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I N   A S S E M B L Y

June 16, 2010

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Introduced by COMMITTEE ON RULES -- (at request of M. of A. Scarborough)  
-- read once and referred to the Committee on Higher Education

AN ACT to amend the education law, in relation to creating the "foster care higher education scholarship pilot program"; and providing for the repeal of such provisions upon expiration thereof

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

1     Section 1. Short title. This act shall be known and may be cited as  
2     the "foster care higher education scholarship pilot program".

3     S 2. Section 604 of the education law is amended by adding a new  
4     subdivision 13 to read as follows:

5     13. FOSTER CARE HIGHER EDUCATION SCHOLARSHIP PILOT PROGRAM PURSUANT TO  
6     SECTION SIX HUNDRED SIXTY-EIGHT-H OF THIS TITLE.

7     S 3. The education law is amended by adding a new section 668-h to  
8     read as follows:

9     S 668-H. FOSTER CARE HIGHER EDUCATION SCHOLARSHIP PILOT PROGRAM. 1.  
10    PURPOSE. THE PRESIDENT SHALL ESTABLISH A PILOT PROGRAM FOR THE PURPOSE  
11    OF GRANTING SCHOLARSHIP AWARDS TO ENHANCE OPPORTUNITIES FOR HIGHER  
12    EDUCATION FOR CHILDREN AND YOUNG ADULTS WHO ARE RECEIVING, OR WHO HAVE  
13    RECEIVED, FOSTER CARE SERVICES IN NEW YORK STATE. SUCH SCHOLARSHIP  
14    AWARDS SHALL BE AVAILABLE FOR THE TUITION AND NON-TUITION COSTS OF  
15    ELIGIBLE STUDENTS ENROLLED IN APPROVED IN-STATE UNDERGRADUATE PROGRAMS  
16    OR VOCATIONAL TRAINING PROGRAMS.

17    2. DEFINITIONS. AS USED IN THIS SECTION, THE TERM:

18    (A) "TUITION" MEANS THE TOTAL SEMESTER, QUARTER, OR CREDIT HOUR COST  
19    OF INSTRUCTION TO THE STUDENT AS PERIODICALLY PUBLISHED IN THE CATALOGUE  
20    OF THE INSTITUTIONS, SPECIFICALLY EXCLUDING MANDATORY FEES, BOOK CHARG-  
21    ES, AND ROOM AND BOARD.

22    (B) "NON-TUITION COST OF ATTENDANCE" MEANS (I) THE ACTUAL AMOUNT  
23    CHARGED BY THE INSTITUTION FOR ROOM AND BOARD, AND (II) AN ALLOWANCE FOR  
24    TRANSPORTATION, BOOKS, SUPPLIES, AND PERSONAL EXPENSES AS DETERMINED BY  
25    THE PRESIDENT AND AS APPROVED BY THE DIRECTOR OF THE BUDGET, PROVIDED  
26    THAT SUCH DETERMINATION SHALL BE MADE NO LATER THAN DECEMBER FIRST OF  
27    EACH YEAR FOR USE IN THE SUCCEEDING ACADEMIC YEAR. IN THE EVENT A

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

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STUDENT DOES NOT INCUR ROOM OR BOARD CHARGES AT THE INSTITUTION, "NON-TUITION COST OF ATTENDANCE" SHALL MEAN AN ALLOWANCE FOR ROOM AND BOARD AS DETERMINED BY THE PRESIDENT AND APPROVED BY THE DIRECTOR OF THE BUDGET. IN DETERMINING ALLOWANCES PURSUANT TO THIS PARAGRAPH, THE PRESIDENT MAY TAKE INTO CONSIDERATION THE ALLOWANCES PROVIDED FOR IN THE PELL GRANT PROGRAM PURSUANT TO SECTION 1070-A OF TITLE 20 OF THE UNITED STATES CODE.

(C) "PART-TIME STUDY" MEANS ENROLLMENT FOR AT LEAST THREE BUT LESS THAN TWELVE SEMESTER HOURS PER SEMESTER, OR THE EQUIVALENT, IN AN APPROVED UNDERGRADUATE PROGRAM.

