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

2525

2009-2010 Regular Sessions

I N S E N A T E

February 23, 2009

Introduced by Sens. LAVALLE, VOLKER -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education

AN ACT to amend the education law and the state finance law, in relation to establishing the higher education community service opportunity act

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 article 14-B to read as follows:

ARTICLE 14-B

HIGHER EDUCATION COMMUNITY SERVICE OPPORTUNITY ACT

SECTION 696. SHORT TITLE.
696-A. LEGISLATIVE FINDINGS.
696-B. DEFINITIONS.
696-C. COUNCIL ON HIGHER EDUCATION COMMUNITY SERVICE OPPORTUNITY.
696-D. RECOGNITION OF COMMUNITY SERVICE ACTIVITIES.
696-E. REPORTS.

S 696. SHORT TITLE. THIS ACT SHALL BE KNOWN AND MAY BE CITED AND REFERRED TO AS THE "HIGHER EDUCATION COMMUNITY SERVICE OPPORTUNITY ACT."

S 696-A. LEGISLATIVE FINDINGS. THE LEGISLATURE HEREBY FINDS AND DECLARES THAT PRESSING SOCIAL NEEDS AND PROBLEMS REMAIN UNMET AND UNSOLVED DESPITE THE GREATEST EFFORTS OF GOVERNMENT, AND THAT THE DESIRE OF ALL AMERICANS TO ADDRESS THESE PROBLEMS REMAINS RESOLUTE. THE LEGISLATURE ALSO FINDS THAT ALL AMERICANS HOLD THE KEYS TO IMPROVED COMMUNITIES AND BETTER CITIZENSHIP THROUGH SERVICE TO STATE AND COUNTRY THAT AFFIRMS THEIR SHARED VALUES AND HOPES. AS WELL, THE LEGISLATURE FINDS THAT CIVIC AND SOCIAL RESPONSIBILITY CAN BEST BE LEARNED BY PARTICIPATION IN COMMUNITY ORGANIZATIONS AND IN SERVICE TO THOSE CITIZENS WHO DEMONSTRATE SOCIAL NEED, SUCH AS THE ELDERLY, THE INFIRM, THE POOR, THE HOMELESS AND THE DISENFRANCHISED.

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

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THE LEGISLATURE AFFIRMS ITS COMMITMENT TO AND DECRIES ANY DIMINUTION OF PUBLIC SUPPORT OF POSTSECONDARY EDUCATION IN NEW YORK STATE, IN THE FORM OF DIRECT SUBSIDIES OF PUBLIC INSTITUTIONS, GRANTS TO INDEPENDENT INSTITUTIONS, AND GENERAL AWARDS OF STUDENT FINANCIAL AID. IT FURTHER FINDS THAT STUDENTS BENEFIT FROM SUCH SUPPORT THROUGHOUT THE COURSE OF THEIR LIVES AND CAREERS BY INCREASED OPPORTUNITY, ENHANCED EARNING POWER AND THE PROSPECT OF UPWARD SOCIAL MOBILITY; THAT IN RETURN FOR THIS ASSISTANCE AND ITS RESULTING ADVANTAGES STUDENTS OWE SOME FORM OF ACKNOWLEDGEMENT TO THE SOCIETY THAT HAS HELPED SUSTAIN THEM AND THEIR DREAMS.

THE LEGISLATURE THEREFORE FINDS THAT UNMET SOCIAL NEEDS AND THE DESIRE OF THOSE WHO HAVE BENEFITTED FROM SOCIETY'S ASSISTANCE WITH THEIR EDUCATION TO RETURN SOMETHING TO SOCIETY ARE NOT EXCLUSIVE OF ONE ANOTHER; THAT PRESSING HUMAN, EDUCATIONAL, ENVIRONMENTAL AND PUBLIC SAFETY NEEDS CAN BE MET BY OFFERING STUDENTS THE OPPORTUNITY TO REPAY THEIR DEBT BY HELPING TO MEET THOSE NEEDS BEFORE, DURING OR AFTER THEIR POSTSECONDARY ACADEMIC CAREERS WITHOUT DISPLACING EXISTING WORKERS.

