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

5447--A

2015-2016 Regular Sessions

I N S E N A T E

May 14, 2015

Introduced by Sens. STEWART-COUSINS, LATIMER, HASSELL-THOMPSON, RIVERA, AVELLA, COMRIE, KENNEDY, MONTGOMERY, PARKER -- 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 establishing the community schools act; and making an appropriation therefor

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. This act shall be known and may be cited as the "community schools act".

S 2. The education law is amended by adding a new section 3602-g to read as follows:

S 3602-G. COMMUNITY SCHOOLS GRANT PROGRAM. 1. THERE IS HEREBY ESTABLISHED WITHIN THE DEPARTMENT A COMMUNITY SCHOOLS GRANT PROGRAM TO FUND THE PLANNING, IMPLEMENTATION, IMPROVEMENT AND EVALUATION OF COMMUNITY SCHOOLS. THE PURPOSE OF THIS PROGRAM SHALL BE:

A. TO ENSURE HIGH-QUALITY EDUCATIONAL OPPORTUNITIES AND IMPROVED EDUCATIONAL OUTCOMES FOR ALL STUDENTS THROUGH INVESTMENT IN COMMUNITY SCHOOLS;

B. TO ESTABLISH SUSTAINABLE COMMUNITY SCHOOLS WITH ENGAGING AND CULTURALLY RELEVANT CURRICULUM, HEALTH, SOCIAL AND EMOTIONAL SERVICES, POSITIVE DISCIPLINE PRACTICES SUCH AS RESTORATIVE JUSTICE, AND TRANSFORMATIONAL PARENT AND COMMUNITY ENGAGEMENT, AS A COMPREHENSIVE SOLUTION TO PROBLEMS FACING PUBLIC SCHOOLS, ESPECIALLY IN POOR COMMUNITIES; AND

C. TO DOCUMENT AND EVALUATE LESSONS LEARNED FROM COMMUNITY SCHOOLS PROGRAMS TO DEVELOP A SET OF BEST PRACTICES TO BE SHARED LOCALLY, STATEWIDE AND NATIONALLY.

2. A. WITHIN AMOUNTS APPROPRIATED THEREFOR, THE COMMISSIONER IS HEREBY AUTHORIZED AND DIRECTED TO AWARD COMPETITIVE GRANTS PURSUANT TO THIS

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

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SECTION TO ELIGIBLE SCHOOL DISTRICTS OR IN A CITY WITH A POPULATION OF ONE MILLION OR MORE AN ELIGIBLE ENTITY TO IMPLEMENT, BEGINNING IN THE TWO THOUSAND SIXTEEN--TWO THOUSAND SEVENTEEN SCHOOL YEAR, A PLAN THAT TARGETS SCHOOL BUILDINGS AS COMMUNITY HUBS TO DELIVER CO-LOCATED OR SCHOOL-LINKED ACADEMIC, HEALTH, MENTAL HEALTH, NUTRITION, COUNSELING, LEGAL AND/OR OTHER SERVICES TO STUDENTS AND THEIR FAMILIES IN A MANNER THAT WILL LEAD TO IMPROVED EDUCATIONAL AND OTHER OUTCOMES. IN A CITY WITH A POPULATION OF ONE MILLION OR MORE, ELIGIBLE ENTITIES SHALL MEAN THE CITY SCHOOL DISTRICT OF THE CITY OF NEW YORK, OR NOT-FOR-PROFIT ORGANIZATIONS, WHICH SHALL INCLUDE NOT-FOR-PROFIT COMMUNITY BASED ORGANIZATIONS. AN ELIGIBLE ENTITY THAT IS A NOT-FOR-PROFIT MAY APPLY FOR A COMMUNITY SCHOOL GRANT PROVIDED THAT IT COLLABORATES WITH THE CITY SCHOOL DISTRICT OF THE CITY OF NEW YORK AND RECEIVES THE APPROVAL OF THE CHANCELLOR OF THE CITY SCHOOL DISTRICT OF THE CITY OF NEW YORK.

