

5919--A

2013-2014 Regular Sessions

I N S E N A T E

July 22, 2013

Introduced by Sens. MONTGOMERY, PARKER, PERKINS -- read twice and ordered printed, and when printed to be committed to the Committee on Finance -- recommitted to the Committee on Finance in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to enacting the New York YouthBuild act; and making an appropriation 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 "New York YouthBuild act".
3 S 2. Legislative intent. The legislature seeks to support economically
4 disadvantaged youth, especially youth who have not finished high school,
5 to obtain the education, work experience skills training, personal coun-
6 seling, leadership development skills training, job placement assist-
7 ance, and long-term follow-up services necessary for them to achieve
8 permanent economic self-sufficiency, while at the same time providing
9 valuable community service that addresses urgent community needs includ-
10 ing the demand for affordable housing and the need for young role models
11 and mentors for younger teenagers and children.
12 The legislature further intends to foster the development of leader-
13 ship skills and a commitment to community development among youth and to
14 ensure maximum educational achievement of program participants through
15 high school diploma or the equivalent attainment and transition to
16 institutions of higher education, where appropriate.
17 The legislature further intends to provide communities the opportunity
18 to establish or rebuild neighborhood stability in economically depressed
19 and low-income areas, as well as historic areas requiring restoration or
20 preservation, while providing economically disadvantaged youth and youth
21 who have not finished high school an opportunity for a meaningful
22 participation in society.
23 The legislature further intends to allow communities to expand the
24 supply of affordable housing for homeless and other low-income individ-

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

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uals by utilizing the energies and talents of economically disadvantaged youth and young people who have not graduated from high school.

The legislature also intends to foster the development of leadership skills and a commitment to community development among youth.

S 3. The education law is amended by adding a new section 4608 to read as follows:

S 4608. THE NEW YORK YOUTHBUILD ACT; PROGRAM REQUIREMENTS; SERVICES.

1. THE COMMISSIONER IS AUTHORIZED TO MAKE GRANTS, TO ELIGIBLE APPLICANTS FOR THE PURPOSE OF CARRYING OUT YOUTHBUILD PROGRAMS AS APPROVED UNDER THIS SECTION. ALL PROGRAMS FUNDED PURSUANT TO THE PROVISIONS OF THIS SECTION MAY SHALL REFLECT STRONG YOUTH AND COMMUNITY INVOLVEMENT. IN ADDITION, FUNDING PROVIDED UNDER THIS SECTION MAY BE USED BY EACH YOUTHBUILD PROGRAM TO PROVIDE THE FOLLOWING SERVICES:

A. THE TRAINING COSTS FOR THE REHABILITATION OR CONSTRUCTION OF HOUSING AND RELATED FACILITIES TO BE USED FOR THE PURPOSE OF PROVIDING HOMEOWNERSHIP FOR DISADVANTAGED PERSONS, RESIDENTIAL HOUSING FOR HOMELESS INDIVIDUALS, AND LOW-INCOME AND VERY LOW-INCOME FAMILIES, OR TRANSITIONAL HOUSING FOR PERSONS WHO ARE HOMELESS, HAVE DISABILITIES, ARE ILL, ARE DEINSTITUTIONALIZED, OR HAVE SPECIAL NEEDS REHABILITATION OR CONSTRUCTION OF COMMUNITY FACILITIES OWNED BY NOT-FOR-PROFIT OR PUBLIC AGENCIES.

B. THE COSTS OF PROVIDING TRAINING AND PLACEMENT IN THE GROWING EMPLOYMENT SECTORS OF HEALTHCARE AND TECHNOLOGY.

C. THE COST OF INTEGRATED EDUCATION AND WORK EXPERIENCE SKILLS TRAINING SERVICES AND ACTIVITIES WHICH ARE EVENLY DIVIDED WITHIN THE PROGRAM, WITH FIFTY PERCENT OF STUDENTS' TIME SPENT IN CLASSROOM-BASED INSTRUCTION, COUNSELING AND LEADERSHIP DEVELOPMENT INSTRUCTION AND FORTY PERCENT OF THEIR TIME SPENT IN WORK EXPERIENCE TRAINING ON THE CONSTRUCTION SITE OR IN HEALTHCARE OR TECHNOLOGY TRAINING PROGRAMS. THE PROGRAMS SHALL INCLUDE, AT MINIMUM, THE FOLLOWING ELEMENTS:

