S T A T E O F N E W Y O R K

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I N A S S E M B L Y

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Introduced by M. of A. PEOPLES, J. RIVERA, BENEDETTO, CAMARA, JOHN, FIELDS, SCHROEDER, ESPAILLAT -- Multi-Sponsored by -- M. of A. COLTON, DIAZ, GALEF, GREENE, HEASTIE, HIKIND, LATIMER, MAISEL, REILLY, ROBINSON, SCARBOROUGH, WRIGHT -- read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to establishing an accelerated high school graduation program

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

Section 1. Short title. This act shall be known and may be cited as "the New York accelerated high school graduation option act."

S 2. The education law is amended by adding a new article 66 to read as follows:

ARTICLE 66

THE NEW YORK ACCELERATED HIGH SCHOOL GRADUATION OPTION ACT

SECTION 3300. LEGISLATION FINDINGS.
3301. DEFINITIONS.
3302. ACCELERATED HIGH SCHOOL GRADUATION OPTION ACT.
3303. ELIGIBILITY REQUIREMENTS.

S 3300. LEGISLATIVE FINDINGS. THE LEGISLATURE HEREBY FINDS THAT IT IS NECESSARY FOR THE STATE'S CITIZENS TO ACQUIRE AN EDUCATION BEYOND THE SECONDARY LEVEL IN ORDER TO SUCCEED DURING THE TWENTY-FIRST CENTURY. THE LEGISLATURE ALSO FINDS THAT NEW YORK STATE HAS ONE OF THE HIGHEST AVERAGE TUITIONS AMONG PUBLIC COMMUNITY COLLEGES IN THE COUNTRY AND THE SMALLEST PERCENTAGES OF ENROLLMENTS IN PUBLIC COMMUNITY COLLEGES VERSUS PRIVATE FOUR YEAR INSTITUTIONS. THE LEGISLATURE FURTHER FINDS THAT COMMUNITY COLLEGES STRENGTHEN NEW YORK'S ECONOMY BY PROVIDING STUDENTS WITH EDUCATIONAL TRAINING AND EXPERIENCE WHICH ENSURES A HIGHLY PRODUCTIVE, WELL-TRAINED, WORK FORCE. THE LEGISLATURE THEREFORE ENACTS "THE NEW YORK ACCELERATED HIGH SCHOOL GRADUATION OPTION ACT" IN ORDER TO HELP HIGH ACHIEVING HIGH SCHOOL STUDENTS PURSUE A POST-SECONDARY EDUCATION.

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

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S 3301. DEFINITIONS. AS USED IN THIS ARTICLE, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

1. "COMMUNITY COLLEGES" MEANS COLLEGES ESTABLISHED AND OPERATED PURSUANT TO THE PROVISIONS OF ARTICLE ONE HUNDRED TWENTY-SIX OF THIS CHAPTER, EITHER INDIVIDUALLY OR JOINTLY, BY COUNTIES, CITIES, INTERMEDIATE SCHOOL DISTRICTS, SCHOOL DISTRICTS APPROVED BY THE STATE UNIVERSITY TRUSTEES, OR INDIVIDUALLY BY COMMUNITY COLLEGE REGIONS APPROVED BY THE STATE UNIVERSITY TRUSTEES, AND PROVIDING TWO-YEAR POST SECONDARY PROGRAMS PURSUANT TO REGULATIONS PRESCRIBED BY THE STATE UNIVERSITY TRUSTEES AND RECEIVING FINANCIAL ASSISTANCE FROM THE STATE THEREFOR;

2. "STANDARDIZED TEST" OR "TEST" MEANS ANY TEST THAT IS GIVEN IN NEW YORK AT THE EXPENSE OF THE TEST SUBJECT AND DESIGNED FOR USE AND USED SOLELY FOR PLACEMENT, CREDIT-BY-EXAMINATION OR OTHER NONADMISSION PURPOSE OR ANY TEST DEVELOPED AND ADMINISTERED BY AN INDIVIDUAL SCHOOL OR INSTITUTION SOLELY FOR ITS OWN PURPOSES OR ANY TEST, OR PORTION OF A TEST, DESIGNED TO EVALUATE MANUAL SKILLS OR OTHER PHYSICAL ABILITIES; AND

3. "COMMISSIONER" MEANS THE COMMISSIONER OF EDUCATION OF THE STATE OF NEW YORK.

S 3302. ACCELERATED HIGH SCHOOL GRADUATION OPTION ACT. 1. THERE IS HEREBY CREATED "THE NEW YORK ACCELERATED HIGH SCHOOL GRADUATION OPTION ACT." IT SHALL BE THE DUTY OF THE COMMISSIONER, OR HIS OR HER DESIGNEE, TO ADMINISTER THE PROGRAM.

