

3343

2015-2016 Regular Sessions

I N A S S E M B L Y

January 22, 2015

Introduced by M. of A. PEOPLES-STOKES, CLARK, BENEDETTO, AUBRY, WRIGHT, CAMARA, COOK, SCARBOROUGH, KAVANAGH -- Multi-Sponsored by -- M. of A. BROOK-KRASNY, HEASTIE, HOOPER, PERRY, RIVERA, ROBINSON, SCHIMEL -- read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to establishing a program to enable over-age, under-credit youths to obtain a high school diploma or equivalent

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 article 100 to  
2 read as follows:

3 ARTICLE 100

4 OVER-AGE AND UNDER-CREDIT STUDENTS

5 SECTION 4950. LEGISLATIVE INTENT.

6 4951. OVER-AGE AND UNDER-CREDIT STUDENT PROGRAM.

7 S 4950. LEGISLATIVE INTENT. THE LEGISLATURE FINDS THAT RECENTLY, MORE  
8 HIGH SCHOOL STUDENTS ARE NOW BEING "PUSHED-OUT" OF THEIR SCHOOLS BECAUSE  
9 THEY ARE OVER-AGE OR UNDER-CREDITED. ACCORDING TO ADVOCATES FOR CHIL-  
10 DREN, STUDENTS AS YOUNG AS FIFTEEN AND AS OLD AS TWENTY, HAVING A RANGE  
11 OF ACADEMIC ACHIEVEMENTS, WERE BEING TOLD THAT THEY WERE NO LONGER  
12 ALLOWED TO STAY IN HIGH SCHOOL BECAUSE THEY WERE TOO OLD, DID NOT HAVE  
13 ENOUGH CREDITS, OR WERE NOT ON TRACK TO EARN A DIPLOMA IN FOUR YEARS.  
14 "PUSHING-OUT" STUDENTS IS A RESULT OF SCHOOLS DEEMING THE STUDENT AS  
15 DIFFICULT TO EDUCATE AND MAY BE A RESULT OF CERTAIN RISK FACTORS NOT  
16 RELATED TO THE INDIVIDUAL STUDENT'S OWN FAULT. A VARIETY OF THESE  
17 FACTORS MAY INCLUDE BUT ARE NOT LIMITED TO: POOR ACADEMIC PERFORMANCE OR  
18 ATTENDANCE; DRUG USE IN THE HOME; SINGLE PARENT HOUSEHOLD; NEGLECT AND  
19 ABUSE; TEEN PARENT; AND NO HIGH SCHOOL GRADUATE IN THE HOME. PARENT  
20 CHARACTERISTICS THAT ALSO ESTABLISH RISK INCLUDE BUT ARE NOT LIMITED TO:  
21 PARENTS SPEAK ENGLISH POORLY OR NOT AT ALL; PARENTAL CONTACT WITH THE  
22 SCHOOL AND HOMEWORK SUPPORT AT HOME IS LIMITED OR NON-EXISTENT; LIMITED

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

LBD01313-01-5

1 OR NO ACCESS TO HEALTH BENEFITS; PARENTS ARE UNEMPLOYED, RECEIVE PUBLIC  
2 ASSISTANCE, OR ARE WORKING POOR; PARENTS ARE ELIGIBLE FOR BUT DO NOT  
3 ACCESS EARNED INCOME TAX CREDITS AND ARE FINANCIALLY UNSTABLE.

4 THE LEGISLATURE FURTHER FINDS THAT A PROGRAM IS NEEDED TO BE DIRECTED  
5 AT SEVENTEEN TO TWENTY YEAR OLD OVER-AGE, UNDER-CREDITED HIGH SCHOOL  
6 STUDENTS ALLOWING SUCH STUDENT TO BE "TRANSFERRED" TO AN ADULT EDUCATION  
7 PROGRAM INSTEAD OF BEING CONSIDERED A HIGH SCHOOL DROP-OUT. SUCH A  
8 PROGRAM WOULD HELP THOSE STUDENTS WHO ARE UNDER-CREDITED, OVER-AGED, OR  
9 BEING PUSHED-OUT OF THEIR SCHOOL SYSTEM AN OPPORTUNITY TO CONTINUE THEIR  
10 EDUCATION THEREBY GIVING THOSE STUDENTS ACCREDITATION AND THE RIGHT  
11 TOOLS FOR SUCCESS IN THEIR FUTURES. THE LEGISLATURE THEREFORE ESTAB-  
12 LISHES THE OVER-AGE AND UNDER-CREDIT STUDENT PROGRAM.

