

4008--A

2013-2014 Regular Sessions

I N S E N A T E

March 4, 2013

Introduced by Sens. FLANAGAN, FELDER, MONTGOMERY -- (at request of the State Education Department) -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education -- recommitted to the Committee on Higher Education in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to continuing early college high school programs in the state

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Legislative intent. The legislature hereby finds and
2 declares it necessary to preserve and continue early college high school
3 programs in the state that provide various students, including those
4 traditionally underrepresented in post-secondary education, with the
5 opportunity to access college-level courses and college degree credits
6 at the high school level with the combined support of high school and
7 college staff and resources. The early college high school program not
8 only increases these students' access to higher education, but also
9 reduces potential costs for these students in completing college degrees
10 by allowing them to either complete a degree upon graduation from high
11 school or to apply their earned college credits towards an Associate's
12 or Baccalaureate's degree. This innovative program provides incentives
13 to high school students to proceed to college and to earn a college
14 degree by accelerating their overall completion of such a degree. It
15 also better prepares them for college-level coursework, which, will in
16 turn, increase their academic performance. Ultimately, this program
17 increases graduation rates both at the high school and college levels.
18 The legislature hereby finds and declares it necessary to provide
19 funding for these schools to ensure that they continue in operation and
20 continue to provide students with these valuable services. Although
21 early college high schools are public high schools, the cost of provid-

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

LBD07966-02-4

1 ing college-level courses, including the costs of instruction at a part-
2 nering college and college-level books and materials, exceeds the costs
3 of a traditional public school. At the same time, the legislature recog-
4 nizes that accelerating the completion of a student's college degree at
5 the high school level will result in a student requiring less tuition
6 assistance funds (TAP) to complete their degree at the post-secondary
7 level. Therefore, these schools ultimately result in significant cost-
8 savings to TAP funds. Furthermore, given these students' increased
9 preparedness for post-secondary education, which should, in turn, equate
10 to enhanced academic performance in school, they are a great investment
11 of TAP funds.

12 S 2. The education law is amended by adding a new section 667-d to
13 read as follows:

14 S 667-D. SUPPLEMENTAL TUITION ASSISTANCE AWARDS FOR EARLY COLLEGE HIGH
15 SCHOOL PROGRAMS. 1. NOTWITHSTANDING ANY RULE, REGULATION, OR LAW TO THE
16 CONTRARY, THE PRESIDENT SHALL BE AUTHORIZED TO MAKE ANNUAL TUITION
17 ASSISTANCE PROGRAM AWARDS TO APPROVED EARLY COLLEGE HIGH SCHOOL PROGRAMS
18 IN THE STATE THAT OPERATE APPROVED EARLY COLLEGE HIGH SCHOOL PROGRAMS ON
19 BEHALF OF ELIGIBLE STUDENTS ENROLLED IN SUCH PROGRAMS.

20 2. FOR PURPOSES OF THIS SECTION:

21 (A) "APPROVED EARLY COLLEGE HIGH SCHOOL PROGRAMS" MEANS AN EARLY
22 COLLEGE HIGH SCHOOL PROGRAM, APPROVED BY THE COMMISSIONER IN ACCORDANCE
23 WITH THE REGULATIONS OF THE COMMISSIONER, WHICH PROVIDES ELIGIBLE
24 STUDENTS ENROLLED IN SUCH PROGRAM WITH HIGH SCHOOL COURSES LEADING TO
25 THE GRANTING OF A HIGH SCHOOL DIPLOMA AND COLLEGE-LEVEL COURSES LEADING
26 TO THE GRANTING OF A POST-SECONDARY DEGREE OR DIPLOMA AT A PARTNERING
27 COLLEGE APPROVED BY THE DEPARTMENT;

28 (B) "EARLY COLLEGE HIGH SCHOOL" MEANS A PUBLIC HIGH SCHOOL THAT OFFERS
29 AN APPROVED EARLY COLLEGE HIGH SCHOOL PROGRAM TO ITS STUDENTS; AND

30 (C) "ELIGIBLE STUDENT" MEANS A STUDENT WHO:

31 (I) IS A RESIDENT OF THE SCHOOL DISTRICT IN WHICH THE EARLY COLLEGE
32 HIGH SCHOOL IS LOCATED AND IS ENROLLED IN SUCH SCHOOL DISTRICT;

33 (II) IS REGISTERED TO ATTEND THE ELEVENTH OR TWELFTH GRADE AT SUCH
34 HIGH SCHOOL FOR THE ACADEMIC YEAR IN WHICH THE TUITION ASSISTANCE AWARD
35 IS BEING SOUGHT;

