

# STATE OF NEW YORK

4683

2021-2022 Regular Sessions

## IN SENATE

February 8, 2021

Introduced by Sens. KAMINSKY, BIAGGI, BOYLE, GAUGHRAN, KAPLAN, KENNEDY, MAY, MYRIE, PARKER -- read twice and ordered printed, and when printed to be committed to the Committee on Energy and Telecommunications

AN ACT to amend the public authorities law and the education law, in relation to establishing a climate change education grant program; and to amend the tax law and the state finance law, in relation to establishing the New York state climate change education fund

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 climate change education act".

3 § 2. The public authorities law is amended by adding a new section  
4 1884 to read as follows:

5 § 1884. Climate change education grant program. 1. Definitions. As  
6 used in this section, the following terms shall have the following mean-  
7 ings:

8 (a) "Eligible applicant" shall mean (i) a public school district, (ii)  
9 a board of cooperative educational services, (iii) a community based  
10 organization which may be a for-profit corporation or entity or not-for-  
11 profit corporation or organization, or (iv) a consortium or partnership  
12 formed by a public school district, a board of cooperative educational  
13 services and one or more community based organizations which qualifies  
14 for the award of a climate change education grant by the authority under  
15 this section.

16 (b) "Grant program plan" shall mean the plan submitted to the authori-  
17 ty by an eligible applicant pursuant to subdivision four of this  
18 section.

19 (c) "Climate change education grant program" shall mean a comprehen-  
20 sive climate change education program conducted by an eligible applicant  
21 pursuant to subdivision four of this section.

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

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1 2. Establishment of climate change education grant program; general  
2 components. (a) There is hereby established within the authority a  
3 climate change education grant program. The program shall be established  
4 by the authority, in consultation with the commissioner of education.  
5 The purpose of the program shall be to provide grants to eligible appli-  
6 cants to support climate change education grant programs for young  
7 people which provides them with topics of instruction in the components  
8 set forth in paragraph (b) of this subdivision or to provide grants to  
9 eligible applicants to provide optional teacher training or professional  
10 development programs relevant to the advance of climate change literacy  
11 of young people.

12 (b) In order for an eligible applicant to receive an award of an annu-  
13 al grant under paragraph (c) of this subdivision, the applicant shall  
14 submit with the application the components of instruction which shall be  
15 offered in the applicant's climate change education grant program. The  
16 applicant shall create a climate change education program designed to  
17 increase the climate literacy of young people by broadening the under-  
18 standing of climate change, including possible long-term and short-term  
19 consequences of climate change and potential solutions or create a  
20 program designed to assist teachers in their professional development as  
21 related to increasing the climate literacy of young people. The authori-  
22 ty may determine certain components and topics of instruction that shall  
23 be required to be included in the climate change education program  
24 offered by the applicant. The authority may also determine certain  
25 components and topics of instruction that shall be offered by the appli-  
26 cant in providing relevant training and professional development to  
27 teachers.

28 (c) Any eligible applicant may apply for, and upon approval of the  
29 application by the authority, shall be awarded an annual climate change  
30 education grant provided that the applicant demonstrates in the grant  
31 program plan submitted to the authority that:

32 (i) the applicant is capable of providing students with an effective  
33 climate change education program that shall be meaningful and capable of  
34 providing an effective climate change education program or the applicant  
35 is capable of providing teachers with a relevant effective training or  
36 professional development program and either program shall be conducted  
37 in accordance with this section and any regulations promulgated pursuant  
38 to this section; and

39 (ii) if such applicant is a community based organization, that the  
40 applicant has a proven record and experience in conducting meaningful  
41 and successful climate change education programs, and that the applicant  
42 is capable of providing a climate change education program to a broad  
43 based segment of the youth population or teachers with specific emphasis  
44 on targeted youths and teachers located in environmental justice commu-  
45 nities in such organization's service area. The authority may seek and  
46 shall receive any pertinent information or request and receive recommen-  
47 dations as to such community based organization's interactions or prior  
48 dealings with any other state or local governmental entity, including,  
49 but not limited to, any public school district or board of cooperative  
50 educational services in making the determination required by this para-  
51 graph.

52 (d) All moneys provided in grants under this section shall be in addi-  
53 tion to, and not in lieu of, any moneys historically appropriated for  
54 the same or similar purposes and shall not be used to offset or reduce  
55 moneys previously expended for similar programs.

1 3. Climate change education grant program awards. (a) Within amounts  
2 appropriated therefor, the authority shall be authorized to grant awards  
3 for the support of approved climate change education grant programs.

4 (b) Grants to support an approved climate change education grant  
5 program shall be awarded on a competitive basis in accordance with  
6 criteria established by the authority.

7 (c) The authority shall appropriate at least fifty percent of all  
8 grant money appropriated for the climate change education program to  
9 eligible applicants for the purposes of increasing the climate literacy  
10 of young people through a climate change education program. The authori-  
11 ty shall appropriate no more than fifty percent of all grant money  
12 appropriated to teacher training or professional development.

