

# STATE OF NEW YORK

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9006--B

## IN ASSEMBLY

January 14, 2016

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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 the statewide universal full-day pre-kindergarten program; to amend chapter 552 of the laws of 1995, amending the education law relating to contracts for the transportation of school children, in relation to the effectiveness thereof; to amend chapter 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 2015-2016 school year; to amend chapter 756 of the laws of 1992, relating to funding a program for work force education conducted by the consortium for worker education in New York city, in relation to withholding a portion of employment preparation education aid and in relation to the effectiveness thereof; to amend the state finance law, in relation to the New York state teen health education fund; to amend chapter 169 of the laws of 1994, relating to certain provisions related to the 1994-95 state operations, aid to localities, capital projects and debt service budgets, in relation to the effectiveness thereof; to amend chapter 82 of the laws of 1995, amending the education law and other laws relating to state aid to school districts and the appropriation of funds for the support of government, in relation to the effectiveness thereof; to amend chapter 147 of the laws of 2001, amending the education law relating to conditional appointment of school district, charter school or BOCES employees, in relation to the effectiveness thereof; to amend chapter 425 of the laws of 2002, amending the education law relating to the provision of supplemental educational services, attendance at a safe public school and the suspension of pupils who bring a firearm to or possess a firearm at a school, in relation to the effectiveness thereof; to amend chapter 101 of the laws of 2003, amending the education law relating to implementation of the No Child Left Behind Act of 2001, in relation to the effectiveness thereof; to amend chapter 121

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

LBD12672-03-6

of the laws of 1996 relating to authorizing the Roosevelt union free school district to finance deficits by the issuance of serial bonds, in relation to certain apportionments; to amend the education law, in relation to aid for employment preparation education programs; to amend the education law, in relation to apportionment of building aid for certain projects for certain schools; to amend the education law, in relation to aid payable to BOCES districts; to amend the education law, in relation to aid for career education; to amend the education law, in relation to collection of data on ninth grade students in certain career education sequences; to direct the commissioner of education to examine the reduced price lunch program; to amend the education law, in relation to the operation of persistently failing schools; to amend the education law, in relation to transportation after four; to provide for an increase in reimbursable costs for certain tuition rates; to amend the education law, in relation to submission by school districts of documentation of implementation of annual teacher and principal evaluations; to amend the education law, in relation to establishing the council to improve outcomes for boys and young men of color, providing aid for family and community engagement strategies, and establishing grants to improve outcomes for boys and young men of color; to amend the education law, in relation to contracts for the transportation of school children; to amend the education law, in relation to contracts for school buses and contracts for mobile instructional units; to direct the commissioner on how to recover certain penalties; to amend the education law, in relation to establishing a Rochester-Monroe anti-poverty initiative transportation pilot program; and to repeal certain provisions of the education law relating thereto (Part A); to amend the education law, in relation to school emergency response plans (Part B); intentionally omitted (Part C); to amend the education law, in relation to SUNY tuition; to amend the state finance law, in relation to a capital five year capital plan for infrastructure costs for SUNY and CUNY; and to amend chapter 260 of the laws of 2011 amending the education law and the New York state urban development corporation act relating to establishing components of the NY-SUNY 2020 challenge grant program, in relation to the effectiveness thereof (Part D); to amend the state finance law, in relation to the creation of the SUNY Stony Brook Affiliation escrow fund (Part E); 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 F); to amend chapter 161 of the laws of 2005 amending the education law relating to the New York state licensed social worker loan forgiveness program, in relation to the effectiveness thereof; to amend part V of chapter 57 of the laws of 2005 amending the education law relating to the New York state nursing faculty loan forgiveness incentive program and the New York state nursing faculty scholarship program, in relation to the effectiveness thereof; to amend chapter 31 of the laws of 1985 amending the education law relating to regents scholarships in certain professions; and to amend the education law, in relation to forgiving loans upon the



death of the recipient (Part G); intentionally omitted (Part H); to amend chapter 91 of the laws of 2002, amending the education law and other laws relating to reorganization of the New York city school construction authority, board of education and community boards, in relation to the effectiveness thereof; and 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 (Part I); to amend the labor law, in relation to the apprenticeship training council (Part J); to amend the labor law, in relation to the minimum wage; to amend the public health law, in relation to home care worker wage parity; and to amend part H of chapter 59 of the laws of 2011, amending the public health law and other laws relating to known and projected department of health state fund medicaid expenditures, in relation to medicaid disbursements (Part K); to amend the labor law, in relation to enhancing the urban youth jobs program tax credit by increasing the sum of money allocated to programs four and five (Part L); to amend the family court act, in relation to findings that must be made at permanency hearings, and to amend the social services law, in relation to guardianship expenses, the reasonable and prudent parent standard and the criminal history of prospective foster and adoptive parents (Part M); 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 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 for offenses committed by a defendant twenty years of age or younger; 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 N); 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 O); to utilize reserves in the mortgage insurance fund for various housing purposes (Part P); to amend Part D of chapter 58 of the laws of 2011 amending the education law relating to capital facilities in support of the state university and community colleges, procurement and the state university health care facilities, in relation to the effectiveness thereof (Part Q); to amend the education law, in relation to tuition assistance program awards and tuition credits (Part R); to amend the social services law, in relation to resource exemptions for applicants for public assistance programs, and to amend chapter 436 of the laws of 1997, constituting the welfare reform act of 1997, in relation to the effectiveness thereof (Subpart A); to amend the social services law, in relation to the powers of a social services official to receive and dispose of a deed, mortgage or lien (Subpart B); to amend the social services law, in relation to eliminating the requirement that a city having a population of one million or more evaluate and report on demonstration projects pursuant to a plan approved by the office of temporary and disability assistance and the division of budget prior to the implementation of the project; and to amend section 2 of 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 (Subpart C); and to amend the social services law, in relation to a family eviction prevention supplement program (Subpart D) (Part S); to amend the social services law, in relation to homework counting towards satisfaction of work activity requirements (Subpart A); to amend the social services law, in relation to establishing factors to be considered when a health care practitioner upon examination has a different opinion from an applicant's treating health care practitioner's opinion as to an applicant's disability; and requiring an explicit written determination by the health care practitioner when the diagnoses differ (Subpart B); to amend the social services law, in relation to the twelve month work exemption for certain parents or relatives providing child care (Subpart C); to amend the social services law, in relation to conciliation and non-compliance with public assistance employment; and to repeal certain provisions of such law relating thereto (Subpart D); and to amend the social services law, in relation to individuals with disabilities receiving public assistance; and repealing certain provisions of such law relating thereto (Subpart E) (Part T); relating to classifying certain capital projects as public works (Part U); to establish local anti-poverty task forces; and providing for the repeal of such provisions upon expiration thereof (Subpart A); to amend the social services law, in relation to creating a New York state non-profit infrastructure capital investment program grant (Subpart B); and to amend the social services law, in relation to integrated eligibility systems (Subpart C) (Part V); to amend the education law, in relation to foster youth college success initiative (Part W); to amend the public housing law, in relation to rental assistance for low-income families living in privately-owned rental housing (Part X); to amend the private housing finance law, in relation to establishing the developing affordable senior housing program (Part Y); to amend the public housing law, in relation to the establishment of the New York state community and housing stabilization fund (Part Z); and to amend the education law, in relation to enrollment and retention targets for English language learners in charter schools (Part AA)



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 2016-2017  
3 state fiscal year. Each component is wholly contained within a Part  
4 identified as Parts A through AA. 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 56 of the laws of  
15 2015, 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  
36 contract for excellence for the two thousand twelve--two thousand thir-  
37 teen school year which shall, notwithstanding the requirements of  
38 subparagraph (vi) of paragraph a of subdivision two of this section,  
39 provide for the expenditure of an amount which shall be not less than  
40 the amount approved by the commissioner in the contract for excellence  
41 for the two thousand eleven--two thousand twelve school year and  
42 provided further that, a school district that submitted a contract for  
43 excellence for the two thousand twelve--two thousand thirteen school  
44 year, unless all schools in the district are identified as in good  
45 standing, shall submit a contract for excellence for the two thousand  
46 thirteen--two thousand fourteen school year which shall, notwithstanding  
47 the requirements of subparagraph (vi) of paragraph a of subdivision two  
48 of this section, provide for the expenditure of an amount which shall be  
49 not less than the amount approved by the commissioner in the contract  
50 for excellence for the two thousand twelve--two thousand thirteen school  
51 year and provided further that, a school district that submitted a



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

39 § 2. The closing paragraph of subdivision 5-a of section 3602 of the  
40 education law, as amended by section 2 of part A of chapter 56 of the  
41 laws of 2015, is amended to read as follows:

42 For the two thousand eight--two thousand nine school year, each school  
43 district shall be entitled to an apportionment equal to the product of  
44 fifteen percent and the additional apportionment computed pursuant to  
45 this subdivision for the two thousand seven--two thousand eight school  
46 year. For the two thousand nine--two thousand ten through two thousand  
47 [fifteen] sixteen--two thousand [sixteen] seventeen school years, each  
48 school district shall be entitled to an apportionment equal to the  
49 amount set forth for such school district as "SUPPLEMENTAL PUB EXCESS  
50 COST" under the heading "2008-09 BASE YEAR AIDS" in the school aid  
51 computer listing produced by the commissioner in support of the budget  
52 for the two thousand nine--two thousand ten school year and entitled  
53 "SA0910".

54 § 3. Subdivision 12 of section 3602 of the education law is amended by  
55 adding a fourth undesignated paragraph to read as follows:

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

10 § 4. The opening paragraph of subdivision 16 of section 3602 of the  
11 education law, as amended by section 4 of part A of chapter 56 of the  
12 laws of 2015, is amended to read as follows:

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

42 § 5. The opening paragraph of subdivision 10 of section 3602-e of the  
43 education law, as amended by section 5 of part A of chapter 56 of the  
44 laws of 2015, is amended to read as follows:

45 Notwithstanding any provision of law to the contrary, for aid payable  
46 in the two thousand eight--two thousand nine school year, the grant to  
47 each eligible school district for universal prekindergarten aid shall be  
48 computed pursuant to this subdivision, and for the two thousand nine--  
49 two thousand ten and two thousand ten--two thousand eleven school years,  
50 each school district shall be eligible for a maximum grant equal to the  
51 amount computed for such school district for the base year in the elec-  
52 tronic data file produced by the commissioner in support of the two  
53 thousand nine--two thousand ten education, labor and family assistance  
54 budget, provided, however, that in the case of a district implementing  
55 programs for the first time or implementing expansion programs in the  
56 two thousand eight--two thousand nine school year where such programs

1 operate for a minimum of ninety days in any one school year as provided  
2 in section 151-1.4 of the regulations of the commissioner, for the two  
3 thousand nine--two thousand ten and two thousand ten--two thousand elev-  
4 en school years, such school district shall be eligible for a maximum  
5 grant equal to the amount computed pursuant to paragraph a of subdivi-  
6 sion nine of this section in the two thousand eight--two thousand nine  
7 school year, and for the two thousand eleven--two thousand twelve school  
8 year each school district shall be eligible for a maximum grant equal to  
9 the amount set forth for such school district as "UNIVERSAL PREKINDER-  
10 GARTEN" under the heading "2011-12 ESTIMATED AIDS" in the school aid  
11 computer listing produced by the commissioner in support of the enacted  
12 budget for the 2011-12 school year and entitled "SA111-2", and for two  
13 thousand twelve--two thousand thirteen through two thousand [fifteen]  
14 sixteen--two thousand [sixteen] seventeen school years each school  
15 district shall be eligible for a maximum grant equal to the greater of  
16 (i) the amount set forth for such school district as "UNIVERSAL PREKIN-  
17 DERGARTEN" under the heading "2010-11 BASE YEAR AIDS" in the school aid  
18 computer listing produced by the commissioner in support of the enacted  
19 budget for the 2011-12 school year and entitled "SA111-2", or (ii) the  
20 amount set forth for such school district as "UNIVERSAL PREKINDERGARTEN"  
21 under the heading "2010-11 BASE YEAR AIDS" in the school aid computer  
22 listing produced by the commissioner on May fifteenth, two thousand  
23 eleven pursuant to paragraph b of subdivision twenty-one of section  
24 three hundred five of this chapter, and provided further that the maxi-  
25 mum grant shall not exceed the total actual grant expenditures incurred  
26 by the school district in the current school year as approved by the  
27 commissioner.

28 § 6. Paragraph h of subdivision 17 of section 3602 of the education  
29 law, as added by section 5-b of part A of chapter 56 of the laws of  
30 2015, is amended to read as follows:

31 h. The gap elimination adjustment [restoration amount] for the two  
32 thousand sixteen--two thousand seventeen school year and thereafter  
33 shall equal [the product of the gap elimination percentage for such  
34 district and the gap elimination adjustment restoration allocation  
35 established pursuant to subdivision eighteen of this section] zero.

36 § 7. Subdivision 4 of section 3602 of the education law, is amended by  
37 section 5-a of part A of chapter 56 of the laws of 2015, is amended to  
38 read as follows:

39 4. Total foundation aid. a. In addition to any other apportionment  
40 pursuant to this chapter, a school district, other than a special act  
41 school district as defined in subdivision eight of section four thousand  
42 one of this chapter, shall be eligible for total foundation aid equal to  
43 the product of total aidable foundation pupil units multiplied by the  
44 district's selected foundation aid, which shall be the greater of five  
45 hundred dollars (\$500) or foundation formula aid, provided, however  
46 that:

47 (1) for the two thousand seven--two thousand eight through two thou-  
48 sand eight--two thousand nine school years, no school district shall  
49 receive total foundation aid in excess of the sum of the total founda-  
50 tion aid base for aid payable in the two thousand seven--two thousand  
51 eight school year computed pursuant to subparagraph (i) of paragraph j  
52 of subdivision one of this section, plus the phase-in foundation  
53 increase computed pursuant to paragraph b of this subdivision, and  
54 provided further that:

55 (2) for the two thousand nine--two thousand ten through two thousand  
56 eleven--two thousand twelve school years, each school district shall

1 receive total foundation aid in an amount equal to the amount appor-  
2 tioned to such school district for the two thousand eight--two thousand  
3 nine school year pursuant to this subdivision, and provided further  
4 that:

5 (3) for the two thousand twelve--two thousand thirteen school year, no  
6 school district shall receive total foundation aid in excess of the sum  
7 of the total foundation aid base [for aid payable in the two thousand  
8 eleven--two thousand twelve school year] computed pursuant to subpara-  
9 graph (ii) of paragraph j of subdivision one of this section, plus the  
10 phase-in foundation increase computed pursuant to paragraph b of this  
11 subdivision, and provided further that:

12 (4) for the two thousand thirteen--two thousand fourteen [school year  
13 and thereafter] through two thousand fifteen--two thousand sixteen  
14 school years, no school district shall receive total foundation aid in  
15 excess of the sum of the total foundation aid base computed pursuant to  
16 subparagraph (ii) of paragraph j of subdivision one of this section,  
17 plus the phase-in foundation increase computed pursuant to paragraph b  
18 of this subdivision [and provided further that total foundation aid  
19 shall not be less than the product of the total foundation aid base  
20 computed pursuant to paragraph j of subdivision one of this section and  
21 the due-minimum percent which shall be, for the two thousand twelve--two  
22 thousand thirteen school year, one hundred and six-tenths percent  
23 (1.006) and for the two thousand thirteen--two thousand fourteen school  
24 year for city school districts of those cities having populations in  
25 excess of one hundred twenty-five thousand and less than one million  
26 inhabitants one hundred and one and one hundred and seventy-six thou-  
27 sandths percent (1.01176), and for all other districts one hundred and  
28 three-tenths percent (1.003), and for the two thousand fourteen--two  
29 thousand fifteen school year one hundred and eighty-five hundredths  
30 percent (1.0085), and for the two thousand fifteen--two thousand sixteen  
31 school year, one hundred thirty-seven hundredths percent (1.0037)], and  
32 provided further that:

33 (5) for the two thousand sixteen--two thousand seventeen school year,  
34 no eligible school districts shall receive total foundation aid in  
35 excess of the sum of the total foundation aid base computed pursuant to  
36 subparagraph (ii) of paragraph j of subdivision one of this section plus  
37 the phase-in foundation increase, where (A) "eligible school district"  
38 shall be defined as a district with (1) an unrestricted aid increase of  
39 less than eight percent (0.08) or a TGFE factor greater than or equal to  
40 one and one-half percent (0.015) and (2) a three year average free and  
41 reduced price lunch percent greater than fifteen percent (0.15), and  
42 (B) "unrestricted aid increase" shall mean the quotient arrived at when  
43 dividing the alternate due minimum increase computed pursuant to para-  
44 graph b-two of this subdivision by the alternate due minimum increase  
45 base computed pursuant to such paragraph, and (C) "TGFE factor" shall  
46 mean the quotient arrived at when dividing the gap elimination adjust-  
47 ment for the base year by the total general fund expenditures for the  
48 base year.

49 (6) Such apportionments shall be subject to allocation pursuant to the  
50 provisions of subdivision eighteen of this section and any provisions of  
51 a chapter of the laws of New York as described therein[, nor more]. Such  
52 apportionment shall not be greater than the product of such total founda-  
53 tion aid base and one hundred fifteen percent, [and provided further  
54 that for the two thousand nine--two thousand ten through two thousand  
55 eleven--two thousand twelve school years, each school district shall  
56 receive total foundation aid in an amount equal to the amount appor-

1 tioned to such school district for the two thousand eight--two thousand  
 2 nine school year pursuant to this subdivision] and provided further that  
 3 for the two thousand sixteen--two thousand seventeen school year, such  
 4 apportionment shall not be greater than the sum of (A) the product of  
 5 such total foundation aid base and one hundred fifteen percent plus (B)  
 6 the difference of (i) the foundation aid amount as set forth for each  
 7 school district as "2016-17 FOUNDATION AID" in the school aid computer  
 8 listing produced by the commissioner in support of the executive budget  
 9 request for the two thousand sixteen--two thousand seventeen school year  
 10 and entitled "BT161-7" less (ii) the foundation aid amount as set forth  
 11 for each school district as "2015-16 FOUNDATION AID" in the school aid  
 12 computer listing produced by the commissioner in support of the execu-  
 13 tive budget request for the two thousand sixteen--two thousand seventeen  
 14 school year and entitled "BT161-7". Total aidable foundation pupil  
 15 units shall be calculated pursuant to paragraph g of subdivision two of  
 16 this section. For the purposes of calculating aid pursuant to this  
 17 subdivision, aid for the city school district of the city of New York  
 18 shall be calculated on a citywide basis.

19 [a.] a-1. Foundation formula aid. Foundation formula aid shall equal  
 20 the remainder when the expected minimum local contribution is subtracted  
 21 from the product of the foundation amount, the regional cost index, and  
 22 the pupil need index, or: (foundation amount x regional cost index x  
 23 pupil need index) - expected minimum local contribution.

24 (1) The foundation amount shall reflect the average per pupil cost of  
 25 general education instruction in successful school districts, as deter-  
 26 mined by a statistical analysis of the costs of special education and  
 27 general education in successful school districts, provided that the  
 28 foundation amount shall be adjusted annually to reflect the percentage  
 29 increase in the consumer price index as computed pursuant to section two  
 30 thousand twenty-two of this chapter, provided that for the two thousand  
 31 eight--two thousand nine school year, for the purpose of such adjust-  
 32 ment, the percentage increase in the consumer price index shall be  
 33 deemed to be two and nine-tenths percent (0.029), and provided further  
 34 that the foundation amount for the two thousand seven--two thousand  
 35 eight school year shall be five thousand two hundred fifty-eight  
 36 dollars, and provided further that for the two thousand seven--two thou-  
 37 sand eight through two thousand fifteen--two thousand sixteen school  
 38 years, the foundation amount shall be further adjusted by the phase-in  
 39 foundation percent established pursuant to paragraph b of this subdivi-  
 40 sion.

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

47	Labor Force Region	Index
48	Capital District	1.124
49	Southern Tier	1.045
50	Western New York	1.091
51	Hudson Valley	1.314
52	Long Island/NYC	1.425
53	Finger Lakes	1.141
54	Central New York	1.103
55	Mohawk Valley	1.000
56	North Country	1.000

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

6 (4) The expected minimum local contribution shall equal the lesser of  
7 (i) the product of (A) the quotient arrived at when the selected actual  
8 valuation is divided by total wealth foundation pupil units, multiplied  
9 by (B) the product of the local tax factor, multiplied by the income  
10 wealth index, or (ii) the product of (A) the product of the foundation  
11 amount, the regional cost index, and the pupil need index, multiplied by  
12 (B) the positive difference, if any, of one minus the state sharing  
13 ratio for total foundation aid. The local tax factor shall be estab-  
14 lished by May first of each year by determining the product, computed to  
15 four decimal places without rounding, of ninety percent multiplied by  
16 the quotient of the sum of the statewide average tax rate as computed by  
17 the commissioner for the current year in accordance with the provisions  
18 of paragraph e of subdivision one of section thirty-six hundred nine-e  
19 of this part plus the statewide average tax rate computed by the commis-  
20 sioner for the base year in accordance with such provisions plus the  
21 statewide average tax rate computed by the commissioner for the year  
22 prior to the base year in accordance with such provisions, divided by  
23 three, provided however that for the two thousand seven--two thousand  
24 eight school year, such local tax factor shall be sixteen thousandths  
25 (0.016), and provided further that for the two thousand eight--two thou-  
26 sand nine school year, such local tax factor shall be one hundred  
27 fifty-four ten thousandths (0.0154). The income wealth index shall be  
28 calculated pursuant to paragraph d of subdivision three of this section,  
29 provided, however, that for the purposes of computing the expected mini-  
30 mum local contribution the income wealth index shall not be less than  
31 sixty-five percent (0.65) and shall not be more than two hundred percent  
32 (2.0) and provided however that such income wealth index shall not be  
33 more than ninety-five percent (0.95) for the two thousand eight--two  
34 thousand nine school year, and provided further that such income wealth  
35 index shall not be less than zero for the two thousand thirteen--two  
36 thousand fourteen school year. The selected actual valuation shall be  
37 calculated pursuant to paragraph c of subdivision one of this section.  
38 Total wealth foundation pupil units shall be calculated pursuant to  
39 paragraph h of subdivision two of this section.

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

46 (2) (i) Phase-in foundation percent. The phase-in foundation percent  
47 shall equal one hundred thirteen and fourteen one hundredths percent  
48 (1.1314) for the two thousand eleven--two thousand twelve school year,  
49 one hundred ten and thirty-eight hundredths percent (1.1038) for the two  
50 thousand twelve--two thousand thirteen school year, one hundred seven  
51 and sixty-eight hundredths percent (1.0768) for the two thousand thir-  
52 teen--two thousand fourteen school year, one hundred five and six  
53 hundredths percent (1.0506) for the two thousand fourteen--two thousand  
54 fifteen school year, and one hundred two and five tenths percent  
55 (1.0250) for the two thousand fifteen--two thousand sixteen school year.

1 (ii) Phase-in foundation increase factor. (A) For the two thousand  
2 eleven--two thousand twelve school year, the phase-in foundation  
3 increase factor shall equal thirty-seven and one-half percent (0.375)  
4 [and the phase-in due minimum percent shall equal nineteen and forty-one  
5 hundredths percent (0.1941), for]. (B) For the two thousand twelve--two  
6 thousand thirteen school year the phase-in foundation increase factor  
7 shall equal one and seven-tenths percent (0.017) [, for]. (C) For the two  
8 thousand thirteen--two thousand fourteen school year the phase-in foun-  
9 dation increase factor shall equal (1) for a city school district in a  
10 city having a population of one million or more, five and twenty-three  
11 hundredths percent (0.0523) or (2) for all other school districts zero  
12 percent[, for]. (D) For the two thousand fourteen--two thousand fifteen  
13 school year the phase-in foundation increase factor shall equal (1) for  
14 a city school district of a city having a population of one million or  
15 more, four and thirty-two hundredths percent (0.0432) or (2) for a  
16 school district other than a city school district having a population of  
17 one million or more for which (A) the quotient of the positive differ-  
18 ence of the foundation formula aid minus the foundation aid base  
19 computed pursuant to paragraph j of subdivision one of this section  
20 divided by the foundation formula aid is greater than twenty-two percent  
21 (0.22) and (B) a combined wealth ratio less than thirty-five hundredths  
22 (0.35), seven percent (0.07) or (3) for all other school districts, four  
23 and thirty-one hundredths percent (0.0431) [, and for]. (E) For the two  
24 thousand fifteen--two thousand sixteen school year the phase-in founda-  
25 tion increase factor shall equal: (1) for a city school district of a  
26 city having a population of one million or more, thirteen and two  
27 hundred seventy-four thousandths percent (0.13274); or (2) for districts  
28 where the quotient arrived at when dividing (A) the product of the total  
29 aidable foundation pupil units multiplied by the district's selected  
30 foundation aid less the total foundation aid base computed pursuant to  
31 paragraph j of subdivision one of this section divided by (B) the prod-  
32 uct of the total aidable foundation pupil units multiplied by the  
33 district's selected foundation aid is greater than nineteen percent  
34 (0.19), and where the district's combined wealth ratio is less than  
35 thirty-three hundredths (0.33), seven and seventy-five hundredths  
36 percent (0.0775); or (3) for any other district designated as high need  
37 pursuant to clause (c) of subparagraph two of paragraph c of subdivision  
38 six of this section for the school aid computer listing produced by the  
39 commissioner in support of the enacted budget for the two thousand  
40 seven--two thousand eight school year and entitled "SA0708", four  
41 percent (0.04); or (4) for a city school district in a city having a  
42 population of one hundred twenty-five thousand or more but less than one  
43 million, fourteen percent (0.14); or (5) for school districts that were  
44 designated as small city school districts or central school districts  
45 whose boundaries include a portion of a small city for the school aid  
46 computer listing produced by the commissioner in support of the enacted  
47 budget for the two thousand fourteen--two thousand fifteen school year  
48 and entitled "SA1415", four and seven hundred fifty- one thousandths  
49 percent (0.04751); or (6) for all other districts one percent (0.01) [,  
50 and for]. (F) For the two thousand sixteen--two thousand seventeen  
51 school year the phase-in foundation increase factor shall equal: (1) a  
52 city school district in a city with a population of one million or more,  
53 twenty-two and nineteen hundredths percent (0.2219), or (2) for school  
54 districts what were designated as small city school districts or central  
55 school districts whose boundaries include a portion of a small city for  
56 the school aid computer listing produced by the commissioner in support



1 of the enacted budget for the two thousand fourteen--two thousand  
2 fifteen school year and entitled "SA1415", fifteen and one-half percent  
3 (0.155), or (3) for school districts with (i) a combined wealth ratio  
4 less than seven tenths (0.7) and (ii) a base year public school district  
5 enrollment as computed pursuant to subparagraph two of paragraph n of  
6 subdivision one of this section that exceeds such enrollment from the  
7 year prior to the base year, four and one-half percent (0.045), or (4)  
8 for districts where the quotient arrived at when dividing (i) the  
9 difference of (A) total foundation aid less (B) total foundation aid  
10 base computed pursuant to paragraph (ii) of paragraph j of subdivision  
11 one of this section divided by (ii) total foundation aid is greater than  
12 fifteen percent (0.15), and where the district's combined wealth ratio  
13 is less than seven tenths (0.7), four and one-half percent (0.045), or  
14 (5) for all other eligible districts as defined in subparagraph five of  
15 paragraph a of this subdivision, districts, four and five hundredths  
16 percent (0.0405). (G) Notwithstanding paragraph gg of subdivision one of  
17 this section, for the two thousand [sixteen] ~~seventeen~~--two thousand  
18 [seventeen] ~~eighteen~~ school year [and thereafter the commissioner shall  
19 annually determine the phase-in foundation increase factor subject to  
20 allocation pursuant to the provisions of subdivision eighteen of this  
21 section and any provisions of a chapter of the laws of New York as  
22 described therein], the phase-in foundation increase factor shall equal  
23 thirty-three percent (0.33). (H) For the two thousand eighteen--two  
24 thousand nineteen school year, the phase-in foundation increase factor  
25 shall equal fifty percent (0.50). (I) For the two thousand nineteen--  
26 two thousand twenty school year the phase-in foundation increase factor  
27 shall equal one hundred percent (1.0).

28 b-1. Due minimum amount. Notwithstanding other provisions of this  
29 subdivision to the contrary, total foundation aid shall not be less than  
30 the product of the total foundation aid base computed pursuant to para-  
31 graph j of subdivision one of this section multiplied by the due-minimum  
32 percent. The due-minimum percent shall be: (i) for the two thousand  
33 twelve--two thousand thirteen school year, one hundred and six-tenths  
34 percent (1.006) and (ii) for the two thousand thirteen--two thousand  
35 fourteen school year for city school districts of those cities having  
36 populations in excess of one hundred twenty-five thousand and less than  
37 one million inhabitants one hundred and one and one hundred and seven-  
38 ty-six thousandths percent (1.01176), and for all other districts one  
39 hundred and three-tenths percent (1.003), and (iii) for the two thousand  
40 fourteen--two thousand fifteen school year one hundred and eighty-five  
41 hundredths percent (1.0085), and (iv) for the two thousand fifteen--two  
42 thousand sixteen school year, one hundred thirty-seven hundredths  
43 percent (1.0037), and (v) for the two thousand sixteen--two thousand  
44 seventeen school year, for eligible districts as defined in subparagraph  
45 five of paragraph a of this subdivision, one hundred and seven-tenths  
46 percent (1.007), and (vi) for two thousand seventeen school year and  
47 thereafter, one hundred and one and one-half percent (1.015).

48 b-2. Alternate due minimum amount. Notwithstanding other provisions of  
49 this subdivision to the contrary, for the two thousand sixteen--two  
50 thousand seventeen school year, total foundation aid for an eligible  
51 school district, as defined in subparagraph five of paragraph a of this  
52 subdivision, with an alternate due minimum amount greater than the due  
53 minimum amount shall not be less than the sum of the total foundation  
54 aid base computed pursuant to paragraph j of subdivision one of this  
55 section plus the alternate due minimum amount.



1     (1) The alternate due minimum amount shall equal, for school districts  
2 whose total foundation aid exceeds the total foundation aid base  
3 computed pursuant to subparagraph (ii) of paragraph j of subdivision one  
4 of this section alternate option one; or for school districts whose  
5 total foundation aid base computed pursuant to subparagraph (ii) of  
6 paragraph j of subdivision one of this section exceeds total foundation  
7 aid alternate option two, provided however that for any school district  
8 in a city with a population greater than one hundred twenty-five thou-  
9 sand but less than one hundred fifty thousand, or greater than two  
10 hundred thousand but less than one million, the alternate due minimum  
11 amount shall equal alternate option three.

12     (2) Alternate options one, two, and three shall equal the quotient  
13 arrived at when dividing the difference of (i) the product of (A) the  
14 alternate due minimum percent multiplied by (B) the alternate increase  
15 base amount less (ii) the alternate increase amount by the combined  
16 wealth ratio.

17     (3) The alternate base amount shall equal the difference of foundation  
18 aid for the base year less the gap elimination adjustment for the base  
19 year.

20     (4) The alternate increase amount shall equal the difference of (i)  
21 the foundation aid amount as set forth for each school district as  
22 "2016-17 FOUNDATION AID" in the school aid computer listing produced by  
23 the commissioner in support of the executive budget request for the two  
24 thousand sixteen--two thousand seventeen school year and entitled  
25 "BT161-7" less (ii) the alternate base amount.

26     (5) The alternate due minimum percent for alternate option one shall  
27 be six and two hundredths percent (0.0602). The alternate due minimum  
28 percent for alternate option two shall be four and three-tenths percent  
29 (0.043). The alternate due minimum percent for alternate option three  
30 shall be five percent (0.05).

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

38     [c] d. Public excess cost aid setaside. Each school district shall set  
39 aside from its total foundation aid computed for the current year pursu-  
40 ant to this subdivision an amount equal to the product of: (i) the  
41 difference between the amount the school district was eligible to  
42 receive in the two thousand six--two thousand seven school year pursuant  
43 to or in lieu of paragraph six of subdivision nineteen of this section  
44 as such paragraph existed on June thirtieth, two thousand seven, minus  
45 the amount such district was eligible to receive pursuant to or in lieu  
46 of paragraph five of subdivision nineteen of this section as such para-  
47 graph existed on June thirtieth, two thousand seven, in such school  
48 year, and (ii) the sum of one and the percentage increase in the consum-  
49 er price index for the current year over such consumer price index for  
50 the two thousand six--two thousand seven school year, as computed pursu-  
51 ant to section two thousand twenty-two of this chapter. Notwithstanding  
52 any other provision of law to the contrary, the public excess cost aid  
53 setaside shall be paid pursuant to section thirty-six hundred nine-b of  
54 this part.

55     [d] e. For the two thousand fourteen--two thousand fifteen and two  
56 thousand fifteen--two thousand sixteen school years a city school

1 district of a city having a population of one million or more may use  
2 amounts apportioned pursuant to this subdivision for afterschool  
3 programs.

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

6 19. Community schools aid. Each school district shall be eligible to  
7 receive an apportionment for community schools aid equal to the sum of  
8 the tier one apportionment and the tier two apportionment, but no less  
9 than the community schools aid amount as set forth for each school  
10 district as "2016-17 COMMUNITY SCHOOLS AID" in the school aid computer  
11 listing produced by the commissioner in support of the executive budget  
12 request for the two thousand sixteen--two thousand seventeen school year  
13 and entitled "BT161-7".

14 a. Definitions. (1) "Tier one eligible school district" shall mean  
15 any school district with at least one school designated as struggling or  
16 persistently struggling by the commissioner pursuant to paragraph (a) or  
17 (b) of subdivision one of section two hundred eleven-f of this chapter  
18 prior to January first, two thousand sixteen.

19 (2) "Tier two eligible school district" shall mean any school district  
20 designated as high need pursuant to clause (c) of subparagraph two of  
21 paragraph c of subdivision six of this section for the school aid  
22 computer listing produced by the commissioner in support of the enacted  
23 budget for the two thousand seven--two thousand eight school year and  
24 entitled "SA0708" or any district designated as high need pursuant to  
25 the regulations of the commissioner in the most recently available study  
26 included in the school aid computer listing produced by the commissioner  
27 in support of the enacted budget for the two thousand thirteen--two  
28 thousand fourteen state fiscal year and entitled "SA131-4".

29 b. Tier one apportionment. Any tier one eligible school district shall  
30 be eligible for an apportionment equal to (i) the greater of (1) the  
31 product of eight hundred thirty dollars and sixty cents (\$830.60) multi-  
32 plied by the district's enrollment in the two thousand fourteen--two  
33 thousand fifteen school year in schools designated as struggling or  
34 persistently struggling pursuant to paragraphs (a) or (b) of subdivision  
35 one of section two hundred eleven-f of this chapter on the date prior to  
36 November first that is specified by the commissioner as the enrollment  
37 reporting date for the school district, or (2) ten thousand dollars  
38 (\$10,000).

39 c. Tier two apportionment. Any tier two eligible school district shall  
40 be eligible for an apportionment equal to the greater of (i) the product  
41 of the grant per pupil multiplied by the state sharing ratio computed  
42 pursuant to paragraph g of subdivision three of this section multiplied  
43 by the difference of the base year public school district enrollment as  
44 computed pursuant to subparagraph two of paragraph n of subdivision one  
45 of this section less the district's enrollment in the two thousand four-  
46 teen--two thousand fifteen school year in schools designated as struggl-  
47 ing or persistently struggling pursuant to paragraph (a) or (b) of  
48 subdivision one of section two hundred eleven-f of this chapter on the  
49 date prior to November first that is specified by the commissioner as  
50 the enrollment reporting date for the school district if any, where (A)  
51 the grant per pupil shall be eighty-nine dollars and thirty-two cents  
52 (\$89.32) multiplied by the extraordinary needs index truncated to two  
53 decimals, and (B) the extraordinary needs index shall equal the quotient  
54 truncated to three decimals arrived at by dividing the extraordinary  
55 needs percent computed pursuant to paragraph w of subdivision one of  
56 this section by the statewide average extraordinary needs percent of

1 fifty-four and eight-tenths percent (0.548) or (ii) ten thousand dollars  
2 (\$10,000).

3 d. School districts shall use amounts apportioned pursuant to this  
4 subdivision to support the transformation of school buildings into  
5 community schools, which are community hubs to deliver co-located or  
6 school-linked academic, health, mental health, nutrition, counseling,  
7 legal and/or other services to students and their families, including  
8 but not limited to providing a community school site coordinator or  
9 resource coordinator, implementing restorative justice programs, improv-  
10 ing parent engagement, providing early childhood education programs,  
11 offering professional development specific to the unique needs of  
12 students and their families enrolled in a community school, conducting  
13 community wide needs assessments, creating a steering committee made up  
14 of various school and community stakeholders to provide feedback and  
15 guidance or to support other costs incurred to maximize students'  
16 academic achievement. The commissioner shall promulgate regulations  
17 that set forth the requirements for use of such tier one funds by  
18 districts, which shall require that such tier one funds be used to  
19 transform struggling or persistently struggling schools located in such  
20 districts and shall require a school district to demonstrate substantial  
21 parent, teacher, and community engagement in the planning, implementa-  
22 tion and operation of a community school. The commissioner may deter-  
23 mine that a pre-existing community school's program satisfies the  
24 requirements of the commissioner's regulations provided that he or she  
25 may require any necessary modifications thereto.

26 § 9. Intentionally omitted.

27 § 10. The opening paragraph of section 3609-a of the education law,  
28 as amended by section 6 of part A of chapter 56 of the laws of 2015, is  
29 amended to read as follows:

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

1 of section thirty-six hundred two of this part as current year aid for  
2 debt service on bond anticipation notes and/or bonds first issued in the  
3 current year or any aids payable for full-day kindergarten for the  
4 current year pursuant to subdivision nine of section thirty-six hundred  
5 two of this part. The definitions of "base year" and "current year" as  
6 set forth in subdivision one of section thirty-six hundred two of this  
7 part shall apply to this section. [For aid payable in the two thousand  
8 fourteen--two thousand fifteen school year, reference to such "school  
9 aid computer listing for the current year" shall mean the printouts  
10 entitled "SA141-5". For aid payable in the two thousand fifteen--two  
11 thousand sixteen school year, reference to such "school aid computer  
12 listing for the current year" shall mean the printouts entitled  
13 "SA151-6".] For aid payable in the two thousand sixteen--two thousand  
14 seventeen school year, reference to such "school aid computer listing  
15 for the current year" shall mean the printouts first produced pursuant  
16 to paragraphs b and c of subdivision twenty-one of section three hundred  
17 five of this chapter following the effective date of the chapter of the  
18 laws of two thousand sixteen which amended this paragraph.

19 § 11. Intentionally omitted.

20 § 11-a. Intentionally omitted.

21 § 12. Intentionally omitted.

22 § 13. Intentionally omitted.

23 § 14. Clauses (i) and (ii) of subparagraph 1 of paragraph e of subdi-  
24 vision 1 of section 3602 of the education law, as amended by section 11  
25 of part B of chapter 57 of the laws of 2007, are amended to read as  
26 follows:

27 (i) determine the number of pupils tested who scored below the state-  
28 wide reference point as determined by the commissioner on each test  
29 administered pursuant to this subparagraph, plus pupils, other than  
30 pupils with disabilities and English language learner pupils [with  
31 limited English proficiency] as defined by the commissioner who are  
32 exempt from taking such tests, provided, however, that a district  
33 employing eight or more teachers in such years but not operating each  
34 grade may use the percentage computed pursuant to this paragraph for the  
35 district which in such years enrolled the greatest number of pupils in  
36 such grade from such district;

37 (ii) divide the sum of such numbers by the number of such pupils who  
38 took each of such tests, plus pupils, other than pupils with disabili-  
39 ties and English language learner pupils [with limited English profi-  
40 ciency] as defined by the commissioner who are exempt from taking such  
41 tests, provided, however, that a district which in any of the applicable  
42 school years did not maintain a home school or employed fewer than eight  
43 teachers, and which in the base year employed eight or more teachers,  
44 may use the scores in a later test as designated by the commissioner for  
45 the purposes of this paragraph;

46 § 15. Paragraph o of subdivision 1 of section 3602 of the education  
47 law, as amended by section 11 of part B of chapter 57 of the laws of  
48 2007, is amended to read as follows:

49 o. "[Limited English proficient] English language learner count" shall  
50 mean the number of pupils served in the base year in programs for pupils  
51 with limited English proficiency approved by the commissioner pursuant  
52 to the provisions of this chapter and in accordance with regulations  
53 adopted for such purpose.

54 § 16. Paragraph b of subdivision 2 of section 3602-d of the education  
55 law, as added by chapter 792 of the laws of 1990, is amended to read as  
56 follows:

1 (b) "Disadvantaged" shall mean individuals (other than handicapped  
2 individuals) who have economic or academic disadvantages and who require  
3 special services and assistance in order to enable them to succeed in  
4 work-prep programs. Such term includes individuals who are: members of  
5 economically disadvantaged families as set forth in regulations promul-  
6 gated by the department pursuant to sections sixty-four hundred fifty-  
7 one and sixty-four hundred fifty-two of this chapter or as set forth in  
8 the Federal Job Training Partnership Act of nineteen hundred eighty-two  
9 (PL 97-300) (29 U.S.C.A. § 1501 et seq.); migrants; [individuals who  
10 have limited English proficiency] English language learners; and indi-  
11 viduals who are identified as potential dropouts from secondary school.

12 § 17. Paragraph d of subdivision 4 of section 3602-f of the education  
13 law, as added by section 83-a of part L of chapter 405 of the laws of  
14 1999, is amended to read as follows:

15 d. [Limited English proficient] English language learner pupil count  
16 as defined in paragraph o of subdivision one of section thirty-six  
17 hundred two of this article.

18 § 18. Section 3604 of the education law is amended by adding a new  
19 subdivision 13 to read as follows:

20 13. For purposes of this chapter, "limited English proficient" and  
21 "limited English proficiency" shall mean "English language learner".

22 § 19. Clause (B) of subparagraph 2 of paragraph b of subdivision 6 of  
23 section 3641 of the education law, as added by section 2 of part B of  
24 chapter 58 of the laws of 2011, is amended to read as follows:

25 (B) [students with limited English proficiency and] students who are  
26 English language learners;

27 § 20. Intentionally omitted.

28 § 21. Intentionally omitted.

29 § 22. Intentionally omitted.

30 § 23. Subdivision 16 of section 3602-ee of the education law is  
31 REPEALED.

32 § 24. Paragraph b of subdivision 6-c of section 3602 of the education  
33 law, as added by chapter 1 of the laws of 2013, is amended to read as  
34 follows:

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

1 § 25. Section 2 of chapter 552 of the laws of 1995 amending the educa-  
2 tion law relating to contracts for the transportation of school chil-  
3 dren, as amended by chapter 116 of the laws of 2013, is amended to read  
4 as follows:

5 § 2. This act shall take effect on the first day of January next  
6 succeeding the date on which it shall have become a law and shall remain  
7 in full force and effect until January 1, [2017] 2020, when upon such  
8 date the provisions of this act shall be deemed repealed.

9 § 26. Paragraph b of subdivision 2 of section 3612 of the education  
10 law, as amended by section 8 of part A of chapter 56 of the laws of  
11 2015, is amended to read as follows:

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

31 § 27. Subdivision 6 of section 4402 of the education law, as amended  
32 by section 9 of part A of chapter 56 of the laws of 2015, is amended to  
33 read as follows:

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

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

17 § 28. Subdivision b of section 2 of chapter 756 of the laws of 1992,  
18 relating to funding a program for work force education conducted by the  
19 consortium for worker education in New York city, as amended by section  
20 13 of part A of chapter 56 of the laws of 2015, is amended to read as  
21 follows:

22 b. Reimbursement for programs approved in accordance with subdivision  
23 a of this section for the 2012--2013 school year shall not exceed 63.3  
24 percent of the lesser of such approvable costs per contact hour or  
25 twelve dollars and thirty-five cents per contact hour, reimbursement for  
26 the 2013--2014 school year shall not exceed 62.3 percent of the lesser  
27 of such approvable costs per contact hour or twelve dollars and sixty-  
28 five cents per contact hour, reimbursement for the 2014--2015 school  
29 year shall not exceed 61.6 percent of the lesser of such approvable  
30 costs per contact hour or thirteen dollars per contact hour, [and]  
31 reimbursement for the 2015--2016 school year shall not exceed 60.7  
32 percent of the lesser of such approvable costs per contact hour or thir-  
33 teen dollars and forty cents per contact hour, and reimbursement for the  
34 2016--2017 school year shall not exceed 60.3 percent of the lesser of  
35 such approvable costs per contact hour or thirteen dollars ninety cents  
36 per contact hour where a contact hour represents sixty minutes of  
37 instruction services provided to an eligible adult. Notwithstanding any  
38 other provision of law to the contrary, for the 2012--2013 school year  
39 such contact hours shall not exceed one million six hundred sixty-four  
40 thousand five hundred thirty-two (1,664,532) hours; whereas for the  
41 2013--2014 school year such contact hours shall not exceed one million  
42 six hundred forty-nine thousand seven hundred forty-six (1,649,746)  
43 hours; whereas for the 2014--2015 school year such contact hours shall  
44 not exceed one million six hundred twenty-five thousand (1,625,000)  
45 hours; whereas for the 2015--2016 school year such contact hours shall  
46 not exceed one million five hundred ninety-nine thousand fifteen  
47 (1,599,015) hours; whereas for the 2016--2017 school year such contact  
48 hours shall not exceed one million five hundred fifty-one thousand three  
49 hundred twelve (1,551,312). Notwithstanding any other provision of law  
50 to the contrary, the apportionment calculated for the city school  
51 district of the city of New York pursuant to subdivision 11 of section  
52 3602 of the education law shall be computed as if such contact hours  
53 provided by the consortium for worker education, not to exceed the  
54 contact hours set forth herein, were eligible for aid in accordance with  
55 the provisions of such subdivision 11 of section 3602 of the education  
56 law.

1 § 29. Section 4 of chapter 756 of the laws of 1992, relating to fund-  
2 ing a program for work force education conducted by the consortium for  
3 worker education in New York city, is amended by adding a new subdivi-  
4 sion u to read as follows:

5 u. The provisions of this subdivision shall not apply after the  
6 completion of payments for the 2016--2017 school year. Notwithstanding  
7 any inconsistent provisions of law, the commissioner shall withhold a  
8 portion of employment preparation education aid due to the city school  
9 district of the city of New York to support a portion of the costs of  
10 the work force education program. Such moneys shall be credited to the  
11 elementary and secondary education fund local assistance account and  
12 shall not exceed thirteen million dollars.

13 § 30. Section 6 of chapter 756 of the laws of 1992, relating to fund-  
14 ing a program for work force education conducted by the consortium for  
15 worker education in New York city, as amended by section 15 of part A of  
16 chapter 56 of the laws of 2015, is amended to read as follows:

17 § 6. This act shall take effect July 1, 1992, and shall be deemed  
18 repealed on June 30, [2016] 2017.

19 § 31. Section 99-u of the state finance law, as added by section 2 of  
20 part GG of chapter 59 of the laws of 2013, subdivision 2-a as added by  
21 chapter 453 of the laws of 2015, is amended to read as follows:

22 § 99-u. New York state teen health education fund. 1. There is hereby  
23 established in the joint custody of the state comptroller and commis-  
24 sioner of taxation and finance a special [account] fund to be known as  
25 the "New York state teen health education fund".

26 2. Such fund shall consist of all revenues received by the department  
27 of taxation and finance, pursuant to the provisions of section six  
28 hundred thirty-c of the tax law and all other moneys appropriated there-  
29 to from any other fund or source pursuant to law. Nothing contained in  
30 this section shall prevent the state from receiving grants, gifts or  
31 bequests for the purposes of the fund as defined in this section and  
32 depositing them into the fund according to law.

33 2-a. On or before the first day of February each year, the commission-  
34 er of [health] education shall provide a written report to the temporary  
35 president of the senate, speaker of the assembly, chair of the senate  
36 finance committee, chair of the assembly ways and means committee, chair  
37 of the senate committee on health, chair of the assembly health commit-  
38 tee, the state comptroller and the public. Such report shall include how  
39 the monies of the fund were utilized during the preceding calendar year,  
40 and shall include:

41 (i) the amount of money dispersed from the fund and the award process  
42 used for such disbursements;

43 (ii) recipients of awards from the fund;

44 (iii) the amount awarded to each;

45 (iv) the purposes for which such awards were granted; and

46 (v) a summary financial plan for such monies which shall include esti-  
47 mates of all receipts and all disbursements for the current and succeed-  
48 ing fiscal years, along with the actual results from the prior fiscal  
49 year.

50 3. [The moneys in said account shall be retained by the fund and shall  
51 be released by the commissioner of taxation and finance only upon  
52 certificates signed by the commissioner of education or his or her  
53 designee and only for the purposes set forth in this section.] Moneys  
54 shall be payable from the fund on the audit and warrant of the comp-  
55 troller on vouchers approved and certified by the commissioner of educa-  
56 tion.

1 4. The moneys in such fund shall be expended for the purpose of  
2 supplementing educational programs in schools for health and awareness  
3 of issues facing teens today when it comes to their health. Eligible  
4 health programs are those with an established curriculum providing  
5 instruction on alcohol, tobacco and other drug abuse prevention, the  
6 causes and problems associated with teen obesity, and for awareness of  
7 the symptoms of teen endometriosis.

8 § 32. Subdivision 1 of section 167 of chapter 169 of the laws of 1994,  
9 relating to certain provisions related to the 1994-95 state operations,  
10 aid to localities, capital projects and debt service budgets, as amended  
11 by section 16 of part A of chapter 56 of the laws of 2015, is amended to  
12 read as follows:

13 1. Sections one through seventy of this act shall be deemed to have  
14 been in full force and effect as of April 1, 1994 provided, however,  
15 that sections one, two, twenty-four, twenty-five and twenty-seven  
16 through seventy of this act shall expire and be deemed repealed on March  
17 31, 2000; provided, however, that section twenty of this act shall apply  
18 only to hearings commenced prior to September 1, 1994, and provided  
19 further that section twenty-six of this act shall expire and be deemed  
20 repealed on March 31, 1997; and provided further that sections four  
21 through fourteen, sixteen, and eighteen, nineteen and twenty-one through  
22 twenty-one-a of this act shall expire and be deemed repealed on March  
23 31, 1997; and provided further that sections three, fifteen, seventeen,  
24 twenty, twenty-two and twenty-three of this act shall expire and be  
25 deemed repealed on March 31, [2017] 2018.

26 § 33. Subdivisions 22 and 24 of section 140 of chapter 82 of the laws  
27 of 1995, amending the education law and other laws relating to state aid  
28 to school districts and the appropriation of funds for the support of  
29 government, as amended by section 17 of part A of chapter 56 of the laws  
30 of 2015, are amended to read as follows:

31 (22) sections one hundred twelve, one hundred thirteen, one hundred  
32 fourteen, one hundred fifteen and one hundred sixteen of this act shall  
33 take effect on July 1, 1995; provided, however, that section one hundred  
34 thirteen of this act shall remain in full force and effect until July 1,  
35 [2016] 2017 at which time it shall be deemed repealed;

36 (24) sections one hundred eighteen through one hundred thirty of this  
37 act shall be deemed to have been in full force and effect on and after  
38 July 1, 1995; provided further, however, that the amendments made pursu-  
39 ant to section one hundred twenty-four of this act shall be deemed to be  
40 repealed on and after July 1, [2016] 2017;

41 § 34. Section 12 of chapter 147 of the laws of 2001, amending the  
42 education law relating to conditional appointment of school district,  
43 charter school or BOCES employees, as amended by section 19 of part A of  
44 chapter 56 of the laws of 2015, is amended to read as follows:

45 § 12. This act shall take effect on the same date as chapter 180 of  
46 the laws of 2000 takes effect, and shall expire July 1, [2016] 2017 when  
47 upon such date the provisions of this act shall be deemed repealed.

48 § 35. Section 4 of chapter 425 of the laws of 2002, amending the  
49 education law relating to the provision of supplemental educational  
50 services, attendance at a safe public school and the suspension of  
51 pupils who bring a firearm to or possess a firearm at a school, as  
52 amended by section 20 of part A of chapter 56 of the laws of 2015, is  
53 amended to read as follows:

54 § 4. This act shall take effect July 1, 2002 and shall expire and be  
55 deemed repealed June 30, [2016] 2017.

1 § 36. Section 5 of chapter 101 of the laws of 2003, amending the  
2 education law relating to the implementation of the No Child Left Behind  
3 Act of 2001, as amended by section 21 of part A of chapter 56 of the  
4 laws of 2015, is amended to read as follows:

5 § 5. This act shall take effect immediately; provided that sections  
6 one, two and three of this act shall expire and be deemed repealed on  
7 June 30, [2016] 2017.

8 § 37. School bus driver training. In addition to apportionments other-  
9 wise provided by section 3602 of the education law, for aid payable in  
10 the 2016--2017 school year, the commissioner of education shall allocate  
11 school bus driver training grants to school districts and boards of  
12 cooperative educational services pursuant to sections 3650-a, 3650-b and  
13 3650-c of the education law, or for contracts directly with not-for-pro-  
14 fit educational organizations for the purposes of this section. Such  
15 payments shall not exceed four hundred thousand dollars (\$400,000) per  
16 school year.

17 § 38. Special apportionment for salary expenses. a. Notwithstanding  
18 any other provision of law, upon application to the commissioner of  
19 education, not sooner than the first day of the second full business  
20 week of June 2017 and not later than the last day of the third full  
21 business week of June 2017, a school district eligible for an apportion-  
22 ment pursuant to section 3602 of the education law shall be eligible to  
23 receive an apportionment pursuant to this section, for the school year  
24 ending June 30, 2017, for salary expenses incurred between April 1 and  
25 June 30, 2016 and such apportionment shall not exceed the sum of (i) the  
26 deficit reduction assessment of 1990--1991 as determined by the commis-  
27 sioner of education, pursuant to paragraph f of subdivision 1 of section  
28 3602 of the education law, as in effect through June 30, 1993, plus (ii)  
29 186 percent of such amount for a city school district in a city with a  
30 population in excess of 1,000,000 inhabitants, plus (iii) 209 percent of  
31 such amount for a city school district in a city with a population of  
32 more than 195,000 inhabitants and less than 219,000 inhabitants accord-  
33 ing to the latest federal census, plus (iv) the net gap elimination  
34 adjustment for 2010--2011, as determined by the commissioner of educa-  
35 tion pursuant to chapter 53 of the laws of 2010, plus (v) the gap elimi-  
36 nation adjustment for 2011--2012 as determined by the commissioner of  
37 education pursuant to subdivision 17 of section 3602 of the education  
38 law, and provided further that such apportionment shall not exceed such  
39 salary expenses. Such application shall be made by a school district,  
40 after the board of education or trustees have adopted a resolution to do  
41 so and in the case of a city school district in a city with a population  
42 in excess of 125,000 inhabitants, with the approval of the mayor of such  
43 city.

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

1 district pursuant to subparagraph (2) of paragraph a of subdivision 1 of  
2 section 3609-a of the education law in the school year following the  
3 year in which application was made.

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

19 § 39. Special apportionment for public pension accruals. a. Notwith-  
20 standing any other provision of law, upon application to the commission-  
21 er of education, not later than June 30, 2017, a school district eligi-  
22 ble for an apportionment pursuant to section 3602 of the education law  
23 shall be eligible to receive an apportionment pursuant to this section,  
24 for the school year ending June 30, 2017 and such apportionment shall  
25 not exceed the additional accruals required to be made by school  
26 districts in the 2004--2005 and 2005--2006 school years associated with  
27 changes for such public pension liabilities. The amount of such addi-  
28 tional accrual shall be certified to the commissioner of education by  
29 the president of the board of education or the trustees or, in the case  
30 of a city school district in a city with a population in excess of  
31 125,000 inhabitants, the mayor of such city. Such application shall be  
32 made by a school district, after the board of education or trustees have  
33 adopted a resolution to do so and in the case of a city school district  
34 in a city with a population in excess of 125,000 inhabitants, with the  
35 approval of the mayor of such city.

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

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

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

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

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

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

25 d. Notwithstanding any other law, rule or regulation to the contrary,  
26 moneys appropriated to the state education department for general  
27 support for public schools may be interchanged with any other item of  
28 appropriation for general support for public schools within the general  
29 fund local assistance account office of prekindergarten through grade  
30 twelve education programs.

31 § 41. Notwithstanding the provision of any law, rule, or regulation to  
32 the contrary, the city school district of the city of Rochester, upon  
33 the consent of the board of cooperative educational services of the  
34 supervisory district serving its geographic region may purchase from  
35 such board for the 2016--2017 school year, as a non-component school  
36 district, services required by article 19 of the education law.

37 § 42. The amounts specified in this section shall be a set aside from  
38 the state funds which each such district is receiving from the total  
39 foundation aid: for the purpose of the development, maintenance or  
40 expansion of magnet schools or magnet school programs for the 2016--2017  
41 school year. To the city school district of the city of New York there  
42 shall be paid forty-eight million one hundred seventy-five thousand  
43 dollars (\$48,175,000) including five hundred thousand dollars (\$500,000)  
44 for the Andrew Jackson High School; to the Buffalo city school district,  
45 twenty-one million twenty-five thousand dollars (\$21,025,000); to the  
46 Rochester city school district, fifteen million dollars (\$15,000,000);  
47 to the Syracuse city school district, thirteen million dollars  
48 (\$13,000,000); to the Yonkers city school district, forty-nine million  
49 five hundred thousand dollars (\$49,500,000); to the Newburgh city school  
50 district, four million six hundred forty-five thousand dollars  
51 (\$4,645,000); to the Poughkeepsie city school district, two million four  
52 hundred seventy-five thousand dollars (\$2,475,000); to the Mount Vernon  
53 city school district, two million dollars (\$2,000,000); to the New  
54 Rochelle city school district, one million four hundred ten thousand  
55 dollars (\$1,410,000); to the Schenectady city school district, one  
56 million eight hundred thousand dollars (\$1,800,000); to the Port Chester

1 city school district, one million one hundred fifty thousand dollars  
2 (\$1,150,000); to the White Plains city school district, nine hundred  
3 thousand dollars (\$900,000); to the Niagara Falls city school district,  
4 six hundred thousand dollars (\$600,000); to the Albany city school  
5 district, three million five hundred fifty thousand dollars  
6 (\$3,550,000); to the Utica city school district, two million dollars  
7 (\$2,000,000); to the Beacon city school district, five hundred sixty-six  
8 thousand dollars (\$566,000); to the Middletown city school district,  
9 four hundred thousand dollars (\$400,000); to the Freeport union free  
10 school district, four hundred thousand dollars (\$400,000); to the Green-  
11 burgh central school district, three hundred thousand dollars  
12 (\$300,000); to the Amsterdam city school district, eight hundred thou-  
13 sand dollars (\$800,000); to the Peekskill city school district, two  
14 hundred thousand dollars (\$200,000); and to the Hudson city school  
15 district, four hundred thousand dollars (\$400,000). Notwithstanding the  
16 provisions of this section, a school district receiving a grant pursuant  
17 to this section may use such grant funds for: (i) any instructional or  
18 instructional support costs associated with the operation of a magnet  
19 school; or (ii) any instructional or instructional support costs associ-  
20 ated with implementation of an alternative approach to reduction of  
21 racial isolation and/or enhancement of the instructional program and  
22 raising of standards in elementary and secondary schools of school  
23 districts having substantial concentrations of minority students. The  
24 commissioner of education shall not be authorized to withhold magnet  
25 grant funds from a school district that used such funds in accordance  
26 with this section, notwithstanding any inconsistency with a request for  
27 proposals issued by such commissioner. For the purpose of attendance  
28 improvement and dropout prevention for the 2016--2017 school year, for  
29 any city school district in a city having a population of more than one  
30 million, the set aside for attendance improvement and dropout prevention  
31 shall equal the amount set aside in the base year. For the 2016--2017  
32 school year, it is further provided that any city school district in a  
33 city having a population of more than one million shall allocate at  
34 least one-third of any increase from base year levels in funds set aside  
35 pursuant to the requirements of this section to community-based organ-  
36 izations. Any increase required pursuant to this section to community-  
37 based organizations must be in addition to allocations provided to  
38 community-based organizations in the base year. For the purpose of  
39 teacher support for the 2016--2017 school year: to the city school  
40 district of the city of New York, sixty-two million seven hundred seven  
41 thousand dollars (\$62,707,000); to the Buffalo city school district, one  
42 million seven hundred forty-one thousand dollars (\$1,741,000); to the  
43 Rochester city school district, one million seventy-six thousand dollars  
44 (\$1,076,000); to the Yonkers city school district, one million one  
45 hundred forty-seven thousand dollars (\$1,147,000); and to the Syracuse  
46 city school district, eight hundred nine thousand dollars (\$809,000).  
47 All funds made available to a school district pursuant to this section  
48 shall be distributed among teachers including prekindergarten teachers  
49 and teachers of adult vocational and academic subjects in accordance  
50 with this section and shall be in addition to salaries heretofore or  
51 hereafter negotiated or made available; provided, however, that all  
52 funds distributed pursuant to this section for the current year shall be  
53 deemed to incorporate all funds distributed pursuant to former subdivi-  
54 sion 27 of section 3602 of the education law for prior years. In school  
55 districts where the teachers are represented by certified or recognized  
56 employee organizations, all salary increases funded pursuant to this



1 section shall be determined by separate collective negotiations  
2 conducted pursuant to the provisions and procedures of article 14 of the  
3 civil service law, notwithstanding the existence of a negotiated agree-  
4 ment between a school district and a certified or recognized employee  
5 organization.

6 § 43. Support of public libraries. The moneys appropriated for the  
7 support of public libraries by a chapter of the laws of 2016 enacting  
8 the aid to localities budget shall be apportioned for the 2016-2017  
9 state fiscal year in accordance with the provisions of sections 271,  
10 272, 273, 282, 284, and 285 of the education law as amended by the  
11 provisions of this chapter and the provisions of this section, provided  
12 that library construction aid pursuant to section 273-a of the education  
13 law shall not be payable from the appropriations for the support of  
14 public libraries and provided further that no library, library system or  
15 program, as defined by the commissioner of education, shall receive less  
16 total system or program aid than it received for the year 2001-2002  
17 except as a result of a reduction adjustment necessary to conform to the  
18 appropriations for support of public libraries. Notwithstanding any  
19 other provision of law to the contrary the moneys appropriated for the  
20 support of public libraries for the year 2016-2017 by a chapter of the  
21 laws of 2016 enacting the education, labor and family assistance budget  
22 shall fulfill the state's obligation to provide such aid and, pursuant  
23 to a plan developed by the commissioner of education and approved by the  
24 director of the budget, the aid payable to libraries and library systems  
25 pursuant to such appropriations shall be reduced proportionately to  
26 assure that the total amount of aid payable does not exceed the total  
27 appropriations for such purpose.

28 § 44. 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 26-b of part A of chapter 56 of the laws of 2015, 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 [2015-16] 2016-17 school year, four million dollars  
41 (\$4,000,000); for the [2016-17] 2017-18 school year, three million  
42 dollars (\$3,000,000); for the [2017-18] 2018-19 school year, two million  
43 dollars (\$2,000,000); for the [2018-19] 2019-20 school year, one million  
44 dollars (\$1,000,000); and for the [2019-20] 2020-21 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 § 45. Paragraph a-1 of subdivision 11 of section 3602 of the educa-  
49 tion law, as amended by section 15-a of part A of chapter 56 of the laws  
50 of 2015, is amended to read as follows:

51 a-1. Notwithstanding the provisions of paragraph a of this subdivi-  
52 sion, for aid payable in the school years two thousand--two thousand one  
53 through two thousand nine--two thousand ten, and two thousand eleven--  
54 two thousand twelve through two thousand [fifteen] sixteen--two thousand  
55 [sixteen] seventeen, the commissioner may set aside an amount not to  
56 exceed two million five hundred thousand dollars from the funds appro-

1 priated for purposes of this subdivision for the purpose of serving  
2 persons twenty-one years of age or older who have not been enrolled in  
3 any school for the preceding school year, including persons who have  
4 received a high school diploma or high school equivalency diploma but  
5 fail to demonstrate basic educational competencies as defined in regu-  
6 lation by the commissioner, when measured by accepted standardized  
7 tests, and who shall be eligible to attend employment preparation educa-  
8 tion programs operated pursuant to this subdivision.

9 § 46. Paragraph a of subdivision 9 of section 3602 of the education  
10 law, as amended by section 9 of part A of chapter 57 of the laws of  
11 2013, is amended to read as follows:

12 a. For aid payable in the [two thousand seven--two thousand eight] two  
13 thousand sixteen--two thousand seventeen school year and thereafter,  
14 school districts which provided any half-day kindergarten programs or  
15 had no kindergarten programs in the nineteen hundred ninety-six--nine-  
16 ty-seven school year and in the base year, and which have not received  
17 an apportionment pursuant to this paragraph in any prior school year,  
18 shall be eligible for five year transition aid.

19 i. The aid in the first year of full day kindergarten transition is  
20 equal to the product of the district's selected foundation aid calcu-  
21 lated pursuant to subdivision four of this section multiplied by the  
22 positive difference resulting when the full day kindergarten enrollment  
23 of children attending programs in the district in the base year is  
24 subtracted from such enrollment in the current year. The remaining tran-  
25 sition aid shall be apportioned as follows:

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

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

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

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

34 § 47. Section 3602 of the education law is amended by adding a new  
35 subdivision 6-h to read as follows:

36 6-h. Apportionment of building aid for eligible projects in struggling  
37 and persistently struggling schools for the purpose of converting such  
38 schools to community schools. a. In lieu of the apportionment payable  
39 pursuant to subdivision six of this section, the commissioner is hereby  
40 authorized to apportion building aid to a school district pursuant to  
41 this subdivision in the amount equal to the product of: (1) its approved  
42 expenditures in the base year for capital outlays from the district's  
43 general fund, capital fund or reserved funds that are incurred on or  
44 after July first of the base year, or its current year approved expendi-  
45 tures for debt service or a lease, lease-purchase or other agreement  
46 relating to an educational facility to the extent such expenditures  
47 would have been aidable in the current year pursuant to subdivision six  
48 of this section or its base year approved expenditures for a lease-pur-  
49 chase agreement to the extent such expenditures would be aidable in the  
50 base year pursuant to subdivision six of this section, and (2) the  
51 district's applicable building aid ratio as defined pursuant to para-  
52 graph c of subdivision six of this section for an eligible school  
53 construction project, as defined in paragraph c of this subdivision, in  
54 an eligible school, as defined in paragraph b of this subdivision.  
55 Approved expenditures for eligible school construction projects that are



1 eligible for an apportionment pursuant to this subdivision shall not be  
2 eligible for aid pursuant to subdivision six of this section.

3 b. For purposes of this subdivision, an "eligible school" shall mean a  
4 school designated as a struggling or persistently struggling school  
5 pursuant to the regulations of the commissioner, as of the date of the  
6 commissioner's approval of an eligible school construction project, that  
7 is converting to a community school pursuant to subdivision seven of  
8 such section two hundred eleven-f of this chapter.

9 c. For purposes of this subdivision, an "eligible school construction  
10 project" shall mean any project for the financing, refinancing, acquisi-  
11 tion, design, construction, reconstruction, rehabilitation or improve-  
12 ment of an eligible school for the purposes of establishing sustainable  
13 community schools that foster community and parent engagement.

14 d. An apportionment pursuant to this subdivision shall be determined  
15 pursuant to subdivision six of this section, except that the commission-  
16 er shall assign special rating capacities for community school facility  
17 spaces in an eligible school, which shall include but not be limited to  
18 health suites, adult education spaces, guidance suites, resource rooms,  
19 remedial rooms and parent/community rooms, shared and classroom spaces  
20 including but not limited to career technical education classrooms,  
21 auditoriums, cafeterias, large group instruction rooms and gymnasiums as  
22 defined in regulations of the commissioner; provided, however, that cost  
23 allowances for eligible school construction projects under this section  
24 shall be the lesser of one hundred fifteen per centum of the cost allow-  
25 ances for comparable instructional space determined under subdivision  
26 six of this section or the actual costs relating to the construction,  
27 acquisition, reconstruction, rehabilitation or improvement of a school  
28 building.

29 § 48. Paragraph b of subdivision 5 of section 1950 of the education  
30 law, as amended by section 80-a of part A of chapter 58 of the laws of  
31 2011, is amended to read as follows:

32 b. The cost of services herein referred to shall be the amount allo-  
33 cated to each component school district by the board of cooperative  
34 educational services to defray expenses of such board, except that that  
35 part of the salary paid any teacher, supervisor or other employee of the  
36 board of cooperative educational services which is in excess of thirty  
37 thousand dollars, and for aid payable in the two thousand sixteen--two  
38 thousand seventeen school year and thereafter, in excess of thirty-four  
39 thousand dollars, shall not be such an approved expense, and except also  
40 that administrative and clerical expenses shall not exceed ten percent  
41 of the total expenses for purposes of this computation. Any gifts,  
42 donations or interest earned by the board of cooperative educational  
43 services or on behalf of the board of cooperative educational services  
44 by the dormitory authority or any other source shall not be deducted in  
45 determining the cost of services allocated to each component school  
46 district. Any payments made to a component school district by the board  
47 of cooperative educational services pursuant to subdivision eleven of  
48 section six-p of the general municipal law attributable to an approved  
49 cost of service computed pursuant to this subdivision shall be deducted  
50 from the cost of services allocated to such component school district.  
51 The expense of transportation provided by the board of cooperative  
52 educational services pursuant to paragraph q of subdivision four of this  
53 section shall be eligible for aid apportioned pursuant to subdivision  
54 seven of section thirty-six hundred two of this chapter and no board of  
55 cooperative educational services transportation expense shall be an  
56 approved cost of services for the computation of aid under this subdivi-



1 sion. Transportation expense pursuant to paragraph q of subdivision four  
2 of this section shall be included in the computation of the ten percent  
3 limitation on administrative and clerical expenses.

