

2635

2009-2010 Regular Sessions

I N A S S E M B L Y

January 21, 2009

Introduced by M. of A. PRETLOW, SCARBOROUGH, CLARK, ENGLEBRIGHT, SCHIM-
MINGER, FARRELL, SCHROEDER, HOYT -- Multi-Sponsored by -- M. of A.
CANESTRARI, COLTON, COOK, DIAZ, ESPAILLAT, GALEF, GANTT, GLICK, GOTT-
FRIED, HOOPER, JOHN, LENTOL, McENENY, ORTIZ, PERRY, PHEFFER, SEMINER-
IO, TOWNS, WEINSTEIN -- read once and referred to the Committee on
Education

AN ACT to amend the education law, in relation to establishing family
literacy programs for economically disadvantaged families living in
poverty areas or in areas served by low-performing public schools

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-
BLY, DO ENACT AS FOLLOWS:

1 Section 1. Legislative findings and declaration. It is the purpose of
2 this act to help break the cycle of poverty and illiteracy by improving
3 the educational opportunities for New York's low-income families by
4 funding family literacy programs that integrate early childhood develop-
5 ment, adult literacy or adult basic education, inter-generational learn-
6 ing and parenting education. The legislature finds and declares that the
7 provision of comprehensive family literacy programs will help many
8 parents and children living in poverty to improve their lives. The
9 legislature finds that, based on national and state surveys, persons
10 with low literacy levels are most likely to live in poverty and be
11 dependent on public assistance. The legislature finds that a compar-
12 atively high percentage of students attending low-performing public
13 schools live in poverty or have parents with limited English language
14 proficiency or poor literacy skills. The legislature finds that there is
15 inadequate funding to address the illiteracy problem in these communi-
16 ties. Therefore, the legislature finds that it is necessary to fund
17 family literacy programs targeted to economically disadvantaged families
18 residing in poverty areas or in attendance zones served by low-perform-
19 ing public schools to assist adults and children living in these commu-

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

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1 nities to obtain the skills they need to lead successful and productive
2 lives.

3 S 2. Section 3641 of the education law is amended by adding a new
4 subdivision 15 to read as follows:

5 15. FAMILY LITERACY GRANTS. WITHIN THE AMOUNT APPROPRIATED FOR SUCH
6 PURPOSE, THE COMMISSIONER IS DIRECTED AND AUTHORIZED TO AWARD COMPET-
7 ITIVE MATCHING GRANTS TO ELIGIBLE PROVIDERS TO SUPPORT THE ESTABLISHMENT
8 OF COMPREHENSIVE FAMILY LITERACY PROGRAMS. IN ORDER TO BE ELIGIBLE FOR
9 SUCH A GRANT, A GRANTEE SHALL PROVIDE AN APPROVED FAMILY LITERACY
10 PROGRAM TO ELIGIBLE FAMILIES.

11 A. DEFINITIONS. AS USED IN THIS SECTION:

12 (1) "FAMILY LITERACY PROGRAM" MEANS SERVICES THAT ARE OF SUFFICIENT
13 INTENSITY IN TERMS OF HOURS AND OF SUFFICIENT DURATION TO MAKE SUSTAINA-
14 BLE CHANGES TO A FAMILY AND THAT INTEGRATE ALL OF THE FOLLOWING ACTIV-
15 ITIES: INTERACTIVE LITERACY ACTIVITIES BETWEEN PARENTS AND THEIR CHIL-
16 DREN; EDUCATION FOR PARENTS REGARDING HOW TO BE THE PRIMARY TEACHER FOR
17 THEIR CHILDREN AND FULL PARTNERS IN THE EDUCATION OF THEIR CHILDREN;
18 PARENT LITERACY PREPARATION THAT LEADS TO ECONOMIC SELF-SUFFICIENCY; AND
19 AN AGE-APPROPRIATE EDUCATION TO PREPARE CHILDREN FOR SUCCESS IN SCHOOL
20 AND LIFE EXPERIENCES.

21 (2) "ELIGIBLE PARENT" MEANS AN INDIVIDUAL WHO IS: (I) IN PARENTAL
22 RELATION TO AN ELIGIBLE CHILD, AS DEFINED BY THE COMMISSIONER, AND (II)
23 IN NEED OF ADULT BASIC EDUCATION, AS DEFINED IN THIS SECTION.

24 (3) "ELIGIBLE CHILD" MEANS A CHILD FROM BIRTH THROUGH AGE TWELVE WHO
25 HAS ONE OR MORE ELIGIBLE PARENTS.

26 (4) "ELIGIBLE FAMILY" MEANS A FAMILY UNIT WHICH CONTAINS ONE OR MORE
27 ELIGIBLE PARENTS AND ONE OR MORE ELIGIBLE CHILDREN AND WHOSE FAMILY
28 INCOME IS AT OR BELOW THE POVERTY LEVEL AND WHO RESIDES IN AN AREA OF
29 POVERTY OR IN AN ATTENDANCE ZONE SERVED BY A LOW-PERFORMING PUBLIC
30 SCHOOL, BOTH AS DEFINED BY THE COMMISSIONER.