(D) "FULL-TIME STUDY" SHALL MEAN ENROLLMENT FOR AT LEAST TWELVE CREDIT HOURS PER SEMESTER, OR THE EQUIVALENT, IN AN APPROVED UNDERGRADUATE PROGRAM.

(E) "APPROVED VOCATIONAL TRAINING PROGRAMS" MEANS IN-STATE PROGRAMS OFFERED BY AGENCIES APPROVED BY THE COMMISSIONER FOR FUNDING PURSUANT TO THIS SECTION. THE COMMISSIONER SHALL APPROVE ONLY SUCH NON-CREDIT PROGRAMS WHICH ARE AT LEAST THREE HUNDRED TWENTY CLOCK HOURS IN LENGTH, AND WHICH MEET STANDARDS OF INSTRUCTIONAL QUALITY ESTABLISHED IN REGULATIONS BY THE COMMISSIONER. THESE STANDARDS SHALL INCLUDE, BUT NOT BE LIMITED TO, QUALIFICATIONS OF ADMINISTRATIVE AND INSTRUCTIONAL PERSONNEL, QUALITY OF FACILITIES AND EQUIPMENT, RECORDKEEPING, ADMISSION, GRADING, ATTENDANCE, AND RECORD OF PLACEMENT OF COMPLETERS WHICH MEETS STANDARDS OF ACCEPTABILITY AS ESTABLISHED BY THE COMMISSIONER.

3. ELIGIBILITY. (A) AN APPLICANT SHALL BE ELIGIBLE FOR A SCHOLARSHIP AWARD PURSUANT TO THIS SECTION IF, AT THE TIME OF THE INITIAL APPLICATION TO THE CORPORATION, THE APPLICANT HAS APPLIED FOR AND BEEN SELECTED TO RECEIVE FOR THE FIRST TIME AN EDUCATION AND TRAINING VOUCHER PURSUANT TO PARAGRAPH I OF SECTION 677 OF THE UNITED STATES CODE FOR THE FIRST ACADEMIC YEAR FOLLOWING ENACTMENT OF THE LEGISLATION AND:

(1) IS A LEGAL RESIDENT OF NEW YORK STATE;

(2) IS SIXTEEN TO TWENTY-THREE YEARS OF AGE;

(3) HAS RECEIVED FOSTER CARE SERVICES PURSUANT TO SECTION THREE HUNDRED FIFTY-EIGHT-A OF THE SOCIAL SERVICES LAW OR ARTICLE TEN OF THE FAMILY COURT ACT FOR A PERIOD OF NINE MONTHS OR MORE FOLLOWING THE CHILD'S SIXTEENTH BIRTHDAY OR HAS BEEN ADOPTED AFTER THE AGE OF SIXTEEN;

(4) HAS RECEIVED (I) A CERTIFICATE OF GRADUATION FROM A SCHOOL PROVIDING SECONDARY EDUCATION FROM A STATE WITHIN THE UNITED STATES; OR (II) THE RECOGNIZED EQUIVALENT OF SUCH CERTIFICATE; OR (III) RECEIVED A PASSING SCORE ON A FEDERALLY APPROVED ABILITY TO BENEFIT TEST THAT HAS BEEN IDENTIFIED BY THE BOARD OF REGENTS AS SATISFYING THE ELIGIBILITY REQUIREMENTS OF THIS SECTION AND HAS BEEN INDEPENDENTLY ADMINISTERED AND EVALUATED AS DEFINED BY THE COMMISSIONER; AND

(5) IS MATRICULATED IN (I) AN APPROVED UNDERGRADUATE PROGRAM OR (II) AN APPROVED IN-STATE VOCATIONAL TRAINING PROGRAM. PURSUANT TO PARAGRAPH A OF SUBDIVISION FOUR OF SECTION SIX HUNDRED SIXTY-ONE OF THIS PART, THE INSTITUTION OR VOCATIONAL TRAINING PROGRAM SHALL BE ONE THAT HAS BEEN APPROVED AND OPERATING IN THIS STATE FOR AT LEAST ONE YEAR, AND HAS BEEN APPROVED FOR PARTICIPATION IN FEDERAL STUDENT FINANCIAL AID PROGRAMS AUTHORIZED BY TITLE IV OF THE HIGHER EDUCATION ACT OF 1965, AS AMENDED.

