-third birthday; and (ii) a youth found to have committed a
41 designated class A felony act who is restrictively placed with the
42 office under subdivision four of section 353.5 of the family court act
43 for committing an act on or after the youth's sixteenth birthday may
44 remain in the custody of the office of children and family services up
45 to the age of twenty-three in accordance with his or her placement
46 order.

47 (a-2) Whenever it shall appear to the satisfaction of the [division]
48 office of children and family services that any youth placed therewith
49 is not of proper age to be so placed or is not properly placed, or is
50 mentally or physically incapable of being materially benefited by the
51 program of the [division] office, the [division] office shall cause the
52 return of such youth to the county from which placement was made.

53 (b) The [division] office shall deliver such youth to the custody of
54 the placing court, along with the records provided to the [division]
55 office pursuant to section five hundred seven-b of this article, there

1 to be dealt with by the court in all respects as though no placement had
2 been made.

3 (c) The cost and expense of the care and return of such youth incurred
4 by the [division] office shall be reimbursed to the state by the social
5 services district from which such youth was placed in the manner
6 provided by section five hundred twenty-nine of this article.

7 3. The [division] office may photograph any youth in its custody.
8 Such photograph may be used only for the purpose of assisting in the
9 return of conditionally released children and runaways pursuant to
10 section five hundred ten-b of this article. Such photograph shall be
11 destroyed immediately upon the discharge of the youth from [division]
12 office custody.

13 4. (a) A youth placed with or committed to the [division] office may,
14 immediately following placement or commitment, be remanded to an appro-
15 priate detention facility.

16 (b) The [division] office shall admit a [child] youth placed [with the
17 division] under its care to a facility of the [division] office within
18 fifteen days of the date of the order of placement with the [division]
19 office and shall admit a juvenile offender committed to the [division]
20 office to a facility of the [division] office within ten days of the
21 date of the order of commitment to the [division] office, except as
22 provided in section five hundred seven-b of this article.

23 5. Consistent with other provisions of law, in the discretion of the
24 [director, youth] commissioner of the office of children and family
25 services, youth placed within the office under the family court act who
26 attain the age of eighteen while in [division] custody of the office and
27 who are not required to remain in the placement with the office as a
28 result of a dispositional order of the family court may reside in a
29 non-secure facility until the age of twenty-one, provided that such
30 youth attend a full-time vocational or educational program and are like-
31 ly to benefit from such program.

32 § 95. Section 508 of the executive law, as added by chapter 481 of the
33 laws of 1978 and as renumbered by chapter 465 of the laws of 1992,
34 subdivision 1 as amended by chapter 738 of the laws of 2004, subdivision
35 2 as amended by chapter 572 of the laws of 1985, subdivisions 4, 5, 6
36 and 7 as amended by section 97 of subpart B of part C of chapter 62 of
37 the laws of 2011, subdivision 8 as added by chapter 560 of the laws of
38 1984 and subdivision 9 as amended by chapter 37 of the laws of 2016, is
39 amended to read as follows:

40 § 508. Juvenile offender facilities. 1. The office of children and
41 family services shall maintain [secure] facilities for the care and
42 confinement of juvenile offenders committed [for an indeterminate,
43 determinate or definite sentence] to the office pursuant to the sentenc-
44 ing provisions of the penal law. Such facilities shall provide appropri-
45 ate services to juvenile offenders including but not limited to residen-
46 tial care, educational and vocational training, physical and mental
47 health services, and employment counseling.

48 1-a. Any new facilities developed by the office of children and family
49 services to serve the additional youth placed with the office as a
50 result of raising the age of juvenile jurisdiction shall, to the extent
51 practicable, consist of smaller, more home-like facilities located near
52 the youths' homes and families that provide gender-responsive program-
53 ming, services and treatment in small, closely supervised groups that
54 offer extensive and on-going individual attention and encourage support-
55 ive peer relationships.

1 2. Juvenile offenders committed to the office for committing crimes
2 prior to the age of sixteen shall be confined in such facilities [until
3 the age of twenty-one] in accordance with their sentences, and shall not
4 be released, discharged or permitted home visits except pursuant to the
5 provisions of this section.

6 [(a) The director of the division for youth may authorize the transfer
7 of a juvenile offender in his custody, who has been convicted of
8 burglary or robbery, to a school or center established and operated
9 pursuant to title three of this article at any time after the juvenile
10 offender has been confined in a division for youth secure facility for
11 one year or one-half of his minimum sentence, whichever is greater.

12 (b) The director of the division for youth may authorize the transfer
13 of a juvenile offender in his custody, who has been convicted of
14 burglary or robbery, and who is within ninety days of release as estab-
15 lished by the board of parole, to any facility established and operated
16 pursuant to this article.

17 (c) A juvenile offender may be transferred as provided in paragraphs
18 (a) and (b) herein, only after the director determines that there is no
19 danger to public safety and that the offender shall substantially bene-
20 fit from the programs and services of another division facility. In
21 determining whether there is a danger to public safety the director
22 shall consider: (i) the nature and circumstances of the offense includ-
23 ing whether any physical injury involved was inflicted by the offender
24 or another participant; (ii) the record and background of the offender;
25 and (iii) the adjustment of the offender at division facilities.

26 (d) For a period of six months after a juvenile offender has been
27 transferred pursuant to paragraph (a) or (b) herein, the juvenile offen-
28 der may have only accompanied home visits. After completing six months
29 of confinement following transfer from a secure facility, a juvenile
30 offender may not have an unaccompanied home visit unless two accompanied
31 home visits have already occurred. An "accompanied home visit" shall
32 mean a home visit during which the juvenile offender shall be accompa-
33 nied at all times while outside the facility by appropriate personnel of
34 the division for youth designated pursuant to regulations of the direc-
35 tor of the division.

36 (e) The director of the division for youth shall promulgate rules and
37 regulations including uniform standards and procedures governing the
38 transfer of juvenile offenders from secure facilities to other facili-
39 ties and the return of such offenders to secure facilities. The rules
40 and regulations shall provide a procedure for the referral of proposed
41 transfer cases by the secure facility director, and shall require a
42 determination by the facility director that transfer of a juvenile
43 offender to another facility is in the best interests of the division
44 for youth and the juvenile offender and that there is no danger to
45 public safety.

46 The rules and regulations shall further provide for the establishment
47 of a division central office transfer committee to review transfer cases
48 referred by the secure facility directors. The committee shall recommend
49 approval of a transfer request to the director of the division only upon
50 a clear showing by the secure facility director that the transfer is in
51 the best interests of the division for youth and the juvenile offender
52 and that there is no danger to public safety. In the case of the denial
53 of the transfer request by the transfer committee, the juvenile offender
54 shall remain at a secure facility. Notwithstanding the recommendation
55 for approval of transfer by the transfer committee, the director of the
56 division may deny the request for transfer if there is a danger to

1 public safety or if the transfer is not in the best interests of the
2 division for youth or the juvenile offender.

3 The rules and regulations shall further provide a procedure for the
4 immediate return to a secure facility, without a hearing, of a juvenile
5 offender transferred to another facility upon a determination by that
6 facility director that there is a danger to public safety.]

7 3. The [division] office of children and family services shall report
8 in writing to the sentencing court and district attorney, not less than
9 once every six months during the period of confinement, on the status,
10 adjustment, programs and progress of the offender.

11 4. [The office of children and family services may apply to the
12 sentencing court for permission to transfer a youth not less than
13 sixteen nor more than eighteen years of age to the department of
14 corrections and community supervision. Such application shall be made
15 upon notice to the youth, who shall be entitled to be heard upon the
16 application and to be represented by counsel. The court shall grant the
17 application if it is satisfied that there is no substantial likelihood
18 that the youth will benefit from the programs offered by the office
19 facilities.

20 5.] The office of children and family services may transfer an offen-
21 der not less than eighteen [nor more than twenty-one] years of age to
22 the department of corrections and community supervision if the commis-
23 sioner of the office certifies to the commissioner of corrections and
24 community supervision that there is no substantial likelihood that the
25 youth will benefit from the programs offered by office facilities.

26 [6. At age twenty-one, all] 5. (a) All juvenile offenders committed to
27 the office for committing a crime shall be transferred at age twenty-
28 three to the custody of the department of corrections and community
29 supervision for confinement pursuant to the correction law[.

30 7.]; provided however, any offenders committed to the office for
31 committing a crime on or after their sixteenth birthday who still have
32 time left on their sentences of imprisonment shall complete at least two
33 years of care in office of children and family services facilities
34 before any transfer to the department of corrections and community
35 supervision.

36 (b) All juvenile offenders who are eligible to be released from an
37 office of children and family services facility before they are required
38 to be transferred to the department of corrections and community super-
39 vision and who are able to complete the full-term of their community
40 supervision sentences before they turn twenty-three years of age shall
41 remain with the office of children and family services for community
42 supervision.

43 (c) All juvenile offenders released from an office of children and
44 family services facility before they are transferred to the department
45 of corrections and community supervision who are unable to complete the
46 full-term of their community supervision before they turn twenty-three
47 years of age shall be under the supervision of the department of
48 corrections and community supervision until expiration of the maximum
49 term.

50 6. While in the custody of the office of children and family services,
51 an offender shall be subject to the rules and regulations of the office,
52 except that his or her parole, temporary release and discharge shall be
53 governed by the laws applicable to inmates of state correctional facili-
54 ties and his or her transfer to state hospitals in the office of mental
55 health shall be governed by section five hundred nine of this chapter.
56 The commissioner of the office of children and family services shall,

1 however, establish and operate temporary release programs at office of
2 children and family services facilities for eligible juvenile offenders
3 and [contract with the department of corrections and community super-
4 vision for the provision of parole] provide supervision [services] for
5 temporary releasees. The rules and regulations for these programs shall
6 not be inconsistent with the laws for temporary release applicable to
7 inmates of state correctional facilities. For the purposes of temporary
8 release programs for juvenile offenders only, when referred to or
9 defined in article twenty-six of the correction law, "institution" shall
10 mean any facility designated by the commissioner of the office of chil-
11 dren and family services, "department" shall mean the office of children
12 and family services, "inmate" shall mean a juvenile offender residing in
13 an office of children and family services facility, and "commissioner"
14 shall mean the [director] commissioner of the office of children and
15 family services. Time spent in office of children and family services
16 facilities and in juvenile detention facilities shall be credited
17 towards the sentence imposed in the same manner and to the same extent
18 applicable to inmates of state correctional facilities.

19 [8] 7. Whenever a juvenile offender or a juvenile offender adjudi-
20 cated a youthful offender shall be delivered to the director of [a divi-
21 sion for youth] an office of children and family services facility
22 pursuant to a commitment to the [director of the division for youth]
23 office of children and family services, the officer so delivering such
24 person shall deliver to such facility director a certified copy of the
25 sentence received by such officer from the clerk of the court by which
26 such person shall have been sentenced, a copy of the report of the
27 probation officer's investigation and report, any other pre-sentence
28 memoranda filed with the court, a copy of the person's fingerprint
29 records, a detailed summary of available medical records, psychiatric
30 records and reports relating to assaults, or other violent acts,
31 attempts at suicide or escape by the person while in the custody of a
32 local detention facility.

33 [9] 8. Notwithstanding any provision of law, including section five
34 hundred one-c of this article, the office of children and family
35 services shall make records pertaining to a person convicted of a sex
36 offense as defined in subdivision (p) of section 10.03 of the mental
37 hygiene law available upon request to the commissioner of mental health
38 or the commissioner of the office for persons with developmental disa-
39 bilities, as appropriate; a case review panel; and the attorney general;
40 in accordance with the provisions of article ten of the mental hygiene
41 law.

42 § 96. Subdivisions 1, 2, 4, 5 and 5-a of section 529 of the executive
43 law, subdivisions 1, 4 and 5 as added by chapter 906 of the laws of
44 1973, paragraph (c) of subdivision 1 as amended and paragraph (d) of
45 subdivision 1 as added by chapter 881 of the laws of 1976, subdivision 2
46 as amended by chapter 430 of the laws of 1991, paragraph (c) of subdivi-
47 sion 5 as amended by chapter 722 of the laws of 1979 and subdivision 5-a
48 as added by chapter 258 of the laws of 1974, are amended to read as
49 follows:

50 1. Definitions. As used in this section:

51 (a) "authorized agency", "certified boarding home", "local charge" and
52 "state charge" shall have the meaning ascribed to such terms by the
53 social services law;

54 (b) "aftercare supervision" shall mean supervision of released or
55 discharged youth, not in foster care; and,



1 (c) "foster care" shall mean residential care, maintenance and super-
2 vision provided to released or discharged youth, or youth otherwise in
3 the custody of the [division for youth, in a division foster family home
4 certified by the division.

5 (d) "division foster family home" means a service program provided in
6 a home setting available to youth under the jurisdiction of the division
7 for youth] office of children and family services.

8 2. [Expenditures] Except as provided in subdivision five of this
9 section, expenditures made by the [division for youth] office of chil-
10 dren and family services for care, maintenance and supervision furnished
11 youth, including alleged and adjudicated juvenile delinquents and
12 persons in need of supervision, placed or referred, pursuant to titles
13 two or three of this article, and juvenile offenders committed pursuant
14 to section 70.05 of the penal law, in the [division's] office's programs
15 and facilities, shall be subject to reimbursement to the state by the
16 social services district from which the youth was placed or by the
17 social services district in which the juvenile offender resided at the
18 time of commitment, in accordance with this section and the regulations
19 of the [division,] office as follows: fifty percent of the amount
20 expended for care, maintenance and supervision of local charges includ-
21 ing juvenile offenders.

22 [4. Expenditures made by the division for youth] 3. The costs for
23 foster care provided by voluntary authorized agencies to juvenile delin-
24 quents placed in the care of the office of children and family services
25 shall be [subject to reimbursement to the state by] the responsibility
26 of the social services district from which the youth was placed, and
27 shall be subject to reimbursement from the state in accordance with [the
28 regulations of the division, as follows: fifty percent of the amount
29 expended for care, maintenance and supervision of local charges] section
30 one hundred fifty-three-k of the social services law.

31 [5] 4. (a) [Expenditures] Except as provided in subdivision five of
32 this section, expenditures made by the [division for youth] office of
33 children and family services for aftercare supervision shall be subject
34 to reimbursement to the state by the social services district from which
35 the youth was placed, in accordance with regulations of the [division]
36 office, as follows: fifty percent of the amount expended for aftercare
37 supervision of local charges.

38 (b) Expenditures made by social services districts for aftercare
39 supervision of adjudicated juvenile delinquents and persons in need of
40 supervision [provided (prior to the expiration of the initial or
41 extended period of placement or commitment) by the aftercare staff of
42 the facility from which the youth has been released or discharged, other
43 than those under the jurisdiction of the division for youth, in which
44 said youth was placed or committed, pursuant to directions of the family
45 court,] shall be subject to reimbursement by the state[, upon approval
46 by the division and in accordance with its regulations, as follows:

47 (1) the full amount expended by the district for aftercare supervision
48 of state charges;

49 (2) fifty percent of the amount expended by the district for aftercare
50 supervision of local charges] in accordance with section one hundred
51 fifty-three-k of the social services law.

52 (c) Expenditures made by the [division for youth] office of children
53 and family services for contracted programs and contracted services
54 pursuant to subdivision seven of section five hundred one of this arti-
55 cle, except with respect to urban homes and group homes, shall be
56 subject to reimbursement to the state by the social services district

1 from which the youth was placed, in accordance with this section and the
2 regulations of the [division] office as follows: fifty percent of the
3 amount expended for the operation and maintenance of such programs and
4 services.

5 5. Notwithstanding any other provision of law to the contrary, no
6 reimbursement shall be required from a social services district for
7 expenditures made by the office of children and family services on or
8 after December first, two thousand seventeen for the care, maintenance,
9 supervision or aftercare supervision of youth age sixteen years of age
10 or older that would not otherwise have been made absent the provisions
11 of a chapter of the laws of two thousand seventeen that increased the
12 age of juvenile jurisdiction above fifteen years of age or that author-
13 ized the placement in office of children and family services facilities
14 of certain other youth who committed a crime on or after their sixteenth
15 birthdays.

16 5-a. The social services district responsible for reimbursement to the
17 state shall remain the same if during a period of placement or extension
18 thereof, a child commits a criminal act while in [a division] an office
19 of children and family services facility, during an authorized absence
20 therefrom or after absconding therefrom and is returned to the [divi-
21 sion] office following adjudication or conviction for the act by a court
22 with jurisdiction outside the boundaries of the social services district
23 which was responsible for reimbursement to the state prior to such adju-
24 dication or conviction.

25 § 97. Subdivision 1 and subparagraph (iii) of paragraph (a) of subdi-
26 vision 3 of section 529-b of the executive law, as added by section 3 of
27 subpart B of part Q of chapter 58 of the laws of 2011, are amended to
28 read as follows:

29 1. (a) Notwithstanding any provision of law to the contrary, eligible
30 expenditures by an eligible municipality for services to divert youth at
31 risk of, alleged to be, or adjudicated as juvenile delinquents or
32 persons alleged or adjudicated to be in need of supervision, or youth
33 alleged to be or convicted as juvenile offenders from placement in
34 detention or in residential care shall be subject to state reimbursement
35 under the supervision and treatment services for juveniles program for
36 up to sixty-two percent of the municipality's expenditures, subject to
37 available appropriations and exclusive of any federal funds made avail-
38 able for such purposes, not to exceed the municipality's distribution
39 under the supervision and treatment services for juveniles program.

