

STATE OF NEW YORK

1570

2013-2014 Regular Sessions

IN SENATE

(Prefiled)

January 9, 2013

Introduced by Sen. PARKER -- 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 the expenditure of pre-kindergarten program grant funds

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

1 Section 1. Subdivision 10 of section 3602-e of the education law is
2 amended by adding a new paragraph d to read as follows:

3 d. Notwithstanding any other provision of law to the contrary in the
4 event a school district which is eligible to receive a grant under this
5 section is unable to expand pre-kindergarten programs as determined by
6 the commissioner then such district shall be permitted to utilize the
7 equivalent of such unused pre-kindergarten grant funds for local pre-
8 kindergarten initiatives, full-day pre-kindergarten programs and/or
9 transportation services for pre-kindergarten pupils as approved by the
10 commissioner, provided, however, that such excess may not be generated
11 through a reduction in pre-kindergarten students served from those
12 served in the base year.

13 § 2. Subdivision 11 of section 3602-e of the education law, as amended
14 by section 10-b of part A of chapter 57 of the laws of 2012, is amended
15 to read as follows:

16 11. Notwithstanding the provisions of subdivision ten of this section,
17 where the district serves fewer children during the current year than
18 provided for by the grant the lesser of the children served in the two
19 thousand ten--two thousand eleven school year or its base aidable prek-
20 indergarten pupils computed for the two thousand seven--two thousand
21 eight school year, the school district shall have its apportionment
22 reduced in an amount proportional to such deficiency in the current year
23 or in the succeeding school year, as determined by the commissioner,
24 except such reduction shall not apply to school districts which have

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

LBD02857-01-3

S. 1570

2

1 fully implemented a universal pre-kindergarten program by making such
2 program available to all eligible children. Such reduction shall not
3 apply to districts that reduce the number of available pre-kindergarten
4 students served so long as the district continues to serve the number of
5 children provided for in the base year. Expenses incurred by the school
6 district in implementing a pre-kindergarten program plan pursuant to
7 this subdivision shall be deemed ordinary contingent expenses.
8 § 3. This act shall take effect July 1, 2014.

**NEW YORK STATE SENATE
INTRODUCER'S MEMORANDUM IN SUPPORT
submitted in accordance with Senate Rule VI. Sec 1**

BILL NUMBER: S1570

SPONSOR: PARKER

TITLE OF BILL: An act to amend the education law, in relation to the expenditure of pre-kindergarten program grant funds

PURPOSE: The Universal Prekindergarten Program (UPK) is a State-funded program that provides educationally-based high-quality prekindergarten to four year old children. UPK programs operate for a minimum of 2 1/2 hours per day for five days a week during the school year. This legislation would provide school districts with greater flexibility in the use of their unexpended UPK grants to maximize the number of children who are served.

SUMMARY OF PROVISIONS:

Section 1 would permit a school district which is eligible to receive a UPK grant but unable to fill all of their funded slots the ability to utilize unexpended grant money to create full-day slots, and support the cost of transporting pre-k students.

Section 2 would revise a Maintenance of Effort (MOE) requirement that penalizes school districts that provide supplemental funding to serve more students than their UPK grant permits by reducing state aid if they serve fewer students in a subsequent year.

JUSTIFICATION: Early education programs provide a strong foundation for at-risk children. Research has shown that children who are enrolled in high quality pre-kindergarten programs are less likely to require special education services, repeat grades or drop out of school. However, full implementation of UPK has not been realized.

Approximately 220 school districts in the state have yet to implement UPK due primarily to restrictions in how the funding is used. Information reported to the state Education Department has indicated that uncertainty about funding; insufficient per-pupil allocations; parental desire for full-day programs; and the lack of transportation for pre-k program are all barriers to full enrollment. The City of New York was unable to use over \$25 million in UPK funding in the 2008-2009 SPY, due to these restrictions. This legislation would allow school districts to more fully utilize their UPK grant and remove disincentives for districts to serve additional students when economically possible.

LEGISLATIVE HISTORY: 2011-12: S.1580A - Referred to Education S.6777 of 2009-10 - Passed Senate

FISCAL IMPLICATIONS: None.

EFFECTIVE DATE: July 1, 2014

STATE OF NEW YORK

3503

2013-2014 Regular Sessions

IN SENATE

February 5, 2013

Introduced by Sen. PARKER -- read twice and ordered printed, and when printed to be committed to the Committee on Commerce, Economic Development and Small Business

AN ACT to amend the economic development law, in relation to the "childcare and early education sector on the economy act"

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 "childcare and early education sector on the economy act".

