

2110

2011-2012 Regular Sessions

I N S E N A T E

January 18, 2011

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:

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

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

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

8 (2) According to Federal Bureau of Investigation statistics, more than  
9 11,000 people died nationwide between 1980 and 1989 as a result of homi-  
10 cides committed by high school age youths using firearms, cutting  
11 instruments or blunt objects.

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

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

22 (b) The legislature hereby declares the following:

23 (1) Many schools in New York are in need of security and preventive  
24 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 (2) IT PROPOSES ONGOING TRAINING FOR PUPILS, SCHOOL STAFF, AND ADMIN-  
24 ISTRATORS IN CONFLICT RESOLUTION THROUGH THE USE OF MEDIATION.

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

27 (4) THE SCHOOL STAFF AND ADMINISTRATORS AT THE SCHOOL AGREE TO PARTIC-  
28 IPATE IN CONFLICT MEDIATION TRAINING.

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

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

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

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

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

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

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

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

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

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

3 H. EVALUATION. THE COMMISSIONER SHALL CONTRACT FOR AN ONGOING INDE-  
4 PENDENT EVALUATION OF THE EFFECTIVENESS OF CONFLICT RESOLUTION PROJECTS  
5 FUNDED BY GRANTS PURSUANT TO THIS SUBDIVISION. THE EVALUATION SHALL  
6 DETERMINE THE EFFECTIVENESS OF EACH PROJECT BASED UPON ALL OF THE  
7 FOLLOWING CRITERIA:

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

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

13 (3) A COMPARISON OF INCIDENTS OF SCHOOL VIOLENCE WITH SCHOOLS OF SIMI-  
14 LAR SIZE AND PUPILS OF SIMILAR SOCIOECONOMIC BACKGROUND AS THE SCHOOL-  
15 SITE WHERE THE CONFLICT RESOLUTION PROJECT IS CONDUCTED.

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

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

41 b. The sum of one hundred thousand dollars (\$100,000), or so much  
42 thereof as may be necessary, is hereby appropriated to the state educa-  
43 tion department from any moneys in the state treasury in the general  
44 fund to the credit of the state purposes account not otherwise appropri-  
45 ated for the purpose of contracting for an ongoing independent evalu-  
46 ation of the effectiveness of conflict resolution projects funded by  
47 grants awarded pursuant to subdivision 15 of section 3641 of the educa-  
48 tion law, as added by section three of this act and for the dissem-  
49 ination of information regarding successful projects that are developed  
50 and implemented by participating boards of education to other boards of  
51 education in carrying out the provisions of this act. Such sum shall be  
52 payable on the audit and warrant of the state comptroller on vouchers  
53 certified or approved by the commissioner of education or his duly  
54 designated representative in the manner prescribed by law. No expendi-  
55 ture shall be made from this appropriation until a certificate of  
56 approval of availability shall have been issued by the director of the

1 budget and filed with the state comptroller and a copy filed with the  
2 chairman of the senate finance committee and the chairman of the assem-  
3 bly ways and means committee. Such certificate may be amended from time  
4 to time by the director of the budget and a copy of each such amendment  
5 shall be filed with the state comptroller, the chairman of the senate  
6 finance committee and the chairman of the assembly ways and means  
7 committee.

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