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ABSTRACT

This document summarizes major legislation, enacted by the 1993 New York State Legislature, that affected education and its related professions. Eight sections offer brief descriptions of legislation enacted in the following areas: laws affecting school districts generally; cultural education; state aid; taxation and financial administration; miscellaneous; laws of local application; higher education; and laws affecting the professions. An index is included. (LMI)

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The State Education Department
Office of the Counsel*

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*1993 Summary
of New Legislation
Affecting Education*

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FOREWORD

This summary of major legislation enacted by the 1993 Legislature affecting education and the professions has been prepared with the hope that it will prove useful to the education community.

The statements with respect to each chapter are necessarily brief, and are intended to call attention to the subject matter of the legislation, rather than to provide a definitive review of all its provisions. The complete text of each chapter may be found in the Session Laws of New York 1993, which are available in most law libraries.

Kathy A. Ahearn
Counsel and Deputy Commissioner
for Legal Affairs

January 1994

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LAWS AFFECTING SCHOOL DISTRICTS GENERALLY

Chapter 28 (effective April 12, 1993) amends §3208(d)(5) of the Education Law to require that the parent or legal guardian of a child identified as possibly gifted shall be notified of such identification. The act also clarifies that such notification is not to be construed as an entitlement for services for any child identified as possibly gifted.

Notice to Parent of Possibly Gifted Child

Chapter 64 (effective July 1, 1993) amends §§1608 and 1716 of the Education Law to require that the statement of expenditures be completed at least 14 days before the meeting at which the budget vote will occur and that notice of the availability of such statement be included in at least one districtwide mailing during the school year. The act also amends §§2003(1) and 2004(1) to further clarify that notice of the annual school district meeting in a common or union free school district must contain notice of the availability of a statement of expenditures.

Statement of Estimated Expenditures

Chapter 65 (effective July 1, 1993) enacts a chapter amendment to Chapter 64 of the Laws of 1993 relating to notice of the availability of statements of estimated expenditures for school districts, to make such act effective July 1, 1993 rather than immediately.

Statement of Estimated Expenditures

Chapter 76 (effective July 1, 1993) adds a new §804-b to the Education Law to clarify that schools are authorized to provide instruction regarding child development and parenting skills as an integral part of the home economics or health education curriculum provided to secondary school students. The act requires the Commissioner to promulgate regulations governing instruction in the public schools regarding child development and parenting skills, which may vary depending upon the needs of the particular school district.

Instruction in Child Development and Parental Skills

Chapter 92 (effective April 1, 1993) amends §4404-a(5) of the Education Law and Chapter 466 of the Laws of 1988 to extend the special education mediation demonstration program for two additional years.

Special Education Mediation Demonstration Program

Chapter 104 (effective June 14, 1993) extends for one additional year the provisions of Chapter 198 of the Laws of 1978 authorizing certain school districts to provide expanded health services to school-age and preschool children.

School Health Services Projects

Chapter 148 (effective June 28, 1993) amends §414(l)(i) of the Education Law to explicitly authorize the use of school buildings during school hours for child care services for children of pupils attending the schools of the district and, where space is available, for the children of school employees.

Use of School Buildings for Child Care Services

Chapter 167 (effective June 28, 1993) amends Chapter 113 of the Laws of 1992 to continue such Chapter in effect until July 1, 1994. Chapter 113 of the Laws of 1992 gives Excellence and Accountability Pilot (EAP) school districts the option of conducting full-day teacher/staff development sessions, up to the equivalent of ten half-days inclusive of the four superintendent's conference days excusable under subdivision 8 of section 3604 of the Education Law, without loss of State aid. It also requires the Commissioner of Education to include the additional teacher/staff development day authorized by the Chapter (in addition to the four superintendent's conference days) in calculating the EAP district's days of session, notwithstanding Education Law §3604(7), which requires school districts to be in session at least 180 days in order to receive full State aid and Education Law §3204(4), which requires school districts to be in session for 190 days, inclusive of legal holidays.

Excellence and Accountability Pilot school districts teacher/staff development sessions

Chapter 198 (effective November 3, 1993) adds a new subdivision 4-a to §146 of the Executive Law to require State agencies to publish in the State Register notice of the availability of State or Federal funding to municipalities, school districts or not-for-profit organizations no later than forty-five days prior to the last day for receipt of applications. The notice requirement would not apply where an entity has been specifically designated by law or legislative resolution to receive funding. Failure to provide notice in a timely manner would not afford a basis for setting aside a grant award or challenging a contract or other legal claim.

Notice
of Availability
of State or
Federal Funding

Chapter 236 (effective July 6, 1993) amends §2510(3)(a) of the Education Law to provide that in the event a member of the New York State Teachers' Retirement System who is receiving a disability retirement allowance has such allowance rescinded, such member shall be placed on a preferred eligible list of candidates for appointment to a teaching vacancy that then exists or that may thereafter occur, as of the effective date of such member's disability retirement.

Preferred
Eligible Lists
and Disability
Retirement

Chapter 251 (effective July 6, 1993) adds a new §1705 to the Education Law, to establish a procedure for the annexation of one or more common, central or union free school districts to a union free school district.

Annexation to
Union Free
School District

Chapter 279 (effective July 21, 1993) amends §75(2) of the Civil Service Law to require a public employer to permit an employee who at the time of questioning appears to be a potential subject of disciplinary action to have representation by his or her certified or recognized employee organization, under Article 14 of the Civil Service Law, and to notify such employee in writing of such right in advance.

Questioning of
Civil Service
Employees

Chapter 295 (effective July 21, 1993 with portions effective April 1, 1993, July 1, 1993 and December 1, 1993) amends various provisions of §1950 of the Education Law relating to procedures for the nomination and election of members of boards of cooperative educational services (BOCES); the term of office for future BOCES board members; separation of the BOCES budget into program, capital and administrative budgets; requiring a vote of component school districts on the BOCES administrative budget; changing the deadline by which component school districts must commit to participation in shared services from April 1st to May 1st; and establishing limits on the salary and benefits payable to District Superintendents of Schools. The act also repeals Education Law §2210 relating to an annual allowance for administrative expenses of a District Superintendent of Schools. Finally, the act amends Education Law §2201 in relation to the conduct of reorganization studies of BOCES.

BOCES
Reform Act

Chapter 386 (effective July 21, 1993) amends §1981(2) of the Education Law to make provision for the determination and preservation of the tenure rights of districtwide administrators employed as shared personnel providing services in more than one school district.

Sharing of
Tenured
Administrators

Chapter 403 (effective July 1, 1993) amends §4404(1) of the Education Law to require that impartial hearing officers appointed to conduct hearings on disputes relating to the special education services and programs recommended for children with disabilities be selected through a rotational selection process.

Impartial
Hearing Officers

Chapter 425 (effective July 21, 1993) amends §3242 of the Education Law to make the conduct of a school census optional for non-city school districts, rather than mandatory, and to eliminate for all school districts the current requirement that the census be conducted every two years.

School Census

Chapter 484 (effective September 1, 1993) adds a new §3005-c to the Education Law to create a visiting educator program.

