

# 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:

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

3 § 3641-c. High impact tutoring grant program. 1. For the purposes of  
4 this section, the following terms shall have the following meanings:

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

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

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

11 (b) "high impact tutoring pilot program" means a grant program estab-  
12 lished and administered by the department pursuant to this section.

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

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

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

LBD11390-01-3

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

4 (i) how the local education provider's program plan addresses the  
5 following elements of a high impact tutoring program and how it modifies  
6 or omits such elements and the reasons for such modifications or omis-  
7 sions:

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

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

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

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

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

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

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

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

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

26 (iv) the projected cost of implementing the program;

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

29 (vi) whether the local education provider will create its own program  
30 and whether it will partner with existing tutoring providers for imple-  
31 mentation or for tutor capacity and training;

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

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

34 (ix) how tutoring will be delivered and how the delivery will accommo-  
35 date remote learning;

36 (x) whether tutors will follow a specific curriculum;

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

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

40 (xiii) any other criteria determined by the department.

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

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

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

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

1 ing for tutors or providing stipends or other incentives to paraprofes-  
2 sionals, retired teachers, AmeriCorps members, and community organiza-  
3 tions to ensure tutoring capacity; developing curriculum and related  
4 supplies; covering costs associated with renting or purchasing physical  
5 space for tutoring and covering administrative expenses. A local educa-  
6 tion provider may make a request to the department to use grant money  
7 for purposes other than those specified by the department if the  
8 proposed use of the grant money increases the effectiveness of the high  
9 impact tutoring program.

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

13 (c) Local education providers, tutors and other professionals offering  
14 tutoring services shall comply with all state and federal laws relating  
15 to health, safety, and antidiscrimination, including, but not limited to  
16 Titles VI and VII of the Civil Rights Act of 1964 Pub.L. 88-352, as  
17 amended; the Americans with Disabilities Act of 1990, 42 U.S.C. Sec.  
18 1201 et seq., as amended; section 504 of the Rehabilitation Act of 1973,  
19 29 U.S.C. Sec. 794, as amended, and Title IX of the Education Amendment  
20 of 1972, 20 U.S.C. Secs. 1681 to 1688, as amended.

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

27 (i) the number of students who participated in the high impact tutor-  
28 ing program and nonidentifying information, including demographic infor-  
29 mation, relating to those students;

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

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

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

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

39 (vi) the impact or student outcomes associated with the local educa-  
40 tion provider's high impact tutoring program; and

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

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

53 § 2. This act shall take effect immediately.