13 S 4951. OVER-AGE AND UNDER-CREDIT STUDENT PROGRAM. 1. THE COMMISSIONER  
14 IS HEREBY DIRECTED TO CREATE AND ESTABLISH A PROGRAM THAT ENABLES OVER-  
15 AGE, UNDER-CREDIT YOUTH IN NEW YORK STATE TO OBTAIN A HIGH SCHOOL DIPLO-  
16 MA OR THE EQUIVALENT AND MAKE AN EFFECTIVE TRANSITION TO EMPLOYMENT OR  
17 POSTSECONDARY EDUCATION OR POSTSECONDARY-LEVEL TRAINING. THIS INCLUDES  
18 POSTSECONDARY DEGREE CREDIT STUDY, ADVANCED TRAINING, APPRENTICESHIP, OR  
19 EMPLOYMENT WITH A CAREER LADDER.

20 2. STUDENTS WHO EXIT PUBLIC SCHOOLS WITHOUT A DIPLOMA SHALL BE TRANS-  
21 FERRED TO APPROPRIATE PROGRAMMING FOR PURSUIT AND COMPLETION OF A GENER-  
22 AL EDUCATION DIPLOMA (GED).

23 3. THE STATE EDUCATION DEPARTMENT SHALL RECOGNIZE AND ALLOW ALTERNA-  
24 TIVE CREDENTIALING FOR OVER-AGE, UNDER-CREDIT SEVENTEEN TO TWENTY YEAR  
25 OLD STUDENTS. THESE ALTERNATIVE CREDENTIALS SHALL INCLUDE BUT ARE NOT  
26 LIMITED TO: GENERAL EDUCATION EQUIVALENCY PROGRAMS, ENTRY TO EMPLOYMENT,  
27 ENTRY TO POSTSECONDARY VOCATIONAL, TRAINING CERTIFICATE PROGRAMS, WORK-  
28 PLACE TRAINING CREDENTIAL AND ACCEPTABLE SCORES ON COLLEGE ENTRANCE  
29 EXAMS ENABLING THE STUDENT TO ENTER COLLEGE CREDIT CLASSES.

30 4. SUCH ACTIONS SHALL BE CONSIDERED UNDER THE NEW YORK STATE EDUCATION  
31 ACCOUNTABILITY SYSTEM AS A TRANSFER RATHER THAN A DROP-OUT.

32 5. SUCCESSFUL COMPLETION OF A CREDENTIAL IDENTIFIED ABOVE SHALL BE  
33 CONSIDERED A VALUED OUTCOME WITH CREDIT GIVEN TO LOCAL SCHOOL DISTRICTS.

34 6. THE COMMISSIONER SHALL PROVIDE FOR THE INCREASED FUNDING TO COVER  
35 THE COSTS ASSOCIATED WITH DELIVERING A HIGH QUALITY GED/VOCATIONAL  
36 PROGRAM TO OVER-AGE, UNDER-CREDITED YOUTH BETWEEN THE AGES OF SEVENTEEN  
37 AND TWENTY YEARS OLD EITHER ENROLLED IN HIGH SCHOOL OR ALTERNATIVE  
38 PROGRAMMING.

39 S 2. This act shall take effect April 1, 2015; provided, however, that  
40 effective immediately, the addition, amendment and/or repeal of any rule  
41 or regulation necessary for the implementation of this act on its effec-  
42 tive date are authorized and directed to be made and completed on or  
43 before such effective date.