4 § 49. Paragraph b of subdivision 10 of section 3602 of the education  
5 law, as amended by section 16 of part B of chapter 57 of the laws of  
6 2007, is amended to read as follows:

7 b. Aid for career education. There shall be apportioned to such city  
8 school districts and other school districts which were not components of  
9 a board of cooperative educational services in the base year for pupils  
10 in grades ten through twelve in attendance in career education programs  
11 as such programs are defined by the commissioner, subject for the  
12 purposes of this paragraph to the approval of the director of the budg-  
13 et, an amount for each such pupil to be computed by multiplying the  
14 career education aid ratio by three thousand nine hundred dollars, or  
15 for aid payable in the two thousand sixteen--two thousand seventeen  
16 school year and thereafter, by four thousand two hundred and six  
17 dollars. Such aid will be payable for weighted pupils attending career  
18 education programs operated by the school district and for weighted  
19 pupils for whom such school district contracts with boards of cooper-  
20 ative educational services to attend career education programs operated  
21 by a board of cooperative educational services. Weighted pupils for the  
22 purposes of this paragraph shall mean the sum of the attendance of  
23 students in grades ten through twelve in career education sequences in  
24 trade, industrial, technical, agricultural or health programs plus the  
25 product of sixteen hundredths multiplied by the attendance of students  
26 in grades ten through twelve in career education sequences in business  
27 and marketing as defined by the commissioner in regulations. The career  
28 education aid ratio shall be computed by subtracting from one the prod-  
29 uct obtained by multiplying fifty-nine percent by the combined wealth  
30 ratio. This aid ratio shall be expressed as a decimal carried to three  
31 places without rounding, but not less than thirty-six percent.

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

35 A board of education which spends less than its local funds as defined  
36 by regulations of the commissioner for career education in the base year  
37 during the current year shall have its apportionment under this subdivi-  
38 sion reduced in an amount equal to such deficiency in the current or a  
39 succeeding school year, provided however that the commissioner may waive  
40 such reduction upon determination that overall expenditures per pupil in  
41 support of career education programs were continued at a level equal to  
42 or greater than the level of such overall expenditures per pupil in the  
43 preceding school year.

44 § 50. Subdivision 10 of section 3602 of the education law is amended  
45 by adding a new paragraph e to read as follows:

46 e. Beginning in the two thousand sixteen--two thousand seventeen  
47 school year the commissioner shall collect data from school districts  
48 receiving aid under this subdivision on the number of students in the  
49 base year that are in grade nine and in career education sequences in  
50 trade, industrial, technical, agricultural or health programs as well as  
51 students in grade nine in career education sequences in business and  
52 marketing as defined by the commissioner.

53 § 51. The commissioner of education is hereby authorized and directed  
54 to examine the number of eligible students in the federal and state free  
55 and reduced price lunch program that are used to calculate aid under  
56 section 3602 of the education law for districts that are participating

1 in the community eligibility program authorized by the Healthy, Hunger-  
2 Free Kids Act of 2010 and prepare a report of recommendations that would  
3 ensure a more accurate representation of this population for use in such  
4 education aid formulae. In developing such recommendations the commis-  
5 sioner shall consult with impacted districts, including city school  
6 districts of cities with one hundred twenty-five thousand inhabitants or  
7 more. The report shall be submitted to the Director of the Budget, the  
8 Chairs of the Senate Finance Committee, the Assembly Ways and Means  
9 Committee, the Senate Education Committee, and the Assembly Education  
10 Committee on or before October 1, 2016.

11 § 52. Subparagraph (i) of paragraph (c) of subdivision 1 of section  
12 211-f of the education law, as added by section 1 of subpart H of part  
13 EE of chapter 56 of the laws of 2015, is amended to read as follows:

14 (i) For schools designated as persistently failing pursuant to para-  
15 graph (b) of this subdivision, the local district shall continue to  
16 operate the school [for an additional school year] until the department  
17 completes its performance review provided that there is a department-ap-  
18 proved intervention model or comprehensive education plan in place that  
19 includes rigorous performance metrics and goals, including but not  
20 limited to measures of student academic achievement and outcomes includ-  
21 ing those set forth in subdivision six of this section. Notwithstanding  
22 any other provision of law, rule or regulation to the contrary, the  
23 superintendent shall be vested with all powers granted to a receiver  
24 appointed pursuant to this section for such time period; provided,  
25 however that such superintendent shall not be allowed to override any  
26 decision of the board of education with respect to his or her employment  
27 status. [At the end of such year,] Upon conclusion of one full school  
28 year after such school was provided funding pursuant to a persistently  
29 failing school transformation grant, the department shall conduct a  
30 performance review in consultation and cooperation with the district and  
31 school staff to determine, based on the performance metrics in the  
32 school's model or plan, whether (1) the designation of persistently  
33 failing should be removed; (2) the school should remain under continued  
34 school district operation with the superintendent vested with the powers  
35 of a receiver; or (3) the school should be placed into receivership;  
36 provided, however, that a school that makes demonstrable improvement  
37 based on the performance metrics and goals herein shall remain under  
38 district operation for an additional school year and if such school  
39 remains under district operation, it shall continue to be subject to  
40 annual review by the department, in consultation and cooperation with  
41 the district, under the same terms and conditions.

42 § 53. Clause (c) of subparagraph 5 of paragraph e of subdivision 6 of  
43 section 3602 of the education law, as amended by section 7-a of part A  
44 of chapter 56 of the laws of 2015, is amended to read as follows:

45 (c) At the end of each ten year segment of an assumed amortization  
46 established pursuant to subparagraphs two, three and four of this para-  
47 graph, or in the [two thousand sixteen--two thousand seventeen] two  
48 thousand seventeen--two thousand eighteen school year in the case of  
49 assumed amortizations whose ten year segment ends prior to such school  
50 year, the commissioner shall revise the remaining scheduled semiannual  
51 payments of the outstanding principal and interest of such assumed amor-  
52 tization, other than the outstanding principal and interest of refunding  
53 bonds where the district can demonstrate to the commissioner that it is  
54 precluded by state or federal law, rule or regulation from refinancing  
55 such outstanding principal and interest, based on the interest rates  
56 applicable for the current year if the difference of the interest rate

1 upon which the existing assumed amortization is based minus such inter-  
2 est rate applicable for the current year is equal to or greater than one  
3 quarter of one-one hundredth. Provided however, in the case of assumed  
4 amortization whose ten year segment ended prior to the [two thousand  
5 sixteen--two thousand seventeen] two thousand seventeen--two thousand  
6 eighteen school year the next ten year segment shall be deemed to  
7 commence with the [two thousand sixteen--two thousand seventeen] two  
8 thousand seventeen--two thousand eighteen school year. The department  
9 shall notify school districts of projects subject to the provisions of  
10 this clause by no later than December first next preceding the school  
11 year in which the assumed amortization is scheduled to be revised pursu-  
12 ant to this clause.

13 § 54. Subdivision 4 of section 3627 of the education law, as amended  
14 by section 1 of part C of chapter 60 of the laws of 2015, is amended to  
15 read as follows:

16 4. Notwithstanding any other provision of law to the contrary, any  
17 expenditures for transportation provided pursuant to this section in the  
18 two thousand thirteen--two thousand fourteen [and two thousand four-  
19 teen--two thousand fifteen] school year and thereafter and otherwise  
20 eligible for transportation aid pursuant to subdivision seven of section  
21 thirty-six hundred two of this article shall be considered approved  
22 transportation expenses eligible for transportation aid, provided  
23 further that for the two thousand thirteen--two thousand fourteen school  
24 year such aid shall be limited to eight million one hundred thousand  
25 dollars and for the two thousand fourteen--two thousand fifteen school  
26 year and thereafter such aid shall be limited to the sum of twelve  
27 million six hundred thousand dollars plus the base amount and for the  
28 two thousand fifteen--two thousand sixteen school year and thereafter  
29 such aid shall be limited to the sum of fourteen million six hundred  
30 thousand dollars plus the base amount. For purposes of this subdivision,  
31 "base amount" means the amount of transportation aid paid to the school  
32 district for expenditures incurred in the two thousand twelve--two thou-  
33 sand thirteen school year for transportation that would have been eligi-  
34 ble for aid pursuant to this section had this section been in effect in  
35 such school year, except that subdivision six of this section shall be  
36 deemed not to have been in effect. And provided further that [such  
37 expenditures eligible for aid under this section shall supplement not  
38 supplant local expenditures for such transportation in the two thousand  
39 twelve--two thousand thirteen school year] the school district shall  
40 continue to annually expend for the transportation described in subdivi-  
41 sion one of this section at least the expenditures used for the base  
42 amount.

43 § 55. Tuition rates approved for the two thousand sixteen--two thou-  
44 sand seventeen school year for special services or programs provided to  
45 school-age students by special act school districts and approved private  
46 residential or non-residential schools for the education of students  
47 with disabilities that are located within the state shall provide for an  
48 increase of at least two percent in reimbursable costs.

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

52 11. [Notwithstanding any inconsistent provision of law, no school  
53 district shall be eligible for an apportionment of general support for  
54 public schools from the funds appropriated for the 2015--2016 school  
55 year and any year thereafter in excess of the amount apportioned to such  
56 school district in the respective base year unless such school district

1 has] School districts shall have submitted documentation that has been  
2 approved by the commissioner by November fifteenth, two thousand  
3 fifteen, or by September first of each subsequent year, demonstrating  
4 that it has fully implemented the standards and procedures for conduct-  
5 ing annual teacher and principal evaluations of teachers and principals  
6 in accordance with the requirements of this section and the regulations  
7 issued by the commissioner. [Provided further that any apportionment  
8 withheld pursuant to this section shall not occur prior to April first  
9 of the current year and shall not have any effect on the base year  
10 calculation for use in the subsequent school year. For purposes of this  
11 section, "base year" shall mean the base year as defined in paragraph b  
12 of subdivision one of section thirty-six hundred two of this chapter,  
13 and "current year" shall mean the current year as defined in paragraph a  
14 of subdivision one of section thirty-six hundred two of this chapter.]

15 § 57. The education law is amended by adding a new article 2-A to read  
16 as follows:

17 ARTICLE 2-A

18 COUNCIL TO IMPROVE OUTCOMES FOR BOYS AND YOUNG MEN OF COLOR

19 Section 19. Council to improve outcomes for boys and young men of color.

20 20. Utilization of other agency assistance.

21 21. Powers and duties of council.

22 22. Coordinated services to improve the outcomes for boys and  
23 young men of color.

24 23. Rules and regulations.

25 § 19. Council to improve outcomes for boys and young men of color. 1.

26 There is hereby created and established in the department a council to  
27 be known as the council to improve outcomes for boys and young men of  
28 color which shall serve the board of regents and member agencies in an  
29 advisory capacity. Such council shall consist of the commissioner of  
30 education or his or her designee, the commissioner of the office of  
31 children and family services or his or her designee, the commissioner of  
32 mental health or his or her designee, the commissioner of developmental  
33 disabilities or his or her designee, the director of the office of  
34 probation and correctional alternatives or his or her designee, the  
35 commissioner of social services or his or her designee, the commissioner  
36 of health or his or her designee, the commissioner of the division of  
37 criminal justice services or his or her designee, and eleven members to  
38 be appointed by the commissioner of education in accordance with subdi-  
39 vision two of this section. The commissioner of education or his or her  
40 designee, shall be the chair of the council.

41 2. In addition to the members in subdivision one of this section,  
42 there shall be eleven members appointed by the commissioner of educa-  
43 tion, of whom two members shall be appointed upon the recommendation of  
44 the governor, two members shall be appointed upon the recommendation of  
45 the temporary president of the senate, two members shall be appointed  
46 upon the recommendation of the speaker of the assembly and three of the  
47 remaining members shall be certified teachers, school administrators or  
48 school support staff from schools designated by the commissioner as  
49 struggling or persistently struggling during the two thousand fifteen--  
50 two thousand sixteen school year pursuant to the commissioner's regu-  
51 lations or schools identified as persistently dangerous schools accord-  
52 ing to the most current designation of the commissioner as of February  
53 first, two thousand sixteen. All members appointed pursuant to this  
54 subdivision shall have demonstrated experience with or expertise in one  
55 or more of the following areas: youth development, education, law,  
56 prevention and intervention services, sociology, structural and institu-



1 tional racism, comprehensive and coordinated services, social work,  
2 public policy, engaging families and communities, statistics, and  
3 health.

4 3. The chair of the council shall designate staff from the department  
5 or hire additional staff to assist in carrying out the functions of the  
6 council.

7 4. The council may conduct its meetings and, by and through the chair,  
8 perform its powers and duties notwithstanding the absence of a quorum;  
9 provided, however that no action may be taken by the council without the  
10 concurrence of the chair.

11 5. The council shall adopt by-laws to govern its proceedings.

12 6. The council shall be allocated the sum of one hundred thousand  
13 dollars from the two thousand sixteen--two thousand seventeen state  
14 budget to complete the duties required pursuant to paragraph (e) of  
15 subdivision two of section twenty-one of this article. The members of  
16 the council shall serve without salary, but shall be entitled to  
17 reimbursement for his or her actual and necessary expenses incurred in  
18 the performance of his or her official duties pursuant to this section.

19 § 20. Utilization of other agency assistance. To effectuate the  
20 purposes of this article, any department, division, board, bureau,  
21 commission or agency of the state or of any political subdivision there-  
22 of shall, at the request of the chair, provide to the council such  
23 facilities, assistance and data as will enable the council to properly  
24 carry out its powers and duties and those of the chair.

25 § 21. Powers and duties of council. 1. As used in this article, the  
26 terms "programs" and "service programs" shall mean and include care,  
27 maintenance services and programs to improve educational outcomes  
28 provided to boys and young men of color of the state and their families  
29 by or under the jurisdiction of a member agency. The term "member agen-  
30 cy" shall mean an agency headed by a member of the council.

31 2. The council shall have the following duties and powers:

32 (a) to identify problems and deficiencies in service programs and make  
33 recommendations to the board of regents for the remedy of such problems  
34 and deficiencies on or before January fifteenth, two thousand seventeen  
35 and annually thereafter relating to the improvement of the educational  
36 outcomes for boys and young men of color;

37 (b) to make recommendations to improve coordination of programs and  
38 fiscal resources of state, local, public and voluntary services to  
39 improve the outcomes for boys and young men of color; and to coordinate  
40 program and management research of member agencies for the purpose of  
41 monitoring, evaluating or redirecting existing care and service programs  
42 or developing new programs, and to conduct, sponsor, or request that  
43 member agencies undertake such research or other activities;

44 (c) to develop and monitor current and future partnerships among  
45 schools, community-based organizations and businesses to address impor-  
46 tant health and educational outcomes of students across the continuum of  
47 pre-kindergarten through college;

48 (d) to focus on schools and districts with the greatest inequities and  
49 highest population of boys and young men of color;

50 (e) to review and analyze state data and identify critical data  
51 elements the department needs to collect to assess and address issues  
52 related to the impact of racial disparities in service delivery; and to  
53 present a written report on such findings and recommended actions to the  
54 board of regents on or before January fifteenth, two thousand seventeen;

55 (f) to review differences, if any, concerning rules and regulations of  
56 each member agency insofar as such rules and regulations impact on



1 services or programs provided by other member agencies and to make  
2 recommendations to the board of regents and member agencies as to their  
3 resolution;

4 (g) to review state and locally operated or supported service  
5 programs' plans and proposals for new services to improve the outcomes  
6 for boys and young men of color and make recommendations as to whether  
7 such services are planned, created and delivered in a coordinated,  
8 effective and comprehensive manner;

9 (h) to recommend to the commissioner the acceptance and expenditure of  
10 any grants, awards, or other funds or appropriations as may be available  
11 to the council to effectuate the purposes of this article;

12 (i) to perform any powers or duties as deemed appropriate by the  
13 commissioner to improve outcomes for boys and young men of color; and

14 (j) to validate and award the work of schools that successfully serve  
15 disengaged, over-age and under-credited students with appropriate  
16 metrics for monitoring and evaluating their progress.

17 2-a. (a) As part of its January fifteenth, two thousand seventeen  
18 report, the council shall study and make recommendations regarding the  
19 potential links between school discipline, poor academic outcomes, and  
20 involvement of students in the criminal and juvenile justice systems.  
21 Such study and recommendations shall include efforts and strategies  
22 related to:

23 (i) practices which lead to disproportionately high rates of boys and  
24 young men of color experiencing suspensions, summonses and arrests;

25 (ii) restorative justice practices designed to have a young person  
26 confront the impact of misconduct and take positive actions to make  
27 recompense to the community; and

28 (iii) positive behavioral interventions and supports, such as school-  
29 wide, evidence-based approaches to addressing misbehavior.

30 (b) As part of its study and recommendations pursuant to this subdivi-  
31 sion, the council shall hold public meetings and offer opportunities for  
32 members of the public to comment on strategies and solutions.

33 3. The council shall review the budget requests of member agencies  
34 insofar as such budgets jointly affect service programs to boys and  
35 young men of color and their families and shall make comments and recom-  
36 mendations thereon to the relevant member agencies and the governor.

37 4. The council shall meet on a regular basis to implement the purposes  
38 of this article and shall meet at least four times a year.

39 § 22. Coordinated services to improve the outcomes for boys and young  
40 men of color. 1. The absence of coordinated services often results in  
41 boys and young men of color graduating at lower rates, dropping out at  
42 higher rates, participating in fewer advance placement courses and  
43 preparatory tests and being suspended from school at dramatically higher  
44 rates than their peers. Establishing the coordinated services initiative  
45 statewide is intended to improve the manner in which services of multi-  
46 ple systems are delivered and to eliminate barriers to a coordinated  
47 system of services. The purpose of this section is to work towards and  
48 provide recommendations to establish a coordinated system of services  
49 for boys and young men of color to improve their health, mental health,  
50 employment, social and educational outcomes through assistance from  
51 multiple agency systems. Such system of services shall provide for the  
52 effective collaboration among state and local education, health, mental  
53 hygiene, juvenile justice, probation and other human services agencies  
54 directed at improving outcomes for boys and young men of color and their  
55 families leading to full participation in their communities and schools.



1 2. The council may work with member agencies to establish and maintain  
2 a coordinated system of services for boys and young men of color to  
3 improve their health and educational outcomes.

4 § 23. Rules and regulations. The commissioner, in consultation with  
5 the council, is hereby authorized to promulgate rules and regulations to  
6 implement the provisions of this article.

7 § 58. Section 3641 of the education law is amended by adding a new  
8 subdivision 17 to read as follows:

9 17. Aid for family and community engagement strategies. a. Purpose.  
10 The purpose of this subdivision is to support targeted programming that  
11 can facilitate and support active, research-based family and community  
12 engagement strategies consistent with the goals of the board of regent's  
13 workgroup to improve outcomes for boys and young men of color.

14 b. Within the amount appropriated for such purpose, school districts  
15 shall be eligible for an apportionment or apportionments pursuant to  
16 this subdivision for eligible family and community engagement programs.  
17 The payment of such apportionment or apportionments shall be made in the  
18 manner provided for in paragraph d of this subdivision.

19 c. Definitions. For the purposes of this subdivision, the following  
20 terms shall have the following meanings:

21 (1) "Eligible family and community engagement program" or "eligible  
22 program" means a community based organization or school sponsored  
23 program in support of the improvement of outcomes for boys and young men  
24 of color that is consistent with the goals and strategies of the work-  
25 group to improve outcomes for boys and young men of color and from  
26 schools designated by the commissioner as struggling or persistently  
27 struggling during the two thousand fifteen--two thousand sixteen school  
28 year pursuant to the commissioner's regulations or schools identified as  
29 persistently dangerous schools according to the most current designation  
30 of the commissioner as of February first, two thousand sixteen.

31 (2) "Approved program" means an eligible program that has been  
32 reviewed by the office of family and community engagement and approved  
33 by the commissioner in consultation with the council to improve outcomes  
34 for boys and young men of color pursuant to this subdivision for funding  
35 disbursement by an apportionment or apportionments made hereunder.

36 d. Powers and duties of the commissioner. In administering the  
37 provisions of this subdivision, the commissioner shall:

38 (1) establish an application process for school districts, schools or  
39 community based organizations to request the approval of the commission-  
40 er of an apportionment or apportionments to fund eligible programs;

41 (2) provide that approved programs which receive an apportionment or  
42 apportionments pursuant to this subdivision are designed, maintained and  
43 facilitated in the most cost-effective manner possible, which minimizes  
44 waste and maximizes efficiency. The board of regents and the commission-  
45 er shall impose a mechanism for establishing guidelines for monitoring  
46 and documenting this process. The commissioner shall take appropriate  
47 action to ensure a district's compliance with this subparagraph;

48 (3) Create a statewide office of family and community engagement with-  
49 in the department to create a sample statewide policy on family engage-  
50 ment and provide best practices, guidance and training to school  
51 districts related to providing families, community-based organizations  
52 and associations with necessary information about the pre-kindergarten  
53 through twelfth grade educational process to encourage their partici-  
54 ipation in improving outcomes for all students. Such sample statewide  
55 policy, best practices, and guidance shall address issues related, but  
56 not limited, to:

1 (i) Supporting the development of training programs for parents,  
2 students, and school personnel on how to engage, interact, and sustain  
3 relationships;

4 (ii) educating parents and communities on how to navigate the educa-  
5 tional system, and participate in school activities, meetings, and  
6 conferences;

7 (iii) informing parents on how they can best support their child's  
8 education;

9 (iv) collaborating with community-based organizations, state agencies  
10 and associations that provide comprehensive health and educational  
11 services, and providing information to parents and students about the  
12 services available at the school or in the community that address soci-  
13 o-emotional, behavioral, and health issues of children;

14 (v) assisting parents in understanding the identification and  
15 provision of special education services and support services such as  
16 social work, guidance counseling, psychological counseling, speech ther-  
17 apy, and academic intervention services;

18 (vi) identifying communication assistance for families whose first  
19 language is not English;

20 (vii) supporting parents in building their own literacy skills and  
21 preparing for continued education;

22 (viii) recruiting high-quality, sustained mentors from the community  
23 and improving the quality of mentoring programs;

24 (ix) providing information on developmental, health and behavioral  
25 screenings available at the school or in the community to ensure timely  
26 access to needed services, including free or low-cost screening and  
27 corrective services, and increasing public understanding of develop-  
28 mental milestones and how regular screenings help raise awareness of a  
29 child's development;

30 (x) ensuring that parents understand the learning standards to be  
31 covered at each grade level;

32 (xi) providing training in evidence-based strategies and practices to  
33 parents, students, and teachers on cultural and linguistic responsive-  
34 ness and recognizing bias;

35 (xii) ensuring every student and parent has access to information and  
36 counseling on post-secondary educational and career opportunities and  
37 support to complete the free application for federal student aid; and

38 (xiii) increasing awareness of and encouraging all students to enroll  
39 in advanced coursework opportunities and career preparation programs.

40 e. The amount of the apportionment or apportionments provided to  
41 approved programs shall be determined by the commissioner in consulta-  
42 tion with the council to improve outcomes for boys and young men of  
43 color and the office of family and community engagement.

44 f. All apportionments made pursuant to this subdivision shall be  
45 designed in accordance with the fundamental principle that such eligible  
46 programs may not discriminate on the basis of sex, race, color or  
47 national origin and all such eligible programs shall be available to all  
48 students regardless of sex, race, color or national origin.

49 § 59. Section 3641 of the education law is amended by adding a new  
50 subdivision 6-d to read as follows:

51 6-d. School models that improve outcomes for boys and young men of  
52 color grant program. a. The purpose of the grant program is to incentiv-  
53 ize and fund the development and expansion of innovative school models  
54 and practices that are effective in improving the educational, social,  
55 mental health, health and employment outcomes for boys and young men of  
56 color.

1 b. Within the amount appropriated for such purpose and subject to a  
2 plan developed by the commissioner in coordination with the council to  
3 improve outcomes for boys and young men of color, the commissioner shall  
4 award competitive grants pursuant to this subdivision to school  
5 districts and eligible entities, to be implemented in the two thousand  
6 sixteen--two thousand seventeen school year, to develop or expand exem-  
7 plary school models and practices that demonstrate cultural and linguis-  
8 tic responsiveness to the needs of boys and young men of color and  
9 improves the outcomes of boys and young men of color. Such models and  
10 approaches may address needs including, but not limited to, restorative  
11 justice, structural and institutional racism, racial inequalities,  
12 creating a school climate of care and respect, and educational outcomes.  
13 Eligible entities shall mean school districts or not-for-profit organ-  
14 izations with experience or expertise in providing services to meet the  
15 needs of boys and young men of color that serve such districts, which  
16 shall include not-for-profit community based organizations.

17 (1) Such plan shall include, but not be limited to:

18 (i) The process by which a request for proposals will be developed;

19 (ii) The scoring rubric by which such proposed school models will be  
20 evaluated, provided that such grants shall be awarded based on factors  
21 including, but not limited to: measures of school district need; meas-  
22 ures of the need of boys and young men of color to be served by each of  
23 the school districts; the school district's school model to target the  
24 boys and young men of color; the sustainability of the proposed school  
25 model; and the proposed school model quality;

26 (iii) The form and manner by which applications will be submitted;

27 (iv) The manner by which calculation of the amount of the award will  
28 be determined;

29 (v) The timeline for the issuance and review of applications to ensure  
30 grants will be awarded during the two thousand sixteen--two thousand  
31 seventeen school year; and

32 (vi) Program implementation phases that will trigger payment of set  
33 percentages of the total award.

34 (2) In assessing the proposed school model quality, the council and  
35 commissioner shall take into account factors including, but not limited  
36 to:

37 (i) The extent to which the school district's proposed school model  
38 would provide improved outcomes for boys and young men of color through  
39 partnerships with local governments and not-for-profit organizations;

40 (ii) The extent to which the school model proposal articulates how  
41 such school model would facilitate or has facilitated measurable  
42 improvement to boys and young men of color outcomes;

43 (iii) The extent to which the school model proposal articulates and  
44 identifies how existing funding streams and programs would be used to  
45 provide improved outcomes for boys and young men of color; and

46 (iv) The extent to which the school model proposal includes evidence-  
47 based assessments to evaluate the effectiveness of the school model.

48 c. A response to a request for proposals issued pursuant to this  
49 subdivision may be submitted by a single school district or jointly by a  
50 consortium of two or more school districts.

51 d. The amount of the grant award shall be determined by the commis-  
52 sioner in consultation with the council to improve outcomes for boys and  
53 young men of color, consistent with the plan developed pursuant to para-  
54 graph b of this subdivision; provided that for the two thousand  
55 sixteen--two thousand seventeen state fiscal year, five million five  
56 hundred thousand dollars (\$5,500,000) shall be available for this



1 purpose, provided further that four million dollars (\$4,000,000) of such  
2 amount shall be set aside for use within school districts of cities with  
3 one hundred twenty-five thousand or more inhabitants; such amount shall  
4 be divided evenly amongst such districts and, pursuant to requests for  
5 proposals issued by the department, made available to eligible entities  
6 as that term is defined in paragraph b of this subdivision; provided  
7 further, that the remaining one million five hundred thousand dollars  
8 (\$1,500,000) of such amount shall be set aside for use within other  
9 school districts and, pursuant to requests for proposals issued by the  
10 department, made available to eligible entities as that term is defined  
11 in paragraph b of this subdivision and provided further that the amount  
12 awarded will be paid out in set percentages over time upon successful  
13 implementation of each phase of the approved school model proposal set  
14 forth pursuant to paragraph b of this subdivision; provided further that  
15 none of the grants awarded pursuant to this subdivision may be used to  
16 supplant existing funding.

17 e. The school model proposals awarded grants pursuant to this subdivi-  
18 sion shall be designed in accordance with the fundamental principle that  
19 they may not discriminate on the basis of sex, race, color, or national  
20 origin and all such school model services shall be made available to all  
21 students regardless of sex, race, color or national origin.

22 § 60. Section 3641 of the education law is amended by adding a new  
23 subdivision 6-e to read as follows:

24 6-e. Incentive grants to improve outcomes for boys and young men of  
25 color. a. Within the amounts appropriated for such purpose, the commis-  
26 sioner shall award competitive grants to eligible schools pursuant to  
27 this subdivision that have demonstrated the most coherent cradle-to-col-  
28 lege and career strategy aimed at improving life outcomes for boys and  
29 young men of color.

30 b. The commissioner shall:

31 (1) develop a competitive request for proposals to be issued on or  
32 before October first, two thousand sixteen and shall ensure that grants  
33 will be awarded pursuant to this subdivision during the two thousand  
34 sixteen--two thousand seventeen school year;

35 (2) create a review process and a scoring rubric to be used in the  
36 evaluation of applications during such process;

37 (3) establish a regional distribution methodology for the awards that  
38 includes all regions of the state;

39 (4) limit the annual award to each school to one hundred thousand  
40 dollars (\$100,000).

41 c. To be an eligible applicant, a school must:

42 (1) be identified by the commissioner as a persistently struggling  
43 school during the two thousand fifteen--two thousand sixteen school year  
44 pursuant to commissioner's regulations;

45 (2) be identified by the commissioner as a struggling school during  
46 the two thousand fifteen--two thousand sixteen school year pursuant to  
47 commissioner's regulations; or

48 (3) be identified as a persistently dangerous school according to the  
49 most current designation of the commissioner as of February first, two  
50 thousand sixteen.

51 d. The commissioner shall grant awards to the schools among the  
52 regions determined in the methodology developed pursuant to paragraph b  
53 of this subdivision.

54 e. (1) Any school district receiving an award pursuant to this subdi-  
55 vision shall expend grant funds in accordance with a high-quality plan  
56 submitted with its application in response to the request for proposals.

1 Such plan must specify how funds will be used to enhance the activities  
2 and strategies that have been or will be implemented or that have been  
3 demonstrated to be effective in, or show the most promise for, improving  
4 outcomes for boys and young men of color.

5 (2) Allowable activities and strategies shall mean programs that  
6 promote a student or school's ability to:

7 (i) enter school ready to learn;

8 (ii) read at grade level by grade three;

9 (iii) graduate from high school prepared for college and/or career  
10 and/or complete postsecondary education or training;

11 (iv) enter the workforce successfully into at least a middle skills  
12 job that pays a living wage;

13 (v) reduce violence and provide second life, education and career  
14 opportunities;

15 (vi) recruit and help develop a more diverse workforce, with an empha-  
16 sis on boys and young men of color;

17 (vii) build equitable systems of support and data reporting;

18 (viii) identify and assign strong support mentors to students;

19 (ix) establish collaborative support systems of multiple health,  
20 mental health, and other human services agencies focused on develop-  
21 mental approaches to improving outcomes;

22 (x) support the development of students, families, and communities to  
23 successfully engage and interact through sustainable relationships to  
24 help students achieve success within and outside of school settings; and

25 (xi) to resolve student misbehavior without the use of suspensions,  
26 summonses or arrests and utilize diversion interventions or other  
27 restorative justice practices.

28 f. For the two thousand sixteen--two thousand seventeen state fiscal  
29 year, a minimum of seven million dollars (\$7,000,000) shall be available  
30 for this purpose in each fiscal year.

31 § 61. Statement of legislative findings and necessity for the purposes  
32 of sections sixty-one through sixty-three of this act. The legislature  
33 hereby finds that for three decades beginning in 1979, following a  
34 strike by school bus workers, the school bus contracts of the board of  
35 education of the city of New York included employee protection  
36 provisions requiring transportation contractors, among other things, to  
37 give priority in hiring to employees who became unemployed because of  
38 their employers' loss of bus contract work for such board and to pay  
39 such employees the same wages and benefits they had received prior to  
40 becoming unemployed.

41 Following the 2011 decision by the New York State Court of Appeals in  
42 L&M Bus Corp., et al., v. the New York City Department of Education, et  
43 al., the board of education of the city of New York did not include the  
44 employee protection provisions that had been part of the board's school  
45 bus contracts for over 30 years or any similar provisions in its solici-  
46 tations for its school bus contracts. After the issuance of the first  
47 such Post-L&M solicitation; there was a school bus strike in January and  
48 February of 2013. During this strike, many children were either unable  
49 to attend school or were burdened, along with their families, with find-  
50 ing alternative modes of transportation in the heart of winter.

51 The legislature further finds that the board of education of the city  
52 of New York contracts with 62 companies to provide vital school bus  
53 transportation to 149,000 school-age children. Pursuant to the education  
54 law, the state reimburses the board of education of the city of New York  
55 for a substantial percentage of its school bus contract expenditures.

1 Accordingly, the legislature finds that the education law should be  
2 amended to require the board of education of the city of New York to  
3 include important employee protections in its procurements for school  
4 bus transportation contracts and to authorize the board of education to  
5 amend existing contracts to include these protections. Including these  
6 protections in such board's contracts will aid in avoiding service  
7 disruptions and pension withdrawal liability claims, while protecting  
8 the experienced school bus contract workforce from significant wage and  
9 benefit reductions and facilitating the retention of an experienced  
10 workforce. Inclusion of such protections will secure more cost-effec-  
11 tive, higher quality and efficient procurement and performance of school  
12 bus transportation services.

13 § 62. Paragraph a of subdivision 14 of section 305 of the education  
14 law, as amended by chapter 273 of the laws of 1999, is amended to read  
15 as follows:

16 a. (1) All contracts for the transportation of school children, all  
17 contracts to maintain school buses owned or leased by a school district  
18 that are used for the transportation of school children, all contracts  
19 for mobile instructional units, and all contracts to provide, maintain  
20 and operate cafeteria or restaurant service by a private food service  
21 management company shall be subject to the approval of the commissioner,  
22 who may disapprove a proposed contract if, in his opinion, the best  
23 interests of the district will be promoted thereby. Except as provided  
24 in paragraph e of this subdivision, all such contracts involving an  
25 annual expenditure in excess of the amount specified for purchase  
26 contracts in the bidding requirements of the general municipal law shall  
27 be awarded to the lowest responsible bidder, which responsibility shall  
28 be determined by the board of education or the trustee of a district,  
29 with power hereby vested in the commissioner to reject any or all bids  
30 if, in his opinion, the best interests of the district will be promoted  
31 thereby and, upon such rejection of all bids, the commissioner shall  
32 order the board of education or trustee of the district to seek, obtain  
33 and consider new proposals. All proposals for such transportation, main-  
34 tenance, mobile instructional units, or cafeteria and restaurant service  
35 shall be in such form as the commissioner may prescribe. Advertisement  
36 for bids shall be published in a newspaper or newspapers designated by  
37 the board of education or trustee of the district having general circu-  
38 lation within the district for such purpose. Such advertisement shall  
39 contain a statement of the time when and place where all bids received  
40 pursuant to such advertisement will be publicly opened and read either  
41 by the school authorities or by a person or persons designated by them.  
42 All bids received shall be publicly opened and read at the time and  
43 place so specified. At least five days shall elapse between the first  
44 publication of such advertisement and the date so specified for the  
45 opening and reading of bids. The requirement for competitive bidding  
46 shall not apply to an award of a contract for the transportation of  
47 pupils or a contract for mobile instructional units, if such award is  
48 based on an evaluation of proposals in response to a request for  
49 proposals pursuant to paragraph e of this subdivision. The requirement  
50 for competitive bidding shall not apply to annual, biennial, or trienni-  
51 al extensions of a contract nor shall the requirement for competitive  
52 bidding apply to quadrennial or quinquennial year extensions of a  
53 contract involving transportation of pupils, maintenance of school buses  
54 or mobile instructional units secured either through competitive bidding  
55 or through evaluation of proposals in response to a request for  
56 proposals pursuant to paragraph e of this subdivision, when such exten-



1 sions [(1)] (i) are made by the board of education or the trustee of a  
2 district, under rules and regulations prescribed by the commissioner,  
3 and, [(2)] (ii) do not extend the original contract period beyond five  
4 years from the date cafeteria and restaurant service commenced there-  
5 under and in the case of contracts for the transportation of pupils, for  
6 the maintenance of school buses or for mobile instructional units, that  
7 such contracts may be extended, except that power is hereby vested in  
8 the commissioner, in addition to his existing statutory authority to  
9 approve or disapprove transportation or maintenance contracts, [(i)] (A)  
10 to reject any extension of a contract beyond the initial term thereof if  
11 he finds that amount to be paid by the district to the contractor in any  
12 year of such proposed extension fails to reflect any decrease in the  
13 regional consumer price index for the N.Y., N.Y.-Northeastern, N.J.  
14 area, based upon the index for all urban consumers (CPI-U) during the  
15 preceding twelve month period; and [(ii)] (B) to reject any extension of  
16 a contract after ten years from the date transportation or maintenance  
17 service commenced thereunder, or mobile instructional units were first  
18 provided, if in his opinion, the best interests of the district will be  
19 promoted thereby. Upon such rejection of any proposed extension, the  
20 commissioner may order the board of education or trustee of the district  
21 to seek, obtain and consider bids pursuant to the provisions of this  
22 section. The board of education or the trustee of a school district  
23 electing to extend a contract as provided herein, may, in its  
24 discretion, increase the amount to be paid in each year of the contract  
25 extension by an amount not to exceed the regional consumer price index  
26 increase for the N.Y., N.Y.-Northeastern, N.J. area, based upon the  
27 index for all urban consumers (CPI-U), during the preceding twelve month  
28 period, provided it has been satisfactorily established by the contrac-  
29 tor that there has been at least an equivalent increase in the amount of  
30 his cost of operation, during the period of the contract.

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



1 § 63. Subdivision 14 of section 305 of the education law is amended by  
2 adding a new paragraph g to read as follows:

3 g. Notwithstanding the provisions of paragraphs a through f of this  
4 subdivision and any regulation promulgated pursuant thereto, the board  
5 of education of a school district located in a city with at least one  
6 million inhabitants and a contractor providing transportation services  
7 to such district for school children in kindergarten through grade  
8 twelve may amend a contract with mutual consent for such transportation  
9 services, for such consideration as approved by such board of education,  
10 to include in such contract provisions for the retention or preference  
11 in hiring of school bus workers and for the preservation of wages,  
12 health, welfare and retirement benefits and seniority for school bus  
13 workers who are hired pursuant to such provisions for retention or pref-  
14 erence in hiring, in connection with such contracts. For purposes of  
15 this paragraph, "school bus worker" shall mean an operator, mechanic,  
16 dispatcher or attendant who: (1) was employed as of June thirtieth, two  
17 thousand ten or at any time thereafter by (i) a contractor that was a  
18 party to a contract with the board of education of a school district  
19 located in a city with at least one million inhabitants for the trans-  
20 portation of school children in kindergarten through grade twelve, in  
21 connection with such contract, or (ii) a subcontractor of a contractor  
22 that was a party to a contract with the board of education of a school  
23 district located in a city with at least one million inhabitants for the  
24 transportation of school children in kindergarten through grade twelve,  
25 in connection with such contract, and (2) has been furloughed or become  
26 unemployed as a result of a loss of such contract, or a part of such  
27 contract, by such contractor or such subcontractor, or as the result of  
28 a reduction in service directed by such board of education during the  
29 term of such contract.

30 § 64. Paragraphs a and c of subdivision 14 of section 305 of the  
31 education law, paragraph a as amended by chapter 273 of the laws of  
32 1999, and paragraph c as amended by chapter 15 of the laws of 2005, are  
33 amended to read as follows:

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

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



1 index (ECI) total compensation for private industry workers in the  
2 northeast region (not seasonally adjusted) for the fourth quarter of the  
3 preceding year, provided it has been satisfactorily established by the  
4 contractor that there has been at least an equivalent increase in the  
5 amount of his cost of operation, during the period of the contract.

6 c. Each board of education, or the trustees, of a school district  
7 which elected or elects to extend one or more pupil transportation  
8 contracts may extend a contract in an amount which is in excess of the  
9 maximum increase allowed by use of the [CPI] ECI referenced in paragraph  
10 a of this subdivision. Such excess amount shall not be greater than the  
11 sum of the following: (i) the sum of the actual cost of qualifying crim-  
12 inal history and driver licensing testing fees attributable to special  
13 requirements for drivers of school buses pursuant to articles nineteen  
14 and nineteen-A of the vehicle and traffic law plus the actual cost of  
15 any diagnostic tests and physical performance tests that are deemed to  
16 be necessary by an examining physician or the chief school officer to  
17 determine whether an applicant to drive a school bus under the terms of  
18 the contract has the physical and mental ability to operate a school  
19 transportation conveyance and to satisfactorily perform the other  
20 responsibilities of a school bus driver pursuant to regulations of the  
21 commissioner; (ii) in a school district located in a city with at least  
22 one million inhabitants, the actual cost of clean air technology filters  
23 and Global Positioning System (GPS) technology; (iii) in a school  
24 district located in a city with at least one million inhabitants, with  
25 respects only to any extension beginning in fiscal year two thousand  
26 five-two thousand six, the sum of the actual cost of providing school  
27 bus attendants including the actual cost of criminal history record  
28 checks for school bus attendant applicants and training and instruction  
29 for school bus attendants pursuant to section twelve hundred twenty-  
30 nine-d of the vehicle and traffic law plus up to five percent of such  
31 cost for necessary administrative services; and (iv) the actual cost of  
32 equipment or vehicle modification, or training required, by any state or  
33 local legislation or regulation promulgated or effective on or after  
34 June first, two thousand five. Such costs shall be approved by the  
35 commissioner upon documentation provided by the school district and  
36 contractor as required by the commissioner.

37 § 65. Notwithstanding any provision of the law to the contrary, for  
38 the Lackawanna city school district having a penalty arising from the  
39 last filing of a final cost report pursuant to section 31 of part A of  
40 chapter 57 of the laws of 2012 in the amount of not more than \$839,524,  
41 the commissioner of education shall recover such penalty in five equal  
42 annual installments beginning in June of 2017. Provided further that  
43 such district may elect to make an initial payment no later than thirty  
44 days in advance of the first annual installment which shall reduce the  
45 amount of each annual installment.

46 § 66. The education law is amended by adding a new section 3629 to  
47 read as follows:

48 § 3629. Rochester-Monroe anti-poverty initiative transportation pilot  
49 program. 1. Notwithstanding any other provision of law to the contrary,  
50 the city school district of the city of Rochester, pursuant to adoption  
51 of a resolution by the board of education setting forth a plan and  
52 approval of such plan by the commissioner by September first, two thou-  
53 sand sixteen, may enter into a Rochester-Monroe anti-poverty initiative  
54 transportation pilot program for a period not to exceed three school  
55 years beginning with the two thousand sixteen--two thousand seventeen  
56 school year to provide transportation services to children residing

1 within the city school district to and from a school they legally  
2 attend, provided that such children legally attend one of the five  
3 schools authorized to be included in such pilot program. Such transpor-  
4 tation shall be restricted to transportation to and from children's  
5 homes or before or after-school child care locations and to not more  
6 than five elementary schools that serve the neighborhoods that are the  
7 focus of the Rochester-Monroe anti-poverty initiative; and children  
8 residing the same distances between their homes and other schools shall  
9 not be deemed to be in like circumstances for purposes of section thir-  
10 ty-six hundred thirty-five of the education law. Such transportation  
11 shall be provided only for children attending grades kindergarten  
12 through eight who live more than one-half mile from the school they  
13 legally attend but not more than fifteen miles, provided, however that  
14 the board of education of the city school district may approve transpor-  
15 tation for children who live within one-half mile from the school they  
16 legally attend if such transportation is necessary due to safety  
17 concerns.

18 2. For the purpose of computing approved transportation expenses for  
19 transportation aid, transportation provided pursuant to this pilot  
20 program shall be included.

21 § 67. The city school district of the city of Rochester shall provide  
22 a report to the governor, the speaker of the assembly, the temporary  
23 president of the senate and the commissioner of education on the results  
24 of the first two years of the pilot program including a cost and benefit  
25 analysis of increased or decreased costs for the city school district  
26 and the state, on or before January 15, 2019.

27 § 68. Severability. The provisions of this act shall be severable, and  
28 if the application of any clause, sentence, paragraph, subdivision,  
29 section or part of this act to any person or circumstance shall be  
30 adjudged by any court of competent jurisdiction to be invalid, such  
31 judgment shall not necessarily affect, impair or invalidate the applica-  
32 tion of any such clause, sentence, paragraph, subdivision, section, part  
33 of this act or remainder thereof, as the case may be, to any other  
34 person or circumstance, but shall be confined in its operation to the  
35 clause, sentence, paragraph, subdivision, section or part thereof  
36 directly involved in the controversy in which such judgment shall have  
37 been rendered.

38 § 69. This act shall take effect immediately, and shall be deemed to  
39 have been in full force and effect on and after April 1, 2016, provided,  
40 however, that:

41 1. Sections one, six, seven, eight, twenty-six, twenty-seven, twenty-  
42 eight, twenty-nine, thirty-seven, forty-one, forty-two, forty-four and  
43 forty-six of this act shall take effect July 1, 2016.

44 2. The amendments to paragraph b-1 of subdivision 4 of section 3602 of  
45 the education law made by section seven of this act shall not affect the  
46 expiration of such paragraph and shall be deemed to expire therewith.

47 3. The amendments to chapter 756 of the laws of 1992, amending the  
48 education law relating to funding a program for work force education  
49 conducted by a consortium for worker education in New York City made by  
50 sections twenty-eight and twenty-nine of this act shall not affect the  
51 repeal of such chapter and shall be deemed repealed therewith.

52 4. Section thirty-three of this act shall take effect immediately and  
53 shall be deemed to have been in full force and effect on and after the  
54 effective date of section 140 of chapter 82 of the laws of 1995.

55 5. Section forty-seven of this act shall take effect on the first of  
56 July next succeeding the date on which it shall have become a law.

1

## PART B

2 Section 1. Section 2801-a of the education law, as added by chapter  
3 181 of the laws of 2000, subdivision 1 as amended by chapter 380 of the  
4 laws of 2001, is amended to read as follows:

5 § 2801-a. School safety plans. 1. The board of education or trustees,  
6 as defined in section two of this chapter, of every school district  
7 within the state, however created, and every board of cooperative educa-  
8 tional services and county vocational education and extension board and  
9 the chancellor of the city school district of the city of New York shall  
10 adopt and amend a comprehensive district-wide school safety plan and  
11 building-level [school safety] emergency response plans regarding crisis  
12 intervention, emergency response and management, provided that in the  
13 city school district of the city of New York, such plans shall be  
14 adopted by the chancellor of the city school district. Such plans shall  
15 be developed by a district-wide school safety team and a building-level  
16 [school safety] emergency response team established pursuant to subdivi-  
17 sion four of this section and shall be in a form developed by the  
18 commissioner in consultation with the division of criminal justice  
19 services, the superintendent of the state police and any other appropri-  
20 ate state agencies. [A school district having only one school building,  
21 shall develop a single building-level school safety plan, which shall  
22 also fulfill all requirements for development of a district-wide plan.]

23 2. Such comprehensive district-wide safety plan shall be developed by  
24 the district-wide school safety team and shall include at a minimum:

25 a. policies and procedures for responding to implied or direct threats  
26 of violence by students, teachers, other school personnel as well as  
27 visitors to the school;

28 b. policies and procedures for responding to acts of violence by  
29 students, teachers, other school personnel as well as visitors to the  
30 school, including consideration of zero-tolerance policies for school  
31 violence;

32 c. appropriate prevention and intervention strategies such as:

33 (i) collaborative arrangements with state and local law enforcement  
34 officials, designed to ensure that school safety officers and other  
35 security personnel are adequately trained, including being trained to  
36 de-escalate potentially violent situations, and are effectively and  
37 fairly recruited;

38 (ii) non-violent conflict resolution training programs;

39 (iii) peer mediation programs and youth courts; [and]

40 (iv) extended day and other school safety programs; and

41 (v) policies and strategies regarding the ratio of student to support  
42 staff in each school building, including but not limited to, school  
43 counselors, social workers and psychologists.

44 d. policies and procedures for contacting appropriate law enforcement  
45 officials in the event of a violent incident;

46 e. policies and procedures for contacting parents, guardians or  
47 persons in parental relation to the students of the district in the  
48 event of a violent incident;

49 f. policies and procedures relating to school building security,  
50 including where appropriate the use of school safety officers and/or  
51 security devices or procedures;

52 g. policies and procedures for the dissemination of informative mate-  
53 rials regarding the early detection of potentially violent behaviors,  
54 including but not limited to the identification of family, community and  
55 environmental factors, to teachers, administrators, school personnel,



1 persons in parental relation to students of the district, students and  
2 other persons deemed appropriate to receive such information;

3 h. policies and procedures for annual school safety training for staff  
4 and students; provided that the district must certify to the commission-  
5 er that all staff have undergone annual training on the emergency  
6 response plan by November fifteenth of each school year or within thirty  
7 days of hire, and that the school safety training include components on  
8 violence prevention and mental health;

9 i. protocols for responding to bomb threats, hostage-takings, intru-  
10 sions and kidnappings;

11 j. strategies for improving communication among students and between  
12 students and staff and reporting of potentially violent incidents, such  
13 as the establishment of youth-run programs, peer mediation, conflict  
14 resolution, creating a forum or designating a mentor for students  
15 concerned with bullying or violence and establishing anonymous reporting  
16 mechanisms for school violence; [and]

17 k. a description of the duties of hall monitors and any other school  
18 safety personnel, the training required of all personnel acting in a  
19 school security capacity, and the hiring and screening process for all  
20 personnel acting in a school security capacity; and

21 1. the designation of the superintendent, or superintendent's desig-  
22 nee, as the district chief emergency officer responsible for coordinat-  
23 ing communication between school staff and law enforcement and first  
24 responders, and ensuring staff understanding of the district-level safe-  
25 ty plan. The chief emergency officer shall also be responsible for  
26 ensuring the completion and yearly updating of building-level emergency  
27 response plans.

28 3. A [school] building level emergency response plan, developed by the  
29 building-level [school safety] emergency response team defined in subdi-  
30 vision four of this section, shall be kept confidential, including but  
31 not limited to the floor plans, blueprints, schematics or other maps of  
32 the school interior, school grounds and road maps of the immediate  
33 surrounding area, and shall not be disclosed except to authorized  
34 department or school staff, and law enforcement officers, and shall  
35 include the following elements:

36 a. policies and procedures for [the safe evacuation of students,  
37 teachers, other school personnel as well as visitors to the school in  
38 the event of a serious violent incident or other emergency, which shall  
39 include evacuation routes and shelter sites and procedures for address-  
40 ing medical needs, transportation and emergency notification to persons  
41 in parental relation to a student. For purposes of this subdivision,  
42 "serious violent incident" means an incident of violent criminal conduct  
43 that is, or appears to be, life threatening and warrants the evacuation  
44 of students and/or staff, as defined in regulations of the commissioner  
45 developed in conjunction with the division of criminal justice services]  
46 response to emergency situations, such as those requiring evacuation,  
47 sheltering, and lock-down. These policies shall include, at a minimum,  
48 evacuation routes, shelter sites, and procedures for addressing medical  
49 needs, transportation and emergency notification of parents and guardi-  
50 ans;

51 b. designation of an emergency response team comprised of school  
52 personnel, [local] law enforcement officials, fire officials and repre-  
53 sentatives from local regional and/or state emergency response agencies,  
54 other appropriate incident response teams, and a post-incident response  
55 team that includes appropriate school personnel, medical personnel,

1 mental health counselors and others who can assist the school community  
2 in coping with the aftermath of a violent incident;

3 c. [procedures for assuring that crisis response and law enforcement  
4 officials have access to] floor plans, blueprints, schematics or other  
5 maps of the school interior, school grounds and road maps of the immedi-  
6 ate surrounding area;

7 d. establishment of internal and external communication systems in  
8 emergencies;

9 e. definition of the chain of command in a manner consistent with the  
10 national interagency incident management system/incident command system;

11 f. coordination of the [school safety] emergency response plan with  
12 the state-wide plan for disaster mental health services to assure that  
13 the school has access to federal, state and local mental health  
14 resources in the event of a violent incident;

15 g. procedures for review and the conduct of drills and other exercises  
16 to test components of the emergency response plan; and

17 h. policies and procedures for securing and restricting access to the  
18 crime scene in order to preserve evidence in cases of violent crimes on  
19 school property.

20 4. Each district-wide school safety team shall be appointed by the  
21 board of education, or the chancellor in the case of the city school  
22 district of the city of New York, and shall include but not be limited  
23 to representatives of the school board, student, teacher, administrator,  
24 and parent organizations, school safety personnel, and other school  
25 personnel. Each building-level [school safety] emergency response team  
26 shall be appointed by the building principal, in accordance with regu-  
27 lations or guidelines prescribed by the board of education, chancellor  
28 or other governing body. Such building-level teams shall include but not  
29 be limited to representatives of teacher, administrator, and parent  
30 organizations, school safety personnel and other school personnel,  
31 community members, [local] law enforcement officials, [local ambulance]  
32 fire officials or other emergency response agencies, and any other  
33 representatives the board of education, chancellor or other governing  
34 body deems appropriate.

35 5. [Each safety plan shall be reviewed by the appropriate school safe-  
36 ty team on at least an annual basis, and updated as needed] The  
37 district-wide safety plan and building-level emergency response plans  
38 shall be reviewed by the appropriate team on at least an annual basis  
39 and updated as needed.

40 6. Each board of education, chancellor or other governing body shall  
41 make each district-wide [and building-level school] safety plan avail-  
42 able for public comment at least thirty days prior to its adoption[,  
43 provided that only a summary of each building-level emergency response  
44 plan shall be made available for public comment]. Such district-wide  
45 [and building-level] plans may be adopted by the school board only after  
46 at least one public hearing that provides for the participation of  
47 school personnel, parents, students and any other interested parties.  
48 Each district shall file a copy of its district-wide [comprehensive]  
49 safety plan with the commissioner and all amendments to such plan shall  
50 be filed with the commissioner no later than thirty days after their  
51 adoption.

52 [A] 7. Each board of education, chancellor or other governing body or  
53 officer shall ensure a copy of each building-level [safety] emergency  
54 response plan and any amendments thereto, shall be filed with the appro-  
55 priate local law enforcement agency and with the state police within  
56 thirty days of its adoption. Building-level emergency response plans

1 shall be confidential and shall not be subject to disclosure under arti-  
2 cle six of the public officers law or any other provision of law. If the  
3 board of education, chancellor or other governing body or chancellor  
4 fails to file such plan as required by this section, the commissioner  
5 may, in an amount determined by the commissioner, withhold public money  
6 from the district until the district is in compliance.

7 [7. The commissioner may grant a waiver of the requirements of this  
8 section to any school district or board of cooperative educational  
9 services for a period of up to two years from the date of enactment upon  
10 a finding by the commissioner that such district had adopted a compre-  
11 hensive school safety plan on the effective date of this section which  
12 is in substantial compliance with the requirements of this section.]

13 8. The commissioner shall annually report to the governor and the  
14 legislature on the implementation and compliance with the provisions of  
15 this section.

16 9. Whenever it shall have been demonstrated to the satisfaction of the  
17 commissioner that a school district has failed to adopt a code of  
18 conduct which fully satisfies the requirements of section twenty-eight  
19 hundred one of this article, or a [school safety plan] district-wide  
20 safety plan or building-level emergency response plans which satisfies  
21 the requirements of this section, or to faithfully and completely imple-  
22 ment [either or both] all three, the commissioner may, on thirty days  
23 notice to the district, withhold from the district monies to be paid to  
24 such district for the current school year pursuant to section thirty-six  
25 hundred nine-a of this chapter, exclusive of monies to be paid in  
26 respect of obligations to the retirement systems for school and district  
27 staff and pursuant to collective bargaining agreements, or the commis-  
28 sioner may direct the district to expend up to such amount upon the  
29 development and implementation of a code of conduct and a school  
30 district safety plan as required by such sections. Prior to such with-  
31 holding or redirection, the commissioner shall provide the district an  
32 opportunity to present evidence of extenuating circumstances; when  
33 combined with evidence that the district shall promptly comply within  
34 short time frames that shall be established by the commissioner as part  
35 of an agreement between the district and the commissioner, the commis-  
36 sioner may temporarily stay the withholding or redirection of funds  
37 pending implementation of such agreement. If the district promptly and  
38 fully complies with the agreement and is in full compliance with this  
39 section and section twenty-eight hundred one of this article, the  
40 commissioner shall abate the withholding in its entirety. Any failure to  
41 meet the obligations of the compliance agreement by the district within  
42 the time frames established shall be considered a willful violation of a  
43 commissioner's order by the members of the district board for purposes  
44 of subdivision one of section three hundred six of the education law.  
45 Notwithstanding any other law, rule or regulation, such transfer shall  
46 take effect upon filing of a notice thereof with the director of the  
47 budget and the chairs of the senate finance and assembly ways and means  
48 committees.

49 § 2. The section heading and subdivisions 1 and 1-a of section 807 of  
50 the education law, the section heading as amended by chapter 765 of the  
51 laws of 1964, subdivision 1 as amended by chapter 143 of the laws of  
52 1985 and subdivision 1-a as added by chapter 9 of the laws of 1991, are  
53 amended to read as follows:

54 Fire and emergency drills. 1. It shall be the duty of the principal  
55 or other person in charge of every public or private school or educa-  
56 tional institution within the state, other than colleges or universi-



1 ties, to instruct and train the pupils by means of drills, so that they  
2 may in a sudden emergency be able to [leave the school building] respond  
3 appropriately in the shortest possible time and without confusion or  
4 panic. Such drills [or rapid dismissals] shall be held at least twelve  
5 times in each school year, eight of which required drills shall be held  
6 between September first and December [first] thirty-first of each such  
7 year. [At least one-third of all such required drills shall be through  
8 use of the fire escapes on buildings where fire escapes are provided. In  
9 the course of at least one such drill, pupils shall be instructed in the  
10 procedure to be followed in the event that a fire occurs during lunch  
11 period, provided however, that such additional instruction may be waived  
12 where a drill is held during the regular school lunch period. At least  
13 four] Eight of all such drills shall be evacuation drills, four of which  
14 shall be through use of the fire escapes on buildings where fire escapes  
15 are provided or through the use of identified secondary means of egress.  
16 Four of all such required drills shall be lock-down drills. Drills  
17 shall be conducted at different times of the school day with at least  
18 one of the eight required evacuation drills occurring during a mass  
19 gathering event such as lunch or assemblies. Four additional drills  
20 shall be held in each school year during the hours after sunset and  
21 before sunrise in school buildings in which students are provided with  
22 sleeping accommodations. At least two additional drills shall be held  
23 during summer school in buildings where summer school is conducted, and  
24 one of such drills shall be held during the first week of summer school.

25 1-a. In the case of after-school programs, events or performances  
26 which are conducted within a school building and which include persons  
27 who do not regularly attend classes in such school building, the princi-  
28 pal or other person in charge of the building shall require the teacher  
29 or person in charge of such after-school program, event or performance  
30 to notify persons in attendance at the beginning of each such program,  
31 event or performance, of the procedures to be followed in the event of  
32 an emergency so that they may be able to [leave the building] respond in  
33 a timely, orderly manner.

34 § 3. Subdivision 7 of section 3604 of the education law, as amended by  
35 section 31 of part B of chapter 57 of the laws of 2007, is amended to  
36 read as follows:

37 7. No district shall be entitled to any portion of such school moneys  
38 on such apportionment unless the report of the trustees or board of  
39 education for the preceding school year shall show that the public  
40 schools were actually in session in the district and taught by a quali-  
41 fied teacher or by successive qualified teachers or by qualified teach-  
42 ers for not less than one hundred eighty days. The moneys payable to a  
43 school district pursuant to section thirty-six hundred nine-a of this  
44 chapter in the current year shall be reduced by one one-hundred eight-  
45 ieth of the district's total foundation aid for each day less than one  
46 hundred eighty days that the schools of the district were actually in  
47 session, except that the commissioner may disregard such reduction, up  
48 to five days, in the apportionment of public money, if he finds that the  
49 schools of the district were not in session for one hundred eighty days  
50 because of extraordinarily adverse weather conditions, impairment of  
51 heating facilities, insufficiency of water supply, shortage of fuel,  
52 lack of electricity, natural gas leakage, unacceptable levels of chemi-  
53 cal substances, a credible threat to student safety as reasonably deter-  
54 mined by a lead school official or the destruction of a school building  
55 either in whole or in part, and if, further, the commissioner finds that  
56 such district cannot make up such days of instruction by using for the



1 secondary grades all scheduled vacation days which occur prior to the  
2 first scheduled regents examination day in June, and for the elementary  
3 grades all scheduled vacation days which occur prior to the last sched-  
4 uled regents examination day in June. For the purposes of this subdivi-  
5 sion, "scheduled vacation days" shall mean days on which the schools of  
6 the district are not in session and for which no prohibition exists in  
7 subdivision eight of this section for them to be in session.

8 § 4. This act shall take effect July 1, 2016.

9 PART C

10 Intentionally Omitted

11 PART D

12 Section 1. Clause (i) of subparagraph 4 of paragraph h of subdivision  
13 2 of section 355 of the education law, as amended by chapter 260 of the  
14 laws of 2011, is amended to read as follows:

15 (i) Commencing with the two thousand eleven--two thousand twelve  
16 academic year and ending in the two thousand fifteen--two thousand  
17 sixteen academic year the state university of New York board of trustees  
18 shall be empowered to increase the resident undergraduate rate of  
19 tuition by not more than three hundred dollars over the resident under-  
20 graduate rate of tuition adopted by the board of trustees in the prior  
21 academic year, provided however that for the two thousand eleven--two  
22 thousand twelve academic year and thereafter if the annual resident  
23 undergraduate rate of tuition would exceed five thousand dollars, then a  
24 tuition credit for each eligible student, as determined and calculated  
25 by the New York state higher education services corporation pursuant to  
26 section six hundred eighty-nine-a of this title, shall be applied toward  
27 the tuition charged for each semester, quarter or term of study. Tuition  
28 for each semester, quarter or term of study shall not be due for any  
29 student eligible to receive such tuition credit until the tuition credit  
30 is calculated and applied against the tuition charged for the corre-  
31 sponding semester, quarter or term.

32 § 2. Clause (ii) of subparagraph 4 of paragraph h of subdivision 2 of  
33 section 355 of the education law, as amended by section 1 of part P of  
34 chapter 57 of the laws of 2012, is amended to read as follows:

35 (ii) On or before November thirtieth, two thousand eleven, the trus-  
36 tees shall approve and submit to the chairs of the assembly ways and  
37 means committee and the senate finance committee and to the director of  
38 the budget a master tuition plan setting forth the tuition rates that  
39 the trustees propose for resident undergraduate students for the five  
40 year period commencing with the two thousand eleven--two thousand twelve  
41 academic year and ending in the two thousand fifteen--two thousand  
42 sixteen academic year, and shall submit any proposed amendments to such  
43 plan by November thirtieth of each subsequent year thereafter through  
44 November thirtieth, two thousand fifteen, and provided further commenc-  
45 ing in the two thousand eleven--two thousand twelve academic year and  
46 ending in the two thousand fifteen--two thousand sixteen academic year,  
47 that with the approval of the board of trustees, each university center  
48 may increase non-resident undergraduate tuition rates each year by not  
49 more than ten percent over the tuition rates of the prior academic year  
50 for a five year period [commencing with the semester following the  
51 semester in which the governor and the chancellor of the state universi-

1 ty of New York approve the NY-SUNY 2020 proposal for such university  
2 center].

3 § 3. Clause (iv) of subparagraph 4 of paragraph h of subdivision 2 of  
4 section 355 of the education law is renumbered clause (v) and a new  
5 clause (iv) is added to read as follows:

6 (iv) The state shall appropriate annually and make available general  
7 fund operating support including fringe benefits, for the state univer-  
8 sity in an amount not less than the amount appropriated and made avail-  
9 able to the state university in state fiscal year two thousand eleven--  
10 two thousand twelve. Beginning in state fiscal year two thousand  
11 seventeen--two thousand eighteen and thereafter, the state shall appro-  
12 priate and make available general fund operating support for the state  
13 university and the state university health science centers in an amount  
14 not less than the amounts separately appropriated and made available in  
15 the prior state fiscal year; provided, further, the state shall appro-  
16 priate and make available general fund operating support to cover all  
17 mandatory costs of the state university and the state university health  
18 science centers, which shall include, but not be limited to, collective  
19 bargaining costs including salary increments, fringe benefits, and other  
20 non-personal service costs such as utility costs, building rentals and  
21 other inflationary expenses incurred by the state university and the  
22 state university health science centers. If the governor, however,  
23 declares a fiscal emergency, and communicates such emergency to the  
24 temporary president of the senate and speaker of the assembly, state  
25 support for operating expenses at the state university and city univer-  
26 sity may be reduced in a manner proportionate to one another, and the  
27 mentioned provisions shall not apply.

28 § 4. Subparagraph (i) of paragraph (a) of subdivision 7 of section  
29 6206 of the education law, as amended by chapter 260 of the laws of  
30 2011, is amended to read as follows:

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

48 § 5. Paragraph (a) of subdivision 7 of section 6206 of the education  
49 law is amended by adding a new subparagraph (iv) to read as follows:

50 (iv) The state shall appropriate annually and make available state  
51 support for operating expenses, including fringe benefits, for the city  
52 university in an amount not less than the amount appropriated and made  
53 available to the city university in state fiscal year two thousand  
54 eleven--two thousand twelve. Beginning in state fiscal year two thousand  
55 seventeen--two thousand eighteen and thereafter, the state shall appro-  
56 priate and make available state support for operating expense for the

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

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

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

40 § 7. Section 16 of chapter 260 of the laws of 2011 amending the educa-  
41 tion law and the New York state urban development corporation act,  
42 relating to establishing components of the NY-SUNY 2020 challenge grant  
43 program, as amended by section 65-a of part HH of chapter 57 of the laws  
44 of 2013, is amended to read as follows:

45 § 16. This act shall take effect July 1, 2011; provided that sections  
46 one, two, [three, four, five,] six, eight, nine, ten, eleven, twelve,  
47 thirteen, fourteen and fifteen of this act shall expire 5 years after  
48 such effective date when upon such date the provisions of this act shall  
49 be deemed repealed.

50 § 8. This act shall take effect immediately.

51 PART E

52 Section 1. The state finance law is amended by adding a new section  
53 99-y to read as follows:

1 § 99-y. SUNY Stony Brook Affiliation escrow fund. 1. Notwithstanding  
2 any other provision of law, rule, regulation, or practice to the contra-  
3 ry, there is hereby established in the joint custody of the comptroller  
4 and the chancellor of the state university of New York (SUNY) a trust  
5 and agency fund, to be known as the "SUNY Stony Brook Affiliation escrow  
6 fund" which shall be available without fiscal year limitation.

7 2. The SUNY Stony Brook Affiliation escrow fund shall consist of (i)  
8 all monies generated through the activities of Stony Brook at Southamp-  
9 ton Hospital, including but not limited to patient revenue, federal  
10 reimbursement, and other associated revenue sources, and (ii) rent  
11 payments made by Stony Brook University Hospital to the Southampton  
12 Hospital Association under a certain lease agreement approved by the  
13 director of the budget, the office of the New York state attorney gener-  
14 al and the office of the New York state comptroller.

15 3. Monies of the SUNY Stony Brook Affiliation escrow fund shall be  
16 expended only for the purposes of Stony Brook Hospital at Southampton.

17 § 2. This act shall take effect immediately.

18

## PART F

19 Section 1. This act shall be known and may be cited as the "New York  
20 state DREAM Act".

21 § 2. The education law is amended by adding a new section 609 to read  
22 as follows:

23 § 609. New York DREAM fund commission. 1. (a) There shall be created  
24 a New York DREAM fund commission which shall be committed to advancing  
25 the educational opportunities of the children of immigrants.

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

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

29 (ii) Three members shall be appointed by the temporary president of  
30 the senate;

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

32 (iv) One member shall be appointed by the minority leader of the  
33 senate;

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

36 (c) To the extent practicable, members of such commission shall  
37 reflect the racial, ethnic, gender, language, and geographic diversity  
38 of the state.

39 (d) To the extent practicable, members of such commission shall  
40 include college and university administrators and faculty, and other  
41 individuals committed to advancing the educational opportunities of the  
42 children of immigrants.

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

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

46 (i) Administer the provisions of this section;

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

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

53 (iv) Publicize the availability of such scholarships from the New York  
54 DREAM fund;



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

3 (vi) Research issues pertaining to the availability of assistance with  
4 the costs of higher education for the children of immigrants and other  
5 issues regarding access for and the performance of the children of immi-  
6 grants within higher education;

7 (vii) Establish, publicize, and administer training programs for high  
8 school counselors, admissions officers, and financial aid officers of  
9 institutions of higher education. The training programs shall instruct  
10 participants on the educational opportunities available to college-bound  
11 students who are the children of immigrants, including, but not limited  
12 to, in-state tuition and scholarship programs. To the extent practica-  
13 ble, the New York DREAM fund commission shall offer the training program  
14 to school districts and boards of cooperative educational services  
15 throughout the state, provided however, that priority shall be given to  
16 school districts and boards of cooperative educational services with  
17 larger number of students who are the children of immigrants over school  
18 districts and boards of cooperative educational services with lesser  
19 number of students who are the children of immigrants;

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

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

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

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

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

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

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

37 (c) The New York DREAM fund commission and the New York DREAM fund  
38 shall be funded entirely by private contributions and no state funds  
39 shall be appropriated to or used by the New York DREAM fund. No funds  
40 of the New York DREAM fund or the New York DREAM fund commission shall  
41 be transferred to the general fund or any special revenue fund or shall  
42 be used for any purpose other than the purposes set forth in this  
43 section.

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

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

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

51 a. (i) Except as provided in subdivision two of section six hundred  
52 seventy-four of this part and subparagraph (ii) of this paragraph, an  
53 applicant for an award at the undergraduate level of study must either  
54 [(i)] (a) have been a legal resident of the state for at least one year  
55 immediately preceding the beginning of the semester, quarter or term of  
56 attendance for which application for assistance is made, or [(ii)] (b)

1 be a legal resident of the state and have been a legal resident during  
2 his last two semesters of high school either prior to graduation, or  
3 prior to admission to college. Provided further that persons shall be  
4 eligible to receive awards under section six hundred sixty-eight or  
5 section six hundred sixty-nine of this part who are currently legal  
6 residents of the state and are otherwise qualified.

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

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

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

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

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

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

36 b. [An] (i) Except as otherwise provided in subparagraph (ii) of this  
37 paragraph, an applicant for an award at the graduate level of study must  
38 either [(i)] (a) have been a legal resident of the state for at least  
39 one year immediately preceding the beginning of the semester, quarter or  
40 term of attendance for which application for assistance is made, or  
41 [(ii)] (b) be a legal resident of the state and have been a legal resi-  
42 dent during his last academic year of undergraduate study and have  
43 continued to be a legal resident until matriculation in the graduate  
44 program.

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

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

55 (b) attended an approved New York state program for a state high  
56 school equivalency diploma, received a state high school equivalency

1 diploma and applied for attendance at the institution of higher educa-  
2 tion for the graduate study for which an award is sought within ten  
3 years of receiving a state high school equivalency diploma; or

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

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

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

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

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

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

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

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

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

51 (d) The trustees shall further provide that any student who is not a  
52 legal resident of New York state but is a United States citizen, a  
53 permanent lawful resident, a lawful non-immigrant alien or an applicant  
54 without lawful immigration status may have the payment of tuition and  
55 other fees and charges reduced by state-aided programs, scholarships or  
56 other financial assistance awarded under the provisions of articles

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

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

7 8-a. The payment of tuition and other fees and charges of a student  
8 who is attending a community college and who is not a legal resident of  
9 New York state but is a United States citizen, a permanent lawful resi-  
10 dent, a lawful non-immigrant alien or an applicant without lawful immi-  
11 gration status may be reduced by state-aided programs, scholarships and  
12 other financial assistance awarded under the provisions of articles  
13 thirteen, thirteen-A, fourteen and fourteen-A of this chapter, provided  
14 that the student meets the requirements set forth in subparagraph (ii)  
15 of paragraph a or subparagraph (ii) of paragraph b of subdivision five  
16 of section six hundred sixty-one of this chapter, as applicable.

