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

9280

I N A S S E M B L Y

April 7, 2014

Introduced by M. of A. NOLAN -- read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to establishing community-based programs providing supports and services for individuals with neurologically-based learning disorders to re-engage with school or adult education

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 article 94 to read as follows:

ARTICLE 94

YOUTH AND ADULTS WITH NEUROLOGICALLY-BASED LEARNING DISORDERS

SECTION 4650. DEFINITIONS.

4651. PROGRAM FOR COMMUNITY-BASED PROGRAMS PROVIDING SUPPORTS AND SERVICES FOR INDIVIDUALS WITH NEUROLOGICALLY-BASED LEARNING DISORDERS TO RE-ENGAGE WITH SCHOOL OR ADULT EDUCATION.

S 4650. DEFINITIONS. THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS WHEN USED IN THIS ARTICLE:

1. "NEUROLOGICALLY-BASED LEARNING DISORDERS" SHALL MEAN A DISORDER RESULTING IN DEFICITS IN EXECUTIVE FUNCTIONING AND/OR DEFICITS IN ONE OR MORE OF THE BASIC PSYCHOLOGICAL PROCESSES INVOLVED IN UNDERSTANDING OR IN USING LANGUAGE, SPOKEN OR WRITTEN, THAT MAY MANIFEST ITSELF IN THE IMPERFECT ABILITY TO LISTEN, THINK, SPEAK, READ, WRITE, SPELL, OR TO DO MATHEMATICAL CALCULATIONS, INCLUDING CONDITIONS SUCH AS PERCEPTUAL DISABILITIES, BRAIN INJURY, MINIMAL BRAIN DYSFUNCTION, DYSLEXIA, AND DEVELOPMENTAL APHASIA.

2. "EXECUTIVE FUNCTIONING" SHALL MEAN THE MANAGEMENT, REGULATION AND/OR CONTROL OF COGNITIVE PROCESSES INCLUDING WORKING MEMORY, REASONING, TASK FLEXIBILITY, AND PROBLEM SOLVING AS WELL AS PLANNING, AND EXECUTION.

3. "INDIVIDUAL WITH NEUROLOGICALLY-BASED LEARNING DISORDERS" ("INDIVIDUAL") SHALL MEAN AN INDIVIDUAL, AGE SEVENTEEN OR OLDER, WITH A DIAGNOSED OR SUSPECTED NEUROLOGICALLY-BASED LEARNING DISORDER OR A RELATED

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

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NEUROLOGICAL IMPAIRMENT WHO IS NOT ENROLLED IN SCHOOL, AN ADULT BASIS EDUCATION PROGRAM, A HIGH SCHOOL EQUIVALENCY DIPLOMA PROGRAM OR A CAREER SCHOOL; OR AN INDIVIDUAL WITH A DIAGNOSED OR SUSPECTED NEUROLOGICALLY-BASED LEARNING DISORDER OR RELATED NEUROLOGICAL IMPAIRMENT ENROLLED IN AN ADULT BASIC EDUCATION PROGRAM, A HIGH SCHOOL EQUIVALENCY DIPLOMA PROGRAM, A CAREER SCHOOL OR SIMILAR EDUCATIONAL PROGRAM BUT WHO IS NOT DEMONSTRATING A LEVEL OF SUCCESS WITH SUCH PROGRAM THAT WOULD LIKELY LEAD TO GRADUATION OR SUCCESSFUL COMPLETION.

4. "INDIVIDUAL EDUCATION AND EMPLOYMENT PLAN" SHALL MEAN A PERSON-CENTERED WRITTEN DOCUMENT DEVELOPED BY A COMMUNITY-BASED PROGRAM PROVIDING SUPPORTS AND SERVICES FOR AN INDIVIDUAL WITH A NEUROLOGICALLY-BASED LEARNING DISORDER, DEVELOPED WITH THE PARTICIPATION OF THAT INDIVIDUAL. SUCH PLAN SHALL INCLUDE A STATEMENT OF THE INDIVIDUAL'S CURRENT LEVEL OF ACADEMIC ACHIEVEMENT; A DESCRIPTION OF HOW THE INDIVIDUAL'S DISABILITY AND LEARNING STYLE AFFECTS HIS OR HER PARTICIPATION IN THEIR DESIRED EDUCATIONAL PROGRAM; A STATEMENT OF MEASURABLE GOALS, INCLUDING FUNCTIONAL, EDUCATIONAL AND CAREER GOALS; A STATEMENT DESCRIBING THE SUPPORTS AND SERVICES TO BE PROVIDED TO SUCH INDIVIDUAL BY THE COMMUNITY-BASED PROGRAM IN ORDER TO MEET THOSE GOALS; AND A STATEMENT OF EDUCATIONAL ACCOMMODATIONS AND MODIFICATIONS REQUIRED BY THE INDIVIDUAL TO ACHIEVE SUCCESS IN HIS OR HER DESIRED EDUCATIONAL PROGRAM, WHICH MAY INCLUDE ASSISTIVE TECHNOLOGY.

