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

4927--A

2009-2010 Regular Sessions

I N S E N A T E

April 27, 2009

Introduced by Sen. MONTGOMERY -- read twice and ordered printed, and when printed to be committed to the Committee on Children and Families -- recommitted to the Committee on Children and Families in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the social services law, in relation to the creation of community services response teams; and to amend the education law, in relation to the reporting of educational absences

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

Section 1. The social services law is amended by adding a new section 413-a to read as follows:

S 413-A. COMMUNITY SERVICES RESPONSE TEAM. 1. THERE IS HEREBY ESTABLISHED UNDER THE AUSPICES OF THE OFFICE OF CHILDREN AND FAMILY SERVICES A PROGRAM TO BE KNOWN AS THE COMMUNITY SERVICES RESPONSE PROGRAM. THE GOAL OF THE PROGRAM IS TO ASSIST CHILDREN AND THEIR FAMILIES BY SUPPLYING THEM WITH ACCESS TO NECESSARY SUPPLIES, SUPPORTS AND SERVICES.

2. (A) THE OFFICE OF CHILDREN AND FAMILY SERVICES SHALL ESTABLISH FIVE COMMUNITY SERVICES RESPONSE TEAMS ACROSS THE STATE.

(B) THE COMMUNITY SERVICES RESPONSE TEAM SHALL CONSIST OF A TEAM OF INDIVIDUALS THAT PROVIDES ASSISTANCE IN ACCESSING SUPPLIES, SUPPORTS AND SERVICES, IN COLLABORATION WITH OTHER COMMUNITY ORGANIZATIONS, TO FAMILIES IN NEED.

(C) EACH COMMUNITY SERVICES RESPONSE TEAM SHALL CONSIST OF AT LEAST TWO OF EACH OF THE FOLLOWING INDIVIDUALS:

(I) CASE MANAGERS FROM LOCAL COMMUNITY SERVICE AGENCIES;

(II) MEMBERS OF THE LOCAL LAW ENFORCEMENT;

(III) TEACHERS OR GUIDANCE COUNSELORS FROM THE LOCAL SCHOOL DISTRICT;

(IV) COMMUNITY MENTAL HEALTH PROVIDERS;

(V) SUBSTANCE ABUSE COUNSELORS;

(VI) COMMUNITY HEALTH PROFESSIONALS; AND

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

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(VII) DOMESTIC VIOLENCE COUNSELORS.

3. THE REFERRALS AND SERVICES PROVIDED BY THE COMMUNITY SERVICES RESPONSE TEAM SHALL INCLUDE, BUT NOT BE LIMITED TO:

(A) MENTAL HEALTH SERVICES;

(B) MEDICAL SERVICES;

(C) EMPLOYMENT SERVICES;

(D) FOOD SECURITY;

(E) CLOTHING;

(F) SOCIAL SERVICES;

(G) HOUSING ASSISTANCE;

(H) ADDITIONAL EDUCATIONAL RESOURCES; AND

(I) DOMESTIC VIOLENCE PREVENTION SERVICES.

4. A LOCAL SCHOOL DISTRICT, LOCATED IN A LOCAL SOCIAL SERVICES DISTRICT OR LOCALITY DESIGNATED BY THE OFFICE OF CHILDREN AND FAMILY SERVICES TO HAVE A COMMUNITY SERVICES RESPONSE TEAM, SHALL DESIGNATE AN EMPLOYEE OF SUCH SCHOOL DISTRICT WHO SHALL BE RESPONSIBLE FOR CONTACTING MEMBERS OF THE COMMUNITY SERVICES RESPONSE TEAM REGARDING INSTANCES OF EDUCATIONAL CONCERN, AS DEFINED UNDER SUBDIVISION TWO OF SECTION THIRTY-TWO HUNDRED ELEVEN-B OF THE EDUCATION LAW, WHEN SUCH CALLS ARE REQUIRED PURSUANT TO SUBDIVISION ONE OF SECTION THIRTY-TWO HUNDRED ELEVEN OF THE EDUCATION LAW. THE COMMUNITY SERVICES RESPONSE TEAM SHALL BE RESPONSIBLE FOR ASSESSING THE CIRCUMSTANCES REGARDING INSTANCES OF EDUCATIONAL CONCERN AND REVIEWING THE SITUATION THAT EXISTS IN THE CHILD'S LIFE AND/OR HOUSEHOLD. THE COMMUNITY SERVICES RESPONSE TEAM SHALL DISPATCH A SUB-TEAM MADE UP OF TWO MEMBERS OF THE COMMUNITY SERVICES RESPONSE TEAM TO THE CHILD'S HOME.