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

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

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

32 (v) Any necessary supplemental financial assistance, which may include  
33 the cost of books and necessary maintenance for such students, including  
34 students without lawful immigration status provided that the student  
35 meets the requirements set forth in subparagraph (ii) of paragraph a or  
36 subparagraph (ii) of paragraph b of subdivision five of section six  
37 hundred sixty-one of this chapter, as applicable; provided, however,  
38 that such supplemental financial assistance shall be furnished pursuant  
39 to criteria promulgated by such universities and approved by the regents  
40 and the director of the budget.

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

44 (a) (i) Undergraduate science and technology entry program moneys may  
45 be used for tutoring, counseling, remedial and special summer courses,  
46 supplemental financial assistance, program administration, and other  
47 activities which the commissioner may deem appropriate. To be eligible  
48 for undergraduate collegiate science and technology entry program  
49 support, a student must be a resident of New York [who is], or meet the  
50 requirements of subparagraph (ii) of this paragraph, and must be either  
51 economically disadvantaged or from a minority group historically under  
52 represented in the scientific, technical, health and health-related  
53 professions, and [who demonstrates] must demonstrate interest in and a  
54 potential for a professional career if provided special services. Eligi-  
55 ble students must be in good academic standing, enrolled full time in an



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

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

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

13 (2) attended an approved New York state program for a state high  
14 school equivalency diploma, received a state high school equivalency  
15 diploma and applied for attendance at the institution of higher educa-  
16 tion for the undergraduate study for which an award is sought within  
17 five years of receiving a state high school equivalency diploma,  
18 attended an approved New York state high school for two or more years,  
19 graduated from an approved New York state high school and applied for  
20 attendance at an institution of higher education within five years of  
21 receiving a New York state high school diploma; or

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

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

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

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

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

53 (1) attended a registered approved New York state high school for two  
54 or more years, graduated from a registered New York state high school  
55 and applied for attendance at the institution of higher education for

1 the graduate study for which an award is sought within ten years of  
2 receiving a New York state high school diploma; or

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

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

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

19 § 15. Subparagraph (i) of paragraph a of subdivision 2 of section  
20 695-e of the education law, as amended by chapter 593 of the laws of  
21 2003, is amended to read as follows:

22 (i) the name, address and social security number [or], employer iden-  
23 tification number, or individual taxpayer identification number of the  
24 account owner unless a family tuition account that was in effect prior  
25 to the effective date of the chapter of the laws of two thousand sixteen  
26 that amended this subparagraph does not allow for a taxpayer identifica-  
27 tion number, in which case a taxpayer identification number shall be  
28 allowed upon the expiration of the contract;

29 § 16. Subparagraph (iii) of paragraph a of subdivision 2 of section  
30 695-e of the education law, as amended by chapter 593 of the laws of  
31 2003, is amended to read as follows:

32 (iii) the name, address, and social security number, employer iden-  
33 tification number, or individual taxpayer identification number of the  
34 designated beneficiary, unless a family tuition account that was in  
35 effect prior to the effective date of the chapter of the laws of two  
36 thousand sixteen that amended this subparagraph does not allow for a  
37 taxpayer identification number, in which case a taxpayer identification  
38 number shall be allowed upon the expiration of the contract; and

39 § 17. The president of the higher education services corporation, in  
40 consultation with the commissioner of education, shall establish an  
41 application form and procedures that shall allow a student applicant  
42 that meets the requirements set forth in subparagraph (ii) of paragraph  
43 a or subparagraph (ii) of paragraph b of subdivision 5 of section 661 of  
44 the education law to apply directly to the higher education services  
45 corporation or education department for applicable awards without having  
46 to submit information to any other state or federal agency. All informa-  
47 tion contained within the applications filed with such corporation or  
48 department shall be deemed confidential.

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

50 (a) section two of this act shall take effect January 1, 2017;

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

1 (c) sections three through fourteen and section seventeen of this act  
2 shall take effect on the ninetieth day after the issuance of regulations  
3 and the development of an application form by the president of the high-  
4 er education services corporation and commissioner of education or on  
5 the ninetieth day after it shall have become a law, whichever shall be  
6 later; provided, however that effective immediately the addition, amend-  
7 ment and/or repeal of any rule or regulation necessary for the implemen-  
8 tation of this act on its effective date is authorized and directed to  
9 be made and completed on or before such date; provided, further, howev-  
10 er, that the president of the higher education services corporation and  
11 the commissioner of education shall notify the legislative bill drafting  
12 commission upon the occurrence of the issuance of the regulations and  
13 the development of an application form in order that the commission may  
14 maintain an accurate and timely effective data base of the official text  
15 of the laws of the state of New York in furtherance of effectuating the  
16 provisions of section 44 of the legislative law and section 70-b of the  
17 public officers law.

18

## PART G

19 Section 1. Subdivision (a) of section 50 of chapter 161 of the laws of  
20 2005 amending the education law relating to the New York state licensed  
21 social worker loan forgiveness program, as amended by section 1 of part  
22 M of chapter 58 of the laws of 2011, is amended to read as follows:

23 (a) [section two of this act shall expire and be deemed repealed June  
24 30, 2016; and provided, further that] the amendment to paragraph b of  
25 subdivision 1 of section 679-c and the amendment to paragraph 2 of  
26 subdivision a of section 679-d of the education law made by sections  
27 three and four of this act shall not affect the repeal of such sections  
28 and shall be deemed repealed therewith;

29 § 2. Section 3 of part V of chapter 57 of the laws of 2005 amending  
30 the education law relating to the New York state nursing faculty loan  
31 forgiveness incentive program and the New York state nursing faculty  
32 scholarship program, as amended by section 1 of part L of chapter 58 of  
33 the laws of 2011, is amended to read as follows:

34 § 3. This act shall take effect on the same date and in the same  
35 manner as Part H of this chapter[; provided that section two of this act  
36 shall take effect on the same date and in the same manner as Part I of  
37 this chapter; and provided further that this act shall expire and be  
38 deemed repealed on June 30, 2016].

39 § 3. Section 17 of chapter 31 of the laws of 1985 amending the educa-  
40 tion law relating to regents scholarships in certain professions, as  
41 amended by section 1 of part K of chapter 58 of the laws of 2011, is  
42 amended to read as follows:

43 § 17. This act shall take effect immediately; provided, however, that  
44 the scholarship and loan forgiveness programs established pursuant to  
45 the provisions of this act shall terminate upon the granting of such  
46 awards for the 2008-2009 school year provided, however, that the regents  
47 physician loan forgiveness program established pursuant to this act  
48 shall [not terminate until the granting of such awards] continue for the  
49 2015-16 school year[, provided that the final disbursement of any  
50 multi-year awards granted in such school year shall be paid] and there-  
51 after.

52 § 4. Paragraph a of subdivision 5 of section 679-c of the education  
53 law, as amended by section 1 of part E3 of chapter 57 of the laws of  
54 2007, is amended to read as follows:

1 a. The corporation shall convert to a student loan the full amount of  
2 the award given pursuant to this section, plus interest, according to a  
3 schedule to be determined by the corporation if: (1) three years after  
4 the completion of the degree program it is found that an applicant did  
5 not begin to provide nursing faculty or clinical nurse faculty services;  
6 (2) if such applicant does not provide nursing faculty or clinical nurs-  
7 ing faculty services for four years within seven years of the completion  
8 of the master's degree program in nursing or doctoral degree; or (3) the  
9 student fails to receive a master's degree in nursing or doctoral degree  
10 that will qualify them as nursing faculty or adjunct clinical faculty  
11 within the three years of receiving the award. The terms and conditions  
12 of this subdivision shall be deferred for any interruption in graduate  
13 or doctoral study or employment as established by the rules and regu-  
14 lations of the corporation. Any obligation to comply with such  
15 provisions as outlined in this section shall be cancelled upon the death  
16 of the recipient. Notwithstanding any provisions of this subdivision to  
17 the contrary, the corporation is authorized to promulgate rules and  
18 regulations to provide for the waiver or suspension of any financial  
19 obligation which would involve extreme hardship.

20 § 5. Subdivision 5 of section 669-d of the education law, as amended  
21 by section 1 of part H1 of section 109 of the laws of 2006, is amended  
22 to read as follows:

23 5. The corporation shall convert to a student loan the full amount of  
24 the award given pursuant to this section, plus interest, according to a  
25 schedule to be determined by the corporation if: (a) two years after the  
26 completion of the degree program and receipt of initial certification it  
27 is found that a recipient is not teaching in the field of math or  
28 science in a school located within New York state providing secondary  
29 education recognized by the board of regents or the university of the  
30 state of New York; or (b) a recipient has not taught in the field of  
31 math or science in a school located within New York state providing  
32 secondary education recognized by the board of regents or the university  
33 of the state of New York for five of the seven years after the  
34 completion of the degree program and receipt of initial certification;  
35 or (c) a recipient fails to complete their degree program or changes  
36 majors to an undergraduate degree program other than in science or math;  
37 or (d) a recipient fails to receive or maintain their teaching certif-  
38 icate or license in New York state; or (e) a recipient fails to respond  
39 to requests by the corporation for the status of his or her academic or  
40 professional progress. The terms and conditions of this subdivision  
41 shall be deferred for any interruption in undergraduate or graduate  
42 study or employment as established by the rules and regulations of the  
43 corporation. Any obligation to comply with such provisions as outlined  
44 in this section shall be cancelled upon the death of the recipient.  
45 Notwithstanding any provisions of this subdivision to the contrary, the  
46 corporation is authorized to promulgate rules and regulations to provide  
47 for the waiver or suspension of any financial obligation which would  
48 involve extreme hardship.

49 § 6. This act shall take effect immediately; provided that the amend-  
50 ments to paragraph a of subdivision 5 of section 679-c of the education  
51 law made by section four of this act shall not affect the repeal of such  
52 section and shall be deemed repealed therewith.

53

PART H

54

Intentionally Omitted



1

## PART I

2 Section 1. Section 34 of chapter 91 of the laws of 2002, amending the  
3 education law and other laws relating to reorganization of the New York  
4 city school construction authority, board of education and community  
5 boards, as amended by section 1 of subpart D of part B of chapter 20 of  
6 the laws of 2015, is amended to read as follows:

7 § 34. This act shall take effect July 1, 2002; provided, that sections  
8 one through twenty, twenty-four, and twenty-six through thirty of this  
9 act shall expire and be deemed repealed June 30, [2016] 2023 provided,  
10 further, that notwithstanding any provision of article 5 of the general  
11 construction law, on June 30, [2016] 2023 the provisions of subdivisions  
12 3, 5, and 8, paragraph b of subdivision 13, subdivision 14, paragraphs  
13 b, d, and e of subdivision 15, and subdivisions 17 and 21 of section  
14 2554 of the education law as repealed by section three of this act,  
15 subdivision 1 of section 2590-b of the education law as repealed by  
16 section six of this act, paragraph (a) of subdivision 2 of section  
17 2590-b of the education law as repealed by section seven of this act,  
18 section 2590-c of the education law as repealed by section eight of this  
19 act, paragraph c of subdivision 2 of section 2590-d of the education law  
20 as repealed by section twenty-six of this act, subdivision 1 of section  
21 2590-e of the education law as repealed by section twenty-seven of this  
22 act, subdivision 28 of section 2590-h of the education law as repealed  
23 by section twenty-eight of this act, subdivision 30 of section 2590-h of  
24 the education law as repealed by section twenty-nine of this act, subdi-  
25 vision 30-a of section 2590-h of the education law as repealed by  
26 section thirty of this act shall be revived and be read as such  
27 provisions existed in law on the date immediately preceding the effec-  
28 tive date of this act; provided, however, that sections seven and eight  
29 of this act shall take effect on November 30, 2003; provided further  
30 that the amendments to subdivision 25 of section 2554 of the education  
31 law made by section two of this act shall be subject to the expiration  
32 and reversion of such subdivision pursuant to section 12 of chapter 147  
33 of the laws of 2001, as amended, when upon such date the provisions of  
34 section four of this act shall take effect.

35 § 2. Subdivision 12 of section 17 of chapter 345 of the laws of 2009,  
36 amending the education law and other laws relating to the New York city  
37 board of education, chancellor, community councils, and community super-  
38 intendents, as amended by section 2 of subpart D of part B of chapter 20  
39 of the laws of 2015, is amended to read as follows:

40 12. any provision in sections one, two, three, four, five, six, seven,  
41 eight, nine, ten and eleven of this act not otherwise set to expire  
42 pursuant to section 34 of chapter 91 of the laws of 2002, as amended, or  
43 section 17 of chapter 123 of the laws of 2003, as amended, shall expire  
44 and be deemed repealed June 30, [2016] 2023.

45 § 3. This act shall take effect immediately.

46

## PART J

47 Section 1. Subdivision 1 of section 813 of the labor law, as amended  
48 by chapter 55 of the laws of 1992, is amended to read as follows:

49 1. The governor shall appoint a state apprenticeship and training  
50 council, composed of three representatives from employer organizations  
51 [and], three representatives from employee organizations and [one repre-  
52 sentative] two representatives of the general public[, who shall be the  
53 chairman]. The representatives of the general public may include but



1 not be limited to representatives of public colleges, community colleges  
2 or boards of cooperative educational services that have experience  
3 providing related instruction for apprenticeship programs. The governor  
4 shall designate one of the public members as the chair. The council by  
5 majority vote may designate one of its members, other than the [chair-  
6 man] chair, as [vice-chairman] vice-chair to act in the absence or  
7 inability of the [chairman] chair. Each member shall be appointed for a  
8 term of three years. Each member shall hold office until his or her  
9 successor is appointed and has qualified, and any vacancy shall be  
10 filled by appointment for the unexpired portion of the term. The present  
11 members of the council shall continue to hold office until the expira-  
12 tion of their present terms or their earlier terminations by resignation  
13 or inability to act. The commissioner of education, the commissioner of  
14 labor and the commissioner of economic development shall [ex officio be]  
15 be ex officio members of such council without vote. The members of the  
16 council shall not receive a salary or other compensation, but shall be  
17 reimbursed for transportation and other expenses actually and necessar-  
18 ily incurred in the performance of their duties under this article.  
19 § 2. This act shall take effect immediately.

20

## PART K

21 Section 1. Paragraph (n) of subdivision 5 of section 651 of the labor  
22 law, as amended by chapter 481 of the laws of 2010, is amended to read  
23 as follows:

24 (n) by [a] the federal[, state or municipal] government or political  
25 subdivision thereof. The exclusions from the term "employee" contained  
26 in this subdivision shall be as defined by regulations of the commis-  
27 sioner; or

28 § 2. Subdivision 6 of section 651 of the labor law, as amended by  
29 chapter 281 of the laws of 2002, is amended to read as follows:

30 6. "Employer" includes any individual, partnership, association,  
31 corporation, limited liability company, business trust, legal represen-  
32 tative, state or municipal government or political subdivision thereof,  
33 or any organized group of persons acting as employer.

34 § 3. Subdivision 1 of section 652 of the labor law, as amended by  
35 section 1 of part P of chapter 57 of the laws of 2013, is amended to  
36 read as follows:

37 1. Statutory. (a) Every employer shall pay to each of its employees  
38 for each hour worked a wage of not less than:

39 \$4.25 on and after April 1, 1991,

40 \$5.15 on and after March 31, 2000,

41 \$6.00 on and after January 1, 2005,

42 \$6.75 on and after January 1, 2006,

43 \$7.15 on and after January 1, 2007,

44 \$8.00 on and after December 31, 2013,

45 \$8.75 on and after December 31, 2014,

46 \$9.00 on and after December 31, 2015, or, if greater, such other wage  
47 as may be established by federal law pursuant to 29 U.S.C. section 206  
48 or its successors

49 or such other wage as may be established in accordance with the  
50 provisions of this article.

51 (b) Employers in all areas of the state not covered by paragraph (c)  
52 of this subdivision shall pay to each of its employees for each hour  
53 worked a wage of not less than:

54 \$9.75 on and after July 1, 2016,



1 \$10.75 on and after December 31, 2016,  
2 \$11.75 on and after December 31, 2017,  
3 \$12.75 on and after December 31, 2018,  
4 \$13.75 on and after December 31, 2019,  
5 \$14.50 on and after December 31, 2020, and  
6 \$15.00, and on and after December 31, 2021 and on each following  
7 December thirty-first, the commissioner shall calculate and establish an  
8 adjusted minimum wage rate by increasing the then current minimum wage  
9 rate by the rate of inflation for the most recent twelve month period  
10 available prior to each December thirty-first using the consumer price  
11 index-all urban consumers, CPI-U, or a successor index as calculated by  
12 the United States Department of Labor, if such rate of inflation is  
13 greater than zero percent, or, if greater, such other wage as may be  
14 established by federal law pursuant to 29 U.S.C. section 206 or its  
15 successors or such other wage as may be established in accordance with  
16 the provisions of this article.

17 (c) Employers in a city with a population in excess of one million and  
18 in counties with a population of nine hundred thousand or more that fall  
19 within the metropolitan commuter transportation district as defined in  
20 section twelve hundred sixty-two of the public authorities law, shall  
21 pay to each of its employees for each hour worked a wage of not less  
22 than:

23 \$10.50 on and after July 1, 2016,  
24 \$12.00 on and after December 31, 2016,  
25 \$13.50 on and after December 31, 2017, and  
26 \$15.00 on and after December 31, 2018 and on each following December  
27 thirty-first, the commissioner shall calculate and establish an adjusted  
28 minimum wage rate by increasing the then current minimum wage rate by  
29 the rate of inflation for the most recent twelve month period available  
30 prior to each December thirty-first using the consumer price index-all  
31 urban consumers, CPI-U, or a successor index as calculated by the United  
32 States Department of Labor, if such rate of inflation is greater than  
33 zero percent, or, if greater, such other wage as may be established by  
34 federal law pursuant to 29 U.S.C. section 206 or its successors or such  
35 other wage as may be established in accordance with the provisions of  
36 this article.

37 (d) The rates and schedule established in subdivision (c) of this  
38 section shall not be deemed to be the minimum wage for purposes of the  
39 calculations specified in subdivisions one and two of section five  
40 hundred twenty-seven of this chapter.

41 § 4. Subdivision 1 of section 92 of part H of chapter 59 of the laws  
42 of 2011, amending the public health law and other laws relating to known  
43 and projected department of health state fund medicaid expenditures, as  
44 amended by section 8 of part B of chapter 57 of the laws of 2015, is  
45 amended to read as follows:

46 1. For state fiscal years 2011-12 through 2016-17, the director of the  
47 budget, in consultation with the commissioner of health referenced as  
48 "commissioner" for purposes of this section, shall assess on a monthly  
49 basis, as reflected in monthly reports pursuant to subdivision five of  
50 this section known and projected department of health state funds medi-  
51 caid expenditures by category of service and by geographic regions, as  
52 defined by the commissioner, and if the director of the budget deter-  
53 mines that such expenditures are expected to cause medicaid disburse-  
54 ments for such period to exceed the projected department of health medi-  
55 caid state funds disbursements in the enacted budget financial plan  
56 pursuant to subdivision 3 of section 23 of the state finance law, the

1 commissioner of health, in consultation with the director of the budget,  
2 shall develop a medicaid savings allocation plan to limit such spending  
3 to the aggregate limit level specified in the enacted budget financial  
4 plan, provided, however, such projections may be adjusted by the direc-  
5 tor of the budget to account for any changes in the New York state  
6 federal medical assistance percentage amount established pursuant to the  
7 federal social security act, changes in provider revenues, reductions to  
8 local social services district medical assistance administration, and  
9 beginning April 1, 2012 the operational costs of the New York state  
10 medical indemnity fund and state costs or savings from the basic health  
11 plan. Such projections may be adjusted by the director of the budget to  
12 account for increased or expedited department of health state funds  
13 medicaid expenditures as a result of a natural or other type of disas-  
14 ter, including a governmental declaration of emergency. For purposes of  
15 this section, for periods on and after July 1, 2016, medicaid disburse-  
16 ments shall not include any additional expenditures related to increases  
17 in the minimum wage established pursuant to section 652 of the labor  
18 law.

19 § 5. Section 3614-c of the public health law, as added by section 33  
20 of part H of chapter 59 of the laws of 2011, is amended to read as  
21 follows:

22 § 3614-c. Home care worker wage parity. 1. As used in this section,  
23 the following terms shall have the following meaning:

24 (a) "Living wage law" means any law enacted by Nassau, Suffolk or  
25 Westchester county or a city with a population of one million or more  
26 which establishes a minimum wage for some or all employees who perform  
27 work on contracts with such county or city.

28 (b) "Total compensation" means all wages and other direct compensation  
29 paid to or provided on behalf of the employee including, but not limited  
30 to, wages, health, education or pension benefits, supplements in lieu of  
31 benefits and compensated time off, except that it does not include  
32 employer taxes or employer portion of payments for statutory benefits,  
33 including but not limited to FICA, disability insurance, unemployment  
34 insurance and workers' compensation.

35 (c) "Prevailing rate of total compensation" means the average hourly  
36 amount of total compensation paid to all home care aides covered by  
37 whatever collectively bargained agreement covers the greatest number of  
38 home care aides in a city with a population of one million or more. For  
39 purposes of this definition, any set of collectively bargained agree-  
40 ments in such city with substantially the same terms and conditions  
41 relating to total compensation shall be considered as a single collec-  
42 tively bargained agreement.

43 (d) "Home care aide" means a home health aide, personal care aide,  
44 home attendant or other licensed or unlicensed person whose primary  
45 responsibility includes the provision of in-home assistance with activ-  
46 ities of daily living, instrumental activities of daily living or  
47 health-related tasks; provided, however, that home care aide does not  
48 include any individual (i) working on a casual basis, or (ii) who is a  
49 relative through blood, marriage or adoption of: (1) the employer; or  
50 (2) the person for whom the worker is delivering services, under a  
51 program funded or administered by federal, state or local government.

52 (e) "Managed care plan" means any managed care program, organization  
53 or demonstration covering personal care or home health aide services,  
54 and which receives premiums funded, in whole or in part, by the New York  
55 state medical assistance program, including but not limited to all Medi-  
56 caid managed care, Medicaid managed long term care, Medicaid advantage,

1 and Medicaid advantage plus plans and all programs of all-inclusive care  
2 for the elderly.

3 (f) "Episode of care" means any service unit reimbursed, in whole or  
4 in part, by the New York state medical assistance program, whether  
5 through direct reimbursement or covered by a premium payment, and which  
6 covers, in whole or in part, any service provided by a home care aide,  
7 including but not limited to all service units defined as visits, hours,  
8 days, months or episodes.

9 (g) "Cash portion of the minimum rate of home care aide total compen-  
10 sation" means the minimum amount of home care aide total compensation  
11 that may be paid in cash wages, as determined by the department in  
12 consultation with the department of labor.

13 (h) "Benefit portion of the minimum rate of home care aide total  
14 compensation" means the portion of home care aide total compensation  
15 that may be paid in cash or health, education or pension benefits, wage  
16 differentials, supplements in lieu of benefits and compensated time off,  
17 as determined by the department in consultation with the department of  
18 labor. Cash wages paid pursuant to increases in the state or federal  
19 minimum wage cannot be used to satisfy the benefit portion of the mini-  
20 imum rate of home care aide total compensation.

21 2. Notwithstanding any inconsistent provision of law, rule or regu-  
22 lation, no payments by government agencies shall be made to certified  
23 home health agencies, long term home health care programs or managed  
24 care plans for any episode of care furnished, in whole or in part, by  
25 any home care aide who is compensated at amounts less than the applica-  
26 ble minimum rate of home care aide total compensation established pursu-  
27 ant to this section.

28 3. (a) The minimum rate of home care aide total compensation in a city  
29 with a population of one million or more shall be:

30 (i) for the period March first, two thousand twelve through February  
31 twenty-eighth, two thousand thirteen, ninety percent of the total  
32 compensation mandated by the living wage law of such city;

33 (ii) for the period March first, two thousand thirteen through Febru-  
34 ary twenty-eighth, two thousand fourteen, ninety-five percent of the  
35 total compensation mandated by the living wage law of such city;

36 (iii) for [all periods on and after] the period March first, two thou-  
37 sand fourteen through March thirty-first two thousand sixteen, no less  
38 than the prevailing rate of total compensation as of January first, two  
39 thousand eleven, or the total compensation mandated by the living wage  
40 law of such city, whichever is greater;

41 (iv) for all periods on or after April first, two thousand sixteen,  
42 the cash portion of the minimum rate of home care aide total compen-  
43 sation shall be ten dollars or the minimum wage as laid out in paragraph  
44 (c) of subdivision one of section six hundred fifty-two of the labor  
45 law, whichever is higher. The benefit portion of the minimum rate of  
46 home care aide total compensation shall be four dollars and nine cents.

47 (b) The minimum rate of home care aide total compensation in the coun-  
48 ties of Nassau, Suffolk and Westchester shall be:

49 (i) for the period March first, two thousand thirteen through February  
50 twenty-eighth, two thousand fourteen, ninety percent of the total  
51 compensation mandated by the living wage law as set on March first, two  
52 thousand thirteen of a city with a population of a million or more;

53 (ii) for the period March first, two thousand fourteen through Febru-  
54 ary twenty-eighth, two thousand fifteen, ninety-five percent of the  
55 total compensation mandated by the living wage law as set on March

1 first, two thousand fourteen of a city with a population of a million or  
2 more;

3 (iii) for the period March first, two thousand fifteen, through Febru-  
4 ary twenty-eighth, two thousand sixteen, one hundred percent of the  
5 total compensation mandated by the living wage law as set on March  
6 first, two thousand fifteen of a city with a population of a million or  
7 more;

8 (iv) for all periods on or after March first, two thousand sixteen,  
9 [the lesser of (i) one hundred and fifteen percent of the total compen-  
10 sation mandated by the living wage law as set on March first of each  
11 succeeding year of a city with a population of one million or more or;

12 (ii) the total compensation mandated by the living wage law of Nassau,  
13 Suffolk or Westchester county, based on the location of the episode of  
14 care] the cash portion of the minimum rate of home care aide total  
15 compensation shall be ten dollars or the minimum wage as laid out in  
16 paragraph (c) of subdivision one of section six hundred fifty-two of the  
17 labor law, whichever is higher. The benefit portion of the minimum rate  
18 of home care aide total compensation shall be three dollars and twenty-  
19 two cents.

20 4. [Any portion of the minimum rate of home care aide total compen-  
21 sation attributable to health benefit costs or payments in lieu of  
22 health benefits, and paid time off, as established pursuant to subdivi-  
23 sion three of this section shall be superseded by the terms of any  
24 employer bona fide collective bargaining agreement in effect as of Janu-  
25 ary first, two thousand eleven, or a successor to such agreement, which  
26 provides for home care aides' health benefits through payments to joint-  
27 ly administered labor-management funds.

28 5.] The terms of this section shall apply equally to services provided  
29 by home care aides who work on episodes of care as direct employees of  
30 certified home health agencies, long term home health care programs, or  
31 managed care plans, or as employees of licensed home care services agen-  
32 cies, limited licensed home care services agencies, or under any other  
33 arrangement.

34 [6.] 5. No payments by government agencies shall be made to certified  
35 home health agencies, long term home health care programs, or managed  
36 care plans for any episode of care without the certified home health  
37 agency, long term home health care program, or managed care plan having  
38 delivered prior written certification to the commissioner, on forms  
39 prepared by the department in consultation with the department of labor,  
40 that all services provided under each episode of care are in full  
41 compliance with the terms of this section and any regulations promulgat-  
42 ed pursuant to this section.

43 [7.] 6. If a certified home health agency or long term home health  
44 care program elects to provide home care aide services through contracts  
45 with licensed home care services agencies or through other third  
46 parties, provided that the episode of care on which the home care aide  
47 works is covered under the terms of this section, the certified home  
48 health agency, long term home health care program, or managed care plan  
49 must obtain a written certification from the licensed home care services  
50 agency or other third party, on forms prepared by the department in  
51 consultation with the department of labor, which attests to the licensed  
52 home care services agency's or other third party's compliance with the  
53 terms of this section. Such certifications shall also obligate the  
54 certified home health agency, long term home health care program, or  
55 managed care plan to obtain, on no less than a quarterly basis, all  
56 information from the licensed home care services agency or other third

1 parties necessary to verify compliance with the terms of this section.  
2 Such certifications and the information exchanged pursuant to them shall  
3 be retained by all certified home health agencies, long term home health  
4 care programs, or managed care plans, and all licensed home care  
5 services agencies, or other third parties for a period of no less than  
6 ten years, and made available to the department upon request.

7 [8.] 7. The commissioner shall distribute to all certified home health  
8 agencies, long term home health care programs, and managed care plans  
9 official notice of the minimum rates of home care aide compensation at  
10 least one hundred twenty days prior to the effective date of each mini-  
11 mum rate for each social services district covered by the terms of this  
12 section.

13 [9.] 8. The commissioner is authorized to promulgate regulations, and  
14 may promulgate emergency regulations, to implement the provisions of  
15 this section.

16 [10.] 9. Nothing in this section should be construed as applicable to  
17 any service provided by certified home health agencies, long term home  
18 health care programs, or managed care plans except for all episodes of  
19 care reimbursed in whole or in part by the New York Medicaid program.

20 [11.] 10. No certified home health agency, managed care plan or long  
21 term home health care program shall be liable for recoupment of payments  
22 for services provided through a licensed home care services agency or  
23 other third party with which the certified home health agency, long term  
24 home health care program, or managed care plan has a contract because  
25 the licensed agency or other third party failed to comply with the  
26 provisions of this section if the certified home health agency, long  
27 term home health care program, or managed care plan has reasonably and  
28 in good faith collected certifications and all information required  
29 pursuant to subdivisions [six and seven] five and six of this section.

30 § 6. Notwithstanding any inconsistent provision or policy to the  
31 contrary, any increase attributable to the increase in the minimum wage  
32 established pursuant to section 652 of the labor law, shall be excluded  
33 from the calculation of any policy of the state spending limitations in  
34 the enacted budget financial plan pursuant to subdivision 3 of section  
35 23 of the state finance law.

36 Notwithstanding any inconsistent provision of law, any program or  
37 service including not-for-profits funded by New York state through the  
38 department of the office of mental health, office for people with devel-  
39 opmental disabilities, office of alcoholism and substance abuse  
40 services, department of health, office of children and family services,  
41 office of temporary and disabilities assistance, the state office for  
42 the aging and the department of labor shall be adjusted to reflect the  
43 increase in labor costs related to the minimum wage pursuant to section  
44 652 of the labor law.

45 § 7. Severability clause. If an amendment made by section four or  
46 section five of this act or their application to any person, legal enti-  
47 ty, or circumstance is held invalid by a court of competent jurisdic-  
48 tion, the remainder of this act or the application of such amendment to  
49 other persons, legal entities or circumstances shall not be effected.

50 § 8. This act shall take effect immediately.

51

#### PART L

52 Section 1. Subdivision (a) of section 25-a of the labor law, as  
53 amended by section 1 of part AA of chapter 56 of the laws of 2015, is  
54 amended to read as follows:



1 (a) The commissioner is authorized to establish and administer the  
2 program established under this section to provide tax incentives to  
3 employers for employing at risk youth in part-time and full-time posi-  
4 tions. There will be five distinct pools of tax incentives. Program one  
5 will cover tax incentives allocated for two thousand twelve and two  
6 thousand thirteen. Program two will cover tax incentives allocated in  
7 two thousand fourteen. Program three will cover tax incentives allocated  
8 in two thousand fifteen. Program four will cover tax incentives allo-  
9 cated in two thousand sixteen. Program five will cover tax incentives  
10 allocated in two thousand seventeen. The commissioner is authorized to  
11 allocate up to twenty-five million dollars of tax credits under program  
12 one, ten million dollars of tax credits under program two, [and] twenty  
13 million dollars of tax credits under [each of programs] program three,  
14 and fifty million dollars of tax credits under each of programs four[,]  
15 and five.

16 § 2. Subdivision (b) of section 25-a of the labor law is amended by  
17 adding a new paragraph 3 to read as follows:

18 (3) For programs four and five, the tax credit under each program  
19 shall be allocated as follows: (i) forty million dollars of tax credit  
20 for qualified employees; and (ii) ten million dollars of tax credit for  
21 individuals who meet all of the requirements for a qualified employee  
22 except for the residency requirement of subparagraph (ii) of paragraph  
23 two of this subdivision, which individuals shall be deemed to meet the  
24 residency requirements of subparagraph (ii) of paragraph two of this  
25 subdivision if they reside in New York state.

26 § 3. This act shall take effect immediately.

27

#### PART M

28 Section 1. Clause (G) of subparagraph (vii) of paragraph 2 of subdivi-  
29 sion (d) of section 1089 of the family court act, as added by section 27  
30 of part A of chapter 3 of the laws of 2005, is amended to read as  
31 follows:

32 (G) where a child has or will before the next permanency hearing reach  
33 the age of fourteen, (I) the services and assistance necessary to assist  
34 the child in learning independent living skills to assist the child to  
35 make the transition from foster care to successful adulthood; and (II)  
36 A. that the permanency plan developed for the child in foster care who  
37 has attained the age of fourteen, and any revision or addition to the  
38 plan, shall be developed in consultation with the child and, at the  
39 option of the child, with up to two members of the child's permanency  
40 planning team who are selected by the child and who are not a foster  
41 parent of, or the case worker, case planner or case manager for, the  
42 child except that the local commissioner of social services with custody  
43 of the child may reject an individual so selected by the child if such  
44 local commissioner has good cause to believe that the individual would  
45 not act in the best interests of the child, and B. that one individual  
46 so selected by the child may be designated to be the child's advisor  
47 and, as necessary, advocate, with respect to the application of the  
48 reasonable and prudent parent standard to the child; and

49 § 2. Paragraph (b) of subdivision 7 of section 355.5 of the family  
50 court act, as amended by section 17 of part L of chapter 56 of the laws  
51 of 2015, is amended to read as follows:

52 (b) in the case of a respondent who has attained the age of fourteen,  
53 (i) the services needed, if any, to assist the respondent to make the  
54 transition from foster care to [independent living] successful adult-

1 hood; and (ii) (A) that the permanency plan developed for the respondent,  
2 and any revision or addition to the plan, shall be developed in consul-  
3 tation with the respondent and, at the option of the respondent, with up  
4 to two members of the respondent's permanency planning team who are  
5 selected by the respondent and who are not a foster parent of, or case  
6 worker, case planner or case manager for, the child, except that the  
7 local commissioner of social services with custody of the respondent or  
8 the commissioner of the office of children and family services if such  
9 office has custody of the respondent may reject an individual selected  
10 by the respondent if such commissioner has good cause to believe that  
11 the individual would not act in the best interests of the respondent,  
12 and (B) that one individual so selected by the respondent may be desig-  
13 nated to be the respondent's advisor and, as necessary, advocate, with  
14 respect to the application of the reasonable and prudent parent  
15 standard;

16 § 3. Paragraph (ii) of subdivision (d) of section 756-a of the family  
17 court act, as amended by section 22 of part L of chapter 56 of the laws  
18 of 2015, is amended to read as follows:

19 (ii) in the case of a child who has attained the age of fourteen, (A)  
20 the services needed, if any, to assist the child to make the transition  
21 from foster care to [independent living] successful adulthood; and  
22 (B)(1) that the permanency plan developed for the child, and any  
23 revision or addition to the plan shall be developed in consultation with  
24 the child and, at the option of the child, with up to two additional  
25 members of the child's permanency planning team who are selected by the  
26 child and who are not a foster parent of, or case worker, case planner  
27 or case manager for, the child, except that the local commissioner of  
28 social services with custody of the child may reject an individual so  
29 selected by the child if such commissioner has good cause to believe  
30 that the individual would not act in the best interests of the child,  
31 and (2) that one individual so selected by the child may be designated  
32 to be the child's advisor and, as necessary, advocate with respect to  
33 the application of the reasonable and prudent parent standard;

34 § 4. Subdivisions 1 and 2 of section 458-c of the social services law,  
35 as added by section 4 of part F of chapter 58 of the laws of 2010, are  
36 amended to read as follows:

37 1. A social services official shall make payments for non-recurring  
38 guardianship expenses incurred by or on behalf of the relatives or  
39 successor guardians who have been approved by the social services offi-  
40 cial to receive kinship guardianship assistance payments, when such  
41 expenses are incurred in connection with assuming the guardianship of a  
42 foster child or a former foster child in regard to successor guardians.  
43 The agreement for the payment of non-recurring guardianship expenses  
44 must be reflected in the written agreement set forth in subdivision four  
45 of section four hundred fifty-eight-b of this title. In accordance with  
46 subdivision two of this section, the payments shall be made by the  
47 social services official either to the relative or successor guardian or  
48 guardians directly or to an attorney on behalf of the relative or  
49 successor guardian or guardians, as applicable, for the allowable amount  
50 of non-recurring guardianship expenses incurred in connection with  
51 obtaining such guardianship.

52 2. The amount of the payment made pursuant to this section shall not  
53 exceed two thousand dollars for each foster child for whom the  
54 relatives, or each former foster child for whom the successor guardians,  
55 seek guardianship or permanent guardianship and shall be available only  
56 for those expenses that are determined to be eligible for reimbursement

1 by the social services official in accordance with the regulations of  
2 the office of children and family services.

3 § 5. The social services law is amended by adding a new section 383-a  
4 to read as follows:

5 § 383-a. Immunity from liability for application of the reasonable and  
6 prudent parent standard. It is the intent of the legislature to ensure  
7 that children in foster care are provided with a safe and nurturing  
8 environment that, among other things, allows them to engage in develop-  
9 mentally appropriate activities with their peers. It is also the intent  
10 of the legislature to provide training, guidance, and appropriate  
11 liability protections to enable caregivers to make reasonable decisions  
12 with regard to such activities.

13 1. Definitions. As used in this section, the following terms shall  
14 have the following meanings:

15 (a) "Caregiver" shall mean the following individuals or entities who  
16 have been trained on how to use and apply the reasonable and prudent  
17 parent standard:

18 (i) a foster parent;

19 (ii) the employee of a child care facility operated by a voluntary  
20 authorized agency that is designated and authorized to apply the reason-  
21 able and prudent parent standard, provided, however, that such desig-  
22 nation shall apply only during the time at which such employee or  
23 employees are responsible for the care of a child or children in foster  
24 care; or (iii) a local department of social services or a voluntary  
25 authorized agency during the time at which such department or agency is  
26 responsible for the care of a foster child.

27 (b) "Child" shall mean a child who is in foster care or who was in  
28 foster care at the time the reasonable and prudent parent standard was  
29 applied.

30 (c) "Child care facility" shall mean an institution, group residence,  
31 group home, agency operated boarding home, or supervised independent  
32 living program.

33 (d) "Reasonable and prudent parent standard" shall mean, in accordance  
34 with 42 U.S.C. 675 as amended by P.L. 113-183, the standard character-  
35 ized by careful and sensible parental decisions that take into account a  
36 child's age, maturity level, and capabilities while maintaining the  
37 health, safety, and best interests of a child and at the same time  
38 encouraging the emotional and developmental growth of the child. A care-  
39 giver shall use the reasonable and prudent parent standard when deter-  
40 mining whether to allow a child in foster care to participate in devel-  
41 opmentally-appropriate extracurricular, enrichment, cultural or social  
42 activities.

43 (e) "Developmentally-appropriate" shall mean:

44 (i) activities or items that are generally accepted as suitable for  
45 children of the same chronological age or level of maturity or that are  
46 determined to be developmentally-appropriate for a child, based on the  
47 development of cognitive, emotional, physical, and behavioral capacities  
48 that are typical for an age or age group; and

49 (ii) in the case of a specific child, activities or items that are  
50 suitable for the child based on the developmental stage attained by the  
51 child with respect to the cognitive, emotional, physical, and behavioral  
52 capacities of the child.

53 2. A caregiver shall not be liable for injuries to the child as a  
54 result of participation in an extracurricular, enrichment, cultural, or  
55 social activity approved by the caregiver who has permitted such activ-  
56 ity in compliance with the reasonable and prudent parent standard as

1 defined in paragraph (d) of subdivision one of this section. Except as  
2 provided herein, nothing in this section shall otherwise limit the  
3 liability of any party whose negligence caused injuries to a child.

4 § 6. The opening paragraph of paragraph (e) of subdivision 2 of  
5 section 378-a of the social services law, as amended by section 10 of  
6 part L of chapter 56 of the laws of 2015, is amended to read as follows:

7 [After] Except as set forth in paragraph (m) of this section, after  
8 reviewing any criminal history record information provided by the divi-  
9 sion of criminal justice services, the office of children and family  
10 services shall promptly notify the authorized agency or other state  
11 agency that:

12 § 7. Subdivision 2 of section 378-a of the social services law is  
13 amended by adding a new paragraph (m) to read as follows:

14 (m)(1) The office of children and family services shall not release  
15 the content of the results of the nationwide criminal history record  
16 check conducted by the federal bureau of investigation in accordance  
17 with this subdivision to an authorized agency, as defined in paragraphs  
18 (a) or (c) of subdivision ten of section three hundred seventy-one of  
19 this title.

20 (2) For any application made to such an authorized agency under this  
21 subdivision, the office of children and family services shall:

22 (A) review and evaluate the results of the nationwide criminal history  
23 record check of the prospective foster parent, prospective adoptive  
24 parent and any other person over the age of eighteen who resides in the  
25 home of such applicant in accordance with the standards set forth in  
26 paragraph (e) of this subdivision relating to mandatory disqualifying  
27 convictions, hold in abeyance charges or convictions, and discretionary  
28 charges and convictions; and

29 (B) based on the results of the nationwide criminal history record  
30 check, inform such authorized agency that the application for certifi-  
31 cation or approval of the prospective foster parent or the prospective  
32 adoptive parent either: (i) must be denied; (ii) must be held in abey-  
33 ance pending subsequent notification from the office of children and  
34 family services; or (iii) that the office of children and family  
35 services has no objection, solely based on the nationwide criminal  
36 history record check, for the authorized agency to proceed with a deter-  
37 mination on such application based on the standards for certification or  
38 approval of a prospective foster parent or prospective adoptive parent,  
39 as set forth in the regulations of the office of children and family  
40 services.

41 (3) Where the office of children and family services directs the  
42 authorized agency to deny the application of a prospective foster parent  
43 or a prospective adoptive parent in accordance with this paragraph, the  
44 office of children and family services shall also notify the prospective  
45 foster parent, prospective adoptive parent or other person over the age  
46 of eighteen who resided in the home of the applicant whose criminal  
47 history was the basis for the denial and shall provide such prospective  
48 foster parent, prospective adoptive parent or other person a copy of the  
49 results of the nationwide criminal history record check upon which such  
50 denial was based and a written statement setting forth the reasons for  
51 such denial pursuant to section seven hundred fifty-four of the  
52 correction law. If the applicant is disqualified under item (ii) of  
53 clause (A) of subparagraph one of paragraph (e) of this subdivision,  
54 then the applicant may apply for relief from the mandatory disqualifica-  
55 tion based on the grounds that the offense was not spousal abuse as that  
56 term is defined in paragraph (j) of this subdivision.



1 (4) This paragraph does not apply to nationwide criminal history  
2 record checks conducted by the federal bureau of investigation on behalf  
3 of state agencies or authorized agencies, as defined in paragraph (b) of  
4 subdivision ten of section three hundred seventy-one of this title, or  
5 to the results of statewide criminal history record checks conducted by  
6 the division of criminal justice services.

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

17 § 9. This act shall take effect immediately, provided however that  
18 sections six and seven of this act shall take effect on the ninetieth  
19 day after it shall have become a law.

20

## PART N

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

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

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

28 (e) The family court has concurrent jurisdiction with the criminal  
29 court over all family offenses as defined in article eight of this act  
30 and has concurrent jurisdiction with the youth part of a superior court  
31 over any juvenile delinquency proceeding resulting from the removal of  
32 the case to the family court pursuant to article seven hundred twenty-  
33 five of the criminal procedure law.

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

36 (b) For every juvenile delinquency proceeding under article three of  
37 this act involving an allegation of an act committed by a person which,  
38 if done by an adult, would [be a crime (i) defined in sections 125.27  
39 (murder in the first degree); 125.25 (murder in the second degree);  
40 135.25 (kidnapping in the first degree); or 150.20 (arson in the first  
41 degree) of the penal law committed by a person thirteen, fourteen or  
42 fifteen years of age; or such conduct committed as a sexually motivated  
43 felony, where authorized pursuant to section 130.91 of the penal law;  
44 (ii) defined in sections 120.10 (assault in the first degree); 125.20  
45 (manslaughter in the first degree); 130.35 (rape in the first degree);  
46 130.50 (criminal sexual act in the first degree); 135.20 (kidnapping in  
47 the second degree), but only where the abduction involved the use or  
48 threat of use of deadly physical force; 150.15 (arson in the second  
49 degree); or 160.15 (robbery in the first degree) of the penal law  
50 committed by a person thirteen, fourteen or fifteen years of age; or  
51 such conduct committed as a sexually motivated felony, where authorized  
52 pursuant to section 130.91 of the penal law; (iii) defined in the penal  
53 law as an attempt to commit murder in the first or second degree or  
54 kidnapping in the first degree committed by a person thirteen, fourteen



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

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

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

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

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

43 (a) who is:

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

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

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

56 (b) who is either:



1 (i) not criminally responsible for such conduct by reason of infancy;  
2 or  
3 (ii) the defendant in an action based on such act that has been  
4 ordered removed to the family court pursuant to article seven hundred  
5 twenty-five of the criminal procedure law.

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

10 8. "Designated felony act" means an act which, if done by an adult,  
11 would be a crime: (i) defined in sections [125.27 (murder in the first  
12 degree);] 125.25 (murder in the second degree); 135.25 (kidnapping in  
13 the first degree); or 150.20 (arson in the first degree) of the penal  
14 law committed by a person thirteen, fourteen [or], fifteen, sixteen, or  
15 seventeen years of age; or such conduct committed as a sexually moti-  
16 vated felony, where authorized pursuant to section 130.91 of the penal  
17 law; (ii) defined in sections 120.10 (assault in the first degree);  
18 125.20 (manslaughter in the first degree); 130.35 (rape in the first  
19 degree); 130.50 (criminal sexual act in the first degree); 130.70  
20 (aggravated sexual abuse in the first degree); 135.20 (kidnapping in the  
21 second degree) but only where the abduction involved the use or threat  
22 of use of deadly physical force; 150.15 (arson in the second degree) or  
23 160.15 (robbery in the first degree) of the penal law committed by a  
24 person thirteen, fourteen [or], fifteen, sixteen, or seventeen years of  
25 age; or such conduct committed as a sexually motivated felony, where  
26 authorized pursuant to section 130.91 of the penal law; (iii) defined in  
27 the penal law as an attempt to commit murder in the first or second  
28 degree or kidnapping in the first degree committed by a person thirteen,  
29 fourteen [or], fifteen, sixteen, or seventeen years of age; or such  
30 conduct committed as a sexually motivated felony, where authorized  
31 pursuant to section 130.91 of the penal law; (iv) defined in section  
32 140.30 (burglary in the first degree); subdivision one of section 140.25  
33 (burglary in the second degree); subdivision two of section 160.10  
34 (robbery in the second degree) of the penal law; or section 265.03 of  
35 the penal law, where such machine gun or such firearm is possessed on  
36 school grounds, as that phrase is defined in subdivision fourteen of  
37 section 220.00 of the penal law committed by a person fourteen or  
38 fifteen years of age; or such conduct committed as a sexually motivated  
39 felony, where authorized pursuant to section 130.91 of the penal law;  
40 (v) defined in section 120.05 (assault in the second degree) or 160.10  
41 (robbery in the second degree) of the penal law committed by a person  
42 fourteen [or], fifteen, sixteen or seventeen years of age but only where  
43 there has been a prior finding by a court that such person has previous-  
44 ly committed an act which, if committed by an adult, would be the crime  
45 of assault in the second degree, robbery in the second degree or any  
46 designated felony act specified in paragraph (i), (ii), or (iii) of this  
47 subdivision regardless of the age of such person at the time of the  
48 commission of the prior act; [or] (vi) other than a misdemeanor commit-  
49 ted by a person at least [seven] twelve but less than [sixteen] eighteen  
50 years of age, but only where there has been two prior findings by the  
51 court that such person has committed a prior felony; or (vii) defined in  
52 section 460.22 (aggravated enterprise corruption); 490.25 (crime of  
53 terrorism); 490.45 (criminal possession of a chemical weapon or biolog-  
54 ical weapon in the first degree); 490.50 (criminal use of a chemical  
55 weapon or biological weapon in the second degree); 490.55 (criminal use  
56 of a chemical weapon or biological weapon in the first degree); 130.95

1 (predatory sexual assault); 130.96 (predatory sexual assault against a  
2 child); 120.11 (aggravated assault upon a police officer or a peace  
3 officer); 125.22 (aggravated manslaughter in the first degree); 130.75  
4 (course of sexual conduct against a child in the first degree); 215.17  
5 (intimidating a victim or witness in the first degree); 255.27 (incest  
6 in the first degree); 265.04 (criminal possession of a weapon in the  
7 first degree); 265.09 (criminal use of a firearm in the first degree);  
8 265.13 (criminal sale of a firearm in the first degree); 490.35 (hinder-  
9 ing prosecution of terrorism in the first degree); 490.40 (criminal  
10 possession of a chemical weapon or biological weapon in the second  
11 degree); 490.47 (criminal use of a chemical weapon or biological weapon  
12 in the third degree); 121.13 (strangulation in the first degree); 130.67  
13 (aggravated sexual abuse in the second degree); 490.37 (criminal  
14 possession of a chemical weapon or biological weapon in the third  
15 degree); or 130.66 (aggravated sexual abuse in the third degree) of the  
16 penal law; or such conduct committed as a sexually motivated felony,  
17 where authorized pursuant to section 130.91 of the penal law committed  
18 by a person sixteen or seventeen years old.

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

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

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

30 § 6-a. Section 302.1 of the family court act is amended by adding a  
31 new subdivision 3 to read as follows:

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

39 § 7. Section 304.1 of the family court act, as added by chapter 920 of  
40 the laws of 1982, subdivision 2 as amended by chapter 419 of the laws of  
41 1987, is amended to read as follows:

42 § 304.1. Detention. 1. A facility certified by the state [division for  
43 youth] office of children and family services as a juvenile detention  
44 facility must be operated in conformity with the regulations of the  
45 state [division for youth and shall be subject to the visitation and  
46 inspection of the state board of social welfare] office of children and  
47 family services.

48 2. No child to whom the provisions of this article may apply shall be  
49 detained in any prison, jail, lockup, or other place used for adults  
50 convicted of crime or under arrest and charged with crime without the  
51 approval of the state [division for youth] office of children and family  
52 services in the case of each child and the statement of its reasons  
53 therefor. The state [division for youth] office of children and family  
54 services shall promulgate and publish the rules which it shall apply in  
55 determining whether approval should be granted pursuant to this subdivi-  
56 sion.

1 3. [The detention of a child under ten years of age in a secure  
2 detention facility shall not be directed under any of the provisions of  
3 this article.

4 4.] A detention facility which receives a child under subdivision four  
5 of section 305.2 shall immediately notify the child's parent or other  
6 person legally responsible for his or her care or, if such legally  
7 responsible person is unavailable the person with whom the child  
8 resides, that he or she has been placed in detention.

9 § 8. Subdivision 1 of section 304.2 of the family court act, as added  
10 by chapter 683 of the laws of 1984, is amended to read as follows:

11 (1) Upon application by the presentment agency, or upon application by  
12 the probation service as part of the adjustment of a case, the court may  
13 issue a temporary order of protection against a respondent for good  
14 cause shown, ex parte or upon notice, at any time after a juvenile is  
15 taken into custody, pursuant to section 305.1 or 305.2 or upon the issu-  
16 ance of an appearance ticket pursuant to section 307.1 or upon the  
17 filing of a petition pursuant to section 310.1.

18 § 9. Subdivision 1 of section 305.1 of the family court act, as added  
19 by chapter 920 of the laws of 1982, is amended to read as follows:

20 1. A private person may take a child [under the age of sixteen] who  
21 may be subject to the provisions of this article for committing an act  
22 that would be a crime if committed by an adult into custody in cases in  
23 which [he] such private person may arrest an adult for a crime under  
24 section 140.30 of the criminal procedure law.

25 § 10. Subdivision 2 of section 305.2 of the family court act, as added  
26 by chapter 920 of the laws of 1982, is amended to read as follows:

27 2. An officer may take a child [under the age of sixteen] who may be  
28 subject to the provisions of this article for committing an act that  
29 would be a crime if committed by an adult into custody without a warrant  
30 in cases in which [he] the officer may arrest a person for a crime under  
31 article one hundred forty of the criminal procedure law.

32 § 11. Paragraph (b) of subdivision 4 of section 305.2 of the family  
33 court act, as amended by chapter 492 of the laws of 1987, is amended to  
34 read as follows:

35 (b) forthwith and with all reasonable speed take the child directly,  
36 and without his first being taken to the police station house, to the  
37 family court located in the county in which the act occasioning the  
38 taking into custody allegedly was committed, or, when the family court  
39 is not in session, to the most accessible magistrate, if any, designated  
40 by the appellate division of the supreme court in the applicable depart-  
41 ment to conduct a hearing under section 307.4 of this part, unless the  
42 officer determines that it is necessary to question the child, in which  
43 case he or she may take the child to a facility designated by the chief  
44 administrator of the courts as a suitable place for the questioning of  
45 children or, upon the consent of a parent or other person legally  
46 responsible for the care of the child, to the child's residence and  
47 there question him or her for a reasonable period of time; or

48 § 12. Subdivision 1 of section 306.1 of the family court act, as  
49 amended by chapter 645 of the laws of 1996, is amended to read as  
50 follows:

51 1. Following the arrest of a child alleged to be a juvenile delin-  
52 quent, or the filing of a delinquency petition involving a child who has  
53 not been arrested, the arresting officer or other appropriate police  
54 officer or agency shall take or cause to be taken fingerprints of such  
55 child if:

1 (a) the child is eleven 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] A-1 felony; [or]

4 (b) the child is twelve 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 A or B felony; or

7 (c) the child is thirteen years of age or older and the crime which is  
8 the subject of the arrest or which is charged in the petition consti-  
9 tutes a class C, D or E felony.

10 § 13. Section 307.3 of the family court act, as added by chapter 920  
11 of the laws of 1982, subdivisions 1 and 2 as amended by chapter 419 of  
12 the laws of 1987, is amended to read as follows:

13 § 307.3. Rules of court authorizing release before filing of petition.

14 1. The agency responsible for operating a detention facility pursuant to  
15 section two hundred eighteen-a of the county law, five hundred [ten-a]  
16 three of the executive law or other applicable provisions of law, shall  
17 release a child in custody before the filing of a petition to the custo-  
18 dy of his or her parents or other person legally responsible for his or  
19 her care, or if such legally responsible person is unavailable, to a  
20 person with whom he or she resides, when the events occasioning the  
21 taking into custody do not appear to involve allegations that the child  
22 committed a delinquent act.

23 2. When practicable such agency may release a child before the filing  
24 of a petition to the custody of his or her parents or other person  
25 legally responsible for his or her care, or if such legally responsible  
26 person is unavailable, to a person with whom he or she resides, when the  
27 events occasioning the taking into custody appear to involve allegations  
28 that the child committed a delinquent act; provided, however, that such  
29 agency must release the child if:

30 (a) such events appear to involve only allegations that the child  
31 committed acts that would constitute more than a violation but no more  
32 than a misdemeanor if committed by an adult if:

33 (i) the alleged acts did not result in any physical injury as defined  
34 in subdivision nine of section 10.00 of the penal law to another person;  
35 and

36 (ii) the child was assessed at a low risk on the applicable detention  
37 risk assessment instrument approved by the office of children and family  
38 services unless the agency determines that detention is necessary  
39 because the respondent otherwise poses an imminent risk to public safety  
40 and states the reasons for such determination in the child's record; or

41 (b) such events appear to involve allegations that the child committed  
42 acts that would constitute a felony if committed by an adult if:

43 (i) the alleged acts did not result in any physical injury as defined  
44 in subdivision nine of section 10.00 of the penal law to another person;

45 (ii) the child does not have any prior adjudications for an act that  
46 would constitute a felony if committed by an adult;

47 (iii) the child has no more than one prior adjudication for an act  
48 that would constitute a misdemeanor if committed by an adult and that  
49 act also did not result in any physical injury to another person; and

50 (iv) the child was assessed at a low risk on the applicable detention  
51 risk assessment instrument approved by the office of children and family  
52 services unless the agency determines that detention is necessary  
53 because the respondent otherwise poses an imminent risk to public safety  
54 and states the reasons for such determination in the child's record.



1 3. If a child is released under this section, the child and the person  
2 legally responsible for his or her care shall be issued a family court  
3 appearance ticket in accordance with section 307.1.

4 4. If the agency for any reason does not release a child under this  
5 section, such child shall be brought before the appropriate family  
6 court, or when such family court is not in session, to the most accessi-  
7 ble magistrate, if any, designated by the appellate division of the  
8 supreme court in the applicable department; provided, however, that if  
9 such family court is not in session and if a magistrate is not avail-  
10 able, such youth shall be brought before such family court within seven-  
11 ty-two hours or the next day the court is in session, whichever is soon-  
12 er. Such agency shall thereupon file an application for an order  
13 pursuant to section 307.4 and shall forthwith serve a copy of the appli-  
14 cation upon the appropriate presentment agency. Nothing in this subdivi-  
15 sion shall preclude the adjustment of suitable cases pursuant to section  
16 308.1.

17 § 14. Intentionally omitted.

18 § 15. Section 308.1 of the family court act, as added by chapter 920  
19 of the laws of 1982, subdivision 2 as amended by section 3 of part V of  
20 chapter 55 of the laws of 2012, subdivision 4 as amended by chapter 264  
21 of the laws of 2003, subdivisions 5 and 8 as amended by chapter 398 of  
22 the laws of 1983, and subdivision 6 as amended by chapter 663 of the  
23 laws of 1985, is amended to read as follows:

24 § 308.1. [Rules of court for preliminary] Preliminary procedure;  
25 adjustment of cases. 1. [Rules of court shall authorize and determine  
26 the circumstances under which the] The probation service may confer with  
27 any person seeking to have a juvenile delinquency petition filed, the  
28 potential respondent and other interested persons concerning the advis-  
29 ability of requesting that a petition be filed in accordance with this  
30 section.

31 2. (a) Except as provided in subdivisions three [and], four, and thir-  
32 teen of this section, the probation service [may, in accordance with  
33 rules of court,] shall attempt to adjust [suitable cases] a case before  
34 a petition is filed. Such attempts may include the use of a juvenile  
35 review board comprised of appropriate community members to work with the  
36 child and his or her family on developing recommended adjustment activ-  
37 ities. The probation service may stop attempting to adjust such a case  
38 if it determines that there is no substantial likelihood that the child  
39 will benefit from attempts at adjustment in the time remaining for  
40 adjustment or the time for adjustment has expired.

41 (b) The inability of the respondent or his or her family to make  
42 restitution shall not be a factor in a decision to adjust a case or in a  
43 recommendation to the presentment agency pursuant to subdivision six of  
44 this section.

45 (c) Nothing in this section shall prohibit the probation service or  
46 the court from directing a respondent to obtain employment and to make  
47 restitution from the earnings from such employment. Nothing in this  
48 section shall prohibit the probation service or the court from directing  
49 an eligible person to complete an education reform program in accordance  
50 with section four hundred fifty-eight-1 of the social services law.

51 3. The probation service shall not attempt to adjust a case that  
52 commenced in family court in which the child has allegedly committed a  
53 designated felony act that involves allegations that the child caused  
54 physical injury to a person unless [it] the probation service has  
55 received the written approval of the court.

1 4. The probation service shall not attempt to adjust a case in which  
2 the child has allegedly committed a delinquent act which would be a  
3 crime defined in section 120.25, (reckless endangerment in the first  
4 degree), subdivision one of section 125.15, (manslaughter in the second  
5 degree), subdivision one of section 130.25, (rape in the third degree),  
6 subdivision one of section 130.40, (criminal sexual act in the third  
7 degree), subdivision one or two of section 130.65, (sexual abuse in the  
8 first degree), section 135.65, (coercion in the first degree), section  
9 140.20, (burglary in the third degree), section 150.10, (arson in the  
10 third degree), section 160.05, (robbery in the third degree), subdivi-  
11 sion two[, ] or three [or four] of section 265.02, (criminal possession  
12 of a weapon in the third degree), section 265.03, (criminal possession  
13 of a weapon in the second degree), or section 265.04, (criminal  
14 possession of a [dangerous] weapon in the first degree) of the penal law  
15 where the child has previously had one or more adjustments of a case in  
16 which such child allegedly committed an act which would be a crime spec-  
17 ified in this subdivision unless it has received written approval from  
18 the court and the appropriate presentment agency.

19 5. The fact that a child is detained prior to the filing of a petition  
20 shall not preclude the probation service from adjusting a case; upon  
21 adjusting such a case the probation service shall notify the detention  
22 facility to release the child.

23 6. The probation service shall not transmit or otherwise communicate  
24 to the presentment agency any statement made by the child to a probation  
25 officer. However, the probation service may make a recommendation  
26 regarding adjustment of the case to the presentment agency and provide  
27 such information, including any report made by the arresting officer and  
28 record of previous adjustments and arrests, as it shall deem relevant.

29 7. No statement made to the probation service prior to the filing of a  
30 petition may be admitted into evidence at a fact-finding hearing or, if  
31 the proceeding is transferred to a criminal court, at any time prior to  
32 a conviction.

33 8. The probation service may not prevent any person who wishes to  
34 request that a petition be filed from having access to the appropriate  
35 presentment agency for that purpose.

36 9. Efforts at adjustment [pursuant to rules of court] under this  
37 section may not extend for a period of more than two months [without],  
38 or, for a period of more than four months if the probation service  
39 determines that adjustment beyond the first two months is warranted  
40 because documented barriers to adjustment exist or changes need to be  
41 made to the child's services plan, except upon leave of the court, which  
42 may extend the adjustment period for an additional two months.

43 10. If a case is not adjusted by the probation service, such service  
44 shall notify the appropriate presentment agency of that fact within  
45 forty-eight hours or the next court day, whichever occurs later.

46 11. The probation service may not be authorized under this section to  
47 compel any person to appear at any conference, produce any papers, or  
48 visit any place.

49 12. The probation service shall certify to the division of criminal  
50 justice services and to the appropriate police department or law  
51 enforcement agency whenever it adjusts a case in which the potential  
52 respondent's fingerprints were taken pursuant to section 306.1 in any  
53 manner other than the filing of a petition for juvenile delinquency for  
54 an act which, if committed by an adult, would constitute a felony,  
55 provided, however, in the case of a child [eleven or] twelve years of  
56 age, such certification shall be made only if the act would constitute a

1 class A or B felony, or, in the case of a child eleven years of age,  
2 such certification shall be made only if the act would constitute a  
3 class A-1 felony.

4 13. The [provisions of this section] probation service shall not  
5 [apply] attempt to adjust a case where the petition is an order of  
6 removal to the family court pursuant to article seven hundred twenty-  
7 five of the criminal procedure law unless it has received the written  
8 approval of the court.

9 14. Where written approval is required prior to adjustment attempts,  
10 the probation department shall seek such approval.

11 § 16. Paragraph (c) of subdivision 3 of section 311.1 of the family  
12 court act, as added by chapter 920 of the laws of 1982, is amended to  
13 read as follows:

14 (c) the fact that the respondent is a person [under sixteen years of]  
15 of the necessary age to be a juvenile delinquent at the time of the  
16 alleged act or acts;

17 § 17. Subdivision 1 of section 320.5 of the family court act, as added  
18 by chapter 920 of the laws of 1982, is amended to read as follows:

19 1. At the initial appearance, the court in its discretion may (a)  
20 release the respondent or (b) direct his detention.

21 § 18. Subdivision 3 of section 320.5 of the family court act is  
22 amended by adding a new paragraph (a-1) to read as follows:

23 (a-1) Notwithstanding paragraph (a) of this subdivision, the court  
24 shall not direct detention if:

25 (i) such events appear to involve only allegations that the child  
26 committed acts that would constitute more than a violation but no more  
27 than a misdemeanor if committed by an adult if:

28 (1) the alleged acts did not result in any physical injury as defined  
29 in subdivision nine of section 10.00 of the penal law to another person;  
30 and

31 (2) the child was assessed at a low risk on the applicable detention  
32 risk assessment instrument approved by the office of children and family  
33 services unless the agency determines that detention is necessary  
34 because the respondent otherwise poses an imminent risk to public safety  
35 and states the reasons for such determination in the child's record; or

36 (ii) such events appear to involve allegations that the child commit-  
37 ted acts that would constitute a felony if committed by an adult if:

38 (1) the alleged acts did not result in any physical injury as defined  
39 in subdivision nine of section 10.00 of the penal law to another person;

40 (2) the child does not have any prior adjudications for an act that  
41 would constitute a felony if committed by an adult;

42 (3) the child has no more than one prior adjudication for an act that  
43 would constitute a misdemeanor if committed by an adult and that act  
44 also did not result in any physical injury to another person; and

45 (4) the child was assessed at a low risk on the applicable detention  
46 risk assessment instrument approved by the office of children and family  
47 services unless the agency determines that detention is necessary  
48 because the respondent otherwise poses an imminent risk to public safety  
49 and states the reasons for such determination in the child's record.

50 § 19. Subdivision 5 of section 322.2 of the family court act, as added  
51 by chapter 920 of the laws of 1982, paragraphs (a) and (d) as amended by  
52 chapter 41 of the laws of 2010, is amended to read as follows:

53 5. (a) If the court finds that there is probable cause to believe  
54 that the respondent committed a felony, it shall order the respondent  
55 committed to the custody of the commissioner of mental health or the  
56 commissioner of [mental retardation and] the office for people with

1 developmental disabilities for an initial period not to exceed one year  
2 from the date of such order. Such period may be extended annually upon  
3 further application to the court by the commissioner having custody or  
4 his or her designee. Such application must be made not more than sixty  
5 days prior to the expiration of such period on forms that have been  
6 prescribed by the chief administrator of the courts. At that time, the  
7 commissioner must give written notice of the application to the respond-  
8 ent, the counsel representing the respondent and the mental hygiene  
9 legal service if the respondent is at a residential facility. Upon  
10 receipt of such application, the court must conduct a hearing to deter-  
11 mine the issue of capacity. If, at the conclusion of a hearing conducted  
12 pursuant to this subdivision, the court finds that the respondent is no  
13 longer incapacitated, he or she shall be returned to the family court  
14 for further proceedings pursuant to this article. If the court is satis-  
15 fied that the respondent continues to be incapacitated, the court shall  
16 authorize continued custody of the respondent by the commissioner for a  
17 period not to exceed one year. Such extensions shall not continue beyond  
18 a reasonable period of time necessary to determine whether the respond-  
19 ent will attain the capacity to proceed to a fact finding hearing in the  
20 foreseeable future but in no event shall continue beyond the respond-  
21 ent's eighteenth birthday or, if the respondent was at least sixteen  
22 years of age when the act was committed, beyond the respondent's twen-  
23 ty-first birthday.

24 (b) If a respondent is in the custody of the commissioner upon the  
25 respondent's eighteenth birthday, or if the respondent was at least  
26 sixteen years of age when the act resulting in the respondent's place-  
27 ment was committed, beyond the respondent's twenty-first birthday, the  
28 commissioner shall notify the clerk of the court that the respondent was  
29 in his custody on such date and the court shall dismiss the petition.

30 (c) If the court finds that there is probable cause to believe that  
31 the respondent has committed a designated felony act, the court shall  
32 require that treatment be provided in a residential facility within the  
33 appropriate office of the department of mental hygiene.

34 (d) The commissioner shall review the condition of the respondent  
35 within forty-five days after the respondent is committed to the custody  
36 of the commissioner. He or she shall make a second review within ninety  
37 days after the respondent is committed to his or her custody. Thereaft-  
38 er, he or she shall review the condition of the respondent every ninety  
39 days. The respondent and the counsel for the respondent, shall be noti-  
40 fied of any such review and afforded an opportunity to be heard. The  
41 commissioner having custody shall apply to the court for an order  
42 dismissing the petition whenever he or she determines that there is a  
43 substantial probability that the respondent will continue to be incapac-  
44 itated for the foreseeable future. At the time of such application the  
45 commissioner must give written notice of the application to the respond-  
46 ent, the presentment agency and the mental hygiene legal service if the  
47 respondent is at a residential facility. Upon receipt of such applica-  
48 tion, the court may on its own motion conduct a hearing to determine  
49 whether there is substantial probability that the respondent will  
50 continue to be incapacitated for the foreseeable future, and it must  
51 conduct such hearing if a demand therefor is made by the respondent or  
52 the mental hygiene legal service within ten days from the date that  
53 notice of the application was given to them. The respondent may apply to  
54 the court for an order of dismissal on the same ground.

55 § 20. Subdivisions 1 and 5 of section 325.1 of the family court act,  
56 subdivision 1 as amended by chapter 398 of the laws of 1983, subdivision

1 5 as added by chapter 920 of the laws of 1982, are amended to read as  
2 follows:

3 1. At the initial appearance, if the respondent denies a charge  
4 contained in the petition and the court determines in accordance with  
5 the requirements of section 320.5 of this part that [he] the respondent  
6 shall be detained for more than three days pending a fact-finding hear-  
7 ing, the court shall schedule a probable-cause hearing to determine the  
8 issues specified in section 325.3 of this part.

9 5. Where the petition consists of an order of removal pursuant to  
10 article seven hundred twenty-five of the criminal procedure law, unless  
11 the removal was pursuant to subdivision three of section 725.05 of such  
12 law and the respondent was not afforded a probable cause hearing [pursu-  
13 ant to subdivision three of section 180.75 of such law for a reason  
14 other than his waiver thereof pursuant to subdivision two of section  
15 180.75 of such law], the petition shall be deemed to be based upon a  
16 determination that probable cause exists to believe the respondent is a  
17 juvenile delinquent and the respondent shall not be entitled to any  
18 further inquiry on the subject of whether probable cause exists. After  
19 the filing of any such petition the court must, however, exercise inde-  
20 pendent, de novo discretion with respect to release or detention as set  
21 forth in section 320.5.

22 § 21. Subdivisions 1 and 2 of section 340.2 of the family court act,  
23 as added by chapter 920 of the laws of 1982, are amended to read as  
24 follows:

25 1. [The] Except when authorized in accordance with section 346.1 of  
26 this part involving a case removed to family court pursuant to article  
27 seven hundred twenty-five of the criminal procedure law, the judge who  
28 presides at the commencement of the fact-finding hearing shall continue  
29 to preside until such hearing is concluded and an order entered pursuant  
30 to section 345.1 of this part unless a mistrial is declared.