5. "SOFT SKILLS" SHALL MEAN PERSONAL ATTRIBUTES THAT ENHANCE AN INDIVIDUAL'S SOCIAL INTERACTIONS, EDUCATIONAL ACHIEVEMENT, JOB PERFORMANCE AND CAREER PROSPECTS.

6. "SERVICE NAVIGATION" SHALL MEAN SERVICES THAT IDENTIFY COMMUNITY RESOURCES THAT COULD BENEFIT THE INDIVIDUAL'S QUALITY OF LIFE AND EDUCATIONAL AND EMPLOYMENT GOALS BY TARGETING THE SPECIFIC COMMUNITY AGENCIES AND ORGANIZATIONS THAT WILL HELP INDIVIDUALS ATTAIN THEIR SPECIFIC NEEDS. SERVICE NAVIGATION ALSO HELPS THE INDIVIDUAL COORDINATE MULTIPLE SERVICES, OBTAIN NECESSARY ACCOMMODATIONS FOR THEIR DISABILITY, AND SEEKS TO ENSURE THAT THE INDIVIDUAL UNDERSTANDS HOW TO ADVOCATE FOR THEMSELVES IN SOCIAL, EDUCATION, AND EMPLOYMENT SETTINGS.

7. "ASSISTIVE TECHNOLOGY" SHALL MEAN ANY ITEM, PIECE OF EQUIPMENT, OR PRODUCT SYSTEM, WHETHER ACQUIRED COMMERCIALLY, MODIFIED, OR CUSTOMIZED, THAT IS USED TO INCREASE, MAINTAIN, OR IMPROVE FUNCTIONAL CAPABILITIES OF INDIVIDUALS WITH NEUROLOGICALLY-BASED LEARNING DISORDERS.

8. "COMMUNITY-BASED PROGRAMS PROVIDING SUPPORTS AND SERVICES FOR INDIVIDUALS WITH NEUROLOGICALLY-BASED LEARNING DISORDERS" SHALL MEAN A NEW YORK STATE BASED NOT-FOR-PROFIT ORGANIZATION WITH FIVE YEARS OR MORE EXPERIENCE PROVIDING COMMUNITY-BASED SUPPORTS AND SERVICES FOR INDIVIDUALS WITH NEUROLOGICALLY-BASED LEARNING DISORDERS.

S 4651. PROGRAM FOR COMMUNITY-BASED PROGRAMS PROVIDING SUPPORTS AND SERVICES FOR INDIVIDUALS WITH NEUROLOGICALLY-BASED LEARNING DISORDERS TO RE-ENGAGE WITH SCHOOL OR ADULT EDUCATION. 1. THERE IS HEREBY ESTABLISHED UNDER THE EXERCISE OF AUTHORITY AND CONTROL OF THE COMMISSIONER A PROGRAM FOR COMMUNITY-BASED PROGRAMS PROVIDING SUPPORTS AND SERVICES FOR INDIVIDUALS WITH NEUROLOGICALLY-BASED LEARNING DISORDERS TO RE-ENGAGE WITH SCHOOL OR ADULT EDUCATION.

2. THE PURPOSE OF SUCH PROGRAM AS DESCRIBED IN SUBDIVISION ONE OF THIS SECTION SHALL BE TO PROVIDE SUPPORTS AND SERVICES FOR INDIVIDUALS WITH NEUROLOGICALLY-BASED LEARNING DISORDERS, AS DEFINED IN SECTION FORTY-NINE HUNDRED FIFTY OF THIS ARTICLE, TO ATTAIN NECESSARY SKILLS, AND WHERE POSSIBLE, NECESSARY RESOURCES TO ACHIEVE SUCCESS IN EDUCATION AND EMPLOYMENT. SCHOOL-AGE INDIVIDUALS WITH NEUROLOGICALLY-BASED LEARNING DISORDERS WILL RECEIVE NECESSARY SUPPORTS AND SERVICES FOR ACHIEVING

SUCCESS IN PUBLIC OR PRIVATE SCHOOL, WHILE INDIVIDUALS OLDER THAN SCHOOL AGE WILL BE PROVIDED NECESSARY SUPPORTS AND SERVICES FOR SUCH INDIVIDUALS TO ACHIEVE SUCCESS IN ADULT BASIC EDUCATION PROGRAMS, ADULT LITERACY PROGRAMS, OR CAREER SCHOOLS. A GOAL FOR ALL SUCH INDIVIDUALS WILL BE LEGAL EMPLOYMENT PAYING MINIMUM WAGE OR BETTER AND IN SETTINGS THAT ARE FULLY INTEGRATED WITH PERSONS WITH NO IDENTIFIED DISABILITIES.