Visiting Educator
Program

Chapter 518 (effective July 26, 1993) amends §3205(l)(c) of the Education Law to require students who turn six on or before December first to attend school from the first day the appropriate public school is in session in September.

Compulsory
Attendance

Chapter 520 (effective July 26, 1993) amends §4410 of the Education Law to clarify that the approved evaluator is not obligated to transmit documentation of an evaluation to all members of the committee on preschool special education in the parents' dominant language. It also clarifies that the summary report need only be transmitted in the dominant language or other mode of communication of the parent, when necessary, and documentation of the evaluation in the dominant language or other mode of communication of the parent only upon a parent's request. This act also provides for separate reimbursement for the cost of any translations.

Evaluation of
Preschool
Children with
Disabilities

Chapter 605 (effective November 2, 1993) amends the navigation law, the town law, the municipal home rule law, the general municipal law and the highway law, in relation to providing additional mandate relief and flexibility for local governments.

Municipal
Sharing Plans

Chapter 691 (effective August 4, 1993) amends §3031 of the Education Law to make the procedural protections afforded probationary teachers when tenure is not to be treated or their services are discontinued applicable to probationary administrators and supervisors.

Due Process for
Administrators
and Supervisors
Denied Tenure

Chapter 693 (effective July 1, 1993) amends paragraphs c through g of subdivision 5 of §4410 of the Education Law to provide that upon receipt of the recommendation of a Committee on Preschool Special Education (CPSE), a board of education shall either arrange for the special services or programs recommended by the CPSE or send the recommendation back to the CPSE for further consideration. The act eliminates existing language that provides that the board of education, rather than the CPSE, selects the special services or programs to be furnished to the preschool child.

Board of
Education
Review of CPSE
Recommendation

Chapter 699 (effective August 4, 1993) amends §4401 of the Education Law to include "transition services" within the definition of special education and include "rehabilitation counseling services" as a related service. The act also defines transition services as it is now defined in Federal regulations (34 CFR 300.18). In addition, the act amends §4401 to authorize local boards of education to enter into formal agreements to fulfill their obligation to provide students with disabilities those transition services included on their individualized education program and clarifies the continuing fiscal responsibility of other agencies to provide or pay for those services that the agency would have otherwise provided to those students who meet the eligibility criteria of the agency.

Transition
Services for
Children with
Disabilities

CULTURAL EDUCATION

- Chapter 13** (effective March 28, 1993 with portions effective June 1, 1993 and May 10, 1992) repeals, retroactively, Chapter 82 of the Laws of 1992 relating to the manner of filling vacancies in membership of the Brooklyn Public Library Corporation. The act also amends §1 of Chapter 606 of the Laws of 1902 and §2 of Chapter 606 of the Laws of 1902 as amended by Chapter 272 of the Laws of 1910, relating to filling vacancies in the membership of the Brooklyn Public Library, a corporation authorized to construct and maintain a free public library system in the borough of Brooklyn of the City of New York.
- Brooklyn Public Library
- Chapter 29** (effective April 12, 1993) amends the effective date of chapter 273 of the laws of 1992, thereby continuing the time period within which a suggested admission fee may be charged to visitors to the New York Botanical Garden. Under previous legislation, mandatory free admission would have commenced on February 15, 1993; under this act, mandatory free admission will be delayed to March 31, 1994.
- New York Botanical Garden
- Chapter 166** (effective June 28, 1993) authorizes the Commissioner of General Services to convey certain real property located in the Town of Onondaga, Onondaga County, to the Town of Onondaga Historical Society. The land to be transferred is a nature area called Split Rock which contains a federally protected plant species called Hart's Tongue Fern.
- Conveyance of Property to Town of Onondaga Historical Society
- Chapter 176** (effective September 26, 1993) amends the New York State Printing and Public Documents Law, the Legislative Law, and the Education Law concerning the collection and distribution of public documents prepared by State agencies and certain public authorities or public benefit corporations and establishes the New York State Document Depository System.
- State Document Depository System
- Chapter 300** (effective July 21, 1993) amends portions of §1 of Chapter 736 of the Laws of 1975 relating to management of the cooperative library system of Suffolk County to revise the method of electing members to the board of trustees of the system.
- Suffolk County Cooperative Library System
- Chapter 305** (effective July 21, 1993) enacts an unconsolidated law to authorize the creation of a public library district to serve the Town of North Greenbush.
- North Greenbush Public Library District
- Chapter 325** (effective July 21, 1993) amends Chapter 266 of the Laws of 1854 concerning the incorporation of the Oswego City Library in relation to the composition of the board of trustees. The statute is amended to provide for nine trustees each to serve three-year terms, to provide that each year there will be three vacancies occurring by virtue of the expiration of terms of office, and further provides that trustees will be limited to serve for a maximum of two consecutive terms.
- Oswego City Library
- Chapter 497** (effective July 26, 1993) amends certain provisions of Chapter 758 of the Laws of 1992 relating to the creation of the New York State Archives Partnership Trust Act. Chapter 758 is amended in relation to the number, manner of appointment, composition, and terms of office of the New York State Archives Partnership Trust Board. The act also amends a provision relating to use by the Partnership Trust of staff and facilities of existing State agencies, to make it clear that not only must the use of staff and facilities contemplated be acceptable to the agency involved, but that the proposed use must also be approved by the Director of the Budget.
- New York State Archives Partnership Trust Act

Chapter 554 (effective July 28, 1993) amends the Education Law, the Environmental Conservation Law, the Parks, Recreation and Historic Preservation Law and the State Finance Law in relation to the identification, research and conservation of the State's biological diversity. The act adds a new §235-a to the Education Law to establish a New York State Biodiversity Research Institute within the State Museum of the Education Department to promote, coordinate and sponsor biodiversity research, including collaborative biological and ecological research, field studies and inventories of biological collections, and to foster the collection and transfer of information on biodiversity. The act also adds a new §235-b to the Education Law to give statutory recognition to the New York State Biological Survey as part of the State Science Service within the State.

Identification.
Research and
Conservation of
Biological
Diversity

Chapter 651 (effective June 28, 1993) amends a chapter of the laws of 1993 relating to authorizing the conveyance of State land in the Town of Onondaga to the Town of Onondaga Historical Society for preservation of Split Rock.

Conveyance of
Property to Town
of Onondaga
Historical
Society

Chapter 672 (effective August 4, 1993) amends the provisions of §§1676 and 1680 of the Public Authorities Law to permit the Comsewogue Public Library and the Rogers Memorial Library Company to apply for financing for building projects for public library construction.

Dormitory
Authority
Financing for
Comsewogue
Public Library
and Rogers
Memorial Library
Company

Chapter 681 (effective August 4, 1993) amends the Public Authorities Law to make Dormitory Authority financing available for the construction of facilities of the South Street Seaport Museum, Inc.

Dormitory
Authority
Financing for
South Street
Seaport Museum

STATE AID

Chapter 10 (Deficiency Budget; effective April 1, 1992 with a portion effective July 1, 1992) amends the 1992 State Operations Budget, Chapter 50 of the Laws of 1992, and the 1992 Aid to Localities Budget, Chapter 53 of the Laws of 1992, and the 1992 Capital Projects Budget to provide for certain increased appropriations and amends subparagraph 9 of paragraph a of subdivision 1 of section 3609 of the Education Law relating to payment by school districts of the State share of medicaid reimbursements.

