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

8595

I N A S S E M B L Y

January 27, 2014

Introduced by M. of A. KIM, McDONALD, FAHY, QUART, BRAUNSTEIN, MOYA -- read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to creating the New York character development commission; to amend the state finance law, in relation to establishing the New York character development fund; 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:

Section 1. The education law is amended by adding a new section 141 to read as follows:

S 141. NEW YORK CHARACTER DEVELOPMENT COMMISSION. 1. COMMISSION ESTABLISHED. (A) THERE IS HEREBY CREATED IN THE EDUCATION DEPARTMENT A COMMISSION TO BE KNOWN AS THE "NEW YORK CHARACTER DEVELOPMENT COMMISSION" WHICH SHALL BE CHARGED WITH INVESTIGATING AND DETERMINING THE BEST PRACTICES IN BUILDING CHARACTER AMONG STATE PUBLIC SCHOOL CHILDREN IN GRADES KINDERGARTEN THROUGH TWELVE AND FORMULATING RECOMMENDATIONS FOR THE IMPLEMENTATION OF THOSE PRACTICES IN PUBLIC SCHOOLS.

(B) THE COMMISSION SHALL BEGIN TO ACT FORTY-FIVE DAYS AFTER THIS SECTION SHALL HAVE BECOME A LAW.

2. MEMBERS OF THE COMMISSION. (A) THE COMMISSION SHALL CONSIST OF TEN MEMBERS TO BE APPOINTED AS FOLLOWS: (I) TWO MEMBERS SHALL BE APPOINTED BY THE TEMPORARY PRESIDENT OF THE SENATE; (II) TWO MEMBERS SHALL BE APPOINTED BY THE SPEAKER OF THE ASSEMBLY; (III) ONE MEMBER SHALL BE APPOINTED BY THE MINORITY LEADER OF THE SENATE; (IV) ONE MEMBER SHALL BE APPOINTED BY THE MINORITY LEADER OF THE ASSEMBLY; (V) TWO MEMBERS SHALL BE APPOINTED BY THE GOVERNOR; AND (VI) TWO MEMBERS SHALL BE APPOINTED BY THE BOARD OF REGENTS. THE BOARD OF REGENTS SHALL DESIGNATE THE CHAIR FROM AMONG THE MEMBERS OF THE COMMISSION.

(B) ONE MEMBER APPOINTED BY EACH OF THE TEMPORARY PRESIDENT OF THE SENATE, THE SPEAKER OF THE ASSEMBLY, THE GOVERNOR AND THE BOARD OF REGENTS SHALL BE AN ACADEMIC AND RESEARCH EXPERT. THE OTHER MEMBER APPOINTED BY THE TEMPORARY PRESIDENT OF THE SENATE, THE SPEAKER OF THE ASSEMBLY, THE GOVERNOR AND THE BOARD OF REGENTS SHALL BE AN EDUCATOR. AT LEAST SEVENTY PERCENT OF THE MEMBERS OF THE COMMISSION SHALL COME FROM

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

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PUBLIC, NON-PROFIT OR GOVERNMENT SECTORS. TO THE EXTENT PRACTICABLE, THE MEMBERSHIP OF THE COMMISSION SHALL INCLUDE ADMINISTRATORS, FACULTY AND OTHER INDIVIDUALS COMMITTED TO ADVANCING THE EDUCATIONAL OPPORTUNITIES OF THE CHILDREN OF THE STATE.

(C) THE LEGISLATIVE LEADERS AND THE GOVERNOR SHALL SUBMIT THEIR APPOINTMENTS TO THE BOARD OF REGENTS, AND THE BOARD OF REGENTS SHALL MAKE APPOINTMENTS, NO LATER THAN FORTY-FIVE DAYS AFTER THIS SECTION BECOMES A LAW. VACANCIES IN THE COMMISSION SHALL BE FILLED IN THE SAME MANNER AS THE MEMBER WHOSE VACANCY IS BEING FILLED WAS APPOINTED.