S 696-B. DEFINITIONS. AS USED IN THIS ARTICLE, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS UNLESS OTHERWISE SPECIFIED:

1. "COMMUNITY SERVICE" SHALL MEAN SERVICE WHICH IS DESIGNED TO IMPROVE THE QUALITY OF LIFE FOR COMMUNITY RESIDENTS OR TO SOLVE PARTICULAR PROBLEMS RELATED TO THEIR NEEDS INCLUDING, BUT NOT LIMITED TO, SUCH FIELDS AS HEALTH CARE, CHILD CARE, SERVICES TO THE ELDERLY, THE DISABLED AND THE INFIRM, LITERACY TRAINING, EDUCATION, WELFARE, SOCIAL SERVICES, TRANSPORTATION, HOUSING AND NEIGHBORHOOD IMPROVEMENT, PUBLIC SAFETY, VOLUNTEER FIRE AND AMBULANCE SERVICE, CRIME PREVENTION AND CONTROL, RECREATION, RURAL DEVELOPMENT, COMMUNITY IMPROVEMENT, CAREERS IN PUBLIC SERVICE, AND PUBLIC ADVOCACY.

2. "COUNCIL" SHALL MEAN THE COUNCIL ON HIGHER EDUCATION COMMUNITY SERVICE OPPORTUNITY CREATED BY SECTION SIX HUNDRED NINETY-SIX-C OF THIS ARTICLE.

3. "CRITICAL SHORTAGE AREA" SHALL MEAN ANY GEOGRAPHICAL AREA DESIGNATED BY THE COUNCIL ON HIGHER EDUCATION COMMUNITY SERVICE OPPORTUNITY AS HAVING A SHORTAGE OF PERSONS QUALIFIED TO FILL UNMET EDUCATIONAL, HEALTH CARE, HUMAN SERVICE, ENVIRONMENTAL OR PUBLIC SAFETY NEEDS.

4. "CRITICAL SHORTAGE OCCUPATION" SHALL MEAN ANY OCCUPATION, PROFESSION, TRADE OR VOCATION DESIGNATED BY THE COUNCIL ON HIGHER EDUCATION COMMUNITY SERVICE OPPORTUNITY AS HAVING AN INSUFFICIENT NUMBER OF QUALIFIED PERSONNEL TO FILL UNMET EDUCATIONAL, HEALTH CARE, HUMAN SERVICE, ENVIRONMENTAL OR PUBLIC SAFETY NEEDS.

5. "PUBLIC SUPPORT FOR POSTSECONDARY EDUCATION" SHALL INCLUDE AWARDS TO STUDENTS UNDER THE TUITION ASSISTANCE PROGRAM PURSUANT TO SECTION SIX HUNDRED SIXTY-SEVEN OF THIS TITLE, TAX DOLLARS APPROPRIATED FOR PUBLIC INSTITUTIONS, AND STUDENT FINANCIAL AID DERIVED FROM STATE AID TO INDEPENDENT COLLEGES AND UNIVERSITIES PURSUANT TO ARTICLE ONE HUNDRED TWENTY-NINE OF THIS CHAPTER.

S 696-C. COUNCIL ON HIGHER EDUCATION COMMUNITY SERVICE OPPORTUNITY. 1. THERE IS HEREBY CREATED WITHIN THE HIGHER EDUCATION SERVICES CORPORATION A COUNCIL ON HIGHER EDUCATION COMMUNITY SERVICE OPPORTUNITY CONSISTING OF FOURTEEN MEMBERS AS FOLLOWS: THE COMMISSIONER, THE COMMISSIONER OF HEALTH, THE COMMISSIONER OF THE OFFICE OF CHILDREN AND FAMILY SERVICES, THE COMMISSIONER OF ENVIRONMENTAL CONSERVATION, THE DIRECTOR OF THE STATE OFFICE FOR THE AGING, THE CHANCELLOR OF THE STATE UNIVERSITY OF NEW YORK, THE CHANCELLOR OF THE CITY UNIVERSITY OF NEW YORK, AND THE PRESIDENT OF THE HIGHER EDUCATION SERVICES CORPORATION OR THEIR DESIGNEES UNDER WRITTEN DESIGNATION; AND SIX ADDITIONAL MEMBERS TO BE