13 (d) The department of education shall, from within amounts appropri-  
14 ated to the department, undertake all activities necessary to plan for  
15 and preliminarily provide for the timely implementation of the climate  
16 change education grant program established pursuant to this section for  
17 the state fiscal year commencing one year following the effective date  
18 of this section.

19 (e) Not more than five percent of any amounts made available by appro-  
20 priation in any single fiscal year for the climate change education  
21 grant program shall be annually retained by the authority for the admin-  
22 istrative purposes of the department.

23 (f) Of the amounts made available by appropriation for the climate  
24 change education grant program, not more than five percent of any funds  
25 made by such appropriation for the state fiscal year commencing three  
26 years following the effective date of this section shall be made avail-  
27 able for payment to a nationally recognized and accredited organization  
28 with experience in analyzing the efficacy and benefits of climate change  
29 education grant programs for purposes of enabling such organization to  
30 evaluate the totality of the grant program and grants awarded in the two  
31 years following the effective date of this section. Not more than four  
32 percent of any funds made by such appropriation for the state fiscal  
33 year commencing four years following the effective date of this section  
34 shall be made available for payment to the same organization which was  
35 awarded the initial contract to so analyze the climate change education  
36 grant program for the purpose of providing necessary funds to such  
37 organization to analyze the climate change education grant program from  
38 its inception through and including all the grant year periods author-  
39 ized under this section. The contract to be awarded to such organization  
40 shall be let only after a request for proposal has been issued by the  
41 department of education in the manner provided for by law, and the award  
42 of such contract shall be subject to competitive bidding requirements as  
43 also required by law. The department of education shall include within  
44 the request for proposal detailed criteria of evaluation to be employed  
45 by the organization to be awarded the bid. The request for proposal  
46 shall also allow for a bidding organization to submit additional evalua-  
47 tive criteria that may be utilized by the organization awarded the bid  
48 if approved by the department of education. Notwithstanding any incon-  
49 sistent provision of this paragraph, the request for proposal shall  
50 include a provision authorizing the authority to terminate the awarded  
51 contract to the successful bidder with respect to the conduct of the  
52 second evaluation of the grant program for the entire grant period  
53 authorized under this section if the authority is not satisfied with the  
54 quality of effort demonstrated by such bidder in the first evaluation of  
55 the grant program period. In such case, a similar request for proposal

1 procedure shall be utilized for the purpose of making the second evalu-  
2 ation.

3 (g) Beginning with the school year beginning in July two years follow-  
4 ing the effective date of this section and every school year thereafter,  
5 from any annual appropriations and/or reappropriations made therefor,  
6 the authority shall set aside eighty percent of the money so appropri-  
7 ated (minus any amounts necessary to pay adjustment expenses pursuant to  
8 paragraphs (d), (e), and (f) of this subdivision) for the purpose of  
9 awarding grants for climate change education grant program plans  
10 approved by the authority pursuant to subdivision four of this section  
11 to be conducted by public school districts and/or boards of cooperative  
12 educational services including those programs which are going to be  
13 conducted in accordance with a program plan pursuant to consortiums or  
14 partnerships formed by a public school district and/or board of cooper-  
15 ative educational services and one or more community based organiza-  
16 tions. Priority, substantial consideration and weight shall be accorded  
17 by the authority in the awarding of grants to such consortiums or part-  
18 nerships. The authority shall set aside twenty percent of any appropri-  
19 ation for the purpose of awarding grants for climate change education  
20 grant program plans approved by the authority for eligible applicants  
21 who are community based organizations which are not conducting such  
22 program as part of a consortium or partnership.

23 4. Application for grants; climate change education grant program  
24 plan. (a) The authority shall establish an application procedure by  
25 which eligible applicants may apply for a grant pursuant to this  
26 section, and the manner and method including specified objective crite-  
27 ria consistent with this section by which the authority shall determine  
28 the eligibility of an applicant.

29 (b) The eligible applicant shall submit with the climate change educa-  
30 tion grant application the applicant's grant program plan to the author-  
31 ity, which shall include a detailed description of the proposed climate  
32 change education program, including but not limited to:

33 (i) an outline for the curriculum to be covered in the eligible appli-  
34 cant's program for students or workshop for teachers, including instruc-  
35 tional materials, books, videos or other instructional tools to be used  
36 and the training which will be provided to teachers, personnel and  
37 volunteers who will conduct the program;

38 (ii) any special or unusual or innovative services, programs or educa-  
39 tion methods to be utilized including special technology or scientific  
40 methods;

41 (iii) the number and types of teaching or other personnel to be  
42 employed, or volunteers to be used, together with their professional or  
43 academic credentials;

44 (iv) the geographic area in which the proposed program will be offered  
45 along with an estimate of the number of students or teachers who the  
46 applicant estimates will participate in such a program and if the  
47 geographic area is located in an environmental justice community;

48 (v) a demonstration that the proposed program is adequate in terms of  
49 course length;

50 (vi) special training or professional development services offered for  
51 teachers if relevant; and

52 (vii) any other information the authority may request.

