STATE OF NEW YORK

9336

IN SENATE

May 17, 2022

Introduced by Sen. BAILEY -- (at request of the State Education Department) -- read twice and ordered printed, and when printed to be committed to the Committee on Education

AN ACT to establish a juvenile justice education task force to address effective coordination and programmatic coherence in the provision of educational opportunities and services to certain students; and providing for the repeal of such provisions upon expiration thereof

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Legislative findings and declarations. The legislature hereby finds and declares that there is a significant lack of effective coordination and programmatic coherence in the provision of educational opportunities and services to students in juvenile justice settings. When youth must be confined, detention and placement settings provide an opportunity to re-engage them in their education and future and to reset their trajectory. These programs must plan for and support youth reentry to the community, including working with the student's school of reentry to ensure credits are granted for work accomplished while in confinement and re-enrollment in school in the community. Educational programs provided in juvenile justice settings have struggled to recruit and retain New York State certified teachers; provide access to all core academic courses required to obtain a New York State Regents Diploma; and design quality, culturally and linguistically responsive and engaging instruction to meet the extensive, critical needs of this consistently shifting student population. Lack of access to state and federal education funds for core educational services, delayed access to students' records, rolling admissions and discharges, as well as barriers to re-enrollment, and providing supports to students as they transition back to public and nonpublic schools have contributed to this situation. Incarcerated youth funds were originally to support students between the ages of 16 and 21 in county jails. Since implementation of New York's "raise the age law" pursuant to part WWW of chapter 59 of the laws of 2017, incarcerated youth funds for jails have declined, as 16- and 17-year-old students are placed in detention and other settings

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

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which are ineligible for incarcerated youth funding. This makes it difficult to sustain staffing and educational programming for incarcerated 18- to 21-year-old students, who are still entitled to an education. Additionally, the incarcerated youth formula provides a minimum of $15,000 to the district of location which has not been updated since 1986 and is insufficient to maintain minimum educational programming. Further, once returned to the community, these students need additional supports to ensure continued success.

§ 2. The state task force on juvenile justice education (hereinafter referred to as "the task force") is hereby established. The task force shall conduct and complete a thorough study and review of the needs of educational programming across the spectrum of juvenile justice confinement settings and the educational transition of youth post-confinement and shall make actionable recommendations on the improvement thereof. The task force shall study and make recommendations relating to:

(a) the provision of educational opportunities and services to students in juvenile justice settings. Such settings include detention settings, office of children and family services settings, foster care settings, and county correctional facilities where students who are under the age of 21 are entitled to attend school are placed or confined;

(b) the creation of a statewide entity to provide or oversee such educational opportunities and services;

(c) oversight of the provision of educational services by the education department and the office of children and family services;

(d) access to federal and state funding mechanisms;

(e) access to career, occupational, certificate, licensure and technical courses;

(f) access to literacy and English language learner services;

(g) access to special education services;

(h) access to programs leading to a high school diploma or a high school equivalency diploma;

(i) access to make up credit programs;

(j) access to programs and services through the education department's office of adult career and continuing education services - vocational rehabilitation and board of cooperative educational services;

(k) access to student records;

(l) appropriate accountability measures; and

(m) educational transition services provided to students returning to the community after placement or confinement.

§ 3. (a) The task force shall consist of 14 members to be appointed as follows:

(i) the commissioner of education or his or her designee, who shall serve as the chair of the task force and four members appointed by the commissioner of education, in consultation with the board of regents;

(ii) five members appointed by the governor; one of whom shall serve as vice chair of the task force;

(iii) two members appointed by the temporary president of the senate; and

(iv) two members appointed by the speaker of the assembly.

(b) No member of the task force shall be disqualified from holding any public office or employment, nor shall he or she forfeit any such office or employment by reason of his or her appointment pursuant to this act.

(c) The members of the task force shall receive no compensation for their services, but shall be allowed their actual and necessary expenses incurred in the performance of their duties pursuant to this act,

provided that the task force shall be authorized to conduct meetings in a manner that minimizes travel and costs as determined by the commissioner of education.

(d) The task force shall issue a report on its findings and recommendations for improvement, including any legislative recommendations, to the board of regents, the governor, the temporary president of the senate, the speaker of the assembly and the chairs of the education committees in the assembly and senate on or before December 31, 2022.

§ 4. Subject to appropriation therefor, the task force is authorized to contract with consultants, including institutions of higher education and independent research organizations, to assist the task force in the performance of its duties.

§ 5. This act shall take effect immediately and shall expire and be deemed repealed on the sixtieth day after the task force on juvenile justice education shall have submitted the report required by section three of this act; provided that the commissioner of education shall notify the legislative bill drafting commission upon filing the report required in section three of this act in order that the commission may maintain an accurate and timely effective data base of the official text of the laws of the state of New York in furtherance of effectuating the provisions of section 44 of the legislative law and section 70-b of the public officers law.