31 2. The judge who presides at the fact-finding hearing or accepts an  
32 admission pursuant to section 321.3 of this article shall preside at any  
33 other subsequent hearing in the proceeding, including but not limited to  
34 the dispositional hearing except where the case is removed to family  
35 court pursuant to article seven hundred twenty-five of the criminal  
36 procedure law after a fact-finding hearing has occurred.

37 § 21-a. Subdivision 2 of section 351.1 of the family court act, as  
38 amended by chapter 880 of the laws of 1985, is amended to read as  
39 follows:

40 2. Following a determination that a respondent committed a crime and  
41 prior to the dispositional hearing, the court shall order a probation  
42 investigation, a risk and needs assessment, and may order a diagnostic  
43 assessment. Based upon the assessment findings, the probation department  
44 shall recommend to the court that the respondent participate in any  
45 services necessary to mitigate identified risks and address individual  
46 needs.

47 § 22. Paragraph (a) of subdivision 2 of section 352.2 of the family  
48 court act, as amended by chapter 880 of the laws of 1985, is amended to  
49 read as follows:

50 (a) In determining an appropriate order the court shall consider the  
51 needs and best interests of the respondent as well as the need for  
52 protection of the community. If the respondent has committed a desig-  
53 nated felony act the court shall determine the appropriate disposition  
54 in accord with section 353.5. In all other cases the court shall order  
55 the least restrictive available alternative enumerated in subdivision  
56 one of this section which is consistent with the needs and best inter-

1 ests of the respondent and the need for protection of the community;  
2 provided, however, that the court shall not direct the placement of a  
3 respondent with a commissioner of social services or the office of chil-  
4 dren and family services if:

5 (i) such events appear to involve only allegations that the child  
6 committed acts that would constitute more than a violation but no more  
7 than a misdemeanor if committed by an adult if:

8 (1) the alleged acts did not result in any physical injury as defined  
9 in subdivision nine of section 10.00 of the penal law to another person;  
10 and

11 (2) the child was assessed at a low risk on the applicable detention  
12 risk assessment instrument approved by the office of children and family  
13 services unless the agency determines that detention is necessary  
14 because the respondent otherwise poses an imminent risk to public safety  
15 and states the reasons for such determination in the child's record; or

16 (ii) such events appear to involve allegations that the child commit-  
17 ted acts that would constitute a felony if committed by an adult if:

18 (1) the alleged acts did not result in any physical injury as defined  
19 in subdivision nine of section 10.00 of the penal law to another person;

20 (2) the child does not have any prior adjudications for an act that  
21 would constitute a felony if committed by an adult;

22 (3) the child has no more than one prior adjudication for an act that  
23 would constitute a misdemeanor if committed by an adult and that act  
24 also did not result in any physical injury to another person; and

25 (4) 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.

30 § 22-a. Section 352.2 of the family court act is amended by adding a  
31 new subdivision 4 to read as follows:

32 4. Where a youth receives a juvenile delinquency adjudication for  
33 conduct committed when the youth was age sixteen or older that would  
34 constitute a crime under the vehicle and traffic law, or a violation of  
35 paragraph (a) of subdivision two of section sixty-five-b of the alcohol-  
36 ic beverage control law, the court shall notify the commissioner of  
37 motor vehicles of such adjudication. Where a youth receives a juvenile  
38 delinquency adjudication for conduct that would constitute a violation  
39 of any other provision of law which allows for the imposition of a  
40 license and registration sanction, the court shall notify the commis-  
41 sioner of motor vehicles of such adjudication. The court shall have the  
42 power to impose any suspension or revocation of driving privileges,  
43 ignition interlock devices, any drug or alcohol rehabilitation program,  
44 victim impact program, driver responsibility assessment, victim assist-  
45 ance fee, and surcharge as is otherwise required upon a conviction of a  
46 crime under the vehicle and traffic law, or an offense for which a  
47 license sanction is required, and, further, shall notify the commis-  
48 ioner of motor vehicles of said suspension or revocation.

49 § 23. Paragraph (a) of subdivision 1 and paragraphs (f) and (h) of  
50 subdivision 2 of section 353.2 of the family court act, paragraph (a) of  
51 subdivision 1 as added by chapter 920 of the laws of 1982, paragraphs  
52 (f) and (h) of subdivision 2 as amended by chapter 124 of the laws of  
53 1993, are amended to read as follows:

54 (a) placement of respondent is not or may not be necessary or allow-  
55 able;



1 (f) make restitution or perform services for the public good pursuant  
2 to section 353.6, provided the respondent is over [ten] twelve years of  
3 age;

4 (h) comply with such other reasonable conditions as the court shall  
5 determine to be necessary or appropriate to ameliorate the conduct which  
6 gave rise to the filing of the petition or to prevent placement with the  
7 commissioner of social services or the [division for youth] office of  
8 children and family services.

9 § 23-a. Paragraph (e) of subdivision 2 of section 353.2 of the family  
10 court act, as amended by chapter 124 of the laws of 1993, is amended to  
11 read as follows:

12 (e) co-operate with a mental health, social services or other appro-  
13 priate community facility or agency to which the respondent is referred,  
14 including a family support center pursuant to title twelve of article  
15 six of the social services law;

16 § 23-b. Subdivision 3 of section 353.2 of the family court act, as  
17 added by chapter 920 of the laws of 1982, paragraph (f) as amended by  
18 chapter 465 of the laws of 1992, is amended to read as follows:

19 3. When ordering a period of probation, the court may, as a condition  
20 of such order, further require that the respondent:

21 (a) meet with a probation officer when directed to do so by that offi-  
22 cer and permit the officer to visit the respondent at home or elsewhere;

23 (b) permit the probation officer to obtain information from any person  
24 or agency from whom respondent is receiving or was directed to receive  
25 diagnosis, treatment or counseling;

26 (c) permit the probation officer to obtain information from the  
27 respondent's school;

28 (d) co-operate with the probation officer in seeking to obtain and in  
29 accepting employment, and supply records and reports of earnings to the  
30 officer when requested to do so; and

31 (e) obtain permission from the probation officer for any absence from  
32 respondent's residence in excess of two weeks[; and

33 (f) with the consent of the division for youth, spend a specified  
34 portion of the probation period, not exceeding one year, in a non-secure  
35 facility provided by the division for youth pursuant to article nine-  
36 teen-G of the executive law].

37 § 24. Subparagraph (iii) of paragraph (a) and paragraph (d) of subdi-  
38 vision 4 of section 353.5 of the family court act, as amended by section  
39 6 of subpart A of part G of chapter 57 of the laws of 2012, is amended  
40 to read as follows:

41 (iii) after the period set under subparagraph (ii) of this paragraph,  
42 the respondent shall be placed in a residential facility for a period of  
43 twelve months; provided, however, that if the respondent has been placed  
44 from a family court in a social services district operating an approved  
45 juvenile justice services close to home initiative pursuant to section  
46 four hundred four of the social services law for an act committed when  
47 the respondent was under sixteen years of age, once the time frames in  
48 subparagraph (ii) of this paragraph are met:

49 (d) Upon the expiration of the initial period of placement, or any  
50 extension thereof, the placement may be extended in accordance with  
51 section 355.3 on a petition of any party or the office of children and  
52 family services, or, if applicable, a social services district operating  
53 an approved juvenile justice services close to home initiative pursuant  
54 to section four hundred four of the social services law, after a dispo-  
55 sitional hearing, for an additional period not to exceed twelve months,  
56 but no initial placement or extension of placement under this section

1 may continue beyond the respondent's twenty-first birthday, or, for an  
2 act that was committed when the respondent was sixteen years of age or  
3 older, the respondent's twenty-third birthday.

4 § 25. Paragraph (d) of subdivision 4 of section 353.5 of the family  
5 court act, as amended by chapter 398 of the laws of 1983, is amended to  
6 read as follows:

7 (d) Upon the expiration of the initial period of placement, or any  
8 extension thereof, the placement may be extended in accordance with  
9 section 355.3 on a petition of any party or the [division for youth]  
10 office of children and family services after a dispositional hearing,  
11 for an additional period not to exceed twelve months, but no initial  
12 placement or extension of placement under this section may continue  
13 beyond the respondent's twenty-first birthday, or, for an act that was  
14 committed when the respondent was sixteen years of age or older, the  
15 respondent's twenty-third birthday.

16 § 26. The opening paragraph of subdivision 1 of section 353.6 of the  
17 family court act, as amended by chapter 877 of the laws of 1983, is  
18 amended to read as follows:

19 At the conclusion of the dispositional hearing in cases involving  
20 respondents over [ten] twelve years of age the court may:

21 § 27. Section 354.1 of the family court act, as added by chapter 920  
22 of the laws of 1982, subdivisions 2, 6, and 7 as amended by chapter 645  
23 of the laws of 1996, subdivisions 4 and 5 as amended by chapter 398 of  
24 the laws of 1983, is amended to read as follows:

25 § 354.1. Retention and destruction of fingerprints of persons alleged  
26 to be juvenile delinquents. 1. If a person whose fingerprints, palm-  
27 prints or photographs were taken pursuant to section 306.1 or was  
28 initially fingerprinted as a juvenile offender and the action is subse-  
29 quently removed to a family court pursuant to article seven hundred  
30 twenty-five of the criminal procedure law is adjudicated to be a juve-  
31 nile delinquent for a felony, the family court shall forward or cause to  
32 be forwarded to the division of criminal justice services notification  
33 of such adjudication and such related information as may be required by  
34 such division, provided, however, in the case of a person eleven [or  
35 twelve] years of age such notification shall be provided only if the act  
36 upon which the adjudication is based would constitute a class [A or B]  
37 A-1 felony or, in the case of a person twelve years of age, such notifi-  
38 cation shall be provided only if the act upon which the adjudication is  
39 based would constitute a class A or B felony.

40 2. If a person whose fingerprints, palmprints or photographs were  
41 taken pursuant to section 306.1 or was initially fingerprinted as a  
42 juvenile offender and the action is subsequently removed to family court  
43 pursuant to article seven hundred twenty-five of the criminal procedure  
44 law has had all petitions disposed of by the family court in any manner  
45 other than an adjudication of juvenile delinquency for a felony, but in  
46 the case of acts committed when such person was eleven [or twelve] years  
47 of age which would constitute a class [A or B] A-1 felony only, or, in  
48 the case of acts committed when such person was twelve years of age  
49 which would constitute a class A or B felony only, all such finger-  
50 prints, palmprints, photographs, and copies thereof, and all information  
51 relating to such allegations obtained by the division of criminal  
52 justice services pursuant to section 306.1 shall be destroyed forthwith.  
53 The clerk of the court shall notify the commissioner of the division of  
54 criminal justice services and the heads of all police departments and  
55 law enforcement agencies having copies of such records, who shall  
56 destroy such records without unnecessary delay.

1 3. If the appropriate presentment agency does not originate a proceed-  
2 ing under section 310.1 for a case in which the potential respondent's  
3 fingerprints were taken pursuant to section 306.1, the presentment agen-  
4 cy shall serve a certification of such action upon the division of crim-  
5 inal justice services, and upon the appropriate police department or law  
6 enforcement agency.

7 4. If, following the taking into custody of a person alleged to be a  
8 juvenile delinquent and the taking and forwarding to the division of  
9 criminal justice services of such person's fingerprints but prior to  
10 referral to the probation department or to the family court, an officer  
11 or agency, elects not to proceed further, such officer or agency shall  
12 serve a certification of such election upon the division of criminal  
13 justice services.

14 5. Upon certification pursuant to subdivision twelve of section 308.1  
15 or subdivision three or four of this section, the department or agency  
16 shall destroy forthwith all fingerprints, palmprints, photographs, and  
17 copies thereof, and all other information obtained in the case pursuant  
18 to section 306.1. Upon receipt of such certification, the division of  
19 criminal justice services and all police departments and law enforcement  
20 agencies having copies of such records shall destroy them.

21 6. If a person fingerprinted pursuant to section 306.1 and subsequent-  
22 ly adjudicated a juvenile delinquent for a felony, but in the case of  
23 acts committed when such a person was eleven [or twelve] years of age  
24 which would constitute a class [A or B] A-1 felony only, or, in the case  
25 of acts committed when such a person was twelve years of age which would  
26 constitute a class A or B felony only, is subsequently convicted of a  
27 crime, all fingerprints and related information obtained by the division  
28 of criminal justice services pursuant to such section and not destroyed  
29 pursuant to subdivisions two, five and seven or subdivision twelve of  
30 section 308.1 shall become part of such division's permanent adult crim-  
31 inal record for that person, notwithstanding section 381.2 or 381.3.

32 7. When a person fingerprinted pursuant to section 306.1 and subse-  
33 quently adjudicated a juvenile delinquent for a felony, but in the case  
34 of acts committed when such person was eleven [or twelve] years of age  
35 which would constitute a class [A or B] A-1 felony only, or, in the case  
36 of acts committed when such a person was twelve years of age which would  
37 constitute a class A or B felony only, reaches the age of twenty-one, or  
38 has been discharged from placement under this act for at least three  
39 years, whichever occurs later, and has no criminal convictions or pend-  
40 ing criminal actions which ultimately terminate in a criminal  
41 conviction, all fingerprints, palmprints, photographs, and related  
42 information and copies thereof obtained pursuant to section 306.1 in the  
43 possession of the division of criminal justice services, any police  
44 department, law enforcement agency or any other agency shall be  
45 destroyed forthwith. The division of criminal justice services shall  
46 notify the agency or agencies which forwarded fingerprints to such divi-  
47 sion pursuant to section 306.1 of their obligation to destroy those  
48 records in their possession. In the case of a pending criminal action  
49 which does not terminate in a criminal conviction, such records shall be  
50 destroyed forthwith upon such determination.

51 § 28. Subdivisions 1 and 6 of section 355.3 of the family court act,  
52 subdivision 1 as amended by chapter 398 of the laws of 1983, subdivision  
53 6 as amended by chapter 663 of the laws of 1985, are amended to read as  
54 follows:

55 1. In any case in which the respondent has been placed pursuant to  
56 section 353.3 the respondent, the person with whom the respondent has

1 been placed, the commissioner of social services, or the [division for  
2 youth] office of children and family services may petition the court to  
3 extend such placement. Such petition shall be filed at least sixty days  
4 prior to the expiration of the period of placement, except for good  
5 cause shown but in no event shall such petition be filed after the  
6 original expiration date.

7 6. Successive extensions of placement under this section may be grant-  
8 ed, but no placement may be made or continued beyond the respondent's  
9 eighteenth birthday without the child's consent for acts committed  
10 before the respondent's sixteenth birthday and in no event past the  
11 child's twenty-first birthday except as provided for in subdivision four  
12 of section 353.5.

13 § 29. Subdivision 5 of section 355.4 of the family court act, as added  
14 by chapter 479 of the laws of 1992, is amended to read as follows:

15 5. Nothing in this section shall: require that consent be obtained  
16 from the youth's parent or legal guardian to any medical, dental, or  
17 mental health service and treatment when no consent is necessary or the  
18 youth is authorized by law to consent on his or her own behalf; preclude  
19 a youth from consenting on his or her own behalf to any medical, dental  
20 or mental health service and treatment where otherwise authorized by law  
21 to do so[, or the division for youth]; or preclude the officer of chil-  
22 dren and family services or a social services district from petitioning  
23 the court pursuant to section two hundred thirty-three of this act, as  
24 appropriate.

25 § 30. Paragraph (b) of subdivision 3 of section 355.5 of the family  
26 court act, as amended by chapter 145 of the laws of 2000, is amended to  
27 read as follows:

28 (b) subsequent permanency hearings shall be held no later than every  
29 twelve months following the respondent's initial twelve months in place-  
30 ment but in no event past the respondent's twenty-first birthday;  
31 provided, however, that they shall be held in conjunction with an exten-  
32 sion of placement hearing held pursuant to section 355.3 of this [arti-  
33 cle] part.

34 § 31. Subdivisions 2 and 6 of section 360.3 of the family court act,  
35 as added by chapter 920 of the laws of 1982, are amended to read as  
36 follows:

37 2. At the time of his or her first appearance following the filing of  
38 a petition of violation the court must: (a) advise the respondent of the  
39 contents of the petition and furnish him or her with a copy thereof; (b)  
40 determine whether the respondent should be released or detained pursuant  
41 to section 320.5, provided, however, that nothing herein shall authorize  
42 a respondent to be detained for a violation of a condition that would  
43 not constitute a crime if committed by an adult unless the court deter-  
44 mines (i) that the respondent poses a specific imminent threat to public  
45 safety and states the reasons for the finding on the record or (ii) the  
46 respondent is on probation for an act that would constitute a violent  
47 felony as defined in section 70.02 of the penal law if committed by an  
48 adult and the use of graduated sanctions have been exhausted without  
49 success; and (c) ask the respondent whether he or she wishes to make any  
50 statement with respect to the violation. If the respondent makes a  
51 statement, the court may accept it and base its decision thereon; the  
52 provisions of subdivision two of section 321.3 shall apply in determin-  
53 ing whether a statement should be accepted. If the court does not accept  
54 such statement or if the respondent does not make a statement, the court  
55 shall proceed with the hearing. Upon request, the court shall grant a

1 reasonable adjournment to the respondent to enable him or her to prepare  
2 for the hearing.

3 6. At the conclusion of the hearing the court may revoke, continue or  
4 modify the order of probation or conditional discharge. If the court  
5 revokes the order, it shall order a different disposition pursuant to  
6 section 352.2, provided, however, that nothing herein shall authorize  
7 the placement of a respondent for a violation of a condition that would  
8 not constitute a crime if committed by an adult unless the court deter-  
9 mines (i) that the respondent poses a specific imminent threat to public  
10 safety and states the reasons for the finding on the record or (ii) the  
11 respondent is on probation for an act that would constitute a violent  
12 felony as defined in section 70.02 of the penal law if committed by an  
13 adult and the use of graduated sanctions have been exhausted without  
14 success. If the court continues the order of probation or conditional  
15 discharge, it shall dismiss the petition of violation.

16 § 32. Intentionally omitted.

17 § 33. Subdivisions (d) and (i) of section 712 of the family court act,  
18 subdivision (d) as amended by chapter 920 of the laws of 1982, and  
19 subdivision (i) as amended by chapter 38 of the laws of 2014, are  
20 amended and two new subdivisions (d-1) and (n) are added to read as  
21 follows:

22 (d) "Non-secure detention facility". [A facility characterized by the  
23 absence of physically restricting construction, hardware and proce-  
24 dures.] A foster care program certified by the office of children and  
25 family services or a certified or approved family boarding home, or in a  
26 city having a population of five million or more, a foster care facility  
27 established and maintained pursuant to the social services law.

28 (d-1) "Detention facility". A foster care program certified by the  
29 office of children and family services or a certified or approved family  
30 boarding home, or in a city having a population of five million or more,  
31 a foster care facility established and maintained pursuant to the social  
32 services law.

33 (i) "Diversion services". Services provided to children and families  
34 pursuant to section seven hundred thirty-five of this article for the  
35 purpose of avoiding the need to file a petition or direct the detention  
36 of the child. Diversion services shall include: efforts to adjust cases  
37 pursuant to this article before a petition is filed, or by order of the  
38 court, [after the petition is filed but before fact-finding is  
39 commenced;] at any time; and preventive services provided in accordance  
40 with section four hundred nine-a of the social services law to avert the  
41 placement of the child into foster care, including crisis intervention  
42 and respite services. Diversion services may also include, in cases  
43 where any person is seeking to file a petition that alleges that the  
44 child has a substance use disorder or is in need of immediate detoxifi-  
45 cation or substance use disorder services, an assessment for substance  
46 use disorder; provided, however, that notwithstanding any other  
47 provision of law to the contrary, the designated lead agency shall not  
48 be required to pay for all or any portion of the costs of such assess-  
49 ment or substance use disorder or detoxification services, except in  
50 cases where medical assistance for needy persons may be used to pay for  
51 all or any portion of the costs of such assessment or services.

52 (n) "Family support center". A program established pursuant to title  
53 twelve article six of the social services law.

54 § 34. Section 720 of the family court act, as amended by chapter 419  
55 of the laws of 1987, subdivision 3 as amended by section 9 of subpart B  
56 of part Q of chapter 58 of the laws of 2011, subdivision 5 as amended by

1 section 3 of part E of chapter 57 of the laws of 2005, and paragraph (c)  
2 of subdivision 5 as added by section 8 of part G of chapter 58 of the  
3 laws of 2010, is amended to read as follows:

4 § 720. Detention. 1. No child to whom the provisions of this article  
5 may apply, shall be detained in any prison, jail, lockup, or other place  
6 used for adults convicted of crime or under arrest and charged with a  
7 crime.

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

10 3. Detention of a person alleged to be or adjudicated as a person in  
11 need of supervision shall, except as provided in subdivision four of  
12 this section, be authorized only in a foster care program certified by  
13 the office of children and family services, or a certified or approved  
14 family boarding home, [or a non-secure detention facility certified by  
15 the office] and in accordance with section seven hundred thirty-nine of  
16 this article. The setting of the detention shall take into account (a)  
17 the proximity to the community in which the person alleged to be or  
18 adjudicated as a person in need of supervision lives with such person's  
19 parents or to which such person will be discharged, and (b) the existing  
20 educational setting of such person and the proximity of such setting to  
21 the location of the detention setting.

22 4. Whenever detention is authorized and ordered pursuant to this arti-  
23 cle, for a person alleged to be or adjudicated as a person in need of  
24 supervision, a family court in a city having a population of one million  
25 or more shall, notwithstanding any other provision of law, direct  
26 detention in a foster care facility established and maintained pursuant  
27 to the social services law. In all other respects, the detention of such  
28 a person in a foster care facility shall be subject to the identical  
29 terms and conditions for detention as are set forth in this article and  
30 in section two hundred thirty-five of this act.

31 5. (a) The court shall not order or direct detention under this arti-  
32 cle, unless the court determines that there is no substantial likelihood  
33 that the youth and his or her family will continue to benefit from  
34 diversion services, and that continuation in the home would not be  
35 appropriate because such continuation would (A) continue or worsen the  
36 circumstances alleged in the underlying petition, or that created the  
37 need for a petition to be sought or (B) create a safety risk to the  
38 child or the child's family and that all other available alternatives to  
39 detention have been exhausted; and

40 (b) [Where the youth is sixteen years of age or older, the court shall  
41 not order or direct detention under this article, unless the court  
42 determines and states in its order that special circumstances exist to  
43 warrant such detention.

44 (c) If the respondent may be a sexually exploited child as defined in  
45 subdivision one of section four hundred forty-seven-a of the social  
46 services law, the court may direct the respondent to an available short-  
47 term safe house as defined in subdivision two of section four hundred  
48 forty-seven-a of the social services law as an alternative to detention.

49 § 35. Intentionally omitted.

50 § 36. Section 728 of the family court act, subdivision (a) as amended  
51 by chapter 41 of the laws of 2010, subdivision (b) as amended by chapter  
52 419 of the laws of 1987, subdivision (d) as added by chapter 145 of the  
53 laws of 2000, paragraph (i) as added and paragraph (ii) of subdivision  
54 (d) as renumbered by section 5 of part E of chapter 57 of the laws of  
55 2005, and paragraph (iii) as amended and paragraph (iv) of subdivision

1 (d) as added by section 10 of subpart B of part Q of chapter 58 of the  
2 laws of 2011, is amended to read as follows:

3 § 728. Discharge, release or detention by judge after hearing and  
4 before filing of petition in custody cases. (a) If a child in custody  
5 is brought before a judge of the family court before a petition is  
6 filed, the judge shall hold a hearing for the purpose of making a  
7 preliminary determination of whether the court appears to have jurisdic-  
8 tion over the child. At the commencement of the hearing, the judge shall  
9 advise the child of his or her right to remain silent, his or her right  
10 to be represented by counsel of his or her own choosing, and of the  
11 right to have an attorney assigned in accord with part four of article  
12 two of this act. The judge must also allow the child a reasonable time  
13 to send for his or her parents or other person or persons legally  
14 responsible for his or her care, and for counsel, and adjourn the hear-  
15 ing for that purpose.

16 (b) After hearing, the judge shall order the release of the child to  
17 the custody of his parent or other person legally responsible for his  
18 care if the court does not appear to have jurisdiction.

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

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

25 (i) that there is no substantial likelihood that the youth and his or  
26 her family will continue to benefit from diversion services, that  
27 continuation in the home would not be appropriate because such continua-  
28 tion would (A) continue or worsen the circumstances alleged in the  
29 underlying petition, or that created the need for a petition to be  
30 sought or (B) create a safety risk to the child or the child's family  
31 and that all other available alternatives to detention have been  
32 exhausted; and

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

37 (iii) where appropriate, whether reasonable efforts were made prior to  
38 the date of the court hearing that resulted in the detention order, to  
39 prevent or eliminate the need for removal of the child from his or her  
40 home or, if the child had been removed from his or her home prior to the  
41 court appearance pursuant to this section, where appropriate, whether  
42 reasonable efforts were made to make it possible for the child to safely  
43 return home; and

44 (iv) whether the setting of the detention takes into account the prox-  
45 imity to the community in which the person alleged to be or adjudicated  
46 as a person in need of supervision lives with such person's parents or  
47 to which such person will be discharged, and the existing educational  
48 setting of such person and the proximity of such setting to the location  
49 of the detention setting.

50 § 37. Intentionally omitted.

51 § 38. Section 735 of the family court act, as added by section 7 of  
52 part E of chapter 57 of the laws of 2005, subdivision (b) as amended by  
53 chapter 38 of the laws of 2014, paragraph (i) of subdivision (d) as  
54 amended by chapter 535 of the laws of 2011, and subdivision (h) as  
55 amended by chapter 499 of the laws of 2015, is amended to read as  
56 follows:

1 § 735. Preliminary procedure; diversion services. (a) Each county and  
2 any city having a population of one million or more shall offer diver-  
3 sion services as defined in section seven hundred twelve of this article  
4 to youth who are at risk of being the subject of a person in need of  
5 supervision petition. Such services shall be designed to provide an  
6 immediate response to families in crisis, to identify and utilize appro-  
7 priate alternatives to detention and to divert youth from being the  
8 subject of a petition in family court. Each county and such city shall  
9 designate either the local social services district or the probation  
10 department as lead agency for the purposes of providing diversion  
11 services.

12 (b) The designated lead agency shall:

13 (i) confer with any person seeking to file a petition, the youth who  
14 may be a potential respondent, his or her family, and other interested  
15 persons, concerning the provision of diversion services before any peti-  
16 tion may be filed; and

17 (ii) diligently attempt to prevent the filing of a petition under this  
18 article or, after the petition is filed, to prevent the placement of the  
19 youth into foster care in accordance with section seven hundred fifty-  
20 six of this article; and

21 (iii) assess whether the youth would benefit from residential respite  
22 services; and

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

26 (v) determine whether alternatives to detention are appropriate to  
27 avoid remand of the youth to detention;

28 (vi) determine whether the youth and his or her family should be  
29 referred to an available family support center; [and]

30 (vii) assess whether remaining in the home would cause the continua-  
31 tion or worsening of the circumstances that created the need for a peti-  
32 tion to be sought, or create a safety risk to the child or the child's  
33 family; and

34 [(v)] (viii) determine whether an assessment of the youth for  
35 substance use disorder by an office of alcoholism and substance abuse  
36 services certified provider is necessary when a person seeking to file a  
37 petition alleges in such petition that the youth is suffering from a  
38 substance use disorder which could make the youth a danger to himself or  
39 herself or others. Provided, however, that notwithstanding any other  
40 provision of law to the contrary, the designated lead agency shall not  
41 be required to pay for all or any portion of the costs of such assess-  
42 ment or for any substance use disorder or detoxification services,  
43 except in cases where medical assistance for needy persons may be used  
44 to pay for all or any portion of the costs of such assessment or  
45 services. The office of alcoholism and substance abuse services shall  
46 make a list of its certified providers available to the designated lead  
47 agency.

48 (c) Any person or agency seeking to file a petition pursuant to this  
49 article which does not have attached thereto the documentation required  
50 by subdivision (g) of this section shall be referred by the clerk of the  
51 court to the designated lead agency which shall schedule and hold, on  
52 reasonable notice to the potential petitioner, the youth and his or her  
53 parent or other person legally responsible for his or her care, at least  
54 one conference in order to determine the factual circumstances and  
55 determine whether the youth and his or her family should receive diver-  
56 sion services pursuant to this section. Diversion services shall include

1 clearly documented diligent attempts to provide appropriate services to  
2 the youth and his or her family unless it is determined that there is no  
3 substantial likelihood that the youth and his or her family will benefit  
4 from further diversion attempts. Notwithstanding the provisions of  
5 section two hundred sixteen-c of this act, the clerk shall not accept  
6 for filing under this part any petition that does not have attached  
7 thereto the documentation required by subdivision (g) of this section.

8 (d) Diversion services shall include documented diligent attempts to  
9 engage the youth and his or her family in appropriately targeted commu-  
10 nity-based services, but shall not be limited to:

11 (i) providing, at the first contact, information on the availability  
12 of or a referral to services in the geographic area where the youth and  
13 his or her family are located that may be of benefit in avoiding the  
14 need to file a petition under this article; including the availability,  
15 for up to twenty-one days, of a residential respite program, if the  
16 youth and his or her parent or other person legally responsible for his  
17 or her care agree, and the availability of other non-residential crisis  
18 intervention programs such as a family support center, family crisis  
19 counseling or alternative dispute resolution programs or an educational  
20 program as defined in section four hundred fifty-eight-1 of the social  
21 services law.

22 (ii) scheduling and holding at least one conference with the youth and  
23 his or her family and the person or representatives of the entity seek-  
24 ing to file a petition under this article concerning alternatives to  
25 filing a petition and services that are available. Diversion services  
26 shall include clearly documented diligent attempts to provide appropri-  
27 ate services to the youth and his or her family before it may be deter-  
28 mined that there is no substantial likelihood that the youth and his or  
29 her family will benefit from further attempts.

30 (iii) where the entity seeking to file a petition is a school district  
31 or local educational agency, the designated lead agency shall review the  
32 steps taken by the school district or local educational agency to  
33 improve the youth's attendance and/or conduct in school and attempt to  
34 engage the school district or local educational agency in further diver-  
35 sion attempts, if it appears from review that such attempts will be  
36 beneficial to the youth.

37 (e) The designated lead agency shall maintain a written record with  
38 respect to each youth and his or her family for whom it considers  
39 providing or provides diversion services pursuant to this section. The  
40 record shall be made available to the court at or prior to the initial  
41 appearance of the youth in any proceeding initiated pursuant to this  
42 article.

43 (f) Efforts to prevent the filing of a petition pursuant to this  
44 section may extend until the designated lead agency determines that  
45 there is no substantial likelihood that the youth and his or her family  
46 will benefit from further attempts. Efforts at diversion pursuant to  
47 this section may continue after the filing of a petition where the  
48 designated lead agency determines that the youth and his or her family  
49 will benefit from further attempts to prevent placement of the youth  
50 from entering foster care in accordance with section seven hundred  
51 fifty-six of this article.

52 (g) (i) The designated lead agency shall promptly give written notice  
53 to the potential petitioner whenever attempts to prevent the filing of a  
54 petition have terminated, and shall indicate in such notice whether  
55 efforts were successful. The notice shall also detail the diligent  
56 attempts made to divert the case if a determination has been made that

1 there is no substantial likelihood that the youth will benefit from  
2 further attempts. No persons in need of supervision petition may be  
3 filed pursuant to this article during the period the designated lead  
4 agency is providing diversion services. A finding by the designated lead  
5 agency that the case has been successfully diverted shall constitute  
6 presumptive evidence that the underlying allegations have been success-  
7 fully resolved in any petition based upon the same factual allegations.  
8 No petition may be filed pursuant to this article by the parent or other  
9 person legally responsible for the youth where diversion services have  
10 been terminated because of the failure of the parent or other person  
11 legally responsible for the youth to consent to or actively participate.

12 (ii) The clerk of the court shall accept a petition for filing only if  
13 it has attached thereto the following:

14 (A) if the potential petitioner is the parent or other person legally  
15 responsible for the youth, a notice from the designated lead agency  
16 indicating there is no bar to the filing of the petition as the poten-  
17 tial petitioner consented to and actively participated in diversion  
18 services; and

19 (B) a notice from the designated lead agency stating that it has  
20 terminated diversion services because it has determined that there is no  
21 substantial likelihood that the youth and his or her family will benefit  
22 from further attempts, and that the case has not been successfully  
23 diverted.

24 (h) No statement made to the designated lead agency or to any agency  
25 or organization to which the potential respondent has been referred,  
26 prior to the filing of the petition, or if the petition has been filed,  
27 prior to the time the respondent has been notified that attempts at  
28 diversion will not be made or have been terminated, or prior to the  
29 commencement of a fact-finding hearing if attempts at diversion have not  
30 terminated previously, may be admitted into evidence at a fact-finding  
31 hearing or, if the proceeding is transferred to a criminal court, at any  
32 time prior to a conviction.

33 § 38-a. Subdivision (b) of section 742 of the family court act, as  
34 amended by section 9 of part E of chapter 57 of the laws of 2005, is  
35 amended to read as follows:

36 (b) At the initial appearance of the respondent, the court shall  
37 review any termination of diversion services pursuant to such section,  
38 and the documentation of diligent attempts to provide appropriate  
39 services and determine whether such efforts or services provided are  
40 sufficient [and]. The court may, at any time, subject to the provisions  
41 of section seven hundred forty-eight of this article, order that addi-  
42 tional diversion attempts be undertaken by the designated lead agency.  
43 The court may order the youth and the parent or other person legally  
44 responsible for the youth to participate in diversion services. If the  
45 designated lead agency thereafter determines that the case has been  
46 successfully resolved, it shall so notify the court, and the court shall  
47 dismiss the petition.

48 § 38-b. Subdivision (a) of section 749 of the family court act, as  
49 amended by section 4 of part V of chapter 55 of the laws of 2012, is  
50 amended to read as follows:

51 (a) (i) Upon or after a fact-finding hearing, the court may, upon its  
52 own motion or upon a motion of a party to the proceeding, order that the  
53 proceeding be "adjourned in contemplation of dismissal". An adjournment  
54 in contemplation of dismissal is an adjournment of the proceeding, for a  
55 period not to exceed six months with a view to ultimate dismissal of the  
56 petition in furtherance of justice. Upon issuing such an order, upon

1 such permissible terms and conditions as the rules of court shall  
2 define, the court must release the individual.

3 (ii) The court may, as a condition of an adjournment in contemplation  
4 of dismissal order: (A) in cases where the record indicates that the  
5 consumption of alcohol may have been a contributing factor, require the  
6 respondent to attend and complete an alcohol awareness program estab-  
7 lished pursuant to section 19.25 of the mental hygiene law; or (B) in  
8 cases where the record indicates that cyberbullying or sexting was the  
9 basis of the petition, require an eligible person to complete an educa-  
10 tion reform program in accordance with section four hundred  
11 fifty-eight-1 of the social services law; or (C) participate in services  
12 including but not limited to those provided by family support centers.

13 (iii) Upon application of the petitioner, or upon the court's own  
14 motion, made at any time during the duration of the order, the court may  
15 restore the matter to the calendar. If the proceeding is not so  
16 restored, the petition is at the expiration of the order, deemed to have  
17 been dismissed by the court in furtherance of justice.

18 § 38-c. Section 751 of the family court act, as amended by chapter 100  
19 of the laws of 1993, is amended to read as follows:

20 § 751. Order dismissing petition. If the allegations of a petition  
21 under this article are not established, the court shall dismiss the  
22 petition. The court may in its discretion dismiss a petition under this  
23 article, in the interests of justice where attempts have been made to  
24 adjust the case as provided for in sections seven hundred thirty-five  
25 and seven hundred forty-two of this article and the probation service  
26 has exhausted its efforts to successfully adjust such case as a result  
27 of the petition's failure to provide reasonable assistance to the  
28 probation service. In dismissing a petition pursuant to this section,  
29 the court shall consider whether a referral of services would be appro-  
30 priate to meet the needs of the respondent and his or her family.

31 § 39. Section 754 of the family court act, subdivision 1 as designated  
32 by chapter 878 of the laws of 1976, paragraph (c) of subdivision 1 as  
33 amended by section 4 of part V of chapter 383 of the laws of 2001, the  
34 closing paragraph of subdivision 1 as added by section 5 of part V of  
35 chapter 55 of the laws of 2012, subdivision 2 as amended by chapter 7 of  
36 the laws of 1999, subparagraph (ii) of paragraph (a) of subdivision 2 as  
37 amended by section 20 of part L of chapter 56 of the laws of 2015 and  
38 the closing paragraph of paragraph (b) of subdivision 2 as amended by  
39 section 21 of part L of chapter 56 of the laws of 2015 is amended to  
40 read as follows:

41 § 754. Disposition on adjudication of person in need of supervision.

42 1. Upon an adjudication of person in need of supervision, the court  
43 shall enter an order of disposition:

44 (a) Discharging the respondent with warning;

45 (b) Suspending judgment in accord with section seven hundred fifty-  
46 five of this part;

47 (c) Continuing the proceeding and placing the respondent in accord  
48 with section seven hundred fifty-six of this part; provided, however,  
49 that the court shall not place the respondent in accord with section  
50 seven hundred fifty-six where the respondent is sixteen years of age or  
51 older, unless the court determines and states in its order that special  
52 circumstances exist to warrant such placement; or

53 (d) Putting the respondent on probation in accord with section seven  
54 hundred fifty-seven of this part.

55 The court may order an eligible person to complete an education reform  
56 program in accordance with section four hundred fifty-eight-1 of the

1 social services law, as part of a disposition pursuant to paragraph (a),  
2 (b) or (d) of this subdivision. The court may also order services,  
3 including those provided by a family support center, as part of a dispo-  
4 sition pursuant to paragraph (a), (b) or (d) of this subdivision.

5 2. (a) Notwithstanding any other provision of law to the contrary, the  
6 court shall not order placement with the local commissioner of social  
7 services pursuant to section seven hundred fifty-six of this part unless  
8 the court finds and states in writing that:

9 (i) no appropriate suitable relative or suitable private person is  
10 available for placement pursuant to section seven hundred fifty-six of  
11 this part; and

12 (ii) placement in the child's home would not be appropriate because  
13 such placement would:

14 (A) continue or worsen the circumstances alleged in the underlying  
15 petition or,

16 (B) create a safety risk to the child or the child's family.

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

37 [(b)] (c) For the purpose of this section, reasonable efforts to  
38 prevent or eliminate the need for removing the child from the home of  
39 the child or to make it possible for the child to return safely to the  
40 home of the child shall not be required where the court determines that:

41 (i) the parent of such child has subjected the child to aggravated  
42 circumstances, as defined in subdivision (g) of section seven hundred  
43 twelve of this article;

44 (ii) the parent of such child has been convicted of (A) murder in the  
45 first degree as defined in section 125.27 or murder in the second degree  
46 as defined in section 125.25 of the penal law and the victim was another  
47 child of the parent; or (B) manslaughter in the first degree as defined  
48 in section 125.20 or manslaughter in the second degree as defined in  
49 section 125.15 of the penal law and the victim was another child of the  
50 parent, provided, however, that the parent must have acted voluntarily  
51 in committing such crime;

52 (iii) the parent of such child has been convicted of an attempt to  
53 commit any of the crimes set forth in subparagraphs (i) and (ii) of this  
54 paragraph, and the victim or intended victim was the child or another  
55 child of the parent; or has been convicted of criminal solicitation as  
56 defined in article one hundred, conspiracy as defined in article one

1 hundred five or criminal facilitation as defined in article one hundred  
2 fifteen of the penal law for conspiring, soliciting or facilitating any  
3 of the foregoing crimes, and the victim or intended victim was the child  
4 or another child of the parent;

5 (iv) the parent of such child has been convicted of assault in the  
6 second degree as defined in section 120.05, assault in the first degree  
7 as defined in section 120.10 or aggravated assault upon a person less  
8 than eleven years old as defined in section 120.12 of the penal law, and  
9 the commission of one of the foregoing crimes resulted in serious phys-  
10 ical injury to the child or another child of the parent;

11 (v) the parent of such child has been convicted in any other jurisdic-  
12 tion of an offense which includes all of the essential elements of any  
13 crime specified in subparagraph (ii), (iii) or (iv) of this paragraph,  
14 and the victim of such offense was the child or another child of the  
15 parent; or

16 (vi) the parental rights of the parent to a sibling of such child have  
17 been involuntarily terminated;

18 unless the court determines that providing reasonable efforts would be  
19 in the best interests of the child, not contrary to the health and safe-  
20 ty of the child, and would likely result in the reunification of the  
21 parent and the child in the foreseeable future. The court shall state  
22 such findings in its order.

23 If the court determines that reasonable efforts are not required  
24 because of one of the grounds set forth above, a permanency hearing  
25 shall be held within thirty days of the finding of the court that such  
26 efforts are not required. At the permanency hearing, the court shall  
27 determine the appropriateness of the permanency plan prepared by the  
28 social services official which shall include whether and when the child:  
29 (A) will be returned to the parent; (B) should be placed for adoption  
30 with the social services official filing a petition for termination of  
31 parental rights; (C) should be referred for legal guardianship; (D)  
32 should be placed permanently with a fit and willing relative; or (E)  
33 should be placed in another planned permanent living arrangement with a  
34 significant connection to an adult willing to be a permanency resource  
35 for the child if the child is age sixteen or older and if the require-  
36 ments of subparagraph (E) of paragraph (iv) of subdivision (d) of  
37 section seven hundred fifty-six-a of this part have been met. The social  
38 services official shall thereafter make reasonable efforts to place the  
39 child in a timely manner and to complete whatever steps are necessary to  
40 finalize the permanent placement of the child as set forth in the  
41 permanency plan approved by the court. If reasonable efforts are deter-  
42 mined by the court not to be required because of one of the grounds set  
43 forth in this paragraph, the social services official may file a peti-  
44 tion for termination of parental rights in accordance with section three  
45 hundred eighty-four-b of the social services law.

46 [(c)] (d) For the purpose of this section, in determining reasonable  
47 efforts to be made with respect to a child, and in making such reason-  
48 able efforts, the child's health and safety shall be the paramount  
49 concern.

50 [(d)] (e) For the purpose of this section, a sibling shall include a  
51 half-sibling.

52 § 40. Section 755 of the family court act, subdivision (a) as amended  
53 by chapter 124 of the laws of 1993, is amended to read as follows:

54 § 755. Suspended judgment. (a) Rules of court shall define permissible  
55 terms and conditions of a suspended judgment. The court may order as a  
56 condition of a suspended judgment restitution, services, including those

1 provided by a family support center pursuant to title twelve of article  
2 six of the social services law or services for public good pursuant to  
3 section seven hundred fifty-eight-a, and[, except when the respondent  
4 has been assigned to a facility in accordance with subdivision four of  
5 section five hundred four of the executive law,] in cases wherein the  
6 record indicates that the consumption of alcohol by the respondent may  
7 have been a contributing factor, the court may order attendance at and  
8 completion of an alcohol awareness program established pursuant to  
9 section 19.25 of the mental hygiene law.

10 (b) The maximum duration of any term or condition of a suspended judg-  
11 ment is one year, unless the court finds at the conclusion of that peri-  
12 od that exceptional circumstances require an additional period of one  
13 year.

14 § 41. Section 756 of the family court act, as amended by chapter 920  
15 of the laws of 1982, paragraph (i) of subdivision (a) as amended by  
16 chapter 309 of the laws of 1996, the opening paragraph of paragraph (ii)  
17 of subdivision (a) as amended by section 11 of part G of chapter 58 of  
18 the laws of 2010, subdivision (b) as amended by chapter 7 of the laws of  
19 1999, and subdivision (c) as amended by section 10 of part E of chapter  
20 57 of the laws of 2005, is amended to read as follows:

21 § 756. Placement. (a) (i) For purposes of section seven hundred  
22 fifty-four, the court may place the child in its own home or in the  
23 custody of a suitable relative or other suitable private person [or a  
24 commissioner of social services], subject to the orders of the court.

25 (ii) Where the child is placed with the commissioner of the local  
26 social services district, the court may direct the commissioner to place  
27 the child with an authorized agency or class of authorized agencies,  
28 including, if the court finds that the respondent is a sexually  
29 exploited child as defined in subdivision one of section four hundred  
30 forty-seven-a of the social services law, an available long-term safe  
31 house. Unless the dispositional order provides otherwise, the court so  
32 directing shall include one of the following alternatives to apply in  
33 the event that the commissioner is unable to so place the child:

34 (1) the commissioner shall apply to the court for an order to stay,  
35 modify, set aside, or vacate such directive pursuant to the provisions  
36 of section seven hundred sixty-two or seven hundred sixty-three; or

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

39 (b) Placements under this section may be for an initial period of  
40 [twelve months] ninety days. The court may extend a placement pursuant  
41 to section seven hundred fifty-six-a. In its discretion, the court may  
42 recommend restitution or require services for public good pursuant to  
43 section seven hundred fifty-eight-a in conjunction with an order of  
44 placement. [For the purposes of calculating the initial period of  
45 placement, such placement shall be deemed to have commenced sixty days  
46 after the date the child was removed from his or her home in accordance  
47 with the provisions of this article.] If the respondent has been in  
48 detention pending disposition, the initial period of placement ordered  
49 under this section shall be credited with and diminished by the amount  
50 of time spent by the respondent in detention prior to the commencement  
51 of the placement unless the court finds that all or part of such credit  
52 would not serve the best interests of the respondent.

53 (c) [A placement pursuant to this section with the commissioner of  
54 social services shall not be directed in any detention facility, but  
55 the] The court may direct detention pending transfer to a placement  
56 authorized and ordered under this section for no more than [than

1 fifteen] ten days after such order of placement is made. Such direction  
2 shall be subject to extension pursuant to subdivision three of section  
3 three hundred ninety-eight of the social services law, upon written  
4 documentation to the office of children and family services that the  
5 youth is in need of specialized treatment or placement and the diligent  
6 efforts by the commissioner of social services to locate an appropriate  
7 placement.

8 § 42. Section 756-a of the family court act, as added by chapter 604  
9 of the laws of 1986, subdivision (a) as amended by chapter 309 of the  
10 laws of 1996, subdivisions (b) and (d) as amended by section 4 of part B  
11 of chapter 327 of the laws of 2007, subdivisions (c) and (e) as amended  
12 by chapter 7 of the laws of 1999, paragraph (ii) of subdivision (d) as  
13 amended by section 22, paragraphs (iii), (iv) and (v) of subdivision (d)  
14 as amended by section 23 and subdivision (d-1) as amended by section 24  
15 of part L of chapter 56 of the laws of 2015, is amended to read as  
16 follows:

17 § 756-a. Extension of placement. (a) In any case in which the child  
18 has been placed pursuant to section seven hundred fifty-six, the child,  
19 the person with whom the child has been placed or the commissioner of  
20 social services may petition the court to extend such placement. Such  
21 petition shall be filed at least [sixty] thirty days prior to the expi-  
22 ration of the period of placement, except for good cause shown, but in  
23 no event shall such petition be filed after the original expiration  
24 date.

25 (b) The court shall conduct a permanency hearing concerning the need  
26 for continuing the placement. The child, the person with whom the child  
27 has been placed and the commissioner of social services shall be noti-  
28 fied of such hearing and shall have the right to be heard thereat.

29 (c) The provisions of section seven hundred forty-five shall apply at  
30 such permanency hearing. If the petition is filed within [sixty] thirty  
31 days prior to the expiration of the period of placement, the court shall  
32 first determine at such permanency hearing whether good cause has been  
33 shown. If good cause is not shown, the court shall dismiss the petition.

34 (d) At the conclusion of the permanency hearing the court may, in its  
35 discretion, order an extension of the placement for not more than [one  
36 year] ninety days. The court must consider and determine in its order:

37 (i) where appropriate, that reasonable efforts were made to make it  
38 possible for the child to safely return to his or her home, or if the  
39 permanency plan for the child is adoption, guardianship or some other  
40 permanent living arrangement other than reunification with the parent or  
41 parents of the child, reasonable efforts are being made to make and  
42 finalize such alternate permanent placement including consideration of  
43 appropriate in-state and out-of-state placements;

44 (ii) in the case of a child who has attained the age of fourteen, the  
45 services needed, if any, to assist the child to make the transition from  
46 foster care to independent living;

47 (iii) in the case of a child placed outside New York state, whether  
48 the out-of-state placement continues to be appropriate and in the best  
49 interests of the child;

50 (iv) whether and when the child: (A) will be returned to the parent;  
51 (B) should be placed for adoption with the social services official  
52 filing a petition for termination of parental rights; (C) should be  
53 referred for legal guardianship; (D) should be placed permanently with a  
54 fit and willing relative; or (E) should be placed in another planned  
55 permanent living arrangement with a significant connection to an adult  
56 willing to be a permanency resource for the child if the child is age

1 sixteen or older and (1) the social services official has documented to  
2 the court: (I) intensive, ongoing, and, as of the date of the hearing,  
3 unsuccessful efforts made by the social services district to return the  
4 child home or secure a placement for the child with a fit and willing  
5 relative including adult siblings, a legal guardian, or an adoptive  
6 parent, including through efforts that utilize search technology includ-  
7 ing social media to find biological family members for children, (II)  
8 the steps the social services district is taking to ensure that (A) the  
9 child's foster family home or child care facility is following the  
10 reasonable and prudent parent standard in accordance with guidance  
11 provided by the United States department of health and human services,  
12 and (B) the child has regular, ongoing opportunities to engage in age or  
13 developmentally appropriate activities including by consulting with the  
14 child in an age-appropriate manner about the opportunities of the child  
15 to participate in activities; and (2) the social services district has  
16 documented to the court and the court has determined that there are  
17 compelling reasons for determining that it continues to not be in the  
18 best interest of the child to return home, be referred for termination  
19 of parental rights and placed for adoption, placed with a fit and will-  
20 ing relative, or placed with a legal guardian; and (3) the court has  
21 made a determination explaining why, as of the date of the hearing,  
22 another planned living arrangement with a significant connection to an  
23 adult willing to be a permanency resource for the child is the best  
24 permanency plan for the child; and

25 (v) where the child will not be returned home, consideration of appro-  
26 priate in-state and out-of-state placements.

27 (d-1) At the permanency hearing, the court shall consult with the  
28 respondent in an age-appropriate manner regarding the permanency plan;  
29 provided, however, that if the respondent is age sixteen or older and  
30 the requested permanency plan for the respondent is placement in another  
31 planned permanent living arrangement with a significant connection to an  
32 adult willing to be a permanency resource for the respondent, the court  
33 must ask the respondent about the desired permanency outcome for the  
34 respondent.

35 (e) Pending final determination of a petition to extend such placement  
36 filed in accordance with the provisions of this section, the court may,  
37 on its own motion or at the request of the petitioner or respondent,  
38 enter one or more temporary orders extending a period of placement not  
39 to exceed thirty days upon satisfactory proof showing probable cause for  
40 continuing such placement and that each temporary order is necessary.  
41 The court may order additional temporary extensions, not to exceed a  
42 total of fifteen days, if the court is unable to conclude the hearing  
43 within the thirty day temporary extension period. In no event shall the  
44 aggregate number of days in extensions granted or ordered under this  
45 subdivision total more than forty-five days. The petition shall be  
46 dismissed if a decision is not rendered within the period of placement  
47 or any temporary extension thereof. Notwithstanding any provision of law  
48 to the contrary, the initial permanency hearing shall be held within  
49 [twelve months of the date the child was placed into care] a reasonable  
50 period of time prior to the expiration of the initial period of place-  
51 ment pursuant to section seven hundred fifty-six [of this article] and  
52 no later than every twelve months thereafter. [For the purposes of this  
53 section, the date the child was placed into care shall be sixty days  
54 after the child was removed from his or her home in accordance with the  
55 provisions of this section.]

1 (f) Successive extensions of placement under this section may be  
2 granted, but no placement may be made or continued beyond the child's  
3 eighteenth birthday without his or her consent and in no event past his  
4 or her twenty-first birthday.

5 § 43. Section 757 of the family court act is amended by adding a new  
6 subdivision (e) to read as follows:

7 (e) The court may order services deemed appropriate to address the  
8 circumstances alleged in the underlying petition including services  
9 provided by family support centers.

10 § 44. Section 758-a of the family court act, as amended by chapter 73  
11 of the laws of 1979, subdivision 1 as amended by chapter 4 of the laws  
12 of 1987, paragraph (b) of subdivision 1 as amended by chapter 575 of the  
13 laws of 2007, subdivision 2 as amended by chapter 309 of the laws of  
14 1996, and subdivision 3 as separately amended by chapter 568 of the laws  
15 of 1979, is amended to read as follows:

16 § 758-a. Restitution. 1. In cases involving acts of [infants] children  
17 over [ten] twelve and less than [sixteen] eighteen years of age, the  
18 court may

19 (a) recommend as a condition of placement, or order as a condition of  
20 probation or suspended judgment, restitution in an amount representing a  
21 fair and reasonable cost to replace the property or repair the damage  
22 caused by the [infant] child, not, however, to exceed one thousand  
23 dollars. [In the case of a placement, the court may recommend that the  
24 infant pay out of his or her own funds or earnings the amount of  
25 replacement or damage, either in a lump sum or in periodic payments in  
26 amounts set by the agency with which he is placed, and in the case of  
27 probation or suspended judgment, the] The court may require that the  
28 [infant] child pay out of his or her own funds or earnings the amount of  
29 replacement or damage, either in a lump sum or in periodic payments in  
30 amounts set by the court; and/or

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

38 2. If the court recommends restitution or requires services for the  
39 public good in conjunction with an order of placement pursuant to  
40 section seven hundred fifty-six, the placement shall be made only to an  
41 authorized agency which has adopted rules and regulations for the super-  
42 vision of such a program, which rules and regulations shall be subject  
43 to the approval of the state department of social services. Such rules  
44 and regulations shall include, but not be limited to provisions (i)  
45 assuring that the conditions of work, including wages, meet the stand-  
46 ards therefor prescribed pursuant to the labor law; (ii) affording  
47 coverage to the child under the workers' compensation law as an employee  
48 of such agency, department or institution; (iii) assuring that the enti-  
49 ty receiving such services shall not utilize the same to replace its  
50 regular employees; and (iv) providing for reports to the court not less  
51 frequently than every six months, unless the order provides otherwise.

52 3. If the court requires restitution or services for the public good  
53 as a condition of probation or suspended judgment, it shall provide that  
54 an agency or person supervise the restitution or services and that such  
55 agency or person report to the court not less frequently than every six  
56 months, unless the order provides otherwise. Upon the written notice

1 sent by a school district to the court and the appropriate probation  
2 department or agency which submits probation recommendations or reports  
3 to the court, the court may provide that such school district shall  
4 supervise the performance of services for the public good.

5 4. The court, upon receipt of the reports provided for in subdivision  
6 two or three of this section may, on its own motion or the motion of any  
7 party or the agency, hold a hearing to determine whether the placement  
8 should be altered or modified.

9 § 45. Subdivision (f) of section 759 of the family court act, as  
10 amended by section 11 of part E of chapter 57 of the laws of 2005, is  
11 amended to read as follows:

12 (f) to participate in family counseling or other professional coun-  
13 seling activities, or other services, including services provided by  
14 family support centers, alternative dispute resolution services  
15 conducted by an authorized person or an authorized agency to which the  
16 youth has been referred or placed, deemed necessary for the rehabili-  
17 tation of the youth, provided that such family counseling, other coun-  
18 seling activity or other necessary services are not contrary to such  
19 person's religious beliefs;

20 § 46. Section 768 of the family court act is amended to read as  
21 follows:

22 § 768. Successive petitions. If a petition under section seven hundred  
23 sixty-four is denied, it may not be renewed for a period of [ninety]  
24 thirty days after the denial, unless the order of denial permits renewal  
25 at an earlier time.

26 § 47. Section 153-k of the social services law is amended by adding  
27 two new subdivisions 2-a and 2-b to read as follows:

28 2-a. Notwithstanding any other provision of law to the contrary, state  
29 reimbursement shall be made available for one hundred percent of expend-  
30 itures made by social services districts, exclusive of any federal funds  
31 made available for such purposes, for preventive services, aftercare  
32 services, independent living services and foster care services provided  
33 to youth age sixteen years of age or older when such services would not  
34 otherwise have been provided to such youth absent the provisions in a  
35 chapter of the laws of two thousand fifteen that increased the age of  
36 juvenile jurisdiction above fifteen years of age.

37 2-b. Notwithstanding any other provision of law to the contrary, state  
38 reimbursement shall be made available for one hundred percent of expend-  
39 itures made by social services districts, exclusive of any federal funds  
40 made available for such purpose, for family support centers established  
41 pursuant to title twelve of this article.

42 § 48. Intentionally omitted.

43 § 49. Subdivisions 5 and 6 of section 371 of the social services law,  
44 subdivision 5 as added by chapter 690 of the laws of 1962, and subdivi-  
45 sion 6 as amended by chapter 596 of the laws of 2000, are amended to  
46 read as follows:

47 5. "Juvenile delinquent" means a person [over seven and less than  
48 sixteen years of age who does any act which, if done by an adult, would  
49 constitute a crime] as defined in section 301.2 of the family court act.

50 6. "Person in need of supervision" means a person [less than eighteen  
51 years of age who is habitually truant or who is incorrigible, ungovernable  
52 or habitually disobedient and beyond the lawful control of a parent  
53 or other person legally responsible for such child's care, or other  
54 lawful authority] as defined in section seven hundred twelve of the  
55 family court act.

1 § 50. Article 6 of the social services law is amended by adding a new  
2 title 12 to read as follows:

3 TITLE 12

4 FAMILY SUPPORT CENTERS

5 Section 458-m. Family support centers.

6 458-n. Funding for family support centers.

7 § 458-m. Family support centers. 1. As used in this title, the term  
8 "family support center" shall mean a program established pursuant to  
9 this title to provide community-based supportive services to youth at  
10 risk of being, or alleged or adjudicated to be persons in need of super-  
11 vision pursuant to article seven of the family court act, and their  
12 families. Family support centers may also provide community-based  
13 supportive services to youth who are alleged or adjudicated to be juve-  
14 nile delinquents pursuant to article three of the family court act.

15 2. Family support centers shall provide comprehensive services to such  
16 children and their families, either directly or through referrals with  
17 partner agencies, including, but not limited to:

18 (a) rapid family assessments and screenings;

19 (b) crisis intervention;

20 (c) family mediation and skills building;

21 (d) mental and behavioral health services, as defined in subdivision  
22 fifty-eight of section 1.03 of the mental hygiene law, including cogni-  
23 tive interventions;

24 (e) case management;

25 (f) respite services; and

26 (g) other family support services.

27 3. To the extent practicable, the services that are provided shall be  
28 trauma sensitive, family focused, gender-responsive, where appropriate,  
29 and evidence and/or strength based and shall be tailored to the individ-  
30 ualized needs of the child and family based on the assessments and  
31 screenings conducted by such family support center.

32 4. Family support centers shall have the capacity to serve families  
33 outside of regular business hours including evenings or weekends.

34 § 458-n. Funding for family support centers. 1. Notwithstanding any  
35 other provision of law to the contrary, state reimbursement shall be  
36 made available for one hundred percent of expenditures made by social  
37 services districts, exclusive of any federal funds made available for  
38 such purpose, for family support centers statewide.

39 2. Notwithstanding any other provision of law to the contrary, family  
40 support centers shall be established in each social services district  
41 throughout the state with the approval of the office of children and  
42 family services, provided however that two or more social services  
43 districts may join together to establish, operate and maintain a family  
44 support center and may make and perform agreements in connection there-  
45 with.

46 3. Social services districts may contract with not-for-profit corpo-  
47 rations or utilize existing programs to operate family support centers  
48 in accordance with the provisions of this title and the specific program  
49 requirements issued by the office. Family support centers shall have  
50 sufficient capacity to provide services to youth within the social  
51 services district or districts who are at risk of becoming, alleged or  
52 adjudicated to be persons in need of supervision pursuant to article  
53 seven of the family court act, and their families. In addition, to the  
54 extent practicable, family support centers may provide services to youth  
55 who are alleged or adjudicated under article three of the family court  
56 act.



1 4. Social services districts receiving funding under this title shall  
2 report to the office of children and family services, in the form and  
3 manner and at such times as determined by the office, on the performance  
4 outcomes of any family support center located within such district that  
5 receives funding under this title.

6 § 51. Subdivisions 3 and 11 of section 398 of the social services law,  
7 subdivision 3 as amended by chapter 419 of the laws of 1987, paragraph  
8 (c) of subdivision 3 as amended by section 19 of part E of chapter 57 of  
9 the laws of 2005, subdivision 11 as added by chapter 514 of the laws of  
10 1976, are amended to read as follows:

11 3. As to delinquent children and persons in need of supervision:

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

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

15 (c) Receive within fifteen days from the order of placement as a  
16 public charge any delinquent child committed or placed or in the case of  
17 a person in need of supervision placed, ten days, in his or her care by  
18 the family court provided, however, that the commissioner of the social  
19 services district with whom the child is placed may apply to the state  
20 commissioner or his or her designee for approval of an additional  
21 fifteen days, or in the case of a person in need of supervision, ten  
22 days, upon written documentation to the office of children and family  
23 services that the youth is in need of specialized treatment or placement  
24 and the diligent efforts by the commissioner of social services to  
25 locate an appropriate placement.

26 11. In the case of a child who is adjudicated a person in need of  
27 supervision or a juvenile delinquent and is placed by the family court  
28 with the [division for youth] office of children and family services and  
29 who is placed by [the division for youth] such office with an authorized  
30 agency pursuant to court order, the social services official shall make  
31 expenditures in accordance with the regulations of the department for  
32 the care and maintenance of such child during the term of such placement  
33 subject to state reimbursement pursuant to section one hundred fifty-  
34 three-k of this title[, or article nineteen-G of the executive law in  
35 applicable cases].

36 § 52. Subdivision 8 of section 404 of the social services law, as  
37 added by section 1 of subpart A of part G of chapter 57 of the laws of  
38 2012, is amended to read as follows:

39 8. (a) Notwithstanding any other provision of law to the contrary[,]  
40 except as provided for in paragraph (a-1) of this subdivision, eligible  
41 expenditures during the applicable time periods made by a social  
42 services district for an approved juvenile justice services close to  
43 home initiative shall, if approved by the department of family assist-  
44 ance, be subject to reimbursement with state funds only up to the extent  
45 of an annual appropriation made specifically therefor, after first  
46 deducting therefrom any federal funds properly received or to be  
47 received on account thereof; provided, however, that when such funds  
48 have been exhausted, a social services district may receive state  
49 reimbursement from other available state appropriations for that state  
50 fiscal year for eligible expenditures for services that otherwise would  
51 be reimbursable under such funding streams. Any claims submitted by a  
52 social services district for reimbursement for a particular state fiscal  
53 year for which the social services district does not receive state  
54 reimbursement from the annual appropriation for the approved close to  
55 home initiative may not be claimed against that district's appropriation  
56 for the initiative for the next or any subsequent state fiscal year.

1 (i) State funding for reimbursement shall be, subject to appropri-  
2 ation, in the following amounts: for state fiscal year 2013-14,  
3 \$35,200,000 adjusted by any changes in such amount required by subpara-  
4 graphs (ii) and (iii) of this paragraph; for state fiscal year 2014-15,  
5 \$41,400,000 adjusted to include the amount of any changes made to the  
6 state fiscal year 2013-14 appropriation under subparagraphs (ii) and  
7 (iii) of this paragraph plus any additional changes required by such  
8 subparagraphs; and, such reimbursement shall be, subject to appropri-  
9 ation, for all subsequent state fiscal years in the amount of the prior  
10 year's actual appropriation adjusted by any changes required by subpara-  
11 graphs (ii) and (iii) of this paragraph.

12 (ii) The reimbursement amounts set forth in subparagraph (i) of this  
13 paragraph shall be increased or decreased by the percentage that the  
14 average of the most recently approved maximum state aid rates for group  
15 residential foster care programs is higher or lower than the average of  
16 the approved maximum state aid rates for group residential foster care  
17 programs in existence immediately prior to the most recently approved  
18 rates.

19 (iii) The reimbursement amounts set forth in subparagraph (i) of this  
20 paragraph shall be increased if either the population of alleged juve-  
21 nile delinquents who receive a probation intake or the total population  
22 of adjudicated juvenile delinquents placed on probation combined with  
23 the population of adjudicated juvenile delinquents placed out of their  
24 homes in a setting other than a secure facility pursuant to section  
25 352.2 of the family court act, increases by at least ten percent over  
26 the respective population in the annual baseline year. The baseline year  
27 shall be the period from July first, two thousand ten through June thir-  
28 tieth, two thousand eleven or the most recent twelve month period for  
29 which there is complete data, whichever is later. In each successive  
30 year, the population of the previous July first through June thirtieth  
31 period shall be compared to the baseline year for determining any  
32 adjustments to a state fiscal year appropriation. When either population  
33 increases by ten percent or more, the reimbursement will be adjusted by  
34 a percentage equal to the larger of the percentage increase in either  
35 the number of probation intakes for alleged juvenile delinquents or the  
36 total population of adjudicated juvenile delinquents placed on probation  
37 combined with the population of adjudicated juvenile delinquents placed  
38 out of their homes in a setting other than a secure facility pursuant to  
39 section 352.2 of the family court act.

40 (iv) The social services district and/or the New York city department  
41 of probation shall provide an annual report including the data required  
42 to calculate the population adjustment to the New York city office of  
43 management and budget, the division of criminal justice services and the  
44 state division of the budget no later than the first day of September  
45 following the close of the previous July first through June thirtieth  
46 period.

47 (a-1) State reimbursement shall be made available for one hundred  
48 percent of eligible expenditures made by a social services district,  
49 exclusive of any federal funds made available for such purposes, for  
50 approved juvenile justice services under an approved close to home  
51 initiative provided to youth age sixteen years of age or older when such  
52 services would not otherwise have been provided to such youth absent the  
53 provisions in a chapter of the laws of two thousand fifteen that  
54 increased the age of juvenile jurisdiction above fifteen years of age.

1 (b) The department of family assistance is authorized, in its  
2 discretion, to make advances to a social services district in antic-  
3 ipation of the state reimbursement provided for in this section.

4 (c) A social services district shall conduct eligibility determi-  
5 nations for federal and state funding and submit claims for reimburse-  
6 ment in such form and manner and at such times and for such periods as  
7 the department of family assistance shall determine.

8 (d) Notwithstanding any inconsistent provision of law or regulation of  
9 the department of family assistance, state reimbursement shall not be  
10 made for any expenditure made for the duplication of any grant or allow-  
11 ance for any period.

12 (e) Claims submitted by a social services district for reimbursement  
13 shall be paid after deducting any expenditures defrayed by fees, third  
14 party reimbursement, and any non-tax levy funds including any donated  
15 funds.

16 (f) The office of children and family services shall not reimburse any  
17 claims for expenditures for residential services that are submitted more  
18 than twenty-two months after the calendar quarter in which the expendi-  
19 tures were made.

20 (g) Notwithstanding any other provision of law, the state shall not be  
21 responsible for reimbursing a social services district and a district  
22 shall not seek state reimbursement for any portion of any state disal-  
23 lowance or sanction taken against the social services district, or any  
24 federal disallowance attributable to final federal agency decisions or  
25 to settlements made, when such disallowance or sanction results from the  
26 failure of the social services district to comply with federal or state  
27 requirements, including, but not limited to, failure to document eligi-  
28 bility for the federal or state funds in the case record. To the extent  
29 that the social services district has sufficient claims other than those  
30 that are subject to disallowance or sanction to draw down the full annu-  
31 al appropriation, such disallowance or sanction shall not result in a  
32 reduction in payment of state funds to the district unless the district  
33 requests that the department use a portion of the appropriation toward  
34 meeting the district's responsibility to repay the federal government  
35 for the disallowance or sanction and any related interest payments.

36 (h) Rates for residential services. (i) The office shall establish the  
37 rates, in accordance with section three hundred ninety-eight-a of this  
38 chapter, for any non-secure facilities established under an approved  
39 juvenile justice services close to home initiative. For any such non-se-  
40 cure facility that will be used primarily by the social services  
41 district with an approved close to home initiative, final authority for  
42 establishment of such rates and any adjustments thereto shall reside  
43 with the office, but such rates and any adjustments thereto shall be  
44 established only upon the request of, and in consultation with, such  
45 social services district.

46 (ii) A social services district with an approved juvenile justice  
47 services close to home initiative for juvenile delinquents placed in  
48 limited secure settings shall have the authority to establish and  
49 adjust, on an annual or regular basis, maintenance rates for limited  
50 secure facilities providing residential services under such initiative.  
51 Such rates shall not be subject to the provisions of section three  
52 hundred ninety-eight-a of this chapter but shall be subject to maximum  
53 cost limits established by the office of children and family services.

54 § 53. Paragraph (a) of subdivision 1 of section 409-a of the social  
55 services law, as amended by chapter 87 of the laws of 1993, subparagraph  
56 (i) as amended by chapter 342 of the laws of 2010, and subparagraph (ii)

1 as amended by section 22 of part C of chapter 83 of the laws of 2002, is  
2 amended to read as follows:

3 (a) A social services official shall provide preventive services to a  
4 child and his or her family, in accordance with the family's service  
5 plan as required by section four hundred nine-e of this chapter and the  
6 social services district's child welfare services plan submitted and  
7 approved pursuant to section four hundred nine-d of this chapter, upon a  
8 finding by such official that (i) the child will be placed, returned to  
9 or continued in foster care unless such services are provided and that  
10 it is reasonable to believe that by providing such services the child  
11 will be able to remain with or be returned to his or her family, and for  
12 a former foster care youth under the age of twenty-one who was previous-  
13 ly placed in the care and custody or custody and guardianship of the  
14 local commissioner of social services or other officer, board or depart-  
15 ment authorized to receive children as public charges where it is  
16 reasonable to believe that by providing such services the former foster  
17 care youth will avoid a return to foster care or (ii) the child is the  
18 subject of a petition under article seven of the family court act, or  
19 has been determined by the assessment service established pursuant to  
20 section two hundred forty-three-a of the executive law, or by the  
21 probation service where no such assessment service has been designated,  
22 to be at risk of being the subject of such a petition, and the social  
23 services official determines that the child is at risk of placement into  
24 foster care. Such finding shall be entered in the child's uniform case  
25 record established and maintained pursuant to section four hundred  
26 nine-f of this chapter. The commissioner shall promulgate regulations to  
27 assist social services officials in making determinations of eligibility  
28 for mandated preventive services pursuant to this [subparagraph] para-  
29 graph.

