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

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2009-2010 Regular Sessions

I N A S S E M B L Y

February 10, 2009

Introduced by M. of A. GLICK, JACOBS, TITONE, CYMBROWITZ, GOTTFRIED, JAFFEE -- Multi-Sponsored by -- M. of A. ABBATE, CLARK, COLTON, CUSICK, EDDINGTON, GABRYSZAK, GUNTHER, JOHN, MAISEL, McENENY, MILLMAN, PERRY, PHEFFER, REILLY, ROSENTHAL, SWEENEY, TOWNS, WEISENBERG -- read once and referred to the Committee on Higher Education

AN ACT to amend the education law, in relation to minimum state appropriations to the state university of New York, city university of New York and community colleges

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 352-b to read as follows:

S 352-B. MINIMUM LEVEL OF STATE APPROPRIATIONS TO THE STATE UNIVERSITY OF NEW YORK. NOTWITHSTANDING THE PROVISIONS OF ANY LAW TO THE CONTRARY, IN ANY STATE FISCAL YEAR THE MINIMUM LEVEL OF STATE APPROPRIATIONS TO THE STATE UNIVERSITY OF NEW YORK FOR OPERATING EXPENSES SHALL BE EQUAL TO THE TOTAL AVERAGE OF STATE APPROPRIATIONS TO THE STATE UNIVERSITY OF NEW YORK FOR OPERATING EXPENSES IN THE PRECEDING THREE STATE FISCAL YEARS OR THE TOTAL STATE APPROPRIATIONS FOR OPERATING EXPENSES TO SUCH UNIVERSITY FOR THE PRECEDING STATE FISCAL YEAR, WHICHEVER IS GREATER. STATE APPROPRIATIONS TO THE STATE UNIVERSITY OF NEW YORK FOR OPERATING EXPENSES IN ANY STATE FISCAL YEAR SHALL NOT BE LESS THAN THE PRECEDING STATE FISCAL YEAR. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO PROHIBIT STATE APPROPRIATIONS FOR OPERATING EXPENSES TO THE STATE UNIVERSITY OF NEW YORK TO EXCEED THE MINIMUM LEVEL OF STATE APPROPRIATIONS FOR OPERATING EXPENSES TO SUCH UNIVERSITY AS PROVIDED FOR IN THIS SECTION.

S 2. The education law is amended by adding a new section 6216-a to read as follows:

S 6216-A. MINIMUM LEVEL OF STATE APPROPRIATIONS TO THE CITY UNIVERSITY OF NEW YORK. NOTWITHSTANDING THE PROVISIONS OF ANY LAW TO THE CONTRARY, IN ANY STATE FISCAL YEAR THE MINIMUM LEVEL OF STATE APPROPRIATIONS TO

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

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THE CITY UNIVERSITY OF NEW YORK FOR OPERATING EXPENSES SHALL BE EQUAL TO THE TOTAL AVERAGE OF STATE APPROPRIATIONS TO THE CITY UNIVERSITY OF NEW YORK FOR OPERATING EXPENSES IN THE PRECEDING THREE STATE FISCAL YEARS OR THE TOTAL STATE APPROPRIATIONS FOR OPERATING EXPENSES TO SUCH UNIVERSITY FOR THE PRECEDING STATE FISCAL YEAR, WHICHEVER IS GREATER. STATE APPROPRIATIONS TO THE CITY UNIVERSITY OF NEW YORK FOR OPERATING EXPENSES IN ANY STATE FISCAL YEAR SHALL NOT BE LESS THAN THE PRECEDING STATE FISCAL YEAR. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO PROHIBIT STATE APPROPRIATIONS FOR OPERATING EXPENSES TO THE CITY UNIVERSITY OF NEW YORK TO EXCEED THE MINIMUM LEVEL OF STATE APPROPRIATIONS FOR OPERATING EXPENSES TO SUCH UNIVERSITY AS PROVIDED FOR IN THIS SECTION.

S 3. Subdivision 2 of section 6301 of the education law, as amended by chapter 552 of the laws of 1984, is amended to read as follows:

2. "Community colleges." Colleges established and operated AS FULL OPPORTUNITY COMMUNITY COLLEGES pursuant to the provisions of this article, 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.