31 (5) "ELIGIBLE PROVIDER" MEANS A SCHOOL DISTRICT OR A BOARD OF COOPER-
32 ATIVE EDUCATIONAL SERVICES IN PARTNERSHIP WITH A PUBLIC AGENCY OR A
33 PRIVATE, NONSECTARIAN NOT-FOR-PROFIT AGENCY.

34 (6) "AUTHORIZED EXPENDITURES" MEANS THOSE EXPENSES RELATED TO INSTRU-
35 CTION, ASSESSMENT, COUNSELING, ADMINISTRATION, PURCHASE OF INSTRUCTIONAL
36 MATERIALS, PURCHASE OR LEASE OF APPROVED EQUIPMENT, COST OF IN-SERVICE
37 TRAINING FOR PARTICIPATING INSTRUCTORS AND COUNSELORS, DESIGNED TO SERVE
38 ELIGIBLE FAMILIES AND OTHER ADMINISTRATIVE AND PROGRAM COSTS AS APPROVED
39 BY THE COMMISSIONER, OR FOR THE STATEWIDE EVALUATION OF FAMILY LITERACY
40 PROGRAMS.

41 (7) "ADULT EDUCATION" MEANS SERVICES OR INSTRUCTION BELOW THE POSTSE-
42 CONDARY LEVEL FOR INDIVIDUALS:

43 (A) WHO HAVE ATTAINED SIXTEEN YEARS OF AGE;

44 (B) WHO ARE NOT ENROLLED OR REQUIRED TO BE ENROLLED IN SECONDARY
45 SCHOOL UNDER LAW; AND

46 (C) WHO (I) LACK SUFFICIENT MASTERY OF BASIC EDUCATIONAL SKILLS TO
47 ENABLE THE INDIVIDUALS TO FUNCTION EFFECTIVELY IN SOCIETY;

48 (II) DO NOT HAVE A SECONDARY SCHOOL DIPLOMA OR ITS RECOGNIZED EQUIV-
49 ALENT, AND HAVE NOT ACHIEVED AN EQUIVALENT LEVEL OF EDUCATION; OR

50 (III) ARE UNABLE TO SPEAK, READ, OR WRITE THE ENGLISH LANGUAGE.

51 B. AWARD OF GRANTS. (1) ELIGIBLE PROVIDERS SHALL SUBMIT PROPOSALS TO
52 THE COMMISSIONER, INCLUDING PROGRAM BUDGETS, TO FUND AUTHORIZED EXPENDI-
53 TURES IN SUPPORT OF FAMILY LITERACY PROGRAMS DESIGNED TO SERVE ELIGIBLE
54 FAMILIES. SUCH PROPOSALS SHALL BE IN A FORM AND SHALL BE SUBMITTED ON A
55 SCHEDULE PRESCRIBED BY THE COMMISSIONER.

1 (2) THE COMMISSIONER SHALL ADOPT REGULATIONS TO ESTABLISH ELIGIBILITY
2 CRITERIA AND PROCEDURES FOR THE AWARD OF SUCH GRANTS AND TO OTHERWISE
3 IMPLEMENT THE PROVISIONS OF THIS SECTION, PROVIDED THAT A
4 DOLLAR-FOR-DOLLAR MATCH SHALL BE REQUIRED OF ANY ELIGIBLE PROVIDER
5 APPLYING FOR SUCH GRANTS.

6 (3) THE COMMISSIONER SHALL AWARD GRANTS ON A COMPETITIVE BASIS USING
7 THE ELIGIBILITY CRITERIA ESTABLISHED IN REGULATION AND SHALL DETERMINE
8 THE AMOUNT OF EACH GRANT AWARD, PROVIDED THAT A STATEWIDE EVALUATION
9 GRANT SHALL NOT EXCEED FIFTY THOUSAND DOLLARS.

10 C. PAYMENT SCHEDULE. SUBJECT TO THE AVAILABILITY OF FUNDS FOR SUCH
11 PURPOSE, UPON APPROVAL OF A PROPOSAL BY THE COMMISSIONER, THE COMMIS-
12 SIONER SHALL PROVIDE FOR THE ADVANCE OF TWENTY-FIVE PERCENT OF THE GRANT
13 AMOUNT. THE REMAINING PORTION OF THE GRANT ALLOCATION SHALL BE DISTRIB-
14 UTED ACCORDING TO A SCHEDULE PRESCRIBED BY THE COMMISSIONER, UPON
15 SUBMISSION BY THE ELIGIBLE PROVIDER AND APPROVAL BY THE COMMISSIONER OF
16 PROGRESS REPORTS AND A FINAL REPORT.

17 D. ANNUAL REPORT. ON OR BEFORE MARCH FIFTEENTH, TWO THOUSAND TWELVE
18 AND BY MARCH FIRST OF EACH YEAR THEREAFTER, THE COMMISSIONER SHALL
19 SUBMIT TO THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE, AND THE
20 SPEAKER OF THE ASSEMBLY A REPORT DESCRIBING AND EVALUATING THE FAMILY
21 LITERACY PROGRAMS FUNDED PURSUANT TO THIS SECTION.

22 S 3. This act shall take effect July 1, 2011.