

2555

2011-2012 Regular Sessions

I N   A S S E M B L Y

January 19, 2011

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Introduced by M. of A. PRETLOW, SCARBOROUGH, CLARK, ENGLEBRIGHT,  
FARRELL, SCHROEDER, HOYT -- Multi-Sponsored by -- M. of A. CANESTRARI,  
COLTON, COOK, GALEF, GANTT, GLICK, GOTTFRIED, HOOPER, LENTOL, McENENY,  
ORTIZ, PERRY, PHEFFER, TOWNS, WEINSTEIN -- read once and referred to  
the Committee on Education

AN ACT to amend the education law, in relation to establishing family  
literacy programs for economically disadvantaged families living in  
poverty areas or in areas served by low-performing public schools

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

1     Section 1. Legislative findings and declaration. It is the purpose of  
2     this act to help break the cycle of poverty and illiteracy by improving  
3     the educational opportunities for New York's low-income families by  
4     funding family literacy programs that integrate early childhood develop-  
5     ment, adult literacy or adult basic education, inter-generational learn-  
6     ing and parenting education. The legislature finds and declares that the  
7     provision of comprehensive family literacy programs will help many  
8     parents and children living in poverty to improve their lives. The  
9     legislature finds that, based on national and state surveys, persons  
10    with low literacy levels are most likely to live in poverty and be  
11    dependent on public assistance. The legislature finds that a compar-  
12    atively high percentage of students attending low-performing public  
13    schools live in poverty or have parents with limited English language  
14    proficiency or poor literacy skills. The legislature finds that there is  
15    inadequate funding to address the illiteracy problem in these communi-  
16    ties. Therefore, the legislature finds that it is necessary to fund  
17    family literacy programs targeted to economically disadvantaged families  
18    residing in poverty areas or in attendance zones served by low-perform-  
19    ing public schools to assist adults and children living in these commu-  
20    nities to obtain the skills they need to lead successful and productive  
21    lives.

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

LBD02787-01-1

1 S 2. Section 3641 of the education law is amended by adding a new  
2 subdivision 15 to read as follows:

3 15. FAMILY LITERACY GRANTS. WITHIN THE AMOUNT APPROPRIATED FOR SUCH  
4 PURPOSE, THE COMMISSIONER IS DIRECTED AND AUTHORIZED TO AWARD COMPET-  
5 ITIVE MATCHING GRANTS TO ELIGIBLE PROVIDERS TO SUPPORT THE ESTABLISHMENT  
6 OF COMPREHENSIVE FAMILY LITERACY PROGRAMS. IN ORDER TO BE ELIGIBLE FOR  
7 SUCH A GRANT, A GRANTEE SHALL PROVIDE AN APPROVED FAMILY LITERACY  
8 PROGRAM TO ELIGIBLE FAMILIES.

9 A. DEFINITIONS. AS USED IN THIS SECTION:

10 (1) "FAMILY LITERACY PROGRAM" MEANS SERVICES THAT ARE OF SUFFICIENT  
11 INTENSITY IN TERMS OF HOURS AND OF SUFFICIENT DURATION TO MAKE SUSTAINA-  
12 BLE CHANGES TO A FAMILY AND THAT INTEGRATE ALL OF THE FOLLOWING ACTIV-  
13 ITIES: INTERACTIVE LITERACY ACTIVITIES BETWEEN PARENTS AND THEIR CHIL-  
14 DREN; EDUCATION FOR PARENTS REGARDING HOW TO BE THE PRIMARY TEACHER FOR  
15 THEIR CHILDREN AND FULL PARTNERS IN THE EDUCATION OF THEIR CHILDREN;  
16 PARENT LITERACY PREPARATION THAT LEADS TO ECONOMIC SELF-SUFFICIENCY; AND  
17 AN AGE-APPROPRIATE EDUCATION TO PREPARE CHILDREN FOR SUCCESS IN SCHOOL  
18 AND LIFE EXPERIENCES.

19 (2) "ELIGIBLE PARENT" MEANS AN INDIVIDUAL WHO IS: (I) IN PARENTAL  
20 RELATION TO AN ELIGIBLE CHILD, AS DEFINED BY THE COMMISSIONER, AND (II)  
21 IN NEED OF ADULT BASIC EDUCATION, AS DEFINED IN THIS SECTION.

22 (3) "ELIGIBLE CHILD" MEANS A CHILD FROM BIRTH THROUGH AGE TWELVE WHO  
23 HAS ONE OR MORE ELIGIBLE PARENTS.

24 (4) "ELIGIBLE FAMILY" MEANS A FAMILY UNIT WHICH CONTAINS ONE OR MORE  
25 ELIGIBLE PARENTS AND ONE OR MORE ELIGIBLE CHILDREN AND WHOSE FAMILY  
26 INCOME IS AT OR BELOW THE POVERTY LEVEL AND WHO RESIDES IN AN AREA OF  
27 POVERTY OR IN AN ATTENDANCE ZONE SERVED BY A LOW-PERFORMING PUBLIC  
28 SCHOOL, BOTH AS DEFINED BY THE COMMISSIONER.

