S T A T E O F N E W Y O R K

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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, SCHIMMINGER, FARRELL, SCHROEDER, HOYT -- Multi-Sponsored by -- M. of A. CANESTRARI, COLTON, COOK, DIAZ, ESPAILLAT, GALEF, GANTT, GLICK, GOTTFRIED, HOOPER, JOHN, LENTOL, McENENY, ORTIZ, PERRY, PHEFFER, SEMINERIO, 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 ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Legislative findings and declaration. It is the purpose of this act to help break the cycle of poverty and illiteracy by improving the educational opportunities for New York's low-income families by funding family literacy programs that integrate early childhood development, adult literacy or adult basic education, inter-generational learning and parenting education. The legislature finds and declares that the provision of comprehensive family literacy programs will help many parents and children living in poverty to improve their lives. The legislature finds that, based on national and state surveys, persons with low literacy levels are most likely to live in poverty and be dependent on public assistance. The legislature finds that a comparatively high percentage of students attending low-performing public schools live in poverty or have parents with limited English language proficiency or poor literacy skills. The legislature finds that there is inadequate funding to address the illiteracy problem in these communities. Therefore, the legislature finds that it is necessary to fund family literacy programs targeted to economically disadvantaged families residing in poverty areas or in attendance zones served by low-performing 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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nities to obtain the skills they need to lead successful and productive lives.

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

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

A. DEFINITIONS. AS USED IN THIS SECTION:

(1) "FAMILY LITERACY PROGRAM" MEANS SERVICES THAT ARE OF SUFFICIENT INTENSITY IN TERMS OF HOURS AND OF SUFFICIENT DURATION TO MAKE SUSTAINABLE CHANGES TO A FAMILY AND THAT INTEGRATE ALL OF THE FOLLOWING ACTIVITIES: INTERACTIVE LITERACY ACTIVITIES BETWEEN PARENTS AND THEIR CHILDREN; EDUCATION FOR PARENTS REGARDING HOW TO BE THE PRIMARY TEACHER FOR THEIR CHILDREN AND FULL PARTNERS IN THE EDUCATION OF THEIR CHILDREN; PARENT LITERACY PREPARATION THAT LEADS TO ECONOMIC SELF-SUFFICIENCY; AND AN AGE-APPROPRIATE EDUCATION TO PREPARE CHILDREN FOR SUCCESS IN SCHOOL AND LIFE EXPERIENCES.

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

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

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

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

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

(7) "ADULT EDUCATION" MEANS SERVICES OR INSTRUCTION BELOW THE POSTSECONDARY LEVEL FOR INDIVIDUALS:

(A) WHO HAVE ATTAINED SIXTEEN YEARS OF AGE;

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

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

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

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

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

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

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

C. PAYMENT SCHEDULE. SUBJECT TO THE AVAILABILITY OF FUNDS FOR SUCH PURPOSE, UPON APPROVAL OF A PROPOSAL BY THE COMMISSIONER, THE COMMISSIONER SHALL PROVIDE FOR THE ADVANCE OF TWENTY-FIVE PERCENT OF THE GRANT AMOUNT. THE REMAINING PORTION OF THE GRANT ALLOCATION SHALL BE DISTRIBUTED ACCORDING TO A SCHEDULE PRESCRIBED BY THE COMMISSIONER, UPON SUBMISSION BY THE ELIGIBLE PROVIDER AND APPROVAL BY THE COMMISSIONER OF PROGRESS REPORTS AND A FINAL REPORT.

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

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