Chapter 53 (The Aid to Localities Budget Bill; effective April 1, 1993) makes appropriations for local assistance regular (§1), local assistance regular reappropriations (§2), Federal reappropriations (§3), an appropriation for the local government assistance corporation (§4) and amendments to the 1993 State Operations Budget (§8), the 1993 Capital Projects Budget (§8-a, 8-b), Chapter 329 of the Laws of 1991 (§7) and the 1992 Aid to Localities Budget (§§5 and 6).

Chapter 57 (the Aid to Localities language bill; effective April 15, 1993, with portions effective April 1, 1993, July 1, 1993 and July 1, 1992) enacts certain amendments to the Education Law, other consolidated laws and the unconsolidated laws governing State aid for education (all section references are to the Education Law unless otherwise indicated):

§292 amends Chapter 758 of the Laws of 1992 relating to the use of certain funds by the New York State Archives Partnership Trust.

§293 amends subdivision 3 of section 97-i of the State Finance Law relating to dedication of funds from the local government management fund to the Documentary Heritage program and the New York State Archives Partnership Trust.

§340 increases the ceiling on dormitory authority bonds for State University of New York educational facilities.

§341 increases the ceiling on dormitory authority bonds for City University Community College Facilities.

§371-e adds a new Title S to the Arts and Cultural Affairs Law to establish an Executive Mansion Trust to preserve, improve and promote the executive mansion as an historical and cultural resource.

§372 repeals paragraph b of subdivision 15 of section 1950 and adds a new paragraph b relating to the competition of the BOCES Excellence in Teaching appointment.

§373 repeals paragraph h of subdivision 5 of section 1950 relating to BOCES' employers' contributions to the Teachers' Retirement System for the 1990-91 school year and subdivision 16 of section 1950 relating to BOCES vocational education equipment aid.

§374 amends subdivision 15 of section 2215 relating to the permanent statewide school district address match and income verification system.

§375 renumbers subparagraphs 2 through 13 of paragraph d of subdivision 5 of section 3202 and adds a new subparagraph 2 relating to the education of children who reside in an individualized residential alternative as defined in regulations of the Office of Mental Retardation and Developmental Disabilities (OMRDD).

§376 renumbers the existing provisions of section 3602 relating to the apportionment of State aid to certain public school districts as section 3601-a, and amends new section 3601-a to make it applicable to aid payable for school years up to and including the 1992-93 school year.

§377 enacts a new section 3602 relating to the appointment of State aid to public school districts employing eight or more teachers. A new formula is established for Comprehensive Operating Aid, which consists of the sum of operating aid, growth aid and extraordinary needs aid (subds. 1, 2, 2-a, 2-b, 3, 8, 9-a, 11, 12, 13). The new formula for operating aid includes a "spend to get" provision in the formula operating aid ceiling (subd. 10, par. d) and a graduated State sharing ratio based on wealth (subd. 3, par. b). Extraordinary needs aid is provided based upon the percentage of pupils eligible for free and reduced price lunch, the number of limited English proficient pupils in approved programs and a geographic sparsity coefficient (subd. 1, pars. o, p, q, r, s; subd. 12, par. e). School districts with the poorest pupil performance and/or attendance (based on current Pupil Evaluation Program test scores and attendance rates) are required to set aside a portion of their Comprehensive Operating Aid for compensatory education programs (subd. 12, par. g) and/or attendance improvement and dropout prevention (AIDP) programs (subd. 12, par. f). Districts become subject to more stringent planning requirements as the amount required to be set aside for AIDP or compensatory education increases, and are given greater flexibility in the use of these setaside funds as performance and attendance improve. In addition, city school districts of 125,000 inhabitants or more are required to set aside a portion of their Comprehensive Operating Aid for early grade intervention (subd. 12, par. h). Various categorical aids previously made available are eliminated, including supplemental support aid, vocational education equipment aid, immunization aid, aid for pupils with compensatory educational needs, AIDP aid, and early grade intervention aid. Aid for speech and language improvement services is merged with the apportionment for educationally related support services (ERSS), and is eliminated as a separate categorical aid (subd. 32). High tax aid is also eliminated and replaced with Tax Effort aid, based on residential property taxes and income, and Tax Equalization aid, based on total property plus nonproperty taxes and full value (subd. 16). A transition adjustment provision is added to limit increases for the following group of aids to a growth adjusted 3 percent and to assure that no district experiences a loss in these aids from 1992-93 levels: comprehensive operating aid, extraordinary needs aid, limited English proficiency aid, gifted and talented aid, ERSS aid, tax equalization aid, tax effort aid and instructional computer hardware and technology aid (subd. 18). In addition, the formula for computing transportation aid to incorporate the elimination of the deficit reduction assessment and to compute transportation aid on an equalized basis using the district's current building aid ratio, with a minimum aid ratio of 5 percent and a maximum of 90 percent (subd. 7, par. a). Finally, the building aid provision is amended to make building aid available for the construction or lease of space for regular prekindergarten programs provided by a school district (subd. 6, par. a, subpar [1]).

§378 repeals section 3609 and enacts a new §3609 relating to the schedule for payment of apportionments and deficit reduction assessments for the 1992-93 and prior school years (see Chapter 260 §25). §§379-382 amend subdivisions 6 and 8 of section 4401 and subdivision 3 of section 4405 relating to excess cost aid to help separate pupils with disabilities in private placements and their related expenditures from the data used for computation of general school aid.

§383 amends paragraph d of subdivision 1 of section 3602-a relating to student information systems to change a date reference by one year.

§384 adds a new section 3609-b to establish a payment schedule for excess cost apportionments for students with disabilities.

§385 amends subdivision 4 of section 92-c of the State Finance Law to increase the minimum lottery grant to ten dollars per pupil.

§386 amends section 2 of Chapter 767 of the Laws of 1990 relating to adjusting the actual valuation used for state aid purposes for a school district losing taxable real property due to the creation of a new school district by special act in 1989.

§387 amends paragraph ii of subdivision a of section 1 of Chapter 537 of the Laws of 1976 relating to the definition of participating school facility for the school breakfast program.

§388 amends subdivision a of section 1 of Chapter 537 of the Laws of 1976 to add a definition of severe need for the school breakfast program.

§389 repeals subdivision c of section 1 of Chapter 537 of the Laws of 1976 and add a new subdivision c to require school districts with severe need elementary schools which participated in the National School Lunch program on or after January 1, 1993, to establish a school breakfast program for pupils attending such severe need elementary schools by September 1, 1993. The commissioner is authorized to grant exemptions for schools not offering a school breakfast program on July 1, 1993. (Note subsequent amendments by section 32 of Chapter 260 and Chapters 614 and 615 of the Laws of 1993, described below).

§390 amends section 2 of Chapter 756 of the Laws of 1992 relating to the work force education program.

§391 relates to an appointment for magnet school grants.

§392 relates to an appointment for student information system grants.

§393 relates to an appointment for special reading and academic programs.

§394 relates to an appointment for grants for improving pupil performance.

