

**BILL TEXT:****STATE OF NEW YORK**

S. 2107--C  
Cal. No. 303

A. 4307--C  
R.R. 23

**SENATE - ASSEMBLY**

January 31, 2007

IN SENATE -- A BUDGET BILL, submitted by the Governor pursuant to article seven of the Constitution -- read twice and ordered printed, and when printed to be committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported favorably from said committee, ordered to a third reading, passed by Senate and delivered to the Assembly, recalled, vote reconsidered, restored to third reading, recommitted to Committee on Rules -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

IN ASSEMBLY -- 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 -- reported and referred to the Committee on Rules -- passed by Assembly and delivered to the Senate, recalled from the Senate, vote reconsidered, restored to special order on third reading, recommitted to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to regents standards and academic performance (Part A); to amend the arts and cultural affairs law, in relation to designating a member of the board of regents to serve on the New York state cultural education trust; to amend the education law, in relation to funds provided to the city school district for the city of New York for teacher resource and computer training centers for the 2006-2007 school year; to amend the education law, in relation to authorizing the commissioner of education to expend money for formula grants to public library systems in the 2007-2008 state fiscal year, teacher resource and computer training centers, special education classification reviews, the textbook factor and the library materials factor for the 2007-2008 school year, the amount annually appropriated for general support for public schools commencing with the 2011-2012 school year, the determination of

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

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selected actual evaluation, the computation of pupil counts and related factors, apportionment of public moneys to certain school districts, transitional aid for charter school payments, the universal pre-kindergarten program, charter schools, full-day kindergarten transition planning grants, supplemental educational improvement grants and the excelsior scholars program for certain students; to amend the education law, in relation to incentive operating aid for reorganized school districts; to amend chapter 57 of the laws of 2005, amending the education law relating to establishing a program of capital financing for public broadcasting stations, in relation to extending certain provisions; to amend the state finance law, in relation to the state lottery fund; to amend chapter 756 of the laws of 1992, relating to funding a program for work force education conducted by the consortium for workers education in New York city, in relation to certain reimbursements and the effectiveness of such chapter; 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 certain other laws relating to state aid to school districts and the appropriation of funds for the support of government, in relation to the effectiveness thereof; to amend chapter 472 of the laws of 1998, amending the education law, relating to the lease of school buses by school districts, in relation to the effectiveness thereof; to apportionment of monies appropriated for the support of public libraries; to establish the school district efficiency review program; to provide for special apportionment for salary expenses; to provide special apportionment for public pension accruals; in relation to suballocation of certain education department monies; to amend chapter 282 of the laws of 2006, relating to school aid payments due to the Haverstraw-Stony Point Central school district, in relation to making technical corrections thereto; relating to purchase of medical and health services by the city school district of the city of Rochester; to amend chapter 57 of the laws of 2004, amending the labor law and other laws relating to implementation of the state fiscal plan for the 2004-2005 state fiscal year, in relation to extending certain provisions thereof; to establish a temporary task force on preschool special education; relating to magnet school setasides; to repeal certain provisions of the education law relating to annual apportionments to school districts; and providing for the repeal of certain provisions upon expiration thereof (Part B); Intentionally omitted (Part C); to amend the real property tax law and the tax law, in relation to establishing a "Middle Class STAR" rebate program; to amend the administrative code of the city of New York, in relation to credits against tax; to amend the state finance law, in relation to reimbursement payments to the city of New York; and to repeal certain provisions of the real property tax law and the tax law, relating to a local real property tax rebate and a state income tax credit (Part D-1); to amend the education law, in relation to charter schools (Part D-2); to amend the education law, in relation to eligibility requirements and conditions governing awards and loans (Part E-1); to amend the education law, in relation to financial aid for students in higher education (Part E-2); to amend the education law, in relation to the Senator Patricia K. McGee nursing faculty scholarship program and the New York state nursing faculty loan forgiveness incentive program (Part E-3); to amend the education law, in relation to state aid for

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high needs nursing programs for certain independent institutions of higher learning (Part E-4); to repeal part T of chapter 58 of the laws of 2006, relating to establishing the empire innovation program for the state university of New York (Part E-5); and to repeal part U of chapter 58 of the laws of 2006, relating to establishing the empire innovation program for the city university of New York (Part E-6); in relation to discontinuing services and operations at the Brooklyn and Mt. Vernon community residential homes (Part F); to amend the state finance law, in relation to establishing the youth facility per diem account; and to amend the executive law, in relation to the reimbursement owed to the state by the social services districts for expenditures made by the office of children and family services for the care, maintenance and supervision of youth in office facilities and programs (Part G); in relation to preventive services funding (Part H); to amend part C of chapter 83 of the laws of 2002 amending the executive law and other laws relating to funding for children and family services, in relation to making the provisions of such part permanent (Part I); establishing an executive board within the state commission for the blind and visually handicapped (Part J); to improve performance and provide flexibility in the allocation of temporary assistance for needy families (Part K-1); authorizing the office of children and family services to expand its demonstration project pertaining to the use of portable information technology by child protective services caseworkers; and providing for the repeal of such provisions upon expiration thereof (Part K-2); to amend the social services law, in relation to requiring that award allocations be made available on the website (Part K-3); provides for a demonstration project to test best practices in certain child advocacy centers; and providing for the repeal of such provisions upon expiration thereof (Part K-4); in relation to a child care enrollment facilitation demonstration project (Part K-5); to amend the executive law, in relation to establishing the office of ombudsman (Part K-6); to amend the insurance law, in relation to establishing the New York state health care quality and cost containment commission (Part L); and to amend the vehicle and traffic law, in relation to mandatory surcharge required in certain cities for parking, stopping and standing violations (Part M); in relation to certain agreements between the dormitory authority and Cornell University (Part N); to amend the New York state urban development corporation act, in relation to the effectiveness thereof; and requiring the urban development corporation to submit comprehensive financial plans to the director of the budget for approval; providing for the repeal of certain provisions upon the expiration thereof (Part O); to provide funding for certain community projects (Part P); to amend the New York state urban development corporation act and the agriculture and markets law, in relation to establishing the dairy assistance program; and providing for the repeal of such provisions upon expiration thereof (Part Q); to amend the state finance law, in relation to a program of aid to municipalities with video lottery gaming facilities (Part R); and relating to aid to municipalities (Part S); to provide for the administration of certain funds and accounts related to the 2007-2008 budget; authorizing certain payments and transfers; to amend the state finance law, in relation to the school tax relief fund; to amend the public authorities law, in relation to library construction by the state dormitory authority; to amend the state finance law, in relation to the revenue bond tax fund, variable rate bonds and authorization for consolidated service contract

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refundings; to amend the public authorities law, in relation to cultural education facilities; to amend part Y of chapter 61 of the laws of 2005 relating to providing for the administration of certain funds and accounts related to the 2005-2006 budget, in relation to the issuance of bonds and notes; to amend part K of chapter 81 of the laws of 2002 relating to providing for the administration of certain funds and accounts related to the 2002-2003 budget, in relation to the issuance of bonds and notes; to amend the state finance law, in relation to certificates of participation; to amend the public authorities law, in relation to courthouse improvements and training facilities; to amend chapter 389 of the laws of 1997 relating to the financing of the correctional facilities improvement fund and the youth facility improvement fund, in relation to the issuance of bonds and notes; to amend the public authorities law, in relation to acquisition of state buildings and other facilities; to amend the public buildings law, in relation to certain leases; to amend chapter 329 of the laws of 1991 amending the state finance law and other laws relating to the establishment of the dedicated highway and bridge trust fund, in relation to obligations of the thruway authority; to amend the private housing finance law, in relation to the issuance of bonds and notes; to amend the New York state urban development corporation act, in relation to New York state modernization projects; to amend the state finance law, in relation to the state park infrastructure fund; to amend the state finance law, in relation to making certain technical corrections thereto; to repeal certain provisions of the state finance law, relating to definitions; and providing for the repeal of certain provisions upon the expiration thereof (Part T); and to amend the public health law, in relation to rural hospital supplemental rate adjustment (Part U)

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 2006-2007  
3 state fiscal year. Each components is wholly contained within a Part  
4 identified as Parts A through U. 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 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. The education law is amended by adding four new sections  
14 211, 211-a, 211-b and 211-c to read as follows:

15 § 211. Review of regents learning standards. 1. The regents shall  
16 periodically review and evaluate the existing regents learning standards  
17 to determine if they should be strengthened, modified or combined so as  
18 to provide adequate opportunity for students to acquire the skills and  
19 knowledge they need to succeed in employment or postsecondary education  
20 and to function productively as civic participants upon graduation from

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1 high school. Such review and evaluation shall be conducted upon a sche-  
2 dule adopted by the regents, provided that a review and evaluation of  
3 the English language arts standards shall be completed as soon as possi-  
4 ble, but no later than the end of the two thousand seven--two thousand  
5 eight school year.

6 2. In conducting such reviews, the regents shall seek the recommenda-  
7 tions of teachers, school administrators, teacher educators and others  
8 with educational expertise on improvements to the standards so that they  
9 ensure that students are prepared, in appropriate progression, for post-  
10 secondary education or employment.

11 § 211-a. Enhanced state accountability system. To more fully implement  
12 the requirements of section one thousand one hundred eleven of the  
13 elementary and secondary education act of nineteen hundred sixty-five,  
14 as amended, and the federal regulations implementing such statute, the  
15 regents shall develop and implement an enhanced state accountability  
16 system that uses growth measures to the extent required by this section.

17 1. By the start of the two thousand eight--two thousand nine school  
18 year, the regents shall establish, using existing state assessments, an  
19 interim, modified accountability system for schools and districts that  
20 is based on a growth model, subject to approval of the United States  
21 department of education where required under federal law.

22 2. The regents shall proceed with the development of an enhanced  
23 accountability system, with revised or new state assessments, based on  
24 an enhanced growth model that, to the extent feasible and consistent  
25 with federal law, includes a value-added assessment model that employs a  
26 scale-score approach to measure growth of students at all levels. (a)  
27 If the regents establish that the assessment scaling and accountability  
28 methodology employed have been determined by external experts in educa-  
29 tional testing and measurement to be valid and reliable and in accord-  
30 ance with established standards for educational and psychological test-  
31 ing, and (b) the approval of the United States department of education  
32 has been obtained where required by federal law, the enhanced growth  
33 model shall be implemented no later than the start of the two thousand  
34 ten--two thousand eleven school year.

35 3. In implementing the provisions of subdivisions one and two of this  
36 section, the regents shall by July first, two thousand eight, establish  
37 targets for improvement of schools and school districts based upon  
38 performance on state assessments, graduation rates, and other indicators  
39 of progress, such as student retention rates and college attendance and  
40 completion rates.

41 4. As used in this chapter, the following words shall have the follow-  
42 ing meanings:

43 a. "Growth model" shall mean the assessment of a cohort of students,  
44 or individual students, over time that measures the academic progress  
45 made by those students.

46 b. "Value added assessment model" shall mean a form of growth model  
47 that includes an evaluation of the specific effects of programs, and  
48 other relevant factors, on the academic progress of individual students  
49 over time.

50 § 211-b. Consequences for consistent lack of improvement in academic  
51 performance. In addition to taking appropriate action pursuant to the  
52 regulations of the commissioner and the requirements of federal law, the  
53 following actions shall be taken to increase school and district  
54 accountability for academic performance:

55 1. The regents shall expand the scope and improve the effectiveness of  
56 the schools under registration review (SURR) process in the two thousand

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1 seven--two thousand eight school year and thereafter, so as to ensure  
2 that all schools that meet the criteria for identification as SURR shall  
3 be so identified. The goal of such expansion shall be to identify as  
4 SURR up to a total of five percent of the schools in the state within  
5 four years, and to reorganize or restructure schools so identified in  
6 cases where such action is appropriate.

7 2. The regents shall develop a plan for increased support and possible  
8 intervention in schools in improvement, corrective action, or restruc-  
9 turing status or in SURR status. Notwithstanding any provision of law to  
10 the contrary, the regents shall establish a two-step process as follows:

11 a. The appointment by the commissioner of a school quality review team  
12 to assist any school in school improvement, corrective action, restruc-  
13 turing status or SURR status in developing and implementing a school  
14 improvement, corrective action, restructuring, or comprehensive plan for  
15 the school. Such team may also conduct resource and program and planning  
16 audits and examine the quality of curriculum, instructional plans, and  
17 teaching in the schools, the learning opportunities and support services  
18 available to students, and the organization and operations of the  
19 school. After such review, the team shall provide diagnostic recommenda-  
20 tions for school improvement, which may include administrative and oper-  
21 ational improvements. The recommendation of such team shall be advi-  
22 sory. The reasonable and necessary expenses incurred in the performance  
23 of the team's official duties shall be a charge upon the school  
24 district, or charter school, where applicable, that operates the school.

25 b. The appointment by the commissioner of a joint school intervention  
26 team, for schools in (i) restructuring status or (ii) SURR status that  
27 have failed to demonstrate progress as specified in their corrective  
28 action plan or comprehensive education plan. Administrators and educa-  
29 tors from the district or charter school where applicable must be  
30 included on the team, as well as any distinguished educator appointed to  
31 the district pursuant to section two hundred eleven-c of this part. Such  
32 team shall assist the school district in developing, reviewing and  
33 recommending plans for reorganizing or reconfiguring of such schools.  
34 The recommendations of such team should be advisory. The reasonable and  
35 necessary expenses incurred in the performance of the school inter-  
36 vention team's official duties shall be a charge upon the school  
37 district, or charter school where applicable, that operates the school.

38 3. A school district that has been identified as requiring academic  
39 progress, as defined by 100.2(p)(7) of the commissioner's regulations,  
40 or includes one or more schools under registration review, in need of  
41 improvement, in corrective action or restructuring status shall be  
42 required to submit a district improvement plan to the commissioner for  
43 approval. In formulating the district improvement plan, the district  
44 shall consider redirecting resources to programs and activities included  
45 in the menu of options under subdivision three of section two hundred  
46 eleven-d of this part in the schools so identified. If such options are  
47 not adopted in the district improvement plan, the school district shall  
48 provide the commissioner with an explanation of such decision which  
49 shall be considered by the commissioner in determining whether to  
50 approve such plan. The trustees or board of education shall hold a  
51 public hearing before adoption of the district improvement plan and a  
52 transcript of the testimony at such hearing shall be submitted to the  
53 commissioner for review with the district improvement plan.

54 4. The commissioner shall develop a plan for intervention in schools  
55 under restructuring or SURR status that fail to demonstrate progress on  
56 established performance measures and may be targeted for closure. Such

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1 plan shall specify criteria for school closure and include processes to  
2 be followed, research based options, and alternatives and strategies to  
3 reorganizing, restructuring or reconfiguring schools. Such plan shall be  
4 developed with input from educators including, but not limited to,  
5 administrators, teachers and individuals identified as distinguished  
6 educators pursuant to section two hundred eleven-c of this part.

7 5. (a) The regents shall ensure that all school districts include in  
8 any contract of employment, entered into, amended, or extended with a  
9 superintendent of schools, community superintendent or deputy, assist-  
10 ant, associate or other superintendent of schools who has been or will  
11 be appointed for a fixed term, a provision requiring that such contract  
12 specify that the superintendent shall be required to cooperate fully  
13 with any distinguished educator appointed by the commissioner pursuant  
14 to section two hundred eleven-c of this part.

15 (b) In the case of a superintendent of schools, community superinten-  
16 dent or deputy, assistant, associate or other superintendent of schools  
17 who is not appointed for a fixed term, the contract provisions contained  
18 in paragraph (a) of this subdivision shall be deemed to apply to such  
19 superintendent immediately.

20 (c) In the case of a charter school, the contract of employment of the  
21 principal or headmaster or other chief school officer of the charter  
22 school that is entered into, amended or extended shall also be required  
23 to include the provisions contained in paragraph (a) of this subdivi-  
24 sion. In addition, such contract provisions shall be deemed to apply  
25 immediately to any such person not appointed for a fixed term.

26 § 211-c. Distinguished educators. The regents shall establish a  
27 distinguished educator program that recognizes educational leaders who  
28 have agreed to assist in improving the performance of low performing  
29 school districts.

30 1. Building principals, superintendents of schools and teachers  
31 including retirees and current employees of school districts, under  
32 whose leadership schools have demonstrated consistent growth in academic  
33 performance and other individuals who have demonstrated educational  
34 expertise, including superior performance in the classroom, shall be  
35 eligible for designation by the regents as distinguished educators.  
36 Provided, however, individuals employed by for-profit entities shall not  
37 be eligible for such recognition.

38 2. From the pool of distinguished educators designated by the regents  
39 pursuant to subdivision one of this section, the commissioner shall  
40 appoint distinguished educators who have expressed their willingness to  
41 assist low performing districts in improving their academic performance.  
42 To the extent practicable, the commissioner shall appoint distinguished  
43 educators to assist districts with comparable demographics to the  
44 schools or districts that are or were under such educator's leadership.

45 3. The commissioner may appoint a distinguished educator to a school  
46 district;

47 a. when such district or a school within such district has failed to  
48 achieve adequate yearly progress for four or more years;

49 b. as a member of a joint school intervention team pursuant to para-  
50 graph b of subdivision two of section two hundred eleven-b of this part.

51 4. The school district to which a distinguished educator is appointed  
52 shall cooperate fully with an appointed distinguished educator.

53 5. An appointed distinguished educator shall assess the learning envi-  
54 ronment of schools in the district, review or provide assistance in the  
55 development and implementation of any district improvement plan and/or  
56 any corrective action, restructuring, or comprehensive plan of any



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1 school within the district to which the distinguished educator is  
2 assigned. Such distinguished educator shall either endorse without  
3 change or make recommendations for modifications to any such plan to the  
4 board of education, trustees, or chancellor, in a school district in a  
5 city of one million or more inhabitants, and the commissioner. Upon  
6 receipt of any recommendations for modification, the board of education,  
7 trustees, or chancellor shall either modify the plans accordingly or  
8 provide a written explanation to the commissioner of its reasons for not  
9 adopting such recommendations. The commissioner shall direct the  
10 district to modify the plans as recommended by the distinguished educa-  
11 tor unless the commissioner finds that the written explanation provided  
12 by the district has compelling merit.

13 6. Appointed distinguished educators shall be deemed ex-officio, non-  
14 voting members of the board of education or trustees. In a school  
15 district in a city of one million or more inhabitants, any such distin-  
16 guished educator shall be deemed an ex-officio, non-voting member of the  
17 community district education council or the city board, as applicable.

18 7. The reasonable and necessary expenses incurred by the appointed  
19 distinguished educators while performing their official duties shall be  
20 paid by the school district.

21 8. If an appointed distinguished educator is employed by a school  
22 district or charter school, it shall be the duty of the board of educa-  
23 tion or trustees of such school district, the chancellor of a city  
24 school district in a city of one million or more inhabitants, or the  
25 board of trustees of such charter school to facilitate the efforts of  
26 any such appointed distinguished educators in their employ by granting  
27 reasonable leave requests and otherwise accommodating their efforts, to  
28 the extent such efforts do not substantially interfere with the educa-  
29 tor's performance of his or her regular duties.

30 § 2. Section 305 of the education law is amended by adding four new  
31 subdivisions 36, 37, 38 and 39 to read as follows:

32 36. The commissioner shall ensure that by July first, two thousand  
33 eight, a student progress report, written in plain English and in a form  
34 prescribed by the commissioner, is prepared for all students. Such  
35 progress report shall provide parents or persons in parental relation  
36 with information on their child's performance on state assessments over  
37 multiple years of testing and shall also explain the process by which  
38 parents or persons in parental relation may inquire further about their  
39 child's progress. All school districts and charter schools shall prepare  
40 and disseminate the student progress report to parents or persons in  
41 parental relation in a timely manner.

42 37. The commissioner shall develop methods to support educators in the  
43 use of performance data to assist in student learning, which shall be  
44 periodically improved based on feedback from educators.

45 38. The commissioner shall develop informational materials to assist  
46 parents or persons in parental relation and teachers in understanding  
47 the regents learning standards and the results of state assessments.

48 39. The commissioner shall develop a school leadership report card and  
49 a separate school progress report card to assist boards of education,  
50 the state and the public in assessing the performance of school leaders,  
51 including superintendents of schools and building principals, and the  
52 schools that they lead. The report cards shall include an assessment of  
53 the school's progress in achieving standards of excellence including,  
54 but not limited to, parent involvement, curriculum, teacher quality, and  
55 accountability measures as set forth in section three hundred nineteen  
56 of this article. The commissioner shall promulgate regulations requir-



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1 ing the trustees or boards of education of every common, union free,  
2 central, central high school and city school district, and the chancel-  
3 lor of a city school district in a city of one million or more inhabit-  
4 ants, to attach copies of such report cards to the statement of esti-  
5 imated expenditures pursuant to section sixteen hundred eight or  
6 seventeen hundred sixteen of this chapter, where applicable, and to  
7 otherwise make the report cards publicly available in the same manner as  
8 a school district report card.

9 § 3. Intentionally omitted.

10 § 4. Section 305 of the education law is amended by adding two new  
11 subdivisions 12-a and 40 to read as follows:

12 12-a. The commissioner shall evaluate the effectiveness of all teacher  
13 preparation programs in the state, and the timelines and costs of devel-  
14 oping or modifying data systems to collect the necessary data. Such  
15 study shall consider measuring the effectiveness of such programs based  
16 on the academic performance of their students and graduates and through  
17 other measures. The commissioner shall consult with the chancellors of  
18 the state university of New York and the city university of New York,  
19 and other representatives of institutions of higher education. Upon  
20 completion of such study, the commissioner shall make recommendations to  
21 the board of regents on implementation of such methodologies.

22 40. The board of regents shall explore the development of a prekinde-  
23 rgarten through postsecondary (P-16) data system that tracks student  
24 performance from prekindergarten through attendance at public colleges  
25 in this state and links students to teachers or instructors. The commis-  
26 sioner shall consult with other relevant state departments, agencies and  
27 instrumentalities of the state about the feasibility of linking the  
28 system to other data collection systems containing information relevant  
29 to the education of children, including but not limited to social  
30 services information; and to identify barriers to the exchange of data  
31 between the P-16 system and social services and other systems under  
32 their control and collaborate to facilitate the free exchange of data.  
33 Such data system shall be maintained consistent with applicable confi-  
34 dentiality requirements, so as to prevent disclosures that would consti-  
35 tute an unwarranted invasion of personal privacy. The commissioner shall  
36 report to the board of regents on activities conducted pursuant to this  
37 subdivision.

38 § 5. Subdivision 1 of section 3004 of the education law, as amended by  
39 chapter 737 of the laws of 1992, is amended and a new subdivision 6 is  
40 added to read as follows:

41 1. The commissioner shall prescribe, subject to approval by the  
42 regents, regulations governing the examination and certification of  
43 teachers employed in all public schools of the state, except that no  
44 such regulation affecting the examination, certification, license,  
45 probationary periods, appointment, and tenure of position of persons  
46 employed in the teaching, and supervising service in a city having a  
47 population of four hundred thousand or more shall be prescribed which  
48 may cause the discontinuance of the service of such persons who have  
49 satisfactorily completed their probationary periods, or the removal of  
50 such persons from their positions in a manner other than that provided  
51 by section twenty-five hundred ~~twenty-three~~ seventy-three of this  
52 chapter, but no such regulations established by the commissioner or by  
53 any school district, or pursuant to the provisions of section twenty-  
54 five hundred fifty-four, twenty-five hundred sixty-six, twenty-five  
55 hundred sixty-nine, twenty-five hundred seventy-three or ~~thirty~~  
56 ~~hundred~~ three thousand eight of this chapter or otherwise, shall here-

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1 after prohibit, prevent or disqualify any person, who is otherwise qual-  
2 ified, from competing, participating and registering for such examina-  
3 tion or from obtaining a teacher's certificate or from qualifying for a  
4 position as a teacher solely by reason of a disability provided such  
5 disability does not interfere with such person's ability to perform  
6 teaching duties, nor shall any person who is otherwise qualified be  
7 denied enrollment in any teacher training, which provides for certif-  
8 ication as a teacher in a school or facility which conducts classes for  
9 children with [~~handicapping conditions~~] disabilities solely by reason of  
10 a disability.

11 6. The regents and the commissioner shall review the alternative  
12 teacher preparation programs available to candidates for teaching  
13 certificates under the regulations of the commissioner in the two thou-  
14 sand seven--two thousand eight school year and shall consider means of  
15 expanding the availability of such preparation in the future, while  
16 maintaining teacher quality. The regents and the commissioner shall  
17 develop programs to assist in the expansion of alternative teacher prep-  
18 aration programs.

19 § 6. Subdivision 2 of section 2509 of the education law, as amended by  
20 chapter 732 of the laws of 1971, is amended to read as follows:

21 2. At the expiration of the probationary term of any persons appointed  
22 for such term, or within six months prior thereto, the superintendent of  
23 schools shall make a written report to the board of education recommend-  
24 ing for appointment on tenure those persons who have been found compe-  
25 tent, efficient and satisfactory, consistent with any applicable rules  
26 of the board of regents adopted pursuant to section three thousand  
27 twelve-b of this chapter. By a majority vote the board of education may  
28 then appoint on tenure any or all of the persons recommended by the  
29 superintendent of schools. Such persons and all others employed in the  
30 teaching service of the schools of such school district who have served  
31 the full probationary period shall hold their respective positions  
32 during good behavior and efficient and competent service, and shall not  
33 be removable except for cause after a hearing as provided by section  
34 three thousand twenty-a of such law. Failure to maintain certification  
35 as required by this chapter and the regulations of the commissioner of  
36 education shall constitute cause for removal.

37 § 7. Subdivisions 5 and 6 of section 2573 of the education law, subdi-  
38 vision 5 as amended by chapter 116 of the laws of 1971 and subdivision 6  
39 as amended by chapter 210 of the laws of 2001, are amended to read as  
40 follows:

41 5. At the expiration of the probationary term of any persons appointed  
42 for such term, the superintendent of schools shall make a written report  
43 to the board of education recommending for permanent appointment those  
44 persons who have been found competent, efficient and satisfactory,  
45 consistent with any applicable rules of the board of regents adopted  
46 pursuant to section three thousand twelve-b of this chapter. Such  
47 persons and all others employed in the teaching, service of the schools  
48 of a city, who have served the full probationary period, [~~or have~~  
49 ~~rendered satisfactorily an equivalent period of service prior to June~~  
50 ~~eighth, nineteen hundred seventeen,~~] shall hold their respective posi-  
51 tions during good behavior and efficient and competent service, and  
52 shall not be removable except for cause after a hearing as provided by  
53 section three thousand twenty-a of [~~such law~~] this chapter. [~~In a city~~  
54 ~~in which teachers did not have permanent tenure under the laws in force~~  
55 ~~prior to June eighth, nineteen hundred seventeen, such teachers shall be~~

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1 ~~entitled to receive permanent appointments after serving the probationary~~  
2 ~~period fixed by the board of education as herein provided.]~~

3 6. In a city having a population of four hundred thousand or more, at  
4 the expiration of the probationary term of any persons appointed for  
5 such term, the superintendent of schools shall make a written report to  
6 the board of education recommending for permanent appointment those  
7 persons who have been found satisfactory, consistent with any applicable  
8 rules of the board of regents adopted pursuant to section three thousand  
9 twelve-b of this chapter, and such board of education shall immediately  
10 thereafter issue to such persons permanent certificates of appointment.  
11 Such persons and all others employed in the teaching service of the  
12 schools of such city, who have served the full probationary period[~~7~~ ~~or~~  
13 ~~have rendered satisfactorily an equivalent period of service prior to~~  
14 ~~March twenty-seventh, nineteen hundred thirty-five,~~] shall receive  
15 permanent certificates to teach issued to them by the certificating  
16 authority, except as otherwise provided in subdivision ten-a of this  
17 section, and shall hold their respective positions during good behavior  
18 and satisfactory teaching service, and shall not be removable except for  
19 cause after a hearing as provided by section three thousand twenty-a of  
20 this chapter.

21 § 8. Subdivision 2 of section 3012 of the education law, as amended by  
22 chapter 442 of the laws of 1980, is amended to read as follows:

23 2. At the expiration of the probationary term of a person appointed  
24 for such term, subject to the conditions of this section, the super-  
25 intendent of schools shall make a written report to the board of educa-  
26 tion or the trustees of a common school district recommending for  
27 appointment on tenure those persons who have been found competent, effi-  
28 cient and satisfactory, consistent with any applicable rules of the  
29 board of regents adopted pursuant to section three thousand twelve-b of  
30 this article. Such persons, and all others employed in the teaching  
31 service of the schools of such union free school district, common school  
32 district and/or school district employing fewer than eight teachers, who  
33 have served the probationary period as provided in this section, shall  
34 hold their respective positions during good behavior and efficient and  
35 competent service, and shall not be removed except for any of the  
36 following causes, after a hearing, as provided by section three thousand  
37 twenty-a of such law: (a) insubordination, immoral character or conduct  
38 unbecoming a teacher; (b) inefficiency, incompetency, physical or mental  
39 disability, or neglect of duty; (c) failure to maintain certification as  
40 required by this chapter and by the regulations of the commissioner [~~of~~  
41 ~~education~~]. Each person who is not to be recommended for appointment on  
42 tenure, shall be so notified by the superintendent of schools in writing  
43 not later than sixty days immediately preceding the expiration of his  
44 probationary period.

45 § 9. The education law is amended by adding a new section 3012-b to  
46 read as follows:

47 § 3012-b. Tenure determinations. 1. The regents shall promulgate rules  
48 establishing minimum standards and procedures for tenure determinations  
49 for members of the teaching staff of all school districts and boards of  
50 cooperative educational services made on or after July first, two thou-  
51 sand eight. Such rules shall require a superintendent of schools or  
52 district superintendent of schools, prior to recommending tenure, to  
53 evaluate all relevant factors, including the candidate's effectiveness  
54 over the applicable probationary period, or over three years in the case  
55 of a regular substitute with a one-year probationary period, in contrib-

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1 uting to the successful academic performance of his or her students,  
2 using a process that complies with subdivision two of this section.

3 2. The process for evaluation of a candidate for tenure shall be  
4 conducted in the manner prescribed in the regents' rules and shall  
5 include, but need not be limited to, a combination of:

6 a. evaluation of the extent to which the teacher successfully  
7 utilized analysis of available student performance data and other rele-  
8 vant information when providing instruction;

9 b. peer review by other teachers, as far as practicable; and

10 c. an assessment of the teacher's performance by the teacher's build-  
11 ing principal or other building administrator in charge of the school or  
12 program.

13 3. The trustees and board of education of every school district and  
14 every board of cooperative educational services, and the chancellor of a  
15 city school district of a city with a population of one million or more  
16 shall, consistent with existing contractual provisions, make any changes  
17 in local rules, regulations, policies and procedures that are necessary  
18 to ensure that tenure determinations made on or after July first, two  
19 thousand eight shall be made in compliance with this section.

20 § 10. Subdivision 2 of section 3014 of the education law, as amended  
21 by chapter 732 of the laws of 1971, is amended to read as follows:

22 2. On or before the expiration of the probationary term of a person  
23 appointed for such term the district superintendent of schools shall  
24 make a written report to the board of cooperative educational services  
25 recommending for appointment on tenure persons who have been found  
26 competent, efficient and satisfactory, consistent with any applicable  
27 rules of the board of regents adopted pursuant to section three thousand  
28 twelve-b of this article. Such persons shall hold their respective  
29 positions during good behavior and competent and efficient service and  
30 shall not be removed except for any of the following causes, after a  
31 hearing, as provided by section three thousand twenty-a of such law: (a)  
32 Insubordination, immoral character or conduct unbecoming a teacher; (b)  
33 Inefficiency, incompetency, physical or mental disability or neglect of  
34 duty; (c) Failure to maintain certification as required by this chapter  
35 and by the regulations of the commissioner [~~of education~~]. Each person  
36 who is not to be so recommended for appointment on tenure shall be so  
37 notified in writing by the district superintendent not later than sixty  
38 days immediately preceding the expiration of his probationary period.

39 § 11. Intentionally omitted.

40 § 12. The education law is amended by adding a new section 211-d to  
41 read as follows:

42 § 211-d. Contract for excellence. 1. Every school district that has  
43 at least one school currently identified as requiring academic progress  
44 or in need of improvement or in corrective action or restructuring  
45 status shall be required to prepare a contract for excellence if the  
46 school district receives an increase in total foundation aid compared to  
47 the base year in an amount that equals or exceeds either fifteen million  
48 dollars or ten percent of the amount received in the base year, whichev-  
49 er is less, or receives a supplemental educational improvement plan  
50 grant is required to prepare a contract for excellence for the district.  
51 In school year two thousand seven--two thousand eight such increase  
52 shall be the amount of the difference between total foundation aid  
53 received for the current year and the total foundation aid base, as  
54 defined in paragraph (j) of subdivision one of section thirty-six  
55 hundred two of this chapter. In a city school district located in a city  
56 of one million or more inhabitants, a contract for excellence shall be

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1 prepared for the city school district and each community district that  
2 meets the above criteria.

3 2. a. Each contract for excellence shall describe how the sum of the  
4 amounts apportioned to the school district in the current year as total  
5 foundation aid and as supplemental educational improvement plan grants  
6 for the two thousand seven--two thousand eight school year and thereaft-  
7 er, in excess of one hundred three percent of the district's foundation  
8 aid base, as adjusted for additional amounts payable as charter school  
9 basic tuition over such amount payable in the base year, shall be used  
10 to support new programs and new activities or expand the use of programs  
11 and activities demonstrated to improve student achievement.

12 b. (i) The contract shall specify the new or expanded programs for  
13 which additional amounts of such total foundation aid, or grant shall be  
14 used and shall affirm that such programs shall predominately benefit  
15 students with the greatest educational needs including, but not limited  
16 to, those students with limited English proficiency, students in poverty  
17 and students with disabilities.

18 (ii) In a city school district in a city having a population of one  
19 million or more inhabitants such contract shall also include a plan to  
20 reduce average class sizes, as defined by the commissioner, within five  
21 years for the following grade ranges: (A) pre-kindergarten-third grade;  
22 (B) fourth-eighth grade; and (C) high school. Such plan shall include  
23 class size reduction for low performing and overcrowded schools and also  
24 include the methods to be used to achieve such class sizes, such as the  
25 creation or construction of more classrooms and school buildings, the  
26 placement of more than one teacher in a classroom or methods to other-  
27 wise reduce the student to teacher ratio; provided, however, that  
28 notwithstanding any law, rule or regulation to the contrary, the sole  
29 and exclusive remedy for a violation of the requirements of this para-  
30 graph shall be pursuant to a petition to the commissioner under subdivi-  
31 sion seven of section three hundred ten of this title, and the decision  
32 of the commissioner on such petition shall be final and unreviewable.

33 c. The contract for excellence shall state, for all funding sources,  
34 whether federal, state or local, the instructional expenditures per  
35 pupil, the special education expenditures per pupil, and the total  
36 expenditures per pupil, projected for the current year and actually  
37 incurred in the base year.

38 3. a. The commissioner shall adopt regulations establishing allowable  
39 programs and activities intended to improve student achievement which  
40 shall be limited to class size reduction, programs that increase student  
41 time on task, teacher and principal quality initiatives, middle school  
42 and high school re-structuring, and full-day kindergarten or prekinde-  
43 rgarten. Provided, however, that districts may use up to fifteen percent  
44 of the additional funding they receive for experimental programs  
45 designed to demonstrate the efficacy of other strategies to improve  
46 student achievement consistent with the intent of this section and, in  
47 school year two thousand seven--two thousand eight, up to thirty million  
48 dollars or twenty-five percent of such additional funding, whichever is  
49 less, may be used to maintain investments in programs and activities  
50 listed in this subdivision. Any such district seeking to implement an  
51 experimental program shall first submit a plan to the commissioner  
52 setting forth the need for such experimental program and how such  
53 program will improve student performance.

54 b. The commissioner shall assist school districts that include in  
55 their contract for excellence the implementation of incentives, devel-  
56 oped in collaboration with teachers in the collective bargaining proc-

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1 ess, for highly qualified and experienced teachers to work in low  
2 performing schools to ensure that such incentives are effective.

3 4. a. A district's contract for excellence for the academic year two  
4 thousand eight--two thousand nine and thereafter, shall be developed  
5 through a public process, in consultation with parents or persons in  
6 parental relation, teachers, administrators, and any distinguished  
7 educator appointed pursuant to section two hundred eleven-c of this  
8 chapter.

9 b. Such process shall include at least one public hearing. In a city  
10 school district in a city of one million or more inhabitants, a public  
11 hearing shall be held within each county of such city. A transcript of  
12 the testimony presented at such public hearings shall be included when  
13 the contract for excellence is submitted to the commissioner, for review  
14 when making a determination pursuant to subdivision five of this  
15 section.

16 c. In a city school district in a city of one million or more inhabit-  
17 ants, each community district contract for excellence shall be consist-  
18 ent with the citywide contract for excellence and shall be submitted by  
19 the community superintendent to the community district education council  
20 for review and comment at a public meeting.

21 d. For the two thousand seven--two thousand eight school year, school  
22 districts shall solicit public comment on their contracts for excel-  
23 lence.

24 5. Each contract for excellence shall be subject to approval by the  
25 commissioner and his or her certification that the expenditure of addi-  
26 tional aid or grant amounts is in accordance with subdivision two of  
27 this section.

28 6. The school district audit report certified to the commissioner by  
29 an independent certified public accountant, an independent accountant or  
30 the comptroller of the city of New York pursuant to section twenty-one  
31 hundred sixteen-a of this chapter shall include a certification by such  
32 accountant or comptroller in a form prescribed by the commissioner and  
33 that the increases in total foundation aid and supplemental educational  
34 improvement plan grants have been used to supplement, and not supplant  
35 funds allocated by the district in the base year for such purposes.

36 7. The trustees or board of education of each school district subject  
37 to this section, or the chancellor in the case of a city school district  
38 in a city of one million or more inhabitants, shall assure that proced-  
39 ures are in place by which parents or persons in parental relation may  
40 bring complaints concerning implementation of the district's contract  
41 for excellence.

42 a. In a city school district in a city of one million or more inhabit-  
43 ants, such procedures shall provide that complaints may be filed with  
44 the building principal with an appeal to the community superintendent,  
45 or filed directly with the community superintendent, and that any appeal  
46 of the determination of a community superintendent shall be made to the  
47 chancellor.

48 b. In all other districts, such procedures shall either provide for  
49 the filing of complaints with the building principals with an appeal to  
50 the superintendent of schools or for filing of the complaint directly  
51 with the superintendent of schools, and shall provide for an appeal to  
52 the trustees or board of education from the determination of the super-  
53 intendent of schools.

54 c. The determination of the trustees or a board of education or the  
55 chancellor may be appealed to the commissioner pursuant to section three  
56 hundred ten of this title.



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1 8. School districts subject to the provisions of this section shall  
2 publicly report the expenditure of total foundation aid in the form and  
3 manner prescribed by the commissioner which shall ensure full disclosure  
4 of the use of such funds.

5 9. The department shall develop a methodology for reporting school-  
6 based expenditures by all school districts subject to the provisions of  
7 this section.

8 § 13. This act shall take effect immediately.

9

## PART B

10 Section 1. Sections 2043, 3601-a, 3603 and 3609-c, paragraphs d, e, h  
11 and i of subdivision 14 and subdivisions 3, 4, 5, 6-d, 8, 9, 9-a, 11,  
12 11-a, 12, 12-b, 13, 15, 16, 18, 19, 21, 22, 23, 31-a, 32, 37, 38 and 39  
13 of section 3602, subdivisions 1-a, 2, 3, 5, 6, 7 and 8 of section 3641,  
14 and subdivision 20 of section 4403, as added by section 51-e of part L  
15 of chapter 405 of the laws of 1999, of the education law are REPEALED.

16 § 2. Subdivision 2 of section 40.05 of the arts and cultural affairs  
17 law, as added by section 64 of part A-1 of chapter 58 of the laws of  
18 2006, is amended to read as follows:

19 2. The board shall consist of five members as follows: the chancellor  
20 of the board of regents of the university of the state of New York, or  
21 his or her designee from the board of regents, who shall serve as the  
22 chair; one additional member of the board of regents, to be appointed by  
23 [~~the commissioner of education~~] such chancellor; one member appointed by  
24 the governor; one member appointed by the majority leader of the senate;  
25 and one member appointed by the speaker of the assembly. Members of the  
26 board, other than the representative of the board of regents, shall be  
27 appointed to the board based on their knowledge and background as rele-  
28 vant to the purposes of the trust, or, due to their experience and know-  
29 ledge in the fields of New York state history, collection display and  
30 management or other related fields.

31 § 3. Subdivision 12 of section 273 of the education law, as added by  
32 section 3 of part A-5 of chapter 58 of the laws of 2006, is amended to  
33 read as follows:

34 12. The commissioner is hereby authorized to expend in state fiscal  
35 year two thousand six--two thousand seven three million dollars and in  
36 state fiscal year two thousand seven--two thousand eight eight million  
37 dollars for formula grants to public library systems, reference and  
38 research library resources systems, and school library systems operating  
39 under an approved plan of service. Such formula grants shall be provided  
40 for the period commencing July first and ending on June thirtieth next  
41 following. Such formula grants will be distributed in the following  
42 manner:

43 a. Each public library system established pursuant to sections two  
44 hundred fifty-five and two hundred seventy-two of this part and operat-  
45 ing under a plan approved by the commissioner is entitled to receive  
46 fifteen thousand dollars and an amount equal to four percent of the  
47 amount of state aid received by such system in two thousand six--two  
48 thousand seven and thirty-nine thousand dollars and an amount equal to  
49 ten and ninety-four hundredths percent of the amount of state aid  
50 received by such system in two thousand seven--two thousand eight under  
51 paragraphs a, c, d, e and n of subdivision one of this section;

52 b. Each reference and research library resources system established  
53 pursuant to section two hundred seventy-two of this part and operating  
54 under a plan approved by the commissioner is entitled to receive fifteen



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1 thousand dollars and an amount equal to four percent of the amount of  
2 state aid received by such system in two thousand six--two thousand  
3 seven and thirty-nine thousand dollars and an amount equal to ten and  
4 ninety-four hundredths percent of the amount of state aid received by  
5 such system in two thousand seven--two thousand eight under paragraph a  
6 of subdivision four of this section; and

7 c. Each school library system established pursuant to section two  
8 hundred eighty-two of this part and operating under a plan approved by  
9 the commissioner is entitled to receive fifteen thousand dollars and an  
10 amount equal to a four percent increase over the amount of state aid  
11 received by such system in two thousand six--two thousand seven and  
12 thirty-nine thousand dollars and an amount equal to ten and ninety-four  
13 hundredths percent of the amount of state aid received by such system in  
14 two thousand seven--two thousand eight under paragraphs a, b, c, d, e  
15 and f of subdivision one of section two hundred eighty-four of this  
16 part.

17 § 4. Subdivision 1 of section 273-a of the education law, as amended  
18 by section 4 of part 0 of chapter 57 of the laws of 2005, is amended to  
19 read as follows:

20 1. State aid shall be provided for up to fifty percent of the total  
21 project approved costs, excluding feasibility studies, plans or similar  
22 activities, for projects for the acquisition, construction, renovation  
23 or rehabilitation, including leasehold improvements, of buildings of  
24 public libraries and library systems chartered by the regents of the  
25 state of New York or established by act of the legislature subject to  
26 the limitations provided in subdivision four of this section and upon  
27 approval by the commissioner. For purposes of this subdivision, an  
28 amount of eight hundred thousand dollars shall be available for each  
29 calendar year. Aid shall be provided on approved expenses incurred  
30 during the period commencing July first and ending June thirtieth for up  
31 to three years, or until the project is completed, whichever occurs  
32 first. ~~[Ninety]~~ Fifty percent of such aid shall be payable to each  
33 system or library upon approval of the ~~[annual]~~ application. Forty  
34 percent of such aid shall be payable in the next state fiscal year. The  
35 remaining ten percent shall be payable upon project completion.

36 § 4-a. Subdivision 8 of section 316 of the education law, as amended  
37 by chapter 10 of the laws of 2007, is amended to read as follows:

38 8. Funds provided each school year to school districts and boards of  
39 cooperative educational services by the commissioner to plan, establish  
40 and operate teacher resource and computer training centers shall not  
41 exceed two million dollars per center, except that for the city school  
42 district for the city of New York such center shall not exceed ~~[eleven~~  
43 ~~million two hundred fifty thousand dollars except for the two thousand~~  
44 ~~six two thousand seven school year in which the city school district~~  
45 ~~for the city of New York shall receive an additional four million two~~  
46 ~~hundred seventy five thousand dollars;]~~ sixteen million eight hundred  
47 thousand dollars and provided further that each approved center shall  
48 receive not less than twenty thousand dollars. In any year in which  
49 there is a statewide increase in funding for teacher resource and  
50 computer training centers, such increase shall be distributed propor-  
51 tionately among existing centers that have satisfactorily fulfilled the  
52 requirements of such centers' current grant. A portion of the increase  
53 shall be made available to new applicants to establish new teacher  
54 centers, and to current teacher centers to develop and implement  
55 regional and statewide teacher center activities.

56 § 5. Intentionally omitted.

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1 § 6. Subdivision 6 of section 701 of the education law, as amended by  
2 section 2 of part H of chapter 83 of the laws of 2002, is amended to  
3 read as follows:

4 6. The commissioner, in addition to the annual apportionment of public  
5 monies pursuant to other articles of this chapter, shall apportion to  
6 each school district an amount equal to the cost of the textbooks  
7 purchased and loaned by the district pursuant to this section in the  
8 base year, but in no case shall the aid apportioned to the district  
9 exceed the product of the textbook factor plus a minimum lottery grant,  
10 determined pursuant to subdivision four of section ninety-two-c of the  
11 state finance law, and the sum of the enrollments in grades kindergarten  
12 through twelve in the base year calculated pursuant to subparagraphs  
13 four, five, and six of paragraph n of subdivision one of section thirty-  
14 six hundred two of this chapter. Aid payable pursuant to this section  
15 shall be deemed final and not subject to change after April thirtieth of  
16 the school year for which payment was due.

17 For aid payable in the [~~nineteen hundred ninety seven ninety eight~~  
18 ~~school year, the textbook factor shall equal twenty five dollars. For~~  
19 ~~aid payable in the nineteen hundred ninety eight ninety nine school~~  
20 ~~year, the textbook factor shall equal twenty five dollars and ninety~~  
21 ~~cents. For aid payable in the nineteen hundred ninety nine two thousand~~  
22 ~~school year, the textbook factor shall equal thirty one dollars and~~  
23 ~~eighty seven cents. For aid payable in the two thousand two thousand~~  
24 ~~one school year, the textbook factor shall equal forty two dollars and~~  
25 ~~thirty cents. For aid payable in the two thousand one two thousand two~~  
26 ~~school year, the textbook factor shall equal sixty three dollars and~~  
27 ~~eighteen cents. For aid payable in the two thousand two two thousand~~  
28 ~~three] two thousand seven--two thousand eight school year and thereaft-~~  
29 ~~er, the textbook factor shall equal [forty two] forty-three dollars and~~  
30 ~~[thirty] twenty-five cents.~~

31 § 7. Subdivision 3 of section 711 of the education law, as amended by  
32 section 4 of part C of chapter 58 of the laws of 1998, is amended to  
33 read as follows:

34 3. No school district shall be required to purchase or otherwise  
35 acquire school library materials, the cost of which shall exceed an  
36 amount equal to the library materials factor multiplied by the sum of  
37 the public school district enrollment and the nonpublic school enroll-  
38 ment in the base year as defined in subparagraphs two and three of para-  
39 graph n of subdivision one of section thirty-six hundred two of this  
40 chapter. For aid payable in the nineteen hundred ninety-eight--nineteen  
41 hundred ninety-nine school year, the library materials factor shall be  
42 four dollars. For aid payable in the [~~nineteen hundred ninety nine--two~~  
43 ~~thousand] two thousand seven--two thousand eight school year and there-~~  
44 ~~after, the library materials factor shall be six dollars and twenty-five~~  
45 ~~cents.~~

46 § 7-a. Subdivision 26 of section 3602 of the education law is REPEALED  
47 and the education law is amended by adding a new section 753 to read as  
48 follows:

49 § 753. Instructional computer hardware and technology equipment appor-  
50 tionment. 1. In addition to any other apportionment under this chapter,  
51 a school district shall be eligible for an apportionment under the  
52 provisions of this section for approved expenses for (i) the purchase or  
53 lease of micro and/or mini computer equipment or terminals for instruc-  
54 tional purposes or (ii) technology equipment, as defined in paragraph c  
55 of subdivision two of this section, used for instructional purposes, or  
56 (iii) for the repair of such equipment and training and staff develop-

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1 ment for instructional purposes as provided hereinafter. Such aid shall  
2 be provided pursuant to a plan developed by the district which demon-  
3 strates to the satisfaction of the commissioner that the instructional  
4 computer hardware needs of the district's public school students have  
5 been adequately met and that the school district has provided for the  
6 loan of instructional computer hardware to students legally attending  
7 nonpublic schools pursuant to section seven hundred fifty-four of this  
8 article. The apportionment shall equal the lesser of such approved  
9 expense in the base year or, the product of (i) the technology factor,  
10 (ii) the sum of the public school district enrollment and the nonpublic  
11 school enrollment in the base year as defined in subparagraphs two and  
12 three of paragraph n of subdivision one of section thirty-six hundred  
13 two of this chapter, and (iii) the building aid ratio, as defined in  
14 subdivision four of section thirty-six hundred two of this chapter. For  
15 aid payable in the two thousand seven--two thousand eight school year  
16 and thereafter, the technology factor shall be twenty-four dollars and  
17 twenty cents. A school district may use up to twenty percent of the  
18 product of (i) the technology factor, (ii) the sum of the public school  
19 district enrollment and the nonpublic school enrollment in the base year  
20 as defined in subparagraphs two and three of paragraph n of subdivision  
21 one of section thirty-six hundred two of this chapter, and (iii) the  
22 building aid ratio for the repair of instructional computer hardware and  
23 technology equipment and training and staff development for instruc-  
24 tional purposes pursuant to a plan submitted to the commissioner.

25 2. As used in this article:

26 a. "Current year" shall have the same meaning as that term is defined  
27 in subdivision one of section thirty-six hundred two of this chapter;

28 b. "Base year" shall have the same meaning as that term is defined in  
29 subdivision one of section thirty-six hundred two of this article; and

30 c. "Technology equipment", for the purposes of this article, shall  
31 mean equipment with a useful life used in conjunction with or in support  
32 of educational programs including but not limited to video, solar ener-  
33 gy, robotic, satellite, laser and such other equipment as the commis-  
34 sioner shall approve provided that expenses for the purchase or lease of  
35 such equipment shall not be eligible for aid under any other provisions  
36 of this chapter.

37 3. No school district shall be required to purchase or otherwise  
38 acquire instructional computer hardware or technology equipment, the  
39 cost of which exceeds the amount of state aid provided pursuant to this  
40 section.

41 4. The apportionment provided for in this section shall be paid at  
42 such times as may be determined by the commissioner and approved by the  
43 director of the budget, during the school year in which the expenditures  
44 are reported to the department prior to such apportionment, but not  
45 earlier than the school year after the school year in which expenses are  
46 incurred.

47 5. Expenses aided pursuant to this section shall not be eligible for  
48 aid pursuant to any other provision of this chapter.

49 § 7-b. The education law is amended by adding a new section 754 to  
50 read as follows:

51 § 754. Loan of instructional computer hardware. 1. In the several  
52 cities and school districts of the state, school authorities, as defined  
53 in subdivision twelve of section two of this chapter, shall have the  
54 power and duty, to the extent provided in this section, to loan, upon  
55 request of an individual or a group of individual pupils, to all pupils  
56 legally attending nonpublic elementary or secondary schools located in

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1 the school district, instructional computer hardware which is designated  
2 for use in any public elementary or secondary schools of the state or is  
3 approved by any school authorities. Such instructional computer hardware  
4 is to be loaned free to such children, commencing with the two thousand  
5 seven--two thousand eight school year, subject to such rules and regu-  
6 lations as are or may be prescribed by the board of regents and such  
7 school authorities.

8 2. No school district shall be required to loan instructional computer  
9 hardware in excess of the instructional computer hardware acquired by  
10 such district pursuant to section seven hundred fifty-three of this  
11 article. Such instructional computer hardware shall be loaned on an  
12 equitable basis to children attending nonpublic schools in the district  
13 in the current year, provided that nothing in this article shall be  
14 construed to require a school district to loan to children attending  
15 nonpublic schools, pursuant to this section, instructional computer  
16 hardware purchased with local or federal funds or with state funds other  
17 than funds apportioned pursuant to this article. The payment of tuition  
18 under article eighty-nine of this chapter is deemed to be an equitable  
19 loan to children for whom such tuition is paid, and the provisions of  
20 this section shall not apply.

21 3. School authorities shall adopt regulations specifying the date by  
22 which requests for the purchase and loan of instructional computer hard-  
23 ware must be received by the district. Notice of such date shall be  
24 given to all non-public schools in the school district. Such date shall  
25 not be earlier than the first day of June of the school year prior to  
26 that for which such instructional computer hardware is being requested,  
27 provided, however, that a parent or guardian of a child not attending a  
28 particular non-public school prior to June first of the school year may  
29 submit a written request for instructional computer hardware within  
30 thirty days after such child is enrolled in such non-public school. In  
31 no event, however, shall a request made later than the times otherwise  
32 provided pursuant to this subdivision be denied where a reasonable  
33 explanation is given for the delay in making the request.

34 § 8. Subdivisions 2 and 4 of section 2576 of the education law, subdivi-  
35 sion 2 as amended by chapter 65 of the laws of 1972 and subdivision 4  
36 as renumbered by chapter 762 of the laws of 1950, are amended to read as  
37 follows:

38 2. In the city school districts of Syracuse, Rochester and Yonkers  
39 such estimate shall be filed with the mayor or city manager. Such offi-  
40 cer shall place such estimate before the board of estimate and appor-  
41 tionment or other similar body at the same time and in the same manner  
42 as estimates from city departments or officers are placed before said  
43 board or body, and such estimate shall thereafter be subject to the same  
44 consideration, action and procedure as all other estimates from city  
45 departments or officers[. ~~The~~] and said board or body may increase,  
46 diminish or reject any item contained in said estimate, except for fixed  
47 charges for which the city is liable and subject to the limitations  
48 provided by subdivision five-b of this section. When such estimate is  
49 adopted, the said board or body shall file it with the common council.

50 4. In [~~a~~] the city [~~which had, according to the federal census of~~  
51 ~~nineteen hundred forty, a population of four hundred thousand or more~~  
52 ~~but less than one million~~] school district of Buffalo such estimate  
53 shall be filed with the officer authorized to receive other department  
54 estimates and the same acted on by such officer and by the council of  
55 such city in the same manner and with the same effect as other depart-  
56 ment estimates except that such actions shall be subject to the limita-

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1 tions provided by subdivision five-b of this section. The council is  
2 also authorized, in its discretion, to include in such budget a sum for  
3 any of the purposes enumerated in paragraph c of subdivision one of this  
4 section, and any further amount for such purposes as may be authorized  
5 by a tax election held in such city pursuant to the provisions of this  
6 chapter. After the adoption of such budget the council shall cause the  
7 amount thereof to be included in the tax and assessment roll of the city  
8 and the same shall be collected in the same manner and at the same time  
9 as other taxes of the city are collected, and placed to the credit of  
10 the board of education.

11 § 9. Section 2576 of the education law is amended by adding a new  
12 subdivision 5-b to read as follows:

13 5-b. a. For the purposes of this subdivision, the terms:

14 (i) "city funds" shall mean funds of each city having a population of  
15 one hundred twenty-five thousand or more inhabitants and less than one  
16 million inhabitants derived from any source except funds contained with-  
17 in the capital budget, funds from county sales tax revenues shared with  
18 such city, funds derived from any federal source and funds derived from  
19 any state or private sources over which the city has no discretion, as  
20 defined pursuant to regulations developed by the commissioner and  
21 approved by the director of the budget.

22 (ii) "city amount" shall mean the total amount of expenditures funded  
23 by city funds for the support of the city school district of each city  
24 having a population of one hundred twenty-five thousand or more inhabit-  
25 ants and less than one million inhabitants, not including city payments  
26 to bond or note holders for debt service payments of such district, as  
27 contained within the budget as adopted by such city.

28 (iii) "base year" shall mean the fiscal year immediately preceding the  
29 fiscal year for which the budget referred to in subparagraph (ii) of  
30 this paragraph is adopted. The initial base year shall be the fiscal  
31 year ending June thirtieth, two thousand seven.

32 b. The city amount shall not be less than the city amount appropriated  
33 in the base year determined at the time of adoption of the budget for  
34 the ensuing fiscal year, and shall not be less than the city amount  
35 expended in the base year determined as of the end of the school year.  
36 Provided, however, in the event the total amount of city funds relied  
37 upon to balance such budget is lower than the total amount of city funds  
38 appropriated in the base year, as determined at the time of adoption of  
39 such budget, the city amount may be reduced by up to the same percentage  
40 as the overall percentage decrease in city funds between the base year  
41 and the ensuing fiscal year.

42 c. Upon the enactment of a city budget, the chief executive officer of  
43 the city, as defined pursuant to subdivision five-a of section 2.00 of  
44 the local finance law, shall annually certify to the commissioner, in a  
45 form prescribed by the commissioner upon approval of the director of the  
46 budget, as to the city amount in such budget, the city amount in the  
47 base year, and that the city amount appropriated in such budget is in  
48 compliance with paragraph b of this subdivision.

49 d. The school district audit report certified to by an independent  
50 certified public accountant or an independent accountant pursuant to  
51 section twenty-one hundred sixteen-a of this title shall include a  
52 certification by the accountant, in a form prescribed by the commission-  
53 er upon approval of the director of the budget, as to the city amount  
54 expended in the school year covered by such audit report, the city  
55 amount in the prior school year, and that the city amount expended in

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1 the school year covered by such audit report is in compliance with para-  
2 graph b of this subdivision.

3 § 10. Paragraph 1 of subdivision 2-a of section 3204 of the education  
4 law, as added by chapter 827 of the laws of 1982, is amended to read as  
5 follows:

6 1. Each school district which is receiving [~~state funds for the educa-~~  
7 ~~tion of pupils of limited English proficiency~~] total foundation aid  
8 shall develop a comprehensive plan consistent with requirements as the  
9 commissioner may establish in regulations to meet the educational needs  
10 of such pupils of limited English proficiency. Such plan shall include a  
11 description of the programs, activities and services used to meet the  
12 educational needs of pupils of limited English proficiency that comply  
13 with the regulations of the commissioner governing such programs. On or  
14 before November first of each year commencing with November first, two  
15 thousand eight, the commissioner shall submit a report to the governor,  
16 the director of the budget, the speaker of the assembly, the majority  
17 leader of the senate, the chair of the fiscal committees of the senate  
18 and assembly on the expenditure of state, local and federal funds by  
19 school districts in the prior school year on programs, activities and  
20 services for pupils of limited English proficiency, along with recommen-  
21 dations for improvement of such programs.

22 § 11. The opening paragraph and subdivision 1 of section 3602 of the  
23 education law, the opening paragraph as amended by section 6 of part H  
24 of chapter 83 of the laws of 2002, subdivision 1 as added by chapter 57  
25 of the laws of 1993, paragraph c of subdivision 1 as amended by section  
26 8 of part C of chapter 57 of the laws of 2004, paragraph d of subdivi-  
27 sion 1 as amended by section 7 of part H of chapter 83 of the laws of  
28 2002, subparagraph 2 of paragraph e and paragraphs i, k and n as amended  
29 and paragraphs x and y of subdivision 1 as added by chapter 474 of the  
30 laws of 1996, paragraph f of subdivision 1 as amended by section 11-a of  
31 part C of chapter 58 of the laws of 1998, paragraph g of subdivision 1  
32 as amended by section 31 of part A of chapter 436 of the laws of 1997,  
33 paragraph j of subdivision 1 as amended by section 32 of part A of chap-  
34 ter 436 of the laws of 1997, subparagraph (v) of paragraph j of subdivi-  
35 sion 1 as amended by section 11-a of part C of chapter 58 of the laws of  
36 1998, subparagraph 2 of paragraph k of subdivision 1 as amended by  
37 section 33 of part A of chapter 436 of the laws of 1997, subparagraph 4  
38 as amended and subparagraph 7 of paragraph n of subdivision 1 as added  
39 by section 11 of part L of chapter 405 of the laws of 1999, subparagraph  
40 5 of paragraph n of subdivision 1 as amended by section 12 of part C of  
41 chapter 58 of the laws of 1998, subparagraph 6 of paragraph n of subdivi-  
42 sion 1 as added by section 34 of part A of chapter 436 of the laws of  
43 1997, paragraphs p and q, and the opening paragraph of paragraph t of  
44 subdivision 1 as amended by chapter 260 of the laws of 1993, paragraph r  
45 of subdivision 1 as amended by section 9 of part C of chapter 57 of the  
46 laws of 2004, paragraph v of subdivision 1 as amended by section 5 of  
47 part A-2 of chapter 62 of the laws of 2003, paragraph w as amended by  
48 section 10 of part C of chapter 57 of the laws of 2004, subparagraph (i)  
49 of paragraph y of subdivision 1 as amended by section 8 of part H of  
50 chapter 83 of the laws of 2002, clause (c) of subparagraph (i) of para-  
51 graph y of subdivision 1 as amended by section 6 of part A-2 of chapter  
52 62 of the laws of 2003, clause (d) of subparagraph (i) of paragraph y of  
53 subdivision 1 as amended by section 5 of part A-1 of chapter 58 of the  
54 laws of 2006, paragraph z of subdivision 1 as amended by section 9 of  
55 part H of chapter 83 of the laws of 2002, and paragraph aa of subdivi-



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1 sion 1 as added by section 10 of part C of chapter 58 of the laws of  
2 1998, are amended to read as follows:

3 Notwithstanding any other provisions of this chapter or any other  
4 provisions of law, each school district of the state employing eight or  
5 more teachers shall receive its apportionment of public money payable  
6 during the school year commencing July first, nineteen hundred ninety-  
7 three and during subsequent school years pursuant to the provisions of  
8 this section and in lieu of any apportionments or payments otherwise  
9 payable under any other section of this chapter except any such appor-  
10 tionments or payments that may be payable to such district for school  
11 lunches, for textbooks, school library materials, computer hardware or  
12 computer software, for services or programs provided by a board of coop-  
13 erative educational services or by a county vocational education and  
14 extension board for such district, for the education of Indian children  
15 of a reservation under a contract with the state, by virtue of chapter  
16 six hundred thirty-five of the laws of nineteen hundred sixty-one, for  
17 school tax relief aid, or for experimental or special programs in  
18 selected school districts, including but not limited to special appor-  
19 tionments and grants-in-aid pursuant to section thirty-six hundred  
20 forty-one of this article.

21 1. Definitions. As used in this section the following terms shall be  
22 defined as follows:

23 a. "Current year" shall mean the school year during which the appor-  
24 tionment is to be paid pursuant to this section.

25 b. "Base year" shall mean the school year immediately preceding the  
26 current year.

27 c. ~~[For aid payable in the nineteen hundred ninety six ninety seven~~  
28 ~~school year, "actual valuation" shall mean the valuation of taxable real~~  
29 ~~property in a school district obtained by taking the assessed valuation~~  
30 ~~of taxable real property within such district as it appears upon the~~  
31 ~~assessment roll of the town, city, village, or county in which such~~  
32 ~~property is located, for the calendar year immediately preceding the~~  
33 ~~calendar year in which the base year commenced, after revision as~~  
34 ~~provided by law, and dividing it by the state equalization rate as~~  
35 ~~determined by the state board of equalization and assessment, for the~~  
36 ~~assessment roll of such town, city, village, or county completed during~~  
37 ~~such preceding calendar year. For aid payable in the nineteen hundred~~  
38 ~~ninety seven ninety eight school year and thereafter, "actual]~~ "Actual  
39 valuation" shall mean the valuation of taxable real property in a school  
40 district obtained by taking the assessed valuation of taxable real prop-  
41 erty within such district as it appears upon the assessment roll of the  
42 town, city, village, or county in which such property is located, for  
43 the calendar year two years prior to the calendar year in which the base  
44 year commenced, after revision as provided by law, and dividing it by  
45 the state equalization rate as determined by the state board of equal-  
46 ization and assessment, for the assessment roll of such town, city,  
47 village, or county completed during such preceding calendar year. The  
48 actual valuation of a central high school district shall be the sum of  
49 such valuations of its component districts. ~~[For aid payable in the~~  
50 ~~nineteen hundred ninety six ninety seven school year for purposes of~~  
51 ~~aid payable pursuant to this chapter, such actual valuation shall not~~  
52 ~~exceed one hundred seventeen percent of the average of such actual valu-~~  
53 ~~ation for the two preceding years. For aid payable in the two thousand~~  
54 ~~four two thousand five school year and thereafter, such]~~ Such actual  
55 valuation shall include any actual valuation equivalent of payments in  
56 lieu of taxes determined pursuant to section four hundred eighty-five of



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1 the real property tax law. "Selected actual valuation" shall mean the  
2 lesser of actual valuation calculated for aid payable in the current  
3 year or the two-year average of the actual valuation calculated for aid  
4 payable in the current year and the actual valuation calculated for aid  
5 payable in the base year.

6 d. "Average daily attendance" shall mean the total number of attend-  
7 ance days of pupils in a public school of a school district in kinder-  
8 garten through grade twelve, or equivalent ungraded programs, plus the  
9 total number of instruction days for such pupils receiving homebound  
10 instruction including pupils receiving instruction through a two-way  
11 telephone communication system, divided by the number of days the  
12 district school was in session as provided in this section. [~~Except for~~  
13 ~~the purposes of subdivision thirteen of this section, the~~] The attend-  
14 ance of pupils with disabilities attending under the provisions of para-  
15 graph c of subdivision two of section forty-four hundred one of this  
16 chapter shall be added to average daily attendance.

17 (1) Equivalent attendance shall mean the quotient of the total number  
18 of student hours of instruction in programs in a public school of a  
19 school district or a board of cooperative educational services leading  
20 to a high school diploma or a high school equivalency diploma as defined  
21 in regulations of the commissioner for pupils under the age of twenty-  
22 one not on a regular day school register of the district, divided by one  
23 thousand. [~~Except for the purposes of subdivision thirteen of this~~  
24 ~~section, average~~] Average daily attendance shall include the equivalent  
25 attendance of the school district. For the purposes of secondary school  
26 weighting, such equivalent attendance shall be considered as average  
27 daily attendance in grades seven through twelve.

28 (2) In computing [~~such~~] average daily attendance, school districts  
29 may, with the commissioner's approval, exclude attendance for those days  
30 on which school attendance was adversely affected because of an epidemic  
31 or manmade or natural disaster or act of terrorism. In computing such  
32 attendance, the school district shall: [~~(1)~~] (i) determine the number of  
33 religious holidays which fall on a school day within a school year  
34 according to regulations established by the commissioner, such religious  
35 holidays to be duly recognized as such for purposes of this section by  
36 duly adopted resolution of the board of education; [~~(2)~~] (ii) deduct the  
37 aggregate attendance on such religious holidays from the total aggregate  
38 attendance, by grade level; [~~(3)~~] (iii) deduct such religious holidays  
39 from the total number of days of session, by grade level; and [~~(4)~~] (iv)  
40 compute the average daily attendance for the school year.

41 e. Pupils with special educational needs.

42 (1) "Percentage of pupils with special educational needs" shall be  
43 based on the following tests: the third and sixth grade reading and  
44 math tests administered in spring of nineteen hundred eighty-five and  
45 the spring of nineteen hundred eighty-six. Such percentage shall be  
46 calculated as follows:

47 (i) determine the number of pupils tested who scored below the state-  
48 wide reference point as determined by the commissioner on each test  
49 administered pursuant to this subparagraph, plus pupils, other than  
50 pupils with [~~handicapping conditions~~] disabilities and pupils with  
51 limited English proficiency as defined by the commissioner who are  
52 exempt from taking such tests, provided, however, that a district  
53 employing eight or more teachers in such years but not operating each  
54 grade may use the percentage computed pursuant to this paragraph for the  
55 district which in such years enrolled the greatest number of pupils in  
56 such grade from such district;

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1 (ii) divide the sum of such numbers by the number of such pupils who  
2 took each of such tests, plus pupils, other than pupils with [~~handicap-~~  
3 ~~ping conditions~~] disabilities and pupils with limited English proficien-  
4 cy as defined by the commissioner who are exempt from taking such tests,  
5 provided, however, that a district which in any of the applicable school  
6 years did not maintain a home school or employed fewer than eight teach-  
7 ers, and which in the base year employed eight or more teachers, may use  
8 the scores in a later test as designated by the commissioner for the  
9 purposes of this paragraph;

10 (iii) express the result as a percentage carried to one decimal place  
11 without rounding; and

12 (iv) for the purposes of the computation made pursuant to this  
13 subparagraph, pupils attending campus schools of the state university  
14 shall be included in the numbers of pupils in the district in which they  
15 reside. The percentage of such pupils in component districts shall be  
16 used in the case of central high school districts. The commissioner  
17 shall make adjustments for differences in tests and test administration  
18 in accordance to regulations adopted for such purposes.

19 (2) (i) For the computation of total wealth pupil units, "pupils with  
20 special educational needs" shall be computed by multiplying the percent-  
21 age of pupils with special educational needs by the district's adjusted  
22 average daily attendance.

23 (ii) [~~For the computation of total aidable pupil units pursuant to~~  
24 ~~subdivision eight of this section for aid payable in the nineteen~~  
25 ~~hundred ninety-six-ninety-seven and prior school years, "pupils with~~  
26 ~~special educational needs" shall be computed by multiplying the percent-~~  
27 ~~age of pupils with special educational needs by the district's adjusted~~  
28 ~~average daily attendance for the base year.~~

29 (iii)] For the computation of total aidable pupils units pursuant to  
30 subdivision eight of this section for aid payable in the nineteen  
31 hundred ninety-seven--ninety-eight through the two thousand six--two  
32 thousand seven school [~~year and thereafter~~] years, "pupils with special  
33 educational needs" shall be the product of the percentage of pupils with  
34 special educational needs, the district's adjusted average daily attend-  
35 ance for the year prior to the base year, and the enrollment index.

36 (iii) For the computation of total aidable pupils units pursuant to  
37 paragraph e of subdivision two of this section for aid payable in the  
38 two thousand seven--two thousand eight school year and thereafter,  
39 "pupils with special educational needs" shall be the product of the  
40 percentage of pupils with special educational needs, the district's  
41 adjusted average daily attendance for the year prior to the base year,  
42 and the enrollment index.

43 (3) "Weighted pupils with special educational needs" shall be computed  
44 by multiplying pupils with special educational needs by twenty-five  
45 percentum, with the result rounded up to the next whole number. For the  
46 purposes of the computation of additional aidable pupil units for inclu-  
47 sion in total wealth pupil units, the computations made pursuant to this  
48 paragraph shall include only resident pupils.

49 f. "Expense per pupil" shall mean approved operating expense for the  
50 year prior to the base year divided by the sum, computed using year  
51 prior to the base year pupil counts, of the total aidable pupil units  
52 plus weighted pupils with [~~handicapping conditions~~] disabilities,  
53 provided that for the two thousand six--two thousand seven school year  
54 and prior school years, total aidable pupil units plus weighted pupils  
55 with handicapping conditions shall be used in such computation. Expense  
56 per pupil for each borough in the city school district of the city of

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1 New York shall be the expense per pupil of the entire city school  
2 district. [~~For aid payable in the nineteen hundred ninety-eight-nine-~~  
3 ~~ty nine school year, expense per pupil for the city school district of~~  
4 ~~the city of Buffalo shall be five thousand nine hundred eighty-five.~~]

5 g. "Summer session pupils" shall mean those pupils attending approved  
6 programs of instruction operated by the district during the months of  
7 July and August in accordance with the regulations promulgated by the  
8 commissioner.

9 i. [~~"Pupil wealth ratio" shall mean the number computed to three deci-~~  
10 ~~mals without rounding obtained when actual valuation of a school~~  
11 ~~district divided by the total wealth pupil units is divided by the~~  
12 ~~statewide average actual valuation per total wealth pupil unit as~~  
13 ~~computed by the commissioner in accordance with the provisions of this~~  
14 ~~section. Such statewide average actual valuation per total wealth pupil~~  
15 ~~unit shall be established each year by the commissioner using the latest~~  
16 ~~single year actual valuation computed under paragraph c of this subdivi-~~  
17 ~~sion. Such statewide average shall be transmitted to the school~~  
18 ~~districts. Such statewide average shall be rounded to the nearest~~  
19 ~~hundred and shall include the actual valuation and total wealth pupil~~  
20 ~~units of all school districts eligible for aid pursuant to this section~~  
21 ~~except central high school districts. For the purposes of calculating~~  
22 ~~such statewide average the data for the city school district of the city~~  
23 ~~of New York shall be citywide data] "Weighted pupils with disabilities"  
24 shall be computed as follows:~~

25 (1) "Pupils with disabilities" shall mean pupils of school age who are  
26 identified as students with disabilities pursuant to article eighty-nine  
27 of this chapter and the regulations of the commissioner and who receive  
28 special education services or attend special education programs which  
29 meet criteria established by the commissioner, operated by a school  
30 district eligible for total foundation aid pursuant to this section or  
31 by a board of cooperative educational services, whether or not the  
32 school district is a component of such board.

33 (2) "Declassification pupils" shall mean pupils enrolled in a full-  
34 time regular education program, who were enrolled in a special education  
35 program in the prior year. Services to pupils shall be provided on a  
36 regular basis and may include, but not be limited to psychological,  
37 social work, speech and language services and noncareer counseling  
38 services provided by qualified professional personnel as defined in  
39 regulations of the commissioner. Services for teachers of such pupils  
40 may include the assistance of teacher aides or consultation with appro-  
41 priate personnel. When a committee on special education determines that  
42 a pupil no longer needs special education services and is ready for a  
43 full-time regular education program, such committee shall identify and  
44 recommend the appropriate declassification support services for the  
45 first year in the regular education program.

