

# STATE OF NEW YORK

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13

2017-2018 Regular Sessions

## IN ASSEMBLY

(Prefiled)

January 4, 2017

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Introduced by M. of A. CAHILL -- Multi-Sponsored by -- M. of A. AUBRY, COOK, CYMBROWITZ, ENGLEBRIGHT, FARRELL, GANTT, GOTTFRIED, JAFFEE, KAVANAGH, LUPARDO, MAGNARELLI, ORTIZ, PEOPLES-STOKES, RIVERA, RODRIGUEZ, SKARTADOS, TITUS -- read once and referred to the Committee on Education

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 § 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.

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

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1 The legislature further intends to provide communities the opportunity  
2 to establish or rebuild neighborhood stability in economically depressed  
3 and low-income areas, as well as historic areas requiring restoration or  
4 preservation, while providing economically disadvantaged youth and youth  
5 who have not finished high school an opportunity for a meaningful  
6 participation in society.

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

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

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

15 § 4608. The New York state YouthBuild act; program requirements;  
16 services. 1. The commissioner is authorized to make grants to eligible  
17 applicants for the purpose of carrying out YouthBuild programs as  
18 approved under this section. All programs funded pursuant to the  
19 provisions of this section shall reflect strong youth and community  
20 involvement. In addition, funding provided under this section may be  
21 used by each YouthBuild program to provide the following services:

22 a. The training costs for the rehabilitation or construction of hous-  
23 ing and related facilities to be used for the purpose of providing  
24 homeownership for disadvantaged persons, residential housing for home-  
25 less individuals, and low-income and very low-income families, or tran-  
26 sitional housing for persons who are homeless, have disabilities, are  
27 ill, are deinstitutionalized, or have special needs, or the rehabili-  
28 tation or construction of community facilities owned by not-for-profit  
29 public agencies.

30 b. The cost of providing training and placement in the growing employ-  
31 ment sectors of healthcare and technology.

32 c. The cost of integrated education and work experience skills train-  
33 ing services and activities which are evenly divided within the program,  
34 with at least fifty percent of students' time spent in classroom-based  
35 instruction, counseling and leadership development instruction and at  
36 least forty percent of their time spent in work experience training on  
37 the construction site, or in healthcare or technology training programs.  
38 The program shall include, at minimum, the following elements:

39 (1) The cost of an education component which includes: basic skills  
40 instruction, secondary education services, and other activities designed  
41 to lead to the attainment of a high school diploma or its equivalent.  
42 The curriculum for this component shall include math, language arts,  
43 vocational education, life skills training, social studies related to  
44 the cultural and community history of the students, leadership skills,  
45 and other topics at the discretion of the programs. Bilingual services  
46 shall be available for individuals with limited-english proficiency. The  
47 desired minimum teacher/student classroom ratio shall be one teacher for  
48 every fifteen students.

49 (2) A work experience and skills training component pre-apprenticeship  
50 program that includes construction and rehabilitation activities  
51 described in paragraph a of this subdivision. The process of  
52 construction must be coupled with work experience skills training and  
53 with close on-site supervision by experienced trainers. The curriculum  
54 for this component shall contain a set of locally agreed upon skills and  
55 competencies that are systematically taught, with students' mastery  
56 assessed individually on a regular, ongoing basis. Safety skills shall

1 be taught at the outset. The desired trainer/student ratio shall be one  
2 trainer for every seven students. The work experience and skills train-  
3 ing component shall be coordinated to the maximum extent feasible with  
4 preapprenticeship and apprenticeship programs.

5 (3) Assistance in attaining post secondary education and required  
6 financial aid shall be made available to participants prior to gradu-  
7 ation.

8 d. The cost of counseling services designed to assist participants to  
9 positively participate in society, which should include all of the  
10 following if necessary: outreach, assessment, and orientation; individ-  
11 ual and peer counseling; life skills training; drug and alcohol abuse  
12 education and prevention; and referral to appropriate drug rehabili-  
13 tation, medical, mental health, legal, housing, and other services and  
14 resources in the community. The desired counselor/participant ratio  
15 shall be one counselor for every twenty-eight students.