§395 relates to an appointment for Fort Drum school district grants.

§396 relates to an apportionment for comprehensive instructional management system grants.

§397 relates to an appointment for bilingual education grants.

§398 relates to an appointment for Excellence in Teaching grants.

§399 to 414 and 416 amend the effective date clauses of various budget bills to make all amendments previously made to the Education Law, other consolidated laws and unconsolidated laws in past budget bills permanent provisions of law that need no longer be extended each year.

§417 is a severability clause.

§418 is the effective date.

Chapter 259 (effective date April 1, 1993) makes various amendments to Chapters 50 (the State Operations Budget), 52 (the State Debt Budget), 53 (the Aid to Localities Budget) and 54 (the Capital Projects Budget) of the Laws of 1993 relating to appropriations for the support of government.

Chapter 260 (effective July 1, 1993, with portions deemed effective April 1, 1993) makes technical amendments to Chapter 57 of the Laws of 1993 and certain additional amendments to the Education Law and other consolidated and unconsolidated laws pertaining to the apportionment of State aid for education (all section references are to the Education Law unless otherwise indicated):

§1 amends subparagraphs 5 and 6 of paragraph f of subdivision 1 of section 273 to make technical amendments relating to local library services aid and local services support aid and to require the Commissioner to provide for waivers of revised standards of service for purposes of qualifying for local library services aid.

§2 adds a new subparagraph 7 to paragraph d of subdivision 1 of section 273 relating to provide for local consolidated systems aid to public library systems in the City of New York.

§3 relates to the apportionment of aid to public libraries and additional aid to public libraries for 1993-94.

§4 amends subparagraphs 1 and 2 of paragraph d of subdivision 5 of section 3202 to make a technical amendment relating to the education of children who reside in intermediate care facilities and to specify that children who reside in individual residential alternatives, located in a school district other than the district in which the parents resided at the time of placement under the jurisdiction of OMRDD are deemed to in intermediate care facilities.

§5 makes technical amendments to paragraphs i,n,p,q,r,t and v of subdivision 1 of section 3602 and adds a new paragraph w relating to certain definitions for State aid computations; including the definitions of pupil wealth ratio, lunch count, sparsity count, concentration factor and extraordinary needs factor.

§6 amends subdivision 1-b of section 3602 relating to the consolidation of certain aids to limit its application to declassification support services aid combined with gifted and talented program aid.

§7 makes a technical amendment to subparagraph 2 of paragraph a of subdivision 3 of section 3602 relating to computation of the building aid ratio.

§8 adds a new paragraph c to subdivision 3 of section 3602 to provide for computation of the extraordinary needs aid ratio.

§9 amends subdivision 6 of section 3602 to make technical amendments relating to building aid.

§10 amends subdivision 10 of section 3602 relating to the submission of budget plans and/or plans of service by certain school districts required to set aside funds for compensatory education.

§11 makes a technical amendment to paragraph e of subdivision 12 of section 3602 relating to extraordinary needs aid.

§12 makes technical amendments to paragraph f of subdivision 12 of section 3602 relating to the setaside for attendance improvement and dropout prevention.

§§13 and 14 makes technical amendments to paragraph g of subdivision 12 of section 3602 relating to the setaside for compensatory education and limits the requirement of a detailed annual program plan pursuant to paragraph g of subdivision 12 of section 3602 to those districts with a setaside amount in excess of \$250,000 and more than 4 percent of the district's comprehensive operating aid and to large city school districts.

§15 makes technical amendments to paragraph b of subdivision 15 of section 3602 relating to borough aid.

§16 makes technical amendments to subparagraphs 1 and 5 of paragraph a of subdivision 16 of section 3602 relating to the tax adjustment aids.

§17 makes technical amendments to paragraph d of subdivision 14 of section 3602 relating to incentive aid for certain reorganized districts.

§18 makes technical amendments to paragraph b of subdivision 18 of section 3602 relating to the transition adjustment.

§19 renumbers subparagraph e of paragraph 7 of subdivision 19 of section 3602 as new paragraph 8.

§20 makes technical amendments to subparagraph 2 of paragraph b of subdivision 27 of section 3602 relating to the Excellence in Teaching apportionments.

§21 makes technical amendments to paragraphs 1 and 3 of subdivision 32 of section 3602 relating to educationally related support services (ERSS) including a provision clarifying that the limits on maximum and minimum duration for ERSS do not apply to speech therapy services.

§22 makes technical amendments to paragraph b of subdivision 36 relating to voluntary interdistrict urban-suburban transfer program aid.

§23 makes a technical amendment to subdivision 8 of section 3602-c relating to the definition of average daily attendance for purposes of competition of aid for services to pupils attending nonpublic schools.

§24 amends subdivision 8 of section 3604 to authorize four superintendent's conferences during the 1993-94 school year, provided that at least two days are deducted to staff development regarding implementation of the New Compact For Learning.

§25 amends section 3609 to limit its application to payments prior to June 30, 1993.

§26 adds a new section 3609-a to establish the payment schedule for aid payable on or after July 1, 1993, which schedule does not include deficit reduction assessments.

§27 amends subdivisions 1 and 3 of section 3609-b relating to the payment of excess cost aid to provide for medicaid payments.

§28 amends paragraph a of subdivision 1 of section 4405 to provide that financial responsibility of social services districts for maintenance at the State operated schools at Rome and Batavia shall be determined in accordance with Articles 87 and 88 of the Education Law.

§29 makes a technical amendment to paragraph d of subdivision 3 of section 4405 relating to private excess cost aid.

§30 amends section 395 of Chapter 57 of the laws of 1993 relating to Fort Drum school district grants.

§31 amends paragraph iii of subdivision a of section 1 of chapter 537 of the Laws of 1976 relating to school breakfast programs to provide that the term "school district" as used in subdivision c of sections includes any school district in the State (But see subsequent amendments in Chapters 614 and 615).

§32 amends subdivision c of section 1 of Chapter 537 of the Laws of 1976 relating to school breakfast programs (But see subsequent amendments in chapter 615).

§33 amends Chapter 756 of the Laws of 1992 relating to the work force education program to extend its effectiveness until 1994 and establish the applicable limits on reimbursement and the aid to be used for the program in 1993-94.

§34 amends section 418 of Chapter 57, which specifies the effective date of such act, to make new section 3602 effective July 1, 1993, and sections 375 and 376 of Chapter 57 relating to children in individualized residential alternatives and the apportionment of state aid to public schools in the 1992-93 school year (section 3601-a) effective retroactively to July 1, 1992.

§36 repeals numerous provisions of Chapter 57 (all of which were deleted from the summary of Chapter 57).

§38 amends subdivision 5 of section 4 of the State Finance Law relating to the temporary loan of funds to another fund/account.

§39 makes certain technical amends to section 22 of the State Finance Law relating to the Executive Budget.

§40 repeals section 71-b of the State Finance Law relating to the temporary loan of fund to another fund/account.