46 (3) "Weighted pupils with disabilities" shall mean the attendance, as  
47 defined in the regulations of the commissioner, of pupils with disabili-  
48 ties who have been determined by a school district committee on special  
49 education to require any of the following types and levels of programs  
50 or services specified in this subparagraph, and who receive such  
51 programs and services from the school district of attendance during the  
52 base year, multiplied by a special services weighting determined as  
53 follows:

54 (i) for placement for sixty per centum or more of the school day in a  
55 special class, or home or hospital instruction for a period of more than  
56 sixty days, or special services or programs for more than sixty per

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1 centum of the school day, the special services weighting shall be one  
2 hundred seventy percent;  
3 (ii) for placement for twenty per centum or more of the school week in  
4 a resource room or special services or programs including related  
5 services required for twenty per centum or more of the school week, or  
6 in the case of pupils in grades seven through twelve or a multi-level  
7 middle school program as defined by the commissioner or in the case of  
8 pupils in grades four through six in an elementary school operating on a  
9 period basis, the equivalent of five periods per week, but not less than  
10 the equivalent of one hundred eighty minutes in a resource room or in  
11 other special services or programs including related services, or for at  
12 least two hours per week of direct or indirect consultant teacher  
13 services, in accordance with regulations of the commissioner adopted for  
14 such purpose, the special services weighting shall be ninety percent.  
15 (4) "Weighted foundation pupils with disabilities" shall mean the sum  
16 of  
17 (i) the full-time equivalent enrollment, as defined in the regulations  
18 of the commissioner, of pupils with disabilities who have been deter-  
19 mined by a school district committee on special education to require any  
20 of the following types and levels of programs or services specified in  
21 this subparagraph, and who receive such programs and services from the  
22 school district of attendance during the base year, multiplied by a  
23 special services weighting based on an analysis of costs of special  
24 education and general education in successful school districts, provided  
25 that the weighting for the two thousand seven--two thousand eight school  
26 year and thereafter shall be one and forty-one hundredths (1.41):  
27 (A) placement for sixty per centum or more of the school day in a  
28 special class, or  
29 (B) home or hospital instruction for a period of more than sixty days,  
30 or  
31 (C) special services or programs for more than sixty per centum of the  
32 school day, or  
33 (D) placement for twenty per centum or more of the school week in a  
34 resource room or to require special services or programs including  
35 related services for twenty per centum or more of the school week, or in  
36 the case of pupils in grades seven through twelve or a multi-level  
37 middle school program as defined by the commissioner or in the case of  
38 pupils in grades four through six in an elementary school operating on a  
39 period basis, the equivalent of five periods per week, but not less than  
40 the equivalent of one hundred eighty minutes in a resource room or in  
41 other special services or programs including related services, or  
42 (E) at least two hours per week of direct or indirect consultant  
43 teacher services, in accordance with regulations of the commissioner  
44 adopted for such purpose, plus  
45 (ii) the full time equivalent enrollment of declassification pupils  
46 multiplied by a declassification weighting of five-tenths (0.5).  
47 (5) "Resident weighted supplemental pupils with disabilities" shall  
48 mean weighted supplemental pupils with disabilities minus the nonresi-  
49 dent weighted supplemental pupils with disabilities plus the resident  
50 weighted supplemental pupils with disabilities to whom special services  
51 or programs are provided by another public school district, where  
52 "weighted supplemental pupils with disabilities" shall mean the attend-  
53 ance, as defined in the regulations of the commissioner, of pupils with  
54 disabilities who have been determined by a school district committee on  
55 special education to require any of the following types and levels of  
56 programs or services specified in this subparagraph, and who receive

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1 such programs and services from the school district of attendance during  
2 the base year, multiplied by a special services weighting determined as  
3 follows:

4 (i) for placement for sixty per centum or more of the school day in a  
5 special class, or home or hospital instruction for a period of more than  
6 sixty days, or special services or programs for more than sixty per  
7 centum of the school day, the special services weighting shall be one  
8 hundred sixty-five percent;

9 (ii) for placement for twenty per centum or more of the school week in  
10 a resource room or special services or programs including related  
11 services required for twenty per centum or more of the school week, or  
12 in the case of pupils in grades seven through twelve or a multi-level  
13 middle school program as defined by the commissioner or in the case of  
14 pupils in grades four through six in an elementary school operating on a  
15 period basis, the equivalent of five periods per week, but not less than  
16 the equivalent of one hundred eighty minutes in a resource room or in  
17 other special services or programs including related services, or for at  
18 least two hours per week of direct or indirect consultant teacher  
19 services, in accordance with regulations of the commissioner adopted for  
20 such purpose, the special services weighting shall be ninety percent.

21 (6) "Integrated settings weighted pupils with disabilities" shall be  
22 the product of the attendance in the year prior to the base year of  
23 pupils who have been determined by a committee on special education to  
24 require special services or programs for sixty per centum or more of the  
25 school day pursuant to clause (i) of subparagraph three of this para-  
26 graph and are provided special services or programs in the general  
27 education setting by qualified personnel, as defined in the regulations  
28 of the commissioner, multiplied by five tenths.

29 ~~j. ["Comprehensive operating aids base" for the purposes of this~~  
30 ~~section (i) for aid payable in the nineteen hundred ninety-three-nine-~~  
31 ~~ty-four school year, shall mean: the net total amount a district was~~  
32 ~~eligible to receive during the base year under the provisions of subdivi-~~  
33 ~~sions twelve, thirteen, fifteen, sixteen, twenty-two, twenty-three,~~  
34 ~~twenty-six, and thirty-two of this section and the adjustment in aid due~~  
35 ~~to the selection made pursuant to subdivision eighteen of this section,~~  
36 ~~except that for aid payable in the nineteen hundred ninety-three-nine-~~  
37 ~~ty-four school year, such term shall mean the sum of the aids payable in~~  
38 ~~the nineteen hundred ninety-two-ninety-three school year pursuant to~~  
39 ~~(1) the following subdivisions of section thirty-six hundred one-a:~~  
40 ~~twelve or fifteen, whichever applies, and thirteen, or, in the alterna-~~  
41 ~~tive, eighteen; sixteen; twenty; twenty-two; twenty-three; twenty-five;~~  
42 ~~twenty-six; twenty-nine; thirty; thirty-two; thirty-three; and thirty-~~  
43 ~~four; (2) an amount equal to the product of transportation expense~~  
44 ~~approved for aid in the nineteen hundred ninety-two-ninety-three school~~  
45 ~~year in accordance with subdivision seven of section thirty-six hundred~~  
46 ~~one-a of this article multiplied by the remainder of nine tenths minus~~  
47 ~~the building aid ratio computed for aid payable in the nineteen hundred~~  
48 ~~ninety-two-ninety-three school year pursuant to subdivision three of~~  
49 ~~section thirty-six hundred one-a of this article; and (3) any other~~  
50 ~~adjustments pursuant to paragraphs k, l and m of subdivision one of~~  
51 ~~section thirty-six hundred nine of this article, and except that the~~  
52 ~~comprehensive operating aids base for aid payable in the nineteen~~  
53 ~~hundred ninety-three-ninety-four school year, and for aid calculations~~  
54 ~~for subsequent school years based on aid payable in such school year,~~  
55 ~~shall be deemed final and not subject to change on or after July first,~~  
56 ~~nineteen hundred ninety-six; whereas:~~

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1 ~~(ii) for aid payable in the nineteen hundred ninety four ninety five~~  
2 ~~and nineteen hundred ninety five ninety six school years, such term~~  
3 ~~shall mean the net total amount a district was eligible to receive~~  
4 ~~during the base year under the provisions of subdivisions twelve,~~  
5 ~~fifteen, sixteen, twenty two, twenty three, twenty six, and thirty two~~  
6 ~~of this section and the adjustment in aid due to the selection made~~  
7 ~~pursuant to subdivision eighteen of this section, except that: (A) the~~  
8 ~~comprehensive operating aids base for aid payable in the nineteen~~  
9 ~~hundred ninety four ninety five school year, and for aid calculations~~  
10 ~~for subsequent school years based on aid payable in such school year,~~  
11 ~~shall be deemed final and not subject to change on or after July first,~~  
12 ~~nineteen hundred ninety eight, and (B) the comprehensive operating aids~~  
13 ~~base for aid payable in the nineteen hundred ninety five ninety six~~  
14 ~~school year, and for aid calculations for subsequent school years based~~  
15 ~~on aid payable in such school year, shall be deemed final and not~~  
16 ~~subject to change on or after July first, nineteen hundred ninety nine;~~

17 ~~(iii) for aid payable in the nineteen hundred ninety six ninety seven~~  
18 ~~school year, such term shall mean the net total amount a district was~~  
19 ~~eligible to receive during the base year under the provisions of clause~~  
20 ~~(i) of paragraph a of subdivision twelve, and subdivisions fifteen,~~  
21 ~~sixteen, twenty two, twenty three and twenty six of this section and the~~  
22 ~~adjustment in aid due to the selection made pursuant to subdivision~~  
23 ~~eighteen of this section, except that in a city school district in a~~  
24 ~~city with a population of more than one million, for aid payable in the~~  
25 ~~nineteen hundred ninety six ninety seven school year, the comprehensive~~  
26 ~~operating aids base shall be increased by the amount by which growth aid~~  
27 ~~for aid payable in the nineteen hundred ninety four ninety five school~~  
28 ~~year calculated pursuant to subdivision thirteen of this section~~  
29 ~~notwithstanding section five hundred thirty eight of chapter one hundred~~  
30 ~~seventy of the laws of nineteen hundred ninety four exceeds growth aid~~  
31 ~~calculated for such school year, and except that the comprehensive oper-~~  
32 ~~ating aids base for aid payable in the nineteen hundred ninety six ni-~~  
33 ~~nety seven school year, and for aid calculations for subsequent school~~  
34 ~~years based on aid payable in the such school year, shall be deemed~~  
35 ~~final and not subject to change on or after July first, two thousand;~~

36 ~~(iv) for aid payable in the nineteen hundred ninety seven ninety-~~  
37 ~~eight school year, such term shall mean the net total amount a district~~  
38 ~~was eligible to receive during the base year under the provisions of~~  
39 ~~clause (i) of paragraph a of subdivision twelve, and subdivisions~~  
40 ~~fifteen, sixteen, twenty two, and twenty three of this section and the~~  
41 ~~adjustment in aid due to the selection made pursuant to subdivision~~  
42 ~~eighteen of this section, except that the comprehensive operating aids~~  
43 ~~base for aid payable in the nineteen hundred ninety seven ninety eight~~  
44 ~~school year, and for aid calculations for subsequent school years based~~  
45 ~~on aid payable in the such school year, shall be deemed final and not~~  
46 ~~subject to change on or after July first, two thousand; and~~

47 ~~(v) for aid payable in the nineteen hundred ninety eight ninety nine~~  
48 ~~school year and thereafter, such term shall mean the net total amount a~~  
49 ~~district was eligible to receive during the base year under the~~  
50 ~~provisions of clause (i) of paragraph a of subdivision twelve, and~~  
51 ~~subdivisions fifteen, and sixteen of this section and the adjustment in~~  
52 ~~aid due to the selection made pursuant to subdivision eighteen of this~~  
53 ~~section, except that the comprehensive operating aids base for aid paya-~~  
54 ~~ble in the nineteen hundred ninety eight ninety nine school year and~~  
55 ~~thereafter, and for aid calculations for subsequent school years based~~  
56 ~~on aid payable in such school years, shall be deemed final and not~~



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~~1 subject to change on or after July first of the school year following  
2 the last school year in which the commissioner may last accept and  
3 certify for payment any additional claim for such school year pursuant  
4 to paragraph a of subdivision five of section thirty-six hundred four of  
5 this article.] "Total foundation aid base" for the purposes of this~~

~~6 section (i) for aid payable in the two thousand seven--two thousand  
7 eight school year, the total foundation aid base shall equal the total  
8 amount a district was eligible to receive in the base year for~~

~~9 (1) flex aid in an amount equal to the sum of (A) the amount set forth  
10 for each school district as "FLEX AID" under the heading "2005-06 Base  
11 Year Aids" in the school aid computer listing produced by the commis-  
12 sioner in support of the executive budget request for the 2006--2007  
13 school year and entitled "BT131-6", and (B) the additional FLEX aid  
14 equivalent as computed pursuant to chapter fifty-eight of the laws of  
15 two thousand six;~~

~~16 (2) the extraordinary needs equivalent aid apportionment computed  
17 pursuant to chapter fifty-eight of the laws of two thousand six, as  
18 amended by chapter sixty-one of the laws of two thousand six;~~

~~19 (3) an amount equal to the amount such district received for early  
20 grade class size reduction grants pursuant to or in lieu of subdivision  
21 thirty-seven of this section, provided that such amount computed and  
22 payable as of September one of the school year immediately following the  
23 school year for which such aid is claimed shall be deemed final and not  
24 subject to change;~~

~~25 (4) the growth aid equivalent apportionment computed pursuant to chap-  
26 ter fifty-eight of the laws of two thousand six;~~

~~27 (5) the enrollment adjustment aid apportionment computed pursuant to  
28 chapter fifty-eight of the laws of two thousand six;~~

~~29 (6) the reorganization incentive operating aid equivalent computed  
30 pursuant to chapter fifty-eight of the laws of two thousand six;~~

~~31 (7) the tax limitation aid equivalent computed pursuant to chapter  
32 fifty-eight of the laws of two thousand six;~~

~~33 (8) the high tax aid apportionment computed pursuant to chapter  
34 fifty-eight of the laws of two thousand six, as amended by chapter  
35 sixty-one of the laws of two thousand six;~~

~~36 (9) the additional limited English proficiency aid equivalent appor-  
37 tionment computed pursuant to chapter fifty-eight of the laws of two  
38 thousand six, as amended by chapter sixty-one of the laws of two thou-  
39 sand six;~~

~~40 (10) the positive difference of the public excess cost aid equivalent  
41 apportionment computed pursuant to chapter fifty-eight of the laws of  
42 two thousand six, minus the amount computed under paragraph five of  
43 subdivision nineteen of this section;~~

~~44 (11) teacher support payments made in the 2006--2007 school year as  
45 follows: to the city school district of the city of New York, sixty-two  
46 million seven hundred seven thousand dollars; to the Buffalo city school  
47 district, one million, seven hundred forty-one thousand dollars; to the  
48 Rochester city school district, one million, seventy-six thousand  
49 dollars; to the Syracuse city school district, eight hundred nine thou-  
50 sand dollars; and to the Yonkers city school district, one million, one  
51 hundred forty-seven thousand dollars;~~

~~52 (12) an amount equal to the amount such district was eligible to  
53 receive pursuant to or in lieu of subdivision thirty-one-a of this  
54 section;~~

~~55 (13) an amount equal to a share of three million dollars in the same  
56 proportion as such district's share of Fort Drum school district grants~~



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1 for the 2005--2006 school year, and additional amounts provided to the  
2 Indian River central school district, the Watertown city school district  
3 and the Carthage central school district pursuant to chapter fifty-three  
4 of the laws of two thousand six to account for an increase in student  
5 enrollment as a result of the expansion of Fort Drum;

6 (14) payments made in the 2006--2007 school year for magnet school  
7 grants pursuant to or in lieu of subdivision five of section thirty-six  
8 hundred forty-one of this article, as follows: to the Albany city school  
9 district, three million, five hundred fifty thousand dollars; to the  
10 Amsterdam city school district, eight hundred thousand dollars; to the  
11 Beacon city school district, five hundred sixty-six thousand dollars; to  
12 the Buffalo city school district, twenty-one million twenty-five thou-  
13 sand dollars; to the Freeport union free school district, four hundred  
14 thousand dollars; to the Greenburgh central school district, three  
15 hundred thousand dollars; to the Hudson city school district, four  
16 hundred thousand dollars; to the Middletown city school district, four  
17 hundred thousand dollars; to the Mount Vernon city school district, two  
18 million dollars; to the New Rochelle city school district, one million,  
19 four hundred ten thousand dollars; to the city school district of the  
20 city of New York, forty-eight million, one hundred seventy-five thousand  
21 dollars; to the Newburgh city school district, four million, six hundred  
22 forty-five thousand dollars; to the Niagara Falls city school district,  
23 six hundred thousand dollars; to the Peekskill city school district, two  
24 hundred thousand dollars; to the Port Chester city school district, one  
25 million, one hundred fifty thousand dollars; to the Poughkeepsie city  
26 school district, two million, four hundred seventy-five thousand  
27 dollars; to the Rochester city school district, fifteen million dollars;  
28 to the Schenectady city school district, one million, eight hundred  
29 thousand dollars; to the Syracuse city school district, thirteen million  
30 dollars; to the Utica city school district, two million dollars; to the  
31 White Plains city school district, nine hundred thousand dollars; to the  
32 Yonkers city school district, forty-nine million, five hundred thousand  
33 dollars;

34 (15) an amount equal to the amount received by such district in the  
35 2005--2006 school year pursuant to subdivision six of section thirty-six  
36 hundred forty-one of this article;

37 (16) an amount equal to the amount received by such district in the  
38 2005--2006 school year pursuant to subdivision seven of section thirty-  
39 six hundred forty-one of this article;

40 (17) sound basic education aid equal to the sum of (A) the district's  
41 base year apportionment for sound basic education aid set forth for each  
42 school district as "2005-2006 Sound Basic Education" in the school aid  
43 computer listing produced by the commissioner in support of the execu-  
44 tive budget request for the 2006--2007 school year and entitled  
45 "BT131-6" plus (B) the product of three hundred seventy-five million  
46 dollars (\$375,000,000) multiplied by the district's SBE ratio. The "SBE  
47 ratio" shall be equal to the quotient of the district's apportionment  
48 for sound basic education aid set forth for each school district as  
49 "2005-06 Sound Basic Education" in the school aid computer listing  
50 produced by the commissioner in support of the executive budget request  
51 for the 2006--2007 school year and entitled "BT131-6", divided by the  
52 sum of such apportionments set forth for all school districts as "2005-  
53 06 Sound Basic Education" in such school aid computer listing entitled  
54 "BT131-6".

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1 (18) the net tuition adjustment computed for the 2006--07 school year  
2 pursuant to or in lieu of paragraph g of subdivision two of this  
3 section.

4 (ii) For aid payable in the two thousand eight--two thousand nine  
5 school year and thereafter, the total foundation aid base shall equal  
6 the total amount a district was eligible to receive in the base year  
7 pursuant to subdivision four of this section.

8 ~~k. (1) For aid payable in the nineteen hundred ninety six ninety-~~  
9 ~~seven school year, "alternate pupil wealth ratio" shall mean the number~~  
10 ~~computed to three decimals without rounding obtained when the adjusted~~  
11 ~~gross income of a school district for the calendar year prior to the~~  
12 ~~calendar year in which the base year began divided by the total wealth~~  
13 ~~pupil units of such district is divided by the statewide adjusted gross~~  
14 ~~income per total wealth pupil unit. Such statewide average gross income~~  
15 ~~per pupil shall be established each year by the commissioner and shall~~  
16 ~~be transmitted to school districts by May first. For the purposes of~~  
17 ~~this paragraph, the income data shall be computed in accordance with~~  
18 ~~regulations adopted by the commissioner of taxation and finance based~~  
19 ~~upon personal income tax returns for the calendar year two years prior~~  
20 ~~to the calendar year in which the current school year commences, as~~  
21 ~~reported to the commissioner in February of the base year, including the~~  
22 ~~results of the temporary school district address review validation and~~  
23 ~~correction process or, commencing with aid payable in the nineteen~~  
24 ~~hundred ninety four--ninety five school year, the results of the perma-~~  
25 ~~nent computerized statewide school district address match and income~~  
26 ~~verification system. The income of the city school district of the city~~  
27 ~~of New York shall be the sum of the income of the boroughs of the city.~~  
28 ~~Such statewide average shall be rounded to the nearest hundred and shall~~  
29 ~~include the adjusted gross income and total wealth pupil units of all~~  
30 ~~school districts eligible for aid pursuant to this section except~~  
31 ~~central high school districts. For the purposes of calculating such~~  
32 ~~statewide average the data for the city school district of the city of~~  
33 ~~New York shall be citywide data. The adjusted gross income of a central~~  
34 ~~high school district shall equal the sum of the adjusted gross income of~~  
35 ~~each of its component school districts.~~

36 ~~(2) For aid payable in the nineteen hundred ninety seven ninety eight~~  
37 ~~school year and thereafter, "alternate pupil wealth ratio" shall mean~~  
38 ~~the number computed to three decimals without rounding obtained when the~~  
39 ~~adjusted gross income of a school district for the calendar year two~~  
40 ~~years prior to the calendar year in which the base year began divided by~~  
41 ~~the total wealth pupil units of such district is divided by the state-~~  
42 ~~wide adjusted gross income per total wealth pupil unit. Such statewide~~  
43 ~~average gross income per pupil shall be established each year by the~~  
44 ~~commissioner and shall be transmitted to school districts. For the~~  
45 ~~purposes of this paragraph, the income data shall be computed in accord-~~  
46 ~~ance with regulations adopted by the commissioner of taxation and~~  
47 ~~finance based upon personal income tax returns for the calendar year~~  
48 ~~three years prior to the calendar year in which the current school year~~  
49 ~~commences, as reported to the commissioner by September of the base~~  
50 ~~year, including the results of the temporary school district address~~  
51 ~~review validation and correction process or, commencing with aid payable~~  
52 ~~in the nineteen hundred ninety four--ninety five school year, the~~  
53 ~~results of the permanent computerized statewide school district address~~  
54 ~~match and income verification system. The income of the city school~~  
55 ~~district of the city of New York shall be the sum of the income of the~~  
56 ~~boroughs of the city. Such statewide average shall be rounded to the~~

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1 ~~nearest hundred and shall include the adjusted gross income and total~~  
2 ~~wealth pupil units of all school districts eligible for aid pursuant to~~  
3 ~~this section except central high school districts. For the purposes of~~  
4 ~~calculating such statewide average the data for the city school district~~  
5 ~~of the city of New York shall be citywide data. The adjusted gross~~  
6 ~~income of a central high school district shall equal the sum of the~~  
7 ~~adjusted gross income of each of its component school districts.~~

8 ~~1. "Combined wealth ratio" shall mean the number computed to three~~  
9 ~~decimals without rounding obtained when fifty per centum of the pupil~~  
10 ~~wealth ratio is added to fifty per centum of the alternate pupil wealth~~  
11 ~~ratio.~~

12 ~~m.]~~ "Attendance ratio" shall mean the number computed to four decimals  
13 without rounding when the aggregate days attendance is divided by the  
14 possible aggregate attendance of all pupils in attendance in the  
15 district, as computed for each school district by the commissioner by  
16 June first of the year following the attendance year.

17 1. "Average daily membership" shall mean the possible aggregate  
18 attendance of all pupils in attendance in a public school of the school  
19 district in kindergarten through grade twelve, or equivalent ungraded  
20 programs, including possible aggregate attendance for such pupils  
21 receiving homebound instruction, including pupils receiving instruction  
22 through a two-way telephone communication system, with the possible  
23 aggregate attendance of such pupils in one-half day kindergartens multi-  
24 plied by one-half, divided by the number of days the district school was  
25 in session as provided in this section. The full time equivalent enroll-  
26 ment of pupils with disabilities attending under the provisions of para-  
27 graph c of subdivision two of section forty-four hundred one of this  
28 chapter shall be added to average daily membership. Average daily  
29 membership shall include the equivalent attendance of the school  
30 district, as computed pursuant to paragraph d of this subdivision. In  
31 any instance where a pupil is a resident of another state or an Indian  
32 pupil is a resident of any portion of a reservation located wholly or  
33 partly within the borders of the state pursuant to subdivision four of  
34 section forty-one hundred one of this chapter or a pupil is living on  
35 federally owned land or property, such pupil's possible aggregate  
36 attendance shall be counted as part of the possible aggregate attendance  
37 of the school district in which such pupil is enrolled.

38 n. (1) "Enrollment" shall mean the unduplicated count of all children  
39 registered to receive educational services in grades kindergarten  
40 through twelve, including children in ungraded programs, as registered  
41 on the date prior to November first that is specified by the commission-  
42 er as the enrollment reporting date for the school district or nonpublic  
43 school, as reported to the commissioner.

44 (2) "Public school district enrollment" shall mean the sum of: (1) the  
45 number of children on a regular enrollment register of a public school  
46 district on such date; (2) the number of children eligible to receive  
47 home instruction in the school district on such date; (3) the number of  
48 children for whom equivalent attendance must be computed pursuant to  
49 this subdivision on such date; (4) the number of children with [~~handi-~~  
50 ~~capping conditions~~] disabilities who are residents of such district who  
51 are registered on such date to attend programs under the provisions of  
52 paragraph c of subdivision two of section forty-four hundred one of this  
53 chapter; (5) the number of children eligible to receive educational  
54 services on such date but not claimed for aid pursuant to subdivision  
55 seven of section thirty-two hundred two of this chapter; and (6) the  
56 number of children registered on such date to attend programs (i) pursu-

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1 ant to subdivision two of section three hundred fifty-five of this chap-  
2 ter or (ii) pursuant to an agreement between the city school district of  
3 the city of New York and Hunter College pursuant to section sixty-two  
4 hundred sixteen of this chapter.

5 (3) "Nonpublic school enrollment" shall mean the number of children on  
6 a regular enrollment register of a nonpublic school meeting the compul-  
7 sory attendance law, excluding any child counted as part of the enroll-  
8 ment of a public school district.

9 (4) "Resident public school district enrollment" shall be the public  
10 school district enrollment less the public school district enrollment of  
11 nonresident pupils attending public schools in the district, plus the  
12 public school district enrollment of pupils resident in the district but  
13 attending public schools in another district or state plus the public  
14 school district enrollment of pupils resident in the district but  
15 attending full-time a school operated by a board of cooperative educa-  
16 tional services or a county vocational education and extension board.  
17 Indian pupils who are residents of any portion of a reservation located  
18 wholly or partly within the borders of the state pursuant to subdivision  
19 four of section forty-one hundred one of this chapter and are attending  
20 public school, or pupils living on the United States military reserva-  
21 tion at West Point attending public school, shall be deemed to be resi-  
22 dent pupils of the district providing such school, for purposes of this  
23 paragraph. Where a school district has entered into a contract with the  
24 state university pursuant to subdivision two of section three hundred  
25 fifty-five of this chapter under which the school district makes  
26 payments in the nature of tuition for the education of certain children  
27 residing in the district, such children for whom such tuition payments  
28 are made shall be deemed to be resident pupils of such district for the  
29 purposes of this paragraph. No student shall be counted more than once,  
30 except that, in determining the resident public school district enroll-  
31 ment of a component school district of a central high school district  
32 the resident public school district enrollment of high school pupils  
33 residing in such component district and attending the central high  
34 school shall be included, and in determining the resident public school  
35 district enrollment of a central high school district the resident  
36 public school district enrollment of elementary school pupils residing  
37 in such central high school district and attending a component district  
38 of the central high school district shall be included.

39 (5) "Resident nonpublic school district enrollment" shall be the  
40 nonpublic school district enrollment less the nonpublic school district  
41 enrollment of nonresident pupils attending nonpublic schools in the  
42 district, plus the nonpublic school district enrollment of pupils resi-  
43 dent in the district but attending nonpublic schools in another district  
44 of the state.

45 (6) "Additional public school enrollment" shall mean resident students  
46 with disabilities placed by public school districts in approved private  
47 schools, the New York state school for the blind at Batavia, or the New  
48 York state school for the deaf at Rome and resident students placed in  
49 schools subject to the provisions of chapter five hundred sixty-three of  
50 the laws of nineteen hundred eighty as amended.

51 (7) In determining enrollment pursuant to subparagraphs two, three,  
52 four, five and six of this paragraph for central high school districts  
53 and all school districts located within the boundaries of a central high  
54 school district, for the purposes of apportionments payable pursuant to  
55 subdivision six of section seven hundred one, subdivision four of  
56 section seven hundred eleven and subdivision four of section seven

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1 hundred fifty-one of this chapter, and subdivision thirteen of this  
2 section, and for the purposes of computing the lunch count pursuant to  
3 paragraph q of this subdivision, the district sharing ratio pursuant to  
4 subparagraph eight of paragraph a of subdivision ten of section thirty-  
5 six hundred forty-one of this article, and the school district basic  
6 contribution pursuant to subdivision eight of section forty-four hundred  
7 one of this chapter, only those children in the grade levels maintained  
8 by a central high school district shall be included in the enrollment  
9 used to apportion aid to such central high school district and only  
10 those children of the grade levels maintained by a component school  
11 district of a central high school district shall be included in the  
12 public school district enrollment of such component school district.

13 o. "Limited English proficient count" shall mean the number of pupils  
14 served in the base year in programs for pupils with limited English  
15 proficiency approved by the commissioner pursuant to the provisions of  
16 this chapter and in accordance with regulations adopted for such  
17 purpose.

18 p. "Percent of eligible applicants for the free and reduced price  
19 lunch program" shall mean the quotient of (i) the number of pupils in  
20 kindergarten through grade six attending the public schools of the  
21 district who have applications on file or who are listed on a direct  
22 certification letter confirming their eligibility for participation in  
23 the state and federally funded free and reduced price school lunch  
24 program on the date enrollment was counted in accordance with this  
25 subdivision for the year prior to the base year[~~, except that such count  
26 shall be simply as of October of the year prior to the base year for aid  
27 payable in the nineteen hundred ninety three ninety four and nineteen  
28 hundred ninety four ninety five school years~~], divided by (ii) the  
29 number of pupils in kindergarten through grade six on a regular enroll-  
30 ment register of a public school district on the date enrollment was  
31 counted in accordance with this subdivision for the year prior to the  
32 base year, computed to four decimals without rounding, and multiplied by  
33 one hundred to be expressed as a percent to two decimals. For central  
34 high school districts, such percent shall be computed using the sum of  
35 the eligible applicants and enrollment of the component districts of the  
36 central high school district[~~, for any other school district not operat-  
37 ing a school lunch program in the applicable year for its kindergarten  
38 through grade six pupils, the commissioner shall use the district's  
39 percent of pupils with compensatory educational needs as the percent of  
40 eligible applicants for the free and reduced price lunch program~~].

41 q. "Poverty count" shall mean the sum of the product of the lunch  
42 count multiplied by sixty-five percent, plus the product of the census  
43 count multiplied by sixty-five percent, where:

44 (i) "Lunch count" shall mean the product of the public school enroll-  
45 ment of the school district on the date enrollment was counted in  
46 accordance with this subdivision for the base year multiplied by the  
47 quotient of the sum of the percent of eligible applicants for the free  
48 and reduced price lunch program as defined in this subdivision computed  
49 for the current year, plus such percent of eligible applicants for the  
50 free and reduced price lunch program computed for the base year, plus  
51 such percent of eligible applicants for the free and reduced price lunch  
52 program computed for the year prior to the base year, divided by three;  
53 and

54 (ii) "Census count" shall mean the product of the public school  
55 enrollment of the school district on the date enrollment was counted in  
56 accordance with this subdivision for the base year multiplied by the

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

8 r. "Sparsity count", for districts operating a kindergarten through  
9 grade twelve school program, shall mean the product of (i) the base year  
10 public school enrollment of the district and (ii) the quotient, computed  
11 to three decimals without rounding, of the positive remainder of twenty-  
12 ty-five minus the enrollment per square mile divided by fifty and nine  
13 tenths, but not less than zero. Enrollment per square mile shall be the  
14 quotient, computed to two decimals without rounding, of the public  
15 school enrollment of the school district on the date enrollment was  
16 counted in accordance with this subdivision for the base year divided by  
17 the square miles of the district, as determined by the commissioner.

18 s. "Extraordinary needs count" shall mean the sum of the product of  
19 the limited English proficiency count multiplied by fifty percent, plus,  
20 the [unch] poverty count and the sparsity count.

21 ~~t. ["Percentage of pupils with compensatory educational needs" shall~~  
22 ~~be based on the following tests: the third and sixth grade reading and~~  
23 ~~math tests administered in spring of the second year prior to the base~~  
24 ~~year. Such percentage shall be calculated as follows:~~

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

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

44 ~~(iii) express the result as a percentage carried to one decimal place~~  
45 ~~without rounding; and~~

46 ~~(iv) for the purposes of the computation made pursuant to this subpar-~~  
47 ~~agraph, pupils attending campus schools of the state university shall be~~  
48 ~~included in the numbers of pupils in the district in which they reside.~~  
49 ~~The percentage of such pupils in component districts shall be used in~~  
50 ~~the case of central high school districts. The commissioner shall make~~  
51 ~~adjustments for differences in tests and test administration in accord-~~  
52 ~~ance with regulations adopted for such purposes.] The "approved operat-~~

53 ing expense" for the apportionments to any school district hereunder  
54 shall mean the amount computed as follows: The apportionment to any  
55 school district for operating expense shall be based upon the total  
56 expenditures from its general fund and from its capital fund and from



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1 its risk retention fund for purposes of employee benefit claims related  
2 to salaries paid from the general fund, and for any city school  
3 districts with a population of more than one hundred twenty-five thou-  
4 sand inhabitants its expenditures from the special aid fund of grant  
5 moneys for improving pupil performance and categorical aid for special  
6 reading programs as provided in the aid to localities budget during the  
7 applicable year as approved by the commissioner, and in accordance with  
8 the classification of expenditures in use by the commissioner for the  
9 reporting by school districts of receipts, expenditures and other finan-  
10 cial data. For the purpose of this paragraph operating expense shall be  
11 defined as total cash expenditures during the applicable year, but shall  
12 exclude: (1) any balances and transfers; (2) any payments for transpor-  
13 tation of pupils to and from school during the regular school year  
14 inclusive of capital outlays and debt service therefor; (2-a) a portion  
15 of any payments for transportation of pupils to and from district oper-  
16 ated summer school programs pursuant to subdivision six of section thir-  
17 ty-six hundred twenty-two-a of this article, inclusive of capital  
18 outlays and debt service therefor, equal to the product of such expendi-  
19 tures multiplied by the quotient of the total apportionment after the  
20 proration, if any, required by such subdivision six of such section  
21 divided by the total apportionment prior to such proration; (3) any  
22 payments for capital outlay and debt service for school building  
23 purposes, provided, however, that in the case of a school district which  
24 has entered into a contract with state university pursuant to paragraph  
25 o of subdivision two of section three hundred fifty-five of this chap-  
26 ter, under which the school district makes payments to state university  
27 on account of capital outlay relating to certain children residing in  
28 such school district, such payments shall not be so excluded; (4) any  
29 payments for cafeteria or school lunch programs; (5) any proceeds of  
30 short term borrowings in the general fund and any payments from the  
31 proceeds of the sale of obligations in the capital fund; (6) any cash  
32 receipts which reduce the cost of an item when applied against the  
33 expenditure therefor, except gifts, donations and earned interest and  
34 any refunds made; (7) any payments made to boards of cooperative educa-  
35 tional services for purposes or programs for which an apportionment is  
36 paid pursuant to other sections of this chapter, except that payments  
37 attributable to eligible pupils with disabilities and ineligible pupils  
38 residing in noncomponent districts shall be included in operating  
39 expense; (8) any tuition payments made to other school districts inclu-  
40 sive of payments made to a central high school district by one of its  
41 component school districts; (9) any apportionment or payment received  
42 from the state for experimental or special programs paid under  
43 provisions other than those found in this section and other than any  
44 apportionments or payments received from the state by the city school  
45 district of the city of Yonkers for the purpose of funding an educa-  
46 tional improvement program pursuant to a court order and other than any  
47 other state grants in aid identified by the commissioner for general use  
48 as specified by the board of education pursuant to subdivision two of  
49 section seventeen hundred eighteen of this chapter; (10) any funds  
50 received from the federal government except the federal share of medi-  
51 caid subject to the provisions of section thirty-six hundred nine-a of  
52 this part and except Impact Aid funds received pursuant to sections two  
53 and six of Public Law eighty-one-eight hundred seventy-four (PL 81-874)  
54 or any law superseding such law in any such district which received aid  
55 pursuant to both such sections; provided further, however, that there  
56 shall be excluded from such federal funds or other apportionments any



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1 payments from such funds already deducted pursuant to this paragraph;  
2 (11) any payments made for which an apportionment is disallowed pursuant  
3 to regulations of the commissioner; (12) any expenditures made for  
4 accounting, tabulation, or computer equipment, in excess of ten thousand  
5 dollars unless such expenditures shall have been specifically approved  
6 by the commissioner; (13) any rentals received pursuant to the  
7 provisions of section four hundred three-a of this chapter; (14) any  
8 rentals or other annual payments received pursuant to the provisions of  
9 section four hundred three-b of this chapter; (15) any expenditures made  
10 for persons twenty-one years of age or over attending employment prepa-  
11 ration education programs pursuant to subdivision eleven of this  
12 section; (16) any tuition payments made pursuant to a contract under the  
13 provisions of paragraphs e, f, g, h, i and l of subdivision two of  
14 section forty-four hundred one of this chapter or any tuition payments  
15 on behalf of pupils attending a state school under paragraph d of such  
16 subdivision; and (17) in any year in which expenditures are made to the  
17 New York state teachers' retirement system or the New York state and  
18 local employees' retirement system for both the prior school year and  
19 the current school year, any expenditures made to such retirement  
20 systems and recorded in the school year prior to the school year in  
21 which such obligations are paid.

22 u. [~~"Pupils with compensatory educational needs" shall be computed by~~  
23 ~~multiplying the percentage of pupils with compensatory educational needs~~  
24 ~~by the district's base year public school enrollment.~~

25 v. ~~"Concentration factor" shall be computed by adding to one the~~  
26 ~~quotient of (i) the positive remainder resulting when seven hundred~~  
27 ~~forty five thousandths is subtracted from the quotient of the extraor-~~  
28 ~~inary needs count divided by the district's base year public school~~  
29 ~~enrollment divided by (ii) three hundred twenty thousandths; provided,~~  
30 ~~however, that such factor shall not be less than one.] "Instructional~~  
31 ~~expense" shall mean the sum of all year prior to the base year expendi-~~  
32 ~~tures related to the instructional program of the district, as defined~~  
33 ~~in regulations of the commissioner, including the cost of fringe bene-~~  
34 ~~fits paid by such district for the instructional staff of the district.~~

35 w. "Extraordinary needs [~~factor~~] percent" shall mean [~~the sum of~~

36 ~~(i) eleven percent;~~

37 ~~(ii) for any city school district in a city with a population of more~~  
38 ~~than two hundred fifty thousand inhabitants and less than one million~~  
39 ~~inhabitants according to the latest federal census, two hundred fifty-~~  
40 ~~four ten thousandths (0.0254);~~

41 ~~(iii) for any city school district in a city with a population of more~~  
42 ~~than two hundred ten thousand inhabitants and less than two hundred~~  
43 ~~fifty thousand inhabitants according to the latest federal census, twen-~~  
44 ~~ty seven thousandths (0.027);~~

45 ~~(iv) for any city school district in a city with a population of more~~  
46 ~~than one hundred sixty thousand inhabitants and less than two hundred~~  
47 ~~ten thousand inhabitants according to the latest federal census, twen-~~  
48 ~~ty two thousandths (0.022);~~

49 ~~(v) for any city school district in a city with a population of more~~  
50 ~~than one hundred thousand inhabitants and less than one hundred sixty~~  
51 ~~thousand inhabitants according to the latest federal census, forty one~~  
52 ~~thousandths (0.041);~~

53 ~~(vi) for districts for which the base year public school district~~  
54 ~~enrollment per square mile year is greater than fifteen hundred, five~~  
55 ~~thousand three hundred fourteen hundred thousandths (0.05314); and~~

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1 ~~(vii) for districts for which the quotient of the extraordinary needs~~  
2 ~~county divided by the district's base year public school district~~  
3 ~~enrollment is greater than seven hundred ninety nine thousandths~~  
4 ~~(0.799), three hundred sixty two ten thousandths (0.0362)] the quotient~~  
5 ~~of the extraordinary needs count for the base year, calculated pursuant~~  
6 ~~to paragraphs of this subdivision, divided by the public school~~  
7 ~~district enrollment for the base year, calculated pursuant to subpara-~~  
8 ~~graph two of paragraph n of this subdivision.~~

9 x. "Enrollment index" shall be computed by dividing the public school  
10 enrollment for the current year by public school enrollment for the base  
11 year, both as defined in paragraph n of this subdivision, with the  
12 result carried to three places without rounding.

13 ~~[y. (i) "Public excess cost aid base," for the purposes of this~~  
14 ~~section, shall mean:~~

15 ~~(a) for aid payable in the two thousand two thousand one school year,~~  
16 ~~the aid selected pursuant to paragraph six of subdivision nineteen of~~  
17 ~~this section in the base year;~~

18 ~~(b) for aid payable in the two thousand one two thousand two school~~  
19 ~~year, the product of the aid selected pursuant to subparagraph a of~~  
20 ~~paragraph six of subdivision nineteen of this section in the base year~~  
21 ~~and nine hundred ninety one thousandths;~~

22 ~~(c) for aid payable in the two thousand two two thousand three school~~  
23 ~~year, the product of the amount set forth for each school district as~~  
24 ~~"Excess Cost - Public" under the heading "2000-01 Base Year Aids" in the~~  
25 ~~school aid computer listing produced by the commissioner in support of~~  
26 ~~the executive budget request for the two thousand one two thousand two~~  
27 ~~school year and entitled "BT032-1", and ninety five hundredths;~~

28 ~~(d) for aid payable in the two thousand three two thousand four, two~~  
29 ~~thousand four two thousand five and two thousand six two thousand~~  
30 ~~seven school years, the product of the aid selected pursuant to clause~~  
31 ~~one of subparagraph b of paragraph six of subdivision nineteen of this~~  
32 ~~section in the base year and ninety five hundredths.~~

33 ~~(ii) The public excess cost aid base for aid payable in the nineteen~~  
34 ~~hundred ninety three ninety four school year, and for aid calculations~~  
35 ~~for subsequent school years based on aid payable in such school year,~~  
36 ~~shall be deemed final and not subject to change on or after July first,~~  
37 ~~nineteen hundred ninety six; the public excess cost aid base for aid~~  
38 ~~payable in the nineteen hundred ninety four ninety five school year,~~  
39 ~~and for aid calculations for subsequent school years based on aid paya-~~  
40 ~~ble in such school year, shall be deemed final and not subject to change~~  
41 ~~on or after July first, nineteen hundred ninety eight; the public excess~~  
42 ~~cost aid base for aid payable in the nineteen hundred ninety five nine-~~  
43 ~~ty six school year, and for aid calculations for subsequent school years~~  
44 ~~based on aid payable in such school year, shall be deemed final and not~~  
45 ~~subject to change on or after July first, nineteen hundred ninety nine;~~  
46 ~~the public excess cost aid base for aid payable in the nineteen hundred~~  
47 ~~ninety six ninety seven and nineteen hundred ninety seven ninety eight~~  
48 ~~school years, and for aid calculations for subsequent school years based~~  
49 ~~on aid payable in such school years, shall be deemed final and not~~  
50 ~~subject to change on or after July first, two thousand; and the public~~  
51 ~~excess cost aid base for aid payable in the nineteen hundred ninety~~  
52 ~~eight ninety nine school year and thereafter, and for aid calculations~~  
53 ~~for subsequent school years based on aid payable in such school years,~~  
54 ~~shall be deemed final and not subject to change on or after July first~~  
55 ~~of the school year following the last school year in which the commis-~~  
56 ~~sioner may last accept and certify for payment any additional claim for~~

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1 ~~such school year pursuant to paragraph a of subdivision five of section~~  
 2 ~~thirty six hundred four of this article.~~

3 ~~z. (i) "Extraordinary needs aid base," for the purposes of this~~  
 4 ~~section, shall mean the aid selected pursuant to paragraph e of subdivi-~~  
 5 ~~sion twelve of this section in the base year except that for aid payable~~  
 6 ~~in the two thousand two two thousand three school year, "extraordinary~~  
 7 ~~needs aid base" shall mean the aid selected pursuant to paragraph e of~~  
 8 ~~subdivision twelve of this section in the year prior to the base year.~~

9 ~~(ii) The extraordinary needs aid base for aid payable in the nineteen~~  
 10 ~~hundred ninety six ninety seven and nineteen hundred ninety seven ni-~~  
 11 ~~nety eight school years, and for aid calculations for subsequent school~~  
 12 ~~years based on aid payable in such school years, shall be deemed final~~  
 13 ~~and not subject to change on or after July first, two thousand; and the~~  
 14 ~~extraordinary needs aid base for aid payable in the nineteen hundred~~  
 15 ~~ninety eight ninety nine school year and thereafter, and for aid calcu-~~  
 16 ~~lations for subsequent school years based on aid payable in such school~~  
 17 ~~years, shall be deemed final and not subject to change on or after July~~  
 18 ~~first of the school year following the last school year in which the~~  
 19 ~~commissioner may last accept and certify for payment any additional~~  
 20 ~~claim for such school year pursuant to paragraph a of subdivision five~~  
 21 ~~of section thirty six hundred four of this article.~~

22 ~~aa.]~~ y. "School tax relief aid" shall mean state aid payable to a  
 23 school district representing tax savings duly provided by the school  
 24 district pursuant to section thirteen hundred six-a of the real property  
 25 tax law that is claimed by the school district and certified by the  
 26 state board of real property services pursuant to subdivision three of  
 27 section thirteen hundred six-a of the real property tax law.

28 § 12. Subparagraph (i) of paragraph y of subdivision 1 of section 3602  
 29 of the education law, as added by chapter 474 of the laws of 1996, is  
 30 REPEALED.

31 § 13. Subdivisions 2, 2-a and 2-b of section 3602 of the education  
 32 law, as added by chapter 57 of the laws of 1993, paragraph c of subdivi-  
 33 sion 2 and paragraph c of subdivision 2-a as amended by chapter 532 of  
 34 the laws of 1997, are amended and four new subdivisions 3, 4, 5 and 5-a  
 35 are added to read as follows:

36 2. Computation of [~~resident weighted average daily attendance~~] pupil  
 37 counts and related factors. a. Computation of resident weighted average  
 38 daily attendance. For purposes of this section weighted average daily  
 39 attendance of a school district for any school year shall be computed as  
 40 follows:

41 [~~a.~~] (1) Weighted average daily attendance shall be determined by  
 42 using the average daily attendance of public school pupils in a full-day  
 43 kindergarten and grades one through six as the basic unit, with the  
 44 attendance of such pupils in one-half day kindergartens measured at  
 45 one-half of such basic unit and the attendance of such pupils in grades  
 46 seven through twelve measured at one and one-quarter of such basic unit.  
 47 The sum of all such units of attendance shall be the weighted average  
 48 daily attendance.

49 [~~b.~~] (2) In computing such attendance, the school district shall [~~(1)~~]  
 50 (i) determine the number of religious holidays which fall on a school  
 51 day within a school year according to regulations established by the  
 52 commissioner, such religious holidays to be duly recognized as such for  
 53 purposes of this section by duly adopted resolution of the board of  
 54 education; [~~(2)~~] (ii) deduct the aggregate attendance on such religious  
 55 holidays from the total aggregate attendance, by grade level; [~~(3)~~]  
 56 (iii) deduct such religious holidays from the total number of days of

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1 session, by grade level; ~~(iv)~~ (iv) compute the weighted average daily  
2 attendance for the school year.

3 ~~(c)~~ (3) In any instance where a pupil is a resident of another state  
4 or an Indian pupil is a resident of any portion of a reservation located  
5 wholly or partly within the borders of the state pursuant to subdivision  
6 four of section forty-one hundred one of this chapter or a pupil is  
7 living on federally owned land or property, such pupil's attendance  
8 shall be counted as part of the weighted average daily attendance of the  
9 school district in which such pupil is enrolled.

10 ~~(d)~~ (4) Resident weighted average daily attendance for purposes of  
11 determining the aid ratio of a school district for any school year shall  
12 be the weighted average daily attendance for the school year immediately  
13 preceding the base year, less the weighted average daily attendance of  
14 nonresident pupils attending public schools in the district for such  
15 school year, plus the weighted average daily attendance of pupils resi-  
16 dent in the district but attending public schools in another district or  
17 state plus the weighted average daily attendance of pupils resident in  
18 the district but attending full-time a school operated by a board of  
19 cooperative educational services or a county vocational education and  
20 extension board for such school year. The attendance of nonresident  
21 pupils attending public school in the district and resident pupils  
22 attending such schools outside of the district shall be determined by  
23 applying to the number of such pupils registered during the school year  
24 in each case the ratio of aggregate days attendance to the possible  
25 aggregate days attendance of all pupils in attendance in the district.  
26 Indian pupils of a reservation attending public school, or pupils living  
27 on the United States military reservation at West Point attending public  
28 school, shall be deemed to be resident pupils of the district providing  
29 such school, for purposes of this paragraph. Where a school district has  
30 entered into a contract with the state university pursuant to subdivi-  
31 sion two of section three hundred fifty-five of this chapter under which  
32 the school district makes payments in the nature of tuition for the  
33 education of certain children residing in the district, such children  
34 for whom such tuition payments are made shall be deemed to be resident  
35 pupils of such district for the purposes of this paragraph.

36 ~~(e)~~ (5) In determining the resident weighted average daily attendance  
37 of a component school district of a central high school district for  
38 computing the aid ratio the weighted average daily attendance of high  
39 school pupils residing in such component district and attending the  
40 central high school shall be included. The resident weighted average  
41 daily attendance of a central high school district itself shall be the  
42 sum of the resident weighted average daily attendance of each component  
43 school district computed as provided in the first sentence of this para-  
44 graph.

45 ~~(f)~~ (6) Notwithstanding the provisions of ~~[paragraphs d and e]~~  
46 subparagraphs four and five of this ~~[subdivision]~~ paragraph, when a  
47 school district shall experience an increase in resident weighted aver-  
48 age daily attendance during the current year because of the closing in  
49 whole, or in part, of a non-public school or a campus school, or a  
50 school previously operated by the United States government on the United  
51 States military reservation at West Point, the commissioner, in comput-  
52 ing any aid ratio of such district, shall permit the use of such addi-  
53 tional resident weighted average daily attendance for aid ratio purposes  
54 during the current year and the next succeeding year, provided that such  
55 additional resident weighted average daily attendance attributable to  
56 such closing, or part thereof, shall be in excess of one hundred

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1 students; provided, however, that such district which qualifies for an  
2 increase in total wealth pupil units pursuant to paragraph ~~[e]~~ f of this  
3 subdivision ~~[two b of this section]~~, shall use the increase in resident  
4 weighted average daily attendance, even if such increase in resident  
5 weighted average daily attendance is less than one hundred.

6 ~~[g. After the final computation of aid as provided in subdivision~~  
7 ~~twelve of this section, a school district which maintains an elementary~~  
8 ~~school and which does not operate a kindergarten through twelve program~~  
9 ~~and contracts for education of some or all of its secondary pupils in~~  
10 ~~another school district which has a higher pupil wealth ratio used for~~  
11 ~~the current year for the computation of operating aid may elect to~~  
12 ~~receive the net tuition adjustment provided under the terms of this~~  
13 ~~subdivision. The total aid receivable under paragraph b or c of subdivi-~~  
14 ~~sion twelve of this section by the sending district for the current year~~  
15 ~~shall be divided by the total aidable pupil units of the sending~~  
16 ~~district used for computation of aid for the current year and such~~  
17 ~~amount multiplied by the number of secondary pupils for whom the~~  
18 ~~contract is made. The resulting tuition adjustment will be paid to the~~  
19 ~~sending district in addition to the aid computed under the provisions of~~  
20 ~~subdivision twelve of this section less an amount to be deducted and~~  
21 ~~computed as follows: the total aid receivable under subdivision twelve~~  
22 ~~of this section by the receiving district for the current year shall be~~  
23 ~~divided by its total aidable pupil units used for computation of aid for~~  
24 ~~the current year and such amount multiplied by the number of secondary~~  
25 ~~pupils received by such district from the sending district during the~~  
26 ~~current year. If the sending district elects to receive this adjustment,~~  
27 ~~the tuition payable to the district furnishing instruction shall be~~  
28 ~~computed in accordance with regulations adopted by the commissioner.~~

29 ~~2-a.]~~ b. Computation of adjusted average daily attendance. For  
30 purposes of this section adjusted average daily attendance of a school  
31 district for any school year shall be computed as follows:

32 ~~[a-]~~ (1) Adjusted average daily attendance shall be determined by  
33 using the average daily attendance of public school pupils in a full-day  
34 kindergarten and grades one through twelve as the basic unit, with the  
35 attendance of such pupils in one-half day kindergartens measured at  
36 one-half of such basic unit. The sum of all such units of attendance  
37 shall be the adjusted average daily attendance.

38 ~~[b-]~~ (2) In computing such attendance, the school district shall ~~[(1)]~~  
39 (i) determine the number of religious holidays which fall on a school  
40 day within a school year according to regulations established by the  
41 commissioner, such religious holidays to be duly recognized as such for  
42 purposes of this section by duly adopted resolution of the board of  
43 education; ~~[(2)]~~ (ii) deduct the aggregate attendance on such religious  
44 holidays from the total aggregate attendance, by grade level; ~~[(3)]~~  
45 (iii) deduct such religious holidays from the total number of days of  
46 session, by grade level; ~~[(4)]~~ (iv) compute the adjusted average daily  
47 attendance for the school year.

48 ~~[c-]~~ (3) In any instance where a pupil is a resident of another state  
49 or an Indian pupil is a resident of any portion of a reservation located  
50 wholly or partly within the borders of the state pursuant to subdivision  
51 four of section forty-one hundred one of this chapter or a pupil is  
52 living on federally owned land or property, such pupil's attendance  
53 shall be counted as part of the adjusted average daily attendance of the  
54 school district in which such pupil is enrolled.

55 ~~[2-b-]~~ c. Computation of additional aidable pupil units. The addi-  
56 tional aidable pupil units used to compute total aidable pupil units

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1 pursuant to paragraph e of this subdivision shall be the sum of the  
2 attendance of summer session pupils multiplied by twelve per centum and  
3 the weighted pupils with special educational needs. Nothing contained  
4 in this paragraph shall be construed to result in the inclusion of the  
5 attendance of summer session pupils in the computation of weighted or  
6 adjusted average daily attendance pursuant to this subdivision.

7 d. Secondary school weighting. There shall be added to the total aidable  
8 pupil units computed in paragraph e of this subdivision a number  
9 equal to the product of: (1) twenty-five per centum, (2) the adjusted  
10 average daily attendance in grades seven through twelve for the year  
11 prior to the base year, excluding attendance of pupils who receive a  
12 weighting for disabilities, and (3) the enrollment index computed pursuant  
13 to this section for the base year.

14 e. Computation of total aidable pupil units. (1) A district's total  
15 aidable pupil units shall be the sum of the district's adjusted average  
16 daily attendance computed pursuant to this section for the year prior to  
17 the base year multiplied by the enrollment index computed pursuant to  
18 this section for the base year plus the additional aidable pupil units  
19 computed for the year prior to the base year under paragraph c of this  
20 subdivision.

21 (2) In such computation school districts may, with the commissioner's  
22 approval, exclude attendance for those days on which school attendance  
23 was adversely affected because of an epidemic or because of a religious  
24 holiday as provided in subparagraph two of paragraph b of this subdivi-  
25 sion. For the purposes of computing selected total aidable pupil units,  
26 a district may use either total aidable pupil units for the current aid  
27 year or the average of total aidable pupil units for the current aid  
28 year and the prior aid year, using current aid year definitions of total  
29 aidable pupil units for both years, except that for aids payable during  
30 the nineteen hundred ninety-seven--nineteen hundred ninety-eight school  
31 year the total aidable pupil units for the prior aid year used in such  
32 average shall be calculated using the definition of total aidable pupil  
33 units in effect for aid payable in the base year.

34 f. Computation of total wealth pupil units. [~~a. For the school years~~  
35 ~~commencing July first, nineteen hundred seventy nine and thereafter~~  
36 ~~total]~~ (1) Total wealth pupil units will be computed using the adjusted  
37 average daily attendance for the year prior to the base year as computed  
38 in this section, plus the attendance of resident pupils attending public  
39 school elsewhere, less the attendance of nonresident pupils plus the  
40 attendance of resident pupils attending full-time in board of cooper-  
41 ative educational services (not otherwise specifically included), plus  
42 the additional aidable pupil units as computed pursuant to [~~subdivisions~~  
43 ~~nine and nine-a of this section]~~ paragraphs c and d of this subdivision,  
44 excluding summer school pupils. The attendance of nonresident pupils  
45 attending public school in the district and resident pupils attending  
46 such schools outside of the district shall be determined by applying to  
47 the number of such pupils registered during the school year in each case  
48 the ratio of aggregate days attendance to the possible aggregate days  
49 attendance of all pupils in attendance in the district. Native American  
50 pupils of a reservation attending public school, or pupils living on the  
51 United States military reservation at West Point attending public  
52 school, shall be deemed to be resident pupils of the district providing  
53 such school, for purposes of this paragraph. Where a school district has  
54 entered into a contract with state university pursuant to subdivision  
55 two of section three hundred fifty-five of this chapter under which the  
56 school district makes payment in the nature of tuition for the education



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1 of certain children residing in the district, such children for whom  
2 such tuition payments are made shall be deemed to be resident pupils of  
3 such district for the purposes of this paragraph.

4 ~~[b-]~~ (2) In determining the total wealth pupil units of a component  
5 school district of a central high school district for computing aid  
6 ~~[ratio]~~ ratios the total wealth pupil units of high school pupils resid-  
7 ing in such component district and attending the central high school  
8 shall be included. The total wealth pupil units of a central high school  
9 district itself shall be the sum of the total wealth pupil units of each  
10 component school district.

11 ~~[c-]~~ (3) Notwithstanding the foregoing provisions of this ~~[subdivi-~~  
12 ~~sion]~~ paragraph, when a school district shall experience an increase in  
13 total wealth pupil units during the current year because of the closing  
14 in whole, or in part, of a nonpublic school or a campus school, or a  
15 school previously operated by the United States government on the United  
16 States military reservation at West Point, the commissioner, in comput-  
17 ing any aid ratio of such district, shall permit the use of such addi-  
18 tional total wealth pupil units during the current year and the next  
19 succeeding year, provided that such additional total wealth pupil units  
20 attributable to such closing, or part thereof, shall be in excess of one  
21 hundred students; provided, however, that such district which qualifies  
22 for an increase in resident weighted average daily attendance pursuant  
23 to subparagraph six of paragraph ~~[g]~~ a of this subdivision ~~[two of this~~  
24 ~~section]~~, shall use the increase in total wealth pupil units, even if  
25 such increase in total wealth pupil units is less than one hundred.

26 g. Computation of total aidable foundation pupil units. Total aidable  
27 foundation pupil units shall be the sum of (1) the district's average  
28 daily membership computed pursuant to this section for the year prior to  
29 the base year multiplied by the enrollment index computed pursuant to  
30 this section for the base year plus (2) the product of the average daily  
31 membership of summer session pupils and twelve percent plus (3) the  
32 weighted foundation pupils with disabilities. For the purposes of  
33 computing total foundation aid a district may use either total aidable  
34 foundation pupil units for the current aid year or the average of total  
35 foundation aidable pupil units for the current aid year and the prior  
36 aid year, using current aid year definitions of total aidable foundation  
37 pupil units for both years.

38 h. Computation of total wealth foundation pupil units. (1) Total  
39 wealth foundation pupil units shall mean the sum of (i) average daily  
40 membership for the year prior to the base year as computed in this  
41 section, plus (ii) the full-time equivalent enrollment of resident  
42 pupils attending public school elsewhere, less the full-time equivalent  
43 enrollment of nonresident pupils, plus (iii) the full-time equivalent  
44 enrollment of resident pupils attending full-time in board of cooper-  
45 ative educational services (not otherwise specifically included). Native  
46 American pupils of a reservation attending public school, or pupils  
47 living on the United States military reservation at West Point attending  
48 public school, shall be deemed to be resident pupils of the district  
49 providing such school, for purposes of this paragraph. Where a school  
50 district has entered into a contract with state university pursuant to  
51 subdivision two of section three hundred fifty-five of this chapter  
52 under which the school district makes payment in the nature of tuition  
53 for the education of certain children residing in the district, such  
54 children for whom such tuition payments are made shall be deemed to be  
55 resident pupils of such district for the purposes of this paragraph.

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1 (2) In determining the total wealth foundation pupil units of a compo-  
2 nent school district of a central high school district for computing aid  
3 ratios the total wealth foundation pupil units of high school pupils  
4 residing in such component district and attending the central high  
5 school shall be included. The total wealth foundation pupil units of a  
6 central high school district itself shall be the sum of the total wealth  
7 foundation pupil units of each component school district.

8 (3) Notwithstanding the foregoing provisions of this paragraph, when a  
9 school district shall experience an increase in total wealth foundation  
10 pupil units during the current year because of the closing in whole, or  
11 in part, of a nonpublic school or a campus school, or a school previous-  
12 ly operated by the United States government on the United States mili-  
13 tary reservation at West Point, the commissioner, in computing any aid  
14 ratio of such district, shall permit the use of such additional total  
15 wealth foundation pupil units during the current year and the next  
16 succeeding year, provided that such additional total wealth foundation  
17 pupil units attributable to such closing, or part thereof, shall be in  
18 excess of one hundred students.

19 i. Parent-teacher conferences or workshops. Notwithstanding any other  
20 provision of this section to the contrary, when a school district oper-  
21 ates for a half day session because of a parent-teacher conference or  
22 workshops for teachers, it shall be apportioned with the same amount of  
23 state aid for pupils attending kindergarten as if both morning and  
24 afternoon kindergarten groups were in attendance although only one  
25 kindergarten class attends school. The school district shall provide  
26 that morning and afternoon kindergarten groups shall alternate in  
27 attendance if more than one half day session is scheduled during the  
28 school year.

29 3. Computation of aid ratios.

30 a. "Pupil wealth ratio" shall mean the number computed to three deci-  
31 imals without rounding obtained when actual valuation of a school  
32 district divided by the total wealth pupil units is divided by the  
33 statewide average actual valuation per total wealth pupil unit as  
34 computed by the commissioner in accordance with the provisions of this  
35 section. Such statewide average actual valuation per total wealth pupil  
36 unit shall be established each year by the commissioner using the latest  
37 single year actual valuation computed under paragraph c of subdivision  
38 one of this section. Such statewide average shall be transmitted to the  
39 school districts. Such statewide average shall be rounded to the nearest  
40 hundredth and shall include the actual valuation and total wealth pupil  
41 units of all school districts eligible for aid pursuant to this section  
42 except central high school districts. For the purposes of calculating  
43 such statewide average the data for the city school district of the city  
44 of New York shall be citywide data.

45 b. "Alternate pupil wealth ratio" shall mean the number computed to  
46 three decimals without rounding obtained when the adjusted gross income  
47 of a school district for the calendar year two years prior to the calen-  
48 dar year in which the base year began divided by the total wealth pupil  
49 units of such district is divided by the statewide adjusted gross income  
50 per total wealth pupil unit. Such statewide average gross income per  
51 pupil shall be established each year by the commissioner and shall be  
52 transmitted to school districts. For the purposes of this paragraph, the  
53 income data shall be computed in accordance with regulations adopted by  
54 the commissioner of taxation and finance based upon personal income tax  
55 returns for the calendar year three years prior to the calendar year in  
56 which the current school year commences, as reported to the commissioner

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1 by September of the base year, including the results of the permanent  
2 computerized statewide school district address match and income verifi-  
3 cation system. The income of the city school district of the city of New  
4 York shall be the sum of the income of the boroughs of the city. Such  
5 statewide average shall be rounded to the nearest hundredth and shall  
6 include the adjusted gross income and total wealth pupil units of all  
7 school districts eligible for aid pursuant to this section except  
8 central high school districts. For the purposes of calculating such  
9 statewide average the data for the city school district of the city of  
10 New York shall be citywide data. The adjusted gross income of a central  
11 high school district shall equal the sum of the adjusted gross income of  
12 each of its component school districts.

13 c. "Combined wealth ratio" shall mean the number computed to three  
14 decimals without rounding obtained when fifty per centum of the pupil  
15 wealth ratio is added to fifty per centum of the alternate pupil wealth  
16 ratio.

17 d. "Income wealth index" shall mean the number computed to three deci-  
18 mals without rounding obtained when the adjusted gross income of a  
19 school district for the calendar year two years prior to the calendar  
20 year in which the base year began divided by the total wealth foundation  
21 pupil units of such district is divided by the statewide adjusted gross  
22 income per total wealth foundation pupil units. Such statewide average  
23 gross income per pupil shall be established each year by the commis-  
24 sioner and shall be transmitted to school districts. For the purposes of  
25 this paragraph, the income data shall be computed in accordance with  
26 regulations adopted by the commissioner of taxation and finance based  
27 upon personal income tax returns for the calendar year two years prior  
28 to the calendar year in which the current school year commences, as  
29 reported to the commissioner in February of the base year, including the  
30 results of the computerized statewide school district address match and  
31 income verification system. The income of the city school district of  
32 the city of New York shall be the sum of the income of the boroughs of  
33 the city. Such statewide average shall be rounded to the nearest  
34 hundredth and shall include the adjusted gross income and total wealth  
35 foundation pupil units of all school districts eligible for aid pursuant  
36 to this section except central high school districts. For the purposes  
37 of calculating such statewide average the data for the city school  
38 district of the city of New York shall be citywide data. The adjusted  
39 gross income of a central high school district shall equal the sum of  
40 the adjusted gross income of each of its component school districts.

41 e. Building aid ratios. The aid ratio to be used in determining build-  
42 ing aid apportionments to any school district pursuant to this section  
43 shall be computed in the following manner:

44 (1) The actual valuation of such district shall be divided by its  
45 resident weighted average daily attendance as computed pursuant to this  
46 section to determine its actual valuation per resident pupil.

47 (2) The commissioner shall determine the state average actual valu-  
48 ation per pupil in resident weighted average daily attendance for the  
49 preceding school year using the latest single year actual valuation  
50 computed under paragraph c of subdivision one of this section. The  
51 commissioner shall transmit such state average to the school districts.  
52 Such statewide average shall be rounded to the nearest hundredth and  
53 shall include the actual valuation and resident weighted average daily  
54 attendance of all school districts eligible for aid pursuant to this  
55 section except central high school districts. For the purposes of calcu-

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1 lating such statewide average the data for the city school district of  
2 the city of New York shall be citywide data.

3 (3) The resident weighted average daily attendance wealth ratio shall  
4 mean the actual valuation per resident pupil of the school district  
5 divided by such state average actual valuation per pupil, carried to  
6 three decimal places without rounding.

7 (4) The building aid ratio shall be computed by subtracting from one  
8 the product obtained by multiplying the resident weighted average daily  
9 attendance wealth ratio by fifty-one percent. Such aid ratio shall be  
10 expressed as a decimal carried to three places without rounding, but  
11 shall not be less than zero.

12 (5) The additional building aid ratio for low income wealth school  
13 districts shall be the product obtained by multiplying the state sharing  
14 ratio by one and two hundred sixty-three thousandths (1.263).

15 f. The board of cooperative educational services aid ratio shall equal  
16 the greater of: (1) an amount equal to one minus the quotient expressed  
17 as a decimal to three places without rounding of eight mills divided by  
18 the tax rate of the local district computed upon the actual valuation of  
19 taxable property, as determined pursuant to subdivision one of this  
20 section, expressed in mills to the nearest tenth as determined by the  
21 commissioner, provided, however, that where services are provided to a  
22 school district which is included within a central high school district  
23 or to a central high school district, such amount shall equal one minus  
24 the quotient expressed as a decimal to three places without rounding of  
25 three mills divided by the tax rates, expressed in mills to the nearest  
26 tenth, of such districts, as determined by the commissioner or (2) an  
27 amount computed by subtracting from one the product obtained by multi-  
28 plying the resident weighted average daily attendance wealth ratio by  
29 fifty-one percent. Such aid ratio shall be expressed as a decimal  
30 carried to three places without rounding but shall not be less than  
31 thirty-six percent and shall not be greater than ninety percent.

32 g. Computation of the state sharing ratio. The state sharing ratio  
33 shall be the higher of:

34 (1) a value computed by subtracting from one and thirty-seven  
35 hundredths the product obtained by multiplying the combined wealth ratio  
36 by one and twenty-three hundredths; or

37 (2) a value computed by subtracting from one the product obtained by  
38 multiplying the combined wealth ratio by sixty-four hundredths; or

39 (3) a value computed by subtracting from eighty hundredths the product  
40 obtained by multiplying the combined wealth ratio by thirty-nine  
41 hundredths; or

42 (4) a value computed by subtracting from fifty-one hundredths the  
43 product obtained by multiplying the combined wealth ratio by twenty-two  
44 hundredths, provided, however, that for the purpose of computing the  
45 state sharing ratio for total foundation aid, the tier four value shall  
46 be computed by subtracting from fifty-one hundredths the product  
47 obtained by multiplying the combined wealth ratio by one hundred seven-  
48 ty-three thousandths.

49 Such result shall be expressed as a decimal carried to three places  
50 without rounding, but shall not be greater than ninety hundredths nor  
51 less than zero.

52 4. Total foundation aid. In addition to any other apportionment pursu-  
53 ant to this chapter, a school district, other than a special act school  
54 district as defined in subdivision eight of section four thousand one of  
55 this chapter, shall be eligible for total foundation aid equal to the  
56 product of total aidable foundation pupil units multiplied by the

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1 district's selected foundation aid, which shall be the greater of five  
 2 hundred dollars (\$500) or foundation formula aid, provided, however that  
 3 for the two thousand seven--two thousand eight through two thousand  
 4 nine--two thousand ten school years, no school district shall receive  
 5 total foundation aid in excess of the sum of the total foundation aid  
 6 base computed pursuant to paragraph j of subdivision one of this  
 7 section, plus the phase-in foundation increase computed pursuant to  
 8 paragraph b of this subdivision, and provided further that total founda-  
 9 tion aid shall not be less than the product of the total foundation aid  
 10 base and one hundred three percent, nor more than the product of the  
 11 total foundation aid base and one hundred twenty-five percent. Total  
 12 aidable foundation pupil units shall be calculated pursuant to paragraph  
 13 g of subdivision two of this section. For the purposes of calculating  
 14 aid pursuant to this subdivision, aid for the city school district of  
 15 the city of New York shall be calculated on a citywide basis.

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

21 (1) The foundation amount shall reflect the average per pupil cost of  
 22 general education instruction in successful school districts, as deter-  
 23 mined by a statistical analysis of the costs of special education and  
 24 general education in successful school districts, provided that the  
 25 foundation amount shall be adjusted annually to reflect the percentage  
 26 increase in the consumer price index as computed pursuant to section two  
 27 thousand twenty-two of this chapter, and provided further that the foun-  
 28 deration amount for the two thousand seven--two thousand eight school year  
 29 shall be five thousand two hundred fifty-eight dollars, and provided  
 30 further that for the two thousand seven--two thousand eight through two  
 31 thousand nine--two thousand ten school years, such foundation amount  
 32 shall be further adjusted by the phase-in foundation percent established  
 33 pursuant to paragraph b of this subdivision.

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

40	<u>Labor Force Region</u>	<u>Index</u>
41	<u>Capital District</u>	<u>1.124</u>
42	<u>Southern Tier</u>	<u>1.045</u>
43	<u>Western New York</u>	<u>1.091</u>
44	<u>Hudson Valley</u>	<u>1.314</u>
45	<u>Long Island/NYC</u>	<u>1.425</u>
46	<u>Finger Lakes</u>	<u>1.141</u>
47	<u>Central New York</u>	<u>1.103</u>
48	<u>Mohawk Valley</u>	<u>1.000</u>
49	<u>North Country</u>	<u>1.000</u>

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

55 (4) The expected minimum local contribution shall equal the product of  
 56 (i) the quotient arrived at when the selected actual valuation is



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1 divided by total wealth foundation pupil units, multiplied by (ii) the  
2 lesser of (A) the product of the local tax factor, multiplied by the  
3 income wealth index, or (B) the positive difference, if any, of one  
4 minus the state sharing ratio for total foundation aid. The local tax  
5 factor shall be established by May first of each year by determining the  
6 product, computed to four decimal places without rounding, of ninety  
7 percent multiplied by the quotient of the sum of the statewide average  
8 tax rate as computed by the commissioner for the current year in accord-  
9 ance with the provisions of paragraph e of subdivision one of section  
10 thirty-six hundred nine-e of this part plus the statewide average tax  
11 rate computed by the commissioner for the base year in accordance with  
12 such provisions plus the statewide average tax rate computed by the  
13 commissioner for the year prior to the base year in accordance with such  
14 provisions, divided by three, provided however that for the two thousand  
15 seven--two thousand eight school year, such local tax factor shall be  
16 sixteen thousandths. The income wealth index shall be calculated pursu-  
17 ant to paragraph d of subdivision three of this section, provided,  
18 however, that for the purposes of computing the expected minimum local  
19 contribution the income wealth index shall not be less than sixty-five  
20 percent (0.65) and shall not be more than two hundred percent (2.0). The  
21 selected actual valuation shall be calculated pursuant to paragraph c of  
22 subdivision one of this section. Total wealth foundation pupil units  
23 shall be calculated pursuant to paragraph h of subdivision two of this  
24 section.

25 b. Phase-in foundation increase. (1) The phase-in foundation increase  
26 shall equal the product of the phase-in foundation increase factor  
27 multiplied by the greater of (i) the positive difference, if any, of (A)  
28 the product of the total aidable foundation pupil units multiplied by  
29 the district's selected foundation aid less (B) the total foundation aid  
30 base or (ii) the product of the phase-in due-minimum percent multiplied  
31 by the total foundation aid base.

32 (2) For the two thousand seven--two thousand eight school year, the  
33 phase-in foundation percent shall equal one hundred seven and sixty-  
34 eight hundredths percent (1.0768), the phase-in foundation increase  
35 factor shall equal twenty percent (0.20), and the phase-in due-minimum  
36 percent shall equal twelve and fifty-five hundredths percent (0.1255);

37 for the two thousand eight--two thousand nine school year, the phase-  
38 in foundation percent shall equal one hundred five and six hundredths  
39 percent (1.0506), the phase-in foundation increase factor shall equal  
40 forty-two and one-half percent (0.425), and the phase-in due-minimum  
41 percent shall equal nine and twenty-seven hundredths percent (0.0927);

42 for the two thousand nine--two thousand ten school year, the phase-in  
43 foundation percent shall equal one hundred two and forty-nine hundredths  
44 percent (1.0249), the phase-in foundation increase factor shall equal  
45 seventy percent (0.70), and the phase-in due-minimum percent shall equal  
46 six and nine hundredths percent (0.0609).

47 b-1. Notwithstanding any other provision of law to the contrary, for  
48 the two thousand seven--two thousand eight through two thousand ten--two  
49 thousand eleven school years, the additional amount payable to each  
50 school district pursuant to this subdivision in the current year as  
51 total foundation aid, after deducting the total foundation aid base,  
52 shall be deemed a state grant in aid identified by the commissioner for  
53 general use for purposes of sections seventeen hundred eighteen and two  
54 thousand twenty-three of this chapter.

55 c. Public excess cost aid setaside. Each school district shall set  
56 aside from its total foundation aid computed for the current year pursu-



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1 ant to this subdivision an amount equal to the product of: (i) the  
2 difference between the amount the school district was eligible to  
3 receive in the two thousand six--two thousand seven school year pursuant  
4 to or in lieu of paragraph six of subdivision nineteen of this section  
5 minus the amount such district was eligible to receive pursuant to or in  
6 lieu of paragraph five of subdivision nineteen of this section in such  
7 school year, and (ii) the sum of one and the percentage increase in the  
8 consumer price index for the current year over such consumer price index  
9 for the two thousand six--two thousand seven school year, as computed  
10 pursuant to section two thousand twenty-two of this chapter. Notwith-  
11 standing any other provision of law to the contrary, the public excess  
12 cost aid setaside shall be paid pursuant to section thirty-six hundred  
13 nine-b of this part.

14 5. Public high cost excess cost aid. A school district having a pupil  
15 with a disability of school age for whom the cost, as approved by the  
16 commissioner, of appropriate special services or programs exceeds the  
17 lesser of ten thousand dollars or four times the expense per pupil with-  
18 out limits shall be entitled to an additional apportionment for each  
19 such child computed by multiplying the district's excess cost aid ratio  
20 by the amount by which such cost exceeds three times the district's  
21 expense per pupil without limits.

22 a. For the purpose of this subdivision:

23 (1) Expense per pupil for the purposes of this subdivision shall be  
24 not less than two thousand dollars and not more than the greater of  
25 seven thousand one hundred ten dollars or the statewide average of such  
26 expense per pupil. Such statewide average expense per pupil shall be  
27 computed and rounded to the nearest fifty dollars by the commissioner  
28 using the expense and pupils as estimated by school districts or as  
29 determined by the commissioner for use in determining the expense per  
30 pupil of the district pursuant to paragraph f of subdivision one of this  
31 section for all districts eligible for aid pursuant to this section. For  
32 the purposes of calculating such statewide expense per pupil, the data  
33 for the city school district of the city of New York shall be city-wide  
34 data.

35 (2) The excess cost aid ratio shall be computed by subtracting from  
36 one the product obtained by multiplying fifty-one per centum by the  
37 combined wealth ratio. This aid ratio shall be expressed as a decimal  
38 carried to three places without rounding, but not less than twenty-five  
39 percent.

40 b. Notwithstanding section thirty-six hundred nine-a of this part, the  
41 apportionment provided for in this subdivision shall be paid pursuant to  
42 section thirty-six hundred nine-b of this part.

43 5-a. Supplemental public excess cost aid. For the two thousand seven-  
44 -two thousand eight school year, a school district having a pupil with a  
45 disability of school age shall be entitled to an additional apportion-  
46 ment computed as follows:

47 a. Total excess cost amount per pupil shall equal the product of the  
48 expense per pupil computed pursuant to subparagraph one of paragraph a  
49 of subdivision five of this section and the excess cost aid ratio, which  
50 shall be computed pursuant to subparagraph two of paragraph a of subdi-  
51 vision five of this section.

52 b. Basic excess cost amount shall equal the product of the total  
53 excess cost amount per pupil and the resident weighted pupils with disa-  
54 bilities computed pursuant to subparagraph five of paragraph i of subdi-  
55 vision one of this section.

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1 c. Integrated settings excess cost amount shall equal the product of  
2 the total excess cost amount per pupil and the integrated settings  
3 weighted pupils with disabilities computed pursuant to subparagraph six  
4 of paragraph i of subdivision one of this section.