3 § 2. Legislative findings and purpose. The legislature hereby finds
4 and declares that there appears to be a serious shortage of high-quality
5 childcare and early education options in communities throughout New York
6 state. There is a strong consensus among researchers that childcare and
7 early education programs provide a substantial economic payoff to commu-
8 nities where they are located. The legislature declares that it is
9 crucial for the governor and legislators to obtain reliable, objective
10 information about the economic benefits and burdens of investing in
11 expanded childcare and early education programs within the state.

12 The purpose of this act is to study the economic impact on the state
13 economy of quality childcare and early education programs for children
14 aged 0-4, and after-school programs for children aged 5-12.

15 § 3. The economic development law is amended by adding a new article
16 21 to read as follows:

17 ARTICLE 21

18 ECONOMIC IMPACT OF CHILDCARE AND EARLY EDUCATION SECTOR

19 Section 450. Definitions.

20 451. Study of the economic impact of the childcare industry.

21 452. Nature of the study.

22 453. Report.

23 § 450. Definitions. For purposes of this article, "childcare and early
24 education" means:

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

LBD01934-01-3

S. 3503

2

- 1 1. Licensed full-day childcare and early education programs and
- 2 centers.
- 3 2. Licensed part-time childcare and early education programs and
- 4 centers.
- 5 3. Head Start and Early Head Start programs.
- 6 4. Public pre-schools.
- 7 5. Family childcare homes.
- 8 6. After-school programs for children aged 5-12.
- 9 § 451. Study of the economic impact of the childcare industry. The
- 10 department shall conduct a study of the economic impacts on the state
- 11 economy of quality childcare and early education programs for children
- 12 aged 0-4, and after-school programs for children aged 5-12.
- 13 § 452. Nature of the study. The study of the economic impact of the
- 14 childcare industry shall include:
- 15 1. An evaluation of childcare and early education as a sector of the
- 16 economy, including:
- 17 (a) Number of workers directly employed at childcare and early educa-
- 18 tion facilities, and the gross value of their wages.
- 19 (b) Gross receipts of the industry, that is, total number of dollars
- 20 flowing into the sector in the form of payments for care from parents
- 21 and from public and private subsidies.
- 22 (c) Value of goods and services purchased by the childcare and early
- 23 education industry.
- 24 (d) Federal dollars flowing to the state for childcare and early
- 25 education.
- 26 2. An evaluation of the degree to which available childcare and early
- 27 education:
- 28 (a) Enables parents to work outside the home and earn income.
- 29 (b) Enables parents to attend educational programs.
- 30 (c) Decreases absenteeism at work, reduces turnover, or increases
- 31 productivity.
- 32 (d) Attracts businesses to the state.
- 33 3. An analysis of demographic data to identify the relative gap
- 34 between the needs in the state and available resources, and the return
- 35 to the economy if that gap is closed, including:
- 36 (a) Number of children aged 0-12 with both parents in the labor force,
- 37 or with their single parent in the labor force.
- 38 (b) Trends of likely future growth in the number of children aged 0-12
- 39 in the population for the next decade.
- 40 (c) Demographic makeup of parents in the labor force and demographic
- 41 makeup of adults with children who might wish to join the labor force.
- 42 (d) Cost of childcare and early education, and its relationship to
- 43 family income.
- 44 (e) Availability of child care.
- 45 (f) Number of children eligible for state or federal aid.
- 46 (g) Number of children eligible for, but not receiving, state or
- 47 federal aid.
- 48 4. A review of available literature on the impact of childcare and
- 49 early education programs on children's future ability to contribute to
- 50 the workforce, including:
- 51 (a) An evaluation of school readiness at kindergarten and first grade.
- 52 (b) An evaluation of positive outcomes in school, from elementary
- 53 through likelihood of high school graduation.
- 54 (c) An evaluation of resulting reductions in public spending, for
- 55 example from:

S. 3503

3

- 1 i. less likelihood of being assigned to special education classes
2 relative to those not in quality care or preschool;
3 ii. greater likelihood of graduation from high school;
4 iii. less likelihood of involvement with the criminal justice system
5 and prison;
6 iv. greater likelihood of being employed; and
7 v. less likelihood of being on public assistance.
8 § 453. Report. The department shall report the results of the study
9 of the economic impact of the childcare industry to the governor and the
10 legislature on or before January first, two thousand fourteen.
11 § 4. This act shall take effect on the first of July next succeeding
12 the date on which it shall have become a law.
-

**NEW YORK STATE ASSEMBLY
MEMORANDUM IN SUPPORT OF LEGISLATION
submitted in accordance with Assembly Rule III, Sec 1(f)**

BILL NUMBER: A631

SPONSOR: Gibson

TITLE OF BILL: An act to amend the economic development law, in relation to the "childcare and early education sector on the economy act"