S 4. Section 6301 of the education law is amended by adding a new subdivision 2-a to read as follows:

2-A. "FULL OPPORTUNITY COMMUNITY COLLEGE." ALL COMMUNITY COLLEGES OPERATING IN THIS STATE THAT ARE MAINTAINED AS OPEN ACCESS CAMPUSES BY ESTABLISHING A POLICY OF OFFERING ACCEPTANCE IN AN APPROPRIATE PROGRAM OF THE COLLEGE TO ALL APPLICANTS RESIDING IN THE SPONSORSHIP AREA WHO GRADUATED FROM HIGH SCHOOL OR WHO HAVE EARNED THE EQUIVALENT WITHIN THE PRIOR YEAR AND TO APPLICANTS WHO ARE HIGH SCHOOL GRADUATES OR WHO HAVE EARNED THE EQUIVALENT AND WHO WERE RELEASED FROM ACTIVE DUTY WITH THE ARMED FORCES OF THE UNITED STATES WITHIN THE PRIOR YEAR.

S 5. Paragraph a of subdivision 1 of section 6302 of the education law, as amended by chapter 552 of the laws of 1984, is amended to read as follows:

a. Establish a FULL OPPORTUNITY community college AS DEFINED IN SECTION SIXTY-THREE HUNDRED ONE OF THIS ARTICLE.

S 6. Subdivision 3 of section 6302 of the education law, as amended by chapter 552 of the laws of 1984, is amended to read as follows:

3. In the city of New York, the board of education, with the approval of the state university trustees, may act as a local sponsor in the establishment and operation, as a FULL OPPORTUNITY community college, of a post secondary technical vocational training institution which is partly supported by such board of education and partly supported by an educational foundation for an industry chartered by the board of regents. In addition to the community college programs and curricula authorized by this article, the institution may offer such baccalaureate, masters degree programs and curricula in support of its mission, in accordance with standards and regulations prescribed by the state university trustees, as may be authorized pursuant to the provisions of the master plan. Notwithstanding any other provision of law, the institution shall be financed and administered in the manner provided for community colleges.

S 7. Paragraph a of subdivision 1 of section 6304 of the education law, as amended by chapter 552 of the laws of 1984, is amended to read as follows:

a. [State] NOTWITHSTANDING THE PROVISIONS OF ANY OTHER GENERAL, SPECIAL OR LOCAL LAW, RULE OR REGULATION TO THE CONTRARY, STATE financial aid shall be [one-third of the amount of operating costs, as approved by the state university trustees. Operating costs shall not include any payment of debt service or rentals or other payments by a local sponsor to the dormitory authority pursuant to any lease, sublease or other agreement entered into between the dormitory authority and a local sponsor. Such aid for a college shall, however, be] for two-fifths of operating costs for any fiscal year of the college [during which it is implementing]. OPERATING COSTS SHALL NOT INCLUDE ANY PAYMENT OF DEBT SERVICE OR RENTALS OR OTHER PAYMENTS BY A LOCAL SPONSOR TO THE DORMITORY AUTHORITY PURSUANT TO ANY LEASE, SUBLEASE OR OTHER AGREEMENT ENTERED INTO BETWEEN THE DORMITORY AUTHORITY AND A LOCAL SPONSOR. ALL COMMUNITY COLLEGES SHALL IMPLEMENT a program of full opportunity AND SHALL BE MAINTAINED AS OPEN ACCESS CAMPUSES TO ALL STUDENTS WITH A HIGH SCHOOL DIPLOMA OR ITS EQUIVALENCY provided a plan OF SUCH PROGRAM OF FULL OPPORTUNITY has been approved by the state university trustees. Such plan, which shall be submitted by the college only after approval by the board of trustees and the local sponsor or sponsors, shall

(i) establish a policy of offering acceptance in an appropriate program of the college to all applicants residing in the sponsorship area who graduated from high school OR WHO HAVE EARNED THE EQUIVALENT within the prior year and to applicants who are high school graduates OR WHO HAVE EARNED THE EQUIVALENT and who were released from active duty with the armed forces of the United States within the prior year;

(ii) provide for full implementation of such policy by the fall semester of [nineteen hundred seventy] TWO THOUSAND TEN or, if the college demonstrates to the state university trustees that full implementation by such time would not be feasible and in the best interests of the college, provide for a timetable to achieve such full implementation within five years which provides for substantial growth in registration each year;

(iii) make provision for and contain adequate assurances of the expenditure of funds by the sponsor or sponsors at a level pursuant to state university regulations, at least that necessary to implement the plan;

(iv) provide for adequate programs of remediation, instruction and [counselling] COUNSELING to meet the needs of all students to be served by the college. The trustees may require periodic reports or certifications from colleges which have submitted plans which have been approved and may, in appropriate cases, [revoke such approval] TAKE NECESSARY ACTIONS TO ENSURE THAT A COLLEGE COMPLIES WITH THE PROVISIONS OF THIS PARAGRAPH in case a college is in default of implementing its plan.

S 8. This act shall take effect on the first of January next succeeding the date on which it shall have become a law.