5 d. Declassification support services amount. (1) Declassification  
6 support services shall mean services for teachers and pupils in the  
7 first year that a pupil moves from a special education program to a  
8 full-time regular education program. Services to pupils shall be  
9 provided on a regular basis and may include, but not be limited to  
10 psychological, social work, speech and language services and noncareer  
11 counseling services provided by qualified professional personnel as  
12 defined in regulations of the commissioner. Services for teachers of  
13 such pupils may include the assistance of teacher aides or consultation  
14 with appropriate personnel. When a committee on special education deter-  
15 mines that a pupil no longer needs special education services and is  
16 ready for a full-time regular education program, such committee shall  
17 identify and recommend the appropriate declassification support services  
18 for the first year in the regular education program.

19 (2) The declassification support services amount shall be equal to  
20 fifty percent of the total excess cost amount per pupil multiplied by  
21 the number of such pupils in the base year.

22 (3) Declassification support services shall not be eligible for an  
23 apportionment pursuant to section nineteen hundred fifty of this chap-  
24 ter.

25 (4) The commissioner shall adopt regulations to implement the  
26 provisions of this paragraph.

27 e. Total supplemental public excess cost amount shall be equal to the  
28 sum of the basic excess cost aid amount, the integrated settings excess  
29 cost amount and the declassification support services amount.

30 f. The supplemental public excess cost aid base shall equal for the  
31 two thousand seven--two thousand eight school year, the difference  
32 between the amount the school district was eligible to receive in the  
33 two thousand six--two thousand seven school year pursuant to or in lieu  
34 of paragraph six of former subdivision nineteen of this section minus  
35 the amount such district was eligible to receive pursuant to or in lieu  
36 of paragraph five of former subdivision nineteen of this section in such  
37 school year.

38 g. Supplemental public excess cost aid shall equal the product of  
39 ninety-one hundredths and the positive difference, if any, of:

40 (1) the difference of the total supplemental excess cost amount minus  
41 the supplemental public excess cost aid base, minus (2) the positive  
42 difference of the district's total foundation aid minus the product of  
43 one hundred three percent and the total foundation aid base.

44 h. Notwithstanding section thirty-six hundred nine-a of this part, the  
45 apportionment provided for in this subdivision shall be paid pursuant to  
46 section thirty-six hundred nine-b of this part.

47 § 13-a. The city of New York shall contribute no less than an addi-  
48 tional two billion two hundred million dollars in increased spending by  
49 the 2010-2011 school year, to be targeted in ways that will support  
50 educational programs. Such additional city funding shall only be  
51 required upon the implementation of foundation aid by the 2010-2011  
52 school year pursuant to subdivision 4 of section 3602 of the education  
53 law, and shall be subject to the provisions of subdivision five-a of  
54 section two thousand five hundred seventy-six of the education law.  
55 Priority shall be on appropriate class sizes including adequate and  
56 accessible school buildings with sufficient space to ensure appropriate

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1 class size and implementation of a sound curriculum. Other priorities  
2 may also include sufficient numbers of qualified teachers, principals  
3 and other personnel, sufficient and up-to-date books, supplies,  
4 libraries, educational technology and laboratories; suitable curricula  
5 including an expanded platform of programs to help at risk students by  
6 giving them more time on task; adequate resources for students with  
7 extraordinary needs; and a safe orderly environment.

8 § 14. Clause (a) of subparagraph 3 of paragraph e of subdivision 6 of  
9 section 3602 of the education law, as amended by section 16 of part C of  
10 chapter 57 of the laws of 2004, is amended to read as follows:

11 (a) For the purposes of calculating the apportionments payable to a  
12 school district other than the city school district of the city of New  
13 York pursuant to this subdivision for any debt service related to  
14 projects approved by the commissioner on or after the later of the first  
15 day of December, two thousand one or thirty days after the date upon  
16 which this subparagraph shall have become a law, or for any debt service  
17 related to projects approved by the commissioner prior to such date  
18 where a bond, capital note or bond anticipation note is first issued on  
19 or after such date to fund such project or for lease-purchase or other  
20 annual payments under a lease-purchase agreement or an equivalent agree-  
21 ment entered into on or after the later of the first day of December,  
22 two thousand one or thirty days after the date upon which this subpara-  
23 graph shall have become a law that are eligible for aid under the open-  
24 ing paragraph of this subdivision, current year approved expenditures  
25 for debt service shall mean debt service or lease-purchase or other  
26 annual payments under a lease-purchase agreement or an equivalent agree-  
27 ment that would be incurred during the current year based on an assumed  
28 amortization to be established by the commissioner pursuant to this  
29 subparagraph of the approved project costs to be financed related to any  
30 such approved project, for a period of:

31 (i) thirty years if the project is for the construction or acquisition  
32 of a new school building,

33 (ii) twenty years if the project is for the construction of an addi-  
34 tion to a school building or for the reconstruction, rehabilitation or  
35 improvement of a school building for which a period of probable useful-  
36 ness of twenty or more years is assigned pursuant to the local finance  
37 law, and

38 (iii) fifteen years if the project is for the reconstruction, rehabil-  
39 itation or improvement of a school building for which a period of proba-  
40 ble usefulness of less than twenty years is assigned pursuant to the  
41 local finance law.

42 Provided, however, that, notwithstanding any provision of law to the  
43 contrary, for aid payable in the two thousand three--two thousand four  
44 school year, for any project which is eligible for an apportionment  
45 pursuant to this subparagraph, but which did not yet have a certifi-  
46 cation that a general construction contract had been awarded for such  
47 project by the district on file with the commissioner as of February  
48 fifteenth, two thousand three, such debt service or lease-purchase or  
49 other annual payments under a lease-purchase agreement or an equivalent  
50 agreement that would be incurred during the current year based on an  
51 assumed amortization to be established by the commissioner pursuant to  
52 this subparagraph of the approved project costs to be financed shall not  
53 be current year approved expenditures for debt service, but shall be  
54 deemed to be debt service on new bonds and capital notes aidable in July  
55 following the current year pursuant to clause (b) of subparagraph one of  
56 paragraph f of this subdivision.

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1 Provided, however, that, notwithstanding any provision of law to the  
2 contrary, for aid payable in the two thousand four--two thousand five  
3 school year, for any project which is eligible for an apportionment  
4 pursuant to this subparagraph, but which did not yet have a certif-  
5 ication that a general construction contract had been awarded for such  
6 project by or on behalf of the district on file with the commissioner as  
7 of February fifteenth of the base year, such debt service or lease-pur-  
8 chase or other annual payments under a lease-purchase agreement or an  
9 equivalent agreement that would be incurred during the current year  
10 based on an assumed amortization to be established by the commissioner  
11 pursuant to this subparagraph of the approved project costs to be  
12 financed shall not be current year approved expenditures for debt  
13 service, but shall be deemed to be debt service on new bonds and capital  
14 notes aidable in July following the current year pursuant to clause (b)  
15 of subparagraph one of paragraph f of this subdivision.

16 Provided, however, that, notwithstanding any provision of law to the  
17 contrary, for aid payable in the two thousand seven--two thousand eight  
18 school year and thereafter, for any project which is eligible for an  
19 apportionment pursuant to this subparagraph, but which did not yet have  
20 a certification that a general construction contract had been awarded  
21 for such project by or on behalf of the district on file with the  
22 commissioner as of the date upon which an electronic data file was  
23 created for the purposes of compliance with paragraph b of subdivision  
24 twenty-one of section three hundred five of this chapter on November  
25 fifteenth of the base year, such debt service or lease-purchase or other  
26 annual payments under a lease-purchase agreement or an equivalent agree-  
27 ment that would be incurred during the current year based on an assumed  
28 amortization to be established by the commissioner pursuant to this  
29 subparagraph of the approved project costs to be financed shall not be  
30 current year approved expenditures for debt service, but shall be deemed  
31 to be debt service on new bonds and capital notes aidable in July  
32 following the current year pursuant to clause (b) of subparagraph one of  
33 paragraph f of this subdivision.

34 § 15. Subdivision 24 of section 3602 of the education law is renu-  
35 bered subdivision 11 and paragraphs a-1, c and e, paragraph a-1 as  
36 amended by section 16 of part A-1 of chapter 58 of the laws of 2006,  
37 paragraph c as added by chapter 57 of the laws of 1993 and paragraph e  
38 as amended by section 17 of part A-1 of chapter 58 of the laws of 2006,  
39 are amended to read as follows:

40 a-1. Notwithstanding the provisions of paragraph a of this subdivi-  
41 sion, for aid payable in the school years two thousand--two thousand one  
42 through [~~two thousand six--two thousand seven~~] two thousand seven--two  
43 thousand eight, the commissioner may set aside an amount not to exceed  
44 two million five hundred thousand dollars from the funds appropriated  
45 for purposes of this subdivision for the purpose of serving persons  
46 twenty-one years of age or older who have not been enrolled in any  
47 school for the preceding school year, including persons who have  
48 received a high school diploma or high school equivalency diploma but  
49 fail to demonstrate basic educational competencies as defined in regu-  
50 lation by the commissioner, when measured by accepted standardized  
51 tests, and who shall be eligible to attend employment preparation educa-  
52 tion programs operated pursuant to this subdivision.

53 c. Employment preparation education aid ceiling. The employment prepa-  
54 ration education aid ceiling for the purposes of this subdivision shall  
55 be the statewide average expense per pupil, as [~~defined in~~] computed  
56 pursuant to subdivision [~~nineteen~~] five of this section for aid payable

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1 in the current year, divided by one thousand. Such result shall be  
2 computed to two decimals without rounding.

3 e. Employment preparation education apportionment. In addition to any  
4 other aid payable under this section, the apportionment pursuant to this  
5 subdivision shall be the product obtained when the employment prepara-  
6 tion education hours are multiplied by the aid per contact hour which  
7 shall equal the product of the employment preparation program aid ceil-  
8 ing and the employment preparation education aid ratio computed to two  
9 decimals, rounded, as calculated based on data on file with the commis-  
10 sioner on May fifteenth of the base year. Notwithstanding the provisions  
11 of section thirty-six hundred nine-a of this part, the payment of such  
12 apportionment shall be based upon reports required by the commissioner  
13 for the periods ending December thirty-first, and June thirtieth of each  
14 school year; payments for the first reporting period shall be made after  
15 April first, based on claims on file by March first, provided that the  
16 total of all such payments shall not exceed twenty-five percent of the  
17 amount for such school year, with the approved amount of such claims  
18 reduced on a pro rata basis if necessary; the remainder of any payments  
19 due for the first period plus any payments due for the rest of the  
20 school year shall be paid after October first, based on claims on file  
21 by September fifteenth, provided that the total of such payments shall  
22 not exceed the total amount of ninety-six million [~~one hundred eighty~~  
23 ~~thousand~~] dollars [~~(\$96,180,000)~~] (\$96,000,000) for such school year,  
24 with the approved amount of such claims reduced on a pro rata basis if  
25 necessary, [~~provided, however, that for the nineteen hundred ninety-~~  
26 ~~five ninety six school year such total amount shall not exceed ninety-~~  
27 ~~four million one hundred eighty thousand dollars (\$94,180,000), and~~  
28 ~~provided further that for the two thousand three two thousand four~~  
29 ~~school year such total amount shall not exceed eighty-four million~~  
30 ~~dollars (\$84,000,000) and further] provided that the total of such  
31 payment for services provided to persons who received a high school  
32 diploma or a high school equivalency diploma recognized by New York  
33 state shall not exceed the total amount set aside for such purpose  
34 pursuant to paragraph a-one of this subdivision in any such school year,  
35 with the approved amount of such claims reduced on a pro rata basis if  
36 necessary[, ~~and provided further that for the two thousand four two~~  
37 ~~thousand five school year such total amount shall not exceed ninety~~  
38 ~~million dollars (\$90,000,000) with the approved amount of such claims~~  
39 ~~reduced on a pro rata basis if necessary, and provided further that for~~  
40 ~~the two thousand five two thousand six and two thousand six two thou-~~  
41 ~~sand seven school years such total amount shall not exceed ninety six~~  
42 ~~million dollars (\$96,000,000) with the approved amount of such claims~~  
43 ~~reduced on a pro rata basis if necessary]; and aid paid pursuant to this  
44 paragraph shall not be included in the computation of the district  
45 expenditure need as defined in such section thirty-six hundred nine-a of  
46 this part. The employment preparation education apportionment for the  
47 city school district of the city of New York shall be computed only for  
48 the city as a whole.~~~~

49 § 16. Subdivisions 10, 12-a, paragraph b of subdivision 17 and subdivi-  
50 sions 35 and 36 of section 3602 of the education law, subdivision 10  
51 as amended by section 22 of part H of chapter 83 of the laws of 2002,  
52 subdivision 12-a as amended by section 12 of part A of chapter 60 of the  
53 laws of 2000, paragraph a of subdivision 12-a as amended by section 27  
54 of part H of chapter 83 of the laws of 2002, paragraph b of subdivision  
55 17 as amended by section 7 of part L of chapter 57 of the laws of 2005,  
56 such subdivision 17 is renumbered subdivision 10, subdivisions 35 and 36

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1 as added by chapter 57 of the laws of 1993, paragraph a of subdivision  
2 35 as amended by chapter 564 of the laws of 2001, paragraphs b and f of  
3 subdivision 36 as amended by section 21 of part A-2 of chapter 62 of the  
4 laws of 2003, subparagraph 2 of paragraph b of subdivision 36 as amended  
5 by section 20 of part A-1 of chapter 58 of the laws of 2006 and subpara-  
6 graph 3 of paragraph b of subdivision 36 as amended by section 36 of  
7 part C of chapter 57 of the laws of 2004, are amended to read as  
8 follows:

9 ~~[10.]~~ 8. a. Program approval requirements. Any school district receiv-  
10 ing ~~[limited English proficiency aid pursuant to subdivision twenty-two~~  
11 ~~of this section or a payment in lieu of such aid or any district receiv-~~  
12 ~~ing an additional apportionment pursuant to subdivision nineteen of this~~  
13 ~~section for pupils with disabilities or a payment in lieu of such appor-~~  
14 ~~tionment or any district receiving]~~ an additional apportionment pursuant  
15 to subdivision ~~[seventeen]~~ ten of this section for pupils in career  
16 education programs or a payment in lieu of such apportionment or having  
17 a public excess cost aid setaside pursuant to subdivision four of this  
18 section shall use the total funds attributable to such pupils for local-  
19 ly administered programs for such pupils in accordance with regulations  
20 issued by the commissioner. Such regulations shall provide for the use  
21 of such funds in the manner determined by the commissioner to be the  
22 most educationally advantageous for such pupils~~[, and such regulations~~  
23 ~~shall also include annual district reporting requirements which shall~~  
24 ~~require the identification of such pupils, a statement describing the~~  
25 ~~expenditure of the preceding year's funds for such pupils and an evalu-~~  
26 ~~ation of the results obtained from such expenditures]~~. The commissioner  
27 shall require the submission of such reports as are necessary to assure  
28 accountability for the use of such funds. A district which spends any  
29 part of its total annual apportionment attributable to such pupils in an  
30 unauthorized manner in the base year shall have its current year appor-  
31 tionment reduced by the amount of such unauthorized expenditures in the  
32 base year.

33 b. District plans of service. Any school district receiving ~~[limited~~  
34 ~~English proficiency aid pursuant to subdivision twenty-two of this~~  
35 ~~section or a payment in lieu of such aid or]~~ an additional apportionment  
36 pursuant to subdivision ~~[nineteen of this section for pupils with disa-~~  
37 ~~bilities or a payment in lieu of such apportionment or to subdivision~~  
38 ~~seventeen]~~ ten of this section for pupils in career education programs  
39 or a payment in lieu of such apportionment or having a public excess  
40 cost aid setaside pursuant to subdivision four of this section shall~~[7~~  
41 ~~prior to September first, nineteen hundred seventy four and every third~~  
42 ~~year thereafter, submit to]~~ keep on file and make available for public  
43 inspection and review by the commissioner an acceptable plan of service  
44 describing the student outcomes expected from implementation of the  
45 proposed plan, ~~[except that after September first, nineteen hundred~~  
46 ~~eighty six such plans with respect to the apportionment for pupils with~~  
47 ~~disabilities or for pupils in career education programs shall be submit-~~  
48 ~~ted every two years at a date specified by the commissioner and revised~~  
49 ~~annually]~~ provided that such plan may be incorporated into a school  
50 district's district-wide comprehensive plan. The plan of service  
51 submitted by a school district receiving an additional apportionment  
52 pursuant to ~~[subdivision nineteen of]~~ this section for pupils with disa-  
53 bilities shall also describe how such district intends to ensure that  
54 all instructional materials to be used in the schools of such district  
55 will be made available in a usable alternative format for each student  
56 with a disability and for each student who is a qualified individual



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1 with a disability, at the same time as such instructional materials are  
2 available to non-disabled students, provided that such plan may incorpo-  
3 rate by reference the alternative format plans developed pursuant to  
4 subdivision twenty-nine-a of section sixteen hundred four, subdivision  
5 four-a of section seventeen hundred nine, subdivision seven-a of section  
6 twenty-five hundred three or subdivision seven-a of section twenty-five  
7 hundred fifty-four of this chapter. Such plans shall be in a form  
8 prescribed by the commissioner, and except as heretofore provided, shall  
9 have the content prescribed by the commissioner. The commissioner may,  
10 from time to time, require amendments of such plans as deemed to be  
11 necessary and appropriate to further the educational welfare of the  
12 pupils involved.

13 ~~[12-a.]~~ 9. Aid for conversion to full day kindergarten. ~~[a.]~~ School  
14 districts may make available full day kindergarten programs for all  
15 children wishing to attend such programs, ~~[For school year two thou-~~  
16 ~~sand two thousand one, school districts may make available full day~~  
17 ~~kindergarten programs for children wishing to attend such programs~~  
18 ~~pursuant to regulations of the commissioner.]~~ For aid payable in the  
19 ~~[nineteen hundred ninety-eight-ninety-nine]~~ two thousand seven--two  
20 thousand eight school year and thereafter, school districts which  
21 provided any half-day kindergarten programs or ~~[school districts which]~~  
22 had no kindergarten programs in the nineteen hundred ninety-six--nine-  
23 ty-seven school year and in the base year shall be eligible for aid  
24 equal to the product of the district's ~~[selected operating aid per~~  
25 ~~pupil]~~ selected foundation aid calculated pursuant to subdivision four  
26 of this section multiplied by the positive difference resulting when the  
27 full day kindergarten enrollment of children attending programs in the  
28 district in the base year is subtracted from such enrollment in the  
29 current year. ~~[For the purposes of this subdivision, selected operating~~  
30 ~~aid per pupil shall mean the greater of the per pupil amount calculated~~  
31 ~~pursuant to paragraph b or c of subdivision twelve of this section,~~  
32 ~~before such amounts are multiplied by the district's total aidable pupil~~  
33 ~~units and enrollment shall be determined in accordance with the report-~~  
34 ~~ing of such data pursuant to paragraph n of subdivision one of this~~  
35 ~~section. For aid payable in the two thousand two two thousand three~~  
36 ~~school year, districts which made full day kindergarten programs first~~  
37 ~~available in the two thousand one two thousand two school year, but for~~  
38 ~~which an amount attributable to this program was not displayed on the~~  
39 ~~computer listing produced by the commissioner in support of the execu-~~  
40 ~~tive budget request for two thousand one two thousand two and entitled~~  
41 ~~"BT032-1" under the heading "FULL DAY K", would be eligible to receive~~  
42 ~~an amount equal to the product of the district's selected operating aid~~  
43 ~~per pupil calculated as if operating aid had been calculated pursuant to~~  
44 ~~subdivision twelve of this section in the current year multiplied by the~~  
45 ~~positive difference resulting when the full day kindergarten enrollment~~  
46 ~~of children attending programs in the district in the year prior to the~~  
47 ~~base year is subtracted from such enrollment in the base year.~~

48 ~~b. Notwithstanding the provisions of this subdivision, aid apportioned~~  
49 ~~to this subdivision that is attributable to pupils enrolled in full day~~  
50 ~~kindergarten programs that are not available for all children wishing to~~  
51 ~~attend such programs shall not exceed the amount allocated for such~~  
52 ~~programs. In the event that all claims for such programs pursuant to~~  
53 ~~this subdivision exceed such allocation, the commissioner shall deter-~~  
54 ~~mine the percentage of total claims submitted that is represented by~~  
55 ~~each district's claim on file with the commissioner at the time of~~  
56 ~~creation of each data file or fiscal report required by subdivision~~

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~~1 twenty one of section three hundred five of this chapter and shall pay  
2 such claims on a prorated basis among all districts filing such claims,  
3 provided that such prorated apportionment, computed and payable as of  
4 September one of the school year immediately following the school year  
5 for which such aid is claimed shall be deemed final and not subject to  
6 change. For the two thousand two thousand one school year, the maximum  
7 allocation for such programs shall be three million dollars  
8 (\$3,000,000).]~~

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

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

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

45 [~~35.~~ **13.** Youth incarcerated in county correctional facilities appor-  
46 tionment. a. In addition to any other apportionment under this section,  
47 a school district shall be eligible for an apportionment for current  
48 year educational services provided between July first and June thirtieth  
49 to youth incarcerated in correctional facilities maintained by a county  
50 or the city of New York or in a youth shelter, as defined in paragraph f  
51 of subdivision seven of section thirty-two hundred two of this chapter,  
52 pursuant to subdivision seven of section thirty-two hundred two of this  
53 chapter. Such apportionment shall not exceed the sum of the following:  
54 (i) for programs which operate between September first and June thirti-  
55 eth, the product of the district's expense per pupil and the number of  
56 pupils in full-time equivalent attendance as defined in regulations of

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1 the commissioner multiplied by one hundred twenty-five per centum plus  
2 (ii) for programs which operate between July first and June thirtieth,  
3 the product of the district's expense per pupil and the number of pupils  
4 in full-time equivalent attendance, multiplied by one hundred fifty per  
5 centum. Such apportionment shall be in accordance with regulations  
6 promulgated by the commissioner and approved by the director of the  
7 budget and shall be the lesser of the amount computed pursuant to this  
8 paragraph or the actual amount expended by the district for such  
9 approved educational services and approved administrative costs as  
10 reported to the commissioner provided, however, that the minimum allo-  
11 cation in any school year for a school district providing educational  
12 services to such children shall be fifteen thousand dollars. The educa-  
13 tional costs for these children shall not be otherwise aidable or reim-  
14 bursable under any provision of law; provided, however, that a city  
15 school district which operates an academy or an alternative high school  
16 at such a facility, may elect to receive applicable aid pursuant to  
17 other provisions of this section in lieu of any aid under this subdivi-  
18 sion. [~~For aid payable in the nineteen hundred ninety four ninety five~~  
19 ~~school year and earlier, expense per pupil for purposes of this subdivi-~~  
20 ~~sion shall mean approved operating expense for the base year divided by~~  
21 ~~the total aidable pupil units pursuant to subdivision eight of this~~  
22 ~~section for the base year, and for aid payable in the nineteen hundred~~  
23 ~~ninety five ninety six school year, expense per pupil for the purposes~~  
24 ~~of this subdivision shall mean approved operating expense for the year~~  
25 ~~prior to the base year divided by the total aidable pupil units pursuant~~  
26 ~~to subdivision eight of this section for the year prior to the base~~  
27 ~~year.~~]

28 b. Notwithstanding the provisions of section thirty-six hundred nine-a  
29 of this [~~chapter~~] part, the payment of such apportionment shall be based  
30 on reports required by the commissioner for the periods ending November  
31 thirtieth, March thirty-first and June thirtieth of each school year.  
32 For the city school district of the city of New York, computations made  
33 pursuant to this subdivision shall be computed on a city-wide basis.

34 d. The commissioner shall adopt regulations to implement the  
35 provisions of this subdivision.

36 [~~36.~~] 15. Voluntary interdistrict urban-suburban transfer program aid.

37 a. A school district which accepts pupils from another school district  
38 in accordance with a voluntary interdistrict urban-suburban transfer  
39 program designed to reduce racial isolation which is approved by the  
40 commissioner in accordance with regulations adopted by him for such  
41 purpose shall be eligible for aid pursuant to this subdivision.

42 b. Definitions. (1) "Transfer pupil count" shall mean the public  
43 school district enrollment in the current year through such program.

44 (2) "Increase in aid" shall mean the product of thirty-six and one-  
45 half percent (0.365) and the positive remainder resulting when the  
46 [~~comprehensive operating aids~~] total foundation aid base is subtracted  
47 from the current year total foundation aid [~~for limiting~~] as defined in  
48 [~~subparagraph one of paragraph a of~~] subdivision [~~eighteen~~] four of this  
49 section[, ~~provided, however, that for the purposes of calculating an~~  
50 ~~apportionment pursuant to this subdivision for the two thousand three-~~  
51 ~~two thousand four, two thousand four two thousand five and two thousand~~  
52 ~~six two thousand seven school years, "increase in aid" shall mean the~~  
53 ~~positive remainder resulting when an amount equal to the districts'~~  
54 ~~comprehensive operating aids base as if such comprehensive operating~~  
55 ~~aids base had been calculated for such year pursuant to paragraph j of~~  
56 ~~subdivision one of this section is subtracted from the current year aid~~

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1 ~~for limiting as defined in subparagraph one of paragraph a of subdivi-~~  
2 ~~sion eighteen of this section].~~

3 (3) "Aid paid per pupil" shall mean the aid computed in the current  
4 year pursuant to ~~[subdivisions twelve and eighteen]~~ subdivision four of  
5 this section divided by the total aidable foundation pupil units for  
6 ~~[operating]~~ total foundation aid, computed pursuant to paragraph g of  
7 subdivision ~~[eight]~~ two of this section.

8 (4) "Formula pupil margin" shall mean the increase in aid divided by  
9 aid paid per pupil.

10 (5) "Excess transfer pupils" shall mean the positive remainder result-  
11 ing when the formula pupil margin is subtracted from the transfer pupil  
12 count.

13 (6) "Per pupil aid differential" shall mean the positive remainder  
14 resulting when the aid paid per pupil for such school district is  
15 subtracted from the aid paid per pupil for the transfer pupil's district  
16 of residence.

17 c. In addition to any other aid computed under this section, such  
18 school district shall be eligible to receive, for each excess transfer  
19 pupil, an amount equal to the ~~[greater of the amount per pupil computed~~  
20 ~~pursuant to paragraph b of subdivision twelve of this section]~~ selected  
21 foundation aid for such district ~~[or the grant per pupil]~~ computed  
22 pursuant to ~~[paragraph c of such]~~ subdivision four of this section.

23 d. For the purposes of computing transportation aid pursuant to subdi-  
24 vision seven of this section, the approved cost of the transportation of  
25 pupils in a voluntary interdistrict transfer program approved by the  
26 commissioner shall be used in computing approved transportation expense.

27 e. In addition to any other aid computed under this section, such  
28 school district shall be eligible to receive an amount equal to the per  
29 pupil aid differential multiplied by the transfer pupil count.

30 ~~[f. Notwithstanding any inconsistent provisions of this subdivision,~~  
31 ~~for aid payable in two thousand two two thousand three a school~~  
32 ~~district eligible for an apportionment under this subdivision shall be~~  
33 ~~eligible to receive aid pursuant to this section in an amount equal to~~  
34 ~~the amount that the district would have received if they operated a~~  
35 ~~voluntary interdistrict transfer program in the two thousand two thou-~~  
36 ~~sand one school year.]~~

37 § 16-a. Section 3602 of the education law is amended by adding a new  
38 subdivision 16 to read as follows:

39 16. High tax aid. Each school district shall be eligible to receive a  
40 high tax aid apportionment in the two thousand seven--two thousand eight  
41 school year, which shall equal the sum of the tier 1 high tax aid appor-  
42 tionment and the tier 2 high tax aid apportionment. a. Definitions.

43 (1) "Residential real property tax levy" shall mean the school tax levy  
44 imposed on residential property, including condominium properties, in  
45 the year commencing in the calendar year two years prior to the calendar  
46 year in which the base year began. The final update of such data shall  
47 be reported by the state office of real property tax services to the  
48 commissioner by February fifteenth of the base year. The state office of  
49 real property tax services shall adopt regulations as appropriate to  
50 assure the appropriate collection, classification and reporting of such  
51 data for the purposes of paying state aid to the schools.

52 (2) "Adjusted gross income" shall mean the adjusted gross income of a  
53 school district as used in computation of the district's alternate pupil  
54 wealth ratio pursuant to paragraph b of subdivision three of this  
55 section, provided, however, that for the computation of apportionments  
56 pursuant to this subdivision, the adjusted gross income of a central

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1 high school district shall not equal the sum of the adjusted gross  
2 income of each of its component school districts.

3 b. Tier 1 high tax aid apportionment. For any school district with its  
4 administrative headquarters located in an eligible county, the tier 1  
5 high tax aid apportionment shall be the greater of (1) the product of  
6 the public school district enrollment of the district in the base year,  
7 as computed pursuant to subparagraph two of paragraph n of subdivision  
8 one of this section, multiplied by one hundred forty-seven dollars and  
9 twenty-nine cents, or (2) one hundred thousand dollars. For the purposes  
10 of such tier 1 high tax aid apportionment, "eligible county" shall mean  
11 any county in which the quotient of the sum for all school districts  
12 with administrative headquarters located in such county of the residen-  
13 tial real property tax levy, divided by the sum for all such school  
14 districts of the adjusted gross income, computed to five decimals with-  
15 out rounding, is greater than four and two-tenths percent, and

16 c. Tier 2 high tax aid apportionment. For any eligible school  
17 district, the tier 2 high tax aid apportionment shall be the product of  
18 the public school district enrollment of the district in the base year,  
19 as computed pursuant to subparagraph two of paragraph n of subdivision  
20 one of this section, multiplied by thirty dollars. For the purposes of  
21 such tier 2 high tax aid apportionment, "eligible school district" shall  
22 mean any school district with a regional cost index, as computed pursu-  
23 ant to subparagraph two of paragraph a of subdivision four of this  
24 section, in excess of one and three-tenths, in which the quotient of the  
25 residential real property tax levy, divided by the adjusted gross  
26 income, computed to five decimals without rounding, is greater than four  
27 percent, where such district does not receive an apportionment of tier 1  
28 high tax aid.

29 All computations pursuant to this provision shall be based on the data  
30 on file with the commissioner as of the date upon which an electronic  
31 data file was created for the purposes of the estimated apportionments  
32 due and owing during the current school year produced by the commis-  
33 ioner in February, two thousand seven.

34 § 17. Paragraphs a and b of subdivision 7 of section 3602 of the  
35 education law, paragraph a as amended by section 15 of part L of chapter  
36 405 of the laws of 1999 and paragraph b as amended by chapter 474 of the  
37 laws of 1996, are amended to read as follows:

38 a. In addition to the foregoing apportionment, there shall be appor-  
39 tioned to any school district for pupil transportation, the lesser of  
40 ninety per centum or the state share of its approved transportation  
41 expense for the base year. The state share shall equal the sum of the  
42 transportation sparsity adjustment and the transportation aid ratio, but  
43 not less than six and one-half percent. The transportation aid ratio  
44 shall equal the greater of (i) the product of one and two hundred  
45 sixty-three thousandths multiplied by the state sharing ratio [~~for~~  
46 ~~comprehensive operating aid~~], (ii) an aid ratio computed by subtracting  
47 from one and one hundredth the product computed to three decimals with-  
48 out rounding obtained by multiplying the resident weighted average daily  
49 attendance wealth ratio by forty-six percent, where such aid ratio shall  
50 be expressed as a decimal carried to three places without rounding or  
51 (iii) excluding cities with a population of more than one million, an  
52 aid ratio computed by subtracting from one and one hundredth the product  
53 computed to three decimal places without rounding obtained by multiply-  
54 ing the number computed to three decimals without rounding obtained when  
55 the quotient of actual valuation of a school district, as defined in  
56 paragraph c of subdivision one of this section, divided by the sum of

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1 the resident public school district enrollment, the resident nonpublic  
2 school district enrollment and the additional public school enrollment  
3 of the school district for the year prior to the base year is divided by  
4 the statewide average actual valuation per the sum of such total resi-  
5 dent public school district enrollment, nonpublic school district  
6 enrollment and additional public school enrollment of all school  
7 districts eligible for an apportionment pursuant to this section except  
8 central high school districts as computed by the commissioner using the  
9 latest single year actual valuation computed under paragraph c of subdi-  
10 vision one of this section, by forty-six percent, where such ratio shall  
11 be expressed as a decimal carried to three decimal places without round-  
12 ing. The computation of such statewide average shall include the actual  
13 valuation of all school districts eligible for an apportionment pursuant  
14 to this section except central high school districts. The transportation  
15 sparsity adjustment shall equal the quotient of: the positive remainder  
16 of twenty-one minus the district's public school enrollment for the year  
17 prior to the base year per square mile, divided by three hundred seven-  
18 teen and eighty-eight hundredths. Approved transportation expense shall  
19 be the sum of the approved transportation operating expense and the  
20 approved transportation capital, debt service and lease expense of the  
21 district. Approved transportation expense shall not be aidable pursuant  
22 to section nineteen hundred fifty of this chapter.

23 b. (1) For the purposes of this apportionment, approved transportation  
24 operating expense shall be the actual expenditure incurred by a school  
25 district and approved by the commissioner (i) for those items of trans-  
26 portation operating expense allowable under subdivision one of section  
27 thirty-six hundred twenty-three-a of this article for regular aidable  
28 transportation of pupils as such terms are defined in sections thirty-  
29 six hundred twenty-one and thirty-six hundred twenty-two-a of this arti-  
30 cle, and (ii) for those items of transportation operating expense allow-  
31 able under subdivision one of section thirty-six hundred twenty-three-a  
32 of this article for the transportation required or authorized pursuant  
33 to article eighty-nine of this chapter, and (iii) for providing monitors  
34 on school buses for students with disabilities, and (iv) for transporta-  
35 tion operating expenses allowable under section thirty-six hundred twen-  
36 ty-three-a of this article for the transportation of homeless children  
37 authorized by paragraph c of subdivision four of section thirty-two  
38 hundred nine of this chapter, provided that the total approved cost of  
39 such transportation shall not exceed the amount of the total cost of the  
40 most cost-effective mode of transportation.

41 (2) Notwithstanding any inconsistent provisions of this article, [~~any~~  
42 ~~increase in aids payable pursuant to this paragraph for public service~~  
43 ~~transportation during the nineteen hundred ninety-four--ninety-five~~  
44 ~~school year claimed by]~~ in computing the apportionment payable to a  
45 school district in a city with a population in excess of one million  
46 inhabitants [~~that is in excess of such aids payable based on the esti-~~  
47 ~~mate of such expenditures reported to the commissioner by such city~~  
48 ~~school district as of April first, nineteen hundred ninety-five shall be~~  
49 ~~payable in September, nineteen hundred ninety-six]~~ pursuant to this  
50 subdivision, approved transportation expense for public service trans-  
51 portation shall not include any expenditures to the New York City Metro-  
52 politan Transportation Authority for public service transportation nor  
53 shall such expense be included in approved operating expense.

54 § 17-a. Subdivision 14 of section 3602 of the education law is amended  
55 by adding two new paragraphs d and d-1 to read as follows:



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1 d. Incentive operating aid for reorganized districts. Notwithstanding  
2 the provisions of paragraphs a through c of this subdivision, whenever  
3 two or more school districts are scheduled for reorganization pursuant  
4 to section three hundred fourteen of this chapter, and whenever after  
5 July first, two thousand seven, all such school districts so scheduled  
6 do reorganize in accordance with the provisions of such section three  
7 hundred fourteen, as amended by chapter seven hundred forty-five of the  
8 laws of nineteen hundred sixty-five, and

9 (1) whenever such proposed reorganization includes at least two school  
10 districts, each of which maintains its own high school, or

11 (2) where such proposed reorganization includes only one school  
12 district maintaining its own high school, whenever in such case such  
13 proposed reorganization, in addition to such school district maintaining  
14 its own high school, includes at least nine other school districts, or

15 (3) whenever such proposed reorganization includes at least two  
16 central school districts, or

17 (4) where such proposed reorganization includes at least one school  
18 district maintaining its own high school and, in addition thereto,  
19 includes at least one school district employing eight or more teachers,  
20 or

21 (5) where such proposed reorganization includes a city school  
22 district, and in addition thereto, includes at least seven other school  
23 districts, or

24 (6) where such reorganization includes at least two school districts  
25 employing eight or more teachers forming a central high school district  
26 pursuant to section nineteen hundred thirteen of this chapter, such  
27 reorganized district shall be entitled to an apportionment equal to an  
28 additional percent of the apportionment computed in accordance with the  
29 provisions of paragraph d-1 of this subdivision; but in no case shall  
30 the sum of such apportionment under this paragraph plus the selected  
31 operating aid per pupil be more than a total of ninety-five per centum  
32 of the year prior to the base year approved operating expense; for a  
33 period of five years beginning with the first school year of operation  
34 as a reorganized district such additional percent shall be forty  
35 percent; and thereafter such additional forty percent apportionment to  
36 such district shall be reduced by four percentage points each year,  
37 beginning with the sixth school year of operation as a reorganized  
38 district, and continuing until such additional forty percent apportion-  
39 ment is eliminated; provided, however, that the total apportionment to  
40 such reorganized district, beginning with the first school year of oper-  
41 ation as a reorganized district, and for a period of fifteen years ther-  
42 eafter, shall be not less than the sum of all apportionments computed in  
43 accordance with the provisions of this paragraph plus the apportionment  
44 computed in accordance with the provisions of paragraph d-1 of this  
45 subdivision that each component school district was entitled to receive  
46 and did receive during the last school year preceding such first year of  
47 operation. In the event a school district is eligible for incentive  
48 operating aid and again reorganizes pursuant to a new plan or reorgan-  
49 ization established by the commissioner, and where such new reorganiza-  
50 tion is again eligible for incentive operating aid, the newly created  
51 school district shall be entitled to receive incentive operating aid  
52 pursuant to the provisions of this paragraph, based on all school  
53 districts included in any such reorganization, provided, however, that  
54 incentive operating aid payments due because of any such former reorgan-  
55 ization shall cease.

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1 d-1. For purposes of paragraph d of this subdivision, "selected oper-  
2 ating aid per pupil" shall mean the apportionment computed for the  
3 2006-07 school year, based on data on file with the commissioner as of  
4 the date upon which an electronic data file was created for the purposes  
5 of compliance with paragraph b of subdivision twenty-one of section  
6 three hundred five of this chapter on February fifteenth, as: the prod-  
7 uct of (i) the state sharing ratio calculated pursuant to paragraph g of  
8 subdivision three of this section and (ii) the sum of \$3,900 and the  
9 product of (a) the lesser of \$8,000 or the expense per pupil as defined  
10 in subdivision one of this section minus \$3,900 and (b) the greater of  
11 the quotient, computed to four decimals without rounding, of .075  
12 divided by the school district combined wealth ratio calculated pursuant  
13 to paragraph c of subdivision three of this section or 7.5 percent, but  
14 not less than \$400, and the selected apportionment shall mean the prod-  
15 uct of the district's total aidable pupil units calculated pursuant to  
16 subdivision two of this section and the selected operating aid per pupil  
17 as calculated pursuant to the provisions contained herein.

18 § 17-b. Paragraphs f and j of subdivision 14 of section 3602 of the  
19 education law, paragraph f as added by chapter 57 of the laws of 1993  
20 and paragraph j as amended by section 94 of part L of chapter 405 of the  
21 laws of 1999, are amended to read as follows:

22 f. For school districts which reorganize on or after July first, nine-  
23 teen hundred eighty-three, the percent increase in apportionment pursu-  
24 ant to paragraph c of this subdivision shall be thirty [~~and the percent~~  
25 ~~increase in the apportionment pursuant to paragraph d of this subdivi-~~  
26 ~~sion shall be twenty~~] provided that such school districts meet all other  
27 requirements of the provisions of such paragraph c [~~or d as the case may~~  
28 ~~be~~]. All other requirements of paragraph c [~~or d or both~~] shall apply[~~7~~  
29 ~~provided however that such additional twenty percent apportionment~~  
30 ~~pursuant to paragraph d of this subdivision shall be reduced by two~~  
31 ~~percentage points each year in lieu of one percentage point]. School~~  
32 districts which receive an apportionment under this [~~pararaph~~] paragraph  
33 shall not be eligible for an apportionment under paragraph c [~~7-d~~] or e  
34 of this subdivision.

35 j. [~~1~~] For school districts which reorganize on or after July first,  
36 nineteen hundred ninety-two, the percent increase in apportionment  
37 pursuant to paragraph c of this subdivision shall be thirty [~~and the~~  
38 ~~percent increase in the apportionment pursuant to paragraph d of this~~  
39 ~~subdivision shall be forty~~] provided that such school districts meet all  
40 other requirements of the provisions of such paragraph c [~~or d as the~~  
41 ~~case may be~~]. All other requirements of paragraph c [~~or d or both~~] shall  
42 apply[~~7, provided however that such additional forty percent apportion-~~  
43 ~~ment pursuant to paragraph d of this subdivision shall be reduced by~~  
44 ~~four percentage points each year in lieu of one percentage point].~~  
45 School districts which receive an apportionment under this paragraph  
46 shall not be eligible for an apportionment under paragraph c, [~~d7~~] e or  
47 f of this subdivision [~~and provided further that central high school~~  
48 ~~districts qualifying for incentive building aid for reorganized~~  
49 ~~districts pursuant to paragraph b of this subdivision shall only receive~~  
50 ~~such incentive building aid for approved expenses related to the~~  
51 ~~construction of secondary school facilities of the newly formed central~~  
52 ~~high school district during the period commencing with the effective~~  
53 ~~date of such reorganization through the four year period commencing July~~  
54 ~~first of the school year in which the central high school district's new~~  
55 ~~secondary school facility is completed and is first used for the~~  
56 ~~instruction of pupils unless the central high school district and any~~

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1 ~~school districts which are included within such central high school~~  
2 ~~district reorganize pursuant to this chapter as a single central school~~  
3 ~~district within such four year period commencing July first of the~~  
4 ~~school year in which the central high school district's new secondary~~  
5 ~~school facility is completed and is first used for the instruction of~~  
6 ~~pupils of the central high school district and provided further that~~  
7 ~~central high school districts qualifying for incentive operating aid for~~  
8 ~~reorganized districts pursuant to paragraph b of this subdivision shall~~  
9 ~~receive such apportionment based on the apportionment computed only for~~  
10 ~~such newly formed central high school district pursuant to subparagraph~~  
11 ~~(i) of paragraph a of subdivision twelve of this section and this para-~~  
12 ~~graph; and only during the period commencing with the effective date of~~  
13 ~~such reorganization through the four year period commencing July first~~  
14 ~~of the school year in which the central high school district's new~~  
15 ~~secondary school facility is completed and is first used for the~~  
16 ~~instruction of pupils unless the central high school district and any~~  
17 ~~school districts which are included within such central high school~~  
18 ~~district reorganize pursuant to this chapter as a single central school~~  
19 ~~district within such four year period commencing July first of the~~  
20 ~~school year in which the central high school district's new secondary~~  
21 ~~school facility is completed and is first used for the instruction of~~  
22 ~~pupils of the central high school district, but in no case shall the sum~~  
23 ~~of such apportionment of incentive operating aid under this paragraph~~  
24 ~~plus the apportionment payable to the central high school district under~~  
25 ~~subparagraph (i) of paragraph a of subdivision twelve of this section~~  
26 ~~for the first year of such reorganization be more than a total of nine-~~  
27 ~~ty five per centum of the sum of the base year operating expense of the~~  
28 ~~reorganized districts, or for the subsequent years of such reorganiza-~~  
29 ~~tion be more than a total of ninety-five per centum of the base year~~  
30 ~~operating expense of the central high school district or such subse-~~  
31 ~~quently reorganized central school district.~~

32 ~~(2) Any central high school district created on or after July first,~~  
33 ~~nineteen hundred ninety-eight, that does not reorganize with all school~~  
34 ~~districts included within such central high school district pursuant to~~  
35 ~~this chapter as a single central school district within four years of~~  
36 ~~July first of the school year in which the central high school~~  
37 ~~district's new secondary school facility is completed and is first used~~  
38 ~~for the instruction of pupils of the central high school district shall~~  
39 ~~have its apportionments payable pursuant to this section reduced by~~  
40 ~~one-sixth of the amount of such total apportionments previously paid~~  
41 ~~pursuant to this paragraph during each of the six years immediately~~  
42 ~~following the end of the fourth year following the completion of such~~  
43 ~~new secondary school facility].~~

44 § 18. Section 3602 of the education law is amended by adding a new  
45 subdivision 41 to read as follows:

46 41. Transitional aid for charter school payments. In addition to any  
47 other apportionment under this section, for the two thousand seven--two  
48 thousand eight school year and thereafter, a school district shall be  
49 eligible for an apportionment in an amount equal to the sum of

50 (a) the product of (i) the product of eighty percent multiplied by the  
51 charter school basic tuition computed for such school district for the  
52 base year pursuant to section twenty-eight hundred fifty-six of this  
53 chapter, multiplied by (ii) the positive difference, if any, of the  
54 number of resident pupils enrolled in the charter school in the base  
55 year less the number of resident pupils enrolled in a charter school in  
56 the year prior to the base year, provided, however, that a school

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1 district shall be eligible for an apportionment pursuant to this para-  
2 graph only if the number of its resident pupils enrolled in charter  
3 schools in the base year exceeds two percent of the total resident  
4 public school district enrollment of such school district in the base  
5 year or the total general fund payments made by such district to charter  
6 schools in the base year for resident pupils enrolled in charter schools  
7 exceeds two percent of total general fund expenditures of such district  
8 in the base year, plus

9 (b) the product of (i) the product of sixty percent multiplied by the  
10 charter school basic tuition computed for such school district for the  
11 base year pursuant to section twenty-eight hundred fifty-six of this  
12 chapter, multiplied by (ii) the positive difference, if any, of the  
13 number of resident pupils enrolled in the charter school in the year  
14 prior to the base year less the number of resident pupils enrolled in a  
15 charter school in the year two years prior to the base year, provided,  
16 however, that a school district shall be eligible for an apportionment  
17 pursuant to this paragraph only if the number of its resident pupils  
18 enrolled in charter schools in the year prior to the base year exceeds  
19 two percent of the total resident public school district enrollment of  
20 such school district in the year prior to the base year or the total  
21 general fund payments made by such district to charter schools in the  
22 year prior to the base year for resident pupils enrolled in charter  
23 schools exceeds two percent of the total general fund expenditures of  
24 such district in the year prior to the base year, plus

25 (c) the product of (i) the product of forty percent multiplied by the  
26 charter school basic tuition computed for such school district for the  
27 base year pursuant to section twenty-eight hundred fifty-six of this  
28 chapter, multiplied by (ii) the positive difference, if any, of the  
29 number of resident pupils enrolled in the charter school in the year two  
30 years prior to the base year less the number of resident pupils enrolled  
31 in a charter school in the year three years prior to the base year,  
32 provided, however, that a school district shall be eligible for an  
33 apportionment pursuant to this paragraph only if the number of its resi-  
34 dent pupils enrolled in charter schools in the year two years prior to  
35 the base year exceeds two percent of the total resident public school  
36 district enrollment of such school district in the year two years prior  
37 to the base year or the total general fund payments made by such  
38 district to charter schools in the year two years prior to the base year  
39 for resident pupils enrolled in charter schools exceeds two percent of  
40 the total general fund expenditures of such district in the year two  
41 years prior to the base year.

42 (d) For purposes of this subdivision the number of pupils enrolled in  
43 a charter school shall not include pupils enrolled in a charter school  
44 for which the charter was approved by a charter entity contained in  
45 paragraph a of subdivision three of section twenty-eight hundred fifty-  
46 one of this chapter.

47 § 19. Section 3602-e of the education law, as added by section 58 of  
48 part A of chapter 436 of the laws of 1997, paragraphs a and b of subdi-  
49 vision 3 as amended by section 34 of part C of chapter 58 of the laws of  
50 1998, paragraph e of subdivision 5 as amended by section 33 of part A of  
51 chapter 60 of the laws of 2000, paragraph a of subdivision 8 as amended  
52 and paragraph f of subdivision 8 as added by section 4 of part A of  
53 chapter 58 of the laws of 2006, subdivision 9 as amended by section 35  
54 of part C of chapter 58 of the laws of 1998, paragraph a of subdivision  
55 9 as amended by section 5 of part A of chapter 58 of the laws of 2006,  
56 subparagraphs 1 and 3 of paragraph a of subdivision 10 as amended by

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1 section 36 of part C of chapter 58 of the laws of 1998, subparagraphs  
2 1-a and 1-b of paragraph a of subdivision 10 as amended by section 34 of  
3 part A of chapter 60 of the laws of 2000, subparagraph 3-a of paragraph  
4 a of subdivision 10 as amended by section 40 of part L of chapter 405 of  
5 the laws of 1999, subparagraph 3-b of paragraph a of subdivision 10 as  
6 amended and subparagraph 3-c of paragraph a of subdivision 10 as added  
7 by section 35 of part A of chapter 60 of the laws of 2000, subparagraph  
8 4 of paragraph a of subdivision 10 as amended by section 1-a of part F  
9 of chapter 383 of the laws of 2001, paragraph b of subdivision 10 as  
10 amended by section 36 of part A of chapter 60 of the laws of 2000, para-  
11 graphs c and d of subdivision 10 as added by section 39 of part C of  
12 chapter 58 of the laws of 1998, paragraph e of subdivision 10 as added  
13 by section 41 of part L of chapter 405 of the laws of 1999, paragraph f  
14 of subdivision 10 as added by section 37 of part A of chapter 60 of the  
15 laws of 2000, subdivision 10-a as amended by section 4 of part G of  
16 chapter 61 of the laws of 2006, subdivision 11 as amended by section 22  
17 of part A-1 of chapter 58 of the laws of 2006, subdivision 12 as amended  
18 by section 38 of part C of chapter 57 of the laws of 2004, paragraph b  
19 of subdivision 12 as amended by section 22 of part A-1 of chapter 58 of  
20 the laws of 2006, paragraph 1 of subdivision 12 as amended by section 7  
21 of part A of chapter 58 of the laws of 2006, subdivision 16 as added by  
22 section 43 of part L of chapter 405 of the laws of 1999, and subdivision  
23 17 as amended by section 23 of part A-1 of chapter 58 of the laws of  
24 2006, is amended to read as follows:

25 § 3602-e. Universal prekindergarten program. 1. Definitions. For the  
26 purposes of this section, the following terms shall have the following  
27 meanings:

28 a. "School district" shall mean all public school districts eligible  
29 for total foundation aid pursuant to subdivision four of section three  
30 thousand six hundred two of this article, such term shall not include  
31 boards of cooperative educational services.

32 b. "Eligible agencies" shall mean a provider of child care and early  
33 education, a day care provider, early childhood program or center, or  
34 community-based organization, including but not limited to approved  
35 pre-school special education programs, head start, and nursery schools  
36 so long as the standards and qualifications set forth pursuant to subdi-  
37 vision twelve of this section have been met.

38 c. "Eligible children" shall mean resident children who are four years  
39 of age on or before December first of the year in which they are  
40 enrolled or who will otherwise be first eligible to enter public school  
41 kindergarten commencing with the following school year.

42 d. "Pre-kindergarten program plan" shall mean a plan [~~submitted by the~~  
43 ~~prekindergarten policy advisory board to~~] approved by the board of  
44 education or, in the case of a school district having a population of  
45 one million or more, by the community [~~school board~~] superintendent and  
46 the chancellor that is designed to effectively serve eligible children  
47 directly through the school district or through collaborative efforts  
48 between the school district and an eligible agency or agencies.

49 e. "Session" shall mean one universal prekindergarten program class  
50 operating pursuant to time, staff ratio and other regulatory require-  
51 ments as set forth by the board of regents and the commissioner for such  
52 purpose.

53 2. [~~Within amounts appropriated therefor, the~~] The commissioner is  
54 hereby authorized and directed to award grants for the establishment and  
55 implementation of a prekindergarten program to serve eligible children.

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1 ~~[3. a. During the nineteen hundred ninety seven ninety eight school~~  
2 ~~year, or, at the option of the trustees or board of education, during~~  
3 ~~the school year immediately preceding the school year in which funds~~  
4 ~~provided pursuant to this section will first become available to the~~  
5 ~~school district, as determined by the commissioner, each school district~~  
6 ~~shall form a prekindergarten policy advisory board (herein referred to~~  
7 ~~as advisory board) appointed by the superintendent which shall include~~  
8 ~~but not be limited to members of the board of education, teachers~~  
9 ~~employed by the school district as selected by the collective bargaining~~  
10 ~~unit, parents of children who attend such district, community leaders~~  
11 ~~and child care and early education providers. In the city school~~  
12 ~~district of the city of New York, there shall be an advisory board~~  
13 ~~appointed by the community school district superintendent in each commu-~~  
14 ~~nity school district which shall be composed of at least the following~~  
15 ~~individuals: members of the community school board, teachers employed by~~  
16 ~~the school district as selected by the collective bargaining unit,~~  
17 ~~parents of children which attend such district, community leaders, child~~  
18 ~~care and early education providers and the community school district~~  
19 ~~superintendent or the superintendent's designee.~~

20 ~~b. Each advisory board shall hold at least one public hearing that~~  
21 ~~provides for the participation of parents, school personnel, child care~~  
22 ~~providers and other interested members of the community prior to deter-~~  
23 ~~mining what recommendation it will make to the board of education or, in~~  
24 ~~the city school district in the city of New York, to the community~~  
25 ~~school board. Such public hearing shall be conducted during the school~~  
26 ~~year immediately preceding the school year in which funds provided~~  
27 ~~pursuant to this section will first become available to the school~~  
28 ~~district, as determined by the commissioner. The recommendation by the~~  
29 ~~advisory board as to the implementation of a prekindergarten program~~  
30 ~~shall be based on the consideration of at least the following factors:~~

31 ~~(i) the projected number of children that are currently eligible to~~  
32 ~~participate in a prekindergarten program as well as the estimated number~~  
33 ~~that will be eligible for the prekindergarten program during each of the~~  
34 ~~following four years;~~

35 ~~(ii) the short and long term benefits to eligible children who would~~  
36 ~~be participating in such program;~~

37 ~~(iii) the needs of the parents of the eligible children, including but~~  
38 ~~not limited to the number of children who require full day programs~~  
39 ~~because the person or persons in parental relation work;~~

40 ~~(iv) the ease of utilization and accessibility of the program to~~  
41 ~~parents in order to ensure the greatest number of children are served;~~

42 ~~(v) the availability and existing facility capacity of existing eligi-~~  
43 ~~ble agencies;~~

44 ~~(vi) the most appropriate and effective manner in which to provide~~  
45 ~~prekindergarten programs which most efficiently utilize the resources of~~  
46 ~~the school district and the community, including eligible agencies.~~

47 ~~c. If the advisory board determines that it will recommend the imple-~~  
48 ~~mentation of a prekindergarten program, it shall develop a prekindergar-~~  
49 ~~ten program plan, with recommendations for the effective implementation~~  
50 ~~of such plan. The prekindergarten program plan shall reflect consider-~~  
51 ~~ation of the factors delineated in paragraph b of this subdivision and~~  
52 ~~of the comments and testimony received at the hearing or hearings held~~  
53 ~~by the advisory board. Such plan shall be submitted to the board of~~  
54 ~~education or the community school board for consideration prior to a~~  
55 ~~date determined by the commissioner.~~



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1 ~~d. If the advisory board determines that it will not recommend the~~  
2 ~~adoption of a prekindergarten program, it shall submit its written~~  
3 ~~recommendation to the school board or community school board.~~

4 ~~4. Upon the consideration of the recommendation and, when applicable,~~  
5 ~~the prekindergarten program plan, submitted by the advisory board, the~~  
6 ~~board of education or community school board, within thirty days of~~  
7 ~~receipt, may adopt, modify or reject such recommendation and/or plan.~~

8 ~~a. If the board of education or community school board is considering~~  
9 ~~modifying or rejecting such recommendation and/or plan, it shall hold a~~  
10 ~~public meeting with the advisory board to discuss aspects of the recom-~~  
11 ~~mendation and/or plan that has been modified or rejected.~~

12 ~~b. In the event the board of education or the community school board~~  
13 ~~chooses to implement a prekindergarten program regardless of a negative~~  
14 ~~recommendation from the advisory board, it shall develop a plan as~~  
15 ~~required by paragraph c of subdivision three of this section.]~~

16 5. In any school district, other than the city school district of the  
17 city of New York, that ~~[has adopted a plan for the implementation of a~~  
18 ~~prekindergarten program]~~ seeks an apportionment pursuant to this  
19 section, the school district shall develop and submit an application  
20 pursuant to the rules and regulations adopted by the board of regents  
21 and the commissioner for such purpose. Such application shall be submit-  
22 ted by a date and in a form prescribed by the commissioner pursuant to  
23 subdivision eight of this section, including the program elements as  
24 provided for in subdivision seven of this section and shall be consist-  
25 ent with the plan adopted by the district.

26 a. If the school district chooses to coordinate proposals for prekin-  
27 dergarten program services, it shall conduct a competitive process in  
28 accordance with procedures set forth by the commissioner and with the  
29 requirements and regulations set forth in, and pursuant to, subdivisions  
30 seven, eight and twelve of this section.

31 b. An application developed by coordinating proposals submitted by  
32 eligible agencies pursuant to a competitive process shall ensure deliv-  
33 ery of prekindergarten program services in an effective, efficient and  
34 non-duplicative manner.

35 c. The results of the competitive process for prekindergarten program  
36 services shall be made public at a regular meeting of the board of  
37 education. An eligible agency may request a written statement from the  
38 board of education stating why the application was not accepted.

39 d. Notwithstanding any other provision of law, the school districts  
40 shall be authorized to enter any contractual or other arrangements  
41 necessary to implement the district's prekindergarten plan.

42 e. Not less than ten percent of the total grant award to the school  
43 district shall be set aside for collaborative efforts with eligible  
44 agencies, provided that the commissioner may waive such set aside  
45 requirement based upon documented evidence that the school district was  
46 unable to use the set aside to make a collaborative arrangement that  
47 would meet all requirements of this subdivision because of unavailabili-  
48 ty of eligible agencies willing to collaborate or other factors beyond  
49 the control of the school district, or for school districts which have  
50 fully implemented a universal prekindergarten program by serving all  
51 eligible four year olds in the nineteen hundred ninety-eight--ninety-  
52 nine school year and due to parental choice the ten percent set aside  
53 requirement exceeds the total of the district's aid per kindergarten  
54 pupil multiplied by the number of pre-kindergarten pupils in collabora-  
55 tive programs. In such cases, school districts shall set aside, for  
56 collaborative efforts with eligible agencies, the total of the

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1 district's aid per kindergarten pupil multiplied by the number of pre-  
2 kindergarten pupils in collaborative programs.

3 f. Notwithstanding any other provisions of this section to the contra-  
4 ry, two or more school districts may submit a joint application to oper-  
5 ate a joint universal prekindergarten program. For purposes of paragraph  
6 e of this subdivision and all other provisions of this section except  
7 subdivision ten, all references to a school district shall be deemed a  
8 reference to all school districts participating in such joint program as  
9 if they were a single district. For purposes of subdivision ten of this  
10 section, the grant award for the joint program shall be the sum of the  
11 grant awards computed for each participating district pursuant to such  
12 subdivision ten.

13 6. In the city school district of the city of New York, if a community  
14 school [~~board has adopted a plan for the implementation of a prekindergarten~~  
15 ~~program~~] superintendent seeks to receive an apportionment pursu-  
16 ant to this section, the community school [~~board~~] superintendent shall  
17 submit such plan to the [~~city board~~] chancellor for adoption, modifica-  
18 tion or rejection.

19 a. If the [~~city board~~] chancellor adopts such plan as submitted or as  
20 modified by the chancellor, [~~it shall submit such plan to~~] the chancel-  
21 lor [~~who~~] shall submit an application in accordance with subdivision  
22 five of this section [~~except that prior to the submission of such appli-~~  
23 ~~cation the chancellor shall ensure the community school district super-~~  
24 ~~intendent of the district in which the prekindergarten program is~~  
25 ~~located has reviewed such application for consistency with local laws,~~  
26 ~~rules and regulations. All functions performed by the school district~~  
27 ~~pursuant to subdivision five of this section shall be performed by the~~  
28 ~~chancellor~~].

29 b. If the [~~city board~~] chancellor rejects such plan, [~~it~~] he or she  
30 shall notify the community [~~school board~~] superintendent in writing and  
31 shall state the reasons for such rejection.

32 The community [~~school board~~] superintendent may modify and resubmit  
33 [~~its~~] such application to the [~~city board~~] chancellor for adoption.

34 7. In order to receive approval from the commissioner to implement a  
35 prekindergarten program, applications and proposals shall demonstrate  
36 that the program to be implemented contains, at a minimum, the following  
37 components:

38 a. provides for an age and developmentally appropriate curriculum and  
39 activities which are learner-centered;

40 b. provides for an assessment of the development of language, cog-  
41 nitive and social skills;

42 c. ensures continuity in the program with instruction in the early  
43 elementary grades;

44 d. encourages children to be self-assured and independent;

45 e. encourages the co-location and integration of children with special  
46 needs;

47 f. utilizes staff who meet the qualifications set forth pursuant to  
48 the rules of the board of regents;

49 g. provides for strong parental partnerships and involvement in the  
50 implementation of and participation in the plan; [~~and~~]

51 h. provides staff development and teacher training for staff and  
52 teachers in all settings in which prekindergarten services are provided  
53 pursuant to this section; and

54 i. establishes a method for selection of eligible children to receive  
55 prekindergarten program services on a random selection basis where there  
56 are more eligible children than can be served in a given school year,

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1 provided, however, that a school district that operated a targeted prek-  
2 indergarten program in the base year may use the selection process  
3 established for such program.

4 8. Each application for a prekindergarten program pursuant to this  
5 section shall be on a form prescribed by the commissioner and shall  
6 include, but not be limited to:

7 a. a ~~[detailed]~~ prekindergarten program plan identifying specific  
8 goals, including how the district will expand its program to assure that  
9 all eligible children may be served, and a proposed timetable for the  
10 implementation and achievement of such goals;

11 b. a proposed budget and a description of the proposed use of the  
12 grant funds including the mechanism for the distribution of such funds;

13 c. the local share to be used, as defined by the commissioner, which  
14 may include resources which may be available from the community;

15 d. the participation and contribution of each of the collaborative  
16 partners; and

17 e. a description of any costs associated with the administration of  
18 the program.

19 ~~[f. for the two thousand six two thousand seven school year, the~~  
20 ~~district may include in its application a description of how its program~~  
21 ~~would be expanded if it receives a prekindergarten expansion award~~  
22 ~~pursuant to paragraph c of subdivision ten a of this section.]~~

23 9. ~~[a.]~~ Each year, the commissioner shall determine the ~~[school~~  
24 ~~districts]~~ maximum allocation that each district would be eligible to  
25 receive ~~[funds]~~ pursuant to this section in the following school year  
26 based on pupil data on file with the commissioner on a date prescribed  
27 by the commissioner, and applying the formula specified in subdivision  
28 ten ~~[or ten a]~~ of this section. No later than ~~[November fifteenth]~~ April  
29 thirtieth of the base year, the commissioner shall notify ~~[such]~~  
30 districts ~~[that]~~ of the maximum allocations they may be eligible for ~~[a~~  
31 ~~grant]~~ pursuant to this section in the following school year, and ~~[shall~~  
32 ~~identify those districts for which funds will first become available in~~  
33 ~~such school year and are required to form an advisory board and conduct~~  
34 ~~a public hearing pursuant to subdivision three of this section, provided~~  
35 ~~that for grants for the nineteen hundred ninety eight ninety nine~~  
36 ~~school year, such notice shall be given on or before January thirty~~  
37 ~~first, nineteen hundred ninety eight, and for grants for the two thou~~  
38 ~~sand six two thousand seven school year, such notice shall be given on~~  
39 ~~or before April thirtieth, two thousand six]~~ such maximum allocations  
40 shall be deemed final and not subject to change thereafter.

41 b. The board of regents and the commissioner shall develop criteria  
42 for awarding all grants pursuant to this section. The commissioner shall  
43 give preference to those applications which demonstrate innovative meth-  
44 ods for serving eligible children, are strong collaborative arrangements  
45 which maximize, to the extent possible, the utilization of existing  
46 resources of the school district, eligible agencies and the community,  
47 have an immediate capacity for providing services, and which can most  
48 effectively address the prekindergarten needs of each of the eligible  
49 children.

50 10. ~~[Prekindergarten]~~ Universal prekindergarten aid. ~~[a. Definitions.~~  
51 ~~(1) For aid payable in the school year nineteen hundred ninety eight~~  
52 ~~ninety nine, aid per prekindergarten pupil shall equal the sum of six~~  
53 ~~hundred dollars and the product of four thousand dollars and the~~  
54 ~~adjusted sharing ratio, provided however that the aid per prekindergar~~  
55 ~~ten pupil is not less than two thousand seven hundred dollars, nor more~~  
56 ~~than four thousand dollars.~~

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1 ~~(1-a) For aid payable in the school year nineteen hundred ninety-nine-~~  
2 ~~two thousand and the school year two thousand-two thousand one, aid~~  
3 ~~per prekindergarten pupil shall equal the sum of six hundred dollars and~~  
4 ~~the product of four thousand dollars and the adjusted sharing ratio,~~  
5 ~~provided however that the aid per prekindergarten pupil is not less than~~  
6 ~~two thousand seven hundred nor more than four thousand dollars, and~~  
7 ~~provided further that for aid payable in the two thousand-two thousand~~  
8 ~~one school year the aid per prekindergarten pupil shall be the amount~~  
9 ~~calculated and deemed to be final based on data set forth for each~~  
10 ~~school district in the school aid computer listing for that school year~~  
11 ~~which was produced by the commissioner in support of the education,~~  
12 ~~labor and family assistance budget.~~

13 ~~(1-b) For aid payable in the school year two thousand one-two thou-~~  
14 ~~sand two and thereafter, aid per prekindergarten pupil shall equal the~~  
15 ~~sum of two hundred sixty dollars and the product of four thousand~~  
16 ~~dollars and the adjusted sharing ratio, provided however that the aid~~  
17 ~~per prekindergarten pupil is not less than two thousand nor more than~~  
18 ~~four thousand dollars.~~

19 ~~(2) The adjusted sharing ratio shall be the product of the district's~~  
20 ~~state sharing ratio for comprehensive operating aid calculated pursuant~~  
21 ~~to paragraph b of subdivision three of section three thousand six~~  
22 ~~hundred two of this article and the adjustment factor.~~

23 ~~(3) For aid payable in the school year nineteen hundred ninety-eight-~~  
24 ~~ninety-nine, the adjustment factor shall be computed by adding to one~~  
25 ~~the quotient of (i) the positive remainder resulting when nine hundred~~  
26 ~~twenty-three thousandths is subtracted from the quotient of the extraor-~~  
27 ~~dinary needs count divided by the district's base year public school~~  
28 ~~enrollment, divided by (ii) forty seven thousandths, provided however~~  
29 ~~that such factor shall not be less than one.~~

30 ~~(3-a) For aid payable in the school year nineteen hundred ninety-nine-~~  
31 ~~two thousand, the adjustment factor shall be computed by adding to one~~  
32 ~~the quotient of (i) the positive remainder resulting when nine hundred~~  
33 ~~three thousandths is subtracted from the quotient of the extraordinary~~  
34 ~~needs count divided by the district's base year public school enroll-~~  
35 ~~ment, divided by (ii) forty seven thousandths, provided however that~~  
36 ~~such factor shall not be less than one.~~

37 ~~(3-b) For aid payable in the school year two thousand-two thousand~~  
38 ~~one, the adjustment factor shall be computed by adding to one the~~  
39 ~~quotient of (i) the positive remainder resulting when eight hundred~~  
40 ~~ninety-five thousandths is subtracted from the quotient of the extraor-~~  
41 ~~dinary needs count divided by the district's base year public school~~  
42 ~~enrollment, divided by (ii) forty-seven thousandths, provided however~~  
43 ~~that such factor shall not be less than one.~~

44 ~~(3-c) For aid payable in the school year two thousand one-two thou-~~  
45 ~~sand two and thereafter, the adjustment factor shall be computed by~~  
46 ~~adding to one the quotient of (i) the positive remainder resulting when~~  
47 ~~ninety-four hundredths is subtracted from the quotient of the extraor-~~  
48 ~~dinary needs count divided by the district's base year public school~~  
49 ~~enrollment, divided by (ii) forty seven thousandths, provided however~~  
50 ~~that such factor shall not be less than one.~~

51 ~~(4) Unserved prekindergarten pupils shall mean the number of resident~~  
52 ~~children who attain the age of four before December first of the school~~  
53 ~~year, but who will not be served during such school year by a state-~~  
54 ~~funded prekindergarten program, provided, however, that for a summer~~  
55 ~~prekindergarten program as authorized by paragraph 1 of subdivision~~  
56 ~~twelve of this section, "eligible children" shall mean resident children~~

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1 ~~who are five years of age on or after December first of the year in~~  
2 ~~which they are enrolled or who will otherwise be first eligible to enter~~  
3 ~~public school kindergarten commencing with the current school year.~~

4 ~~(5) Phase-in factor. For a school district in a city with a population~~  
5 ~~in excess of one million inhabitants, the phase-in factor shall be~~  
6 ~~sixteen hundredths (.16) for aid payable in the nineteen hundred nine-~~  
7 ~~ty-eight-ninety-nine school year, two hundred ninety-nine thousandths~~  
8 ~~(.299) for aid payable in the nineteen hundred ninety-nine two thousand~~  
9 ~~school year, sixty-six hundredths (.66) for aid payable in the two thou-~~  
10 ~~sand-two thousand one school year, and one for aid payable in the two~~  
11 ~~thousand one two thousand two school year and thereafter. For school~~  
12 ~~districts not in a city with a population in excess of one million~~  
13 ~~inhabitants, the phase-in factor shall be two hundred ninety-five thou-~~  
14 ~~sandths (.295) for aid payable in the nineteen hundred ninety-eight-ni-~~  
15 ~~nety-nine school year, five hundred twenty-five thousandths (.525) for~~  
16 ~~aid payable in the nineteen hundred ninety-nine two thousand school~~  
17 ~~year, and one for aid payable in the two thousand two thousand one~~  
18 ~~school year and thereafter.~~

19 ~~(6) Aidable prekindergarten pupils. For a school district in a city~~  
20 ~~with a population in excess of one million inhabitants, aidable prekin-~~  
21 ~~dergarten pupils shall equal the product of (i) the applicable phase-in~~  
22 ~~factor and (ii) unserved prekindergarten pupils. For a school district~~  
23 ~~not in a city with a population in excess of one million inhabitants,~~  
24 ~~aidable prekindergarten pupils shall equal the product of (i) the appli-~~  
25 ~~cable phase-in factor, (ii) unserved prekindergarten pupils, and (iii)~~  
26 ~~for aid payable in the school years nineteen hundred ninety-eight-nine-~~  
27 ~~ty-nine through two thousand two thousand one, the percent of eligible~~  
28 ~~applicants for the free and reduced price lunch program as defined in~~  
29 ~~subdivision one of section three thousand six hundred two of this arti-~~  
30 ~~cle.~~

31 ~~b. For aid payable in the nineteen hundred ninety-eight-ninety-nine~~  
32 ~~through the two thousand two thousand one school years, for districts~~  
33 ~~for which aidable prekindergarten pupils is greater than or equal to~~  
34 ~~twenty, grants payable pursuant to this section shall equal the product~~  
35 ~~of aid per prekindergarten pupil and the lesser of: its aidable prekin-~~  
36 ~~dergarten pupils, or the number of pupils served. For aid payable in the~~  
37 ~~two thousand one two thousand two school year and thereafter, grants~~  
38 ~~payable pursuant to this section shall equal the product of aid per~~  
39 ~~prekindergarten pupil and the lesser of: its aidable prekindergarten~~  
40 ~~pupils, or the number of pupils served. For purposes of this paragraph,~~  
41 ~~"the number of pupils served" shall mean the sum of (i) the unduplicated~~  
42 ~~count of eligible children registered to receive educational services~~  
43 ~~pursuant to this section on a date prior to November first of the~~  
44 ~~current school year specified by the commissioner or, for aid payable in~~  
45 ~~the 2000-01 school year, for any district first commencing a program~~  
46 ~~pursuant to this subdivision, the unduplicated count of eligible chil-~~  
47 ~~dren registered to receive educational services pursuant to this section~~  
48 ~~on an alternate date prior to February first specified by the commis-~~  
49 ~~sioner and (ii) the weighted unduplicated count of eligible children~~  
50 ~~registered to receive educational services in a summer prekindergarten~~  
51 ~~program as authorized by paragraph 1 of subdivision twelve of this~~  
52 ~~section, as reported to the commissioner. Aid calculated pursuant to~~  
53 ~~this section for programs operated in the city school district of the~~  
54 ~~city of New York shall be calculated on a citywide basis.~~

55 ~~c. In the event the appropriation for purposes of this section in any~~  
56 ~~year is less than the sum of the grants payable to all school districts~~

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1 ~~as computed pursuant to paragraph b of this subdivision without adjust-~~  
2 ~~ment, the commissioner may adjust individual school district allocations~~  
3 ~~to conform to the appropriation.~~

4 ~~d. For grants payable in the nineteen hundred ninety-eight-ninety-~~  
5 ~~nine school year, the statewide total amount of all grants pursuant to~~  
6 ~~this section shall not exceed sixty-seven million dollars (\$67,000,000).~~  
7 ~~For grants payable in the nineteen hundred ninety-nine-two thousand~~  
8 ~~school year, the statewide total amount of all grants pursuant to this~~  
9 ~~section shall not exceed one hundred million dollars (\$100,000,000). For~~  
10 ~~grants payable in the two thousand-two thousand one school year, the~~  
11 ~~statewide total amount of all grants pursuant to this section shall not~~  
12 ~~exceed two hundred twenty-five million dollars (\$225,000,000). For~~  
13 ~~grants payable in the two thousand one-two thousand two school year,~~  
14 ~~the statewide total amount of all grants pursuant to this section shall~~  
15 ~~not exceed five hundred million dollars (\$500,000,000).~~

16 ~~e. Notwithstanding any other provision of this section, the total~~  
17 ~~grant payable pursuant to this section shall equal the lesser of: (i)~~  
18 ~~the total grant amount computed pursuant to paragraphs a, b or c of this~~  
19 ~~subdivision, as applicable, based on data on file with the commissioner~~  
20 ~~as of April thirtieth of the school year for which such grant is payable~~  
21 ~~or (ii) the total actual grant expenditures incurred by the school~~  
22 ~~district as approved by the commissioner.~~

23 ~~f. (1) For aid payable for the two thousand-two thousand one school~~  
24 ~~year, where the trustees or board of education of a school district~~  
25 ~~eligible to receive funds pursuant to this section does not provide a~~  
26 ~~universal pre-kindergarten program or does not serve all aidable pupils~~  
27 ~~in the current year, funds may be deposited in the universal prekinde-~~  
28 ~~rgarten reserve fund established pursuant to section ninety-seven vvv of~~  
29 ~~the state finance law for future use in an amount not to exceed the~~  
30 ~~product of the aid per prekindergarten pupil for the current school year~~  
31 ~~and the district's aidable prekindergarten pupils for the current school~~  
32 ~~year. School districts must submit an application to the commissioner by~~  
33 ~~September first of the current school year, requesting such funds to be~~  
34 ~~deposited in the universal prekindergarten reserve fund. Within five~~  
35 ~~business days of receipt of an application that conforms to the require-~~  
36 ~~ments of this section, the commissioner with the approval of the direc-~~  
37 ~~tor of the budget shall authorize and direct the comptroller to transfer~~  
38 ~~such funds from the general fund to the universal prekindergarten~~  
39 ~~reserve fund. In addition to the information required pursuant to subdivi-~~  
40 ~~vision eight of this section, the district's application shall explain~~  
41 ~~the basis for not serving all aidable pupils in the current year. Upon~~  
42 ~~approval of such application, the set aside requirement contained in~~  
43 ~~paragraph e of subdivision five and the provisions of subdivision~~  
44 ~~sixteen of this section shall not apply until the first year of opera-~~  
45 ~~tion of the universal prekindergarten program, at which time the set~~  
46 ~~aside shall be applied to the total amount of funds to be expended for~~  
47 ~~the universal prekindergarten program in the school district budget for~~  
48 ~~the current year, unless a waiver is granted in accordance with para-~~  
49 ~~graph e of subdivision five of this section. For purposes of the advi-~~  
50 ~~sory board and public hearing requirements of subdivision three of this~~  
51 ~~section, the first school year in which grant funds would be deposited~~  
52 ~~in such universal prekindergarten reserve account shall be deemed to be~~  
53 ~~the school year in which funds will first become available to the school~~  
54 ~~district.~~

55 ~~(2) Notwithstanding any other provision of law, rule or regulation to~~  
56 ~~the contrary, the trustees or board of education of a school district~~



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1 ~~which has funds deposited in such universal prekindergarten reserve fund~~  
2 ~~shall be authorized to receive moneys from such reserve fund for~~  
3 ~~approved expenditures under this section and must notify the commission-~~  
4 ~~er prior to September first of the current year of an intent to initiate~~  
5 ~~a universal prekindergarten program within the current year. Notwith-~~  
6 ~~standing paragraph b of this subdivision, the grant payable pursuant to~~  
7 ~~this section for a school district for which a grant award is deposited~~  
8 ~~in the universal prekindergarten reserve fund shall not exceed the prod-~~  
9 ~~uct of aid per prekindergarten pupil and its aidable prekindergarten~~  
10 ~~pupils.~~

11 ~~10-a. Supplemental prekindergarten aid. Notwithstanding any provision~~  
12 ~~of law to the contrary, in addition to amounts awarded pursuant to~~  
13 ~~subdivision ten of this section, for the two thousand six two thousand~~  
14 ~~seven school year and thereafter, a school district shall be eligible~~  
15 ~~for an additional grant which shall be computed pursuant to this subdivi-~~  
16 ~~vision.~~

17 ~~a. For aid payable in the two thousand six two thousand seven school~~  
18 ~~year and thereafter, school districts for which the number of aidable~~  
19 ~~prekindergarten pupils is greater than or equal to twenty shall be~~  
20 ~~eligible to receive an additional grant amount equal to the product of~~  
21 ~~aid per prekindergarten pupil and the lesser of: its aidable prekinde-~~  
22 ~~ergarten pupils, or the number of pupils receiving services in the current~~  
23 ~~year, provided however that a city school district in a city having a~~  
24 ~~population of one million or more shall be eligible for an additional~~  
25 ~~grant amount not to exceed twenty-five million dollars.~~

26 ~~b. For purposes of paragraph a of this subdivision:~~

27 ~~(i) "aid per prekindergarten pupil" shall equal the greater of (A) the~~  
28 ~~sum of six hundred dollars and the product of four thousand dollars and~~  
29 ~~the adjusted sharing ratio, provided however that the aid per prekinde-~~  
30 ~~ergarten pupil is not less than two thousand seven hundred nor more than~~  
31 ~~four thousand dollars, or (B) the aid per prekindergarten pupil calcu-~~  
32 ~~lated pursuant to subdivision ten of this section for the two thousand-~~  
33 ~~two thousand one school year, based on data on file for the school aid~~  
34 ~~computer listing produced by the commissioner in support of the enacted~~  
35 ~~budget for the two thousand two thousand one school year and entitled~~  
36 ~~"SA000-1";~~

37 ~~(ii) "the adjusted sharing ratio" shall mean the product of the~~  
38 ~~district's state sharing ratio for comprehensive operating aid calcu-~~  
39 ~~lated pursuant to paragraph b of subdivision three of section thirty-six~~  
40 ~~hundred two of this article and the adjustment factor;~~

41 ~~(iii) "the adjustment factor" shall be computed by adding to one the~~  
42 ~~quotient of (A) the positive remainder resulting when ninety-four~~  
43 ~~hundredths is subtracted from the quotient of the extraordinary needs~~  
44 ~~count computed pursuant to paragraph s of subdivision one of section~~  
45 ~~thirty-six hundred two of this article, divided by the district's base~~  
46 ~~year public school enrollment computed pursuant to paragraph n of subdivi-~~  
47 ~~vision one of section thirty-six hundred two of this article, divided by~~  
48 ~~(B) forty-seven thousandths;~~

49 ~~(iv) "aidable prekindergarten pupils" shall equal the product of: (A)~~  
50 ~~the unadjusted aidable prekindergarten pupils, (B) the percent of eligi-~~  
51 ~~ble applicants for the free and reduced price lunch program as defined~~  
52 ~~in paragraph p of subdivision one of section thirty-six hundred two of~~  
53 ~~this article, and (C) the applicable phase-in factor;~~

54 ~~(v) the "phase-in factor" for the two thousand six two thousand seven~~  
55 ~~school year shall be thirty-eight hundred forty-eight ten thousandths~~  
56 ~~(0.3848) for all school districts;~~

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1 ~~(vi) "unserved prekindergarten pupils" shall mean the number of resi-~~  
2 ~~dent children who attain the age of four before December first of the~~  
3 ~~school year, but who will not be served during such school year by a~~  
4 ~~state-funded prekindergarten program other than a program funded pursu-~~  
5 ~~ant to this section;~~

6 ~~(vii) "the number of pupils served" shall mean the unduplicated count~~  
7 ~~of eligible children registered to receive educational services pursuant~~  
8 ~~to this section in the school year prior to the base year, including the~~  
9 ~~weighted unduplicated count of eligible children registered to receive~~  
10 ~~educational services in a summer prekindergarten program as authorized~~  
11 ~~by paragraph 1 of subdivision twelve of this section;~~

12 ~~(viii) "the prekindergarten pupil equivalent" shall mean the quotient~~  
13 ~~of the grant awarded pursuant to this section in the two thousand five-~~  
14 ~~two thousand six school year, as computed based on data on file for the~~  
15 ~~school aid computer listing produced by the commissioner in February two~~  
16 ~~thousand six, divided by the aid per kindergarten pupil calculated~~  
17 ~~pursuant to subdivision ten of this section for the two thousand two~~  
18 ~~thousand one school year, based on data on file for the school aid~~  
19 ~~computer listing produced by the commissioner in support of the enacted~~  
20 ~~budget for the two thousand two thousand one school year and entitled~~  
21 ~~"SA000-1";~~

22 ~~(ix) "unadjusted aidable prekindergarten pupils" shall mean the posi-~~  
23 ~~tive difference, if any, of the unserved prekindergarten pupils less the~~  
24 ~~lesser of the number of pupils served or the prekindergarten pupil~~  
25 ~~equivalent, provided, however, that if the district received a grant in~~  
26 ~~the base year pursuant to this section and if the number of pupils~~  
27 ~~served is equal to zero, then "unadjusted aidable prekindergarten~~  
28 ~~pupils" shall mean the positive difference, if any, of the unserved~~  
29 ~~prekindergarten pupils less the prekindergarten pupil equivalent.~~

30 ~~c. In the event that the sum of the total grants awarded pursuant to~~  
31 ~~paragraph a of this subdivision is less than the sum of the total grants~~  
32 ~~computed and available to school districts pursuant to paragraph a of~~  
33 ~~this subdivision, then the commissioner may make prekindergarten expan-~~  
34 ~~sion awards to districts for additional programs and services for unad-~~  
35 ~~justed aidable prekindergarten pupils, based on applications submitted~~  
36 ~~pursuant to paragraph f of subdivision eight of this section, in a total~~  
37 ~~amount not to exceed the positive difference, if any, of such sum of the~~  
38 ~~total grants computed and available to school districts less such sum of~~  
39 ~~the total grants awarded pursuant to paragraph a of this subdivision.~~

40 ~~d. Notwithstanding any other provision of this section, the total~~  
41 ~~grant payable pursuant to this section shall equal the lesser of: (i)~~  
42 ~~the total grant amounts computed pursuant to this subdivision and subdivi-~~  
43 ~~sion ten of this section for the current year, as applicable, based on~~  
44 ~~data on file with the commissioner as of April thirtieth of the school~~  
45 ~~year for which such grants are payable or (ii) the total actual grant~~  
46 ~~expenditures incurred by the school district as approved by the commis-~~  
47 ~~sioner.] Notwithstanding any provision of law to the contrary, for aid~~  
48 ~~payable in the two thousand seven--two thousand eight school year, the~~  
49 ~~grant to each eligible school district for universal prekindergarten aid~~  
50 ~~shall be computed pursuant to this subdivision.~~

51 ~~a. Each school district shall be eligible to receive a grant amount~~  
52 ~~equal to the lesser of (i) the sum of its prekindergarten aid base plus~~  
53 ~~the product of its selected aid per prekindergarten pupil multiplied by~~  
54 ~~the number of additional aidable prekindergarten pupils served in the~~  
55 ~~current year, as determined pursuant to regulations of the commissioner,~~

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1 or (ii) the maximum allocation computed pursuant to subdivision nine of  
2 this section.