(B) APPLICATIONS FOR A SCHOLARSHIP AWARD SHALL BE MADE ON FORMS AND IN THE MANNER PRESCRIBED BY THE CORPORATION.

4. AMOUNT. (A) THE PRESIDENT SHALL GRANT ANNUAL SCHOLARSHIPS IN THE FOLLOWING AMOUNTS:

(1) IF THE RECIPIENT ATTENDS AN UNDERGRADUATE PROGRAM AT AN INSTITUTION OF THE CITY UNIVERSITY OF NEW YORK OR AN INSTITUTION OF THE STATE UNIVERSITY OF NEW YORK, THE ANNUAL AWARD SHALL BE AN AMOUNT EQUAL TO:

1 THE TUITION CHARGED AT THE APPLICABLE INSTITUTION OF THE STATE UNIVERSI-  
2 TY OF NEW YORK OR THE CITY UNIVERSITY OF NEW YORK PROVIDED THAT,  
3 NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, THE TUITION  
4 CHARGED TO AWARD RECIPIENTS SHALL NOT EXCEED THAT CHARGED TO STATE RESI-  
5 DENT STUDENTS ATTENDING SUCH INSTITUTION; THE MANDATORY FEES CHARGED AT  
6 SUCH INSTITUTION; AND THE NON-TUITION COSTS OF ATTENDANCE AT SUCH INSTI-  
7 TUTION OR COLLEGE, PROVIDED THAT THE SCHOLARSHIP SHALL NOT EXCEED AN  
8 AMOUNT THAT IS EQUAL TO THE TOTAL COSTS OF ATTENDANCE DETERMINED FOR  
9 FEDERAL TITLE IV STUDENT FINANCIAL AID PURPOSES, LESS ALL OTHER SCHOLAR-  
10 SHIPS AND GRANTS PROVIDED BY NEW YORK STATE, OTHER STATES, THE FEDERAL  
11 GOVERNMENT, OR OTHER GOVERNMENTS EXCLUDING LOANS, AND THE AMOUNT OF  
12 EDUCATIONAL BENEFITS EXCLUDING LOANS PAID UNDER ANY PROGRAM THAT WOULD  
13 DUPLICATE THE PURPOSES OF THIS PROGRAM, PROVIDED THAT ANY SCHOLARSHIPS  
14 OR GRANTS PROVIDED TO A RECIPIENT BY THE INSTITUTION WHICH ARE INTENDED  
15 TO FUND ANY PORTION OF THE DIFFERENCE BETWEEN THE ANNUAL AWARD AMOUNT  
16 AND THE ACTUAL COSTS OF ATTENDANCE AT ANY SUCH INSTITUTION SHALL NOT BE  
17 CONSIDERED TO DUPLICATE THE PURPOSES OF THIS PROGRAM.