40 (b) The state funds appropriated for the supervision and treatment
41 services for juveniles program shall be distributed to eligible munici-
42 palities by the office of children and family services based on a plan
43 developed by the office which may consider historical information
44 regarding the number of youth seen at probation intake for an alleged
45 act of delinquency, the number of alleged persons in need of supervision
46 receiving diversion services under section seven hundred thirty-five of
47 the family court act, the number of youth remanded to detention, the
48 number of juvenile delinquents placed with the office, the number of
49 juvenile delinquents and persons in need of supervision placed in resi-
50 dential care with the municipality, the municipality's reduction in the
51 use of detention and residential placements, and other factors as deter-
52 mined by the office. Such plan developed by the office shall be subject
53 to the approval of the director of the budget. The office is authorized,
54 in its discretion, to make advance distributions to a municipality in
55 anticipation of state reimbursement.

1 (iii) a description of how the services and programs proposed for
2 funding will reduce the number of youth from the municipality who are
3 detained and residentially or otherwise placed; how such services and
4 programs are family-focused; and whether such services and programs are
5 capable of being replicated across multiple sites;

6 § 98. Subdivisions 2, 4, 5, 6 and 7 of section 530 of the executive
7 law, subdivisions 2 and 4 as amended by section 4 of subpart B of part Q
8 of chapter 58 of the laws of 2011, paragraphs (a) and (d) of subdivision
9 2 as amended by section 1 of part M of chapter 57 of the laws of 2012,
10 subdivision 5 as amended by chapter 920 of the laws of 1982, subpara-
11 graphs 1, 2 and 4 of paragraph (a) and paragraph (b) of subdivision 5 as
12 amended by section 5 of subpart B of part Q of chapter 58 of the laws of
13 2011, subdivision 6 as amended by chapter 880 of the laws of 1976, and
14 subdivision 7 as amended by section 6 of subpart B of part Q of chapter
15 58 of the laws of 2011, are amended and a new subdivision 8 is added to
16 read as follows:

17 2. [Expenditures] Except as provided for in subdivision eight of this
18 section, expenditures made by municipalities in providing care, mainte-
19 nance and supervision to youth in detention facilities designated pursu-
20 ant to sections seven hundred twenty and 305.2 of the family court act
21 and certified by [the division for youth] office of children and family
22 services, shall be subject to reimbursement by the state, as follows:

23 (a) Notwithstanding any provision of law to the contrary, eligible
24 expenditures by a municipality during a particular program year for the
25 care, maintenance and supervision in foster care programs certified by
26 the office of children and family services, certified or approved family
27 boarding homes, and non-secure detention facilities certified by the
28 office for those youth alleged to be persons in need of supervision or
29 adjudicated persons in need of supervision held pending transfer to a
30 facility upon placement; and in secure and non-secure detention facili-
31 ties certified by the office in accordance with section five hundred
32 three of this article for those youth alleged to be juvenile delin-
33 quents; adjudicated juvenile delinquents held pending transfer to a
34 facility upon placement, and juvenile delinquents held at the request of
35 the office of children and family services pending extension of place-
36 ment hearings or release revocation hearings or while awaiting disposi-
37 tion of such hearings; and youth alleged to be or convicted as juvenile
38 offenders and, youth alleged to be persons in need of supervision or
39 adjudicated persons in need of supervision held pending transfer to a
40 facility upon placement in foster care programs certified by the office
41 of children and family services, certified or approved family boarding
42 homes, shall be subject to state reimbursement for up to fifty percent
43 of the municipality's expenditures, exclusive of any federal funds made
44 available for such purposes, not to exceed the municipality's distrib-
45 ution from funds that have been appropriated specifically therefor for
46 that program year. Municipalities shall implement the use of detention
47 risk assessment instruments in a manner prescribed by the office so as
48 to inform detention decisions. Notwithstanding any other provision of
49 state law to the contrary, data necessary for completion of a detention
50 risk assessment instrument may be shared among law enforcement,
51 probation, courts, detention administrators, detention providers, and
52 the attorney for the child upon retention or appointment; solely for the
53 purpose of accurate completion of such risk assessment instrument, and a
54 copy of the completed detention risk assessment instrument shall be made
55 available to the applicable detention provider, the attorney for the
56 child and the court.

1 (b) The state funds appropriated for juvenile detention services shall
2 be distributed to eligible municipalities by the office of children and
3 family services based on a plan developed by the office which may
4 consider historical information regarding the number of youth remanded
5 to detention, the municipality's reduction in the use of detention, the
6 municipality's youth population, and other factors as determined by the
7 office. Such plan developed by the office shall be subject to the
8 approval of the director of the budget. The office is authorized, in its
9 discretion, to make advance distributions to a municipality in antic-
10 ipation of state reimbursement.

11 (c) A municipality may also use the funds distributed to it for juve-
12 nile detention services under this section for a particular program year
13 for sixty-two percent of a municipality's eligible expenditures for
14 supervision and treatment services for juveniles programs approved under
15 section five hundred twenty-nine-b of this title for services that were
16 not reimbursed from a municipality's distribution under such program
17 provided to at-risk, alleged or adjudicated juvenile delinquents or
18 persons alleged or adjudicated to be in need of supervision, or alleged
19 to be or convicted as juvenile offenders in community-based non-residen-
20 tial settings. Any claims submitted by a municipality for reimbursement
21 for detention services or supervision and treatment services for juve-
22 niles provided during a particular program year for which the munici-
23 pality does not receive state reimbursement from the municipality's
24 distribution of detention services funds for that program year may not
25 be claimed against the municipality's distribution of funds available
26 under this section for the next applicable program year. The office may
27 require that such claims be submitted to the office electronically at
28 such times and in the manner and format required by the office.

29 [(d) (i)] 2-a. (a) Notwithstanding any provision of law or regulation
30 to the contrary, any information or data necessary for the development,
31 validation or revalidation of the detention risk assessment instrument
32 shall be shared among local probation departments, the office of
33 probation and correctional alternatives and, where authorized by the
34 division of criminal justice services, the entity under contract with
35 the division to provide information technology services related to youth
36 assessment and screening, the office of children and family services,
37 and any entity under contract with the office of children and family
38 services to provide services relating to the development, validation or
39 revalidation of the detention risk assessment instrument. Any such
40 information and data shall not be commingled with any criminal history
41 database. Any information and data used and shared pursuant to this
42 section shall only be used and shared for the purposes of this section
43 and in accordance with this section. Such information shall be shared
44 and received in a manner that protects the confidentiality of such
45 information. The sharing, use, disclosure and redisclosure of such
46 information to any person, office, or other entity not specifically
47 authorized to receive it pursuant to this section or any other law is
48 prohibited.

49 [(ii)] (b) The office of children and family services shall consult
50 with individuals with professional research experience and expertise in
51 criminal justice; social work; juvenile justice; and applied mathemat-
52 ics, psychometrics and/or statistics to assist the office in determining
53 the method it will use to: develop, validate and revalidate such
54 detention risk assessment instrument; and analyze the effectiveness of
55 the use of such detention risk assessment instrument in accomplishing
56 its intended goals; and analyze, to the greatest extent possible any

1 disparate impact on detention outcomes for juveniles based on race, sex,
2 national origin, economic status and any other constitutionally
3 protected class, regarding the use of such instrument. The office shall
4 consult with such individuals regarding whether it is appropriate to
5 attempt to analyze whether there is any such disparate impact based on
6 sexual orientation and, if so, the best methods to conduct such analy-
7 sis. The office shall take into consideration any recommendations given
8 by such individuals involving improvements that could be made to such
9 instrument and process.

10 [(iii)] (c) Data collected for the purposes of completing the
11 detention risk assessment instrument from any source other than an offi-
12 cially documented record shall be confirmed as soon as practicable.
13 Should any data originally utilized in completing the risk assessment
14 instrument be found to conflict with the officially documented record,
15 the risk assessment instrument shall be completed with the officially
16 documented data and any corresponding revision to the risk categori-
17 zation shall be made. The office shall periodically revalidate any
18 approved risk assessment instrument. The office shall conspicuously post
19 any approved detention risk assessment instrument on its website and
20 shall confer with appropriate stakeholders, including but not limited
21 to, attorneys for children, presentment agencies, probation, and the
22 family court, prior to revising any validated risk assessment instru-
23 ment. Any such revised risk assessment instrument shall be subject to
24 periodic empirical validation.

25 4. (a) The municipality must notify the office of children and family
26 services of state aid received under other state aid formulas by each
27 detention facility for which the municipality is seeking reimbursement
28 pursuant to this section, including but not limited to, aid for educa-
29 tion, probation and mental health services.

30 (b) Except as provided in subdivision eight of this section: (i) In
31 computing reimbursement to the municipality pursuant to this section,
32 the office shall insure that the aggregate of state aid under all state
33 aid formulas shall not exceed fifty percent of the cost of care, mainte-
34 nance and supervision provided to detainees eligible for state
35 reimbursement under subdivision two of this section, exclusive of feder-
36 al aid for such purposes not to exceed the amount of the municipality's
37 distribution under the juvenile detention services program.

38 [(c)] (ii) Reimbursement for administrative related expenditures as
39 defined by the office of children and family services, for secure and
40 nonsecure detention services shall not exceed seventeen percent of the
41 total approved expenditures for facilities of twenty-five beds or more
42 and shall not exceed twenty-one percent of the total approved expendi-
43 tures for facilities with less than twenty-five beds.

44 5. (a) Except as provided in paragraph (b) of this subdivision, care,
45 maintenance and supervision for the purpose of this section shall mean
46 and include only:

47 (1) temporary care, maintenance and supervision provided to alleged
48 juvenile delinquents and persons in need of supervision in detention
49 facilities certified pursuant to sections seven hundred twenty and 305.2
50 of the family court act by the office of children and family services,
51 pending adjudication of alleged delinquency or alleged need of super-
52 vision by the family court, or pending transfer to institutions to which
53 committed or placed by such court or while awaiting disposition by such
54 court after adjudication or held pursuant to a securing order of a crim-
55 inal court if the person named therein as principal is under [sixteen]
56 eighteen years of age; or[,]

1 (1-a) temporary care, maintenance, and supervision provided to alleged
2 juvenile delinquents in detention facilities certified by the office of
3 children and family services, pending adjudication of alleged delinquen-
4 cy by the family court, or pending transfer to institutions to which
5 committed or placed by such court or while awaiting disposition by such
6 court after adjudication or held pursuant to a securing order of a crim-
7 inal court if the person named therein as principal is under twenty-one;
8 or

9 (2) temporary care, maintenance and supervision provided juvenile
10 delinquents in approved detention facilities at the request of the
11 office of children and family services pending release revocation hear-
12 ings or while awaiting disposition after such hearings; or

13 (3) temporary care, maintenance and supervision in approved detention
14 facilities for youth held pursuant to the family court act or the inter-
15 state compact on juveniles, pending return to their place of residence
16 or domicile[.]; or

17 (4) temporary care, maintenance and supervision provided youth
18 detained in foster care facilities or certified or approved family
19 boarding homes pursuant to article seven of the family court act.

20 (b) Payments made for reserved accommodations, whether or not in full
21 time use, approved and certified by the office of children and family
22 services [and certified pursuant to sections seven hundred twenty and
23 305.2 of the family court act], in order to assure that adequate accom-
24 modations will be available for the immediate reception and proper care
25 therein of youth for which detention costs are reimbursable pursuant to
26 paragraph (a) of this subdivision, shall be reimbursed as expenditures
27 for care, maintenance and supervision under the provisions of this
28 section, provided the office shall have given its prior approval for
29 reserving such accommodations.

30 6. The [director of the division for youth] office of children and
31 family services may adopt, amend, or rescind all rules and regulations,
32 subject to the approval of the director of the budget and certification
33 to the chairmen of the senate finance and assembly ways and means
34 committees, necessary to carry out the provisions of this section.

35 7. The agency administering detention for each county and the city of
36 New York shall submit to the office of children and family services, at
37 such times and in such form and manner and containing such information
38 as required by the office of children and family services, an annual
39 report on youth remanded pursuant to article three or seven of the fami-
40 ly court act who are detained during each calendar year including,
41 commencing January first, two thousand twelve, the risk level of each
42 detained youth as assessed by a detention risk assessment instrument
43 approved by the office of children and family services. The office may
44 require that such data on detention use be submitted to the office elec-
45 tronically. Such report shall include, but not be limited to, the reason
46 for the court's determination in accordance with section 320.5 or seven
47 hundred thirty-nine of the family court act, if applicable, to detain
48 the youth; the offense or offenses with which the youth is charged; and
49 all other reasons why the youth remains detained. The office shall
50 submit a compilation of all the separate reports to the governor and the
51 legislature.

52 8. Notwithstanding any other provisions of law to the contrary, state
53 reimbursement shall be made available for one hundred percent of a
54 municipality's eligible expenditures for the care, maintenance and
55 supervision of youth sixteen years of age or older in non-secure and
56 secure detention facilities when such detention would not otherwise have

1 occurred absent the provisions of a chapter of the laws of two thousand
2 seventeen that increased the age of juvenile jurisdiction above fifteen
3 years of age.

4 § 99. Section 109-c of the vehicle and traffic law, as added by
5 section 1 of part E of chapter 60 of the laws of 2005, is amended to
6 read as follows:

7 § 109-c. Conviction. 1. Any conviction as defined in subdivision
8 thirteen of section 1.20 of the criminal procedure law; provided, howev-
9 er, where a conviction or administrative finding in this state or another
10 state results in a mandatory sanction against a commercial driver's
11 license, as set forth in sections five hundred ten, five hundred ten-a,
12 eleven hundred ninety-two and eleven hundred ninety-four of this chap-
13 ter, conviction shall also mean an unvacated adjudication of guilt, or a
14 determination that a person has violated or failed to comply with the
15 law in a court of original jurisdiction or by an authorized administra-
16 tive tribunal, an unvacated forfeiture of bail or collateral deposited
17 to secure the person's appearance in court, a plea of guilty or nolo
18 contendere accepted by the court, the payment of a fine or court cost,
19 or violation of a condition of release without bail, regardless of
20 whether or not the penalty is rebated, suspended, or probated.

21 2. A conviction shall include a juvenile delinquency adjudication for
22 the purposes of sections five hundred ten; subdivision five of section
23 five hundred eleven; five hundred fourteen; five hundred twenty-three-a;
24 subparagraph (ii) of paragraph (b) of subdivision one of section eleven
25 hundred ninety-three; subdivision two of section eleven hundred ninety-
26 three; eleven hundred ninety-six; eleven hundred ninety-eight; eleven
27 hundred ninety-eight-a; eleven hundred ninety-nine; eighteen hundred
28 eight; eighteen hundred nine; eighteen hundred nine-c; and eighteen
29 hundred nine-e of this chapter and paragraph (a) of subdivision six of
30 section sixty-five-b of the alcoholic beverage control law only and
31 solely for the purposes of allowing the family court to impose license
32 and registration sanctions, ignition interlock devices, any drug or
33 alcohol rehabilitation program, victim impact program, driver responsi-
34 bility assessment, victim assistance fee, surcharge, and issuing a stay
35 order on appeal. Nothing in this subdivision shall be construed as
36 limiting or precluding the enforcement of section eleven hundred nine-
37 ty-two-a of this chapter against a person under the age of twenty-one.

38 § 100. Subdivision 1 of section 510 of the vehicle and traffic law, as
39 amended by chapter 132 of the laws of 1986, is amended to read as
40 follows:

41 1. Who may suspend or revoke. Any magistrate, justice or judge, in a
42 city, in a town, or in a village, any supreme court justice, any county
43 judge, any judge of a district court, any family court judge, the super-
44 intendent of state police and the commissioner of motor vehicles or any
45 person deputized by him, shall have power to revoke or suspend the
46 license to drive a motor vehicle or motorcycle of any person, or in the
47 case of an owner, the registration, as provided herein.

48 § 100-a. Severability. If any clause, sentence, paragraph, subdivi-
49 sion, section or part contained in any part of this act shall be
50 adjudged by any court of competent jurisdiction to be invalid, such
51 judgment shall not affect, impair, or invalidate the remainder thereof,
52 but shall be confined in its operation to the clause, sentence, para-
53 graph, subdivision, section or part contained in any part thereof
54 directly involved in the controversy in which such judgment shall have
55 been rendered. It is hereby declared to be the intent of the legislature

1 that this act would have been enacted even if such invalid provisions
2 had not been included herein.