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

4 (i) "Selected aid per prekindergarten pupil" shall equal the greater  
5 of (A) the product of five-tenths and the school district's selected  
6 foundation aid for the current year, or (B) the aid per prekindergarten  
7 pupil calculated pursuant to this subdivision for the two thousand six-  
8 two thousand seven school year, based on data on file for the school aid  
9 computer listing produced by the commissioner in support of the enacted  
10 budget for the two thousand six--two thousand seven school year and  
11 entitled "SA060-7";

12 (ii) "Base aidable prekindergarten pupils". For the two thousand  
13 seven--two thousand eight school year, "based aidable prekindergarten  
14 pupils" shall equal the lesser of (A) the sum of the number of eligible  
15 children served in the two thousand six--two thousand seven school year  
16 in state-funded prekindergarten programs other than prekindergarten  
17 programs approved pursuant to this subdivision or pursuant to section  
18 forty-four hundred ten of this chapter, plus the number of eligible  
19 children served in the two thousand five--two thousand six school year  
20 in state funded prekindergarten programs approved pursuant to this  
21 subdivision, or (B) the quotient of the prekindergarten aid base divided  
22 by the selected aid per prekindergarten pupil;

23 (iii) "Unserved prekindergarten pupils" shall mean the number of resi-  
24 dent children who attain the age of four before December first of the  
25 school year, but who will not be served during such school year by a  
26 prekindergarten program approved pursuant to section forty-four hundred  
27 ten of this chapter, where such services are provided for more than four  
28 hours per day;

29 (iv) "Additional aidable prekindergarten pupils". For the two thousand  
30 seven--two thousand eight school year, "additional aidable prekindergar-  
31 ten pupils" shall equal the greater of (A) the product of (1) the posi-  
32 tive difference, if any, of the unserved prekindergarten pupils less the  
33 base aidable prekindergarten pupils multiplied by (2) the percent of  
34 eligible applicants for the free and reduced price lunch program  
35 computed pursuant to paragraph p of subdivision one of section thirty-  
36 six hundred two of this article, but not less than eighteen percent nor  
37 more than thirty percent, or (B) the positive difference, if any, or (1)  
38 the lesser of twenty pupils or the unserved prekindergarten pupils less  
39 (2) the base aidable prekindergarten pupils.

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

44 c. Notwithstanding any other provision of this section, the total  
45 grant payable pursuant to this section shall equal the lesser of: (i)  
46 the total grant amounts computed pursuant to this subdivision for the  
47 current year, based on data on file with the commissioner as of Septem-  
48 ber first of the school year immediately following or (ii) the total  
49 actual grant expenditures incurred by the school district as approved by  
50 the commissioner.

51 11. Notwithstanding the provisions of [~~subdivisions~~] subdivision ten  
52 [~~and ten-a~~] of this section, where [~~less in local funds is expended~~] the  
53 district serves fewer children during the current year than in the base  
54 year [~~for prekindergarten services to eligible children~~], the school  
55 district shall have its apportionment reduced in an amount [~~equal~~]  
56 proportional to such deficiency in the current year or in the succeeding

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1 school year, as determined by the commissioner, except [~~for the school~~  
2 ~~years nineteen hundred ninety nine two thousand through two thousand~~  
3 ~~six two thousand seven,~~] such reduction shall not apply to school  
4 districts which have fully implemented a universal pre-kindergarten  
5 program by [~~servng~~] making such program available to all eligible chil-  
6 dren [~~in the nineteen hundred ninety eight ninety nine school year~~].  
7 Expenses incurred by the school district in implementing a pre-kinder-  
8 garten program pursuant to this subdivision shall be deemed ordi-  
9 nary contingent expenses.

10 12. The board of regents and the commissioner shall be authorized to  
11 adopt regulations to implement the provisions of this section and which  
12 shall prescribe uniform quality standards for such prekindergarten  
13 programs. In developing such regulations, the board of regents and the  
14 commissioner shall consider and seek to coordinate any regulations which  
15 may currently be applicable to any existing programs or eligible agen-  
16 cies. In addition, the regents when developing regulations shall  
17 consider and recognize the diversity of settings and models available  
18 for the delivery of prekindergarten programs operated by eligible agen-  
19 cies in alternative settings, including libraries and community based  
20 organizations, that comply with this section. Such regulations shall  
21 include but not be limited to:

22 a. [~~qualifications for the staff of a prekindergarten program~~] minimum  
23 qualifications for personnel providing instructional and other services  
24 in prekindergarten programs. In promulgating such regulations, the  
25 commissioner and the board of regents shall take into account the avail-  
26 ability of certified teachers and teaching assistants to provide  
27 instruction in prekindergarten programs and shall consider ways to  
28 increase the pool of qualified personnel;

29 b. [~~transitional guidelines and rules which allow a program to meet~~  
30 ~~the required staff qualifications by the start of school year two thou-~~  
31 ~~sand seven two thousand eight~~] minimum curriculum standards that ensure  
32 that such programs have strong instructional content that is integrated  
33 with the school district's instructional program in grades kindergarten  
34 through twelve;

35 c. [~~transitional guidelines and rules which allow a prekindergarten~~  
36 ~~program to meet any other requirements set forth pursuant to this~~  
37 ~~section and regulations adopted by the board of regents and the commis-~~  
38 ~~sioner;~~

39 ~~d.~~ performance standards for prekindergarten programs, which shall  
40 include procedures for assessing the performance of such programs and  
41 establishing mechanisms for tracking progress of such programs and  
42 reporting such progress to parents of prekindergarten students and the  
43 public;

44 d. transitional guidelines and rules which allow a program to meet the  
45 required staff qualifications and any other requirements set forth  
46 pursuant to this section and regulations adopted by the board of regents  
47 and the commissioner;

48 e. health and safety standards;

49 [~~e.~~] f. time requirements which reflect the needs of the individual  
50 school districts for flexibility, but meeting a minimum weekly time  
51 requirement;

52 [~~f.~~] g. the staff/child ratio;

53 [~~g.~~] h. reasonable grounds and basis for the non-acceptance of a  
54 proposal submitted to the school district when the proposal otherwise  
55 meets, to the extent applicable, all the regulations of the commissioner

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1 and the requirements set forth in this subdivision, as well as subdivi-  
2 sions seven and eight of this section;

3 [~~h.~~] i. any other program components, such as health, nutrition or  
4 support services, which the regents deem appropriate and necessary for  
5 the appropriate and effective implementation of a prekindergarten  
6 program;

7 [~~i. commencing July first, nineteen hundred ninety nine, and continu-~~  
8 ~~ing until June thirtieth, two thousand two, a requirement that the~~  
9 ~~district give preference to serving eligible children who are econom-~~  
10 ~~ically disadvantaged, as defined by the commissioner]~~

11 j. a provision for a waiver of any inconsistent provisions of this  
12 section or the regulations implementing this section to allow school  
13 districts that operated a targeted prekindergarten program in the two  
14 thousand six--two thousand seven school year to continue to operate such  
15 program pursuant to the regulations of the commissioner that applied to  
16 targeted prekindergarten programs in such school year; provided that,  
17 notwithstanding any other provision of this section to the contrary, the  
18 amounts allocated to such targeted prekindergarten program from grants  
19 awarded pursuant to this section shall not exceed the amount of targeted  
20 prekindergarten grant funds received by the district for the two thou-  
21 sand six--two thousand seven school year;

22 [~~j.~~] k. a process by which a school district must submit an applica-  
23 tion;

24 [~~k.~~] l. a definition of the approved expenditures for which grant  
25 funds may be used, which shall include but not be limited to transporta-  
26 tion services and lease expense or other appropriate facilities  
27 expenses; and

28 [~~l.~~] m. a process for the waiver of the time requirements established  
29 pursuant to this subdivision in order to authorize the operation of a  
30 summer universal prekindergarten program limited to the months of July  
31 and August, upon a finding by the commissioner that the school district  
32 is unable to operate the program during the regular school session  
33 because of a lack of available space pursuant to regulations of the  
34 commissioner. Notwithstanding any other provision of this section to the  
35 contrary, such process shall provide for a reduction of the aid per  
36 prekindergarten pupil payable for pupils served pursuant to such waiver  
37 by one one-hundred eightieth of the aid per prekindergarten pupil deter-  
38 mined pursuant to paragraph a of subdivision ten or subparagraph (i) of  
39 paragraph b of subdivision ten-a of this section for each day less than  
40 one hundred eighty days that the summer program is in session.

41 13. Each school district that has implemented a prekindergarten  
42 program shall on an annual basis report to the board of regents, the  
43 commissioner, parents, teachers and the public on the status of such  
44 program.

45 14. On February fifteenth, two thousand, and annually thereafter, the  
46 commissioner and the board of regents shall include in its annual report  
47 to the legislature, information on school districts receiving grants  
48 under this section; the amount of each grant; a description of the  
49 program that each grant supports and an assessment by the commissioner  
50 of the extent to which the program meets measurable outcomes required by  
51 the grant program or regulations of such commissioner; and any other  
52 relevant information. Such report shall also contain any recommendations  
53 to improve or otherwise change the program.

54 15. The commissioner shall also provide for [~~an independent~~] a system  
55 for evaluation and assessment[~~, by an evaluator not affiliated with the~~  
56 ~~department or any school district,~~] of the prekindergarten programs

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1 which have been implemented to determine the short and long-term  
2 success, outcomes and effects of the programs based on relevant and  
3 measurable performance standards.

4 16. The grant payable to a school district pursuant to this section in  
5 the current year shall be reduced by one one-hundred eightieth for each  
6 day less than one hundred eighty days that the universal prekindergarten  
7 classes of the district were actually in session, except that the  
8 commissioner may disregard such reduction for any deficiency that may be  
9 disregarded in computing [~~operating~~] total foundation aid pursuant to  
10 subdivision seven or eight of section thirty-six hundred four of this  
11 chapter.

12 [~~17. Notwithstanding the provisions of this section, for aid payable  
13 in the two thousand two two thousand three through the two thousand  
14 four two thousand five, and two thousand six two thousand seven school  
15 years, each school district shall be eligible to receive a grant award  
16 in an amount not to exceed the maximum prekindergarten grant award which  
17 shall be the sum of (i) the amount set forth for such school district  
18 for the two thousand one two thousand two school year on the computer  
19 listing produced by the commissioner in support of the executive budget  
20 request for such year and entitled "BT032-1" under the heading, "PREKIN-  
21 DERGARTEN", plus (ii) for those districts that were eligible to receive  
22 a supplemental grant award for the purposes of this section pursuant to  
23 part B of chapter 149 of the laws of 2001, an amount equal to the posi-  
24 tive difference between the amount the school district was eligible to  
25 receive based on data on file with the commissioner on February  
26 fifteenth, two thousand and the amount set forth for the purposes of  
27 grants pursuant to this section for such school district for the two  
28 thousand one two thousand two school year in such computer listing  
29 entitled "BT032-1". Provided, however, that a school district receiving  
30 aid under this section shall be required to comply with all district  
31 plans and other requirements under this section for the receipt of  
32 funds.]~~

33 § 20. Adjusted valuation for school aid. 1. Definitions. For the  
34 purposes of this act the following terms shall have the following mean-  
35 ings:

36 a. "Eligible valuation reduction" shall mean a total dollar reduction  
37 in the taxable actual valuation of all parcels in an eligible school  
38 district on the assessment roll used to apportion taxes in the 2007-08  
39 school year from the actual valuation that would be used to apportion  
40 aid to the eligible school district in such school year, pursuant to  
41 paragraph c of Subdivision 1 of section 3602 of the education law, that  
42 represents a percentage reduction equal to or greater than ten percent.

43 b. "Adjusted actual valuation" shall mean the difference of the sum of  
44 the actual valuation, as defined in paragraph c of subdivision 1 of  
45 section 3602 of the education law for aids payable in the 2007-08 school  
46 year, minus the eligible valuation reduction.

47 c. "Eligible school district" shall mean the Barker central school  
48 district in Niagara county.

49 2. a. Notwithstanding any other provision of law, the commissioner of  
50 education shall use the adjusted actual valuation for (i) the actual  
51 valuation calculated for aid payable in the current year and the base  
52 year, as used to compute the selected actual valuation for aids payable  
53 in the 2007-08, 2008-09, 2009-10 and 2010-11 school years and (ii) the  
54 actual valuation calculated for aid payable in the base year used to  
55 compute the selected actual valuation for aids payable in the 2010-11



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1 school year for the computation of school aid payable to an eligible  
2 school district.

3 b. Notwithstanding any other provision of law to the contrary, when an  
4 eligible school district, as defined in paragraph c of subdivision one  
5 of this section, receives payments in lieu of taxes on account of one or  
6 more parcels of real property which are wholly or partially exempt from  
7 taxation on the final assessment roll completed in 2007 or thereafter,  
8 and the total of such payments in lieu of taxes received by the school  
9 district are equal to or greater than five percent of the total amount  
10 of taxes levied by or on behalf of the school district against the real  
11 property on that assessment roll, any adjusted actual valuation computed  
12 for the school district pursuant to paragraph b of subdivision one of  
13 this section for aids payable in the 2007-08, 2008-09, 2009-10 and  
14 2010-11 school years that is based on the final assessment roll  
15 completed in 2007, shall include the actual valuation equivalent of such  
16 payments in lieu of taxes applicable to such assessment roll. The actual  
17 valuation equivalent of such payments in lieu of taxes shall be annually  
18 determined by the state board of real property services by dividing the  
19 total amount of such payments in lieu of taxes, as reported to the state  
20 board by the commissioner of education, by the school tax rate which was  
21 applied to the real property on that assessment roll, and dividing the  
22 result by the applicable state equalization rate for that roll. The  
23 additional actual valuation attributable to such payments in lieu of  
24 taxes shall be reported to the state comptroller and the commissioner of  
25 education and shall be used by the commissioner of education for the  
26 computation of state aid to the school district and for the determi-  
27 nation of any state average which uses real property taxes levied  
28 against and/or actual valuation based on the corresponding assessment  
29 roll. The commissioner of education shall require each such school  
30 district to annually report the payments in lieu of taxes received by it  
31 each year as a condition for receiving aid pursuant to section 3602 of  
32 the education law, and shall forward such information to the state board  
33 so that it may calculate the actual valuation equivalent of such  
34 payments in lieu of taxes. Notwithstanding the foregoing, if a payment  
35 in lieu of taxes was received by an eligible school district on account  
36 of the fact that a parcel was wholly or partially exempt on the final  
37 assessment roll completed in 2006, such payment in lieu of taxes and  
38 payments in lieu of taxes made in every consecutive subsequent school  
39 year on account of the fact that the same parcel received the same  
40 exemption shall be disregarded for purposes of administering the  
41 provisions of this section.

42 § 21. Section 2 of part P of chapter 57 of the laws of 2005, amending  
43 the education law relating to establishing a program of capital financ-  
44 ing for public broadcasting stations, is amended to read as follows:

45 § 2. This act shall take effect immediately and shall be deemed to  
46 have been in full force and effect on and after April 1, 2005, and shall  
47 expire March 31, [~~2007~~] 2009 when upon such date the provisions of this  
48 act shall be deemed repealed.

49 § 22. Subdivision 4 of section 2023 of the education law is amended by  
50 adding a new paragraph b-1 to read as follows:

51 b-1. Notwithstanding any other provision of this subdivision to the  
52 contrary, in the event a state grant in aid provided to the district in  
53 the prior year is eliminated and incorporated into a non-categorical  
54 general state aid in the current school year, the amount of such grant  
55 may be included in the computation of total spending for the prior

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1 school year, provided that the commissioner has verified that the grant  
2 in aid has been incorporate into such non-categorical general state aid.

3 § 23. Subparagraphs 3 and 4 of paragraph b of subdivision 14 of  
4 section 3641 of the education law, as added by section 2 of Part I of  
5 chapter 61 of the laws of 2006, are amended to read as follows:

6 (3) "Eligible project costs". Eligible project costs, for purposes of  
7 the EXCEL program shall mean any expenditures for an EXCEL project,  
8 where such project is eligible for an apportionment pursuant to subdivi-  
9 sions six, six-a, six-b, six-f and/or paragraph c of subdivision four-  
10 teen of section thirty-six hundred two of this article.

11 (4) "Eligible school district" means a school district eligible to  
12 receive an apportionment in lieu of operating aid in the two thousand  
13 six--two thousand seven school year, apportioned pursuant to section  
14 thirty-six hundred two of this article, or eligible to receive an appor-  
15 tionment of total foundation aid in the two thousand seven--two thousand  
16 eight school year and thereafter, pursuant to such section thirty-six  
17 hundred two of this article.

18 § 24. Intentionally omitted.

19 § 25. Intentionally omitted.

20 § 26. Paragraph b, subparagraph 2 of paragraph c and subparagraph 6 of  
21 paragraph d of subdivision 5 of section 3202 of the education law, para-  
22 graph b as added by chapter 47 of the laws of 1977, subparagraph 2 of  
23 paragraph c as added by chapter 66 of the laws of 1978, and subparagraph  
24 6 of paragraph d as added by chapter 721 of the laws of 1979 and as  
25 renumbered by chapter 57 of the laws of 1993, and such subdivision as  
26 renumbered by chapter 563 of the laws of 1980, are amended to read as  
27 follows:

28 b. Children who reside in a school for the mentally retarded operated  
29 by the department of mental hygiene and for whose support and mainte-  
30 nance the department assumes responsibility on or after July one, nine-  
31 teen hundred seventy-seven and who are thereafter placed in a family  
32 home at board, a duly incorporated orphan asylum or other institution  
33 for the care, custody and treatment of children shall be admitted to the  
34 schools of the school district in which such family home or institution  
35 is located. The education department is authorized to reimburse each  
36 school district furnishing educational services to such children for the  
37 direct cost of such services in accordance with regulations promulgated  
38 by the commissioner and approved by the director of the budget. The  
39 educational costs for these children shall not be otherwise aidable or  
40 reimbursable. The school district in which the child resided at the  
41 time the department of mental hygiene assumed responsibility for the  
42 support and maintenance of such child shall reimburse the education  
43 department for its expenditure on behalf of such child in an amount  
44 equal to the school district basic contribution, as such term is defined  
45 in subdivision eight of section four thousand four hundred one of this  
46 chapter. The comptroller may deduct from any state funds which become  
47 due to a school district an amount equal to the reimbursement required  
48 to be made by such school district in accordance with this paragraph,  
49 and the amount so deducted shall not be included in the operating  
50 expense of such district for the purpose of computing the [~~apportionment~~  
51 ~~for~~] approved operating expense pursuant to paragraph t of subdivision  
52 [~~eleven~~] one of section [~~three thousand six~~] thirty-six hundred two of  
53 this chapter. The department of mental hygiene shall notify the educa-  
54 tion department of the name of the child, the location of the family  
55 home or institution where the child is to be placed and the name of the  
56 school district in which such child resided at the time the department

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1 of mental hygiene assumed responsibility for his or her support and  
2 maintenance.

3 (2) The school district in which each such child resided at the time  
4 the office of mental retardation and developmental disabilities assumed  
5 responsibility for the support and maintenance of such child shall reim-  
6 burse the education department for its expenditures on behalf of such  
7 child, in an amount equal to the school district basic contribution as  
8 such term is defined in subdivision eight of section forty-four hundred  
9 one of this chapter, for any such child admitted to a state school for  
10 the retarded on or after July first, nineteen hundred seventy-eight. The  
11 comptroller may deduct from any state funds which become due to a school  
12 district an amount equal to the reimbursement required to be made by  
13 such school district in accordance with this paragraph and the amount so  
14 deducted shall not be included in the approved operating expense of such  
15 district for the purpose of computing the [~~apportionment for~~] approved  
16 operating expenses pursuant to paragraph t of subdivision [~~eleven~~] one  
17 of section thirty-six hundred two of this chapter.

18 (6) Upon certification by the commissioner of education, the comp-  
19 troller may deduct from any state funds which become due to the school  
20 district an amount equal to the reimbursement required to be made by  
21 such school district in accordance with this paragraph, and the amount  
22 so deducted shall not be included in the operating expense of such  
23 district for the purpose of computing the [~~apportionment for~~] approved  
24 operating expenses pursuant to paragraph t of subdivision [~~eleven~~] one  
25 of section thirty-six hundred two of this article.

26 § 27. Paragraph b of subdivision 7 of section 3202 of the education  
27 law, as amended by chapter 564 of the laws of 2001, is amended to read  
28 as follows:

29 b. Except as otherwise provided in this paragraph, the school district  
30 in which the child resided at the time of the child's commitment to the  
31 custody of the sheriff or local commissioner of corrections or youth  
32 shelter shall reimburse the education department for its expenditure for  
33 the full time equivalent attendance of such child pursuant to subdivi-  
34 sion [~~thirty-five~~] thirteen of section thirty-six hundred two of this  
35 chapter on behalf of such child, in an amount equal to the product of  
36 such full time equivalent attendance and the school district basic  
37 contribution, as such term is defined in subdivision eight of section  
38 forty-four hundred one of this chapter, provided, however, that such  
39 basic contribution shall be multiplied by the full time equivalent  
40 attendance multiplied by one hundred twenty per centum for such children  
41 attending programs which operate between July first and June thirtieth.  
42 If at the applicable time specified in this paragraph a school district  
43 other than the school district in which the child resides is responsible  
44 for the cost of instruction of the child or for reimbursement of the  
45 state for its expenditure on behalf of the child pursuant to any  
46 provision of this chapter, then such other school district shall be  
47 responsible for reimbursement of the education department in accordance  
48 with this paragraph. Upon certification by the commissioner, the comp-  
49 troller shall deduct from any state funds which become due to a school  
50 district an amount equal to the reimbursement required to be made by  
51 such school district in accordance with this paragraph, and the amount  
52 so deducted shall not be included in the operating expense of such  
53 district for the purpose of computing the approved expense of such  
54 pursuant to paragraph t of subdivision [~~eleven~~] one of section thirty-  
55 six hundred two of this chapter.

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1 § 28. Paragraph b of subdivision 3 of section 3209 of the education  
2 law, as added by chapter 569 of the laws of 1994, is amended to read as  
3 follows:

4 b. The school district of origin shall reimburse the department for  
5 its expenditure for educational services on behalf of a homeless child  
6 pursuant to paragraph a of this subdivision in an amount equal to the  
7 school district basic contribution, as such term is defined in subdivi-  
8 sion eight of section forty-four hundred one of this chapter, pro-rated  
9 for the period of time for which such services were provided in the base  
10 year by a school district other than the school district of origin. Upon  
11 certification by the commissioner, the comptroller shall deduct from any  
12 state funds which become due to the school district of origin an amount  
13 equal to the reimbursement required to be made by such school district  
14 in accordance with this paragraph, and the amount so deducted shall not  
15 be included in the operating expense of such district for the purpose of  
16 computing the [~~apportionment for~~ approved operating expense pursuant to  
17 paragraph t of subdivision [~~eleven~~ one of section thirty-six hundred  
18 two of this chapter.

19 § 29. Section 3602-b of the education law, as amended by section 36 of  
20 part L of chapter 405 of the laws of 1999, is amended to read as  
21 follows:

22 § 3602-b. Apportionment of moneys to school districts employing fewer  
23 than eight teachers. 1. Notwithstanding any other provision of law,  
24 each school district of the state employing fewer than eight teachers  
25 shall receive its apportionment of public money payable during the  
26 school year commencing July first, nineteen hundred sixty-three and  
27 during subsequent school years pursuant to the provisions of this  
28 section. Such apportionment shall be computed by applying the state  
29 sharing ratio [~~for comprehensive operating aid~~] of the district computed  
30 in the same manner as provided in section thirty-six hundred two of this  
31 article to the approved operating expense of the school district for  
32 operating purposes and for transportation.

33 a. Approved operating expense shall be for the year prior to the base  
34 year as defined in section thirty-six hundred two of this article and  
35 shall be determined in the same manner provided in such section,  
36 provided, however, that the amount so approved shall not exceed the sum  
37 of (1) four thousand five hundred dollars multiplied by the lesser of  
38 the number of full-time teachers employed during such year prior to the  
39 base year or seven and (2) weighted average daily attendance as defined  
40 in section thirty-six hundred two of this article for the base year  
41 multiplied by the sum of sixty dollars plus an amount computed by multi-  
42 plying ninety cents by such weighted average daily attendance. Any such  
43 district employing three or more teachers shall be permitted to use the  
44 weighted average daily attendance averaged over the three year period  
45 immediately preceding the current year as defined in section thirty-six  
46 hundred two of this article.

47 b. Approved transportation expense shall be for the base year and  
48 shall be determined in the same manner as provided in subdivision seven  
49 of section thirty-six hundred two of this chapter.

50 2. If the local revenue provided by any such school district in the  
51 current year, as defined in section thirty-six hundred two of this arti-  
52 cle, inclusive of its local nonproperty tax receipts, is less than the  
53 amount which could be raised by a tax at the rate [~~herein~~] specified in  
54 this section on its actual valuation as defined in such section, the  
55 apportionment for such current year shall be reduced by the amount which  
56 such local revenue is less than the amount which could be raised at such

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1 rate. The rate for the school year [~~nineteen hundred sixty five six~~  
2 ~~ty six~~] two thousand seven--two thousand eight and thereafter shall be  
3 [~~nine dollars per thousand~~] the local tax factor established pursuant to  
4 subdivision four of section thirty-six hundred two of this article.

5 § 30. Subdivision 8 of section 3602-c of the education law, as amended  
6 by chapter 260 of the laws of 1993, is amended to read as follows:

7 8. Average daily attendance, as computed under the provisions of this  
8 section, shall be included in the average daily attendance and average  
9 daily membership of the school district furnishing services for all  
10 purposes under the provisions of section [~~three thousand six~~] thirty-six  
11 hundred two of this chapter, except that it shall not be used in the  
12 computation of resident weighted average daily attendance or total  
13 wealth pupil [~~unit or growth index~~] units or total wealth foundation  
14 pupil units or of aid [~~ratio~~] ratios.

15 § 31. Subdivision 7 of section 3604 of the education law, as amended  
16 by chapter 170 of the laws of 1994, is amended to read as follows:

17 7. No district shall be entitled to any portion of such school moneys  
18 on such apportionment unless the report of the trustees or board of  
19 education for the preceding school year shall show that the public  
20 schools were actually in session in the district and taught by a quali-  
21 fied teacher or by successive qualified teachers or by qualified teach-  
22 ers for not less than one hundred eighty days. The moneys payable to a  
23 school district pursuant to section thirty-six hundred nine-a of this  
24 chapter in the current year shall be reduced by one one-hundred eight-  
25 ieth of the district's [~~operating~~] total foundation aid for each day  
26 less than one hundred eighty days that the schools of the district were  
27 actually in session, except that the commissioner may disregard such  
28 reduction, up to five days, in the apportionment of public money, if he  
29 finds that the schools of the district were not in session for one  
30 hundred eighty days because of extraordinarily adverse weather condi-  
31 tions, impairment of heating facilities, insufficiency of water supply,  
32 shortage of fuel, lack of electricity, natural gas leakage, unacceptable  
33 levels of chemical substances, or the destruction of a school building  
34 either in whole or in part, and if, further, the commissioner finds that  
35 such district cannot make up such days of instruction by using for the  
36 secondary grades all scheduled vacation days which occur prior to the  
37 first scheduled regents examination day in June, and for the elementary  
38 grades all scheduled vacation days which occur prior to the last sched-  
39 uled regents examination day in June. For the purposes of this subdivi-  
40 sion, "scheduled vacation days" shall mean days on which the schools of  
41 the district are not in session and for which no prohibition exists in  
42 subdivision eight of this section for them to be in session. [~~The~~  
43 ~~district's operating aid shall equal the greater of the amounts computed~~  
44 ~~pursuant to paragraphs b and c of subdivision twelve of section thirty-~~  
45 ~~six hundred two of this chapter or, if applicable, pursuant to paragraph~~  
46 ~~b of subdivision fifteen of such section.~~]

47 § 32. The section heading, the opening paragraph, the opening para-  
48 graph of subdivision 1, subparagraph 2 of paragraph a, clauses (iii),  
49 (v) and (vii) of subparagraph 3 of paragraph b, subparagraph 5 of para-  
50 graph b of subdivision 1, and subdivision 3 of section 3609-a of the  
51 education law, the section heading and subparagraph 2 of paragraph a of  
52 subdivision 1 as amended by section 40 of part C of chapter 57 of the  
53 laws of 2004, the opening paragraph as amended by section 24 of part A-1  
54 of chapter 58 of the laws of 2006, the opening paragraph of subdivision  
55 1 and clause (iii) of subparagraph 3 of paragraph b of subdivision 1,  
56 subparagraph 5 of paragraph b of subdivision 1 and subdivision 3 as

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1 amended by chapter 474 of the laws of 1996, clause (v) of subparagraph 3  
2 of paragraph b of subdivision 1 as amended by section 42 of part A of  
3 chapter 60 of the laws of 2000, and clause (vii) of subparagraph 3 of  
4 paragraph b of subdivision 1 as amended by section 15 of part L of chap-  
5 ter 57 of the laws of 2005, are amended to read as follows:  
6 Moneys apportioned, when and how payable commencing July first, two  
7 thousand [~~four~~] seven. For aid payable in the [~~two thousand four two~~  
8 ~~thousand five~~] two thousand seven--two thousand eight school year and  
9 thereafter, "moneys apportioned" shall mean the lesser of (i) the sum of  
10 one hundred percent of the respective amount set forth for each school  
11 district as payable pursuant to this section in the school aid computer  
12 listing for the current year produced by the commissioner in support of  
13 the budget which includes the appropriation for the general support for  
14 public schools for the prescribed payments and individualized payments  
15 due prior to April first for the current year plus the [~~miscellaneous~~  
16 ~~general aid apportionments which shall include: apportionments~~] appor-  
17 tionment payable during the current school year pursuant to [~~paragraph g~~  
18 ~~of subdivision two,~~] subdivision [~~five~~] six-a and subdivision [~~thirty~~  
19 ~~six~~] fifteen of section thirty-six hundred two of this part minus any  
20 reductions to current year aids pursuant to subdivision seven of section  
21 thirty-six hundred four of this part or any deduction from apportionment  
22 payable pursuant to this chapter for collection of a school district  
23 basic contribution as defined in subdivision eight of section forty-four  
24 hundred one of this chapter, less any grants provided pursuant to  
25 subparagraph two-a of paragraph b of subdivision four of section nine-  
26 ty-two-c of the state finance law, less any grants provided pursuant to  
27 subdivision twelve of section thirty-six hundred forty-one of this arti-  
28 cle, or (ii) the apportionment calculated by the commissioner based on  
29 data on file at the time the payment is processed; provided however,  
30 that for the purposes of any payments [~~to be made for the months of~~  
31 ~~April, May or June of the two thousand five two thousand six school~~  
32 ~~year such calculation shall be based on the school aid computer listing~~  
33 ~~for the current year using updated data at the time of each payment,~~  
34 ~~provided however, that for the purposes of any payments~~] made pursuant  
35 to this section prior to the first business day of June of the current  
36 year, moneys apportioned shall not include any aids payable pursuant to  
37 subdivisions six and fourteen, if applicable, of section thirty-six  
38 hundred two of this part as current year aid for debt service on bond  
39 anticipation notes and/or bonds first issued in the current year or [~~any~~  
40 ~~aids payable as growth aid for the current year pursuant to subdivision~~  
41 ~~thirteen of section thirty six hundred two of this part or~~] any aids  
42 payable for full-day kindergarten for the current year pursuant to  
43 subdivision [~~twelve-a~~] nine of section thirty-six hundred two of this  
44 part. The definitions of "base year" and "current year" as set forth in  
45 subdivision one of section thirty-six hundred two of this part shall  
46 apply to this section. For aid payable in the [~~two thousand six two~~  
47 ~~thousand seven~~] two thousand seven--two thousand eight school year,  
48 reference to such "school aid computer listing for the current year"  
49 shall mean the printouts entitled [~~"SA0607"~~] "SA0708".  
50 The GSPS appropriation shall be used to support payments made pursuant  
51 to this section, plus apportionments made pursuant to section seven  
52 hundred one, seven hundred eleven, seven hundred fifty-one, seven  
53 hundred fifty-three, thirty-two hundred two, thirty-six hundred nine-b,  
54 [~~thirty six hundred nine-c,~~] thirty-six hundred forty-one and forty-four  
55 hundred five of this chapter, any other applicable allocations made  
56 pursuant to this chapter, but not paid pursuant to the schedule



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1 prescribed by this section or sections thirty-six hundred nine-b, [~~thir-~~  
2 ~~ty-six hundred nine-c, or~~] thirty-six hundred nine-d or thirty-six  
3 hundred nine-f of this article; plus any unconsolidated law provisions  
4 which apply to programs funded from such appropriation; plus any sums  
5 paid out upon audit of the state comptroller as final adjustments of  
6 apportionments originally claimed and payable pursuant to this subdivi-  
7 sion in prior school years; plus sums paid out as prior year adjust-  
8 ments, to the extent an allowance was included in such appropriation for  
9 such purpose. Any apportionments provided by this chapter shall be paid  
10 in accordance with this section unless specifically exempted.

11 (2) Lottery apportionment. Of the estimated moneys to be apportioned  
12 by the commissioner to school districts for the current year, that  
13 portion payable pursuant to section ninety-two-c of the state finance  
14 law, exclusive of the minimum lottery grant provided for the purchase of  
15 textbooks pursuant to subparagraph one of paragraph b of subdivision  
16 four of section ninety-two-c of such law and the lottery grant provided  
17 pursuant to subparagraph two-a of paragraph b of subdivision four of  
18 section ninety-two-c of the state finance law, shall be payable on the  
19 first state business day of September.

20 (iii) Determining final payment for the state fiscal year. Prior to  
21 transmitting the March payment to the state comptroller, based on  
22 current year, base year and prior school year state aid payments made or  
23 scheduled to be made from the general support for public schools [~~and~~  
24 ~~growth aid~~] appropriations for the state fiscal year ending March thir-  
25 ty-first, the commissioner shall determine the extent to which the  
26 amount designated for June pursuant to clause (vi) of subparagraph two  
27 of this paragraph, as adjusted in accordance with clause (ii) of this  
28 subparagraph, net of any disallowances, would need to be advanced and  
29 paid on or before March thirty-first in order to use the remainder of  
30 such appropriations, on or before March thirty-first, or to the extent  
31 to which the amount designated for March would need to be proportionally  
32 reduced so as not to exceed such state fiscal year appropriations. The  
33 commissioner shall report the amount of money required to be advanced or  
34 deferred and the percent it represents of the June or March amounts, as  
35 the case may be, to the director of the budget, the chairperson of the  
36 senate finance committee and the chairperson of the assembly ways and  
37 means committee. To the extent that moneys are advanced or deferred  
38 pursuant to this paragraph, they shall be in the same proportion as each  
39 school district's share bears to the total of such June or March amount.  
40 Upon approval of the director of the budget, the commissioner shall  
41 transmit the schedule of any such partial June prepayments or such  
42 reduced March payments to the state comptroller. Any portion of the  
43 March payment deferred shall be added to the June payment; any portion  
44 of the June payment advanced shall be paid on or before March thirty-  
45 first.

46 (v) June payment. The moneys apportioned to school districts and  
47 designated for June pursuant to clause (vi) of subparagraph two of this  
48 paragraph shall be paid on the first state business day of such month,  
49 to the extent that moneys are owed to school districts pursuant to this  
50 section for the current year, including claims for current year aid for  
51 debt service on bond anticipation notes aidable in June and/or new bonds  
52 and capital notes aidable in June pursuant to subdivisions six and four-  
53 teen, if applicable, of section thirty-six hundred two of this article  
54 [~~and claims for current year growth aid pursuant to subdivision thirteen~~  
55 ~~of section thirty six hundred two of this article~~] and claims for  
56 current year aid for conversion to full day kindergarten pursuant to

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1 subdivision [~~twelve-a~~] nine of section thirty-six hundred two of this  
2 article, after taking into account any adjustments made in accordance  
3 with clauses (ii) and (iii) of this subparagraph, net of any disallow-  
4 ances[~~, provided, however, that any aid for debt service on bond antic-~~  
5 ~~ipation notes payable for the nineteen hundred ninety-six-ninety-seven~~  
6 ~~school year in excess of the appropriation provided therefor shall be~~  
7 ~~proportionally deferred to September nineteen hundred ninety-seven, and~~  
8 ~~provided further, any such deferral shall be in the same proportion as a~~  
9 ~~school district's share bears to the total moneys available respectively~~  
10 ~~for such building aid for the nineteen hundred ninety-six-ninety-seven~~  
11 ~~school year].~~

12 (vii) Deferred September payments. Any amounts payable to a school  
13 district pursuant to this section which exceeded one hundred percent of  
14 the respective amount set forth for such district as payable pursuant to  
15 this section in the school aid computer listing for the current school  
16 year shall be designated for payment for the month of September next  
17 following the close of the current school year. Such payments shall be  
18 made on the first state business day of the month of September, based on  
19 data on file as of August first[~~, provided however, that for the two~~  
20 ~~thousand five-two thousand six school year such calculation shall be~~  
21 ~~based on the computer listing for the current year using data on file as~~  
22 ~~of August first, and shall include any deferrals made pursuant to clause~~  
23 ~~(v) of this subparagraph].~~

24 (5) Advance payments. To the extent that any moneys payable pursuant  
25 to clauses (iv) and (v) of subparagraph two of this paragraph, are paid  
26 in advance of April first, such moneys shall be paid in accordance with  
27 chapter two hundred twenty of the laws of nineteen hundred ninety, as  
28 amended, and in the same proportion as such school district's share  
29 bears to the total moneys, payable to all such school districts pursuant  
30 to such clauses (iv) and (v) provided however, that any moneys so  
31 advanced shall be deducted first from a school district's payment due in  
32 April, then from any moneys due in May and finally from any remaining  
33 moneys due in June. [~~Any advance to be paid prior to April first, nine-~~  
34 ~~teen hundred ninety-four, shall be based on a plan submitted by the~~  
35 ~~commissioner and approved by the director of the budget and shall be~~  
36 ~~filed with the chair of the senate finance committee and the chair of~~  
37 ~~the assembly ways and means committee. The amount of payments so accel-~~  
38 ~~erated shall not exceed the amount available from the proceeds of bonds~~  
39 ~~sold by the local government assistance corporation in the period from~~  
40 ~~April first, nineteen hundred ninety-three through March thirty-first,~~  
41 ~~nineteen hundred ninety-four.]~~

42 3. [~~Any~~] Except as otherwise provided by law, payment to a school  
43 district pursuant to this section shall be general receipts of the  
44 district and may be used for any lawful purpose of the district  
45 provided, however that any payments for debt service for school building  
46 purposes on debt which has been excluded in ascertaining the power of  
47 the school district to contract indebtedness shall be used solely for  
48 the purpose of payment of the interest on and amortization of or payment  
49 of such indebtedness.

50 § 33. The first and second undesignated paragraphs, paragraph a of  
51 subdivision 2 and subdivision 3 of section 3609-b of the education law,  
52 the first undesignated paragraph as added by chapter 57 of the laws of  
53 1993, the second undesignated paragraph as amended by section 16 of part  
54 L of chapter 57 of the laws of 2005, paragraph a of subdivision 2 as  
55 amended by chapter 474 of the laws of 1996, subparagraph 5 of paragraph  
56 a of subdivision 2 as amended by section 17 of part L of chapter 57 of

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1 the laws of 2005, and subdivision 3 as amended by chapter 260 of the  
2 laws of 1993, is amended to read as follows:

3 Moneys apportioned to school districts for [~~excess cost~~] the excess  
4 cost aid setaside pursuant to subdivision four of section thirty-six  
5 hundred two of this article and the apportionments for students with  
6 disabilities due in accordance with the provisions of [~~subdivision nine-~~  
7 ~~teen~~] subdivisions five and five-a of section thirty-six hundred two of  
8 this article and section forty-four hundred five of this chapter, shall  
9 be paid to or on behalf of school districts in accordance with the  
10 provisions of this section, provided, however, that payments made to or  
11 on behalf of any school district pursuant to this section shall be  
12 adjusted subsequent to the filing, in an acceptable manner, of aid claim  
13 forms prescribed by the commissioner.

14 For aid payable in the [~~nineteen hundred ninety six ninety seven~~] two  
15 thousand seven--two thousand eight school year and thereafter, "moneys  
16 apportioned" shall mean the sum of; (i) the lesser of [(~~i~~)] (A) one  
17 hundred percent of the respective amount set forth for each school  
18 district as payable pursuant to this section in the school aid computer  
19 listing for the current year, as defined in the opening paragraph of  
20 section thirty-six hundred nine-a of this article, or [(~~ii~~)] (B) the  
21 apportionment calculated by the commissioner for the current year based  
22 on data on file at the time the payment is processed[~~, provided however,~~  
23 ~~that for the purposes of any payments to be made in the months of June~~  
24 ~~or August two thousand six such calculation shall be based on the school~~  
25 ~~aid computer listing for the current year using updated data at the time~~  
26 ~~of each payment] plus (ii) the excess cost aid setaside computed pursu-  
27 ant to subdivision four of section thirty-six hundred two of this arti-  
28 cle, based on data utilized in producing such school aid listing for the  
29 current year. The definitions "base year" and "current year" as set  
30 forth in subdivision one of section thirty-six hundred two of this arti-  
31 cle shall apply to this section.~~

32 a. The moneys apportioned by the commissioner to school districts in  
33 accordance with the provisions of [~~subdivision nineteen~~] subdivisions  
34 five and five-a of section thirty-six hundred two of this article and  
35 section forty-four hundred five of this chapter and the moneys appor-  
36 tioned to school districts for the excess cost aid setaside pursuant to  
37 subdivision four of section thirty-six hundred two of this article,  
38 during the school year and remaining due after deductions are made for  
39 the purposes of subdivision one of this section, shall be payable[~~, for~~  
40 ~~the nineteen hundred ninety five ninety six school year, in accordance~~  
41 ~~with a schedule developed by the commissioner after consultation with~~  
42 ~~the commissioner of social services and approval by the director of the~~  
43 ~~division of the budget, to the extent that reports due the commissioner~~  
44 ~~have been filed in a proper manner, and shall be payable], for the  
45 [~~nineteen hundred ninety six ninety seven~~] two thousand seven--two  
46 thousand eight school year and thereafter in accordance with the follow-  
47 ing schedule:~~

48 (1) December payment. On or before December fifteenth, a portion shall  
49 be paid equal to the positive remainder of twenty-five percent of the  
50 moneys apportioned less any payments made pursuant to paragraph a of  
51 subdivision one of this section for the current year.

52 (2) March payment. On or before March fifteenth, a portion shall be  
53 paid equal to the positive remainder of seventy percent of the moneys  
54 apportioned less any payments made pursuant to paragraph a of subdivi-  
55 sion one of this section and subparagraph one of this paragraph for the  
56 current year.

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1 (3) June payment. On or before June fifteenth, a portion shall be paid  
2 equal to the positive remainder of eighty-five percent of the moneys  
3 apportioned less any payments made pursuant to paragraph a of subdivi-  
4 sion one of this section and subparagraphs one and two of this paragraph  
5 for the current year.

6 (4) August payment. To the extent that any moneys are owed to a school  
7 district pursuant to this section, a portion shall be paid on or before  
8 August fifteenth equal to the positive remainder of one hundred percent  
9 of the moneys apportioned less any payments made pursuant to paragraph a  
10 of subdivision one of this section and subparagraphs one, two and three  
11 of this paragraph for the current year.

12 (5) Deferred September payment. Any amount payable to a school  
13 district pursuant to this section which exceeded one hundred percent of  
14 the respective amount set forth for such district as payable pursuant to  
15 this section in the school aid computer listing for the current school  
16 year shall be designated for payment for the month of September next  
17 following the close of the current school year. Such payments shall be  
18 made on the first state business day of the month of September, based on  
19 data on file as of August first; provided however, that for the Septem-  
20 ber two thousand six payment such calculation shall be based on the  
21 computer listing for the current year using data on file as of August  
22 first.

23 3. Due minimum supplemental apportionment. Notwithstanding any incon-  
24 sistent provisions of [~~subdivision nineteen~~] subdivisions five and  
25 five-a of section thirty-six hundred two of this article and section  
26 forty-four hundred five of this chapter, for the two thousand seven--two  
27 thousand eight school year and thereafter, the due minimum supplemental  
28 apportionment shall equal the positive remainder resulting when the sum  
29 of the apportionments due a school district pursuant to such [~~subdivi-~~  
30 ~~sion nineteen~~] subdivisions five and five-a and such section forty-four  
31 hundred five for any school year [~~commencing with the nineteen hundred~~  
32 ~~ninety three ninety four school year~~] and, the moneys apportioned for  
33 the excess cost aid setaside pursuant to subdivision four of section  
34 thirty-six hundred two of this article, is subtracted from the amount  
35 designated as the state share of moneys due a school district pursuant  
36 to title XIX of the social security act, on account of school supportive  
37 health services provided to pupils with disabilities in special educa-  
38 tion programs pursuant to article eighty-nine of this chapter as deter-  
39 mined in accordance with the provisions of subdivision one of this  
40 section. Any additional apportionment pursuant to this subdivision shall  
41 be computed and recomputed by the commissioner in the normal course of  
42 auditing school district claims for aid.

43 § 34. Paragraph a of subdivision 1 of section 3609-e of the education  
44 law, as added by section 46 of part C of chapter 58 of the laws of 1998,  
45 is amended and a new paragraph e is added to read as follows:

46 a. "Amount of tax levy" shall mean the amount of property taxes levied  
47 for school purposes in the current year pursuant to subdivision one of  
48 section thirteen hundred six of the real property tax law, except that  
49 for a city school district of a city with one hundred twenty-five thou-  
50 sand inhabitants or more "amount of tax levy" shall mean an amount equal  
51 to the product of the tax rate computed pursuant to [~~subparagraph seven~~  
52 ~~of paragraph a of subdivision thirty-one-a of section thirty-six hundred~~  
53 ~~two of this article~~] paragraph e of this subdivision for aids payable in  
54 the current year multiplied by such district's actual valuation as  
55 defined in subdivision one of [~~such~~] section thirty-six hundred two of  
56 this article.

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1 e. "Tax rate" shall mean the amount computed by dividing a school  
2 district's total revenues from real property and non-property tax levies  
3 for the base year levied for school purposes exclusive of library  
4 purposes plus any payments in lieu of taxes received pursuant to section  
5 four hundred eighty-five of the real property tax law and exclusive of  
6 any balances in excess of six percent of general fund expense remaining  
7 in the general fund of the district at the end of the base year, by such  
8 district's actual valuation as defined in subdivision one of section  
9 thirty-six hundred two of this article including any actual valuation  
10 equivalent of payments in lieu of taxes determined pursuant to section  
11 four hundred eighty-five of the real property tax law, provided, howev-  
12 er, that in the instance of a fiscally dependent city school district,  
13 the tax rate shall be computed by dividing (i) such district's total  
14 general fund expenditures, plus inter-fund transfers outgoing from the  
15 general fund, and plus general fund reserve expenditures, less any and  
16 all general fund non-tax revenue of such city school district which has  
17 been paid and identified by an original payer as being specifically on  
18 behalf of such city school district, and less any and all non-tax reven-  
19 ue of the city upon which such city school district is fiscally depend-  
20 ent which has been paid and identified by an original payer as being  
21 specifically on behalf of such city school district but which has not  
22 been identified as revenue of such city school district, and less any  
23 and all other general fund revenues of such city school district which  
24 are determined by the commissioner to be non-tax revenue of the city  
25 upon which such city school district is fiscally dependent, by (ii) such  
26 district's actual valuation as defined in subdivision one of such  
27 section thirty-six hundred two. Revenues raised by a school district in  
28 support of a central high school district shall be included in the  
29 revenue of the district raising such revenue, and no local revenue shall  
30 be attributed to such central high school districts. Such tax rate shall  
31 be computed to five decimals without rounding and shall be multiplied by  
32 one thousand to be expressed in mills.

33 § 34-a. Paragraphs a, b, c, d, e and f of subdivision 2 of section  
34 3609-e of the education law, as amended by section 25 of part A-1 of  
35 chapter 58 of the laws of 2006, are amended to read as follows:

36 a. October payment for aids payable in the nineteen hundred ninety-  
37 eight--ninety-nine through two thousand two--two thousand three school  
38 years and the two thousand four--two thousand five through [~~two thousand~~  
39 ~~six two thousand seven~~] two thousand seven--two thousand eight school  
40 years. On or before October fifteenth, a portion of the school tax  
41 relief aid payable to the school district for the current year shall be  
42 paid equal to the product of the school tax relief aid and thirty-five  
43 one-hundredths.

44 b. October payment for aids payable in the two thousand three--two  
45 thousand four school year, and the [~~two thousand seven two thousand~~  
46 ~~eight~~] two thousand eight--two thousand nine school year and thereafter.  
47 On or before October fifteenth, a portion of the school tax relief aid  
48 payable to the school district for the current year, not to exceed one  
49 hundred percent of such aid payable, shall be paid equal to the product  
50 of the amount of tax levy and the positive difference, if any, of the  
51 STAR portion of the tax levy minus the product of twenty-five one-hun-  
52 dredths and the phase-in factor.

53 c. November payment for the aids payable in the nineteen hundred nine-  
54 ty-eight--ninety-nine through two thousand two--two thousand three  
55 school years and the two thousand four--two thousand five through [~~two~~  
56 ~~thousand six two thousand seven~~] two thousand seven--two thousand eight

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1 school years. On or before November fifteenth, a portion of the school  
2 tax relief aid payable to the school district for the current year shall  
3 be paid equal to the product of the school tax relief aid and seventy-  
4 one hundredths less any payments made pursuant to paragraph a of this  
5 subdivision.

6 d. November payment for aids payable in the two thousand three--two  
7 thousand four school year, and the [~~two thousand seven--two thousand~~  
8 ~~eight~~] two thousand eight--two thousand nine school year and thereafter.  
9 On or before November fifteenth, a portion of the school tax relief aid  
10 payable to the school district for the current year, not to exceed one  
11 hundred percent of such aid payable, shall be paid equal to: (i) the  
12 product of the amount of tax levy and the positive difference, if any,  
13 of the STAR portion of the tax levy minus the product of twenty one  
14 hundredths and the phase-in factor less (ii) any payments made pursuant  
15 to paragraph b of this subdivision.

16 e. December payment for aids payable in the nineteen hundred ninety-  
17 eight--ninety-nine through two thousand two--two thousand three school  
18 years and the two thousand four--two thousand five through [~~two thousand~~  
19 ~~six--two thousand seven~~] two thousand seven--two thousand eight school  
20 years. On or before December fifteenth, a portion of the school tax  
21 relief aid payable to the school district for the current year shall be  
22 paid equal to the product of the school tax relief aid and eighty one-  
23 hundredths less any payments made pursuant to paragraphs a and c of this  
24 subdivision.

25 f. December payment for aids payable in the two thousand three--two  
26 thousand four school year, and the [~~two thousand seven--two thousand~~  
27 ~~eight~~] two thousand eight--two thousand nine school year and thereafter.  
28 On or before December fifteenth, a portion of the school tax relief aid  
29 payable to the school district for the current year, not to exceed one  
30 hundred percent of such aid payable, shall be paid equal to: (i) the  
31 product of the amount of tax levy and the positive difference, if any,  
32 of the STAR portion of the tax levy minus the product of fifteen one-  
33 hundredths and the phase-in factor less (ii) any payments made pursuant  
34 to paragraphs b and d of this subdivision.

35 § 35. The education law is amended by adding a new section 3609-f to  
36 read as follows:

37 § 3609-f. Moneys apportioned to school districts for lottery grants  
38 pursuant to subparagraph two-a of paragraph b of subdivision four of  
39 section ninety-two-c of the state finance law, when and how payable  
40 commencing July first, two thousand seven. Notwithstanding the  
41 provisions of section thirty-six hundred nine-a of this article, appor-  
42 tionments payable pursuant to subparagraph two-a of paragraph b of  
43 subdivision four of section ninety-two-c of the state finance law shall  
44 be paid pursuant to this section. The definitions of "base year" and  
45 "current year" as set forth in subdivision one of section thirty-six  
46 hundred two of this article shall apply to this section.

47 1. Prescribed payments. The moneys apportioned by the commissioner to  
48 school districts pursuant to subparagraph two-a of paragraph b of subdi-  
49 vision four of section ninety-two-c of the state finance law during the  
50 school year shall be paid as follows:

51 (a) September payment. The product of the moneys apportioned to such  
52 district pursuant to subparagraph two-a of paragraph b of subdivision  
53 four of section ninety-two-c of the state finance law multiplied by ten  
54 percent, and such amount shall be payable on the same date as the  
55 payment computed pursuant to subparagraph two of paragraph a of subdivi-  
56 sion one of section thirty-six hundred nine-a of this article.



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1 (b) October payment. The product of the moneys apportioned to such  
2 district pursuant to subparagraph two-a of paragraph b of subdivision  
3 four of section ninety-two-c of the state finance law multiplied by  
4 fifteen percent, and such amount shall be payable on the same date as  
5 the payment computed pursuant to clause (i) of subparagraph four of  
6 paragraph a of subdivision one of section thirty-six hundred nine-a of  
7 this article.

8 (c) November payment. The product of the moneys apportioned to such  
9 district pursuant to subparagraph two-a of paragraph b of subdivision  
10 four of section ninety-two-c of the state finance law multiplied by  
11 fifteen percent, and such amount shall be payable on the same date as  
12 the payment computed pursuant to clause (ii) of subparagraph four of  
13 paragraph a of subdivision one of section thirty-six hundred nine-a of  
14 this article.

15 (d) December payment. The product of the moneys apportioned to such  
16 district pursuant to subparagraph two-a of paragraph b of subdivision  
17 four of section ninety-two-c of the state finance law multiplied by  
18 fifteen percent, and such amount shall be payable on the same date as  
19 the payment computed pursuant to clause (iii) of subparagraph four of  
20 paragraph a of subdivision one of section thirty-six hundred nine-a of  
21 this article.

22 (e) January payment. The product of the moneys apportioned to such  
23 district pursuant to subparagraph two-a of paragraph b of subdivision  
24 four of section ninety-two-c of the state finance law multiplied by  
25 fifteen percent, and such amount shall be payable on the same date as  
26 the payment computed pursuant to clause (i) of subparagraph two of para-  
27 graph b of subdivision one of section thirty-six hundred nine-a of this  
28 article.

29 (f) February payment. The product of the moneys apportioned to such  
30 district pursuant to subparagraph two-a of paragraph b of subdivision  
31 four of section ninety-two-c of the state finance law multiplied by  
32 fifteen percent, and such amount shall be payable on the same date as  
33 the payment computed pursuant to clause (ii) of subparagraph two of  
34 paragraph b of subdivision one of section thirty-six hundred nine-a of  
35 this article.

36 (g) March payment. The positive difference, if any, of the moneys  
37 apportioned to such district pursuant to subparagraph two-a of paragraph  
38 b of subdivision four of section ninety-two-c of the state finance law  
39 less the sum of the payments made pursuant to paragraphs (a), (b), (c),  
40 (d), (e) and (f) of this subdivision, and such amount shall be payable  
41 on the same date as the payment computed pursuant to clause (iii) of  
42 subparagraph two of paragraph b of subdivision one of section thirty-six  
43 hundred nine-a of this article.

44 2. Any payment to a school district pursuant to this section shall be  
45 general receipts of the district and may be used for any lawful purpose  
46 of the district.

47 § 36. Subdivision 9 of section 3612 of the education law is renumbered  
48 subdivision 10 and a new subdivision 9 is added to read as follows:

49 9. Science and mathematics tuition reimbursement program. Of the  
50 amount appropriated for purposes of this section for grants to school  
51 districts for the two thousand seven--two thousand eight school year and  
52 thereafter, five million dollars (\$5,000,000) shall be made available  
53 for a science and mathematics tuition reimbursement program developed by  
54 the commissioner to attract qualified teachers who have received or will  
55 receive a transitional teaching certificate, to teach mathematics or  
56 science in a low-performing school.

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1 § 37. Paragraph b of subdivision 2 of section 3612 of the education  
2 law, as added by chapter 62 of the laws of 2000, is amended to read as  
3 follows:

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

22 § 38. Section 3641 of the education law is amended by adding two new  
23 subdivisions 2 and 8 to read as follows:

24 2. Full-day kindergarten transition planning grants. Within the amount  
25 appropriated for such purpose, the commissioner is hereby authorized to  
26 award grants to school districts that operated half-day kindergarten  
27 programs in the two thousand six--two thousand seven school year and  
28 will continue to operate such half-day programs in the two thousand  
29 seven--two thousand eight school year to plan for conversion to full-day  
30 kindergartens only in the school year next following the school year in  
31 which the planning grant is received, but no later than the two thousand  
32 ten--two thousand eleven school year. The commissioner shall prescribe  
33 the procedures and criteria for the award of such grants, which shall be  
34 available to school districts to defray their additional costs for plan-  
35 ning time, the cost of classroom materials, equipment, furniture and  
36 supplies not eligible for aid pursuant to subdivisions six, six-a,  
37 six-b, six-c or six-f of section thirty-six hundred two of this article,  
38 where such additional costs are incurred in planning for the facilities  
39 and staffing that will be needed for such conversion. No school district  
40 may receive more than one planning grant pursuant to this subdivision.  
41 The commissioner shall be authorized to adopt regulations to implement  
42 the provisions of this subdivision.

43 8. Supplemental educational improvement grants. a. In addition to  
44 apportionments otherwise provided by section thirty-six hundred two of  
45 this article, for aid payable in the two thousand seven--two thousand  
46 eight school year and thereafter, the amounts specified in paragraph b  
47 of this subdivision shall be paid for the purpose of providing addi-  
48 tional funding for the costs of educational improvement plans required  
49 as a result of a court-ordered settlement in a school desegregation case  
50 to which the state was a party. Grant funds awarded pursuant to this  
51 subdivision shall be used exclusively for services and expenses incurred  
52 by the school district to implement such educational improvement plans.

53 b. To the Yonkers city school district there shall be paid eight  
54 billion five hundred thousand dollars (\$8,500,000) on an annual basis.  
55 Such grant shall be payable from funds appropriated for such purpose and  
56 shall be apportioned to the Yonkers city school district in accordance

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1 with the payment schedules contained in section thirty-six hundred  
2 nine-a of this article, notwithstanding any provision of law to the  
3 contrary.

4 § 38-a. Subparagraphs 1 and 2 of paragraph c of subdivision 14 of  
5 section 3641 of the education law, as added by section 2 of part I of  
6 chapter 61 of the laws of 2006, are amended to read as follows:

7 (1) EXCEL apportionment for school enhancement. Funds in an aggregate  
8 amount not to exceed eight hundred million dollars shall be available  
9 for grants to eligible school districts other than a city school  
10 district in a city having a population of one million inhabitants or  
11 more. Each eligible school district which has an EXCEL project or  
12 projects shall be entitled to a grant or grants for such project or  
13 projects in an amount whether in the aggregate or otherwise, not to  
14 exceed the maximum additional apportionment calculated for such school  
15 district. The amount of such maximum additional apportionment not  
16 expended, disbursed or encumbered for any such year shall be carried  
17 over for expenditure and disbursement to the next succeeding school  
18 year. Such maximum additional apportionment may be used, at the option  
19 of the school district, in lieu of, or to supplement, the apportionments  
20 available pursuant to subdivisions six, six-a, six-b, six-c, six-d,  
21 six-e, six-f and paragraph c of subdivision fourteen of section thirty-  
22 six hundred two of this article, and subdivisions ten and twelve of this  
23 section, provided that the total of such apportionments less any semian-  
24 nual payments of interest computed pursuant to subparagraph three of  
25 paragraph e of subdivision six of section thirty-six hundred two of this  
26 article plus the grant payable pursuant to this subdivision for the  
27 total project costs of any EXCEL project shall not exceed such total  
28 project costs, provided further that where the school district opts to  
29 use the EXCEL apportionment provided pursuant to this subdivision to  
30 supplement the apportionments payable for approved project costs pursu-  
31 ant to subdivisions six, six-a, six-b, six-c, six-d, six-e, six-f and  
32 paragraph c of subdivision fourteen of section thirty-six hundred two of  
33 this article, and subdivisions ten and twelve of this section, such  
34 EXCEL apportionment shall not otherwise reduce such apportionments.  
35 Except as authorized in this paragraph, expenditures from the maximum  
36 additional apportionment shall not be eligible for aid under any other  
37 provision of this chapter.

38 (2) EXCEL apportionment for city facilities enhancement. Funds in an  
39 aggregate amount not to exceed one billion eight hundred million dollars  
40 shall be available for grants to a city school district in a city having  
41 a population of one million inhabitants or more. Such school district  
42 shall be entitled to a grant or grants for each EXCEL project or  
43 projects in an amount whether in the aggregate or otherwise, not to  
44 exceed the maximum additional apportionment calculated for such school  
45 district. The amount of such maximum additional apportionment not  
46 expended, disbursed or encumbered for any such year shall be carried  
47 over for expenditure and disbursement to the next succeeding school  
48 year. Such maximum additional apportionment may be used, at the option  
49 of the school district, in lieu of, or to supplement, the apportionments  
50 available pursuant to subdivisions six, six-a, six-b, six-c, six-d,  
51 six-e, six-f and paragraph c of subdivision fourteen of section thirty-  
52 six hundred two of this article, and subdivisions ten and twelve of this  
53 section, provided that the total of such apportionments less any semian-  
54 nual payments of interest computed pursuant to subparagraph two of para-  
55 graph e of subdivision six of section thirty-six hundred two of this  
56 article plus the grant payable pursuant to this subdivision for the

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1 total project costs of any EXCEL project shall not exceed such total  
2 project costs, provided further that where the school district opts to  
3 use the EXCEL apportionment provided pursuant to this subdivision to  
4 supplement the apportionments payable for approved project costs pursu-  
5 ant to subdivisions six, six-a, six-b, six-c, six-d, six-e, six-f and  
6 paragraph c of subdivision fourteen of section thirty-six hundred two of  
7 this article, and subdivisions ten and twelve of this section, such  
8 EXCEL apportionment shall not otherwise reduce such apportionments.  
9 Except as authorized in this paragraph, expenditures from the maximum  
10 additional apportionment shall not be eligible for aid under any other  
11 provision of this chapter.

12 § 39. The education law is amended by adding two new sections 3641-a  
13 and 3641-b to read as follows:

14 § 3641-a. Excelsior scholars program for grade seven mathematics and  
15 science students. The commissioner shall establish an excelsior scholars  
16 program for grade seven mathematics and science students pursuant to  
17 this section and regulations of the commissioner adopted for such  
18 purpose. Within the amounts appropriated for this purpose, the commis-  
19 sioner shall award grants on a competitive basis to public and independ-  
20 ent colleges and universities to conduct summer programs that shall  
21 provide advanced coursework in mathematics and science to students  
22 designated as excelsior scholars and, as funds permit, other high-per-  
23 forming students who have completed seventh grade.

24 1. Each year, the commissioner shall identify up to three thousand  
25 high performing seventh grade students in mathematics and science from  
26 students nominated by each public middle school, junior high school,  
27 intermediate school or junior/senior high school, or kindergarten  
28 through secondary school. The commissioner by regulation shall prescribe  
29 the maximum number of students that may be nominated by each school,  
30 which may vary based on the size of the school, which shall include  
31 equal numbers of male and female students. After review by the commis-  
32 sioner, qualified students shall be certified to the governor for recog-  
33 nitition as an excelsior scholar.

34 2. The commissioner shall conduct a competitive process under which  
35 financial grants are awarded to each college and university approved to  
36 provide appropriate advanced coursework to excelsior scholars in the  
37 summer months, subject to the availability of funds appropriated for  
38 such purpose.

39 3. The regulations of the commissioner shall provide for coordination  
40 of the program with the seven centers for excellence in technology and  
41 the programs offered by such centers, to the extent practicable.

42 § 3641-b. Grants for summer institutes for mathematics and science  
43 teachers. The commissioner shall establish a program of competitively  
44 awarded grants within the amount appropriated for such purpose, to  
45 public and independent colleges and universities offering teacher educa-  
46 tion programs, in partnership with school districts, to conduct summer  
47 institutes for teachers of science and mathematics in grades five  
48 through eight in middle schools, junior high schools, intermediate  
49 schools or junior/senior high schools with priority given as practicable  
50 to teachers in schools identified as schools in need of improvement or  
51 in corrective action or restructuring status, schools under registration  
52 review or schools requiring academic progress. Such summer institutes  
53 shall be designed to advance the content knowledge and pedagogy of  
54 participating science and mathematics teachers and shall, to the extent  
55 practicable, be aligned and integrated with programs offered to excels-  
56 ior scholars pursuant to section thirty-six hundred forty-one-a of this

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1 article. Teachers shall be selected for participation by their building  
2 principal.

3 § 40. Subdivision 6 of section 4402 of the education law, as amended  
4 by section 31 of part A-1 of chapter 58 of the laws of 2006, is amended  
5 to read as follows:

6 6. Notwithstanding any other law, rule or regulation to the contrary,  
7 the board of education of a city school district with a population of  
8 one hundred twenty-five thousand or more inhabitants shall be permitted  
9 to establish maximum class sizes for special classes for certain  
10 students with disabilities in accordance with the provisions of this  
11 subdivision. For the purpose of obtaining relief from any adverse fiscal  
12 impact from under-utilization of special education resources due to low  
13 student attendance in special education classes at the middle and  
14 secondary level as determined by the commissioner, such boards of educa-  
15 tion shall, during the school years nineteen hundred ninety-five--nine-  
16 ty-six through June thirtieth, two thousand [~~seven~~] eight of the [~~two~~  
17 ~~thousand six--two thousand seven~~] two thousand seven--two thousand eight  
18 school year, be authorized to increase class sizes in special classes  
19 containing students with disabilities whose age ranges are equivalent to  
20 those of students in middle and secondary schools as defined by the  
21 commissioner for purposes of this section by up to but not to exceed one  
22 and two tenths times the applicable maximum class size specified in  
23 regulations of the commissioner rounded up to the nearest whole number,  
24 provided that in a city school district having a population of one  
25 million or more, classes that have a maximum class size of fifteen may  
26 be increased by no more than one student and provided that the projected  
27 average class size shall not exceed the maximum specified in the appli-  
28 cable regulation, provided that such authorization shall terminate on  
29 June thirtieth, two thousand. Such authorization shall be granted upon  
30 filing of a notice by such a board of education with the commissioner  
31 stating the board's intention to increase such class sizes and a certifi-  
32 cation that the board will conduct a study of attendance problems at  
33 the secondary level and will implement a corrective action plan to  
34 increase the rate of attendance of students in such classes to at least  
35 the rate for students attending regular education classes in secondary  
36 schools of the district. Such corrective action plan shall be submitted  
37 for approval by the commissioner by a date during the school year in  
38 which such board increases class sizes as provided pursuant to this  
39 subdivision to be prescribed by the commissioner. Upon at least thirty  
40 days notice to the board of education, after conclusion of the school  
41 year in which such board increases class sizes as provided pursuant to  
42 this subdivision, the commissioner shall be authorized to terminate such  
43 authorization upon a finding that the board has failed to develop or  
44 implement an approved corrective action plan.

45 § 41. Subdivisions 1 and 3 and paragraph a of subdivision 2 of section  
46 4115 of the education law, subdivisions 1 and 3 as amended by chapter  
47 387 of the laws of 1954 and paragraph a of subdivision 2 as amended by  
48 chapter 53 of the laws of 1979, are amended to read as follows:

49 1. If the education of Indian children of a reservation is being  
50 provided pursuant to the provisions of subdivision two of section  
51 forty-one hundred one of this article, such Indian children in attend-  
52 ance on the date construction is commenced shall be included in the  
53 computation of a building quota pursuant to subdivision six-a of  
54 [~~eighteen~~] thirty-six hundred [~~six~~] two of this chapter for the school  
55 district providing such education. In the event that a district which  
56 has furnished instruction to Indian children shall cease to furnish such

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1 instruction, any building quota paid such district pursuant to the  
2 provisions of [~~section eighteen hundred six of this chapter~~] such subdi-  
3 vision six-a shall be recomputed to remove the Indian children from the  
4 computation of such building quota for such district.