PURPOSE: The purpose of this bill is to require the Department of Labor to conduct a study of the economic impact that the child care industry has had on the state economy. The study of the economic impact of the child-care industry shall include an analysis of the number of workers directly employed at childcare and early education facilities, a determination as to the gross receipts of the industry, the value of goods and services purchased by the child care and early education industry and the amount of federal dollars flowing to the state for child care and early education. The study will also evaluate the degree to which available child care and early education enables parents to work outside of the home and earn income, enable parents to attend educational programs, decreases absenteeism at work and attracts businesses to New York State. This study will further include an analysis of the demographic data to identify the relative gap between the needs in the state and the available resources, and the return to the economy, if that gap is closed. The study will review available literature regarding the impact of childcare and early education programs on children's future ability to contribute to the workforce. The Department shall report the results of the study of the economic impact of the childcare industry to the governor and the legislature on or before January first, two thousand and six.

SUMMARY OF SPECIFIC PROVISIONS: This bill amends the Economic Development Law by adding a new Article 17 and Sections 350, 351, 352, 353, by requiring the Department of Labor to conduct a study of the economic impact of the childcare industry and submit the results of the study to the governor and the legislature.

JUSTIFICATION: Currently, there does not exist any requirement for a public agency to conduct a comprehensive study which would serve to identify the economic impact that the child care industry has had on the New York State economy. It is essential for the state's economic well being to conduct a study in order to determine the value that the child care industry has had on the state economy and thereby expend state resources in the most effective manner possible based upon the results of this study.

PRIOR LEGISLATIVE HISTORY: This legislation was initially introduced in 2006 as A.12047.

FISCAL IMPLICATIONS: None.

EFFECTIVE DATE: This act shall take effect on the first of July next succeeding the date on which it shall have become a law.

STATE OF NEW YORK

1826

2013-2014 Regular Sessions

IN SENATE(Prefiled)January 9, 2013

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

AN ACT to repeal section 4 of chapter 198 of the laws of 1978, relating to authorizing projects to provide improved and expanded school health services for pre-school and school-age children

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

- 1 Section 1. Section 4 of chapter 198 of the laws of 1978, relating to
- 2 authorizing projects to provide improved and expanded school health
- 3 services for pre-school and school-age children is REPEALED.
- 4 § 2. This act shall take effect immediately.

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

LBD04992-01-3

**NEW YORK STATE SENATE
INTRODUCER'S MEMORANDUM IN SUPPORT
submitted in accordance with Senate Rule VI. Sec 1**

BILL NUMBER: S1826

SPONSOR: ESPAILLAT

TITLE OF BILL:

An act to repeal section 4 of chapter 198 of the laws of 1978, relating to authorizing projects to provide improved and expanded school health services for pre-school and school-age children

PURPOSE OR GENERAL IDEA OF BILL:

To make permanent the school health services projects authorized by Chapter 198 of the Laws of 1978.

SUMMARY OF SPECIFIC PROVISIONS:

This bill would make permanent the authority for school health demonstration projects authorized by Chapter 198 of the Laws of 1978 by repealing section 4. Chapter 198 provided that the Commissioner of Education, with the consent of the Commissioners of Health and Social Services, may authorize school districts and boards of cooperative educational services to conduct projects for the purpose of providing expanded school health services for pre-school and school-age children.

EFFECTS OF PRESENT LAW WHICH THIS BILL WOULD ALTER:

Would permanently establish the provisions of Chapter 198 of the Laws of 1978.

JUSTIFICATION:

It has been established beyond a doubt the necessity and cost efficiency of school based health services. Children participating in such projects have benefitted from the early diagnosis and prompt treatment of health programs which may otherwise been overlooked. Indeed, this bill serves as a model for the Health Department to implement their school based prevention program. In addition, this bill allows for the expanded practice of nursing in a controlled setting and should be maintained.

PRIOR LEGISLATIVE HISTORY:

1990: A.11763 - Reported to W & M
1991: A.1165 - Reported to W & M
1992: A.1165 - Reported to Health
1993-94 A.3048 - Reported to W & M
1995-96: A.5189 - Reported to W & M
1997: A.1643 - Reported to W & M

1998: A.1643 - Reported to W & M
1999: A.1465 - Reported to W & M
2000: A.1465 - Third Reading Cal. 1589
2001: A.1717 - Passed Assembly
2004: A.4614 - Passed Assembly
2006: A.9680 - Referred to Ways & Means
2007/08: A.5197 - Referred to Rules

FISCAL IMPLICATIONS FOR STATE AND LOCAL GOVERNMENT:

None.