16 e. The cost of leadership development training that provides partic-  
17 ipant with meaningful opportunities to develop leadership skills such as  
18 decision making, problem solving, and negotiating. The program shall  
19 also encourage participants to develop strong peer group ties that  
20 support their mutual pursuit of skills and values.

21 All programs must establish a youth council in which participants are  
22 afforded opportunities to develop public speaking and negotiating  
23 skills, and management and policymaking participation in specific  
24 aspects of the program.

25 2. A training subsidy, living allowance, or stipend that shall be no  
26 less than minimum wage must be provided to program participants for the  
27 time spent at the worksite in construction training, health care or  
28 information technology services. For those participants who receive  
29 public assistance, this training subsidy, living allowance, or stipend  
30 shall not affect their housing benefits, medical benefits, child care  
31 benefits or food stamp benefits. Stipends and wages may be distributed  
32 in a manner that offers incentives for good performance.

33 a. Full time participation in a YouthBuild program shall be offered  
34 for a period of not less than six months and not more than twenty-four  
35 months.

36 b. A concentrated effort, for those participants who choose not to  
37 immediately enroll in an institution of higher education, shall be made  
38 to find construction, construction-related, and nonconstruction jobs as  
39 well as jobs in the fields of healthcare and technology for all gradu-  
40 ates of the program who have performed well. The work experience skills  
41 training curriculum shall provide participants with basic preparation  
42 for seeking and maintaining a job. Follow-up counseling and assistance  
43 in job-seeking shall also be provided to participants for the twelve  
44 months following graduation from the program.

45 c. All programs serving twenty-eight trainees or more are required to  
46 have a full-time director responsible for the coordination of all  
47 aspects of the YouthBuild program.

48 3. Implementation grants may be used to carry out the activities list-  
49 ed in subdivisions one and two of this section. Other eligible activ-  
50 ities include the following:

51 a. Administrative costs of the applicant up to fifteen percent of the  
52 amount of assistance provided.

53 b. Defraying costs for the ongoing training and technical assistance  
54 needs of the recipient that are related to developing and carrying out a  
55 YouthBuild program including: the commissioner shall reserve five  
56 percent of the New York YouthBuild program appropriations to enter into

1 contract with YouthBuild USA, Inc. to provide assistance in the  
2 provision of training and technical assistance to, or in the management,  
3 supervision and coordination of, YouthBuild programs under this section.

4 4. Eligible participants are youth between the ages of sixteen and  
5 twenty-four who are economically disadvantaged as defined in 29 United  
6 States Code 1503, and who are part of one of the following groups:

7 a. Persons who are not attending any school and have not received a  
8 secondary school diploma or its equivalent; or

9 b. Persons currently enrolled in a traditional or alternative school  
10 setting or a HSE/TASC (high school equivalency/test assessing secondary  
11 completion) program and who are in danger of dropping out of school; or

12 c. Very low-income persons whose incomes are at or less than fifty  
13 percent of the area median income area, adjusted for family size, as  
14 estimated by the department of housing and urban development.

15 5. An exception may be made for individuals not meeting income or  
16 educational need requirements. Not more than twenty-five percent of the  
17 participants in such program may be individuals who do not meet the  
18 requirements of subdivision four of this section, but who have educa-  
19 tional needs despite the attainment of a high school diploma.

20 6. Priority in the awarding of funds under this section shall be given  
21 to applicants with experience in operating YouthBuild programs and  
22 implementing the YouthBuild model, including but not limited to, housing  
23 construction skills training, education, leadership development, life  
24 skills training, and counseling services. Priority shall also be given  
25 to those who meet the program standards of YouthBuild USA, Inc.

26 7. Any not-for-profit private agencies, or public agencies with expe-  
27 rience operating a YouthBuild program or with a plan to incubate a  
28 YouthBuild program until it can be established as a not-for-profit  
29 private agency are eligible entities. Only not-for-profit private agen-  
30 cies or public agencies that are licensed affiliates of YouthBuild USA,  
31 Inc. or currently receive a department of labor YouthBuild award, are  
32 eligible to use the term YouthBuild or eligible to apply for these  
33 funds.