APPOINTED BY THE GOVERNOR, INCLUDING TWO MEMBERS APPOINTED UPON THE RECOMMENDATION OF THE TEMPORARY PRESIDENT OF THE SENATE AND TWO MEMBERS APPOINTED UPON THE RECOMMENDATION OF THE SPEAKER OF THE ASSEMBLY. THE COUNCIL SHALL INCLUDE AT LEAST ONE REPRESENTATIVE OF AN INDEPENDENT INSTITUTION OF HIGHER EDUCATION AND AT LEAST ONE STUDENT. DUE CONSIDERATION SHALL BE GIVEN TO THE APPOINTMENT OF MEMBERS RECOGNIZED FOR THEIR EXPERTISE IN THE FIELDS OF EDUCATION AND COMMUNITY SERVICE ISSUES. MEMBERS OF THE COUNCIL SHALL DESIGNATE ONE OF THE APPOINTED MEMBERS AS CHAIRPERSON AND ONE AS VICE CHAIRPERSON. THE PRESIDENT OF THE HIGHER EDUCATION SERVICES CORPORATION SHALL SERVE AS CHIEF ADMINISTRATIVE OFFICER OF THE COUNCIL. THE COUNCIL SHALL TERMINATE SEPTEMBER FIRST, TWO THOUSAND ELEVEN.

2. THE COUNCIL SHALL MEET ONCE EACH ANNUAL QUARTER AND AS FREQUENTLY AS ITS BUSINESS MAY REQUIRE. THE APPOINTED MEMBERS OF THE COUNCIL SHALL BE REIMBURSED FOR THEIR REASONABLE AND NECESSARY TRAVELING AND OTHER EXPENSES INCURRED IN THE PERFORMANCE OF THEIR OFFICIAL DUTIES. NO ADDITIONAL COMPENSATION FOR SERVICES RENDERED PURSUANT TO THIS ARTICLE SHALL BE RECEIVED BY MEMBERS OF THE COUNCIL.

S 696-D. RECOGNITION OF COMMUNITY SERVICE ACTIVITIES. 1. EACH STUDENT WHO ATTENDS A POSTSECONDARY INSTITUTION IN THE STATE OF NEW YORK SHALL BE DEEMED TO HAVE INCURRED AN OBLIGATION TO THE CITIZENS OF NEW YORK FOR AN ALLOCABLE SHARE OF STATE SUPPORT FOR POSTSECONDARY EDUCATION. SUCH OBLIGATION SHALL BE MET THROUGH INVOLVEMENT IN NOT LESS THAN FORTY HOURS OF COMMUNITY SERVICE ACTIVITIES PURSUANT TO THIS ARTICLE WITHIN TEN YEARS AFTER THE STUDENT CEASES TO BE A STUDENT; PROVIDED, HOWEVER, THAT A STUDENT MAY APPLY COMMUNITY SERVICE CREDITS ACCRUED PRIOR TO OR DURING HIS OR HER POSTSECONDARY ACADEMIC CAREER TOWARD FULFILLING SUCH SERVICE OBLIGATION. WITHIN ONE YEAR AFTER THE STUDENT CEASES TO BE A STUDENT, HE OR SHE SHALL APPLY TO THE COUNCIL, ON SUCH FORM AS THE COUNCIL SHALL PRESCRIBE, FOR APPROVAL OF A COMMUNITY SERVICE OPTION TO FULFILL SUCH OBLIGATION. SUCH FORM SHALL INCLUDE AN ELECTION TO FULFILL THE OBLIGATION PURSUANT TO SUBDIVISION FOUR OF THIS SECTION.

2. THE COUNCIL SHALL (A) MAINTAIN AN INVENTORY OF COMMUNITY SERVICE OPPORTUNITIES ELIGIBLE FOR CONSIDERATION, INCLUDING A LIST OF CRITICAL SHORTAGE AREAS OF NEW YORK STATE AND A LIST OF CRITICAL SHORTAGE OCCUPATIONS; (B) ESTABLISH A SCHEDULE OF THE RELATIVE DOLLAR VALUE OF EACH COMPONENT OF COMMUNITY SERVICE AGAINST WHICH A STUDENT'S OBLIGATION MAY BE AMORTIZED; (C) ESTABLISH A TIME PERIOD DURING WHICH THE STUDENT SHALL FULFILL THE OBLIGATION.