(1) THE COST OF AN EDUCATION COMPONENT WHICH INCLUDES: BASIC SKILLS INSTRUCTION, SECONDARY EDUCATION SERVICES, AND OTHER ACTIVITIES DESIGNED TO LEAD TO THE ATTAINMENT OF A HIGH SCHOOL DIPLOMA OR ITS EQUIVALENT. THE CURRICULUM FOR THIS COMPONENT SHALL INCLUDE MATH, LANGUAGE ARTS, VOCATIONAL EDUCATION, LIFE SKILLS TRAINING, SOCIAL STUDIES RELATED TO THE CULTURAL AND COMMUNITY HISTORY OF THE STUDENTS, LEADERSHIP SKILLS, AND OTHER TOPICS AT THE DISCRETION OF THE PROGRAMS. BILINGUAL SERVICES SHALL BE AVAILABLE FOR INDIVIDUALS WITH LIMITED-ENGLISH PROFICIENCY. THE DESIRED MINIMUM TEACHER/STUDENT CLASSROOM RATIO SHALL BE ONE TEACHER FOR EVERY FIFTEEN STUDENTS.

(2) A WORK EXPERIENCE AND SKILLS TRAINING COMPONENT APPRENTICESHIP PROGRAM THAT INCLUDES CONSTRUCTION AND REHABILITATION ACTIVITIES DESCRIBED IN PARAGRAPH A OF THIS SUBDIVISION. THE PROCESS OF CONSTRUCTION MUST BE COUPLED WITH WORK EXPERIENCE SKILLS TRAINING AND WITH CLOSE ON-SITE SUPERVISION BY EXPERIENCED TRAINERS. THE CURRICULUM FOR THIS COMPONENT SHALL CONTAIN A SET OF LOCALLY AGREED UPON SKILLS AND COMPETENCIES THAT ARE SYSTEMATICALLY TAUGHT, WITH STUDENTS' MASTERY ASSESSED INDIVIDUALLY ON A REGULAR, ONGOING BASIS. SAFETY SKILLS SHALL BE TAUGHT AT THE OUTSET. THE DESIRED TRAINER/STUDENT RATIO SHALL BE ONE TRAINER FOR EVERY SEVEN STUDENTS. THE WORK EXPERIENCE AND SKILLS TRAINING COMPONENT SHALL BE COORDINATED TO THE MAXIMUM EXTENT FEASIBLE WITH PREAPPRENTICESHIP AND APPRENTICESHIP PROGRAMS.

(3) ASSISTANCE IN ATTAINING POST SECONDARY EDUCATION AND REQUIRED FINANCIAL AID SHALL BE MADE AVAILABLE TO PARTICIPANTS PRIOR TO GRADUATION.

1 D. THE COST OF COUNSELING SERVICES DESIGNED TO ASSIST PARTICIPANTS TO
2 POSITIVELY PARTICIPATE IN SOCIETY, WHICH SHOULD INCLUDE ALL OF THE
3 FOLLOWING IF NECESSARY: OUTREACH, ASSESSMENT, AND ORIENTATION; INDIVID-
4 UAL AND PEER COUNSELING; LIFE SKILLS TRAINING, DRUG AND ALCOHOL ABUSE
5 EDUCATION AND PREVENTION; AND REFERRAL TO APPROPRIATE DRUG REHABILI-
6 TATION, MEDICAL, MENTAL HEALTH, LEGAL, HOUSING, AND OTHER SERVICES AND
7 RESOURCES IN THE COMMUNITY. THE DESIRED COUNSELOR/PARTICIPANT RATIO
8 SHALL BE ONE COUNSELOR FOR EVERY TWENTY-EIGHT STUDENTS.