18 (2) IF THE RECIPIENT ATTENDS ANY OTHER APPROVED UNDERGRADUATE PROGRAM  
19 OR VOCATIONAL TRAINING PROGRAM WITHIN NEW YORK STATE, THE ANNUAL AWARD  
20 SHALL BE BASED UPON AN AMOUNT EQUAL TO: THE TUITION CHARGED TO STATE  
21 RESIDENT STUDENTS ATTENDING A FOUR-YEAR COLLEGE OF THE STATE UNIVERSITY  
22 OF NEW YORK; THE AVERAGE MANDATORY FEES CHARGED AT FOUR-YEAR COLLEGES OF  
23 THE STATE UNIVERSITY OF NEW YORK, OR THE ACTUAL TUITION AND FEES CHARGED  
24 TO THE RECIPIENT, WHICHEVER IS LESS; AND THE AVERAGE NON-TUITION COST OF  
25 ATTENDANCE, AS DETERMINED BY THE PRESIDENT AND AS APPROVED BY THE DIREC-  
26 TOR OF THE BUDGET, FOR A STUDENT AT THE STATE UNIVERSITY OF NEW YORK OR  
27 THE ACTUAL NON-TUITION COST OF ATTENDANCE AT SUCH INSTITUTION INCURRED  
28 BY THE RECIPIENT, WHICHEVER IS LESS, PROVIDED THAT THE SCHOLARSHIP SHALL  
29 NOT EXCEED AN AMOUNT THAT IS EQUAL TO THE TOTAL COST OF ATTENDANCE  
30 DETERMINED FOR FEDERAL TITLE IV STUDENT FINANCIAL AID PURPOSES, LESS ALL  
31 OTHER SCHOLARSHIPS AND GRANTS PROVIDED BY NEW YORK STATE, OTHER STATES,  
32 THE FEDERAL GOVERNMENT, OR OTHER GOVERNMENTS EXCLUDING LOANS, AND THE  
33 AMOUNT OF EDUCATIONAL BENEFITS EXCLUDING LOANS PAID UNDER ANY PROGRAM  
34 THAT WOULD DUPLICATE THE PURPOSES OF THIS PROGRAM, PROVIDED THAT ANY  
35 SCHOLARSHIPS OR GRANTS PROVIDED TO A RECIPIENT BY THE INSTITUTION WHICH  
36 ARE INTENDED TO FUND ANY PORTION OF THE DIFFERENCE BETWEEN THE ANNUAL  
37 AWARD AMOUNT AND THE ACTUAL COSTS OF ATTENDANCE AT ANY SUCH INSTITUTION  
38 SHALL NOT BE CONSIDERED TO DUPLICATE THE PURPOSES OF THIS PROGRAM.

39 (B) NOTHING CONTAINED IN THIS SECTION SHALL MODIFY OR ELIMINATE THE  
40 OBLIGATIONS OF A SOCIAL SERVICES OFFICIAL PURSUANT TO SUBDIVISION TEN OF  
41 SECTION THREE HUNDRED NINETY-EIGHT OF THE SOCIAL SERVICES LAW WHO, FOR A  
42 FOSTER CHILD IN ATTENDANCE AT A COLLEGE OR UNIVERSITY AWAY FROM HIS OR  
43 HER FOSTER FAMILY BOARDING HOME, GROUP HOME, AGENCY BOARDING HOME OR  
44 INSTITUTION, MAKES FOSTER PAYMENTS TO SUCH COLLEGE OR UNIVERSITY IN LIEU  
45 OF PAYMENT TO THE FOSTER PARENTS OR AUTHORIZED AGENCY, FOR THE PURPOSE  
46 OF ROOM AND BOARD.

47 (C) IN NO EVENT SHALL THE COMBINATION OF ALL STUDENT FINANCIAL AID  
48 RECEIVED BY A STUDENT EXCEED A RECIPIENT'S TOTAL COST OF ATTENDANCE AT  
49 THE INSTITUTION BEING ATTENDED.

50 5. ADDITIONAL SERVICES. IF A STUDENT QUALIFYING FOR THE FOSTER CARE  
51 HIGHER EDUCATION SCHOLARSHIP PILOT PROGRAM HAS MATRICULATED IN AN UNDER-  
52 GRADUATE INSTITUTION OF THE STATE UNIVERSITY OF NEW YORK, THE CITY  
53 UNIVERSITY OF NEW YORK, OR A NON-PUBLIC INSTITUTION OF HIGHER EDUCATION  
54 WHICH OPERATES AN EDUCATION OPPORTUNITY PROGRAM PURSUANT TO SECTIONS  
55 SIXTY-FOUR HUNDRED FIFTY-ONE OR SIXTY-FOUR HUNDRED FIFTY-TWO OF THIS  
56 CHAPTER, THE STUDENT SHOULD BE PROVIDED ACCESS TO THE SUPPORT SERVICES

1 PROVIDED UNDER THIS EDUCATION OPPORTUNITY PROGRAM, INCLUDING REMEDIAL  
2 COURSES, DEVELOPMENTAL AND COMPENSATORY COURSES AND SUMMER CLASSES,  
3 SPECIAL TUTORING, COUNSELING, AND GUIDANCE SERVICES.

4 6. DURATION. (A) EACH RECIPIENT ENROLLED IN AN APPROVED UNDERGRADUATE  
5 PROGRAM SHALL RECEIVE AWARDS FOR MORE THAN EIGHT SEMESTERS OF FULL TIME  
6 UNDERGRADUATE STUDY, OR THE EQUIVALENT OF FOUR ACADEMIC YEARS.