3. A STUDENT MAY APPLY TO THE COUNCIL FOR APPROVAL OF A COMMUNITY SERVICE COMPONENT OF HIS OR HER OWN DESIGN. IF THE COUNCIL ACCEPTS SUCH COMMUNITY SERVICE COMPONENT, IT SHALL ESTABLISH A RELATIVE DOLLAR VALUE AS PROVIDED IN PARAGRAPH (B) OF SUBDIVISION TWO OF THIS SECTION.

4. IN THE EVENT A STUDENT ELECTS NOT TO BECOME INVOLVED IN A COMMUNITY SERVICE OPTION OR FAILS TO SATISFACTORILY FULFILL HIS OR HER OBLIGATION, THE COUNCIL SHALL BE ENTITLED TO RECOVER FROM THE STUDENT AN AMOUNT TO BE DETERMINED BY THE FORMULA:

$$A = \frac{B\,(T-S)}{T}$$

IN WHICH "A" IS THE AMOUNT OF REPAYMENT; "B" IS THE VALUE OF THE STUDENT'S ALLOCABLE SHARE OF PUBLIC SUPPORT FOR POSTSECONDARY EDUCATION; "T" IS THE TOTAL NUMBER OF MONTHS IN THE STUDENT'S PERIOD OF OBLIGATED SERVICES AS ESTABLISHED BY THE COUNCIL; AND "S" IS THE NUMBER OF MONTHS OF SERVICE ACTUALLY RENDERED BY THE STUDENT. ANY AMOUNT WHICH THE COUN-

CIL IS ENTITLED TO RECOVER UNDER THIS SUBDIVISION SHALL BE PAID WITHIN THE TEN-YEAR PERIOD SPECIFIED IN SUBDIVISION ONE OF THIS SECTION.

5. THE COUNCIL SHALL ESTABLISH A HIGHER EDUCATION COMMUNITY SERVICE LOAN PROGRAM TO PROVIDE LOW-INTEREST LOANS FOR STUDENTS WHO MAKE A COMMITMENT TO ENGAGE IN COMMUNITY SERVICE. SUCH LOANS SHALL BE FUNDED BY THE HIGHER EDUCATION COMMUNITY SERVICE OPPORTUNITY TRUST FUND ESTABLISHED BY SECTION NINETY-NINE-T OF THE STATE FINANCE LAW. IN THE EVENT A STUDENT FAILS TO FULFILL HIS OR HER COMMUNITY SERVICE COMMITMENT, ANY LOAN PROVIDED UNDER THIS SUBDIVISION SHALL BECOME DUE AND PAYABLE IN FULL, INCLUDING REMAINING PRINCIPAL AND INTEREST; PROVIDED FURTHER THAT THE COUNCIL SHALL BE ENTITLED TO RECOVER A PENALTY EQUAL TO THE INTEREST ON THE FULL AMOUNT OF THE ORIGINAL LOAN.

6. THE COUNCIL SHALL ESTABLISH CRITERIA WHEREBY A STUDENT MAY, BEFORE OR DURING HIS OR HER POSTSECONDARY ACADEMIC CAREER, ENGAGE IN COMMUNITY SERVICE AND ESTABLISH CREDITS WHICH CAN BE APPLIED TO THE SERVICE OBLIGATION UPON GRADUATION.

7. AMOUNTS RECOVERED PURSUANT TO SUBDIVISIONS FOUR AND FIVE OF THIS SECTION SHALL BE DEPOSITED IN THE HIGHER EDUCATION COMMUNITY SERVICE OPPORTUNITY TRUST FUND ESTABLISHED BY SECTION NINETY-NINE-T OF THE STATE FINANCE LAW.

8. ANY OBLIGATION TO COMPLY WITH PROVISIONS OF THIS ACT SHALL BE CANCELLED UPON THE DEATH OF THE STUDENT. THE COUNCIL SHALL ESTABLISH CRITERIA FOR THE WAIVER OR SUSPENSION OF ANY FINANCIAL OBLIGATION WHICH WOULD INVOLVE EXTREME HARDSHIP.