B. A REQUEST FOR PROPOSAL PROCESS SHALL BE USED IN AWARDING SUCH GRANTS AND SHALL BEGIN NO LATER THAN JUNE FIRST, TWO THOUSAND SIXTEEN. PRIOR TO AWARDING SUCH GRANTS, THE COMMISSIONER SHALL DEVELOP THE FOLLOWING:

(I) THE SCORING RUBRIC BY WHICH SUCH PROPOSALS WILL BE EVALUATED, PROVIDED THAT SUCH GRANTS SHALL BE AWARDED BASED ON FACTORS INCLUDING, BUT NOT LIMITED TO: MEASURES OF SCHOOL DISTRICT NEED; MEASURES OF THE NEED OF THE STUDENTS TO BE SERVED BY EACH OF THE SCHOOL DISTRICTS; THE SCHOOL DISTRICT'S PROPOSAL TO TARGET THE HIGHEST NEED SCHOOLS AND STUDENTS; THE SUSTAINABILITY OF THE PROPOSED COMMUNITY SCHOOLS PROGRAM; AND PROPOSAL QUALITY; AND THE FACTORS DELINEATED IN PARAGRAPH C OF THIS SUBDIVISION;

(II) THE FORM AND MANNER BY WHICH APPLICATIONS WILL BE SUBMITTED;

(III) THE MANNER BY WHICH CALCULATION OF THE AMOUNT OF THE AWARD WILL BE DETERMINED;

(IV) THE TIMELINE FOR THE REVIEW OF APPLICATIONS; AND

(V) PROGRAM IMPLEMENTATION PHASES THAT WILL TRIGGER PAYMENT OF SET PERCENTAGES OF THE TOTAL AWARD.

C. IN ASSESSING PROPOSAL QUALITY, IN ADDITION TO THE SCORING RUBRIC, THE COMMISSIONER SHALL TAKE INTO ACCOUNT FACTORS INCLUDING, BUT NOT LIMITED TO:

(I) THE EXTENT TO WHICH THE SCHOOL DISTRICT'S PROPOSAL WOULD PROVIDE SUCH COMMUNITY SERVICES THROUGH PARTNERSHIPS WITH LOCAL GOVERNMENTS AND NON-PROFIT ORGANIZATIONS;

(II) THE EXTENT TO WHICH THE PROPOSAL WOULD PROVIDE FOR DELIVERY OF SUCH SERVICES DIRECTLY IN SCHOOL BUILDINGS;

(III) THE EXTENT TO WHICH THE PROPOSAL ARTICULATES HOW SUCH SERVICES WOULD FACILITATE MEASURABLE IMPROVEMENT IN STUDENT AND FAMILY OUTCOMES;

(IV) THE EXTENT TO WHICH THE PROPOSAL ARTICULATES AND IDENTIFIES HOW EXISTING FUNDING STREAMS AND PROGRAMS WOULD BE USED TO PROVIDE SUCH COMMUNITY SERVICES; AND

(V) THE EXTENT TO WHICH THE PROPOSAL ENSURES THE SAFETY OF ALL STUDENTS, STAFF AND COMMUNITY MEMBERS IN SCHOOL BUILDINGS USED AS COMMUNITY HUBS.

D. EACH SCHOOL SITE REFERENCED IN A PROPOSAL SHALL BE:

(I) A LOW PERFORMANCE SCHOOL, PERFORMING IN THE LOWEST FIFTEEN PERCENT OF SCHOOLS STATEWIDE;

(II) A SCHOOL WITH A GRADUATION RATE OF LESS THAN SIXTY PERCENT OVER THE LAST THREE YEARS; OR

(III) DEEMED BY THE DEPARTMENT A SCHOOL IN POVERTY THAT WOULD BENEFIT FROM THE GRANT PROGRAM.

