

3621

2009-2010 Regular Sessions

I N   A S S E M B L Y

January 27, 2009

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Introduced by M. of A. CLARK, P. RIVERA, SCARBOROUGH, HOYT -- Multi-Sponsored by -- M. of A. PEOPLES, PHEFFER, J. RIVERA, SPANO, WEISENBERG -- read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to establishing a pilot program for overage, under-credit students to prepare these students for post secondary education or training and providing for the repeal of such provisions upon expiration thereof

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

1     Section 1. Legislative intent. The legislature hereby finds and  
2 declares it necessary to increase the graduation rate in this state,  
3 particularly New York City, Yonkers, Buffalo, Rochester, and Syracuse,  
4 where the drop-out rate is exceptionally high particularly with minority  
5 and limited English proficient students. To do so, the legislature finds  
6 it necessary to create a research-based pilot program to assist overage,  
7 under-credit students, who are typically at risk of not graduating,  
8 obtain a high school diploma or general equivalency diploma (GED), and  
9 to prepare these students for post-secondary education or training. The  
10 legislature recognizes that a variety of individual, familial, and  
11 community-based factors may contribute to a student's failure to gradu-  
12 ate, including, but not limited to, the student's poor academic perform-  
13 ance or attendance, parents' academic history, alcohol and/or substance  
14 abuse in the home, upbringing in a single parent household or teen  
15 parent household, neglect and/or abuse in the home, insufficient  
16 parental interest or involvement in students' academic performance, or  
17 otherwise, limited English proficiency in the home, limited access to  
18 health care, or limited economic means, poverty or parental unemploy-  
19 ment.  
20     The pilot program will examine the relationship between the aforemen-  
21 tioned risk factors and the students' academic progress as well as the  
22 influence of the program's academic and after school support services on

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

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1 the student's academic progress, post-secondary education or training,  
2 and employability. The pilot program is expected to engage one thousand  
3 two hundred eligible students in academic and after-school services. The  
4 pilot program will provide assistance and support to selected students  
5 to assist them to obtain a high school diploma or GED and to prepare  
6 them for post-secondary education or training. The program will further  
7 provide assistance and support to the students for two years after the  
8 students' attainment of such a diploma. This research-based pilot  
9 program will provide a comprehensive look at the needs of and adverse  
10 influences on overage, under-credit students and provide a fundamental  
11 plan for remediation.

12 S 2. The education law is amended by adding a new article 100 to read  
13 as follows:

14 ARTICLE 100

15 OVERAGE AND UNDER-CREDIT STUDENTS

16 SECTION 4950. DEFINITIONS.

17 4951. PILOT PROGRAM FOR OVERAGE, UNDER-CREDIT STUDENTS; ESTAB-  
18 LISHED.

19 4952. STUDENT ELIGIBILITY.

20 4953. PURPOSE OF PROGRAM.

21 4954. REPORTS AND EVALUATION OF THE PILOT PROGRAM.

22 4955. PROGRAM COSTS.

23 S 4950. DEFINITIONS. THE FOLLOWING TERM SHALL HAVE THE FOLLOWING MEAN-  
24 ING WHEN USED IN THIS ARTICLE: "OVERAGE, UNDER-CREDIT STUDENT" SHALL  
25 MEAN A STUDENT WHO IS AT LEAST TWO YEARS BEHIND STANDARD PROGRESS RELA-  
26 TIVE TO THE EXPECTED AGE AND CREDIT ACCUMULATION FOR EARNING A DIPLOMA.

27 S 4951. PILOT PROGRAM FOR OVERAGE, UNDER-CREDIT STUDENTS; ESTABLISHED.

28 1. THERE IS HEREBY ESTABLISHED UNDER THE EXERCISE OF AUTHORITY AND  
29 CONTROL OF THE COMMISSIONER A RESEARCH-BASED PILOT PROGRAM NAMED AND  
30 REFERRED TO AS THE PILOT PROGRAM FOR OVERAGE, UNDER-CREDIT STUDENTS.  
31 THIS RESEARCH-BASED PILOT PROGRAM SHALL SERVE ONE THOUSAND TWO HUNDRED  
32 STUDENTS WHO ARE ELIGIBLE FOR THE PROGRAM UNDER SECTION FORTY-NINE  
33 HUNDRED FIFTY-TWO OF THIS ARTICLE. SIX HUNDRED OF THESE STUDENTS SHALL  
34 BE ENROLLED IN THE NEW YORK CITY SCHOOL DISTRICT AND ONE HUNDRED FIFTY  
35 STUDENTS SHALL BE ENROLLED IN EACH OF THE FOLLOWING SCHOOL DISTRICTS:  
36 YONKERS, BUFFALO, ROCHESTER, AND SYRACUSE.