9 E. THE COST OF LEADERSHIP DEVELOPMENT TRAINING THAT PROVIDED PARTIC-
10 IPANTS WITH MEANINGFUL OPPORTUNITIES TO DEVELOP LEADERSHIP SKILLS SUCH
11 AS DECISION MAKING, PROBLEM SOLVING, AND NEGOTIATING. THE PROGRAM SHALL
12 ALSO ENCOURAGE PARTICIPANTS TO DEVELOP STRONG PEER GROUP TIES THAT
13 SUPPORT THEIR MUTUAL PURSUIT OF SKILLS AND VALUES.

14 ALL PROGRAMS MUST ESTABLISH A YOUTH COUNCIL IN WHICH PARTICIPANTS ARE
15 AFFORDED OPPORTUNITIES TO DEVELOP PUBLIC SPEAKING AND NEGOTIATING
16 SKILLS, AND MANAGEMENT AND POLICYMAKING PARTICIPATION IN SPECIFIC
17 ASPECTS OF THE PROGRAM.

18 2. A TRAINING SUBSIDY, LIVING ALLOWANCE, OR STIPEND THAT SHALL BE NO
19 LESS THAN MINIMUM WAGE MUST BE PROVIDED TO PROGRAM PARTICIPANTS FOR THE
20 TIME SPENT AT THE WORKSITE IN CONSTRUCTION TRAINING, HEALTHCARE OR
21 INFORMATION TECHNOLOGY SERVICES. FOR THOSE PARTICIPANTS WHO RECEIVE
22 PUBLIC ASSISTANCE, THIS TRAINING SUBSIDY, LIVING ALLOWANCE, OR STIPEND
23 SHALL NOT AFFECT THEIR HOUSING BENEFITS, MEDICAL BENEFITS, CHILD CARE
24 BENEFITS OR FOOD STAMP BENEFITS. STIPENDS AND WAGES MAY BE DISTRIBUTED
25 IN A MANNER THAT OFFERS INCENTIVES FOR GOOD PERFORMANCE.

26 A. FULL TIME PARTICIPATION IN A YOUTHBUILD PROGRAM SHALL BE REQUIRED
27 FOR A PERIOD OF NOT LESS THAN SIX MONTHS AND NOT MORE THAN TWENTY-FOUR
28 MONTHS.

29 B. A CONCENTRATED EFFORT, FOR THOSE PARTICIPANTS WHO CHOOSE NOT TO
30 IMMEDIATELY ENROLL IN AN INSTITUTION OF HIGHER EDUCATION, SHALL BE MADE
31 TO FIND CONSTRUCTION, CONSTRUCTION-RELATED, AND NONCONSTRUCTION JOBS AS
32 WELL AS JOBS IN THE FIELDS OF HEALTHCARE AND TECHNOLOGY FOR ALL GRADU-
33 ATES OF THE PROGRAM WHO HAVE PERFORMED WELL. THE WORK EXPERIENCE SKILLS
34 TRAINING CURRICULUM SHALL PROVIDE PARTICIPANTS WITH BASIC PREPARATION
35 FOR SEEKING AND MAINTAINING A JOB. FOLLOW-UP COUNSELING AND ASSISTANCE
36 IN JOB-SEEKING SHALL ALSO BE PROVIDED TO PARTICIPANTS FOR THE TWELVE
37 MONTHS FOLLOWING GRADUATION FROM THE PROGRAM.

38 C. ALL PROGRAMS SERVING TWENTY-EIGHT TRAINEES OR MORE ARE REQUIRED TO
39 HAVE A FULL-TIME DIRECTOR RESPONSIBLE FOR THE COORDINATION OF ALL
40 ASPECTS OF THE YOUTHBUILD PROGRAM.

41 3. IMPLEMENTATION GRANTS MAY BE USED TO CARRY OUT THE ACTIVITIES LIST-
42 ED IN SUBDIVISIONS ONE, TWO AND THREE OF THIS SECTION. OTHER ELIGIBLE
43 ACTIVITIES INCLUDE THE FOLLOWING:

