

1749

2015-2016 Regular Sessions

I N S E N A T E

January 14, 2015

Introduced by Sen. MONTGOMERY -- read twice and ordered printed, and
when printed to be committed to the Committee on Finance

AN ACT to amend the education law, in relation to enacting the "New York state YouthBuild act"; setting program requirements; authorizing the commissioner of education to make grants to eligible YouthBuild programs and to establish application requirements; expanding the number of YouthBuild programs in New York state; 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 state 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

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

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1 who have not finished high school an opportunity for a meaningful
2 participation in society.

3 The legislature further intends to allow communities to expand the
4 supply of affordable housing for homeless and other low-income individ-
5 uals by utilizing the energies and talents of economically disadvantaged
6 youth and young people who have not graduated from high school.

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

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

11 S 4608. THE NEW YORK STATE YOUTHBUILD ACT; PROGRAM REQUIREMENTS;
12 SERVICES. 1. THE COMMISSIONER IS AUTHORIZED TO MAKE GRANTS TO ELIGIBLE
13 APPLICANTS FOR THE PURPOSE OF CARRYING OUT YOUTHBUILD PROGRAMS AS
14 APPROVED UNDER THIS SECTION. ALL PROGRAMS FUNDED PURSUANT TO THE
15 PROVISIONS OF THIS SECTION SHALL REFLECT STRONG YOUTH AND COMMUNITY
16 INVOLVEMENT. IN ADDITION, FUNDING PROVIDED UNDER THIS SECTION MAY BE
17 USED BY EACH YOUTHBUILD PROGRAM TO PROVIDE THE FOLLOWING SERVICES:

18 A. THE TRAINING COSTS FOR THE REHABILITATION OR CONSTRUCTION OF HOUS-
19 ING AND RELATED FACILITIES TO BE USED FOR THE PURPOSE OF PROVIDING
20 HOMEOWNERSHIP FOR DISADVANTAGED PERSONS, RESIDENTIAL HOUSING FOR HOME-
21 LESS INDIVIDUALS, AND LOW-INCOME AND VERY LOW-INCOME FAMILIES, OR TRAN-
22 SITIONAL HOUSING FOR PERSONS WHO ARE HOMELESS, HAVE DISABILITIES, ARE
23 ILL, ARE DEINSTITUTIONALIZED, OR HAVE SPECIAL NEEDS, OR THE REHABILI-
24 TATION OR CONSTRUCTION OF COMMUNITY FACILITIES OWNED BY NOT-FOR-PROFIT
25 PUBLIC AGENCIES.

26 B. THE COST OF PROVIDING TRAINING AND PLACEMENT IN THE GROWING EMPLOY-
27 MENT SECTORS OF HEALTHCARE AND TECHNOLOGY.

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

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

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

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

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

E. THE COST OF LEADERSHIP DEVELOPMENT TRAINING THAT PROVIDES PARTICIPANT WITH MEANINGFUL OPPORTUNITIES TO DEVELOP LEADERSHIP SKILLS SUCH AS DECISION MAKING, PROBLEM SOLVING, AND NEGOTIATING. THE PROGRAM SHALL ALSO ENCOURAGE PARTICIPANTS TO DEVELOP STRONG PEER GROUP TIES THAT SUPPORT THEIR MUTUAL PURSUIT OF SKILLS AND VALUES.

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

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

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

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

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

3. IMPLEMENTATION GRANTS MAY BE USED TO CARRY OUT THE ACTIVITIES LISTED IN SUBDIVISIONS ONE AND TWO OF THIS SECTION. OTHER ELIGIBLE ACTIVITIES INCLUDE THE FOLLOWING:

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

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

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

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

6 B. PERSONS CURRENTLY ENROLLED IN A TRADITIONAL OR ALTERNATIVE SCHOOL
7 SETTING OR A HSE/TASC (HIGH SCHOOL EQUIVALENCY/TEST ASSESSING SECONDARY
8 COMPLETION) PROGRAM AND WHO ARE IN DANGER OF DROPPING OUT OF SCHOOL; OR

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

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

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

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

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

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

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

42 C. A DESCRIPTION OF THE PROPOSED CONSTRUCTION SITE FOR THE PROGRAM AND
43 EVIDENCE OF SITE CONTROL;

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

47 E. A DESCRIPTION OF THE PROPOSED CONSTRUCTION OR REHABILITATION ACTIV-
48 ITIES TO BE UNDERTAKEN AND THE ANTICIPATED SCHEDULE FOR CARRYING OUT
49 SUCH ACTIVITIES; AND A SIMILAR DESCRIPTION OF THE HEALTHCARE OR TECHNOL-
50 OGY ACTIVITIES IT PROPOSES IF IT INCLUDES THESE ACTIVITIES IN ITS
51 PROGRAM;

52 F. A DESCRIPTION OF THE MANNER IN WHICH ELIGIBLE YOUTHS SHALL BE
53 RECRUITED AND SELECTED, INCLUDING A DESCRIPTION OF THE ARRANGEMENTS THAT
54 SHALL BE MADE WITH COMMUNITY-BASED ORGANIZATIONS, LOCAL EDUCATIONAL
55 AGENCIES, INCLUDING AGENCIES OF NATIVE AMERICAN NATIONS, PUBLIC ASSIST-
56 ANCE AGENCIES, THE COURTS OF JURISDICTION FOR STATUS AND YOUTH OFFEN-

1 DERS, SHELTERS FOR HOMELESS INDIVIDUALS AND OTHER AGENCIES THAT SERVE
2 HOMELESS YOUTH, FOSTER CARE AGENCIES, AND OTHER APPROPRIATE PUBLIC AND
3 PRIVATE AGENCIES;

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

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

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

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

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

23 L. A DETAILED BUDGET AND A DESCRIPTION OF THE SYSTEM OF FISCAL
24 CONTROLS AND AUDITING AND ACCOUNTABILITY PROCEDURES THAT SHALL BE USED
25 TO ENSURE FISCAL SOUNDNESS;

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

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

31 (1) ACQUISITION OF THE PROPERTY;

32 (2) REHABILITATION; OR

33 (3) CONSTRUCTION;

34 O. IDENTIFICATION AND DESCRIPTION OF THE ENTITY THAT SHALL OPERATE AND
35 MANAGE THE PROPERTY;

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

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

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

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

1 tative, as provided in section 4608 of the education law and established
2 in this act.
3 S 5. This act shall take effect on the fifteenth of January next
4 succeeding the date on which it shall have become a law.