37 2. THE PURPOSE OF THE PILOT PROGRAM SHALL BE TO ASSIST OVERAGE,  
38 UNDER-CREDIT STUDENTS ATTAIN A HIGH SCHOOL DIPLOMA OR GENERAL EQUIVALEN-  
39 CY DIPLOMA (GED), EFFECTIVELY PREPARE FOR AND TRANSITION INTO POST-SEC-  
40 ONDARY EDUCATION OR TRAINING, AND/OR OBTAIN EMPLOYMENT OR OTHER SUCH  
41 MEANINGFUL POST-SECONDARY OPPORTUNITIES. THE PILOT PROGRAM SHALL PROVIDE  
42 ASSISTANCE AND SUPPORT TO SUCH STUDENTS FOR TWO YEARS SUCCEEDING EACH  
43 STUDENT'S ATTAINMENT OF SUCH A DIPLOMA.

44 3. THE PILOT PROGRAM SHALL EXAMINE THE NEEDS OF OVERAGE, UNDER-CREDIT  
45 STUDENTS AND ANALYZE THE FACTORS WHICH CAUSE OR CONTRIBUTE TO THE  
46 STUDENTS' FAILURE TO GRADUATE OR WHICH ADVERSELY INFLUENCE THEIR ACADEM-  
47 IC PROGRESS. THE PILOT PROGRAM SHALL FURTHER ANALYZE THE EFFECT OF THE  
48 PILOT PROGRAM ON THE STUDENT'S ACADEMIC PROGRESS, COMPLETION OF  
49 POST-SECONDARY COURSES OR TRAINING, AND THE STUDENTS' EMPLOYABILITY.

50 S 4952. STUDENT ELIGIBILITY. 1. STUDENTS MAY BE ELIGIBLE FOR THE PILOT  
51 PROGRAM ESTABLISHED IN SECTION FORTY-NINE HUNDRED FIFTY-ONE OF THIS  
52 ARTICLE IF THEY ARE (A) ENROLLED IN A PUBLIC SCHOOL WITHIN AN ELIGIBLE  
53 SCHOOL DISTRICT, (B) OF THE AGE OF TWELVE TO TWENTY-ONE YEARS, (C)  
54 ENROLLED IN ANY OF THE GRADES SEVEN THROUGH TWELVE, OR IF ENROLLED IN  
55 THE SCHOOL DISTRICT OF THE CITY OF NEW YORK, ENROLLED IN ANY OF THE  
56 GRADES NINE THROUGH TWELVE, AND (D) IDENTIFIED WITH AT LEAST ONE OF THE

1 FOLLOWING RISK FACTORS, INCLUDING, BUT NEED NOT BE LIMITED TO, POOR  
2 ACADEMIC PERFORMANCE OR ATTENDANCE, PARENT'S POOR ACADEMIC HISTORY,  
3 ALCOHOL AND/OR SUBSTANCE ABUSE IN THE HOME, SINGLE PARENT HOUSEHOLD OR  
4 TEEN PARENT HOUSEHOLD, NEGLECT AND/OR ABUSE IN THE HOME, INSUFFICIENT  
5 PARENTAL INTEREST OR INVOLVEMENT IN STUDENT'S ACADEMIC PERFORMANCE, OR  
6 OTHERWISE, LIMITED ENGLISH PROFICIENCY IN THE HOME, LIMITED ACCESS OR NO  
7 ACCESS TO HEALTH CARE, LIMITED ECONOMIC MEANS, POVERTY OR PARENTAL UNEM-  
8 PLOYMENT.

