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:

Section 1. Short title. This act shall be known and may be cited as the "New York climate change education act".

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

§ 1884. Climate change education grant program. 1. Definitions. As used in this section, the following terms shall have the following meanings:

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

(b) "Grant program plan" shall mean the plan submitted to the authority by an eligible applicant pursuant to subdivision four of this section.

(c) "Climate change education grant program" shall mean a comprehensive climate change education program conducted by an eligible applicant 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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2. Establishment of climate change education grant program; general components. (a) There is hereby established within the authority a climate change education grant program. The program shall be established by the authority, in consultation with the commissioner of education. The purpose of the program shall be to provide grants to eligible applicants to support climate change education grant programs for young people which provides them with topics of instruction in the components set forth in paragraph (b) of this subdivision or to provide grants to eligible applicants to provide optional teacher training or professional development programs relevant to the advance of climate change literacy of young people.

(b) In order for an eligible applicant to receive an award of an annual grant under paragraph (c) of this subdivision, the applicant shall submit with the application the components of instruction which shall be offered in the applicant's climate change education grant program. The applicant shall create a climate change education program designed to increase the climate literacy of young people by broadening the understanding of climate change, including possible long-term and short-term consequences of climate change and potential solutions or create a program designed to assist teachers in their professional development as related to increasing the climate literacy of young people. The authority may determine certain components and topics of instruction that shall be required to be included in the climate change education program offered by the applicant. The authority may also determine certain components and topics of instruction that shall be offered by the applicant in providing relevant training and professional development to teachers.

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

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

(ii) if such applicant is a community based organization, that the applicant has a proven record and experience in conducting meaningful and successful climate change education programs, and that the applicant is capable of providing a climate change education program to a broad based segment of the youth population or teachers with specific emphasis on targeted youths and teachers located in environmental justice communities in such organization's service area. The authority may seek and shall receive any pertinent information or request and receive recommendations as to such community based organization's interactions or prior dealings with any other state or local governmental entity, including, but not limited to, any public school district or board of cooperative educational services in making the determination required by this paragraph.

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

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

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

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

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

(e) Not more than five percent of any amounts made available by appropriation in any single fiscal year for the climate change education grant program shall be annually retained by the authority for the administrative purposes of the department.

(f) Of the amounts made available by appropriation for the climate change education grant program, not more than five percent of any funds made by such appropriation for the state fiscal year commencing three years following the effective date of this section shall be made available for payment to a nationally recognized and accredited organization with experience in analyzing the efficacy and benefits of climate change education grant programs for purposes of enabling such organization to evaluate the totality of the grant program and grants awarded in the two years following the effective date of this section. Not more than four percent of any funds made by such appropriation for the state fiscal year commencing four years following the effective date of this section shall be made available for payment to the same organization which was awarded the initial contract to so analyze the climate change education grant program for the purpose of providing necessary funds to such organization to analyze the climate change education grant program from its inception through and including all the grant year periods authorized under this section. The contract to be awarded to such organization shall be let only after a request for proposal has been issued by the department of education in the manner provided for by law, and the award of such contract shall be subject to competitive bidding requirements as also required by law. The department of education shall include within the request for proposal detailed criteria of evaluation to be employed by the organization to be awarded the bid. The request for proposal shall also allow for a bidding organization to submit additional evaluative criteria that may be utilized by the organization awarded the bid if approved by the department of education. Notwithstanding any inconsistent provision of this paragraph, the request for proposal shall include a provision authorizing the authority to terminate the awarded contract to the successful bidder with respect to the conduct of the second evaluation of the grant program for the entire grant period authorized under this section if the authority is not satisfied with the quality of effort demonstrated by such bidder in the first evaluation of the grant program period. In such case, a similar request for proposal

procedure shall be utilized for the purpose of making the second evaluation.

(g) Beginning with the school year beginning in July two years following the effective date of this section and every school year thereafter, from any annual appropriations and/or reappropriations made therefor, the authority shall set aside eighty percent of the money so appropriated (minus any amounts necessary to pay adjustment expenses pursuant to paragraphs (d), (e), and (f) of this subdivision) for the purpose of awarding grants for climate change education grant program plans approved by the authority pursuant to subdivision four of this section to be conducted by public school districts and/or boards of cooperative educational services including those programs which are going to be conducted in accordance with a program plan pursuant to consortiums or partnerships formed by a public school district and/or board of cooperative educational services and one or more community based organizations. Priority, substantial consideration and weight shall be accorded by the authority in the awarding of grants to such consortiums or partnerships. The authority shall set aside twenty percent of any appropriation for the purpose of awarding grants for climate change education grant program plans approved by the authority for eligible applicants who are community based organizations which are not conducting such program as part of a consortium or partnership.

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

(b) The eligible applicant shall submit with the climate change education grant application the applicant's grant program plan to the authority, which shall include a detailed description of the proposed climate change education program, including but not limited to:

(i) an outline for the curriculum to be covered in the eligible applicant's program for students or workshop for teachers, including instructional materials, books, videos or other instructional tools to be used and the training which will be provided to teachers, personnel and volunteers who will conduct the program;

(ii) any special or unusual or innovative services, programs or education methods to be utilized including special technology or scientific methods;

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

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

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

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

(vii) any other information the authority may request.

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

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

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

(b) The authority shall on or before February first in each year, submit a report on the program to the governor, the temporary president of the senate and the speaker of the assembly containing his or her findings and recommendations. In the report submitted in the fourth year and the sixth year following the effective date of this section respectively, the authority shall also include the evaluation of the program as presented by the accredited organization in accordance with subdivision three of this section.

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

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

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

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

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

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

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

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

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

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

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

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

(ii) recipients of awards from the fund;

(iii) the amount awarded to each recipient;

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

(v) a summary financial plan for such monies which shall include estimates of all receipts and all disbursements for the current and succeeding fiscal years, along with the actual results from the prior fiscal year.

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

5. The moneys in such fund shall be expended for the purpose of supplementing educational programs in schools for climate change, including such programs offered or provided by a not-for-profit. Eligible programs are those with an established curriculum providing instruction focused on climate change or programs providing teacher training or professional development programs relevant to the advance of climate change literacy of young people.

§ 6. Severability. If any clause, sentence, paragraph, subdivision or section of this act shall be adjudged by any court of competent jurisdiction to be invalid and after exhaustion of all further judicial review, the judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision or section of this act directly involved in the controversy in which the judgment shall have been rendered.

§ 7. This act shall take effect immediately.