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

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I N A S S E M B L Y

January 15, 2009

Introduced by M. of A. PEOPLES, CLARK, BENEDETTO, AUBRY, WRIGHT, CAMARA, COOK, JOHN, SCARBOROUGH, MAISEL, SCHROEDER, GREENE, JEFFRIES -- Multi-Sponsored by -- M. of A. BOYLAND, BROOK-KRASNY, DIAZ, ESPAILLAT, HEASTIE, HOOPER, HOYT, McENENY, MILLMAN, PHEFFER, REILLY, J. RIVERA, ROBINSON, ROSENTHAL, SCHIMEL, WEISENBERG -- read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to establishing a program to enable over-age, under-credit youths to obtain a high school diploma or equivalent

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 article 100 to read as follows:

ARTICLE 100

OVER-AGE AND UNDER-CREDIT STUDENTS

SECTION 4950. LEGISLATIVE INTENT.

4951. OVER-AGE AND UNDER-CREDIT STUDENT PROGRAM.

S 4950. LEGISLATIVE INTENT. THE LEGISLATURE FINDS THAT RECENTLY, MORE HIGH SCHOOL STUDENTS ARE NOW BEING "PUSHED-OUT" OF THEIR SCHOOLS BECAUSE THEY ARE OVER-AGE OR UNDER-CREDITED. ACCORDING TO ADVOCATES FOR CHILDREN, STUDENTS AS YOUNG AS FIFTEEN AND AS OLD AS TWENTY, HAVING A RANGE OF ACADEMIC ACHIEVEMENTS, WERE BEING TOLD THAT THEY WERE NO LONGER ALLOWED TO STAY IN HIGH SCHOOL BECAUSE THEY WERE TOO OLD, DID NOT HAVE ENOUGH CREDITS, OR WERE NOT ON TRACK TO EARN A DIPLOMA IN FOUR YEARS. "PUSHING-OUT" STUDENTS IS A RESULT OF SCHOOLS DEEMING THE STUDENT AS DIFFICULT TO EDUCATE AND MAY BE A RESULT OF CERTAIN RISK FACTORS NOT RELATED TO THE INDIVIDUAL STUDENT'S OWN FAULT. A VARIETY OF THESE FACTORS MAY INCLUDE BUT ARE NOT LIMITED TO: POOR ACADEMIC PERFORMANCE OR ATTENDANCE; DRUG USE IN THE HOME; SINGLE PARENT HOUSEHOLD; NEGLECT AND ABUSE; TEEN PARENT; AND NO HIGH SCHOOL GRADUATE IN THE HOME. PARENT CHARACTERISTICS THAT ALSO ESTABLISH RISK INCLUDE BUT ARE NOT LIMITED TO:

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

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PARENTS SPEAK ENGLISH POORLY OR NOT AT ALL; PARENTAL CONTACT WITH THE SCHOOL AND HOMEWORK SUPPORT AT HOME IS LIMITED OR NON-EXISTENT; LIMITED OR NO ACCESS TO HEALTH BENEFITS; PARENTS ARE UNEMPLOYED, RECEIVE PUBLIC ASSISTANCE, OR ARE WORKING POOR; PARENTS ARE ELIGIBLE FOR BUT DO NOT ACCESS EARNED INCOME TAX CREDITS AND ARE FINANCIALLY UNSTABLE.

THE LEGISLATURE FURTHER FINDS THAT A PROGRAM IS NEEDED TO BE DIRECTED AT SEVENTEEN TO TWENTY YEAR OLD OVER-AGE, UNDER-CREDITED HIGH SCHOOL STUDENTS ALLOWING SUCH STUDENT TO BE "TRANSFERRED" TO AN ADULT EDUCATION PROGRAM INSTEAD OF BEING CONSIDERED A HIGH SCHOOL DROP-OUT. SUCH A PROGRAM WOULD HELP THOSE STUDENTS WHO ARE UNDER-CREDITED, OVER-AGED, OR BEING PUSHED-OUT OF THEIR SCHOOL SYSTEM AN OPPORTUNITY TO CONTINUE THEIR EDUCATION THEREBY GIVING THOSE STUDENTS ACCREDITATION AND THE RIGHT TOOLS FOR SUCCESS IN THEIR FUTURES. THE LEGISLATURE THEREFORE ESTABLISHES THE OVER-AGE AND UNDER-CREDIT STUDENT PROGRAM.

S 4951. OVER-AGE AND UNDER-CREDIT STUDENT PROGRAM. 1. THE COMMISSIONER IS HEREBY DIRECTED TO CREATE AND ESTABLISH A PROGRAM THAT ENABLES OVER-AGE, UNDER-CREDIT YOUTH IN NEW YORK STATE TO OBTAIN A HIGH SCHOOL DIPLOMA OR THE EQUIVALENT AND MAKE AN EFFECTIVE TRANSITION TO EMPLOYMENT OR POSTSECONDARY EDUCATION OR POSTSECONDARY-LEVEL TRAINING. THIS INCLUDES POSTSECONDARY DEGREE CREDIT STUDY, ADVANCED TRAINING, APPRENTICESHIP, OR EMPLOYMENT WITH A CAREER LADDER.

2. STUDENTS WHO EXIT PUBLIC SCHOOLS WITHOUT A DIPLOMA SHALL BE TRANSFERRED TO APPROPRIATE PROGRAMMING FOR PURSUIT AND COMPLETION OF A GENERAL EDUCATION DIPLOMA (GED).

3. THE STATE EDUCATION DEPARTMENT SHALL RECOGNIZE AND ALLOW ALTERNATIVE CREDENTIALING FOR OVER-AGE, UNDER-CREDIT SEVENTEEN TO TWENTY YEAR OLD STUDENTS. THESE ALTERNATIVE CREDENTIALS SHALL INCLUDE BUT ARE NOT LIMITED TO: GENERAL EDUCATION EQUIVALENCY PROGRAMS, ENTRY TO EMPLOYMENT, ENTRY TO POSTSECONDARY VOCATIONAL, TRAINING CERTIFICATE PROGRAMS, WORKPLACE TRAINING CREDENTIAL AND ACCEPTABLE SCORES ON COLLEGE ENTRANCE EXAMS ENABLING THE STUDENT TO ENTER COLLEGE CREDIT CLASSES.

4. SUCH ACTIONS SHALL BE CONSIDERED UNDER THE NEW YORK STATE EDUCATION ACCOUNTABILITY SYSTEM AS A TRANSFER RATHER THAN A DROP-OUT.

5. SUCCESSFUL COMPLETION OF A CREDENTIAL IDENTIFIED ABOVE SHALL BE CONSIDERED A VALUED OUTCOME WITH CREDIT GIVEN TO LOCAL SCHOOL DISTRICTS.

6. THE COMMISSIONER SHALL PROVIDE FOR THE INCREASED FUNDING TO COVER THE COSTS ASSOCIATED WITH DELIVERING A HIGH QUALITY GED/VOCATIONAL PROGRAM TO OVER-AGE, UNDER-CREDITED YOUTH BETWEEN THE AGES OF SEVENTEEN AND TWENTY YEARS OLD EITHER ENROLLED IN HIGH SCHOOL OR ALTERNATIVE PROGRAMMING.

S 2. This act shall take effect April 1, 2009; provided, however, that 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 and directed to be made and completed on or before such effective date.