34 8. The commissioner shall require that an application for YouthBuild  
35 funds under this section contain at minimum:

36 a. A request for an implementation grant, specifying the amount of the  
37 grant requested and its proposed uses;

38 b. A description of the applicant and a statement of its qualifica-  
39 tions, including a description of the applicant's past experience  
40 running a YouthBuild program, and its experience with housing rehabili-  
41 tation or construction and with youth and youth education, youth leader-  
42 ship development and work experience skills training programs, and its  
43 relationship with local unions and youth apprenticeship programs, and  
44 other community groups;

45 c. A description of the proposed construction site for the program and  
46 evidence of site control;

47 d. A description of the educational and work experience skills train-  
48 ing activities, work opportunities, and other services that shall be  
49 provided to participants;

50 e. A description of the proposed construction or rehabilitation activ-  
51 ities to be undertaken and the anticipated schedule for carrying out  
52 such activities; and a similar description of the healthcare or technol-  
53 ogy activities it proposes if it includes these activities in its  
54 program;

55 f. A description of the manner in which eligible youths shall be  
56 recruited and selected, including a description of the arrangements that

1 shall be made with community-based organizations, local educational  
2 agencies, including agencies of Native American nations, public assist-  
3 ance agencies, the courts of jurisdiction for status and youth offen-  
4 ders, shelters for homeless individuals and other agencies that serve  
5 homeless youth, foster care agencies, and other appropriate public and  
6 private agencies;

7 g. A description of the special efforts that shall be undertaken to  
8 recruit eligible young women (including young women with dependent chil-  
9 dren) with appropriate supports, especially childcare;

10 h. A description of how the proposed program shall be coordinated with  
11 other federal, state, and local activities and activities conducted by  
12 Native American nations, including public school, national service,  
13 crime prevention programs, vocational, adult and bilingual education  
14 programs and job training;

15 i. Assurances that there shall be a sufficient number of adequately  
16 trained supervisory personnel at any program construction site who have  
17 attained the level of journeyman or its equivalent;

18 j. A description of the applicant's relationship with any local build-  
19 ing trade unions or agencies licensed to issue industry-recognized  
20 certifications, which may exist, regarding their involvement in train-  
21 ing, and the relationship of the YouthBuild program with established  
22 apprenticeship programs;

23 k. A description of activities that shall be undertaken to develop the  
24 leadership skills of participants, including their role in decision-mak-  
25 ing;

26 l. A detailed budget and a description of the system of fiscal  
27 controls and auditing and accountability procedures that shall be used  
28 to ensure fiscal soundness;

29 m. A description of any contracts and arrangements entered into  
30 between the applicant and other agencies and entities including all  
31 in-kind donations and grants from both public and private entities that  
32 shall serve to augment New York YouthBuild act program funds;

33 n. Identification and description of the financing proposed for any:

34 (1) acquisition of the property;

35 (2) rehabilitation; or

36 (3) construction;

37 o. Identification and description of the entity that shall operate and  
38 manage the property;

39 p. A certification that the applicant shall comply with the require-  
40 ments of the Fair Housing Act, Title VI of the Civil Rights Act of 1964,  
41 Section 504 of the Rehabilitation Act of 1973, and the Age Discrimi-  
42 nation Act of 1975, and shall affirmatively further fair housing; and

43 q. The qualifications and past experience of the person who shall fill  
44 the full-time program director position.

45 9. For the purposes of this section, the term "YouthBuild" shall be  
46 defined as organizations that have operated YouthBuild programs licensed  
47 by YouthBuild USA, Inc. or organizations that currently receive federal  
48 department of labor YouthBuild funding.

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

1 warrant of the state comptroller on vouchers certified or approved by  
2 the commissioner of education, or his or her duly designated represen-  
3 tative, as provided in section 4608 of the education law and established  
4 in this act.

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