5 a. Except as otherwise provided in this subdivision, if the education  
6 of Indian children of a reservation shall be provided pursuant to the  
7 provisions of subdivision two of section forty-one hundred one of this  
8 article, such Indian children shall be included in the pupils deemed in  
9 weighted averaged daily attendance [~~and~~], average daily membership,  
10 total aidable pupil units, total aidable foundation pupil units and  
11 total wealth pupil units for the school district providing such educa-  
12 tion and such Indian children shall be deemed to be resident pupils of  
13 the district for the purpose of the computation of the apportionment of  
14 public moneys to the school district providing such education.

15 3. All children at the Thomas Indian school, and all Indian children  
16 residing on any of the reservations of the state who are qualified to  
17 enter a secondary school and whose parents are unable to provide such  
18 education are eligible to appointment by the commissioner of education  
19 as state pupils and as such to receive transportation to and from a high  
20 school or vocational school on each day of attendance. Whenever such  
21 high school or vocational school shall be in a city or district other  
22 than one in which such pupils may have the legal right to attend without  
23 charge, and where a charge is imposed on non-resident pupils, the state  
24 shall also pay the required non-resident fee for tuition. The required  
25 non-resident fee for tuition shall not exceed the total cost to the  
26 school district of the education of such Indian children, less any  
27 public moneys received by the school district by reason of the attend-  
28 ance of such Indian children in regular day school, except any public  
29 moneys received by the district as a building quota pursuant to the  
30 provisions of [~~section eighteen hundred six~~] subdivision six-a of  
31 section thirty-six hundred two of this chapter. The commissioner of  
32 taxation and finance shall pay on the warrant of the comptroller bills  
33 approved by the commissioner of education from the appropriation for  
34 [~~the common~~] general support for the public schools, out of such sum as  
35 may be appropriated for such support and education of Indian youth for  
36 the amounts necessary for the purposes set forth in this section.

37 § 42. Paragraph a of subdivision 1 of section 4313 of the education  
38 law, as amended by chapter 53 of the laws of 1990, is amended to read as  
39 follows:

40 a. The school district of which any such child is resident at the time  
41 of admission or readmission to the New York State school for the blind  
42 pursuant to this article shall be required to reimburse the state in an  
43 amount equal to the tuition payments made to the state school by the  
44 state on behalf of the school district. The comptroller shall deduct the  
45 appropriate tuition amounts from any state funds which become due to a  
46 school district for each year in which such child is in attendance at  
47 such school, and shall deposit such funds to the special revenue  
48 accounts established for such purpose. Any tuition amounts deducted  
49 pursuant to this subdivision shall be [~~considered an expenditure~~]  
50 included in the approved operating expense of the school district pursu-  
51 ant to paragraph t of subdivision [~~eleven~~] one of section thirty-six  
52 hundred two of this chapter.

53 § 43. Paragraph a of subdivision 1 of section 4357 of the education  
54 law, as amended by chapter 53 of the laws of 1990, is amended to read as  
55 follows:



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1 a. The school district of which any such child is resident at the time  
2 of admission or readmission to the New York State school for the deaf  
3 pursuant to this article shall be required to reimburse the state in an  
4 amount equal to the tuition payments made to the state school by the  
5 state on behalf of the school district. The comptroller shall deduct the  
6 appropriate tuition amounts from any state funds which become due to a  
7 school district for each year in which such child is in attendance at  
8 such school, and shall deposit such funds to the special revenue  
9 accounts established for such purpose. Any tuition amounts deducted  
10 pursuant to this subdivision shall be [~~considered an expenditure~~]  
11 included in the approved operating expense of the school district pursu-  
12 ant to paragraph t of subdivision [eleven] one of section thirty-six  
13 hundred two of this chapter.

14 § 44. Clause (f) of subparagraph 3 of paragraph b of subdivision 1 of  
15 section 4402 of the education law, as amended by chapter 53 of the laws  
16 of 1986, is amended to read as follows:

17 (f) Report periodically, but at least annually, to the board of educa-  
18 tion or trustees on the status of programs, services, and facilities  
19 made available by the school district in accordance with the provisions  
20 of subdivision [~~ten~~] eight of section thirty-six hundred two of this  
21 chapter. Such reports shall be kept on file for inspection by the  
22 commissioner.

23 § 45. Subdivision 5 of section 4602 of the education law, as amended  
24 by chapter 301 of the laws of 1996, is amended to read as follows:

25 5. School days spent in legal employment by pupils enrolled in  
26 approved career cooperative education programs who are in part-time  
27 school attendance shall be included in the average daily attendance and  
28 average daily membership for apportionment of state aid under provisions  
29 of section thirty-six hundred two of this chapter.

30 § 46. Subparagraphs 2 and 4 of paragraph b and paragraph d of subdivi-  
31 sion 4 of section 92-c of the state finance law, subparagraph 2 of para-  
32 graph b as added by chapter 71 of the laws of 1977, subparagraph 4 of  
33 paragraph b as amended by chapter 82 of the laws of 1995, and paragraph  
34 d as amended by chapter 503 of the laws of 1976, are amended and para-  
35 graph b is amended by adding a new subparagraph 2-a to read as follows:

36 (2) each approved state supported school for the deaf and the blind  
37 shall receive ten dollars per enrolled pupil; [~~and~~]

38 (2-a) each school district eligible to receive total foundation aid  
39 pursuant to section thirty-six hundred two of the education law shall  
40 receive a lottery grant in an amount equal to the product of the amount  
41 of the appropriation for the current year multiplied by the district's  
42 VLT ratio. The "VLT ratio" shall be equal to the quotient of the moneys  
43 apportioned for such district pursuant to section thirty-six hundred  
44 nine-a of the education law as set forth in the school aid computer  
45 listing produced by the commissioner in support of the enacted state  
46 budget for the current school year, divided by the sum of such moneys  
47 apportioned for all school districts as set forth in such school aid  
48 computer listing in support of the enacted state budget for the current  
49 school year.

50 Moneys to be appropriated from the fund in any state fiscal year,  
51 commencing on and after April first, two thousand seven, for the  
52 purposes of providing aid pursuant to this subparagraph shall be appor-  
53 tioned and paid by the education department pursuant to section thirty-  
54 six hundred nine-f of the education law;

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1 (4) each eligible school district shall be entitled to an additional  
2 lottery grant equal to the result of multiplying the district's total  
3 aidable pupil units for the base year by:

4 
$$\text{Base Grant} \times (1 + \text{aid ratio})$$

5 Where, the base grant shall equal the sum of the net total available  
6 moneys after making payments pursuant to subparagraphs (1), (2), (2-a)  
7 and (3) above, plus an amount from the general support for public  
8 schools-- general fund local assistance account equal to the June  
9 lottery payment, divided by the total aidable pupil units of the state  
10 and where the Aid Ratio is equal to one minus the pupil wealth ratio of  
11 the district as such term is defined in section thirty-six hundred two  
12 of the education law. In no case shall a school district aid ratio  
13 exceed one (1) or be less than minus one (-1).

14 d. Any moneys paid pursuant to this subdivision shall be subject to  
15 the limitations of paragraph a of subdivision ~~[ten]~~ eight of section  
16 thirty-six hundred two of the education law and shall be used only for  
17 operating expenses authorized by law and in accordance with regulations  
18 to be promulgated by the commissioner of education with the approval of  
19 the director of the budget.

20 § 47. Subdivision b of section 2 of chapter 756 of the laws of 1992,  
21 relating to funding a program for work force education conducted by the  
22 consortium for worker education in New York city, as amended by section  
23 34 of part A-1 of chapter 58 of the laws of 2006, is amended to read as  
24 follows:

25 b. Reimbursement for programs approved in accordance with subdivision  
26 a of this section [~~for the 1992-93 school year shall not exceed 61.4~~  
27 ~~percent of the lesser of such approvable costs per contact hour or five~~  
28 ~~dollars and sixty cents per contact hour, reimbursement for the 1993-94~~  
29 ~~school year shall not exceed 65.1 percent of the lesser of such approva-~~  
30 ~~ble costs per contact hour or five dollars and fifty cents per contact~~  
31 ~~hour, reimbursement for the 1994-95 school year shall not exceed 58~~  
32 ~~percent of the lesser of such approvable costs per contact hour or five~~  
33 ~~dollars and seventy five cents per contact hour, reimbursement for the~~  
34 ~~1995-96 school year shall not exceed 61.2 percent of the lesser of such~~  
35 ~~approvable costs per contact hour or five dollars and eighty cents per~~  
36 ~~contact hour, reimbursement for the 1996-97 school year shall not exceed~~  
37 ~~61.7 percent of the lesser of such approvable costs per contact hour or~~  
38 ~~five dollars and ninety cents per contact hour, reimbursement for the~~  
39 ~~1997-98 school year shall not exceed 63.2 percent of the lesser of such~~  
40 ~~approvable costs per contact hour or six dollars and ten cents per~~  
41 ~~contact hour, reimbursement for the 1998-99 school year shall not exceed~~  
42 ~~64.4 percent of the lesser of such approvable costs per contact hour or~~  
43 ~~six dollars and five cents per contact hour, reimbursement for the~~  
44 ~~1999-2000 school year shall not exceed 64.4 percent of the lesser of~~  
45 ~~such approvable costs per contact hour or six dollars and twenty-five~~  
46 ~~cents per contact hour, reimbursement for the 2000-2001 school year~~  
47 ~~shall not exceed 65.1 percent of the lesser of such approvable costs per~~  
48 ~~contact hour or six dollars and sixty cents per contact hour, reimburse-~~  
49 ~~ment for the 2001-02 school year shall not exceed 64.5 percent of the~~  
50 ~~lesser of such approvable costs per contact hour or six dollars and~~  
51 ~~ninety cents per contact hour, reimbursement for the 2002-03 school year~~  
52 ~~shall not exceed 64.4 percent of the lesser of such approvable costs per~~  
53 ~~contact hour or seven dollars and forty cents per contact hour,~~  
54 ~~reimbursement for the 2003-04 school year shall not exceed 64.0 percent~~

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1 ~~of the lesser of such approvable costs per contact hour or seven dollars~~  
2 ~~and sixty five cents per contact hour and reimbursement for the 2004-05~~  
3 ~~school year shall not exceed 63.2 percent of the lesser of such approva-~~  
4 ~~ble costs per contact hour or eight dollars and five cents per contact~~  
5 ~~hour and reimbursement] for the 2005-06 school year shall not exceed~~  
6 64.4 percent of the lesser of such approvable costs per contact hour or  
7 eight dollars and fifty cents per contact hour [~~and~~], reimbursement for  
8 the 2006-07 school year shall not exceed 64.7 percent of the lesser of  
9 such approvable costs per contact hour or nine dollars and twenty-five  
10 cents per contact hour where a contact hour represents sixty minutes of  
11 instruction services provided to an eligible adult and reimbursement for  
12 the 2007-08 school year shall not exceed 63.3 percent of the lesser of  
13 such approvable costs per contact hour or nine dollars and ninety cents  
14 per contact hour where a contact hour represents sixty minutes of  
15 instruction services provided to an eligible adult. Notwithstanding any  
16 other provision of law to the contrary, [~~for the 1992-1993 school year~~  
17 ~~the apportionment calculated for the city school district of the city of~~  
18 ~~New York pursuant to subdivision 24 of section 3602 of the education law~~  
19 ~~shall be computed as if such contact hours provided by the consortium~~  
20 ~~for worker education, not to exceed six hundred thousand hours~~  
21 ~~(600,000), were eligible for aid in accordance with the provisions of~~  
22 ~~such subdivision 24 of section 3602 of the education law, whereas, for~~  
23 ~~the 1993-94 school year such contact hours shall not exceed five hundred~~  
24 ~~seventy-six thousand one hundred eighty-seven hours (576,187); whereas,~~  
25 ~~for the 1994-95 school year such contact hours shall not exceed six~~  
26 ~~hundred nineteen thousand five hundred thirty one hours (619,531); wher-~~  
27 ~~reas, for the 1995-96 school year such contact hours shall not exceed~~  
28 ~~five hundred eighty one thousand one hundred thirty eight hours~~  
29 ~~(581,138); whereas, for the 1996-97 school year such contact hours shall~~  
30 ~~not exceed one million ninety-eight thousand nine hundred one hours~~  
31 ~~(1,098,901); whereas, for the 1997-98 school year such contact hours~~  
32 ~~shall not exceed one million five hundred fifty eight thousand four~~  
33 ~~hundred forty one (1,558,441) hours; whereas, for the 1998-99 school~~  
34 ~~year such contact hours shall not exceed one million nine hundred twen-~~  
35 ~~ty-eight thousand twenty (1,928,020) hours; whereas, for the 1999-2000~~  
36 ~~school year such contact hours shall not exceed one million nine hundred~~  
37 ~~ninety thousand forty nine (1,990,049) hours; whereas, for the 2000-2001~~  
38 ~~school year such contact hours shall not exceed one million nine hundred~~  
39 ~~eighty one thousand three hundred fifty one (1,981,351) hours; whereas,~~  
40 ~~for the 2001-02 school year such contact hours shall not exceed two~~  
41 ~~million two hundred forty seven thousand one hundred ninety one~~  
42 ~~(2,247,191) hours; whereas, for the 2002-03 school year such contact~~  
43 ~~hours shall not exceed two million one hundred thousand eight hundred~~  
44 ~~forty (2,100,840) hours; whereas for the 2003-04 school year such~~  
45 ~~contact hours shall not exceed one million eight hundred forty thousand~~  
46 ~~four hundred ninety (1,840,490) hours; whereas for the 2004-05 school~~  
47 ~~year such contact hours shall not exceed two million two hundred sixty-~~  
48 ~~three thousand seven hundred seventy-nine (2,263,779) hours; whereas]~~  
49 for the 2005-06 school year such contact hours shall not exceed two  
50 million one hundred two thousand three hundred seventy-six (2,102,376)  
51 hours; whereas for the 2006-07 school year such contact hours shall not  
52 exceed one million nine hundred twenty-three thousand seventy-six  
53 (1,923,076) hours; whereas for the 2007-08 school year such contact  
54 hours shall not exceed one million eight hundred thirty-seven thousand  
55 sixty (1,837,060) hours.

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1 § 48. 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 m to read as follows:

5 m. The provisions of this subdivision shall not apply after the  
6 completion of payments for the 2007-2008 school year. Notwithstanding  
7 any inconsistent provisions of law, the commissioner of education shall  
8 withhold a portion of employment preparation education aid due to the  
9 city school district of the city of New York to support a portion of the  
10 costs of the work force education program. Such moneys shall be credited  
11 to the elementary and secondary education fund-local assistance account  
12 and shall not exceed eleven million five hundred thousand dollars  
13 (\$11,500,000).

14 § 49. Section 6 of chapter 756 of the laws of 1992, relating to fund-  
15 ing a program for work force education conducted by the consortium for  
16 worker education in New York city, as amended by section 36 of part A-1  
17 of chapter 58 of the laws of 2006, is amended to read as follows:

18 § 6. This act shall take effect July 1, 1992, and shall be deemed  
19 repealed on June 30, [~~2007~~] 2008.

20 § 50. Subdivision 1 of section 167 of chapter 169 of the laws of 1994,  
21 relating to certain provisions related to the 1994-95 state operations,  
22 aid to localities, capital projects and debt service budgets, as amended  
23 by section 2 of part A-4 of chapter 58 of the laws of 2006, is amended  
24 to read as follows:

25 1. Sections one through seventy of this act shall be deemed to have  
26 been in full force and effect as of April 1, 1994 provided, however,  
27 that sections one, two, twenty-four, twenty-five and twenty-seven  
28 through seventy of this act shall expire and be deemed repealed on March  
29 31, 2000; provided, however, that section twenty of this act shall apply  
30 only to hearings commenced prior to September 1, 1994, and provided  
31 further that section twenty-six of this act shall expire and be deemed  
32 repealed on March 31, 1997; and provided further that sections four  
33 through fourteen, sixteen, and eighteen, nineteen and twenty-one through  
34 twenty-one-a of this act shall expire and be deemed repealed on March  
35 31, 1997; and provided further that sections three, fifteen, seventeen,  
36 twenty, twenty-two and twenty-three of this act shall expire and be  
37 deemed repealed on March 31, [~~2008~~] 2009.

38 § 51. Subdivision 6-a of section 140 of chapter 82 of the laws of  
39 1995, amending the education law and certain other laws relating to  
40 state aid to school districts and the appropriation of funds for the  
41 support of government, as amended by section 79 of part H of chapter 83  
42 of the laws of 2002, is amended to read as follows:

43 (6-a) Section seventy-three of this act shall take effect July 1, 1995  
44 and shall be deemed repealed June 30, [~~2007~~] 2012;

45 § 52. Subdivisions 22 and 24 of section 140 of chapter 82 of the laws  
46 of 1995, amending the education law and certain other laws relating to  
47 state aid to school districts and the appropriation of funds for the  
48 support of government, as amended by section 38 of part A-1 of chapter  
49 58 of the laws of 2006, are amended to read as follows:

50 (22) sections one hundred twelve, one hundred thirteen, one hundred  
51 fourteen, one hundred fifteen and one hundred sixteen of this act shall  
52 take effect on July 1, 1995; provided, however, that section one hundred  
53 thirteen of this act shall remain in full force and effect until July 1,  
54 [~~2007~~] 2008 at which time it shall be deemed repealed;

55 (24) sections one hundred eighteen through one hundred thirty of this  
56 act shall be deemed to have been in full force and effect on and after

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1 July 1, 1995; provided further, however, that the amendments made pursu-  
2 ant to section one hundred nineteen of this act shall be deemed to be  
3 repealed on and after July 1, [~~2007~~] 2008;

4 § 53. Section 7 of chapter 472 of the laws of 1998, amending the  
5 education law, relating to the lease of school buses by school  
6 districts, as amended by section 39 of part A-1 of chapter 58 of the  
7 laws of 2006, is amended to read as follows:

8 § 7. This act shall take effect September 1, 1998, and shall expire  
9 and be deemed repealed September 1, [~~2007~~] 2009.

10 § 54. Support of public libraries. The moneys appropriated for the  
11 support of public libraries by a chapter of the laws of 2007 enacting  
12 the education, labor and family assistance budget shall be apportioned  
13 for 2007-2008 in accordance with the provisions of chapter 917 of the  
14 laws of 1990, as otherwise amended by chapter 625 of the laws of 1991,  
15 chapter 260 of the laws of 1993, chapter 524 of the laws of 1998, chap-  
16 ters 571 and 572 of the laws of 2003, part 0 of chapter 57 of the laws  
17 of 2005, and chapter 58 of the laws of 2006 taking into account the  
18 provisions of section 483 of chapter 170 of the laws of 1994, chapter 82  
19 of the laws of 1995 and the provisions of this section, provided that no  
20 member library shall receive less local services aid than it received in  
21 2001 and provided further, that no system or program, as defined by the  
22 commissioner of education, shall receive less than the highest total  
23 system or program aid it received for the year 2001-2002 after taking  
24 into account any reduction adjustments necessary due to the appropri-  
25 ation being less than the full statutory amount, and provided further,  
26 notwithstanding any provisions of law to the contrary, no library or  
27 library system shall receive less aid pursuant to section 271, 272, 273  
28 or 273-a of the education law than it received for the year 2001-2002 by  
29 reason of a decrease in the population of the area served, or the ratio  
30 of the area served to the population of the state, as a result of the  
31 latest federal census.

32 § 55. Section 1 of chapter 282 of the laws of 2006, relating to school  
33 aid payments due to the Haverstraw-Stony Point Central school district,  
34 is amended to read as follows:

35 Section 1. Notwithstanding any other provision of law to the contrary,  
36 upon a filing by the Haverstraw-Stony Point Central school district of a  
37 court order or [~~judgement~~] judgment related to tax certiorari  
38 proceedings in the Supreme Court of the State of New York, County of  
39 Rockland, with index numbers 4133/95, 4346/96, 4424/97, 4639/98,  
40 4238/99, 4358/00, 4694/01, 5120/02, 5278/03, 4262/04, 4726/05, 4357/00,  
41 4696/01, 5122/02, 5279/03, 4262/04, 4726/05 and any related judicial  
42 proceedings with the state comptroller within one year from the date of  
43 such court order or judgment, pursuant to paragraph b of subdivision 5  
44 of section 3604 of the education law, the state comptroller shall  
45 promptly transmit such court order or judgment, and any other data  
46 required to the director of the office of real property services.  
47 Following receipt of such court order or judgment, the director of the  
48 office of real property services shall promptly transmit to the commis-  
49 sioner of education and the state comptroller, revised data on the actu-  
50 al valuation computed pursuant to paragraph c of subdivision 1 of  
51 section 3602 of the education law for each year affected by such court  
52 order or judgment. The commissioner of education shall promptly deter-  
53 mine what payments, if any, would be due to the Haverstraw-Stony Point  
54 Central school district as current year aid as a result of such court  
55 order or judgment, and shall determine what payments, if any, would be  
56 due to the Haverstraw-Stony Point Central school district for prior

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1 years as a result of such court order or judgment and shall certify such  
2 payments [~~pursuant to~~] notwithstanding the provisions of paragraph b of  
3 subdivision 5 of section 3604 of the education law.

4 § 56. Special apportionment for salary expenses. a. Notwithstanding  
5 any other provision of law, upon application to the commissioner of  
6 education, not sooner than the first day of the second full business  
7 week of June, 2008 and not later than the last day of the third full  
8 business week of June, 2008, a school district eligible for an appor-  
9 tionment pursuant to section 3602 of the education law shall be eligible  
10 to receive an apportionment pursuant to this section, for the school  
11 year ending June 30, 2008, for salary expenses incurred between April 1  
12 and June 30, 2008, and such apportionment shall not exceed the deficit  
13 reduction assessment of 1990-91 as determined by the commissioner of  
14 education, pursuant to paragraph f of subdivision 1 of section 3602 of  
15 the education law, as in effect through June 30, 1993, plus 186 percent  
16 of such amount for a city school district in a city with a population in  
17 excess of 1,000,000 inhabitants and plus 209 percent of such amount for  
18 a city school district in a city with a population of more than 195,000  
19 inhabitants and less than 219,000 inhabitants according to the latest  
20 federal census, and shall not exceed such salary expenses. Such applica-  
21 tion shall be made by a school district, after the board of education or  
22 trustees have adopted a resolution to do so and in the case of a city  
23 school district in a city with a population in excess of 125,000 inhab-  
24 itants, with the approval of the mayor of such city.

25 b. The claim for an apportionment to be paid to a school district  
26 pursuant to subdivision a of this section shall be submitted to the  
27 commissioner of education on a form prescribed for such purpose, and  
28 shall be payable upon determination by such commissioner that the form  
29 has been submitted as prescribed. Such approved amounts shall be payable  
30 on the same day on or before September, 2008, as funds provided pursuant  
31 to subparagraph 4 of paragraph b of subdivision 4 of section 92-c of the  
32 state finance law, on the audit and warrant of the state comptroller on  
33 vouchers certified or approved by the commissioner of education in the  
34 manner prescribed by law from moneys in the state lottery fund and from  
35 the general fund to the extent that the amount paid to a school district  
36 pursuant to this section exceeds the amount, if any, due such school  
37 district pursuant to subparagraph 2 of paragraph a of subdivision 1 of  
38 section 3609-a of the education law in the 2008-2009 school year.

39 c. Notwithstanding the provisions of section 3609-a of the education  
40 law, an amount equal to the amount paid to a school district pursuant to  
41 subdivisions a and b of this section shall first be deducted from the  
42 following payments due the school district during the 2008-2009 school  
43 year pursuant to subparagraphs 1, 2, 3, 4 and 5 of paragraph a of subdivi-  
44 sion 1 of section 3609-a of the education law in the following order:  
45 the lottery apportionment payable pursuant to subparagraph 2 of such  
46 paragraph followed by the fixed fall payments payable pursuant to  
47 subparagraph 4 of such paragraph and then followed by the district's  
48 payments to the teachers' retirement system pursuant to subparagraph 1  
49 of such paragraph, and any remainder to be deducted from the individual-  
50 ized payments due the district pursuant to paragraph b of such subdivi-  
51 sion shall be deducted on a chronological basis starting with the earli-  
52 est payment due the district.

53 § 56-a. Notwithstanding the provision of any law, rule, or regulation  
54 to the contrary, the city school district of the city of Rochester, upon  
55 the consent of the board of cooperative educational services of the  
56 supervisory district serving its geographic region may purchase from



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1 such board for the 2007-08 school year, as a non-component school  
2 district, services required by article 19 of the education law.

3 § 57. Special apportionment for public pension accruals. a. Notwith-  
4 standing any other provision of law, upon application to the commission-  
5 er of education, not later than June 30, 2008, a school district eligi-  
6 ble for an apportionment pursuant to section 3602 of the education law  
7 shall be eligible to receive an apportionment pursuant to this section,  
8 for the school year ending June 30, 2008, and such apportionment shall  
9 not exceed the additional accruals required to be made by school  
10 districts in the 2004-05 and 2005-06 school years associated with chang-  
11 es for such public pension liabilities. The amount of such additional  
12 accrual shall be certified to the commissioner of education by the pres-  
13 ident of the board of education or the trustees or, in the case of a  
14 city school district in a city with a population in excess of 125,000  
15 inhabitants, the mayor of such city. Such application shall be made by a  
16 school district, after the board of education or trustees have adopted a  
17 resolution to do so and in the case of a city school district in a city  
18 with a population in excess of 125,000 inhabitants, with the approval of  
19 the mayor of such city.

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

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

51 § 57-a. Subdivision 11 of section 94 of part C of chapter 57 of the  
52 laws of 2004, amending the labor law, and other laws relating to imple-  
53 mentation of the state fiscal plan for the 2004-2005 state fiscal year,  
54 as amended by section 63 of part A-1 of chapter 58 of the laws of 2006,  
55 is amended to read as follows:

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1 11. section seventy-one of this act shall expire and be deemed  
2 repealed June 30, [~~2007~~] 2008;

3 § 58. Suballocation of certain education department monies. a.  
4 Notwithstanding any other law, rule or regulation to the contrary, any  
5 moneys appropriated to the state education department may be suballo-  
6 cated to other state departments or agencies, as needed, to accomplish  
7 the intent of the specific appropriations contained therein.

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

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

18 d. Notwithstanding any other law, rule or regulation to the contrary,  
19 moneys appropriated to the state education department for general  
20 support for public schools may be interchanged with any other item of  
21 appropriation for general support for public schools within the general  
22 fund local assistance account elementary, middle, secondary and continu-  
23 ing education program.

24 § 59. Temporary task force on preschool special education. a. There  
25 is hereby established a temporary task force on preschool special educa-  
26 tion consisting of the following members:

27 (1) the commissioner of education or his or her designated represen-  
28 tative;

29 (2) the commissioner of health or his or her designated represen-  
30 tative;

31 (3) the chief executive officer of the council on children and fami-  
32 lies, the commission on quality of care and advocacy for persons with  
33 disabilities, and the office of mental retardation and developmental  
34 disabilities, or their designated representatives;

35 (4) the director of the budget or his or her designated represen-  
36 tative;

37 (5) three representatives of school districts appointed by the gover-  
38 nor in consultation with the board of regents;

39 (6) three representatives of counties appointed by the governor  
40 including at least two from candidates nominated by a statewide organ-  
41 ization representing counties; and

42 (7) three representatives of approved preschool special education  
43 providers, appointed by the governor.

44 b. The task force shall be chaired by the commissioner of education or  
45 his or her designated representative. The members of the task force may  
46 elect such other officers as they may deem necessary.

47 c. To effectuate the purposes of this section, any department, divi-  
48 sion, board, bureau, commission or agency of the state or of any poli-  
49 tical subdivision thereof shall, at the request of the chair, provide to  
50 the task force such facilities, assistance and data as will enable the  
51 task force properly to carry out its powers and duties and those of the  
52 chairs.

53 d. Members of the task force shall receive no compensation for their  
54 services as members.

55 e. The task force shall:

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1 (1) study and evaluate the relationship between preschool special  
2 education and other early childhood programs, including but not limited  
3 to the early intervention program, the universal prekindergarten program  
4 and other publicly-funded prekindergarten programs, and make recommenda-  
5 tions on approaches to improve transition from the early intervention  
6 system to preschool special education and from preschool special educa-  
7 tion to school-age special education and on ways to enhance delivery of  
8 special education programs and services to children attending universal  
9 prekindergarten programs or other publicly-funded prekindergarten  
10 programs in the least restrictive environment;

11 (2) study the current tuition rate-setting methodology for preschool  
12 special education programs and services and make recommendations for  
13 improvement;

14 (3) conduct a comparative study of the systems of delivery of  
15 preschool special education programs and services in New York and other  
16 states, including their methods of financing preschool special educa-  
17 tion, and make recommendation for inclusion of the best practices from  
18 other states which shall include other states with comparable need and  
19 service levels and for changes in New York's system of delivery of such  
20 programs and services that will promote the cost-effective delivery of  
21 appropriate programs and services to preschool students with disabili-  
22 ties in compliance with the federal individuals with disabilities educa-  
23 tion act;

24 (4) report on or before November 15, 2007 to the governor, the tempo-  
25 rary president of the senate, the speaker of the assembly, the minority  
26 leaders of the senate and assembly, the director of the budget and the  
27 board of regents on the task force's conclusions and recommendations  
28 under paragraphs 1, 2 and 3 of this subdivision.

29 § 59-a. The amounts specified in this section shall be a setaside  
30 from the state funds which each such district is receiving from the  
31 total foundation aid:

32 a. for the purpose of the development, maintenance or expansion of  
33 magnet schools or magnet school programs for the 2007-2008 school year.

34 To the city school district of the city of New York there shall be  
35 paid forty-eight million one hundred seventy-five thousand dollars  
36 (\$48,175,000) including five hundred thousand dollars (\$500,000) for the  
37 Andrew Jackson High School; to the Buffalo city school district, twen-  
38 ty-one million twenty-five thousand dollars (\$21,025,000); to the  
39 Rochester city school district, fifteen million dollars (\$15,000,000);  
40 to the Syracuse city school district, thirteen million dollars  
41 (\$13,000,000); to the Yonkers city school district, forty-nine million  
42 five hundred thousand dollars, (\$49,500,000); to the Newburgh city  
43 school district, four million six hundred forty-five thousand dollars  
44 (\$4,645,000); to the Poughkeepsie city school district, two million four  
45 hundred seventy-five thousand dollars (\$2,475,000); to the Mount Vernon  
46 city school district, two million dollars (\$2,000,000); to the New  
47 Rochelle city school district, one million four hundred ten thousand  
48 dollars (\$1,410,000); to the Schenectady city school district, one  
49 million eight hundred thousand dollars (\$1,800,000); to the Port Chester  
50 city school district, one million one hundred fifty thousand dollars  
51 (\$1,150,000); to the White Plains city school district, nine hundred  
52 thousand dollars (\$900,000); to the Niagara Falls city school district,  
53 six hundred thousand dollars (\$600,000); to the Albany city school  
54 district, three million five hundred fifty thousand dollars  
55 (\$3,550,000); to the Utica city school district, two million dollars  
56 (\$2,000,000); to the Beacon city school district, five hundred sixty-six

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1 thousand dollars (\$566,000); to the Middletown city school district,  
2 four hundred thousand dollars (\$400,000); to the Freeport union free  
3 school district, four hundred thousand dollars (\$400,000); to the Green-  
4 burgh central school district, three hundred thousand dollars  
5 (\$300,000); to the Amsterdam city school district, eight hundred thou-  
6 sand dollars (\$800,000); to the Peekskill city school district, two  
7 hundred thousand dollars (\$200,000); and to the Hudson city school  
8 district, four hundred thousand dollars (\$400,000).

9 b. Notwithstanding the provisions of paragraph a of this subdivision,  
10 a school district receiving a grant pursuant to this subdivision may use  
11 such grant funds for: (i) any instructional or instructional support  
12 costs associated with the operation of a magnet school; or (ii) any  
13 instructional or instructional support costs associated with implementa-  
14 tion of an alternative approach to reduction of racial isolation and/or  
15 enhancement of the instructional program and raising of standards in  
16 elementary and secondary schools of school districts having substantial  
17 concentrations of minority students. The commissioner of education shall  
18 not be authorized to withhold magnet grant funds from a school district  
19 that used such funds in accordance with this paragraph, notwithstanding  
20 any inconsistency with a request for proposals issued by such commis-  
21 sioner.

22 c. for the purpose of attendance improvement and dropout prevention.

23 For aid payable in the two thousand seven--two thousand eight school  
24 year, for any city school district in a city having a population of more  
25 than one million, the setaside for attendance improvement and dropout  
26 prevention shall equal the amount set aside in the base year.

27 For the two thousand seven--two thousand eight school year, it is  
28 further provided that any city school district in a city having a popu-  
29 lation of more than one million shall allocate at least one-third of any  
30 increase from base year levels in funds set aside pursuant to the  
31 requirements of this subdivision to community-based organizations. Any  
32 increase required pursuant to this subparagraph to community-based  
33 organizations must be in addition to allocations provided to community-  
34 based organizations in the base year.

35 d. for the purpose of teacher support:

36 to the city school district of the city of New York, sixty-two million  
37 seven hundred seven thousand dollars (\$62,707,000); to the Buffalo city  
38 school district, one million seven hundred forty-one thousand dollars  
39 (\$1,741,000); to the Rochester city school district, one million seven-  
40 ty-six thousand dollars (\$1,076,000); to the Yonkers city school  
41 district, one million one hundred forty-seven thousand dollars  
42 (\$1,147,000); and to the Syracuse city school district, eight hundred  
43 nine thousand dollars (\$809,000). All funds made available to a school  
44 district pursuant to this subdivision shall be distributed among teach-  
45 ers including prekindergarten teachers and teachers of adult vocational  
46 and academic subjects in accordance with this subdivision and shall be  
47 in addition to salaries heretofore or hereafter negotiated or made  
48 available; provided, however, that all funds distributed pursuant to  
49 this section for the current year shall be deemed to incorporate all  
50 funds distributed pursuant to former subdivision 27 of section 3602 of  
51 the education law for prior years. In school districts where the teach-  
52 ers are represented by certified or recognized employee organizations,  
53 all salary increases funded pursuant to this section shall be determined  
54 by separate collective negotiations conducted pursuant to the provisions  
55 and procedures of article 14 of the civil service law, notwithstanding

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1 the existence of a negotiated agreement between a school district and a  
2 certified or recognized employee organization.

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

14 § 61. This act shall take effect immediately and shall be deemed to  
15 have been in full force and effect on and after April 1, 2007; provided,  
16 however, that:

17 1. section one of this act shall take effect July 1, 2007;

18 2. section two of this act shall be deemed to have been in full force  
19 and effect on and after the effective date of section 64 of part A-1 of  
20 chapter 58 of the laws of 2006;

21 3. sections fourteen, forty, forty-seven, forty-eight, fifty-three,  
22 fifty-six and fifty-seven of this act shall take effect July 1, 2007;  
23 provided, however, that the amendments to subdivision 6 of section 4402  
24 of the education law made by section forty of this act shall not affect  
25 the repeal of such subdivision and shall be deemed repealed therewith;  
26 provided, further, that the amendments to subdivision b of section 2 and  
27 section 4 of chapter 756 of the laws of 1992, relating to funding a  
28 program for work force education conducted by the consortium for worker  
29 education in New York city made by sections forty-seven and forty-eight  
30 of this act shall not affect the repeal of such chapter and shall be  
31 deemed repealed therewith;

32 4. sections six through thirteen, fifteen through nineteen, twenty-  
33 three, twenty-six through thirty-four, thirty-six and thirty-eight,  
34 thirty-nine and forty-one through forty-six of this act shall take  
35 effect July 1, 2007;

36 5. section thirty-seven of this act shall be deemed to have been in  
37 full force and effect on and after July 1, 2006 and shall expire and be  
38 deemed repealed June 30, 2008.

39 6. section forty-nine of this act shall be deemed to have been in full  
40 force and effect on and after the effective date of section 85 of part H  
41 of chapter 83 of the laws of 2002;

42 7. section fifty of this act shall be deemed to have been in full  
43 force and effect on and after the effective date of section 101 of chap-  
44 ter 436 of the laws of 1997;

45 8. sections fifty-one and fifty-two of this act shall be deemed to  
46 have been in full force and effect as of the effective date of section  
47 140 of chapter 82 of the laws of 1995; and

48 9. section fifty-eight of this act shall be deemed to have been in  
49 full force and effect on and after April 1, 2007 and shall expire and be  
50 deemed repealed March 31, 2008.

51 PART C

52 (Intentionally omitted.)

53 PART D-1

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1 Section 1. Paragraph (b) of subdivision 2 of section 425 of the real  
2 property tax law, as added by section 1 of part B of chapter 389 of the  
3 laws of 1997, subparagraphs (i), (ii) and (iii) of paragraph (b) as  
4 amended by section 1 of part A of chapter 56 of the laws of 1998, is  
5 amended to read as follows:

6 (b) Base figure. Subject to the adjustments prescribed below, the base  
7 figure for the exemption shall be as follows:

8 (i) For the nineteen hundred ninety-eight--ninety-nine school year,  
9 the base figure shall be fifty thousand dollars for eligible senior  
10 citizens; no exemption shall be allowed for other persons.

11 (ii) For the nineteen hundred ninety-nine--two thousand school year,  
12 the base figure shall be fifty thousand dollars for eligible senior  
13 citizens, and ten thousand dollars for other eligible persons.

14 (iii) For the two thousand--two thousand one school year, the base  
15 figure shall be fifty thousand dollars for eligible senior citizens, and  
16 twenty thousand dollars for other eligible persons.

17 (iv) For the two thousand one--two thousand two school year [~~and ther-~~  
18 ~~eafter~~] through the two thousand five--two thousand six school year,  
19 inclusive, the base figure shall be fifty thousand dollars for eligible  
20 senior citizens, and thirty thousand dollars for other eligible persons.

21 (v) For the two thousand six--two thousand seven school year through  
22 the two thousand eight--two thousand nine school year, inclusive, the  
23 base figure for the enhanced STAR exemption shall be fifty-six thousand  
24 eight hundred dollars, and the base figure for the basic STAR exemption  
25 shall be thirty thousand dollars.

26 (vi) For the two thousand nine--two thousand ten school year and ther-  
27 eafter:

28 (A) The base figure for the enhanced STAR exemption shall equal the  
29 prior year's base figure multiplied by the percentage increase in the  
30 consumer price index for urban wage earners and clerical workers (CPI-W)  
31 published by the United States department of labor, bureau of labor  
32 statistics, for the third quarter of the calendar year preceding the  
33 applicable school year, as compared to the third quarter of the prior  
34 calendar year. If a base figure as so determined is not exactly equal to  
35 a multiple of one hundred dollars, it shall be rounded to the nearest  
36 multiple of one hundred dollars. It shall be the responsibility of the  
37 state board to annually determine such base figures.

38 (B) The base figure for the basic STAR exemption shall be thirty thou-  
39 sand dollars.

40 § 2. Section 1306-b of the real property tax law, as added by section  
41 5 of part F of chapter 109 of the laws of 2006, is amended to read as  
42 follows:

43 § 1306-b. [~~Local property tax~~] "Middle Class STAR" rebate program. 1.  
44 Tax rebates. (a) If a parcel is entitled to the basic or enhanced STAR  
45 exemption authorized by section four hundred twenty-five of this chapter  
46 for the two thousand six--two thousand seven school year and each year  
47 thereafter, a local property tax rebate shall be provided to the owner  
48 or owners of such parcel as shown on the final assessment roll for such  
49 year, in an amount computed as prescribed by this section and section  
50 one hundred seventy-eight of the tax law.

51 (b) [~~In two thousand six, for those parcels that would have been enti-~~  
52 ~~tled to the basic or enhanced STAR exemption authorized by section four~~  
53 ~~hundred twenty-five of this chapter on the two thousand six assessment~~  
54 ~~roll, if the owner or owners of such parcel could have completed the~~  
55 ~~application provisions, but did not, in subdivision six of section four~~  
56 ~~hundred twenty five of this chapter by March first, two thousand six, a~~



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1 ~~local property tax rebate shall be provided to the owner or owners of~~  
2 ~~such parcels, as shown on the final assessment roll for such year, in an~~  
3 ~~amount computed as prescribed by section one hundred seventy-eight of~~  
4 ~~the tax law. The assessor shall certify no later than January fifteenth,~~  
5 ~~two thousand seven that such parcels would have been eligible for such~~  
6 ~~exemption had the application deadline been met and the owner completes~~  
7 ~~the necessary claim procedure prescribed in section one hundred seven-~~  
8 ~~ty-eight of the tax law. Such request for certification shall be in the~~  
9 ~~form of an application for the STAR exemption as required by subdivision~~  
10 ~~six of section four hundred twenty-five of this chapter.~~

11 (c) It shall be the responsibility of the state department of taxa-  
12 tion and finance to issue such tax rebates to such owners in the manner  
13 provided by section one hundred seventy-eight of the tax law. Nothing  
14 contained herein shall be construed as permitting partial or installment  
15 payments of taxes in a jurisdiction which has not authorized the same  
16 pursuant to law.

17 2. Procedure. (a) On or before August fifteenth, two thousand [~~six~~]  
18 ~~seven~~ and each year thereafter, the executive director of the office of  
19 real property services, or his or her designee, or on or before July  
20 first, two thousand seven and each year thereafter, in the case of a  
21 city with a population of one million or more, the commissioner of  
22 finance, or his or her designee, shall provide to the commissioner of  
23 taxation and finance a report in a mutually agreeable format concerning  
24 those parcels which have been granted an exemption authorized by section  
25 four hundred twenty-five of this chapter on the [~~two thousand six~~]  
26 assessment [~~rolls and the assessment rolls~~] rolls used to generate the  
27 school tax bills for the two thousand seven--two thousand eight school  
28 tax year and for each year thereafter; provided however the information  
29 to be provided on such report shall be obtained from the final assess-  
30 ment roll data files used to generate the two thousand seven--two thou-  
31 sand eight school tax bills and each year thereafter, filed with the  
32 state board pursuant to section fifteen hundred ninety of this chapter  
33 on or before July thirty-first of such year. Such report shall set forth  
34 the names and mailing addresses of the owners of such parcels as shown  
35 on such assessment roll data files, the identification numbers of such  
36 parcels as shown on such assessment roll data files, and such other  
37 information in the possession of the office of real property services,  
38 or in the case of a city with a population of one million or more, the  
39 commissioner of finance, as the commissioner of taxation and finance may  
40 deem necessary for the effective administration of this program, includ-  
41 ing information regarding cooperative apartment buildings and mobile  
42 home parks or similar property. It shall be the responsibility of the  
43 assessor or assessors of each assessing unit to ensure that the names  
44 and mailing addresses of such owners are accurately recorded on such  
45 rolls and files to the best of his or her ability, based upon the infor-  
46 mation contained in his or her office. [~~Further it shall be the respon-~~  
47 ~~sibility of the assessor to prepare the certification required in para-~~  
48 ~~graph (b) of subdivision one of this section if the parcel would have~~  
49 ~~been entitled to the exemption authorized by section four hundred twen-~~  
50 ~~ty-five of this chapter if the owner or owners had applied on or before~~  
51 ~~March first, two thousand six. Such certification shall set forth the~~  
52 ~~names and mailing addresses of the owners of such parcels as shown on~~  
53 ~~such assessment roll data files, the identification numbers of such~~  
54 ~~parcels as shown on such assessment roll data files, and a statement of~~  
55 ~~eligibility certified by such assessor. All certifications shall be~~  
56 ~~completed as soon as practicable after a request for such certification~~

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1 ~~is received, but no later than January fifteenth, two thousand seven.]~~  
2 Nothing contained in this subdivision shall be construed as affecting in  
3 any way the validity or enforceability of a real property tax, or the  
4 applicability of interest or penalties with respect thereto, when an  
5 owner's name or mailing address has not been accurately recorded.

6 (b) (i) Notwithstanding the provisions of paragraph (a) of this subdivi-  
7 sion, where an assessing unit contains one or more properties which  
8 are receiving such exemption in relation to a prior year assessment roll  
9 pursuant to paragraph (d) of subdivision six of section four hundred  
10 twenty-five of this chapter, or contains one or more parcels with  
11 respect to which such exemption was duly added or removed after the  
12 filing of the final assessment roll pursuant to the provisions of title  
13 three of article five of this chapter, the office of real property  
14 services may require the assessor to file with it, on or before July  
15 thirty-first, two thousand ~~[six]~~ seven and each year thereafter, or such  
16 later date as such office may specify, a supplemental report relating to  
17 such property or properties, so that information pertaining to the  
18 owners thereof may be included in the report to be made to the commis-  
19 sioner of taxation and finance pursuant to this paragraph. When any  
20 information required by this paragraph is received by the office of real  
21 property services after July thirty-first, two thousand ~~[six]~~ seven and  
22 each year thereafter, such information shall be transmitted as soon as  
23 reasonably practicable to the commissioner of taxation and finance for  
24 use in issuing local property tax rebates pursuant to section one  
25 hundred seventy-eight of the tax law.

26 (ii) Where the ownership of a parcel that had been eligible for a  
27 rebate pursuant to this section changes or an exemption under section  
28 four hundred twenty-five of this chapter has been granted or removed,  
29 the assessor shall notify the state board of the change no later than  
30 May first of the following year. The state board shall forward such  
31 report to the department of taxation and finance in a timely manner and  
32 in a mutually-agreeable format.

33 3. (a) The state board shall calculate the rebate base as provided  
34 herein and certify the same to the department of taxation and finance no  
35 later than July first of two thousand seven.

36 (b) Three rebate bases for the basic STAR exemption shall be deter-  
37 mined for each segment for the two thousand seven--two thousand eight  
38 and subsequent school years. Such rebate bases shall be computed by  
39 determining the exempt amount established for the segment for purposes  
40 of the basic STAR exemption for the two thousand six--two thousand seven  
41 school year, multiplying that amount by the school district tax rate  
42 applicable within that segment for purposes of the two thousand six--two  
43 thousand seven school year, as reported by the school district, and then  
44 multiplying the product by the following:

45 (i) For purposes of the two thousand seven--two thousand eight school  
46 year, by sixty percent, forty-five percent and thirty percent, respec-  
47 tively. The results shall be associated with the first, second and third  
48 income brackets, respectively, that are applicable within that segment.

49 (ii) For purposes of the two thousand eight--two thousand nine school  
50 year, by seventy percent, fifty-two and one-half percent and thirty-five  
51 percent, respectively. The results shall be associated with the first,  
52 second and third income brackets, respectively, that are applicable  
53 within that segment.

54 (iii) For purposes of the two thousand nine--two thousand ten and  
55 subsequent school years, by eighty percent, sixty percent and forty  
56 percent, respectively. The results shall be associated with the first,

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1 second and third income brackets, respectively, that are applicable  
2 within that segment.

3 (iv) Income brackets. (A) In the city of New York, and the counties of  
4 Nassau, Suffolk, Rockland, Westchester, Putnam, Orange and Dutchess, the  
5 first income bracket shall be up to and including one hundred twenty  
6 thousand dollars; the second income bracket shall be over one hundred  
7 twenty thousand dollars up to and including one hundred seventy-five  
8 thousand dollars; and the third income bracket shall be over one hundred  
9 seventy-five thousand dollars up to and including two hundred fifty  
10 thousand dollars.

11 (B) In all other counties in the state, the first income bracket shall  
12 be up to and including ninety thousand dollars; the second income brack-  
13 et shall be over ninety thousand dollars and up to and including one  
14 hundred fifty thousand dollars; and the third income bracket shall be  
15 over one hundred fifty thousand dollars and up to and including two  
16 hundred fifty thousand dollars.

17 (C) Such brackets are subject to indexing for inflation pursuant to  
18 subdivision fifteen of section one hundred seventy-eight of the tax law.

19 (c) One rebate base for the enhanced STAR exemption shall be deter-  
20 mined for each segment for the two thousand seven--two thousand eight  
21 and subsequent school years. Such rebate bases shall be computed by  
22 determining the exempt amount established for the segment for purposes  
23 of the enhanced STAR exemption for the two thousand six--two thousand  
24 seven school year, multiplying that amount by the school district tax  
25 rate applicable within that segment for purposes of that school year, as  
26 reported by the school district, and then multiplying the product by the  
27 following:

28 (i) For purposes of the two thousand seven--two thousand eight school  
29 year, by twenty-five percent.

30 (ii) For purposes of the two thousand eight--two thousand nine and  
31 subsequent school years, by thirty-five percent.

32 (d) For purposes of this section, the term "segment" means the part of  
33 a city or town that is within a school district.

34 (e) In the case of school districts within special assessing units as  
35 defined in section eighteen hundred one of this chapter, the school  
36 district tax rate to be used for this purpose shall be the tax rate  
37 applicable to class one properties as defined in article eighteen of  
38 this chapter, as reported by the school district and the exempt amount  
39 shall be established for the segment. In the case of school districts  
40 within approved assessing units as defined in section nineteen hundred  
41 one of this chapter which have adopted the provisions of section nine-  
42 teen hundred three of this chapter, the school district tax rate to be  
43 used for this purpose shall be the tax rate applicable to the homestead  
44 class, as defined in article nineteen of this chapter, as reported by  
45 the school district.

46 (f) Where the provisions of subparagraph (iv) of paragraph (k) of  
47 subdivision two of section four hundred twenty-five of this chapter are  
48 applicable, the applicable rebate amount shall be one-third of the  
49 otherwise applicable rebate amount set forth in paragraph (b) or (c) of  
50 this subdivision. The state board shall calculate and certify to the  
51 department of taxation and finance the rebate amounts applicable in such  
52 cases, along with the certification required by paragraph (a) of this  
53 subdivision.

54 § 3. Section 178 of the tax law, as added by section 6 of part F of  
55 chapter 109 of the laws of 2006, is amended to read as follows:

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1 § 178. [~~Local property tax~~] "Middle Class STAR" rebate program. 1.  
2 The commissioner shall issue the local property tax rebates authorized  
3 by section thirteen hundred six-b of the real property tax law. [~~Such~~  
4 ~~rebates shall be issued, to the extent possible, by October thirty-first~~  
5 ~~of each year.~~] For purposes of this section the rebate shall be calcu-  
6 lated using the computation formula set forth in [~~paragraph three of~~  
7 ~~subsection (n-1) of section six hundred six of this chapter~~] subdivision  
8 three of section thirteen hundred six-b of the real property tax law.  
9 Provided, however, such rebates shall not be issued in any year in which  
10 an appropriation to pay such rebates has not been included in the  
11 enacted state budget for such year.

12 2. On or before August fifteenth, two thousand [~~six~~] seven and each  
13 year thereafter, the executive director of the office of real property  
14 services, or his or her designee, or on or before July first, two thou-  
15 sand seven and each year thereafter in the case of a city with a popu-  
16 lation of one million or more, the commissioner of finance, shall  
17 provide to the commissioner a report in a mutually agreeable format  
18 concerning those parcels which satisfy the criteria set forth in section  
19 thirteen hundred six-b of the real property tax law.

20 3. The commissioner in consultation with the office of real property  
21 services and in the case of a city with a population of one million or  
22 more, the commissioner of finance, is authorized to develop procedures  
23 necessary to provide for the issuance of local property tax rebates to  
24 qualifying property owners, and those qualifying property owners that  
25 did not receive them initially. If the commissioner is not satisfied  
26 that the property owner is qualified for the local property tax rebate,  
27 the commissioner shall not issue such rebate[; ~~provided however, that~~  
28 ~~the commissioner may rely on the information provided pursuant to subdi-~~  
29 ~~vision two of section thirteen hundred six-b of the real property tax~~  
30 ~~law. If a property owner does not receive a rebate, to which such owner~~  
31 ~~is otherwise qualified, and does not request such rebate from the~~  
32 ~~commissioner by January twentieth, two thousand seven and each year~~  
33 ~~thereafter, such property owner shall not be entitled to the local prop-~~  
34 ~~erty tax rebate.~~

35 4. ~~If an owner of a parcel does not receive a rebate and is eligible~~  
36 ~~to receive a rebate pursuant to paragraph (b) of subdivision one of~~  
37 ~~thirteen hundred six-b of the real property tax law, such owner shall~~  
38 ~~obtain certification from their local assessor as described in subdivi-~~  
39 ~~sion two of section thirteen hundred six-b of the real property tax law.~~  
40 ~~All eligible owners must submit a claim for such rebate in a manner~~  
41 ~~prescribed by the commissioner; provided such claim forms are filed with~~  
42 ~~the commissioner between October first, two thousand six and no later~~  
43 ~~than January twentieth, two thousand seven. Such claim for rebate shall~~  
44 ~~be paid within sixty days from receipt of such claim form or as soon~~  
45 ~~thereafter as is practicable.~~

46 5. ~~In the case of co-operative apartment buildings or mobile home~~  
47 ~~parks located outside a city with a population of one million or more,~~  
48 ~~the department shall mail informational letters to the owners of the~~  
49 ~~co-operative apartment buildings or the owner of the mobile home parks~~  
50 ~~or similar property outlining the procedures for the eligible tenant~~  
51 ~~shareholders or eligible mobile home owners to receive their rebates.~~  
52 ~~The owners of the co-operative apartment buildings and the owners of the~~  
53 ~~mobile home parks must distribute a copy of such letter within three~~  
54 ~~business days to each tenant shareholder or mobile home owner known to~~  
55 ~~be eligible for the exemption authorized by section four hundred twen-~~  
56 ~~ty five of the real property tax law. Upon receipt of such notification~~

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~~1 the taxpayer must submit a claim for such rebate in a manner prescribed  
2 by the commissioner; provided such claim forms are filed with the  
3 commissioner between October first of each year and no later than Janu-  
4 ary twentieth of each year. Such claim for rebate shall be paid within  
5 sixty days from receipt of such claim form or as soon thereafter as is  
6 practicable].~~

7 ~~[6.]~~ 4. When the proper payment of a tax rebate under this section  
8 depends upon construction of the meaning of the provisions of section  
9 thirteen hundred six-b of the real property tax law (and any related  
10 provisions of such law) or interpretation of the terms contained there-  
11 in, it shall be the responsibility of the state board of real property  
12 services to provide to the department the construction or interpretation  
13 of any such provisions or terms.

14 ~~[7.]~~ 5. By depositing a rebate issued pursuant to this section and  
15 authorized by section thirteen hundred six-b of the real property tax  
16 law, the payee is certifying that he or she is the property owner, and  
17 that the primary residence of such property owner is not subject to any  
18 delinquent school taxes.

19 6. Verification of "affiliated income" for "Middle Class STAR" rebate  
20 program. (a) Generally. The determination of the "affiliated income" of  
21 parcels for purposes of the "Middle Class STAR" rebate program as  
22 authorized by subdivision three of section thirteen hundred six-b of the  
23 real property tax law shall be made as provided by this section.

24 (b) For purposes of this subdivision, the term "income" shall have the  
25 same meaning as set forth in subparagraph (ii) of paragraph (b) of  
26 subdivision four of section four hundred twenty-five of the real proper-  
27 ty tax law. The term "affiliated income" shall mean the combined income  
28 of all of the owners of the parcel who resided primarily thereon on the  
29 taxable status date for the assessment roll used to generate the appli-  
30 cable school tax bills, and of any owners' spouses filing jointly or  
31 spouses' residing primarily thereon in the cases of spouses' filing  
32 separate returns on such taxable status date and shall be determined as  
33 follows:

34 (i) For the two thousand seven--two thousand eight school year, affil-  
35 iated income shall be determined based upon the parties' incomes for the  
36 income tax year ending in two thousand five. In each subsequent year,  
37 the applicable income tax year shall be advanced by one year.

38 (ii) The department shall determine the affiliated income for each  
39 parcel and shall assign a rebate amount for each parcel based upon such  
40 determination. In any case where affiliated income cannot be determined,  
41 a rebate shall not be issued.

42 7. Notification requirement. The department shall mail information  
43 concerning the "Middle Class STAR" rebate program to owners of parcels  
44 receiving a basic STAR exemption on the assessment roll used to generate  
45 the two thousand seven--two thousand eight school tax bill. Such  
46 notification shall explain that property owners must file applications  
47 with the department in order to obtain the rebate available under the  
48 "Middle Class STAR" rebate program. Such notice shall further explain  
49 how to obtain the application.

50 8. Applications. (a) In order to obtain the benefits of the "Middle  
51 Class STAR" rebate program, the property owner must submit an applica-  
52 tion to the department no later than November thirtieth, two thousand  
53 seven. The applicant shall provide the department with such information  
54 as may be necessary to determine the parcel's affiliated income. The  
55 persons other than the applicant whose incomes are necessary to the  
56 determination of the parcel's affiliated income shall be referred to in

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1 this section as "affiliated persons." Recipients of the enhanced STAR  
2 exemption shall not file an application to receive a rebate. The depart-  
3 ment shall mail enhanced STAR rebate recipients their rebates in a time-  
4 ly manner.

5 (b) If the applicant or any affiliated persons were not required to  
6 file New York state income tax returns for the two thousand five income  
7 tax year because their incomes were below the threshold that necessi-  
8 tated such filing, the application shall so indicate.

9 (c) If the applicant or any affiliated persons were not required to  
10 file New York state income tax returns for the two thousand five income  
11 tax year because they did not reside in New York state in such taxable  
12 year, the application shall so indicate. Such persons shall provide with  
13 the application any information that the department determines is neces-  
14 sary to calculate the parcel's affiliated income under the "Middle Class  
15 STAR" rebate program.

16 (d) After two thousand seven, applications shall be required only when  
17 a new application for a basic STAR exemption for real property taxation  
18 is filed pursuant to section four hundred twenty-five of the real prop-  
19 erty tax law, or when there is a change of ownership which does not  
20 necessitate the filing of a new application for a basic STAR exemption.  
21 In either instance, an application shall be submitted to the department  
22 on a timely basis.

23 (e) If an application for a "Middle Class STAR" rebate is received  
24 after November thirtieth, two thousand seven, an otherwise eligible  
25 property owner shall not receive a rebate for such year. However, such  
26 application shall be considered timely filed for a rebate in subsequent  
27 years provided the ownership of the parcel remains unchanged.

28 9. Processing of applications. (a) After receiving a timely applica-  
29 tion, the department shall attempt to determine the affiliated income of  
30 the parcel and the rebate amount to which the parcel is entitled, if  
31 any.

32 (b) In the case of an application which indicates that the applicant  
33 and any affiliated persons were not required to file New York state  
34 income tax returns for the two thousand five income tax year because  
35 their incomes were below the threshold which necessitated the filing of  
36 a state income tax return, the department may, subject to audit, issue a  
37 rebate equal to the highest amount available for that school district  
38 segment.

39 (c) In the case of an application which indicates that the applicant  
40 and any affiliated persons were not required to file New York state  
41 income tax returns for the two thousand five income tax year because  
42 they did not reside in New York state in such taxable year, the appli-  
43 cant shall provide such information regarding income as is requested by  
44 the department. The department shall issue a rebate based upon the  
45 information provided by the applicant and any other information to which  
46 the department may have access concerning the income of such person or  
47 persons.

48 10. Reconsideration of rebate amount. In the event the department is  
49 unable to determine the affiliated income for a parcel or the department  
50 determines that a rebate shall not be issued for a parcel, the depart-  
51 ment shall notify the applicant of that fact. A property owner may seek  
52 reconsideration of the rebate amount determination for his or her parcel  
53 on the grounds that the parcel's affiliated income was determined erro-  
54 neously. A property owner may also seek reconsideration if no rebate was  
55 issued because the parcel's affiliated income was undetermined. An  
56 application for reconsideration of rebate amount shall be made in a



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1 manner prescribed by the department, and shall be accompanied by such  
2 documentation as the department may require. Such application shall be  
3 filed no later than March thirty-first, two thousand eight. If the  
4 department finds after reviewing such an application that the rebate  
5 amount determination for a parcel should be corrected, it shall issue an  
6 amended or initial rebate check. If the department finds after reviewing  
7 such an application that the rebate amount determination for the parcel  
8 was correctly determined, it shall so notify the applicant. Such notifi-  
9 cation shall include an explanation of the department's findings, indi-  
10 cate that the applicant has the right to a proceeding under article  
11 seventy-eight of the civil practice law and rules, and indicate the  
12 statute of limitations associated with such proceedings. Such finding  
13 shall be subject to review pursuant only to a proceeding under article  
14 seventy-eight of the civil practice law and rules.

15 11. Special provisions relating to co-operative apartment units and  
16 mobile homes. The department's determination of affiliated income shall  
17 be made with respect to the tenant-shareholders or owners of the unit in  
18 question rather than of the parcel.

19 12. Subsequent years. In each year subsequent to two thousand seven,  
20 affiliated incomes shall continue to be determined as provided by this  
21 section for purposes of the "Middle Class STAR" rebate program, except  
22 that:

23 (a) The notification requirement of subdivision seven of this section  
24 shall not be applicable;

25 (b) Applications shall be required only as provided in subdivision  
26 eight of this section; and

27 (c) In each subsequent year, the applicable income tax year for deter-  
28 minations under this section shall be advanced one year. All other  
29 applicable dates and deadlines which reference a date in two thousand  
30 seven shall be advanced and shall be deemed to reference dates in that  
31 subsequent year, except that applications for reconsideration of rebate  
32 amount determinations shall be submitted no later than March thirty-  
33 first of the ensuing year.

34 13. Confidential information; disclosure prohibition. Information  
35 regarding rebates issued to individuals shall not be subject to disclo-  
36 sure; including names, addresses, and dollar amounts of rebates. In  
37 addition, all applications submitted for rebates shall not be subject to  
38 disclosure.

39 14. Deadline. If any applicable deadline shall fall on a Saturday,  
40 Sunday or legal holiday, such deadline shall be advanced to the next  
41 business day.

42 15. Affiliated income brackets; indexing. The department shall estab-  
43 lish the affiliated income brackets to be associated with the rebate  
44 amounts for the two thousand ten--two thousand eleven school year and  
45 each school year thereafter by applying the inflation factor set forth  
46 in this subdivision to the figures that defined the income brackets that  
47 were applicable to the two thousand nine--two thousand ten school year,  
48 and rounding each result to the nearest multiple of one hundred dollars.  
49 For purposes of this subdivision, the "inflation factor" for each income  
50 bracket shall be determined by the percentage increase in the consumer  
51 price index for urban wage earners and clerical workers (CPI-W)  
52 published by the United States department of labor, bureau of labor  
53 statistics, for the third quarter of the calendar year preceding the  
54 applicable school year, as compared to the third quarter of the prior  
55 calendar year. If a base figure as so determined is not exactly equal to  
56 a multiple of one hundred dollars, it shall be rounded to the nearest

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1 multiple of one hundred dollars. In each subsequent school year, the  
2 prior year's income brackets shall be indexed using the above formula  
3 with each year advanced by one year.

4 § 4. Paragraph (f) of subdivision 6 of section 425 of the real proper-  
5 ty tax law is REPEALED.

6 § 5. Subsection (n-1) of section 606 of the tax law is REPEALED.

7 § 6. Paragraphs 2 and 3 of subsection (e) of section 1310 of the tax  
8 law, paragraph 2 as amended by chapter 105 of the laws of 2006, para-  
9 graph 3 as amended by section 3 of part F of chapter 109 of the laws of  
10 2006, are amended to read as follows:

11 (2) [~~Attained age of sixty five. If the taxpayer has attained the age~~  
12 ~~of sixty five on or before the close of the taxable year, for married~~  
13 ~~individuals filing joint returns and surviving spouses the credit shall~~  
14 ~~be two hundred thirty dollars. In the case of an unmarried individual, a~~  
15 ~~head of a household or a married individual filing a separate return,~~  
16 ~~the credit shall be one hundred fifteen dollars.~~

17 (3) ~~Attained age less than sixty five. If the taxpayer has not~~  
18 ~~attained the age of sixty five on or before the close of the taxable~~  
19 ~~year, the credit shall be determined under this paragraph.] The amount  
20 of the credit under this paragraph shall be determined based upon the  
21 taxpayer's income as defined in subparagraph (ii) of paragraph (b) of  
22 subdivision four of section four hundred twenty-five of the real proper-  
23 ty tax law. For the purposes of this paragraph, any taxpayer under  
24 subparagraph (A) of this paragraph with income of more than two hundred  
25 fifty thousand dollars shall receive a credit of two hundred thirty  
26 dollars, and any taxpayer under subparagraph (B) of this paragraph with  
27 income of more than two hundred fifty thousand dollars shall receive a  
28 credit of one hundred fifteen dollars.~~

29 Beginning in the two thousand ten tax year and each tax year thereaft-  
30 er, the "more than two hundred fifty thousand dollar" income limitation  
31 shall be adjusted by applying the inflation factor set forth herein, and  
32 rounding each result to the nearest multiple of one hundred dollars. The  
33 department shall establish the income limitation to be associated with  
34 each subsequent tax year by applying the inflation factor set forth  
35 herein to the figures that define the income limitation that were appli-  
36 cable to the preceding tax year, as determined pursuant to this subdivi-  
37 sion, and rounding each result to the nearest multiple of one hundred  
38 dollars. Such determination shall be made no later than March first, two  
39 thousand ten and each year thereafter.

40 For purposes of this paragraph, the "inflation factor" shall be deter-  
41 mined in accordance with the provisions set forth in subdivision fifteen  
42 of section one hundred seventy-eight of this chapter.

43 (A) Married individuals filing joint returns and surviving spouses. In  
44 the case of a husband and wife who make a single return jointly and of a  
45 surviving spouse:

46	For taxable years beginning:	The credit shall be:
47	<del>in 1998</del>	<del>\$12</del>
48	<del>in 1999</del>	<del>\$35</del>
49	<del>in 2000</del>	<del>\$85]</del>
50	in 2001-2005	\$125
51	<del>after 2005]</del> <u>in 2006</u>	\$230
52	<u>in 2007</u>	<u>\$290</u>
53	<u>in 2008</u>	<u>\$310</u>
54	<u>after 2008</u>	<u>\$335</u>

55 (B) All others. In the case of an unmarried individual, a head of a  
56 household or a married individual filing a separate return:

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1	For taxable years beginning:	The credit shall be:
2	<del>in 1998</del>	<del>\$12</del>
3	<del>in 1999</del>	<del>\$39</del>
4	<del>in 2000</del>	<del>\$45]</del>
5	in 2001-2005	\$62.50
6	<del>after 2005]</del> <u>in 2006</u>	\$115
7	<u>in 2007</u>	<u>\$145</u>
8	<u>in 2008</u>	<u>\$155</u>
9	<u>after 2008</u>	<u>\$167.50</u>

10 § 7. Paragraphs 2 and 3 of subdivision (c) of section 11-1706 of the  
 11 administrative code of the city of New York, as amended by section 4 of  
 12 part F of chapter 109 of the laws of 2006, are amended to read as  
 13 follows:

14 (2) ~~[Attained age of sixty five. If the taxpayer has attained the age~~  
 15 ~~of sixty five on or before the close of the taxable year, for married~~  
 16 ~~individuals filing joint returns and surviving spouses the credit shall~~  
 17 ~~be two hundred thirty dollars. In the case of an unmarried individual, a~~  
 18 ~~head of a household or a married individual filing a separate return,~~  
 19 ~~the credit shall be one hundred fifteen dollars.~~

20 (3) ~~Attained age less than sixty five. If the taxpayer has not~~  
 21 ~~attained the age of sixty five on or before the close of the taxable~~  
 22 ~~year, the credit shall be determined under this paragraph.]~~ The amount  
 23 of the credit under this paragraph shall be determined based upon the  
 24 taxpayer's income as defined in subparagraph (ii) of paragraph (b) of  
 25 subdivision four of section four hundred twenty-five of the real proper-  
 26 ty tax law. For purposes of this paragraph, any taxpayer under subpara-  
 27 graph (A) of this paragraph with income of more than two hundred fifty  
 28 thousand dollars shall receive a credit of two hundred thirty dollars,  
 29 and any taxpayer under subparagraph (B) of this paragraph with income of  
 30 more than two hundred fifty thousand dollars shall receive a credit of  
 31 one hundred fifteen dollars.

32 Beginning in the two thousand ten tax year and each tax year thereaft-  
 33 er, the "more than two hundred fifty thousand dollar" income limitation  
 34 shall be adjusted by applying the inflation factor set forth herein, and  
 35 rounding each result to the nearest multiple of one hundred dollars. The  
 36 department shall establish the income limitation to be associated with  
 37 each subsequent tax year by applying the inflation factor set forth  
 38 herein to the figures that define the income limitation that were appli-  
 39 cable to the preceding tax year, as determined pursuant to this subdivi-  
 40 sion, and rounding each result to the nearest multiple of one hundred  
 41 dollars. Such determination shall be made no later than March first, two  
 42 thousand ten and each year thereafter.

43 For purposes of this paragraph, the "inflation factor" shall be deter-  
 44 mined in accordance with the provisions set forth in subdivision fifteen  
 45 of section one hundred seventy-eight of this chapter.

46 (A) Married individuals filing joint returns and surviving spouses. In  
 47 the case of a husband and wife who make a single return jointly and of a  
 48 surviving spouse:

49	For taxable years beginning:	The credit shall be:
50	<del>in 1998</del>	<del>\$12</del>
51	<del>in 1999</del>	<del>\$35</del>
52	<del>in 2000</del>	<del>\$85]</del>
53	in 2001-2005	\$125
54	<del>after 2005]</del> <u>in 2006</u>	\$230
55	<u>in 2007</u>	<u>\$290</u>
56	<u>in 2008</u>	<u>\$310</u>

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1	<u>after 2008</u>	<u>\$335</u>
2	(B) All others. In the case of an unmarried individual, a head of a	
3	household or a married individual filing a separate return:	
4	For taxable years beginning:	The credit shall be:
5	<del>in 1998</del>	<del>\$12</del>
6	<del>in 1999</del>	<del>\$30</del>
7	<del>in 2000</del>	<del>\$45</del>
8	in 2001-2005	\$62.50
9	<del>after 2005</del> <u>in 2006</u>	\$115
10	<u>in 2007</u>	<u>\$145</u>
11	<u>in 2008</u>	<u>\$155</u>
12	<u>after 2008</u>	<u>\$167.50</u>

13 § 8. Subdivision 5 of section 54-f of the state finance law, as  
 14 amended by chapter 105 of the laws of 2006, is amended to read as  
 15 follows:

16 5. Amounts determined to be due the city pursuant to this section  
 17 shall be paid out pursuant to the following schedule:

18 (a) for the state fiscal year beginning in nineteen hundred ninety-  
 19 eight, one hundred percent of any required amount shall be made by March  
 20 fifteenth in such fiscal year;

21 (b) for the state fiscal year beginning in nineteen hundred ninety-  
 22 nine, fifty percent shall be paid out on March fifteenth and fifty  
 23 percent on December fifteenth of such year; ~~and~~

24 (c) for the state fiscal year beginning in two thousand, thirty-three  
 25 and one-third percent shall be paid out on the fifteenth day of Septem-  
 26 ber, December and March of such year;

27 (d) for the state fiscal ~~years~~ year beginning in two thousand six  
 28 ~~and thereafter~~, thirty-seven and one-half percent shall be paid out on  
 29 the fifteenth day of September and December of such year, and twenty-  
 30 five percent shall be paid out on the fifteenth of June of the following  
 31 year~~[-]~~;

32 (e) for the state fiscal year beginning in two thousand seven, thir-  
 33 ty-two and one-half percent shall be paid by the fifteenth day of  
 34 September and sixty-five percent of the total reimbursement due in such  
 35 fiscal year shall be paid by the fifteenth day of December of such year,  
 36 and the remainder of the total reimbursement due in such fiscal year  
 37 shall be paid by the fifteenth day of June of the following year.  
 38 Notwithstanding the foregoing provisions of this paragraph, the director  
 39 of the division of the budget shall have the discretion to defer the  
 40 September fifteenth or December fifteenth payment due in such fiscal  
 41 year until June fifteenth of the following year;

42 (f) for the state fiscal year beginning in two thousand eight, thir-  
 43 ty-one and seven-tenths percent shall be paid by the fifteenth day of  
 44 September and sixty-three and four-tenths percent of the total  
 45 reimbursement due in such fiscal year shall be paid by the fifteenth day  
 46 of December of such year, and the remainder of the total reimbursement  
 47 due in such fiscal year shall be paid by the fifteenth day of June of  
 48 the following year. Notwithstanding the foregoing provisions of this  
 49 paragraph, the director of the division of the budget shall have the  
 50 discretion to defer the September fifteenth or December fifteenth  
 51 payment due in such fiscal year until June fifteenth of the following  
 52 year; and

53 (g) for the state fiscal years beginning in two thousand nine and  
 54 thereafter, thirty and eight-tenths percent shall be paid by the  
 55 fifteenth day of September and sixty-one and six-tenths percent of the  
 56 total reimbursement due in such fiscal year shall be paid by the

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1 fifteenth day of December of such year, and the remainder of the total  
2 reimbursement due in such fiscal year shall be paid by the fifteenth day  
3 of June of the following year. Notwithstanding the foregoing provisions  
4 of this paragraph, the director of the division of the budget shall have  
5 the discretion to defer the September fifteenth or December fifteenth  
6 payment due in such fiscal year until June fifteenth of the following  
7 year.

8 § 9. This act shall take effect immediately.

9

## PART D-2

10 Section 1. Subparagraphs (v) and (vi) of paragraph b of subdivision 4  
11 of section 2023 of the education law, as added by section 24 of part A  
12 of chapter 436 of the laws of 1997, are amended and a new subparagraph  
13 (vii) is added to read as follows:

14 (v) expenditures in the contingency budget attributable to projected  
15 increases in public school enrollment, which, for the purpose of this  
16 subdivision, may include increases attributable to the enrollment of  
17 students attending a pre-kindergarten program established in accordance  
18 with section thirty-six hundred two-e of this chapter, to be computed  
19 based upon an increase in enrollment from the year prior to the base  
20 year for which the budget is being adopted to the base year for which  
21 the budget is being adopted, provided that where the trustees or board  
22 of education have documented evidence that a further increase in enroll-  
23 ment will occur during the school year for which the contingency budget  
24 is prepared because of new construction, inception of a pre-kindergarten  
25 program, growth or similar factors, the expenditures attributable to  
26 such additional enrollment may also be disregarded; [~~and~~]

27 (vi) non-recurring expenditures in the prior year's school district  
28 budget[~~;~~]; and

29 (vii) expenditures for payments to charter schools pursuant to section  
30 twenty-eight hundred fifty-six of this chapter.

31 § 2. Subdivisions 1, 2, 5-a, 7 and 9 of section 2852 of the education  
32 law, as added by chapter 4 of the laws of 1998, are amended to read as  
33 follows:

34 1. A charter entity that receives an application for approval of a  
35 charter school shall act on each request received prior to [~~October~~]  
36 July first of a calendar year on or before January first of the succeed-  
37 ing calendar year, and a proposed charter between the applicant and the  
38 charter entity resulting from such application shall be executed on or  
39 before February first of such succeeding year. Nothing in this subdivi-  
40 sion shall be construed to prevent a charter entity from receiving or  
41 acting upon an application at any time.

42 2. An application for a charter school shall not be approved unless  
43 the charter entity finds that:

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

47 (b) the applicant can demonstrate the ability to operate the school in  
48 an educationally and fiscally sound manner; [~~and~~]

49 (c) granting the application is likely to improve student learning and  
50 achievement and materially further the purposes set out in subdivision  
51 two of section twenty-eight hundred fifty of this article[~~;~~]; and

52 (d) in a school district where the total enrollment of resident  
53 students attending charter schools in the base year is greater than five  
54 percent of the total public school enrollment of the school district in

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1 the base year (i) granting the application would have a significant  
2 educational benefit to the students expected to attend the proposed  
3 charter school or (ii) the school district in which the charter school  
4 will be located consents to such application.

5 In reviewing applications, the charter entity is encouraged to give  
6 preference to applications that demonstrate the capability to provide  
7 comprehensive learning experiences to students identified by the appli-  
8 cants as at risk of academic failure.