2. STUDENTS WHO ENTER GRADE NINE IN THE TWO THOUSAND NINE-TWO THOUSAND TEN SCHOOL YEAR AND THEREAFTER MAY SELECT, UPON RECEIPT OF EACH STUDENT AND PARENT'S CONSENT TO COMPLETE HIGH SCHOOL IN THREE YEARS, INSTEAD OF THE REQUIRED FOUR YEARS MANDATED BY THE DEPARTMENT SHALL BECOME ELIGIBLE TO RECEIVE A SCHOLARSHIP TO COVER THE FULL COST OF TUITION AT A NEW YORK COMMUNITY COLLEGE. THE SCHOLARSHIP AMOUNT SHALL NOT, WHEN COMBINED WITH ANY OTHER FINANCIAL ASSISTANCE, EXCEED THE STUDENT'S ACTUAL COST OF ATTENDANCE AT THE COMMUNITY COLLEGE WHERE THE SCHOLARSHIP IS USED. IF THE STUDENT CHOOSES THE OPTION TO GRADUATE HIGH SCHOOL IN FOUR YEARS PURSUANT TO THE REQUIREMENTS MANDATED BY THE DEPARTMENT, THE OPTION FOR A SCHOLARSHIP TO RECEIVE FREE TUITION AT A NEW YORK COMMUNITY COLLEGE WILL NOT BE AVAILABLE.

3. BEGINNING WITH THE TWO THOUSAND TEN-TWO THOUSAND ELEVEN SCHOOL YEAR, EACH DISTRICT SCHOOL BOARD SHALL PROVIDE EACH STUDENT IN GRADES SIX THROUGH NINE AND THEIR PARENTS WITH INFORMATION CONCERNING THE THREE-YEAR AND FOUR-YEAR HIGH SCHOOL GRADUATION OPTIONS. THE INFORMATION MUST INCLUDE A TIMEFRAME FOR ACHIEVING EACH GRADUATION OPTION.

4. SELECTION OF ONE OF THE GRADUATION OPTIONS MUST BE COMPLETED BY THE STUDENT PRIOR TO THE END OF GRADE NINE AND IS EXCLUSIVELY UP TO THE STUDENT AND PARENT. EACH DISTRICT SCHOOL BOARD SHALL ESTABLISH POLICIES FOR EXTENDING THIS DEADLINE TO THE END OF A STUDENT'S FIRST SEMESTER OF GRADE TEN FOR A STUDENT WHO ENTERED A NEW YORK STATE PUBLIC SCHOOL AFTER GRADE NINE UPON TRANSFER FROM A PRIVATE SCHOOL OR ANOTHER STATE OR WHO WAS PREVENTED FROM CHOOSING A GRADUATION OPTION DUE TO ILLNESS DURING GRADE NINE. IF THE STUDENT AND PARENT FAIL TO SELECT A GRADUATION OPTION, THE STUDENT SHALL BE CONSIDERED TO HAVE SELECTED THE STANDARD FOUR YEAR PROGRAM.

S 3303. ELIGIBILITY REQUIREMENTS. 1. STUDENTS FIRST ENTERING GRADE NINE IN THE TWO THOUSAND NINE-TWO THOUSAND TEN SCHOOL YEAR AND THEREAFTER MUST EARN AT LEAST TWENTY-TWO UNITS OF CREDIT INCLUDING TWO CREDITS IN PHYSICAL EDUCATION, IN COMPLIANCE WITH THE NEW YORK STATE REGENTS, IN ORDER TO RECEIVE A REGENTS DIPLOMA.

(A) ENGLISH, FOUR UNITS OF CREDIT;

(B) SOCIAL STUDIES, FOUR UNITS OF CREDIT AS SET FORTH IN PARAGRAPH (6) OF SECTION 100.5 DIPLOMA REQUIREMENTS SET FORTH WITH THE NEW YORK STATE BOARD OF REGENTS;

(C) SCIENCE, THREE UNITS OF CREDIT OF COMMENCEMENT LEVEL SCIENCE, AT LEAST ONE COURSE SHALL BE LIFE SCIENCES AND AT LEAST ONE IN THE PHYSICAL SCIENCES, THE THIRD MAY BE EITHER LIFE SCIENCES OR PHYSICAL SCIENCES;

(D) MATHEMATICS, THREE UNITS OF CREDIT OF MATHEMATICS, WHICH SHALL BE AT A MORE ADVANCED LEVEL THAN GRADE EIGHT AND SHALL MEET COMMENCEMENT-LEVEL LEARNING STANDARDS AS DETERMINED BY THE COMMISSIONER;

(E) VISUAL ARTS AND/OR MUSIC, DANCE, OR THEATRE, ONE UNIT OF CREDIT; AND

(F) HEALTH EDUCATION, ONE-HALF UNIT OF CREDIT IN ACCORDANCE WITH LEARNING STANDARDS IN THE AREA OF PARENTING BEING ATTAINED THROUGH EITHER THE HEALTH OR FAMILY AND CONSUMER SCIENCES PROGRAMS OR A SEPARATE COURSE.