30 § 54. Section 30.00 of the penal law, as amended by chapter 481 of the  
31 laws of 1978, subdivision 2 as amended by chapter 7 of the laws of 2007,  
32 is amended to read as follows:

33 § 30.00 Infancy.

34 1. Except as provided in [subdivision] subdivisions two and three of  
35 this section, a person less than [sixteen] eighteen years old is not  
36 criminally responsible for conduct.

37 2. A person thirteen, fourteen [or], fifteen, sixteen, or seventeen  
38 years of age is criminally responsible for acts constituting murder in  
39 the second degree as defined in subdivisions one and two of section  
40 125.25 and in subdivision three of such section provided that the under-  
41 lying crime for the murder charge is one for which such person is crimi-  
42 nally responsible or for such conduct as a sexually motivated felony,  
43 where authorized pursuant to section 130.91 of [the penal law] this  
44 chapter; and a person fourteen [or], fifteen, sixteen or seventeen years  
45 of age is criminally responsible for acts constituting the crimes  
46 defined in section 135.25 (kidnapping in the first degree); 150.20  
47 (arson in the first degree); subdivisions one and two of section 120.10  
48 (assault in the first degree); 125.20 (manslaughter in the first  
49 degree); subdivisions one and two of section 130.35 (rape in the first  
50 degree); subdivisions one and two of section 130.50 (criminal sexual act  
51 in the first degree); 130.70 (aggravated sexual abuse in the first  
52 degree); 140.30 (burglary in the first degree); subdivision one of  
53 section 140.25 (burglary in the second degree); 150.15 (arson in the  
54 second degree); 160.15 (robbery in the first degree); subdivision two of  
55 section 160.10 (robbery in the second degree) of this chapter; or  
56 section 265.03 of this chapter, where such machine gun or such firearm

1 is possessed on school grounds, as that phrase is defined in subdivision  
2 fourteen of section 220.00 of this chapter; or defined in this chapter  
3 as an attempt to commit murder in the second degree or kidnapping in the  
4 first degree, or for such conduct as a sexually motivated felony, where  
5 authorized pursuant to section 130.91 of [the penal law] this chapter.

6 3. A person sixteen or seventeen years of age is criminally responsi-  
7 ble for acts constituting the crimes defined in section 460.22 (aggra-  
8 vated enterprise corruption); 490.25 (crime of terrorism); 490.45 (crim-  
9 inal possession of a chemical or biological weapon in the first degree);  
10 490.50 (criminal use of a chemical weapon or biological weapon in the  
11 second degree); 490.55 (criminal use of a chemical weapon or biological  
12 weapon in the first degree); 130.95 (predatory sexual assault); 130.96  
13 (predatory sexual assault against a child); 120.11 (aggravated assault  
14 upon a police officer or a peace officer); 125.22 (aggravated  
15 manslaughter in the first degree); 130.75 (course of sexual conduct  
16 against a child in the first degree); 215.17 (intimidating a victim or  
17 witness in the first degree); 255.27 (incest in the first degree);  
18 265.04 (criminal possession of a weapon in the first degree); 265.09  
19 (criminal use of a firearm in the first degree); 265.13 (criminal sale  
20 of a firearm in the first degree); 490.35 (hindering prosecution of  
21 terrorism in the first degree); 490.40 (criminal possession of a chemi-  
22 cal weapon or biological weapon in the second degree); 490.47 (criminal  
23 use of a chemical weapon or biological weapon in the third degree);  
24 121.13 (strangulation in the first degree); 130.67 (aggravated sexual  
25 abuse in the second degree); 490.37 (criminal possession of a chemical  
26 weapon or biological weapon in the third degree); or 130.66 (aggravated  
27 sexual abuse in the third degree) of this chapter; or such conduct  
28 committed as a sexually motivated felony, where authorized pursuant to  
29 section 130.91 of this chapter.

30 4. In any prosecution for an offense, lack of criminal responsibility  
31 by reason of infancy, as defined in this section, is a defense.

32 § 55. Subdivision 2 of section 60.02 of the penal law, as amended by  
33 chapter 471 of the laws of 1980, is amended to read as follows:

34 (2) If the sentence is to be imposed upon a youthful offender finding  
35 which has been substituted for a conviction for any felony, the court  
36 must impose a sentence authorized to be imposed upon a person convicted  
37 of a class E felony provided, however, that (a) the court must not  
38 impose a sentence of [conditional discharge or] unconditional discharge  
39 if the youthful offender finding was substituted for a conviction of a  
40 felony defined in article two hundred twenty of this chapter.

41 § 56. Section 60.10 of the penal law, as amended by chapter 411 of the  
42 laws of 1979, is amended to read as follows:

43 § 60.10 Authorized disposition; juvenile offender.

44 1. When a juvenile offender is convicted of a crime, the court shall  
45 sentence the defendant to imprisonment in accordance with section 70.05  
46 or sentence [him] the defendant upon a youthful offender finding in  
47 accordance with section 60.02 of this chapter.

48 2. Subdivision one of this section shall apply when sentencing a juve-  
49 nile offender notwithstanding the provisions of any other law that deals  
50 with the authorized sentence for persons who are not juvenile offenders.  
51 Provided, however, that the limitation prescribed by this section shall  
52 not be deemed or construed to bar use of a conviction of a juvenile  
53 offender, other than a juvenile offender who has been adjudicated a  
54 youthful offender pursuant to section 720.20 of the criminal procedure  
55 law, as a previous or predicate felony offender under section 70.04,  
56 70.06, 70.07, 70.08, [or 70.10,], or 70.80 when sentencing a person who

1 commits a felony after [he] such person has reached the age of [sixteen]  
2 eighteen.

3 § 57. Paragraph (b) of subdivision 2 of section 70.05 of the penal  
4 law, as added by chapter 481 of the laws of 1978, is amended and a new  
5 paragraph (b-1) is added to read as follows:

6 (b) For [the] a class [A] A-I felony [of arson in the first degree, or  
7 for the class A felony of kidnapping in the first degree] other than  
8 murder in the second degree, the term shall be fixed by the court, and  
9 shall be at least twelve years but shall not exceed fifteen years;

10 (b-1) For a class A-II felony the term shall be fixed by the court and  
11 shall be at least ten years but shall not exceed fourteen years.

12 § 57-a. Paragraph (b) of subdivision 3 of section 70.05 of the penal  
13 law, as added by chapter 481 of the laws of 1978, is amended and a new  
14 subdivision (b-1) is added to read as follows:

15 (b) For [the] a class [A] A-I felony [of arson in the first degree, or  
16 for the class A felony of kidnapping in the first degree] other than  
17 murder in the second degree, the minimum period of imprisonment shall be  
18 fixed by the court and shall be not less than four years but shall not  
19 exceed six years; and

20 (b-1) For a class A-II felony, the minimum period of imprisonment  
21 shall be fixed by the court and shall be not less than three years but  
22 shall not exceed five years.

23 § 58. Subdivision 1 of section 70.20 of the penal law, as amended by  
24 section 124 of subpart B of part C of chapter 62 of the laws of 2011, is  
25 amended to read as follows:

26 1. [(a)] Indeterminate or determinate sentence. Except as provided in  
27 subdivision four of this section, when an indeterminate or determinate  
28 sentence of imprisonment is imposed, the court shall commit the defend-  
29 ant to the custody of the state department of corrections and community  
30 supervision for the term of his or her sentence and until released in  
31 accordance with the law; provided, however, that a defendant sentenced  
32 pursuant to subdivision seven of section 70.06 shall be committed to the  
33 custody of the state department of corrections and community supervision  
34 for immediate delivery to a reception center operated by the department.

35 [(b)] The court in committing a defendant who is not yet eighteen years  
36 of age to the department of corrections and community supervision shall  
37 inquire as to whether the parents or legal guardian of the defendant, if  
38 present, will grant to the minor the capacity to consent to routine  
39 medical, dental and mental health services and treatment.

40 (c) Notwithstanding paragraph (b) of this subdivision, where the court  
41 commits a defendant who is not yet eighteen years of age to the custody  
42 of the department of corrections and community supervision in accordance  
43 with this section and no medical consent has been obtained prior to said  
44 commitment, the commitment order shall be deemed to grant the capacity  
45 to consent to routine medical, dental and mental health services and  
46 treatment to the person so committed.

47 (d) Nothing in this subdivision shall preclude a parent or legal guar-  
48 dian of an inmate who is not yet eighteen years of age from making a  
49 motion on notice to the department of corrections and community super-  
50 vision pursuant to article twenty-two of the civil practice law and  
51 rules and section one hundred forty of the correction law, objecting to  
52 routine medical, dental or mental health services and treatment being  
53 provided to such inmate under the provisions of paragraph (b) of this  
54 subdivision.

55 (e) Nothing in this section shall require that consent be obtained  
56 from the parent or legal guardian, where no consent is necessary or

1 where the defendant is authorized by law to consent on his or her own  
2 behalf to any medical, dental, and mental health service or treatment.]

3 § 59. Subdivision 2 of section 70.20 of the penal law, as amended by  
4 chapter 437 of the laws of 2013, is amended to read as follows:

5 2. [(a)] Definite sentence. Except as provided in subdivision four of  
6 this section, when a definite sentence of imprisonment is imposed, the  
7 court shall commit the defendant to the county or regional correctional  
8 institution for the term of his sentence and until released in accord-  
9 ance with the law.

10 [(b) The court in committing a defendant who is not yet eighteen years  
11 of age to the local correctional facility shall inquire as to whether  
12 the parents or legal guardian of the defendant, if present, will grant  
13 to the minor the capacity to consent to routine medical, dental and  
14 mental health services and treatment.

15 (c) Nothing in this subdivision shall preclude a parent or legal guar-  
16 dian of an inmate who is not yet eighteen years of age from making a  
17 motion on notice to the local correction facility pursuant to article  
18 twenty-two of the civil practice law and rules and section one hundred  
19 forty of the correction law, objecting to routine medical, dental or  
20 mental health services and treatment being provided to such inmate under  
21 the provisions of paragraph (b) of this subdivision.]

22 § 60. Subdivision 4 of section 70.20 of the penal law, as amended by  
23 section 124 of subpart B of part C of chapter 62 of the laws of 2011, is  
24 amended to read as follows:

25 4. (a) Notwithstanding any other provision of law to the contrary, a  
26 juvenile offender[,] or a juvenile offender who is adjudicated a youth-  
27 ful offender and given an indeterminate or a definite sentence, and who  
28 is under the age of twenty-one at the time of sentencing, shall be  
29 committed to the custody of the commissioner of the office of children  
30 and family services who shall arrange for the confinement of such offen-  
31 der in [secure] facilities of the office. The release or transfer of  
32 such offenders from the office of children and family services shall be  
33 governed by section five hundred eight of the executive law. If the  
34 juvenile offender is convicted or adjudicated a youthful offender and is  
35 twenty-one years of age or older at the time of sentencing, he or she  
36 shall be delivered to the department of corrections and community super-  
37 vision.

38 (a-1) Notwithstanding any other provision of law to the contrary, a  
39 person who is sentenced to an indeterminate sentence as an adult for  
40 committing a crime when he or she was sixteen or seventeen years of age  
41 who is sentenced on or after December first, two thousand fifteen to a  
42 term of at least one year of imprisonment and who is under the age of  
43 eighteen at the time he or she is sentenced shall be committed to the  
44 custody of the commissioner of the office of children and family  
45 services who shall arrange for the confinement of such offender in  
46 facilities of the office. The release or transfer of such offenders from  
47 the office of children and family services shall be governed by section  
48 five hundred eight of the executive law.

49 (b) The court in committing [a juvenile offender and youthful offen-  
50 der] an offender under eighteen years of age to the custody of the  
51 office of children and family services shall inquire as to whether the  
52 parents or legal guardian of the youth, if present, will consent for the  
53 office of children and family services to provide routine medical,  
54 dental and mental health services and treatment.

55 (c) Notwithstanding paragraph (b) of this subdivision, where the court  
56 commits an offender to the custody of the office of children and family

1 services in accordance with this section and no medical consent has been  
2 obtained prior to said commitment, the commitment order shall be deemed  
3 to grant consent for the office of children and family services to  
4 provide for routine medical, dental and mental health services and  
5 treatment to the offender so committed.

6 (d) Nothing in this subdivision shall preclude a parent or legal guar-  
7 dian of an offender who is not yet eighteen years of age from making a  
8 motion on notice to the office of children and family services pursuant  
9 to article twenty-two of the civil practice law and rules objecting to  
10 routine medical, dental or mental health services and treatment being  
11 provided to such offender under the provisions of paragraph (b) of this  
12 subdivision.

13 (e) Nothing in this section shall require that consent be obtained  
14 from the parent or legal guardian, where no consent is necessary or  
15 where the offender is authorized by law to consent on his or her own  
16 behalf to any medical, dental and mental health service or treatment.

17 § 60-a. Paragraph (f) of subdivision 1 of section 70.30 of the penal  
18 law, as added by chapter 481 of the laws of 1978 and relettered by chap-  
19 ter 3 of the laws of 1995, is amended to read as follows:

20 (f) The aggregate maximum term of consecutive sentences imposed upon a  
21 juvenile offender for two or more crimes, not including a class A felo-  
22 ny, committed before he has reached the age of sixteen, shall, if it  
23 exceeds ten years, be deemed to be ten years. If consecutive indetermi-  
24 nate sentences imposed upon a juvenile offender include a sentence for  
25 [the] a class A felony [of arson in the first degree or for the class A  
26 felony of kidnapping in the first degree] other than murder in the  
27 second degree, then the aggregate maximum term of such sentences shall,  
28 if it exceeds fifteen years, be deemed to be fifteen years. Where the  
29 aggregate maximum term of two or more consecutive sentences is reduced  
30 by a calculation made pursuant to this paragraph, the aggregate minimum  
31 period of imprisonment, if it exceeds one-half of the aggregate maximum  
32 term as so reduced, shall be deemed to be one-half of the aggregate  
33 maximum term as so reduced.

34 § 61. Intentionally omitted.

35 § 62. Subdivision 18 of section 10.00 of the penal law, as amended by  
36 chapter 7 of the laws of 2007, is amended to read as follows:

37 18. "Juvenile offender" means (1) a person thirteen years old who is  
38 criminally responsible for acts constituting murder in the second degree  
39 as defined in subdivisions one and two of section 125.25 of this chapter  
40 or such conduct as a sexually motivated felony, where authorized pursu-  
41 ant to section 130.91 of [the penal law; and] this chapter;

42 (2) a person fourteen [or], fifteen, sixteen or seventeen years old  
43 who is criminally responsible for acts constituting the crimes defined  
44 in subdivisions one and two of section 125.25 (murder in the second  
45 degree) and in subdivision three of such section provided that the  
46 underlying crime for the murder charge is one for which such person is  
47 criminally responsible; section 135.25 (kidnapping in the first degree);  
48 150.20 (arson in the first degree); subdivisions one and two of section  
49 120.10 (assault in the first degree); 125.20 (manslaughter in the first  
50 degree); subdivisions one and two of section 130.35 (rape in the first  
51 degree); subdivisions one and two of section 130.50 (criminal sexual act  
52 in the first degree); 130.70 (aggravated sexual abuse in the first  
53 degree); 140.30 (burglary in the first degree); subdivision one of  
54 section 140.25 (burglary in the second degree); 150.15 (arson in the  
55 second degree); 160.15 (robbery in the first degree); subdivision two of  
56 section 160.10 (robbery in the second degree) of this chapter; or

1 section 265.03 of this chapter, where such machine gun or such firearm  
2 is possessed on school grounds, as that phrase is defined in subdivision  
3 fourteen of section 220.00 of this chapter; or defined in this chapter  
4 as an attempt to commit murder in the second degree or kidnapping in the  
5 first degree, or such conduct as a sexually motivated felony, where  
6 authorized pursuant to section 130.91 of [the penal law] this chapter;  
7 and

8 (3) a person sixteen or seventeen years of age is criminally responsi-  
9 ble for acts constituting the crimes defined in section 460.22 (aggra-  
10 vated enterprise corruption); 490.25 (crime of terrorism); 490.45 (crim-  
11 inal possession of a chemical weapon or biological weapon in the first  
12 degree); 490.50 (criminal use of a chemical weapon or biological weapon  
13 in the second degree); 490.55 (criminal use of a chemical weapon or  
14 biological weapon in the first degree); 130.95 (predatory sexual  
15 assault); 130.96 (predatory sexual assault against a child); 120.11  
16 (aggravated assault upon a police officer or a peace officer); 125.22  
17 (aggravated manslaughter in the first degree); 130.75 (course of sexual  
18 conduct against a child in the first degree); 215.17 (intimidating a  
19 victim or witness in the first degree); 255.27 (incest in the first  
20 degree); 265.04 (criminal possession of a weapon in the first degree);  
21 265.09 (criminal use of a firearm in the first degree); 265.13 (criminal  
22 sale of a firearm in the first degree); 490.35 (hindering prosecution of  
23 terrorism in the first degree); 490.40 (criminal possession of a chemi-  
24 cal weapon or biological weapon in the second degree); 490.47 (criminal  
25 use of a chemical weapon or biological weapon in the third degree);  
26 121.13 (strangulation in the first degree); 130.67 (aggravated sexual  
27 abuse in the second degree); 490.37 (criminal possession of a chemical  
28 weapon or biological weapon in the third degree); or 130.66 (aggravated  
29 sexual abuse in the third degree) of this chapter; or such conduct  
30 committed as a sexually motivated felony, where authorized pursuant to  
31 section 130.91 of this chapter.

32 § 63. Subdivision 42 of section 1.20 of the criminal procedure law, as  
33 amended by chapter 7 of the laws of 2007, is amended to read as follows:  
34 42. "Juvenile offender" means (1) a person, thirteen years old who is  
35 criminally responsible for acts constituting murder in the second degree  
36 as defined in subdivisions one and two of section 125.25 of the penal  
37 law, or such conduct as a sexually motivated felony, where authorized  
38 pursuant to section 130.91 of the penal law; [and] (2) a person fourteen  
39 [or], fifteen, sixteen or seventeen years old who is criminally respon-  
40 sible for acts constituting the crimes defined in subdivisions one and  
41 two of section 125.25 (murder in the second degree) and in subdivision  
42 three of such section provided that the underlying crime for the murder  
43 charge is one for which such person is criminally responsible; section  
44 135.25 (kidnapping in the first degree); 150.20 (arson in the first  
45 degree); subdivisions one and two of section 120.10 (assault in the  
46 first degree); 125.20 (manslaughter in the first degree); subdivisions  
47 one and two of section 130.35 (rape in the first degree); subdivisions  
48 one and two of section 130.50 (criminal sexual act in the first degree);  
49 130.70 (aggravated sexual abuse in the first degree); 140.30 (burglary  
50 in the first degree); subdivision one of section 140.25 (burglary in the  
51 second degree); 150.15 (arson in the second degree); 160.15 (robbery in  
52 the first degree); subdivision two of section 160.10 (robbery in the  
53 second degree) of the penal law; or section 265.03 of the penal law,  
54 where such machine gun or such firearm is possessed on school grounds,  
55 as that phrase is defined in subdivision fourteen of section 220.00 of  
56 the penal law; or defined in the penal law as an attempt to commit

1 murder in the second degree or kidnapping in the first degree, or such  
2 conduct as a sexually motivated felony, where authorized pursuant to  
3 section 130.91 of the penal law; and (3) a person sixteen or seventeen  
4 years of age is criminally responsible for acts constituting the crimes  
5 defined in section 460.22 (aggravated enterprise corruption); 490.25  
6 (crime of terrorism); 490.45 (criminal possession of a chemical weapon  
7 or biological weapon in the first degree); 490.50 (criminal use of a  
8 chemical weapon or biological weapon in the second degree); 490.55  
9 (criminal use of a chemical weapon or biological weapon in the first  
10 degree); 130.95 (predatory sexual assault); 130.96 (predatory sexual  
11 assault against a child); 120.11 (aggravated assault upon a police offi-  
12 cer or a peace officer); 125.22 (aggravated manslaughter in the first  
13 degree); 130.75 (course of sexual conduct against a child in the first  
14 degree); 215.17 (intimidating a victim or witness in the first degree);  
15 255.27 (incest in the first degree); 265.04 (criminal possession of a  
16 weapon in the first degree); 265.09 (criminal use of a firearm in the  
17 first degree); 265.13 (criminal sale of a firearm in the first degree);  
18 490.35 (hindering prosecution of terrorism in the first degree); 490.40  
19 (criminal possession of a chemical weapon or biological weapon in the  
20 second degree); 490.47 (criminal use of a chemical weapon or biological  
21 weapon in the third degree); 121.13 (strangulation in the first degree);  
22 130.67 (aggravated sexual abuse in the second degree); 490.37 (criminal  
23 possession of a chemical weapon or biological weapon in the third  
24 degree); or 130.66 (aggravated sexual abuse in the third degree) of this  
25 chapter; or such conduct committed as a sexually motivated felony, where  
26 authorized pursuant to section 130.91 of this chapter.

27 § 63-a. The article heading of article 100 of the criminal procedure  
28 law is amended to read as follows:

29                                   --COMMENCEMENT OF ACTION IN LOCAL  
30                   CRIMINAL COURT OR YOUTH PART OF A SUPERIOR COURT-- [LOCAL  
31                   CRIMINAL COURT] ACCUSATORY INSTRUMENTS

32 § 63-b. The opening paragraph of section 100.05 of the criminal proce-  
33 dure law is amended to read as follows:

34 A criminal action is commenced by the filing of an accusatory instru-  
35 ment with a criminal court, or, in the case of a juvenile offender, the  
36 youth part of the superior court, and if more than one such instrument  
37 is filed in the course of the same criminal action, such action  
38 commences when the first of such instruments is filed. The only way in  
39 which a criminal action can be commenced in a superior court is by the  
40 filing therewith by a grand jury of an indictment against a defendant  
41 who has never been held by a local criminal court for the action of such  
42 grand jury with respect to any charge contained in such indictment;  
43 provided, however, that when the criminal action is commenced against a  
44 juvenile offender, such criminal action, whatever the form of commence-  
45 ment, shall be filed in the youth part of the superior court or, if the  
46 youth part is not in session, filed with the most accessible magistrate  
47 designated by the appellate division of the supreme court in the appli-  
48 cable department to act as a youth part. Otherwise, a criminal action  
49 can be commenced only in a local criminal court, by the filing therewith  
50 of a local criminal court accusatory instrument, namely:

51 § 63-c. The section heading and subdivision 5 of section 100.10 of the  
52 criminal procedure law are amended to read as follows:

53 Local criminal court and youth part of the superior court accusatory  
54 instruments; definitions thereof.

55 5. A "felony complaint" is a verified written accusation by a person,  
56 filed with a local criminal court, or youth part of the superior court,

1 charging one or more other persons with the commission of one or more  
2 felonies. It serves as a basis for the commencement of a criminal  
3 action, but not as a basis for prosecution thereof.

4 § 63-d. The section heading of section 100.40 of the criminal proce-  
5 dure law is amended to read as follows:

6 Local criminal court and youth part of the superior court accusatory  
7 instruments; sufficiency on face.

8 § 63-e. The criminal procedure law is amended by adding a new section  
9 100.60 to read as follows:

10 § 100.60 Youth part of the superior court accusatory instruments; in  
11 what courts filed.

12 Any youth part of the superior court accusatory instrument may be  
13 filed with the youth part of the superior court of a particular county  
14 when an offense charged therein was allegedly committed in such county  
15 or that part thereof over which such court has jurisdiction.

16 § 63-f. The article heading of article 110 of the criminal procedure  
17 law is amended to read as follows:

18 --REQUIRING DEFENDANT'S APPEARANCE

19 IN LOCAL CRIMINAL COURT OR YOUTH PART OF SUPERIOR COURT  
20 FOR ARRAIGNMENT

21 § 63-g. The section heading and subdivisions 1 and 2 of section 110.10  
22 of the criminal procedure law are amended to read as follows:

23 Methods of requiring defendant's appearance in local criminal court or  
24 youth part of the superior court for arraignment; in general.

25 1. After a criminal action has been commenced in a local criminal  
26 court or youth part of the superior court by the filing of an accusatory  
27 instrument therewith, a defendant who has not been arraigned in the  
28 action and has not come under the control of the court may under certain  
29 circumstances be compelled or required to appear for arraignment upon  
30 such accusatory instrument by:

31 (a) The issuance and execution of a warrant of arrest, as provided in  
32 article one hundred twenty; or

33 (b) The issuance and service upon him of a summons, as provided in  
34 article one hundred thirty; or

35 (c) Procedures provided in articles five hundred sixty, five hundred  
36 seventy, five hundred eighty, five hundred ninety and six hundred for  
37 securing attendance of defendants in criminal actions who are not at  
38 liberty within the state.

39 2. Although no criminal action against a person has been commenced in  
40 any court, he may under certain circumstances be compelled or required  
41 to appear in a local criminal court or youth part of a superior court  
42 for arraignment upon an accusatory instrument to be filed therewith at  
43 or before the time of his appearance by:

44 (a) An arrest made without a warrant, as provided in article one  
45 hundred forty; or

46 (b) The issuance and service upon him of an appearance ticket, as  
47 provided in article one hundred fifty.

48 § 63-h. Section 110.20 of the criminal procedure law, as amended by  
49 chapter 843 of the laws of 1980, is amended to read as follows:

50 § 110.20 Local criminal court or youth part of the superior court accu-  
51 satory instruments; notice thereof to district attorney.

52 When a criminal action in which a crime is charged is commenced in a  
53 local criminal court, other than the criminal court of the city of New  
54 York, or youth part of the superior court, a copy of the accusatory  
55 instrument shall be promptly transmitted to the appropriate district  
56 attorney upon or prior to the arraignment of the defendant on the accu-

1 satory instrument. If a police officer or a peace officer is the  
2 complainant or the filer of a simplified information, or has arrested  
3 the defendant or brought him before the local criminal court or youth  
4 part of the superior court on behalf of an arresting person pursuant to  
5 subdivision one of section 140.20, such officer or his agency shall  
6 transmit the copy of the accusatory instrument to the appropriate  
7 district attorney. In all other cases, the clerk of the court in which  
8 the defendant is arraigned shall so transmit it.

9 § 63-i. The first undesignated paragraph of subdivision 1 of section  
10 120.20 of the criminal procedure law, as amended by chapter 506 of the  
11 laws of 2000, is amended to read as follows:

12 When a criminal action has been commenced in a local criminal court or  
13 youth part of the superior court by the filing therewith of an accusato-  
14 ry instrument, other than a simplified traffic information, against a  
15 defendant who has not been arraigned upon such accusatory instrument and  
16 has not come under the control of the court with respect thereto:

17 § 63-j. Section 120.30 of the criminal procedure law is amended to  
18 read as follows:

19 § 120.30 Warrant of arrest; by what courts issuable and in what courts  
20 returnable.

21 1. A warrant of arrest may be issued only by the local criminal court  
22 or youth part of the superior court with which the underlying accusatory  
23 instrument has been filed, and it may be made returnable in such issuing  
24 court only.

25 2. The particular local criminal court or courts or youth part of  
26 superior court with which any particular local criminal court or youth  
27 part of the superior court accusatory instrument may be filed for the  
28 purpose of obtaining a warrant of arrest are determined, generally, by  
29 the provisions of section 100.55 or 100.60, as applicable. If, however,  
30 a particular accusatory instrument may pursuant to said section 100.55  
31 be filed with a particular town court and such town court is not avail-  
32 able at the time such instrument is sought to be filed and a warrant  
33 obtained, such accusatory instrument may be filed with the town court of  
34 any adjoining town of the same county. If such instrument may be filed  
35 pursuant to said section 100.55 with a particular village court and such  
36 village court is not available at the time, it may be filed with the  
37 town court of the town embracing such village, or if such town court is  
38 not available either, with the town court of any adjoining town of the  
39 same county.

40 § 63-k. Section 120.55 of the criminal procedure law, as amended by  
41 section 71 of subpart B of part C of chapter 62 of the laws of 2011, is  
42 amended to read as follows:

43 § 120.55 Warrant of arrest; defendant under parole or probation super-  
44 vision.

45 If the defendant named within a warrant of arrest issued by a local  
46 criminal court or youth part of the superior court pursuant to the  
47 provisions of this article, or by a superior court issued pursuant to  
48 subdivision three of section 210.10 of this chapter, is under the super-  
49 vision of the state department of corrections and community supervision  
50 or a local or state probation department, then a warrant for his or her  
51 arrest may be executed by a parole officer or probation officer, when  
52 authorized by his or her probation director, within his or her geograph-  
53 ical area of employment. The execution of the warrant by a parole offi-  
54 cer or probation officer shall be upon the same conditions and conducted  
55 in the same manner as provided for execution of a warrant by a police  
56 officer.

1 § 63-1. Subdivision 1 of section 120.70 of the criminal procedure law  
2 is amended to read as follows:

3 1. A warrant of arrest issued by a district court, by the New York  
4 City criminal court, the youth part of a superior court or by a superior  
5 court judge sitting as a local criminal court may be executed anywhere  
6 in the state.

7 § 63-m. Section 120.90 of the criminal procedure law, as amended by  
8 chapter 424 of the laws of 1998, subdivision 8 as amended by chapter 96  
9 of the laws of 2010, is amended to read as follows:

10 § 120.90 Warrant of arrest; procedure after arrest.

11 1. Upon arresting a defendant for any offense pursuant to a warrant  
12 of arrest in the county in which the warrant is returnable or in any  
13 adjoining county, or upon so arresting him for a felony in any other  
14 county, a police officer, if he be one to whom the warrant is addressed,  
15 must without unnecessary delay bring the defendant before the local  
16 criminal court or youth part of the superior court in which such warrant  
17 is returnable.

18 2. Upon arresting a defendant for any offense pursuant to a warrant  
19 of arrest in a county adjoining the county in which the warrant is  
20 returnable, or upon so arresting him for a felony in any other county, a  
21 police officer, if he be one delegated to execute the warrant pursuant  
22 to section 120.60, must without unnecessary delay deliver the defendant  
23 or cause him to be delivered to the custody of the officer by whom he  
24 was so delegated, and the latter must then proceed as provided in subdi-  
25 vision one.

26 3. Upon arresting a defendant for an offense other than a felony  
27 pursuant to a warrant of arrest in a county other than the one in which  
28 the warrant is returnable or one adjoining it, a police officer, if he  
29 be one to whom the warrant is addressed, must inform the defendant that  
30 he has a right to appear before a local criminal court of the county of  
31 arrest for the purpose of being released on his own recognizance or  
32 having bail fixed. If the defendant does not desire to avail himself of  
33 such right, the officer must request him to endorse such fact upon the  
34 warrant, and upon such endorsement the officer must without unnecessary  
35 delay bring him before the court in which the warrant is returnable. If  
36 the defendant does desire to avail himself of such right, or if he  
37 refuses to make the aforementioned endorsement, the officer must without  
38 unnecessary delay bring him before a local criminal court of the county  
39 of arrest. Such court must release the defendant on his own recogni-  
40 zance or fix bail for his appearance on a specified date in the court in  
41 which the warrant is returnable. If the defendant is in default of  
42 bail, the officer must without unnecessary delay bring him before the  
43 court in which the warrant is returnable.

44 4. Upon arresting a defendant for an offense other than a felony  
45 pursuant to a warrant of arrest in a county other than the one in which  
46 the warrant is returnable or one adjoining it, a police officer, if he  
47 be one delegated to execute the warrant pursuant to section 120.60, may  
48 hold the defendant in custody in the county of arrest for a period not  
49 exceeding two hours for the purpose of delivering him to the custody of  
50 the officer by whom he was delegated to execute such warrant. If the  
51 delegating officer receives custody of the defendant during such period,  
52 he must proceed as provided in subdivision three. Otherwise, the deleg-  
53 ated officer must inform the defendant that he has a right to appear  
54 before a local criminal court for the purpose of being released on his  
55 own recognizance or having bail fixed. If the defendant does not desire  
56 to avail himself of such right, the officer must request him to make,

1 sign and deliver to him a written statement of such fact, and if the  
2 defendant does so, the officer must retain custody of him but must with-  
3 out unnecessary delay deliver him or cause him to be delivered to the  
4 custody of the delegating police officer. If the defendant does desire  
5 to avail himself of such right, or if he refuses to make and deliver the  
6 aforementioned statement, the delegated or arresting officer must with-  
7 out unnecessary delay bring him before a local criminal court of the  
8 county of arrest and must submit to such court a written statement  
9 reciting the material facts concerning the issuance of the warrant, the  
10 offense involved, and all other essential matters relating thereto.  
11 Upon the submission of such statement, such court must release the  
12 defendant on his own recognizance or fix bail for his appearance on a  
13 specified date in the court in which the warrant is returnable. If the  
14 defendant is in default of bail, the officer must retain custody of him  
15 but must without unnecessary delay deliver him or cause him to be deliv-  
16 ered to the custody of the delegating officer. Upon receiving such  
17 custody, the latter must without unnecessary delay bring the defendant  
18 before the court in which the warrant is returnable.

19 5. Whenever a police officer is required pursuant to this section to  
20 bring an arrested defendant before a town court in which a warrant of  
21 arrest is returnable, and if such town court is not available at the  
22 time, such officer must, if a copy of the underlying accusatory instru-  
23 ment has been attached to the warrant pursuant to section 120.40,  
24 instead bring such defendant before any village court embraced, in whole  
25 or in part, by such town, or any local criminal court of an adjoining  
26 town or city of the same county or any village court embraced, in whole  
27 or in part, by such adjoining town. When the court in which the warrant  
28 is returnable is a village court which is not available at the time, the  
29 officer must in such circumstances bring the defendant before the town  
30 court of the town embracing such village or any other village court  
31 within such town or, if such town court or village court is not avail-  
32 able either, before the local criminal court of any town or city of the  
33 same county which adjoins such embracing town or, before the local crim-  
34 inal court of any village embraced in whole or in part by such adjoining  
35 town. When the court in which the warrant is returnable is a city court  
36 which is not available at the time, the officer must in such circum-  
37 stances bring the defendant before the local criminal court of any  
38 adjoining town or village embraced in whole or in part by such adjoining  
39 town of the same county.

40 5-a. Whenever a police officer is required, pursuant to this section,  
41 to bring an arrested defendant before a youth part of a superior court  
42 in which a warrant of arrest is returnable, and if such court is not  
43 available at the time, such officer must bring such defendant before the  
44 most accessible magistrate designated by the appellate division of the  
45 supreme court in the applicable department to act as a youth part.

46 6. Before bringing a defendant arrested pursuant to a warrant before  
47 the local criminal court or youth part of a superior court in which such  
48 warrant is returnable, a police officer must without unnecessary delay  
49 perform all fingerprinting and other preliminary police duties required  
50 in the particular case. In any case in which the defendant is not  
51 brought by a police officer before such court but, following his arrest  
52 in another county for an offense specified in subdivision one of section  
53 160.10, is released by a local criminal court of such other county on  
54 his own recognizance or on bail for his appearance on a specified date  
55 before the local criminal court before which the warrant is returnable,  
56 the latter court must, upon arraignment of the defendant before it,

1 direct that he be fingerprinted by the appropriate officer or agency,  
2 and that he appear at an appropriate designated time and place for such  
3 purpose.

4 7. Upon arresting a juvenile offender, the police officer shall imme-  
5 diately notify the parent or other person legally responsible for his  
6 care or the person with whom he is domiciled, that the juvenile offender  
7 has been arrested, and the location of the facility where he is being  
8 detained.

9 8. Upon arresting a defendant, other than a juvenile offender, for  
10 any offense pursuant to a warrant of arrest, a police officer shall,  
11 upon the defendant's request, permit the defendant to communicate by  
12 telephone provided by the law enforcement facility where the defendant  
13 is held to a phone number located anywhere in the United States or Puer-  
14 to Rico, for the purposes of obtaining counsel and informing a relative  
15 or friend that he or she has been arrested, unless granting the call  
16 will compromise an ongoing investigation or the prosecution of the  
17 defendant.

18 § 63-n. 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-o. 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-p. Subdivision 1 of section 140.20 of the criminal procedure law  
47 is amended by adding a new paragraph (e) to read as follows:

48 (e) 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) A defendant who has been convicted of up to two eligible  
28 offenses but not more than one felony offense may petition the court in  
29 which he or she was convicted of the most serious offense to have such  
30 conviction or convictions sealed. If all offenses are offenses with the  
31 same classification, the petition shall be filed in the court in which  
32 the defendant was last convicted. On the defendant's motion, the court  
33 may order that all official records and papers relating to the arrest,  
34 prosecution and conviction for the defendant's prior eligible offenses  
35 be 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); 130.95 (predatory sexual  
43 assault); 130.96 (predatory sexual assault against a child); 120.11  
44 (aggravated assault upon a police officer or a peace officer); 125.22  
45 (aggravated manslaughter in the first degree); 130.75 (course of sexual  
46 conduct against a child in the first degree); 215.17 (intimidating a  
47 victim or witness); 255.27 (incest in the first degree); 265.04 (crimi-  
48 nal possession of a weapon in the first degree); 265.09 (criminal use of  
49 a firearm in the first degree); 265.13 (criminal sale of a firearm in  
50 the first degree); 490.35 (hindering prosecution of terrorism in the  
51 first degree); 490.40 (criminal possession of a chemical weapon or  
52 biological weapon in the second degree); 490.47 (criminal use of a chem-  
53 ical weapon or biological weapon in the third degree); 121.13 (strangu-  
54 lation in the first degree); 130.67 (aggravated sexual abuse in the  
55 second degree); 490.37 (criminal possession of a chemical weapon or  
56 biological weapon in the third degree); or 130.66 (aggravated sexual



1 abuse in the third degree) of this chapter; or such conduct committed as  
2 a sexually motivated felony, where authorized pursuant to section 130.91  
3 of this chapter.

4 (b) A grand jury may vote to file a request to remove a charge to the  
5 family court if it finds that a person [thirteen, fourteen or fifteen]  
6 seventeen years of age or younger did an act which, if done by a person  
7 over the age of [sixteen] eighteen, would constitute a crime provided  
8 (1) such act is one for which it may not indict; (2) it does not indict  
9 such person for a crime; and (3) the evidence before it is legally  
10 sufficient to establish that such person did such act and competent and  
11 admissible evidence before it provides reasonable cause to believe that  
12 such person did such act.

13 § 70. Subdivision 6 of section 200.20 of the criminal procedure law,  
14 as added by chapter 136 of the laws of 1980, is amended to read as  
15 follows:

16 6. Where an indictment charges at least one offense against a defend-  
17 ant who was under the age of [sixteen] eighteen at the time of the  
18 commission of the crime and who did not lack criminal responsibility for  
19 such crime by reason of infancy, the indictment may, in addition, charge  
20 in separate counts one or more other offenses for which such person  
21 would not have been criminally responsible by reason of infancy, if:

22 (a) the offense for which the defendant is criminally responsible and  
23 the one or more other offenses for which he or she would not have been  
24 criminally responsible by reason of infancy are based upon the same act  
25 or upon the same criminal transaction, as that term is defined in subdi-  
26 vision two of section 40.10 of this chapter; or

27 (b) the offenses are of such nature that either proof of the first  
28 offense would be material and admissible as evidence in chief upon a  
29 trial of the second, or proof of the second would be material and admis-  
30 sible as evidence in chief upon a trial of the first.

31 § 71. Subdivision 1 of section 210.43 of the criminal procedure law,  
32 as added by chapter 411 of the laws of 1979, paragraph (b) as amended by  
33 chapter 264 of the laws of 2003, is amended to read as follows:

34 1. After a motion by a juvenile offender, pursuant to subdivision five  
35 of section 180.75 of this chapter, or after arraignment of a juvenile  
36 offender upon an indictment, the youth part of a superior court may, on  
37 motion of any party or on its own motion:

38 (a) except as otherwise provided by paragraph (b) of this section,  
39 order removal of the action to the family court pursuant to the  
40 provisions of article seven hundred twenty-five of this chapter, if,  
41 after consideration of the factors set forth in subdivision two of this  
42 section, the court determines that to do so would be in the interests of  
43 justice. Provided, however, that a youth part shall be required to order  
44 removal of an action against a juvenile offender accused of robbery in  
45 the second degree as defined in subdivision two of section 160.10 of  
46 this part, unless the district attorney proves by a preponderance of the  
47 evidence that the youth played a primary role in commission of the crime  
48 or that aggravating circumstances set forth in the memorandum in oppo-  
49 sition submitted by the district attorney that bear directly on the  
50 manner in which the crime was committed are present; or

51 (b) [with the consent] after consideration of the recommendation of  
52 the district attorney, order removal of an action involving an indict-  
53 ment charging a juvenile offender with murder in the second degree as  
54 defined in section 125.25 of the penal law; rape in the first degree, as  
55 defined in subdivision one of section 130.35 of the penal law; criminal  
56 sexual act in the first degree, as defined in subdivision one of section

1 130.50 of the penal law; or an armed felony as defined in paragraph (a)  
2 of subdivision forty-one of section 1.20, to the family court pursuant  
3 to the provisions of article seven hundred twenty-five of this chapter  
4 if the court finds one or more of the following factors: (i) mitigating  
5 circumstances that bear directly upon the manner in which the crime was  
6 committed; (ii) where the defendant was not the sole participant in the  
7 crime, the defendant's participation was relatively minor although not  
8 so minor as to constitute a defense to the prosecution; or (iii) possi-  
9 ble deficiencies in the proof of the crime, and, after consideration of  
10 the factors set forth in subdivision two of this section, the court  
11 determined that removal of the action to the family court would be in  
12 the interests of justice.

13 § 72. Paragraph (g) of subdivision 5 of section 220.10 of the criminal  
14 procedure law, as amended by chapter 480 of the laws of 1976, subpara-  
15 graph (iii) as amended by chapter 264 of the laws of 2003, the second  
16 undesignated paragraph as amended by chapter 920 of the laws of 1982 and  
17 the closing paragraph as amended by chapter 411 of the laws of 1979, is  
18 amended to read as follows:

19 (g) Where the defendant is a juvenile offender, the provisions of  
20 paragraphs (a), (b), (c) and (d) of this subdivision shall not apply and  
21 any plea entered pursuant to subdivision three or four of this section,  
22 must be as follows:

23 (i) If the indictment charges a person fourteen [or], fifteen,  
24 sixteen, or seventeen years old with the crime of murder in the second  
25 degree any plea of guilty entered pursuant to subdivision three or four  
26 must be a plea of guilty of a crime for which the defendant is criminal-  
27 ly responsible;

28 (ii) If the indictment does not charge a crime specified in subpara-  
29 graph (i) of this paragraph, then any plea of guilty entered pursuant to  
30 subdivision three or four of this section must be a plea of guilty of a  
31 crime for which the defendant is criminally responsible unless a plea of  
32 guilty is accepted pursuant to subparagraph (iii) of this paragraph;

33 (iii) Where the indictment does not charge a crime specified in  
34 subparagraph (i) of this paragraph, the district attorney may recommend  
35 removal of the action to the family court. Upon making such recommenda-  
36 tion the district attorney [shall] may submit a subscribed memorandum  
37 setting forth: (1) a recommendation that the interests of justice would  
38 best be served by removal of the action to the family court; and (2) if  
39 the indictment charges a thirteen year old with the crime of murder in  
40 the second degree, or a fourteen [or], fifteen, sixteen or seventeen  
41 year old with the crimes of rape in the first degree as defined in  
42 subdivision one of section 130.35 of the penal law, or criminal sexual  
43 act in the first degree as defined in subdivision one of section 130.50  
44 of the penal law, or an armed felony as defined in paragraph (a) of  
45 subdivision forty-one of section 1.20 of this chapter specific factors,  
46 one or more of which reasonably supports the recommendation, showing,  
47 (i) mitigating circumstances that bear directly upon the manner in which  
48 the crime was committed, or (ii) where the defendant was not the sole  
49 participant in the crime, that the defendant's participation was rela-  
50 tively minor although not so minor as to constitute a defense to the  
51 prosecution, or (iii) possible deficiencies in proof of the crime, or  
52 (iv) where the juvenile offender has no previous adjudications of having  
53 committed a designated felony act, as defined in subdivision eight of  
54 section 301.2 of the family court act, regardless of the age of the  
55 offender at the time of commission of the act, that the criminal act was



1 not part of a pattern of criminal behavior and, in view of the history  
2 of the offender, is not likely to be repeated.

3 If the court is of the opinion based on specific factors set forth in  
4 [the district attorney's memorandum] this subparagraph that the inter-  
5 ests of justice would best be served by removal of the action to the  
6 family court, a plea of guilty of a crime or act for which the defendant  
7 is not criminally responsible may be entered pursuant to subdivision  
8 three or four of this section, except that a thirteen year old charged  
9 with the crime of murder in the second degree may only plead to a desig-  
10 nated felony act, as defined in subdivision eight of section 301.2 of  
11 the family court act.

12 Upon accepting any such plea, the court must specify upon the record  
13 the portion or portions of the district attorney's statement the court  
14 is relying upon as the basis of its opinion and that it believes the  
15 interests of justice would best be served by removal of the proceeding  
16 to the family court. Such plea shall then be deemed to be a juvenile  
17 delinquency fact determination and the court upon entry thereof must  
18 direct that the action be removed to the family court in accordance with  
19 the provisions of article seven hundred twenty-five of this chapter.

20 § 72-a. Section 330.25 of the criminal procedure law, as added by  
21 chapter 481 of the laws of 1978, and subdivision 2 as amended by chapter  
22 920 of the laws of 1982, is amended to read as follows:

23 § 330.25 Removal after verdict.

24 1. Where a defendant is a juvenile offender who does not stand  
25 convicted of murder in the second degree, upon motion and with the  
26 consent of the district attorney, the action may be removed to the fami-  
27 ly court in the interests of justice pursuant to article seven hundred  
28 twenty-five of this chapter notwithstanding the verdict.

29 2. If the district attorney consents to the motion for removal pursu-  
30 ant to this section, [he shall file a subscribed memorandum with the  
31 court setting forth (1) a recommendation that] the court, in determining  
32 the motion, shall consider: (1) whether the interests of justice would  
33 best be served by removal of the action to the family court; and (2) if  
34 the conviction is of an offense set forth in paragraph (b) of subdivi-  
35 sion one of section 210.43 of this chapter, whether specific factors  
36 exist, one or more of which reasonably [support] supports the [recommen-  
37 dation] motion, showing, (i) mitigating circumstances that bear directly  
38 upon the manner in which the crime was committed, or (ii) where the  
39 defendant was not the sole participant in the crime, that the defend-  
40 ant's participation was relatively minor although not so minor as to  
41 constitute a defense to prosecution, or (iii) where the juvenile offen-  
42 der has no previous adjudications of having committed a designated felo-  
43 ny act, as defined in subdivision eight of section 301.2 of the family  
44 court act, regardless of the age of the offender at the time of commis-  
45 sion of the act, that the criminal act was not part of a pattern of  
46 criminal behavior and, in view of the history of the offender, is not  
47 likely to be repeated.

48 3. If the court is of the opinion, based upon the specific factors  
49 [set forth in the district attorney's memorandum] shown to the court,  
50 that the interests of justice would best be served by removal of the  
51 action to the family court, the verdict shall be set aside and a plea of  
52 guilty of a crime or act for which the defendant is not criminally  
53 responsible may be entered pursuant to subdivision three or four of  
54 section 220.10 of this chapter. Upon accepting any such plea, the court  
55 must specify upon the record the [portion or portions of the district  
56 attorney's statement] factors the court is relying upon as the basis of

1 its opinion and that it believes the interests of justice would best be  
2 served by removal of the proceeding to the family court. Such plea  
3 shall then be deemed to be a juvenile delinquency fact determination and  
4 the court upon entry thereof must direct that the action be removed to  
5 the family court in accordance with the provisions of article seven  
6 hundred twenty-five of this chapter.

7 § 72-b. Subdivision 2 of section 410.40 of the criminal procedure law,  
8 as amended by chapter 652 of the laws of 2008, is amended to read as  
9 follows:

10 2. Warrant. (a) Where the probation officer has requested that a  
11 probation warrant be issued, the court shall, within seventy-two hours  
12 of its receipt of the request, issue or deny the warrant or take any  
13 other lawful action including issuance of a notice to appear pursuant to  
14 subdivision one of this section. If at any time during the period of a  
15 sentence of probation or of conditional discharge the court has reason-  
16 able grounds to believe that the defendant has violated a condition of  
17 the sentence, the court may issue a warrant to a police officer or to an  
18 appropriate peace officer directing him or her to take the defendant  
19 into custody and bring the defendant before the court without unneces-  
20 sary delay; provided, however, if the court in which the warrant is  
21 returnable is a superior court, and such court is not available, and the  
22 warrant is addressed to a police officer or appropriate probation offi-  
23 cer certified as a peace officer, such executing officer may unless  
24 otherwise specified under paragraph (b) of this section, bring the  
25 defendant to the local correctional facility of the county in which such  
26 court sits, to be detained there until not later than the commencement  
27 of the next session of such court occurring on the next business day; or  
28 if the court in which the warrant is returnable is a local criminal  
29 court, and such court is not available, and the warrant is addressed to  
30 a police officer or appropriate probation officer certified as a peace  
31 officer, such executing officer must without unnecessary delay bring the  
32 defendant before an alternate local criminal court, as provided in  
33 subdivision five of section 120.90 of this chapter. A court which issues  
34 such a warrant may attach thereto a summary of the basis for the  
35 warrant. In any case where a defendant arrested upon the warrant is  
36 brought before a local criminal court other than the court in which the  
37 warrant is returnable, such local criminal court shall consider such  
38 summary before issuing a securing order with respect to the defendant.

39 (b) If the court in which the warrant is returnable is a superior  
40 court, and such court and its youth part is not available, and the  
41 warrant is addressed to a police officer or appropriate probation offi-  
42 cer certified as a peace officer, such executing officer shall, where a  
43 defendant is seventeen years of age or younger who allegedly commits an  
44 offense or a violation of his or her probation or conditional discharge  
45 imposed for an offense, bring the defendant to a juvenile detention  
46 facility, to be detained there until brought without unnecessary delay  
47 before the most accessible magistrate designated by the appellate divi-  
48 sion of the supreme court in the applicable department to act as a youth  
49 part.

50 § 73. Section 410.60 of the criminal procedure law, as amended by  
51 chapter 652 of the laws of 2008, is amended to read as follows:

52 § 410.60 Appearance before court.

53 (a) A person who has been taken into custody pursuant to section  
54 410.40 or section 410.50 of this article for violation of a condition of  
55 a sentence of probation or a sentence of conditional discharge must  
56 forthwith be brought before the court that imposed the sentence. Where a

1 violation of probation petition and report has been filed and the person  
2 has not been taken into custody nor has a warrant been issued, an  
3 initial court appearance shall occur within ten business days of the  
4 court's issuance of a notice to appear. If the court has reasonable  
5 cause to believe that such person has violated a condition of the  
6 sentence, it may commit him or her to the custody of the sheriff or fix  
7 bail or release such person on his or her own recognizance for future  
8 appearance at a hearing to be held in accordance with section 410.70 of  
9 this article. If the court does not have reasonable cause to believe  
10 that such person has violated a condition of the sentence, it must  
11 direct that he or she be released.

12 (b) A juvenile offender who has been taken into custody pursuant to  
13 section 410.40 or section 410.50 of this article for violation of a  
14 condition of a sentence of probation or a sentence of conditional  
15 discharge must forthwith be brought before the court that imposed the  
16 sentence. Where a violation of probation petition and report has been  
17 filed and the person has not been taken into custody nor has a warrant  
18 been issued, an initial court appearance shall occur within ten business  
19 days of the court's issuance of a notice to appear. If the court has  
20 reasonable cause to believe that such person has violated a condition of  
21 the sentence, it may commit him or her to the custody of the sheriff or  
22 in the case of a juvenile offender less than eighteen years of age to  
23 the custody of the office of children and family services, or fix bail  
24 or release such person on his or her own recognizance for future appear-  
25 ance at a hearing to be held in accordance with section 410.70 of this  
26 article. Provided, however, nothing herein shall authorize a juvenile to  
27 be detained for a violation of a condition that would not constitute a  
28 crime if committed by an adult unless the court determines (i) that the  
29 juvenile poses a specific imminent threat to public safety and states  
30 the reasons for the finding on the record or (ii) the use of graduated  
31 sanctions has been exhausted without success. If the court does not have  
32 reasonable cause to believe that such person has violated a condition of  
33 the sentence, it must direct that the juvenile be released.

34 § 74. Subdivision 5 of section 410.70 of the criminal procedure law,  
35 as amended by chapter 17 of the laws of 2014, is amended to read as  
36 follows:

37 5. Revocation; modification; continuation. (a) At the conclusion of  
38 the hearing the court may revoke, continue or modify the sentence of  
39 probation or conditional discharge. Where the court revokes the  
40 sentence, it must impose sentence as specified in subdivisions three and  
41 four of section 60.01 of the penal law. Where the court continues or  
42 modifies the sentence, it must vacate the declaration of delinquency and  
43 direct that the defendant be released. If the alleged violation is  
44 sustained and the court continues or modifies the sentence, it may  
45 extend the sentence up to the period of interruption specified in subdi-  
46 vision two of section 65.15 of the penal law, but any time spent in  
47 custody in any correctional institution or juvenile detention facility  
48 pursuant to section 410.40 or 410.60 of this article shall be credited  
49 against the term of the sentence. Provided further, where the alleged  
50 violation is sustained and the court continues or modifies the sentence,  
51 the court may also extend the remaining period of probation up to the  
52 maximum term authorized by section 65.00 of the penal law. Provided,  
53 however, a defendant shall receive credit for the time during which he  
54 or she was supervised under the original probation sentence prior to any  
55 declaration of delinquency and for any time spent in custody pursuant to  
56 this article for an alleged violation of probation.

1 (b) Notwithstanding paragraph (a) of this subdivision, nothing herein  
2 shall authorize the placement of a juvenile for a violation of a condi-  
3 tion that would not constitute a crime if committed by an adult unless  
4 the court determines (i) that the juvenile poses a specific imminent  
5 threat to public safety and states the reasons for the finding on the  
6 record or (ii) the use of graduated sanctions has been exhausted without  
7 success.

8 § 75. The criminal procedure law is amended by adding a new section  
9 410.90-a to read as follows:

10 § 410.90-a Superior court; youth part.

11 Notwithstanding any other provisions of this article, all proceedings  
12 relating to a juvenile offender shall be heard in the youth part of the  
13 superior court having jurisdiction and any intrastate transfers under  
14 this article shall be between courts designated as a youth part pursuant  
15 to article seven hundred twenty-two of this chapter.

16 § 76. Section 510.15 of the criminal procedure law, as amended by  
17 chapter 411 of the laws of 1979, subdivision 1 as designated and subdi-  
18 vision 2 as added by chapter 359 of the laws of 1980, is amended to read  
19 as follows:

20 § 510.15 Commitment of principal under [sixteen] eighteen.

21 1. When a principal who is under the age of [sixteen] eighteen, is  
22 committed to the custody of the sheriff the court must direct that the  
23 principal be taken to and lodged in a place certified by the state  
24 [division for youth] office of children and family services as a juve-  
25 nile detention facility for the reception of children. Where such a  
26 direction is made the sheriff shall deliver the principal in accordance  
27 therewith and such person shall although lodged and cared for in a juve-  
28 nile detention facility continue to be deemed to be in the custody of  
29 the sheriff. No principal under the age [of sixteen] specified to whom  
30 the provisions of this section may apply shall be detained in any pris-  
31 on, jail, lockup, or other place used for adults convicted of a crime or  
32 under arrest and charged with the commission of a crime without the  
33 approval of the [state division for youth] office of children and family  
34 services in the case of each principal and the statement of its reasons  
35 therefor. The sheriff shall not be liable for any acts done to or by  
36 such principal resulting from negligence in the detention of and care  
37 for such principal, when the principal is not in the actual custody of  
38 the sheriff.

39 2. Except upon consent of the defendant or for good cause shown, in  
40 any case in which a new securing order is issued for a principal previ-  
41 ously committed to the custody of the sheriff pursuant to this section,  
42 such order shall further direct the sheriff to deliver the principal  
43 from a juvenile detention facility to the person or place specified in  
44 the order.

45 § 77. Subdivision 1 of section 720.10 of the criminal procedure law,  
46 as amended by chapter 411 of the laws of 1979, is amended to read as  
47 follows:

48 1. "Youth" means a person charged with a crime alleged to have been  
49 committed when he was at least sixteen years old and less than [nine-  
50 teen] twenty-one years old or a person charged with being a juvenile  
51 offender as defined in subdivision forty-two of section 1.20 of this  
52 chapter.

53 § 78. Subdivision 3 of section 720.15 of the criminal procedure law,  
54 as amended by chapter 774 of the laws of 1985, is amended to read as  
55 follows:

1 3. The provisions of subdivisions one and two of this section requir-  
2 ing or authorizing the accusatory instrument filed against a youth to be  
3 sealed, and the arraignment and all proceedings in the action to be  
4 conducted in private shall not apply in connection with a pending charge  
5 of committing any [felony] sex offense as defined in the penal law. [The  
6 provisions of subdivision one requiring the accusatory instrument filed  
7 against a youth to be sealed shall not apply where such youth has previ-  
8 ously been adjudicated a youthful offender or convicted of a crime.]

9 § 79. Subdivision 1 of section 720.20 of the criminal procedure law,  
10 as amended by chapter 652 of the laws of 1974, is amended to read as  
11 follows:

12 1. Upon conviction of an eligible youth, the court must order a pre-  
13 sentence investigation of the defendant. After receipt of a written  
14 report of the investigation and at the time of pronouncing sentence the  
15 court must determine whether or not the eligible youth is a youthful  
16 offender. Such determination shall be in accordance with the following  
17 criteria:

18 (a) If in the opinion of the court the interest of justice would be  
19 served by relieving the eligible youth from the onus of a criminal  
20 record and by not imposing an indeterminate term of imprisonment of more  
21 than four years, the court may, in its discretion, find the eligible  
22 youth is a youthful offender; [and]

23 (b) Where the conviction is had in a local criminal court and the  
24 eligible youth had not prior to commencement of trial or entry of a plea  
25 of guilty been convicted of a crime or found a youthful offender, the  
26 court must find he is a youthful offender[.]; and

27 (c) There shall be a presumption to grant youthful offender status to  
28 an eligible youth, unless the district attorney upon motion with not  
29 less than seven days notice to such person or his or her attorney demon-  
30 strates to the satisfaction of the court that the interests of justice  
31 require otherwise.

32 § 79-a. Subdivision 1 of section 720.35 of the criminal procedure law,  
33 as amended by chapter 402 of the laws of 2014, is amended to read as  
34 follows:

35 1. [A youthful] Youthful offender adjudication is not a judgment of  
36 conviction for a crime or any other offense, and does not operate as a  
37 disqualification of any person so adjudged to hold public office or  
38 public employment or to receive any license granted by public authority  
39 but shall be deemed a conviction only for the purposes of transfer of  
40 supervision and custody pursuant to section [two hundred fifty-nine-m]  
41 two hundred fifty-nine-~~mm~~ of the executive law. A defendant for whom a  
42 youthful offender adjudication was substituted, who was originally  
43 charged with prostitution as defined in section 230.00 of the penal law  
44 or loitering for the purposes of prostitution as defined in subdivision  
45 two of section 240.37 of the penal law provided that the person does not  
46 stand charged with loitering for the purpose of patronizing a prosti-  
47 tute, for an offense allegedly committed when he or she was sixteen or  
48 seventeen years of age, shall be deemed a "sexually exploited child" as  
49 defined in subdivision one of section four hundred forty-seven-a of the  
50 social services law and therefore shall not be considered an adult for  
51 purposes related to the charges in the youthful offender proceeding or a  
52 proceeding under section 170.80 of this chapter.

53 § 80. The criminal procedure law is amended by adding a new article  
54 722 to read as follows:

ARTICLE 722PROCEEDINGS AGAINST JUVENILE OFFENDERS; ESTABLISHMENT OF YOUTHPART AND RELATED PROCEDURES

Section 722.00 Probation case planning and services.

722.10 Youth part of the superior court established.

722.20 Proceedings in a youth part of superior court.

§ 722.00 Probation case planning and services.

1. Every probation department shall conduct a risk and needs assessment of any juvenile following arraignment by a youth part within its jurisdiction. The court shall order any such juvenile to report within seven calendar days to the probation department for purposes of assessment. Such juvenile shall have the right to have an attorney present throughout the assessment process. Based upon the assessment findings, the probation department shall refer the juvenile to available specialized and evidence-based services to mitigate any risks identified and to address individual needs.

2. Any juvenile agreeing to undergo services shall execute appropriate and necessary consent forms, where applicable, to ensure that the probation department may communicate with any service provider and receive progress reports with respect to services offered and/or delivered including, but not limited to, diagnosis, treatment, prognosis, test results, juvenile attendance and information regarding juvenile compliance or noncompliance with program service requirements, if any.

3. Nothing shall preclude the probation department and juvenile from entering into a voluntary written/formal case plan as to terms and conditions to be met, including, but not limited to, reporting to the probation department and other probation department contacts, undergoing alcohol, substance abuse, or mental health testing, participating in specific services, adhering to service program requirements, and school attendance, where applicable. Such juvenile shall have the right to confer with counsel prior to entering into any such case plan. Following the juvenile's successful completion of the conditions of his or her case plan, the court, with the consent of the district attorney may dismiss the indictment or any count thereof in accordance with section 210.40 of this chapter.

4. When preparing a pre-sentence investigation report of any such youth, the probation department shall incorporate a summary of the assessment findings, any referrals and progress with respect to mitigating risk and addressing any identified juvenile needs.

5. The probation department shall not transmit or otherwise communicate to the district attorney or the youth part any statement made by the juvenile offender to a probation officer. The probation department may make a recommendation regarding the completion of his or her case plan to the youth part and provide relevant information.

6. No statement made to an employee or representative of the probation department may be admitted in evidence prior to conviction on any charge or charges related thereto or, in the case of a matter proceeding before the court under the family court act, prior to an adjudication.

§ 722.10 Youth part of the superior court established.

1. The chief administrator of the courts is hereby directed to establish, in a superior court in each county of the state that exercises criminal jurisdiction, a part of court to be known as the youth part of the superior court for the county in which such court presides. Judges presiding in the youth part shall receive training in specialized areas, including, but not limited to, juvenile justice, adolescent development and effective treatment methods for reducing crime commission by adoles-



1 cents. The youth part shall have exclusive jurisdiction of all  
2 proceedings in relation to juvenile offenders, except as provided in  
3 section 180.75 of this chapter.

4 2. The chief administrator of the courts shall also direct the presid-  
5 ing justice of the appellate division, in each judicial department of  
6 the state, to designate magistrates to serve as accessible magistrates,  
7 for the purpose of acting as a youth part for certain initial  
8 proceedings involving youths, as provided by law. Magistrates so desig-  
9 nated shall be superior court judges and judges of other courts, in each  
10 county of the state, that exercise criminal jurisdiction. A judge  
11 presiding as such a magistrate shall receive training in specialized  
12 areas, including, but not limited to, juvenile justice, adolescent  
13 development and effective treatment methods for reducing crime commis-  
14 sion by adolescents.

15 § 722.20 Proceedings in a youth part of superior court.

16 1. When a juvenile offender is arraigned before a youth part or trans-  
17 ferred to a youth part pursuant to section 180.75 of this chapter, the  
18 provisions of this article shall apply.

19 2. If an action is not removed to the family court pursuant to the  
20 applicable provisions of this chapter, the youth part shall hear the  
21 case sitting as a criminal court or, in its discretion, when the defend-  
22 ant is sixteen or seventeen years of age the youth part may retain it as  
23 a juvenile delinquency proceeding for all purposes, and shall make such  
24 proceeding fully subject to the provisions and grant any relief avail-  
25 able under article three of the family court act.

26 § 81. The opening paragraph of section 725.05 of the criminal proce-  
27 dure law, as added by chapter 481 of the laws of 1978, is amended to  
28 read as follows:

29 When a [court] youth part directs that an action or charge is to be  
30 removed to the family court the [court] youth part must issue an order  
31 of removal in accordance with this section. Such order must be as  
32 follows:

33 § 82. Section 725.20 of the criminal procedure law, as added by chap-  
34 ter 481 of the laws of 1978, subdivisions 1 and 2 as amended by chapter  
35 411 of the laws of 1979, is amended to read as follows:

36 § 725.20 Record of certain actions removed.

37 1. The provisions of this section shall apply in any case where an  
38 order of removal to the family court is entered pursuant to a direction  
39 authorized by subdivision four of section 180.75, or section 210.43, or  
40 subparagraph (iii) of paragraph [(h)] (g) of subdivision five of section  
41 220.10 of this chapter, or section 330.25 of this chapter.

42 2. When such an action is removed the court that directed the removal  
43 must cause the following additional records to be filed with the clerk  
44 of the county court or in the city of New York with the clerk of the  
45 supreme court of the county wherein the action was pending and with the  
46 division of criminal justice services:

47 (a) A certified copy of the order of removal;

48 (b) Where the direction is one authorized by subdivision four of  
49 section 180.75 of this chapter, a copy of [the] any statement of the  
50 district attorney made pursuant to paragraph (b) of subdivision six of  
51 section 180.75 of this chapter;

52 (c) Where the direction is authorized by section 180.75, a copy of  
53 the portion of the minutes containing the statement by the court pursu-  
54 ant to paragraph (a) of subdivision six of such section 180.75;

55 (d) Where the direction is one authorized by subparagraph (iii) of  
56 paragraph [(h)] (g) of subdivision five of section 220.10 or section

1 330.25 of this chapter, a copy of the minutes of the plea of guilty,  
2 including the minutes of the memorandum submitted by the district attor-  
3 ney and the court;

4 (e) Where the direction is one authorized by subdivision one of  
5 section 210.43 of this chapter, a copy of that portion of the minutes  
6 containing [the] any statement by the court pursuant to paragraph (a) of  
7 subdivision five of section 210.43 of this chapter;

8 (f) Where the direction is one authorized by paragraph (b) of subdi-  
9 vision one of section 210.43 of this chapter, a copy of that portion of  
10 the minutes containing [the] any statement of the district attorney made  
11 pursuant to paragraph (b) of subdivision five of section 210.43 of this  
12 chapter; and

13 (g) In addition to the records specified in this subdivision, such  
14 further statement or submission of additional information pertaining to  
15 the proceeding in criminal court in accordance with standards estab-  
16 lished by the commissioner of the division of criminal justice services,  
17 subject to the provisions of subdivision three of this section.

18 3. It shall be the duty of said clerk to maintain a separate file for  
19 copies of orders and minutes filed pursuant to this section. Upon  
20 receipt of such orders and minutes the clerk must promptly delete such  
21 portions as would identify the defendant, but the clerk shall neverthe-  
22 less maintain a separate confidential system to enable correlation of  
23 the documents so filed with identification of the defendant. After  
24 making such deletions the orders and minutes shall be placed within the  
25 file and must be available for public inspection. Information permit-  
26 ting correlation of any such record with the identity of any defendant  
27 shall not be divulged to any person except upon order of a justice of  
28 the supreme court based upon a finding that the public interest or the  
29 interests of justice warrant disclosure in a particular cause for a  
30 particular case or for a particular purpose or use.

31 § 83. Subdivision 1 of section 500-a of the correction law is amended  
32 by adding a new paragraph (h) to read as follows:

33 (h) Notwithstanding any other provision of law, no county jail shall  
34 be used for the confinement of any person under the age of eighteen.  
35 Placement of any person who may not be confined to a county jail pursu-  
36 ant to this subdivision shall be determined by the office of children  
37 and family services.

38 § 84. Subdivision 4 of section 500-b of the correction law is  
39 REPEALED.

40 § 85. Subparagraph 3 of paragraph (c) of subdivision 8 of section  
41 500-b of the correction law is REPEALED.

42 § 86. Subdivision 13 of section 500-b of the correction law is  
43 REPEALED.

44 § 87. Intentionally omitted.

45 § 87-a. Intentionally omitted.

46 § 88. Subparagraph 1 of paragraph d of subdivision 3 of section 3214  
47 of the education law, as amended by chapter 425 of the laws of 2002, is  
48 amended to read as follows:

49 (1) Consistent with the federal gun-free schools act, any public  
50 school pupil who is determined under this subdivision to have brought a  
51 firearm to or possessed a firearm at a public school shall be suspended  
52 for a period of not less than one calendar year and any nonpublic school  
53 pupil participating in a program operated by a public school district  
54 using funds from the elementary and secondary education act of nineteen  
55 hundred sixty-five who is determined under this subdivision to have  
56 brought a firearm to or possessed a firearm at a public school or other

1 premises used by the school district to provide such programs shall be  
2 suspended for a period of not less than one calendar year from partic-  
3 ipation in such program. The procedures of this subdivision shall apply  
4 to such a suspension of a nonpublic school pupil. A superintendent of  
5 schools, district superintendent of schools or community superintendent  
6 shall have the authority to modify this suspension requirement for each  
7 student on a case-by-case basis. The determination of a superintendent  
8 shall be subject to review by the board of education pursuant to para-  
9 graph c of this subdivision and the commissioner pursuant to section  
10 three hundred ten of this chapter. Nothing in this subdivision shall be  
11 deemed to authorize the suspension of a student with a disability in  
12 violation of the individuals with disabilities education act or article  
13 eighty-nine of this chapter. A superintendent shall refer the pupil  
14 under the age of [sixteen] eighteen who has been determined to have  
15 brought a weapon or firearm to school in violation of this subdivision  
16 to a presentment agency for a juvenile delinquency proceeding consistent  
17 with article three of the family court act except a student [fourteen or  
18 fifteen years of age] who qualifies for juvenile offender status under  
19 subdivision forty-two of section 1.20 of the criminal procedure law. A  
20 superintendent shall refer any pupil [sixteen] eighteen years of age or  
21 older or a student [fourteen or fifteen years of age] who qualifies for  
22 juvenile offender status under subdivision forty-two of section 1.20 of  
23 the criminal procedure law, who has been determined to have brought a  
24 weapon or firearm to school in violation of this subdivision to the  
25 appropriate law enforcement officials.

26 § 89. Intentionally omitted.

27 § 90. Paragraph b of subdivision 4 of section 3214 of the education  
28 law, as amended by chapter 181 of the laws of 2000, is amended to read  
29 as follows:

30 b. The school authorities may institute proceedings before a court  
31 having jurisdiction to determine the liability of a person in parental  
32 relation to contribute towards the maintenance of a school delinquent  
33 under [sixteen] seventeen years of age ordered to attend upon instruc-  
34 tion under confinement. If the court shall find the person in parental  
35 relation able to contribute towards the maintenance of such a minor, it  
36 may issue an order fixing the amount to be paid weekly.