3 § 101. This act shall take effect immediately; provided, however,
4 that:

5 1. sections one through seven, nine through twenty-four, twenty-six
6 through fifty-eight, fifty-nine, sixty-one through sixty-three-l,
7 sixty-three-m, sixty-six, sixty-eight through seventy-six, eighty
8 through eighty-seven, eighty-eight, eighty-nine and ninety through one
9 hundred-a of this act shall take effect on January 1, 2019;

10 2. sections sixty-seven, seventy-seven, seventy-eight, and seventy-
11 nine of this act shall take effect on the sixtieth day after it shall
12 have become a law;

13 3. the amendments to subparagraph (ii) of paragraph (a) of subdivision
14 1 of section 409-a of the social services law, made by section fifty-two
15 of this act shall survive the expiration of such subparagraph pursuant
16 to section 28 of part C of chapter 83 of the laws of 2002, as amended;

17 4. the amendments to subdivision 4 of section 353.5 of the family
18 court act made by section twenty-four of this act shall not affect the
19 expiration and reversion of such subdivision pursuant to section 11 of
20 subpart A of part G of chapter 57 of the laws of 2012, as amended, and
21 shall expire and be deemed repealed therewith, when upon such date the
22 provisions of section twenty-five of this act shall take effect;

23 5. the amendments to section 153-k of the social services law made by
24 section forty-seven of this act shall not affect the repeal of such
25 section and shall expire and be deemed repealed therewith;

26 6. the amendments to section 404 of the social services law made by
27 section fifty-one of this act shall not affect the repeal of such
28 section and shall expire and be deemed repealed therewith;

29 7. the amendments to subdivision 1 of section 70.20 of the penal law
30 made by section fifty-eight of this act shall not affect the expiration
31 of such subdivision and shall expire and be deemed repealed therewith;

32 8. the amendments to paragraph (f) of subdivision 1 of section 70.30
33 of the penal law made by section sixty-a of this act shall not affect
34 the expiration of such paragraph and shall be deemed to expire there-
35 with;

36 9. the amendments to subparagraph 1 of paragraph d of subdivision 3 of
37 section 3214 of the education law made by section eighty-seven of this
38 act shall not affect the expiration and reversion of such paragraph
39 pursuant to section 4 of chapter 425 of the laws of 2002, as amended,
40 when upon such date the provisions of section eighty-seven-a of this act
41 shall take effect; provided, however if such date of reversion is prior
42 to January 1, 2019, section eighty-seven-a of this act shall take effect
43 on January 1, 2019; and

44 10. the amendments to the second undesignated paragraph of subdivision
45 4 of section 246 of the executive law made by section eighty-nine of
46 this act shall not affect the expiration and reversion of such paragraph
47 pursuant to subdivision aa of section 427 of chapter 55 of the laws of
48 1992, as amended, when upon such date the provisions of section eighty-
49 nine-a of this act shall take effect; provided, however if such date of
50 reversion is prior to January 1, 2019, section eighty-nine-a of this act
51 shall take effect on January 1, 2019.

52 PART K

53 Section 1. This part enacts into law major components of legislation
54 which are necessary for the financing of various child welfare services.

1 Each component is wholly contained within a subpart identified as
2 subparts A through B. The effective date for each particular provision
3 contained within a subpart is set forth in the last section of such
4 subpart. Any provision in any section contained within a subpart,
5 including the effective date of the subpart, which makes reference to a
6 section "of this act", when used in connection with that particular
7 component, shall be deemed to mean and refer to the corresponding
8 section of the subpart in which it is found. Section three of this part
9 sets forth the general effective date of this part.

10

SUBPART A

11 Section 1. Section 28 of part C of chapter 83 of the laws of 2002,
12 amending the executive law and other laws relating to funding for chil-
13 dren and family services, as amended by section 1 of part F of chapter
14 57 of the laws of 2012, is amended to read as follows:

15 § 28. This act shall take effect immediately; provided that sections
16 nine through eighteen and twenty through twenty-seven of this act shall
17 be deemed to have been in full force and effect on and after April 1,
18 2002; provided, however, that section fifteen of this act shall apply to
19 claims that are otherwise reimbursable by the state on or after April 1,
20 2002 except as provided in subdivision 9 of section 153-k of the social
21 services law as added by section fifteen of this act; provided further
22 however, that nothing in this act shall authorize the office of children
23 and family services to deny state reimbursement to a social services
24 district for violations of the provisions of section 153-d of the social
25 services law for services provided from January 1, 1994 through March
26 31, 2002; provided that section nineteen of this act shall take effect
27 September 13, 2002 and shall expire and be deemed repealed June 30,
28 2012; and, provided further, however, that notwithstanding any law to
29 the contrary, the office of children and family services shall have the
30 authority to promulgate, on an emergency basis, any rules and regu-
31 lations necessary to implement the requirements established pursuant to
32 this act; provided further, however, that the regulations to be devel-
33 oped pursuant to section one of this act shall not be adopted by emer-
34 gency rule; and provided further that the provisions of sections nine
35 through eighteen and twenty through twenty-seven of this act shall
36 expire and be deemed repealed on June 30, [2017] 2022.

37 § 2. This act shall take effect immediately.

38

SUBPART B

39

Intentionally omitted

40 § 2. Severability. If any clause, sentence, paragraph, subdivision or
41 section of this part shall be adjudged by any court of competent juris-
42 diction to be invalid, such judgment shall not affect, impair, or inval-
43 idate the remainder thereof, but shall be confined in its operation to
44 the clause, sentence, paragraph, subdivision or section thereof directly
45 involved in the controversy in which such judgment shall have been
46 rendered. It is hereby declared to be the intent of the legislature that
47 this part would have been enacted even if such invalid provisions had
48 not been included herein.

49 § 3. This act shall take effect immediately; provided, however, that
50 the applicable effective date of subparts A and B of this part shall be
51 as specifically set forth in the last section of such subparts.

1

PART L

2 Section 1. Paragraph (iii) of subdivision (e) of section 1012 of the
3 family court act, as amended by chapter 320 of the laws of 2006, is
4 amended to read as follows:

5 (iii) (A) commits, or allows to be committed an offense against such
6 child defined in article one hundred thirty of the penal law; (B)
7 allows, permits or encourages such child to engage in any act described
8 in sections 230.25, 230.30 and 230.32 of the penal law; (C) commits any
9 of the acts described in sections 255.25, 255.26 and 255.27 of the penal
10 law; [or] (D) allows such child to engage in acts or conduct described
11 in article two hundred sixty-three of the penal law; or (E) permits or
12 encourages such child to engage in any act or commits or allows to be
13 committed against such child any offense that would render such child
14 either a victim of sex trafficking or a victim of severe forms of traf-
15 ficking in persons pursuant to 22 U.S.C. 7102 as enacted by public law
16 106-386 or any successor federal statute; (F) provided, however, that
17 [(a)] (1) the corroboration requirements contained in the penal law and
18 [(b)] (2) the age requirement for the application of article two hundred
19 sixty-three of such law shall not apply to proceedings under this arti-
20 cle.

21 § 2. This act shall take effect immediately.

22

PART M

23 Section 1. Paragraph a of subdivision 2 of section 420 of the execu-
24 tive law, as amended by section 3 of part G of chapter 57 of the laws of
25 2013, is amended to read as follows:

26 a. (1) A municipality may submit to the office of children and family
27 services a plan for the providing of services for runaway and homeless
28 youth, as defined in article nineteen-H of this chapter. Where such
29 municipality is receiving state aid pursuant to paragraph a of subdivi-
30 sion one of this section, such runaway and homeless youth plan shall be
31 submitted as part of the comprehensive plan and shall be consistent with
32 the goals and objectives therein.

33 (2) A runaway and homeless youth plan shall be developed in consulta-
34 tion with the municipal youth bureau and the county or city department
35 of social services, shall be in accordance with the regulations of the
36 office of children and family services, shall provide for a coordinated
37 range of services for runaway and homeless youth and their families
38 including preventive, temporary shelter, transportation, counseling, and
39 other necessary assistance, and shall provide for the coordination of
40 all available county resources for runaway and homeless youth and their
41 families including services available through the municipal youth
42 bureau, the county or city department of social services, local boards
43 of education, local drug and alcohol programs and organizations or
44 programs which have past experience dealing with runaway and homeless
45 youth. [Such]

46 (3) In its plan a municipality may:

47 (i) include provisions for transitional independent living support
48 programs [for homeless youth between the ages of sixteen and twenty-one]
49 and runaway and homeless youth crisis services programs as provided in
50 article nineteen-H of this chapter;

51 (ii) authorize services under article nineteen-H of this chapter to be
52 provided to homeless young adults, as such term is defined in section
53 five hundred thirty-two-a of this chapter;



1 (iii) authorize runaway and homeless youth to be served in accordance
2 with any of the following provisions of this chapter:

3 (A) paragraphs (a) and (b) of subdivision two of section five hundred
4 thirty-two-b;

5 (B) paragraph (b) of subdivision one of section five hundred thirty-
6 two-d;

7 (C) paragraph (c) of subdivision two of section five hundred thirty
8 two-b of this chapter;

9 (D) paragraph (c) of subdivision one of section five hundred thirty-
10 two-d of this chapter;

11 (E) to allow a youth under the age of sixteen to be served in a tran-
12 sitional independent living program pursuant to subparagraph (ii) of
13 paragraph (a) of subdivision one of section five hundred thirty-two-d of
14 this chapter; and

15 (iv) if a municipality provides shelter in accordance with items (C),
16 (D) and (E) of clause (iii) of subparagraph three of this paragraph,
17 then such municipality shall, within sixty days, notify the office of
18 children and family services in writing of the circumstances that made
19 the provision of shelter necessary, efforts made by the program to find
20 suitable alternative living arrangements for such youth, and the outcome
21 of such efforts. If the office determines that such shelter was inappro-
22 priate, the office may instruct the program on how to seek a more suit-
23 able alternative living arrangement.

24 (4) Such plan shall also provide for the designation and duties of the
25 runaway and homeless youth service coordinator defined in section five
26 hundred thirty-two-a of this chapter who is available on a twenty-four
27 hour basis and maintains information concerning available shelter space,
28 transportation and services.

29 (5) Such plan may include provision for the per diem reimbursement for
30 residential care of runaway and homeless youth in [approved] certified
31 residential runaway and homeless youth programs which are authorized
32 agencies[, provided that such per diem reimbursement shall not exceed a
33 total of thirty days for any one youth].

34 § 2. Subdivisions 1, 2, 4 and 6 of section 532-a of the executive law,
35 subdivisions 1 and 2 as amended by chapter 800 of the laws of 1985,
36 subdivisions 4 and 6 as amended by section 6 of part G of chapter 57 of
37 the laws of 2013, are amended and a new subdivision 9 is added to read
38 as follows:

39 1. "Runaway youth" shall mean a person under the age of eighteen years
40 who is absent from his or her legal residence without the consent of his
41 or her parent, legal guardian or custodian.

42 2. "Homeless youth" shall mean:

43 (a) a person under the age of [twenty-one] eighteen who is in need of
44 services and is without a place of shelter where supervision and care
45 are available; or

46 (b) a person who is under the age of twenty-one but is at least age
47 eighteen and who is in need of services and is without a place of shel-
48 ter.

49 (c) Provided however, when a municipality's approved comprehensive
50 plan authorizes that services pursuant to this article be provided to
51 "homeless young adults" as such term is defined in this section, then
52 for purposes related to the provisions of that municipality's approved
53 comprehensive plan that include "homeless young adults", the term "home-
54 less youth" as used in this article shall be deemed to include "homeless
55 young adults".



1 4. "[Approved runaway] Runaway and homeless youth crisis services
2 program" shall mean:

3 (a) any non-residential program approved by the office of children and
4 family services, after submission by the municipality[,] as part of its
5 comprehensive plan, that provides services to runaway youth and homeless
6 youth, in accordance with the regulations of the office of children and
7 family services; or

8 (b) any residential [facility] program which is operated by an author-
9 ized agency as defined in subdivision ten of section three hundred
10 seventy-one of the social services law, and [approved] certified by the
11 office of children and family services [after submission by the munici-
12 pality as part of its comprehensive plan, established and operated] to
13 provide short-term residential services to runaway youth and homeless
14 youth, in accordance with the applicable regulations of the office of
15 temporary and disability assistance and the office of children and fami-
16 ly services. [Such]

17 (c) Runaway and homeless youth crisis services programs may also
18 provide non-residential crisis intervention and, if certified, residen-
19 tial respite services to youth in need of crisis intervention or respite
20 services, as such term is defined in this section. Residential respite
21 services in [an approved] a certified runaway and homeless youth crisis
22 services program may be provided to such youth for no more than twenty-
23 one days, in accordance with the regulations of the office of children
24 and family services and section seven hundred thirty-five of the family
25 court act.

26 6. "Transitional independent living support program" shall mean:

27 (a) any non-residential program approved by the office of children and
28 family services, after submission by the municipality as part of its
29 comprehensive plan, [or] that provides supportive services to enable
30 homeless youth to progress from crisis care and transitional care to
31 independent living, in accordance with the applicable regulations of the
32 office of children and family services; or

33 (b) any residential [facility approved by the office of children and
34 family services after submission by the municipality as part of its
35 comprehensive plan to offer youth development programs,] program estab-
36 lished and operated to provide supportive services, [for a period of up
37 to eighteen months] in accordance with the regulations of the office of
38 children and family services, to enable homeless youth [between the ages
39 of sixteen and twenty-one] to progress from crisis care and transitional
40 care to independent living.

41 [Such] (c) A transitional independent living support program may also
42 provide services to youth in need of crisis intervention or respite
43 services. Notwithstanding the time limitation in paragraph (i) of subdivi-
44 sion (d) of section seven hundred thirty-five of the family court act,
45 residential respite services may be provided in a transitional independ-
46 ent living support program for a period of more than twenty-one days.

47 9. "Homeless young adult" shall mean a person who is age twenty-four
48 or younger but is at least age twenty-one and who is in need of services
49 and is without a place of shelter.

50 § 3. Section 532-b of the executive law, as added by chapter 722 of
51 the laws of 1978, the opening paragraph of subdivision 1 as amended by
52 chapter 182 of the laws of 2002, paragraph (a) of subdivision 1 as
53 amended by section 15 of part E of chapter 57 of the laws of 2005, para-
54 graph (e) of subdivision 1 as amended by chapter 569 of the laws of
55 1994, and subdivision 2 as amended by section 7 of part G of chapter 57
56 of the laws of 2013, is amended to read as follows:

1 § 532-b. Powers and duties of [approved] runaway [program] and home-
2 less youth crisis services programs. 1. Notwithstanding any other
3 provision of law, pursuant to regulations of the office of children and
4 family services [an approved] a runaway and homeless youth crisis
5 services program is authorized to and shall:

6 (a) provide assistance to any runaway or homeless youth or youth in
7 need of crisis intervention or respite services as defined in this arti-
8 cle;

9 (b) attempt to determine the cause for the youth's runaway or homeless
10 status;

11 (c) explain to the runaway [and] or homeless youth his or her legal
12 rights and options of service or other assistance available to the
13 youth;

14 (d) work towards reuniting such youth with his or her parent or guard-
15 ian as soon as practicable in accordance with section five hundred thir-
16 ty-two-c of this article;

17 (e) assist in arranging for necessary services for runaway or homeless
18 youth, and where appropriate, their families, including but not limited
19 to food, shelter, clothing, medical care, education and individual and
20 family counseling. Where the [approved] runaway and homeless youth
21 crisis services program concludes that such runaway or homeless youth
22 would be eligible for assistance, care or services from a local social
23 services district, it shall assist the youth in securing such assist-
24 ance, care or services as the youth is entitled to; [and]

25 (f) immediately report to the [local child protective service] state-
26 wide central register of child abuse and maltreatment or vulnerable
27 persons' central register, as appropriate, where it has reasonable cause
28 to suspect that the runaway or homeless youth has been abused or
29 neglected or when such youth maintains such to be the case[.];

30 (g) contact the appropriate local social services district if it is
31 believed that the youth may be a destitute child, as such term is
32 defined in section one thousand ninety-two of the family court act. The
33 office of children and family services shall provide appropriate guid-
34 ance to the runaway and homeless youth crisis services program on how to
35 accurately identify a youth that may be a destitute child; and

36 (h) provide information to eligible youth about their ability to
37 re-enter foster care in accordance with article ten-B of the family
38 court act, and in appropriate cases, refer any such youth who may be
39 interested in re-entering foster care to the applicable local social
40 services district. The office of children and family services shall
41 provide the runaway and homeless youth crisis services program with the
42 appropriate educational materials to give to eligible youth regarding
43 their ability to re-enter foster care. The office of children and family
44 services shall also provide appropriate guidance to the runaway and
45 homeless youth crisis services program on how to accurately identify
46 youth that may be eligible to re-enter foster care and how to refer such
47 youth to the applicable local social services district if appropriate.

48 2. [The] (a) A runaway youth may remain in [the] a certified residen-
49 tial runaway and homeless youth crisis services program on a voluntary
50 basis for a period not to exceed thirty days, or for a youth age four-
51 teen or older for a period up to sixty days when authorized in the
52 applicable municipality's approved comprehensive plan, from the date of
53 admission where the filing of a petition pursuant to article ten of the
54 family court act is not contemplated, in order that arrangements can be
55 made for the runaway youth's return home, alternative residential place-



1 ment pursuant to section three hundred ninety-eight of the social
2 services law, or any other suitable plan.

3 (b) If the runaway youth and the parent, guardian or custodian
4 agree[,] in writing, the runaway youth may remain in [the runaway] such
5 program up to sixty days, or up to one hundred twenty days when author-
6 ized in the applicable municipality's approved county comprehensive
7 plan, without the filing of a petition pursuant to article ten of the
8 family court act, provided that in any such case the facility shall
9 first have obtained the approval of the applicable municipal runaway and
10 homeless youth services coordinator, who shall notify the municipality's
11 youth bureau of his or her approval together with a statement as to the
12 reason why such additional residential stay is necessary and a
13 description of the efforts being made to find suitable alternative
14 living arrangements for such youth.

15 (c) A runaway youth may remain in a certified residential runaway and
16 homeless youth crisis services program beyond the applicable period
17 authorized by paragraph (a) or (b) of this subdivision if the munici-
18 pality has notified the office of children and family services in
19 accordance with clause (iv) of subparagraph three of paragraph (a) of
20 subdivision two of section four hundred twenty of the executive law.

