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I N   A S S E M B L Y

January 27, 2014

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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:

1     Section 1. The education law is amended by adding a new section 141 to  
2     read as follows:  
3     S 141. NEW YORK CHARACTER DEVELOPMENT COMMISSION. 1. COMMISSION  
4     ESTABLISHED. (A) THERE IS HEREBY CREATED IN THE EDUCATION DEPARTMENT A  
5     COMMISSION TO BE KNOWN AS THE "NEW YORK CHARACTER DEVELOPMENT COMMIS-  
6     SION" WHICH SHALL BE CHARGED WITH INVESTIGATING AND DETERMINING THE BEST  
7     PRACTICES IN BUILDING CHARACTER AMONG STATE PUBLIC SCHOOL CHILDREN IN  
8     GRADES KINDERGARTEN THROUGH TWELVE AND FORMULATING RECOMMENDATIONS FOR  
9     THE IMPLEMENTATION OF THOSE PRACTICES IN PUBLIC SCHOOLS.  
10    (B) THE COMMISSION SHALL BEGIN TO ACT FORTY-FIVE DAYS AFTER THIS  
11    SECTION SHALL HAVE BECOME A LAW.  
12    2. MEMBERS OF THE COMMISSION. (A) THE COMMISSION SHALL CONSIST OF TEN  
13    MEMBERS TO BE APPOINTED AS FOLLOWS: (I) TWO MEMBERS SHALL BE APPOINTED  
14    BY THE TEMPORARY PRESIDENT OF THE SENATE; (II) TWO MEMBERS SHALL BE  
15    APPOINTED BY THE SPEAKER OF THE ASSEMBLY; (III) ONE MEMBER SHALL BE  
16    APPOINTED BY THE MINORITY LEADER OF THE SENATE; (IV) ONE MEMBER SHALL BE  
17    APPOINTED BY THE MINORITY LEADER OF THE ASSEMBLY; (V) TWO MEMBERS SHALL  
18    BE APPOINTED BY THE GOVERNOR; AND (VI) TWO MEMBERS SHALL BE APPOINTED BY  
19    THE BOARD OF REGENTS. THE BOARD OF REGENTS SHALL DESIGNATE THE CHAIR  
20    FROM AMONG THE MEMBERS OF THE COMMISSION.  
21    (B) ONE MEMBER APPOINTED BY EACH OF THE TEMPORARY PRESIDENT OF THE  
22    SENATE, THE SPEAKER OF THE ASSEMBLY, THE GOVERNOR AND THE BOARD OF  
23    REGENTS SHALL BE AN ACADEMIC AND RESEARCH EXPERT. THE OTHER MEMBER  
24    APPOINTED BY THE TEMPORARY PRESIDENT OF THE SENATE, THE SPEAKER OF THE  
25    ASSEMBLY, THE GOVERNOR AND THE BOARD OF REGENTS SHALL BE AN EDUCATOR. AT  
26    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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1 PUBLIC, NON-PROFIT OR GOVERNMENT SECTORS. TO THE EXTENT PRACTICABLE,  
2 THE MEMBERSHIP OF THE COMMISSION SHALL INCLUDE ADMINISTRATORS, FACULTY  
3 AND OTHER INDIVIDUALS COMMITTED TO ADVANCING THE EDUCATIONAL OPPORTU-  
4 NITIES OF THE CHILDREN OF THE STATE.

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

10 (D) THE MEMBERS OF THE COMMISSION SHALL RECEIVE NO COMPENSATION FOR  
11 THEIR SERVICES AS MEMBERS, BUT SHALL BE ALLOWED THEIR ACTUAL AND NECES-  
12 SARY EXPENSES INCURRED IN THE PERFORMANCE OF THEIR DUTIES. MEMBERS OF  
13 THE COMMISSION SHALL BE CONSIDERED PUBLIC OFFICERS FOR PURPOSES OF  
14 SECTION SEVENTEEN OF THE PUBLIC OFFICERS LAW.

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

21 (B) THE COMMISSIONER SHALL APPOINT ONE OR MORE REPRESENTATIVES OF THE  
22 DEPARTMENT TO SERVE AS LIAISON BETWEEN SUCH DEPARTMENT AND THE COMMIS-  
23 SION. ALL STATE AGENCIES, PUBLIC AUTHORITIES AND PUBLIC BENEFIT CORPO-  
24 RATIONS SHALL PROVIDE SUCH ASSISTANCE AS MAY BE REASONABLY REQUESTED BY  
25 THE CHAIR OF THE COMMISSION.

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

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

30 (2) STUDY, EXPLORE, AND RESEARCH FUTURE MEASURES FOR DIFFERENT CHARAC-  
31 TER TRAITS;

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

34 (4) STUDY, EXPLORE AND PROPOSE A PLAN TO IMPLEMENT THE CHARACTER TRAIT  
35 MEASURES THAT MAY BE ONE OF THE CONSIDERED FACTORS FOR GRADE ADVANCE-  
36 MENT;

37 (5) STUDY, EXPLORE AND PROPOSE MEASURES TO INCORPORATE DIGITAL PLAT-  
38 FORMS;

39 (6) ESTABLISH, PUBLISH AND PUBLICIZE A PROPOSAL FOR THE IMPLEMENTATION  
40 OF A PILOT PROGRAM AND/OR A STATE-WIDE INITIATIVE CONCERNING THE BUILD-  
41 ING OF CHARACTER AMONG STATE PUBLIC SCHOOL CHILDREN IN GRADES KINDERGAR-  
42 TEN THROUGH TWELVE AND PROVIDE RECOMMENDATIONS GERMANE TO THE DEVELOP-  
43 MENT OF SUCH PROGRAMS IN SCHOOLS;

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

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

48 (9) TAKE SUCH OTHER ACTIONS AND MEASURES AS MAY BE NECESSARY TO IMPLE-  
49 MENT THE PROVISIONS OF THIS SECTION.

50 (B) AS USED IN THIS SECTION, "CHARACTER" REFERS TO THE SOFT AND  
51 EMOTIONAL SKILLS THAT ARE PROVEN TO PRODUCE SUCCESSFUL LEADERS, INCLUD-  
52 ING, BUT NOT LIMITED TO GRIT, ZEST, PERSEVERANCE, CURIOSITY, SELF-CON-  
53 TROL, TENACITY, OPTIMISM, GRATITUDE, AND SOCIAL INTELLIGENCE.

54 5. COMMISSION RECOMMENDATIONS. ON OR BEFORE JUNE THIRTIETH, TWO THOU-  
55 SAND SIXTEEN, THE COMMISSION SHALL TRANSMIT TO THE GOVERNOR, THE TEMPO-  
56 RARY PRESIDENT OF THE SENATE, THE SPEAKER OF THE ASSEMBLY, THE MINORITY

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

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

10 S 99-V. NEW YORK CHARACTER DEVELOPMENT FUND. 1. THERE IS HEREBY ESTAB-  
11 LISHED IN THE JOINT CUSTODY OF THE STATE COMPTROLLER AND THE COMMISSION-  
12 ER OF TAXATION AND FINANCE A SPECIAL FUND TO BE KNOWN AS THE "NEW YORK  
13 CHARACTER DEVELOPMENT FUND".

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

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

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

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

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

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