7 (B) NO RECIPIENT ENROLLED IN AN APPROVED VOCATIONAL TRAINING PROGRAM  
8 SHALL RECEIVE AWARDS FOR MORE THAN FOUR SEMESTERS OF FULL-TIME STUDY OR  
9 THE EQUIVALENT OF TWO ACADEMIC YEARS OF FULL-TIME STUDY.

10 7. REQUIREMENTS. (A) EACH RECIPIENT OF AN AWARD PURSUANT TO THIS  
11 SECTION SHALL ENROLL IN AN APPROVED FULL-TIME OR PART-TIME DEGREE,  
12 DIPLOMA OR CERTIFICATE PROGRAM OR COURSE OF UNDERGRADUATE STUDY AND  
13 RETAIN SATISFACTORY ACADEMIC STANDING.

14 (B) EACH RECIPIENT OF A SCHOLARSHIP AWARD PURSUANT TO THIS SECTION  
15 SHALL BE REQUIRED TO COMPLETE A NEW APPLICATION FOR EACH SUBSEQUENT  
16 ACADEMIC YEAR AND MUST MEET THE ELIGIBILITY REQUIREMENTS SET FORTH IN  
17 SUBPARAGRAPHS ONE THROUGH FIVE OF PARAGRAPH (A) OF SUBDIVISION THREE OF  
18 THIS SECTION, PROVIDED THAT NO RECIPIENT SHALL RECEIVE AWARDS FOR A  
19 PERIOD OF TIME EXCEEDING THE PROVISIONS SET FORTH IN SUBDIVISION SIX OF  
20 THIS SECTION.

21 (C) EACH APPLICANT SHALL HAVE COMPLETED THE FOLLOWING AT THE TIME OF  
22 INITIAL APPLICATION AND EACH APPLICATION FOR SUBSEQUENT ACADEMIC YEARS:

23 (1) APPLIED FOR A TUITION ASSISTANCE PROGRAM AWARD PURSUANT TO SECTION  
24 SIX HUNDRED SIXTY-SEVEN OF THIS SUBPART, (2) COMPLETED AND SUBMITTED A  
25 FEDERAL STUDENT AID APPLICATION PURSUANT TO SECTION 1090 OF THE UNITED  
26 STATES CODE, AND (3) APPLIED FOR AND BEEN SELECTED TO RECEIVE AN EDUCA-  
27 TIONAL AND TRAINING VOUCHER PURSUANT TO PARAGRAPH I OF SECTION 677 OF  
28 THE UNITED STATES CODE. PURSUANT TO PARAGRAPH (A) OF SUBDIVISION FOUR OF  
29 THIS SECTION, WHEN DETERMINING THE ANNUAL AWARD AMOUNT, ANY GRANT AID OR  
30 FINANCIAL ASSISTANCE RECEIVED, EXCLUDING LOANS, SHALL BE UTILIZED TO  
31 OFFSET THE TOTAL COST OF ATTENDANCE DETERMINED FOR FEDERAL TITLE IV  
32 STUDENT FINANCIAL AID PURPOSES TO THE MAXIMUM EXTENT POSSIBLE, EXCEPT  
33 THAT NOTHING SHALL REQUIRE THAT AID RECEIVED WHICH MAY BE USED TOWARDS  
34 COSTS OTHER THAN TUITION SHALL BE APPLIED TOWARD THE COST OF TUITION.