44 A. ADMINISTRATIVE COSTS OF THE APPLICANT UP TO FIFTEEN PERCENT OF THE
45 AMOUNT OF ASSISTANCE PROVIDED.

46 B. DEFRAYING COSTS FOR THE ONGOING TRAINING AND TECHNICAL ASSISTANCE
47 NEEDS OF THE RECIPIENT THAT ARE RELATED TO DEVELOPING AND CARRYING OUT A
48 YOUTHBUILD PROGRAM INCLUDING: THE COMMISSIONER SHALL RESERVE FIVE
49 PERCENT OF THE NEW YORK YOUTHBUILD PROGRAM APPROPRIATIONS TO ENTER INTO
50 CONTRACT WITH YOUTHBUILD USA, INC. TO PROVIDE ASSISTANCE IN THE
51 PROVISION OF TRAINING AND TECHNICAL ASSISTANCE TO, OR IN THE MANAGEMENT,
52 SUPERVISION AND COORDINATION OF, YOUTHBUILD PROGRAMS UNDER THIS SECTION.

53 4. ELIGIBLE PARTICIPANTS ARE YOUTH BETWEEN THE AGES OF SIXTEEN AND
54 TWENTY-FOUR WHO ARE ECONOMICALLY DISADVANTAGED AS DEFINED IN 29 UNITED
55 STATES CODE 1503, AND WHO ARE PART OF ONE OF THE FOLLOWING GROUPS:

1 A. PERSONS WHO ARE NOT ATTENDING ANY SCHOOL AND HAVE NOT RECEIVED A
2 SECONDARY SCHOOL DIPLOMA OR ITS EQUIVALENT; OR

3 B. PERSONS CURRENTLY ENROLLED IN A TRADITIONAL OR ALTERNATIVE SCHOOL
4 SETTING OR AN HSED PROGRAM AND WHO ARE IN DANGER OF DROPPING OUT OF
5 SCHOOL; OR

6 C. VERY LOW-INCOME PERSONS WHOSE INCOMES ARE AT OR LESS THAN FIFTY
7 PERCENT OF THE AREA MEDIAN INCOME AREA, ADJUSTED FOR FAMILY SIZE, AS
8 ESTIMATED BY THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

9 5. AN EXCEPTION MAY BE MADE FOR INDIVIDUALS NOT MEETING INCOME OR
10 EDUCATIONAL NEED REQUIREMENTS. NOT MORE THAN TWENTY-FIVE PERCENT OF THE
11 PARTICIPANTS IN SUCH PROGRAM MAY BE INDIVIDUALS WHO DO NOT MEET THE
12 REQUIREMENTS OF SUBDIVISION FIVE OF THIS SECTION, BUT WHO HAVE EDUCA-
13 TIONAL NEEDS DESPITE THE ATTAINMENT OF A HIGH SCHOOL DIPLOMA.

14 6. PRIORITY IN THE AWARDING OF FUNDS UNDER THIS SECTION SHALL BE GIVEN
15 TO APPLICANTS WITH EXPERIENCE IN OPERATING YOUTHBUILD PROGRAMS AND
16 IMPLEMENTING THE YOUTHBUILD MODEL, INCLUDING BUT NOT LIMITED TO, HOUSING
17 CONSTRUCTION SKILLS TRAINING, EDUCATION, LEADERSHIP DEVELOPMENT LIFE
18 SKILLS TRAINING, AND COUNSELING SERVICES. PRIORITY SHALL ALSO BE GIVEN
19 TO THOSE WHO MEET THE PROGRAM STANDARDS OF YOUTHBUILD USA.

20 7. ANY NOT-FOR-PROFIT PRIVATE AGENCIES, OR PUBLIC AGENCIES WITH EXPE-
21 RIENCE OPERATING A YOUTHBUILD PROGRAM OR WITH A PLAN TO INCUBATE A
22 YOUTHBUILD PROGRAM UNTIL IT CAN BE ESTABLISHED AS A NOT-FOR-PROFIT
23 PRIVATE AGENCY ARE ELIGIBLE ENTITIES. ONLY NOT-FOR-PROFIT PRIVATE AGEN-
24 CIES, OR PUBLIC AGENCIES THAT ARE AFFILIATES OF THE YOUTHBUILD USA, INC.
25 OR CURRENT RECIPIENTS OF A DEPARTMENT OF LABOR YOUTHBUILD AWARD, ARE
26 ELIGIBLE TO USE THE TERM YOUTHBUILD OR ARE ELIGIBLE TO APPLY FOR THESE
27 FUNDS.