E. A RESPONSE TO A REQUEST FOR PROPOSALS ISSUED PURSUANT TO THIS SUBDIVISION MAY BE SUBMITTED BY A SINGLE SCHOOL DISTRICT OR JOINTLY BY A CONSORTIUM OF TWO OR MORE SCHOOL DISTRICTS, OR IN A CITY WITH A POPULATION OF ONE MILLION OR MORE, AN ELIGIBLE ENTITY.

F. THE AMOUNT OF THE GRANT AWARD SHALL BE DETERMINED BY THE COMMISSIONER, EXCEPT THAT NO SINGLE DISTRICT MAY BE AWARDED MORE THAN FORTY PERCENT OF THE TOTAL AMOUNT OF GRANT AWARDS MADE PURSUANT TO THIS SECTION; AND PROVIDED FURTHER THAT THE MAXIMUM AWARD TO ANY INDIVIDUAL COMMUNITY SCHOOL SITE SHALL BE FIVE HUNDRED THOUSAND DOLLARS PER YEAR; AND PROVIDED FURTHER THAT THE AMOUNT AWARDED WILL BE PAID OUT IN SET PERCENTAGES OVER TIME UPON SUCCESSFUL IMPLEMENTATION OF EACH PHASE OF A SCHOOL DISTRICT'S APPROVED PROPOSAL; AND PROVIDED FURTHER THAT NONE OF THE GRANTS AWARDED PURSUANT TO THIS SECTION MAY BE USED TO SUPPLANT EXISTING FUNDING.

3. A. THE COMMISSIONER IS AUTHORIZED TO AWARD PLANNING GRANTS FOR A TERM OF ONE YEAR. GRANTEES WHO COMPLETE A PLAN THAT MEETS THE REQUIREMENTS FOR DEMONSTRATED READINESS PURSUANT TO PARAGRAPH B OF THIS SUBDIVISION SHALL THEN BE AWARDED AN OPERATIONAL GRANT FOR A TERM OF FIVE YEARS WHICH SHALL BE RENEWABLE AT THE DISCRETION OF THE COMMISSIONER.

B. GRANTS SHALL BE AWARDED FOR THE TWO THOUSAND SIXTEEN--TWO THOUSAND SEVENTEEN SCHOOL YEAR TO APPLICANTS BASED UPON THE FACTORS IN SUBDIVISION TWO OF THIS SECTION. THE COMMISSIONER IS HEREBY AUTHORIZED TO AWARD GRANTS FOR PLANNING OF NOT MORE THAN TWO HUNDRED THOUSAND DOLLARS FOR A ONE-YEAR PERIOD. AT THE END OF THIS PERIOD, GRANTEES SHALL MEET THE FOLLOWING REQUIREMENTS FOR DEMONSTRATED READINESS:

(I) THE ESTABLISHMENT OF A SCHOOL LEADERSHIP TEAM FOR EACH COVERED SCHOOL SITE OF THIRTEEN TO FIFTEEN PEOPLE WHICH SHALL INCLUDE: THE PRINCIPAL, ONE COMMUNITY-BASED PARTNER, AT LEAST THREE PARENTS OR GUARDIANS WITH AT LEAST ONE STUDENT CURRENTLY ENROLLED IN THE SCHOOL, SELECTED BY THE PARENT BODY, AT LEAST THREE TEACHERS SELECTED THROUGH A PROCESS ESTABLISHED BY THEIR RESPECTIVE COLLECTIVE BARGAINING UNITS, ONE SCHOOL EMPLOYEE INCLUDING A GUIDANCE COUNSELOR, SOCIAL WORKER OR SCHOOL NURSE SELECTED THROUGH A PROCESS ESTABLISHED BY THEIR RESPECTIVE COLLECTIVE BARGAINING UNITS, AT LEAST TWO COMMUNITY MEMBERS, TWO STUDENTS, CURRENTLY ENROLLED AT THE COVERED SCHOOL AND ELECTED BY THE STUDENT BODY, IF THE GRANTEE IS A HIGH SCHOOL AND TWO REPRESENTATIVES FROM INSTITUTIONS OF HIGHER EDUCATION SELECTED, IF APPLICABLE, THROUGH A PROCESS ESTABLISHED BY THEIR RESPECTIVE COLLECTIVE BARGAINING UNITS. THE SCHOOL LEADERSHIP TEAM SHALL CONDUCT A COMPREHENSIVE NEEDS ASSESSMENT OF THE SCHOOL AND SURROUNDING COMMUNITY. THE SCHOOL LEADERSHIP TEAM SHALL ALSO DEVELOP A SHARED VISION FOR THE SCHOOL WITH THE SCHOOL AND LOCAL COMMUNITY THROUGH A COMMUNITY SCHOOL ACTION PLAN THAT INCLUDES TANGIBLE SHORT-TERM CHANGES AND THREE- TO FIVE-YEAR REFORM OBJECTIVES AND MEETS THE REQUIREMENTS OF SUBPARAGRAPH (III) OF THIS PARAGRAPH.