9 2. AN ELIGIBLE SCHOOL DISTRICT SHALL APPLY TO THE DEPARTMENT FOR A  
10 GRANT AWARD UNDER THE PILOT PROGRAM ON AN APPLICATION PRESCRIBED BY THE  
11 COMMISSIONER, WHICH SHALL INCLUDE THE SCHOOL DISTRICT'S COMPREHENSIVE  
12 PLAN FOR IMPLEMENTATION OF THE PILOT PROGRAM, WHICH MAY INCLUDE, BUT  
13 NEED NOT BE LIMITED TO, THE FOLLOWING ASPECTS:

14 (A) LIST OF COMMUNITY-BASED ORGANIZATIONS TO FACILITATE EFFECTIVE  
15 PARENT-CHILD RELATIONSHIPS OR PARENT-TEACHER RELATIONSHIPS, SUCH AS  
16 PARENTING CLASSES OR ANGER MANAGEMENT CLASSES;

17 (B) LIST OF PUBLIC ASSISTANCE OFFICES OR ORGANIZATIONS THROUGH WHICH  
18 TO OBTAIN PUBLIC ASSISTANCE BENEFITS, INCLUDING CASH ASSISTANCE, FOOD  
19 STAMPS, MEDICAID OR CHILD HEALTH INSURANCE, OR EARNED-INCOME TAX CRED-  
20 ITS, OR WHICH TO FACILITATE PARENTAL SELF-SUFFICIENCY AND STABILITY;

21 (C) ADULT EDUCATIONAL PROGRAMS, INCLUDING THOSE FOR LITERACY OR  
22 INSTRUCTION IN THE ENGLISH LANGUAGE OR FOR FINANCIAL SELF-SUFFICIENCY OR  
23 STABILITY;

24 (D) POST-SECONDARY EDUCATION AND TRAINING RESOURCES AND CONTACTS,  
25 INCLUDING BUSINESSES OR UNIONS;

26 (E) WORKFORCE OR LABOR TRAINING PROGRAMS AND CAREER COUNSELING  
27 SERVICES;

28 (F) OTHER LOCAL ORGANIZATIONS USED TO ENCOURAGE, FACILITATE, AND  
29 DEVELOP RELATIONSHIPS BETWEEN THE PILOT PROGRAM AND THE STUDENT AND  
30 STUDENT'S FAMILY.

31 S 4953. PURPOSE OF PROGRAM. THE PILOT PROGRAM SHALL PROVIDE THE  
32 FOLLOWING SERVICES TO ELIGIBLE OVERAGE, UNDER-CREDIT STUDENTS:

33 1. SUPPORT AND ADVOCACY SERVICES IN THE HOME, SCHOOL AND/OR WORK ENVI-  
34 RONMENT WHICH SHALL BE PROVIDED BY ONE FULL-TIME ADVOCATE PER EVERY  
35 THIRTY ELIGIBLE STUDENTS;

36 2. REMEDIATION SERVICES, INCLUDING TUTORIAL SERVICES;

37 3. MENTORING SERVICES;

38 4. ACADEMIC SUPPORT SERVICES, WHICH SHALL BE AGE AND CULTURALLY APPRO-  
39 PRIATE;

40 5. WRAP-AROUND-SUPPORT SERVICES THROUGH PARTNERSHIP WITH  
41 COMMUNITY-BASED ORGANIZATIONS AND THE SCHOOL DISTRICT, INCLUDING YOUTH  
42 DEVELOPMENT, JOB READINESS TRAINING, CAREER EXPLORATION AND HEALTH AND  
43 MENTAL HEALTH SERVICES;

44 6. PART-TIME PAID, YEAR-ROUND EMPLOYMENT AND SCHOLARSHIPS AS INCEN-  
45 TIVES TO HELP STUDENTS SUCCEED IN SCHOOL AND PREPARE FOR THE WORKFORCE.  
46 SUCH INCENTIVES WOULD INCLUDE FUNDING FOR EMPLOYER INCENTIVES FOR BUSI-  
47 NESS AND ORGANIZATIONS WHICH DO NOT TRADITIONALLY HIRE YOUTH;

48 7. POST-SECONDARY EDUCATION AND CAREER COUNSELING SERVICES;

49 8. LABOR AND EMPLOYMENT PROGRAMS AND SERVICE LEARNING.