9 5-a. Upon receipt of a proposed charter submitted by a charter entity,  
10 the board of regents shall review such proposed charter in accordance  
11 with the standards set forth in subdivision two of this section. The  
12 board of regents shall either (a) approve and issue the charter as  
13 proposed by the charter entity or (b) return the proposed charter to the  
14 charter entity for reconsideration with the written comments and recom-  
15 mendations of the board of regents. If the board of regents fails to act  
16 on such proposed charter within [~~sixty~~] ninety days of its submission to  
17 the board of regents in accordance with the previous sentence, the  
18 proposed charter shall be deemed to have been approved and issued by the  
19 board of regents at the expiration of such period.

20 7. (a) A revision of a charter shall be made only upon the approval of  
21 the charter entity and the board of regents in accordance with the  
22 provisions of subdivisions five-a and five-b of this section.

23 (b) When a revision of a charter involves the relocation of a charter  
24 school to a different school district, the proposed new school district  
25 shall be given at least forty-five days notice of the proposed relo-  
26 cation. In addition, the applicant shall provide an analysis of the  
27 community support for such relocation and of the projected programmatic  
28 and fiscal impact of the charter school on the proposed new school  
29 district of location and other public and nonpublic schools in the area.

30 9. The total number of charters issued pursuant to this article shall  
31 not exceed [~~one~~] two hundred. [~~Fifty~~] One hundred of such charters shall  
32 be issued on the recommendation of the charter entity described in para-  
33 graph (b) of subdivision three of section twenty-eight hundred fifty-one  
34 of this article, and [~~fifty~~] one hundred of such charters shall be  
35 issued on the recommendation of the other charter entities set forth in  
36 subdivision three of section twenty-eight hundred fifty-one of this  
37 article, provided that up to fifty of the additional charters authorized  
38 to be issued by the chapter of the laws of two thousand seven which  
39 amended this subdivision effective July first, two thousand seven shall  
40 be reserved for a city school district of a city having a population of  
41 one million or more. The failure of any body to issue the regulations  
42 authorized pursuant to this article shall not effect the authority of a  
43 charter entity to propose a charter to the board of regents or the board  
44 of regents' authority to grant such charter. A conversion of an existing  
45 public school to a charter school or the renewal or extension of a char-  
46 ter shall not be counted toward the numerical limits established by this  
47 subdivision.

48 § 3. Section 2852 of the education law is amended by adding a new  
49 subdivision 10 to read as follows:

50 10. Except in the case of a charter school formed by a school district  
51 as a charter entity pursuant to paragraph (a) of subdivision three of  
52 section twenty-eight hundred fifty-one of this article, a charter school  
53 formed by approval of the regents or by operation of law on or after  
54 March fifteenth in any school year shall not commence instruction until  
55 July of the second school year next following.



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1 § 4. Paragraph (a) of subdivision 3 of section 2853 of the education  
2 law, as added by chapter 4 of the laws of 1998, is amended to read as  
3 follows:

4 (a) A charter school may be located in part of an existing public  
5 school building, in space provided on a private work site, in a public  
6 building or in any other suitable location. Provided, however, before a  
7 charter school may be located in part of an existing public school  
8 building, the charter entity shall provide notice to the parents or  
9 guardians of the students then enrolled in the existing school building  
10 and shall hold a public hearing for purposes of discussing the location  
11 of the charter school. A charter school may own, lease or rent its  
12 space. For purposes of local zoning, land use regulation and building  
13 code compliance, a charter school shall be deemed a nonpublic school.

14 § 5. Paragraphs (a) and (b) of subdivision 2 of section 2854 of the  
15 education law, as added by chapter 4 of the laws of 1998, are amended to  
16 read as follows:

17 (a) A charter school shall be nonsectarian in its programs, admission  
18 policies, employment practices, and all other operations and shall not  
19 charge tuition or fees; provided that a charter school may require the  
20 payment of fees on the same basis and to the same extent as other public  
21 schools. A charter school shall not discriminate against any student,  
22 employee or any other person on the basis of ethnicity, national origin,  
23 gender, or disability or any other ground that would be unlawful if done  
24 by a school. Admission of students shall not be limited on the basis of  
25 intellectual ability, measures of achievement or aptitude, athletic  
26 ability, disability, race, creed, gender, national origin, religion, or  
27 ancestry; provided, however, that nothing in this article shall be  
28 construed to prevent the establishment of a single-sex charter school or  
29 a charter school designed to provide expanded learning opportunities for  
30 students at-risk of academic failure; and provided, further, that the  
31 charter school shall demonstrate good faith efforts to attract and  
32 retain a comparable or greater enrollment of students with disabilities  
33 and limited English proficient students when compared to the enrollment  
34 figures for such students in the school district in which the charter  
35 school is located. A charter shall not be issued to any school that  
36 would be wholly or in part under the control or direction of any reli-  
37 gious denomination, or in which any denominational tenet or doctrine  
38 would be taught.

39 (b) Any child who is qualified under the laws of this state for admis-  
40 sion to a public school is qualified for admission to a charter school.  
41 The school shall enroll each eligible student who submits a timely  
42 application by the first day of April each year, unless the number of  
43 applications exceeds the capacity of the grade level or building. In  
44 such cases, students shall be accepted from among applicants by a random  
45 selection process, provided, however, that an enrollment preference  
46 shall be provided to pupils returning to the charter school in the  
47 second or any subsequent year of operation and pupils residing in the  
48 school district in which the charter school is located, and siblings of  
49 pupils already enrolled in the charter school. For the purposes of this  
50 paragraph and paragraph (a) of this subdivision, the school district in  
51 which the charter school is located shall mean, for the city school  
52 district of the city of New York, the community district in which the  
53 charter school is located.

54 § 6. Paragraphs (b-1) and (d) of subdivision 3 of section 2854 of the  
55 education law, as added by chapter 4 of the laws of 1998, are amended to  
56 read as follows:

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1 (b-1) The employees of a charter school that is not a conversion from  
2 an existing public school shall not be deemed members of any existing  
3 collective bargaining unit representing employees of the school district  
4 in which the charter school is located, and the charter school and its  
5 employees shall not be subject to any existing collective bargaining  
6 agreement between the school district and its employees. Provided,  
7 however, that (i) if the student enrollment of the charter school on the  
8 first day on which the charter school commences student instruction  
9 exceeds two hundred fifty or if the average daily student enrollment of  
10 such school exceeds two hundred fifty students at any point during the  
11 first ~~year~~ two years after the charter school commences student  
12 instruction, all ~~instructional~~ employees of the school who are eligi-  
13 ble for representation under article fourteen of the civil service law  
14 shall be deemed to be represented in a separate negotiating unit at the  
15 charter school by the same employee organization, if any, that repres-  
16 ents like employees in the school district in which such charter school  
17 is located; (ii) the provisions of subparagraph (i) of this paragraph  
18 may be waived in up to ten charters issued on the recommendation of the  
19 charter entity set forth in paragraph (b) of subdivision three of  
20 section twenty-eight hundred fifty-one of this article; (iii) the  
21 provisions of subparagraph (i) of this paragraph shall not be applica-  
22 ble to the renewal or extension of a charter; and (iv) nothing in this  
23 sentence shall be construed to subject a charter school subject to the  
24 provisions of this paragraph or its employees to any collective bargain-  
25 ing agreement between any public school district and its employees or to  
26 make the employees of such charter school part of any negotiating unit  
27 at such school district. The charter school may, in its sole discretion,  
28 choose whether or not to offer the terms of any existing collective  
29 bargaining to school employees.

30 (d) A teacher employed by a school district may make a written request  
31 to the board of education for an extended leave of absence to teach at a  
32 charter school. Approval for such a leave of absence for a period of  
33 ~~two~~ three years or less shall not be unreasonably withheld. If such  
34 approval is granted to a teacher by the school district, the teacher may  
35 return to teach in the school district during such period of leave with-  
36 out the loss of any right of certification, retirement, seniority, sala-  
37 ry status or any other benefit provided by law or by collective bargain-  
38 ing agreement. If an appropriate position is unavailable, the teacher's  
39 name shall be placed on a preferred eligible list of candidates for  
40 appointment to a vacancy that may thereafter occur in an office or posi-  
41 tion similar to the one such teacher filled in such school district  
42 immediately prior to the leave of service.

43 § 7. Subdivisions 1, 2, and 3 of section 2857 of the education law, as  
44 added by chapter 4 of the laws of 1998, are amended and a new subdivi-  
45 sion 1-a is added to read as follows:

46 1. The board of regents shall distribute information announcing the  
47 availability of the charter school process described in this article to  
48 each local school district and public postsecondary educational institu-  
49 tion. At each significant stage of the chartering process, the charter  
50 entity and the board of regents shall provide appropriate notification  
51 to the school district in which the charter school is located and to  
52 public and nonpublic schools in the same geographic area as the proposed  
53 charter school. Such notification shall be provided by each charter  
54 entity within thirty days of its receipt of an application for formation  
55 of a new charter school or for renewal of an existing charter school,  
56 and at least forty-five days prior to initial approval of the charter

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1 application by the charter entity. Prior to the issuance, revision, or  
2 renewal of a charter, the school district in which the charter school is  
3 located shall hold a public hearing to solicit comments from the commu-  
4 nity in connection with the foregoing. Such hearing shall be held with-  
5 in the community potentially impacted by the proposed charter school.  
6 When a revision involves the relocation of a charter school to a differ-  
7 ent school district, the proposed new school district shall also hold  
8 such hearing. In addition, such school districts shall be given an  
9 opportunity to comment on the proposed charter to the charter entity and  
10 such charter entity shall consider any comments raised and submit any  
11 such comments to the board of regents with the application for issuance,  
12 revision, or renewal of a charter. [~~In addition, such school district~~  
13 ~~may hold a public hearing to solicit comments from the community in~~  
14 ~~connection with the foregoing.~~]

15 1-a. In the event the school district fails to conduct a public hear-  
16 ing, the board of regents shall conduct a public hearing to solicit  
17 comments from the community in connection with the issuance, revision,  
18 or renewal of a charter.

19 2. Each charter school shall submit to the charter entity and to the  
20 board of regents an annual report. Such report shall be issued no later  
21 than the first day of August of each year for the preceding school year.  
22 The annual report shall be in such form as shall be prescribed by the  
23 commissioner and shall include at least the following components:

24 (a) a charter school report card, which shall include measures of the  
25 comparative academic and fiscal performance of the school, as prescribed  
26 by the commissioner in regulations adopted for such purpose. Such meas-  
27 ures shall include, but not be limited to, graduation rates, dropout  
28 rates, performance of students on standardized tests, college entry  
29 rates, total spending per pupil and administrative spending per pupil.  
30 Such measures shall be presented in a format that is easily comparable  
31 to similar public schools. In addition, the charter school shall ensure  
32 that such information is easily accessible to the community.

33 (b) discussion of the progress made towards achievement of the goals  
34 set forth in the charter.

35 (c) a certified financial statement setting forth, by appropriate  
36 categories, the revenues and expenditures for the preceding school year,  
37 including a copy of the most recent independent fiscal audit of the  
38 school.

39 3. The board of regents shall report annually to the governor, the  
40 temporary president of the senate, and the speaker of the assembly the  
41 following information:

42 (a) The number, distribution, and a brief description of new charter  
43 schools established during the preceding year;

44 (b) The department's assessment of the current and projected program-  
45 matic and fiscal impact of charter schools on the delivery of services  
46 by [~~the public school system~~] school districts;

47 (c) The academic progress of students attending charter schools, as  
48 measured against comparable public and nonpublic schools with similar  
49 student population characteristics wherever practicable; [~~and~~]

50 (d) A list of all actions taken by a charter entity on charter appli-  
51 cation and the rationale for the renewal or revocation of any charters;  
52 and

53 (e) Any other information regarding charter schools that the board of  
54 regents deems necessary.

55 The format for this annual report shall be developed in consultation  
56 with representatives of school districts and charter school officials.

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1 § 8. This act shall take effect July 1, 2007; provided that the amend-  
2 ments to paragraph (b-1) of subdivision 3 of section 2854 of the educa-  
3 tion law, made by section six of this act, shall apply only to charter  
4 schools approved by a charter entity on or after such effective date.

5

## PART E-1

6 Section 1. Paragraph a of subdivision 4 of section 661 of the educa-  
7 tion law, as amended by chapter 309 of the laws of 1996, is amended to  
8 read as follows:

9 a. Must be matriculated in an approved program as defined by the  
10 commissioner pursuant to article thirteen in an institution [~~and~~] situ-  
11 ated in the state, [~~and~~] which has been approved and operating in this  
12 state for at least one year, and has been approved for participation in  
13 federal student financial aid programs authorized by Title IV of the  
14 Higher Education Act of 1965, as amended. Nothing in this subdivision  
15 shall preclude payment of an award to a recipient who receives instruc-  
16 tion outside the state, which instruction is conducted by an institution  
17 situated in the state, and is part of the student's program of study at  
18 such institution[7]; provided, however, that nothing in this subdivision  
19 shall preclude the receipt of a loan pursuant to section six hundred  
20 eighty of this article; provided, further, that students not attending  
21 institutions eligible for participating in federal Title IV financial  
22 aid programs on or before July first, two thousand seven: (i) who  
23 received their first award under this article before the two thousand  
24 six--two thousand seven academic year shall be eligible for payments  
25 until the end of the two thousand nine--two thousand ten academic year;  
26 or (ii) who received their first award under this article for the two  
27 thousand six--two thousand seven academic year through and including the  
28 two thousand nine--two thousand ten academic year shall be eligible for  
29 payments until the end of the two thousand fourteen--two thousand  
30 fifteen academic year.

31 § 2. Paragraph c of subdivision 4 of section 661 of the education law,  
32 as amended by chapter 309 of the laws of 1996, is amended, paragraph d  
33 is relettered paragraph f and two new paragraphs d and e are added to  
34 read as follows:

35 c. For students who first receive aid pursuant to this chapter in  
36 academic year nineteen hundred ninety-six--nineteen hundred ninety-seven  
37 [~~or thereafter~~] to academic year two thousand six--two thousand seven,  
38 must have a certificate of graduation from a school providing secondary  
39 education, or the recognized equivalent of such certificate; or have  
40 achieved a passing score, as determined by the United States secretary  
41 of education, on a federally approved examination which demonstrates  
42 that the student can benefit from the education being offered[7];

43 d. For students who first receive aid pursuant to this chapter in  
44 academic year two thousand six--two thousand seven, must have a certifi-  
45 cate of graduation from a recognized school providing secondary educa-  
46 tion within the United States, or the recognized equivalent of such  
47 certificate, or have been admitted to such institution after receiving a  
48 passing score on a federally approved ability to benefit test that has  
49 been independently administered and evaluated, as provided by the  
50 commissioner;

51 e. For students who first receive aid pursuant to this chapter in  
52 academic year two thousand seven--two thousand eight or thereafter, must  
53 have (i) a certificate of graduation from a school providing secondary  
54 education from a state within the United States; or (ii) the recognized

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1 equivalent of such certificate; or (iii) received a passing score on a  
2 federally approved ability to benefit test that has been identified by  
3 the board of regents as satisfying the eligibility requirements of this  
4 section and has been independently administered and evaluated as defined  
5 by the commissioner.

6 § 3. Subdivision 6 of section 665 of the education law, as amended by  
7 chapter 195 of the laws of 1980 and paragraph a as designated and para-  
8 graph b as added by chapter 1047 of the laws of 1981, is amended to read  
9 as follows:

10 6. Loss of good academic standing. a. If the recipient of an award  
11 fails to maintain good academic standing as defined by the commissioner  
12 pursuant to article thirteen of this chapter, which definition shall  
13 include direction to institutions to establish standards of reasonable  
14 progress toward completion of the program in which a student is  
15 enrolled, the president shall suspend further payments under the award  
16 until and unless the student shall establish, to the satisfaction of the  
17 commissioner, promise of successful completion of the program for which  
18 the award is made, and the president may revoke the award if the recipi-  
19 ent is not reinstated in good academic standing within a reasonable time  
20 to be set by the commissioner.

21 ~~b. [Notwithstanding any law, rule or regulation to the contrary,~~  
22 ~~department of education regulation 145-2.2 filed April twenty eighth,~~  
23 ~~nineteen hundred eighty, shall apply only to students receiving aid~~  
24 ~~under this article for the first time during school year nineteen~~  
25 ~~hundred eighty-one--nineteen hundred eighty-two or thereafter, except~~  
26 ~~that such regulation]~~ Students who receive their first state award  
27 during the nineteen hundred eighty-one--nineteen hundred eighty-two  
28 academic year through and including the two thousand five--two thousand  
29 six academic year, shall maintain good academic standing as defined by  
30 the commissioner, except that such standard shall not apply to students  
31 receiving aid under section six hundred sixty-seven-a of this [chapter]  
32 part.

33 c. Students who receive their first state award during the two thou-  
34 sand six--two thousand seven academic year and thereafter shall make  
35 satisfactory progress toward the completion of the program's academic  
36 requirements as provided in this paragraph. For purposes of this subdi-  
37 vision, "reasonable progress toward completion of the program" shall  
38 mean a student must complete, at a minimum, the following requirements  
39 at the time of certification; provided that nothing shall prevent a  
40 college from developing stricter standards to measure reasonable  
41 progress:

42 (i) For students first receiving aid in two thousand seven--two thou-  
43 sand eight, and thereafter, and enrolled in four-year or five-year  
44 undergraduate programs whose terms are organized in semesters:

45	<u>Before Being</u>	<u>1st</u>	<u>2nd</u>	<u>3rd</u>	<u>4th</u>	<u>5th</u>	<u>6th</u>	<u>7th</u>	<u>8th</u>	<u>9th</u>
46	<u>Certified</u>									
47	<u>for This</u>									
48	<u>Payment</u>									
49	<u>A Student Must 0</u>	<u>3</u>	<u>9</u>	<u>21</u>	<u>33</u>	<u>45</u>	<u>60</u>	<u>75</u>	<u>90&lt;</u>	
50	<u>Have Accrued at</u>									
51	<u>Least This</u>									
52	<u>Many Credits</u>									
53	<u>With At Least</u>	<u>0</u>	<u>1.1</u>	<u>1.2</u>	<u>1.3</u>	<u>2.0</u>	<u>2.0</u>	<u>2.0</u>	<u>2.0</u>	<u>2.0</u>

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1 This Grade  
2 Point Average

3 (ii) For students first receiving aid in two thousand seven--two thou-  
4 sand eight, and thereafter, and enrolled in two-year undergraduate  
5 programs whose terms are organized in semesters:

6 Before Being 1 2 3 4 5 6  
7 Certified  
8 for This  
9 Payment

10 A Student 0 3 9 18 30 45  
11 Must Have  
12 Accrued at  
13 Least This  
14 Many Credits

15 With at Least 0 .5 .75 1.3 2.0 2.0  
16 This Grade  
17 Point Average

18 (iii) For students first receiving aid in two thousand seven--two  
19 thousand eight, and thereafter, and enrolled in four-year or five-year  
20 undergraduate programs whose terms are organized on a trimester basis:

21 Before Being 1 2 3 4 5 6 7 8  
22 Certified  
23 for This  
24 Payment

25 A Student 0 2 4 9 17 25 33 40  
26 Must Have  
27 Accrued at  
28 Least This  
29 Many Credits

30 With At Least 0 1.1 1.1 1.2 1.2 1.3 2.0 2.0  
31 This Grade  
32 Point Average

33 and,

34 Before Being 9 10 11 12 13 14 15  
35 Certified  
36 for This  
37 Payment

38 A Student 50 60 70 80 90 100 110  
39 Must Have  
40 Accrued at  
41 Least This  
42 Many Credits

43 With At Least 2.0 2.0 2.0 2.0 2.0 2.0 2.0  
44 This Grade



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## 1 Point Average

2 (iv) For students first receiving aid in two thousand seven--two thou-  
 3 sand eight, and thereafter, and enrolled in two-year undergraduate  
 4 programs whose terms are organized on a trimester basis:

5 Before Being	1	2	3	4	5	6	7	8	9 Certified
7 for This									
8 Payment									

9 A Student	0	2	4	9	15	21	30	37	45<
10 Must Have									
11 Accrued at									
12 Least This									
13 Many Credits									

14 With At Least	0	.5	.5	.75	.75	2.0	2.0	2.0	2.0
15 This Grade									
16 Point Average									

17 § 4. This act shall take effect immediately and be deemed to have been  
 18 in full force and effect on and after April 1, 2007; provided, however,  
 19 that section one of this act shall take effect July 1, 2007.

20

## PART E-2

21 Section 1. Paragraph c of subdivision 2 of section 665 of the educa-  
 22 tion law, as added by section 1 of part K of chapter 58 of the laws of  
 23 2006, is amended to read as follows:

24 c. A student shall qualify for accelerated study upon the completion  
 25 of twenty-four credit hours, or its equivalent, from such institution in  
 26 the preceding two semesters, or the equivalent, prior to the term of the  
 27 application provided however, that the equivalent of three credits per  
 28 semester may be remedial courses and therefore such student shall be  
 29 eligible for an accelerated award after having earned a total of eigh-  
 30 teen degree credits in the preceding two semesters.

31 § 2. This act shall take effect immediately and shall be deemed to  
 32 have been in full force and effect on and after April 1, 2007.

33

## PART E-3

34 Section 1. Section 679-c of the education law, as added by section 4  
 35 of part D of chapter 63 of the laws of 2005, the section heading and  
 36 paragraph b of subdivision 3 as amended by chapter 746 of the laws of  
 37 2005 and paragraph b of subdivision 1 as amended by chapter 161 of the  
 38 laws of 2005, is amended to read as follows:

39 § 679-c. Senator Patricia K. McGee nursing faculty scholarship  
 40 program. 1. Purpose:

41 a. The president shall grant scholarship awards for the purpose of  
 42 increasing the number of educators and adjunct clinical faculty teaching  
 43 in the field of nursing education in New York state. Such awards shall  
 44 be made on a competitive basis, as promulgated by the corporation  
 45 through rules and regulations to applicants who are registered profes-  
 46 sional nurses and are enrolling in an approved program to obtain a

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1 master's degree in nursing or a doctoral degree that will qualify them  
2 as nursing faculty or adjunct clinical faculty.

3 b. To be eligible for an award pursuant to this subdivision, appli-  
4 cants shall (1) be a licensed registered nurse in New York state; (2)  
5 enroll in a master's degree program in nursing or doctoral degree  
6 program that will qualify them as nursing faculty or adjunct clinical  
7 faculty in New York state; (3) agree to practice in New York state as  
8 nursing faculty upon completion of such degree program; and (4) comply  
9 with subdivisions three and five of section six hundred sixty-one of  
10 this part.

11 2. Award conditions and requirements. Scholarships shall be awarded on  
12 a competitive basis as promulgated by the corporation through rules and  
13 regulations to applicants whom the corporation has certified are eligi-  
14 ble to receive such awards; and who agree to provide not less than  
15 twelve academic credit hours or its equivalent as nursing faculty or  
16 clinical teaching service for the duration of at least four years upon  
17 completion of the degree program.

18 3. Amount. The corporation shall grant such awards within the amounts  
19 appropriated for such purpose and based on availability of funds accord-  
20 ing to a schedule to be determined by the corporation in an amount:

21 a. equal to the tuition charged to state resident students attending a  
22 master's degree program in nursing or doctoral degree program that will  
23 qualify them as nursing faculty or adjunct clinical faculty at the state  
24 university of New York; the average mandatory fees charged at the state  
25 university of New York, or the actual tuition and fees charged to the  
26 recipient, whichever is less; and the average non-tuition cost of  
27 attendance, as determined by the corporation and as approved by the  
28 director of the budget, for a student at the state university of New  
29 York or actual non-tuition cost of attendance at such institution,  
30 whichever is less, provided that the scholarship shall not exceed an  
31 amount that is equal to the total cost of attendance determined for  
32 federal Title IV student financial aid purposes, less all other scholar-  
33 ships and grants provided by New York state, other states, the federal  
34 government, or other governments, and the amount of educational benefits  
35 paid under any program that would duplicate the purposes of this  
36 program, provided that any scholarships or grants provided to a recipi-  
37 ent by the institution which are intended to fund any portion of the  
38 difference between the annual state award and the actual costs of  
39 attendance at any such institution shall not be considered to duplicate  
40 the purposes of this program.

41 b. The total cost of the Senator Patricia K. McGee nursing faculty  
42 scholarship program shall not exceed an annual cost of [~~six hundred~~  
43 ~~thousand~~] two million dollars, and no annual award shall exceed twenty  
44 thousand dollars.

45 4. Other awards. Award recipients shall be eligible to apply for other  
46 awards.

47 5. Penalties for noncompliance. a. The corporation shall convert to a  
48 student loan the full amount of the award given pursuant to this  
49 section, plus interest, according to a schedule to be determined by the  
50 corporation if: (1) three years after the completion of the degree  
51 program it is found that an applicant did not begin to provide nursing  
52 faculty or clinical nurse faculty services; (2) if such applicant does  
53 not provide nursing faculty or clinical nursing faculty services for  
54 four years within seven years of the completion of the master's degree  
55 program in nursing or doctoral degree; or (3) the student fails to  
56 receive a master's degree in nursing or doctoral degree that will quali-

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1 fy them as nursing faculty or adjunct clinical faculty within the three  
2 years of receiving the award.

3 b. The rate of interest charged for repayment of the student loan  
4 shall be determined pursuant to rules and regulations promulgated by the  
5 corporation.

6 § 2. Section 679-d of the education law, as added by section 4 of part  
7 D of chapter 63 of the laws of 2005 and paragraphs 2 and 3 of subdivi-  
8 sion a as amended by section 2 of part H1 of chapter 109 of the laws of  
9 2006, is amended to read as follows:

10 § 679-d. New York state nursing faculty loan forgiveness incentive  
11 program. a. Purpose. (1) The president shall grant student loan forgive-  
12 ness awards for the purpose of increasing the number of educators and  
13 adjunct clinical faculty teaching in the field of nursing education in  
14 New York state. Such awards shall be made on a competitive basis as  
15 promulgated by the corporation through rules and regulations, to appli-  
16 cants who are registered professional nurses with previous clinical  
17 experience in nursing who have completed a masters [~~or doctoral~~] program  
18 in nursing or doctoral degree that qualified them as nursing faculty or  
19 adjunct clinical faculty.

20 (2) To be eligible for an award pursuant to this subdivision, appli-  
21 cants shall (i) be licensed as a registered professional nurse; (ii)  
22 have an outstanding student loan debt from a nursing degree program  
23 acquired on or after January first, two thousand one; (iii) have a  
24 master's [~~or doctoral~~] degree in nursing or doctoral degree that quali-  
25 fied them as nursing faculty or adjunct clinical faculty; (iv) be  
26 employed as a faculty member at a nursing school located in New York  
27 state; and (v) comply with subdivisions three and five of section six  
28 hundred sixty-one of this part.

29 (3) An award of eight thousand dollars shall be made annually to  
30 recipients who have provided classroom or clinical instruction of not  
31 less than twelve academic credit hours, or its equivalent, as nursing  
32 faculty or in clinical teaching service in the academic year preceding  
33 the granting of the award, provided that no recipient shall receive  
34 cumulative awards, pursuant to this section, in excess of forty thousand  
35 dollars.

36 (4) Other awards. Award recipients shall be eligible to apply for  
37 other awards.

38 b. Duration. Loan forgiveness awards shall be made annually to appli-  
39 cants whom the corporation has certified are eligible to receive such  
40 awards and have provided nursing faculty or clinical nurse faculty  
41 services required pursuant to this article; provided that no award shall  
42 be granted for more than five years.

43 c. Amount. The corporation shall grant such awards within the amounts  
44 appropriated for such purpose and based on availability of funds in an  
45 amount not to exceed the total cost of the student loan debt.

46 § 3. This act shall take effect immediately and shall be deemed to  
47 have been in full force and effect on and after April 1, 2007, provided  
48 that the amendments to sections 679-c and 679-d of the education law,  
49 made by sections one and two of this act, shall not affect the expira-  
50 tion and repeal of such sections and shall expire and be deemed  
51 repealed.

52

PART E-4

53 Section 1. The education law is amended by adding a new section 6401-a  
54 to read as follows:

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1 § 6401-a. State aid for high needs nursing programs for certain inde-  
2 pendent institutions of higher learning. 1. Notwithstanding the  
3 provisions of any general, special or local law to the contrary, the  
4 commissioner is hereby authorized to grant state aid for high needs  
5 nursing programs to any independent institution of higher education  
6 within the state which meets the requirements of subdivision two of this  
7 section, upon application by such institution, such amounts of state aid  
8 as are authorized to be paid by subdivision three of this section.

9 2. Notwithstanding the provisions of any other law, in order to quali-  
10 fy for state aid grants pursuant to this section, any independent insti-  
11 tution of higher education must meet the requirements set forth in para-  
12 graphs (a) through (d) of this subdivision.

13 (a) The institution must be a non-profit college or university incor-  
14 porated by the regents or by the legislature.

15 (b) The institution must maintain an earned degree program in nursing,  
16 culminating in an associate or higher degree in nursing; provided howev-  
17 er, that this act does not apply to on-line nursing degree programs  
18 offered via the internet.

19 (c) The institution must meet such standards of educational quality  
20 applicable to comparable public institutions of higher education, as may  
21 be from time to time established by the regents.

22 (d) The institution must be eligible for state aid under the  
23 provisions of the constitution of the United States and the constitution  
24 of the state of New York.

25 3. The commissioner shall grant such state aid awards within the  
26 amounts appropriated for such purpose, not to exceed one million dollars  
27 and based on availability of funds, according to a schedule to be deter-  
28 mined by the commissioner, to each institution meeting the requirements  
29 of subdivision two of this section. Awards shall be distributed in the  
30 following amounts:

31 (a) Two hundred fifty dollars per student enrolled in an earned degree  
32 program in nursing at a two year degree granting institution;

33 (b) Five hundred dollars per student enrolled in an earned degree  
34 program in nursing at a four year degree granting institution.

35 4. The commissioner shall promulgate all rules and regulations neces-  
36 sary for the implementation of this section.

37 § 2. This act shall take effect immediately.

38

## PART E-5

39 Section 1. Part T of chapter 58 of the laws of 2006, relating to  
40 establishing the empire innovation program for the state university of  
41 New York is REPEALED.

42 § 2. This act shall take effect immediately.

43

## PART E-6

44 Section 1. Part U of chapter 58 of the laws of 2006, relating to  
45 establishing the empire innovation program for the city university of  
46 New York is REPEALED.

47 § 2. This act shall take effect immediately.

48

## PART F

49 Section 1. Notwithstanding the provisions of paragraph (c) of subdivi-  
50 sion 15 of section 501 of the executive law or any other provision of

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1 law to the contrary, the commissioner of the office of children and  
2 family services may discontinue services and operations at the Brooklyn  
3 and Mt. Vernon community residential homes effective the first of Octo-  
4 ber, 2007.

5 § 2. This act shall take effect immediately.

6

## PART G

7 Section 1. The state finance law is amended by adding a new section  
8 99-s to read as follows:

9 § 99-s. Youth facility per diem account. 1. There is hereby estab-  
10 lished in the joint custody of the state comptroller and the commission-  
11 er of taxation and finance an account in the miscellaneous special  
12 revenue fund to be known as the "youth facility per diem account".

13 2. The youth facility per diem account shall consist of all moneys  
14 received by the state pursuant to section five hundred twenty-nine of  
15 the executive law.

16 § 2. Section 529 of the executive law is amended by adding a new  
17 subdivision 9 to read as follows:

18 9. All reimbursement made by social services districts for care, main-  
19 tenance and supervision under this section shall be paid directly to the  
20 state through the office of children and family services for deposit  
21 into a miscellaneous special revenue fund known as the youth facility  
22 per diem account.

23 § 3. The balance of the office of children and family services sole  
24 purpose care and maintenance account, net of disallowances, refunds,  
25 reimbursements and credits to local social services districts, shall be  
26 deposited into the miscellaneous special revenue fund known as the youth  
27 facility per diem account within thirty days after the effective date of  
28 this act.

29 § 4. This act shall take effect immediately, provided, however, that  
30 section two of this act shall be deemed to have been in full force and  
31 effect on and after April 1, 2007.

32

## PART H

33 Section 1. Notwithstanding any other provision of law to the contrary,  
34 including the appropriation made for preventive services pursuant to a  
35 chapter of the laws of 2007 enacting the education, labor and family  
36 assistance budget, any preventive services provided pursuant to section  
37 409-a of the social services law, whether purchased or provided directly  
38 by the district, must include performance or outcome based provisions  
39 beginning January 1, 2008 and thereafter. In the absence of the required  
40 performance or outcome based provisions, the office of children and  
41 family services may, in accordance with regulations, limit the  
42 district's state reimbursement for expenditures related to increases in  
43 the amount of gross claims that are otherwise reimbursable during state  
44 fiscal year 2007-08 and each of the subsequent state fiscal years that  
45 exceed the amount of the district's gross claims for expenditures for  
46 the period October 1, 2005 through September 30, 2006 that were claimed  
47 through March 31, 2007. Provided however, that the office of children  
48 and family services shall grant a waiver from implementation of perform-  
49 ance or outcome based measures to any district which has a current  
50 contract that extends past January 1, 2008, and which contract cannot be  
51 amended.

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1 § 2. With respect to such regulations as may be promulgated pursuant  
2 to section one of this act, the commissioner of the office of children  
3 and family services shall submit a report to the governor, the temporary  
4 president of the senate and the speaker of the assembly no later than  
5 January 1, 2009:

6 (1) naming those districts that have complied with such regulations;

7 (2) naming those districts that have not complied with such regu-  
8 lations and how such districts have failed to comply;

9 (3) describing the technical assistance offered to assist district  
10 compliance;

11 (4) detailing the impact of such regulations on each district; and

12 (5) recommending changes, if any, to achieve compliance.

13 § 3. This act shall take effect immediately; provided, however, that  
14 notwithstanding any other provision of law to the contrary, the office  
15 of children and family services shall promulgate, on an emergency basis,  
16 any rules or regulations necessary to implement the requirements estab-  
17 lished pursuant to this act no later than August 15, 2007.

18

## PART I

19 Section 1. Section 28 of part C of chapter 83 of the laws of 2002  
20 amending the executive law and other laws relating to funding for chil-  
21 dren and family services is amended to read as follows:

22 § 28. This act shall take effect immediately; provided that sections  
23 nine through eighteen and twenty through twenty-seven of this act shall  
24 be deemed to have been in full force and effect on and after April 1,  
25 2002; provided, however, that section fifteen of this act shall apply to  
26 claims that are otherwise reimbursable by the state on or after April 1,  
27 2002 except as provided in subdivision 9 of section 153-k of the social  
28 services law as added by section fifteen of this act; provided further  
29 however, that nothing in this act shall authorize the office of children  
30 and family services to deny state reimbursement to a social services  
31 district for violations of the provisions of section 153-d of the social  
32 services law for services provided from January 1, 1994 through March  
33 31, 2002; provided that section nineteen of this act shall take effect  
34 September 13, 2002; and, provided further, however, that notwithstanding  
35 any law to the contrary, the office of children and family services  
36 shall have the authority to promulgate, on an emergency basis, any rules  
37 and regulations necessary to implement the requirements established  
38 pursuant to this act; provided further, however, that the regulations to  
39 be developed pursuant to section one of this act shall not be adopted by  
40 emergency rule; and provided further that the provisions of sections  
41 nine through twenty-seven of this act shall expire and be deemed  
42 repealed on June 30, [2007] 2009.

43 § 2. This act shall take effect immediately and shall be deemed to  
44 have been in full force and effect on and after April 1, 2007.

45

## PART J

46 Section 1. Chapter 415 of the laws of 1913, relating to establishing a  
47 state commission for the blind and visually handicapped, is amended by  
48 adding three new sections 1-a, 1-b, and 1-c to read as follows:

49 § 1-a. Establishment of an executive board within the state commission  
50 for the blind and visually handicapped ("commission"). 1. There shall be  
51 established in the commission an executive board consisting of fifteen  
52 members appointed by the governor, two of whom shall be appointed on the



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1 nomination of the temporary president of the senate, two of whom shall  
2 be appointed on the nomination of the speaker of the assembly, one of  
3 whom shall be appointed on the nomination of the minority leader of the  
4 senate, and one of whom shall be appointed on the nomination of the  
5 minority leader of the assembly. Such membership shall be representative  
6 of a diversity of approaches to issues facing the blind and visually  
7 impaired, including but not limited to mobility, employment, independent  
8 living skills, and rehabilitative services. Of the fifteen members of  
9 such board, such membership may include parents of individuals who are  
10 blind or visually impaired, and a majority of such membership shall  
11 consist of persons who are blind.

12 2. The members of the executive board shall serve five year terms. Of  
13 the nine members initially appointed by the governor without nomination,  
14 two shall serve terms of one year, two shall serve terms of two years,  
15 two shall serve terms of three years, and three shall serve terms of  
16 four years. Of the two members initially appointed on the nomination of  
17 the temporary president of the senate, one shall serve a term of two  
18 years and one shall serve a term of five years, and of the two members  
19 initially appointed on the nomination of the speaker of the assembly,  
20 one shall serve a term of two years and one shall serve a term of five  
21 years. The member initially appointed on the nomination of the minority  
22 leader of the senate shall serve a term of three years, and the member  
23 initially appointed on the nomination of the minority leader of the  
24 assembly shall serve a term of four years. At the expiration of the term  
25 of any member, subsequent appointments shall be for a term of five  
26 years.

27 3. Members of the executive board shall serve without compensation but  
28 shall be entitled to reimbursement of their actual and necessary  
29 expenses incurred in the performance of their official duties.

30 4. The executive board may conduct its meetings and, by and through  
31 the chair, perform its power and duties notwithstanding the absence of a  
32 quorum.

33 5. The executive board shall meet on a regular basis to discuss and  
34 recommend resolution of differences, if any, between state or local  
35 agencies regarding services and programs provided to blind and visually  
36 impaired persons.

37 § 1-b. Duties of the executive board. The executive board shall have  
38 the following duties:

39 1. to identify problems and deficiencies in services and programs to  
40 blind and visually impaired persons, to plan and make recommendations to  
41 the director of the commission for the remedy of such problems and defi-  
42 ciencies, and to make recommendations for the development of programs  
43 and services for blind and visually impaired persons;

44 2. to make recommendations to improve the coordination of program and  
45 fiscal resources of state and local, public and private not-for-profit  
46 services for blind and visually impaired persons;

47 3. to review various services and programs for blind and visually  
48 impaired persons, including but not limited to vocational rehabilitation  
49 and other services and programs provided under articles 85 and 87 of the  
50 education law, sections 396-f and 396-g of the general business law and  
51 section 10 of the general city law, for the purposes of improving exist-  
52 ing services and programs or encouraging the development of new services  
53 and programs;

54 4. to review and recommend resolution of differences, if any, concern-  
55 ing rules and regulation of state and local agencies insofar as such

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1 rules and regulation impact on services and programs for blind and visu-  
2 ally impaired persons provided by such state and local agencies;

3 5. to review significant state and locally operated and supported  
4 services and programs, plans and proposals for new services and programs  
5 for blind and visually impaired persons, and to recommend improvements  
6 so that such services and program are planned, created and delivered in  
7 a coordinated, effective and comprehensive manner; and

8 6. to perform all other things necessary and convenient to carry out  
9 the functions, powers and duties of the executive board.

10 § 1-c. 1. The executive board shall investigate the condition of blind  
11 and visually impaired persons in the state, with particular reference to  
12 those who are aged, homeless or needy, and the need for additional means  
13 of the state in caring for such persons. The executive board shall make  
14 a report with recommendations on these matters to the governor and the  
15 temporary president of the senate and the speaker of the assembly on or  
16 before January 1, 2009.

17 2. On or before January first of each year, the commission shall issue  
18 an annual report to the governor, temporary president of the senate,  
19 speaker of the assembly, senate finance committee and assembly ways and  
20 means committee, which shall include, but not be limited to an evalu-  
21 ation of the current status of any executive board recommendations  
22 implemented by the commission and their impact on services and programs  
23 for blind and visually impaired persons.

24 § 2. This act shall take effect on the one hundred eightieth day after  
25 it shall have become a law.

26

PART K-1

27 Section 1. Notwithstanding any other provision of law to the contrary,  
28 where an appropriation is made by a chapter of the laws of 2007 to the  
29 office of temporary and disability assistance under the temporary and  
30 disability assistance program from the general fund for the costs of up  
31 to five county pilot programs established pursuant to chapter 58 of the  
32 laws of 2006, and where an appropriation is made by a chapter of the  
33 laws of 2007 to the office of temporary and disability assistance under  
34 the temporary and disability assistance program or the systems support  
35 and information services program from the special revenue fund - federal  
36 aid to localities, federal health and human services fund - 265 for  
37 amounts and purposes other than one billion one hundred three million  
38 one hundred eighty-two thousand dollars for the "family assistance  
39 program, emergency assistance to families program, safety net program,  
40 and other eligible public assistance expenses", sixty-nine million seven  
41 hundred thousand dollars, for "state operations costs", twelve million  
42 five hundred thousand dollars, two million five hundred thousand  
43 dollars, and one million one hundred thousand dollars for "transfer to  
44 state operations", four million dollars for "expenses associated with  
45 the operation of the statewide electronic benefit (EBT) system", and  
46 three hundred fifty-six million three hundred thousand dollars for  
47 "transfer to the credit of the office of children and family services  
48 federal health and human services fund - 265 local assistance, federal  
49 day care account", subsequent to the expenditures of such appropriations  
50 or as information becomes otherwise available, the commissioners of  
51 temporary and disability assistance and children and family services for  
52 the programs operated by their respective agencies shall provide  
53 performance data, as well as updated allocations to providers broken  
54 down by state fiscal year, including award amounts, contract periods,

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1 program sites, locations served, and spending information that shall be  
2 made available on the respective agency website.

3 § 2. Notwithstanding any provision of law to the contrary, where the  
4 sum of six hundred fifty-four million dollars is appropriated by a chap-  
5 ter of the laws of 2007 to the office of temporary and disability  
6 assistance under the temporary and disability assistance program from  
7 the special revenue fund - federal aid to localities, federal health and  
8 human services fund - 265 "for allocation to local social services  
9 districts for the flexible fund for family services", such appropriation  
10 shall be available for the purposes as follows:

11 Funds shall, without state or local participation, be allocated to  
12 local social services districts in accordance with a methodology that  
13 shall be based on allocations and awards for the prior state fiscal  
14 year, including any supplemental claims for such costs settled during  
15 that period, and other factors, for expenditures eligible under the  
16 state plan for the temporary assistance for needy families block grant,  
17 including but not limited to, expenditures for child welfare services,  
18 employment services and supportive services, provided however, that  
19 local spending of these funds, in combination with state spending for  
20 the same purposes will not exceed applicable federal limits on the  
21 spending of temporary assistance for needy families funds for adminis-  
22 trative purposes. Such amounts allocated to local social services  
23 districts shall hereinafter be referred to as the flexible fund for  
24 family services.

25 Notwithstanding any inconsistent provision of law to the contrary,  
26 such amounts shall constitute the full amount of federal temporary  
27 assistance for needy families funds to be paid on account of activities  
28 funded in whole or in part hereunder. Such allocation shall be available  
29 for reimbursement through March 31, 2010; provided, however, that  
30 reimbursement for child welfare services other than foster care services  
31 shall be available for eligible expenditures incurred on or after Octo-  
32 ber 1, 2006 and before October 1, 2007 that are otherwise reimbursable  
33 by the state on or after April 1, 2007 and that are claimed by March 31,  
34 2008. District allocations from the flexible fund for family services  
35 may be spent only pursuant to plans of expenditure, developed by each  
36 social services district and the local governing body and approved by  
37 the department of family assistance and the director of the budget,  
38 which summarize how the local district will comply with federal work  
39 participation rates, set forth the gross amount of funds and the amount  
40 of temporary assistance for needy families funds that will be expended  
41 in connection with activities funded in whole or in part hereunder, and  
42 how the district will conduct activities required under applicable  
43 federal and state law and regulations, including but not limited to  
44 screening, testing, and assessment for alcohol and substance abuse  
45 pursuant to section 132 of the social services law.

46 Of the amounts so appropriated for allocation to local social services  
47 districts, notwithstanding any inconsistent provision of law to the  
48 contrary, subject to the approval of the director of the budget, a  
49 portion of the amount so appropriated may be used for administrative  
50 costs and may be chargeable to grants, including personal service costs  
51 of the office of court administration or other state agencies. Such  
52 reimbursement may be available through transfer or suballocation.

53 Amounts so appropriated for allocation to local social services  
54 districts, may be used, notwithstanding section 153 of the social  
55 services law, without state or local financial participation, for  
56 services to public assistance recipients who are either eligible for

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1 federally funded income support under the temporary assistance for needy  
2 families block grant, or whose current case includes a dependent child  
3 under the age of 18 or under the age of 19 if the child is attending  
4 secondary school and is in receipt of safety net assistance, and those  
5 eligible individuals and families whose incomes do not exceed 200  
6 percent of the federal poverty level. Specific services may include,  
7 but are not necessarily limited to: specialized self-sufficiency case  
8 management and job training services through social services districts  
9 to help eligible persons secure and retain employment; transportation  
10 services to and from employment or other allowable activities; domestic  
11 violence screening and service referral; domestic violence training;  
12 screening, assessment, optional testing and treatment for substance  
13 abuse including related workforce preparation services; periodic incen-  
14 tives for excellence in academic achievement or community service;  
15 services and expenses of transitional opportunities program offices;  
16 services to augment employer-based programs that assist youth at-risk of  
17 not graduating from high school; performance-based job placement  
18 services through contracts with for profit or non-profit agencies; job  
19 specific training opportunities and job placement; youth enterprise  
20 services for eligible youth who have been released from residential  
21 facilities, and eligible administration costs, including contracts  
22 through the office of temporary and disability assistance with outside  
23 auditors to ensure compliance with federal requirements. At the request  
24 of social services districts, a portion of the funds so appropriated may  
25 be retained by the office of temporary and disability assistance for the  
26 continuation of statewide contracts or to provide centralized adminis-  
27 trative services, including but not limited to issuing requests for  
28 proposals, entering into and processing contracts, and providing vendor  
29 payments.

30 Notwithstanding any other provision of law including the state finance  
31 law and any local procurement law, at the request of a social services  
32 district and with the approval of the division of the budget, a portion  
33 of the funds so appropriated may be retained by the office of temporary  
34 and disability assistance for use by such office or for transfer or  
35 suballocation to the department of labor, the department of health  
36 and/or the office of children and family services to provide centralized  
37 administrative services, including but not limited to entering into,  
38 processing and/or amending contracts with existing providers for any  
39 services eligible for funding under the flexible fund for family  
40 services for which the applicable state agency has a contractual  
41 relationship or had a contractual relationship during state fiscal year  
42 2004-05 or thereafter, and providing vendor payments.

43 Of the amounts so appropriated for allocation to local social services  
44 districts, notwithstanding any inconsistent provision of law, a social  
45 services district may request that the office of temporary and disabili-  
46 ty assistance retain and transfer a portion of the district's allocation  
47 of these funds to the credit of the office of children and family  
48 services special revenue funds - federal/aid to localities federal block  
49 grant fund - 269 for the title XX social services block grant for use by  
50 the district for eligible title XX services and/or to the credit of the  
51 office of children and family services federal health and human services  
52 fund - 265 local assistance, federal day care account for use by the  
53 district for eligible child care expenditures under the state block  
54 grant for child care, within the percentages established by the state in  
55 accordance with the federal social security act and related federal  
56 regulation. Any funds transferred at a district's request to the title

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1 XX social services block grant shall be used by the district for eligi-  
2 ble title XX social services provided in accordance with the provisions  
3 of the federal social security act and the social services law to chil-  
4 dren or their families whose income is less than 200 percent of the  
5 federal poverty level applicable to the family size involved. Any funds  
6 transferred at a district's request to the office of children and family  
7 services federal health and human services fund - 265 local assistance,  
8 federal day care account shall be made available to the district for use  
9 for eligible child care expenditures in accordance with the applicable  
10 provisions of federal law and regulations relating to federal funds  
11 included in the state block grant for child care and in accordance with  
12 applicable state law and regulations of the office of children and fami-  
13 ly services. Any claims made by a social services district for expendi-  
14 tures made for child care during a particular federal fiscal year, other  
15 than claims made under title XX of the federal social security act,  
16 shall be counted against the social services district's block grant for  
17 child care for that federal fiscal year. Each social services district  
18 must certify to the department of family assistance by June 30, 2007 the  
19 amount of funds it wishes to have transferred under this provision. If  
20 there is any transfer authority remaining under federal law and regu-  
21 lation after the office of temporary and disability assistance transfers  
22 all of the funds certified by the districts by June 30, 2007 to be so  
23 transferred, the department of family assistance may provide additional  
24 transfer authority to those districts that transferred the maximum  
25 allowable amount. Prior to the transfer of funds pursuant to this  
26 provision, the office of temporary and disability assistance shall  
27 determine the availability of such funding and, subject to approval of  
28 the director of the budget, take necessary steps to notify the depart-  
29 ment of health and human services and the office of children and family  
30 services of the transfer of funding for purposes contained in this act.  
31 § 3. This act shall take effect immediately and shall be deemed to  
32 have been in full force and effect on and after April 1, 2007.

33

## PART K-2

34 Section 1. The office of children and family services shall continue  
35 and expand the demonstration project, established pursuant to part G of  
36 chapter 58 of the laws of 2006 as amended, in local social services  
37 districts selected by the office of children and family services to  
38 determine best practices in portable information technology for child  
39 protective services caseworkers to improve the workload of the child  
40 protective workforce, including but not limited to the purchase of new  
41 information technology, such as laptop computers, portable e-mail  
42 devices, and cellular phones, that permits caseworkers to work from  
43 field locations while investigating allegations of child abuse and  
44 maltreatment. The commissioner of the office of children and family  
45 services shall submit a report to the governor, the temporary president  
46 of the senate and the speaker of the assembly, no later than January 15,  
47 2008, detailing which local social services districts participated in  
48 such demonstration project, the impact by district of such demonstration  
49 project on caseworker efficiency and productivity, and the impact on  
50 caseload for caseworkers with such technology by district.  
51 § 2. This act shall take effect immediately and shall expire and be  
52 deemed repealed April 1, 2008.

53

## PART K-3

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1 Section 1. Subdivision (h) of section 17 of the social services law,  
2 as relettered by chapter 280 of the laws of 2002, is relettered subdivi-  
3 sion (i) and a new subdivision (h) is added to read as follows:

4 (h) make available on its website all award allocations for request  
5 for proposals issued by the office of children and family services upon  
6 release of such awards. Such information shall also include all organ-  
7 izations requesting funding and the amounts requested for each request  
8 for proposal. The office of children and family services may also  
9 include any other information related to each program that it deems  
10 appropriate.

11 § 2. This act shall take effect immediately and shall apply to all  
12 award allocations presented on or after April 1, 2007.

13

## PART K-4

14 Section 1. Notwithstanding any provision of law to the contrary,  
15 where the sum of one million five hundred thousand dollars is appropri-  
16 ated by a chapter of the laws of 2007 to the office of children and  
17 family services under the local assistance program from the general fund  
18 - aid to localities, local assistance account fund - 001 for "the estab-  
19 lishment of new child advocacy centers", such appropriation shall be  
20 available for new and expanded child advocacy centers and for the  
21 following purposes:

22 The office of children and family services and the division of the  
23 state police shall conduct a demonstration project to test best prac-  
24 tices in Tier 1 child advocacy centers whereby the state police would  
25 assign an investigator to a fully accredited Tier 1 Child Advocacy  
26 Center in Broome County, Dutchess County, Erie County, Oneida County,  
27 and Rensselaer County. These new positions in the State Police would be  
28 solely dedicated to being part of the multidisciplinary teams who work  
29 in conjunction with Child Protective Services, medical professionals,  
30 mental health professionals, prosecutors, victim advocates and child  
31 advocacy centers. Each state police officer assigned to a child advocacy  
32 center shall complete a course in training on forensic interviewing. The  
33 Broome County, Dutchess County, Erie County, Oneida County and Rensse-  
34 laer County Tier 1 child advocacy center shall compile outcomes of this  
35 demonstration project including the number of children served, case  
36 outcomes including the length of sentences, and the number of victims  
37 identified compared to previous years and present such report to the  
38 office of children and family services. The commissioner of the office  
39 of children and family services, in collaboration with the superinten-  
40 dent of the state police, shall report to the legislature by October 1,  
41 2008, detailing the impact of such demonstration project on child abuse  
42 investigations and shall include in the report the recommendation as to  
43 whether the demonstration project should be continued as it exists,  
44 expanded to other Tier 1 child advocacy centers or discontinued.

45 § 2. This act shall take effect immediately and shall expire and be  
46 deemed repealed April 1, 2009.

47

## PART K-5

48 Section 1. 1. Notwithstanding any provision of law to the contrary,  
49 where the sum of two million dollars is appropriated by a chapter of the  
50 laws of 2007 to the office of temporary and disability assistance under  
51 the temporary and disability assistance program from the special revenue  
52 fund - federal aid to localities, federal health and human services fund



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1 - 265 for "the continuation and expansion of a pilot program in Queens  
2 county which shall expand access to child care subsidies for working  
3 families with income up to 275 percent of the federal poverty level",  
4 such appropriation shall be available for the purposes as follows:

5 2. The Consortium for Worker Education, Inc., in conjunction with the  
6 New York state American Federation of Labor-Congress of Industrial  
7 Organizations Union Child Care Coalition shall conduct a pilot program  
8 for child care facilitated enrollment in the geographic areas commonly  
9 known and referred to as Hollis, Queens Village, Ozone Park, Maspeth,  
10 Woodhaven and Ridgewood in the county of Queens. The child care enroll-  
11 ment facilitation demonstration project shall provide child care  
12 services to children and families. The project shall support expanded  
13 eligibility and child care subsidies with facilitated enrollment of  
14 child care services to working parents living or employed in the  
15 geographic areas commonly known and referred to as Hollis, Queens  
16 Village, Ozone Park, Maspeth, Woodhaven and Ridgewood in the county of  
17 Queens.

18 3. The New York state American Federation of Labor-Congress of Indus-  
19 trial Organizations Union Child Care Coalition shall be required to  
20 develop a plan to be administered by the consortium for worker education  
21 for a pilot program in the geographic areas commonly known and referred  
22 to as Hollis, Queens Village, Ozone Park, Maspeth, Woodhaven and Ridge-  
23 wood in the county of Queens to facilitate the enrollment and expand  
24 access to child care subsidies for working parents living or employed in  
25 such geographic areas by increasing income eligibility for working fami-  
26 lies to 275 percent of the federal poverty level and by changing the way  
27 the families may apply for subsidies. The plan shall be submitted to the  
28 office of children and family services for its review and approval. The  
29 pilot program seeks to make the process of applying for child care  
30 subsidies and enrolling in child care services easier for the working  
31 parents of the community, and to expand the eligibility for services to  
32 moderate income working parents with income from 200 percent to 275  
33 percent of the federal poverty level.

34 4. The consortium for worker education shall administer and implement  
35 such plan, as proposed by the New York state American Federation of  
36 Labor-Congress of Industrial Organizations Union Child Care Coalition  
37 and approved by the office of children and family services. Such admin-  
38 istration and implementation shall include: outreach and education of  
39 families on subsidy eligibility and selection of appropriate child care  
40 arrangements, facilitated enrollment of such families, data collection,  
41 and the provision of reports requested by such office. The program  
42 administrator shall contract with the social services district to  
43 perform all required steps in the determination of eligibility.

44 § 2. 1. \$2,000,000 has been allocated in the state fiscal year  
45 2007-2008 budget to support the pilot program established in section one  
46 of this act and such amount shall pay for costs associated therewith;

47 2. Provided, however, the total of all costs relating to personnel,  
48 travel, equipment, office supplies, rent, maintenance, utilities, tele-  
49 communications, consultant fees and the cost to develop and administer  
50 the plan required by subdivisions three and four of section one of this  
51 act shall not exceed 10 percent of the monies allocated in the state  
52 fiscal year 2007-2008 to support such pilot program; and

53 3. The remaining portion of such moneys shall be allocated by the  
54 office of children and family services to the local social services  
55 districts, where the recipient families reside, as determined by the  
56 project administrator based on projected need and cost of care for the

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1 exclusive purpose of paying child care subsidies for working families  
2 enrolled in the child care subsidy program through such pilot initi-  
3 ative. Child care subsidies paid on behalf of eligible families shall be  
4 reimbursed at the actual cost of care up to the applicable market rate  
5 for the district in which child care is provided and in accordance with  
6 the fee schedule of the social services district making the subsidy  
7 payments. The office of children and family services and the consortium  
8 for worker education shall work with each county of residence of fami-  
9 lies in receipt of a child care subsidy pursuant to this pilot program  
10 regarding the administration of child care subsidies pursuant to this  
11 pilot program.

12 § 3. An advisory committee shall be created consisting of one repre-  
13 sentative from the office of children and family services and six repre-  
14 sentatives of the New York state American Federation of Labor-Congress  
15 of Industrial Organizations Union Child Care Coalition of whom three  
16 shall be parents. The committee shall convene semi-annually to discuss  
17 the activity, status and workings of the pilot project and shall provide  
18 quarterly reports, including a financial report, to the governor, tempo-  
19 rary president of the senate and speaker of the assembly. Within 60 days  
20 of the completion of such pilot program a report shall be prepared and  
21 provided to the governor, temporary president of the senate and the  
22 speaker of the assembly. Such report, in addition to the program activ-  
23 ity of the pilot program and finances, shall address the operation of  
24 the pilot program and make recommendations relating to methods by which  
25 access to subsidies for working families may be improved and further  
26 expanded.

27 § 4. In conjunction with the funding mentioned in section two of this  
28 act, the Consortium for Worker Education, Inc. shall file with the  
29 office of children and family services, the director of the budget, the  
30 chair of the senate finance committee, the chair of the assembly ways  
31 and means committee and the respective chairs of the senate and assembly  
32 labor committees, an annual written financial report on or before the  
33 fifteenth day of the third calendar month after the close of such fiscal  
34 year. The annual financial report shall be accompanied by an annual  
35 financial statement which includes an independent certified public  
36 accountant's audit report containing an opinion that the financial  
37 statements are presented fairly in all material respects and in conform-  
38 ity with generally accepted accounting principles, including compliance  
39 with all pronouncements of the financial accounting standards board and  
40 the American Institute of Certified Public Accountants that establish  
41 accounting principles relevant to these organizations. The financial  
42 report shall be signed by the president or other authorized officer and  
43 the chief fiscal officer of the organization who shall certify under  
44 penalties for perjury that the statements therein are true and correct  
45 to the best of their knowledge, and shall be accompanied by an opinion  
46 signed by an independent public accountant that the financial statement  
47 and balance sheet therein present fairly the financial operations and  
48 position of the organization.

49 § 5. This act shall take effect immediately.

50

PART K-6

51 Section 1. Sections 510-a, 510-b, 510-c, 512, 512-a, 513, 515, 516,  
52 517, 518, 519, 520, 521 and 522 of title 3 of article 19-G of the execu-  
53 tive law are designated subtitle A and a new subtitle heading is added  
54 to read as follows:

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## 1 ADDITIONAL SERVICES FOR YOUTH

2 § 2. Title 3 of article 19-G of the executive law is amended by adding  
3 a new subtitle B to read as follows:

## 4 SUBTITLE B

## 5 OFFICE OF THE OMBUDSMAN

## 6 Section 523. Purpose.

7 523-a. Definitions.

8 523-b. Office of the ombudsman.

9 523-c. Duties of the office of the ombudsman.

10 523-d. Additional powers of the office of the ombudsman.

11 523-e. Access to the office of the ombudsman.

12 523-f. Notification to the office of the ombudsman of critical  
13 incidents.

14 523-g. Review of policies concerning children.

15 523-h. Duties of the director.

16 523-i. Conduct and scope of investigations.

17 523-j. Office of the ombudsman reports.

18 523-k. Notification to the office of the ombudsman of youth's  
19 need for legal counsel.

20 523-l. Independent review board.

21 523-m. Chair of the independent review board.

22 523-n. Confidentiality of reports.

23 § 523. Purpose. The purpose of this subtitle is to protect and promote  
24 legal rights for youth in programs and facilities operated by the office  
25 of children and family services, by codifying the office of the ombuds-  
26 man.

27 § 523-a. Definitions. As used in this subtitle:

28 1. "Commissioner" means the commissioner of the office of children and  
29 family services.

30 2. "Director" means the director of the office of the ombudsman.

31 3. "Office" means the office of children and family services.

32 § 523-b. Office of the ombudsman. There is hereby established the  
33 office of the ombudsman in the office of children and family services.  
34 The commissioner shall appoint the director of the office of the ombuds-  
35 man. The director shall be an attorney licensed to practice law in New  
36 York. The director shall report to the commissioner. Persons employed  
37 by the office of the ombudsman to act as "ombudsmen" shall be attorneys  
38 or shall have expertise in the areas of juvenile justice and youth  
39 rights, as evidenced by experience in the field, or by academic back-  
40 ground, the level and sufficiency of which shall be determined by the  
41 director.

42 § 523-c. Duties of the office of the ombudsman. The office of the  
43 ombudsman shall:

44 1. visit facilities and programs in accordance with priorities estab-  
45 lished by the director, hear grievances and complaints, investigate  
46 alleged violations of the legal rights of youth residing in facilities  
47 operated by the office, and monitor and participate in grievance proce-  
48 dures concerning residents in secure facilities, pursuant to section  
49 five hundred four-a of this article;

50 2. monitor the implementation of the policies and regulations of the  
51 office and of the rules and regulations of other state agencies, as such  
52 may be applicable to the legal rights of youth residing in facilities  
53 operated by the office, and monitor the implementation of statutes,  
54 court orders, court decisions and court stipulations which affect youth  
55 residing in facilities operated by the office;

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1 3. advise and assist youth residing in facilities operated by the  
2 office to obtain legal counsel;

3 4. recommend policies, regulations, and legislation designed to  
4 protect youth residing in facilities operated by the office;

5 5. serve as a resource to youth residing in facilities operated by the  
6 office by informing them of pertinent laws, regulations and policies,  
7 and their rights thereunder;

8 6. present significant complaints and concerns of youth residing in  
9 facilities operated by the office to the commissioner, appropriate  
10 office staff, and the independent review board; and

11 7. periodically review procedures established by the office to carry  
12 out the provisions of this article, with a view toward the rights, safe-  
13 ty and development of youth residing in facilities operated by the  
14 office.

15 § 523-d. Additional powers of the office of the ombudsman. Notwith-  
16 standing any other provision of law, the office of the ombudsman shall  
17 have access to, including the right to inspect and copy, any records  
18 necessary to carry out its rights, powers and duties pursuant to this  
19 subtitle, excluding those protected by statutory privilege. Consistent  
20 with applicable laws and regulations, the confidentiality of all records  
21 and documents obtained must be maintained by the office of the ombuds-  
22 man.

23 § 523-e. Access to the office of the ombudsman. 1. The office of the  
24 ombudsman shall create and disseminate materials for all youth in facil-  
25 ities operated by the office detailing the services that the office of  
26 the ombudsman can offer such youth and how such youth can contact the  
27 office of the ombudsman.

28 2. All youth residing in a facility operated by the office shall be  
29 permitted reasonable access to a telephone to make a toll free call to  
30 the office of the ombudsman upon the youth's request. Such youth shall  
31 be permitted to complete any phone calls with the office of the ombuds-  
32 man in a manner which reasonably assures that the youth's conversations  
33 with an ombudsman are private. Any calls placed by a youth to the office  
34 of the ombudsman shall not count against any limit on phone calls placed  
35 on the youth pursuant to the rules of the facility in which he or she  
36 resides.

37 § 523-f. Notification to the office of the ombudsman of critical inci-  
38 dents. The office of the ombudsman shall receive copies of critical  
39 incident reports involving a youth residing in a facility operated by  
40 the office.

41 § 523-g. Review of policies concerning children. In addition to other  
42 powers and duties specified in this subtitle, the office of the ombuds-  
43 man may recommend changes in office policies and regulations concerning  
44 children to improve services or to correct systemic problems concerning  
45 services to children in the juvenile justice system.

46 § 523-h. Duties of the director. The director shall:

47 1. provide administrative supervision and oversight to the ombudsmen;

48 2. establish procedures to ensure that the office of the ombudsman  
49 services are made available to every youth residing in facilities oper-  
50 ated by the office;

51 3. coordinate meetings of the independent review board and the activ-  
52 ities of its members;

53 4. coordinate activities of the ombudsmen with the independent review  
54 board and other units within the office;

55 5. fully participate in the policy development process of the office;

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1 6. report to the independent review board, the commissioner, the execu-  
2 tive deputy of the office, other appropriate directors of the office,  
3 the general counsel to the office and other appropriate office staff,  
4 concerning the grievances and complaints of youth residing in facilities  
5 operated by the office and the status of such grievances and complaints  
6 on a periodic basis, but not less than once per quarter. The report  
7 shall indicate whether a reported issue, complaint or grievance has been  
8 resolved and the manner in which it was resolved, and the status of  
9 implementation of recommendations or directives made by the commissioner  
10 with regard to previously reported issues, grievances or complaints; and

11 7. prepare a monthly report for the commissioner on the activities of  
12 the office of the ombudsman. Such monthly report shall contain statis-  
13 tical data and information indicating: the number of youth served by the  
14 office of the ombudsman; the number and types of complaints, grievances  
15 or issues brought to the attention of the office of the ombudsman; the  
16 number of office facilities visited by the ombudsmen; the number of  
17 investigations conducted by the ombudsmen; and the number and nature of  
18 contacts made by the ombudsmen to persons or agencies external to the  
19 office on behalf of youth residing in facilities operated by the office.

20 § 523-i. Conduct and scope of investigations. The office of the  
21 ombudsman may investigate grievances and complaints pertaining to youth  
22 residing in facilities operated by the office brought to the attention  
23 of the office of the ombudsman from any source, and may in pursuing its  
24 investigation visit any facility operated by the office at any time,  
25 without prior notice. Facility directors and facility staff shall coop-  
26 erate with the investigation. At an ombudsman's request, the staff of a  
27 facility shall inform the residents of the ombudsman's availability on  
28 site or on premises. An ombudsman shall have access to any resident on  
29 request, and the facility shall provide a suitable room, if so  
30 requested, for private counseling. An ombudsman shall have the right to  
31 inspect the facility, visit all areas and observe all parts and aspects  
32 of the facility program. An ombudsman shall interview facility staff  
33 during regular hours of employment whenever feasible. An ombudsman shall  
34 have access to all books, records, logs, reports, memoranda and any and  
35 all other materials or written documents pertaining to office facilities  
36 in the possession of the office, or its facilities. An ombudsman may  
37 copy or make reference to any such report, document, memorandum, log  
38 entry or other material or written document and, unless such item is  
39 confidential pursuant to statute, may include a copy in his or her  
40 report. Consistent with applicable laws and regulations, the confiden-  
41 tiality of records and documents obtained must be maintained by the  
42 office of the ombudsman.

43 § 523-j. Office of the ombudsman reports. The office of the ombudsman  
44 shall submit regular reports, at least monthly, which shall contain  
45 information regarding major grievances, complaints received and other  
46 matters needing attention. The reports shall include a recitation of the  
47 issue or complaint, a brief statement of facts, and the conclusions and  
48 recommendations of the office of the ombudsman, and such other items of  
49 information as the office of the ombudsman shall deem appropriate. The  
50 reports shall be forwarded unaltered by the office of the ombudsman to  
51 the commissioner and other appropriate office officials, and to the  
52 independent review board. When the facility director has conducted an  
53 investigation into the matters reported by the office of the ombudsman,  
54 the findings or response of such facility director shall be included in  
55 the office of the ombudsman's report.

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1 § 523-k. Notification to the office of the ombudsman of youth's need  
2 for legal counsel. 1. If informed that a youth residing in a facility  
3 operated by the office has been or is about to be arrested by a law  
4 enforcement official, the office of the ombudsman shall take steps to  
5 see that the youth is provided with adequate legal representation.

6 2. When a youth residing in a facility operated by the office is to be  
7 interrogated or interviewed by a law enforcement official concerning a  
8 criminal act, or by any person concerning a civil or criminal matter, an  
9 ombudsman may request to be present during such interrogation or inter-  
10 view. Under no circumstances shall an ombudsman serve as the youth's  
11 attorney or legal representative, and an ombudsman shall so inform the  
12 youth and the representatives of the youth, but if requested to do so,  
13 shall take steps to see that the youth is provided with legal represen-  
14 tation.

15 3. Whenever it appears to the office of the ombudsman that a youth  
16 residing in a facility operated by the office is in need of legal  
17 services, the office of the ombudsman may contact the youth's attorney  
18 or legal representative or assist the youth in making such contact.

19 § 523-l. Independent review board. The independent review board shall  
20 consist of fifteen members who are not employed by the office and who  
21 are knowledgeable in the areas of juvenile justice and youth rights. The  
22 members of such board shall be appointed by the commissioner. Each  
23 board member shall be appointed for a term of three years, which term  
24 may be renewed once. At least one member shall be a former resident or  
25 parent of a resident; at least one member shall be a psychologist or  
26 other clinician; at least one member shall be an individual knowledge-  
27 able of juvenile legal rights matters; at least one member shall be a  
28 judge of the family court; and at least one member shall be knowledge-  
29 able of the criminal justice system. Members shall be reimbursed for  
30 travel expenses incurred in the conduct of their duties. The board shall  
31 review the office of the ombudsman reports and meet at least bimonthly  
32 with the ombudsmen, the director, the commissioner and other appropriate  
33 personnel to discuss the reports. The board is an advisory body and has  
34 no administrative duties. It shall advise the commissioner on matters  
35 pertaining to the office of the ombudsman and on matters related to  
36 complaint and grievance resolution. The board shall have the authority  
37 to:

38 1. request the office of the ombudsman and/or the commissioner to  
39 conduct investigations;

40 2. make inquiries at the request of the director or the commissioner,  
41 or, on its own motion, into matters affecting the legal rights of youth  
42 residing in facilities operated by the office;

43 3. convene meetings and communicate freely with the ombudsmen and the  
44 office of the ombudsman;

45 4. evaluate the effectiveness of the office of the ombudsman and make  
46 necessary inquiries to that end; and

47 5. visit office facilities and grounds and inspect records of the  
48 office pertaining to such facilities. Laws and regulations governing  
49 the confidentiality of records must be adhered to, and the general coun-  
50 sel for the office should be notified concerning the records to be  
51 inspected. During any such visit to facilities or inspection of records,  
52 the board members may speak with youth and facility staff.

53 § 523-m. Chair of the independent review board. The commissioner shall  
54 appoint one of the members of the independent review board to serve as  
55 its chair. The member so appointed shall serve as chair for a term of  
56 three years. The chair of the board shall:



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1 1. be responsible for coordinating the activities of the board, with  
2 the assistance of the director;

3 2. preside at meetings of the board;

4 3. establish agenda items for board meetings; and

5 4. make recommendations to the commissioner for the removal of inac-  
6 tive board members.

7 § 523-n. Confidentiality of reports. Office of the ombudsman reports  
8 and reports of the independent review board are confidential and shall  
9 be safeguarded from coming to the knowledge of, and from inspection or  
10 examination by any person other than the commissioner, other designated  
11 agency officials for the performance of their official duties and the  
12 independent review board. Authorized persons receiving such reports  
13 shall not divulge information contained therein without the written  
14 consent of the commissioner. The authorized disclosure of any such  
15 information shall not contain any individually identifiable information.

16 § 3. This act shall take effect January 1, 2008.

17

## PART L

18 Section 1. The insurance law is amended by adding a new section 213 to  
19 read as follows:

20 § 213. New York state health care quality and cost containment commis-  
21 sion. (a) There is hereby established within the department a commis-  
22 sion, to be known as the "New York state health care quality and cost  
23 containment commission". The commission shall consist of thirteen  
24 members appointed by the governor, one of whom shall be the superinten-  
25 dent, one of whom shall be the commissioner of health, and six of whom  
26 shall be appointed on the recommendation of the legislative leaders, two  
27 on the recommendation of the temporary president of the senate, two on  
28 the recommendation of the speaker of the assembly, one on the recommen-  
29 dation of the minority leader of the senate, and one on the recommenda-  
30 tion of the minority leader of the assembly. All members shall serve at  
31 the pleasure of the governor, and vacancies shall be appointed in the  
32 same manner as original appointments. Members of the commission shall  
33 serve without compensation, but shall be reimbursed for reasonable trav-  
34 el expenses. In making appointments to the commission, the governor  
35 shall ensure that the interests of health care consumers, small busi-  
36 nesses, the medical community and health plans are represented on the  
37 commission.

38 (b)(1) The purpose of the commission shall be to analyze the impact on  
39 health insurance costs and quality of proposed legislation which would  
40 mandate that health benefits be offered or made available in individual  
41 and group health insurance policies, contracts and comprehensive health  
42 service plans, including legislation that affects the delivery of health  
43 benefits or services or the reimbursement of health care providers.

44 (2) The governor, the chair of the senate insurance committee and the  
45 chair of the assembly insurance committee may request in writing that  
46 the commission evaluate a proposed mandated benefit. Upon receiving  
47 such a request, the commission may, by a majority vote of its members,  
48 undertake an evaluation of such proposed mandated benefit.

49 (3) In evaluating a proposed mandated benefit, the commission shall:

50 (A) investigate the current practices of health plans with regard to  
51 the proposed mandated benefit, and, to the extent possible, self-funded  
52 health benefit plans;

53 (B) investigate the potential premium impact of the proposed mandated  
54 benefits on all segments of the insurance market, as well as the poten-

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1 tial for avoided costs through early detection and treatment of condi-  
2 tions, or more cost-effective delivery of medical services; and

3 (C) analyze the most current medical literature regarding the proposed  
4 mandated benefit to determine its impact on health care quality.

5 (4) In evaluating a proposed mandated benefit, the commission may hold  
6 one or more public hearings, and shall strive to obtain independent and  
7 verifiable information from diverse sources within the healthcare indus-  
8 try, medical community and among health care consumers with regard to  
9 the proposed mandated benefit.

10 (c) To assist the commission in its duties, and upon the direction of  
11 the commission, the superintendent is authorized to enter into one or  
12 more contracts with independent entities and organizations with demon-  
13 strable expertise in health care quality, finance, utilization and actu-  
14 arial services. For the purposes of this section, the superintendent  
15 shall not enter into contracts with health plans, entities or organiza-  
16 tions owned or controlled by health plans, or with significant business  
17 relationships with health plans.

18 (d) Upon completion of its evaluation of a proposed mandated benefit  
19 pursuant to this section, the commission shall deliver a written report  
20 of its findings to the chair of the assembly insurance committee and the  
21 chair of the senate insurance committee.

22 § 2. This act shall take effect immediately.

23

## PART M

24 Section 1. Subdivision 2 of section 1809-a of the vehicle and traffic  
25 law, as amended by section 21 of part J of chapter 62 of the laws of  
26 2003, is amended to read as follows:

27 2. The mandatory surcharge provided for in subdivision one of this  
28 section shall be paid to the clerk of the court or administrative tribu-  
29 nal that made the determination of liability. [Within] (a) Except as  
30 provided in paragraph (b) of this subdivision within the first ten days  
31 of the month next succeeding the collection of such surcharge, the  
32 collecting authority shall pay seven dollars and fifty cents of each  
33 surcharge to the justice court fund held by the state comptroller pursu-  
34 ant to section ninety-nine-a of the state finance law which monies shall  
35 then be deposited to the credit of the general fund. Each such payment  
36 shall be accompanied by a true and complete report in such form and  
37 detail as the comptroller shall prescribe. The remaining amount of the  
38 surcharge shall be paid to the chief fiscal officer of the municipality  
39 and used by the municipality from which it originated for its local  
40 criminal justice programs and purposes.

41 (b) Within the first ten days of the month next succeeding the  
42 collection of such surcharge, the collecting authority in cities having  
43 a population of one hundred thousand or more but less than one million  
44 shall pay such surcharge to the chief fiscal officer of the municipality  
45 and such surcharge shall be used by the municipality from which it orig-  
46 inated for its local criminal justice programs and purposes.

47 § 2. This act shall take effect on January 1, 2008; provided however,  
48 that the amendment to subdivision 2 of section 1809-a of the vehicle and  
49 traffic law made by section one of this act shall not affect the expira-  
50 tion of such section and shall expire and be deemed repealed therewith.

51

## PART N

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1 Section 1. The dormitory authority is authorized to enter into an  
2 agreement with Cornell University for the support of operation of the  
3 parallel computing supercomputers at the theory center for supercomput-  
4 ers in connection with the business of the dormitory authority in an  
5 amount not to exceed \$1,200,000 over amounts previously authorized.