36 (III) WAS ELIGIBLE TO RECEIVE FREE OR REDUCED PRICE LUNCH IN ONE OF
37 THE TWO PRECEDING SCHOOL YEARS; AND

38 (IV) IS EITHER MATRICULATED IN AN APPROVED PROGRAM LEADING TO THE
39 GRANTING OF A POST-SECONDARY DEGREE OR DIPLOMA, OR WHO HAS DEMONSTRATED
40 TO THE SATISFACTION OF THE COMMISSIONER THE ABILITY TO COMPLETE
41 COLLEGE-LEVEL COURSEWORK IN ACCORDANCE WITH SUBDIVISION FOUR OF THIS
42 SECTION;

43 (D) "EXCESS COST PER STUDENT" MEANS THE ADDITIONAL COST OF PROVIDING
44 AN ELIGIBLE STUDENT WITH COLLEGE-LEVEL COURSE WORK, AS DETERMINED BY THE
45 COMMISSIONER IN ACCORDANCE WITH A METHODOLOGY PRESCRIBED BY THE COMMIS-
46 SIONER.

47 3. THE PRESIDENT SHALL MAKE TUITION ASSISTANCE PROGRAM AWARDS TO
48 APPROVED EARLY COLLEGE HIGH SCHOOL PROGRAMS IN THE FOLLOWING MANNER:
49 COMMENCING WITH THE TWO THOUSAND FOURTEEN--TWO THOUSAND FIFTEEN ACADEMIC
50 YEAR, AN APPROVED EARLY COLLEGE HIGH SCHOOL PROGRAM MAY APPLY TO THE
51 CORPORATION FOR AN ANNUAL TUITION ASSISTANCE PROGRAM AWARD IN AN AMOUNT
52 NOT TO EXCEED THE PRODUCT OF:

53 THE TOTAL NUMBER OF ELIGIBLE STUDENTS ENROLLED IN THE APPROVED EARLY
54 COLLEGE HIGH SCHOOL PROGRAM AND THE EXCESS COST PER STUDENT.

55 4. A STUDENT SHALL BE CONSIDERED A STUDENT WITH THE ABILITY TO
56 COMPLETE COLLEGE-LEVEL COURSEWORK IF HE OR SHE MEETS AT LEAST TWO

1 REQUIREMENTS PRESCRIBED BY THE COMMISSIONER IN THE REGULATIONS OF THE
2 COMMISSIONER, WHICH SHALL INCLUDE, BUT NEED NOT BE LIMITED TO, THE
3 FOLLOWING:

4 (A) THE STUDENT HAS SUCCESSFULLY COMPLETED A SPECIFIED NUMBER OF HOURS
5 OF COLLEGE-LEVEL INSTRUCTION AT AN APPROVED PARTNERING COLLEGE, AS
6 DETERMINED BY THE COMMISSIONER;

7 (B) THE STUDENT HAS OBTAINED A TEST SCORE OF AT LEAST THE EIGHTIETH
8 PERCENTILE ON ALL REGENTS EXAMINATIONS ADMINISTERED TO SUCH STUDENT IN
9 THE NINTH AND TENTH GRADES; AND

10 (C) THE STUDENT HAS DEMONSTRATED THE ABILITY TO COMPLETE COLLEGE-LEVEL
11 COURSEWORK THROUGH HIGH SCHOOL LEVEL COURSEWORK IN MATHEMATICS, ENGLISH
12 AND SCIENCE, INCLUDING TESTS, HOMEWORK, AND LAB WORK.

13 5. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, RULE OR REGULATION TO
14 THE CONTRARY, THE PAYMENT OF A TUITION ASSISTANCE AWARD PURSUANT TO THIS
15 SECTION ON BEHALF OF AN ELIGIBLE STUDENT SHALL NOT BE CONSTRUED TO LIMIT
16 THE AMOUNT OR DURATION OF A TUITION ASSISTANCE PROGRAM AWARD AVAILABLE
17 TO ANY SUCH STUDENT.

18 6. AN APPROVED EARLY COLLEGE HIGH SCHOOL PROGRAM SHALL NOT OTHERWISE
19 BE SUBJECT TO THE REQUIREMENTS FOR RECEIVING PAYMENT ON A TUITION
20 ASSISTANCE PROGRAM AWARD PURSUANT TO THIS ARTICLE.

21 S 3. This act shall take effect immediately, provided that if this act
22 shall have become a law on or after July 1, 2014, it shall be deemed to
23 have been in full force and effect on and after July 1, 2014.