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

5284

2009-2010 Regular Sessions

I N A S S E M B L Y

February 11, 2009

Introduced by M. of A. MENG, PHEFFER, GREENE, N. RIVERA -- Multi-Sponsored by -- M. of A. ABBATE, BRENNAN, WEISENBERG -- read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to establishing the twenty-first century after school grant program and making an appropriation therefor

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. TWENTY-FIRST CENTURY AFTER SCHOOL GRANT PROGRAM. 1. GRANT PROGRAM ESTABLISHED. THERE IS HEREBY ESTABLISHED UNDER THE JURISDICTION OF THE COMMISSIONER A GRANT PROGRAM FOR THE PURPOSES OF ESTABLISHING LOCAL AFTER SCHOOL PROGRAMS THROUGH PARTNERSHIPS BETWEEN SCHOOLS AND MUNICIPALITIES TO PROVIDE ACADEMIC SUPPORT AND ENRICHMENT AS A SAFE AND CONSTRUCTIVE AFTER SCHOOL ALTERNATIVE FOR PUPILS FROM KINDERGARTEN THROUGH TWELFTH GRADE IN THE HOURS AFTER THE REGULAR SCHOOL DAY AND LOCATED AT PARTICIPATING PUBLIC SCHOOL BUILDINGS INCLUDING CHARTER SCHOOLS.

2. USE OF GRANTS. (A) GRANTS AWARDED PURSUANT TO THIS SECTION MAY BE USED BY ELIGIBLE APPLICANTS TO ESTABLISH LOCAL TWENTY-FIRST CENTURY AFTER SCHOOL PROGRAMS AS DESCRIBED IN THIS SUBDIVISION. ANY SUCH PROGRAM SHALL CONSIST OF THE FOLLOWING TWO COMPONENTS:

(I) AN EDUCATIONAL AND LITERACY COMPONENT WHEREBY TUTORING OR HOMEWORK ASSISTANCE IS PROVIDED IN ONE OR MORE OF THE FOLLOWING AREAS: LANGUAGE ARTS, MATHEMATICS, HISTORY AND SOCIAL SCIENCE, COMPUTER TRAINING, OR SCIENCE; AND

(II) A COMPONENT WHEREBY EDUCATIONAL ENRICHMENT, INCLUDING, BUT NOT LIMITED TO, FINE ARTS, CAREER TECHNICAL EDUCATION, RECREATION, PHYSICAL FITNESS, AND PREVENTION ACTIVITIES, IS PROVIDED BY LOCAL VOLUNTEERS, OR STAFF PAID IN ACCORDANCE WITH ANY EXISTING CONTRACTUAL AGREEMENT.

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

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(B) EACH PROGRAM ESTABLISHED PURSUANT TO THIS SUBDIVISION SHALL BE PLANNED THROUGH A COLLABORATIVE PROCESS THAT INCLUDES PARENTS, YOUTH, AND REPRESENTATIVES OF PARTICIPATING SCHOOLS, MUNICIPAL AGENCIES, INCLUDING BUT NOT LIMITED TO, PARKS AND RECREATION DEPARTMENTS, LAW ENFORCEMENT, COMMUNITY NON-GOVERNMENTAL ORGANIZATIONS, AND THE PRIVATE SECTOR.

(C) ANY PUPIL ATTENDING A SCHOOL HOSTING A PROGRAM PURSUANT TO THIS SUBDIVISION IS ELIGIBLE TO PARTICIPATE IN SUCH PROGRAM. PROGRAMS ESTABLISHED PURSUANT TO THIS SUBDIVISION ARE NOT REQUIRED TO CHARGE FAMILY FEES OR CONDUCT INDIVIDUAL ELIGIBILITY DETERMINATION BASED ON NEED OR INCOME, BUT MAY DO SO SUBJECT TO REGULATIONS DETERMINED BY THE COMMISSIONER.

(D) EACH LOCAL PROGRAM SHALL ESTABLISH A POLICY REGARDING REASONABLE EARLY RELEASE OF PUPILS FROM THE PROGRAM. FOR THOSE PROGRAMS OPERATING IN A COMMUNITY OR HOST SCHOOL WHERE THE EARLY RELEASE POLICY DOES NOT MEET THE UNIQUE NEEDS OF SUCH COMMUNITY OR SCHOOL, DOCUMENTED EVIDENCE MAY BE SUBMITTED TO THE COMMISSIONER FOR AN EXCEPTION AND A REQUEST FOR APPROVAL OF AN ALTERNATIVE POLICY.