9. THE COUNCIL SHALL DEVELOP A PROGRAM TO ESTABLISH EFFECTIVE COMMUNITY SERVICE CONNECTIONS BETWEEN INSTITUTIONS OF HIGHER EDUCATION AND THEIR RESPECTIVE COMMUNITIES. IT SHALL OVERSEE THE DISSEMINATION OF INFORMATION REGARDING EXISTING COMMUNITY SERVICE OPPORTUNITIES, MAKE COMMUNITY SERVICE CONNECTIONS BETWEEN STUDENTS AND THE COMMUNITIES, ENCOURAGE THE INTEGRATION OF PUBLIC AND COMMUNITY SERVICE INTO THE CURRICULUM, PROVIDE GUIDANCE AND COORDINATION, MONITOR AND EVALUATE COMMUNITY SERVICE PROGRAMS AND ACTIVITIES, PROMOTE THE CONTINUATION OF PUBLIC AND COMMUNITY SERVICE, AND ENCOURAGE LENDERS TO DEVELOP LOW-INTEREST LOAN PROGRAMS FOR POSTSECONDARY STUDENTS AS AN INCENTIVE TO SEEK OUT COMMUNITY SERVICE OPPORTUNITIES BEFORE, DURING AND AFTER THEIR ACADEMIC CAREERS.

S 696-E. REPORTS. 1. A STUDENT WHO ELECTS TO FULFILL HIS OR HER OBLIGATION THROUGH COMMUNITY SERVICE SHALL REPORT TO THE COUNCIL, ON FORMS PRESCRIBED BY IT, AT THE END OF EACH CALENDAR YEAR OF SUCH SERVICE, AS TO THE PERFORMANCE OF THE COMMUNITY SERVICE CONTINUING UNTIL THE STUDENT SHALL HAVE COMPLETED, OR IT IS DETERMINED HE OR SHE SHALL NOT BE OBLIGATED TO COMPLETE, SUCH SERVICE OBLIGATION.

2. THE COUNCIL SHALL REPORT BY SEPTEMBER FIRST OF EACH YEAR TO THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE, THE SPEAKER OF THE ASSEMBLY AND THE CHAIRS OF THE FISCAL AND HIGHER EDUCATION COMMITTEES OF THE SENATE AND ASSEMBLY ON THE PROGRESS OF THE PROGRAM AND THE RECEIPTS, DISBURSEMENTS AND BALANCES IN THE HIGHER EDUCATION COMMUNITY SERVICE OPPORTUNITY TRUST FUND.

S 2. The state finance law is amended by adding a new section 99-t to read as follows:

S 99-T. HIGHER EDUCATION COMMUNITY SERVICE OPPORTUNITY TRUST FUND. 1. THERE IS HEREBY CREATED IN THE JOINT CUSTODY OF THE STATE COMPTROLLER AND THE COMMISSIONER OF TAXATION AND FINANCE A FUND TO BE KNOWN AS THE HIGHER EDUCATION COMMUNITY SERVICE OPPORTUNITY TRUST FUND.

2. SUCH FUND SHALL CONSIST OF MONIES SPECIFICALLY APPROPRIATED BY THE LEGISLATURE FOR IMPLEMENTING OR SUPPORTING THE PROVISIONS OF ARTICLE

FOURTEEN-B OF THE EDUCATION LAW; MONIES DEPOSITED PURSUANT TO SUBDIVISION FOUR OF SECTION SIX HUNDRED NINETY-SIX-D OF THE EDUCATION LAW; MONIES DERIVED FROM PRIVATE GIFTS, BEQUESTS AND DONATIONS; AND FEDERAL FUNDS SPECIFIED FOR COMMUNITY SERVICE ACTIVITIES; AND ANY OTHER MONIES CREDITED OR TRANSFERRED THERETO FROM ANY OTHER FUND OR SOURCES PURSUANT TO LAW.

3. MONIES OF THE FUND, FOLLOWING APPROPRIATION BY THE LEGISLATURE AND ALLOCATION BY THE DIRECTOR OF THE BUDGET, SHALL BE AVAILABLE FOR SUPPORT OF ACADEMIC PERFORMANCE AWARDS PROVIDED BY SUBDIVISION ONE OF SECTION SIX HUNDRED FIVE OF THE EDUCATION LAW.

4. MONIES SHALL BE PAYABLE FROM THE FUND ON THE AUDIT AND WARRANT OF THE COMPTROLLER ON VOUCHERS APPROVED BY THE CHIEF ADMINISTRATIVE OFFICER OF THE COUNCIL ON HIGHER EDUCATION COMMUNITY SERVICE OPPORTUNITY.

S 3. This act shall take effect September 1, 2009, provided, however, that sections 696-d and 696-e of the education law, as added by section one of this act, shall take effect September 1, 2010.