37 § 91. Subdivisions 3 and 4 of section 246 of the executive law, as  
38 amended by section 10 of part D of chapter 56 of the laws of 2010, are  
39 amended to read as follows:

40 3. Applications from counties or the city of New York for state aid  
41 under this section shall be made by filing with the division of criminal  
42 justice services, a detailed plan, including cost estimates covering  
43 probation services for the fiscal year or portion thereof for which aid  
44 is requested. Included in such estimates shall be clerical costs and  
45 maintenance and operation costs as well as salaries of probation person-  
46 nel, family engagement specialists and such other pertinent information  
47 as the commissioner of the division of criminal justice services may  
48 require. Items for which state aid is requested under this section shall  
49 be duly designated in the estimates submitted. The commissioner of the  
50 division of criminal justice services, after consultation with the state  
51 probation commission and the director of the office of probation and  
52 correctional alternatives, shall approve such plan if it conforms to  
53 standards relating to the administration of probation services as speci-  
54 fied in the rules adopted by him or her.

55 4. a. An approved plan and compliance with standards relating to the  
56 administration of probation services promulgated by the commissioner of

1 the division of criminal justice services shall be a prerequisite to  
2 eligibility for state aid.

3 The commissioner of the division of criminal justice services may take  
4 into consideration granting additional state aid from an appropriation  
5 made for state aid for county probation services for counties or the  
6 city of New York when a county or the city of New York demonstrates that  
7 additional probation services were dedicated to intensive supervision  
8 programs[,] and intensive programs for sex offenders [or programs  
9 defined as juvenile risk intervention services]. The commissioner shall  
10 grant additional state aid from an appropriation dedicated to juvenile  
11 risk intervention services coordination by probation departments which  
12 shall include, but not be limited to, probation services performed under  
13 article three of the family court act or article seven hundred twenty-  
14 two of the criminal procedure law. The administration of such additional  
15 grants shall be made according to rules and regulations promulgated by  
16 the commissioner of the division of criminal justice services. Each  
17 county and the city of New York shall certify the total amount collected  
18 pursuant to section two hundred fifty-seven-c of this chapter. The  
19 commissioner of the division of criminal justice services shall thereup-  
20 on certify to the comptroller for payment by the state out of funds  
21 appropriated for that purpose, the amount to which the county or the  
22 city of New York shall be entitled under this section. The commissioner  
23 shall, subject to an appropriation made available for such purpose,  
24 establish and provide funding to probation departments for a continuum  
25 of evidence-based intervention services for youth alleged or adjudicated  
26 juvenile delinquents pursuant to article three of the family court act  
27 or for eligible youth before or sentenced under the youth part in  
28 accordance with article seven hundred twenty-two of the criminal proce-  
29 dure law.

30 b. Additional state aid shall be made in an amount necessary to pay  
31 one hundred percent of the expenditures for evidence-based practices and  
32 juvenile risk and evidence-based intervention services provided to youth  
33 aged sixteen years of age or older when such services would not other-  
34 wise have been provided absent the provisions of a chapter of the laws  
35 of two thousand fifteen that increased the age of juvenile jurisdiction.

36 § 91-a. The executive law is amended by adding a new section 259-p to  
37 read as follows:

38 § 259-p. Interstate detention. 1. Notwithstanding any other provision  
39 of law, a defendant subject to section two hundred fifty-nine-mm of this  
40 article, may be detained as authorized by the interstate compact for  
41 adult offender supervision.

42 2. A defendant shall be detained at a local correctional facility,  
43 except as otherwise provided in subdivision three of this section.

44 3. A defendant seventeen years of age or younger who allegedly commits  
45 a criminal act or violation of his or her supervision shall be detained  
46 in a juvenile detention facility.

47 § 91-b. Subdivision 16 of section 296 of the executive law, as sepa-  
48 rately amended by section 3 of part N and section 14 of part AAA of  
49 chapter 56 of the laws of 2009, is amended to read as follows:

50 16. It shall be an unlawful discriminatory practice, unless specif-  
51 ically required or permitted by statute, for any person, agency, bureau,  
52 corporation or association, including the state and any political subdi-  
53 vision thereof, to make any inquiry about, whether in any form of appli-  
54 cation or otherwise, or to act upon adversely to the individual  
55 involved, any arrest or criminal accusation of such individual not then  
56 pending against that individual which was followed by a termination of

1 that criminal action or proceeding in favor of such individual, as  
2 defined in subdivision two of section 160.50 of the criminal procedure  
3 law, or by a youthful offender adjudication, as defined in subdivision  
4 one of section 720.35 of the criminal procedure law, or by a conviction  
5 for a violation sealed pursuant to section 160.55 of the criminal proce-  
6 dure law or by a conviction which is sealed pursuant to section 160.56  
7 or 160.58 of the criminal procedure law, in connection with the licens-  
8 ing, employment or providing of credit or insurance to such individual;  
9 provided, further, that no person shall be required to divulge informa-  
10 tion pertaining to any arrest or criminal accusation of such individual  
11 not then pending against that individual which was followed by a termi-  
12 nation of that criminal action or proceeding in favor of such individ-  
13 ual, as defined in subdivision two of section 160.50 of the criminal  
14 procedure law, or by a youthful offender adjudication, as defined in  
15 subdivision one of section 720.35 of the criminal procedure law, or by a  
16 conviction for a violation sealed pursuant to section 160.55 of the  
17 criminal procedure law, or by a conviction which is sealed pursuant to  
18 section 160.56 or 160.58 of the criminal procedure law. The provisions  
19 of this subdivision shall not apply to the licensing activities of  
20 governmental bodies in relation to the regulation of guns, firearms and  
21 other deadly weapons or in relation to an application for employment as  
22 a police officer or peace officer as those terms are defined in subdivi-  
23 sions thirty-three and thirty-four of section 1.20 of the criminal  
24 procedure law; provided further that the provisions of this subdivision  
25 shall not apply to an application for employment or membership in any  
26 law enforcement agency with respect to any arrest or criminal accusation  
27 which was followed by a youthful offender adjudication, as defined in  
28 subdivision one of section 720.35 of the criminal procedure law, or by a  
29 conviction for a violation sealed pursuant to section 160.55 of the  
30 criminal procedure law, or by a conviction which is sealed pursuant to  
31 section 160.56 or 160.58 of the criminal procedure law.

32 § 92. Section 502 of the executive law, as added by chapter 465 of the  
33 laws of 1992, subdivision 3 as amended by section 1 of subpart B of part  
34 Q of chapter 58 of the laws of 2011, is amended to read as follows:

35 § 502. Definitions. Unless otherwise specified in this article:

36 1. "Director" means the [director of the division for youth] commis-  
37 sioner of the office of children and family services.

38 2. ["Division] "Division", "Office" or "division for youth" means the  
39 [division for youth] office of children and family services.

40 3. "Detention" means the temporary care and maintenance of youth held  
41 away from their homes pursuant to article three or seven of the family  
42 court act, or held pending a hearing for alleged violation of the condi-  
43 tions of release from an office of children and family services facility  
44 or authorized agency, or held pending a hearing for alleged violation of  
45 the condition of parole as a juvenile offender, or held pending return  
46 to a jurisdiction other than the one in which the youth is held, or held  
47 pursuant to a securing order of a criminal court if the youth named  
48 therein as principal is charged as a juvenile offender or held pending a  
49 hearing on an extension of placement or held pending transfer to a  
50 facility upon commitment or placement by a court. Only alleged or  
51 convicted juvenile offenders who have not attained their [eighteenth]  
52 twenty-first birthday shall be subject to detention in a detention  
53 facility.

54 4. For purposes of this article, the term "youth" shall [be synonymous  
55 with the term "child" and means] mean a person not less than [seven] ten  
56 years of age and not more than [twenty] twenty-three years of age.

1 5. "Placement" means the transfer of a youth to the custody of the  
2 [division] office pursuant to the family court act.

3 6. "Commitment" means the transfer of a youth to the custody of the  
4 [division] office pursuant to the penal law.

5 7. "Conditional release" means the transfer of a youth from facility  
6 status to aftercare supervision under the continued custody of the  
7 [division] office.

8 8. "Discharge" means the termination of [division] office custody of a  
9 youth.

10 9. "Aftercare" means supervision of a youth on conditional release  
11 status under the continued custody of the division.

12 § 93. Subdivision 7 of section 503 of the executive law, as amended by  
13 section 2 of subpart B of part Q of chapter 58 of the laws of 2011, is  
14 amended to read as follows:

15 7. The person in charge of each detention facility shall keep a record  
16 of all time spent in such facility for each youth in care. The detention  
17 facility shall deliver a certified transcript of such record to the  
18 office, social services district, or other agency taking custody of the  
19 youth pursuant to article three [or seven] of the family court act,  
20 before, or at the same time as the youth is delivered to the office,  
21 district or other agency, as is appropriate.

22 § 94. Intentionally omitted.

23 § 95. Section 507-a of the executive law, as amended by chapter 465 of  
24 the laws of 1992, paragraph (a) of subdivision 1 as amended by chapter  
25 309 of the laws of 1996, is amended to read as follows:

26 § 507-a. Placement and commitment; procedures. 1. Youth may be placed  
27 in or committed to the custody of the [division] office of children and  
28 family services:

29 (a) for placement, as a juvenile delinquent pursuant to the family  
30 court act; or

31 (b) for commitment pursuant to the penal law.

32 2. (a) Consistent with other provisions of law, only those youth who  
33 have reached the age of [seven] ten, but who have not reached the age of  
34 twenty-one may be placed in[, committed to or remain in] the [divi-  
35 sion's] custody of the office of children and family services. Except as  
36 provided for in paragraph (a-1) of this subdivision, no youth who has  
37 reached the age of twenty-one may remain in custody of the office of  
38 children and family services.

39 (a-1) (i) A youth who is committed to the office of children and fami-  
40 ly services as a juvenile offender or youthful offender may remain in  
41 the custody of the office during the period of his or her sentence  
42 beyond the age of twenty-one in accordance with the provisions of subdi-  
43 vision five of section five hundred eight of this article but in no  
44 event may such a youth remain in the custody of the office beyond his or  
45 her twenty-third birthday; and (ii) a youth found to have committed a  
46 designated class A felony act who is restrictively placed with the  
47 office under subdivision four of section 353.5 of the family court act  
48 for committing an act on or after the youth's sixteenth birthday may  
49 remain in the custody of the office of children and family services up  
50 to the age of twenty-three in accordance with his or her placement  
51 order.

52 (a-2) Whenever it shall appear to the satisfaction of the [division]  
53 office of children and family services that any youth placed therewith  
54 is not of proper age to be so placed or is not properly placed, or is  
55 mentally or physically incapable of being materially benefited by the

1 program of the [division] office, the [division] office shall cause the  
2 return of such youth to the county from which placement was made.

3 (b) The [division] office shall deliver such youth to the custody of  
4 the placing court, along with the records provided to the [division]  
5 office pursuant to section five hundred seven-b of this article, there  
6 to be dealt with by the court in all respects as though no placement had  
7 been made.

8 (c) The cost and expense of the care and return of such youth incurred  
9 by the [division] office shall be reimbursed to the state by the social  
10 services district from which such youth was placed in the manner  
11 provided by section five hundred twenty-nine of this article.

12 3. The [division] office may photograph any youth in its custody.  
13 Such photograph may be used only for the purpose of assisting in the  
14 return of conditionally released children and runaways pursuant to  
15 section five hundred ten-b of this article. Such photograph shall be  
16 destroyed immediately upon the discharge of the youth from [division]  
17 office custody.

18 4. (a) A youth placed with or committed to the [division] office may,  
19 immediately following placement or commitment, be remanded to an appro-  
20 priate detention facility.

21 (b) The [division] office shall admit a [child] youth placed [with the  
22 division] under its care to a facility of the [division] office within  
23 fifteen days of the date of the order of placement with the [division]  
24 office and shall admit a juvenile offender committed to the [division]  
25 office to a facility of the [division] office within ten days of the  
26 date of the order of commitment to the [division] office, except as  
27 provided in section five hundred seven-b of this article.

28 5. Consistent with other provisions of law, in the discretion of the  
29 [director, youth] commissioner of the office of children and family  
30 services, youth placed within the office under the family court act who  
31 attain the age of eighteen while in [division] custody of the office and  
32 who are not required to remain in the placement with the office as a  
33 result of a dispositional order of the family court may reside in a  
34 non-secure facility until the age of twenty-one, provided that such  
35 youth attend a full-time vocational or educational program and are like-  
36 ly to benefit from such program.

37 § 96. Section 508 of the executive law, as added by chapter 481 of the  
38 laws of 1978 and as renumbered by chapter 465 of the laws of 1992,  
39 subdivision 1 as amended by chapter 738 of the laws of 2004, subdivision  
40 2 as amended by chapter 572 of the laws of 1985, subdivisions 4, 5, 6  
41 and 7 as amended by section 97 of subpart B of part C of chapter 62 of  
42 the laws of 2011, subdivision 8 as added by chapter 560 of the laws of  
43 1984 and subdivision 9 as added by chapter 7 of the laws of 2007, is  
44 amended to read as follows:

45 § 508. Juvenile offender facilities. 1. The office of children and  
46 family services shall maintain [secure] facilities for the care and  
47 confinement of juvenile offenders committed [for an indeterminate,  
48 determinate or definite sentence] to the office pursuant to the sentenc-  
49 ing provisions of the penal law. Such facilities shall provide appropri-  
50 ate services to juvenile offenders including but not limited to residen-  
51 tial care, educational and vocational training, physical and mental  
52 health services, and employment counseling.

53 1-a. Any new facilities developed by the office of children and family  
54 services to serve the additional youth placed with the office as a  
55 result of raising the age of juvenile jurisdiction shall, to the extent  
56 practicable, consist of smaller, more home-like facilities located near

1 the youths' homes and families that provide gender-responsive program-  
2 ming, services and treatment in small, closely supervised groups that  
3 offer extensive and on-going individual attention and encourage support-  
4 ive peer relationships.

5 2. Juvenile offenders committed to the office for committing crimes  
6 prior to the age of sixteen shall be confined in such facilities [until  
7 the age of twenty-one] in accordance with their sentences, and shall not  
8 be released, discharged or permitted home visits except pursuant to the  
9 provisions of this section.

10 [(a) The director of the division for youth may authorize the transfer  
11 of a juvenile offender in his custody, who has been convicted of  
12 burglary or robbery, to a school or center established and operated  
13 pursuant to title three of this article at any time after the juvenile  
14 offender has been confined in a division for youth secure facility for  
15 one year or one-half of his minimum sentence, whichever is greater.

16 (b) The director of the division for youth may authorize the transfer  
17 of a juvenile offender in his custody, who has been convicted of  
18 burglary or robbery, and who is within ninety days of release as estab-  
19 lished by the board of parole, to any facility established and operated  
20 pursuant to this article.

21 (c) A juvenile offender may be transferred as provided in paragraphs  
22 (a) and (b) herein, only after the director determines that there is no  
23 danger to public safety and that the offender shall substantially bene-  
24 fit from the programs and services of another division facility. In  
25 determining whether there is a danger to public safety the director  
26 shall consider: (i) the nature and circumstances of the offense includ-  
27 ing whether any physical injury involved was inflicted by the offender  
28 or another participant; (ii) the record and background of the offender;  
29 and (iii) the adjustment of the offender at division facilities.

30 (d) For a period of six months after a juvenile offender has been  
31 transferred pursuant to paragraph (a) or (b) herein, the juvenile offen-  
32 der may have only accompanied home visits. After completing six months  
33 of confinement following transfer from a secure facility, a juvenile  
34 offender may not have an unaccompanied home visit unless two accompanied  
35 home visits have already occurred. An "accompanied home visit" shall  
36 mean a home visit during which the juvenile offender shall be accompa-  
37 nied at all times while outside the facility by appropriate personnel of  
38 the division for youth designated pursuant to regulations of the direc-  
39 tor of the division.

40 (e) The director of the division for youth shall promulgate rules and  
41 regulations including uniform standards and procedures governing the  
42 transfer of juvenile offenders from secure facilities to other facili-  
43 ties and the return of such offenders to secure facilities. The rules  
44 and regulations shall provide a procedure for the referral of proposed  
45 transfer cases by the secure facility director, and shall require a  
46 determination by the facility director that transfer of a juvenile  
47 offender to another facility is in the best interests of the division  
48 for youth and the juvenile offender and that there is no danger to  
49 public safety.

50 The rules and regulations shall further provide for the establishment  
51 of a division central office transfer committee to review transfer cases  
52 referred by the secure facility directors. The committee shall recommend  
53 approval of a transfer request to the director of the division only upon  
54 a clear showing by the secure facility director that the transfer is in  
55 the best interests of the division for youth and the juvenile offender  
56 and that there is no danger to public safety. In the case of the denial

1 of the transfer request by the transfer committee, the juvenile offender  
2 shall remain at a secure facility. Notwithstanding the recommendation  
3 for approval of transfer by the transfer committee, the director of the  
4 division may deny the request for transfer if there is a danger to  
5 public safety or if the transfer is not in the best interests of the  
6 division for youth or the juvenile offender.

7 The rules and regulations shall further provide a procedure for the  
8 immediate return to a secure facility, without a hearing, of a juvenile  
9 offender transferred to another facility upon a determination by that  
10 facility director that there is a danger to public safety.]

11 3. The [division] office of children and family services shall report  
12 in writing to the sentencing court and district attorney, not less than  
13 once every six months during the period of confinement, on the status,  
14 adjustment, programs and progress of the offender.

15 4. [The office of children and family services may apply to the  
16 sentencing court for permission to transfer a youth not less than  
17 sixteen nor more than eighteen years of age to the department of  
18 corrections and community supervision. Such application shall be made  
19 upon notice to the youth, who shall be entitled to be heard upon the  
20 application and to be represented by counsel. The court shall grant the  
21 application if it is satisfied that there is no substantial likelihood  
22 that the youth will benefit from the programs offered by the office  
23 facilities.

24 5.] The office of children and family services may transfer an offen-  
25 der not less than eighteen [nor more than twenty-one] years of age to  
26 the department of corrections and community supervision if the commis-  
27 sioner of the office certifies to the commissioner of corrections and  
28 community supervision that there is no substantial likelihood that the  
29 youth will benefit from the programs offered by office facilities.

30 [6. At age twenty-one, all] 5. (a) All juvenile offenders committed to  
31 the office for committing a crime prior to the youth's sixteenth birth-  
32 day who still have time left on their sentences of imprisonment shall be  
33 transferred at age twenty-three to the custody of the department of  
34 corrections and community supervision for confinement pursuant to the  
35 correction law.

36 [7.] (b) All offenders committed to the office for committing a crime  
37 on or after their sixteenth birthday who still have time left on their  
38 sentences of imprisonment shall be transferred to the custody of the  
39 department of corrections and community supervision for confinement  
40 pursuant to the correction law after completing two years of care in  
41 office of children and family services facilities unless they are within  
42 four months of completing the imprisonment portion of their sentence and  
43 the office determines, in its discretion, on a case-by-case basis that  
44 the youth should be permitted to remain with the office for the addi-  
45 tional short period of time necessary to enable them to complete their  
46 sentence. In making such a determination, the factors the office may  
47 consider include, but are not limited to, the age of the youth, the  
48 amount of time remaining on the youth's sentence of imprisonment, the  
49 level of the youth's participation in the program, the youth's educa-  
50 tional and vocational progress, the opportunities available to the youth  
51 through the office and through the department. Nothing in this paragraph  
52 shall authorize a youth to remain in an office facility beyond his or  
53 her twenty-third birthday.

54 (c) All juvenile offenders who are eligible to be released from an  
55 office of children and family services facility before they are required  
56 to be transferred to the department of corrections and community super-

1 vision and who are able to complete the full-term of their community  
2 supervision sentences before they turn twenty-three years of age shall  
3 remain with the office of children and family services for community  
4 supervision.

5 (d) All juvenile offenders released from an office of children and  
6 family services facility before they are transferred to the department  
7 of corrections and community supervision who are unable to complete the  
8 full-term of their community supervision before they turn twenty-three  
9 years of age shall be under the supervision of the department of  
10 corrections and community supervision until expiration of the maximum  
11 term.

12 6. While in the custody of the office of children and family services,  
13 an offender shall be subject to the rules and regulations of the office,  
14 except that his or her parole, temporary release and discharge shall be  
15 governed by the laws applicable to inmates of state correctional facili-  
16 ties and his or her transfer to state hospitals in the office of mental  
17 health shall be governed by section five hundred nine of this chapter.  
18 The commissioner of the office of children and family services shall,  
19 however, establish and operate temporary release programs at office of  
20 children and family services facilities for eligible juvenile offenders  
21 and [contract with the department of corrections and community super-  
22 vision for the provision of parole] provide supervision [services] for  
23 temporary releasees. The rules and regulations for these programs shall  
24 not be inconsistent with the laws for temporary release applicable to  
25 inmates of state correctional facilities. For the purposes of temporary  
26 release programs for juvenile offenders only, when referred to or  
27 defined in article twenty-six of the correction law, "institution" shall  
28 mean any facility designated by the commissioner of the office of chil-  
29 dren and family services, "department" shall mean the office of children  
30 and family services, "inmate" shall mean a juvenile offender residing in  
31 an office of children and family services facility, and "commissioner"  
32 shall mean the [director] commissioner of the office of children and  
33 family services. Time spent in office of children and family services  
34 facilities and in juvenile detention facilities shall be credited  
35 towards the sentence imposed in the same manner and to the same extent  
36 applicable to inmates of state correctional facilities.

37 [8] 7. Whenever a juvenile offender or a juvenile offender adjudi-  
38 cated a youthful offender shall be delivered to the director of [a divi-  
39 sion for youth] an office of children and family services facility  
40 pursuant to a commitment to the [director of the division for youth]  
41 office of children and family services, the officer so delivering such  
42 person shall deliver to such facility director a certified copy of the  
43 sentence received by such officer from the clerk of the court by which  
44 such person shall have been sentenced, a copy of the report of the  
45 probation officer's investigation and report, any other pre-sentence  
46 memoranda filed with the court, a copy of the person's fingerprint  
47 records, a detailed summary of available medical records, psychiatric  
48 records and reports relating to assaults, or other violent acts,  
49 attempts at suicide or escape by the person while in the custody of a  
50 local detention facility.

51 [9] 8. Notwithstanding any provision of law, including section five  
52 hundred one-c of this article, the office of children and family  
53 services shall make records pertaining to a person convicted of a sex  
54 offense as defined in subdivision (p) of section 10.03 of the mental  
55 hygiene law available upon request to the commissioner of mental health  
56 or the commissioner of [mental retardation and] the office for persons



1 with developmental disabilities, as appropriate; a case review panel;  
2 and the attorney general; in accordance with the provisions of article  
3 ten of the mental hygiene law.

4 § 97. Subdivisions 1, 2, 4, 5 and 5-a of section 529 of the executive  
5 law, subdivisions 1, 4 and 5 as added by chapter 906 of the laws of  
6 1973, paragraph (c) of subdivision 1 as amended and paragraph (d) of  
7 subdivision 1 as added by chapter 881 of the laws of 1976, subdivision 2  
8 as amended by chapter 430 of the laws of 1991, paragraph (c) of subdivi-  
9 sion 5 as amended by chapter 722 of the laws of 1979 and subdivision 5-a  
10 as added by chapter 258 of the laws of 1974, are amended to read as  
11 follows:

12 1. Definitions. As used in this section:

13 (a) "authorized agency", "certified boarding home", "local charge" and  
14 "state charge" shall have the meaning ascribed to such terms by the  
15 social services law;

16 (b) "aftercare supervision" shall mean supervision of released or  
17 discharged youth, not in foster care; and,

18 (c) "foster care" shall mean residential care, maintenance and super-  
19 vision provided to released or discharged youth, or youth otherwise in  
20 the custody of the [division for youth, in a division foster family home  
21 certified by the division.

22 (d) "division foster family home" means a service program provided in  
23 a home setting available to youth under the jurisdiction of the division  
24 for youth] office of children and family services.

25 2. [Expenditures] Except as provided in subdivision five of this  
26 section, expenditures made by the [division for youth] office of chil-  
27 dren and family services for care, maintenance and supervision furnished  
28 youth, including alleged and adjudicated juvenile delinquents and  
29 persons in need of supervision, placed or referred, pursuant to titles  
30 two or three of this article, and juvenile offenders committed pursuant  
31 to section 70.05 of the penal law, in the [division's] office's programs  
32 and facilities, shall be subject to reimbursement to the state by the  
33 social services district from which the youth was placed or by the  
34 social services district in which the juvenile offender resided at the  
35 time of commitment, in accordance with this section and the regulations  
36 of the [division,] office as follows: fifty percent of the amount  
37 expended for care, maintenance and supervision of local charges includ-  
38 ing juvenile offenders.

39 [4. Expenditures made by the division for youth] 3. The costs for  
40 foster care provided by voluntary authorized agencies to juvenile delin-  
41 quents placed in the care of the office of children and family services  
42 shall be [subject to reimbursement to the state by] the responsibility  
43 of the social services district from which the youth was placed, and  
44 shall be subject to reimbursement from the state in accordance with [the  
45 regulations of the division, as follows: fifty percent of the amount  
46 expended for care, maintenance and supervision of local charges] section  
47 one hundred fifty-three-k of the social services law.

48 [5] 4. (a) [Expenditures] Except as provided in subdivision five of  
49 this section, expenditures made by the [division for youth] office of  
50 children and family services for aftercare supervision shall be subject  
51 to reimbursement to the state by the social services district from which  
52 the youth was placed, in accordance with regulations of the [division]  
53 office, as follows: fifty percent of the amount expended for aftercare  
54 supervision of local charges.

55 (b) Expenditures made by social services districts for aftercare  
56 supervision of adjudicated juvenile delinquents and persons in need of

1 supervision [provided (prior to the expiration of the initial or  
2 extended period of placement or commitment) by the aftercare staff of  
3 the facility from which the youth has been released or discharged, other  
4 than those under the jurisdiction of the division for youth, in which  
5 said youth was placed or committed, pursuant to directions of the family  
6 court,] shall be subject to reimbursement by the state[, upon approval  
7 by the division and in accordance with its regulations, as follows:

8 (1) the full amount expended by the district for aftercare supervision  
9 of state charges;

10 (2) fifty percent of the amount expended by the district for aftercare  
11 supervision of local charges] in accordance with section one hundred  
12 fifty-three-k of the social services law.

13 (c) Expenditures made by the [division for youth] office of children  
14 and family services for contracted programs and contracted services  
15 pursuant to subdivision seven of section five hundred one of this arti-  
16 cle, except with respect to urban homes and group homes, shall be  
17 subject to reimbursement to the state by the social services district  
18 from which the youth was placed, in accordance with this section and the  
19 regulations of the [division] office as follows: fifty percent of the  
20 amount expended for the operation and maintenance of such programs and  
21 services.

22 5. Notwithstanding any other provision of law to the contrary, no  
23 reimbursement shall be required from a social services district for  
24 expenditures made by the office of children and family services on or  
25 after December first, two thousand fifteen for the care, maintenance,  
26 supervision or aftercare supervision of youth age sixteen years of age  
27 or older that would not otherwise have been made absent the provisions  
28 of a chapter of the laws of two thousand fifteen that increased the age  
29 of juvenile jurisdiction above fifteen years of age or that authorized  
30 the placement in office of children and family services facilities of  
31 certain other youth who committed a crime on or after their sixteenth  
32 birthdays.

33 5-a. The social services district responsible for reimbursement to the  
34 state shall remain the same if during a period of placement or extension  
35 thereof, a child commits a criminal act while in [a division] an office  
36 of children and family services facility, during an authorized absence  
37 therefrom or after absconding therefrom and is returned to the [divi-  
38 sion] office following adjudication or conviction for the act by a court  
39 with jurisdiction outside the boundaries of the social services district  
40 which was responsible for reimbursement to the state prior to such adju-  
41 dication or conviction.

42 § 98. Subdivision 1 and subparagraph (iii) of paragraph (a) of subdi-  
43 vision 3 of section 529-b of the executive law, as added by section 3 of  
44 subpart B of part Q of chapter 58 of the laws of 2011, are amended to  
45 read as follows:

46 1. (a) Notwithstanding any provision of law to the contrary, eligible  
47 expenditures by an eligible municipality for services to divert youth at  
48 risk of, alleged to be, or adjudicated as juvenile delinquents or  
49 persons alleged or adjudicated to be in need of supervision, or youth  
50 alleged to be or convicted as juvenile offenders from placement in  
51 detention or in residential care shall be subject to state reimbursement  
52 under the supervision and treatment services for juveniles program for  
53 up to sixty-two percent of the municipality's expenditures, subject to  
54 available appropriations and exclusive of any federal funds made avail-  
55 able for such purposes, not to exceed the municipality's distribution  
56 under the supervision and treatment services for juveniles program.

1 (b) The state funds appropriated for the supervision and treatment  
2 services for juveniles program shall be distributed to eligible munici-  
3 palities by the office of children and family services based on a plan  
4 developed by the office which may consider historical information  
5 regarding the number of youth seen at probation intake for an alleged  
6 act of delinquency, the number of alleged persons in need of supervision  
7 receiving diversion services under section seven hundred thirty-five of  
8 the family court act, the number of youth remanded to detention, the  
9 number of juvenile delinquents placed with the office, the number of  
10 juvenile delinquents and persons in need of supervision placed in resi-  
11 dential care with the municipality, the municipality's reduction in the  
12 use of detention and residential placements, and other factors as deter-  
13 mined by the office. Such plan developed by the office shall be subject  
14 to the approval of the director of the budget. The office is authorized,  
15 in its discretion, to make advance distributions to a municipality in  
16 anticipation of state reimbursement.

17 (iii) a description of how the services and programs proposed for  
18 funding will reduce the number of youth from the municipality who are  
19 detained and residentially or otherwise placed; how such services and  
20 programs are family-focused; and whether such services and programs are  
21 capable of being replicated across multiple sites;

22 § 99. Subdivisions 2, 4, 5, 6 and 7 of section 530 of the executive  
23 law, subdivisions 2 and 4 as amended by section 4 of subpart B of part Q  
24 of chapter 58 of the laws of 2011, paragraphs (a) and (d) of subdivision  
25 2 as amended by section 1 of part M of chapter 57 of the laws of 2012,  
26 subdivision 5 as amended by chapter 920 of the laws of 1982, subpara-  
27 graphs 1, 2 and 4 of paragraph (a) and paragraph (b) of subdivision 5 as  
28 amended by section 5 of subpart B of part Q of chapter 58 of the laws of  
29 2011, subdivision 6 as amended by chapter 880 of the laws of 1976, and  
30 subdivision 7 as amended by section 6 of subpart B of part Q of chapter  
31 58 of the laws of 2011, are amended and a new subdivision 8 is added to  
32 read as follows:

33 2. [Expenditures] Except as provided for in subdivision eight of this  
34 section, expenditures made by municipalities in providing care, mainte-  
35 nance and supervision to youth in detention facilities designated pursu-  
36 ant to sections seven hundred twenty and 305.2 of the family court act  
37 and certified by [the division for youth] office of children and family  
38 services, shall be subject to reimbursement by the state, as follows:

39 (a) Notwithstanding any provision of law to the contrary, eligible  
40 expenditures by a municipality during a particular program year for the  
41 care, maintenance and supervision in foster care programs certified by  
42 the office of children and family services, certified or approved family  
43 boarding homes, and non-secure detention facilities certified by the  
44 office for those youth alleged to be persons in need of supervision or  
45 adjudicated persons in need of supervision held pending transfer to a  
46 facility upon placement; and in secure and non-secure detention facili-  
47 ties certified by the office in accordance with section five hundred  
48 three of this article for those youth alleged to be juvenile delin-  
49 quents; adjudicated juvenile delinquents held pending transfer to a  
50 facility upon placement, and juvenile delinquents held at the request of  
51 the office of children and family services pending extension of place-  
52 ment hearings or release revocation hearings or while awaiting disposi-  
53 tion of such hearings; and youth alleged to be or convicted as juvenile  
54 offenders and, youth alleged to be persons in need of supervision or  
55 adjudicated persons in need of supervision held pending transfer to a  
56 facility upon placement in foster care programs certified by the office

1 of children and family services, certified or approved family boarding  
2 homes, shall be subject to state reimbursement for up to fifty percent  
3 of the municipality's expenditures, exclusive of any federal funds made  
4 available for such purposes, not to exceed the municipality's distrib-  
5 ution from funds that have been appropriated specifically therefor for  
6 that program year. Municipalities shall implement the use of detention  
7 risk assessment instruments in a manner prescribed by the office so as  
8 to inform detention decisions. Notwithstanding any other provision of  
9 state law to the contrary, data necessary for completion of a detention  
10 risk assessment instrument may be shared among law enforcement,  
11 probation, courts, detention administrators, detention providers, and  
12 the attorney for the child upon retention or appointment; solely for the  
13 purpose of accurate completion of such risk assessment instrument, and a  
14 copy of the completed detention risk assessment instrument shall be made  
15 available to the applicable detention provider, the attorney for the  
16 child and the court.

17 (b) The state funds appropriated for juvenile detention services shall  
18 be distributed to eligible municipalities by the office of children and  
19 family services based on a plan developed by the office which may  
20 consider historical information regarding the number of youth remanded  
21 to detention, the municipality's reduction in the use of detention, the  
22 municipality's youth population, and other factors as determined by the  
23 office. Such plan developed by the office shall be subject to the  
24 approval of the director of the budget. The office is authorized, in its  
25 discretion, to make advance distributions to a municipality in antic-  
26 ipation of state reimbursement.

27 (c) A municipality may also use the funds distributed to it for juve-  
28 nile detention services under this section for a particular program year  
29 for sixty-two percent of a municipality's eligible expenditures for  
30 supervision and treatment services for juveniles programs approved under  
31 section five hundred twenty-nine-b of this title for services that were  
32 not reimbursed from a municipality's distribution under such program  
33 provided to at-risk, alleged or adjudicated juvenile delinquents or  
34 persons alleged or adjudicated to be in need of supervision, or alleged  
35 to be or convicted as juvenile offenders in community-based non-residen-  
36 tial settings. Any claims submitted by a municipality for reimbursement  
37 for detention services or supervision and treatment services for juve-  
38 niles provided during a particular program year for which the munici-  
39 pality does not receive state reimbursement from the municipality's  
40 distribution of detention services funds for that program year may not  
41 be claimed against the municipality's distribution of funds available  
42 under this section for the next applicable program year. The office may  
43 require that such claims be submitted to the office electronically at  
44 such times and in the manner and format required by the office.

45 [(d)(i)] 2-a. (a) Notwithstanding any provision of law or regulation  
46 to the contrary, any information or data necessary for the development,  
47 validation or revalidation of the detention risk assessment instrument  
48 shall be shared among local probation departments, the office of  
49 probation and correctional alternatives and, where authorized by the  
50 division of criminal justice services, the entity under contract with  
51 the division to provide information technology services related to youth  
52 assessment and screening, the office of children and family services,  
53 and any entity under contract with the office of children and family  
54 services to provide services relating to the development, validation or  
55 revalidation of the detention risk assessment instrument. Any such  
56 information and data shall not be commingled with any criminal history

1 database. Any information and data used and shared pursuant to this  
2 section shall only be used and shared for the purposes of this section  
3 and in accordance with this section. Such information shall be shared  
4 and received in a manner that protects the confidentiality of such  
5 information. The sharing, use, disclosure and redisclosure of such  
6 information to any person, office, or other entity not specifically  
7 authorized to receive it pursuant to this section or any other law is  
8 prohibited.

9 [(ii)] (b) The office of children and family services shall consult  
10 with individuals with professional research experience and expertise in  
11 criminal justice; social work; juvenile justice; and applied mathemat-  
12 ics, psychometrics and/or statistics to assist the office in determining  
13 the method it will use to: develop, validate and revalidate such  
14 detention risk assessment instrument; and analyze the effectiveness of  
15 the use of such detention risk assessment instrument in accomplishing  
16 its intended goals; and analyze, to the greatest extent possible any  
17 disparate impact on detention outcomes for juveniles based on race, sex,  
18 national origin, economic status and any other constitutionally  
19 protected class, regarding the use of such instrument. The office shall  
20 consult with such individuals regarding whether it is appropriate to  
21 attempt to analyze whether there is any such disparate impact based on  
22 sexual orientation and, if so, the best methods to conduct such analy-  
23 sis. The office shall take into consideration any recommendations given  
24 by such individuals involving improvements that could be made to such  
25 instrument and process.

26 [(iii)] (c) Data collected for the purposes of completing the  
27 detention risk assessment instrument from any source other than an offi-  
28 cially documented record shall be confirmed as soon as practicable.  
29 Should any data originally utilized in completing the risk assessment  
30 instrument be found to conflict with the officially documented record,  
31 the risk assessment instrument shall be completed with the officially  
32 documented data and any corresponding revision to the risk categori-  
33 zation shall be made. The office shall periodically revalidate any  
34 approved risk assessment instrument. The office shall conspicuously post  
35 any approved detention risk assessment instrument on its website and  
36 shall confer with appropriate stakeholders, including but not limited  
37 to, attorneys for children, presentment agencies, probation, and the  
38 family court, prior to revising any validated risk assessment instru-  
39 ment. Any such revised risk assessment instrument shall be subject to  
40 periodic empirical validation.

41 4. (a) The municipality must notify the office of children and family  
42 services of state aid received under other state aid formulas by each  
43 detention facility for which the municipality is seeking reimbursement  
44 pursuant to this section, including but not limited to, aid for educa-  
45 tion, probation and mental health services.

46 (b) Except as provided in subdivision eight of this section: (i) In  
47 computing reimbursement to the municipality pursuant to this section,  
48 the office shall insure that the aggregate of state aid under all state  
49 aid formulas shall not exceed fifty percent of the cost of care, mainte-  
50 nance and supervision provided to detainees eligible for state  
51 reimbursement under subdivision two of this section, exclusive of feder-  
52 al aid for such purposes not to exceed the amount of the municipality's  
53 distribution under the juvenile detention services program.

54 [(c)] (ii) Reimbursement for administrative related expenditures as  
55 defined by the office of children and family services, for secure and  
56 nonsecure detention services shall not exceed seventeen percent of the

1 total approved expenditures for facilities of twenty-five beds or more  
2 and shall not exceed twenty-one percent of the total approved expendi-  
3 tures for facilities with less than twenty-five beds.

4 5. (a) Except as provided in paragraph (b) of this subdivision, care,  
5 maintenance and supervision for the purpose of this section shall mean  
6 and include only:

7 (1) temporary care, maintenance and supervision provided to alleged  
8 juvenile delinquents and persons in need of supervision in detention  
9 facilities certified pursuant to sections seven hundred twenty and 305.2  
10 of the family court act by the office of children and family services,  
11 pending adjudication of alleged delinquency or alleged need of super-  
12 vision by the family court, or pending transfer to institutions to which  
13 committed or placed by such court or while awaiting disposition by such  
14 court after adjudication or held pursuant to a securing order of a crim-  
15 inal court if the person named therein as principal is under [sixteen]  
16 eighteen years of age; or[,]

17 (1-a) temporary care, maintenance, and supervision provided to alleged  
18 juvenile delinquents in detention facilities certified by the office of  
19 children and family services, pending adjudication of alleged delinquen-  
20 cy by the family court, or pending transfer to institutions to which  
21 committed or placed by such court or while awaiting disposition by such  
22 court after adjudication or held pursuant to a securing order of a crim-  
23 inal court if the person named therein as principal is under twenty-one;  
24 or

25 (2) temporary care, maintenance and supervision provided juvenile  
26 delinquents in approved detention facilities at the request of the  
27 office of children and family services pending release revocation hear-  
28 ings or while awaiting disposition after such hearings; or

29 (3) temporary care, maintenance and supervision in approved detention  
30 facilities for youth held pursuant to the family court act or the inter-  
31 state compact on juveniles, pending return to their place of residence  
32 or domicile[.]; or

33 (4) temporary care, maintenance and supervision provided youth  
34 detained in foster care facilities or certified or approved family  
35 boarding homes pursuant to article seven of the family court act.

36 (b) Payments made for reserved accommodations, whether or not in full  
37 time use, approved and certified by the office of children and family  
38 services [and certified pursuant to sections seven hundred twenty and  
39 305.2 of the family court act], in order to assure that adequate accom-  
40 modations will be available for the immediate reception and proper care  
41 therein of youth for which detention costs are reimbursable pursuant to  
42 paragraph (a) of this subdivision, shall be reimbursed as expenditures  
43 for care, maintenance and supervision under the provisions of this  
44 section, provided the office shall have given its prior approval for  
45 reserving such accommodations.

46 6. The [director of the division for youth] office of children and  
47 family services may adopt, amend, or rescind all rules and regulations,  
48 subject to the approval of the director of the budget and certification  
49 to the chairmen of the senate finance and assembly ways and means  
50 committees, necessary to carry out the provisions of this section.

51 7. The agency administering detention for each county and the city of  
52 New York shall submit to the office of children and family services, at  
53 such times and in such form and manner and containing such information  
54 as required by the office of children and family services, an annual  
55 report on youth remanded pursuant to article three or seven of the fami-  
56 ly court act who are detained during each calendar year including,

1 commencing January first, two thousand twelve, the risk level of each  
2 detained youth as assessed by a detention risk assessment instrument  
3 approved by the office of children and family services. The office may  
4 require that such data on detention use be submitted to the office elec-  
5 tronically. Such report shall include, but not be limited to, the reason  
6 for the court's determination in accordance with section 320.5 or seven  
7 hundred thirty-nine of the family court act, if applicable, to detain  
8 the youth; the offense or offenses with which the youth is charged; and  
9 all other reasons why the youth remains detained. The office shall  
10 submit a compilation of all the separate reports to the governor and the  
11 legislature.

12 8. Notwithstanding any other provisions of law to the contrary, state  
13 reimbursement shall be made available for one hundred percent of a  
14 municipality's eligible expenditures for the care, maintenance and  
15 supervision of youth sixteen years of age or older in non-secure and  
16 secure detention facilities when such detention would not otherwise have  
17 occurred absent the provisions of a chapter of the laws of two thousand  
18 fifteen that increased the age of juvenile jurisdiction above fifteen  
19 years of age.

20 § 100. Section 109-c of the vehicle and traffic law, as added by  
21 section 1 of part E of chapter 60 of the laws of 2005, is amended to  
22 read as follows:

23 § 109-c. Conviction. 1. Any conviction as defined in subdivision  
24 thirteen of section 1.20 of the criminal procedure law; provided, howev-  
25 er, where a conviction or administrative finding in this state or anoth-  
26 er state results in a mandatory sanction against a commercial driver's  
27 license, as set forth in sections five hundred ten, five hundred ten-a,  
28 eleven hundred ninety-two and eleven hundred ninety-four of this chap-  
29 ter, conviction shall also mean an unvacated adjudication of guilt, or a  
30 determination that a person has violated or failed to comply with the  
31 law in a court of original jurisdiction or by an authorized administra-  
32 tive tribunal, an unvacated forfeiture of bail or collateral deposited  
33 to secure the person's appearance in court, a plea of guilty or nolo  
34 contendere accepted by the court, the payment of a fine or court cost,  
35 or violation of a condition of release without bail, regardless of  
36 whether or not the penalty is rebated, suspended, or probated.

37 2. A conviction shall include a juvenile delinquency adjudication for  
38 the purposes of sections five hundred ten; subdivision five of section  
39 five hundred eleven; five hundred fourteen; five hundred twenty-three-a;  
40 subparagraph (ii) of paragraph (b) of subdivision one of section eleven  
41 hundred ninety-three; subdivision two of section eleven hundred ninety-  
42 three; eleven hundred ninety-six; eleven hundred ninety-eight; eleven  
43 hundred ninety-eight-a; eleven hundred ninety-nine; eighteen hundred  
44 eight; eighteen hundred nine; eighteen hundred nine-c; and eighteen  
45 hundred nine-e of this chapter and paragraph (a) of subdivision six of  
46 section sixty-five-b of the alcoholic beverage control law only and  
47 solely for the purposes of allowing the family court to impose license  
48 and registration sanctions, ignition interlock devices, any drug or  
49 alcohol rehabilitation program, victim impact program, driver responsi-  
50 bility assessment, victim assistance fee, surcharge, and issuing a stay  
51 order on appeal. Nothing in this subdivision shall be construed as  
52 limiting or precluding the enforcement of section eleven hundred nine-  
53 ty-two-a of this chapter against a person under the age of twenty-one.

54 § 100-a. Subdivision 1 of section 510 of the vehicle and traffic law,  
55 as amended by chapter 132 of the laws of 1986, is amended to read as  
56 follows:



1 1. Who may suspend or revoke. Any magistrate, justice or judge, in a  
2 city, in a town, or in a village, any supreme court justice, any county  
3 judge, any judge of a district court, any family court judge, the super-  
4 intendent of state police and the commissioner of motor vehicles or any  
5 person deputized by him, shall have power to revoke or suspend the  
6 license to drive a motor vehicle or motorcycle of any person, or in the  
7 case of an owner, the registration, as provided herein.

8 § 100-b. Severability. If any clause, sentence, paragraph, subdivi-  
9 sion, section or part contained in any part of this act shall be  
10 adjudged by any court of competent jurisdiction to be invalid, such  
11 judgment shall not affect, impair, or invalidate the remainder thereof,  
12 but shall be confined in its operation to the clause, sentence, para-  
13 graph, subdivision, section or part contained in any part thereof  
14 directly involved in the controversy in which such judgment shall have  
15 been rendered. It is hereby declared to be the intent of the legislature  
16 that this act would have been enacted even if such invalid provisions  
17 had not been included herein.

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

20 1. sections one through twenty-four, twenty-six through fifty-nine,  
21 sixty-one through sixty-six, sixty-eight through seventy-six, and eighty  
22 through one hundred-b of this act shall take effect on January 1, 2018;

23 2. sections sixty-seven, seventy-seven, seventy-eight, and seventy-  
24 nine of this act shall take effect on the sixtieth day after it shall  
25 have become a law;

26 3. the amendments to subparagraph (ii) of paragraph (a) of subdivision  
27 1 of section 409-a of the social services law, made by section fifty-  
28 three of this act shall not affect the expiration of such subparagraph  
29 and shall be deemed expired therewith;

30 4. the amendments to subdivision 4 of section 353.5 of the family  
31 court act made by section twenty-four of this act shall not affect the  
32 expiration and reversion of such subdivision pursuant to section 11 of  
33 subpart A of part G of chapter 57 of the laws of 2012, as amended, and  
34 shall expire and be deemed repealed therewith, when upon such date the  
35 provisions of section twenty-five of this act shall take effect;

36 5. the amendments to section 153-k of the social services law made by  
37 section forty-seven of this act shall not affect the repeal of such  
38 section and shall expire and be deemed repealed therewith;

39 6. the amendments to section 404 of the social services law made by  
40 section fifty-two of this act shall not affect the repeal of such  
41 section and shall expire and be deemed repealed therewith;

42 7. the amendments to subdivision 1 of section 70.20 of the penal law  
43 made by section fifty-eight of this act shall not affect the expiration  
44 of such subdivision and shall expire and be deemed repealed therewith;

45 8. the amendments to paragraph (f) of subdivision 1 of section 70.30  
46 of the penal law made by section sixty-a of this act shall not affect  
47 the expiration of such paragraph and shall be deemed to expire there-  
48 with;

49 9. the amendments to subparagraph 1 of paragraph d of subdivision 3 of  
50 section 3214 of the education law made by section eighty-eight of this  
51 act shall not affect the expiration of such paragraph and shall be  
52 deemed to expire therewith; and

53 10. the amendments to the second undesignated paragraph of subdivision  
54 4 of section 246 of the executive law made by section ninety-one of this  
55 act shall not affect the expiration of such paragraph and shall expire  
56 and be deemed repealed therewith.

1

## PART O

2 Section 1. Paragraphs (a), (b), (c) and (d) of subdivision 1 of  
3 section 131-o of the social services law, as amended by section 1 of  
4 part I of chapter 56 of the laws of 2015, are amended to read as  
5 follows:

6 (a) in the case of each individual receiving family care, an amount  
7 equal to at least \$141.00 for each month beginning on or after January  
8 first, two thousand [fifteen] sixteen.

9 (b) in the case of each individual receiving residential care, an  
10 amount equal to at least \$163.00 for each month beginning on or after  
11 January first, two thousand [fifteen] sixteen.

12 (c) in the case of each individual receiving enhanced residential  
13 care, an amount equal to at least \$193.00 for each month beginning on or  
14 after January first, two thousand [fifteen] sixteen.

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

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

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

26 § 2. Paragraphs (a), (b), (c), (d), (e) and (f) of subdivision 2 of  
27 section 209 of the social services law, as amended by section 2 of part  
28 I of chapter 56 of the laws of 2015, are amended to read as follows:

29 (a) On and after January first, two thousand [fifteen] sixteen, for an  
30 eligible individual living alone, \$820.00; and for an eligible couple  
31 living alone, \$1204.00.

32 (b) On and after January first, two thousand [fifteen] sixteen, for an  
33 eligible individual living with others with or without in-kind income,  
34 \$756.00; and for an eligible couple living with others with or without  
35 in-kind income, \$1146.00.

36 (c) On and after January first, two thousand [fifteen] sixteen, (i)  
37 for an eligible individual receiving family care, \$999.48 if he or she  
38 is receiving such care in the city of New York or the county of Nassau,  
39 Suffolk, Westchester or Rockland; and (ii) for an eligible couple  
40 receiving family care in the city of New York or the county of Nassau,  
41 Suffolk, Westchester or Rockland, two times the amount set forth in  
42 subparagraph (i) of this paragraph; or (iii) for an eligible individual  
43 receiving such care in any other county in the state, \$961.48; and (iv)  
44 for an eligible couple receiving such care in any other county in the  
45 state, two times the amount set forth in subparagraph (iii) of this  
46 paragraph.

47 (d) On and after January first, two thousand [fifteen] sixteen, (i)  
48 for an eligible individual receiving residential care, \$1168.00 if he or  
49 she is receiving such care in the city of New York or the county of  
50 Nassau, Suffolk, Westchester or Rockland; and (ii) for an eligible  
51 couple receiving residential care in the city of New York or the county  
52 of Nassau, Suffolk, Westchester or Rockland, two times the amount set  
53 forth in subparagraph (i) of this paragraph; or (iii) for an eligible  
54 individual receiving such care in any other county in the state,  
55 \$1138.00; and (iv) for an eligible couple receiving such care in any

1 other county in the state, two times the amount set forth in subpara-  
2 graph (iii) of this paragraph.

3 (e) (i) On and after January first, two thousand [fifteen] sixteen,  
4 for an eligible individual receiving enhanced residential care,  
5 \$1427.00; and (ii) for an eligible couple receiving enhanced residential  
6 care, two times the amount set forth in subparagraph (i) of this para-  
7 graph.

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

13 § 3. This act shall take effect December 31, 2016.

14

PART P

15 Section 1. Notwithstanding any other provision of law to the contrary,  
16 the housing trust fund corporation may provide, for purposes of the  
17 rural rental assistance program, a sum not to exceed twenty-two million  
18 two hundred ninety-two thousand dollars for the fiscal year ending March  
19 31, 2017. Notwithstanding any other provision of law to the contrary,  
20 and subject to the approval of the New York state director of the budg-  
21 et, the board of directors of the state of New York mortgage agency  
22 shall authorize the transfer to the housing trust fund corporation, for  
23 the purposes of reimbursing any costs associated with rural rental  
24 assistance program contracts authorized by this section, a total sum not  
25 to exceed twenty-two million two hundred ninety-two thousand dollars,  
26 such transfer to be made from (i) the special account of the mortgage  
27 insurance fund created pursuant to section 2429-b of the public authori-  
28 ties law, in an amount not to exceed the actual excess balance in the  
29 special account of the mortgage insurance fund, as determined and certi-  
30 fied by the state of New York mortgage agency for the fiscal year 2015-  
31 2016 in accordance with section 2429-b of the public authorities law, if  
32 any, and/or (ii) provided that the reserves in the project pool insur-  
33 ance account of the mortgage insurance fund created pursuant to section  
34 2429-b of the public authorities law are sufficient to attain and main-  
35 tain the credit rating (as determined by the state of New York mortgage  
36 agency) required to accomplish the purposes of such account, the project  
37 pool insurance account of the mortgage insurance fund, such transfer to  
38 be made as soon as practicable but no later than June 30, 2016.  
39 Notwithstanding any other provision of law to the contrary, such funds  
40 may be used by the corporation in support of contracts scheduled to  
41 expire in the fiscal year ending March 31, 2017 for as many as 10 addi-  
42 tional years; in support of contracts for new eligible projects for a  
43 period not to exceed 5 years; and in support of contracts which reach  
44 their 25 year maximum in and/or prior to the fiscal year ending March  
45 31, 2017 for an additional one year period.

46 § 2. Notwithstanding any other provision of law to the contrary, the  
47 housing finance agency may provide, for costs associated with the reha-  
48 bilitation of Mitchell Lama housing projects, a sum not to exceed  
49 forty-two million dollars for the fiscal year ending March 31, 2017.  
50 Notwithstanding any other provision of law to the contrary, and subject  
51 to the approval of the New York state director of the budget, the board  
52 of directors of the state of New York mortgage agency shall authorize  
53 the transfer to the housing finance agency, for the purposes of reim-  
54 bursing any costs associated with Mitchell Lama housing projects author-

1 ized by this section, a total sum not to exceed forty-two million  
2 dollars, such transfer to be made from (i) the special account of the  
3 mortgage insurance fund created pursuant to section 2429-b of the public  
4 authorities law, in an amount not to exceed the actual excess balance in  
5 the special account of the mortgage insurance fund, as determined and  
6 certified by the state of New York mortgage agency for the fiscal year  
7 2015-2016 in accordance with section 2429-b of the public authorities  
8 law, if any, and/or (ii) provided that the reserves in the project pool  
9 insurance account of the mortgage insurance fund created pursuant to  
10 section 2429-b of the public authorities law are sufficient to attain  
11 and maintain the credit rating (as determined by the state of New York  
12 mortgage agency) required to accomplish the purposes of such account,  
13 the project pool insurance account of the mortgage insurance fund, such  
14 transfer to be made as soon as practicable but no later than March 31,  
15 2017.

16 § 3. Notwithstanding any other provision of law to the contrary, the  
17 housing trust fund corporation may provide, for purposes of the neigh-  
18 borhood preservation program, a sum not to exceed eleven million six  
19 hundred fifty-four thousand dollars for the fiscal year ending March 31,  
20 2017. Within this total amount one hundred fifty thousand dollars shall  
21 be used for the purpose of entering into a contract with the neighbor-  
22 hood preservation coalition to provide technical assistance and services  
23 to companies funded pursuant to article XVI of the private housing  
24 finance law. Notwithstanding any other provision of law to the contra-  
25 ry, and subject to the approval of the New York state director of the  
26 budget, the board of directors of the state of New York mortgage agency  
27 shall authorize the transfer to the housing trust fund corporation, for  
28 the purposes of reimbursing any costs associated with neighborhood pres-  
29 ervation program contracts authorized by this section, a total sum not  
30 to exceed eleven million six hundred fifty-four thousand 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 2015-2016 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 June 30, 2016.

44 § 4. Notwithstanding any other provision of law to the contrary, the  
45 housing trust fund corporation may provide, for purposes of the rural  
46 preservation program, a sum not to exceed four million eight hundred  
47 sixty-four thousand dollars for the fiscal year ending March 31, 2017.  
48 Within this total amount one hundred fifty thousand dollars shall be  
49 used for the purpose of entering into a contract with the rural housing  
50 coalition to provide technical assistance and services to companies  
51 funded pursuant to article XVII of the private housing finance law.  
52 Notwithstanding any other provision of law to the contrary, and subject  
53 to the approval of the New York state director of the budget, the board  
54 of directors of the state of New York mortgage agency shall authorize  
55 the transfer to the housing trust fund corporation, for the purposes of  
56 reimbursing any costs associated with rural preservation program

1 contracts authorized by this section, a total sum not to exceed four  
2 million eight hundred sixty-four thousand dollars, such transfer to be  
3 made from (i) the special account of the mortgage insurance fund created  
4 pursuant to section 2429-b of the public authorities law, in an amount  
5 not to exceed the actual excess balance in the special account of the  
6 mortgage insurance fund, as determined and certified by the state of New  
7 York mortgage agency for the fiscal year 2015-2016 in accordance with  
8 section 2429-b of the public authorities law, if any, and/or (ii)  
9 provided that the reserves in the project pool insurance account of the  
10 mortgage insurance fund created pursuant to section 2429-b of the public  
11 authorities law are sufficient to attain and maintain the credit rating  
12 (as determined by the state of New York mortgage agency) required to  
13 accomplish the purposes of such account, the project pool insurance  
14 account of the mortgage insurance fund, such transfer to be made as soon  
15 as practicable but no later than June 30, 2016.

16 § 5. Notwithstanding any other provision of law to the contrary, the  
17 housing trust fund corporation may provide, for purposes of the rural  
18 and urban community investment fund program created pursuant to article  
19 XXVII of the private housing finance law, a sum not to exceed nineteen  
20 million two hundred fifty thousand dollars for the fiscal year ending  
21 March 31, 2017. Notwithstanding any other provision of law to the  
22 contrary, and subject to the approval of the New York state director of  
23 the budget, the board of directors of the state of New York mortgage  
24 agency shall authorize the transfer to the housing trust fund corpo-  
25 ration, for the purposes of reimbursing any costs associated with rural  
26 and urban community investment fund program contracts authorized by this  
27 section, a total sum not to exceed nineteen million two hundred fifty  
28 thousand dollars, such transfer to be made from (i) the special account  
29 of the mortgage insurance fund created pursuant to section 2429-b of the  
30 public authorities law, in an amount not to exceed the actual excess  
31 balance in the special account of the mortgage insurance fund, as deter-  
32 mined and certified by the state of New York mortgage agency for the  
33 fiscal year 2015-2016 in accordance with section 2429-b of the public  
34 authorities law, if any, and/or (ii) provided that the reserves in the  
35 project pool insurance account of the mortgage insurance fund created  
36 pursuant to section 2429-b of the public authorities law are sufficient  
37 to attain and maintain the credit rating (as determined by the state of  
38 New York mortgage agency) required to accomplish the purposes of such  
39 account, the project pool insurance account of the mortgage insurance  
40 fund, such transfer to be made as soon as practicable but no later than  
41 March 31, 2017.

42 § 6. Notwithstanding any other provision of law to the contrary, the  
43 housing trust fund corporation may provide, for the purposes of carrying  
44 out the provisions of the low income housing trust fund program created  
45 pursuant to article XVIII of the private housing finance law, a sum not  
46 to exceed ten million dollars for the fiscal year ending March 31, 2017.  
47 Notwithstanding any other provision of law to the contrary, and subject  
48 to the approval of the New York state director of the budget, the board  
49 of directors of the state of New York mortgage agency shall authorize  
50 the transfer to the housing trust fund corporation, for the purposes of  
51 carrying out the provisions of the low income housing trust fund program  
52 created pursuant to article XVIII of the private housing finance law  
53 authorized by this section, a total sum not to exceed ten million  
54 dollars, such transfer to be made from (i) the special account of the  
55 mortgage insurance fund created pursuant to section 2429-b of the public  
56 authorities law, in an amount not to exceed the actual excess balance in

1 the special account of the mortgage insurance fund, as determined and  
2 certified by the state of New York mortgage agency for the fiscal year  
3 2015-2016 in accordance with section 2429-b of the public authorities  
4 law, if any, and/or (ii) provided that the reserves in the project pool  
5 insurance account of the mortgage insurance fund created pursuant to  
6 section 2429-b of the public authorities law are sufficient to attain  
7 and maintain the credit rating (as determined by the state of New York  
8 mortgage agency) required to accomplish the purposes of such account,  
9 the project pool insurance account of the mortgage insurance fund, such  
10 transfer to be made as soon as practicable but no later than March 31,  
11 2017.

12 § 7. Notwithstanding any other provision of law to the contrary, the  
13 housing trust fund corporation may provide, for purposes of the homes  
14 for working families program for deposit in the housing trust fund  
15 created pursuant to section 59-a of the private housing finance law and  
16 subject to the provisions of article XVIII of the private housing  
17 finance law, a sum not to exceed twelve million seven hundred fifty  
18 thousand dollars for the fiscal year ending March 31, 2017. Notwith-  
19 standing any other provision of law to the contrary, and subject to the  
20 approval of the New York state director of the budget, the board of  
21 directors of the state of New York mortgage agency shall authorize the  
22 transfer to the housing trust fund corporation, for the purposes of  
23 reimbursing any costs associated with homes for working families program  
24 contracts authorized by this section, a total sum not to exceed twelve  
25 million seven hundred fifty thousand dollars, such transfer to be made  
26 from (i) the special account of the mortgage insurance fund created  
27 pursuant to section 2429-b of the public authorities law, in an amount  
28 not to exceed the actual excess balance in the special account of the  
29 mortgage insurance fund, as determined and certified by the state of New  
30 York mortgage agency for the fiscal year 2015-2016 in accordance with  
31 section 2429-b of the public authorities law, if any, and/or (ii)  
32 provided that the reserves in the project pool insurance account of the  
33 mortgage insurance fund created pursuant to section 2429-b of the public  
34 authorities law are sufficient to attain and maintain the credit rating  
35 (as determined by the state of New York mortgage agency) required to  
36 accomplish the purposes of such account, the project pool insurance  
37 account of the mortgage insurance fund, such transfer to be made as soon  
38 as practicable but no later than March 31, 2017.

39 § 8. Notwithstanding any other provision of law to the contrary, the  
40 homeless housing and assistance corporation may provide, for purposes of  
41 the New York state supportive housing program, a sum not to exceed twen-  
42 ty-five million one hundred ninety thousand dollars for the fiscal year  
43 ending March 31, 2017. The homeless housing and assistance corporation  
44 may enter into an agreement with the office of temporary and disability  
45 assistance to administer such sum in accordance with the requirements of  
46 the programs. Notwithstanding any other provision of law to the contra-  
47 ry, and subject to the approval of the director of the budget, the board  
48 of directors of the state of New York mortgage agency shall authorize  
49 the transfer to the homeless housing and assistance corporation, a total  
50 sum not to exceed twenty-five million one hundred ninety thousand  
51 dollars, such transfer to be made from (i) the special account of the  
52 mortgage insurance fund created pursuant to section 2429-b of the public  
53 authorities law, in an amount not to exceed the actual excess balance in  
54 the special account of the mortgage insurance fund, as determined and  
55 certified by the state of New York mortgage agency for the fiscal year  
56 2015-2016 in accordance with section 2429-b of the public authorities

1 law, if any, and/or (ii) provided that the reserves in the project pool  
2 insurance account of the mortgage insurance fund created pursuant to  
3 section 2429-b of the public authorities law are sufficient to attain  
4 and maintain the credit rating (as determined by the state of New York  
5 mortgage agency) required to accomplish the purposes of such account,  
6 the project pool insurance account of the mortgage insurance fund, such  
7 transfer to be made as soon as practicable but no later than March 31,  
8 2017.

9 § 9. Notwithstanding any other provision of law to the contrary, the  
10 state office for the aging may provide, for costs associated with  
11 naturally occurring retirement communities, a sum not to exceed one  
12 million dollars for the fiscal year ending March 31, 2017. Notwith-  
13 standing any other provision of law to the contrary, and subject to the  
14 approval of the New York state director of the budget, the board of  
15 directors of the state of New York mortgage agency shall authorize the  
16 transfer to the state office for the aging, for the purposes of reim-  
17 bursing any costs associated with naturally occurring retirement commu-  
18 nities authorized by this section, a total sum not to exceed one million  
19 dollars, such transfer to be made from (i) the special account of the  
20 mortgage insurance fund created pursuant to section 2429-b of the public  
21 authorities law, in an amount not to exceed the actual excess balance in  
22 the special account of the mortgage insurance fund, as determined and  
23 certified by the state of New York mortgage agency for the fiscal year  
24 2015-2016 in accordance with section 2429-b of the public authorities  
25 law, if any, and/or (ii) provided that the reserves in the project pool  
26 insurance account of the mortgage insurance fund created pursuant to  
27 section 2429-b of the public authorities law are sufficient to attain  
28 and maintain the credit rating (as determined by the state of New York  
29 mortgage agency) required to accomplish the purposes of such account,  
30 the project pool insurance account of the mortgage insurance fund, such  
31 transfer to be made as soon as practicable but no later than March 31,  
32 2017.

33 § 10. Notwithstanding any other provision of law to the contrary, the  
34 state office for the aging may provide, for costs associated with neigh-  
35 borhood naturally occurring retirement communities, a sum not to exceed  
36 one million dollars for the fiscal year ending March 31, 2017. Notwith-  
37 standing any other provision of law to the contrary, and subject to the  
38 approval of the New York state director of the budget, the board of  
39 directors of the state of New York mortgage agency shall authorize the  
40 transfer to the state office for the aging, for the purposes of reim-  
41 bursing any costs associated with neighborhood naturally occurring  
42 retirement communities authorized by this section, a total sum not to  
43 exceed one million dollars, such transfer to be made from (i) the  
44 special account of the mortgage insurance fund created pursuant to  
45 section 2429-b of the public authorities law, in an amount not to exceed  
46 the actual excess balance in the special account of the mortgage insur-  
47 ance fund, as determined and certified by the state of New York mortgage  
48 agency for the fiscal year 2015-2016 in accordance with section 2429-b  
49 of the public authorities law, if any, and/or (ii) provided that the  
50 reserves in the project pool insurance account of the mortgage insurance  
51 fund created pursuant to section 2429-b of the public authorities law  
52 are sufficient to attain and maintain the credit rating (as determined  
53 by the state of New York mortgage agency) required to accomplish the  
54 purposes of such account, the project pool insurance account of the  
55 mortgage insurance fund, such transfer to be made as soon as practicable  
56 but no later than March 31, 2017.



1 § 11. This act shall take effect immediately.

2

PART Q

3 Section 1. Section 4 of subpart A of part D of chapter 58 of the laws  
4 of 2011 amending the education law relating to capital facilities in  
5 support of the state university and community colleges, is amended to  
6 read as follows:

7 § 4. This act shall take effect immediately and shall expire and be  
8 deemed repealed June 30, [2016] 2021.

9 § 2. Section 4 of subpart B of part D of chapter 58 of the laws of  
10 2011 amending the education law relating to procurement in support of  
11 the state and city universities, is amended to read as follows:

12 § 4. This act shall take effect immediately and shall expire and be  
13 deemed repealed June 30, [2016] 2021.

14 § 3. Section 3 of subpart C of part D of chapter 58 of the laws of  
15 2011 amending the education law relating to state university health care  
16 facilities, is amended to read as follows:

17 § 3. This act shall take effect immediately, and shall expire and be  
18 deemed repealed June 30, [2016] 2021.

19 § 4. This act shall take effect immediately.

20

PART R

21 Section 1. Subitem (c) of item 1 of clause (A) of subparagraph (i) of  
22 paragraph a of subdivision 3 of section 667 of the education law, as  
23 amended by section 1 of part U chapter 56 of the laws of 2014, is  
24 amended to read as follows:

25 (c) For students first receiving aid in two thousand--two thousand one  
26 and thereafter, five thousand dollars, except starting in two thousand  
27 fourteen--two thousand fifteen and thereafter such students shall receive  
28 five thousand one hundred sixty-five dollars and starting in two thou-  
29 sand sixteen--two thousand seventeen and thereafter such students shall  
30 receive five thousand two hundred sixty-five dollars; or

31 § 2. Subitem (a) of item 1 of clause (A) of subparagraph (i) of para-  
32 graph a of subdivision 3 of section 667 of the education law, as amended  
33 by section 2 of part U of chapter 56 of the laws of 2014, is amended to  
34 read as follows:

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] three hundred ninety dollars; or

38 § 3. Subitem (b) of item 1 of clause (A) of subparagraph (i) of para-  
39 graph a of subdivision 3 of section 667 of the education law, as amended  
40 by section 3 of part U of chapter 56 of the laws of 2014, is amended to  
41 read as follows:

42 (b) For students first receiving aid in nineteen hundred ninety-three-  
43 -nineteen hundred ninety-four or earlier, three thousand [seven] eight  
44 hundred forty dollars; or

45 § 4. Subitem (a) of item 2 of clause (A) of subparagraph (i) of para-  
46 graph a of subdivision 3 of section 667 of the education law, as amended  
47 by section 2 of part H of chapter 58 of the laws of 2011, is amended to  
48 read as follows:

49 (a) For students first receiving aid in nineteen hundred ninety-four-  
50 -nineteen hundred ninety-five and nineteen hundred ninety-five--nineteen  
51 hundred ninety-six and thereafter, three thousand twenty-five dollars,  
52 except starting in two thousand sixteen--two thousand seventeen such

1 students shall receive three thousand one hundred twenty-five dollars,  
2 or

3 § 5. Subitem (b) of item 2 of clause (A) of subparagraph (i) of para-  
4 graph a of subdivision 3 of section 667 of the education law, as amended  
5 by section 2 of part H of chapter 58 of the laws of 2011, is amended to  
6 read as follows:

7 (b) For students first receiving aid in nineteen hundred ninety-two--  
8 nineteen hundred ninety-three and nineteen hundred ninety-three--nine-  
9 teen hundred ninety-four, two thousand [five] six hundred seventy-five  
10 dollars, or

11 § 6. Subitem (c) of item 2 of clause (A) of subparagraph (i) of para-  
12 graph a of subdivision 3 of section 667 of the education law, as amended  
13 by section 2 of part H of chapter 58 of the laws of 2011, is amended to  
14 read as follows:

15 (c) For students first receiving aid in nineteen hundred ninety-one--  
16 nineteen hundred ninety-two or earlier, two thousand [four] five hundred  
17 fifty dollars; or

18 § 7. Subdivision 2 of section 689-a of the education law, as added by  
19 chapter 260 of the laws of 2011, is amended to read as follows:

20 2. Each tuition credit pursuant to this section shall be an amount  
21 equal to the product of the total annual resident undergraduate tuition  
22 rate minus five thousand fifty dollars then multiplied by an amount  
23 equal to the product of the total annual award for the student pursuant  
24 to section six hundred sixty-seven of this article divided by an amount  
25 equal to the maximum amount the student qualifies to receive pursuant to  
26 clause (A) of subparagraph (i) of paragraph a of subdivision three of  
27 section six hundred sixty-seven of this article.

28 § 8. This act shall take effect immediately; provided that the amend-  
29 ments to section 689-a of the education law made by section seven of  
30 this act shall be subject to the expiration and repeal of such section  
31 and shall expire and be deemed repealed therewith.

32 PART S

33 Section 1. This act enacts into law major components of legislation in  
34 relation to social services. Each component is wholly contained within a  
35 Subpart identified as Subparts A through D. The effective date for each  
36 particular provision contained within such Subpart is set forth in the  
37 last section of such Subpart. Any provision in any section contained  
38 within a Subpart, including the effective date of the Subpart, which  
39 makes references to a section "of this act", when used in connection  
40 with that particular component, shall be deemed to mean and refer to the  
41 corresponding section of the Subpart in which it is found. Section three  
42 of this act sets forth the general effective date of this act.