21 § 4. Section 532-c of the executive law, as added by chapter 722 of
22 the laws of 1978, is amended to read as follows:

23 § 532-c. Notice to parent; return of runaway youth to parent; alterna-
24 tive living arrangements. 1. The staff of [the] a residential runaway
25 and homeless youth crisis services program shall, to the maximum extent
26 possible, preferably within twenty-four hours but within no more than
27 seventy-two hours following the youth's admission into the program,
28 notify such runaway youth's parent, guardian or custodian of his or her
29 physical and emotional condition, and the circumstances surrounding the
30 runaway youth's presence at the program, unless there are compelling
31 circumstances why the parent, guardian or custodian should not be so
32 notified. Where such circumstances exist, the [runaway] program director
33 or his or her designee shall either file an appropriate petition in the
34 family court, refer the youth to the local social services district, or
35 in instances where abuse or neglect is suspected, report such case
36 pursuant to title six of article six of the social services law.

37 2. Where custody of the youth upon leaving the [approved] program is
38 assumed by a relative or other person, other than the parent or guardi-
39 an, the staff of the program shall so notify the parent or guardian as
40 soon as practicable after the release of the youth. The officers, direc-
41 tors or employees of [an approved runaway] the program shall be immune
42 from any civil or criminal liability for or arising out of the release
43 of a runaway or homeless youth to a relative or other responsible person
44 other than a parent or guardian.

45 § 5. Section 532-d of the executive law, as amended by chapter 182 of
46 the laws of 2002, subdivisions (e) and (g) as amended and subdivision
47 (f) as added by section 16 of part E of chapter 57 of the laws of 2005,
48 is amended to read as follows:

49 § 532-d. Residential [facilities operated as] transitional independent
50 living support programs. Notwithstanding any inconsistent provision of
51 law, pursuant to regulations of the office of children and family
52 services, residential facilities operating as transitional independent
53 living support programs are authorized to and shall:

54 [(a)] 1. (a) (i) provide shelter to homeless youth [between the ages
55 of sixteen and twenty-one as defined in this article] who are at least
56 age sixteen.

1 (ii) Provided, however, that shelter may be provided to a homeless
2 youth under the age of sixteen if the municipality has notified the
3 office of children and family services in accordance with clause (iv) of
4 subparagraph three of paragraph (a) of subdivision two of section four
5 hundred twenty of the executive law.

6 (b) Shelter may be provided to a homeless youth in a transitional
7 independent living program for a period of up to eighteen months, or up
8 to twenty-four months when authorized in the applicable municipality's
9 approved comprehensive plan;

10 (c) A homeless youth who entered a transitional independent living
11 program under the age of twenty-one may continue to receive shelter
12 services in such program beyond the applicable period authorized by
13 paragraph (b) of this subdivision, if the municipality has notified the
14 office of children and family services in accordance with clause (iv) of
15 subparagraph three of paragraph (a) of subdivision two of section four
16 hundred twenty of the executive law;

17 [(b)] 2. work toward reuniting such homeless youth with his or her
18 parent, guardian or custodian, where possible;

19 [(c)] 3. provide or assist in securing necessary services for such
20 homeless youth, and where appropriate, his or her family, including but
21 not limited to housing, educational, medical care, legal, mental health,
22 and substance and alcohol abuse services. Where such program concludes
23 that such homeless youth would be eligible for assistance, care or
24 services from a local social services district, it shall assist such
25 youth in securing such assistance, care or services;

26 [(d)] 4. for a homeless youth whose service plan involves independent
27 living, provide practical assistance in achieving independence, either
28 through direct provision of services or through written agreements with
29 other community and public agencies for the provision of services in the
30 following areas; high school education or high school equivalency educa-
31 tion; higher education assessment; job training and job placement; coun-
32 seling; assistance in the development of socialization skills; guidance
33 and assistance in securing housing appropriate to needs and income; and
34 training in the development of skills necessary for responsible inde-
35 pendent living, including but not limited to money and home management,
36 personal care, and health maintenance; and

37 [(e)] 5. provide residential services to a youth in need of crisis
38 intervention or respite services, as defined in this article; [and]

39 [(f)] 6. continue to provide services to a homeless youth who is not
40 yet eighteen years of age but who has reached the [eighteen month] maxi-
41 mum time period provided by paragraph (b) of subdivision [six] one of
42 this section [five hundred thirty-two-a of this article], until he or
43 she is eighteen years of age or for an additional six months if he or
44 she is still under the age of eighteen; and

45 [(g)] 7. contact the appropriate local social services district if it
46 is believed that the youth may be a destitute child, as such term is
47 defined in section one thousand ninety-two of the family court act. The
48 office of children and family services shall provide appropriate guid-
49 ance to the residential transitional independent living support program
50 on how to accurately identify a youth that may be a destitute child;

51 8. provide information to eligible youth about their ability to re-en-
52 ter foster care in accordance with article ten-B of the family court
53 act, and in appropriate cases, refer any such youth who may be inter-
54 ested in re-entering foster care to the applicable local social services
55 district. The office of children and family services shall provide the
56 residential transitional independent living support program with the

1 appropriate educational materials to give to eligible youth regarding
2 their ability to re-enter foster care. The office of children and family
3 services shall also provide appropriate guidance to residential transi-
4 tional independent living support program on how to accurately identify
5 youth that may be eligible to re-enter foster care and how to refer such
6 youth to the applicable local social services district if appropriate;
7 and

8 9. provide such reports and data as specified by the office of chil-
9 dren and family services.

10 § 6. The executive law is amended by adding a new section 532-f to
11 read as follows:

12 § 532-f. Required certification for residential programs. Notwith-
13 standing any other provision of law to the contrary, any residential
14 program established for the purpose of serving runaway and homeless
15 youth that serves any youth under the age of eighteen or that is
16 contained in a municipality's approved comprehensive plan, must be
17 certified by the office of children and family services and must be
18 operated by an authorized agency as such term is defined in subdivision
19 ten of section three hundred seventy-one of the social services law.

20 § 7. Paragraph (iii) of subdivision (b) of section 724 of the family
21 court act, as amended by section 4 of part E of chapter 57 of the laws
22 of 2005, is amended to read as follows:

23 (iii) take a youth in need of crisis intervention or respite services
24 to [an approved] a runaway and homeless youth crisis services program or
25 other approved respite or crisis program; or

26 § 8. Subdivision 2 of section 447-a of the social services law, as
27 added by chapter 569 of the laws of 2008, is amended to read as follows:

28 2. The term "short-term safe house" means a residential facility oper-
29 ated by an authorized agency as defined in subdivision ten of section
30 three hundred seventy-one of this article including a residential facil-
31 ity operating as part of [an approved] a runaway and homeless youth
32 crisis services program as defined in subdivision four of section five
33 hundred thirty-two-a of the executive law or a not-for-profit agency
34 with experience in providing services to sexually exploited youth and
35 approved in accordance with the regulations of the office of children
36 and family services that provides emergency shelter, services and care
37 to sexually exploited children including food, shelter, clothing,
38 medical care, counseling and appropriate crisis intervention services at
39 the time they are taken into custody by law enforcement and for the
40 duration of any legal proceeding or proceedings in which they are either
41 the complaining witness or the subject child. The short-term safe house
42 shall also be available at the point in time that a child under the age
43 of eighteen has first come into the custody of juvenile detention offi-
44 cials, law enforcement, local jails or the local commissioner of social
45 services or is residing with the local runaway and homeless youth
46 authority.

47 § 9. This act shall take effect January 1, 2018; provided however,
48 that:

49 (a) the office of children and family services is authorized to
50 promulgate regulations regarding any of the provisions of this act on or
51 before the effective date of such act. Provided, however, the office
52 shall promulgate regulations specifying that services authorized in a
53 municipality's consolidated services plan in accordance with items (A)
54 and (B) of clause (iii) of subparagraph 3 of paragraph (a) of subdivi-
55 sion 2 of section 420 of the executive law as amended by section one of
56 this act may be provided by a program but are not required;

1 (b) the amendments to article 19-H of the executive law made by
2 section six of this act that require that certain residential runaway
3 and homeless youth programs be operated by authorized agencies shall be
4 deemed to apply to such programs that are certified by the office of
5 children and family services on or after the effective date of this act;

6 (c) the amendments to:

7 (i) paragraph a of subdivision 2 of section 420 of the executive law,
8 made by section one of this act, shall not affect the expiration and
9 reversion of such subdivision pursuant to section 9 of part G of chapter
10 57 of the laws of 2013 and shall expire and be deemed repealed there-
11 with; and

12 (ii) subdivisions 4 and 6 of section 532-a of the executive law, made
13 by section two of this act, shall not affect the expiration and rever-
14 sion of such subdivisions pursuant to section 9 of part G of chapter 57
15 of the laws of 2013 and shall expire and be deemed repealed therewith;

16 (iii) subdivision 2 of section 532-b of the executive law made by
17 section three of this act, shall not affect the expiration and reversion
18 of such subdivision pursuant to section 9 of part G of chapter 57 of the
19 laws of 2013 and shall expire and be deemed repealed therewith.

20 PART N

21 Section 1. The public health law is amended by adding a new article
22 29-I to read as follows:

23 ARTICLE 29-I

24 MEDICAL SERVICES FOR FOSTER CHILDREN

25 Section 2999-gg. Voluntary foster care agency health facilities.

26 § 2999-gg. Voluntary foster care agency health facilities. 1. In
27 order for an authorized agency that is approved by the office of chil-
28 dren and family services to care for or board out children to provide
29 limited health-related services as defined in regulations of the depart-
30 ment either directly or through a contract arrangement, such agency must
31 obtain, in accordance with a schedule developed by the department in
32 conjunction with the office of children and family services, a license
33 issued by the commissioner in conjunction with the office of children
34 and family services to provide such services. Such schedule shall
35 require that all such authorized agencies operating on January first,
36 two thousand nineteen obtain the license required by this section no
37 later than January first, two thousand nineteen. Such licenses shall be
38 issued in accordance with the standards set forth in this article and
39 the regulations of the department. Provided however, that a license
40 pursuant to this section shall not be required if such authorized agency
41 is otherwise authorized to provide limited-health-related services under
42 a license issued pursuant to article twenty-eight of this chapter or
43 article thirty-one of the mental hygiene law. For the purposes of this
44 section, the term authorized agency shall be an authorized agency as
45 defined in paragraph (a) of subdivision ten of section three hundred
46 seventy-one of the social services law.

47 2. Such license shall not be issued unless it is determined that the
48 equipment, personnel, rules, standards of care and services are fit and
49 adequate, and that the health-related services will be provided in the
50 manner required by this article and the rules and regulations there-
51 under.

1 3. The commissioner and the commissioner of the office of children and
2 family services shall enter into a memorandum of agreement for the
3 purposes of administering the requirements of this section.

4 4. Proceedings involving the issuance of licenses for health-related
5 services to authorized agencies:

6 (a) A license for health-related services under this article may be
7 revoked, suspended, limited, annulled or denied by the commissioner, in
8 consultation with the office of children and family services, if an
9 authorized agency is determined to have failed to comply with the
10 provisions of this article or the rules and regulations promulgated
11 thereunder.

12 (b) No such license shall be revoked, suspended, limited, annulled or
13 denied without a hearing. However, a license may be temporarily
14 suspended or limited without a hearing for a period not in excess of
15 thirty days upon written notice that the continuation of health-related
16 services places the public health or safety of the recipients in immi-
17 nent danger.

18 (c) The commissioner shall fix a time and place for the hearing. A
19 copy of the charges, together with the notice of the time and place of
20 the hearing, shall be served in person or mailed by registered or certi-
21 fied mail to the authorized agency at least twenty-one days before the
22 date fixed for the hearing. The authorized agency shall file with the
23 department not less than eight days prior to the hearing, a written
24 answer to the charges.

25 (d) All orders or determinations hereunder shall be subject to review
26 as provided in article seventy-eight of the civil practice law and
27 rules. Application for such review must be made within sixty days after
28 service in person or by registered or certified mail of a copy of the
29 order or determination upon the applicant or agency.

30 § 2. This act shall take effect immediately, provided, however, that
31 the department of health, in consultation with the office of children
32 and family services, shall issue any regulations necessary for the
33 implementation of this act.

34 PART O

35 Intentionally Omitted

36 PART P

37 Section 1. Paragraphs (a), (b), (c) and (d) of subdivision 1 of
38 section 131-o of the social services law, as amended by section 1 of
39 part O of chapter 54 of the laws of 2016, are amended to read as
40 follows:

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

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

47 (c) in the case of each individual receiving enhanced residential
48 care, an amount equal to at least [\\$193.00] \$194.00 for each month
49 beginning on or after January first, two thousand [sixteen] seventeen.

50 (d) for the period commencing January first, two thousand [seventeen]
51 eighteen, the monthly personal needs allowance shall be an amount equal



1 to the sum of the amounts set forth in subparagraphs one and two of this
2 paragraph:

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

5 (2) the amount in subparagraph one of this paragraph, multiplied by
6 the percentage of any federal supplemental security income cost of
7 living adjustment which becomes effective on or after January first, two
8 thousand [seventeen] eighteen, but prior to June thirtieth, two thousand
9 [seventeen] eighteen, rounded to the nearest whole dollar.

10 § 2. Paragraphs (a), (b), (c), (d), (e) and (f) of subdivision 2 of
11 section 209 of the social services law, as amended by section 2 of part
12 0 of chapter 54 of the laws of 2016, are amended to read as follows:

13 (a) On and after January first, two thousand [sixteen] seventeen, for
14 an eligible individual living alone, [\$820.00] \$822.00; and for an
15 eligible couple living alone, [\$1204.00] \$1,207.00.

16 (b) On and after January first, two thousand [sixteen] seventeen, for
17 an eligible individual living with others with or without in-kind
18 income, [\$756.00] \$758.00; and for an eligible couple living with others
19 with or without in-kind income, [\$1146.00] \$1,149.00.

20 (c) On and after January first, two thousand [sixteen] seventeen, (i)
21 for an eligible individual receiving family care, [\$999.48] \$1,001.48 if
22 he or she is receiving such care in the city of New York or the county
23 of Nassau, Suffolk, Westchester or Rockland; and (ii) for an eligible
24 couple receiving family care in the city of New York or the county of
25 Nassau, Suffolk, Westchester or Rockland, two times the amount set forth
26 in subparagraph (i) of this paragraph; or (iii) for an eligible individ-
27 ual receiving such care in any other county in the state, [\$961.48]
28 \$963.48; and (iv) for an eligible couple receiving such care in any
29 other county in the state, two times the amount set forth in subpara-
30 graph (iii) of this paragraph.

31 (d) On and after January first, two thousand [sixteen] seventeen, (i)
32 for an eligible individual receiving residential care, [\$1168.00]
33 \$1,170.00 if he or she is receiving such care in the city of New York or
34 the county of Nassau, Suffolk, Westchester or Rockland; and (ii) for an
35 eligible couple receiving residential care in the city of New York or
36 the county of Nassau, Suffolk, Westchester or Rockland, two times the
37 amount set forth in subparagraph (i) of this paragraph; or (iii) for an
38 eligible individual receiving such care in any other county in the
39 state, [\$1138.00] \$1,140.00; and (iv) for an eligible couple receiving
40 such care in any other county in the state, two times the amount set
41 forth in subparagraph (iii) of this paragraph.

42 (e) (i) On and after January first, two thousand [sixteen] seventeen,
43 for an eligible individual receiving enhanced residential care,
44 [\$1427.00] \$1,429.00; and (ii) for an eligible couple receiving enhanced
45 residential care, two times the amount set forth in subparagraph (i) of
46 this paragraph.

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

52 § 3. This act shall take effect December 31, 2017.

1 Section 1. Section 412 of the social services law is amended by adding
2 a new subdivision 9 to read as follows:

3 9. A "publicly-funded emergency shelter for families with children"
4 means any facility with overnight sleeping accommodations and that is
5 used to house recipients of temporary housing assistance and which hous-
6 es or may house children and families with children.

7 § 2. Paragraph (a) of subdivision 1 of section 413 of the social
8 services law, as separately amended by chapters 126 and 205 of the laws
9 of 2014, is amended to read as follows:

10 (a) The following persons and officials are required to report or
11 cause a report to be made in accordance with this title when they have
12 reasonable cause to suspect that a child coming before them in their
13 professional or official capacity is an abused or maltreated child, or
14 when they have reasonable cause to suspect that a child is an abused or
15 maltreated child where the parent, guardian, custodian or other person
16 legally responsible for such child comes before them in their profes-
17 sional or official capacity and states from personal knowledge facts,
18 conditions or circumstances which, if correct, would render the child an
19 abused or maltreated child: any physician; registered physician assist-
20 ant; surgeon; medical examiner; coroner; dentist; dental hygienist;
21 osteopath; optometrist; chiropractor; podiatrist; resident; intern;
22 psychologist; registered nurse; social worker; emergency medical techni-
23 cian; licensed creative arts therapist; licensed marriage and family
24 therapist; licensed mental health counselor; licensed psychoanalyst;
25 licensed behavior analyst; certified behavior analyst assistant; hospi-
26 tal personnel engaged in the admission, examination, care or treatment
27 of persons; a Christian Science practitioner; school official, which
28 includes but is not limited to school teacher, school guidance counse-
29 lor, school psychologist, school social worker, school nurse, school
30 administrator or other school personnel required to hold a teaching or
31 administrative license or certificate; full or part-time compensated
32 school employee required to hold a temporary coaching license or profes-
33 sional coaching certificate; social services worker; employee of a publ-
34 icly-funded emergency shelter for families with children; director of a
35 children's overnight camp, summer day camp or traveling summer day camp,
36 as such camps are defined in section thirteen hundred ninety-two of the
37 public health law; day care center worker; school-age child care worker;
38 provider of family or group family day care; employee or volunteer in a
39 residential care facility for children that is licensed, certified or
40 operated by the office of children and family services; or any other
41 child care or foster care worker; mental health professional; substance
42 abuse counselor; alcoholism counselor; all persons credentialed by the
43 office of alcoholism and substance abuse services; peace officer; police
44 officer; district attorney or assistant district attorney; investigator
45 employed in the office of a district attorney; or other law enforcement
46 official.

