

2011-2012 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 5, 2011

Introduced by M. of A. PEOPLES-STOKES, CLARK, BENEDETTO, AUBRY, WRIGHT, CAMARA, COOK, SCARBOROUGH, MAISEL, SCHROEDER, JEFFRIES, KAVANAGH -- Multi-Sponsored by -- M. of A. BOYLAND, BROOK-KRASNY, HEASTIE, HOOPER, HOYT, McENENY, MILLMAN, PHEFFER, REILLY, J. RIVERA, ROBINSON, 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:

1 Section 1. The education law is amended by adding a new article 100 to
2 read as follows:

3 ARTICLE 100

4 OVER-AGE AND UNDER-CREDIT STUDENTS

5 SECTION 4950. LEGISLATIVE INTENT.

6 4951. OVER-AGE AND UNDER-CREDIT STUDENT PROGRAM.

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

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

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1 CHARACTERISTICS THAT ALSO ESTABLISH RISK INCLUDE BUT ARE NOT LIMITED TO:
2 PARENTS SPEAK ENGLISH POORLY OR NOT AT ALL; PARENTAL CONTACT WITH THE
3 SCHOOL AND HOMEWORK SUPPORT AT HOME IS LIMITED OR NON-EXISTENT; LIMITED
4 OR NO ACCESS TO HEALTH BENEFITS; PARENTS ARE UNEMPLOYED, RECEIVE PUBLIC
5 ASSISTANCE, OR ARE WORKING POOR; PARENTS ARE ELIGIBLE FOR BUT DO NOT
6 ACCESS EARNED INCOME TAX CREDITS AND ARE FINANCIALLY UNSTABLE.

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

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

23 2. STUDENTS WHO EXIT PUBLIC SCHOOLS WITHOUT A DIPLOMA SHALL BE TRANS-
24 FERRED TO APPROPRIATE PROGRAMMING FOR PURSUIT AND COMPLETION OF A GENER-
25 AL EDUCATION DIPLOMA (GED).

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

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

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

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

42 S 2. This act shall take effect April 1, 2011; provided, however, that
43 effective immediately, the addition, amendment and/or repeal of any rule
44 or regulation necessary for the implementation of this act on its effec-
45 tive date are authorized and directed to be made and completed on or
46 before such effective date.