43 SUBPART A

44 Section 1. Section 131-n of the social services law, as amended by  
45 section 16 of part B of chapter 436 of the laws of 1997, subdivision 1  
46 as amended by chapter 373 of the laws of 2003, paragraph (c) of subdivi-  
47 sion 1 as amended by section 5 of part J of chapter 58 of the laws of  
48 2014, subdivision 3 as amended by chapter 207 of the laws of 2001, is  
49 amended to read as follows:

50 § 131-n. Exemption of income and resources. 1. The resources identi-  
51 fied in subdivision two of this section shall be exempt and disregarded  
52 at application in calculating the amount of benefits of any applicant

1 for any public assistance program. At recertification, resources deline-  
2 ated in subdivision two of this section shall not be taken into consid-  
3 eration when determining eligibility or calculating the amount of bene-  
4 fits of any recipient for any public assistance program.

5 2. The following resources shall be exempt and disregarded in calcu-  
6 lating the amount of benefits of any [household under] applicant for any  
7 public assistance program: (a) cash and liquid or nonliquid resources up  
8 to [two] three thousand dollars, or [three] four thousand five hundred  
9 dollars in the case of households in which any member is sixty years of  
10 age or older, (b) an amount up to [four thousand six hundred fifty]  
11 seven thousand fifty dollars in a separate bank account established by  
12 an individual while currently in receipt of assistance for the sole  
13 purpose of enabling the individual to purchase a first or replacement  
14 vehicle for the recipient to seek, obtain or maintain employment, so  
15 long as the funds are not used for any other purpose, (c) an amount [up  
16 to one thousand four] equal to the greater of five thousand one hundred  
17 sixty-five dollars or the maximum tuition assistance program award  
18 available for the current academic year in a separate bank account  
19 established by an individual while currently in receipt of assistance  
20 for the purpose of paying tuition at a two-year or four-year accredited  
21 post-secondary educational institution, so long as the funds are not  
22 used for any other purpose, (d) the home which is the usual residence of  
23 the household, (e) one automobile, [up to four thousand six hundred  
24 fifty dollars fair market value, provided, however, that if the automo-  
25 bile is needed for the applicant or recipient to seek or retain employ-  
26 ment or travel to and from work activities as defined in section three  
27 hundred thirty-six of this chapter, the automobile exemption shall be  
28 increased to nine thousand three hundred dollars, or such other higher  
29 dollar value as the local social services district may elect to adopt]  
30 for each member of the household with a driver's license, (f) one burial  
31 plot per household member as defined in department regulations, (g) bona  
32 fide funeral agreements [up to a total of one thousand five hundred  
33 dollars in equity value] per household member, (h) funds in an individ-  
34 ual development account established in accordance with subdivision five  
35 of section three hundred fifty-eight of this chapter and section four  
36 hundred three of the social security act [and], (i) [for a period of six  
37 months,] any real property which the household is making a good faith  
38 effort to sell, in accordance with department regulations and tangible  
39 personal property necessary for business or for employment purposes in  
40 accordance with department regulations, (j) retirement accounts, includ-  
41 ing but not limited to individual retirement accounts, 401(k)'s,  
42 403(b)'s, and keogh plans; and (k) all 529 college savings plans. If  
43 federal law or regulations require the exemption or disregard of addi-  
44 tional income and resources in determining need for family assistance,  
45 or medical assistance not exempted or disregarded pursuant to any other  
46 provision of this chapter, the department may, by regulations subject to  
47 the approval of the director of the budget, require social services  
48 officials to exempt or disregard such income and resources. Refunds  
49 resulting from earned income tax credits shall be disregarded in public  
50 assistance programs. Court ordered child support which is paid or with-  
51 held from income shall not be considered available income.

52 [2.] 3. If and to the extent permitted by federal law and regulations,  
53 amounts received under section 105 of Public Law 100-383 as reparation  
54 payments for internment of Japanese-Americans and payments made to indi-  
55 viduals because of their status as victims of Nazi persecution as  
56 defined in P.L. 103-286 shall be exempt from consideration as income or

1 resources for purposes of determining eligibility for and the amount of  
 2 benefits under any program provided under the authority of this chapter  
 3 and under title XX of the Social Security Act.

4 4. Ownership of all other personal property not exempt in subdivisions  
 5 two and three of this section, shall be evaluated based upon its equity  
 6 value.

7 [3.] 5. The department is authorized to establish regulations defining  
 8 income and resources, consistent with this section. [The department is  
 9 further authorized to promulgate regulations it deems necessary to  
 10 prevent the improper establishment and use of accounts for purchase of  
 11 first or replacement vehicles.]

12 § 2. Subdivision (c) of section 153 of part B of chapter 436 of the  
 13 laws of 1997, constituting the welfare reform act of 1997, as amended by  
 14 chapter 187 of the laws of 2015, is amended to read as follows:

15 (c) Section sixteen of this act shall take effect November 1, 1997  
 16 [and expire and be deemed repealed August 22, 2017].

17 § 3. This act shall take effect April 1, 2016.

18

SUBPART B

19 Section 1. Section 106 of the social services law, as amended by  
 20 section 1 of part S of chapter 56 of the laws of 2014, is amended to  
 21 read as follows:

22 § 106. Powers of social services official to receive and dispose of a  
 23 deed, mortgage, or lien. 1. A social services official responsible, by  
 24 or pursuant to any provision of this chapter, for the administration of  
 25 assistance [or care] granted or applied for [may] shall not accept a  
 26 deed of real property and/or a mortgage thereon on behalf of the social  
 27 services district for the assistance [and care] of a person at public  
 28 expense [but such property shall not be considered as public property  
 29 and shall remain on the tax rolls and such deed or mortgage shall be  
 30 subject to redemption as provided in paragraph (a) of subdivision six  
 31 hereof].

32 2. [A social services official may not assert any claim under any  
 33 provision of this section to recover] (a) Notwithstanding subdivision  
 34 one of this section, if, prior to April first, two thousand sixteen, a  
 35 social services official accepted a deed of real property and/or a mort-  
 36 gage on behalf of the social services district for the assistance of a  
 37 person at public expense, such social services official shall not assert  
 38 any claim under any provision of this section to recover:

39 (1) payments made as part of Supplemental Nutrition Assistance Program  
 40 (SNAP), child care services, Emergency Assistance to Adults or the Home  
 41 Energy Assistance Program (HEAP) [.] ;

42 [3. A social services official may not assert any claim under any  
 43 provision of this section to recover] (2) payments of public assistance  
 44 if such payments were reimbursed by child support collections [.] ;

45 [4. A social services official may not assert any claim under any  
 46 provision of this section to recover] (3) payments of public assistance  
 47 unless, before [it has accepted] a deed or mortgage was accepted from an  
 48 applicant or recipient, [it has] the official first received a signed  
 49 acknowledgment from the applicant or recipient acknowledging that:

50 [(a)] A. benefits provided as part of Supplemental Nutrition Assist-  
 51 ance Program (SNAP), child care services, Emergency Assistance to Adults  
 52 or the Home Energy Assistance Program (HEAP) may not be included as part  
 53 of the recovery to be made under the mortgage or lien; and

1 [(b)] B. if the applicant or recipient declines to provide the lien or  
2 mortgage the children in the household shall remain eligible for public  
3 assistance.

4 [5. (a)] (b) Such property shall not be considered public property and  
5 shall remain on the tax rolls and such deed or mortgage shall be subject  
6 to redemption as provided in subparagraph one of paragraph (d) of this  
7 subdivision.

8 (c) (1) Until a deed, mortgage, or lien, accepted prior to [or after]  
9 the effective date of this [act,] section is satisfied or otherwise  
10 disposed of, the social services district shall issue and mail to the  
11 last known address of the person [giving] who gave such deed or mort-  
12 gage, or his or her estate or those entitled thereto, a biennial  
13 accounting of the public assistance incurred and repairs and taxes paid  
14 on property. The social services district shall provide such accounting  
15 no later than February first, two thousand sixteen and biennially there-  
16 after.

17 [(b)] (2) Such accounting shall include information regarding the debt  
18 owed as of the end of the district's most recent fiscal year including,  
19 but not limited to:

20 [(1)] A. an enumeration of all public assistance incurred by the  
21 person [giving] who gave such deed or mortgage or his or her household  
22 to date;

23 [(2)] B. the current amount of recoverable public assistance under the  
24 deed or mortgage;

25 [(3)] C. the amount of any credits against public assistance including  
26 but not limited to:

27 [A.] (i) the amount of child support collected and retained by the  
28 social services district as reimbursement for public assistance;

29 [B.] (ii) recoveries made under section one hundred four of this  
30 title;

31 [C.] (iii) recoveries made under section one hundred thirty-one-r of  
32 this chapter.

33 [(4)] D. Said accounting shall also provide information regarding the  
34 manner in which payments may be made to the social services district to  
35 reduce the amount of the mortgage or lien.

36 [(c)] (3) In the event that a biennial accounting is not issued and  
37 mailed to the last known address of the person [giving] who gave such  
38 deed or mortgage or his or her estate or those entitled thereto, within  
39 the time period required in [paragraph (a) of this subdivision] subpara-  
40 graph one of this paragraph, no public assistance shall be recoverable  
41 under this section for the previous two fiscal years. In the event that  
42 a biennial accounting is not issued and mailed to the last known address  
43 of the person [giving] who gave such deed or mortgage or his or her  
44 estate or those entitled thereto, within the time period required in  
45 [paragraph (a) of this subdivision] subparagraph one of this paragraph,  
46 and such person has received no recoverable public assistance in the  
47 district's most recent fiscal year, no public assistance shall be recov-  
48 erable under this section for the most recent two fiscal years where  
49 public assistance remains recoverable.

50 [6. (a) (1)] (d) (1) A. Until such property or mortgage is sold,  
51 assigned or foreclosed pursuant to law by the social services official,  
52 the person [giving] who gave such deed or mortgage, or his or her estate  
53 or those entitled thereto, may redeem the same by the payment of all  
54 expenses incurred for the support of the person, and for repairs and  
55 taxes paid on such property, provided, however, that a social services  
56 official may enter into a contract for such redemption, subject to the

1 provisions of this [paragraph] subparagraph, and containing such terms  
2 and conditions, including provisions for periodic payments, without  
3 interest, for an amount less than the full expenses incurred for the  
4 support of the person and for repairs and taxes paid on such property  
5 (hereinafter called a "lesser sum"), which lesser sum shall in no event  
6 be less than the difference between the appraised value of such property  
7 and the total of the then unpaid principal balance of any recorded mort-  
8 gages and the unpaid balance of sums secured by other liens against such  
9 property.

10 [(2)] B. In the case of a redemption for a lesser sum, the social  
11 services official shall obtain (i) an appraisal of the current market  
12 value of such property, by an appraiser acceptable to both parties, and  
13 (ii) a statement of the principal balance of any recorded mortgages or  
14 other liens against such property (excluding the debt secured by the  
15 deed, mortgage or lien of the social services official). Any expenses  
16 incurred pursuant to this [paragraph] subparagraph shall be audited and  
17 allowed in the same manner as other official expenses.

18 [(3)] C. Every redemption contract for any lesser sum shall be  
19 approved by the department upon an application by the social services  
20 official containing the appraisal and statement required by [subpara-  
21 graph two] clause B of this subparagraph, a statement by the social  
22 services official of his or her reasons for entering into the contract  
23 for such lesser sum and any other information required by regulations of  
24 the department.

25 [(4)] D. So long as the terms of the approved redemption contract are  
26 performed, no public sale of such property shall be held.

27 [(5)] E. The redemption for a lesser sum shall reduce the claim of the  
28 social services official against the recipient on the implied contract  
29 under section one hundred four of this [chapter] title or under any  
30 other law, to the extent of all sums paid in redemption.

31 [(b)] (2) In order to allow a minimum period for redemption, the  
32 social services official shall not sell the property or mortgage until  
33 after the expiration of one year from the date he or she received the  
34 deed or mortgage, but if unoccupied property has not been redeemed with-  
35 in six months from the date of death of the person who conveyed it to  
36 him or her by deed the social services official may thereafter, and  
37 before the expiration of such year, sell the property.

38 [(c)] (3) Except as otherwise provided in this chapter, upon the death  
39 of the person or his or her receiving institutional care, if the mort-  
40 gage has not been redeemed, sold or assigned, the social services offi-  
41 cial may enforce collection of the mortgage debt in the manner provided  
42 for the foreclosure of mortgages by action.

43 [(d)] (4) Provided the department shall have given its approval in  
44 writing, the social services official may, when in his or her judgment  
45 it is advisable and in the public interest, release a part of the prop-  
46 erty from the lien of the mortgage to permit, and in consideration of,  
47 the sale of such part by the owner and the application of the proceeds  
48 to reduce said mortgage or to satisfy and discharge or reduce a prior or  
49 superior mortgage.

50 [(e)] (5) While real property covered by a deed or mortgage is occu-  
51 pied, in whole or in part, by an aged, blind or disabled person who  
52 executed such deed or mortgage to the social services official for old  
53 age assistance, assistance to the blind or aid to the disabled granted  
54 to such person before January first, nineteen hundred seventy-four, the  
55 social services official shall not sell the property or assign or  
56 enforce the mortgage unless it appears reasonably certain that the sale

1 or other disposition of the property will not materially adversely  
2 affect the welfare of such person. After the death of such person no  
3 claim for assistance granted him or her shall be enforced against any  
4 real property while it is occupied by the surviving spouse.

5 [(f)](6) Except as otherwise provided, upon the death of a person who  
6 executed a lien to the social services official in return for old age  
7 assistance, assistance to the blind or aid to the disabled granted prior  
8 to January first, nineteen hundred seventy-four, or before the death of  
9 such person if it appears reasonably certain that the sale or other  
10 disposition of the property will not materially adversely affect the  
11 welfare of such person, the social services official may enforce such  
12 lien in the manner provided by article three of the lien law. After the  
13 death of such person the lien may not be enforced against real property  
14 while it is occupied by the surviving spouse.

15 [7.](e) The sale of any parcel of real property or mortgage on real  
16 property by the social services official, under the provisions of this  
17 section, shall be made at a public sale, held at least two weeks after  
18 notice thereof shall have been published in a newspaper having a general  
19 circulation in that section of the county in which the real property is  
20 located. Such notice shall specify the time and place of such public  
21 sale and shall contain a brief description of the premises to be sold,  
22 or upon which the mortgage is a lien, as the case may be. Unless in the  
23 judgment of the social services official, it shall be in the public  
24 interest to reject all bids, such parcel or mortgage shall be sold to  
25 the highest responsible bidder.

26 [8.](f) It is permissible for social services officials to subordinate  
27 a mortgage taken on behalf of the social services district pursuant to  
28 this section. In the event that a social services official determines to  
29 subordinate a mortgage, or lien, he or she shall do so within thirty  
30 days of receipt of written notice that the mortgagor is attempting to  
31 modify their mortgage that is held by a mortgagee with superior lien  
32 rights and subordination of the social services district's mortgage is  
33 required by such mortgagee in order for it to approve or complete the  
34 modification.

35 § 2. Section 360 of the social services law, as added by chapter 722  
36 of the laws of 1951, subdivisions 1 and 3 as amended by section 92 of  
37 part B of chapter 436 of the laws of 1997, subdivision 2 as amended by  
38 chapter 909 of the laws of 1974, and subdivision 4 as amended by chapter  
39 803 of the laws of 1959, is amended to read as follows:

40 § 360. Real property of legally responsible relatives[; deeds and  
41 mortgages may be required]. [1.] The ownership of real property by an  
42 applicant or applicants, recipient or recipients who is or are legally  
43 responsible relatives of the child or children for whose benefit the  
44 application is made or the aid is granted, whether such ownership be  
45 individual or joint as tenants in common, tenants by the entirety or  
46 joint tenants, shall not preclude the granting of family assistance or  
47 the continuance thereof if he or they are without the necessary funds to  
48 maintain himself, herself or themselves and such child or children.  
49 [The social services official may, however, require, as a condition to  
50 the granting of aid or the continuance thereof, that he or she be given  
51 a deed of or a mortgage on such property in accordance with the  
52 provisions of section one hundred six.

53 2. However, while the property covered by the deed or mortgage is  
54 occupied, in whole or in part, by the responsible relative who gave such  
55 deed or mortgage to the social services official or, by a child for  
56 whose benefit the aid was granted the social services official shall not

1 sell the property or assign or enforce the mortgage without the written  
2 consent of the department; and, when the property is occupied by such  
3 child, such consent shall not be given unless it appears reasonably  
4 certain that the sale or other disposition of the property will not  
5 materially adversely affect the welfare of such child.

6 3. The net amount recovered by the social services department from  
7 such property, less any expenditures approved by the department for the  
8 burial of the relative or the child who dies while in receipt of aid  
9 under this title, shall be used to repay the social services district,  
10 the state and the federal government their proportionate share of the  
11 cost of family assistance granted. The state and federal share shall be  
12 paid by the social services district to the state and the manner and  
13 amount of such payment shall be determined in accordance with the regu-  
14 lations of the department.

15 4. If any balance remains it shall belong to the estate of the legal-  
16 ly responsible relative or relatives and the public welfare district  
17 shall forthwith credit the same accordingly, and, provided they claim it  
18 within four years thereafter, pay it to the persons entitled thereto.  
19 If not so claimed within four years it shall be deemed abandoned proper-  
20 ty and be paid to the state comptroller pursuant to section thirteen  
21 hundred five of the abandoned property law.

22 5. The proceeds or moneys due the United States shall be paid or  
23 reported in such manner and at such times as the federal security agency  
24 or other authorized federal agency may direct.]

25 § 3. This act shall take effect April 1, 2016.

26

## SUBPART C

27 Section 1. Subdivision 1 of section 36-c of the social services law,  
28 as added by section 1 of part K of chapter 58 of the laws of 2010, is  
29 amended to read as follows:

30 1. Notwithstanding any other provision of law to the contrary, in any  
31 social services district with a city having a population of one million  
32 or more, the social services district shall conduct a demonstration  
33 project as set forth in this section[, and shall evaluate and report on  
34 such project, pursuant to a plan approved by the office of temporary and  
35 disability assistance and the division of budget prior to the implemen-  
36 tation of the project].

37 § 2. Paragraph c of section 2 of part K of chapter 58 of the laws of  
38 2010 amending the social services law relating to establishing the  
39 savings plan demonstration project, is amended to read as follows:

40 c. this act shall expire and be deemed repealed March 31, [2016] 2018.

41 § 3. This act shall take effect immediately; provided, however, that  
42 the amendment to subdivision 1 of section 36-c of the social services  
43 law made by section one of this act shall not affect the expiration of  
44 such section and shall be deemed to expire therewith.

45

## SUBPART D

46 Section 1. The social services law is amended by adding a new section  
47 131-bb to read as follows:

48 § 131-bb. Family eviction prevention supplement program. 1. Family  
49 eviction prevention supplement program. Notwithstanding any other  
50 provision of law to the contrary, a social services district in a city  
51 with a population in excess of one million is authorized to operate a



1 shelter allowance supplement program to prevent eviction of families  
2 with children in accordance with this section.

3 2. Shelter allowance supplement. Such program shall provide a shelter  
4 allowance supplement in an amount up to the maximum amount of the fair  
5 market rent in the district, as established by the United States depart-  
6 ment of housing and urban development, for the household composition of  
7 eligible individuals as defined in subdivision three of this section.  
8 The amount provided for such shelter allowance supplement shall not be  
9 included in the standard of need as prescribed by paragraph (b) of  
10 subdivision ten of section one hundred thirty-one-a of this title.

11 3. Eligibility. The shelter allowance supplement shall be made avail-  
12 able to individuals residing in such city who are needy families with  
13 children who are eligible for family assistance or safety net assistance  
14 who:

15 a. may lose or have recently lost housing accommodations due to a  
16 pending or recent eviction; or

17 b. have bona fide rent arrears; or

18 c. are victims of domestic violence as defined in subdivision one of  
19 section four hundred fifty-nine-a of this chapter, who are eligible for  
20 services pursuant to section four hundred fifty-nine-b of this chapter.

21 4. Nothing in this section shall be construed to require such social  
22 services district to operate or maintain any shelter allowance supple-  
23 ment program to prevent eviction, or to limit other means available for  
24 providing shelter allowance supplements or operating other shelter  
25 allowance supplement programs to prevent eviction, or to create an enti-  
26 tlement to any shelter allowance supplement provided in accordance with  
27 this section.

28 5. Expenditures for the operation of a shelter allowance supplement  
29 program in a city with a population in excess of one million shall be  
30 subject to reimbursement by the state in accordance with section one  
31 hundred fifty-three of this article.

32 § 2. This act shall take effect immediately.

33 § 2. Severability clause. If any clause, sentence, paragraph, subdivi-  
34 sion, section or subpart of this act shall be adjudged by any court of  
35 competent jurisdiction to be invalid, such judgement shall not affect,  
36 impair, or invalidate the remainder thereof, but shall be confined in  
37 its operation to the clause, sentence, paragraph, subdivision, section  
38 or subpart thereof directly involved in the controversy in which such  
39 judgement shall have been rendered. It is hereby declared to be the  
40 intent of the legislature that this act would have been enacted even if  
41 such invalid provisions had not been included herein.

42 § 3. This act shall take effect immediately, provided, however, that  
43 the applicable effective date of Subparts A through D of this act shall  
44 be as specifically set forth in the last section of such Subparts.

45

#### PART T

46 Section 1. This act enacts into law major components of legislation.  
47 Each component is wholly contained within a Subpart identified as  
48 Subparts A through E. The effective date for each particular provision  
49 contained within such Subpart is set forth in the last section of such  
50 Subpart. Any provision in any section contained within a Subpart,  
51 including the effective date of the Subpart, which makes references to a  
52 section "of this act", when used in connection with that particular  
53 component, shall be deemed to mean and refer to the corresponding



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

3

## SUBPART A

4 Section 1. Subdivision 1 of section 336-a of the social services law,  
5 as amended by section 4 of part J of chapter 58 of the laws of 2014, is  
6 amended to read as follows:

7 1. Social services districts shall make available vocational educa-  
8 tional training and educational activities. Such activities [may] shall  
9 include but need not be limited to, high school education or education  
10 designed to prepare a participant for a high school equivalency certifi-  
11 cate, basic and remedial education, education in English proficiency  
12 and no more than a total of four years of post-secondary education (or  
13 the part-time equivalent). Educational activities pursuant to this  
14 section may be offered with any of the following providers which meet  
15 the performance or assessment standards established in regulations by  
16 the commissioner for such providers: a community college, licensed trade  
17 school, registered business school, or a two-year or four-year college;  
18 provided, however, that such post-secondary education must be necessary  
19 to the attainment of the participant's individual employment goal as set  
20 forth in the employability plan and such goal must relate directly to  
21 obtaining useful employment in a recognized occupation. When making any  
22 assignment to any educational activity pursuant to this subdivision,  
23 such assignment shall be permitted only to the extent that such assign-  
24 ment is consistent with the individual's assessment and employment plan  
25 goals in accordance with sections three hundred thirty-five and three  
26 hundred thirty-five-a of this title and shall require that the individ-  
27 ual maintains satisfactory academic progress and hourly participation is  
28 documented consistent with federal and state requirements. For purposes  
29 of this provision "satisfactory academic progress" shall mean having a  
30 cumulative C average, or its equivalent, as determined by the academic  
31 institution. The requirement to maintain satisfactory academic progress  
32 may be waived if done so by the academic institution and the social  
33 services district based on undue hardship caused by an event such as a  
34 personal injury or illness of the student, the death of a relative of  
35 the student or other extenuating circumstances. Any enrollment in post-  
36 secondary education beyond a twelve month period must be combined with  
37 no less than twenty hours of participation averaged weekly in paid  
38 employment or work activities or community service when paid employment  
39 is not available.

40 § 2. Section 336 of the social services law is amended by adding a new  
41 subdivision 9 to read as follows:

42 9. For any participant engaged in an educational or training activity  
43 pursuant to paragraphs (h), (i), (j), (k) or (n) of subdivision one of  
44 this section, homework expected or required by the educational institu-  
45 tion, including up to one hour of unsupervised homework per hour of  
46 class time, plus additional hours of homework supervised by the educa-  
47 tional institution, shall count towards satisfaction of the partic-  
48 ipant's work activity requirements under this title, to the extent that  
49 such participation shall not impair the need of the social services  
50 district to meet federal and state work activity participation require-  
51 ments.

52 § 3. This act shall take effect April 1, 2016.

53

## SUBPART B



1 Section 1. Section 332-b of the social services law is amended by  
2 adding two new subdivisions 4-a and 4-b to read as follows:

3 4-a. If the practitioner to whom the individual is referred pursuant  
4 to subdivision four or paragraph (b) of subdivision two of this section  
5 issues an opinion that differs from the applicant's treating health care  
6 practitioner, the practitioner must provide an explicit written determi-  
7 nation as to why the practitioner disagrees with the applicant's treat-  
8 ing health care practitioner's disability determination and present  
9 evidence that supports the opinion.

10 4-b. In the event the practitioner to whom the individual is referred  
11 pursuant to subdivision four or paragraph (b) of subdivision two of this  
12 section issues an opinion that differs from the applicant's treating  
13 health care practitioner's opinion, the applicant's treating health care  
14 practitioner's opinion is generally controlling, subject to, but not  
15 limited to, the following factors:

16 (a) the length and frequency of the treatment provided,

17 (b) consistency of the opinion with the record as a whole,

18 (c) the degree to which the opinion is supported by concrete evidence,  
19 and

20 (d) the practitioner's specialty.

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

23

## SUBPART C

24 Section 1. Subdivision 2 of section 410-x of the social services law,  
25 as amended by chapter 416 of the laws of 2000, is amended to read as  
26 follows:

27 2. (a) A social services district may establish priorities for the  
28 families which will be eligible to receive funding; provided that the  
29 priorities provide that eligible families will receive equitable access  
30 to child care assistance funds to the extent that these funds are avail-  
31 able.

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

37 (c) A social services district shall be authorized to set aside  
38 portions of its block grant allocation to serve one or more of its  
39 priority groups and/or to discontinue funding to families with lower  
40 priorities in order to serve families with higher priorities; provided  
41 that the method of disbursement to priority groups provides that eligi-  
42 ble families within a priority group will receive equitable access to  
43 child care assistance funds to the extent that these funds are avail-  
44 able.

45 (d) Notwithstanding any other provision of law to the contrary, the  
46 commissioner in any social services district that does not have suffi-  
47 cient funding to serve all eligible working families under two hundred  
48 percent of the state income standard, shall offer the twelve month work  
49 exemption provided in paragraph (d) of subdivision one of section three  
50 hundred thirty-two of this chapter, to all parents or other relatives in  
51 receipt of public assistance who are personally providing care for a  
52 child under one year of age regardless of whether such parent or other  
53 relative has previously been offered an exemption under such section



1 three hundred thirty-two. This section shall not apply to individuals  
2 who:

3 (i) solely participate in work activities that provide earned income;  
4 or

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

7 (e) In the event that a social services district must discontinue  
8 funding to a priority group it shall notify the office of children and  
9 family services within ten days of such action, identifying the partic-  
10 ular group affected. In the event that funding is restored, the social  
11 services district shall notify the office of children and family  
12 services within ten days of such restoration.

13 (f) Each social services district shall collect and submit to the  
14 commissioner of the office of children and family services in a manner  
15 to be specified by the commissioner of the office of children and family  
16 services information concerning the disbursement of child care assist-  
17 ance funds showing geographic distribution of children receiving assist-  
18 ance within the district, the number of working families who were other-  
19 wise eligible for child care assistance but who were denied because the  
20 district lacked sufficient funding to serve all eligible families and  
21 the number and age of children who could not be served as a result.

22 [(e)] (g) The commissioner of the office of children and family  
23 services shall submit a report to the governor, temporary president of  
24 the senate and the speaker of the assembly on or before August thirty-  
25 first[, two thousand one] of every year concerning the implementation of  
26 this section. This report shall include information concerning the  
27 disbursement of child care assistance funds showing geographic distrib-  
28 ution of children receiving assistance within the state. Beginning  
29 August thirty-first, two thousand seventeen, such report, and each  
30 subsequent report thereafter, shall also:

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

33 (ii) list the priority groups affected;

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

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

40 § 2. This act shall take effect immediately.

41

#### SUBPART D

42 Section 1. Section 341 of the social services law is REPEALED.

43 § 2. Section 341-a of the social services law, as added by chapter 562  
44 of the laws of 2015, is amended to read as follows:

45 § [341-a] 341. Re-engagement; conciliation; refusal to participate.

46 1. [The provisions of this section shall apply to persons who are resi-  
47 dents of a city having a population of one million or more people.

48 2.] (a) Consistent with federal law and regulations and this title, if  
49 a participant has failed or refused to comply with the requirements of  
50 this title and the district has determined that he or she is not exempt  
51 from such requirements and has verified that appropriate child care,  
52 transportation, and accommodations for disability were in place at the  
53 time of such failure or refusal, the social services district shall  
54 issue a re-engagement notice in plain language indicating that such

1 failure or refusal has taken place and of the right of such participant  
2 to avoid a pro-rata reduction in public assistance benefits through the  
3 re-engagement process. "Re-engagement process" shall mean the process  
4 through which a participant may avoid a pro-rata reduction in public  
5 assistance benefits by agreeing to comply with the requirements of this  
6 title consistent with any medical condition which may limit the individ-  
7 ual's ability to participate in work activities, by notifying the  
8 district that he or she has become exempt from the requirements of this  
9 title, or by resolving the reasons for such failure or refusal at a  
10 conciliation conference. The notice shall indicate that the participant  
11 has ten days to request re-engagement with the district. The notice  
12 shall indicate the specific instance or instances of willful refusal or  
13 failure to comply without good cause with the requirements of this title  
14 and the necessary actions that must be taken to avoid a pro-rata  
15 reduction in public assistance benefits and the district has verified  
16 that appropriate child care, transportation and accommodations for disa-  
17 bility were in place at the time of such failure or refusal.

18 (1) If a participant chooses to avoid a pro-rata reduction in public  
19 assistance benefits through a conciliation conference, it will be the  
20 responsibility of the participant to give reasons for such failure or  
21 refusal. The re-engagement notice shall also include an explanation in  
22 plain language of what would constitute good cause for non-compliance  
23 and examples of acceptable forms of evidence that may warrant an  
24 exemption from work activities, including evidence of domestic violence,  
25 and physical or mental health limitations that may be provided at the  
26 conciliation conference to demonstrate such good cause for failure to  
27 comply with the requirements of this title. Unless as part of the re-en-  
28 gagement process the participant does not agree to comply, has not  
29 become exempt or the district determines as a result of the conciliation  
30 conference that such failure or refusal was willful and without good  
31 cause, no further action shall be taken.

32 (2) If the participant does not contact the district within ten days  
33 of the re-engagement notice, the district shall make a finding of wheth-  
34 er the alleged failure or refusal to comply was willful and without good  
35 cause and shall consider any evidence in the possession of the district  
36 indicating that the participant has good cause and if the participant is  
37 otherwise participating in work activities, there shall be no finding of  
38 willfulness without good cause based on a single appointment or infrac-  
39 tion.

40 (b) If the district determines that such failure or refusal was will-  
41 ful and without good cause, and that the individual is not exempt from  
42 the requirements of this title, the district shall notify such partic-  
43 ipant in writing, in plain language and in a manner distinct from any  
44 previous notice, by issuing ten days notice of its intent to discontinue  
45 or reduce assistance. Such notice shall include the reasons for such  
46 determination, the specific instance or instances of willful refusal or  
47 failure to comply without good cause with the requirements of this  
48 title, shall verify that appropriate child care, transportation and  
49 accommodations for disability were in place at the time of such failure  
50 or refusal, and specify the necessary actions that must be taken to  
51 avoid a pro-rata reduction in public assistance benefits, including  
52 agreeing to comply with the requirements of this title consistent with  
53 any medical condition which may limit the individual's ability to  
54 participate in work activities or notifying the district that he or she  
55 has become exempt from the requirements of this title and the right to a  
56 fair hearing relating to such discontinuance or reduction.

1 [3.] 2. (a) The department shall establish in regulation a concil-  
2 iation procedure for the resolution of disputes related to an individ-  
3 ual's participation in programs pursuant to this title.

4 (b) The district shall contract with an independent entity, approved  
5 by the department, or shall use designated trained staff at the supervi-  
6 sory level who have no direct responsibility for the participant's case  
7 to mediate disputes in the conciliation conference.

8 (c) If a participant's dispute cannot be resolved through such concil-  
9 iation procedure, an opportunity for a fair hearing shall be provided.  
10 No sanction relating to the subject dispute may be imposed during the  
11 re-engagement process.

12 [4.] 3. When any participant required to participate in work activ-  
13 ities fails to comply with the provisions of this title, the social  
14 services district shall take such actions as prescribed by appropriate  
15 federal law and regulation and this title.

16 [5.] 4. Consistent with federal law and this title, a social services  
17 district shall provide to those participants whose failure to comply has  
18 continued for thirty days or longer a written reminder of the option to  
19 end a sanction by terminating the failure to comply as specified in  
20 subdivision [two] one of this section. Such notice shall advise that the  
21 participant may immediately terminate the sanction by either agreeing to  
22 comply with the requirements of this title consistent with any medical  
23 condition which may limit the individual's ability to participate in  
24 work activities or notifying the district that he or she has become  
25 exempt from the requirements of this title.

26 [6.] 5. Consistent with federal law and regulation and this title, no  
27 notice shall be issued as specified in subdivision [two] one of this  
28 section unless it has been determined that the individual is not exempt  
29 from the requirements of this title and has determined that appropriate  
30 child care, transportation and accommodations for disability were in  
31 place at the time of such failure or refusal to comply with the require-  
32 ments of this title and no action shall be taken pursuant to this  
33 section for failure to participate in the program or refusal to accept  
34 employment if:

35 (a) child care for a child under age thirteen (or day care for any  
36 incapacitated individual living in the same home as a dependent child)  
37 is necessary for an individual to participate or continue participation  
38 in activities pursuant to this title or accept employment and such care  
39 is not available and the social services district fails to provide such  
40 care;

41 (b) (1) the employment would result in the family of the participant  
42 experiencing a net loss of cash income; provided, however, a participant  
43 may not claim good cause under this paragraph if the social services  
44 district assures that the family will not experience a net loss of cash  
45 income by making a supplemental payment;

46 (2) net loss of cash income results if the family's gross income less  
47 necessary work-related expenses is less than the cash assistance the  
48 participant was receiving at the time the offer of employment is made;  
49 or

50 (c) the participant meets other grounds for good cause set forth by  
51 the department in its implementation plan for this title which, at a  
52 minimum, must describe what circumstances beyond the household's control  
53 will constitute "good cause".

54 § 3. Section 342 of the social services law is REPEALED.

55 § 4. Section 342-a of the social services law, as added by chapter 562  
56 of the laws of 2015, is amended to read as follows:

1 § [342-a] 342. Noncompliance with the requirements of this title. 1.  
2 [The provisions of this section shall apply to persons who are residents  
3 of a city having a population of one million or more people.

4 2.] In accordance with the provisions of this section an individual  
5 who is required to participate in work activities shall be ineligible to  
6 receive public assistance if he or she fails to comply, without good  
7 cause, with the requirements of this title and the district has deter-  
8 mined that he or she is not exempt from such requirements and has veri-  
9 fied that appropriate child care, transportation, and accommodations for  
10 disability were in place at the time of such failure or refusal. Such  
11 ineligibility shall be for the amount and period specified in this  
12 section. Good cause for failing to comply with the requirements of this  
13 title shall be defined in department regulations, provided, however,  
14 that the parent or caretaker relative of a child under thirteen years of  
15 age shall not be subject to the ineligibility provisions of this section  
16 if the individual can demonstrate, in accordance with the regulations of  
17 the office of children and family services, that lack of available child  
18 care prevents such individual from complying with the work requirements  
19 of this title. The parent or caretaker relative shall be responsible for  
20 locating the child care needed to meet the work requirements; provided,  
21 however, that the relevant social services district shall provide a  
22 parent or caretaker relative who demonstrates an inability to obtain  
23 needed child care with a choice of two providers, at least one of which  
24 will be a regulated provider.

25 [3.] 2. In the case of an applicant for or recipient of public assist-  
26 ance whom the district has determined is not exempt from the require-  
27 ments of this title and who is a parent or caretaker of a dependent  
28 child, the public assistance benefits otherwise available to the house-  
29 hold of which such individual is a member shall be reduced pro-rata  
30 until the individual is willing to comply with the requirements of this  
31 title consistent with any medical condition which may limit the individ-  
32 ual's ability to participate in work activities.

33 [4.] 3. In the case of an individual who is a member of a household  
34 without dependent children whom the district has determined is not  
35 exempt from the requirements of this title and who is applying for or in  
36 receipt of safety net assistance, the public assistance benefits other-  
37 wise available to the household of which such individual is a member  
38 shall be reduced pro-rata until the failure or refusal to comply with  
39 the requirements of this title consistent with any medical condition  
40 which may limit the individual's ability to participate in work activ-  
41 ities ceases.

42 [5.] 4. A recipient of public assistance whom the district has deter-  
43 mined is not exempt from the requirements of this title and who quits or  
44 reduces his hours of employment without good cause or due to any medical  
45 condition which may limit the individual's ability to participate in  
46 work activities shall be considered to have failed to comply with the  
47 requirements of this article and shall be subject to the provisions of  
48 this section.

49 [6.] 5. A person described in paragraph (b) of subdivision seven of  
50 section one hundred fifty-nine of this chapter may not be sanctioned if  
51 his or her failure to comply with requirements of this title is related  
52 to his or her health status.

53 § 5. This act shall take effect April 1, 2016.



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

3 21. In addition to any requirements in section three hundred thirty-  
4 two-b of this chapter, if at any time a local social services district  
5 has reason to believe that an applicant for or recipient of public  
6 assistance has a disability, which may be evidenced by the fact that an  
7 individual has failed to successfully complete the process required to  
8 receive or continue to receive public assistance, such local social  
9 services district shall offer reasonable accommodations to assist the  
10 individual in successfully completing such processes. For the purposes  
11 of this subdivision, "disability" shall have the same meaning as set  
12 forth in subdivision five of section three hundred thirty of this chap-  
13 ter.

14 § 2. Subdivision 5 of section 330 of the social services law is renun-  
15 bered subdivision 9 and four new subdivisions 5, 6, 7, and 8 are added  
16 to read as follows:

17 5. "Disability" shall mean a physical or mental impairment that  
18 substantially limits one or more major life activity of an individual.

19 6. "Major life activity" shall include but not be limited to any phys-  
20 iological disorder or condition, cosmetic disfigurement, or anatomical  
21 loss affecting one or more body systems, such as neurological, muscu-  
22 loskeletal, special sense organs, respiratory (including speech organs),  
23 cardiovascular, reproductive, digestive, genitourinary, immune, circula-  
24 tory, hemic, lymphatic, skin and endocrine, as well as any mental or  
25 psychological disorder, such as intellectual disability, organic brain  
26 syndrome, emotional or mental illness, and specific learning disabili-  
27 ties.

28 7. "Major life function" shall include but not be limited to caring  
29 for oneself, performing manual tasks, seeing, hearing, eating, sleeping,  
30 walking, standing, sitting, reaching, lifting, bending, speaking,  
31 breathing, learning, reading, concentrating, thinking, communicating,  
32 interacting with others, working, as well as the operation of major  
33 bodily functions, including functions of the immune system, special  
34 sense organs and skin, normal cell growth, digestive, genitourinary,  
35 bowel, bladder, neurological, brain, respiratory, circulatory, cardio-  
36 vascular, endocrine, hemic, lymphatic, musculoskeletal, and reproductive  
37 functions.

38 8. "Executive function" shall mean a set of mental skills and proc-  
39 esses utilized in an individual's daily activities, including but not  
40 limited to, impulse control, working memory and mental flexibility.

41 § 3. Section 332-b of the social services law, as added by section 148  
42 of part B of chapter 436 of the laws of 1997, paragraph (b) of subdivi-  
43 sion 2 as amended by chapter 214 of the laws of 1998, is amended to read  
44 as follows:

45 § 332-b. Disability program. 1. (a) Upon application and recertif-  
46 ication for public assistance benefits, or whenever a district has  
47 reason to believe that a [physical or mental impairment] disability may  
48 prevent the individual from successfully completing any process required  
49 to receive or continue to receive public assistance or fully engaging in  
50 work activities, the social services district shall inquire whether the  
51 individual has any [medical condition] disability which would limit the  
52 individual's ability to successfully complete any process required to  
53 receive or continue to receive public assistance or participate in work  
54 activities pursuant to this title.

55 (b) An individual who is eligible to receive comprehensive health  
56 services through a special needs plan defined in paragraph (m) or (n) of

1 subdivision one of section three hundred sixty-four-j of this chapter,  
2 regardless of whether such a plan is operating in the individual's  
3 social services district of residence, shall be considered disabled and  
4 unable to engage in work activities or shall be considered work-limited.

5 (c) A local social services district that utilizes a screening or any  
6 other form of assessment to determine whether or not an individual has a  
7 disability shall not condition the eligibility of benefits on the will-  
8 ingness or failure of an individual to complete such screening or  
9 assessment. Any screening or assessment offered in a local social  
10 services district shall be completed solely at the option of the appli-  
11 cant for or recipient of benefits and such applicant or recipient shall  
12 not be denied, sanctioned, or terminated from benefits on the ground  
13 that he or she declined to complete such assessment or screening or  
14 declined or failed to participate in or obtain a professional evalu-  
15 ation.

16 2. (a) [Under the circumstances set forth in subdivision one of this  
17 section,] If an applicant for or recipient of public assistance has  
18 self-identified as having a disability, written notice shall be provided  
19 to the individual of the opportunity to provide, within [ten] fifteen  
20 calendar days, any relevant medical documentation, including but not  
21 limited to drug prescriptions and reports of the individual's treating  
22 health care practitioner, if any; such documentation must contain a  
23 specific diagnosis as evidenced by medically appropriate tests or evalu-  
24 ations and must particularize any work related limitations as a result  
25 of any such diagnosis.

26 (b) If, [prior to submitting his or her medical documentation, the  
27 individual is referred to a health care practitioner certified by the  
28 office of disability determinations of the office of temporary and disa-  
29 bility assistance or, if applicable, to the contracted agency or insti-  
30 tution by or with which such health care practitioner is employed or  
31 affiliated for an examination pursuant to subdivision four of this  
32 section, such individual shall make best efforts to bring such documen-  
33 tation to the examination, and in no case shall provide such records to  
34 the examining health care practitioner certified by the office of disa-  
35 bility determinations or, if applicable, to the contracted agency or  
36 institution by or with which such health care practitioner is employed  
37 or affiliated later than four business days after such examination;  
38 provided that the individual may demonstrate good cause as defined in  
39 regulations, for failure to provide such records within the specific  
40 time periods] at the time such written notice is provided, the individ-  
41 ual does not have any relevant medical documentation described in para-  
42 graph (a) of this subdivision, the individual shall be referred to an  
43 independent health care practitioner or to a health care practitioner  
44 certified by the office of temporary and disability assistance determi-  
45 nations for an examination as described in subdivision three of this  
46 section.

47 [3.] (c) The district [may in its sole discretion] shall accept such  
48 medical documentation, described in paragraph (a) of this subdivision,  
49 that contains a specific diagnosis as evidenced by medically appropriate  
50 tests or evaluations as sufficient evidence that the individual cannot  
51 fully engage in work activities and in such case shall modify work  
52 assignments consistent with the findings in such medical documents.

53 3. The health care practitioner who performs the professional evalu-  
54 ation as described in paragraph (d) of this subdivision shall:

55 (a) review and consider all records or information provided by the  
56 individual or any records or information that are pertinent to the

1 claimed medical condition previously on file with the health care prac-  
2 titioner if such health care practitioner is the individual's primary  
3 treating physician;

4 (b) make a specific diagnosis as to whether the individual has a disa-  
5 bling condition as evidenced by medically appropriate tests or evalu-  
6 ations;

7 (c) based on the health care practitioner's specific diagnosis, deter-  
8 mine whether the individual is:

9 (i) disabled and unable to engage in work activities pursuant to this  
10 title indefinitely or for a stated period of time, in which case the  
11 applicant or recipient shall be exempt in accordance with paragraph (a)  
12 of subdivision one of section three hundred thirty-two of this title;

13 (ii) disabled but able to engage in work limited activities with stat-  
14 ed limitations pursuant to this title indefinitely or for a stated peri-  
15 od of time;

16 (iii) disabled but able to fully engage in work activities pursuant to  
17 this title without limitations either indefinitely or for a stated peri-  
18 od of time; or

19 (iv) not disabled;

20 (d) render to the individual and the local social services district  
21 within ten days of the individual's appointment:

22 (i) their determination based on medically appropriate tests or evalu-  
23 ations;

24 (ii) whether such individual has a disability;

25 (iii) the severity of the disability, if one exists;

26 (iv) the functional limitations resulting from that disability, if  
27 any; and

28 (v) what accommodations, if any, are appropriate and necessary;

29 (e) in the event that the health care practitioner identifies a condi-  
30 tion, other than the alleged condition, that may interfere with the  
31 individual's ability to successfully navigate the application process or  
32 fully engage in work activities, the practitioner shall report such  
33 condition to the individual and the district as well; and

34 (f) if, during the professional evaluation it is determined that an  
35 individual has a disability, the district shall be required to offer  
36 reasonable accommodations not only in the context of a recipient's  
37 required work activity, but also with regards to any other process  
38 required in connection with receiving public assistance.

39 4. [In instances where the district determines either that the  
40 documentation is insufficient to support an exemption from or limitation  
41 on work activities or that further medical evaluation is appropriate,  
42 the individual shall be referred to a health care practitioner certified  
43 by the Office of Disability Determinations of the Department of Social  
44 Services for an examination of such individual's medical condition.

45 The health care practitioner who performs the examination of the indi-  
46 vidual shall:

47 (a) review and consider all records or information provided by the  
48 individual or his or her treating health care practitioner that are  
49 pertinent to the claimed medical condition;

50 (b) make a specific diagnosis as evidenced by medically appropriate  
51 tests or evaluations in determination of the individual's claimed condi-  
52 tion;

53 (c) render to the individual and the social services district, an  
54 opinion, particularizing the presence or absence of the alleged condi-  
55 tion; and

1 (d) [In] in the event that he or she identifies a condition, other  
2 than the alleged condition, that may interfere with the individual's  
3 ability to fully engage in work activities, the practitioner shall  
4 report such condition; and

5 (e) determine whether the individual is:

6 (i) disabled and unable to engage in work activities pursuant to this  
7 title for a stated period of time, in which case the applicant shall be  
8 exempt in accordance with paragraph (a) of subdivision one of section  
9 three hundred thirty-two of this title;

10 (ii) for a stated period of time, not disabled, but work limited, and  
11 able to engage in work activities pursuant to this title, with stated  
12 limitations, or

13 (iii) neither disabled nor work limited.

14 5.] When an applicant or recipient has requested or a social services  
15 official has directed a determination pursuant to this section, no  
16 assignment to work activities may be made until completion of such  
17 determination, unless the applicant or recipient agrees to a limited  
18 work assignment not inconsistent with the medical condition alleged by  
19 such person.

20 [6.] 5. When an applicant or recipient receives notification of the  
21 examining medical professional's disability determination, he or she  
22 shall also be notified of his or her right to request a fair hearing  
23 within ten days of such notice. If such applicant timely requests a fair  
24 hearing, no assignment to work activities pursuant to this title may be  
25 made pending such hearing and determination unless the applicant or  
26 recipient agrees to a limited work assignment not inconsistent with the  
27 medical condition alleged by such person. [Provided, however, that if a  
28 social services district has reason to believe that such recipient or  
29 applicant does not actually suffer from a work limiting condition, the  
30 district shall provide the applicant or recipient with notice of poten-  
31 tial sanctions pursuant to subdivision three of section three hundred  
32 forty-two of this title, and provided further that recipients will be  
33 subject to sanctions pursuant to subdivision three of section three  
34 hundred forty-two of this title if the district determines, based on  
35 clear medical evidence, that there is no basis for the individual's  
36 claim that he or she is unable to fully engage in work activities, and  
37 that the individual intentionally misrepresented his or her medical  
38 condition.

39 7. Any applicant or recipient determined to be work limited pursuant  
40 to this section may be assigned to work activities only in accordance  
41 with the limitations and protections set forth in paragraph (e) of  
42 subdivision five of section three hundred thirty-five-b of this title.]

43 6. Every local social services district shall ensure that applicants  
44 for or recipients of public assistance who have a disability are  
45 provided reasonable accommodations as required by 42 U.S.C. 12101 et  
46 seq., 29 U.S.C. 794, article fifteen of the executive law, or any other  
47 state or federal law, rule, or regulation.

48 § 4. The section heading, subdivisions 1 and 2 of section 335 of the  
49 social services law, the section heading and subdivision 2 as amended by  
50 section 148 of part B of section 436 of the laws of 1997, and subdivi-  
51 sion 1 as amended by chapter 214 of the laws of 1998, are amended to  
52 read as follows:

53 Assessments and employability plans for certain recipients [in house-  
54 holds with dependent children] of public assistance.

55 1. Each social services official shall ensure that each recipient of  
56 public assistance who is [a member of a household with dependent chil-

1 dren and is] eighteen years of age or older, or who is sixteen or seven-  
2 teen years of age and is not attending secondary school and has not  
3 completed high school or a high school equivalency program, receives an  
4 assessment of employability based on his or her educational level,  
5 including literacy and English language proficiency, basic skills profi-  
6 ciency, access to child care, any identified or known disability that  
7 limits a major life function, necessary and reasonable accommodations  
8 required pursuant to subdivision six of section three hundred thirty-  
9 two-b of this title and other supportive services needs [; and], skills,  
10 prior work experience, training and vocational interests, as well as the  
11 participant's work preferences. This assessment shall include a review  
12 of family circumstances including a review of any special needs of a  
13 child. Such assessment shall be completed within [ninety] thirty days of  
14 the date on which such person is determined eligible for public assist-  
15 ance. An applicant for or recipient of public assistance may be assigned  
16 to work activities prior to completion of such assessment, provided that  
17 such work activity takes into consideration any necessary and reasonable  
18 accommodations indicated by the health care practitioner's determination  
19 in accordance with subdivision three of this section, or any other  
20 reasonable accommodation required in accordance with subdivisions two  
21 and six of section three hundred thirty-two-b of this title.

22 2. (a) Based on the assessment required by subdivision one of this  
23 section, the social services official, in consultation with the partic-  
24 ipant, shall develop an employability plan in writing which shall set  
25 forth the services that will be provided by the social services offi-  
26 cial, including but not limited to child care and other services and the  
27 activities in which the participant will take part, including child care  
28 and other services and shall set forth an employment goal for the  
29 participant and how their assigned work activities and services will  
30 help them achieve that goal. [To the extent possible, the] The employa-  
31 bility plan shall reflect the preferences of the participant in a manner  
32 that is consistent with the results of the participant's assessment and  
33 the need of the social services district to meet federal and state work  
34 activity participation requirements, and, if such preferences cannot be  
35 accommodated, the reasons shall be specified in the employability plan.  
36 The employability plan shall also take into account the participant's  
37 supportive services needs, available program resources, local employment  
38 opportunities, and where the social services official is considering an  
39 educational activity assignment for such participant, the participant's  
40 liability for student loans, grants and scholarship awards. [The] A  
41 written copy of the employability plan shall be explained and provided  
42 to the participant. Any change to the participant's employability plan  
43 required by the social services official shall be provided in writing,  
44 discussed with the participant and shall be documented in writing. No  
45 less than once per year, the district shall be required to revisit the  
46 participant's employability plan and assess whether their assigned work  
47 activities and services are successfully assisting the individual in  
48 working toward or reaching their employment goal. If the district deter-  
49 mines that the assigned work activities and services are not assisting  
50 the individual in working toward or meeting their employment goals based  
51 on their assessment and input from the participant, then the district  
52 shall reassign the participant to a new work activity that is better  
53 targeted toward reaching their employment goals. Provided however, if  
54 such individual is participating in an activity including but not limit-  
55 ed to educational or job training where additional time is needed in the  
56 specific work activity for the participant to reach their employment



1 goal, the participant shall remain in the particular work activity, and  
2 the work activity shall be reassessed at a later date.

3 § 5. Section 335-a of the social services law is REPEALED.

4 § 6. Paragraphs (e) and (f) of subdivision 5 and subdivision 6 of  
5 section 335-b of the social services law, as added by section 148 of  
6 part B of chapter 436 of the laws of 1997, are amended to read as  
7 follows:

8 (e) Notwithstanding any other requirement of this section, individuals  
9 in receipt of public assistance and who are determined to have a disa-  
10 bility and categorized as either work limited or disabled but able to  
11 fully engage in work activities in accordance with section three hundred  
12 thirty-two-b of this title shall not be assigned to work activities in  
13 accordance with this title [only if] unless such assignment[:

14 (i)] is consistent with the individual's treatment plan [and is deter-  
15 mined to] developed by the social services district based on findings  
16 established by the individual's treating health care practitioner that  
17 made the disability determination pursuant to subdivision three of  
18 section three hundred thirty-two-b of this title. Such treatment plan  
19 shall be appropriate [by the social services official who is satisfied  
20 that] and consistent with limitations prescribed by the treating health  
21 care practitioner in order for such person [is] to be able to perform  
22 the work assigned and [that] such assignment will assist the individ-  
23 ual's transition to self-sufficiency. In the event that such assignment  
24 is not part of the individual's treatment plan, the individual shall be  
25 deemed to be engaged in work as defined in this subsection if he or she  
26 is complying with the requirements of his or her treatment plan.

27 (ii) [where no treatment plan exists, is consistent with the individ-  
28 ual's mental and physical limitations.

29 (f)] The social services district shall communicate any limitations or  
30 necessary accommodations to the person supervising the work assignment  
31 of [a work limited recipient any limitations of the recipient] an indi-  
32 vidual determined to have a disability and categorized as either work  
33 limited or disabled but able to fully engage in work activities in  
34 accordance with section three hundred thirty-two-b of this title.

35 [6. Recipients of safety net assistance who are exempt or work limited  
36 pursuant to this title shall be determined to be engaged in work as  
37 defined by department regulation.]

38 § 7. Paragraphs (d) and (f) of subdivision 1 of section 336 of the  
39 social services law, as amended by section 148 of part B of chapter 436  
40 of the laws of 1997, are amended to read as follows:

41 (d) work experience in the public sector or non-profit sector,  
42 [(including work associated with refurbishing publicly assisted housing)  
43 if sufficient private sector employment is not available] that provides  
44 an individual with an opportunity to acquire the general skills, know-  
45 ledge, and work habits necessary to improve both the employability of  
46 the individual and their ability to obtain employment. Such programs  
47 providing work experience shall focus on providing a continuum of educa-  
48 tion and occupational training, including applicable and beneficial  
49 certifications and/or licensures, which will link to subsequent employ-  
50 ment. When possible, education and occupational training shall be  
51 focused toward employment opportunities in emerging and expanding fields  
52 within a relative geographic location. Such programs shall also focus on  
53 executive function deficits as defined in subdivision eight of section  
54 three hundred thirty of this title, and provide targeted education and  
55 skills development opportunities to assist individuals in overcoming  
56 such deficiencies;



1 (f) job search and job readiness assistance, provided that job search  
2 is an active and continuing effort to secure employment configured by  
3 the local social services official. However, recipients determined to  
4 have a disability pursuant to subdivision two of section three hundred  
5 thirty-two-b of this title, shall be limited to participate in such work  
6 activity for a period not to exceed six weeks in any one calendar year,  
7 unless the district has made a specific finding through the individual's  
8 assessment as part of their employability plan, that additional time is  
9 needed for such individual to find gainful employment;

10 § 8. Subdivisions 1 and 5 of section 336-a of the social services law,  
11 subdivision 1 as amended by section 4 of part J of chapter 58 of the  
12 laws of 2014, and subdivision 5 as amended by section 148 of part B of  
13 chapter 436 of the laws of 1997, are amended to read as follows:

14 1. Social services districts shall make available vocational educa-  
15 tional training and educational activities. Such activities may include  
16 but need not be limited to, high school education or education designed  
17 to prepare a participant for a high school equivalency certificate,  
18 basic and remedial education, education in English proficiency and no  
19 more than a total of four years of post-secondary education (or the  
20 part-time equivalent). Educational activities pursuant to this section  
21 may be offered with any of the following providers which meet the  
22 performance or assessment standards established in regulations by the  
23 commissioner for such providers: a community college, licensed trade  
24 school, registered business school, or a two-year or four-year college;  
25 provided, however, that such post-secondary education must be necessary  
26 to the attainment of the participant's individual employment goal as set  
27 forth in the employability plan and such goal must relate directly to  
28 obtaining useful employment in a recognized occupation. When making any  
29 assignment to any educational activity pursuant to this subdivision,  
30 such assignment shall be permitted only to the extent that such assign-  
31 ment is consistent with the individual's assessment and employment plan  
32 goals in accordance with [sections] section three hundred thirty-five  
33 [and three hundred thirty-five-a] of this title and shall require that  
34 the individual maintains satisfactory academic progress and hourly  
35 participation is documented consistent with federal and state require-  
36 ments. For purposes of this provision "satisfactory academic progress"  
37 shall mean having a cumulative C average, or its equivalent, as deter-  
38 mined by the academic institution. The requirement to maintain satisfac-  
39 tory academic progress may be waived if done so by the academic institu-  
40 tion and the social services district based on undue hardship caused by  
41 an event such as a personal injury or illness of the student, the death  
42 of a relative of the student or other extenuating circumstances. Any  
43 enrollment in post-secondary education beyond a twelve month period must  
44 be combined with no less than twenty hours of participation averaged  
45 weekly in paid employment or work activities or community service when  
46 paid employment is not available.

47 5. Any applicant for or recipient of public assistance pursuing activ-  
48 ities described in this subdivision shall not be assigned to any other  
49 activity prior to conducting an assessment and developing an employabil-  
50 ity plan as prescribed in section three hundred thirty-five [or three  
51 hundred thirty-five-a] of this title. Local social services districts  
52 may periodically reevaluate a participant's employment plan and make  
53 assignments to other work activities in order to meet participation  
54 rates, giving due consideration to the participant's progress in the  
55 current, and if applicable, prior program.

1 § 9. This act shall take effect on the one hundred eightieth day after  
2 it shall have become a law.

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

12 § 3. This act shall take effect immediately, provided, however, that  
13 the applicable effective date of Subparts A through E of this act shall  
14 be as specifically set forth in the last section of such Subpart.

15

## PART U

16 Section 1. Any lease, agreement, or contract for construction, exca-  
17 vation, demolition, rehabilitation, repair, renovation, alteration or  
18 improvement on a capital project shall be deemed public work and shall  
19 be subject to and performed in accordance with the provisions of article  
20 8 of the labor law and compliance with all the provisions of article 8  
21 of the labor law shall be required of any lessee, sub lessee, contrac-  
22 tor, or subcontractor on the capital project including the enforcement  
23 of prevailing wage requirements by the fiscal officer as defined in  
24 paragraph e of subdivision 5 of section 220 of the labor law where such  
25 capital project is:

26 (a) wholly or partially funded by monies allocated, appropriated, or  
27 transferred from:

28 the dedicated infrastructure investment fund;  
29 the dedicated highway and bridge trust fund;  
30 the New York Works Economic Development Fund; or

31 (b) related to or authorized under:  
32 the Upstate Revitalization Initiative;  
33 the Thruway Stabilization Program;  
34 the Transportation Capital Plan;  
35 the Buffalo High Tech Manufacturing Innovation Hub;  
36 any Nano program;  
37 the Water Infrastructure Improvement Act; or  
38 the Downtown Revitalization Initiative.

39 § 2. This act shall take effect immediately and shall apply to all  
40 capital projects in which contracts for the project are entered into on  
41 or after the effective date of this act.

42

## PART V

43 Section 1. This act enacts into law components of legislation which  
44 are necessary to implement legislation relating to establishing and  
45 continuing various social services programs. Each component is wholly  
46 contained within a Subpart identified as Subparts A through C. The  
47 effective date for each particular provision contained within such  
48 Subpart is set forth in the last section of such Subpart. Any provision  
49 in any section contained within a Subpart, including the effective date  
50 of the Subpart, which makes a reference to a section "of this act", when  
51 used in connection with that particular component, shall be deemed to  
52 mean and refer to the corresponding section of the Subpart in which it

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

3

## SUBPART A

4 Section 1. Local anti-poverty task forces. 1. Subject to available  
5 appropriations, there are hereby created local anti-poverty task forces  
6 (hereinafter referred to as "task forces") to be located throughout the  
7 state. Such task forces shall:

8 (a) except in a city with a population of one million or more be coor-  
9 dinated by a not-for-profit entity that is located or provides services,  
10 either directly or indirectly, in the municipality where the proposed  
11 task force would be located; and

12 (b) be responsible for the identification of the factors which  
13 contribute to poverty, and implementation of plans to address such  
14 factors, in accordance with subdivision eight of this section.

15 2. The Commissioner of the office of temporary and disability assist-  
16 ance shall issue a request for proposal to determine the not-for-profit  
17 entity that shall coordinate the task forces as well as the amount of  
18 funding to be awarded. Provided, however, task forces located in a city  
19 with a population of one million or more shall not be required to  
20 respond to such request for proposal. The commissioner shall weigh the  
21 following factors in determining the not-for-profit entity that shall  
22 coordinate such task forces and the funding amount therefor;

23 (a) the percentage of individuals living below the poverty level,  
24 particularly the percentage of children living in poverty;

25 (b) the percentage of homeless individuals in the region, particularly  
26 the percentage of homeless children;

27 (c) the availability and accessibility of resources or services for  
28 individuals living in poverty, and the extent to which those resources  
29 or services could be expanded;

30 (d) the ability of the not-for-profit entity identified in the  
31 proposal to implement the requirements in subdivisions eight and ten of  
32 this section, including the extent to which they can utilize awarded  
33 funds to dedicate towards activities identified in paragraph (b) of  
34 subdivision eight of this section;

35 (e) if a not-for-profit entity is already coordinating an anti-poverty  
36 task force or initiative and if such initiative or task force demon-  
37 strates that it is able to carry out the functions in subdivision eight  
38 of this section, the commissioner shall give appropriate weight to the  
39 work the initiative or task force has completed to date and the extent  
40 to which continued funding would benefit the community; and

41 (f) any other relevant information the commissioner deems appropriate  
42 to address major poverty factors specific to the region.

43 3. The commissioner shall review each request for proposal, and  
44 require any additional information he or she deems necessary to ensure  
45 the requirements of subdivision eight can be met, prior to releasing any  
46 funds to the task forces.

47 4. Except where a state funded task force or initiative already exists  
48 and has received continued funding, each task force shall make all  
49 necessary efforts to be comprised of the following members:

50 (a) individuals who have been in and/or are currently in receipt of  
51 public assistance;

52 (b) advocates and not-for-profits from the public assistance, housing,  
53 criminal justice, disability, education, and child welfare communities;

54 (c) representatives from the local social services districts;

- 1 (d) local and state legislators;  
2 (e) local business owners;  
3 (f) educators and school administrators from local school districts;  
4 (g) professors and administrators from local colleges, including  
5 community colleges; and  
6 (h) any other individuals the task force deems necessary and appropri-  
7 ate to accomplish the responsibilities and duties of the task force.
- 8 5. The members of the task force shall not receive any compensation  
9 for their duties in connection to the task force. However, the members  
10 shall be entitled to reimbursement for any necessary expenses incurred  
11 in connection with the performance of their duties.
- 12 6. Any personal information about an individual obtained by a member  
13 of the task force shall only be used to carry out his or her responsi-  
14 bilities in accordance with subdivision eight of this section.
- 15 7. Each task force shall be entitled to, at minimum, five hundred  
16 thousand dollars within funds appropriated therefor, to carry out their  
17 duties and responsibilities prescribed in this section. Provided howev-  
18 er, that the amount used for planning shall not exceed the lesser of two  
19 hundred thousand fifty dollars, or twenty percent of the total award.  
20 Provided further, that an existing task force or initiative, or any  
21 other task force that has completed the requirements in paragraph (a) of  
22 subdivision eight of this section within the preceding three years may  
23 spend the entire amount of their award on the requirements set forth in  
24 paragraph (b) of subdivision eight of this section.
- 25 8. Each task force, where possible, shall work with the local social  
26 services district, and shall be responsible, either directly, or through  
27 contracts and within amounts appropriated, for the following:
- 28 (a) identifying major contributing factors to poverty, including  
29 factors that are differential among or specific to certain types of  
30 regions; how such factors prevent individuals from becoming self suffi-  
31 cient; and to what extent such factors could be alleviated through state  
32 and/or local action;
- 33 (b) planning and implementing strategies to address the factors iden-  
34 tified in paragraph (a) of this subdivision, including but not limited  
35 to the implementation or expansion of programs, within funds appropri-  
36 ated, that address the following:
- 37 (i) alleviating the strain on families in poverty through services  
38 provided to parents and children in the home;
- 39 (ii) providing enhanced career readiness and job training as well as  
40 linkage to available jobs for individuals receiving or otherwise eligi-  
41 ble for public assistance who have completed post-secondary education,  
42 or other vocational or career technical education programs;
- 43 (iii) enhancing programs that are available for required work activ-  
44 ities for public assistance recipients to ensure that individuals are  
45 provided with an opportunity to acquire the general skills, knowledge,  
46 work habits and certifications or credentials necessary to improve their  
47 employability;
- 48 (iv) providing mentors, or other assistance to individuals with disa-  
49 bilities so that such individuals can receive or continue to receive any  
50 form of public assistance for which they are eligible;
- 51 (v) chronic homelessness or housing insecurity;
- 52 (vi) any other major contributing factors identified by the task force  
53 that lead to or keep people in poverty; and
- 54 (c) evaluating the effectiveness of the programs implemented or  
55 expanded under the task force in addressing the factors that contribute  
56 to poverty.



1 9. Local social services districts in the regions where task forces  
 2 are located may refer applicants for or recipients of public assistance  
 3 to a contact person at the non-profit entity coordinating a task force  
 4 if the local social services district believes that the individual may  
 5 benefit from the resources or services provided by such task force.

6 10. The task forces shall report to the governor, the speaker of the  
 7 assembly, and the temporary president of the senate, no later than  
 8 December 31, 2016, and annually thereafter until December 31, 2018,  
 9 regarding the major factors which contribute to poverty that they have  
 10 identified, as well as the programs implemented to alleviate such  
 11 factors, including the amount of money spent for each program, the  
 12 number of participants served, and the outcomes, to the extent it is  
 13 known, of such participants. At the conclusion of the work of the task  
 14 force, each task force shall submit a final report to the governor,  
 15 speaker of the assembly, and the temporary president of the senate,  
 16 which includes a summary of the work of the task force since its incep-  
 17 tion, the cumulative amounts required in each annual report, and, to the  
 18 extent practicable, updated outcomes of the participants served.

19 11. Any funding provided under this section shall not supplant funding  
 20 for programs already in existence.

21 § 2. This act shall take effect immediately and shall expire and be  
 22 deemed repealed March 31, 2019.

23

## SUBPART B

24 Section 1. Article 5 of the social services law is amended by adding a  
 25 new title 14 to read as follows:

TITLE 14NEW YORK STATE NON-PROFIT INFRASTRUCTURE CAPITAL INVESTMENT PROGRAM  
GRANT

29 Section 370-mm. New York state non-profit infrastructure capital invest-  
 30 ment program grant.

31 § 370-mm. New York state non-profit infrastructure capital investment  
 32 program grant. Notwithstanding section sixteen hundred eighty-j of the  
 33 public authorities law, there shall be created a New York state non-pro-  
 34 fit infrastructure capital investment program grant for non-profit human  
 35 services organizations as follows:

36 1. Creation. (a) The New York state non-profit infrastructure capital  
 37 investment program grant is hereby created to be utilized by non-profit  
 38 human services organizations. There is also hereby created the New York  
 39 state non-profit infrastructure capital investment program grant board  
 40 to have and exercise the powers, duties and prerogatives provided by the  
 41 provisions of this section and any other applicable provision of law to  
 42 disburse such grant. The board shall remain in existence during the  
 43 period of the New York state non-profit infrastructure capital invest-  
 44 ment program grant from the effective date of this section through March  
 45 thirty-first, two thousand twenty-one or the date on which the last of  
 46 the funds are available for grants, whichever is earlier; provided,  
 47 however, that the termination of the existence of the board shall not  
 48 affect the power and authority of the dormitory authority to perform its  
 49 obligations with respect to any bonds, notes, or other indebtedness  
 50 issued or incurred pursuant to authority granted in this section.

51 (b) The membership of the board shall consist of three persons  
 52 appointed by the governor, of whom one shall be appointed upon the  
 53 recommendation of the temporary president of the senate and one upon the  
 54 recommendation of the speaker of the assembly. The term of the members



1 first appointed shall continue until March thirty-first, two thousand  
2 seventeen, and thereafter their successors shall serve for a term of one  
3 year ending on March thirty-first in each year. Upon recommendation of  
4 the nominating party, the governor shall replace any member in accord-  
5 ance with the provisions contained in this subdivision for the appoint-  
6 ment of members. The members of the board shall vote among themselves to  
7 determine who shall serve as chair. The board shall act by unanimous  
8 vote of the members of the board. Any determination of the board shall  
9 be evidenced by a certification thereof executed by all the members.  
10 Each member of the board shall be entitled to designate a representative  
11 to attend meetings of the board on the designating member's behalf, and  
12 to vote or otherwise act on the designating member's behalf in the  
13 designating member's absence. Notice of such designation shall be  
14 furnished in writing to the board by the designating member. A represen-  
15 tative shall serve at the pleasure of the designating member during the  
16 member's term of office. A representative shall not be authorized to  
17 delegate any of his or her duties or functions to any other person.

18 (c) Every officer, employee, or member of a governing board or other  
19 board of any non-profit human services organization in New York shall be  
20 ineligible for appointment as a member, representative, officer, employ-  
21 ee or agent of the board.

22 (d) The members of the board shall serve without salary or per diem  
23 allowance but shall be entitled to reimbursement for actual and neces-  
24 sary expenses incurred in the performance of official duties pursuant to  
25 this section or other provision of law, provided however that such  
26 members and representatives are not, at the time such expenses are  
27 incurred, public officers or employees otherwise entitled to such  
28 reimbursement.

29 (e) The members, their representatives, officers and staff to the  
30 board shall be deemed employees within the meaning of section seventeen  
31 of the public officers law.

32 2. Definitions. For the purposes of this section, the following terms  
33 shall have the respective meanings:

34 (a) "Board" shall mean the New York state non-profit infrastructure  
35 capital investment program grant board created by paragraph (a) of  
36 subdivision one of this section.