47 § 3. Subdivision 3 of section 424-a of the social services law, as
48 amended by section 8 of part D of chapter 501 of the laws of 2012, is
49 amended to read as follows:

50 3. For purposes of this section, the term "provider" or "provider
51 agency" shall mean: an authorized agency[,]; the office of children and
52 family services[,]; juvenile detention facilities subject to the certifi-
53 cation of [such] the office[,] of children and family services;
54 programs established pursuant to article nineteen-H of the executive
55 law[,]; non-residential or residential programs or facilities licensed
56 or operated by the office of mental health or the office for people with

1 developmental disabilities except family care homes[,]; licensed child
2 day care centers, including head start programs which are funded pursu-
3 ant to title V of the federal economic opportunity act of nineteen
4 hundred sixty-four, as amended[,]; early intervention service estab-
5 lished pursuant to section twenty-five hundred forty of the public
6 health law[,]; preschool services established pursuant to section
7 forty-four hundred ten of the education law[,]; school-age child care
8 programs[,]; special act school districts as enumerated in chapter five
9 hundred sixty-six of the laws of nineteen hundred sixty-seven, as
10 amended[,]; programs and facilities licensed by the office of alcoholism
11 and substance abuse services[,]; residential schools which are operated,
12 supervised or approved by the education department[,]; publicly-funded
13 emergency shelters for families with children, provided, however, for
14 purposes of this section, when the provider or provider agency is a
15 publicly-funded emergency shelter for families with children, then all
16 references in this section to the "potential for regular and substantial
17 contact with individuals who are cared for by the agency" shall mean the
18 potential for regular and substantial contact with children who are
19 served by such shelter; and any other facility or provider agency, as
20 defined in subdivision four of section four hundred eighty-eight of this
21 chapter, in regard to the employment of staff, or use of providers of
22 goods and services and staff of such providers, consultants, interns and
23 volunteers.

24 § 4. The social services law is amended by adding a new section 460-h
25 to read as follows:

26 § 460-h. Review of criminal history information concerning prospective
27 employees, consultants, assistants and volunteers of publicly-funded
28 emergency shelters for families with children. 1. Every provider of
29 services to publicly-funded emergency shelters for families with chil-
30 dren, as such phrase is defined in subdivision nine of section four
31 hundred twelve of this chapter, shall request from the division of crim-
32 inal justice services criminal history information, as such phrase is
33 defined in paragraph (c) of subdivision one of section eight hundred
34 forty-five-b of the executive law, concerning each prospective employee,
35 consultant, assistant or volunteer of such provider who will have the
36 potential for regular and substantial contact with children who are
37 served by the publicly-funded emergency shelter for families with chil-
38 dren.

39 (a) Prior to requesting criminal history information concerning any
40 prospective employee, consultant, assistant or volunteer, a provider
41 shall:

42 (1) inform the prospective employee, consultant, assistant or volun-
43 teer in writing that the provider is required to request his or her
44 criminal history information from the division of criminal justice
45 services and review such information pursuant to this section; and

46 (2) obtain the signed informed consent of the prospective employee,
47 consultant, assistant or volunteer on a form supplied by the division of
48 criminal justice services which indicates that such person has:

49 (i) been informed of the right and procedures necessary to obtain,
50 review and seek correction of his or her criminal history information;

51 (ii) been informed of the reason for the request for his or her crimi-
52 nal history information;

53 (iii) consented to such request; and

54 (iv) supplied on the form a current mailing or home address.

55 (b) Upon receiving such written consent, the provider shall obtain a
56 set of fingerprints of such prospective employee, consultant, assistant,



1 or volunteer and provide such fingerprints to the division of criminal
2 justice services pursuant to regulations established by the division of
3 criminal justice services.

4 2. A provider shall designate one or two persons in its employ who
5 shall be authorized to request, receive and review the criminal history
6 information, and only such persons and the prospective employee,
7 consultant, assistant or volunteer to which the criminal history infor-
8 mation relates shall have access to such information; provided, however,
9 the criminal history information may be disclosed to other personnel
10 authorized by the provider who are empowered to make decisions concern-
11 ing prospective employees, consultants, assistants or volunteers and
12 provided further that such other personnel shall also be subject to the
13 confidentiality requirements and all other provisions of this section. A
14 provider shall notify each person authorized to have access to criminal
15 history information pursuant to this section.

16 3. A provider requesting criminal history information pursuant to this
17 section shall also complete a form developed for such purpose by the
18 division of criminal justice services. Such form shall include a sworn
19 statement of the person designated by such provider to request, receive
20 and review criminal history information pursuant to subdivision two of
21 this section certifying that:

22 (a) such criminal history information will be used by the provider
23 solely for purposes authorized by this section;

24 (b) the provider and its staff are aware of and will abide by the
25 confidentiality requirements and all other provisions of this section;
26 and

27 (c) the persons designated by the provider to receive criminal history
28 information pursuant to subdivision two of this section shall upon
29 receipt immediately mark such criminal history information "confiden-
30 tial," and shall at all times maintain such criminal history information
31 in a secure place.

32 4. Upon receipt of the fingerprints and sworn statement required by
33 this section, the provider shall promptly submit the fingerprints to the
34 division of criminal justice services.

35 5. The division of criminal justice services shall promptly provide
36 the requested criminal history information, if any, to the provider that
37 transmitted the fingerprints to it. Criminal history information
38 provided by the division of criminal justice services pursuant to this
39 section shall be furnished only by mail or other method of secure and
40 confidential delivery, addressed to the requesting provider. Such infor-
41 mation and the envelope in which it is enclosed shall be prominently
42 marked "confidential," and shall at all times be maintained by the
43 provider in a secure place.

44 6. Upon receipt of criminal history information from the division of
45 criminal justice services, the provider may request, and is entitled to
46 receive, information pertaining to any crime identified on such criminal
47 history information from any state or local law enforcement agency,
48 district attorney, parole officer, probation officer or court for the
49 purposes of determining whether any grounds relating to such crime exist
50 for denying any application, renewal, or employment.

51 7. After receiving criminal history information pursuant to subdivi-
52 sions five and six of this section and before making a determination,
53 the provider shall provide the prospective employee, consultant, assist-
54 ant or volunteer with a copy of such criminal history information and a
55 copy of article twenty-three-A of the correction law and inform such
56 prospective employee, consultant, assistant and volunteer of his or her

1 right to seek correction of any incorrect information contained in such
2 criminal history information provided by the division of criminal
3 justice services pursuant to the regulations and procedures established
4 by the division of criminal justice services and the right of the
5 prospective employee, consultant, assistant or volunteer to provide
6 information relevant to such analysis.

7 8. Criminal history information obtained pursuant to subdivisions five
8 and six of this section shall be considered by the provider in accord-
9 ance with the provisions of article twenty-three-A of the correction law
10 and subdivisions fifteen and sixteen of section two hundred ninety-six
11 of the executive law.

12 9. A prospective employee, consultant, assistant or volunteer may
13 withdraw from the application process, without prejudice, at any time
14 regardless of whether he or she, or the provider, has reviewed his or
15 her criminal history information. Where a prospective employee, consult-
16 ant, assistant or volunteer withdraws from the application process, any
17 fingerprints and criminal history information concerning such prospec-
18 tive employee, consultant, assistant or volunteer received by the
19 provider shall, within ninety days, be returned to such prospective
20 employee, consultant, assistant or volunteer by the person designated
21 for receipt of criminal history information pursuant to subdivision two
22 of this section.

23 10. Any person who willfully permits the release of any confidential
24 criminal history information contained in the report to persons not
25 permitted by this section to receive such information shall be guilty of
26 a misdemeanor.

27 11. The commissioner of the division of criminal justice services, in
28 consultation with the office of temporary and disability assistance,
29 shall promulgate all rules and regulations necessary to implement the
30 provisions of this section, which shall include convenient procedures
31 for the provider to promptly verify the accuracy of the reviewed crimi-
32 nal history information and, to the extent authorized by law, to have
33 access to relevant documents related thereto.

34 § 5. Severability. If any clause, sentence, paragraph, subdivision, or
35 section contained in this act shall be adjudged by any court of compe-
36 tent jurisdiction to be invalid, such judgement shall not affect,
37 impair, or invalidate the remainder thereof, but shall be confined in
38 its operation to the clause, sentence, paragraph, subdivision, or
39 section directly involved in the controversy in which such judgment
40 shall have been rendered. It is hereby declared to be the intent of the
41 legislature that this act would have been enacted even if such invalid
42 provision had not been included herein.

43 § 6. This act shall take effect on the ninetieth day after it shall
44 have become a law; provided however that: the commissioner of the office
45 of children and family services, in consultation with the office of
46 temporary and disability assistance, shall promulgate all rules and
47 regulations necessary to implement the provisions of section two of this
48 act; the commissioner of the office of temporary and disability assist-
49 ance, in consultation with the office of children and family services,
50 shall promulgate all rules and regulations necessary to implement the
51 provisions of sections one and three of this act; and the commissioner
52 of the division of criminal justice services, in consultation with the
53 office of temporary and disability assistance, shall promulgate all
54 rules and regulations necessary to implement the provisions of section
55 four of this act; and provided further, the aforementioned rules or
56 regulations may be promulgated on an emergency basis.

1

PART R

2 Section 1. Notwithstanding any other provision of law, the housing
3 trust fund corporation may provide, for purposes of the rural rental
4 assistance program, a sum not to exceed twenty-two million nine hundred
5 sixty thousand dollars for the fiscal year ending March 31, 2018.
6 Notwithstanding any other provision of law, and subject to the approval
7 of the New York state director of the budget, the board of directors of
8 the state of New York mortgage agency shall authorize the transfer to
9 the housing trust fund corporation, for the purposes of reimbursing any
10 costs associated with rural rental assistance program contracts author-
11 ized by this section, a total sum not to exceed twenty-two million nine
12 hundred sixty thousand dollars, such transfer to be made from (i) the
13 special account of the mortgage insurance fund created pursuant to
14 section 2429-b of the public authorities law, in an amount not to exceed
15 the actual excess balance in the special account of the mortgage insur-
16 ance fund, as determined and certified by the state of New York mortgage
17 agency for the fiscal year 2016-2017 in accordance with section 2429-b
18 of the public authorities law, if any, and/or (ii) provided that the
19 reserves in the project pool insurance account of the mortgage insurance
20 fund created pursuant to section 2429-b of the public authorities law
21 are sufficient to attain and maintain the credit rating (as determined
22 by the state of New York mortgage agency) required to accomplish the
23 purposes of such account, the project pool insurance account of the
24 mortgage insurance fund, such transfer to be made as soon as practicable
25 but no later than June 30, 2017.

26 § 2. Notwithstanding any other provision of law, the housing finance
27 agency may provide, for costs associated with the rehabilitation of
28 Mitchell Lama housing projects, a sum not to exceed forty-one million
29 dollars for the fiscal year ending March 31, 2018. Notwithstanding any
30 other provision of law, and subject to the approval of the New York
31 state director of the budget, the board of directors of the state of New
32 York mortgage agency shall authorize the transfer to the housing finance
33 agency, for the purposes of reimbursing any costs associated with Mitc-
34 hell Lama housing projects authorized by this section, a total sum not
35 to exceed forty-one million dollars, such transfer to be made from (i)
36 the special account of the mortgage insurance fund created pursuant to
37 section 2429-b of the public authorities law, in an amount not to exceed
38 the actual excess balance in the special account of the mortgage insur-
39 ance fund, as determined and certified by the state of New York mortgage
40 agency for the fiscal year 2016-2017 in accordance with section 2429-b
41 of the public authorities law, if any, and/or (ii) provided that the
42 reserves in the project pool insurance account of the mortgage insurance
43 fund created pursuant to section 2429-b of the public authorities law
44 are sufficient to attain and maintain the credit rating (as determined
45 by the state of New York mortgage agency) required to accomplish the
46 purposes of such account, the project pool insurance account of the
47 mortgage insurance fund, such transfer to be made as soon as practicable
48 but no later than March 31, 2018.

49 § 3. Notwithstanding any other provision of law, the housing trust
50 fund corporation may provide, for purposes of the neighborhood preserva-
51 tion program, a sum not to exceed eleven million two hundred seventy-
52 nine thousand dollars for the fiscal year ending March 31, 2018. Within
53 this total amount, one hundred fifty thousand dollars shall be used for
54 the purpose of entering into a contract with the neighborhood preserva-
55 tion coalition to provide technical assistance and services to companies



1 funded pursuant to article XVI of the private housing finance law.
2 Notwithstanding any other provision of law, and subject to the approval
3 of the New York state director of the budget, the board of directors of
4 the state of New York mortgage agency shall authorize the transfer to
5 the housing trust fund corporation, for the purposes of reimbursing any
6 costs associated with neighborhood preservation program contracts
7 authorized by this section, a total sum not to exceed eleven million two
8 hundred seventy-nine thousand dollars, such transfer to be made from (i)
9 the special account of the mortgage insurance fund created pursuant to
10 section 2429-b of the public authorities law, in an amount not to exceed
11 the actual excess balance in the special account of the mortgage insur-
12 ance fund, as determined and certified by the state of New York mortgage
13 agency for the fiscal year 2016-2017 in accordance with section 2429-b
14 of the public authorities law, if any, and/or (ii) provided that the
15 reserves in the project pool insurance account of the mortgage insurance
16 fund created pursuant to section 2429-b of the public authorities law
17 are sufficient to attain and maintain the credit rating (as determined
18 by the state of New York mortgage agency) required to accomplish the
19 purposes of such account, the project pool insurance account of the
20 mortgage insurance fund, such transfer to be made as soon as practicable
21 but no later than June 30, 2017.

22 § 4. 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 four million seven hundred thirty-nine
25 thousand dollars for the fiscal year ending March 31, 2018. Within this
26 total amount, one hundred fifty thousand dollars shall be used for the
27 purpose of entering into a contract with the rural housing coalition to
28 provide technical assistance and services to companies funded pursuant
29 to article XVII of the private housing finance law. Notwithstanding any
30 other provision of law, and subject to the approval of the New York
31 state director of the budget, the board of directors of the state of New
32 York mortgage agency shall authorize the transfer to the housing trust
33 fund corporation, for the purposes of reimbursing any costs associated
34 with rural preservation program contracts authorized by this section, a
35 total sum not to exceed four million seven hundred thirty-nine thousand
36 dollars, such transfer to be made from (i) the special account of the
37 mortgage insurance fund created pursuant to section 2429-b of the public
38 authorities law, in an amount not to exceed the actual excess balance in
39 the special account of the mortgage insurance fund, as determined and
40 certified by the state of New York mortgage agency for the fiscal year
41 2016-2017 in accordance with section 2429-b of the public authorities
42 law, if any, and/or (ii) provided that the reserves in the project pool
43 insurance account of the mortgage insurance fund created pursuant to
44 section 2429-b of the public authorities law are sufficient to attain
45 and maintain the credit rating (as determined by the state of New York
46 mortgage agency) required to accomplish the purposes of such account,
47 the project pool insurance account of the mortgage insurance fund, such
48 transfer to be made as soon as practicable but no later than June 30,
49 2017.

50 § 5. Notwithstanding any other provision of law, the housing trust
51 fund corporation may provide, for purposes of the rural and urban commu-
52 nity investment fund program created pursuant to article XXVII of the
53 private housing finance law, a sum not to exceed twenty-seven million
54 three hundred thousand dollars for the fiscal year ending March 31,
55 2018. Notwithstanding any other provision of law, and subject to the
56 approval of the New York state director of the budget, the board of

1 directors of the state of New York mortgage agency shall authorize the
2 transfer to the housing trust fund corporation, for the purposes of
3 reimbursing any costs associated with rural and urban community invest-
4 ment fund program contracts authorized by this section, a total sum not
5 to exceed twenty-seven million three hundred thousand dollars, such
6 transfer to be made from (i) the special account of the mortgage insur-
7 ance fund created pursuant to section 2429-b of the public authorities
8 law, in an amount not to exceed the actual excess balance in the special
9 account of the mortgage insurance fund, as determined and certified by
10 the state of New York mortgage agency for the fiscal year 2016-2017 in
11 accordance with section 2429-b of the public authorities law, if any,
12 and/or (ii) provided that the reserves in the project pool insurance
13 account of the mortgage insurance fund created pursuant to section
14 2429-b of the public authorities law are sufficient to attain and main-
15 tain the credit rating (as determined by the state of New York mortgage
16 agency) required to accomplish the purposes of such account, the project
17 pool insurance account of the mortgage insurance fund, such transfer to
18 be made as soon as practicable but no later than March 31, 2018.