3. COMMUNITY-BASED PROGRAMS PROVIDING SUPPORTS AND SERVICES FOR INDIVIDUALS WITH NEUROLOGICALLY-BASED LEARNING DISORDERS WILL BE ELIGIBLE TO RECEIVE FUNDING PURSUANT TO THIS ACT FOR THE PURPOSES OF PROVIDING SUPPORTS AND SERVICES DESCRIBED IN THIS SECTION FOR INDIVIDUALS WITH NEUROLOGICALLY-BASED LEARNING DISORDERS.

4. COMMUNITY-BASED PROGRAMS FUNDED PURSUANT TO THIS SECTION WILL:

(A) ESTABLISH THAT INDIVIDUALS MEET THE DEFINITION OF "INDIVIDUAL WITH NEUROLOGICALLY-BASED LEARNING DISORDERS" IN ORDER TO RECEIVE SUPPORTS AND SERVICES IN ACCORDANCE WITH THIS PROGRAM. FOR PERSONS PRESENTING FOR SERVICES WHO DO NOT MEET THIS DEFINITION, COMMUNITY-BASED PROGRAMS SHALL MAKE REASONABLE EFFORTS TO REFER SUCH INDIVIDUALS TO PROGRAMS THAT MAY BETTER MEET THEIR NEEDS.

(B) ASSESS THE FUNCTIONAL, EDUCATIONAL AND VOCATIONAL NEEDS OF ENROLLED INDIVIDUALS IN ACCORDANCE WITH THE PURPOSES OF THIS PROGRAM AS DESCRIBED IN THIS SECTION WITH A WRITTEN NEEDS ASSESSMENT.

(C) ASSIST THE INDIVIDUAL IN ACQUIRING NECESSARY DOCUMENTATION TO ESTABLISH THAT SUCH INDIVIDUALS MEET THE DEFINITION OF INDIVIDUAL WITH A NEUROLOGICALLY-BASED LEARNING DISORDER, AND FOR PROVIDING SERVICES AND SUPPORTS AS SPECIFIED IN THE INDIVIDUAL'S EDUCATION AND EMPLOYMENT PLAN.

(D) DEVELOP AN INDIVIDUAL EDUCATION AND EMPLOYMENT PLAN FOR EACH INDIVIDUAL ENROLLED TO RECEIVE SUPPORTS AND SERVICES UNDER THE TERMS OF THIS ARTICLE. SUCH PLAN SHALL HAVE A PRIMARY GOAL OF THE INDIVIDUAL ACHIEVING THE NECESSARY SKILLS AND KNOWLEDGE FOR SUCCESSFUL TRANSITION TO SCHOOL, ADULT EDUCATION OR CAREER TRAINING, AS APPROPRIATE FOR THAT INDIVIDUAL.

(E) PROVIDE SUPPORTS AND SERVICES TO ENROLLED INDIVIDUALS IN ACCORDANCE WITH THE INDIVIDUAL EDUCATION AND EMPLOYMENT PLAN. SUCH SERVICES SHALL INCLUDE SOFT SKILLS TRAINING AND SERVICE NAVIGATION. SUCH SERVICES MAY ALSO INCLUDE BUT NOT BE LIMITED TO ASSISTIVE TECHNOLOGY, FUNCTIONAL LITERACY INSTRUCTION, SELF ADVOCACY SKILLS TRAINING AND SUCH OTHER SUPPORTS AND SERVICES AS MAY BE SPECIFIED IN THE INDIVIDUAL EDUCATION AND EMPLOYMENT PLAN.

(F) UPON COMPLETION OF THIS PROGRAM, COMMUNITY-BASED PROGRAMS WILL REFER INDIVIDUALS TO A SCHOOL, ADULT EDUCATION PROGRAM OR CAREER TRAINING PROGRAM. COMMUNITY-BASED PROGRAMS WILL PROVIDE FOR THE INDIVIDUAL A WRITTEN TRANSITION PLAN IDENTIFYING THE SPECIFIC ACTIONS THE INDIVIDUAL MUST DO TO SUCCESSFULLY TRANSITION TO THE EDUCATIONAL PROGRAM. COMMUNITY-BASED PROGRAMS WILL TO THE EXTENT PRACTICABLE ASSIST INDIVIDUALS IN SECURING A SUCCESSFUL TRANSITION.

S 2. This act shall take effect one hundred twenty days after it shall have become a law.