(A) THE SCHOOL LEADERSHIP TEAM SHALL HOLD AT LEAST TWO PUBLIC HEARINGS AS PART OF ITS COMPREHENSIVE NEEDS ASSESSMENT AND COMMUNITY SCHOOL ACTION PLAN DEVELOPMENT PROCESS FOR THE PURPOSE OF SOLICITING PUBLIC INPUT AND SHALL TAKE ADDITIONAL STEPS TO SOLICIT PUBLIC INPUT AS IT DEEMS APPROPRIATE.

(B) THE SCHOOL LEADERSHIP TEAM SHALL ALSO MAKE A PUBLIC PRESENTATION OF THE COMMUNITY SCHOOL ACTION PLAN STATING HOW IT ADDRESSES STUDENT, COMMUNITY AND SCHOOL NEEDS. SUCH PRESENTATION SHALL INCLUDE THE OPPORTUNITY FOR PUBLIC FEEDBACK AND INPUT ON THE COMMUNITY SCHOOL ACTION PLAN.

(C) THE SCHOOL LEADERSHIP TEAM SHALL ISSUE ANNUAL RECOMMENDATIONS TO SCHOOL LEADERSHIP AND THE LOCAL SCHOOL DISTRICT. SUCH SCHOOL LEADERSHIP TEAM REPORTS AND THE COMMUNITY SCHOOL ACTION PLAN SHALL BE MADE AVAIL-

ABLE TO THE PUBLIC ON THE SCHOOL'S AND THE SCHOOL DISTRICT'S WEBSITES AND SHALL BE PROVIDED TO THE LEGISLATURE;

(II) THE HIRING OF A RESOURCE COORDINATOR TO COORDINATE SERVICES AT EACH COVERED SCHOOL SITE. A GRANTEE PROPOSING TO COVER MORE THAN ONE SCHOOL SHALL ALSO HIRE A PROGRAM DIRECTOR TO COORDINATE ACTIVITIES ACROSS SCHOOL SITES. RESOURCE COORDINATORS AND PROGRAM DIRECTORS SHALL WORK WITH SCHOOL LEADERSHIP AND THE SCHOOL LEADERSHIP TEAM TO DELIVER PROGRAMS AND SERVICES; AND

(III) THE SUBMISSION TO THE DEPARTMENT OF A COMMUNITY SCHOOL ACTION PLAN FOR EACH COVERED SCHOOL THAT INCLUDES THE FOLLOWING:

(A) THE COMPREHENSIVE NEEDS ASSESSMENT OF THE SCHOOL AND COMMUNITY AS REPORTED BY THE SCHOOL LEADERSHIP TEAM;