2. PRIOR TO SELECTING A PROGRAM, A STUDENT AND THE STUDENT'S PARENT MUST MEET WITH DESIGNATED SCHOOL PERSONNEL TO RECEIVE AN EXPLANATION OF THE RELATIVE REQUIREMENTS, ADVANTAGES, AND DISADVANTAGES OF THE PROGRAM, AND THE STUDENT MUST ALSO RECEIVE THE WRITTEN CONSENT OF THE STUDENT'S PARENT.

3. STUDENTS PURSUING ACCELERATED THREE-YEAR HIGH SCHOOL GRADUATION MUST:

(A) EARN PASSING SCORES ON ALL REGENTS EXAMS, STANDARDIZED TESTS, OR TEACHER GIVEN FINAL EXAMS IN ORDER TO RECEIVE CREDIT TOWARD THE ACCELERATED DEGREE; AND

(B) ACHIEVE A CUMULATIVE WEIGHTED GRADE POINT AVERAGE OF 3.0 ON A 4.0 SCALE, OR ITS EQUIVALENT, IN THE COURSES REQUIRED FOR THE CAREER PREPARATORY ACCELERATED THREE-YEAR HIGH SCHOOL GRADUATION OPTION PURSUANT TO THIS ARTICLE.

4. IF, AT THE END OF GRADE TEN, A STUDENT IS NOT ON TRACK TO MEET THE CREDIT, ASSESSMENT, OR GRADE POINT AVERAGE REQUIREMENTS OF THE ACCELERATED GRADUATION OPTION SELECTED, THE SCHOOL SHALL NOTIFY THE STUDENT AND PARENT OF THE FOLLOWING:

(A) THE REQUIREMENTS THAT THE STUDENT IS NOT CURRENTLY MEETING;

(B) THE SPECIFIC PERFORMANCE NECESSARY IN GRADE ELEVEN FOR THE STUDENT TO MEET THE ACCELERATED GRADUATION REQUIREMENTS; AND

(C) THE RIGHT OF THE STUDENT TO CHANGE TO THE FOUR-YEAR PROGRAM.

5. A STUDENT WHO SELECTED ONE OF THE ACCELERATED THREE-YEAR GRADUATION OPTIONS SHALL AUTOMATICALLY MOVE TO THE FOUR-YEAR PROGRAM IF THE STUDENT:

(A) EXERCISES HIS OR HER RIGHT TO CHANGE TO THE FOUR-YEAR PROGRAM; AND

(B) FAILS TO EARN FIVE CREDITS BY THE END OF GRADE NINE OR FAILS TO EARN ELEVEN CREDITS BY THE END OF GRADE TEN.

6. A STUDENT WHO MEETS ALL REQUIREMENTS SHALL BE AWARDED A REGENTS DIPLOMA IN A FORM PRESCRIBED BY THE STATE BOARD OF EDUCATION.

7. (A) A STUDENT SHALL BE ELIGIBLE FOR A SCHOLARSHIP UPON COMPLETION OF HIGH SCHOOL WITHIN THREE YEARS ACCORDING TO THE REQUIREMENTS OF THIS ARTICLE. THE SCHOLARSHIP SHALL COVER THE COST OF UP TO FIVE SEMESTERS OF TUITION AND APPROVED FEES AT A NEW YORK COMMUNITY COLLEGE.

(B) TO BE ELIGIBLE TO RECEIVE SUCH SCHOLARSHIP A STUDENT SHALL:

(I) BE A UNITED STATES CITIZEN OR HAVE PERMANENT RESIDENT STATUS IN THE NEW YORK COUNTY WHERE THE COMMUNITY COLLEGE IS LOCATED;

(II) HAVE COMPLETED HIGH SCHOOL WITHIN THREE YEARS ACCORDING TO THE REQUIREMENTS OF THIS ACT;

(III) BE ENROLLED IN AN ASSOCIATE DEGREE PROGRAM FOR A MINIMUM OF TWELVE CREDIT HOURS AND A MAXIMUM OF FIFTEEN CREDIT HOURS PER SEMESTER

AT THE COMMUNITY COLLEGE, NOT INCLUDING ANY CREDIT HOURS IN A REMEDIAL OR DEVELOPMENTAL CURRICULUM;

(IV) HAVE MAINTAINED CONTINUOUS FULL-TIME ENROLLMENT AT THE NEW YORK COMMUNITY COLLEGE; AND

(V) HAVE APPLIED FOR ALL OTHER AVAILABLE FORMS OF STATE AND FEDERAL FINANCIAL AID, EXCLUSIVE OF LOANS.

S 3. This act shall take effect April 1, 2009; provided, however; that effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized and directed to be made and completed on or before such effective date.