6 § 2. This act shall take effect immediately and shall be deemed to  
7 have been in full force and effect on and after April 1, 2007.

8

PART O

9 Section 1. The New York state urban development corporation shall  
10 submit for approval to the director of the budget a comprehensive finan-  
11 cial plan for the corporation and its subsidiaries for expenditures,  
12 regardless of source, including but not limited to those from the debt  
13 service account, the excess debt service account, the housing repair and  
14 modernization fund account, the interest income account, and the econom-  
15 ic development income account, in such detail as the director of the  
16 budget may require. The director of the budget shall file copies of such  
17 financial plan with the senate finance committee, the assembly ways and  
18 means committee and the department of audit and control in both paper  
19 and electronic format.

20 § 2. 1. Notwithstanding any provision of law to the contrary, the New  
21 York state urban development corporation shall establish accounts and  
22 subaccounts within the treasury of such corporation which shall reflect  
23 and consist of all funds made available to such corporation, at any  
24 time, from any sources for its corporate purposes. Such account shall  
25 consist of, but not be limited to, the following:

26 (i) general and administrative accounts, which shall consist of all  
27 funds made available for the operational expenses of such corporation;

28 (ii) general and administrative accounts of certain subsidiary corpo-  
29 rations, which shall consist of all funds made available for the opera-  
30 tional expenses of the mortgage loan enforcement and administration  
31 corporation and the 42nd street development project, incorporated,  
32 provided, however, that such subsidiary shall be established as a sepa-  
33 rate account;

34 (iii) debt service account, which shall consist of all funds made  
35 available for debt service payments on the outstanding general obli-  
36 gations of the corporation where the original issue of such bonds or  
37 notes was prior to April 1, 1976, and including any refinancing or  
38 renewal of such bonds and notes, provided such account shall not, in any  
39 manner, reduce any debt service reserve fund below a level agreed to  
40 pursuant to a statute, covenant or other contract between the corpo-  
41 ration and such bondholders or noteholders;

42 (iv) excess debt service account, which shall consist of all funds  
43 made available from the net savings achieved as a result of the refund-  
44 ing of the corporation's general purpose bonds authorized pursuant to  
45 resolution number 96-ud-526 of the public authorities control board. Net  
46 savings shall be determined by the difference between annual debt  
47 service payments which would have been required pursuant to the refunded  
48 bonds and the annual debt service payments for the corporation's corpo-  
49 rate purpose bonds issued to accomplish such refunding;

50 (v) housing repair and modernization fund account, which shall consist  
51 of funds made available from the excess debt service account to assist  
52 in maintaining the residential and commercial portfolios of the corpo-  
53 ration as determined by the chairman of the corporation or his designee;

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1 (vi) buildout account, which shall consist of all funds made available  
2 for the payment of expenses associated with final settlements on remain-  
3 ing issues of construction costs and mortgage amounts on residential and  
4 nonresidential projects financed by the corporation;

5 (vii) project repair account, which shall consist of all funds made  
6 available for the maintenance, servicing or repairing of real property  
7 in the residential, industrial and commercial portfolios of such corpo-  
8 rations;

9 (viii) economic development income account, which shall consist of all  
10 payments, including payments to compensate for any funds, time or other  
11 costs provided by the corporation in relation to nonresidential projects  
12 and all other reimbursable corporate service income from economic devel-  
13 opment projects and payments which are provided to such corporation for  
14 purposes of repayment of funds in respect to any contract or other  
15 agreements entered into by the corporation which are attributable to any  
16 economic development project of the corporation, provided, however, that  
17 such account shall not include funds representing repayments which are  
18 to be returned to the development of such project pursuant to any  
19 contract or other agreement entered into by the corporation;

20 (ix) economic development program and project accounts, which shall  
21 consist of all funds made available for specific economic development  
22 programs and projects excluding any program or project authorized by a  
23 resolution or other action of the corporation prior to April 1, 1976,  
24 and excluding any residential project, provided, however, that each  
25 specified program and project shall be established as a separate account  
26 unless otherwise authorized pursuant to an appropriation;

27 (x) new communities and community support account, which shall consist  
28 of all funds made available for, and all income received from the Audu-  
29 bon and Radisson communities;

30 (xi) Roosevelt Island operating corporation account, which shall  
31 consist of all funds made available for, and all income received from  
32 the Roosevelt Island community;

33 (xii) interest income account, which shall consist of all moneys  
34 earned by the corporation from investment of any funds available in the  
35 accounts and subaccounts within the treasury of the corporation;

36 (xiii) mortgage servicing fee account, which shall consist of all  
37 funds made available to the mortgage loan enforcement and administration  
38 corporation for the payment of fees to the housing special revenue  
39 account of the miscellaneous special revenue fund associated with the  
40 provision of mortgage servicing activities by the division of housing  
41 and community renewal.

42 2. The amounts deposited in any such account may be interchanged with  
43 any other account for purposes of investment and may be commingled,  
44 provided, however, that such interchange may not increase or decrease  
45 any account, other than debt service account, and the interest income  
46 account, by more than five percent in the aggregate in the entire period  
47 of any fiscal year of the corporation. Provided further, that in addi-  
48 tion to any other specific exception provided for in this section, the  
49 following exemptions to the above interchange provision shall apply for  
50 the purposes of the debt service account, the interest income account,  
51 the project repair account, the mortgage servicing fee account, the  
52 general and administrative account of the mortgage loan enforcement and  
53 administration corporation, excess debt service account, housing repair  
54 and modernization fund account, Roosevelt Island operating corporation  
55 account and the economic development income account:

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1 (i) Interchange from the debt service account to any other account  
2 shall be unlimited, but all such transfers from the debt service account  
3 shall be repaid quarterly to such account on or before June 30, 2007,  
4 September 30, 2007, December 31, 2007 and March 31, 2008, except for:  
5 (A) \$25,200,000 which shall be transferred to the general and adminis-  
6 trative account from the debt service account during the state fiscal  
7 year commencing April 1, 2007, and such amount of \$25,200,000 shall not  
8 be repaid to the debt service account; (B) \$2,000,000 which shall be  
9 transferred to the general and administrative account of the 42nd street  
10 development project, incorporated and which shall be repaid pursuant to  
11 a repayment agreement as set out in paragraph (vi) of this subdivision.

12 (ii) Interchange from the excess debt service account shall be unlim-  
13 ited, but all such transfers from the excess debt service account shall  
14 be repaid quarterly to such account on or before June 30, 2007, Septem-  
15 ber 30, 2007, December 31, 2007, and March 31, 2008, except for: (A) an  
16 amount sufficient to fund the housing repair and modernization fund  
17 account to assist in maintaining the residential and commercial portfo-  
18 lios of the corporation as determined by the chairman of the corporation  
19 or his designee; (B) an amount necessary to invest in the job develop-  
20 ment authority, as certified by the chairman of the authority or his  
21 designee, to provide funds in order to pay lawful debts of the authority  
22 provided that the corporation shall not make any payment or investment  
23 for the benefit of the authority unless and until it has independently  
24 verified that the authority does not have sufficient funds available to  
25 pay its lawfully incurred debts and obligations, and with any net  
26 savings which remain and are available; (C) all remaining balances of  
27 funds contained in the excess debt service account shall be remitted to  
28 the credit of the state of New York general fund not later than March  
29 31, 2008.

30 (iii) Interchange from the interest income account, other than to the  
31 general and administrative account of the mortgage loan enforcement and  
32 administration corporation, may be unlimited.

33 (iv) Interchange to the project repair account from any account may be  
34 unlimited, and the corporation shall transfer up to \$10,000,000 to such  
35 account from any account during the fiscal year commencing April 1,  
36 2007, and such amount up to \$10,000,000 shall not be repaid.

37 (v) Interchange between the general and administrative account of the  
38 mortgage loan enforcement and administration corporation and any other  
39 account shall comply with the provisions specified herein, except that  
40 up to \$1,700,000 shall be transferred to such subsidiary corporation  
41 during the fiscal year commencing April 1, 2007 and any such amount  
42 shall not be repaid.

43 (vi) An advance up to \$2,000,000 may be made from the debt service  
44 account to the general and administrative account of the 42nd street  
45 development project, incorporated, provided, however, that before such  
46 advance is made the New York state urban development corporation shall  
47 enter into an agreement with the director of the budget providing for  
48 repayment of such advance. Subject to the approval of the director of  
49 the budget, and notification of the chairs of the assembly ways and  
50 means and the senate finance committees in both paper and electronic  
51 format, the corporation is hereby authorized to expend revenues of the  
52 project for services and expenses of the corporation. The total amount  
53 expended by the 42nd street development project, incorporated shall not  
54 exceed \$2,000,000 and any unexpended project revenues shall be used to  
55 reduce the total advance provided to the project from the debt service  
56 account.

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1 (vii) Interchange from the debt service account to the mortgage  
2 servicing fee account of the mortgage loan enforcement and adminis-  
3 tration corporation shall comply with the provisions specified herein,  
4 except that up to \$2,838,000 shall be transferred to such mortgage  
5 servicing fee account during the fiscal year commencing April 1, 2007  
6 and such amount shall not be repaid. Prior to the allocation of any  
7 moneys from the debt service account to the 42nd street development  
8 project, incorporated, and the mortgage loan enforcement and adminis-  
9 tration corporation for the fiscal year commencing April 1, 2007, each  
10 corporation shall submit for approval to the director of the budget, a  
11 comprehensive financial plan for each corporation for such fiscal year,  
12 in such detail as the director of the budget shall require in both paper  
13 and electronic format. The financial plan shall be submitted to the  
14 budget director on or before May 15, 2007. A report for each plan and  
15 any plan update, if necessary, shall be submitted to the director of the  
16 budget on or before August 15, 2007, November 15, 2007 and February 15,  
17 2008. Each such report shall provide the actual revenue and expenditures  
18 for the preceding quarters ending June 30, 2007, September 30, 2007 and  
19 December 31, 2007, in such detail as the director of the budget shall  
20 require. Further, any plan update shall revise, where necessary, the  
21 revenue and expenditure plan for each corporation for the remainder of  
22 the fiscal year beginning April 1, 2007. No transfer to the general  
23 administrative account of the corporation shall occur prior to the  
24 approval of the financial plan and unless in compliance with the  
25 approved financial plan.

26 The director of the budget shall file copies of such financial plans,  
27 quarterly reports and any plan updates with the department of audit and  
28 control and the senate finance committee and the assembly ways and means  
29 committee in both paper and electronic format. Interchange made to the  
30 debt service account shall not be repaid if such payment would reduce  
31 any debt service or debt service reserve requirements below any amount  
32 required pursuant to a covenant, contract or other agreements with the  
33 bondholders and noteholders. No payments or deposits shall be made from  
34 any debt service reserve fund established pursuant to the provisions of  
35 section 20 of the New York state urban development corporation act to  
36 any account of the corporation other than the debt service account; and  
37 such payment or deposit shall only occur if deemed necessary to meet the  
38 payments specified in the debt service account described herein.

39 Provided further, (a) that such investment shall be made pursuant to  
40 the provisions of subdivision 22 of section 5 of the New York state  
41 urban development corporation act; (b) that such investment shall be  
42 made in a fashion which shall enable the corporation to timely meet its  
43 obligations; (c) that such investment shall be specified in each account  
44 in respect to the amount contributed, and that upon termination of such  
45 investment each account shall be reimbursed. Such account and subaccount  
46 shall be included in detailed quarterly reports of the corporation  
47 commencing with the quarterly report for the period immediately preced-  
48 ing April 1, 2007 which set forth the status of all such accounts,  
49 including for each account and subaccount the amount in such accounts at  
50 the beginning of such quarter (from and including the entire period of  
51 the first day of the operative calendar year), the payments of such  
52 accounts, the payments from such accounts and the amount in such  
53 accounts at the close of such quarter (to and including the entire peri-  
54 od of the last day of the operative calendar year). Such detailed quar-  
55 terly report shall be prepared and submitted within 30 days of the close  
56 of each fiscal quarter of the corporation to the director of the budget,



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1 and the chair of the senate finance committee and the chair of the  
2 assembly ways and means committee in both paper and electronic format.  
3 Such accounts and subaccounts shall be detailed in the annual report of  
4 the corporation.

5 No disbursements or payments shall be made from the economic develop-  
6 ment income account or the interest income account except upon a request  
7 for the transfer of such funds to the director of the budget who shall  
8 file such request and approval thereof with the department of audit and  
9 control and copies thereof with the senate finance committee and the  
10 assembly ways and means committee in both paper and electronic format,  
11 except that such prior approval shall not be required in respect to  
12 repayments to the state. Any amounts in any debt service reserve funds,  
13 any inconsistent provisions of law notwithstanding, established by the  
14 corporation pursuant to the provisions of section 20 of the New York  
15 state urban development corporation act, which would not reduce the  
16 amount of such fund or funds to less than (1) the maximum amount of  
17 principal and interest maturing and becoming due in 2007 or (2) any  
18 amount required pursuant to a covenant, contract or other agreement with  
19 bondholders and noteholders shall be paid by the corporation to the  
20 state comptroller for deposit to the credit of the general fund of the  
21 state on or before March 1, 2008. In the event that the corporation  
22 shall fail to make such payment, the comptroller shall withhold from any  
23 appropriations otherwise available to the corporation, the amount suffi-  
24 cient to pay to the general fund the amounts required to be paid by the  
25 corporation pursuant to the foregoing provisions. The state comptroller  
26 shall create accounts for each item of appropriation.

27 § 3. Subdivision 3 of section 16-m of section 1 of chapter 174 of the  
28 laws of 1968, constituting the New York state urban development corpo-  
29 ration act, as amended by chapter 756 of the laws of 2005, is amended to  
30 read as follows:

31 3. The provisions of this section shall expire, notwithstanding any  
32 inconsistent provision of subdivision 4 of section 469 of chapter 309 of  
33 the laws of 1996 or of any other law, upon the effective date of a chap-  
34 ter of the laws of [2007] 2008 which appropriates funds for the princi-  
35 pal support of the urban development corporation for the [2007-08]  
36 2008-09 state fiscal year.

37 § 4. This act shall take effect April 1, 2007; provided, however, if  
38 this act shall become a law after such date it shall take effect imme-  
39 diately and shall be deemed to have been in full force and effect on and  
40 after April 1, 2007; and provided further that sections one and two of  
41 this act shall expire and be deemed repealed March 31, 2008.

42

## PART P

43 Section 1. In accordance with section 4 of the state finance law, the  
44 comptroller is hereby authorized and directed to transfer from the  
45 general fund -- state purposes account to the community projects fund  
46 the following amounts:

47 (a) Eighty-five million dollars (\$85,000,000) for the period April 1,  
48 2008 through March 31, 2009, as follows: forty-two million five hundred  
49 thousand dollars (\$42,500,000) to account AA; and forty-two million five  
50 hundred thousand dollars (\$42,500,000) to account CC. Such transfers  
51 shall be made in accordance with section 99-d of the state finance law,  
52 as added by chapter 474 of the laws of 1996, as amended.

53 (b) Eighty-five million dollars (\$85,000,000) for the period April 1,  
54 2009 through March 31, 2010, as follows: forty-two million five hundred

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1 thousand dollars (\$42,500,000) to account AA; and forty-two million five  
2 hundred thousand dollars (\$42,500,000) to account CC. Such transfers  
3 shall be made in accordance with section 99-d of the state finance law,  
4 as added by chapter 474 of the laws of 1996, as amended.

5 § 2. Notwithstanding the provisions of subdivisions (a) and (b) of  
6 section one of this act, if, during the period April 1, 2008 through  
7 March 31, 2009, an account has insufficient funds to make timely  
8 payments upon presentment of proper vouchers therefor, the comptroller  
9 is authorized and directed to transfer to such account monies that are  
10 otherwise authorized for transfer during the period April 1, 2009  
11 through March 31, 2010, provided, however that the monies transferred to  
12 any account shall not exceed the combined total authorized for such  
13 account in subdivisions (a) and (b) of section one of this act. The  
14 comptroller shall provide the director of the budget, the chair of the  
15 senate finance committee, and the chair of the assembly ways and means  
16 committee with an accurate accounting and report of any transfers that  
17 occur pursuant to this section on or before the fifteenth day of the  
18 following month in which such transfers occur.

19 § 3. This act shall take effect immediately and shall be deemed to  
20 have been in full force and effect on and after April 1, 2007.

21

## PART Q

22 Section 1. Section 16-h of section 1 of chapter 174 of the laws of  
23 1968, constituting the New York state urban development corporation act,  
24 is amended by adding a new subdivision 3-a to read as follows:

25 3-a. Notwithstanding the foregoing provisions of this section, funds  
26 of this program, within available appropriations totaling up to thirty  
27 million dollars, shall be available for the dairy assistance program  
28 pursuant to article 21-D of the agriculture and markets law.

29 § 2. The agriculture and markets law is amended by adding a new arti-  
30 cle 21-D to read as follows:

31

## ARTICLE 21-D

32 DAIRY ASSISTANCE PROGRAM

33 Section 258-oo. Legislative intent.

34 258-pp. Dairy assistance program.

35 § 258-oo. Legislative intent. The legislature hereby finds that this  
36 state's dairy farmers continue to labor under a combination of extremely  
37 low milk prices well below those of twenty-five years ago, along with  
38 very high fuel, feed, energy, fertilizer and other operating costs.  
39 These conditions have resulted in unprecedented losses for dairy farms.  
40 The price of milk continues to be well below the cost of production.  
41 Many of the vendors and service industries serving dairy farmers have  
42 had to provide an increasing amount of credit to such farmers. This  
43 article is enacted to assist the dairy farmers of this state and their  
44 industry in a time of great need and to prevent further loss in the  
45 dairy industry and its infrastructure which are critical to the state's  
46 agricultural economy.

47 § 258-pp. Dairy assistance program. 1. A dairy assistance program is  
48 hereby established within the department for the purposes of providing  
49 payment to producers for milk produced during the two thousand six  
50 calendar year. The dairy assistance program shall pay eligible producers  
51 the difference between target prices to be established by the commis-  
52 sioner and the combined announced Northeast Federal Order Statistical  
53 Uniform Price plus the amount of the Milk Income Loss Contract X payment  
54 rate on a per-hundredweight basis. Further, other factors may be used

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1 by the commissioner in determining payment to producers for milk. Dairy  
2 producers shall receive payment from the New York state urban develop-  
3 ment corporation, after consultation with the commissioner, in the form  
4 of a separate check based on pounds of milk produced during the two  
5 thousand six calendar year. Such payment shall be made no later than  
6 thirty days following the effective date of this article.

7 2. The commissioner shall request the United States Department of  
8 Agriculture's Farm Service Agency to provide production data for produc-  
9 ers and assist the department in administering the program. Production  
10 data shall only be obtained from producers in this manner provided such  
11 producer submit a form, prescribed by the commissioner, authorizing the  
12 release of such data. Producers who do not participate in the Milk  
13 Income Loss Contract X program shall submit to the department alterna-  
14 tive means of verifying production data as prescribed by the commission-  
15 er, including but not limited to milk marketing payment stubs, bulk tank  
16 records, milk handler records and daily milk marketing records.

17 3. The following shall not be considered commercially marketed milk  
18 and shall be ineligible for the dairy assistance program:

19 (a) dumped milk that causes bulk load contamination for which a  
20 producer receives an insurance indemnity; and

21 (b) milk dumped on the farm by order of any state officer or employee.

22 4. All producers shall be reimbursed for up to four million eight  
23 hundred thousand pounds of milk produced during the two thousand six  
24 calendar year until such time as thirty million dollars in state funding  
25 is expended pursuant to section sixteen-h of the New York State urban  
26 development corporation act. The commissioner is hereby authorized to  
27 promulgate any additional rules and regulations necessary to implement  
28 the provisions of this article.

29 § 3. This act shall take effect immediately and shall expire and be  
30 deemed repealed December 31, 2007.

31

## PART R

32 Section 1. Section 54-1 of the state finance law, as added by section  
33 1 of part B of chapter 56 of the laws of 2006, is amended to read as  
34 follows:

35 § 54-1. State assistance to eligible cities and eligible municipi-  
36 palities in which a video lottery gaming facility is located. 1. Defi-  
37 nitions. When used in this section, unless otherwise expressly stated:

38 a. "Eligible city" shall mean (i) for the fiscal year commencing April  
39 first, two thousand seven a city with a population equal to or greater  
40 than one hundred twenty-five thousand and less than one million in which  
41 a video lottery gaming facility is located pursuant to section sixteen  
42 hundred seventeen-a of the tax law and (ii) for the fiscal year commenc-  
43 ing April first, two thousand eight and for each state fiscal year ther-  
44 eafter, shall mean a city with a population equal to or greater than  
45 one hundred twenty-five thousand in which a video lottery gaming facili-  
46 ty is located pursuant to section sixteen hundred seventeen-a of the tax  
47 law.

48 b. "Eligible municipality" shall mean a county, city, town or village  
49 in which a video lottery gaming facility is located pursuant to section  
50 sixteen hundred seventeen-a of the tax law that is not located in a city  
51 with a population equal to or greater than one hundred twenty-five thou-  
52 sand.

53 c. "Estimated net machine income" shall mean the estimated full annual  
54 value of total revenue wagered after payout for prizes for games known

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1 as "video lottery gaming" as authorized under article thirty-four of the  
2 tax law during the state fiscal year in which state aid payments are  
3 made pursuant to subdivision two of this section.

4 d. "Population" shall mean population based on the most recent federal  
5 decennial census.

6 2. Within amounts appropriated therefor, beginning in the state fiscal  
7 year commencing April first, two thousand seven, and in each state  
8 fiscal year thereafter, an eligible city and an eligible municipality  
9 shall receive a state aid payment as follows:

10 a. An eligible city shall receive a state aid payment equal to three  
11 and one-half percent of the "estimated net machine income" generated by  
12 a video lottery gaming facility located in such eligible city. Such  
13 state aid payment shall not exceed twenty million dollars per eligible  
14 city.

15 b. Eligible municipalities shall receive a share of three and one-half  
16 percent of the "estimated net machine income" generated by a video  
17 lottery gaming facility located within such eligible municipality as  
18 follows: (i) twenty-five percent shall be apportioned and paid to the  
19 county; and (ii) seventy-five percent shall be apportioned and paid on a  
20 pro rata basis to eligible municipalities, other than the county, based  
21 upon the population of such eligible municipalities. Such state aid  
22 payment shall not exceed twenty-five percent of an eligible municipi-  
23 pality's total expenditures as reported in the statistical report of the  
24 comptroller in the preceding state fiscal year pursuant to section thir-  
25 ty-seven of the general municipal law.

26 3. a. State aid payments made to an eligible city pursuant to para-  
27 graph a of subdivision two of this section shall be used to increase  
28 support for public schools in such city.

29 b. State aid payments made to an eligible municipality pursuant to  
30 paragraph b of subdivision two of this section shall be used by such  
31 eligible municipality to: (i) defray local costs associated with a video  
32 lottery gaming facility, or (ii) minimize or reduce real property taxes.

33 4. a. On or before June first of each state fiscal year, beginning in  
34 the state fiscal year commencing April first, two thousand seven, at the  
35 request of the director of the division of the budget, the director of  
36 the division of the lottery shall transmit a schedule of payments  
37 required pursuant to this section to the director of the division of the  
38 budget. In determining such schedule of payments, the director of the  
39 division of the lottery shall include a reconciliation of the state aid  
40 paid in the preceding fiscal year. Such reconciliation shall adjust for  
41 the difference between the state aid paid in the preceding fiscal year  
42 and what the state aid payment would have been if the actual full annual  
43 value of net machine income had been used in the calculation of state  
44 aid. Such reconciliation shall be subject to the maximum amounts identi-  
45 fied in subdivision two of this section for the year being reconciled.

46 b. Notwithstanding any other provision of law to the contrary, in the  
47 event any eligible city or eligible municipality receives any payment  
48 under subdivision two of this section that has been recommended to be  
49 reconciled by the director of the division of the lottery as set forth  
50 in this subdivision, and the amounts payable pursuant to subdivision two  
51 of this section are insufficient to support such reconciliation, the  
52 comptroller shall deduct from any moneys payable to such eligible city  
53 or eligible municipality the amount required for such reconciliation  
54 upon receipt of a certification of the reconciliation amount from the  
55 director of the division of the lottery.

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1 5. Payments of state aid pursuant to this section shall be made on or  
2 before June thirtieth of each state fiscal year to the chief fiscal  
3 officer of each eligible city and each eligible municipality on audit  
4 and warrant of the state comptroller out of moneys appropriated by the  
5 legislature for such purpose to the credit of the local assistance fund  
6 in the general fund of the state treasury.

7 § 2. This act shall take effect immediately and shall be deemed to  
8 have been in full force and effect on and after April 1, 2007.

9

## PART S

10 Section 1. Notwithstanding any other law to the contrary, in the state  
11 fiscal year beginning April 1, 2008, and in each state fiscal year ther-  
12 eafter, \$5,000,000 of aid and incentives for municipalities otherwise  
13 due and payable on or before March 31 shall be paid to the city of  
14 Buffalo on or before June 30 upon written request by the chief elected  
15 official of such city to the director of the budget, provided such  
16 request is made no later than April 1, 2008.

17 § 2. Notwithstanding any other law to the contrary, in the state  
18 fiscal year beginning April 1, 2008, and in each state fiscal year ther-  
19 eafter, \$5,000,000 of aid and incentives for municipalities otherwise  
20 due and payable on or before March 31 shall be paid to the city of  
21 Rochester on or before June 30 upon written request by the chief elected  
22 official of such city to the director of the budget, provided such  
23 request is made no later than April 1, 2008.

24 § 3. Notwithstanding any other law to the contrary, in the state  
25 fiscal year beginning April 1, 2008, and in each state fiscal year ther-  
26 eafter, \$5,000,000 of aid and incentives for municipalities otherwise  
27 due and payable on or before March 31 shall be paid to the city of Syra-  
28 cuse on or before June 30 upon written request by the chief elected  
29 official of such city to the director of the budget, provided such  
30 request is made no later than April 1, 2008.

31 § 4. Notwithstanding any other law to the contrary, in the state  
32 fiscal year beginning April 1, 2008, and in each state fiscal year ther-  
33 eafter, \$5,000,000 of aid and incentives for municipalities otherwise  
34 due and payable on or before March 31 shall be paid to the city of Yonk-  
35 ers on or before June 30 upon written request by the chief elected offi-  
36 cial of such city to the director of the budget, provided such request  
37 is made no later than April 1, 2008.

38 § 5. This act shall take effect immediately.

39

## PART T

40 Section 1. The state comptroller is hereby authorized and directed to  
41 loan money in accordance with the provisions set forth in subdivision 5  
42 of section 4 of the state finance law to the following funds and/or  
43 accounts:

44 1. Tuition reimbursement fund (050):

45 a. Proprietary vocational school supervision account (02).

46 2. Local government records management improvement fund (052):

47 a. Local gov't records management account (01).

48 3. Dedicated highway and bridge trust fund (072):

49 a. Highway and bridge capital account (01).

50 4. State parks infrastructure trust fund (076):

51 a. State parks infrastructure account (01).

52 5. Clean water/clean air implementation fund (079).

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- 1 6. State lottery fund (160):
- 2 a. Education - New (03).
- 3 b. VLT - Admin (05).
- 4 c. VLT - Sound basic education fund (06).
- 5 7. Medicaid management information system escrow fund (179).
- 6 8. Sewage treatment program management and administration fund (300).
- 7 9. Environmental conservation special revenue fund (301):
- 8 a. Hazardous bulk storage account (F7).
- 9 b. Utility environmental regulation account (H4).
- 10 c. Low level radioactive waste siting account (K5).
- 11 d. Recreation account (K6).
- 12 e. Conservationist magazine account (S4).
- 13 f. Environmental regulatory account (S5).
- 14 g. Natural resource account (S6).
- 15 h. Mined land reclamation program account (XB).
- 16 10. Environmental protection and oil spill compensation fund (303).
- 17 11. Hazardous waste remedial fund (312):
- 18 a. Site investigation and construction account (01).
- 19 b. Hazardous waste remedial clean up account (06).
- 20 12. Mass transportation operating assistance fund (313):
- 21 a. Public transportation systems account (01).
- 22 b. Metropolitan mass transportation (02).
- 23 13. Clean air fund (314):
- 24 a. Operating permit program account (01).
- 25 b. Mobile source account (02).
- 26 14. Centralized services fund (323).
- 27 15. State exposition special fund (325).
- 28 16. Agency enterprise fund (331):
- 29 a. OGS convention center account (55).
- 30 17. Agencies internal service fund (334):
- 31 a. Archives records management account (02).
- 32 b. Federal single audit account (05).
- 33 c. Quick copy center account (07).
- 34 d. Civil service law: sec 11 admin account (09).
- 35 e. Civil service EHS occupational health program account (10).
- 36 f. Banking services account (12).
- 37 g. Cultural resources survey account (14).
- 38 h. Neighborhood work project (17).
- 39 i. Automation & printing chargeback account (18).
- 40 j. OFT NYT account (20).
- 41 k. Data center account (23).
- 42 l. Human service telecom account (24).
- 43 m. OMRDD copy center account (26).
- 44 n. Intrusion detection account (27).
- 45 o. Domestic violence grant account (ZV).
- 46 18. Miscellaneous special revenue fund (339):
- 47 a. Statewide planning and research cooperative system account (03).
- 48 b. OMRDD provider of service account (05).
- 49 c. New York state thruway authority account (08).
- 50 d. Financial control board account (15).
- 51 e. Regulation of racing account (16).
- 52 f. New York metropolitan transportation council account (17).
- 53 g. Quality of care account (20).
- 54 h. Cyber upgrade account (25).
- 55 i. Certificate of need account (26).
- 56 j. Hospital and nursing home management account (44).



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1 k. State university dormitory income reimbursable account (47).  
2 l. Training, management and evaluation (50).  
3 m. Energy research account (60).  
4 n. Criminal justice improvement account (62).  
5 o. Fingerprint identification and technology account (68).  
6 p. Environmental laboratory reference fee account (81).  
7 q. Clinical laboratory reference system assessment account (90).  
8 r. Public employment relations board account (93).  
9 s. Radiological health protection account (95).  
10 t. Teacher certification account (A4).  
11 u. Banking department account (A5).  
12 v. Cable television account (A6).  
13 w. Indirect cost recovery account (AH).  
14 x. High school equivalency program account (AI).  
15 y. Rail safety inspection account (AQ).  
16 z. Child support revenue account (AX).  
17 aa. Multi-agency training account (AY).  
18 bb. Critical infrastructure account (B3).  
19 cc. Insurance department account (B6).  
20 dd. Industry and utility service account (BK).  
21 ee. Real property disposition account (BP).  
22 ff. Parking account (BQ).  
23 gg. Asbestos safety training program account (BW).  
24 hh. Improvement of real property tax administration account (BZ).  
25 ii. Public service account (C3).  
26 jj. Plant industry account (CZ).  
27 kk. Batavia school for the blind account (D9).  
28 ll. Investment services account (DC).  
29 mm. Surplus property account (DE).  
30 nn. OMRDD day services account (DH).  
31 oo. Financial oversight account (DI).  
32 pp. Regulation of indian gaming account (DT).  
33 qq. Special conservation activities account (DU).  
34 rr. Interest assessment account (DZ).  
35 ss. Office of the professions account (E3).  
36 tt. Rome school for the deaf account (E6).  
37 uu. Seized assets account (E8).  
38 vv. Administrative adjudication account (E9).  
39 ww. Client notices system (EG).  
40 xx. Federal salary sharing account (EC).  
41 yy. Cultural education account (EN).  
42 zz. Examination and miscellaneous revenue account (ER).  
43 aaa. Transportation regulation account (F1).  
44 bbb. Consumer protection account (F2).  
45 ccc. State student financial aid audit account (FA).  
46 ddd. Local services account (G3).  
47 eee. Electronic benefit transfer and common benefit identification  
48 card account (GD).  
49 fff. Division of housing and community renewal housing information  
50 systems special revenue account (H1).  
51 ggg. Housing special revenue account (H2).  
52 hhh. Department of motor vehicles compulsory insurance account (H7).  
53 iii. Housing Indirect cost recovery (HI).  
54 jjj. Housing credit agency application fee account (J5).  
55 kkk. EPIC premium account (J6).  
56 lll. Federal gasoline and diesel fuel excise tax account (L6).

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1 mmm. Administrative reimbursement account (L7).  
2 nnn. Medical assistance disability account (LF).  
3 ooo. Low income housing credit monitoring fee account (NG).  
4 ppp. Procurement opportunities newsletter account (P4).  
5 qqq. Corporation administration account (P6).  
6 rrr. Montrose veteran's home account (Q6).  
7 sss. Excelsior capital corporation reimbursement account (R1).  
8 ttt. Motor fuel quality account (R4).  
9 uuu. Weights and measures account (R5).  
10 vvv. Deferred compensation administration account (R7).  
11 www. Rent revenue other account (RR).  
12 xxx. Batavia medicaid income account (S1).  
13 yyy. Rent revenue account (S8).  
14 zzz. Tax revenue arrearage account (TR).  
15 aaaa. Solid waste management account (W3).  
16 bbbb. Occupational health clinics account (W4).  
17 cccc. Tenured teacher hearing account (YR).  
18 dddd. Point insurance reduction program account.  
19 eeee. Power plant security account.  
20 ffff. Work zone safety account.  
21 19. State university income fund (345):  
22 a. State university general income offset account (11).  
23 20. State police and motor vehicle law enforcement fund (354):  
24 a. State police motor vehicle law enforcement account (02).  
25 21. Youth facilities improvement fund (357):  
26 a. Youth facilities improvement account (01).  
27 22. Highway safety program fund (362):  
28 a. Highway safety program account (01).  
29 23. Drinking water program management and administration fund (366):  
30 a. EFC drinking water program account (01).  
31 b. DOH drinking water program account (02).  
32 24. New York city county clerks offset fund (368):  
33 a. NYCCC operating offset account (01).  
34 25. Housing assistance fund (374).  
35 26. Housing program fund (376).  
36 27. Department of transportation - engineering services fund (380):  
37 a. Highway facility purpose account (01).  
38 28. Miscellaneous capital projects fund (387):  
39 a. Clean air capital account (08).  
40 29. Mental hygiene facilities capital improvement fund (389).  
41 30. Joint labor/management administration fund (394):  
42 a. Joint labor/management administration fund (01).  
43 31. Audit and control revolving fund (395):  
44 a. Executive direction internal audit account (04).  
45 32. Health insurance internal service fund (396):  
46 a. Health insurance internal service account (00).  
47 b. Civil service employee benefits div admin (01).  
48 33. Correctional industries revolving fund (397).  
49 34. Correctional facilities capital improvement fund (399).  
50 35. Industrial exhibit authority fund (450).  
51 36. Federal unemployment insurance administration fund (480):  
52 a. UI administration (01).  
53 37. Federal unemployment insurance occupational training fund (484):  
54 a. Federal unemployment insurance occupational training (00).  
55 b. Disaster relief grants (01).  
56 38. Federal employment and training grants (486):

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1 a. DOL workforce investment act (09).

2 39. HCRA resources fund (061):

3 a. EPIC premium account (J6).

4 b. Maternal and child HIV services account (LC).

5 c. Hospital based grants program account (AF).

6 d. Child health plus program account (29).

7 § 2. The state comptroller is hereby authorized and directed to loan  
8 money in accordance with the provisions set forth in subdivision 5 of  
9 section 4 of the state finance law to any account within the following  
10 federal funds, provided the comptroller has made a determination that  
11 sufficient federal grant award authority is available to reimburse such  
12 loans:

13 1. Federal USDA-food and nutrition services fund (261).

14 2. Federal health and human services fund (265).

15 3. Federal education grants fund (267).

16 4. Federal block grant fund (269).

17 5. Federal operating grants fund (290).

18 6. Federal capital projects fund (291).

19 § 3. Notwithstanding any law to the contrary, and in accordance with  
20 section 4 of the state finance law, the comptroller is hereby authorized  
21 and directed to transfer, upon request of the director of the budget, on  
22 or before March 31, 2008, up to the unencumbered balance or the follow-  
23 ing amounts:

24 Economic Development and Public Authorities:

25 1. \$900,000 from the miscellaneous special revenue fund (339), bell  
26 jar account (BJ), to the general fund.

27 2. \$400,000 from the general fund to the miscellaneous special revenue  
28 fund (339), regulation of racing account (16).

29 3. \$100,000 from the miscellaneous special revenue fund (339), under-  
30 ground facilities safety training account (US), to the general fund.

31 4. An amount up to the unencumbered balance from the miscellaneous  
32 special revenue fund (339), business and licensing services account  
33 (AG), to the general fund.

34 5. \$13,510,000 from the miscellaneous special revenue fund (339), code  
35 enforcement account (07), to the general fund.

36 Education:

37 1. \$2,215,000,000 from the general fund to the state lottery fund  
38 (160), education account (03), as reimbursement for disbursements made  
39 from such fund for supplemental aid to education pursuant to section  
40 92-c of the state finance law that are in excess of the amounts deposit-  
41 ed in such fund for such purposes pursuant to section 1612 of the tax  
42 law.

43 2. \$586,000,000 from the general fund to the state lottery fund (160),  
44 VLT education account (06), as reimbursement for disbursements made from  
45 such fund for supplemental aid to education pursuant to section 92-c of  
46 the state finance law that are in excess of the amounts deposited in  
47 such fund for such purposes pursuant to section 1612 of the tax law.

48 3. Moneys from the state lottery fund (160) up to an amount deposited  
49 in such fund pursuant to section 1612 of the tax law in excess of the  
50 current year appropriation for supplemental aid to education pursuant to  
51 section 92-c of the state finance law.

52 4. \$300,000 from the local government records management improvement  
53 fund (052) to the archives partnership trust fund (024).

54 5. \$1,200,000 from the general fund to the miscellaneous special  
55 revenue fund (339), Batavia school for the blind account (D9).

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1 6. \$600,000 from the general fund to the miscellaneous special revenue  
2 fund (339), Rome school for the deaf account (E6).

3 7. \$1,500,000 from the general fund for the private schools for the  
4 blind and deaf may be transferred to the department of health miscella-  
5 neous special revenue fund (339), quality assurance and audit revenue  
6 activities account (GB). Notwithstanding any other law, rule or regu-  
7 lation to the contrary, funds shall be available for transfer to the  
8 department of health miscellaneous special revenue fund (339), quality  
9 assurance and audit revenue activities account (GB), upon the approval  
10 by the director of the budget of a staffing and expenditure plan devel-  
11 oped by the department of health in consultation with the state educa-  
12 tion department.

13 8. \$35,000,000 from the state university dormitory income fund (330)  
14 to the state university residence hall rehabilitation fund (074).

15 9. \$270,000,000 from the state university dormitory income fund (330)  
16 to the miscellaneous special revenue fund (339), state university dormi-  
17 tory income reimbursable account (47).

18 10. \$4,000,000 from the general fund to the miscellaneous special  
19 revenue fund (339), volunteer recruitment service scholarships account  
20 (VR).

21 11. \$1,000,000 from the miscellaneous special revenue fund (339),  
22 cultural education account (EN), to the miscellaneous special revenue  
23 fund (339), summer school of the arts account (38).

24 12. \$100,000 from the miscellaneous special revenue fund (339),  
25 improvement of real property tax administration account (BZ), to the  
26 miscellaneous special revenue fund (339), indirect cost recovery account  
27 (AH).

28 13. \$22,000,000 from the state university income fund (345), state  
29 university general income fund reimbursable account (10), to the general  
30 fund.

31 14. \$24,000,000 from any of the state education department special  
32 revenue and internal service funds to the miscellaneous special revenue  
33 fund (339), indirect cost recovery account (AH).

34 15. \$8,318,000 from the general fund to the state university income  
35 fund (345), state university income offset account (11), for the state's  
36 share of repayment of the STIP loan.

37 16. \$21,200,000 from the miscellaneous special revenue fund (339),  
38 cultural education account (EN), to the general fund.

39 17. \$1,000,000 from the arts exhibitions revolving loan fund (339), to  
40 the general fund.

41 Environmental Affairs:

42 1. \$500,000 from the department of transportation's federal capital  
43 projects fund (291) to the office of parks and recreation federal oper-  
44 ating grants fund (290), miscellaneous operating grants account.

45 2. \$35,000 from the miscellaneous special revenue fund (339), seal of  
46 quality account (67), to the miscellaneous special revenue fund (339),  
47 farm products inspection trust fund - williamson (65).

48 3. \$1,119,700 from the miscellaneous special revenue fund (339), motor  
49 fuel quality account (R4), to the general fund.

50 4. \$6,980,000 from the general fund to the environmental conservation  
51 special revenue fund (301), environmental regulatory account (S5).

52 5. \$4,420,000 from the general fund to the conservation fund (302),  
53 traditional account (00).

54 6. \$15,000,000 from the general fund to the hazardous waste remedial  
55 fund (312), hazardous waste remediation oversight and assistance account  
56 (00).

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1 7. \$3,000,000 from the general fund to the state park infrastructure  
2 fund (076), state infrastructure account (01).

3 8. \$20,000,000 from the environmental protection fund (078), environ-  
4 mental protection transfer account (01), to the general fund.

5 9. \$1,437,700 from the miscellaneous special revenue fund (339),  
6 consumer food industry account (99), to the general fund.

7 10. \$151,300 from the miscellaneous special revenue fund (339), plant  
8 industry account (CZ), to the general fund.

9 11. \$251,300 from the miscellaneous special revenue fund (339),  
10 weights and measures account (R5), to the general fund.

11 12. \$290,000 from the miscellaneous special revenue fund (339),  
12 special agricultural inspecting and marketing account (XX), to the  
13 general fund.

14 Family Assistance:

15 1. \$10,000,000 from any of the office of children and family services,  
16 office of temporary and disability assistance, or department of health  
17 special revenue federal funds and the general fund, in accordance with  
18 agreements with social services districts, to the miscellaneous special  
19 revenue fund (339), office of human resources development state match  
20 account (2C).

21 2. \$3,000,000 from any of the office of children and family services  
22 or office of temporary and disability assistance special revenue federal  
23 funds to the miscellaneous special revenue fund (339), family preserva-  
24 tion and support services and family violence services account (GC).

25 3. \$10,000,000 from any of the office of children and family services  
26 or office of temporary and disability assistance special revenue federal  
27 funds and any other miscellaneous revenues generated from the operation  
28 of office of children and family services programs to the miscellaneous  
29 special revenue fund (339), office of children and family services  
30 program account (L4).

31 4. \$12,000,000 from any of the office of children and family services  
32 special revenue federal funds to the general fund for title IV-E  
33 reimbursement of youth facility costs.

34 5. \$30,000,000 from any of the office of children and family services,  
35 office of temporary and disability assistance, or department of health  
36 special revenue federal funds and any other miscellaneous revenues  
37 generated from the operation of office of children and family services  
38 programs to the miscellaneous special revenue fund (339), office of  
39 children and family services income account (AR).

40 6. \$10,000,000 from any of the office of children and family services  
41 or office of temporary and disability assistance special revenue funds  
42 or the general fund to the miscellaneous special revenue fund (339),  
43 connections account (WK).

44 7. \$26,000,000 from any of the office of temporary and disability  
45 assistance accounts within the federal health and human services fund  
46 (265) to the general fund.

47 8. \$6,300,000 from the federal health and human services fund (265) to  
48 the miscellaneous special revenue fund (339), ODD earned revenue account  
49 (AD).

50 9. \$6,800,000 from any of the office of temporary and disability  
51 assistance accounts within the federal health and human services fund  
52 (265) to the miscellaneous special revenue fund (339), client notices  
53 account (EG).

54 10. \$85,000,000 from any of the office of temporary and disability  
55 assistance, department of health or office of children and family  
56 services special revenue funds and the office of temporary and disabili-

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1 ty assistance sole custody account (149.10) to the miscellaneous special  
2 revenue fund (339), office of temporary and disability assistance income  
3 account (L7).

4 11. \$4,000,000 from the federal block grant fund (269) to the miscel-  
5 laneous special revenue fund (339), home energy assistance earned reven-  
6 ue account (QA).

7 12. \$7,500,000 from any of the office of temporary and disability  
8 assistance or office of children and family services special revenue  
9 federal funds to the miscellaneous special revenue fund (339), office of  
10 temporary and disability assistance program account (AL).

11 13. \$500,000 from any of the office of temporary and disability  
12 assistance special revenue federal funds to the miscellaneous special  
13 revenue fund (339), food stamp recovery account (D4).

14 14. \$50,000,000 from any of the office of children and family  
15 services, office of temporary and disability assistance, department of  
16 labor, and department of health special revenue federal funds to the  
17 office of children and family services miscellaneous special revenue  
18 fund (339), multi-agency training contract account (AY).

19 15. \$1,000,000 from the general fund to the miscellaneous special  
20 revenue fund (339), food stamp reinvestment account (CB).

21 16. \$30,000,000 from the office of temporary and disability assistance  
22 federal health and human services fund (265) to the miscellaneous  
23 special revenue fund (339), child support revenue account (AX).

24 17. \$6,300,000 from any of the office of children and family services,  
25 office of temporary and disability assistance, department of labor, or  
26 department of health special revenue funds to the office of temporary  
27 and disability assistance miscellaneous special revenue fund (339),  
28 multiagency systems development account (XY).

29 18. \$2,550,000 from any of the office of temporary and disability  
30 assistance special revenue federal funds, in accordance with agreements  
31 with social services districts, to the miscellaneous special revenue  
32 fund (339), OTDA office of human resources development state match  
33 account (49).

34 19. \$12,240,000 from any of the office of temporary and disability  
35 assistance special revenue federal funds, to the miscellaneous special  
36 revenue fund (339), OTDA training contract account (48).

37 20. \$1,000,000 from any of the office of temporary and disability  
38 assistance and department of health special revenue federal funds to the  
39 miscellaneous special revenue fund (339), welfare inspector general  
40 administrative reimbursement account (WW).

41 21. \$487,000 from the miscellaneous special revenue fund (339), family  
42 preservation and support services and family violence services account  
43 (GC), to the general fund.

44 22. \$450,000 from the miscellaneous special revenue fund (339), state  
45 central register fee account (CY), to the general fund.

46 23. \$250,000 from the employment training fund (341), JTPA youth  
47 employment account (04), to the general fund.

48 24. \$147,000 from the miscellaneous special revenue fund (339), foster  
49 care savings account (FC), to the general fund.

50 25. \$200,000 from the miscellaneous enterprise fund (331), training  
51 materials account (07), to the general fund.

52 26. \$2,000,000 from the miscellaneous special revenue fund (339),  
53 adult shelter sanction account (GA), to the general fund.

54 27. \$96,000,000 from the miscellaneous special revenue fund (339)  
55 youth facility per diem account to the general fund.

56 General Government:



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- 1 1. \$125,000 from the miscellaneous special revenue fund (339), exam-  
2 ination and miscellaneous revenue account (ER) to the general fund.
- 3 2. \$12,500,000 from the general fund to the health insurance revolving  
4 fund (396).
- 5 3. \$192,400,000 from the health insurance reserve receipts fund (167)  
6 to the general fund.
- 7 4. \$150,000 from the general fund to the not-for-profit revolving loan  
8 fund (055).
- 9 5. \$150,000 from the not-for-profit revolving loan fund (055) to the  
10 general fund.
- 11 6. \$10,000,000 from the miscellaneous special revenue fund (339), real  
12 property disposition account (BP), to the general fund.
- 13 7. \$2,000,000 from the miscellaneous special revenue fund (339),  
14 surplus property account (DE), to the general fund.
- 15 8. \$17,035,000 from the general fund to the miscellaneous special  
16 revenue fund (339), alcoholic beverage control account (DB).
- 17 9. \$2,000,000 from the miscellaneous special revenue fund (339),  
18 federal liability account (FL), to the general fund.
- 19 11. \$22,000,000 from the miscellaneous special revenue fund (339),  
20 revenue arrearage account (CR), to the general fund.
- 21 12. \$1,500,000 from the miscellaneous special revenue fund (339)  
22 revenue arrearage account (CR), to the miscellaneous special revenue  
23 fund (339) authority budget office account.
- 24 13. \$1,200,000 from the miscellaneous special revenue fund (339),  
25 lobbying law penalties account (27), to the general fund.
- 26 14. \$1,000,000 from the miscellaneous special revenue fund (339),  
27 parking services account (B2), to the general debt service fund (311),  
28 general debt service account.
- 29 15. \$50,000,000 from the general fund to the miscellaneous special  
30 revenue fund (339), financial system account, in the event expenditures  
31 exceed the available balance in the account.
- 32 16. \$60,000,000 from any account within the special revenue federal  
33 funds receiving money pursuant to federal Medicare Part D legislation to  
34 the general fund.
- 35 Health:
- 36 1. \$1,500,000 from any of the department of health accounts within the  
37 federal health and human services fund (265) to the department of health  
38 miscellaneous special revenue fund (339), quality assurance and audit  
39 revenue activities account (GB).
- 40 2. \$139,000,000 from any of the department of health accounts within  
41 the federal health and human services fund (265) to the miscellaneous  
42 special revenue fund (339), quality of care account (20).
- 43 3. \$2,000,000 from the miscellaneous special revenue fund (339), vital  
44 records management account (JA), to the general fund.
- 45 4. \$1,000,000 from the general fund to the combined gifts, grants and  
46 bequests fund (020), breast cancer research and education account (BD),  
47 an amount equal to the monies collected and deposited into that account  
48 in the previous fiscal year.
- 49 5. \$2,464,000 from any of the department of health accounts within the  
50 federal health and human services fund (265) to the department of health  
51 miscellaneous special revenue fund (339), statewide planning and  
52 research cooperation system (SPARCS) program account (03).
- 53 6. \$150,000 from the general fund to the combined gifts, grants and  
54 bequests fund (020), prostate cancer research, detection, and education  
55 account (PR), an amount equal to the moneys collected and deposited into  
56 that account in the previous fiscal year.

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1 7. \$500,000 from the general fund to the combined gifts, grants and  
2 bequests fund (020), Alzheimer's disease research and assistance account  
3 (AA), an amount equal to the moneys collected and deposited into that  
4 account in the previous fiscal year.

5 8. \$2,000,000 from the miscellaneous special revenue fund (339), local  
6 public health services account (J1), to the general fund.

7 9. \$2,000,000 from the miscellaneous special revenue fund (339),  
8 provider 900 account (NH), to the general fund.

9 10. \$4,000,000 from the miscellaneous special revenue fund (339),  
10 administration account (AP), to the general fund.

11 11. \$300,000,000 from any of the department of health accounts within  
12 the federal health and human services fund (265) to the miscellaneous  
13 special revenue fund (339), federal state health reform partnership  
14 account (WO).

15 Labor:

16 1. \$664,000 from the labor standards miscellaneous special revenue  
17 fund (339), fee and penalty account (30), to the child performer  
18 protection fund (025), child performer protection account (CP).

19 2. \$17,000,000 from the unemployment insurance miscellaneous special  
20 revenue fund (339), interest assessment account (DZ) to the general  
21 fund.

22 Mental Hygiene:

23 1. \$4,000,000 from the miscellaneous special revenue fund (339),  
24 mental hygiene patient income account (13), to the miscellaneous special  
25 revenue fund (339), federal salary sharing account (EC).

26 2. \$10,000,000 from the miscellaneous special revenue fund (339),  
27 mental hygiene patient income account (13), to the miscellaneous special  
28 revenue fund (339), federal salary sharing account (EC).

29 3. \$150,000,000 from the miscellaneous special revenue fund (339),  
30 mental hygiene patient income account (13) to the miscellaneous special  
31 revenue fund (339), provider of service account (05).

32 4. \$150,000,000 from the general fund to the miscellaneous special  
33 revenue fund (339), provider of service account (05).

34 Public Protection:

35 1. \$3,300,000 from the general fund to the miscellaneous special  
36 revenue fund (339), recruitment incentive account (U2).

37 2. \$14,000,000 from the general fund to the correctional industries  
38 revolving fund (397), correctional industries internal service account  
39 (00).

40 3. \$27,800,000 from the miscellaneous special revenue fund (339),  
41 statewide public safety communications account (LZ), to the miscella-  
42 neous special revenue fund (339), seized assets account (E8).

43 4. \$1,500,000 from the miscellaneous special revenue fund (339),  
44 statewide public safety communications account (LZ), to the combined  
45 gifts, grants and bequests fund (020), New York state emergency services  
46 revolving loan account (AU).

47 5. \$10,000,000 from the miscellaneous special revenue fund (339),  
48 statewide public safety communications account (LZ), to the miscella-  
49 neous special revenue fund (339), local wireless public safety answering  
50 point account (LW).

51 6. \$27,148,000 from the miscellaneous special revenue fund (339),  
52 statewide public safety communications account (LZ), to the general debt  
53 service fund (311), revenue bond tax account (02).

54 7. \$10,000,000 from federal miscellaneous operating grants fund (290),  
55 DMNA damage account (71), to the general fund.

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1 8. \$2,200,000 from the miscellaneous special revenue fund (339), fing-  
2 erprint identification and technology account (68), to the general fund.

3 9. \$6,000,000 from the general fund to the miscellaneous special  
4 revenue fund (339), crimes against revenue program account (CA).

5 10. \$2,000,000 from the general fund to the attica state employee  
6 victims' fund (013).

7 11. \$200,000 from the miscellaneous special revenue fund (339) cell  
8 tower revenue account (CT) to the general fund.

9 12. \$20,000,000 from any division of criminal justice services or  
10 homeland security accounts within the federal miscellaneous operating  
11 grants fund (290), receiving money through the homeland security grants  
12 program, to the general fund.

13 13. \$50,000,000 from the general fund and/or the federal miscellaneous  
14 operating grants fund (290), DMNA damage account (71), in amounts desig-  
15 nated by the director of the budget, to the department of labor special  
16 revenue federal unemployment insurance occupational training fund (484),  
17 disaster relief account (01).

18 14. \$11,500,000 from the federal miscellaneous operating grants fund  
19 (290) world trade center account, to the general fund.

20 15. \$5,000,000 from the general fund to the miscellaneous special  
21 revenue fund (339) legal services assistance account (IM).

22 16. \$1,600,000 from the general fund to the miscellaneous special  
23 revenue fund (369) judicial data processing offset account (01).

24 17. \$23,059,000 from the miscellaneous special revenue fund (339)  
25 criminal justice improvement account (62) to the general fund.

26 18. \$11,000,000 from the miscellaneous special revenue fund (354)  
27 state police motor vehicle law enforcement account (02) to the general  
28 fund.

29 19. \$1,100,000 from the general fund to the miscellaneous special  
30 revenue fund (390) indigent legal services fund (01).

31 Transportation:

32 1. \$13,500,000 from the federal miscellaneous operating grants fund  
33 (290) to the special revenue fund (339), tri-state federal regional  
34 planning account (17).

35 2. \$16,500,000 from the federal capital projects fund (291) to the  
36 special revenue fund (339), tri-state federal regional planning account  
37 (17).

38 3. \$28,300,000 from the miscellaneous special revenue fund (339),  
39 compulsory insurance account (H7), to the general fund.

40 4. \$20,000,000 from the suburban transportation fund (327) to the mass  
41 transportation operating assistance fund (313), additional mass trans-  
42 portation fund account (06).

43 5. \$14,000,000 from the general fund to the mass transportation oper-  
44 ating assistance fund (313) public transportation systems account (01).

45 6. \$1,000,000 from the clean air fund (314) mobile source account  
46 (02), to the general fund.

47 7. \$23,000,000 from the mass transportation operating assistance fund  
48 (313) metropolitan mass transit operating assistance account (02), to  
49 the mass transportation operating assistance fund (313) public transpor-  
50 tation systems operating assistance account (01).

51 8. \$3,000,000 from the general fund to the dedicated highway and  
52 bridge trust fund (072).

53 9. \$17,500,000 from the clean air fund (314) mobile source account  
54 (02), to the dedicated mass transportation trust fund (073) non-MTA  
55 capital purpose (03).

56 Miscellaneous:

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1 1. \$75,000,000 from the general fund to any funds or accounts for the  
2 purpose of reimbursing certain outstanding accounts receivable balances.

3 2. \$250,000,000 from the general fund to the debt reduction reserve  
4 fund (064).

5 3. \$175,000,000 from the general fund to the rainy day reserve fund,  
6 pursuant to chapter 1 of the laws of 2007 enacting such rainy day  
7 reserve fund.

8 § 4. Notwithstanding any law to the contrary, and in accordance with  
9 section 4 of the state finance law, the comptroller is hereby authorized  
10 and directed to transfer, on or before March 31, 2008:

11 1. upon request of the commissioner of environmental conservation, up  
12 to \$10,516,000 from revenues credited to any of the department of envi-  
13 ronmental conservation special revenue funds, including \$3,004,700 from  
14 the environmental protection and oil spill compensation fund (303), and  
15 \$1,713,500 from the conservation fund (302), to the environmental  
16 conservation special revenue fund (301), indirect charges account (BJ).

17 2. upon request of the commissioner of agriculture and markets, up to  
18 \$3,000,000 from any special revenue fund or enterprise fund within the  
19 department of agriculture and markets to the miscellaneous special  
20 revenue fund (339) administrative costs account, to pay appropriate  
21 administrative expenses.

22 3. upon request of the commissioner of agriculture and markets, up to  
23 \$2,000,000 from the state exposition special fund (325), state fair  
24 receipts account (01), or the industrial exhibit authority fund (450),  
25 industrial exhibit authority account (01), to the miscellaneous capital  
26 projects fund (387), state fair capital improvement account (13).

27 4. upon request of the commissioner of the division of housing and  
28 community renewal, up to \$2,911,000 from revenues credited to any divi-  
29 sion of housing and community renewal miscellaneous special revenue fund  
30 (339) to the agency cost recovery account (HI).

31 5. upon request of the commissioner of health up to \$15,000,000 from  
32 revenues credited to any of the department of health's special revenue  
33 funds, to the miscellaneous special revenue fund (339), administration  
34 account (AP).

35 6. upon the request of the director of the budget, up to \$100 million  
36 from the general fund to the empire state stem cell trust fund, estab-  
37 lished pursuant to section 99-p of the state finance law.

38 § 4-a. Notwithstanding section 2815 of the public health law or any  
39 other contrary provision of law, upon the direction of the director of  
40 the budget and the commissioner of health, the dormitory authority of  
41 the state of New York is directed to transfer seven million dollars  
42 annually from funds available and uncommitted in the New York state  
43 health care restructuring pool to the health care reform act (HCRA)  
44 resources fund - HCRA resources account.

45 § 5. Notwithstanding any law to the contrary, the state university  
46 chancellor or his designee is authorized and directed to transfer esti-  
47 mated tuition revenue balances from the state university collection fund  
48 (344) to the state university fund (345), state university revenue  
49 offset account (12) on March 27, 2008.

50 § 6. Notwithstanding any law to the contrary, and in accordance with  
51 section 4 of the state finance law, the comptroller is hereby authorized  
52 and directed to transfer, upon request of the state university chancel-  
53 lor or his designee, up to \$20,000,000 from the state university income  
54 fund (345), state university hospitals income reimbursable account (22)  
55 under hospital income reimbursable for services and expenses of hospital  
56 operations and capital expenditures at the state university hospitals,

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1 and the state university income fund (345) Long Island veterans' home  
2 account (09) to the state university capital projects fund (384) on or  
3 before June 30, 2008.

4 § 7. Notwithstanding any law to the contrary, and in accordance with  
5 section 4 of the state finance law, the comptroller is hereby authorized  
6 and directed to transfer, upon request of the director of the budget, up  
7 to \$146,300,000 from the general fund to the state university income  
8 fund (345), state university hospitals income reimbursable account (22)  
9 during the period July 1, 2007 through June 30, 2008 to reflect ongoing  
10 state subsidy of SUNY hospitals and to pay costs attributable to the  
11 SUNY hospitals' state agency status.

12 § 8. Notwithstanding any law to the contrary, and in accordance with  
13 section 4 of the state finance law, the comptroller, after consultation  
14 with the state university chancellor or his or her designee, is hereby  
15 authorized and directed to transfer moneys, in the first instance, from  
16 the state university collection fund (344), Stony Brook hospital  
17 collection account (07), Brooklyn hospital collection account (08), and  
18 Syracuse hospital collection account (09) to the state university income  
19 fund (345), state university hospitals income reimbursable account (22)  
20 in the event insufficient funds are available in the state university  
21 income fund (345), state university hospitals income reimbursable  
22 account (22) to transfer moneys, in amounts sufficient to permit the  
23 full transfer of moneys authorized for transfer, to the general debt  
24 service fund (311) for payment of debt service related to the SUNY  
25 hospitals. Notwithstanding any law to the contrary, the comptroller is  
26 also hereby authorized and directed, after consultation with the state  
27 university chancellor or his or her designee, to transfer moneys from  
28 the state university income fund (345) to the state university income  
29 fund (345), state university hospitals income reimbursable account (22)  
30 in the event insufficient funds are available in the state university  
31 income fund (345), state university hospitals income reimbursable  
32 account (22) to pay hospital operating costs or to transfer moneys, in  
33 amounts sufficient to permit the full transfer of moneys authorized for  
34 transfer, to the general debt service fund (311) for payment of debt  
35 service related to the SUNY hospitals on or before March 31, 2008.

36 § 9. On or before March 31, 2008, the comptroller is authorized and  
37 directed to transfer the unencumbered balance from the family benefit  
38 fund (329) to the general fund.

39 § 10. On or before March 31, 2008, the comptroller is authorized and  
40 directed to transfer the unencumbered balance from the miscellaneous  
41 special revenue fund (339), inspector general operations account (11) to  
42 the general fund.

43 § 11. Intentionally omitted.

44 § 12. On or before March 31, 2008, the comptroller is hereby author-  
45 ized and directed to deposit earnings that would otherwise accrue to the  
46 general fund that are attributable to the operation of section 98-a of  
47 the state finance law, to the agencies internal service fund (334),  
48 banking services account (12), for the purpose of meeting direct  
49 payments from such account.

50 § 13. The comptroller is authorized and directed to deposit to the  
51 general fund - state purposes account reimbursements from moneys appro-  
52 priated or reappropriated to the correctional facilities capital  
53 improvement fund (399) by a chapter of the laws of 2007. Reimbursements  
54 shall be available for spending from appropriations made to the depart-  
55 ment of correctional services in the general fund - state purposes  
56 account by a chapter of the laws of 2007 for costs associated with the

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1 administration and security of capital projects and for other costs  
2 which are attributable, according to a plan, to such capital projects.

3 § 14. Subdivision 5 of section 97-rrr of the state finance law, as  
4 amended by section 8 of part F of chapter 109 of the laws of 2006, is  
5 amended to read as follows:

6 5. Notwithstanding the provisions of section one hundred seventy-one-a  
7 of the tax law, as separately amended by chapters four hundred eighty-  
8 one and four hundred eighty-four of the laws of nineteen hundred eight-  
9 y-one, or any other provisions of law to the contrary, during the fiscal  
10 year beginning April first, two thousand [~~five~~] seven, the state comp-  
11 troller is hereby authorized and directed to deposit to the fund created  
12 pursuant to this section from amounts collected pursuant to article  
13 twenty-two of the tax law and pursuant to a schedule submitted by the  
14 director of the budget, up to [~~\$3,319,000,000~~] \$4,888,000,000, as may be  
15 certified in such schedule as necessary to meet the purposes of such  
16 fund for the fiscal year beginning April first, two thousand [~~five~~]  
17 seven.

18 § 15. Notwithstanding any law to the contrary, and in accordance with  
19 section 4 of the state finance law, the comptroller is hereby authorized  
20 and directed to transfer, at the request of the director of the budget,  
21 up to \$100 million from the unencumbered balance of any special revenue  
22 fund or account, or combination of funds and accounts, to the general  
23 fund. The amounts transferred pursuant to this authorization shall be in  
24 addition to any other transfers expressly authorized in the 2007-08  
25 budget. Transfers from federal funds, debt service funds, capital  
26 projects funds, or the community projects fund are not permitted pursu-  
27 ant to this authorization. The director of the budget shall notify both  
28 houses of the legislature in writing prior to initiating transfers  
29 pursuant to this authorization.

30 § 16. (1) Pursuant to appropriations for capital projects, such appro-  
31 priations shall be deemed to provide all costs necessary and pertinent  
32 to accomplish the intent of the appropriation, including apportionments  
33 to departments, agencies, or corporations for the purposes of the  
34 specific appropriation or for payment to the construction management  
35 account of the centralized services fund of the New York state office of  
36 general services for the preparation and review of plans, specifica-  
37 tions, estimates, services, construction management and supervision,  
38 inspection, studies, appraisals, surveys, testing, and environmental  
39 statements relating to existing or proposed facilities.

40 Appropriations from the capital projects fund, the city university of  
41 New York capital projects fund, the mental hygiene capital improvement  
42 fund, the department of health facilities capital improvement fund, the  
43 correctional facilities capital improvement fund, the youth facilities  
44 improvement fund, the housing assistance fund, the housing program fund,  
45 the engineering services fund, the dedicated highway and bridge trust  
46 fund, the suburban transportation fund, the state park infrastructure  
47 fund, the passenger facility charge fund, the state university residence  
48 hall rehabilitation fund, the state university capital projects fund,  
49 the New York state canal system development fund, the financial security  
50 fund, the natural resources damages fund, the federal capital projects  
51 fund, the regional aviation fund, the miscellaneous capital projects  
52 fund, the environmental protection fund and the hazardous waste remedial  
53 fund are appropriated in accordance with the provisions of section 93 of  
54 the state finance law. Moneys appropriated from each such fund type for  
55 capital construction projects (CCPs), for agency purposes within CCPs,  
56 and for projects sharing the same agency purpose within a CCP may be



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1 transferred among projects within a CCP in accordance with paragraphs  
2 (a) through (g) of subdivision 4 of section 93 of the state finance law  
3 and may be transferred among purposes within a CCP subject to the limi-  
4 tations of paragraph (e) of subdivision 4 of section 93 of the state  
5 finance law.

6 Notwithstanding the provisions of any general or special law, the  
7 provisions of paragraphs (a) through (g) of subdivision 4 of section 93  
8 of the state finance law which relate to the transfer of a portion of a  
9 capital appropriation to another capital appropriation shall be applica-  
10 ble to appropriations from each fund.

11 (2) The following funds are eligible to be reimbursed from miscella-  
12 neous receipts or the proceeds of notes or bonds sold by public authori-  
13 ties, as specified in this subdivision:

14 (a) the health facilities capital improvement fund, from the proceeds  
15 of the sale of notes or bonds issued by any public authority;

16 (b) the dedicated highway and bridge trust fund, from miscellaneous  
17 receipts, reimbursement for administrative costs of mailing services or  
18 the proceeds of the sale of notes or bonds issued by any public authori-  
19 ty;

20 (c) the youth facilities improvement fund and the correctional facili-  
21 ties capital improvement fund, from the proceeds of the sale of notes or  
22 bonds issued by any public authority;

23 (d) the housing assistance fund and the housing program fund, from the  
24 proceeds of the sale of notes or bonds issued by any public authority;

25 (e) the mental hygiene capital facilities improvement fund, from  
26 miscellaneous receipts or the proceeds of the sale of notes or bonds  
27 issued by any public authority;

28 (f) the environmental protection fund, from miscellaneous receipts or  
29 the proceeds of the sale of notes or bonds issued by any public authori-  
30 ty;

31 (g) the hazardous waste remedial fund, from miscellaneous receipts or  
32 the proceeds of the sale of notes or bonds issued by any public authori-  
33 ty;

34 (h) the state university residence hall rehabilitation fund, from  
35 miscellaneous receipts or the proceeds of the sale of notes or bonds  
36 issued by any public authority; and

37 (i) the state parks infrastructure fund from the miscellaneous  
38 receipts or the proceeds of the sale of notes or bonds issued by any  
39 public authority.

40 (3) The comptroller is hereby authorized and directed to deposit  
41 moneys received, as specified in this paragraph:

42 (a) the engineering services fund shall receive reimbursements from  
43 various capital appropriations;

44 (b) the financial security fund shall receive moneys recovered in  
45 accordance with various required financial security arrangements for  
46 environmental projects;

47 (c) the natural resources damages fund shall receive moneys recovered  
48 from successful natural resource damage claims and related settlements;

49 (d) the regional aviation fund shall receive moneys from the lease of  
50 Stewart airport, including any payments due to the state from related  
51 settlements or agreements; and

52 (e) the state university capital projects fund shall receive funds  
53 transferred from the state university income fund and from the state  
54 university residence hall fund.

55 (4) The comptroller shall certify monthly, to the director of the  
56 budget and the chairs of the senate finance and assembly ways and means

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1 committees, the total disbursements from the correctional facilities  
2 capital improvement fund (399), the department of health facilities  
3 capital improvement fund (071), the housing assistance fund (374), the  
4 youth facilities improvement fund (357), the housing program fund (376),  
5 and the mental hygiene capital improvement fund (389), the total  
6 reimbursements to such funds from bond proceeds, and the amount of  
7 disbursements from such funds remaining to be financed with bond  
8 proceeds. Once a year, as soon as practicable after March 31, the comp-  
9 troller shall certify, to the director of the budget and the chairs of  
10 the senate finance and assembly ways and means committees, for the  
11 fiscal year just ended, total disbursements from the correctional facil-  
12 ities capital improvement fund, the department of health facilities  
13 capital improvement fund, the youth facilities improvement fund, the  
14 housing assistance fund, the housing program fund, and the mental  
15 hygiene capital improvement fund any amounts transferred from the capi-  
16 tal projects fund to such funds for nonbondable disbursements, the total  
17 reimbursements to such funds from bond proceeds, and the amount of  
18 disbursements from such funds remaining to be financed with bond  
19 proceeds.

20 (5) The dormitory authority of the state of New York and the depart-  
21 ment of health shall report quarterly to the director of the budget the  
22 amounts expended from appropriations in the capital projects fund which  
23 are eligible for reimbursement from the proceeds of the bonds. The hous-  
24 ing finance agency, in conjunction with the affordable housing corpo-  
25 ration, the homeless housing assistance corporation and the commissioner  
26 of the office of temporary and disability assistance, and the housing  
27 trust fund corporation shall report quarterly to the director of the  
28 budget on the amounts disbursed from appropriations in the housing  
29 program fund and the housing assistance fund which are eligible for  
30 repayment from the proceeds of the bonds. The dormitory authority of the  
31 state of New York, as successor to the facilities development corpo-  
32 ration pursuant to chapter 83 of the laws of 1995, and the office of  
33 mental health, the office of mental retardation and developmental disa-  
34 bilities, and the office of alcoholism and substance abuse services  
35 shall report quarterly to the director of the budget on the amounts  
36 disbursed from appropriations in the mental hygiene capital improvement  
37 fund which are eligible for reimbursement from the proceeds of the  
38 bonds. Such reports shall be submitted to the director of the budget no  
39 later than July 30, October 31, January 30, and April 30 of each state  
40 fiscal year. The director of the budget shall review these reports and  
41 then certify to the comptroller amounts expended from these appropri-  
42 ations which are reimbursable from bond proceeds. Until such time as the  
43 director of the budget determines that the amounts disbursed from such  
44 funds are not reimbursable from bond proceeds, all such disbursements  
45 shall be considered to be reimbursable from bond proceeds. Upon such  
46 certifications for the housing assistance fund, the housing program  
47 fund, and the mental hygiene capital improvement fund, the comptroller  
48 is hereby authorized to transfer from the capital projects fund, pursu-  
49 ant to an appropriation, an amount equal to the amount of disbursements  
50 from these appropriations which have not been certified as repayable  
51 from bond proceeds.

52 § 17. Notwithstanding any other law, rule, or regulation to the  
53 contrary, the comptroller is hereby authorized and directed to deposit,  
54 to the credit of the capital projects fund, reimbursement from the  
55 proceeds of notes and bonds issued by the environmental facilities  
56 corporation for a capital appropriation for \$22,404,000 authorized by

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1 chapter 55 of the laws of 1999 to the department of environmental  
2 conservation for payment of a portion of the state's match for federal  
3 capitalization grants for the water pollution control revolving loan  
4 fund, reimbursements for spending from various appropriations for  
5 projects related to the New York city watershed, reimbursement from the  
6 proceeds of notes and bonds issued by the environmental facilities  
7 corporation for a capital appropriation for \$22,500,000 authorized by  
8 chapter 55 of the laws of 1999 to environmental facilities corporation  
9 for payment for the jobs two thousand pipeline for jobs program,  
10 reimbursement from the proceeds of notes and bonds issued by the dormi-  
11 tory authority of the state of New York for a capital appropriation for  
12 \$47,500,000 authorized by chapter 55 of the laws of 1999 to the office  
13 of science, technology and academic research for payment for the jobs  
14 two thousand capital facilities program, reimbursement from the proceeds  
15 of notes and bonds issued by the dormitory authority of the state of New  
16 York for a capital appropriation for \$145,000,000 authorized by chapter  
17 53 of the laws of 1999 to the state education department for payment of  
18 capital construction grants to school districts pursuant to the rebuild-  
19 ing schools to uphold education program, and reimbursement from the  
20 proceeds of notes and bonds issued by the urban development corporation  
21 for a capital appropriation for \$25,000,000 authorized by chapter 55 of  
22 the laws of 1999 to all state agencies for payment of costs related to  
23 economic development, land acquisition, and heritage trail projects.

24 § 18. Notwithstanding any other law, rule, or regulation to the  
25 contrary, the comptroller is hereby authorized and directed to deposit,  
26 to the credit of the capital projects fund, reimbursement from the  
27 proceeds of notes or bonds issued by the environmental facilities corpo-  
28 ration for a capital appropriation for \$43,383,000 authorized by chapter  
29 55 of the laws of 2000 to the department of environmental conservation  
30 for payment of a portion of the state's match for federal capitalization  
31 grants for the water pollution control revolving loan fund, to reimburse  
32 spending from various appropriations for certain projects related to the  
33 New York city watershed, reimbursement from the proceeds of notes and  
34 bonds issued by the urban development corporation for capital appropri-  
35 ation for \$15,000,000 authorized by chapter 55 of the laws of 2000 to  
36 the urban development corporation for payment of costs related to a  
37 sports facility in the city of Rochester, reimbursement from the  
38 proceeds of notes and bonds issued by the urban development corporation  
39 of the state of New York for a capital appropriation for \$50,000,000  
40 authorized by chapter 55 of the laws of 2000 to the urban development  
41 corporation for payment of costs related to economic development  
42 projects in the downtown Buffalo, the Buffalo inner harbor area, or  
43 surrounding environs, reimbursement from proceeds of notes and bonds  
44 issued by the dormitory authority of the state of New York for a capital  
45 appropriation for \$225,000,000 authorized by chapter 55 of the laws of  
46 2000 to all state agencies for payment of costs related to the strategic  
47 investment program, reimbursement from the proceeds of notes and bonds  
48 issued by the dormitory authority of the state of New York for a capital  
49 appropriation for \$50,000,000 authorized by chapter 53 of the laws of  
50 2000 to the state education department for payment of capital  
51 construction grants to school districts pursuant to the rebuilding  
52 schools to uphold education program, for reimbursement from the proceeds  
53 of notes and bonds issued by the dormitory authority of the state of New  
54 York for a capital appropriation for \$15,000,000 authorized by chapter  
55 53 of the laws of 2000 to the office of children and family services for  
56 payment of costs related to the child care facilities development

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1 program, and for reimbursement from the proceeds of notes and bonds  
2 issued by the dormitory authority of the state of New York for a capital  
3 appropriation for \$10,000,000 authorized by chapter 55 of the laws of  
4 2000 to the office of science, technology and academic research for  
5 payment of costs related to biomedical research and/or manufacturing  
6 facilities.

7 § 19. Notwithstanding any other law, rule, or regulation to the  
8 contrary, the comptroller is hereby authorized and directed to deposit  
9 to the credit of the capital projects fund, reimbursement from the  
10 proceeds of notes or bonds issued by the environmental facilities corpo-  
11 ration for a capital appropriation for \$29,772,000 authorized by chapter  
12 54 of the laws of 2001 to the department of environmental conservation  
13 for payment of a portion of the state's match for federal capitalization  
14 grants for the water pollution control revolving loan fund.