(D) THE MEMBERS OF THE COMMISSION SHALL RECEIVE NO COMPENSATION FOR THEIR SERVICES AS MEMBERS, BUT SHALL BE ALLOWED THEIR ACTUAL AND NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF THEIR DUTIES. MEMBERS OF THE COMMISSION SHALL BE CONSIDERED PUBLIC OFFICERS FOR PURPOSES OF SECTION SEVENTEEN OF THE PUBLIC OFFICERS LAW.

3. COMMISSION STAFF AND AGENCY LIAISON. (A) THE COMMISSIONER SHALL DESIGNATE SUCH EMPLOYEES OF THE DEPARTMENT AS ARE REASONABLY NECESSARY TO PROVIDE SUPPORT SERVICES TO THE COMMISSION. THE COMMISSION, ACTING BY THE CHAIR OF THE COMMISSION, MAY EMPLOY ADDITIONAL STAFF AND CONSULTANTS, WHO SHALL BE PAID FROM AMOUNTS AVAILABLE TO THE COMMISSION FOR THAT PURPOSE.

(B) THE COMMISSIONER SHALL APPOINT ONE OR MORE REPRESENTATIVES OF THE DEPARTMENT TO SERVE AS LIAISON BETWEEN SUCH DEPARTMENT AND THE COMMISSION. ALL STATE AGENCIES, PUBLIC AUTHORITIES AND PUBLIC BENEFIT CORPORATIONS SHALL PROVIDE SUCH ASSISTANCE AS MAY BE REASONABLY REQUESTED BY THE CHAIR OF THE COMMISSION.

4. POWERS AND DUTIES OF THE COMMISSION. (A) THE COMMISSION SHALL HAVE THE POWER AND DUTY TO :

(1) STUDY AND RESEARCH THE EFFECTIVENESS OF BUILDING CHARACTER AMONG STATE PUBLIC SCHOOL CHILDREN IN GRADES KINDERGARTEN THROUGH TWELVE;

(2) STUDY, EXPLORE, AND RESEARCH FUTURE MEASURES FOR DIFFERENT CHARACTER TRAITS;

(3) PROPOSE SPECIFIC PROGRAMS AND A PLAN TO ALLOCATE RESOURCES TO DEVELOP AND GROW CHARACTER AMONG ALL PUBLIC SCHOOL STUDENTS;

(4) STUDY, EXPLORE AND PROPOSE A PLAN TO IMPLEMENT THE CHARACTER TRAIT MEASURES THAT MAY BE ONE OF THE CONSIDERED FACTORS FOR GRADE ADVANCEMENT;

(5) STUDY, EXPLORE AND PROPOSE MEASURES TO INCORPORATE DIGITAL PLATFORMS;

(6) ESTABLISH, PUBLISH AND PUBLICIZE A PROPOSAL FOR THE IMPLEMENTATION OF A PILOT PROGRAM AND/OR A STATE-WIDE INITIATIVE CONCERNING THE BUILDING OF CHARACTER AMONG STATE PUBLIC SCHOOL CHILDREN IN GRADES KINDERGARTEN THROUGH TWELVE AND PROVIDE RECOMMENDATIONS GERMANE TO THE DEVELOPMENT OF SUCH PROGRAMS IN SCHOOLS;

(7) PREPARE AND DELIVER A REPORT CONCERNING THE COMMISSION'S FINDINGS AND RECOMMENDATIONS AS PROVIDED IN SUBDIVISION FIVE OF THIS SECTION;

(8) RAISE FUNDING FOR THE NEW YORK CHARACTER DEVELOPMENT FUND ESTABLISHED BY SECTION NINETY-NINE-V OF THE STATE FINANCE LAW; AND

(9) TAKE SUCH OTHER ACTIONS AND MEASURES AS MAY BE NECESSARY TO IMPLEMENT THE PROVISIONS OF THIS SECTION.