19 § 6. Notwithstanding any other provision of law, the housing trust
20 fund corporation may provide, for the purposes of carrying out the
21 provisions of the low income housing trust fund program created pursuant
22 to article XVIII of the private housing finance law, a sum not to exceed
23 twenty-one million dollars for the fiscal year ending March 31, 2018.
24 Notwithstanding any other provision of law, and subject to the approval
25 of the New York state director of the budget, the board of directors of
26 the state of New York mortgage agency shall authorize the transfer to
27 the housing trust fund corporation, for the purposes of carrying out the
28 provisions of the low income housing trust fund program created pursuant
29 to article XVIII of the private housing finance law authorized by this
30 section, a total sum not to exceed twenty-one million dollars, such
31 transfer to be made from (i) the special account of the mortgage insur-
32 ance fund created pursuant to section 2429-b of the public authorities
33 law, in an amount not to exceed the actual excess balance in the special
34 account of the mortgage insurance fund, as determined and certified by
35 the state of New York mortgage agency for the fiscal year 2016-2017 in
36 accordance with section 2429-b of the public authorities law, if any,
37 and/or (ii) provided that the reserves in the project pool insurance
38 account of the mortgage insurance fund created pursuant to section
39 2429-b of the public authorities law are sufficient to attain and main-
40 tain the credit rating (as determined by the state of New York mortgage
41 agency) required to accomplish the purposes of such account, the project
42 pool insurance account of the mortgage insurance fund, such transfer to
43 be made as soon as practicable but no later than March 31, 2018.

44 § 7. Notwithstanding any other provision of law, the housing trust
45 fund corporation may provide, for purposes of the homes for working
46 families program for deposit in the housing trust fund created pursuant
47 to section 59-a of the private housing finance law and subject to the
48 provisions of article XVIII of the private housing finance law, a sum
49 not to exceed two million dollars for the fiscal year ending March 31,
50 2018. Notwithstanding any other provision of law, and subject to the
51 approval of the New York state director of the budget, the board of
52 directors of the state of New York mortgage agency shall authorize the
53 transfer to the housing trust fund corporation, for the purposes of
54 reimbursing any costs associated with homes for working families program
55 contracts authorized by this section, a total sum not to exceed two
56 million dollars, such transfer to be made from (i) the special account

1 of the mortgage insurance fund created pursuant to section 2429-b of the
2 public authorities law, in an amount not to exceed the actual excess
3 balance in the special account of the mortgage insurance fund, as deter-
4 mined and certified by the state of New York mortgage agency for the
5 fiscal year 2016-2017 in accordance with section 2429-b of the public
6 authorities law, if any, and/or (ii) provided that the reserves in the
7 project pool insurance account of the mortgage insurance fund created
8 pursuant to section 2429-b of the public authorities law are sufficient
9 to attain and maintain the credit rating (as determined by the state of
10 New York mortgage agency) required to accomplish the purposes of such
11 account, the project pool insurance account of the mortgage insurance
12 fund, such transfer to be made as soon as practicable but no later than
13 March 31, 2018.

14 § 8. Notwithstanding any other provision of law, the homeless housing
15 and assistance corporation may provide, for purposes of the New York
16 state supportive housing program, the solutions to end homelessness
17 program or the operational support for AIDS housing program, or to qual-
18 ified grantees under those programs, in accordance with the requirements
19 of those programs, a sum not to exceed six million five hundred twenty-
20 two thousand dollars for the fiscal year ending March 31, 2018. The
21 homeless housing and assistance corporation may enter into an agreement
22 with the office of temporary and disability assistance to administer
23 such sum in accordance with the requirements of the programs. Notwith-
24 standing any other provision of law, and subject to the approval of the
25 New York state director of the budget, the board of directors of the
26 state of New York mortgage agency shall authorize the transfer to the
27 homeless housing and assistance corporation, a total sum not to exceed
28 six million five hundred twenty-two thousand dollars, such transfer to
29 be made from (i) the special account of the mortgage insurance fund
30 created pursuant to section 2429-b of the public authorities law, in an
31 amount not to exceed the actual excess balance in the special account of
32 the mortgage insurance fund, as determined and certified by the state of
33 New York mortgage agency for the fiscal year 2016-2017 in accordance
34 with section 2429-b of the public authorities law, if any, and/or (ii)
35 provided that the reserves in the project pool insurance account of the
36 mortgage insurance fund created pursuant to section 2429-b of the public
37 authorities law are sufficient to attain and maintain the credit rating
38 (as determined by the state of New York mortgage agency) required to
39 accomplish the purposes of such account, the project pool insurance
40 account of the mortgage insurance fund, such transfer to be made as soon
41 as practicable but no later than March 31, 2018.

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

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

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

34 § 11. Notwithstanding any other provision of law to the contrary, the
35 New York City Housing Authority may provide, for the purposes of carry-
36 ing out the resident watch program, a sum not to exceed one million two
37 hundred thousand dollars for the fiscal year ending March 31, 2018.
38 Notwithstanding any other provision of law to the contrary, and subject
39 to the approval of the New York state director of the budget, the board
40 of directors of the state of New York mortgage agency shall authorize
41 the transfer to the New York City Housing Authority, for the purposes of
42 carrying out the resident watch program authorized by this section, a
43 total sum not to exceed one million two hundred thousand dollars, such
44 transfer to be made from (i) the special account of the mortgage insur-
45 ance fund created pursuant to section 2429-b of the public authorities
46 law, in an amount not to exceed the actual excess balance in the special
47 account of the mortgage insurance fund, as determined and certified by
48 the state of New York mortgage agency for the fiscal year 2016-2017 in
49 accordance with section 2429-b of the public authorities law, if any,
50 and/or (ii) provided that the reserves in the project pool insurance
51 account of the mortgage insurance fund created pursuant to section
52 2429-b of the public authorities law are sufficient to attain and main-
53 tain the credit rating (as determined by the state of New York mortgage
54 agency) required to accomplish the purposes of such account, the project
55 pool insurance account of the mortgage insurance fund, such transfer to
56 be made as soon as practicable but no later than June 30, 2018.

1 § 12. Notwithstanding any other provision of law, the department of
2 law may provide, for costs associated with foreclosure prevention
3 services, a sum not to exceed ten million dollars for the fiscal year
4 ending March 31, 2018. Notwithstanding any other provision of law, the
5 board of directors of the state of New York mortgage agency shall
6 authorize the transfer to the department of law for costs associated
7 with foreclosure prevention services authorized by this section, a total
8 sum not to exceed ten million dollars, such transfer to be made from (i)
9 the special account of the mortgage insurance fund created pursuant to
10 section 2429-b of the public authorities law, in an amount not to exceed
11 the actual excess balance in the special account of the mortgage insur-
12 ance fund, as determined and certified by the state of New York mortgage
13 agency for the fiscal year 2016-2017 in accordance with section 2429-b
14 of the public authorities law, if any, and/or (ii) provided that the
15 reserves in the project pool insurance account of the mortgage insurance
16 fund created pursuant to section 2429-b of the public authorities law
17 are sufficient to attain and maintain the credit rating (as determined
18 by the state of New York mortgage agency) required to accomplish the
19 purposes of such account, the project pool insurance account of the
20 mortgage insurance fund, such transfer to be made as soon as practicable
21 but no later than March 31, 2018.

22 § 13. This act shall take effect immediately.

23 PART S

24 Intentionally Omitted

25 PART T

26 Section 1. Section 170.15 of the criminal procedure law is amended by
27 adding a new subdivision 5 to read as follows:

28 5. Notwithstanding any provision of this section to the contrary, in
29 any county outside a city having a population of one million or more,
30 upon or after arraignment of a defendant on an information, a simplified
31 information, a prosecutor's information or a misdemeanor complaint pend-
32 ing in a local criminal court, such court may, upon motion of the
33 defendant and after giving the district attorney an opportunity to be
34 heard, order that the action be removed from the court in which the
35 matter is pending to another local criminal court in the same county, or
36 with consent of the district attorney to another court in an adjoining
37 county, that has been designated as a veterans court by the chief admin-
38 istrator of the courts, and such veterans court may then conduct such
39 action to judgment or other final disposition; provided, however, that
40 an order of removal issued under this subdivision shall not take effect
41 until five days after the date the order is issued unless, prior to such
42 effective date, the veterans court notifies the court that issued the
43 order that:

44 (a) it will not accept the action, in which event the order shall not
45 take effect, or

46 (b) it will accept the action on a date prior to such effective date,
47 in which event the order shall take effect upon such prior date.

48 Upon providing notification pursuant to paragraph (a) or (b) of this
49 subdivision, the veterans court shall promptly give notice to the
50 defendant, his or her counsel and the district attorney.

51 § 2. Section 180.20 of the criminal procedure law is amended by adding
52 a new subdivision 4 to read as follows:

1 4. Notwithstanding any provision of this section to the contrary, in
2 any county outside a city having a population of one million or more,
3 upon or after arraignment of a defendant on a felony complaint pending
4 in a local criminal court having preliminary jurisdiction thereof, such
5 court may, upon motion of the defendant and after giving the district
6 attorney an opportunity to be heard, order that the action be removed
7 from the court in which the matter is pending to another local criminal
8 court in the same county, or with consent of the district attorney to
9 another court in an adjoining county, that has been designated as a
10 veterans court by the chief administrator of the courts, and such veter-
11 ans court may then conduct such action to judgment or other final dispo-
12 sition; provided, however, that an order of removal issued under this
13 subdivision shall not take effect until five days after the date the
14 order is issued unless, prior to such effective date, the veterans court
15 notifies the court that issued the order that:

16 (a) it will not accept the action, in which event the order shall not
17 take effect, or

18 (b) it will accept the action on a date prior to such effective date,
19 in which event the order shall take effect upon such prior date.

20 Upon providing notification pursuant to paragraph (a) or (b) of this
21 subdivision, the veterans court shall promptly give notice to the
22 defendant, his or her counsel and the district attorney.

23 § 3. Subdivision 2 of section 212 of the judiciary law is amended by
24 adding a new paragraph (u) to read as follows:

25 (u) To the extent practicable, establish such number of veterans
26 courts as may be necessary to fulfill the purposes of subdivision five
27 of section 170.15 and subdivision four of section 180.20 of the criminal
28 procedure law.

29 § 4. This act shall take effect immediately.

30 PART U

31 Intentionally Omitted

32 PART V

33 Section 1. Subdivision 2 of section 410-x of the social services law,
34 as amended by chapter 416 of the laws of 2000, is amended to read as
35 follows:

36 2. (a) A social services district may establish priorities for the
37 families which will be eligible to receive funding; provided that the
38 priorities provide that eligible families will receive equitable access
39 to child care assistance funds to the extent that these funds are avail-
40 able.

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

46 (c) A social services district shall be authorized to set aside
47 portions of its block grant allocation to serve one or more of its
48 priority groups and/or to discontinue funding to families with lower
49 priorities in order to serve families with higher priorities; provided
50 that the method of disbursement to priority groups provides that eligi-
51 ble families within a priority group will receive equitable access to

1 child care assistance funds to the extent that these funds are avail-
2 able.

3 (d) Notwithstanding any other provision of law to the contrary, the
4 commissioner in any social services district that does not have suffi-
5 cient funding to serve all eligible working families under two hundred
6 percent of the state income standard, shall offer the twelve month work
7 exemption provided in paragraph (d) of subdivision one of section three
8 hundred thirty-two of this chapter, to any parent or other relative in
9 receipt of public assistance who is personally providing care for a
10 child under one year of age regardless of whether such parent or other
11 relative has previously been offered an exemption under such section
12 three hundred thirty-two. This section shall not apply to individuals
13 who:

14 (i) solely participate in work activities that provide earned income;
15 or

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

18 (e) In the event that a social services district must discontinue
19 funding to a priority group it shall notify the office of children and
20 family services within ten days of such action, identifying the partic-
21 ular group affected. In the event that funding is restored, the social
22 services district shall notify the office of children and family
23 services within ten days of such restoration.

24 (f) Each social services district shall collect and submit to the
25 commissioner of the office of children and family services in a manner
26 to be specified by the commissioner of the office of children and family
27 services information concerning the disbursement of child care assist-
28 ance funds showing geographic distribution of children receiving assist-
29 ance within the district, the number of working families who were other-
30 wise eligible for child care assistance but who were denied because the
31 district lacked sufficient funding to serve all eligible families and
32 the number and age of children who could not be served as a result.

33 [(e)] (g) The commissioner of the office of children and family
34 services shall submit a report to the governor, temporary president of
35 the senate and the speaker of the assembly on or before August thirty-
36 first[, two thousand one] of every year concerning the implementation of
37 this section. This report shall include information concerning the
38 disbursement of child care assistance funds showing geographic distrib-
39 ution of children receiving assistance within the state. Beginning
40 August thirty-first, one year after the chapter of the laws of two thou-
41 sand seventeen that amended this subdivision shall take effect, and each
42 subsequent report thereafter, such report shall also:

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

45 (ii) list the priority groups affected;

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

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

52 § 2. This act shall take effect April 1, 2017.

1 Section 1. Subdivision 1 of section 336-a of the social services law,
2 as amended by section 4 of part J of chapter 58 of the laws of 2014, is
3 amended to read as follows:

4 1. Social services districts shall make available vocational educa-
5 tional training and educational activities. Such activities [may] shall
6 include but need not be limited to, high school education or education
7 designed to prepare a participant for a high school equivalency certifi-
8 cate, basic and remedial education, education in English proficiency
9 and no more than a total of four years of post-secondary education (or
10 the part-time equivalent). Educational activities pursuant to this
11 section may be offered with any of the following providers which meet
12 the performance or assessment standards established in regulations by
13 the commissioner for such providers: a community college, licensed trade
14 school, registered business school, or a two-year or four-year college;
15 provided, however, that such post-secondary education must be necessary
16 to the attainment of the participant's individual employment goal as set
17 forth in the employability plan and such goal must relate directly to
18 obtaining useful employment in a recognized occupation. When making any
19 assignment to any educational activity pursuant to this subdivision,
20 such assignment shall be permitted only to the extent that such assign-
21 ment is consistent with the individual's assessment and employment plan
22 goals in accordance with sections three hundred thirty-five and three
23 hundred thirty-five-a of this title and shall require that the individ-
24 ual maintains satisfactory academic progress and hourly participation is
25 documented consistent with federal and state requirements. For purposes
26 of this provision "satisfactory academic progress" shall mean having a
27 cumulative C average, or its equivalent, as determined by the academic
28 institution. The requirement to maintain satisfactory academic progress
29 may be waived if done so by the academic institution and the social
30 services district based on undue hardship caused by an event such as a
31 personal injury or illness of the student, the death of a relative of
32 the student or other extenuating circumstances. Any enrollment in post-
33 secondary education beyond a twelve month period must be combined with
34 no less than twenty hours of participation averaged weekly in paid
35 employment or work activities or community service when paid employment
36 is not available.

37 § 2. Section 336 of the social services law is amended by adding a new
38 subdivision 9 to read as follows:

39 9. For any participant engaged in an educational or training activity
40 pursuant to paragraphs (h), (i), (j), (k) or (n) of subdivision one of
41 this section, homework expected or required by the educational institu-
42 tion, including up to one hour of unsupervised homework per hour of
43 class time, plus additional hours of homework supervised by the educa-
44 tional institution, shall count towards satisfaction of the partic-
45 ipant's work activity requirements under this title, to the extent that
46 such participation shall not impair the need of the social services
47 district to meet federal and state work activity participation require-
48 ments.

49 § 3. This act shall take effect April 1, 2017.

50 PART X

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

53 ARTICLE 128

54 PUBLIC UNIVERSITY AFFILIATED ORGANIZATIONS AND FOUNDATIONS



1 Section 6360. Public university and foundation oversight.

2 § 6360. Public university and foundation oversight. 1. Definition.

3 For purposes of this section, the term "affiliated organization or foun-
4 dation" shall mean an organization or foundation formed under the not-
5 for-profit corporation law or any other entity formed for the benefit of
6 or controlled by the state university of New York or the city university
7 of New York or their respective universities, colleges, community
8 colleges, campuses or subdivisions, including the research foundation of
9 the state university of New York and the research foundation of the city
10 university of New York, to assist in meeting the specific needs of, or
11 providing a direct benefit to, the respective university, college,
12 community college, campus or subdivision or the university as a whole,
13 that has control of, manages or receives one hundred thousand dollars or
14 more annually, including alumni associations. For the purposes of this
15 section, this term does not include a student-run organization comprised
16 solely of enrolled students and formed for the purpose of advancing a
17 student objective.

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

23 (b) The state university of New York, the city university of New York,
24 and each affiliated organization or foundation shall each appoint
25 compliance officers to provide assistance in oversight and monitoring of
26 the financial control policies established pursuant to this section by
27 the respective state university of New York, city university of New York
28 or affiliated organization or foundation.

29 3. Reporting requirements. (a) The trustees of the state university of
30 New York and the city university of New York shall require, on or before
31 November first of each year, an annual report of any affiliated organ-
32 ization or foundation, in a standardized format developed by the chan-
33 cellor. The annual reports required by this subdivision shall be posted
34 publicly on the website of the state university of New York or the city
35 university of New York, respectively, in a readable format by November
36 first of each year. The reports shall include, but not be limited to:

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

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

42 (iii) the total number of employees of such organization or foundation
43 by department and job location and amount spent on personnel by depart-
44 ment and job location, which shall include annual employee salaries, or
45 other compensation, employee job titles and descriptions and employee
46 benefits.