(B) A PLAN TO IMPLEMENT A RESTORATIVE JUSTICE MODEL DESIGNED TO REDUCE SUSPENSIONS. FOR PURPOSES OF THIS SECTION, "RESTORATIVE JUSTICE" SHALL MEAN SCHOOL DISCIPLINE POLICIES THAT SHALL REDUCE SUSPENSIONS, ADDRESS THE CAUSES OF STUDENT MISBEHAVIOR AND REPLACE PUNITIVE APPROACHES WITH ALTERNATIVE METHODS THAT FOCUS ON CONFLICT RESOLUTION SKILLS, BUILDING POSITIVE RELATIONSHIPS, USING RESTORATIVE PRACTICES, AND CREATING COLLABORATION AMONG TEACHERS, PARENTS AND STUDENTS;

(C) A PLAN TO PROVIDE A MINIMUM OF FOUR OF THE FOLLOWING COMMUNITY SCHOOL PROGRAMS:

(1) EARLY CHILDHOOD EDUCATION;

(2) ACADEMIC SUPPORT AND ENRICHMENT ACTIVITIES, INCLUDING EXPANDED LEARNING TIME;

(3) SUMMER OR AFTER-SCHOOL ENRICHMENT AND LEARNING EXPERIENCES;

(4) PROGRAMS UNDER THE HEAD START ACT, INCLUDING EARLY HEAD START PROGRAMS;

(5) TEACHER HOME VISITING AND/OR HOME VISITATION SERVICES BY OTHER PROFESSIONALS;

(6) PROGRAMS THAT PROMOTE PARENTAL INVOLVEMENT AND FAMILY LITERACY, INCLUDING THE READING FIRST AND EARLY READING FIRST PROGRAMS AUTHORIZED UNDER PART B OF TITLE I OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965 (20 U.S.C. 6361 ET SEQ.);

(7) MENTORING AND OTHER YOUTH DEVELOPMENT PROGRAMS, INCLUDING PEER MENTORING AND CONFLICT MEDIATION;

(8) PARENT LEADERSHIP DEVELOPMENT ACTIVITIES;

(9) PARENTING EDUCATION ACTIVITIES;

(10) CHILD CARE SERVICES;

(11) COMMUNITY SERVICE AND SERVICE-LEARNING OPPORTUNITIES;

(12) PROGRAMS THAT PROVIDE ASSISTANCE TO STUDENTS WHO HAVE BEEN TRUANT, SUSPENDED, OR EXPELLED;

(13) JOB TRAINING, INTERNSHIP OPPORTUNITIES, AND CAREER COUNSELING SERVICES;

(14) ADULT EDUCATION, INCLUDING INSTRUCTION IN ENGLISH AS A SECOND LANGUAGE;

(15) JUVENILE CRIME PREVENTION AND REHABILITATION PROGRAMS;

(16) SPECIALIZED INSTRUCTIONAL SUPPORT SERVICES;

(17) HOMELESS PREVENTION SERVICES; OR

(18) OTHER PROGRAMMING DESIGNED TO MEET SCHOOL AND COMMUNITY NEEDS IDENTIFIED THROUGH THE SCHOOL LEADERSHIP TEAM; AND

(D) A PLAN TO PROVIDE FOR SCHOOL-BASED HEALTH SERVICES INCLUDING PRIMARY HEALTH CARE, DENTAL CARE, NUTRITION SERVICES AND MENTAL, EMOTIONAL AND BEHAVIORAL HEALTH SERVICES AT THE COVERED SCHOOL OR SCHOOLS.

C. GRANTEES THAT HAVE DEMONSTRATED READINESS TO BEGIN OPERATION OF A SUSTAINABLE COMMUNITY SCHOOL PROGRAM SHALL BE AWARDED THE COMMUNITY

SCHOOLS OPERATIONAL GRANT FOR THE TWO THOUSAND SEVENTEEN--TWO THOUSAND EIGHTEEN SCHOOL YEAR. THE COMMISSIONER IS HEREBY AUTHORIZED TO AWARD OPERATIONAL GRANTS OF NOT MORE THAN FIVE HUNDRED THOUSAND DOLLARS PER SCHOOL FOR EACH YEAR OF THE FIVE-YEAR GRANT PERIOD. OPERATIONAL GRANTS SHALL SUPPLEMENT EXISTING SERVICES AND FUNDS.