(B) AS USED IN THIS SECTION, "CHARACTER" REFERS TO THE SOFT AND EMOTIONAL SKILLS THAT ARE PROVEN TO PRODUCE SUCCESSFUL LEADERS, INCLUDING, BUT NOT LIMITED TO GRIT, ZEST, PERSEVERANCE, CURIOSITY, SELF-CONTROL, TENACITY, OPTIMISM, GRATITUDE, AND SOCIAL INTELLIGENCE.

5. COMMISSION RECOMMENDATIONS. ON OR BEFORE JUNE THIRTIETH, TWO THOUSAND SIXTEEN, THE COMMISSION SHALL TRANSMIT TO THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE, THE SPEAKER OF THE ASSEMBLY, THE MINORITY

LEADER OF THE SENATE, THE MINORITY LEADER OF THE ASSEMBLY AND THE BOARD OF REGENTS A REPORT CONCERNING ITS FINDINGS AND RECOMMENDATIONS, WHICH SHALL INCLUDE SPECIFIC RECOMMENDATIONS FOR IMPLEMENTATION OF A PROPOSED PILOT PLAN OR STATE-WIDE INITIATIVE CONCERNING THE BUILDING OF CHARACTER AMONG STATE PUBLIC SCHOOL CHILDREN IN GRADES KINDERGARTEN THROUGH TWELVE AND PROVIDE RECOMMENDATIONS. UPON THE TRANSMISSION OF THE REPORT TO THE GOVERNOR AND THE LEGISLATURE THE COMMISSION SHALL BE DISSOLVED.

S 2. The state finance law is amended by adding a new section 99-v to read as follows:

S 99-V. NEW YORK CHARACTER DEVELOPMENT FUND. 1. THERE IS HEREBY ESTABLISHED IN THE JOINT CUSTODY OF THE STATE COMPTROLLER AND THE COMMISSIONER OF TAXATION AND FINANCE A SPECIAL FUND TO BE KNOWN AS THE "NEW YORK CHARACTER DEVELOPMENT FUND".

2. SUCH FUND SHALL CONSIST OF ALL MONIES CREDITED OR TRANSFERRED THERETO FROM THE GENERAL FUND OR FROM ANY OTHER FUND OR SOURCES PURSUANT TO LAW. NOTHING CONTAINED HEREIN SHALL PREVENT THE DEPARTMENT OF EDUCATION FROM RECEIVING GRANTS, GIFTS OR BEQUESTS FOR THE PURPOSES OF THE FUND AS DEFINED IN THIS SECTION AND DEPOSITING THEM INTO THE FUND ACCORDING TO LAW. EXCEPT AS PROVIDED IN SUBDIVISION FIVE OF THIS SECTION, MONIES OF THE FUND SHALL NOT BE CO-MINGLED WITH ANY OTHER FUND.

3. MONIES OF THE FUND SHALL BE EXPENDED FOR THE PURPOSES OF CARRYING OUT THE PROVISIONS OF SECTION ONE HUNDRED FORTY-ONE OF THE EDUCATION LAW.

4. MONIES SHALL BE PAYABLE FROM THE FUND ON THE AUDIT AND WARRANT OF THE STATE COMPTROLLER ON VOUCHERS APPROVED AND CERTIFIED BY THE CHAIR OF THE NEW YORK CHARACTER DEVELOPMENT COMMISSION.

5. UPON THE DISSOLUTION OF THE NEW YORK CHARACTER DEVELOPMENT COMMISSION, ANY MONIES REMAINING IN THE FUND SHALL BE DEPOSITED INTO THE GENERAL FUND PURSUANT TO THE PROVISIONS OF SECTION SEVENTY-TWO OF THIS ARTICLE.

S 3. Severability clause. If any clause, sentence, paragraph, subdivision, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the legislature that this act would have been enacted even if such invalid provisions had not been included herein.

S 4. This act shall take effect immediately and shall expire and be deemed repealed June 30, 2016.