47 (b) The reports required by this subdivision shall not require disclo-
48 sure of information that: (i) is specifically exempted from disclosure
49 by state or federal law; (ii) if disclosed would constitute an unwar-
50 ranted invasion of personal privacy under the provisions of subdivision
51 two of section eighty-nine of the public officers law; (iii) if
52 disclosed would impair imminent contract awards or collective bargaining
53 negotiations; (iv) are trade secrets or is information that if disclosed
54 would cause substantial injury to a competitive business position; (v)
55 are records of an affiliated organization or foundation relating to
56 charitable donors or prospective donors, provided that records relating

1 to fundraising strategies would, if disclosed, impair the ability of
2 such affiliated organization or foundation to attract or gain donations,
3 and provided, however, that the name of any donor and the amount of
4 donation made by such donor shall be subject to disclosure if such
5 donor, or any entity in which such donor has a substantial interest,
6 seeks to transact business, or does transact business, with such affil-
7 iated organization or foundation to which the donation is made within
8 three years of the date of such donation; and (vi) are academic or
9 scientific research or research-related records, including any draft,
10 preliminary or unfunded grant or contract document, whether sponsored by
11 the affiliated organization or foundation itself or in conjunction with
12 a third party, or records relating to such affiliated organization or
13 foundation's intellectual property, which, if disclosed, would adversely
14 affect license, patent, copyright or other rights of such affiliated
15 organization or foundation. This paragraph shall not be construed to
16 permit an affiliated organization or foundation to withhold records or
17 portions thereof pertaining to the name, title, expenditure, source or
18 amount of public funding relating to such research or intellectual prop-
19 erty.

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

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

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

50 5. Open meetings. a. Meetings of each affiliated organization or foun-
51 dation which receives or distributes any public money, and which
52 provides grants, funding or other support for economic development
53 purposes, construction purposes, or other capital purposes, shall be
54 open to the public pursuant to article seven of the public officers law,
55 provided, however, that an affiliated organization or foundation may
56 upon a majority vote of its total membership, taken in an open meeting

1 pursuant to a motion identifying the specific subject to be considered
2 may also conduct an executive session to discuss: (i) matters relating
3 to charitable donors or prospective donors provided that discussion of
4 such fundraising strategies would, if discussed in public, impair the
5 ability of such affiliated organization or foundation to attract or gain
6 donations; or (ii) matters that are academic or scientific research or
7 research-related, including discussion of any draft, preliminary or
8 unfunded grant or contract document, whether sponsored by the affiliated
9 organization or foundation itself or in conjunction with a third party;
10 or (iii) matters relating to such affiliated organization or founda-
11 tion's intellectual property, which, if disclosed, would adversely
12 affect license, patent, copyright or other rights of such affiliated
13 organization or foundation.

14 b. This subdivision shall be liberally construed to permit public
15 access to meetings of the affiliated organization or foundation to the
16 greatest extent possible.

17 § 2. This act shall take effect immediately.

18 PART Y

19 Section 1. Item 1 of clause (A) of subparagraph (i) of paragraph a of
20 subdivision 3 of section 667 of the education law, as amended by section
21 1 of part H of chapter 58 of the laws of 2011, the opening paragraph as
22 amended by section 2 of part X, subitem (a) as amended by section 2,
23 subitem (b) as amended by section 3 and subitem (c) as amended by
24 section 1 of part U of chapter 56 of the laws of 2014 and subitem (d) as
25 added by section 1 of part E of chapter 58 of the laws of 2011, is
26 amended to read as follows:

27 (1) In the case of students who have not been granted an exclusion of
28 parental income, who have qualified as an orphan, foster child, or ward
29 of the court for the purposes of federal student financial aid programs
30 authorized by Title IV of the Higher Education Act of 1965, as amended,
31 or had a dependent for income tax purposes during the tax year next
32 preceding the academic year for which application is made, except for
33 those students who have been granted exclusion of parental income who
34 have a spouse but no other dependent:

35 (a) For students first receiving aid after nineteen hundred ninety-
36 three--nineteen hundred ninety-four and before two thousand--two thou-
37 sand one, four thousand two hundred ninety dollars, except starting in
38 two thousand seventeen--two thousand eighteen such students shall
39 receive four thousand six hundred twenty-five dollars; starting in two
40 thousand eighteen--two thousand nineteen such students shall receive
41 four thousand nine hundred sixty dollars; starting in two thousand nine-
42 teen--two thousand twenty such students shall receive five thousand two
43 hundred ninety-five dollars; and starting in two thousand twenty--two
44 thousand twenty-one and thereafter such student shall receive five thou-
45 sand six hundred thirty dollars; or

46 (b) For students first receiving aid in nineteen hundred ninety-three-
47 -nineteen hundred ninety-four or earlier, three thousand seven hundred
48 forty dollars, except starting in two thousand seventeen--two thousand
49 eighteen such students shall receive four thousand seventy-five dollars;
50 starting in two thousand eighteen--two thousand nineteen such students
51 shall receive four thousand four hundred ten dollars; starting in two
52 thousand nineteen--two thousand twenty such students shall receive four
53 thousand seven hundred forty-five dollars; and starting in two thousand

1 twenty--two thousand twenty-one and thereafter such students shall
2 receive five thousand eighty dollars; or

3 (c) For students first receiving aid in two thousand--two thousand one
4 and thereafter, five thousand dollars, except starting in two thousand
5 fourteen--two thousand fifteen and thereafter such students shall receive
6 five thousand one hundred sixty-five dollars, except starting in two
7 thousand seventeen--two thousand eighteen such students shall receive
8 five thousand five hundred dollars; starting in two thousand eighteen--
9 two thousand nineteen such students shall receive five thousand eight
10 hundred thirty-five dollars; starting in two thousand nineteen--two
11 thousand twenty such students shall receive six thousand one hundred
12 seventy dollars; and starting in two thousand twenty--two thousand twen-
13 ty-one and thereafter such students shall receive six thousand five
14 hundred dollars; or

15 (d) For undergraduate students enrolled in a program of study at a
16 non-public degree-granting institution that does not offer a program of
17 study that leads to a baccalaureate degree, or at a registered not-for-
18 profit business school qualified for tax exemption under section
19 501(c)(3) of the internal revenue code for federal income tax purposes
20 that does not offer a program of study that leads to a baccalaureate
21 degree, four thousand dollars. Provided, however, that this subitem
22 shall not apply to students enrolled in a program of study leading to a
23 certificate or degree in nursing.

24 § 2. Item 2 of clause (A) of subparagraph (i) of paragraph a of subdi-
25 vision 3 of section 667 of the education law, as amended by section 2 of
26 part H of chapter 58 of the laws of 2011, is amended to read as follows:

27 (2) In the case of students receiving awards pursuant to subparagraph
28 (iii) of this paragraph and those students who have been granted exclu-
29 sion of parental income who have a spouse but no other dependent.

30 (a) For students first receiving aid in nineteen hundred ninety-four
31 --nineteen hundred ninety-five and nineteen hundred ninety-five--nine-
32 teen hundred ninety-six and thereafter, three thousand twenty-five
33 dollars, except starting in two thousand seventeen--two thousand eigh-
34 teen such students shall receive three thousand three hundred sixty
35 dollars; starting in two thousand eighteen--two thousand nineteen such
36 students shall receive three thousand six hundred ninety-five dollars;
37 starting in two thousand nineteen--two thousand twenty such students
38 shall receive four thousand thirty dollars; and starting in two thousand
39 twenty--two thousand twenty-one and thereafter such students shall
40 receive four thousand three hundred sixty-five dollars; or

41 (b) For students first receiving aid in nineteen hundred ninety-two--
42 nineteen hundred ninety-three and nineteen hundred ninety-three--nine-
43 teen hundred ninety-four, two thousand five hundred seventy-five
44 dollars, except starting in two thousand seventeen--two thousand eigh-
45 teen such students shall receive two thousand nine hundred ten dollars;
46 starting in two thousand eighteen--two thousand nineteen such students
47 shall receive three thousand two hundred forty-five dollars; starting in
48 two thousand nineteen--two thousand twenty such students shall receive
49 three thousand five hundred eighty dollars; and starting in two thousand
50 twenty--two thousand twenty-one and thereafter such students shall
51 receive three thousand nine hundred fifteen dollars; or

52 (c) For students first receiving aid in nineteen hundred ninety-one--
53 nineteen hundred ninety-two or earlier, two thousand four hundred fifty
54 dollars, except starting in two thousand seventeen--two thousand eigh-
55 teen such students shall receive two thousand seven hundred eighty-five
56 dollars; starting in two thousand eighteen--two thousand nineteen such



1 students shall receive three thousand one hundred twenty dollars; start-
2 ing in two thousand nineteen--two thousand twenty such students shall
3 receive three thousand four hundred fifty-five dollars; and starting in
4 two thousand twenty--two thousand twenty-one and thereafter such
5 students shall receive three thousand seven hundred ninety dollars; or
6 § 3. This act shall take effect July 1, 2017.

7

PART Z

8 Section 1. Part 3 of article 14 of the education law is amended by
9 adding a new section 685 to read as follows:

10 § 685. Student loan refinance program. 1. The president, in collab-
11 oration with the dormitory authority of the state of New York, shall
12 make recommendations for a program to allow qualified residents to refi-
13 nance student loan debt from an eligible college at a favorable interest
14 rate. The president and the dormitory authority of the state of New York
15 may require qualified residents to meet minimum credit standards to
16 refinance loans through any such program. Such recommendations shall be
17 developed on or before November first, two thousand eighteen and the
18 president and the dormitory authority of the state of New York shall
19 issue a report at such time to the temporary president of the senate,
20 the speaker of the assembly, and the chairs of the senate finance
21 committee and the assembly ways and means committee on such recommenda-
22 tions.

23 2. Definitions. As used in this section, the following terms shall
24 have the following meanings:

25 (a) "Qualified resident" shall mean: (i) a person who has legally
26 resided in the state for at least seven of the previous ten years,
27 including the most recent three years; and (ii) has been paying student
28 loans on time for the past ten years.

29 (b) "Eligible college" shall mean a post-secondary institution eligi-
30 ble for funds under Title IV of the Higher Education Act of nineteen
31 hundred sixty-five, as amended, or successor statute offering a two-
32 year, four-year, graduate or professional degree granting or certificate
33 program.

34 (c) "Student loans" shall mean loans that were secured to pay for the
35 cost of attendance at an eligible college, including tuition and fees,
36 books, room and board, and other educationally related expenses.

37 § 2. This act shall take effect immediately.

38

PART AA

39 Section 1. The chancellor of the state university of New York and the
40 chancellor of the city university of New York shall examine the process
41 by which students, who are receiving support through opportunity
42 programs or other programs that provide additional academic support, are
43 able to maintain such support when such students transfer to a different
44 campus or transfer from a community college to a senior or state oper-
45 ated college.

46 § 2. This act shall take effect immediately.

47

PART BB

48 Section 1. Paragraph b of subdivision 2 of section 667-c of the educa-
49 tion law as added by section 1 of part N of chapter 58 of the laws of
50 2006 is amended to read as follows:

1 b. has earned at least twelve credits in each of two consecutive
 2 semesters at one of the institutions named in paragraph a of this subdi-
 3 vision by the time of the awards, provided, however, that this paragraph
 4 shall not apply to part-time students enrolled at a community college;
 5 § 2. This act shall take effect July 1, 2017.

6 PART CC

7 Section 1. Subdivision c of section 2 of part K of chapter 58 of the
 8 laws of 2010 amending the social services law relating to establishing
 9 the savings plan demonstration, as amended by section 1 of part S of
 10 chapter 54 of the laws of 2016, is amended to read as follows:
 11 c. this act shall expire and be deemed repealed March 31, [2017] 2019.
 12 § 2. This act shall take effect immediately.

13 PART DD

14 Section 1. Any construction project which is wholly or partially fund-
 15 ed by (a) a competitive award of a regional economic development coun-
 16 cil; (b) resources made available from various state agencies through
 17 the Consolidated Funding Application; (c) resources allocated to the
 18 SUNY2020 and CUNY2020 challenge grant program; (d) financial assistance,
 19 including but not limited to tax exemptions, in excess of \$150,000 per
 20 project made available by industrial development agencies formed pursu-
 21 ant to article 18-A of the general municipal law or industrial develop-
 22 ment authorities formed pursuant to article 8 of the public authorities
 23 law; or (e) resources allocated to Phase II of the Buffalo Regional
 24 Innovation Cluster (aka Buffalo Billion) shall be deemed public work and
 25 shall be subject to and performed in accordance with the provisions of
 26 article 8 of the labor law. For the purposes of this section,
 27 "construction" includes, but is not limited to, custom fabrication,
 28 demolition, reconstruction, excavation, rehabilitation, repair, instal-
 29 lation, renovation, alteration, and associated site work with all of the
 30 foregoing.
 31 § 2. This act shall take effect immediately.

32 PART EE

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

35 ARTICLE 120

36 NEW YORK STATE FIREARM VIOLENCE RESEARCH

37 Section 6010. New York state firearm violence research institute.
 38 § 6010. New York state firearm violence research institute. 1. Insti-
 39 tute formation and goals. The New York state firearm violence research
 40 institute, hereinafter the "institute", is hereby created within the
 41 state university of New York. The purposes of the institute shall
 42 include:
 43 (a) advising the governor, governmental agencies, the regents, and the
 44 legislature on matters relating to firearm violence in New York state;
 45 (b) fostering, pursuing and sponsoring collaborative firearm violence
 46 research;
 47 (c) increasing understanding by establishing and reporting on what is
 48 known and what is not known about firearm violence of the state;
 49 (d) identifying priority needs for firearm violence research and
 50 inventory work within New York that currently are not receiving adequate

1 attention, and identifying public or private entities that are best
2 situated to address such needs, thereby leading to better coordination
3 of firearm violence research efforts in the state;

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

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

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

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

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

17 (j) recruiting and providing specialized training opportunities for
18 new researchers, including postdoctoral scholars, doctoral students, and
19 undergraduates; and

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

23 2. Research. The institute shall foster, pursue, and sponsor basic,
24 translational, and transformative research, field studies, and all other
25 such activities to research:

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

29 (b) the individual, community, and societal consequences of firearm
30 violence;

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

33 (d) the effectiveness of existing laws and policies intended to reduce
34 firearm violence and efforts to promote the responsible ownership and
35 use of firearms.

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

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

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

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

46 4. Quinquennial reports. The institute shall prepare and submit a
47 report on or before January first, two thousand eighteen and every five
48 years thereafter to the governor and the legislature describing programs
49 undertaken or sponsored by the institute, the status of knowledge
50 regarding the state's firearm violence, and research needs related ther-
51 eto.

52 5. Executive committee. The institute shall be guided by an executive
53 committee. Members of the committee shall be from varying backgrounds
54 with members selected from the scientific community, academic community,
55 as well as from government service. Such committee shall consist of
56 seventeen members including the commissioner, the commissioner of crimi-



1 nal justice services, the commissioner of health, the chancellor of the
2 university or their designees, seven at large members appointed by the
3 governor, one of whom shall be chairperson, two members appointed by the
4 temporary president of the senate, one member appointed by the minority
5 leader of the senate, two members appointed by the speaker of the assem-
6 bly and one member appointed by the minority leader of the assembly.
7 Appointed members shall serve for a term of three years, provided that
8 such members may be reappointed. The executive committee shall:

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

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

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

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

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

20 6. Scientific working group. The executive committee shall appoint a
21 scientific working group composed of not more than fifteen individuals
22 representing governmental agencies, academic or research institutions,
23 educational organizations, the firearm industry and related non-profit
24 organizations. Members of the scientific working group shall have know-
25 ledge and expertise in firearm violence research and shall serve for a
26 term of three years, provided, however that members may be reappointed
27 for more than one term at the discretion of the executive committee. The
28 scientific working group shall make recommendations to the executive
29 committee with respect to:

30 (a) the identification of priority firearm violence research needs in
31 the state;

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

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

35 7. Institute director. The institute shall have a director who shall
36 be appointed by the executive committee and shall after appointment be
37 an employee of the state university. The institute director shall serve
38 at the pleasure of the executive committee. The institute director shall
39 serve as chief administrative officer of the institute and provide the
40 necessary support for the executive committee.

41 8. Compensation. The members of the executive committee and the scien-
42 tific working group shall serve without additional compensation,
43 provided however, members of the executive committee representing state
44 agencies may receive reimbursement for their actual and necessary
45 expenses from their respective agencies. Members of the executive
46 committee and scientific working group shall be considered state employ-
47 ees for the purposes of sections seventeen and nineteen of the public
48 officers law.

49 9. Memorandum of understanding. The department, the department of
50 health, the department of motor vehicles, and the division of criminal
51 justice services shall enter into a written memorandum of understanding
52 to facilitate the appropriate implementation of the firearm violence
53 research institute and the goals, responsibilities, and programs estab-
54 lished by this section.

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

1

PART FF

2 Section 1. The social services law is amended by adding a new section
3 131-bb to read as follows:

4 § 131-bb. Home stability support program. 1. (a) Notwithstanding any
5 other provision of law to the contrary, each local social services
6 district shall provide a shelter supplement to eligible individuals and
7 families with children to prevent eviction and address homelessness in
8 accordance with this section.