53 5. Maintenance of effort. Any moneys made available to an eligible  
54 applicant shall not be used to offset or reduce the amount of moneys  
55 previously expended for the same or similar programs in a prior year,  
56 but shall be used to supplement any prior years' expenditures. No eligi-

1 ble applicant shall reduce any subsequent years' expenditures for the  
2 same or similar programs as a result of receiving any grant, or increase  
3 in the amount of any prior awarded grant, pursuant to this section.

4 6. Annual reports by grant recipients. (a) Every eligible applicant  
5 that has been awarded a grant under this section shall file an annual  
6 report with the authority, in such form and with such data as the  
7 authority prescribes detailing the expenditure of grant funds, together  
8 with an analysis of the climate change education grant program it  
9 conducted.

10 (b) The authority shall on or before February first in each year,  
11 submit a report on the program to the governor, the temporary president  
12 of the senate and the speaker of the assembly containing his or her  
13 findings and recommendations. In the report submitted in the fourth year  
14 and the sixth year following the effective date of this section respec-  
15 tively, the authority shall also include the evaluation of the program  
16 as presented by the accredited organization in accordance with subdivi-  
17 sion three of this section.

18 7. Notification to potential applicants. The authority shall send, in  
19 a timely manner, every public school district and board of cooperative  
20 educational services and every requesting community based organization a  
21 copy of this section and general information relating to the climate  
22 change education grant program and the application process therefor.

23 8. Regulations. The authority shall promulgate rules and regulations  
24 as shall be reasonably necessary to effectuate the provisions of this  
25 section.

26 § 3. Section 305 of the education law is amended by adding a new  
27 subdivision 59 to read as follows:

28 59. The commissioner shall cooperate with the president of the New  
29 York state energy research and development authority in establishing a  
30 climate change education grant program as described in section eighteen  
31 hundred eighty-four of the public authorities law.

32 § 4. The tax law is amended by adding a new section 630-i to read as  
33 follows:

34 § 630-i. Gift for New York state climate change education fund. An  
35 individual in any taxable year may elect to contribute to the climate  
36 change education fund for educational programs and professional develop-  
37 ment in schools related to climate change. The contribution shall be in  
38 any whole dollar amount and shall not reduce the amount of state tax  
39 owed by such individual. The commissioner shall include space on the  
40 personal income tax return to enable a taxpayer to make such contrib-  
41 ution. Notwithstanding any other provision of law, all revenues  
42 collected pursuant to this section shall be credited to the New York  
43 state climate change education fund and used only for those purposes  
44 enumerated in section ninety-nine-ii of the state finance law.

45 § 5. The state finance law is amended by adding a new section 99-ii to  
46 read as follows:

47 § 99-ii. New York state climate change education fund. 1. There is  
48 hereby established in the joint custody of the state comptroller and the  
49 commissioner of taxation and finance a special fund to be known as the  
50 "New York state climate change education fund".

51 2. Such fund shall consist of all revenues received by the department  
52 of taxation and finance, pursuant to the provisions of section six  
53 hundred thirty-i of the tax law and all other moneys appropriated there-  
54 to from any other fund or source pursuant to law. Nothing contained in  
55 this section shall prevent the state from receiving grants, gifts or

1 bequests for the purposes of the fund as defined in this section and  
2 depositing them into the fund according to law.

3 3. On or before the first day of February each year, the commissioner  
4 of education shall provide a written report to the temporary president  
5 of the senate, speaker of the assembly, chair of the senate finance  
6 committee, chair of the assembly ways and means committee, chair of the  
7 senate committee on education, chair of the assembly education commit-  
8 tee, the state comptroller and the public. Such report shall include how  
9 the monies of the fund were utilized during the preceding calendar year  
10 and shall include:

11 (i) the amount of money dispersed from the fund and the award process  
12 used for such disbursements;

13 (ii) recipients of awards from the fund;

14 (iii) the amount awarded to each recipient;

15 (iv) the purposes for which such awards were granted; and

16 (v) a summary financial plan for such monies which shall include esti-  
17 mates of all receipts and all disbursements for the current and succeed-  
18 ing fiscal years, along with the actual results from the prior fiscal  
19 year.

20 4. Moneys shall be payable from the fund on the audit and warrant of  
21 the comptroller on vouchers approved and certified by the commissioner  
22 of education.

23 5. The moneys in such fund shall be expended for the purpose of  
24 supplementing educational programs in schools for climate change,  
25 including such programs offered or provided by a not-for-profit. Eligi-  
26 ble programs are those with an established curriculum providing instruc-  
27 tion focused on climate change or programs providing teacher training or  
28 professional development programs relevant to the advance of climate  
29 change literacy of young people.

30 § 6. Severability. If any clause, sentence, paragraph, subdivision or  
31 section of this act shall be adjudged by any court of competent jurisdic-  
32 tion to be invalid and after exhaustion of all further judicial  
33 review, the judgment shall not affect, impair or invalidate the remain-  
34 der thereof, but shall be confined in its operation to the clause,  
35 sentence, paragraph, subdivision or section of this act directly  
36 involved in the controversy in which the judgment shall have been  
37 rendered.

38 § 7. This act shall take effect immediately.