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

February 16, 2012

Introduced by M. of A. NOLAN -- (at request of the State Education Department) -- read once and referred to the Committee on Higher Education

AN ACT to amend the education law, in relation to continuing early college high schools in the state

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

Section 1. Legislative intent. The Legislature hereby finds and declares it necessary to preserve and continue early college high schools in the State that provide various students, including those traditionally underrepresented in post-secondary education, with the opportunity to access college-level courses and college degree credits at the high school level with the combined support of high school and college staff and resources. The early college high school program not only increases these students' access to higher education, but also reduces potential costs for these students in completing college degrees by allowing them to either complete a degree upon graduation from high school or to apply their earned college credits towards a Baccalaureate's degree. This innovative program provides incentives to high school students to proceed to college and to earn a college degree by accelerating their overall completion of such a degree. It also better prepares them for college-level coursework, which, will in turn, increase their academic performance. Ultimately, this program increases graduation rates both at the high school and college levels.

The Legislature hereby finds and declares it necessary to provide funding for these schools to ensure that they continue in operation and continue to provide students with these valuable services. Although early college high schools are public high schools, the cost of providing college-level courses, including the costs of instruction at a partnering college and college-level books and materials, exceeds the costs of a traditional public school. At the same time, the Legislature recognizes that accelerating the completion of a student's college degree at the high school level will result in a student requiring less tuition assistance funds (TAP) to complete their degree at the post-sec-

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

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ondary level. Therefore, these schools ultimately result in significant cost-savings to TAP funds. Furthermore, given these students' increased preparedness for post-secondary education, which should, in turn, equate to enhanced academic performance in school, they are a great investment of TAP funds.

S 2. The education law is amended by adding a new section 667-d to read as follows:

S 667-D. SUPPLEMENTAL TUITION ASSISTANCE AWARDS FOR EARLY COLLEGE HIGH SCHOOL PROGRAMS.

1. NOTWITHSTANDING ANY RULE, REGULATION, OR LAW TO THE CONTRARY, THE PRESIDENT SHALL BE AUTHORIZED TO MAKE ANNUAL TUITION ASSISTANCE PROGRAM AWARDS TO APPROVED EARLY COLLEGE HIGH SCHOOLS IN THE STATE THAT OPERATE APPROVED EARLY COLLEGE HIGH SCHOOL PROGRAMS ON BEHALF OF ELIGIBLE STUDENTS ENROLLED IN SUCH PROGRAMS.

2. FOR PURPOSES OF THIS SECTION:

A. "APPROVED EARLY COLLEGE HIGH SCHOOL PROGRAM" MEANS AN EARLY COLLEGE HIGH SCHOOL PROGRAM, APPROVED BY THE COMMISSIONER IN ACCORDANCE WITH THE REGULATIONS OF THE COMMISSIONER, WHICH PROVIDES ELIGIBLE STUDENTS ENROLLED AT SUCH PROGRAM WITH HIGH SCHOOL COURSES LEADING TO THE GRANTING OF A HIGH SCHOOL DIPLOMA AND COLLEGE-LEVEL COURSES LEADING TO THE GRANTING OF A POST-SECONDARY DEGREE OR DIPLOMA AT A PARTNERING COLLEGE APPROVED BY THE DEPARTMENT; AND

B. "APPROVED EARLY COLLEGE HIGH SCHOOL" MEANS A PUBLIC HIGH SCHOOL THAT OPERATES AN APPROVED EARLY COLLEGE HIGH SCHOOL PROGRAM;

C. "ELIGIBLE STUDENT" MEANS A STUDENT WHO:

(I) IS A RESIDENT OF THE SCHOOL DISTRICT IN WHICH THE SCHOOL IS LOCATED AND IS ENROLLED IN SUCH SCHOOL DISTRICT;

(II) IS REGISTERED TO ATTEND THE ELEVENTH OR TWELFTH GRADE AT SUCH HIGH SCHOOL FOR THE ACADEMIC YEAR IN WHICH THE TUITION ASSISTANCE AWARD IS BEING SOUGHT BY SUCH SCHOOL;

(III) WAS ELIGIBLE TO RECEIVE FREE OR REDUCED PRICE LUNCH IN ONE OF THE TWO PRECEDING SCHOOL YEARS; AND

(IV) IS EITHER MATRICULATED IN AN APPROVED PROGRAM LEADING TO THE GRANTING OF A POST-SECONDARY DEGREE OR DIPLOMA, OR WHO HAS DEMONSTRATED TO THE SATISFACTION OF THE COMMISSIONER THE ABILITY TO COMPLETE COLLEGE-LEVEL COURSE WORK IN ACCORDANCE WITH SUBDIVISION THREE OF THIS SECTION.