28 8. THE COMMISSIONER SHALL REQUIRE THAT AN APPLICATION FOR YOUTHBUILD
29 FUNDS UNDER THIS SECTION CONTAIN AT MINIMUM:

30 A. A REQUEST FOR AN IMPLEMENTATION GRANT, SPECIFYING THE AMOUNT OF THE
31 GRANT REQUESTED AND ITS PROPOSED USES;

32 B. A DESCRIPTION OF THE APPLICANT AND A STATEMENT OF ITS QUALIFICA-
33 TIONS, INCLUDING A DESCRIPTION OF THE APPLICANT'S PAST EXPERIENCE
34 RUNNING A YOUTHBUILD PROGRAM, AND ITS EXPERIENCE WITH HOUSING REHABILI-
35 TATION OR CONSTRUCTION AND WITH YOUTH AND YOUTH EDUCATION, YOUTH LEADER-
36 SHIP DEVELOPMENT AND WORK EXPERIENCE SKILLS TRAINING PROGRAMS, AND ITS
37 RELATIONSHIP WITH LOCAL UNIONS AND YOUTH APPRENTICESHIP PROGRAMS, AND
38 OTHER COMMUNITY GROUPS;

39 C. A DESCRIPTION OF THE PROPOSED CONSTRUCTION SITE FOR THE PROGRAM AND
40 EVIDENCE OF SITE CONTROL;

41 D. A DESCRIPTION OF THE EDUCATIONAL AND WORK EXPERIENCE SKILLS TRAIN-
42 ING ACTIVITIES, WORK OPPORTUNITIES, AND OTHER SERVICES THAT SHALL BE
43 PROVIDED TO PARTICIPANTS;

44 E. A DESCRIPTION OF THE PROPOSED CONSTRUCTION OR REHABILITATION ACTIV-
45 ITIES TO BE UNDERTAKEN AND THE ANTICIPATED SCHEDULE FOR CARRYING OUT
46 SUCH ACTIVITIES AND A SIMILAR DESCRIPTION OF HEALTHCARE OR TECHNOLOGY
47 ACTIVITIES IT PROPOSES IF IT INCLUDES THESE ACTIVITIES IN THE PROGRAM;

48 F. A DESCRIPTION OF THE MANNER IN WHICH ELIGIBLE YOUTHS SHALL BE
49 RECRUITED AND SELECTED, INCLUDING A DESCRIPTION OF THE ARRANGEMENTS THAT
50 SHALL BE MADE WITH COMMUNITY-BASED ORGANIZATIONS, LOCAL EDUCATIONAL
51 AGENCIES, INCLUDING AGENCIES OF NATIVE AMERICAN NATIONS, PUBLIC ASSIST-
52 ANCE AGENCIES, THE COURTS OF JURISDICTION FOR STATUS AND YOUTH OFFEN-
53 DERS, SHELTERS FOR HOMELESS INDIVIDUALS AND OTHER AGENCIES THAT SERVE
54 HOMELESS YOUTH, FOSTER CARE AGENCIES, AND OTHER APPROPRIATE PUBLIC AND
55 PRIVATE AGENCIES;

1 G. A DESCRIPTION OF THE SPECIAL EFFORTS THAT SHALL BE UNDERTAKEN TO
2 RECRUIT ELIGIBLE YOUNG WOMEN (INCLUDING YOUNG WOMEN WITH DEPENDENT CHIL-
3 DREN) WITH APPROPRIATE SUPPORTS, ESPECIALLY CHILDCARE;

4 H. A DESCRIPTION OF HOW THE PROPOSED PROGRAM SHALL BE COORDINATED WITH
5 OTHER FEDERAL, STATE, AND LOCAL ACTIVITIES AND ACTIVITIES CONDUCTED BY
6 NATIVE AMERICAN NATIONS, INCLUDING PUBLIC SCHOOLS, NATIONAL SERVICE,
7 CRIME PREVENTION PROGRAMS, VOCATIONAL, ADULT AND BILINGUAL EDUCATION
8 PROGRAMS AND JOB TRAINING;

