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

1305

2009-2010 Regular Sessions

I N S E N A T E

January 28, 2009

Introduced by Sen. KRUGER -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

AN ACT to amend the education law, in relation to establishing the conflict resolution and school violence reduction program and making appropriations therefor

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

Section 1. Short title. This act shall be known and may be cited as the "Conflict Resolution and School Violence Reduction Program Act".

S 2. Legislative findings and declaration. (a) The legislature hereby finds the following:

(1) According to the National Crime Study, approximately 3,000,000 crimes occur on or near schools each year. This translates into 16,000 crimes per school day or one crime every six seconds.

(2) According to Federal Bureau of Investigation statistics, more than 11,000 people died nationwide between 1980 and 1989 as a result of homicides committed by high school age youths using firearms, cutting instruments or blunt objects.

(3) Gun violence is on the rise in schools all over the United States. According to the Centers for Disease Control, one pupil in five reports carrying a weapon of some type and about one pupil in 20 reports carrying a gun.

(4) According to a study by the National Institute of Education, each month nearly 5,200 of the nation's 1,000,000 secondary school teachers are physically attacked on school grounds. Of these teachers, approximately 1,000 suffer serious injuries which require medical attention. In addition, each month approximately 130,000 teachers are burglarized and approximately 6,000 are robbed.

(b) The legislature hereby declares the following:

(1) Many schools in New York are in need of security and preventive programs in order to provide a safe school environment. School districts

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

LBD07304-01-9

have reported an increasing number of serious incidents of violence on school grounds. The violence has adversely affected the educational environment on school grounds so that teachers are unable to teach and pupils are unable to learn.

(2) School districts have been unable to adequately fund their school safety programs and, therefore, are forced to use a greater amount of their educational funds to pay for school security.

(3) The legislature recognizes its responsibility to assist school districts in correcting safety problems in those schools where they exist and to prevent these problems from arising at all other schools.

S 3. Section 3641 of the education law is amended by adding a new subdivision 15 to read as follows:

15. CONFLICT RESOLUTION AND SCHOOL VIOLENCE REDUCTION PROGRAM. A. PURPOSE. THE PURPOSE OF THIS SUBDIVISION IS TO PROVIDE FUNDING FOR GRANTS TO SCHOOLS FOR DEVELOPING AND IMPLEMENTING EFFECTIVE TECHNIQUES AND ACTIVITIES TO COMBAT CRIME AND VIOLENCE IN THE SCHOOLS. SUCH FUNDING SHALL BE IN ADDITION TO APPORTIONMENTS OTHERWISE PROVIDED BY SECTION THIRTY-SIX HUNDRED TWO OF THIS ARTICLE AND THE OTHER SUBDIVISIONS OF THIS SECTION. IT IS THE INTENT OF THE LEGISLATURE THAT SCHOOLS RECEIVING GRANTS PURSUANT TO THIS SUBDIVISION ACCOMPLISH THE FOLLOWING GOALS:

(1) TEACH PUPILS TECHNIQUES FOR RESOLVING CONFLICTS WITHOUT RESORTING TO THE USE OF VIOLENCE.

(2) TRAIN SCHOOL STAFF AND ADMINISTRATORS TO SUPPORT AND PROMOTE CONFLICT RESOLUTION AND MEDIATION TECHNIQUES FOR RESOLVING CONFLICTS BETWEEN OR AMONG PUPILS.

(3) REDUCE THE INCIDENTS OF VIOLENCE AT THE SCHOOLSITE.

(4) PROVIDE PUPILS WITH AFTER SCHOOL PROGRAMS AS POSITIVE ALTERNATIVES TO DELINQUENT BEHAVIOR.

B. ESTABLISHMENT. THE CONFLICT RESOLUTION AND SCHOOL VIOLENCE REDUCTION PROGRAM IS HEREBY ESTABLISHED. THIS STATEWIDE GRANT PROGRAM SHALL BE COORDINATED THROUGH BOARDS OF EDUCATION OF SCHOOL DISTRICTS TO PROVIDE GRANTS TO SCHOOLS FOR CONFLICT RESOLUTION PROJECTS. EACH SUCH BOARD OF EDUCATION SHALL DO ALL OF THE FOLLOWING:

(1) NO LATER THAN FEBRUARY FIRST OF EACH SCHOOL YEAR, NOTIFY THE COMMISSIONER OF THE INTENT OF THE BOARD OF EDUCATION TO PARTICIPATE IN THE GRANT PROGRAM.