5. UPON REVIEW OF THE SITUATION, THE SUB-TEAM SHALL ISSUE AN ORAL AND WRITTEN REPORT TO THE COMMUNITY SERVICES RESPONSE TEAM. AFTER REVIEW OF SUCH REPORTS, THE COMMUNITY SERVICES RESPONSE TEAM MAY TAKE WHATEVER ADDITIONAL ACTIONS THEY DEEM APPROPRIATE IN ACCORDANCE WITH THE APPLICABLE PROVISIONS OF LAW INCLUDING, BUT NOT LIMITED TO, CONSULTING WITH CHILD PROTECTIVE SERVICES, MENTAL HEALTH PROFESSIONALS, MEDICAL PROFESSIONALS, OR LAW ENFORCEMENT OFFICERS TO ASSIST THE CHILD AND/OR THE CHILD'S FAMILY IN OBTAINING NECESSARY SUPPLIES, SUPPORTS AND/OR SERVICES. ONE OR MORE MEMBERS OF THE COMMUNITY SERVICES RESPONSE TEAM SHALL BE RESPONSIBLE FOR NOTIFYING THE LOCAL SCHOOL DISTRICT OF ACTIONS TAKEN AND OUTCOMES ACHIEVED FOR THE CHILD AND/OR THE CHILD'S FAMILY.

S 2. The education law is amended by adding a new section 3211-b to read as follows:

S 3211-B. REPORTING OF EDUCATIONAL ABSENCES. 1. EVERY SCHOOL DISTRICT SHALL REVIEW THE ATTENDANCE RECORDS OF EACH SCHOOL ON A QUARTERLY BASIS. UPON SUCH REVIEW, THE SCHOOL DISTRICT SHALL CONTACT THE APPLICABLE COMMUNITY SERVICES RESPONSE TEAM, IF ONE EXISTS IN THE SOCIAL SERVICES DISTRICT OR LOCALITY WHERE THE SCHOOL DISTRICT IS LOCATED, REGARDING ANY CHILD WHO HAS BEEN THE SUBJECT OF EDUCATIONAL CONCERN.

2. FOR THE PURPOSES OF THIS SECTION, EDUCATIONAL CONCERN SHALL BE WHEN A CHILD HAS A THIRD UNEXCUSED ABSENCE FROM SCHOOL DURING ANY MONTH OR HAS TEN ABSENCES, EXCUSED OR UNEXCUSED, DURING ANY SCHOOL YEAR, ABSENT ANY EXTENUATING CIRCUMSTANCES, PROVIDED, HOWEVER THAT THE NUMBER OF ABSENCES IS LESS THAN THE NUMBER NECESSARY FOR EDUCATIONAL NEGLECT AS DEFINED BY THE SCHOOL DISTRICT.

S 3. The commissioner of the office of children and family services shall designate five counties throughout the state to participate in the community services response program, provided, however that at least one community services response team shall be located within Kings county. The local social services districts which represent the selected coun-

ties, in cooperation with the local school districts, shall implement the program pursuant to section 413-a of the social services law. The programs shall commence on December 1, 2010. Two years after the programs have been in existence, the commissioner of children and family services shall report to the legislature regarding the effectiveness of the program. The commissioner's report shall include statistical data on the amount of services referred or provided by the community services response teams to the local children and their families, as well as recommendations by the commissioner on whether the program should be terminated, continued, or extended to all child advocacy centers statewide.

S 4. Nothing in this act shall be construed to alleviate the legal responsibility of a person designated in section 413 of the social services law to make a call to the statewide central register of child abuse and maltreatment, if such call would otherwise be required pursuant to section 413 of the social services law.

S 5. This act shall take effect on the one hundred eightieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed by the commissioner of the office of children and family services on or before such effective date.