3. GRANT APPLICATION. (A) ELIGIBLE APPLICANTS FOR GRANTS PURSUANT TO THIS SECTION SHALL INCLUDE:

(I) A PUBLIC SCHOOL DISTRICT OR BUILDING WITHIN A DISTRICT, INCLUDING A CHARTER SCHOOL; OR

(II) A MUNICIPALITY AND/OR A COMMUNITY-BASED AGENCY IN PARTNERSHIP WITH THE LOCAL PUBLIC SCHOOL DISTRICT OR BUILDING WITHIN SUCH DISTRICT.

(B) NO GRANT MAY BE AWARDED UNDER THIS SECTION UNLESS AN APPLICATION HAS BEEN SUBMITTED ON FORMS AND IN A MANNER PRESCRIBED BY THE COMMISSIONER. SUCH APPLICATION FOR A GRANT SHALL DEMONSTRATE SPECIFIC NEED FOR AN AWARD OF A GRANT AND OTHER CRITERIA DEEMED APPROPRIATE BY THE COMMISSIONER, INCLUDING MINIMUM PROGRAM STANDARDS AND CONTENT INCLUDING, BUT NOT LIMITED TO, THE FOLLOWING:

(I) COMMITMENTS OF EACH PARTNER TO OPERATE A PROGRAM ON A HOST SCHOOL SITE OR SITES AND TO SHARE RESPONSIBILITY FOR THE QUALITY OF THE PROGRAM;

(II) APPROVAL FOR SUCH PROGRAM HAS BEEN APPROVED BY THE GOVERNING BOARD OF THE SCHOOL DISTRICT AND THE PRINCIPAL OF EACH HOST SCHOOL SITE OR SITES;

(III) A DESIGNATED FISCAL AGENT AND POLICIES REFLECTING ALL FISCAL REPORTING AND AUDITING STANDARDS REQUIRED BY THE CITY OR COUNTY, OR STATE;

(IV) A FORMAL COMPLAINT PROCESS ESTABLISHED AND TO BE POSTED AT EACH HOST SCHOOL SITE;

(V) EXTENT TO WHICH ACADEMIC SUPPORT AND ENRICHMENT COURSES ARE CURRICULUM BASED OR CURRICULUM COMPLEMENTARY IN AREAS OF ARTS, CAREER TECHNICAL EDUCATION, RECREATION, COMPUTER USE, AND OTHER ACTIVITIES TO BROADEN THE PUPIL'S LEARNING EXPERIENCE;

(VI) PROVISIONS FOR STAFF TRAINING AND DEVELOPMENT;

(VII) EXTENT OF COLLABORATION WITHIN THE COMMUNITY, INCLUDING DEMONSTRATED SUPPORT OF THE HOST SCHOOL ADMINISTRATION, FACULTY AND STAFF.

4. PROHIBITED USES. GRANT MONIES AWARDED UNDER THIS SECTION MAY NOT BE USED TO SUPPLANT EXISTING FEDERAL, STATE, OR LOCAL RESOURCES.

5. TECHNICAL ASSISTANCE. (A) THE COMMISSIONER MAY PROVIDE TECHNICAL ASSISTANCE TO SCHOOL DISTRICTS IN THE FURTHERANCE OF THE PURPOSES OF THIS SECTION. SUCH TECHNICAL ASSISTANCE MAY INCLUDE INSTRUCTION AND SEMINARS FOR THE DESIGN OF PROGRAMS DESCRIBED IN SUBDIVISION TWO OF THIS SECTION.

(B) THE DEPARTMENT SHALL PROVIDE NOTICE TO ALL SCHOOLS ELIGIBLE FOR GRANTS PURSUANT TO THIS SECTION OF THE AVAILABILITY OF SUCH GRANTS AS WELL AS THE PROCESS FOR MAKING APPLICATION.

S 2. The sum of five hundred thousand dollars ($500,000), or so much thereof as may be necessary, is hereby appropriated to the division of criminal justice services out of any moneys in the state treasury in the general fund to the credit of the local assistance account, not otherwise appropriated, and made immediately available, for the purpose of carrying out the provisions of this act. Such moneys shall be payable on the audit and warrant of the comptroller on vouchers certified or approved by the commissioner of the division of criminal justice services in the manner prescribed by law.

S 3. This act shall take effect immediately.