37 (b) "Non-profit human services organization" shall mean a human  
38 services provider as defined in subdivision four of section four hundred  
39 sixty-four-b of this chapter who provides direct human services as  
40 defined in subdivision three of such section.

41 (c) "Human services" shall have the same meaning as defined in subdi-  
42 vision three of section four hundred sixty-four-b of this chapter.

43 3. Powers, functions and duties of the board. The board shall have the  
44 power and it shall be its duty to approve or deny applications received  
45 from non-profit human services organizations for grants made pursuant to  
46 this section. In making such determination, the board shall consider the  
47 criteria set forth in paragraph (c) of subdivision four of this section.  
48 If necessary, the board may request additional information from the  
49 non-profit human services organization when making such determination.  
50 Within amounts appropriated therefor, the board is hereby authorized and  
51 directed to award capital grants totaling fifty million dollars.

52 4. New York state non-profit infrastructure capital investment program  
53 grant administration and financing. (a) The dormitory authority is here-  
54 by authorized and directed to administer the New York state non-profit  
55 infrastructure capital investment program grant.

1 (b) The dormitory authority shall serve as staff to the non-profit  
2 infrastructure capital investment program grant board, including, with  
3 the cooperation of any other state agency, for the preparation of infor-  
4 mation which would assist the board in carrying out its duties.

5 (c) Non-profit human services organizations shall submit a detained  
6 plan with their applications which demonstrates how such request for  
7 capital would allow such organization to improve the quality, efficiency  
8 and accessibility of services to New Yorkers. Such plan shall focus on  
9 investments including but not limited to technology upgrades related to  
10 improving electronic records, data analysis or confidentiality, reno-  
11 vations or expansions of space used for direct human services, modifica-  
12 tions to provide for sustainable energy efficient spaces that would  
13 result in overall energy and cost savings, and accessibility reno-  
14 vations. The dormitory authority shall develop a standard application  
15 for such grants. Such application shall require non-profit human  
16 services organizations to provide, at a minimum, the following:

17 (i) the amount of funds requested in relation to the size and scope of  
18 the proposed project;

19 (ii) a detailed description of the project, including projected costs  
20 including the sources and uses of funds, completion timeline, and funds  
21 necessary at each stage of project completion;

22 (iii) the extent to which the proposed project reflects a necessary  
23 improvement or upgrade to continue to serve the non-profit human  
24 services organization's target population, or a population they would be  
25 able to serve if such improvements or upgrades were made;

26 (iv) the extent to which the proposed project will allow them to serve  
27 the population in general;

28 (v) a statement that as of the effective date of this section,  
29 construction had not begun and equipment had not been purchased for such  
30 project;

31 (vi) if applicable, a statement whether the project has received all  
32 necessary regulatory approvals or can demonstrate a reasonable expecta-  
33 tion that such approvals will be secured;

34 (vii) upon the request of the board, further detail or more informa-  
35 tion regarding subparagraphs (i) through (vi) of this paragraph that the  
36 board deems relevant and necessary to its decision.

37 (d) Upon receipt of an application, the dormitory authority shall  
38 review such application for technical sufficiency and compliance with  
39 the application criteria as provided for in paragraph (c) of this subdivi-  
40 sion. When the application is complete, the dormitory authority shall  
41 submit such application with an analysis to the board for its approval  
42 or denial.

43 (e) In order to be eligible for such grants, non-profit human services  
44 organizations must provide notification to the dormitory authority of an  
45 intent to apply for a grant no later than June first, two thousand  
46 sixteen and must apply for such grant no later than August first, two  
47 thousand sixteen. Nothing herein shall preclude a non-profit human  
48 services organization that is located on state or municipally owned  
49 property from receiving a grant under this section unless such grant is  
50 intended to be utilized for building and structural improvements of the  
51 non-profit human services organization.

52 (f) The dormitory authority shall develop a model contract provision  
53 to be used in any contract which involves a project for which a non-pro-  
54 fit human services organization has received a grant. Such provision  
55 shall indemnify and hold the state of New York harmless from any and all

1 claims for loss or liability alleged to have been caused or resulting  
2 from any work involving such project.

3 (g) The dormitory authority is hereby authorized and directed to  
4 assist in financing human services projects by providing to eligible  
5 non-profit human services organizations grants that have been approved  
6 by the board.

7 § 2. This act shall take effect immediately.

8

SUBPART C

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

11 21. In addition to any requirements provided by subdivision thirty of  
12 section three hundred sixty-four-j of this article, or any other future  
13 requirements necessary for the implementation of the integrated eligi-  
14 bility systems during Phase II and Phase III, for temporary assistance,  
15 such systems shall:

16 (a) continue to collect and report on all data currently collected and  
17 expenditures made therefor, delineated by type of assistance, and make  
18 all such information publicly available;

19 (b) ensure the ability for document imaging and management across  
20 systems, with recipient access to files, notices and upcoming appoint-  
21 ments through electronic portals;

22 (c) ensure the ability for recipients to report changes and submit  
23 documentation via scan;

24 (d) maintain reasons for application denials and case closings includ-  
25 ing but not limited to: (i) income (sum income level by percentage of  
26 poverty), (ii) specific resources categories, as provided in section one  
27 hundred thirty-one-n of this title; (iii) failure to comply with various  
28 requirements including but not limited to (A) failure to attend a sched-  
29 uled appointment, and (B) failure to provide necessary documentation  
30 (with a reference to the specific documentation not provided);

31 (e) ensure adequate data is maintained to track when individuals  
32 repeatedly apply for temporary assistance, even if a case is not open or  
33 benefits are not issued so an overview of an individual's contact with  
34 the system may be monitored by program;

35 (f) maintain individual's utilization of language services delineated  
36 by type and frequency;

37 (g) track homeless placement of recipients by county as well as the  
38 cost per bed per type of shelter;

39 (h) track the expenditures and prevalence of eviction prevention  
40 and/or utility arrears that were provided to recipients;

41 (i) track the types of grants provided, including emergency and tran-  
42 sitional benefits by county, as well as expenditures made therefor; and

43 (j) track any requests for accommodations required under 42 U.S.C.  
44 12101 et seq., 29 U.S.C. 794, article fifteen of the executive law, or  
45 any other state or federal law, rule, or regulation. It shall also be  
46 maintained when such requests are granted, denied and whether an appeal  
47 was requested, with specific information provided for each.

48 § 2. Section 159 of the social services law is amended by adding a new  
49 subdivision 13 to read as follows:

50 13. In addition to any requirements provided by subdivision thirty of  
51 section three hundred sixty-four-j of this article, or any other future  
52 requirements necessary for the implementation of the integrated eligi-  
53 bility systems during Phase II and Phase III, for safety net assistance  
54 such systems, shall:

1 (a) continue to collect and report on all data currently collected and  
2 expenditures made therefor, delineated by type of assistance, and make  
3 all such information publicly available;

4 (b) ensure the ability for document imaging and management across  
5 systems, with recipient access to files, notices and upcoming appoint-  
6 ments through electronic portals;

7 (c) ensure the ability for recipients to report changes and submit  
8 documentation via scan;

9 (d) maintain reasons for application denials and case closings includ-  
10 ing but not limited to: (i) income (sum income level by percentage of  
11 poverty), (ii) specific resources categories, as provided in section one  
12 hundred thirty-one-n of this article; (iii) failure to comply with vari-  
13 ous requirements including but not limited to (A) failure to attend a  
14 scheduled appointment, and (B) failure to provide necessary documenta-  
15 tion (with a reference to the specific documentation not provided);

16 (e) ensure adequate data is maintained to track when individuals  
17 repeatedly apply for safety net assistance, even if a case is not open  
18 or benefits are not issued, so an overview of an individual's contact  
19 with the system may be monitored by program;

20 (f) maintain individual's utilization of language services delineated  
21 by type and frequency;

22 (g) track homeless placement of recipients by county as well as the  
23 cost per bed per type of shelter;

24 (h) track the expenditures and prevalence of eviction prevention  
25 and/or utility arrears that were provided to recipients;

26 (i) track the types of grants provided, including emergency and tran-  
27 sitional benefits by county, as well as expenditures made therefor; and

28 (j) track any requests for accommodations required under 42 U.S.C.  
29 12101 et seq., 29 U.S.C. 794, article fifteen of the executive law, or  
30 any other state or federal law, rule, or regulation. It shall also be  
31 maintained when such requests are granted, denied and whether an appeal  
32 was requested, with specific information provided for each.

33 § 3. Section 410-w of the social services law is amended by adding a  
34 new subdivision 9 to read as follows:

35 9. In addition to any requirements provided by subdivision thirty of  
36 section three hundred sixty-four-j of this chapter, or any other future  
37 requirements necessary for the implementation of the integrated eligi-  
38 bility systems during Phase II and Phase III, for child care subsidies,  
39 such systems shall track the income level of families receiving child  
40 care subsidies.

41 § 4. This act shall take effect immediately.

42 § 2. Severability clause. If any clause, sentence, paragraph, subdivi-  
43 sion, section or part of this act shall be adjudged by a court of compe-  
44 tent jurisdiction to be invalid, such judgments shall not affect,  
45 impair, or invalidate the remainder thereof, but shall be confined in  
46 its operation to the clause, sentence, paragraph, subdivision, section  
47 or part thereof directly involved in the controversy in which such judg-  
48 ment shall have been rendered. It is hereby declared to be the intent of  
49 the legislature that this act would have been enacted even if such  
50 invalid provisions had not been included herein.

51 § 3. This act shall take effect immediately provided, however, that  
52 the applicable effective date of Subparts A through C of this act shall  
53 be as specifically set forth in the last section of such Subparts.

1 Section 1. Subdivisions 3, 5 and 6 of section 6456 of the education  
2 law, as added by section 1 of part X of chapter 56 of the laws of 2015,  
3 are amended to read as follows:

4 3. a. Funds appropriated for foster youth served in the two thousand  
5 fifteen--two thousand sixteen academic year and for the continuation of  
6 such services and programs for the students served in the two thousand  
7 fifteen--two thousand sixteen academic year, for the purposes of this  
8 initiative shall be allocated by sector as follows: fifty-two percent  
9 for institutions in the state university of New York; thirty percent for  
10 institutions in the city university of New York; and eighteen percent  
11 for other degree-granting institutions in New York with current Arthur  
12 O. Eve higher education opportunity programs.

13 b. Funds appropriated for foster youth in the two thousand sixteen--  
14 two thousand seventeen academic year and thereafter for the purposes of  
15 this initiative shall be allocated by sector based on the percentage of  
16 foster youth identified by each institution that will be served by this  
17 initiative in the following academic year, in applications received by  
18 the commissioner pursuant to subdivision six of this section.

19 5. Moneys made available to institutions under this section shall be  
20 spent for the following purposes:

21 a. to provide additional services and expenses to expand opportunities  
22 through existing postsecondary opportunity programs at the state univer-  
23 sity of New York, the city university of New York, and other degree-  
24 granting higher education institutions for foster youth;

25 b. to provide any necessary supplemental financial aid for foster  
26 youth, which may include the cost of tuition and fees, books, transpor-  
27 tation, housing and other expenses as determined by the commissioner to  
28 be necessary for such foster youth to attend college;

29 c. summer college preparation programs to help foster youth transition  
30 to college, prepare them to navigate on-campus systems, and provide  
31 preparation in reading, writing, and mathematics for foster youth who  
32 need it; or

33 d. advisement, tutoring, and academic assistance for foster youth.

34 6. Eligible institutions shall file an application for approval by the  
35 commissioner no later than the first of [October] May each year demon-  
36 strating a need for such funding, including how the funding would be  
37 used and how many foster youth would be assisted with such funding.  
38 Successful applicants will be funded as provided in subdivision four of  
39 this section.

40 § 2. This act shall take effect immediately.

41

## PART X

42 Section 1. The public housing law is amended by adding a new section  
43 19-a to read as follows:

44 § 19-a. Rental assistance for low-income families living in private-  
45 ly-owned rental housing. 1. Definitions. For the purposes of this  
46 section:

47 (a) "low-income family" means a family whose income does not exceed  
48 fifty percent of area median income;

49 (b) "very low-income family" means a family whose income does not  
50 exceed thirty percent of area median income; and

51 (c) "area median income" means the area median income for the primary  
52 metropolitan statistical area, or for the county if located outside a  
53 metropolitan statistical area, as determined by the United States



1 department of housing and urban development, or its successor, for a  
2 family of four, as adjusted for family size.

3 2. Subject to funds appropriated, the commissioner or his or her  
4 designee shall implement and administer a program of rental assistance  
5 for low-income families and very low-income families living in private-  
6 ly-owned rental housing. Such program shall provide fifty percent of  
7 such rental assistance to very low income families; provided, however,  
8 that the commissioner or his or her designee may admit a lower percent-  
9 age of very low-income families upon a determination that the following  
10 circumstances necessitate the use of such lower percent:

11 (a) the commissioner or his or her designee has opened its waiting  
12 list for a reasonable amount of time for admission;

13 (b) the commissioner or his or her designee has provided full public  
14 notice of such openings to such families, and has conducted outreach and  
15 marketing to such families, including outreach and marketing to families  
16 in homeless shelters or on the federal section 8 and/or other public  
17 housing waiting lists of any municipal housing authorities in the state;  
18 and

19 (c) notwithstanding such actions by the commissioner or his or her  
20 designee, there are not enough very low-income families to fill the  
21 available slots in the program during any fiscal year.

22 3. Housing eligible for participation in the program shall comply with  
23 applicable state and local health, housing, building, and safety codes.

24 4. The commissioner or his or her designee shall establish maximum  
25 rent levels for each municipality in a manner that takes into consider-  
26 ation current poverty and homelessness levels in all municipalities. Any  
27 certificate issued pursuant to this section may be used for housing in  
28 any municipality in the state. The commissioner or his or her designee  
29 shall inform certificate holders that a certificate may be used in any  
30 municipality and, to the extent practicable, the commissioner or his or  
31 her designee shall assist certificate holders in finding housing in the  
32 municipality of their choice.

33 5. The rental assistance voucher shall be used within one hundred  
34 twenty days of issuance. The commissioner or his or her designee may  
35 extend the expiration date of the certificate in one or more increments.  
36 Such extensions shall not exceed a total of ninety days. The certificate  
37 holder shall have a maximum of two hundred ten days to locate suitable  
38 housing unless the commissioner finds good cause to extend the maximum  
39 period.

40 6. Nothing in this section shall give any person a right to continued  
41 receipt of rental assistance at any time that the program is not funded.

42 7. The commissioner or his or her designee shall adopt regulations in  
43 accordance with the provisions of section nineteen of this article to  
44 carry out the purposes of this section. Such regulations shall include,  
45 but not be limited to:

46 (a) requiring a written notice of denial to be provided to applicants  
47 stating with specificity the reason for denial; and

48 (b) the appeal's process available to a denied applicant.

49 § 2. This act shall take effect immediately.

50

## PART Y

51 Section 1. The private housing finance law is amended by adding a new  
52 article 28 to read as follows:

53

## ARTICLE XXVIII

54

DEVELOPING AFFORDABLE SENIOR HOUSING PROGRAM

1 Section 1233. Definitions.

2 1234. Developing affordable senior housing program.

3 § 1233. Definitions. As used in this article: 1. "Area median income"  
4 means the area median income for the primary metropolitan statistical  
5 area, or for the county if located outside a metropolitan statistical  
6 area, as determined by the United States department of housing and urban  
7 development, or its successor, for a family of four, as adjusted for  
8 family size.

9 2. "Conversion" shall mean all work necessary to convert nonresiden-  
10 tial property into a rental rehabilitation project.

11 3. "Corporation" shall mean the housing trust fund corporation estab-  
12 lished in section forty-five-a of this chapter.

13 4. "Eligible applicant" shall mean a city, town, or village; a not-  
14 for-profit corporation in existence for a period of one or more years  
15 prior to application, which is, or will be at the time of award, incor-  
16 porated under the not-for-profit corporation law; a housing development  
17 fund company incorporated pursuant to article eleven of this chapter; or  
18 a municipal housing authority created pursuant to the public housing  
19 law.

20 5. "Private developer" shall mean a person, firm, partnership or  
21 corporation which is not otherwise included in the definition of "eligi-  
22 ble applicant".

23 6. "Project" shall mean a rental project serving or intended to serve  
24 persons age sixty-two years or older with an area median income of sixty  
25 percent or less. In cases where any such project consists of less than  
26 the total number of units or the total amount of floor space of a prop-  
27 erty, any reference in this article to a "project" or "rental project"  
28 shall mean that portion of such property which makes up such project.

29 7. "Rehabilitation" shall mean all work necessary to bring a residen-  
30 tial property into compliance with all applicable laws and regulations  
31 including but not limited to the installation, replacement or repair of  
32 heating, plumbing, electrical and related systems and the elimination of  
33 all hazardous and immediately hazardous violations in the structure in  
34 accordance with state and local laws and regulations of state and local  
35 agencies. Rehabilitation may also include reconstruction or work to  
36 improve the habitability or prolong the useful life of the residential  
37 property.

38 8. "Rental project" shall mean any vacant property, or any portion  
39 thereof, or any new residential construction which, subsequent to  
40 construction, conversion or rehabilitation under this article, will be  
41 owned and operated as rental residential property.

42 § 1234. Developing affordable senior housing program. 1. Within the  
43 limit of funds available in the developing affordable senior housing  
44 program, the corporation is hereby authorized to enter into contracts  
45 with eligible applicants and/or private developers to provide financial  
46 assistance for the actual costs of developing affordable senior housing  
47 projects. The financial assistance shall be either in the form of grants  
48 or loans, as the corporation shall determine. Such contracts shall  
49 provide that a private developer, if applicable, make an equity invest-  
50 ment of the greater of (a) two and one-half percent of project costs or  
51 (b) five percent of project costs less grants which are to be applied to  
52 such costs. The foregoing shall not preclude a private developer from  
53 making a greater equity investment. Any payments, grants or loans made  
54 by the corporation that remain outstanding at the time of resale shall  
55 be subject to repayment in whole or in part upon resale after termi-  
56 nation of the regulatory period and as otherwise provided therein. Such

1 repayment provisions may survive the end of the regulatory period. Such  
2 contracts may provide that eligible applicants shall either (c) perform  
3 activities specified under the contract themselves or (d) act as admin-  
4 istrators of a program under which projects are rehabilitated or  
5 constructed or converted by other eligible applicants or (e) perform  
6 both such functions. In the case of a municipality acting as an adminis-  
7 trator, funds provided to such municipality hereunder shall not be  
8 deemed to be municipal funds. Payments, grants and loans shall be on  
9 such terms and conditions as the corporation, or the eligible applicant  
10 with the approval of the corporation, as the case may be, shall deter-  
11 mine. Payments, grants and loans shall be used to pay for the actual and  
12 necessary cost of acquisition, construction, rehabilitation or conver-  
13 sion, provided that not more than fifty percent of such payments, grants  
14 and loans received for the rehabilitation, construction or conversion of  
15 a project may be used for the cost of the project's acquisition and not  
16 more than ten percent of such payments, grants and loans may be used for  
17 the rehabilitation, construction or conversion of supportive housing  
18 facilities and, provided further, that payments, grants or loans shall  
19 not be used for (f) the administrative costs of an eligible applicant  
20 and/or private developer except as otherwise authorized by law, (g) the  
21 cost of the acquisition, construction, conversion or rehabilitation of  
22 residential units which, subsequent to such acquisition, construction,  
23 conversion or rehabilitation, are to be occupied by persons other than  
24 persons of age sixty-two years or above with an area median income of  
25 sixty percent or less, and (h) the cost of the acquisition,  
26 construction, conversion or rehabilitation of units which, subsequent to  
27 such acquisition, construction, conversion or rehabilitation, are occu-  
28 pied or to be occupied for other than residential purposes, except for  
29 supportive housing facilities as described above. No such payments,  
30 grants or loans shall exceed a total of seventy-five thousand dollars  
31 per dwelling unit. Among the criteria the corporation shall consider in  
32 determining whether to provide additional funds, but not such that the  
33 seventy-five thousand dollar per unit dwelling limit is exceeded, are:  
34 average cost of construction in the area, location of the project and  
35 the impact of the additional funding on the affordability of the project  
36 for the occupants of such project. The length of any loan provided  
37 under this article shall not exceed thirty years.

38 2. The total payment pursuant to any one contract shall not exceed  
39 seventy-five thousand dollars per unit, and the contract shall provide  
40 for completion of the project within a reasonable period, as specified  
41 therein, which shall not in any event exceed three years from its  
42 commencement. Upon request, the corporation may extend the term of the  
43 contract for up to two additional one year periods for good cause shown  
44 by the eligible applicant and/or private developer.

45 3. The corporation may authorize the eligible applicant and/or private  
46 developer to spend up to seven and one half percent of the contract  
47 amount for approved administrative costs associated with administering  
48 the project.

49 4. The corporation shall require that, in order to receive funds  
50 pursuant to this article, the eligible applicant and/or private develop-  
51 er shall submit a plan which shall include, but not be limited to,  
52 project feasibility, impact on the community, budget for expenditure of  
53 project funds, a schedule for completion of the project, affirmative  
54 action and minority business participation.

55 5. All projects resulting from a contract from the corporation as a  
56 result of this chapter shall be operated as rental property, and when

1 located in the city of New York shall be subject to the rent stabiliza-  
2 tion law of nineteen hundred sixty-nine, and when located in a munici-  
3 pality which has elected to be covered by the provisions of the emergen-  
4 cy tenant protection act of nineteen seventy-four, be subject to the  
5 provisions of such act.

6 6. Notwithstanding the provisions of, or any regulation promulgated  
7 pursuant to, the emergency housing rent control law, the local emergency  
8 housing rent control act, or local law enacted pursuant thereto, the  
9 rent stabilization law of nineteen hundred sixty-nine, or the emergency  
10 tenant protection act of nineteen seventy-four, the eligible applicant  
11 and/or private developer with the approval of the corporation shall not  
12 set rent levels for any unit at a level higher than thirty percent of  
13 such unit's household gross income for any rental housing accommodation  
14 which is located in a rental project receiving payments, grants or loans  
15 under this article.

16 7. Any rental project which receives payments, grants or loans pursu-  
17 ant to this article shall be subject to the applicable provisions as a  
18 condition of receiving such payments, grants or loans for a period of  
19 twenty years following completion of rehabilitation work, construction  
20 or conversion or for the period during which any loan or indebtedness  
21 received under this article remains outstanding, whichever is greater,  
22 provided however that all housing accommodations in rental projects  
23 shall continue to be subject to the rent stabilization law of nineteen  
24 hundred sixty-nine or the emergency tenant protection act of nineteen  
25 seventy-four, as provided in subdivision five of this section, as the  
26 case may be, for the period specified in such subdivision and thereafter  
27 the applicability of such laws shall terminate as to each accommodation  
28 upon the first vacancy which occurs in each accommodation.

29 8. Notwithstanding the provisions of subdivision seven of this section  
30 to the contrary, in the case of projects subject to a mortgage made by  
31 any lender:

32 (a) such lender, if not the corporation, shall give the corporation  
33 notice when an owner has defaulted on any payment of principal or inter-  
34 est on such mortgage loan for a project for a period of sixty consec-  
35 utive days.

36 (b) following receipt of such notice, or at such earlier time as the  
37 corporation deems appropriate, the corporation shall seek to cure such  
38 default and make the project economically viable by assisting the owner  
39 in entering into a mortgage modification agreement with the lender, a  
40 refinancing agreement, finding a new eligible applicant to own the  
41 project and assume the obligations under the mortgage or taking such  
42 other actions, consistent with the provisions of this article, as the  
43 corporation deems appropriate.

44 (c) notwithstanding the provisions of paragraphs (a) and (b) of this  
45 subdivision, with respect to any lender other than the corporation, the  
46 corporation may provide in agreements respecting any project that where  
47 a lender shall have foreclosed or obtained title to a project in accord-  
48 ance with law and the provisions of its mortgage, the project or partic-  
49 ular residential units therein shall not be subject to one or more  
50 provisions of this article, other than the rent stabilization coverage  
51 provisions of subdivision five of this section. Any agreement pursuant  
52 to this paragraph shall only be made upon a finding by the corporation  
53 that such agreement is necessary in order to enable a project owner to  
54 obtain a mortgage loan from a lender other than the corporation.

55 § 2. This act shall take effect immediately.

1

## PART Z

2 Section 1. The public housing law is amended by adding a new section  
3 14-a to read as follows:

4 § 14-a. New York state community and housing stabilization fund. 1.  
5 For the purposes of this section, the following terms shall have the  
6 following meanings:

7 (a) "home loan" shall mean a first or subordinate lien loan that is  
8 secured by a borrower's interest in: (i) residential real property and  
9 any improvements or structures thereon; (ii) a share of a cooperative  
10 corporation that entitles a borrower to a housing unit; or (iii) a resi-  
11 dential structure that is part of a condominium development. Home loan  
12 shall also include interest, taxes, homeownership association fees,  
13 carrying charges, and other liens encumbering the residence;

14 (b) "vacant and abandoned" shall mean (i) that at least three monthly  
15 payments are past due on the home loan, or the mortgagor has informed  
16 the mortgagee or loan servicing company, in writing, that the mortgagor  
17 does not intend to occupy the property in the future; and (ii) either:  
18 (A) there is a reasonable basis to believe that the property is not  
19 occupied; or (B) a court, or other appropriate state or local govern-  
20 mental entity, has determined that such residential real property is a  
21 risk to the health, safety, or welfare of the public, any adjoining or  
22 adjacent property owner; or has otherwise declared the property unfit  
23 for occupancy;

24 (c) "residence" shall mean real property and any improvements or  
25 structures thereon, or an interest therein, that is located in New York  
26 state and principally intended for occupancy by one to four families;

27 (d) "homeowner" shall mean a natural person whose home loan was origi-  
28 nated no less than eighteen months prior to the date of application, is  
29 the occupant of a residence that secures such home loan, and such resi-  
30 dence is his or her principal dwelling;

31 (e) "eligible institution" shall mean a community development finan-  
32 cial institution or a community development financial institution part-  
33 nered with a not-for-profit. Such eligible community development finan-  
34 cial institution shall have a record of success in serving investment  
35 areas or targeted populations; and/or will expand its operations into a  
36 new investment area or to serve a new targeted population, offer more  
37 products or services, or increase the volume of its current business.  
38 Such eligible not-for-profit shall have the ability to: coordinate  
39 and/or connect homeowners to counseling, mediation, legal represen-  
40 tation, and negotiate on behalf of homeowners seeking a home loan  
41 payment modification; provide training and support for counselors, medi-  
42 ators, and attorneys regarding such assistance to homeowners; and  
43 provide credit counseling;

44 (f) "community development financial institution" or "CDFI" shall mean  
45 an organization located in this state which has been certified as a  
46 community development financial institution by the federal community  
47 development financial institutions fund, as established pursuant to 12  
48 U.S.C. 4701 et seq., as amended from time to time; and

49 (g) "investment area" means a geographic area that is determined by  
50 the commissioner as meeting criteria indicative of economic distress,  
51 including unemployment rate; foreclosure rate; percentages and numbers  
52 of low-income persons; per capita income and per capita real property  
53 wealth; and such other indicators of distress as the commissioner shall  
54 determine. Economically distressed areas may include cities, munici-  
55 palities, block numbering areas, and census tracts.



1 2. The commissioner shall establish and administer a fund to be known  
2 as the "New York state community and housing stabilization fund," which  
3 shall consist of funds deposited therein. Nothing contained in this  
4 section shall prevent the commissioner from receiving grants, gifts, or  
5 other monies from other sources, or bequests and depositing them into  
6 the fund. The commissioner shall not commingle the monies in such fund  
7 with any other monies. The commissioner shall also:

8 (a) develop and implement a plan to administer the fund as a revolving  
9 loan fund;

10 (b) apply for public or private grant money that becomes available to  
11 carry out the purpose of this section; and

12 (c) coordinate with municipalities to identify mortgage notes that may  
13 be acquired by the eligible institutions.

14 3. The monies in the fund shall be awarded to eligible institutions  
15 following the request for proposals process established pursuant to  
16 subdivision four of this section and used to: (a) purchase mortgage  
17 notes on residences at discounted rates; (b) be made available through  
18 grants and/or loans to eligible homeowners, such eligibility shall be  
19 based on regulations to be promulgated by the commissioner; and (c)  
20 acquire, purchase, or sell residences and/or mortgage notes on resi-  
21 dences at rates that are discounted, at or below market rates from lend-  
22 ers, not-for-profits coordinating the transfer of properties from finan-  
23 cial institutions, local, state, and/or federal governments at auction,  
24 through short sale, or other sale with the intent to:

25 (i) where possible, modify the home loan to an affordable rate to keep  
26 the current homeowners in the property considering the homeowner's need  
27 for assistance and opportunity to successfully restructure the applica-  
28 ble home loan to allow the homeowner to continue to occupy the resi-  
29 dence;

30 (ii) rent or sell back to homeowners with an affordable loan;

31 (iii) fund not-for-profit development entities which acquire vacant  
32 and abandoned properties and develop such properties into affordable  
33 housing;

34 (iv) rehabilitate distressed properties for new owners; and/or

35 (v) demolish homes that are dilapidated or reasonably beyond repair.

36 4. (a) In awarding funding to eligible institutions, the commissioner  
37 shall select from eligible institutions pursuant to criteria established  
38 by regulation, which criteria shall include, but not be limited to:

39 (i) the experience and background of the eligible institution's board  
40 of directors or management team;

41 (ii) the extent of need within the investment areas or targeted popu-  
42 lations;

43 (iii) the extent of economic distress within the investment areas or  
44 the extent of need within the targeted populations;

45 (iv) the extent of the eligible institution's current and planned  
46 community involvement;

47 (v) the extent to which the eligible institution will increase its  
48 resources through coordination with other eligible institutions or  
49 encourage collaborative applications by multiple eligible institutions;

50 (vi) in the case of an institution with a prior history of serving  
51 investment areas or targeted populations, the extent of success in serv-  
52 ing such areas or populations;

53 (vii) the extent to which eligible institutions would use funds to  
54 restructure home loans to allow homeowners to continue to occupy their  
55 residences; and

56 (viii) other factors deemed to be appropriate by the commissioner.

1 (b) In allocating funding to eligible institutions, the commissioner  
2 shall be authorized to make funding available in any manner necessary  
3 for such eligible institution to participate in auctions disposing of  
4 mortgage notes, including providing the eligible institution a state-  
5 backed guaranty promising sufficient funds, within available appropri-  
6 ated funding, to the eligible institution to allow for such partic-  
7 ipation in such auctions or in any other manner necessary.

8 5. The commissioner shall promulgate rules and regulations to:

9 (a) develop application and reporting procedures for eligible insti-  
10 tutions to use to apply for funds to carry out the provisions of this  
11 section and criteria for use by the eligible institutions that receive  
12 funds pursuant to this section to evaluate applications for assistance  
13 from homeowners for the provision of home loan modification;

14 (b) allow for the recovery by eligible institutions of unpaid portions  
15 of an issued loan if a homeowner sells his or her residence; provided,  
16 however, if there is a default in payment by the homeowner that is not  
17 remedied within ninety days of such default, the eligible institution  
18 shall be authorized to take legal recourse necessary to receive such  
19 money and interest that is due and owing, including, but not limited to:  
20 filing a lien against such residence or commencing a legal action for  
21 repayment of such funds;

22 (c) develop loan guidelines for funds issued to and loans issued by  
23 eligible institutions;

24 (d) develop procedures by which any interest, accrued on a low-inter-  
25 est loan issued to a homeowner pursuant to this section and received by  
26 an eligible institution, shall be remitted back into the revolving loan  
27 fund;

28 (e) establish the procedure by which the request for proposals process  
29 is to be used pursuant to subdivision four of this section, including  
30 establishing the relative importance and/or weight given to each crite-  
31 riion;

32 (f) establish terms by which an eligible institution shall maintain  
33 and utilize funds received pursuant to this section, provided however  
34 that eligible institutions shall keep such funds separate from all other  
35 business or fiduciary accounts; and

36 (g) establish terms by which the eligible institutions shall repay the  
37 state for monies allocated to them pursuant to this section, if applica-  
38 ble.

39 6. Nothing in this section shall preclude an eligible institution to  
40 work with or coordinate activities and/or services with any entity that  
41 handles and facilitates the transfers of mortgage notes and/or property  
42 to eligible entities under this section; provided, however, that any  
43 funds awarded to an eligible institution shall only be used to advance  
44 the purposes of this section.

45 7. The commissioner shall submit a report to the governor, the speaker  
46 of the assembly, the minority leader of the assembly, the temporary  
47 president of the senate, and the minority leader of the senate on or  
48 before the first of February each year. Such report shall include, but  
49 not be limited to, for each eligible institution receiving funds under  
50 this section, a description of such eligible institution's contract  
51 amount, the specific activities carried out under each grant, the number  
52 of persons and households served by each eligible institution, the area  
53 median income of the persons and households served, the investment areas  
54 selected and served, and the number of requests for assistance that  
55 could not be granted.

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

10 § 3. This act shall take effect on the ninetieth day after it shall  
11 have become a law; provided, however, that effective immediately, the  
12 addition, amendment and/or repeal of any rule or regulation necessary  
13 for the implementation of this act on its effective date are authorized  
14 to be made and completed on or before such effective date.

15 PART AA

16 Section 1. Subdivision 1, paragraph (h) of subdivision 2 and paragraph  
17 (e) of subdivision 4 of section 2851 of the education law, subdivision 1  
18 as amended and paragraph (e) of subdivision 4 as added by chapter 101 of  
19 the laws of 2010, and paragraph (h) of subdivision 2 as added by chapter  
20 4 of the laws of 1998, are amended and a new subdivision 5 is added to  
21 read as follows:

22 1. An application to establish a charter school may be submitted by  
23 teachers, parents, school administrators, community residents or any  
24 combination thereof. Such application may be filed in conjunction with  
25 a college, university, museum, educational institution, not-for-profit  
26 corporation exempt from taxation under paragraph 3 of subsection (c) of  
27 section 501 of the internal revenue code or for-profit business or  
28 corporate entity authorized to do business in New York state. Provided  
29 however, for-profit business or corporate entities shall not be eligible  
30 to submit an application to establish a charter school pursuant to  
31 subdivision nine-a of section twenty-eight hundred fifty-two of this  
32 article, or operate or manage a charter school for a charter issued  
33 pursuant to subdivision nine-a of section twenty-eight hundred fifty-two  
34 of this article. For charter schools established in conjunction with a  
35 for-profit or not-for-profit business or corporate entity, the charter  
36 shall specify the extent of the entity's participation in the management  
37 and operation of the school.

38 (h) The rules and procedures by which students may be disciplined[,]  
39 shall be in accordance with the provisions of subdivisions two-a, three  
40 and three-a of section thirty-two hundred fourteen of this chapter. The  
41 charters of all charter schools that were issued on or before July  
42 first, two thousand seventeen shall be deemed amended to require compli-  
43 ance with the procedures set forth in subdivisions two-a, three and  
44 three-a of section thirty-two hundred fourteen of this chapter including  
45 but not limited to expulsion or suspension from the school, which shall  
46 be consistent with the requirements of due process and with federal laws  
47 and regulations governing the placement of students with disabilities.

48 (e) The means by which the charter school will meet or exceed enroll-  
49 ment targets and retention targets as prescribed by the board of regents  
50 or the board of trustees of the state university of New York, as appli-  
51 cable, of students [with disabilities, English language learners, and  
52 students who are eligible applicants for the free and reduced price  
53 lunch program which] in each of the following categories: (i) students  
54 who are English language learners, as defined in the department's regu-



1 lations; (ii) students who receive or are mandated to receive any  
2 special education service; (iii) students who have individual education  
3 programs that mandate they receive services for at least sixty percent  
4 of the school day outside the general education setting; (iv) students  
5 who are eligible to receive free lunch in accordance with title I of the  
6 federal elementary and secondary education act; (v) students who are  
7 eligible to receive reduced lunch in accordance with title I of the  
8 federal elementary and secondary education act; and (vi) students who  
9 reside in temporary or transitional housing. The means by which the  
10 school will meet these enrollment and retention targets shall be consid-  
11 ered as a very significant factor by the charter entity prior to approv-  
12 ing such charter school's application for renewal. When developing such  
13 targets, the board of regents and the board of trustees of the state  
14 university of New York shall ensure [(1)] that such enrollment targets  
15 [are comparable to the enrollment figures of such categories of students  
16 attending the public schools within the school district, or in a city  
17 school district in a city having a population of one million or more  
18 inhabitants, the community school district, in which the charter school  
19 is located; and (2) that such retention targets are comparable to the  
20 rate of retention of such categories of students attending the public  
21 schools within the school district, or in a city school district in a  
22 city having a population of one million or more inhabitants, the commu-  
23 nity school district, in which the proposed charter school would be  
24 located.] equal the number of students that, as a percentage of the  
25 students authorized to be served by the charter school in its charter,  
26 is equal to the percentage of students in each category that non-charter  
27 public schools in the district where the charter is located enrolled in  
28 the preceding June in all of the grades combined which are served by the  
29 charter school. For the purposes of this paragraph, for the city school  
30 district of the city of New York, "district" shall mean the community  
31 school district and shall include all non-charter public schools, except  
32 those in district seventy-five, geographically located in the community  
33 school district. The enrollment targets and retention targets described  
34 in this paragraph shall be updated annually based on the enrollment in  
35 the district where the charter school is located in the previous school  
36 year. The prescription of such targets, as required by this paragraph,  
37 shall be developed in consultation and cooperation with the district  
38 where the charter seeks to locate or is located.

39 5. Notwithstanding the provisions of subdivision four of this section,  
40 a charter shall not be renewed unless the chartering entity finds in  
41 writing that the charter school seeking renewal has met or exceeded the  
42 enrollment targets and retention targets required by this section and by  
43 section twenty-eight hundred fifty-two of this article for each year the  
44 charter school has operated.

45 § 2. Subdivision 5 and subparagraph (i) of paragraph (b) of subdivi-  
46 sion 9-a of section 2852 of the education law, subdivision 5 as amended  
47 by chapter 101 of the laws of 2010 and subparagraph (i) of paragraph (b)  
48 of subdivision 9-a as amended by section 2 of subpart A of part B of  
49 chapter 20 of the laws of 2015, are amended to read as follows:

50 5. (a) Upon approval of an application by a charter entity, the appli-  
51 cant and charter entity shall enter into a proposed agreement allowing  
52 the applicants to organize and operate a charter school. Such written  
53 agreement, known as the charter, shall include [(a)] (i) the information  
54 required by subdivision two of section twenty-eight hundred fifty-one of  
55 this article, as modified or supplemented during the approval process,  
56 [(b)] (ii) in the case of charters to be issued pursuant to subdivision

1 nine-a of this section, information required by such subdivision, [(c)]  
2 (iii) a provision prohibiting the charter school from entering into,  
3 renewing or extending any agreement with a for-profit or not-for-profit  
4 corporate or other business entity for the administration, management or  
5 operation of the charter school unless the agreement requires such enti-  
6 ty to provide state and local officers having the power to audit the  
7 charter school pursuant to this article with access to the entity's  
8 records relating to the costs of, and fees for, providing such services  
9 to the school, (iv) any other terms or conditions required by applicable  
10 laws, rules and regulations, and [(d)] (v) any other terms or condi-  
11 tions, not inconsistent with law, agreed upon by the applicant and the  
12 charter entity. In addition, the charter shall include the specific  
13 commitments of the charter entity relating to its obligations to oversee  
14 and supervise the charter school. Within five days after entering into a  
15 proposed charter, the charter entity other than the board of regents  
16 shall submit to the board of regents a copy of the charter, the applica-  
17 tion and supporting documentation for final approval and issuance by the  
18 board of regents in accordance with subdivisions five-a and five-b of  
19 this section.

20 (b) Notwithstanding any general, special or local law to the contrary,  
21 no charter school having a charter that was issued and approved on or  
22 before the effective date of this paragraph shall enter into, renew or  
23 extend the duration of any agreement with a for-profit or not-for-profit  
24 corporate or other business entity for the administration, management or  
25 operation of the charter school unless the agreement requires such enti-  
26 ty to provide state and local officers having the power to audit the  
27 charter school pursuant to this article with access to the entity's  
28 records relating to the costs of, and fees for, providing such services  
29 to the school. Any agreement entered into, renewed or extended in  
30 violation of this section shall be null, void and wholly unenforceable,  
31 and a violation of this section shall be grounds for revocation or  
32 termination of a charter pursuant to section twenty-eight hundred  
33 fifty-five of this article.

34 (i) that the proposed charter school would meet or exceed enrollment  
35 and retention targets, as prescribed by the board of regents or the  
36 board of trustees of the state university of New York, as applicable, of  
37 students [with disabilities, English language learners, and students who  
38 are eligible applicants for the free and reduced price lunch program] in  
39 each of the following categories: (i) students who are English language  
40 learners, as defined in the department's regulations; (ii) students who  
41 receive or are mandated to receive any special education service; (iii)  
42 students who have individual education programs that mandate they  
43 receive services for at least sixty percent of the school day outside  
44 the general education setting; (iv) students who are eligible to receive  
45 free lunch in accordance with title I of the federal elementary and  
46 secondary education act; (v) students who are eligible to receive  
47 reduced lunch in accordance with title I of the federal elementary and  
48 secondary education act; and (vi) students who reside in temporary or  
49 transitional housing. When developing such targets, the board of  
50 regents and the board of trustees of the state university of New York,  
51 shall ensure [(1)] that such enrollment targets [are comparable to the  
52 enrollment figures of such categories of students attending the public  
53 schools within the school district, or in a city school district in a  
54 city having a population of one million or more inhabitants, the commu-  
55 nity school district, in which the proposed charter school would be  
56 located; and (2) that such retention targets are comparable to the rate

1 of retention of such categories of students attending the public schools  
2 within the school district, or in a city school district in a city  
3 having a population of one million or more inhabitants, the community  
4 school district, in which the proposed charter school would be located]  
5 equal the number of students that, as a percentage of students author-  
6 ized to be served by the charter school in its charter, is equal to the  
7 percentage of students in each category that non-charter public schools  
8 in the district where the charter school is located enrolled in the  
9 preceding June in all of the grades combined which are served by the  
10 charter school. For the purposes of this subparagraph, for the city  
11 school district of the city of New York, "district" shall mean the  
12 community school district and shall include all non-charter public  
13 schools, except those in district seventy-five, geographically located  
14 in the community school district. The enrollment targets and retention  
15 targets described in this paragraph shall be updated annually based on  
16 the most recently available enrollment figures and related data for the  
17 district or community school district where such charter seeks to locate  
18 or is located. Provided, further, the prescription of such targets, as  
19 required by this paragraph, shall be developed in consultation and coop-  
20 eration with the district where the charter seeks to locate or is  
21 located; and

22 § 3. Subdivision 2 of section 2854 of the education law, as added by  
23 chapter 4 of the laws of 1998, paragraph (a) as amended by chapter 101  
24 of the laws of 2010, and paragraph (b) as amended by section 3 of  
25 subpart A of part B of chapter 20 of the laws of 2015, is amended to  
26 read as follows:

27 2. Admissions; enrollment; students. (a) A charter school shall be  
28 nonsectarian in its programs, admission policies, employment practices,  
29 and all other operations and shall not charge tuition or fees; provided  
30 that a charter school may require the payment of fees on the same basis  
31 and to the same extent as other public schools. A charter school shall  
32 not discriminate against any student, employee or any other person on  
33 the basis of ethnicity, national origin, gender, or disability or any  
34 other ground that would be unlawful if done by a school. Admission of  
35 students shall not be limited on the basis of intellectual ability,  
36 measures of achievement or aptitude, athletic ability, disability, race,  
37 creed, gender, national origin, religion, or ancestry; provided, howev-  
38 er, that nothing in this article shall be construed to prevent the  
39 establishment of a single-sex charter school or a charter school  
40 designed to provide expanded learning opportunities for students at-risk  
41 of academic failure or students with disabilities and English language  
42 learners; and provided, further, that the charter school [shall demon-  
43 strate good faith efforts to attract and retain a comparable or greater  
44 enrollment of students with disabilities, English language learners, and  
45 students who are eligible applicants for the free and reduced price  
46 lunch program when compared to the enrollment figures for such students  
47 in the school district in which the charter school is located.] shall  
48 meet the enrollment targets in each of the following categories: (i)  
49 students who are English language learners, as defined in the depart-  
50 ment's regulations; (ii) students who receive or are mandated to receive  
51 any special education service; (iii) students who have individual educa-  
52 tion programs that mandate they receive services for at least sixty  
53 percent of the school day outside the general education setting; (iv)  
54 students who are eligible to receive free lunch in accordance with title  
55 I of the federal elementary and secondary education act; (v) students  
56 who are eligible to receive reduced lunch in accordance with title I of



1 the federal elementary and secondary education act; and (vi) students  
2 who reside in temporary or transitional housing. The enrollment targets  
3 shall be equal to the number of students that, as a percentage of the  
4 students authorized to be served by the charter school in its charter,  
5 is equal to the percentage of students in each category that non-charter  
6 schools in the district where the charter is located enrolled in the  
7 preceding June in all of the grades combined which are served by the  
8 charter school. For the purposes of this subdivision, for the city  
9 school district of the city of New York, "district" shall mean the  
10 community school district and shall include all non-charter public  
11 schools, except those in district seventy-five, geographically located  
12 in the community school district. A charter shall not be issued to any  
13 school that would be wholly or in part under the control or direction of  
14 any religious denomination, or in which any denominational tenet or  
15 doctrine would be taught.

16 (b) (i) Any child who is qualified under the laws of this state for  
17 admission to a public school is qualified for admission to a charter  
18 school. Applications for admission to a charter school shall be submit-  
19 ted on a uniform application form created by the department and shall be  
20 made available by a charter school in languages predominately spoken in  
21 the community in which such charter school is located. The school shall  
22 enroll each eligible student who submits a timely application by the  
23 first day of April each year, unless the number of applications exceeds  
24 the capacity of the grade level or building. In such cases, students  
25 shall be accepted from among applicants by a random selection process,  
26 provided, however, that an enrollment preference shall be provided to  
27 [pupils] (A) students returning to the charter school in the second or  
28 any subsequent year of operation [and pupils]; (B) to siblings of  
29 students already enrolled in the charter school; (C) to students resid-  
30 ing in the school district in which the charter school is located, [and  
31 siblings of pupils already enrolled in the charter school]; (D) to  
32 students who are English language learners as defined in the depart-  
33 ment's regulations, students who receive or are mandated to receive any  
34 special education service, students who have individual education  
35 programs that mandate they receive services for at least sixty percent  
36 of the school day outside the general education setting, students who  
37 are eligible to receive free lunch in accordance with title I of the  
38 federal elementary and secondary education act, students who are eligi-  
39 ble to receive reduced lunch in accordance with title I of the federal  
40 elementary and secondary education act, and students who reside in  
41 temporary or transitional housing; and (E) students who are currently  
42 attending or would otherwise attend a school designated pursuant to  
43 paragraph (a) of subdivision two of section two hundred eleven-f of this  
44 chapter. Preference may also be provided to children of employees of  
45 the charter school or charter management organization, provided that  
46 such children of employees may constitute no more than fifteen percent  
47 of the charter school's total enrollment. Provided that nothing in this  
48 paragraph shall be construed to limit or affect the duty of charter  
49 schools to abide by the requirements imposed by paragraph (a) of this  
50 subdivision relating to enrollment of students who are English language  
51 learners as defined in the department's regulations, students who  
52 receive or are mandated to receive any special education service,  
53 students who had individual education programs that mandate they receive  
54 services for at least sixty percent of the school day outside the gener-  
55 al education setting, students who are eligible to receive free lunch in  
56 accordance with title I of the federal elementary and secondary educa-



1 tion act, students who are eligible to receive reduced lunch in accord-  
2 ance with title I of the federal elementary and secondary education act,  
3 and students who reside in temporary or transitional housing and to meet  
4 or exceed enrollment targets and retention targets prescribed by the  
5 board of regents and the trustees of the state university of New York,  
6 as applicable. The commissioner shall establish regulations to require  
7 that the random selection process conducted pursuant to this paragraph  
8 be performed in a transparent and equitable manner and to require that  
9 the time and place of the random selection process be publicized in a  
10 manner consistent with the requirements of section one hundred four of  
11 the public officers law and be open to the public. For the purposes of  
12 this paragraph and paragraph (a) of this subdivision, the school  
13 district in which the charter school is located shall mean, for the city  
14 school district of the city of New York, the community district in which  
15 the charter school is located.

16 [(c)] (ii) Where a charter school does not meet or exceed the enroll-  
17 ment targets for students who are English language learners as defined  
18 in the department's regulations, students who receive or are mandated to  
19 receive any special education service, students who have individual  
20 education programs that mandate they receive services for at least sixty  
21 percent of the school day outside the general education setting,  
22 students who are eligible to receive free lunch in accordance with title  
23 I of the federal elementary and secondary education act, students who  
24 are eligible to receive reduced lunch in accordance with title I of the  
25 federal elementary and secondary education act, and students who reside  
26 in temporary or transitional housing in each grade, the charter school  
27 must hold open a sufficient number of enrollment slots such that it is  
28 possible for the charter school, consistent with its charter, to subse-  
29 quently enroll the minimum number of students necessary to meet or  
30 exceed such enrollment targets. In such circumstances, the charter  
31 school shall accept, in the order the application is received, any  
32 student that is either an English language learner as defined in the  
33 department's regulations, students who receive or are mandated to  
34 receive any special education services, students who have individual  
35 education programs that mandate they receive services for at least sixty  
36 percent of the school day outside the general education setting,  
37 students who are eligible to receive free lunch in accordance with title  
38 I of the federal elementary and secondary education act, and students  
39 who reside in temporary or transitional housing, if such student is  
40 applying for a slot where the charter school has not met or exceeded  
41 prescribed enrollment targets. If at any time, and for any reason,  
42 during the school year the charter school's enrollment of English  
43 language learners as defined in the department's regulations, students  
44 who receive or are mandated to receive any special education service,  
45 students who have individual education programs that mandate they  
46 receive services for at least sixty percent of the school day outside  
47 the general education setting, students who are eligible to receive free  
48 lunch in accordance with title I of the federal elementary and secondary  
49 education act, students who are eligible to receive reduced lunch in  
50 accordance with title I of the federal elementary and secondary educa-  
51 tion act, and students who reside in temporary or transitional housing  
52 falls below the enrollment target, the charter school shall accept, in  
53 the order the application is received, any student that is either an  
54 English language learner as defined in the department's regulations,  
55 students who receive or are mandated to receive any special education  
56 service, students who have individual education programs that mandate



1 they receive services for at least sixty percent of the school day  
2 outside the general education setting, students who are eligible to  
3 receive free lunch in accordance with title I of the federal elementary  
4 and secondary education act, students who are eligible to receive  
5 reduced lunch in accordance with title I of the federal elementary and  
6 secondary education act, and students who reside in temporary or transi-  
7 tional housing, if such student is applying for a slot where the charter  
8 school has fallen below the enrollment target for an enrollment catego-  
9 ry. Offers of enrollment shall be made to any parent or guardian of a  
10 student who is in a category in which the charter school is below the  
11 minimum set forth in this subdivision and who have previously expressed  
12 interest in a charter school; with respect to charter schools located in  
13 the geographic area served by the city school district of the city of  
14 New York, to any parent or guardian of a student who is in a category in  
15 which the charter school is below the minimum set forth in this subdivi-  
16 sion in the community district in which the charter school is located;  
17 and to other parent or guardian of a student who is in a category in  
18 which the charter school is below the minimum set forth in this subdivi-  
19 sion in the district. Offers made shall be made in writing in the parent  
20 or guardian's primary language and where the parent or guardian accepts  
21 such offer, the charter school shall enroll the student within five  
22 calendar days of the offer being accepted.

23 (iii) No charter school shall first commence instruction if it is  
24 operated by, managed by, affiliated with, in the same chain as, shares  
25 the same management company as or has any common charter applicant as a  
26 school that has failed to demonstrate, within the last thirteen months,  
27 that it has enrolled and kept enrolled the minimum number of students  
28 who are English language learners as defined in the department's regu-  
29 lations, students who receive or are mandated to receive any special  
30 education service, students who have individual education programs that  
31 mandate they receive services for at least sixty percent of the school  
32 day outside the general education setting, students who are eligible to  
33 receive free lunch in accordance with title I of the federal elementary  
34 and secondary education act, students who are eligible to receive  
35 reduced lunch in accordance with title I of the federal elementary and  
36 secondary education act, and students who reside in temporary or transi-  
37 tional housing to meet the enrollment and retention target, for any  
38 reason on any bi-monthly report pursuant to subdivision two-a of section  
39 twenty-eight hundred fifty-seven of this article.

40 (iv) The provisions of this paragraph shall be enforceable by the  
41 department or by a court of competent jurisdiction. Any employee of the  
42 school district in which the charter school is located, or the parent or  
43 guardian of a student attending the school district in which the charter  
44 school is located shall have standing to enforce the provisions of this  
45 paragraph.

46 (c) By June thirtieth of each year, the board of education of each  
47 school district or the chancellor of the city school district of the  
48 city of New York shall calculate, and transmit to the department, the  
49 percentage of all student in each grade in the school district who are  
50 in each of the following categories: (i) students who are English  
51 language learners as defined in the department's regulations; (ii)  
52 students who receive or are mandated to receive any special education  
53 service; (iii) students who have individual education programs that  
54 mandate they receive services for at least sixty percent of the school  
55 day outside the general education setting; (iv) students who are eligi-  
56 ble to receive free lunch in accordance with title I of the federal

1 elementary and secondary education act; (v) students who are eligible to  
2 receive reduced lunch in accordance with title I of the federal elemen-  
3 tary and secondary education act, and (vi) students who reside in tempo-  
4 rary or transition housing. For purposes of this paragraph, in the city  
5 school district of the city of New York, such calculation shall be done  
6 separately for each community school district and shall include all  
7 non-charter public schools, except those in district seventy-five,  
8 geographically located in the community school district. Such informa-  
9 tion shall be made public by the department within five days of it being  
10 received.

11 (c-1) Notwithstanding any law, rule or regulation to the contrary, a  
12 charter school shall enroll and keep enrolled the minimum number of  
13 students in each of the following categories: (i) students who are  
14 English language learners as defined in the department's regulations;  
15 (ii) students who receive or are mandated to receive any special educa-  
16 tion service; (iii) students who have individual education programs that  
17 mandate they receive services for at least sixty percent of the school  
18 day outside the general education setting; (iv) students who are eligi-  
19 ble to receive free lunch in accordance with title I of the federal  
20 elementary and secondary education act; (v) students who are eligible to  
21 receive reduced lunch in accordance with title I of the federal elemen-  
22 tary and secondary education act, and (vi) students who reside in tempo-  
23 rary or transitional housing. The minimum number of students a charter  
24 school must enroll and keep enrolled in each such category shall be the  
25 number of students that, as a percentage of the students authorized to  
26 be served by the charter school in its charter, is equal to the percent-  
27 age of students in each category that non-charter public schools in the  
28 distract where the charter school is located enrolled in the preceding  
29 June in all of the grades combined which are served by the charter  
30 school. For purposes of this paragraph, for the city school district of  
31 the city of New York, district shall mean the community school district  
32 and shall include all non-charter public schools, except those in  
33 district seventy-five, geographically located in the community school  
34 district. Notwithstanding any law, rule or regulation to the contrary,  
35 if at any time in the school year, a charter school fails to enroll and  
36 keep enrolled the minimum number of students in each category for any  
37 reason, the school's charter shall not be renewed at the expiration of  
38 its current term. The provisions of this paragraph shall be enforceable  
39 by the department or by a court of competent jurisdiction. Any employee  
40 of the district in which the charter school is located or the parent or  
41 guardian of a student attending the district where the charter school is  
42 located shall have standing to enforce the provisions of this paragraph.

43 (c-2) Prior to a charter school selecting or enrolling students for  
44 the next school year, the department shall provide the charter school  
45 with the minimum number of students it must enroll and keep enrolled in  
46 each category pursuant to paragraph (c-1) of this subdivision. The mini-  
47 imum number of students each charter school must enroll and keep enrolled  
48 in each category pursuant to paragraph (c-1) of this subdivision shall  
49 be made public by the department no later than five days after it is  
50 provided to the charter school.

51 (d) A charter school shall serve one or more of the grades one through  
52 twelve, and shall limit admission to pupils within the grade levels  
53 served. Nothing herein shall prohibit a charter school from establishing  
54 a kindergarten program.

55 [(d)] (e) A student may withdraw from a charter school at any time and  
56 enroll in a public school. [A charter school may refuse admission to any

1 student who has been expelled or suspended from a public school until  
2 the period of suspension or expulsion from the public school has  
3 expired, consistent with the requirements of due process.]

4 (i) A student may only be disciplined, suspended or expelled from a  
5 charter school in accordance with the applicable provisions of subdivi-  
6 sions two-a, three and three-a of section thirty-two hundred fourteen of  
7 this chapter. All charter schools shall also develop a code of conduct  
8 in accordance with the provisions of section twenty-eight hundred one of  
9 this title.

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

22 (iii) For purposes of this section:

23 (A) the term "superintendent," "superintendent of schools," "district  
24 superintendent of schools," or "community superintendent," as used in  
25 subdivision three of section thirty-two hundred fourteen of this chap-  
26 ter, as they relate to charter schools shall mean the chairperson of the  
27 board of trustees of the charter school or the chief school officer of  
28 the charter school; and

29 (B) the term "board of education" or "board," as used in subdivision  
30 three of section thirty-two hundred fourteen of this chapter, as they  
31 relate to charter schools shall mean the board of trustees of the char-  
32 ter school.

33 § 4. Paragraph (a-1) of subdivision 3 of section 2854 of the education  
34 law, as amended by section 1 of subpart A of part B of chapter 20 of the  
35 laws of 2015, is amended to read as follows:

36 (a-1) The board of trustees of a charter school shall employ and  
37 contract with necessary teachers, administrators and other school  
38 personnel. Such teachers shall be certified in accordance with the  
39 requirements applicable to other public schools; provided, however, that  
40 a charter school may employ as teachers (i) uncertified teachers with at  
41 least three years of elementary, middle or secondary classroom teaching  
42 experience; (ii) tenured or tenure track college faculty; (iii) individ-  
43 uals with two years of satisfactory experience through the Teach for  
44 America program; and (iv) individuals who possess exceptional business,  
45 professional, artistic, athletic, or military experience, provided,  
46 however, that such teachers described in clauses (i), (ii), (iii), and  
47 (iv) of this paragraph shall not in total comprise more than the sum of:  
48 [(A)] thirty per centum of the teaching staff of a charter school, or  
49 five teachers, whichever is less; plus (B) five teachers of mathemat-  
50 ics, science, computer science, technology, or career and technical  
51 education; plus (C) five additional teachers]. A teacher certified or  
52 otherwise approved by the commissioner shall not be included in the  
53 numerical limits established by the preceding sentence. If the commis-  
54 sioner finds that there is a critical shortage of certified teachers in  
55 a respective field, he or she may authorize, on an individual and tempo-  
56 rary basis, charter schools authorized pursuant to this article, to hire

1 an individual not in possession of a teaching certificate in the respec-  
2 tive field if the individual fulfills a bona fide instructional need  
3 that the district is unable to satisfy with a certified teacher.  
4 Provided further, such individual not in possession of a teaching  
5 certificate must demonstrate to the commissioner that he or she is  
6 completing collegiate study toward certification at the rate of not less  
7 than six semester hours per year and provided further that nothing here-  
8 in shall authorize an individual not in possession of a certificate to  
9 teach for more than one school year. Such finding of a critical shortage  
10 shall be made on an annual basis and any continuation of such finding  
11 shall be certified by the commissioner annually. The commissioner shall  
12 not grant any waivers pursuant to this paragraph if he or she determines  
13 that the granting of such waiver would result in violation of any feder-  
14 al law, rule or regulation, or waiver granted to the state.

15 § 5. Paragraph (e) of subdivision 1 and subdivision 3 of section 2855  
16 of the education law, paragraph (e) of subdivision 1 as added by chapter  
17 101 of the laws of 2010 and subdivision 3 as added by chapter 4 of the  
18 laws of 1998, are amended and a new paragraph (f) is added to subdivi-  
19 sion 1 to read as follows:

20 (e) [Repeated failure] Failure to comply with the requirement to meet  
21 or exceed enrollment targets and retention targets of students [with  
22 disabilities, English language learners, and students who are eligible  
23 applicants for the free and reduced price lunch program pursuant to  
24 targets] who are English language learners as defined in the depart-  
25 ment's regulations, students who receive or are mandated to receive any  
26 special education service, students who have individual education  
27 programs that mandate they receive services for at least sixty percent  
28 of the school day outside the general education setting, students who  
29 are eligible to receive free lunch in accordance with title I of the  
30 federal elementary and secondary education act, students who are eligi-  
31 ble to receive reduced lunch in accordance with title I of the federal  
32 elementary and secondary education act, and students who reside in  
33 temporary or transitional housing established by the board of regents or  
34 the board of trustees of the state university of New York, as applica-  
35 ble[. Provided, however, if no grounds for terminating a charter are  
36 established pursuant to this section other than pursuant to this para-  
37 graph, and the charter school demonstrates that it has made extensive  
38 efforts to recruit and retain such students, including outreach to  
39 parents and families in the surrounding communities, widely publicizing  
40 the lottery for such school, and efforts to academically support such  
41 students in such charter school, then the charter entity or board of  
42 regents may retain such charter.]; or

43 (f) Failure to comply with the data reporting requirements prescribed  
44 in subdivisions two and two-a of section twenty-eight hundred fifty-sev-  
45 en of this article, including but not limited to the end of the year  
46 reporting requirements on the enrollment and retention of students who  
47 are English language learners as defined in the department's regu-  
48 lations, students who receive or are mandated to receive any special  
49 education service, students who have individual education programs that  
50 mandate they receive services for at least sixty percent of the school  
51 day outside the general education setting, students who are eligible to  
52 receive free lunch in accordance with title I of the federal elementary  
53 and secondary education act, students who are eligible to receive  
54 reduced lunch in accordance with title I of the federal elementary and  
55 secondary education act, and students who reside in temporary or transi-  
56 tional housing.



1 3.(a) In addition to the provisions of subdivision two of this  
2 section, the charter entity or the board of regents may place a charter  
3 school falling within the provisions of subdivision one of this section  
4 on probationary status to allow the implementation of a remedial action  
5 plan. The failure of a charter school to comply with the terms and  
6 conditions of a remedial action plan may result in summary revocation of  
7 the school's charter.

8 (b) A charter school that is placed on probationary status shall annu-  
9 ally notify the parents or guardians of all students and applicants of  
10 the placement. The initial notice shall be distributed within two weeks  
11 of being placed on probationary status. Such notice shall be written and  
12 delivered via mail. The department shall identify all charter schools on  
13 probationary status on the department's website and shall also post the  
14 remedial action plan.

15 § 6. Paragraph (d) of subdivision 2 of section 2857 of the education  
16 law, as added by chapter 101 of the laws of 2010 is amended and a new  
17 paragraph (e) is added to read as follows:

18 (d) efforts taken by the charter school in the existing school year,  
19 and a plan for efforts to be taken in the succeeding school year, to  
20 meet or exceed enrollment target and retention targets set by the board  
21 of regents or the board of trustees of the state university of New York,  
22 as applicable, of students [with disabilities, English language lear-  
23 ners, and students who are eligible applicants for the free and reduced  
24 price lunch program established pursuant to paragraph (e) of subdivision  
25 four of section twenty-eight hundred fifty-one of this article.] who are  
26 English language learners, as defined in the department's regulations,  
27 students who receive or are mandated to receive any special education  
28 service, students who have individual education programs that mandate  
29 they receive services for at least sixty percent of the school day  
30 outside the general education setting, students who are eligible to  
31 receive free lunch in accordance with title I of the federal elementary  
32 and secondary education act, students who are eligible to receive  
33 reduced lunch in accordance with title I of the federal elementary and  
34 secondary education act, and students who reside in temporary or transi-  
35 tional housing.

36 (e) for any charter school that contracts with a management company or  
37 any other entity that provides services to the charter school, a  
38 detailed statement of services provided to the charter school by the  
39 management company and/or any other entity and the amount the charter  
40 school pays for such services. The department shall post the annual  
41 reports submitted by charter schools on its website.

42 § 7. Section 2857 of the education law is amended by adding a new  
43 subdivision 2-a to read as follows:

44 2-a. (a) No later than the first of August of each school year, (for  
45 data for the preceding school year) and bi-monthly thereafter for the  
46 current school year data, each charter school shall submit to the char-  
47 tering entity and board of regents data on enrollment and retention  
48 rates, including but not limited to the number of students that are  
49 English language learners as defined in the department's regulations;  
50 the number of students who receive or are mandated to receive any  
51 special education service; the number of students who have individual  
52 education programs that mandate they receive services for at least sixty  
53 percent of the school day outside the general education setting; the  
54 number of students who are eligible to receive free lunch in accordance  
55 with title I of the federal elementary and secondary education act,  
56 students who are eligible to receive reduced lunch in accordance with

1 title I of the federal elementary and secondary education act, the  
2 number of students who reside in temporary or transitional housing and  
3 any other additional requirements prescribed by the board of regents in  
4 the rules of the board of regents. In addition, a charter school shall  
5 report to the department and the district in which the charter school is  
6 located, each month, the number of students then enrolled, as of the  
7 first day of the month, in each of the aforementioned categories and the  
8 number of students then enrolled, as of the first day of the month, that  
9 are in none of the aforementioned categories. Such reports shall be made  
10 public by the department within five days of their receipt. Reports  
11 shall be made on the fifth day of the month during the school year. The  
12 department shall, at least annually, review the data submitted pursuant  
13 to this subdivision in order to determine whether the charter school  
14 submitting such data is in compliance with the requirement to meet or  
15 exceed applicable enrollment and retention targets. For any enrollment  
16 category for which the department finds that the charter school fails to  
17 meet or exceed its enrollment targets and retention targets, absent  
18 extraordinary circumstances, the department shall notify the school  
19 district in which the charter school is located. The superintendent of  
20 the school district in which the charter school is located shall with-  
21 hold funds by an amount equal to the per pupil charter school basic  
22 tuition multiplied by the number of students by which the charter school  
23 failed to meet or exceed its enrollment targets and retention targets  
24 for such category or categories. Such funds shall be withheld until the  
25 charter school has demonstrated to the department's satisfaction that it  
26 has met or exceeded its enrollment targets and retention targets.

27 (b) Notwithstanding any law, rule or regulation to the contrary, if,  
28 at any time in the school year, a charter school fails to enroll and  
29 keep enrolled the number of students in each category as required by  
30 paragraph (e) of subdivision four of section twenty-eight hundred  
31 fifty-one of this article for any reason, the charter school's funding  
32 shall be reduced by an amount equal to two times the per pupil funding  
33 the school would have received for each student required to be but not  
34 enrolled. Notwithstanding any law, rule or regulation to the contrary,  
35 the charter school shall not receive any per pupil funding for any  
36 number of students that makes it impossible or would make it impossible  
37 to enroll the number of students in each category required by subdivi-  
38 sion four of section twenty-eight hundred fifty-one of this article.

39 § 8. The education law is amended by adding a new section 2858 to read  
40 as follows:

41 § 2858. Placement of a student. Nothing in this article shall be  
42 construed to require the placement of a student in a class or setting  
43 that is not appropriate to the needs of the student as determined by the  
44 school district's committee on special education.

45 § 9. Paragraph (a) of subdivision 4 of section 2853 of the education  
46 law, as amended by chapter 378 of the laws of 2007, is amended to read  
47 as follows:

48 (a) For purposes of sections seven hundred one, seven hundred eleven,  
49 seven hundred fifty-one and nine hundred twelve of this chapter, a char-  
50 ter school shall be deemed a nonpublic school in the school district  
51 within which the charter school is located. Special education programs  
52 and services shall be provided to students with a disability attending a  
53 charter school in accordance with the individualized education program  
54 recommended by the committee or subcommittee on special education of the  
55 student's school district of residence. The charter school may arrange  
56 to have such services provided by such school district of residence or

1 by the charter school directly or by contract with another provider,  
2 provided, however, that if such services are provided by such school  
3 district of residence the students receiving such services shall not  
4 count towards the minimum number of students the charter must enroll in  
5 each category set forth in paragraph (e) of subdivision four of section  
6 twenty-eight hundred fifty-one of this article. Where the charter  
7 school arranges to have the school district of residence provide such  
8 special education programs or services, such school district shall  
9 provide services in the same manner as it serves students with disabili-  
10 ties in other public schools in the school district, including the  
11 provision of supplementary and related services on site to the same  
12 extent to which it has a policy or practice of providing such services  
13 on the site of such other public schools.

14 § 10. Paragraph (a) of subdivision 4 of section 2853 of the education  
15 law, as added by chapter 4 of the laws of 1998, is amended to read as  
16 follows:

17 (a) For purposes of sections seven hundred one, seven hundred eleven,  
18 seven hundred fifty-one and nine hundred twelve of this chapter, a char-  
19 ter school shall be deemed a nonpublic school in the school district  
20 within which the charter school is located. Special education programs  
21 and services shall be provided to students with a disability attending a  
22 charter school in accordance with the individualized education program  
23 recommended by the committee or subcommittee on special education of the  
24 student's school district of residence. The charter school may arrange  
25 to have such services provided by such school district of residence or  
26 by the charter school directly or by contract with another provider,  
27 provided, however, that if such services are provided by such school  
28 district of residence the students receiving such services shall not  
29 count towards the minimum number of students the charter must enroll in  
30 each category set forth in paragraph (e) of subdivision four of section  
31 twenty-eight hundred fifty-one of this article.

32 § 11. This act shall take effect on the first of January next succeed-  
33 ing the date on which it shall have become a law; provided, however that  
34 the amendments to paragraph (a) of subdivision 4 of section 2853 of the  
35 education law made by section nine of this act shall be subject to the  
36 expiration and reversion of such paragraph pursuant to subdivision d of  
37 section 27 of chapter 378 of the laws of 2007, as amended, when upon  
38 such date the provisions of section ten of this act shall take effect.

39 § 2. Severability clause. If any clause, sentence, paragraph, subdivi-  
40 sion, section or part of this act shall be adjudged by any court of  
41 competent jurisdiction to be invalid, such judgment shall not affect,  
42 impair, or invalidate the remainder thereof, but shall be confined in  
43 its operation to the clause, sentence, paragraph, subdivision, section  
44 or part thereof directly involved in the controversy in which such judg-  
45 ment shall have been rendered. It is hereby declared to be the intent of  
46 the legislature that this act would have been enacted even if such  
47 invalid provisions had not been included herein.

48 § 3. This act shall take effect immediately provided, however, that  
49 the applicable effective date of Parts A through AA of this act shall be  
50 as specifically set forth in the last section of such Parts.