29 (5) "ELIGIBLE PROVIDER" MEANS A SCHOOL DISTRICT OR A BOARD OF COOPER-  
30 ATIVE EDUCATIONAL SERVICES IN PARTNERSHIP WITH A PUBLIC AGENCY OR A  
31 PRIVATE, NONSECTARIAN NOT-FOR-PROFIT AGENCY.

32 (6) "AUTHORIZED EXPENDITURES" MEANS THOSE EXPENSES RELATED TO INSTRU-  
33 CTION, ASSESSMENT, COUNSELING, ADMINISTRATION, PURCHASE OF INSTRUCTIONAL  
34 MATERIALS, PURCHASE OR LEASE OF APPROVED EQUIPMENT, COST OF IN-SERVICE  
35 TRAINING FOR PARTICIPATING INSTRUCTORS AND COUNSELORS, DESIGNED TO SERVE  
36 ELIGIBLE FAMILIES AND OTHER ADMINISTRATIVE AND PROGRAM COSTS AS APPROVED  
37 BY THE COMMISSIONER, OR FOR THE STATEWIDE EVALUATION OF FAMILY LITERACY  
38 PROGRAMS.

39 (7) "ADULT EDUCATION" MEANS SERVICES OR INSTRUCTION BELOW THE POSTSE-  
40 CONDARY LEVEL FOR INDIVIDUALS:

41 (A) WHO HAVE ATTAINED SIXTEEN YEARS OF AGE;

42 (B) WHO ARE NOT ENROLLED OR REQUIRED TO BE ENROLLED IN SECONDARY  
43 SCHOOL UNDER LAW; AND

44 (C) WHO (I) LACK SUFFICIENT MASTERY OF BASIC EDUCATIONAL SKILLS TO  
45 ENABLE THE INDIVIDUALS TO FUNCTION EFFECTIVELY IN SOCIETY;

46 (II) DO NOT HAVE A SECONDARY SCHOOL DIPLOMA OR ITS RECOGNIZED EQUIV-  
47 ALENT, AND HAVE NOT ACHIEVED AN EQUIVALENT LEVEL OF EDUCATION; OR

48 (III) ARE UNABLE TO SPEAK, READ, OR WRITE THE ENGLISH LANGUAGE.

49 B. AWARD OF GRANTS. (1) ELIGIBLE PROVIDERS SHALL SUBMIT PROPOSALS TO  
50 THE COMMISSIONER, INCLUDING PROGRAM BUDGETS, TO FUND AUTHORIZED EXPENDI-  
51 TURES IN SUPPORT OF FAMILY LITERACY PROGRAMS DESIGNED TO SERVE ELIGIBLE  
52 FAMILIES. SUCH PROPOSALS SHALL BE IN A FORM AND SHALL BE SUBMITTED ON A  
53 SCHEDULE PRESCRIBED BY THE COMMISSIONER.

54 (2) THE COMMISSIONER SHALL ADOPT REGULATIONS TO ESTABLISH ELIGIBILITY  
55 CRITERIA AND PROCEDURES FOR THE AWARD OF SUCH GRANTS AND TO OTHERWISE  
56 IMPLEMENT THE PROVISIONS OF THIS SECTION, PROVIDED THAT A

1 DOLLAR-FOR-DOLLAR MATCH SHALL BE REQUIRED OF ANY ELIGIBLE PROVIDER  
2 APPLYING FOR SUCH GRANTS.

3 (3) THE COMMISSIONER SHALL AWARD GRANTS ON A COMPETITIVE BASIS USING  
4 THE ELIGIBILITY CRITERIA ESTABLISHED IN REGULATION AND SHALL DETERMINE  
5 THE AMOUNT OF EACH GRANT AWARD, PROVIDED THAT A STATEWIDE EVALUATION  
6 GRANT SHALL NOT EXCEED FIFTY THOUSAND DOLLARS.

7 C. PAYMENT SCHEDULE. SUBJECT TO THE AVAILABILITY OF FUNDS FOR SUCH  
8 PURPOSE, UPON APPROVAL OF A PROPOSAL BY THE COMMISSIONER, THE COMMIS-  
9 SIONER SHALL PROVIDE FOR THE ADVANCE OF TWENTY-FIVE PERCENT OF THE GRANT  
10 AMOUNT. THE REMAINING PORTION OF THE GRANT ALLOCATION SHALL BE DISTRIB-  
11 UTED ACCORDING TO A SCHEDULE PRESCRIBED BY THE COMMISSIONER, UPON  
12 SUBMISSION BY THE ELIGIBLE PROVIDER AND APPROVAL BY THE COMMISSIONER OF  
13 PROGRESS REPORTS AND A FINAL REPORT.

14 D. ANNUAL REPORT. ON OR BEFORE MARCH FIFTEENTH, TWO THOUSAND FOURTEEN  
15 AND BY MARCH FIRST OF EACH YEAR THEREAFTER, THE COMMISSIONER SHALL  
16 SUBMIT TO THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE, AND THE  
17 SPEAKER OF THE ASSEMBLY A REPORT DESCRIBING AND EVALUATING THE FAMILY  
18 LITERACY PROGRAMS FUNDED PURSUANT TO THIS SECTION.

19 S 3. This act shall take effect July 1, 2013.