(2) NOTIFY SCHOOLS WITHIN THE JURISDICTION OF THE BOARD OF EDUCATION OF THE AVAILABILITY OF, AND THE PROCESS TO BE FOLLOWED IN APPLYING FOR, GRANTS UNDER THE GRANT PROGRAM.

(3) IDENTIFY SUCCESSFUL CONFLICT RESOLUTION PROJECTS AND TECHNIQUES AND INCORPORATE THOSE TECHNIQUES INTO THE CRITERIA FOR REVIEW AND SELECTION OF REQUESTS FOR PROPOSALS FOR GRANTS.

(4) PROVIDE INFORMATION AS REQUESTED BY THE COMMISSIONER FOR USE IN THE EVALUATION CONDUCTED PURSUANT TO PARAGRAPH H OF THIS SUBDIVISION.

C. CONSORTIA. (1) IF A BOARD OF EDUCATION CHOOSES NOT TO PARTICIPATE SINGLY IN THE GRANT PROGRAM, OR IF FUNDING AVAILABLE THROUGH THE GRANT PROGRAM TO A SINGLE BOARD OF EDUCATION WOULD BE INSUFFICIENT TO CONDUCT A CONFLICT RESOLUTION PROJECT IN ACCORDANCE WITH THE REQUIREMENTS OF THIS SUBDIVISION, SEVERAL BOARDS OF EDUCATION MAY FORM A CONSORTIUM TO PARTICIPATE IN THE GRANT PROGRAM AND SHALL BE SUBJECT TO THIS SUBDIVISION TO THE SAME EXTENT AS A SINGLE BOARD OF EDUCATION.

(2) IF A BOARD OF EDUCATION CHOOSES NOT TO PARTICIPATE IN THE GRANT PROGRAM EITHER SINGLY OR AS PART OF A CONSORTIUM, THAT PORTION OF FUNDING THAT THE BOARD OF EDUCATION WOULD HAVE RECEIVED FOR THE GRANT PROGRAM SHALL BE DISTRIBUTED ON A PRO RATA BASIS TO PARTICIPATING BOARDS OF EDUCATION.

(3) THE COMMISSIONER MAY ALLOCATE FUNDS TO ANY CONSORTIUM OF BOARDS OF EDUCATION PARTICIPATING IN THE GRANT PROGRAM PURSUANT TO THIS PARAGRAPH. THE AMOUNT ALLOCATED TO THE CONSORTIUM SHALL BE THE TOTAL AMOUNT THAT WOULD HAVE BEEN DISTRIBUTED TO EACH SINGLE BOARD OF EDUCATION IN THE CONSORTIUM IN THE APPLICABLE SCHOOL YEAR PURSUANT TO THIS SUBDIVISION HAD THAT BOARD OF EDUCATION RECEIVED A GRANT ON A SINGLE BASIS.

D. REQUESTS FOR PROPOSALS. NO LATER THAN MARCH FIRST OF EACH SCHOOL YEAR, A BOARD OF EDUCATION THAT HAS NOTIFIED THE COMMISSIONER OF ITS INTENT TO PARTICIPATE IN THE GRANT PROGRAM SHALL DEVELOP REQUESTS FOR PROPOSALS, PURSUANT TO WHICH THAT BOARD OF EDUCATION SHALL SELECT GRANT RECIPIENTS FROM SCHOOLS WITHIN THE JURISDICTION OF THE BOARD OF EDUCATION.