15 § 20. Notwithstanding any other law, rule, or regulation to the  
16 contrary, the comptroller is hereby authorized and directed to deposit,  
17 to the credit of the capital projects fund, reimbursement from the  
18 proceeds of notes or bonds issued by the environmental facilities corpo-  
19 ration for a capital appropriation for \$29,365,000 authorized by chapter  
20 54 of the laws of 2002 to the department of environmental conservation  
21 for payment of a portion of the state's match for federal capitalization  
22 grants for the water pollution control revolving loan fund, reimburse-  
23 ment from the proceeds of notes and bonds issued by the urban develop-  
24 ment corporation or other financing source for a capital appropriation  
25 for \$89,000,000 authorized by chapter 50 of the laws of 2002 to the  
26 office of general services for payment of capital construction costs for  
27 the Alfred E. Smith office building located in the city of Albany,  
28 reimbursement from the proceeds of notes and bonds issued by the urban  
29 development corporation or other financing source for capital appropri-  
30 ations for \$1,500,000 authorized by chapter 50 of the laws of 2002 to  
31 the office of general services for payment of capital construction costs  
32 for the Elk street parking garage building located in the city of Alba-  
33 ny, reimbursement from the proceeds of notes or bonds issued by the  
34 urban development corporation for disbursements of up to \$12,000,000  
35 from any capital appropriation or reappropriation authorized by chapter  
36 50 of the laws of 2002 to the office of general services for various  
37 purposes, reimbursement from the proceeds of notes or bonds issued by  
38 the urban development corporation for a capital appropriation of  
39 \$13,250,000 authorized by chapter 55 of the laws of 2002 to the energy  
40 research and development authority for the Western New York Nuclear  
41 Service Center at West Valley, reimbursement from the proceeds of notes  
42 or bonds issued by the urban development corporation for a capital  
43 appropriation of \$14,300,000 authorized by chapter 55 of the laws of  
44 2002 to the urban development corporation to finance a portion of the  
45 jobs now program, reimbursement from the proceeds of notes or bonds  
46 issued by the dormitory authority for disbursements of up to \$20,800,000  
47 from any capital appropriation or reappropriation authorized by chapter  
48 51 of the laws of 2002 to the judiciary for courthouse improvements,  
49 reimbursement from the proceeds of notes or bonds issued by the urban  
50 development corporation for disbursements of up to \$15,000,000 from  
51 appropriations or reappropriations authorized by chapter 50 of the laws  
52 of 2002 to any agency for costs related to homeland security, and  
53 reimbursement from the proceeds of notes or bonds issued by the environ-  
54 mental facilities corporation for a capital appropriation of \$10,000,000  
55 authorized by chapter 54 of the laws of 2002 to the department of envi-  
56 ronmental conservation for Onondaga lake.

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1 § 21. Notwithstanding any other law, rule, or regulation to the  
2 contrary, the comptroller is hereby authorized and directed to deposit  
3 to the credit of the capital projects fund, reimbursement from the  
4 proceeds of notes or bonds issued by the environmental facilities corpo-  
5 ration for a capital appropriation for \$30,174,000 authorized by chapter  
6 55 of the laws of 2003 to the department of environmental conservation  
7 for payment of a portion of the state's match for federal capitalization  
8 grants for the water pollution control revolving loan fund, reimburse-  
9 ment from the proceeds of notes or bonds issued by the urban development  
10 corporation or other financing source for a capital appropriation of  
11 \$19,500,000 authorized by chapter 50 of the laws of 2003 to the office  
12 of general services for payment of capital construction costs for the  
13 Elk street parking garage building located in the city of Albany,  
14 reimbursement from the proceeds of notes or bonds issued by the urban  
15 development corporation for disbursements of up to \$10,000,000 from any  
16 capital appropriation or reappropriation authorized by chapter 50 of the  
17 laws of 2003 to the office of general services for various purposes,  
18 reimbursement from the proceeds of notes or bonds issued by the environ-  
19 mental facilities corporation for a capital appropriation of \$13,250,000  
20 authorized by chapter 55 of the laws of 2003 to the energy research and  
21 development authority for the Western New York Nuclear Service Center at  
22 West Valley, reimbursement from the proceeds of notes or bonds issued by  
23 the dormitory authority for disbursements of up to \$16,400,000 from any  
24 capital appropriation or reappropriation authorized by chapter 51 of the  
25 laws of 2003 to the judiciary for courthouse improvements, reimbursement  
26 from the proceeds of notes or bonds issued by the urban development  
27 corporation for disbursements of up to \$10,000,000 from appropriations  
28 or reappropriations authorized by chapter 50 of the laws of 2003 to any  
29 agency for costs related to homeland security, reimbursement from the  
30 proceeds of notes or bonds issued by the environmental facilities corpo-  
31 ration for a capital appropriation of \$10,000,000 authorized by chapter  
32 55 of the laws of 2003 to the department of environmental conservation  
33 for Onondaga lake, reimbursement from the proceeds of notes or bonds  
34 issued by the environmental facilities corporation for disbursements of  
35 up to \$11,000,000 from any capital appropriations or reappropriations  
36 authorized by chapter 55 of the laws of 2003 to the department of envi-  
37 ronmental conservation for environmental purposes, and reimbursement  
38 from the proceeds of notes or bonds issued by the dormitory authority  
39 for disbursements of up to \$100,000,000 from a capital appropriation  
40 authorized by chapter 50 of the laws of 2003 to the department of state  
41 for enhanced 911 wireless service.

42 § 22. Notwithstanding any other law, rule, or regulation to the  
43 contrary, the comptroller is hereby authorized and directed to deposit  
44 to the credit of the capital projects fund, reimbursement from the  
45 proceeds of notes or bonds issued by the environmental facilities corpo-  
46 ration for a capital appropriation for \$28,893,000 authorized by chapter  
47 55 of the laws of 2004 to the department of environmental conservation  
48 for payment of a portion of the state's match for federal capitalization  
49 grants for the water pollution control revolving loan fund, reimburse-  
50 ment from the proceeds of notes or bonds issued by reimbursement from  
51 the proceeds of notes or bonds issued by the urban development corpo-  
52 ration for disbursements of up to \$10,000,000 from any capital appropri-  
53 ation or reappropriation authorized by chapter 50 of the laws of 2004 to  
54 the office of general services for various purposes, reimbursement from  
55 the proceeds of notes or bonds issued by the environmental facilities  
56 corporation for a capital appropriation of \$11,350,000 authorized by



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1 chapter 55 of the laws of 2004 to the energy research and development  
2 authority for the Western New York Nuclear Service Center at West  
3 Valley, reimbursement from the proceeds of notes or bonds issued by the  
4 environmental facilities corporation for a capital appropriation of  
5 \$10,000,000 authorized by chapter 55 of the laws of 2004 to the depart-  
6 ment of environmental conservation for Onondaga lake, reimbursement from  
7 the proceeds of notes or bonds issued by the environmental facilities  
8 corporation for disbursements of up to \$11,000,000 from any capital  
9 appropriations or reappropriations authorized by chapter 55 of the laws  
10 of 2004 to the department of environmental conservation for environ-  
11 mental purposes, reimbursement from the proceeds of notes or bonds  
12 issued by the dormitory authority for a capital appropriation of  
13 \$80,000,000 authorized by chapter 53 of the laws of 2004 to the educa-  
14 tion department for capital transition grants for transportation,  
15 reimbursement from the proceeds of notes or bonds issued by the dormito-  
16 ry authority for a capital appropriation of \$250,000,000 authorized by  
17 chapter 55 of the laws of 2004 for payment of costs related to economic  
18 development projects and reimbursement from the proceeds of notes or  
19 bonds issued by the dormitory authority for a capital appropriation of  
20 \$350,000,000 authorized by chapter 3 of the laws of 2004 for the New  
21 York state economic development program.

22 § 23. Notwithstanding any other law, rule, or regulation to the  
23 contrary, the comptroller is hereby authorized and directed to deposit  
24 to the credit of the capital projects fund, reimbursement from the  
25 proceeds of notes or bonds issued by the environmental facilities corpo-  
26 ration for a capital appropriation for \$29,602,000 authorized by chapter  
27 55 of the laws of 2005 to the department of environmental conservation  
28 for payment of a portion of the state's match for federal capitalization  
29 grants for the water pollution control revolving loan fund, reimburse-  
30 ment from the proceeds of notes or bonds issued by reimbursement from  
31 the proceeds of notes or bonds issued by the urban development corpo-  
32 ration for disbursements of up to \$10,000,000 from any capital appropri-  
33 ation or reappropriation authorized by chapter 50 of the laws of 2005 to  
34 the office of general services for various purposes, reimbursement from  
35 the proceeds of notes or bonds issued by the environmental facilities  
36 corporation for a capital appropriation of \$11,350,000 authorized by  
37 chapter 55 of the laws of 2005 to the energy research and development  
38 authority for the Western New York Nuclear Service Center at West  
39 Valley, reimbursement from the proceeds of notes or bonds issued by the  
40 environmental facilities corporation for a capital appropriation of  
41 \$10,000,000 authorized by chapter 55 of the laws of 2005 to the depart-  
42 ment of environmental conservation for Onondaga lake, reimbursement from  
43 the proceeds of notes or bonds issued by the environmental facilities  
44 corporation for disbursements of up to \$11,000,000 from any capital  
45 appropriations or reappropriations authorized by chapter 55 of the laws  
46 of 2005 to the department of environmental conservation for environ-  
47 mental purposes, reimbursement from the proceeds of notes or bonds  
48 issued by the environmental facilities corporation, reimbursement from  
49 the proceeds of notes or bonds issued by the urban development corpo-  
50 ration for a capital appropriation of \$350,000,000 authorized by chapter  
51 55 of the laws of 2005 for the Javits center expansion, reimbursement  
52 from the proceeds of notes or bonds issued by the dormitory authority  
53 for a capital appropriation of \$90,000,000 authorized by chapter 62 of  
54 the laws of 2005 for regional development, reimbursement from the  
55 proceeds of notes or bonds issued by the dormitory authority for a capi-  
56 tal appropriation of \$250,000,000 authorized by chapter 62 of the laws



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1 of 2005 for technology and development, reimbursement from the proceeds  
2 of notes or bonds issued by the urban development corporation for a  
3 capital appropriation of \$75,000,000 authorized by chapter 162 of the  
4 laws of 2005 for the New York state economic development program,  
5 reimbursement from the proceeds of notes or bonds issued by the urban  
6 development corporation for a capital appropriation of \$150,000,000  
7 authorized by chapter 62 of the laws of 2005 for the higher education  
8 facilities capital matching grants program, reimbursement from the  
9 proceeds of notes or bonds issued by the dormitory authority or other  
10 financing source for a capital appropriation of \$4,000,000 authorized by  
11 chapter 50 of the laws of 2005 to the office of general services for  
12 payment of capital construction costs for the Elk street parking garage  
13 building located in the city of Albany, reimbursement from the proceeds  
14 of notes or bonds issued by the urban development corporation for a  
15 capital appropriation of \$15,000,000 authorized by chapter 53 of the  
16 laws of 2005 to the state education department for payment of capital  
17 construction costs for public broadcasting facilities, reimbursement  
18 from the proceeds of notes or bonds issued by the urban development  
19 corporation for a capital appropriation of \$15,700,000 authorized by  
20 chapter 50 of the laws of 2005 to the division of state police for  
21 public protection facilities, and reimbursement from the proceeds of  
22 notes or bonds issued by the urban development corporation for capital  
23 disbursements of up to \$3,000,000 from any capital appropriation or  
24 reappropriation authorized by chapter 50 of the laws of 2005 to the  
25 division of military and naval affairs for various purposes.

26 § 24. Notwithstanding any other law, rule, or regulation to the  
27 contrary, the comptroller is hereby authorized and directed to deposit  
28 to the credit of the capital projects fund, reimbursement from the  
29 proceeds of notes or bonds issued by the environmental facilities corpo-  
30 ration for a capital appropriation for \$29,600,000 authorized by chapter  
31 55 of the laws of 2006 to the department of environmental conservation  
32 for payment of a portion of the state's match for federal capitalization  
33 grants for the water pollution control revolving loan fund, reimburse-  
34 ment from the proceeds of notes or bonds issued by the urban development  
35 corporation for disbursements of up to \$20,000,000 from any capital  
36 appropriation or reappropriation authorized by chapter 50 of the laws of  
37 2006 to the office of general services for various purposes, reimburse-  
38 ment from the proceeds of notes or bonds issued by the environmental  
39 facilities corporation for a capital appropriation of \$14,000,000  
40 authorized by chapter 55 of the laws of 2006 to the energy research and  
41 development authority for the Western New York Nuclear Service Center at  
42 West Valley, reimbursement from the proceeds of notes or bonds issued by  
43 the environmental facilities corporation for a capital appropriation of  
44 \$10,000,000 authorized by chapter 55 of the laws of 2006 to the depart-  
45 ment of environmental conservation for Onondaga lake, reimbursement from  
46 the proceeds of notes or bonds issued by the environmental facilities  
47 corporation for disbursements of up to \$12,000,000 from any capital  
48 appropriations or reappropriations authorized by chapter 55 of the laws  
49 of 2006 to the department of environmental conservation for environ-  
50 mental purposes, reimbursement from the proceeds of notes or bonds  
51 issued by the urban development corporation for capital disbursements of  
52 up to \$3,000,000 from any capital appropriation or reappropriation  
53 authorized by chapter 50 of the laws of 2006 to the division of military  
54 and naval affairs for various purposes, reimbursement from the proceeds  
55 of notes or bonds issued by the urban development corporation for  
56 disbursements of up to \$12,400,000 from any capital appropriation or

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1 reappropriation authorized by chapter 50 of the laws of 2006 to the  
2 division of state police for public protection facilities, reimbursement  
3 from the proceeds of notes or bonds issued by the urban development  
4 corporation for a capital appropriation of \$117,000,000 authorized by  
5 chapter 50 of the laws of 2006 to all state departments and agencies for  
6 the purchase of equipment, reimbursement from the proceeds of notes or  
7 bonds issued by the dormitory authority or urban development corporation  
8 for all or a portion of capital appropriations of \$603,050,000 author-  
9 ized by chapter 108 of the laws of 2006 to the urban development corpo-  
10 ration for economic development/other projects, reimbursement from the  
11 proceeds of notes or bonds issued by the urban development corporation  
12 for a capital appropriation of \$269,500,000 authorized by chapter 108 of  
13 the laws of 2006 to the dormitory authority or urban development corpo-  
14 ration for economic development projects, reimbursement from the  
15 proceeds of notes or bonds issued by the dormitory authority or the  
16 urban development corporation for a capital appropriation of  
17 \$201,500,000 authorized by chapter 108 of the laws of 2006 to the urban  
18 development corporation for university development projects, reimburse-  
19 ment from the proceeds of notes or bonds issued by the dormitory author-  
20 ity or for a capital appropriation of \$143,000,000 authorized by chapter  
21 108 of the laws of 2006 to the urban development corporation for  
22 cultural facilities projects, reimbursement from the proceeds of notes  
23 or bonds issued by the dormitory authority or the urban development  
24 corporation or for capital appropriations totaling \$60,000,000 author-  
25 ized by chapter 108 of the laws of 2006 to the urban development corpo-  
26 ration for energy/environmental projects, reimbursement from the  
27 proceeds of notes or bonds issued by the dormitory authority or the  
28 urban development corporation for a capital appropriation of \$20,000,000  
29 authorized by chapter 108 of the laws of 2006 to the urban development  
30 corporation for a competitive solicitation for construction of a pilot  
31 cellulosic ethanol refinery, reimbursement from the proceeds of notes or  
32 bonds issued by the urban development corporation for a capital appro-  
33 priation of \$74,700,000 authorized by chapter 55 of the laws of 2006 for  
34 services and expenses related to infrastructure for a new stadium in  
35 Queens county, and reimbursement from the proceeds of notes or bonds  
36 issued by the urban development corporation for a capital appropriation  
37 of \$74,700,000 authorized by chapter 55 of the laws of 2006 to the urban  
38 development corporation for services and expenses related to infrastruc-  
39 ture improvements to construct a new parking facility at a new stadium  
40 in Bronx county, reimbursement from the proceeds of notes and bonds  
41 issued by the environmental facilities corporation for a capital appro-  
42 priation for \$5,000,000 authorized by chapter 55 of the laws of 2006 to  
43 the environmental facilities corporation for payment for the pipeline  
44 for jobs program, reimbursement from the proceeds of notes or bonds  
45 issued by the dormitory authority for capital disbursements of up to  
46 \$14,000,000 from any capital appropriation or reappropriation authorized  
47 by chapter 53 of the laws of 2006 for the library construction purpose,  
48 reimbursement from the proceeds of notes or bonds issued by the urban  
49 development corporation or the dormitory authority for an appropriation  
50 of \$2,000,000 authorized by chapter 53 of the laws of 2006 for a Cornell  
51 equine drug testing laboratory, reimbursement from the proceeds of notes  
52 or bonds issued by the urban development corporation or the dormitory  
53 authority for an appropriation of \$1,200,000 authorized by chapter 53 of  
54 the laws of 2006 for the towns of Bristol and Canandaigua public water  
55 systems, reimbursement from the proceeds of notes or bonds issued by the  
56 urban development corporation or the dormitory authority for an appro-

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1 priation of \$5,500,000 authorized by chapter 53 of the laws of 2006 for  
2 Belleayre mountain ski center, reimbursement from the proceeds of notes  
3 or bonds issued by the urban development corporation or the dormitory  
4 authority for an appropriation of \$25,000,000 authorized by chapter 53  
5 of the laws of 2006 for the town of Smithtown/Kings Park psychiatric  
6 center rehabilitation, reimbursement from the proceeds of notes or bonds  
7 issued by the urban development corporation or the dormitory authority  
8 for an appropriation of \$5,000,000 authorized by chapter 108 of the laws  
9 of 2006 for a state of New York umbilical cord bank, reimbursement from  
10 the proceeds of notes or bonds issued by the urban development corpo-  
11 ration or the dormitory authority for an appropriation of \$5,500,000  
12 authorized by chapter 53 of the laws of 2006 for an Old Gore mountain  
13 ski bowl connection, reimbursement from the proceeds of notes or bonds  
14 issued by the urban development corporation or the dormitory authority  
15 for an appropriation of \$2,000,000 authorized by chapter 53 of the laws  
16 of 2006 for a Fredonia vineyard laboratory, reimbursement from the  
17 proceeds of notes or bonds issued by the urban development corporation  
18 or dormitory authority for an appropriation of \$99,500,000 authorized by  
19 chapter 108 of the laws of 2006 to the office for technology for payment  
20 of capital construction costs for a consolidated data center, reimburse-  
21 ment from the proceeds of notes or bonds issued by the dormitory author-  
22 ity or the urban development corporation for an appropriation of  
23 \$40,000,000 authorized by chapter 108 of the laws of 2006 for a food  
24 testing laboratory, reimbursement from the proceeds of notes or bonds  
25 issued by the New York state thruway authority for an appropriation of  
26 up to \$22,000,000 authorized by chapter 108 of the laws of 2006 to the  
27 department of transportation for high speed rail, reimbursement from the  
28 proceeds of notes or bonds issued by the urban development corporation  
29 for capital disbursements of up to \$500,000,000 from an appropriation  
30 authorized by chapter 108 of the laws of 2006 to the urban development  
31 corporation for development of a semiconductor manufacturing facility,  
32 reimbursement from the proceeds of notes or bonds issued by the urban  
33 development corporation of up to \$150,000,000 from an appropriation  
34 authorized by chapter 108 of the laws of 2006 to the urban development  
35 corporation for research and development activities of a semiconductor  
36 manufacturer, and reimbursement from the proceeds of notes or bonds  
37 issued by the urban development corporation for capital disbursements of  
38 up to \$300,000,000 from an appropriation to the urban development corpo-  
39 ration authorized by chapter 108 of the laws of 2006 for community revi-  
40 talization projects.

41 § 25. Notwithstanding any other law, rule, or regulation to the  
42 contrary, the comptroller is hereby authorized and directed to deposit  
43 to the credit of the capital projects fund, reimbursement from the  
44 proceeds of notes or bonds issued by the environmental facilities corpo-  
45 ration for a capital appropriation for \$29,600,000 authorized by a chap-  
46 ter of the laws of 2007 to the department of environmental conservation  
47 for payment of a portion of the state's match for federal capitalization  
48 grants for the water pollution control revolving loan fund, reimburse-  
49 ment from the proceeds of notes or bonds issued by the urban development  
50 corporation for disbursements of up to \$20,000,000 from any capital  
51 appropriation or reappropriation authorized by a chapter of the laws of  
52 2007 to the office of general services for various purposes, reimburse-  
53 ment from the proceeds of notes or bonds issued by the environmental  
54 facilities corporation for a capital appropriation of \$13,500,000  
55 authorized by a chapter of the laws of 2007 to the energy research and  
56 development authority for the Western New York Nuclear Service Center at

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1 West Valley, reimbursement from the proceeds of notes or bonds issued by  
2 the environmental facilities corporation for a capital appropriation of  
3 \$10,000,000 authorized by a chapter of the laws of 2007 to the depart-  
4 ment of environmental conservation for Onondaga lake, reimbursement from  
5 the proceeds of notes or bonds issued by the environmental facilities  
6 corporation for disbursements of up to \$12,000,000 from any capital  
7 appropriations or reappropriations authorized by a chapter of the laws  
8 of 2007 to the department of environmental conservation for environ-  
9 mental purposes, reimbursement from the proceeds of notes or bonds  
10 issued by the urban development corporation for capital disbursements of  
11 up to \$3,000,000 from any capital appropriation or reappropriation  
12 authorized by a chapter of the laws of 2007 to the division of military  
13 and naval affairs for various purposes, reimbursement from the proceeds  
14 of notes or bonds issued by the urban development corporation for  
15 disbursements from a capital appropriation of \$56,000,000 authorized by  
16 a chapter of the laws of 2007 to the division of state police for public  
17 protection facilities, reimbursement from the proceeds of notes or bonds  
18 issued by the urban development corporation for a capital appropriation  
19 of \$77,900,000 authorized by a chapter of the laws of 2007 to the judi-  
20 ciary for court training facilities, reimbursement from the proceeds of  
21 notes or bonds issued by the urban development corporation for a capital  
22 appropriation of \$20,000,000 authorized by a chapter of the laws of 2007  
23 to all state departments and agencies for the purchase of equipment,  
24 reimbursement from the proceeds of notes or bonds issued by the dormito-  
25 ry authority for capital disbursements of up to \$14,000,000 from any  
26 capital appropriation or reappropriation authorized by a chapter of the  
27 laws of 2007 for library construction, reimbursement from the proceeds  
28 of notes or bonds issued by the dormitory authority for capital  
29 disbursements of up to \$60,000,000 from any capital appropriation or  
30 reappropriation authorized by a chapter of the laws of 2007 for cultural  
31 education storage facilities, reimbursement from the proceeds of notes  
32 or bonds issued by the urban development corporation for capital  
33 disbursements of up to \$15,000,000 from any capital appropriation or  
34 reappropriation authorized by a chapter of the laws of 2007 for the  
35 Roosevelt Island Operating Corporation aerial tramway, reimbursement  
36 from the proceeds of notes or bonds issued by the urban development  
37 corporation for capital disbursements of up to \$20,000,000 from any  
38 capital appropriation or reappropriation authorized by a chapter of the  
39 laws of 2007 for Governor's Island, reimbursement from the proceeds of  
40 notes or bonds issued by the urban development corporation for capital  
41 disbursements of up to \$7,500,000 from any capital appropriation or  
42 reappropriation authorized by a chapter of the laws of 2007 for Harriman  
43 research and technology park, reimbursement from the proceeds of notes  
44 or bonds issued by the urban development corporation for capital  
45 disbursements of up to \$7,950,000 from any capital appropriation or  
46 reappropriation authorized by a chapter of the laws of 2007 for USA  
47 Niagara, and reimbursement from the proceeds of notes or bonds issued by  
48 the urban development corporation for capital disbursements of up to  
49 \$1,300,000 from appropriations authorized by a chapter of the laws of  
50 2007 made to the office of general services for legislative office  
51 building hearing rooms.

52 § 26. Notwithstanding any other law, rule, or regulation to the  
53 contrary, the state comptroller is hereby authorized and directed to use  
54 any balance remaining in the mental health services fund debt service  
55 appropriation, after payment by the state comptroller of all obligations  
56 required pursuant to any lease, sublease, or other financing arrangement

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1 between the dormitory authority of the state of New York as successor to  
2 the New York state medical care facilities finance agency, and the  
3 facilities development corporation pursuant to chapter 83 of the laws of  
4 1995 and the department of mental hygiene for the purpose of making  
5 payments to the dormitory authority of the state of New York for the  
6 amount of the earnings for the investment of monies deposited in the  
7 mental health services fund that such agency determines will or may have  
8 to be rebated to the federal government pursuant to the provisions of  
9 the internal revenue code of 1986, as amended, in order to enable such  
10 agency to maintain the exemption from federal income taxation on the  
11 interest paid to the holders of such agency's mental services facilities  
12 improvement revenue bonds. On or before June 30, 2008, such agency shall  
13 certify to the state comptroller its determination of the amounts  
14 received in the mental health services fund as a result of the invest-  
15 ment of monies deposited therein that will or may have to be rebated to  
16 the federal government pursuant to the provisions of the internal reven-  
17 ue code of 1986, as amended.

18 § 27. (1) Notwithstanding any other law, rule, or regulation to the  
19 contrary, the state comptroller shall at the commencement of each month  
20 certify to the director of the budget, the commissioner of environmental  
21 conservation, the chair of the senate finance committee, and the chair  
22 of the assembly ways and means committee the amounts disbursed from all  
23 appropriations for hazardous waste site remediation disbursements for  
24 the month preceding such certification.

25 (2) Notwithstanding any law to the contrary, prior to the issuance by  
26 the comptroller of bonds authorized pursuant to subdivision a of section  
27 4 of the environmental quality bond act of nineteen hundred eighty-six,  
28 as enacted by chapter 511 of the laws of 1986, disbursements from all  
29 appropriations for that purpose shall first be reimbursed from moneys  
30 credited to the hazardous waste remedial fund, site investigation and  
31 construction account, to the extent moneys are available in such  
32 account. For purposes of determining moneys available in such account,  
33 the commissioner of environmental conservation shall certify to the  
34 comptroller the amounts required for administration of the hazardous  
35 waste remedial program.

36 (3) The comptroller is hereby authorized and directed to transfer any  
37 balance above the amounts certified by the commissioner of environmental  
38 conservation to reimburse disbursements pursuant to all appropriations  
39 from such site investigation and construction account; provided, howev-  
40 er, that if such transfers are determined by the comptroller to be  
41 insufficient to assure that interest paid to holders of state obli-  
42 gations issued for hazardous waste purposes pursuant to the environ-  
43 mental quality bond act of nineteen hundred eighty-six, as enacted by  
44 chapter 511 of the laws of 1986, is exempt from federal income taxation,  
45 the comptroller is hereby authorized and directed to transfer, from such  
46 site investigation and construction account to the general fund, the  
47 amount necessary to redeem bonds in an amount necessary to assure the  
48 continuation of such tax exempt status. Prior to the making of any such  
49 transfers, the comptroller shall notify the director of the budget of  
50 the amount of such transfers.

51 § 28. Notwithstanding any other provision of law, any appropriation or  
52 reappropriation for state equipment financing, as provided for in  
53 section 66-e of the state finance law, may be allocated for the improve-  
54 ment of real property solely related to energy performance contracts and  
55 to real property used for athletic purposes in the following amounts at  
56 the following locations: (1) \$1,800,000 for state university of New York



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1 at Purchase; (2) \$561,000 for state university of New York at New Paltz;  
2 and (3) \$1,200,000 for state university of New York at Farmingdale.

3 § 29. Paragraph (a) of subdivision 2 of section 1689-i of the public  
4 authorities law, as added by chapter 60 of the laws of 2006, is amended  
5 to read as follows:

6 (a) Notwithstanding the provisions of any general or special law to  
7 the contrary, and subject to the making of annual appropriations there-  
8 for by the legislature, in order to assist the dormitory authority in  
9 the financing and refinancing of such eligible library construction  
10 projects, the director of the budget is authorized in state fiscal year  
11 commencing April first, two thousand six [~~through March thirty-first,~~  
12 ~~two thousand seven~~] to enter into one or more service contracts, none of  
13 which shall exceed thirty years in duration, with the dormitory authori-  
14 ty, upon such terms as the director of the budget and the dormitory  
15 authority agree;

16 § 30. Subdivision 2 of section 92-z of the state finance law, as added  
17 by section 1 of part I of chapter 383 of the laws of 2001, is amended to  
18 read as follows:

19 2. Such fund shall consist of twenty-five percent of receipts [~~depos-~~  
20 ~~ited to the general fund pursuant to section one hundred seventy-one-a~~  
21 ~~of the tax law, as separately amended by chapters four hundred eighty-~~  
22 ~~one and four hundred eighty-four of the laws of nineteen hundred eight-~~  
23 ~~y-one,~~] from the imposition of personal income taxes pursuant to article  
24 twenty-two of the tax law, less such amounts as the commissioner of  
25 taxation and finance may determine to be necessary for refunds.

26 § 31. Section 69-c of the state finance law, as added by section 38 of  
27 part K of chapter 81 of the laws of 2002, is amended to read as follows:

28 § 69-c. Variable rate bonds. Notwithstanding any other provision of  
29 law to the contrary, any State-supported debt may be issued as variable  
30 rate bonds.

31 Notwithstanding any other provision of law to the contrary, for  
32 purposes of calculating the present value of debt service and calculat-  
33 ing savings in connection with the issuance of refunding indebtedness,  
34 (i) the effective interest rate and debt service payable on variable  
35 rate bonds in connection with which, and to the extent that, an author-  
36 ized issuer has entered into an interest rate exchange or similar agree-  
37 ment pursuant to which the authorized issuer makes payments based on a  
38 fixed rate and receives payments based on a variable rate that is  
39 reasonably expected by such authorized issuer to be equivalent over time  
40 to the variable rate paid on the related variable rate bonds, shall be  
41 calculated assuming that the rate of interest on such variable rate  
42 bonds is the fixed rate payable by the authorized issuer on such inter-  
43 est rate exchange or similar agreement for the scheduled term of such  
44 agreement; (ii) the effective interest rate and debt service on variable  
45 rate bonds in connection with which, and to the extent that, an author-  
46 ized issuer has not entered into such an interest rate exchange or simi-  
47 lar agreement shall be calculated assuming that interest on such vari-  
48 able interest rate bonds is payable at a rate or rates reasonably  
49 assumed by the authorized issuer; (iii) the effective interest rate and  
50 debt service on any bonds subject to optional or mandatory tender shall  
51 be a rate or rates reasonably assumed by the authorized issuer; and (iv)  
52 otherwise, the effective interest rate and debt service on any bonds  
53 shall be calculated at a rate or rates reasonably assumed by the author-  
54 ized issuer. Notwithstanding any other provision of law to the contrary,  
55 for calculating the present value of debt service and calculating  
56 savings in connection with the issuance of refunding indebtedness, the



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1 refunding of variable rate debt instruments with new variable rate debt  
2 instruments shall be excluded from any such requirements, if effectuated  
3 for sound business purposes.

4 § 32. Paragraph (c) of subdivision 2 of section 69-d of the state  
5 finance law, as amended by section 9 of part A of chapter 63 of the laws  
6 of 2005, is amended to read as follows:

7 (c) the total notional amount of all interest rate exchange or similar  
8 agreements for all authorized issuers to be in effect shall not exceed  
9 an amount equal to [~~fifteen~~] twenty percent of the total amount of  
10 state-supported debt outstanding as of the initial date of entering into  
11 each new agreement; provided, however, that such total notional amount  
12 shall not include any excluded agreements.

13 § 32-a. Section 69-b of the state finance law, as amended by section 9  
14 of part A of chapter 63 of the laws of 2005, is amended to read as  
15 follows:

16 § 69-b. Limitation on amount of variable rate debt instruments. As of  
17 the initial date of each issuance of variable rate bonds or the date of  
18 entering into any other variable rate debt instruments, or for debt  
19 issued on or before July first, two thousand five upon conversion of any  
20 state-supported debt to variable rate debt instruments, the total of the  
21 principal and notional amounts of such variable rate debt instruments  
22 outstanding and in effect shall not exceed an amount equal to [~~fifteen~~]  
23 twenty percent of the total principal amount of state-supported debt  
24 outstanding.

25 § 33. Subdivision 3 of section 69-d of the state finance law is  
26 amended by adding a new paragraph (d) to read as follows:

27 (d) In addition, the director of the budget shall issue and make  
28 public on or before October thirtieth of each year an annual performance  
29 report for the prior state fiscal year on interest rate exchange and  
30 similar agreements to the chairs of the senate finance committee and the  
31 assembly ways and means committee, which shall list all such interest  
32 rate exchange or similar agreements entered into pursuant to this  
33 section and in effect, and shall include, but not be limited to their  
34 annual and cumulative performance, including the net impact of the  
35 related variable rate debt instruments, support and related costs, and,  
36 for any excluded agreement entered into during such state fiscal year,  
37 an independent finding on how it reduced or eliminated a situation of  
38 risk or exposure under an existing interest rate exchange or similar  
39 agreement. The authorized issuers shall be required to provide such  
40 information in a timely manner on their respective interest rate  
41 exchange and similar agreements as the director of the budget determines  
42 necessary for the purpose of producing such annual performance report.

43 § 34. The state finance law is amended by adding a new section 67-c to  
44 read as follows:

45 § 67-c. Authorization for consolidated service contract refundings.  
46 1. In addition to the authorizations for state-supported debt specified  
47 in any other provision of law, the issuers of state-supported debt may  
48 also issue bonds and notes to refund or otherwise repay previously  
49 issued state-supported debt.

50 (a) The aggregate amount of indebtedness evidenced by bonds and notes  
51 of the authorized issuer hereinafter issued pursuant to this section,  
52 including as is authorized in any other provision of law, shall exclude  
53 the amount of such indebtedness represented by such bonds or notes  
54 issued to refund or otherwise repay bonds or notes; provided that the  
55 amount so excluded under this section may exceed the principal amount of  
56 such bonds or notes that were refunded or otherwise repaid only if the

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1 present value of the aggregate debt service on the refunding bonds or  
2 notes shall not have at the time of their issuance exceeded the present  
3 value of the aggregate debt service of the bonds or notes they were  
4 issued to refund or repay, such present value in each case being calcu-  
5 lated by using the effective interest rate of the refunding or repayment  
6 bonds or notes, which shall be that rate arrived at by doubling the  
7 semi-annual interest rate (compounded semi-annually) necessary to  
8 discount the debt service payments on the refunding or repayment bonds  
9 or notes from the payment date thereof to the date of issue of the  
10 refunding or repayment bonds or notes and to the price bid therefor, or  
11 to the proceeds received by the authorized issuer from the sale thereof.

12 (b) Notwithstanding any other provision of law to the contrary, and  
13 subject to the limitations of paragraph (a) of this subdivision, issuers  
14 of state-supported debt may also refund or otherwise repay bonds or  
15 notes of any other issuers of state-supported debt where the payment of  
16 debt service and related expenses of both such refunding and refunded  
17 bonds and notes are subject to appropriation and not otherwise secured  
18 by a dedication of specific revenues.

19 (i) In order to assist the issuer of such refunding bonds, the direc-  
20 tor of the budget is authorized to enter into one or more service  
21 contracts or other agreements, none of which shall exceed the lesser of  
22 thirty years in duration or the final maturity of the bonds to be  
23 refunded, with the issuer of such refunding bonds, upon such terms and  
24 conditions as the director of the budget and the issuer shall agree.

25 (ii) Any service contract or other agreements entered into pursuant to  
26 subparagraph (i) of this paragraph or any payments made or to be made  
27 thereunder may be assigned and pledged by the issuer as security for its  
28 bonds, notes, or other obligations.

29 (iii) Any such service contract or other agreements shall provide that  
30 the obligation of the director of the budget or of the state to fund or  
31 to pay the amounts therein provided for shall not constitute a debt of  
32 the state within the meaning of any constitutional or statutory  
33 provision and shall be deemed executory only to the extent moneys are  
34 available and that no liability shall be incurred by the state beyond  
35 the moneys available for such purpose, and that such obligation is  
36 subject to annual appropriation by the legislature.

37 (iv) Any service contract or other agreements entered into pursuant to  
38 subparagraph (i) of this paragraph shall provide for state commitments  
39 to provide annually to the issuer a sum or sums, upon such terms and  
40 conditions as shall be deemed appropriate by the director of the budget  
41 and the authorized issuer, to fund the principal, interest, and other  
42 related expenses required for any bonds, notes, or other obligations.

43 (v) In addition to the foregoing, the authorized issuers of the bonds  
44 to be so refunded shall be authorized to enter into such agreements with  
45 the director of the budget and/or the authorized issuer of the refunding  
46 bonds and related parties to take or cause to be taken any such actions  
47 necessary to effectuate the purposes of such refunding issue.

48 (vi) Nothing contained in this subdivision, shall be construed to  
49 limit the abilities of the director of the budget and the authorized  
50 issuers of state-supported debt to perform their respective obligations  
51 on existing service contracts or other agreements entered into prior to  
52 April first, two thousand seven.

53 (vii) If an authorized issuer issues an amount of refunding bonds for  
54 an authorized purpose of another authorized issuer which would otherwise  
55 require the approval of the public authorities control board, then such  
56 amount of refunding bonds shall be subject to the approval of the public

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1 authorities control board pursuant to the provisions of section fifty-  
2 one of the public authorities law.

3 2. Refundings conducted pursuant to this section shall not be financed  
4 pursuant to article five-C of this chapter.

5 § 35. Subdivision 7 of section 69-a of the state finance law, as added  
6 by section 38 of part K of chapter 81 of the laws of 1982, is amended to  
7 read as follows:

8 7. "Excluded agreements" shall mean the total notional amount of  
9 interest rate exchange or similar agreements entered into for the  
10 purpose of reducing or eliminating a situation of risk or exposure under  
11 an existing interest rate exchange or similar agreement, including, but  
12 not limited to a counterparty downgrade, default, or other actual or  
13 potential economic loss; provided, however, that for agreements entered  
14 into on and after April first, two thousand seven "excluded agreements"  
15 shall mean the total notional amount of interest rate exchange or simi-  
16 lar agreements entered into for the purpose of reducing or eliminating a  
17 situation of imminent risk under an existing interest rate exchange or  
18 similar agreement, including, but not limited to a counterparty down-  
19 grade, default, or other actual or imminent economic loss.

20 § 36. Paragraph (c) of subdivision 19 of section 1680 of the public  
21 authorities law, as amended by section 6 of part K of chapter 61 of the  
22 laws of 2006, is amended to read as follows:

23 (c) Subject to the provisions of chapter fifty-nine of the laws of two  
24 thousand, the dormitory authority shall not issue any bonds for state  
25 university educational facilities purposes if the principal amount of  
26 bonds to be issued when added to the aggregate principal amount of bonds  
27 issued by the dormitory authority on and after July first, nineteen  
28 hundred eighty-eight for state university educational facilities will  
29 exceed seven billion [~~seventy-three~~] four hundred sixty-one million  
30 dollars; provided, however, that bonds issued or to be issued shall be  
31 excluded from such limitation if: (1) such bonds are issued to refund  
32 state university construction bonds and state university construction  
33 notes previously issued by the housing finance agency; or (2) such bonds  
34 are issued to refund bonds of the authority or other obligations issued  
35 for state university educational facilities purposes and the present  
36 value of the aggregate debt service on the refunding bonds does not  
37 exceed the present value of the aggregate debt service on the bonds  
38 refunded thereby; provided, further that upon certification by the  
39 director of the budget that the issuance of refunding bonds or other  
40 obligations issued between April first, nineteen hundred ninety-two and  
41 March thirty-first, nineteen hundred ninety-three will generate long  
42 term economic benefits to the state, as assessed on a present value  
43 basis, such issuance will be deemed to have met the present value test  
44 noted above. For purposes of this subdivision, the present value of the  
45 aggregate debt service of the refunding bonds and the aggregate debt  
46 service of the bonds refunded, shall be calculated by utilizing the true  
47 interest cost of the refunding bonds, which shall be that rate arrived  
48 at by doubling the semi-annual interest rate (compounded semi-annually)  
49 necessary to discount the debt service payments on the refunding bonds  
50 from the payment dates thereof to the date of issue of the refunding  
51 bonds to the purchase price of the refunding bonds, including interest  
52 accrued thereon prior to the issuance thereof. The maturity of such  
53 bonds, other than bonds issued to refund outstanding bonds, shall not  
54 exceed the weighted average economic life, as certified by the state  
55 university construction fund, of the facilities in connection with which  
56 the bonds are issued, and in any case not later than the earlier of

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1 thirty years or the expiration of the term of any lease, sublease or  
2 other agreement relating thereto; provided that no note, including  
3 renewals thereof, shall mature later than five years after the date of  
4 issuance of such note. The legislature reserves the right to amend or  
5 repeal such limit, and the state of New York, the dormitory authority,  
6 the state university of New York, and the state university construction  
7 fund are prohibited from covenanting or making any other agreements with  
8 or for the benefit of bondholders which might in any way affect such  
9 right.

10 § 37. Paragraph (c) of subdivision 14 of section 1680 of the public  
11 authorities law, as amended by section 5 of part K of chapter 61 of the  
12 laws of 2006, is amended to read as follows:

13 (c) ~~[(i)]~~ Subject to the provisions of chapter fifty-nine of the laws  
14 of two thousand, (i) the dormitory authority shall not deliver a series  
15 of bonds for city university community college facilities, except to  
16 refund or to be substituted for or in lieu of other bonds in relation to  
17 city university community college facilities pursuant to a resolution of  
18 the dormitory authority adopted before July first, nineteen hundred  
19 eighty-five or any resolution supplemental thereto, if the principal  
20 amount of bonds so to be issued when added to all principal amounts of  
21 bonds previously issued by the dormitory authority for city university  
22 community college facilities, except to refund or to be substituted in  
23 lieu of other bonds in relation to city university community college  
24 facilities will exceed the sum of four hundred twenty-five million  
25 dollars and (ii) the dormitory authority shall not deliver a series of  
26 bonds issued for city university facilities, including community college  
27 facilities, pursuant to a resolution of the dormitory authority adopted  
28 on or after July first, nineteen hundred eighty-five, except to refund  
29 or to be substituted for or in lieu of other bonds in relation to city  
30 university facilities and except for bonds issued pursuant to a resolu-  
31 tion supplemental to a resolution of the dormitory authority adopted  
32 prior to July first, nineteen hundred eighty-five, if the principal  
33 amount of bonds so to be issued when added to the principal amount of  
34 bonds previously issued pursuant to any such resolution, except bonds  
35 issued to refund or to be substituted for or in lieu of other bonds in  
36 relation to city university facilities, will exceed five billion ~~[six]~~  
37 nine hundred ~~[thirty-two]~~ four million ~~[three hundred thousand]~~ dollars.  
38 The legislature reserves the right to amend or repeal such limit, and  
39 the state of New York, the dormitory authority, the city university, and  
40 the fund are prohibited from covenanting or making any other agreements  
41 with or for the benefit of bondholders which might in any way affect  
42 such right.

43 § 38. Subdivision 1 of section 1689-i of the public authorities law,  
44 as added by chapter 60 of the laws of 2006, is amended to read as  
45 follows:

46 1. The dormitory authority is authorized to issue bonds, at the  
47 request of the commissioner of education, to finance eligible library  
48 construction projects pursuant to section two hundred seventy-three-a of  
49 the education law, in amounts certified by such commissioner not to  
50 exceed a total principal amount of ~~[fourteen]~~ twenty-eight million  
51 dollars ~~[in state fiscal year commencing April first, two thousand six  
52 through March thirty-first, two thousand seven]~~.

53 § 39. The public authorities law is amended by adding a new section  
54 1680-m to read as follows:

55 § 1680-m. Cultural education facilities. 1. Notwithstanding the  
56 provisions of any other law to the contrary, the authority and the urban

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1 development corporation are hereby authorized to issue bonds or notes in  
2 one or more series for the purpose of funding project costs for  
3 construction of a collections storage facility for the state museum, the  
4 state library and the state archives. The aggregate principal amount of  
5 bonds authorized to be issued pursuant to this section shall not exceed  
6 sixty million dollars, excluding bonds issued to fund one or more debt  
7 service reserve funds, to pay costs of issuance of such bonds, and bonds  
8 or notes issued to refund or otherwise repay such bonds or notes previ-  
9 ously issued. Such bonds and notes of the authority and the urban devel-  
10 opment corporation shall not be a debt of the state, and the state shall  
11 not be liable thereon, nor shall they be payable out of any funds other  
12 than those appropriated by the state to the authority for principal,  
13 interest, and related expenses pursuant to a service contract and such  
14 bonds and notes shall contain on the face thereof a statement to such  
15 effect. Except for purposes of complying with the internal revenue code,  
16 any interest income earned on bond proceeds shall only be used to pay  
17 debt service on such bonds.

18 2. Notwithstanding any other provision of law to the contrary, in  
19 order to assist the authority and the urban development corporation in  
20 undertaking the financing of construction of a collections storage  
21 facility for the state museum, the state library and the state archives,  
22 the director of the budget is hereby authorized to enter into one or  
23 more service contracts with the authority and the urban development  
24 corporation, none of which shall exceed thirty years in duration, upon  
25 such terms and conditions as the director of the budget and the authori-  
26 ty and the urban development corporation agree, so as to annually  
27 provide to the authority and the urban development corporation, in the  
28 aggregate, a sum not to exceed the principal, interest, and related  
29 expenses required for such bonds and notes. Any service contract entered  
30 into pursuant to this section shall provide that the obligation of the  
31 state to pay the amount therein provided shall not constitute a debt of  
32 the state within the meaning of any constitutional or statutory  
33 provision and shall be deemed executory only to the extent of monies  
34 available and that no liability shall be incurred by the state beyond  
35 the monies available for such purpose, subject to annual appropriation  
36 by the legislature. Any such contract or any payments made or to be made  
37 thereunder may be assigned and pledged by the authority and the urban  
38 development corporation as security for its bonds and notes, as author-  
39 ized by this section.

40 § 40. Subdivision 3 of section 1285-p of the public authorities law,  
41 as amended by chapter 60 of the laws of 2006, is amended to read as  
42 follows:

43 3. The maximum amount of bonds that may be issued for the purpose of  
44 financing environmental infrastructure projects authorized by this  
45 section shall be four hundred [~~fifty-seven~~] ninety-two million five  
46 hundred thousand dollars, exclusive of bonds issued to fund any debt  
47 service reserve funds, pay costs of issuance of such bonds, and bonds or  
48 notes issued to refund or otherwise repay bonds or notes previously  
49 issued. Such bonds and notes of the corporation shall not be a debt of  
50 the state, and the state shall not be liable thereon, nor shall they be  
51 payable out of any funds other than those appropriated by the state to  
52 the corporation for debt service and related expenses pursuant to any  
53 service contracts executed pursuant to subdivision one of this section,  
54 and such bonds and notes shall contain on the face thereof a statement  
55 to such effect.



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1 § 41. Subdivision (a) of section 27 of part Y of chapter 61 of the  
2 laws of 2005 relating to providing for the administration of certain  
3 funds and accounts related to the 2005-2006 budget, as amended by chap-  
4 ter 60 of the laws of 2006, is amended to read as follows:

5 (a) Subject to the provisions of chapter 59 of the laws of 2000, but  
6 notwithstanding any provisions of law to the contrary, the urban devel-  
7 opment corporation is hereby authorized to issue bonds or notes in one  
8 or more series in an aggregate principal amount not to exceed  
9 [~~\$52,100,000~~] \$102,100,000, excluding bonds issued to finance one or  
10 more debt service reserve funds, to pay costs of issuance of such bonds,  
11 and bonds or notes issued to refund or otherwise repay such bonds or  
12 notes previously issued, for the purpose of financing capital projects  
13 for division of state police facilities, debt service and leases; and to  
14 reimburse the state general fund for disbursements made therefor. Such  
15 bonds and notes of such authorized issuer shall not be a debt of the  
16 state, and the state shall not be liable thereon, nor shall they be  
17 payable out of any funds other than those appropriated by the state to  
18 such authorized issuer for debt service and related expenses pursuant to  
19 any service contract executed pursuant to subdivision (b) of this  
20 section and such bonds and notes shall contain on the face thereof a  
21 statement to such effect. Except for purposes of complying with the  
22 internal revenue code, any interest income earned on bond proceeds shall  
23 only be used to pay debt service on such bonds.

24 § 42. Subdivision (a) of section 48 of part K of chapter 81 of the  
25 laws of 2002, relating to providing for the administration of certain  
26 funds and accounts related to the 2002-2003 budget, as amended by chap-  
27 ter 60 of the laws of 2006, is amended to read as follows:

28 (a) Subject to the provisions of chapter 59 of the laws of 2000, but  
29 notwithstanding the provisions of section 18 of the urban development  
30 corporation act, the corporation is hereby authorized to issue bonds or  
31 notes in one or more series in an aggregate principal amount not to  
32 exceed \$25,000,000 excluding bonds issued to fund one or more debt  
33 service reserve funds, to pay costs of issuance of such bonds, and bonds  
34 or notes issued to refund or otherwise repay such bonds or notes previ-  
35 ously issued, for the purpose of financing capital costs related to  
36 homeland security for the division of state police, the division of  
37 military and naval affairs, and any other state agency, including the  
38 reimbursement of any disbursements made from the state capital projects  
39 fund, and is hereby authorized to issue bonds or notes in one or more  
40 series in an aggregate principal amount not to exceed [~~\$62,000,000~~]  
41 \$83,300,000, excluding bonds issued to fund one or more debt service  
42 reserve funds, to pay costs of issuance of such bonds, and bonds or  
43 notes issued to refund or otherwise repay such bonds or notes previously  
44 issued, for the purpose of financing improvements to State office build-  
45 ings and other facilities located statewide, including the reimbursement  
46 of any disbursements made from the state capital projects fund. Such  
47 bonds and notes of the corporation shall not be a debt of the state, and  
48 the state shall not be liable thereon, nor shall they be payable out of  
49 any funds other than those appropriated by the state to the corporation  
50 for debt service and related expenses pursuant to any service contracts  
51 executed pursuant to subdivision (b) of this section, and such bonds and  
52 notes shall contain on the face thereof a statement to such effect.

53 Except for purposes of complying with the internal revenue code, any  
54 interest income earned on bond proceeds shall only be used to pay debt  
55 service on such bonds.



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1 § 43. Subdivision 4 of section 66-b of the state finance law, as  
2 amended by chapter 60 of the laws of 2006, is amended to read as  
3 follows:

4 4. Subject to the provisions of chapter fifty-nine of the laws of two  
5 thousand, but notwithstanding any other provisions of law to the contra-  
6 ry, the maximum amount of certificates of participation or similar  
7 instruments representing periodic payments due from the state of New  
8 York, issued on behalf of state departments and agencies, the city  
9 university of New York and any other state entity otherwise specified  
10 after March thirty-first, two thousand three shall be two hundred  
11 [~~seventy-three~~] ninety-three million dollars. Such amount shall be  
12 exclusive of certificates of participation or similar instruments issued  
13 to fund a reserve fund or funds, costs of issuance and to refund  
14 outstanding certificates of participation.

15 § 44. The public authorities law is amended by adding a new section  
16 1680-o to read as follows:

17 § 1680-o. Courthouse improvements and training facilities. 1.  
18 Notwithstanding the provisions of any other law to the contrary, the  
19 authority and the urban development corporation are hereby authorized to  
20 issue bonds or notes in one or more series for the purpose of funding  
21 project costs for eligible courthouse improvements and training facili-  
22 ties. The aggregate principal amount of bonds authorized to be issued  
23 pursuant to this section shall not exceed seventy-seven million nine  
24 hundred thousand dollars, excluding bonds issued to fund one or more  
25 debt service reserve funds, to pay costs of issuance of such bonds, and  
26 bonds or notes issued to refund or otherwise repay such bonds or notes  
27 previously issued. Such bonds and notes of the authority and the urban  
28 development corporation shall not be a debt of the state, and the state  
29 shall not be liable thereon, nor shall they be payable out of any funds  
30 other than those appropriated by the state to the authority and the  
31 urban development corporation for principal, interest, and related  
32 expenses pursuant to a service contract and such bonds and notes shall  
33 contain on the face thereof a statement to such effect. Except for  
34 purposes of complying with the internal revenue code, any interest  
35 income earned on bond proceeds shall only be used to pay debt service on  
36 such bonds.

37 2. Notwithstanding any other provision of law to the contrary, in  
38 order to assist the authority and the urban development corporation in  
39 undertaking the financing of eligible courthouse improvements and train-  
40 ing facilities, the director of the budget is hereby authorized to enter  
41 into one or more service contracts with the authority and the urban  
42 development corporation, none of which shall exceed thirty years in  
43 duration, upon such terms and conditions as the director of the budget  
44 and the authority and the urban development corporation agree, so as to  
45 annually provide to the authority and the urban development corporation,  
46 in the aggregate, a sum not to exceed the principal, interest, and  
47 related expenses required for such bonds and notes. Any service contract  
48 entered into pursuant to this section shall provide that the obligation  
49 of the state to pay the amount therein provided shall not constitute a  
50 debt of the state within the meaning of any constitutional or statutory  
51 provision and shall be deemed executory only to the extent of monies  
52 available and that no liability shall be incurred by the state beyond  
53 the monies available for such purpose, subject to annual appropriation  
54 by the legislature. Any such contract or any payments made or to be made  
55 thereunder may be assigned and pledged by the authority and the urban

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1 development corporation as security for its bonds and notes, as author-  
2 ized by this section.

3 § 45. Subdivision 1 of section 16 of part D of chapter 389 of the laws  
4 of 1997, relating to the financing of the correctional facilities  
5 improvement fund and the youth facility improvement fund, as amended by  
6 chapter 60 of the laws of 2006, is amended to read as follows:

7 1. Subject to the provisions of chapter 59 of the laws of 2000, but  
8 notwithstanding the provisions of section 18 of section 1 of chapter 174  
9 of the laws of 1968, the New York state urban development corporation is  
10 hereby authorized to issue bonds, notes and other obligations in an  
11 aggregate principal amount not to exceed five billion one hundred  
12 eighty-five million dollars [~~(\$5,000,000,000)~~] (\$5,185,000,000), and  
13 shall include all bonds, notes and other obligations issued pursuant to  
14 chapter 56 of the laws of 1983, as amended or supplemented. The proceeds  
15 of such bonds, notes or other obligations shall be paid to the state,  
16 for deposit in the correctional facilities capital improvement fund to  
17 pay for all or any portion of the amount or amounts paid by the state  
18 from appropriations or reappropriations made to the department of  
19 correctional services from the correctional facilities capital improve-  
20 ment fund for capital projects. The aggregate amount of bonds, notes or  
21 other obligations authorized to be issued pursuant to this section shall  
22 exclude bonds, notes or other obligations issued to refund or otherwise  
23 repay bonds, notes or other obligations theretofore issued, the proceeds  
24 of which were paid to the state for all or a portion of the amounts  
25 expended by the state from appropriations or reappropriations made to  
26 the department of correctional services; provided, however, that upon  
27 any such refunding or repayment the total aggregate principal amount of  
28 outstanding bonds, notes or other obligations may be greater than five  
29 billion one hundred eighty-five million dollars [~~(\$5,000,000,000)~~]  
30 (\$5,185,000,000), only if the present value of the aggregate debt  
31 service of the refunding or repayment bonds, notes or other obligations  
32 to be issued shall not exceed the present value of the aggregate debt  
33 service of the bonds, notes or other obligations so to be refunded or  
34 repaid. For the purposes hereof, the present value of the aggregate debt  
35 service of the refunding or repayment bonds, notes or other obligations  
36 and of the aggregate debt service of the bonds, notes or other obli-  
37 gations so refunded or repaid, shall be calculated by utilizing the  
38 effective interest rate of the refunding or repayment bonds, notes or  
39 other obligations, which shall be that rate arrived at by doubling the  
40 semi-annual interest rate (compounded semi-annually) necessary to  
41 discount the debt service payments on the refunding or repayment bonds,  
42 notes or other obligations from the payment dates thereof to the date of  
43 issue of the refunding or repayment bonds, notes or other obligations  
44 and to the price bid including estimated accrued interest or proceeds  
45 received by the corporation including estimated accrued interest from  
46 the sale thereof.

47 § 46. The public authorities law is amended by adding a new section  
48 1680-n to read as follows:

49 § 1680-n. Acquisition of state buildings and other facilities. 1.  
50 Notwithstanding the provisions of any other law to the contrary, the  
51 authority and the urban development corporation are hereby authorized to  
52 issue bonds or notes in one or more series for the purpose of funding  
53 project costs for the acquisition of state buildings and other facili-  
54 ties. The aggregate principal amount of bonds authorized to be issued  
55 pursuant to this section shall not exceed one hundred forty million  
56 dollars, excluding bonds issued to fund one or more debt service reserve

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1 funds, to pay costs of issuance of such bonds, and bonds or notes issued  
2 to refund or otherwise repay such bonds or notes previously issued. Such  
3 bonds and notes of the authority and the urban development corporation  
4 shall not be a debt of the state, and the state shall not be liable  
5 thereon, nor shall they be payable out of any funds other than those  
6 appropriated by the state to the authority and the urban development  
7 corporation for principal, interest, and related expenses pursuant to a  
8 service contract and such bonds and notes shall contain on the face  
9 thereof a statement to such effect. Except for purposes of complying  
10 with the internal revenue code, any interest income earned on bond  
11 proceeds shall only be used to pay debt service on such bonds.

12 2. Notwithstanding any other provision of law to the contrary, in  
13 order to assist the authority and the urban development corporation in  
14 undertaking the financing of the acquisition of state buildings and  
15 other facilities, the director of the budget is hereby authorized to  
16 enter into one or more service contracts with the authority and the  
17 urban development corporation, none of which shall exceed twenty-two  
18 years in duration, upon such terms and conditions as the director of the  
19 budget and the authority and the urban development corporation agree, so  
20 as to annually provide to the authority and the urban development corpo-  
21 ration, in the aggregate, a sum not to exceed the principal, interest,  
22 and related expenses required for such bonds and notes. Any service  
23 contract entered into pursuant to this section shall provide that the  
24 obligation of the state to pay the amount therein provided shall not  
25 constitute a debt of the state within the meaning of any constitutional  
26 or statutory provision and shall be deemed executory only to the extent  
27 of monies available and that no liability shall be incurred by the state  
28 beyond the monies available for such purpose, subject to annual appro-  
29 priation by the legislature. Any such contract or any payments made or  
30 to be made thereunder may be assigned and pledged by the authority and  
31 the urban development corporation as security for its bonds and notes,  
32 as authorized by this section.

33 § 47. Subdivision 12 of section 3 of the public buildings law, as  
34 amended by chapter 95 of the laws of 2000, is amended to read as  
35 follows:

36 12. Lease from time to time buildings, rooms or premises in the county  
37 of Albany, and elsewhere as required, for providing space for depart-  
38 ments, commissions, boards and officers of the state government, upon  
39 such terms and conditions as he or she deems most advantageous to the  
40 state. Any such lease shall, however, be for a term not exceeding ten  
41 years, except that, the commissioner of general services may enter into  
42 leases for a term not exceeding fifteen years when, in the judgment of  
43 such commissioner, such longer term is in the best interests of the  
44 state. Any such lease may provide for optional renewals on the part of  
45 the state, for terms of ten years or less. Each such lease shall contain  
46 a clause stating that the contract of the state thereunder shall be  
47 deemed executory only to the extent of moneys available therefor and  
48 that no liability shall be incurred by the state beyond the money avail-  
49 able for such purpose. Notwithstanding the provisions of any other law,  
50 except section sixteen hundred seventy-six of the public authorities law  
51 relating to use of dormitory authority facilities by the aged, the  
52 commissioner of general services shall have sole and exclusive authority  
53 to lease space for state departments, agencies, commissions, boards and  
54 officers within the county of Albany. Any buildings, rooms or premises,  
55 now or hereafter held by the commissioner of general services under  
56 lease, may be sublet, in part or in whole, provided that in the judgment

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1 of such commissioner, and the occupying department, commission, board,  
2 and officers of the state government, such buildings, rooms or premises  
3 are not for a time needed. Notwithstanding any other provision of law  
4 to the contrary, if bonds or notes are issued pursuant to section  
5 sixteen hundred eighty-n of the public authorities law for the purpose  
6 of acquiring a building or other facility previously financed by a lease  
7 or lease-purchase obligation as authorized herein, the state agency  
8 which is the tenant in occupancy shall be authorized to remit tax  
9 payments or payments in lieu of thereof to the appropriate taxing  
10 authority in a manner consistent with the process and term established  
11 under the original lease or lease-purchase for the subject property for  
12 a period coincident with the term of the lease as established at the  
13 commencement of the term thereof. The state may undertake a certiorari  
14 review of assessments that may be imposed from time to time.

15 ~~[To provide for space requirements of state departments, agencies and~~  
16 ~~offices pursuant to this section, the commissioner of general services~~  
17 ~~may contract for the lease purchase of real property, on terms and~~  
18 ~~conditions deemed by him or her most advantageous to the state, subject~~  
19 ~~to the approval thereof by the director of the budget. The lease term~~  
20 ~~for any such acquisition may be a period not exceeding thirty years, and~~  
21 ~~the title to any real property to be acquired by lease purchase shall be~~  
22 ~~approved by the attorney general.]~~

23 § 48. Subdivision 12 of section 3 of the public buildings law, as  
24 added by chapter 83 of the laws of 1995, the second undesignated para-  
25 graph as amended by chapter 5 of the laws of 1998, is amended to read as  
26 follows:

27 12. Lease from time to time buildings, rooms or premises in the county  
28 of Albany, and elsewhere as required, for providing space for depart-  
29 ments, commissions, boards and officers of the state government, upon  
30 such terms and conditions as he or she deems most advantageous to the  
31 state. Any such lease shall, however, be for a term not exceeding ten  
32 years, but may provide for optional renewals on the part of the state,  
33 for terms of ten years or less. Each such lease shall contain a clause  
34 stating that the contract of the state thereunder shall be deemed execu-  
35 tory only to the extent of moneys available therefor and that no liabil-  
36 ity shall be incurred by the state beyond the money available for such  
37 purpose. Notwithstanding the provisions of any other law, except section  
38 sixteen hundred seventy-six of the public authorities law relating to  
39 use of dormitory authority facilities by the aged, the commissioner of  
40 general services shall have sole and exclusive authority to lease space  
41 for state departments, agencies, commissions, boards and officers within  
42 the county of Albany. Any buildings, rooms or premises, now or hereafter  
43 held by the commissioner of general services under lease, may be sublet,  
44 in part or in whole, provided that in the judgment of the commissioner,  
45 and the occupying department, commission, board, and officers of the  
46 state government, such buildings, rooms or premises are not for a time  
47 needed.

48 ~~[To provide for space requirements of state departments, agencies and~~  
49 ~~offices pursuant to this section, the commissioner may contract for the~~  
50 ~~lease purchase of real property, on terms and conditions deemed by him~~  
51 ~~or her most advantageous to the state, subject to the approval thereof~~  
52 ~~by the director of the budget. The lease term for any such acquisition~~  
53 ~~may be a period not exceeding thirty years, and the title to any real~~  
54 ~~property to be acquired by lease purchase shall be approved by the~~  
55 ~~attorney general.]~~

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1 § 49. Subdivision (b) of section 11 of chapter 329 of the laws of  
2 1991, amending the state finance law and other laws relating to the  
3 establishment of the dedicated highway and bridge trust fund, as amended  
4 by section 2 of part C of chapter 60 of the laws of 2005, is amended to  
5 read as follows:

6 (b) Any service contract or contracts for projects authorized pursuant  
7 to sections 10-c, 10-f, 10-g and 80-b of the highway law and section  
8 14-k of the transportation law, and entered into pursuant to subdivision  
9 (a) of this section, shall provide for state commitments to provide  
10 annually to the thruway authority a sum or sums, upon such terms and  
11 conditions as shall be deemed appropriate by the director of the budget,  
12 to fund, or fund the debt service requirements of any bonds or any obli-  
13 gations of the thruway authority issued to fund such projects having a  
14 cost not in excess of [~~\$5,709.6 million~~] \$5,745,000,000 cumulatively by  
15 the end of fiscal year 2009-10.

16 § 50. Paragraph (a) of subdivision 2 of section 47-e of the private  
17 housing law, as amended by chapter 60 of the laws of 2006, is amended to  
18 read as follows:

19 (a) Subject to the provisions of chapter fifty-nine of the laws of two  
20 thousand, in order to enhance and encourage the promotion of housing  
21 programs and thereby achieve the stated purposes and objectives of such  
22 housing programs, the agency shall have the power and is hereby author-  
23 ized from time to time to issue negotiable housing program bonds and  
24 notes in such principal amount as shall be necessary to provide suffi-  
25 cient funds for the repayment of amounts disbursed (and not previously  
26 reimbursed) pursuant to [~~a chapter of the laws of two thousand six~~] law  
27 or any prior year making capital appropriations or reappropriations for  
28 the purposes of the housing program; provided, however, that the agency  
29 may issue such bonds and notes in an aggregate principal amount not  
30 exceeding [~~one~~] two billion [~~eight hundred ninety-one~~] forty-two million  
31 dollars, plus a principal amount of bonds issued to fund the debt  
32 service reserve fund in accordance with the debt service reserve fund  
33 requirement established by the agency and to fund any other reserves  
34 that the agency reasonably deems necessary for the security or marketa-  
35 bility of such bonds and to provide for the payment of fees and other  
36 charges and expenses, including underwriters' discount, trustee and  
37 rating agency fees, bond insurance, credit enhancement and liquidity  
38 enhancement related to the issuance of such bonds and notes. No reserve  
39 fund securing the housing program bonds shall be entitled or eligible to  
40 receive state funds apportioned or appropriated to maintain or restore  
41 such reserve fund at or to a particular level, except to the extent of  
42 any deficiency resulting directly or indirectly from a failure of the  
43 state to appropriate or pay the agreed amount under any of the contracts  
44 provided for in subdivision four of this section.

45 § 51. Paragraph (a) of subdivision 5 of section 47-e of the private  
46 housing finance law, as amended by chapter 60 of the laws of 2006, is  
47 amended to read as follows:

48 (a) Subject to the provisions of chapter fifty-nine of the laws of two  
49 thousand, upon the issuance of housing program bonds or notes, the agen-  
50 cy shall apply such amount of the proceeds thereof as shall be desig-  
51 nated and specified in the bond or note resolution or resolutions  
52 authorizing the issuance of such bonds or notes to the specific funds  
53 and/or accounts of one or more housing programs. The bond resolution or  
54 resolutions authorizing the issuance of such bonds or notes shall only  
55 allocate net proceeds of bonds or notes to a particular fund or account  
56 of a housing program if the legislature has authorized [~~in a chapter of~~



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1 ~~the laws of two thousand six~~] pursuant to law or any prior year an  
2 advance to such fund or account, and the amount of such bond or note  
3 proceeds so allocated to such fund or account shall not exceed the total  
4 amount so authorized to be advanced. Such proceeds shall be disbursed to  
5 such a fund or account in accordance with such allocation only for  
6 application to the repayment of advances previously or thereupon made  
7 and not previously repaid. Such proceeds may not be transferred from an  
8 entity authorized to administer a housing program to the state or a fund  
9 of the state, except in repayment of such advances. Except in the case  
10 of refunding bonds or notes authorized hereunder, any net proceeds not  
11 so allocated or disbursed shall be utilized first to pay debt service on  
12 the applicable bonds or notes in the current or the succeeding fiscal  
13 year and second to the redemption of such bonds; provided that such  
14 application may be adjusted to comply with applicable federal law as to  
15 federal tax exemption. For purposes of this paragraph, earnings from the  
16 investment of net proceeds shall be treated as net proceeds.

17 § 52. Intentionally omitted.

18 § 53. Intentionally omitted.

19 § 54. Section 1 of chapter 174 of the laws of 1968, constituting the  
20 New York state urban development corporation act is amended by adding a  
21 new section 42 to read as follows:

22 § 42. New York state modernization projects. 1. Notwithstanding the  
23 provisions of any other law to the contrary, the dormitory authority and  
24 the corporation are hereby authorized to issue bonds or notes in one or  
25 more series for the purpose of funding project costs for the Roosevelt  
26 Island operating corporation related to the modernization of the aerial  
27 tramway, critical maintenance and improvement projects on Governor's  
28 Island, redevelopment initiatives at the Harriman research and technolo-  
29 gy park and USA Niagara and other state costs associated with such  
30 projects. The aggregate principal amount of bonds authorized to be  
31 issued pursuant to this section shall not exceed fifty million four  
32 hundred fifty thousand dollars, excluding bonds issued to fund one or  
33 more debt service reserve funds, to pay costs of issuance of such bonds,  
34 and bonds or notes issued to refund or otherwise repay such bonds or  
35 notes previously issued. Such bonds and notes of the dormitory authority  
36 and the corporation shall not be a debt of the state, and the state  
37 shall not be liable thereon, nor shall they be payable out of any funds  
38 other than those appropriated by the state to the dormitory authority  
39 and the corporation for principal, interest, and related expenses pursu-  
40 ant to a service contract and such bonds and notes shall contain on the  
41 face thereof a statement to such effect. Except for purposes of comply-  
42 ing with the internal revenue code, any interest income earned on bond  
43 proceeds shall only be used to pay debt service on such bonds.

44 2. Notwithstanding any other provision of law to the contrary, in  
45 order to assist the dormitory authority and the corporation in undertak-  
46 ing the financing for the Roosevelt Island operating corporation related  
47 to the modernization of the aerial tramway, critical maintenance and  
48 improvement projects on Governor's Island, redevelopment initiatives at  
49 the Harriman research and technology park and USA Niagara and other  
50 state costs associated with such projects, the director of the budget is  
51 hereby authorized to enter into one or more service contracts with the  
52 dormitory authority and the corporation, none of which shall exceed  
53 thirty years in duration, upon such terms and conditions as the director  
54 of the budget and the dormitory authority and the corporation agree, so  
55 as to annually provide to the dormitory authority and the corporation,  
56 in the aggregate, a sum not to exceed the principal, interest, and



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1 related expenses required for such bonds and notes. Any service contract  
2 entered into pursuant to this section shall provide that the obligation  
3 of the state to pay the amount therein provided shall not constitute a  
4 debt of the state within the meaning of any constitutional or statutory  
5 provision and shall be deemed executory only to the extent of monies  
6 available and that no liability shall be incurred by the state beyond  
7 the monies available for such purpose, subject to annual appropriation  
8 by the legislature. Any such contract or any payments made or to be made  
9 thereunder may be assigned and pledged by the dormitory authority and  
10 the corporation as security for its bonds and notes, as authorized by  
11 this section.

12 § 55. Subdivision 4 of section 97-mm of the state finance law, as  
13 added by section 132 of chapter 55 of the laws of 1992, is amended to  
14 read as follows:

15 4. Moneys in the state park infrastructure fund shall be kept separate  
16 and shall not be commingled with any other moneys in the custody of the  
17 comptroller. All deposits of such moneys shall, if required by the comp-  
18 troller, be secured by obligations of the United States or of the state  
19 having a market value equal at all times to the amount of such deposits  
20 and all banks and trust companies are authorized to give security for  
21 such deposits. Any such moneys in such fund may, in the discretion of  
22 the comptroller, be invested in obligations in which the comptroller is  
23 authorized to invest pursuant to section ninety-eight-a of this article.  
24 ~~[Any income or interest from such investment shall be credited to such~~  
25 ~~fund.]~~

26 § 56. Section 2 of the state finance law is amended by adding two new  
27 subdivisions 21 and 22 to read as follows:

28 21. "Lump sum appropriation". An item of appropriation with a single  
29 related object or purpose, the purpose of which is to fund more than one  
30 grantee by a means other than a statutorily prescribed formula, a  
31 competitive process, or an allocation pursuant to subdivision five of  
32 section twenty-four of this chapter.

33 22. "Grantee". Any group, corporation, municipal or governmental enti-  
34 ty that receives funding from the state.

35 § 57. Subdivisions 7 and 8 of section 2-a of the state finance law are  
36 REPEALED.

37 § 58. This act shall take effect immediately and shall be deemed to  
38 have been in full force and effect on and after April 1, 2007; provided  
39 that the amendments to subdivision 12 of section 3 of the public build-  
40 ings law made by section forty-seven of this act shall be subject to the  
41 expiration and reversion of such subdivision pursuant to section 27 of  
42 chapter 95 of the laws of 2000, as amended, when upon such date the  
43 provisions of section forty-eight of this act shall take effect;  
44 provided however that section thirty-one of this act shall take effect  
45 on the same date as the reversion of section 69-c of the state finance  
46 law as provided in section 39 of part Y of chapter 61 of the laws of  
47 2005, as amended; provided, further, that such amendments shall expire  
48 and be deemed repealed March 31, 2008; and provided, further, that  
49 sections one, three, four, four-a and seventeen through twenty-eight of  
50 this act shall expire March 31, 2008.

51

PART U

52 Section 1. Subdivision 32 of section 2807-c of the public health law,  
53 as amended by section 4 of part E of chapter 63 of the laws of 2005, is  
54 amended to read as follows:

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1 32. Rural hospital supplemental rate adjustment. Notwithstanding any  
2 inconsistent provision of this section:

3 (a) The commissioner shall adjust inpatient medical assistance rates  
4 of payment established pursuant to this section for rural hospitals as  
5 defined in paragraph (c) of subdivision one of section twenty-eight  
6 hundred seven-w of this article in accordance with paragraph (b) of this  
7 subdivision [~~and shall establish discrete rates of payment for such~~  
8 ~~hospitals in accordance with paragraph (c) of this subdivision,~~] for  
9 purposes of supporting critically needed health care services in rural  
10 areas in the following aggregate amounts for the following periods:

11 seven million dollars for the period May first, two thousand five  
12 through December thirty-first, two thousand five, [~~and~~] seven million  
13 dollars for the period January first, two thousand six through December  
14 thirty-first, two thousand six, seven million dollars for the period  
15 April first, two thousand seven through December thirty-first, two thou-  
16 sand seven, and seven million dollars for each calendar year thereafter.

17 (b) Such increases shall be allocated proportionately based on each  
18 such rural hospital's total reported medicaid inpatient discharges as  
19 reported in the two thousand two institutional cost report to the total  
20 of such discharges for all rural hospitals. These amounts shall be  
21 included as a reimbursable cost add-on to medical assistance inpatient  
22 rates of payment established pursuant to this section for rural hospi-  
23 tals based on medical assistance utilization data in each facility's  
24 annual cost report submitted two years prior to the rate year. Such  
25 amounts shall be reconciled to reflect changes in medical assistance  
26 utilization between the year two years prior to the rate year and the  
27 rate year based upon data reported in each hospital's institutional cost  
28 report for the respective rate year.

29 (c) [~~The commissioner shall establish, subject to the approval of the~~  
30 ~~director of the budget, discrete rates of payment for rural hospitals~~  
31 ~~for payments under the medical assistance program pursuant to titles~~  
32 ~~eleven and eleven-D of article five of the social services law for~~  
33 ~~persons eligible for medical assistance and family health plus who are~~  
34 ~~enrolled in health maintenance organizations based upon the calculation~~  
35 ~~set forth in paragraph (b) of this subdivision for such rural hospitals.~~

36 (d)] Payment of the non-federal share of the medical assistance  
37 payments made pursuant to this subdivision shall be the responsibility  
38 of the state and shall not include a local share. Payments made pursu-  
39 ant to this subdivision may be added to rates of payment or made as  
40 aggregate payments to eligible general hospitals.

41 § 2. This act shall take effect immediately and shall be deemed to  
42 have been in full force and effect on and after April 1, 2007.

43 § 2. Severability clause. If any clause, sentence, paragraph, subdivi-  
44 sion, section or part of this act shall be adjudged by any court of  
45 competent jurisdiction to be invalid, such judgment shall not affect,  
46 impair, or invalidate the remainder thereof, but shall be confined in  
47 its operation to the clause, sentence, paragraph, subdivision, section  
48 or part thereof directly involved in the controversy in which such judg-  
49 ment shall have been rendered. It is hereby declared to be the intent of  
50 the legislature that this act would have been enacted even if such  
51 invalid provisions had not been included herein.

52 § 3. This act shall take effect immediately provided, however, that  
53 the applicable effective date of Parts A through U of this act shall be  
54 as specifically set forth in the last section of such Parts.