9 I. ASSURANCES THAT THERE SHALL BE A SUFFICIENT NUMBER OF ADEQUATELY
10 TRAINED SUPERVISORY PERSONNEL AT ANY PROGRAM CONSTRUCTION SITE WHO HAVE
11 ATTAINED THE LEVEL OF JOURNEYMAN OR ITS EQUIVALENT;

12 J. A DESCRIPTION OF THE APPLICANT'S RELATIONSHIP WITH ANY LOCAL BUILD-
13 ING TRADE UNIONS OR AGENCIES LICENSED TO ISSUE INDUSTRY-RECOGNIZED
14 CERTIFICATIONS, WHICH MAY EXIST, REGARDING THEIR INVOLVEMENT IN TRAIN-
15 ING, AND THE RELATIONSHIP OF THE YOUTHBUILD PROGRAM WITH ESTABLISHED
16 APPRENTICESHIP PROGRAMS;

17 K. A DESCRIPTION OF ACTIVITIES THAT SHALL BE UNDERTAKEN TO DEVELOP THE
18 LEADERSHIP SKILLS OF PARTICIPANTS, INCLUDING THEIR ROLE IN DECISION-MAK-
19 ING;

20 L. A DETAILED BUDGET AND A DESCRIPTION OF THE SYSTEM OF FISCAL
21 CONTROLS AND AUDITING AND ACCOUNTABILITY PROCEDURES THAT SHALL BE USED
22 TO ENSURE FISCAL SOUNDNESS;

23 M. A DESCRIPTION OF ANY CONTRACTS AND ARRANGEMENTS ENTERED INTO
24 BETWEEN THE APPLICANT AND OTHER AGENCIES AND ENTITIES INCLUDING ALL
25 IN-KIND DONATIONS AND GRANTS FROM BOTH PUBLIC AND PRIVATE ENTITIES THAT
26 SHALL SERVE TO AUGMENT NEW YORK YOUTHBUILD DEMONSTRATION PROGRAM FUNDS;

27 N. IDENTIFICATION AND DESCRIPTION OF THE FINANCING PROPOSED FOR ANY:

28 (1) ACQUISITION OF THE PROPERTY;

29 (2) REHABILITATION; OR

30 (3) CONSTRUCTION;

31 O. IDENTIFICATION AND DESCRIPTION OF THE ENTITY THAT SHALL OPERATE AND
32 MANAGE THE PROPERTY;

33 P. A CERTIFICATION THAT THE APPLICANT SHALL COMPLY WITH THE REQUIRE-
34 MENTS OF THE FAIR HOUSING ACT, TITLE VI OF THE CIVIL RIGHTS ACT OF 1964,
35 SECTION 504 OF THE REHABILITATION ACT OF 1973, AND THE AGE DISCRIMI-
36 NATION ACT OF 1975, AND SHALL AFFIRMATIVELY FURTHER FAIR HOUSING;

37 Q. THE QUALIFICATIONS AND PAST EXPERIENCE OF THE PERSON WHO SHALL FILL
38 THE FULL-TIME PROGRAM DIRECTOR POSITION.

39 9. FOR THE PURPOSES OF THIS SECTION, THE TERM "YOUTHBUILD" SHALL BE
40 DEFINED AS ORGANIZATIONS THAT HAVE OPERATED YOUTHBUILD PROGRAMS LICENSED
41 BY YOUTHBUILD USA OR ORGANIZATIONS THAT CURRENTLY RECEIVE FEDERAL
42 DEPARTMENT OF LABOR YOUTHBUILD FUNDING.

43 S 4. The sum of twenty million dollars (\$20,000,000) per year for a
44 period of three years, or so much thereof as may be necessary, is hereby
45 appropriated to the education department from any moneys in the state
46 treasury in the general fund to the credit of the local assistance
47 account not otherwise appropriated for services and expenses of the
48 education department and any other appropriate agency or department for
49 the purposes of implementing the programs authorized by the New York
50 YouthBuild act. Such sum shall be payable on the audit and warrant of
51 the state comptroller on vouchers certified or approved by the commis-
52 sioner of education, or his or her duly designated representatives, as
53 provided in section 4608 of the education law and established in this
54 act.

55 S 5. This act shall take effect on the fifteenth of January next
56 succeeding the date on which it shall have become a law.