35 8. REPORTS AND THE EVALUATION OF THE PILOT PROGRAM. UPON THE  
36 COMPLETION OF TWO YEARS OF OPERATION AND FOUR YEARS OF OPERATION, THE  
37 PRESIDENT SHALL EVALUATE AND ASSESS THE RESULTS OF THE PILOT PROGRAM,  
38 INCLUDING THE FOLLOWING:

39 (A) THE RETENTION RATE OF ALL SCHOLARSHIP RECIPIENTS ENROLLED IN A  
40 FOUR-YEAR UNDERGRADUATE PROGRAM UPON TWO YEARS OF OPERATION;

41 (B) THE RETENTION RATE OF ALL SCHOLARSHIP RECIPIENTS ENROLLED IN A  
42 FOUR-YEAR UNDERGRADUATE PROGRAM WITH ACCESS TO THE SERVICES OFFERED  
43 UNDER AN EDUCATION OPPORTUNITY PROGRAM PURSUANT TO SECTIONS SIXTY-FOUR  
44 HUNDRED FIFTY-ONE AND SIXTY-FOUR HUNDRED FIFTY-TWO OF THIS CHAPTER UPON  
45 TWO YEARS OF OPERATION;

46 (C) THE DEGREE COMPLETION RATE OF SCHOLARSHIP RECIPIENTS ENROLLED IN  
47 VOCATIONAL TRAINING PROGRAMS UPON TWO YEARS OF OPERATION;

48 (D) THE DEGREE COMPLETION RATE OF SCHOLARSHIP RECIPIENTS ENROLLED AS  
49 FULL-TIME STUDENTS IN A TWO-YEAR UNDERGRADUATE PROGRAM UPON TWO YEARS OF  
50 OPERATION;

51 (E) THE DEGREE COMPLETION RATE OF SCHOLARSHIP RECIPIENTS ENROLLED AS  
52 FULL-TIME STUDENTS IN A TWO-YEAR UNDERGRADUATE PROGRAM WITH ACCESS TO  
53 THE SERVICES OFFERED UNDER AN EDUCATION OPPORTUNITY PROGRAM PURSUANT TO  
54 SECTIONS SIXTY-FOUR HUNDRED FIFTY-ONE AND SIXTY-FOUR HUNDRED FIFTY-TWO  
55 OF THIS CHAPTER UPON TWO YEARS OF OPERATION;

1 (F) THE DEGREE COMPLETION RATE OF SCHOLARSHIP RECIPIENTS ENROLLED AS  
2 FULL-TIME STUDENTS IN A FOUR-YEAR UNDERGRADUATE PROGRAM UPON FOUR YEARS  
3 OF OPERATION;

4 (G) THE DEGREE COMPLETION RATE OF SCHOLARSHIP RECIPIENTS ENROLLED AS  
5 FULL-TIME STUDENTS IN A FOUR-YEAR UNDERGRADUATE PROGRAM WITH ACCESS TO  
6 THE SERVICES OFFERED UNDER AN EDUCATION OPPORTUNITY PROGRAM PURSUANT TO  
7 SECTIONS SIXTY-FOUR HUNDRED FIFTY-ONE AND SIXTY-FOUR HUNDRED FIFTY-TWO  
8 OF THIS CHAPTER UPON FOUR YEARS OF OPERATION;

9 (H) THE RETENTION RATE OF SCHOLARSHIP RECIPIENTS ENROLLED AS PART-TIME  
10 STUDENTS IN AN UNDERGRADUATE PROGRAM UPON FOUR YEARS OF OPERATION; AND

11 (I) THE RETENTION RATE OF SCHOLARSHIP RECIPIENTS ENROLLED AS PART-TIME  
12 STUDENTS IN AN UNDERGRADUATE PROGRAM WITH ACCESS TO THE SERVICES OFFERED  
13 UNDER AN EDUCATION OPPORTUNITY PROGRAM PURSUANT TO SECTIONS SIXTY-FOUR  
14 HUNDRED FIFTY-ONE AND SIXTY-FOUR HUNDRED FIFTY-TWO OF THIS CHAPTER UPON  
15 FOUR YEARS OF OPERATION.

16 9. RULES AND REGULATIONS. THE CORPORATION IN CONSULTATION WITH THE  
17 COMMISSIONER OF THE OFFICE OF CHILDREN AND FAMILY SERVICES, SHALL  
18 PROMULGATE ANY RULES AND REGULATIONS NECESSARY FOR THE IMPLEMENTATION OF  
19 THE PROVISIONS OF THIS SECTION.

20 S 4. This act shall take effect immediately; and shall be applicable  
21 for awards made for the academic year which begins on the first of July  
22 next succeeding such effective date and shall expire four years later,  
23 when upon such date the provisions of this act shall be deemed repealed.