STATE OF NEW YORK

8327

IN SENATE

January 18, 2024

Introduced by Sen. FERNANDEZ -- read twice and ordered printed, and when printed to be committed to the Committee on Education

AN ACT to amend the education law, in relation to establishing a pilot program to provide high impact tutoring

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

Section 1. The education law is amended by adding a new section 3641-c to read as follows:

§ 3641-c. High impact tutoring grant program. 1. For the purposes of this section, the following terms shall have the following meanings:

(a) "local education provider" or "local education provider group" means:

(i) a public school or a group of public schools operated by a school district; or

(ii) a charter school or a group of charter schools established pursuant to article fifty-six of this chapter; and

(b) "high impact tutoring pilot program" means a grant program established and administered by the department pursuant to this section.

2. The department shall establish and administer a high impact tutoring pilot program to provide grants to local education providers to implement high impact tutoring programs prioritizing low-income or underserved students to address student learning loss or unfinished learning resulting from the COVID-19 pandemic.

3. (a) A local education provider shall submit an application for a grant to the department in a form determined by the department. A local education provider or group of local education providers may apply jointly for such grant. The local education provider shall demonstrate need for support through the grant program, as determined by the department, which may include serving a high percentage of low-income or underserved students, or serving students who need academic assistance in reaching levels of proficiency and have a low level of attainment scores in the past year.

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

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(b) At a minimum, an application shall include the local education provider's high impact tutoring program plan that includes the following information:

(i) how the local education provider's program plan addresses the following elements of a high impact tutoring program and how it modifies or omits such elements and the reasons for such modifications or omissions:

(1) tutoring is provided in groups of four or fewer students;

(2) the same tutor instructs the participating students throughout the school year;

(3) tutoring is provided a minimum of three times per week;

(4) tutoring is implemented during the school day, not as a before- or after-school program, and is supplemental to core academic instruction and not a replacement for such instruction;

(5) high quality trained tutors provide such tutoring, including teachers, paraprofessionals, community providers, AmeriCorps members, and any other individuals who have received training;

(6) the program uses a high-quality curriculum that is aligned with academic standards and may be provided by the local education provider; and

(7) tutoring is data-driven, with interim assessments to monitor student progress;

(ii) how students will be identified for participation in the program;

(iii) the number of students projected to be served and whether those students are low-income or underserved students;

(iv) the projected cost of implementing the program;

(v) how student academic progress and other program outcomes will be measured;

(vi) whether the local education provider will create its own program and whether it will partner with existing tutoring providers for implementation or for tutor capacity and training;

(vii) which academic subjects will be the focus of the program;

(viii) how the local education provider will be supported;

(ix) how tutoring will be delivered and how the delivery will accommodate remote learning;

(x) whether tutors will follow a specific curriculum;

(xi) how tutoring will be incorporated into the school day;

(xii) the needs of a rural local education provider for financial or technical support to implement a high impact tutoring program; and

(xiii) any other criteria determined by the department.

(c) Local education providers implementing high impact tutoring programs shall consider seat time and scheduling so that students have consistent access to non-core academic instruction.

(d) The department shall review the applications received pursuant to this subdivision and shall award grants after considering the alignment of the local education provider's program plan with the elements of a high impact tutoring program as described in this subdivision.

4. Within the amounts appropriated therefor, the department shall determine the amount and durations of grant awards. The goal of such grant awards shall be to serve as many students as possible through high impact tutoring programs, including low-income and underserved students and students in rural areas, while ensuring that grant money is awarded to high impact tutoring programs that are likely to achieve positive student outcomes.

5. (a) The department shall determine allowable uses for grant money, which uses may include, but need not be limited to, hiring or contract-

ing for tutors or providing stipends or other incentives to paraprofessionals, retired teachers, AmeriCorps members, and community organizations to ensure tutoring capacity; developing curriculum and related supplies; covering costs associated with renting or purchasing physical space for tutoring and covering administrative expenses. A local education provider may make a request to the department to use grant money for purposes other than those specified by the department if the proposed use of the grant money increases the effectiveness of the high impact tutoring program.

(b) Local education providers may offer tutors and other professionals offering tutoring services information about potential pathways into the teaching profession for the school district.

(c) Local education providers, tutors and other professionals offering tutoring services shall comply with all state and federal laws relating to health, safety, and antidiscrimination, including, but not limited to Titles VI and VII of the Civil Rights Act of 1964 Pub.L. 88-352, as amended; the Americans with Disabilities Act of 1990, 42 U.S.C. Sec. 1201 et seq., as amended; section 504 of the Rehabilitation Act of 1973, 29 U.S.C. Sec. 794, as amended, and Title IX of the Education Amendment of 1972, 20 U.S.C. Secs. 1681 to 1688, as amended.

6. (a) On or before the reporting deadlines established by the department, in each year in which a local education provider or group of providers receives a grant pursuant to this section, the provider or providers shall submit a report to the department that includes the information required by the department. At a minimum, the report shall include the following information:

(i) the number of students who participated in the high impact tutoring program and nonidentifying information, including demographic information, relating to those students;

(ii) any adjustments made to the local education provider's program plan and the reason adjustments were made;

(iii) how the local education provider maintained consistent access for participating students to non-core academic instruction;

(iv) how program grants were used by the local education provider and a summary of other resources used, if any, to provide high impact tutoring beyond the resources provided through the program;

(v) the academic achievement results or other criteria used to place students in the high impact tutoring program;

(vi) the impact or student outcomes associated with the local education provider's high impact tutoring program; and

(vii) whether the local education provider's high impact tutoring program will continue in the following fiscal year and if not, the reason the tutoring program will not continue.

(b) On or before July first of each year that a high impact tutoring program is implemented pursuant to this section, the department shall submit a summarized report to the education committees of the senate and the assembly concerning the program, including, at a minimum, the grants awarded, the participating local education providers, the duration of the program, and a summary of the information provided pursuant to paragraph (a) of this subdivision concerning the high impact tutoring programs implemented by the local education providers and of available student outcomes.

§ 2. This act shall take effect immediately.