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

4791

2009-2010 Regular Sessions

I N A S S E M B L Y

February 6, 2009

Introduced by M. of A. WEISENBERG -- read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to requiring community service as a condition for graduation from public or private high school

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

Section 1. The education law is amended by adding a new section 319 to read as follows:

S 319. COMMUNITY SERVICE BY STUDENTS. 1. BEGINNING WITH THE NINTH GRADE CLASS IN THE TWO THOUSAND NINE--TWO THOUSAND TEN SCHOOL YEAR AND INCLUDING EVERY CLASS THEREAFTER, EACH STUDENT SHALL COMPLETE A PROGRAM OF TWENTY HOURS OF COMMUNITY SERVICE AS A CONDITION OF GRADUATION FROM PUBLIC OR PRIVATE HIGH SCHOOL. A HIGH SCHOOL STUDENT WHO BEGINS THE TWO THOUSAND NINE--TWO THOUSAND TEN SCHOOL YEAR IN THE SOPHOMORE, JUNIOR OR SENIOR CLASS OR WHO, IN SUCCEEDING YEARS, FIRST ENTERS A NEW YORK HIGH SCHOOL IN ONE OF THESE CLASSES SHALL COMPLETE A PROPORTIONATELY LESSER NUMBER OF COMMUNITY SERVICE HOURS. A STUDENT WHO BEGINS THE SCHOOL YEAR IN THE TENTH GRADE SHALL COMPLETE FIFTEEN HOURS OF COMMUNITY SERVICE, A STUDENT WHO BEGINS IN THE ELEVENTH GRADE SHALL COMPLETE TEN HOURS OF COMMUNITY SERVICE AND A STUDENT WHO BEGINS IN THE TWELFTH GRADE SHALL COMPLETE FIVE HOURS OF COMMUNITY SERVICE.

2. EACH LOCAL BOARD OF EDUCATION OR GOVERNING BODY MAY ESTABLISH A LOCAL EDUCATION FUND FOR THE PURPOSES OF ADMINISTERING THE COMMUNITY SERVICE PROGRAM. THE BOARD OF EDUCATION OR GOVERNING BODY IS AUTHORIZED TO ACCEPT AND DEPOSIT INTO SUCH FUND ANY CONTRIBUTIONS FROM BUSINESSES OR INDIVIDUALS WISHING TO SUPPORT SUCH COMMUNITY SERVICE PROGRAM.

3. EACH LOCAL BOARD OF EDUCATION OR GOVERNING BODY SHALL, PURSUANT TO GUIDELINES ESTABLISHED BY THE COMMISSIONER, IMPLEMENT A PROGRAM OF COMMUNITY SERVICE FOR STUDENTS IN GRADES NINE THROUGH TWELVE. THE COMMISSIONER SHALL, AT THE REQUEST OF A LOCAL BOARD OF EDUCATION OR

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

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GOVERNING BODY, PROVIDE ANY TECHNICAL ASSISTANCE WHICH MAY BE NECESSARY TO AID A DISTRICT IN THE PLANNING AND IMPLEMENTATION OF ITS COMMUNITY SERVICE PROGRAM. THE PROGRAM SHALL PROVIDE, EXCEPT AS PRESCRIBED IN SUBDIVISION ONE OF THIS SECTION:

(A) A STUDENT SHALL COMPLETE A MINIMUM OF TWENTY HOURS OF COMMUNITY SERVICE OVER FOUR YEARS, BUT NO MORE THAN TEN HOURS IN ANY ONE YEAR;