9 (b) For the purposes of this section:

10 (i) "homeless" shall mean the lack of a fixed, regular, and adequate
11 nighttime residence; having a primary nighttime residence that is a
12 public or private place not designed for or ordinarily used as a regular
13 sleeping accommodation for human beings, including a car, park, aban-
14 doned building, bus or train station, airport or campground or other
15 places not meant for human habitation; living in a supervised publicly
16 or privately operated shelter designated to provide temporary living
17 arrangements (including hotels and motels paid for by federal, state or
18 local government programs for low-income individuals or by charitable
19 organizations, congregate shelters, or transitional housing); exiting an
20 institution where they resided and will lack a regular fixed and
21 adequate nighttime residence upon release or discharge; or are an unac-
22 companied youth and homeless families with children and youth defined as
23 homeless under either this paragraph or federal statute who have experi-
24 enced a long-term period without living independently in permanent hous-
25 ing; have experienced persistent instability as measured by frequent
26 moves; and can be expected to continue in such status for an extended
27 period of time because of chronic disabilities, chronic physical health
28 or mental health conditions, substance addiction, histories of domestic
29 violence or childhood abuse, the presence of a child or youth with a
30 disability, or multiple barriers to employment, or other dangerous or
31 life-threatening conditions, including conditions that relate to
32 violence against an individual or a family member; and

33 (ii) "imminent loss of housing" shall mean having received a verified
34 rent demand or a petition for eviction; having received a court order
35 resulting from an eviction action that notifies the individual or family
36 that they must leave their housing; facing loss of housing due to
37 hazardous conditions, including but not limited to asbestos, lead expo-
38 sure, mold, and radon; having a primary nighttime residence that is a
39 room in a hotel or motel and lack the resources necessary to stay;
40 facing loss of the primary nighttime residence, which may include living
41 in the home of another household, where the owner or renter of the hous-
42 ing will not allow the individual or family to stay, provided further,
43 that an assertion from an individual or family member alleging such loss
44 of housing or homelessness shall be sufficient to establish eligibility;
45 or, fleeing, or attempting to flee, domestic violence, dating violence,
46 sexual assault, stalking, human trafficking or other dangerous or life-
47 threatening conditions that relate to violence against the individual or
48 a family member, provided further that an assertion from an individual
49 or family member alleging such abuse and loss of housing shall be suffi-
50 cient to establish eligibility.

51 2. (a) Each local social services district shall provide a shelter
52 supplement to eligible individuals and families with children as defined
53 in subdivision three of this section in an amount equal to eighty-five
54 percent of the fair market rent in the district, as established by the
55 federal department of housing and urban development, for the particular



1 household composition. The shelter supplement shall be issued by the
2 local social services district directly to the landlord or vendor.

3 (b) A local social services district may also provide an additional
4 supplement in an amount up to one hundred percent of the fair market
5 rent in the district, as established by the federal department of hous-
6 ing and urban development. Provided, however, the cost of the additional
7 supplement shall be paid by the local social services district.

8 (c) In addition to the shelter supplement referenced in this subdivi-
9 sion, when an eligible recipient, as defined in subdivision three of
10 this section, incurs separate fuel for heating expenses, the local
11 social services district shall also provide a heating allowance. The
12 allowance shall be equivalent to the full amount of fuel for heating
13 expenses, and shall be made directly to the vendor on behalf of the
14 recipient. Any expenses incurred by the local social services district
15 that are (i) in excess of a recipient's fuel for heating allowance
16 authorized pursuant to paragraph (b) of subdivision two of section one
17 hundred thirty-one-a of this title; (ii) made pursuant to section nine-
18 ty-seven of this chapter; or (iii) to cover any arrears payments made to
19 restore heating services or to prevent a shut-off, shall not be recoupa-
20 ble.

21 (d) Individuals not in receipt of public assistance, residing in a
22 household that is benefiting from a shelter supplement under this
23 section shall be required to contribute thirty percent of their gross
24 income, or their pro rata share of the rent, whichever is less. Minor
25 children without income shall not be counted in the pro rata share
26 equation. In addition, the income of minor children shall not be consid-
27 ered part of the gross income.

28 (e) Any supplement or allowance provided under this section shall not
29 be considered to be part of the standard of need as defined in paragraph
30 (b) of subdivision ten of section one hundred thirty-one-a of this
31 title.

32 (f) In the event that the local social services district determines
33 that payment of rental arrears would prevent homelessness and subse-
34 quently pays such arrears, such payments shall not be recoupable.

35 3. (a) For the period beginning October first, two thousand seventeen
36 until September thirtieth, two thousand eighteen, individuals, or fami-
37 lies with children, who are eligible for public assistance, are either
38 homeless or face an imminent loss of housing, and are not currently
39 receiving another shelter supplement shall be eligible for the shelter
40 supplement provided under this section.

41 (b) On and after October first, two thousand eighteen, (i) individ-
42 uals, or families with children, who are eligible for public assistance
43 and are either homeless or face an imminent loss of housing, and are not
44 currently receiving another shelter supplement; or (ii) are currently in
45 receipt of a shelter supplement, other than a supplement required by
46 this section being transferred to the home stability support program
47 pursuant to subdivision eight of this section shall be eligible for the
48 shelter supplement provided under this section.

49 4. (a) Local social services districts shall provide the shelter
50 supplement required under this section for up to five years, provided
51 such individuals or families are otherwise eligible for public assist-
52 ance. A shelter supplement may be provided for an additional length of
53 time for good cause.

54 (b) If an individual or family with children receiving the shelter
55 supplement is no longer eligible for public assistance, the local social
56 services district shall continue to provide the shelter supplement, and

1 if appropriate heating allowance, for one year from the date of such
2 determination, so long as their income does not exceed two hundred
3 percent of the federal poverty level.

4 5. The shelter supplement and heating allowance shall not be affected
5 by a recipient's sanction status.

6 6. (a) The commissioner shall contract with a not-for-profit agency,
7 that has experience providing casework services to the homeless and
8 at-risk of homelessness populations, for the purpose of providing home
9 stability support case management services. Such services shall assist
10 recipients, as defined in subdivision three of this section, in avoiding
11 homelessness and achieving long-term housing stability. Such services
12 shall include, but not limited to:

13 (i) services to resolve conflicts between landlords and tenants and to
14 facilitate fair and workable solutions;

15 (ii) referrals to legal services to households threatened with the
16 loss of their homes through eviction, harassment or other means;

17 (iii) benefit/entitlement advocacy to ensure that households are
18 receiving all federal, state and local benefits to which they are enti-
19 tled, such as temporary assistance to needy families, safety net assist-
20 ance, supplemental nutrition assistance program, supplemental security
21 income, rent security deposits, furniture and household moving expenses,
22 medical assistance; and

23 (iv) relocation assistance which provides for the identification of
24 and referral to permanent and habitable housing, transportation
25 services, landlord/tenant lease negotiation services and assistance in
26 establishing utility services.

27 (b) The commissioner shall issue a request-for-proposal for home
28 stability support casework services. The request-for-proposal shall
29 include:

30 (i) a description of the home stability support services to be
31 provided, including procedures for intake, referral, outreach, the
32 provision of services, follow-up and anticipated outcomes;

33 (ii) a description of the manner in which coordination with other
34 federal, state, local and privately funded services will be achieved;
35 and

36 (iii) a description of how the services will be designed to assist
37 households to achieve housing stability.

38 (c) Prior to entering into a contract pursuant to this subdivision,
39 the commissioner shall determine that the eligible applicant is a bona
40 fide organization which shall have demonstrated by its past and current
41 activities that it has the ability to provide such services, that the
42 organization is financially responsible and that the proposal is appro-
43 prate for the needs of households to be served.

44 7. The home stability support program shall provide for up to a total
45 of fourteen thousand new shelter supplements a year statewide, and funds
46 shall be distributed to each local social services district based on
47 their pro rata share of households below the federal poverty level in
48 the state, using the most recent United States census data as of April
49 first, two thousand seventeen, and annually thereafter.

50 8. If local social services districts offer a shelter supplement not
51 required by this section, such districts may utilize supplements avail-
52 able under this section on or after October first, two thousand eigh-
53 teen, to transfer eligible recipients as defined in subparagraph (ii) of
54 paragraph (b) of subdivision three of this section into the home stabil-
55 ity support program. Provided, however, a district shall not allocate
56 one hundred percent of their shelter supplements provided under this

1 section to existing supplement recipients, unless there is no current or
2 unmet need for supplements as defined in subparagraph (i) of paragraph
3 (b) of subdivision three of this section in such district.

4 9. The commissioner shall issue a report on the home stability support
5 program to the governor, the speaker of the assembly, the temporary
6 president of the senate, the chairs of the senate and assembly social
7 services committees, and the chairs of the assembly ways and means
8 committee and the senate finance committee on or before October first of
9 each year, starting October first, two thousand nineteen, regarding the
10 effectiveness of the program, based on the information provided from the
11 local social services districts. Each local district, upon the request
12 of the office, shall provide the office the necessary data for the
13 completion of the report. Each report shall include the following infor-
14 mation for each district:

15 (a) the number of individuals participating in the program;

16 (b) factors contributing to households experiencing housing issues,
17 including, but not limited to, health and safety and budgeting
18 constraints;

19 (c) total funding utilized;

20 (d) estimated avoided costs in temporary shelter; and

21 (e) any other information or available data that the commissioner
22 deems relevant and necessary for comprehensive evaluation of the current
23 need of entitlements for public assistance recipients.

24 § 2. Section 153 of the social services law is amended by adding a new
25 subdivision 13 to read as follows:

26 13. Notwithstanding any other provision of law to the contrary, one
27 hundred percent of costs for shelter supplements and home stability
28 support services required by section one hundred thirty-one-bb of this
29 article shall be subject to reimbursement by the state, as follows:

30 (a) by federal funds that can be properly applied to such expendi-
31 tures; and

32 (b) the remainder to be paid by state funds.

33 § 3. This act shall take effect immediately and shall be deemed to
34 have been in full force and effect on and after April 1, 2017.

35

PART GG

36 Section 1. Paragraph (e) of subdivision 2 of section 209 of the social
37 services law is amended by adding two new subparagraphs (iii) and (iv)
38 to read as follows:

39 (iii) (A) From January first, two thousand seventeen to December thir-
40 ty-first, two thousand seventeen, for an eligible individual receiving
41 enhanced residential care, \$1429.00; and (B) for an eligible couple
42 receiving enhanced residential care, two times the amount set forth in
43 clause (A) of this subparagraph.

44 (iv) (A) From January first, two thousand eighteen and thereafter, for
45 an eligible individual receiving enhanced residential care, \$1549.00;
46 and (B) for an eligible couple receiving enhanced residential care, two
47 times the amount set forth in clause (A) of this subparagraph.

48 § 2. This act shall take effect on the same date and in the same
49 manner as section 2 of part P of a chapter of the laws of 2017 enacting
50 into law major components of legislation necessary to implement the
51 state education, labor, housing and family assistance budget for the
52 2017-2018 state fiscal year, takes effect.

53

PART HH



1 Section 1. Paragraph c of subdivision 2 of section 2023-a of the
2 education law, as amended by section 1 of subpart C of part C of chapter
3 20 of the laws of 2015, is amended to read as follows:

4 c. "Capital local expenditures" means the taxes associated with budg-
5 eted expenditures resulting from the financing, refinancing, acquisi-
6 tion, design, construction, reconstruction, rehabilitation, improvement,
7 furnishing and equipping of, or otherwise providing for school district
8 capital facilities or school district capital equipment, including debt
9 service and lease expenditures, and transportation capital debt service,
10 subject to the approval of the qualified voters where required by law.
11 The commissioner of taxation and finance shall, [as appropriate,] within
12 ninety days of the effective date of the chapter of the laws of two
13 thousand seventeen that amended this paragraph, promulgate rules and
14 regulations which [may] shall provide for adjustment of capital local
15 expenditures to reflect a school district's share of additional budgeted
16 capital expenditures made by a board of cooperative educational
17 services.

18 § 2. Paragraph b of subdivision 2-a of section 2023-a of the education
19 law, as amended by section 3 of subpart C of part C of chapter 20 of the
20 laws of 2015, is amended to read as follows:

21 b. The commissioner of taxation and finance shall calculate a quantity
22 change factor for the coming school year for each school district based
23 upon the physical or quantity change, as defined by section twelve
24 hundred twenty of the real property tax law, reported to the commission-
25 er of taxation and finance by the assessor or assessors pursuant to
26 section five hundred seventy-five of the real property tax law. The
27 quantity change factor shall show the percentage by which the full value
28 of the taxable real property in the school district has changed due to
29 physical or quantity change between the second final assessment roll or
30 rolls preceding the final assessment roll or rolls upon which taxes are
31 to be levied, and the final assessment roll or rolls immediately preced-
32 ing the final assessment roll or rolls upon which taxes are to be
33 levied. The commissioner of taxation and finance shall, [as appropri-
34 ate,] within ninety days of the effective date of the chapter of the
35 laws of two thousand seventeen that amended this paragraph, promulgate
36 rules and regulations regarding the calculation of the quantity change
37 factor which [may] shall adjust the calculation based on the development
38 on tax exempt land.

39 § 3. Paragraph b of subdivision 3 of section 2023-a of the education
40 law, as added by section 2 of part A of chapter 97 of the laws of 2011,
41 is amended to read as follows:

42 b. Notwithstanding paragraph a of this subdivision, such tax levy
43 limit shall not be less than the tax levy limit that was applicable to
44 such school district for the prior school year. Where the computation of
45 the tax levy limit pursuant to paragraph a of this subdivision would
46 produce such result, the tax levy limit for the coming school year shall
47 be equal to the tax levy limit that was applicable to such school
48 district for the prior school year.

49 c. On or before March first of each year, any school district subject
50 to the provisions of this section shall submit to the state comptroller,
51 the commissioner, and the commissioner of taxation and finance, in a
52 form and manner prescribed by the state comptroller, any information
53 necessary for the calculation of the tax levy limit; and the school
54 district's determination of the tax levy limit pursuant to this section
55 shall be subject to review by the commissioner and the commissioner of
56 taxation and finance.

1 § 4. Subparagraph (i) of paragraph (b) of subdivision 3 of section 3-c
2 of the general municipal law, as amended by section 2 of subpart C of
3 part C of chapter 20 of the laws of 2015, is amended to read as follows:

4 (i) The commissioner of taxation and finance shall calculate a quanti-
5 ty change factor for each local government for the coming fiscal year
6 based upon the physical or quantity change, as defined by section twelve
7 hundred twenty of the real property tax law, reported to the commission-
8 er of taxation and finance by the assessor or assessors pursuant to
9 section five hundred seventy-five of the real property tax law. The
10 quantity change factor shall show the percentage by which the full value
11 of the taxable real property in the local government has changed due to
12 physical or quantity change between the second final assessment roll or
13 rolls preceding the final assessment roll or rolls upon which taxes are
14 to be levied, and the final assessment roll or rolls immediately preced-
15 ing the final assessment roll or rolls upon which taxes are to be
16 levied. The commissioner of taxation and finance shall, [as appropri-
17 ate,] within ninety days of the effective date of the chapter of the
18 laws of two thousand seventeen that amended this paragraph, promulgate
19 rules and regulations regarding the calculation of the quantity change
20 factor which [may] shall adjust the calculation based on the development
21 on tax exempt land.

22 § 5. Subdivision 3 of section 3-c of the general municipal law is
23 amended by adding a new paragraph (e) to read as follows:

24 (e) Notwithstanding paragraph (c) of this subdivision, such tax levy
25 limit shall not be less than the tax levy limit that was applicable to
26 such local government for the prior fiscal year. Where the computation
27 of the tax levy limit pursuant to paragraph (c) of this subdivision
28 would produce such result, the tax levy limit for the coming fiscal year
29 shall be equal to the tax levy limit that was applicable to such local
30 government for the prior fiscal year.

31 § 6. This act shall take effect immediately; provided, however, that:

32 a. the amendments to section 2023-a of the education law made by
33 sections one, two and three of this act shall not affect the repeal of
34 such section and shall be deemed repealed therewith;

35 b. the amendments to section 3-c of the general municipal law made by
36 sections four and five of this act shall not affect the repeal of such
37 section and shall be deemed repealed therewith;

38 c. section three of this act shall first apply to school district
39 budgets and the budget adoption process for the 2017-2018 school year;
40 and

41 d. section five of this act shall apply to the levy of taxes by local
42 governments for fiscal years commencing on and after April 1, 2017.

43 PART II

44 Section 1. The education law is amended by adding a new article 129-C
45 to read as follows:

46 ARTICLE 129-C

47 ELECTRONIC AND ONLINE STUDENT RESOURCES

48 Section 6450. Electronic and online student resources.

49 § 6450. Electronic and online student resources. The state university
50 of New York and the city university of New York, shall undertake actions
51 to make available and encourage the use of electronic and online student
52 resources. Such universities shall, to the greatest extent practicable,
53 offer current research resources through open source materials and
54 provide access to appropriate source material. Such actions shall be



1 designed to provide students with access to high quality material and
2 research at a cost that is lesser than traditional, non-electronic
3 resources and material. No later than July first, two thousand eighteen,
4 and each year thereafter, such universities shall prepare a report
5 detailing the actions undertaken pursuant to this section and make such
6 report available to the public via the universities' online websites.

7 § 2. This act shall take effect immediately.

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

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