Chapter 614 (effective July 1, 1993) amends Chapter 537 of the Laws of 1976 relating to the school breakfast program to require all school districts that participated in the National School Lunch Program on or after a certain date to establish school breakfast programs in all severe need elementary schools by September 1, 1993, in all severe need schools by September 1, 1994, and in all elementary schools by September 1, 1995. In addition, Chapter 614 eliminates the authority of a large city school district to terminate participation in the school breakfast program in any school. Chapter 614 also clarifies that one ground for an exemption is lack of need because of low enrollment or documented projections of low enrollment. (Note: Chapter 614 did not account for the amendments made by Chapter 260, and was substantially amended by Chapter 615).

School Breakfast
Program

Chapter 615 (effective July 1, 1993) amends Chapter 537 of the Laws of 1976 and makes chapter amendments to Chapter 614 of the Laws of 1993 relating to the school breakfast program. Chapter 615 amends the definition of "school district" to include any school district that participated in the school lunch program on or after January 1, 1993. Chapter 615 also clarifies that by September 1, 1994, all pupils attending a participating school facility under the districts jurisdiction which is a severe need school shall be afforded the opportunity to receive a free, reduced and full paid breakfast and by September 1, 1995, all pupils attending a participating elementary school shall be afforded such opportunity. In addition, Chapter 615 clarifies that waivers may be granted by the Commissioner for up to one year and that any school district that voluntarily elects to participate in the school breakfast program may terminate its participation as of June 30th of the school year in which the board of education votes to terminate participation. (Note: Chapter 615 does not account for the prior amendments made by Chapter 260).

School Breakfast Program

Chapter 700 (effective July 1, 1994, with a portion effective on July 1, 1993) amends Education Law §§403-b, 2503(8) and 2554(6) to make building aid available to school districts for the lease of facilities to house prekindergarten programs, effective July 1, 1994. The act also adds a new paragraph h to subdivision 25 of §1709 of the Education Law to specifically authorize the board of education of a union free school district (and therefore a central school district or city school district as well) to contract with another school district, a county, municipality or the State Division for Youth to provide transportation for children, provided the contract cost is appropriate. Education Law §3627 (9) and (13) are amended to assure that any such transportation provided to nonresident children is not deducted from the transportation quota. Finally, the act adds a new subdivision 6-b to section 3602 of the Education Law, effective July 1, 1993, to authorize the payment of building aid for approved expenses for the construction or reconstruction of joint facilities that are established by two or more school districts (other than large city school districts) in accordance with an agreement entered pursuant to General Municipal Law §119-o. The act requires that the school district in which the joint facility is located be designated as the lead district except where the facility is located in more than one district, and that the lead district act as fiscal agent for all participating districts for the purpose of claiming and receiving building aid. The act provides for the use of special blended building aid ratio that will allow districts with low building aid ratios to take advantage of the participation of districts with high building aid ratios. The act authorizes the payment of reorganization incentive aid for debt service for outstanding indebtedness for the joint facility where the lead district reorganizes with one or more other participating districts.

Building aid for lease of prekindergarten facilities

Chapter 713 (effective August 6, 1993, with portions effective July 1, 1992, July 1, 1991 and July 1, 1990) allows school districts to continue to receive an additional apportionment for salary expenses in the 1993-94 school year, includes tuition adjustment aid payable pursuant to paragraph g of subdivision 2 of section 3601-a of the Education Law in the operating aids base used to calculate operating aid due save harmless for the 1990-91, 1991-92, and 1992-93 school years, authorizes additional tax adjustment aid for certain school districts commencing with the 1994-95 school year and authorizes the payment of transportation aid for previously disallowed claims by several school districts which had failed to file their transportation contracts in a timely manner or otherwise failed to fully comply with the requirements of the Education Law or General Municipal Law.

Additional apportionment for salary expenses, tuition adjustment aid, tax adjustment aid and transportation aid

TAXATION AND FINANCIAL ADMINISTRATION

Chapter 261 (effective July 13, 1993) amends the Local Finance Law, in relation to the period of probable usefulness of unspecified betterment and improvements and the maximum maturity of advance refunding bonds. The act also adds a new §99-s of the General Municipal Law to authorize a city with a population of one million or more to sell or otherwise transfer its interest in delinquent real estate tax receivables. The act also extends for one year, authorization for a city with a population of a million or more to sell bonds or notes at negotiated sale, and the act extends for two years the authorization for local governments to utilize proceeds from the sale of a capital asset on which there is debt outstanding and to use the proceeds to retire existing debt for the purchase of a new asset. The act also creates the Nassau County accelerated adjudication program.

Municipal Bonds
and Notes

Chapters 356 and 357 (effective October 19, 1993 with portions effective July 21, 1994) amend the General Municipal Law and the Public Authorities Law to authorize financing assistance for civic facilities by industrial development agencies.

Industrial
Development
Agencies and
Authorities

Chapter 370 (effective July 21, 1993) amends §25.00(a)(3) and (K)(l) of the Local Finance Law to provide special act school districts with specific authority to issue revenue anticipation notes in anticipation of moneys to be received as tuition payments from other school districts or social services districts.

Revenue Antici-
pation Notes for
Special Act
School Districts

Chapter 490 (effective January 1, 1994) amends the Agriculture and Markets Law, the Economic Development Law, the General Municipal Law, the Alcoholic Beverage Control Law and the Tax Law, in relation to reducing certain State mandates imposed upon the grape and wine industry and eliminating or simplifying redundant reporting requirements.

Purchase
of New York
Food Products

Chapter 504 (effective July 26, 1993) amends the Economic Development Law, in relation to the procurement opportunities newsletter, to permit publication of notices of procurement opportunities originating from political subdivisions of the state or business enterprises.

Procurement
Opportunities
Newsletter

MISCELLANEOUS

Chapter 59 (effective April 15, 1993) amends the Family Court Act, the Social Services Law, the Civil Practice Law and Rules, the Domestic Relations Law, the Public Health Law and the Tax Law to, among other things, strengthen child support enforcement and establish a Statewide Settlement House Program to provide comprehensive, coordinated neighborhood-based and family-focused services.

Child Support
Enforcement;
Statewide
Settlement
House Program

Chapter 63 (effective May 21, 1993) amends §§182, 392 and 6252 of the Education Law to establish employer contributions for Tier 2, 3 and 4 employees of the State Education Department (SED), the State University of New York (SUNY) and the City University of New York (CUNY), who are members of the optional retirement system known as Teachers' Annuity Association-College Retirement Equities Fund (TIAA/CREF).

Optional
Retirement
System

Chapter 74 (effective April 1, 1992) amends the Civil Service Law and State Finance Law relating to compensation, benefits and other terms and conditions of employment for State officers and employees in the Professional, Scientific and Technical Services Unit.

Salary Bill for
Professional,
Scientific and
Technical
Services Unit

Chapter 79 (effective June 1, 1993) amends Chapter 208 of the Laws of 1992, which established a task force to identify priorities, policy alternatives and emerging issues with respect to caregivers and victims of Alzheimer's disease, to add the Commissioner of the Office of Mental Retardation and Developmental Disabilities.

Task Force on
Alzheimer's
Disease

Chapter 138 (effective June 21, 1993) amends §202-a of the State Administrative Procedure Act to require state agencies to consider the use of performance standards rather than design standards in developing a rule.