E. CRITERIA FOR SELECTION AND SELECTION. A PARTICIPATING BOARD OF EDUCATION SHALL GIVE FIRST PRIORITY TO APPLICANTS FOR GRANTS THAT SUBMIT PROPOSALS CONTAINING A COMPONENT TO TRAIN TEAMS OF SCHOOL STAFF, ADMINISTRATORS, AND PUPILS WHO WILL ENSURE CONTINUATION OF TRAINING IN CONFLICT RESOLUTION TECHNIQUES AFTER FUNDING FROM THE GRANT HAS CEASED. A PARTICIPATING BOARD OF EDUCATION SHALL SELECT ANY SCHOOL WITHIN THE JURISDICTION OF THAT BOARD OF EDUCATION TO BE A GRANT RECIPIENT BASED UPON THE FOLLOWING CRITERIA:

(1) IT DEMONSTRATES THAT VIOLENCE AT THE SCHOOLSITE IS A SUBSTANTIAL AND CONTINUING PROBLEM FOR PUPILS AND STAFF.

(2) IT PROPOSES ONGOING TRAINING FOR PUPILS, SCHOOL STAFF, AND ADMINISTRATORS IN CONFLICT RESOLUTION THROUGH THE USE OF MEDIATION.

(3) IT PROPOSES TO EXPAND EXISTING AFTER SCHOOL OPPORTUNITIES AS AN ALTERNATIVE TO DELINQUENT BEHAVIOR.

(4) THE SCHOOL STAFF AND ADMINISTRATORS AT THE SCHOOL AGREE TO PARTICIPATE IN CONFLICT MEDIATION TRAINING.

(5) IT SUBMITS A PROPOSAL IN WHICH MONETARY AND IN-KIND SUPPORT IN ADDITION TO THE FUNDS PROVIDED THROUGH A GRANT IS IDENTIFIED TO PROMOTE THE SUCCESS OF A CONFLICT RESOLUTION PROJECT.

(6) IT DEVELOPS A PLAN, AND DEMONSTRATES THE ABILITY, TO SHARE THE SUCCESSFUL COMPONENTS OF ITS CONFLICT RESOLUTION AND SCHOOL VIOLENCE REDUCTION PROGRAM WITH OTHER SCHOOLS AND SCHOOL DISTRICTS.

GRANT RECIPIENTS SHALL BE SELECTED AND NOTIFIED NO LATER THAN MAY FIRST OF EACH SCHOOL YEAR.

F. CONFLICT RESOLUTION PROJECTS. CONFLICT RESOLUTION PROJECTS FUNDED PURSUANT TO GRANTS UNDER THIS SUBDIVISION SHALL INCLUDE, BUT NOT BE LIMITED TO, ALL OF THE FOLLOWING:

(1) A COMPONENT TO TEACH PUPILS THE SKILLS NECESSARY TO REDUCE VIOLENCE, INCLUDING COMMUNICATION SKILLS, ANGER MANAGEMENT, BIAS REDUCTION, AND MEDIATION SKILLS.

(2) A COMPONENT TO TRAIN SCHOOL STAFF AND ADMINISTRATORS TO IMPLEMENT AND SUPPORT CONFLICT RESOLUTION TECHNIQUES.

(3) A COMPONENT TO MAKE TRAINING IN CONFLICT RESOLUTION TECHNIQUES AVAILABLE TO PARENTS OR GUARDIANS OF PUPILS OR TO COMMUNITY-BASED ORGANIZATIONS THAT ASSIST THE SCHOOL.

G. EXPENSE RESTRICTION. (1) ANY PARTICIPATING BOARD OF EDUCATION OR CONSORTIUM OF BOARDS OF EDUCATION MAY UTILIZE NO MORE THAN FIVE PERCENT OF THE FUNDS RECEIVED BY THAT BOARD OF EDUCATION OR CONSORTIUM PURSUANT TO THIS SUBDIVISION FOR EXPENSES ASSOCIATED WITH THE IMPLEMENTATION OF THE GRANT PROGRAM.

(2) THE DEPARTMENT MAY UTILIZE NO MORE THAN TWO PERCENT OF THE FUNDS APPROPRIATED FOR THE PURPOSES OF THIS SUBDIVISION FOR EVALUATION OF THE CONFLICT RESOLUTION AND SCHOOL VIOLENCE REDUCTION PROGRAM AND FOR THE DISSEMINATION OF INFORMATION REGARDING SUCCESSFUL PROJECTS THAT ARE

DEVELOPED AND IMPLEMENTED BY PARTICIPATING BOARDS OF EDUCATION TO OTHER BOARDS OF EDUCATION.