D. "EXCESS COST PER STUDENT" MEANS THE ADDITIONAL COST OF PROVIDING AN ELIGIBLE STUDENT WITH COLLEGE-LEVEL COURSE WORK, AS DETERMINED BY THE COMMISSIONER IN ACCORDANCE WITH A METHODOLOGY PRESCRIBED BY THE COMMISSIONER.

3. THE PRESIDENT SHALL MAKE TUITION ASSISTANCE PROGRAM AWARDS TO APPROVED EARLY COLLEGE HIGH SCHOOLS IN THE FOLLOWING MANNER:

A. COMMENCING WITH THE TWO THOUSAND TWELVE--TWO THOUSAND THIRTEEN ACADEMIC YEAR, AN APPROVED EARLY COLLEGE HIGH SCHOOL MAY APPLY TO THE CORPORATION FOR AN ANNUAL TUITION ASSISTANCE PROGRAM AWARD IN AN AMOUNT NOT TO EXCEED THE PRODUCT OF: (I) THE TOTAL NUMBER OF ELIGIBLE STUDENTS ENROLLED IN AN APPROVED EARLY COLLEGE HIGH SCHOOL PROGRAM IN SUCH SCHOOL AND (II) EITHER FIVE THOUSAND DOLLARS OR THE EXCESS COST PER STUDENT, WHICHEVER IS LESS.

4. A STUDENT SHALL BE CONSIDERED A STUDENT WITH THE ABILITY TO COMPLETE COLLEGE-LEVEL COURSE WORK IF HE OR SHE MEETS AT LEAST TWO REQUIREMENTS PRESCRIBED BY THE COMMISSIONER IN THE REGULATIONS OF THE COMMISSIONER, WHICH SHALL INCLUDE, BUT NEED NOT BE LIMITED TO, THE FOLLOWING:

A. THE STUDENT HAS SUCCESSFULLY COMPLETED A SPECIFIED NUMBER OF HOURS OF COLLEGE-LEVEL INSTRUCTION AT AN APPROVED PARTNERING COLLEGE, AS DETERMINED BY THE COMMISSIONER;

B. THE STUDENT HAS OBTAINED A TEST SCORE OF AT LEAST THE EIGHTIETH PERCENTILE ON ALL REGENTS EXAMINATIONS ADMINISTERED TO SUCH STUDENT IN THE NINTH AND TENTH GRADES; AND

C. THE STUDENT HAS DEMONSTRATED THE ABILITY TO COMPLETE COLLEGE-LEVEL COURSE WORK THROUGH HIGH SCHOOL LEVEL COURSE WORK IN MATHEMATICS, ENGLISH AND SCIENCE, INCLUDING TESTS, HOMEWORK, AND LAB WORK.

5. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, RULE OR REGULATION TO THE CONTRARY, THE PAYMENT OF A TUITION ASSISTANCE AWARD PURSUANT TO THIS SECTION ON BEHALF OF AN ELIGIBLE STUDENT SHALL NOT BE CONSTRUED TO LIMIT THE AMOUNT OR DURATION OF A TUITION ASSISTANCE PROGRAM AWARD AVAILABLE TO ANY SUCH STUDENT.

6. AN EARLY COLLEGE HIGH SCHOOL SHALL NOT OTHERWISE BE SUBJECT TO THE REQUIREMENTS FOR RECEIVING PAYMENT ON A TUITION ASSISTANCE PROGRAM AWARD PURSUANT TO THIS ARTICLE.

S 3. This act shall take effect immediately, provided that if this act shall have become a law on or after July 1, 2012, it shall be deemed to have been in full force and effect on and after July 1, 2012.