Use of
Performance
Standards in
Rule Making

Chapter 227 (effect July 6, 1993) amends the Economic Development Law to modify the Entrepreneurial Assistance Program (EAP) to include individuals with a disability. The effect would be to extend eligibility to individuals with a disability for services from Business Development Centers, which counsel and mentor clients who are seeking to start new business ventures.

Entrepreneurial
Assistance
Centers

Chapter 231 (effective July 1, 1993) amends various provisions of Title 11-A of the Public Health Law, the Insurance Law, the Social Services Law, the Family Court Act and Chapter 428 of the Laws of 1992 relating to early intervention programs for infants and toddlers with disabilities and their families. Among other things, the act adds a new §2555 to the Public Health Law under which the Commissioner of Health will establish the payment methodology and set the rates for approved early intervention services and evaluations, including rates for services provided in 0-5 programs subject to approval of the Commissioner of Education under Education Law §4410. The act also amends the provisions of §236 of the Family Court Act and Chapter 428 of the Laws of 1992 to give Family Court continuing jurisdiction over services to infants and toddlers with disabilities who are receiving services through Family Court on or before June 30, 1993, or who have petitioned for such services as of July 1, 1993, and have not had their petition denied prior to October 1, 1993.

Early
Intervention
Services
Program

Chapter 243 (effective July 6, 1993) amends the provisions of the Canal Law as amended by Chapter 776 of the Laws of 1992. It requires that the Thruway Authority and the Canal Recreationway Commission consider the historic nature of the canal system, its buildings, sites, and districts in making decisions about the canal system. The Commissioner of the Office of Parks, Recreation and Historic Preservation is made a voting member of the Canal Recreationway Commission. The act also makes technical amendments relating to the appointment of a representative of the commercial shipping industry, and provides that the canal corporation, prior to the implementation of substantial improvements or lease of canal lands, terminals or canal terminal lands, shall conduct a reconnaissance level survey relating to historic buildings, sites and districts within 3,000 feet of the lands affected.

New York State
Canal System

Chapter 369 (effective August 20, 1993) amends subdivision 8 of §202-c of the State Administrative Procedure Act (SAPA), relating to regulatory review by the Office of Business Permits and Regulatory Assistance (OBPRA), to increase the period for public comment from 15 to 30 days, in the event OBPRA determines that the minimum period pursuant to SAPA §202(1) or (4-a) is insufficient. In such circumstance, the period within which OBPRA must notify an agency of the need to further demonstrate compliance with SAPA §202-c(4) would be increased from 15 to 30 days.

Regulatory
Review

Chapter 396 (effective October 1, 1993) amends §202 of the State Administrative Procedure Act to require that the notice of proposed rule making and notice of revised rule making indicate that last date for submission of comments on the proposed rule, provided that such date shall not be less than 45 days after the publication of a notice of proposed rule making or not less than 30 days after the publication of a notice of revised rule making.

Deadlines for
Submission of
Comments on
Proposed Rules

Chapter 404 (effective July 21, 1993) amends subdivisions 2 and 3 of §504 of the Education Law, and adds a new §505-a to the Education Law to require the election by mail vote of the retired teacher members of the New York State Teacher's Retirement Board to provide the procedure for filling vacancies occurring during the term of retired teachers so elected.

Teachers'
Retirement
System

Chapter 441 (effective July 26, 1993, with portions effective April 1, 1993) amends the Social Services Law to make the child care resource and referral program more readily available to parents and amends the Economic Development Law to make it the duty of the Commissioner of Economic Development to investigate innovative approaches to private sector flexible work arrangements and benefit plans, to promote such arrangements and to promote the inclusion of dependent care facilities in projects assisted by economic development agencies.

Child Care
Resource and
Referral Pro-
gram

Chapter 501 (effective July 26, 1993) amends §352 of the Executive Law to reconstitute the membership of the Division of Veterans' Affairs Commission. The current membership, which is composed of eighteen State officer members, including the Commissioner of Education, plus five veterans, would be changed to thirteen veteran members, with the State Adjutant General serving as *ex officio* member. The State Director of Veterans' Affairs may appoint the head of any other State agency or his or her designee as a non-voting, *ex officio* member.

Veterans' Affairs
Commission

Chapter 547 (effective July 28, 1993) amends §202 of the Education Law to provide that, commencing April 1, 1994, each Regent shall be elected for a term of five years, each term to expire on the first day of April.

Term of Office of
Board of Regents

Chapter 604 (effective July 1, 1993 with portions effective September 1, 1990 and August 1, 1994) amends the various provisions of Article 101 of the Education Law (Education Law §§5001 - 5010) relating to the licensure and regulation of licensed private schools and registered business schools.

Licensed Private
Schools and
Registered
Business Schools

Chapter 628 (effective August 14, 1993) amends §590(10) of the Labor Law to specify that a not-for-profit community art school chartered by the Board of Regents is an educational institution for purposes of the exemption from unemployment insurance obligations during the summer or other customary vacation periods or recesses.

Community Arts
Schools

Chapter 723 (effective December 29, 1993, with portions effective February 1, 1994, April 1, 1994, October 1, 1995 and October 1, 1997) amends the Mental Hygiene Law and certain unconsolidated laws to reinvest State funds from the closure or consolidation of certain State-operated hospitals into community-based services for persons with serious mental illness, including children and adolescents with serious emotional disturbances, by providing grants to local governments to support expanded community mental health reinvestment services.

Expanded
community
mental health
reinvestment
services grants

LAWS OF LOCAL APPLICATION

Chapter 15 (effective March 28, 1993) authorizes the Commissioner of Education to change the name of the "Randolph Children's Home Union Free School District" to the "Randolph Academy Union Free School District."

Randolph
Academy UFSD

Chapter 88 (effective June 7, 1993) enacts an unconsolidated law to authorize the Board of Education of the Delaware Valley Central School District to submit to the voters at the annual district meeting a proposition to transfer funds currently in a certain repair reserve fund to the general fund for the purpose of reducing the 1993-94 tax levy.

Delaware Valley
Central School
District Repair
Reserve Fund

Chapter 177 (effective June 28, 1993) authorizes the Fort Ann Central School District to issue serial bonds and bond anticipation notes in the principal sum not to exceed \$780,853 for the specific purpose of providing for the funding of its accumulated deficit as of June 30, 1992.

Serial Bonds for
Fort Ann Central
School District

Chapter 180 (effective June 28, 1993) amends subparagraph 2 of paragraph (a) of subdivision 9 of §2590-j of the Education Law to give preferred eligibility rights for vacant teaching positions in the New York City school district to persons who have served satisfactorily for two terms as regular appointees within five years of the establishment of a qualifying eligible list.

Preferred
Eligibility Rights
in NYC School
District

Chapter 288 (effective July 21, 1993) adds a new §5-15.0 to the Erie County Tax Act (Chapter 812 of the Laws of 1942) to authorize Erie County to amend local law to provide for the installment payment of school taxes. The act expires and is deemed repealed on December 31, 1995.

