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

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2009-2010 Regular Sessions

I N S E N A T E

February 11, 2009

Introduced by Sens. HUNTLEY, DIAZ, ESPADA, PARKER, SAMPSON -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

AN ACT to amend the education law, in relation to opportunity for graduate education, and making an appropriation therefor

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 6456 to read as follows:

S 6456. OPPORTUNITY FOR GRADUATE EDUCATION. 1. TO ADVANCE THE CAUSE OF EDUCATIONAL OPPORTUNITY IN GRADUATE EDUCATION, THE COMMISSIONER MAY CONTRACT WITH THREE PUBLIC OR INDEPENDENT INSTITUTIONS OF HIGHER EDUCATION FOR THE SUPPORT OF SPECIAL SUMMER PROGRAMS ESTABLISHED TO INCREASE THE NUMBER OF ECONOMICALLY AND EDUCATIONALLY DISADVANTAGED UNDERGRADUATE STUDENTS WHO ARE PREPARED FOR ADMISSION TO EDUCATIONAL PROGRAMS BEYOND THE BACCALAUREATE DEGREE. IN ORDER TO BE ELIGIBLE TO ATTEND A SPECIAL SUMMER PROGRAM, A STUDENT SHALL HAVE COMPLETED THE FIRST YEAR OF AN UNDERGRADUATE EDUCATIONAL PROGRAM AS A PARTICIPANT IN ONE OF THE PROGRAMS FOR EDUCATIONALLY AND ECONOMICALLY DISADVANTAGED STUDENTS ESTABLISHED PURSUANT TO SECTION SIXTY-FOUR HUNDRED FIFTY-ONE OR SIXTY-FOUR HUNDRED FIFTY-TWO OF THIS ARTICLE. A STUDENT WHO ATTENDED A SPECIAL SUMMER PROGRAM UPON COMPLETION OF THE FIRST YEAR OF AN UNDERGRADUATE EDUCATIONAL PROGRAM SHALL ALSO BE ELIGIBLE TO ATTEND SUCH PROGRAM UPON COMPLETION OF THE SECOND YEAR OF AN UNDERGRADUATE EDUCATIONAL PROGRAM. A STUDENT WHO HAS COMPLETED THE THIRD OR FOURTH YEAR OF AN UNDERGRADUATE EDUCATIONAL PROGRAM SHALL BE ELIGIBLE TO ATTEND A SPECIAL SUMMER PROGRAM. ELIGIBLE STUDENTS SHALL BE SELECTED IN EQUAL NUMBERS FROM STUDENTS PARTICIPATING IN THE OPPORTUNITY PROGRAMS OF INDEPENDENT INSTITUTIONS OF HIGHER EDUCATION, THE STATE UNIVERSITY OF NEW YORK AND THE CITY UNIVERSITY OF NEW YORK, RESPECTIVELY. ENROLLMENT IN

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

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SUCH PROGRAMS SHALL NOT EXCEED LEVELS DETERMINED BY THE COMMISSIONER, WITH THE APPROVAL OF THE DIRECTOR OF THE BUDGET.

2. TO QUALIFY FOR STATE ASSISTANCE PURSUANT TO THIS SECTION, AN INSTITUTION OF HIGHER EDUCATION MUST BE A COLLEGE OR UNIVERSITY INCORPORATED BY THE REGENTS OR BY THE LEGISLATURE AND MUST MAINTAIN ONE OR MORE EARNED DEGREE PROGRAMS CULMINATING IN A BACCALAUREATE DEGREE.

3. MONEYS MADE AVAILABLE TO INSTITUTIONS THROUGH CONTRACTS SHALL BE SPENT ONLY FOR THE FOLLOWING PURPOSES:

A. PERSONAL AND CAREER COUNSELING FOR ENROLLED STUDENTS;

B. DIAGNOSTIC AND PRESCRIPTIVE TESTING FOR SUCH STUDENTS;

C. INSTRUCTION IN SUBJECT MATTER AND LABORATORY WORK;

D. TUTORING OF ENROLLED STUDENTS;

E. FINANCIAL ASSISTANCE FOR ENROLLED STUDENTS IN SUCH AMOUNT AS IS DETERMINED BY THE COMMISSIONER;

F. ADMINISTRATION OF THE PROGRAM, INCLUDING PLANNING AND EVALUATION, WITHIN THE LIMITATIONS ESTABLISHED BY THE COMMISSIONER.

4. EACH PROGRAM SHALL BE OPERATED FOR A PERIOD OF EIGHT WEEKS, BETWEEN THE FIRST DAY OF JULY AND THE FIRST DAY OF SEPTEMBER OF EACH YEAR. AN INSTITUTION OF HIGHER EDUCATION SELECTED BY THE COMMISSIONER TO PROVIDE A SPECIAL SUMMER PROGRAM SHALL OFFER A PROGRAM IN HEALTH AND BIOLOGICAL SCIENCES; LAW AND BUSINESS; OR SOCIAL SCIENCES AND THE HUMANITIES, AS DETERMINED BY THE COMMISSIONER.

5. INSTITUTIONS APPLYING FOR CONTRACTS PURSUANT TO THIS SECTION SHALL SUBMIT TO THE COMMISSIONER SUCH REPORTS OR OTHER INFORMATION AS HE SHALL REQUIRE. THE COMMISSIONER SHALL CONSIDER SUCH INFORMATION IN DETERMINING WHETHER TO ENTER INTO A CONTRACT WITH ANY INSTITUTION. THE COMMISSIONER MAY PROMULGATE REGULATIONS NECESSARY FOR THE IMPLEMENTATION OF THESE PROGRAMS.

6. CONTRACTS MADE PURSUANT TO THIS SECTION SHALL BE SUBJECT TO THE APPROVAL OF THE DIRECTOR OF THE BUDGET.

7. THE COMMISSIONER SHALL PREPARE AN ANNUAL REPORT OF THE ACTIVITIES OF INSTITUTIONS WHICH RECEIVED STATE FUNDS PURSUANT TO THIS SECTION IN THE FISCAL YEAR, CONCERNING, BUT NOT LIMITED TO, THE EFFECTIVENESS OF THE PROGRAMS CONTRACTED FOR, THE NUMBER OF STUDENTS SERVED, THE COSTS OF THE PROGRAMS, AND FUTURE PLANS THEREFOR, AND SHALL TRANSMIT SUCH REPORT TO THE GOVERNOR AND THE LEGISLATURE ON OR BEFORE NOVEMBER FIRST NEXT FOLLOWING THE COMPLETION OF SUCH YEAR'S SUMMER PROGRAMS.

S 2. The sum of seven hundred eleven thousand two hundred dollars ($711,200), or so much thereof as may be necessary, is hereby appropriated to the department of education out of any moneys in the state treasury in the general fund to the credit of the state purposes account not otherwise appropriated, for its expenses, including personal service, maintenance and operation, in carrying out the provisions of this act.

S 3. This act shall take effect on the first of April next succeeding the date on which it shall have become a law.