(B) A STUDENT MAY COMPLETE THE COMMUNITY SERVICE DURING THE EVENINGS, ON WEEKENDS, OR DURING THE SUMMER, BUT SHALL NOT COMPLETE THE COMMUNITY SERVICE DURING SCHOOL HOURS UNLESS PERMISSION TO DO SO IS GRANTED BY THE SUPERINTENDENT OR COMMUNITY SUPERINTENDENT OF THE SCHOOL DISTRICT IN WHICH SUCH STUDENT IS ENROLLED. PERMISSION FOR COMPLETION OF THE COMMUNITY SERVICE DURING SCHOOL HOURS BY THE STUDENT MAY BE GRANTED BY THE SUPERINTENDENT OR COMMUNITY SUPERINTENDENT ONLY IF HE OR SHE IS SATISFIED THAT (I) SUCH COMMUNITY SERVICE WILL NOT INTERFERE WITH THE STUDENT'S OVERALL ACADEMIC PERFORMANCE AND (II) THE STUDENT DEMONSTRATES THAT HE OR SHE IS UNABLE TO COMPLETE THE COMMUNITY SERVICE DURING EVENINGS, WEEKEND OR SUMMER HOURS OR PERMISSION MAY BE GRANTED FOR COMPLETION OF THE COMMUNITY SERVICE DURING SCHOOL HOURS, IF SUCH COMMUNITY SERVICE IS IN CONJUNCTION WITH AN IN-SCHOOL SERVICE PROGRAM;

(C) A STUDENT MAY COMPLETE THE COMMUNITY SERVICE REQUIREMENT WITH A NOT-FOR-PROFIT AGENCY OR ORGANIZATION, A PUBLIC AGENCY OR INSTITUTION, A NOT-FOR-PROFIT OR FOR-PROFIT HEALTH CARE FACILITY, OR ANY OTHER COMMUNITY ORGANIZATION WHICH THE LOCAL BOARD OF EDUCATION OR GOVERNING BODY DEEMS APPROPRIATE; AND

(D) A STUDENT SHALL NOT RECEIVE COMPENSATION FOR COMMUNITY SERVICE OR SUBSTITUTE EMPLOYMENT FOR THE SERVICE REQUIREMENT BUT MAY PURSUANT TO RULES AND REGULATIONS TO BE ADOPTED BY THE COMMISSIONER, BE ELIGIBLE FOR ELECTIVE CREDIT TOWARD GRADUATION OR TOWARD A GRADUATION REQUIREMENT.

4. THE COMMISSIONER SHALL PERIODICALLY REVIEW THE PROGRESS OF THE COMMUNITY SERVICE PROGRAM, AND SHALL REPORT TO THE GOVERNOR AND THE LEGISLATURE ON THE FINDINGS OF THE REVIEW, INCLUDING RECOMMENDATIONS FOR CHANGES WHICH ARE DEEMED APPROPRIATE.

5. THE DEPARTMENT SHALL:

(A) DEVELOP A LONG RANGE PLAN THAT INCLUDES THE INTEGRATION OF COMMUNITY SERVICE LEARNING INTO ACADEMIC CURRICULA;

(B) WORK FOR THE INVOLVEMENT OF NOT-FOR-PROFIT COMMUNITY BASED ORGANIZATIONS AND YOUTH SERVICE AGENCIES INTO COMMUNITY SERVICE PROGRAMS; AND

(C) CREATE A RESOURCE INFORMATION NETWORK TO PROVIDE ASSISTANCE, IDEAS AND MOTIVATION TO SCHOOL DISTRICTS AS THEY IMPLEMENT COMMUNITY SERVICE PROGRAMS.

6. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO EXEMPT THE AGENCIES, ORGANIZATIONS AND INSTITUTIONS WHICH PERMIT HIGH SCHOOL STUDENTS TO PERFORM COMMUNITY SERVICE FROM COMPLYING WITH BOTH FEDERAL AND STATE CHILD LABOR LAWS.

7. THE COMMISSIONER SHALL ADOPT RULES AND REGULATIONS NECESSARY TO EFFECTUATE THE PURPOSES OF THIS SECTION.

S 2. This act shall take effect on the first of July next succeeding the date on which it shall have become a law; provided, however, that any rules and regulations necessary for the timely implementation of this act on its effective date shall be promulgated on or before such date.