School Taxes in
Erie County

Chapter 346 (effective July 21, 1993) authorizes the Commissioner of General Services to convey two acres of property to the Board of Cooperative Educational Services (BOCES), Third Supervisory District, Suffolk, for such consideration that the Commissioner deems reasonable and proper. The parcel is currently being used by the BOCES as a parking lot. The act provides that the property would be surveyed at a cost borne by the BOCES and that the property would revert to the State if it were used for a purpose other than as a parking lot by the BOCES or a successor in interest.

Transfer of Real
Property to
Suffolk
BOCES III

Chapter 366 (effective July 21, 1993) adds a new section 94-a to the General Municipal Law to authorize the City of Jamestown to earn and pay from the operation of its Board of Public Utilities Electric Utility Service an amount equivalent to the taxes it would pay to the Jamestown City School District, if the service were privately owned. This would provide an alternative to the imposition of a utility tax by the school district. The terms and conditions of any such tax equivalent payments would be determined in accordance with agreements between the school district and the board of public utilities.

Tax Equivalent
Payments to
Jamestown City
School District

Chapter 506 (effective July 26, 1993) authorizes the conveyance of certain state lands to the Malone Central School District.

Conveyance of
Property to
Malone Central
School District

Chapter 549 (effective July 28, 1993) amends Chapter 271 of the Laws of 1987 to transfer any account or interest owned by the Union Free School District Number One of the Town of Unionvale, Dutchess County, on July 19, 1987 to the Millbrook Central School District as of July 20, 1987. Chapter 271 of the Laws of 1987 discontinued the existence of the Union Free School District Number One of the Town of Unionvale and transferred its territory to the Millbrook Central School District.

Transfer of
Certain Accounts
or Interest to
Millbrook
Central School
District

Chapter 636 (effective July 1, 1990) adds a new paragraph (b) to subdivision (11) of §3601-a of the Education Law to include in the computation of approved operating expense used to determine operating aid payable to the Jamestown City School District for the 1991-92 and 1992-93 school years, expenditures from its risk retention fund for purposes of employee benefit claims related to salaries paid from the general fund.

Approved
Operating
Expense for
Jamestown City
School District

Chapter 673 (effective August 4, 1993) authorizes the Highland Falls Central School District to issue serial bonds and bond anticipation notes in the principal sum not to exceed \$600,000 for the specific purpose of providing for the funding of its accumulated deficit as of June 30, 1993. It authorizes the board of education of the district to levy a tax to be collected in installments sufficient to pay the principal and interest on the bonds and bond anticipation notes. In addition, the act requires the size of the deficit to be confirmed by the State Comptroller before any debt could be issued and requires the school district's chief fiscal officer to issue quarterly reports on the district's financial condition to specified district and State officials.

Bonds for Deficit
of Highland Falls
Central School
District

Chapter 722 (effective November 24, 1993) adds a new subdivision 26 to §2590-h of the Education Law to authorize and require the Chancellor of the City School District of the City of New York to establish educational and experience requirements for custodial positions and develop standards for evaluating the performance of such individuals, subject to approval of the New York City Board of Education. The Chancellor is also required to promulgate regulations setting forth the respective responsibilities of the district plant manager and the building principal for evaluating the performance of custodial employees. Such performance evaluations of custodial employees are required to be given dominant weight in decisions on advancement, continued employment, building transfers and other performance incentives for custodial employees. The act also adds a new subdivision 27 to §2590-h to require the Chancellor to develop a plan, in conjunction with each community school board, for providing access to school facilities when not in use for school purposes, in accordance with Education Law §414. The act requires that the plans establish a reasonable system of fees for access, with no portion of such fees going to school custodians. Finally, the act amends subdivision 7 of §201 of the Civil Service Law to reclassify New York City school plant managers as managerial and confidential employees.

New York City
School District
custodial
employees

HIGHER EDUCATION

Chapter 40 (effective May 14, 1993) amends Chapter 132 of 1990, which authorized the State University of New York to contract for a research and development/incubator facility through the lease of certain lands of the State University of New York at Albany, by extending the time period during which such contract or lease must be approved and expanding the list of eligible contractors to include a public benefit corporation.

SUNY Albany
Research and
Development/
Incubator Facility

Chapter 48 (effective January 1, 1994) amends Workers' Compensation Law §150(a) to allow a referee to teach in an institution of higher learning and to be compensated for some provided there is no conflict with the proper performance of the duties of his or her office and is not inconsistent with the Public Officers Law.

Workers'
Compensation
Referees as
Professors

Chapter 58 (effective April 1, 1993) amends Chapter 796 of the Laws of 1992 to enact certain technical amendments to the Higher Education Applied Technology Program, including a requirement that participating institutions prepare facility and/or equipment program and financing plans.

Higher Educa-
tion Applied
Technology
Program

Chapter 333 (effective July 21, 1993) amends the following provisions of law to repeal the requirement that a veteran must have been a resident of the State of New York at the time of entry into the armed services in order to qualify for State veterans' programs or benefits: Civil Service Law §85(1)(a), concerning veterans' preference on civil service exams and retention rights; Education Law §668(2), concerning Regents awards for the children of deceased and disabled veterans; Education Law §669-a(1), concerning tuition awards for Vietnam veterans; Executive Law §364(1), concerning the annuity for blind veterans; and Military Law §247, concerning the conspicuous service cross.

Veterans'
Programs and
Benefits

Chapter 568 (effective August 27, 1993) adds a new §6304-A to the Education Law. The act requires the Comptroller to provide each local sponsor (or sponsors) of a community college with a copy of each "final audit or final report" on the sponsored community college prepared by the Department of Audit and Control; requires the President of the Higher Education Services Corporation (HESC) to provide a copy of "each report of a financial aid program review" of the sponsored community college; and requires the Commissioner of Education to provide a copy of "each program review report" on the sponsored community college prepared by the State Education Department.

Audits or
Reports on
Community
Colleges

Chapter 619 (effective August 4, 1993) amends Education law §605 to exempt from a service or financial obligation those recipients of the Empire State Challenger Scholarship Program who as of July 1, 1993 had received fewer than three annual awards; and to authorize the Commissioner of Education to waive or suspend a service or financial obligation in whole or in part incurred by Empire State Challenger Scholarship or Fellowship recipients due to their failure to complete a teacher preparation program because of financial hardship resulting from discontinuation of State funding. In addition, the act provides that individuals who had entered into an agreement with the Commissioner of Education, pursuant to the Medical/Dental Contract Program authorized by Chapter 576 of the Laws of 1975, as amended, who did not complete their medical or dental degree as of July 1, 1993, be excused from the service or financial obligation under that agreement. For those individuals who participated in the Medical/Dental Contract program and completed their medical or dental degree on or before June 30, 1993, the act authorizes the Commissioner of Education to waive or suspend in whole or in part the service or financial obligation, if they were charged additional tuition as a direct result of the discontinuation of State funding.

Challenger
Fellowships and
Scholarships/
Medical-Dental
Contract
Program

Chapter 697 (effective July 1, 1993) amends the Education Law, in relation to providing enhanced management flexibility for the State University of New York and City University of New York.

Enhanced
Management
Flexibility for
SUNY and
CUNY

Chapter 731 (effective December 27, 1993 with portions effective January 1, 1994 and July 1, 1994) amends the Public Health Law, the State Finance Law, and other laws to provide hospital and health care reimbursement. In addition, the bill adds a new section 677-a to the Education Law to provide for a physician loan repayment program, and adds a new section 679-a to the Education Law to establish a primary care practitioner scholarship program.