EFFECTIVE DATE:

Immediately.

STATE OF NEW YORK

1418

2013-2014 Regular Sessions

IN ASSEMBLY(Prefiled)

January 9, 2013

Introduced by M. of A. GANTT, WEISENBERG, PRETLOW -- Multi-Sponsored by
-- M. of A. CAHILL, CUSICK, MAGEE, PAULIN, RAMOS -- read once and
referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to expanding
the definition of bus

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

- 1 Section 1. Subdivision 1 of section 509-a of the vehicle and traffic
2 law, as amended by chapter 853 of the laws of 1992, is amended to read
3 as follows:
4 (1) bus shall mean every motor vehicle, owned, leased, rented or
5 otherwise controlled by a motor carrier, which (a) is a school bus (i)
6 as defined in section one hundred forty-two of this chapter [~~or~~]; (ii)
7 which is owned by a public or governmental agency, pre-school, nursery
8 school or private school and operated for the transportation of children
9 less than school age, teachers and other persons acting in a supervisory
10 capacity, to and from a pre-school, nursery school or school activities
11 or privately owned and operated for compensation for the transportation
12 of children less than school age, teachers and other persons acting in a
13 supervisory capacity to or from a pre-school, nursery school or school
14 activities pursuant to an agreement with such public or governmental
15 agency, pre-school or nursery school; or (iii) has a seating capacity of
16 more than ten adult passengers in addition to the driver and which is
17 used for the transportation of persons under the age of twenty-one or
18 persons of any age who are mentally or physically disabled to a place of
19 vocational, academic or religious instruction or religious service
20 including nursery schools, day care centers and camps, (b) is required
21 to obtain approval to operate in the state as a common or contract
22 carrier of passengers by motor vehicle from the commissioner of trans-
23 portation, or the interstate commerce commission, (c) is regulated as a

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

LBD05554-01-3

A. 1418

2

1 bus line by a city that has adopted an ordinance, local law or charter
2 to regulate or franchise bus line operations pursuant to subdivision
3 four of section eighty of the transportation law, (d) is regulated as a
4 van service or other common carrier of passengers by motor vehicle
5 covered under article seven of the transportation law by a city with a
6 population of over one million pursuant to an ordinance or local law
7 adopted pursuant to subdivision five of section eighty of the transpor-
8 tation law or (e) is operated by a transit authority or municipality and
9 is used to transport persons for hire. Provided, however, that bus shall
10 not mean an authorized emergency vehicle operated in the course of an
11 emergency, or a motor vehicle used in the transportation of agricultural
12 workers to and from their place of employment;
13 § 2. This act shall take effect on the one hundred eightieth day after
14 it shall have become a law.

**NEW YORK STATE ASSEMBLY
MEMORANDUM IN SUPPORT OF LEGISLATION
submitted in accordance with Assembly Rule III, Sec 1(f)**

BILL NUMBER: A1418

SPONSOR: Gantt (MS)

TITLE OF BILL: An act to amend the vehicle and traffic law, in relation to expanding the definition of bus

PURPOSE OR GENERAL IDEA OF BILL:

To protect the health, safety and welfare of pre-school and nursery school children during transport.

SUMMARY OF SPECIFIC PROVISIONS:

The bill requires persons operating motor vehicles transporting children less than school age, teachers and other persons acting in a supervisory capacity to and from a pre-school or nursery school or school activities to comply with the requirements of Article 19-A of the Vehicle and Traffic Law (which imposes requirements such as criminal history background checks, driver qualifications, examinations and tests, and disqualification from operation). These provisions apply to operators of vehicles which are owned by a public or governmental agency, pre-school, nursery school or private school, or privately owned and operated for compensation in such transport pursuant to an agreement with such entities.

JUSTIFICATION:

The safety of children while being transported to and from school is of critical importance. School-aged children are protected under current law, which mandates that drivers of school buses undergo criminal history background checks, medical examinations, annual driving record reviews, and biennial behind-the-wheel testing and testing of their knowledge of the rules of the road, defensive driving practices and the laws regulating driving a bus in New York State. Such drivers also are subject to disqualification based upon the commission of statutorily-delineated violations. However, persons driving pre-school aged children to pre-school or nursery school are not subject to these strict standards and requirements. Such young children deserve the same level of protection as that proffered to school-aged children, and this legislation will close this loophole in current law.

PRIOR LEGISLATIVE HISTORY:

2009-10: A.762;
2011-12: A.1293

FISCAL IMPLICATIONS FOR STATE AND LOCAL GOVERNMENTS:

Unknown.

EFFECTIVE DATE:

This act shall take effect on the one hundred eightieth day after it shall have become a law.