H. EVALUATION. THE COMMISSIONER SHALL CONTRACT FOR AN ONGOING INDEPENDENT EVALUATION OF THE EFFECTIVENESS OF CONFLICT RESOLUTION PROJECTS FUNDED BY GRANTS PURSUANT TO THIS SUBDIVISION. THE EVALUATION SHALL DETERMINE THE EFFECTIVENESS OF EACH PROJECT BASED UPON ALL OF THE FOLLOWING CRITERIA:

(1) A REDUCTION IN INCIDENTS OF SCHOOL VIOLENCE AT THE SCHOOLSITE WHERE THE CONFLICT RESOLUTION PROJECT IS CONDUCTED.

(2) A REDUCTION IN THE NUMBER OF SUSPENSIONS OR EXPULSIONS OF PUPILS FOR VIOLENT BEHAVIOR AT THE SCHOOLSITE WHERE THE CONFLICT RESOLUTION PROJECT IS CONDUCTED.

(3) A COMPARISON OF INCIDENTS OF SCHOOL VIOLENCE WITH SCHOOLS OF SIMILAR SIZE AND PUPILS OF SIMILAR SOCIOECONOMIC BACKGROUND AS THE SCHOOLSITE WHERE THE CONFLICT RESOLUTION PROJECT IS CONDUCTED.

I. REPORT. ON OR BEFORE JUNE FIRST OF EACH SCHOOL YEAR AFTER THE FIRST SCHOOL YEAR OF IMPLEMENTATION, THE COMMISSIONER SHALL SUBMIT TO THE LEGISLATURE AN EVALUATION REPORT BASED ON THE ONGOING EVALUATION MADE PURSUANT TO PARAGRAPH H OF THIS SUBDIVISION.

S 4. a. The sum of five million dollars ($5,000,000), or so much thereof as may be necessary, is hereby appropriated to the state education department from any moneys in the state treasury in the general fund to the credit of the state purposes account not otherwise appropriated for the purpose of funding the grants to be awarded for developing and implementing techniques and programs to combat school violence in accordance with subdivision 15 of section 3641 of the education law, as added by section three of this act and the expenses associated with the implementation of the grant program in carrying out the provisions of this act. Such sum shall be payable on the audit and warrant of the state comptroller on vouchers certified or approved by the commissioner of education or his duly designated representative in the manner prescribed by law. No expenditure shall be made from this appropriation until a certificate of approval of availability shall have been issued by the director of the budget and filed with the state comptroller and a copy filed with the chairman of the senate finance committee and the chairman of the assembly ways and means committee. Such certificate may be amended from time to time by the director of the budget and a copy of each such amendment shall be filed with the state comptroller, the chairman of the senate finance committee and the chairman of the assembly ways and means committee.

b. The sum of one hundred thousand dollars ($100,000), or so much thereof as may be necessary, is hereby appropriated to the state education department from any moneys in the state treasury in the general fund to the credit of the state purposes account not otherwise appropriated for the purpose of contracting for an ongoing independent evaluation of the effectiveness of conflict resolution projects funded by grants awarded pursuant to subdivision 15 of section 3641 of the education law, as added by section three of this act and for the dissemination of information regarding successful projects that are developed and implemented by participating boards of education to other boards of education in carrying out the provisions of this act. Such sum shall be payable on the audit and warrant of the state comptroller on vouchers certified or approved by the commissioner of education or his duly designated representative in the manner prescribed by law. No expenditure shall be made from this appropriation until a certificate of approval of availability shall have been issued by the director of the

budget and filed with the state comptroller and a copy filed with the chairman of the senate finance committee and the chairman of the assembly ways and means committee. Such certificate may be amended from time to time by the director of the budget and a copy of each such amendment shall be filed with the state comptroller, the chairman of the senate finance committee and the chairman of the assembly ways and means committee.

S 5. This act shall take effect on the first of April next succeeding the date on which it shall have become a law.