Physician Loan
Repayment
Program and
Primary Care
Practitioner
Scholarship
Program

LAWS AFFECTING THE PROFESSIONS

Chapter 26 (effective April 12, 1993) amends paragraphs (a) and (b) of subdivision 2 of §2506 of the Public Health Law to extend the definition of 'obstetric practitioner' to include physicians who are either active candidates for board certification or eligible for board certification, and to extend the definition of 'pediatric practitioner' to include physicians who are eligible for board certification.

Obstetric
Practitioners and
Pediatric
Practitioners

Chapter 146 (effective June 28, 1993) amends Education Law §§6731(c) and 7901 to authorize physical therapists and occupational therapists to provide treatment pursuant to referrals by certified nurse practitioners.

Referrals by
Nurse Practi-
tioners to
Physical or
Occupational
Therapists

Chapter 234 (effective July 6, 1993) provides an exemption from the New York medical licensing requirements for physicians from foreign countries and other states and territories in order that they may provide professional medical services to their respective athletes and staff at the 1993 World University Game without receiving a license to practice medicine in New York State. The exemption begins immediately and remains in full force and effect until July 25, 1993, thereby covering the period during which athletes would be expected to be in the State in connection with the World University Games.

Temporary
Exemption from
Medical
Licensure

Chapter 273 (effective July 21, 1993) amends Executive Law §547-m(1) to allow the Executive Director of the Elderly Pharmaceutical Insurance Coverage (EPIC) program to approve out-of-state provider pharmacies for residents of Fishers Island in the Town of Southold, Suffolk County.

Out-of-State
Provider
Pharmacies

Chapter 378 (effective January 1, 1994) amends the Insurance Law to require that policies providing medical coverage for physician services in a physician's office and policies which provide major medical or similar comprehensive-type coverage shall include coverage for certain equipment and supplies for the treatment of diabetes if such equipment and supplies are prescribed by a physician or other licensed health care provider legally authorized to prescribe under Title 8 of the Education Law. The act also provides that coverage shall include diabetes self-management education provided by a physician or other licensed health care provider legally authorized to prescribe under Title 8 of the Education Law, or the physician's staff, as part of an office visit for diabetes diagnosis or treatment, or by "certified diabetes nurse educators," certified nutritionists, certified dietitians, or registered dietitians, upon the referral of a physician or other licensed, authorized health care provider.

Health
Insurance
Coverage
of Treatment
of Diabetes

Chapter 421 (effective July 21, 1993) amends Chapter 333 of the Laws of 1989, which established a medical assistance demonstration program, to extend its expiration date until January 1, 1996. In addition, the act amends Social Services Law §366(2)(b)(3) by adding a new clause (d), requiring the Department of Social Services to submit to the Governor and the Legislature a report, by January 1, 1995, evaluating the medical assistance demonstration programs' effect on access to medical assistance care and other subjects the Commissioner of Social Services deems relevant.

Medical
Assistance
Demonstration
Program

Chapter 443 (effective July 26, 1993 with portions effective September 1, 1993) amends the Public Health Law and the Insurance Law to prohibit practitioners authorized to order pharmacy services from making a referral for such services to a health care provider authorized to provide such services where such practitioner, or an immediate family member, has a financial relationship with the health care provider. The act generally prohibits or restricts referrals for pharmacy services in the same manner as the original legislation, Chapter 803 of the Laws of 1992, restricted or prohibited referrals for clinical laboratory services, x-ray or imaging services.

Referrals of
Patients for
Pharmacy
Services

Chapter 523 (effective July 26, 1993) amends Chapter 817 of the Laws of 1992, relating to the establishment of respiratory therapy as a licensed profession, to delay its effective date until January 1, 1994.

Respiratory
Therapy

Chapter 534 (effective September 26, 1993) amends the provisions of §6738 of the Education Law relating to the required degree of supervision of a physical therapist assistant providing services in a home care services setting. In the case of physical therapist assistants who have had direct clinical experience for a period of not less than two years, continuous supervision by a licensed physical therapist shall not be construed as requiring the physical presence of the licensed physical therapist at the time and place where the services are performed. In the home care services setting, the ratio of the number of physical therapists to the physical therapist assistants which they supervise shall not exceed one to two. The act takes effect sixty days after it becomes a law and remains in effect until June 30, 1996 when it will be repealed.

Supervision
of Physical
Therapist
Assistants

Chapter 555 (effective July 28, 1993 with portions effective August 20, 1993) amends the Not-For-Profit Corporation Law, the Business Corporation Law, the Civil Practice Law and Rules, the Education Law, the Insurance Law, the Mental Hygiene Law, and the Workers' Compensation Law in relation to the organization of university faculty practice corporations. This act authorizes not-for-profit corporations to be formed by licensed physicians or dentists for the purpose of providing support to the educational mission of accredited medical and dental schools by providing clinical instruction and supervision of students of the school, interns and residents, and the rendition of professional services incidental thereto, in such a manner as to comply with Internal Revenue Code §501(c)(3) and the faculty practice plan of the school involved.

University
Faculty Practice
Corporations

Chapter 649 (effective December 2, 1993) amends Education Law §6810(6)(a) by adding a sentence forbidding the use of preprinted prescription forms which contain the letters "d a w" in the box. The statute currently requires that a prescriber write the letters "d a w" in the box if the prescriber wants a brand name drug dispensed, rather than a generic form.

Preprinted
Prescription
Forms

Chapter 653 (effective June 1, 1991) amends Education Law §8305 (2)(b). That provision, as originally enacted, allowed the State Education Department to exempt certain applicants for certification as certified interior designers from the education requirements in that profession, provided that an applicant submitted satisfactory evidence within two years of the effective date of Article 161 that the applicant has held himself or herself out as an interior designer and had prepared certain design documents for a minimum of seven years. The act extends the original deadline, which expired on June 1, 1993, to January 1, 1996.

Interior Design

Chapter 658 (effective August 2, 1993) amends the provisions of §§8351, 8352, and 8356 of the Education Law relating to the profession of athletic training. The act excludes spinal cord injuries from those orthopedic athletic injuries that an athletic trainer may treat while working in a health care organization; requires that supervision of the athletic trainers by a physician must be continuous, but does not require the physical presence of the supervising physician at the time and place where the services are performed; and limits the scope of practice by excluding the reconditioning of neurologic injuries, conditions or disease. The act also limits the scope of practice to the management of athletic injuries, and authorizes a licensee to recognize when a patient is suffering from illness. In such circumstances, it requires the licensee to refer the patient to appropriate medical personnel to implement a physician's order for treatment of the illness. The act amends the practice act to provide that a person can be certified without examination by fulfilling alternative requirements within three years from the effective date of the promulgation of regulations implementing the provisions of the licensing article.

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180.....	17	443.....	22	699.....	3
198.....	2	484.....	2	700.....	12
227.....	14	490.....	13	713.....	12
231.....	14	497.....	4	722.....	18
234.....	21	501.....	15	723.....	16
				731.....	20

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