50 S 4954. REPORTS AND EVALUATION OF THE PILOT PROGRAM. UPON THE  
51 COMPLETION OF TWO YEARS OF OPERATION, AND ON AN ANNUAL BASIS THEREAFTER,  
52 THE COMMISSIONER SHALL EVALUATE AND ASSESS THE RESULTS OF THE PILOT  
53 PROGRAM TAKING INTO CONSIDERATION THE FOLLOWING FACTORS:

54 1. THE GRADUATION RATE AND PERCENTAGE OF STUDENTS WHO ATTAIN A DIPLO-  
55 MA, INCLUDING A REGENTS DIPLOMA OR A GENERAL EQUIVALENCY DIPLOMA (GED);

56 2. RATE OF ADMISSION TO POST-SECONDARY EDUCATION OR TRAINING PROGRAMS;

1 3. ACADEMIC PROGRESS IN COMPLETING POST-SECONDARY EDUCATION OR TRAIN-  
2 ING;

3 4. EMPLOYABILITY OF STUDENTS;

4 5. RATE OF EMPLOYMENT, AND RATE OF EMPLOYMENT OF STUDENTS IN NEW YORK  
5 STATE;

6 6. REDUCTION IN TURNOVER COSTS FOR EMPLOYERS PARTICIPATING IN THE  
7 PROGRAM;

8 7. PERCENTAGE OF STUDENTS INCARCERATED DURING OR AFTER PARTICIPATION  
9 IN THE PROGRAM;

10 8. LEVEL OF PARENTAL PARTICIPATION IN THE PROGRAM AND INVOLVEMENT IN  
11 STUDENT'S ACADEMIC PERFORMANCE OR POST-SECONDARY OPPORTUNITIES;

12 9. PARENTAL LITERACY OR ENGLISH LANGUAGE PROFICIENCY;

13 10. PARENTAL IMPROVEMENT, INCLUDING EDUCATION, EMPLOYMENT, ACCESS TO  
14 HEALTH CARE, AND RECEIPT OF PUBLIC ASSISTANCE BENEFITS.

15 S 4955. PROGRAM COSTS. TWENTY-FIVE HUNDRED DOLLARS PER PUPIL PER YEAR  
16 SHALL BE ALLOCATED FOR ADVOCACY, SCHOLARSHIPS, WORK EXPERIENCE AND  
17 MENTORING PROGRAMS OR SERVICES. THIRTY-FIVE HUNDRED DOLLARS PER PUPIL  
18 PER YEAR SHALL BE ALLOCATED FOR WRAP-AROUND SUPPORT SERVICES, ACADEMIC  
19 SUPPORT, AND FAMILY ENGAGEMENT. AID IN AN AMOUNT EQUAL TO SEVEN HUNDRED  
20 DOLLARS PER PARENT OF EACH PUPIL SHALL BE ALLOCATED, ANNUALLY, FOR  
21 EDUCATION PROGRAMS FOR PARENTS TO ASSIST PARENTS TO ACHIEVE FINANCIAL  
22 STABILIZATION, WHICH SHALL INCLUDE SERVICES TO FACILITATE AND/OR PROVIDE  
23 ACCESS TO A FULL RANGE OF BENEFITS AS SPECIFIED IN THIS ARTICLE.  
24 EMPLOYMENT PREPARATION EDUCATION STATE AID MUST BE GENERATED FOR ELIGI-  
25 BLE PARENTS AGE TWENTY-ONE AND OVER AND USED AS A MATCH. PRIORITY SHALL  
26 BE GIVEN TO LEVERAGING MULTIPLE SERVICES AND FUNDING STREAMS. FIVE  
27 HUNDRED THOUSAND DOLLARS SHALL BE SPENT FOR OUTCOME EVALUATION BY AN  
28 INDEPENDENT RESEARCHER.

29 S 3. This act shall take effect immediately and shall expire and be  
30 deemed repealed 5 years after such effective date.