D. THE COMMISSIONER SHALL CONTRACT WITH A NON-PROFIT ORGANIZATION WITH A SUCCESSFUL TRACK RECORD OF SUPPORTING COMMUNITY SCHOOLS TO PROVIDE TECHNICAL SUPPORT AND ASSISTANCE TO THE SCHOOL AND THE SCHOOL LEADERSHIP TEAM IN ORDER TO ENSURE THE SUCCESSFUL DESIGN, PLANNING AND IMPLEMENTATION OF THIS PROGRAM.

4. A. EVERY GRANTEE SHALL FILE AN ANNUAL REPORT WITH THE COMMISSIONER, IN SUCH FORM AND WITH SUCH DATA AS THE COMMISSIONER PRESCRIBES DETAILING THE EXPENDITURE OF GRANT FUNDS, TOGETHER WITH AN ANALYSIS OF THE SCHOOL'S EFFORTS TO INTEGRATE COMMUNITY SCHOOL PROGRAMMING AT EACH COVERED SCHOOL SITE, CHALLENGES ENCOUNTERED, THE IMPACT OF SUCH PROGRAMMING ON PARTICIPATING CHILDREN AND ADULTS AND RECOMMENDATIONS FOR IMPROVEMENT. SUCH REPORT SHALL ALSO DOCUMENT THE NUMBER OF STUDENTS RECEIVING SERVICES, RETENTION RATES, ACADEMIC ACHIEVEMENT, LOCAL FISCAL SAVINGS AND INCREASED ACCESS TO SERVICES. THE DEPARTMENT SHALL EVALUATE SUCH REPORTS AND AGGREGATE THE DATA PROVIDED.

B. THE DEPARTMENT SHALL REPORT ANNUALLY ON THE OPERATION AND EFFECTIVENESS OF THE COMMUNITY SCHOOLS GRANT PROGRAM TO THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE AND THE SPEAKER OF THE ASSEMBLY BEGINNING ONE YEAR AFTER THE EFFECTIVE DATE OF THIS SECTION. SUCH REPORT SHALL DETAIL THE IMPACT OF COMMUNITY SCHOOLS STATEWIDE AND INCLUDE ANALYSIS OF THE EFFECTIVENESS OF IMPLEMENTING COMMUNITY SCHOOL ACTION PLANS, IDENTIFY ANY FEDERAL, STATE, OR LOCAL LAW IMPEDING SUCH IMPLEMENTATION, THE DEGREE TO WHICH THERE HAS BEEN AN INCREASE IN AVAILABLE SERVICES AND AN ANALYSIS OF COST-SAVINGS IN AREAS INCLUDING BUT NOT LIMITED TO PUBLIC HEALTH, SAFETY AND EDUCATION. DATA IN THE REPORT SHALL BE MADE AVAILABLE TO THE PUBLIC IN MACHINE-READABLE FORMATS AND SUCH REPORT SHALL BE MADE PUBLICLY AVAILABLE AT COVERED SCHOOL SITES AND ON THE DEPARTMENT'S WEBSITE.

5. NO MODIFICATION OF ANY COLLECTIVE BARGAINING AGREEMENT SHALL BE MADE, NOR SHALL ANY NEW TERMS AND CONDITIONS OF EMPLOYMENT BE ESTABLISHED, EXCEPT THROUGH NEGOTIATIONS PURSUANT TO ARTICLE FOURTEEN OF THE CIVIL SERVICE LAW.

S 3. The sum of two hundred fifty million dollars ($250,000,000), or so much thereof as may be necessary, is hereby appropriated to the education department from any moneys in the state treasury in the general fund to the credit of the local assistance account not otherwise appropriated, and made immediately available, for the purpose of carrying out the provisions of this act for the 2016-2017 school year. Such sum shall be payable on the audit and warrant of the state comptroller on vouchers certified or approved by the commissioner of education, or his or her duly designated representative, in the manner prescribed by law.

S 4. This act shall take effect immediately.