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

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2011-2012 Regular Sessions

I N A S S E M B L Y

February 3, 2011

Introduced by M. of A. SCARBOROUGH, N. RIVERA, TITUS, DINOWITZ, PERRY -- 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 program"

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

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

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

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

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

S 668-H. FOSTER CARE HIGHER EDUCATION SCHOLARSHIP PROGRAM. 1. PURPOSE. THE PRESIDENT SHALL GRANT SCHOLARSHIP AWARDS FOR THE PURPOSE OF ENHANCING OPPORTUNITIES FOR HIGHER EDUCATION FOR CHILDREN AND YOUNG ADULTS WHO ARE RECEIVING, OR WHO HAVE RECEIVED, FOSTER CARE SERVICES IN NEW YORK STATE. SUCH SCHOLARSHIP AWARDS SHALL BE AVAILABLE FOR THE TUITION AND NON-TUITION COSTS OF ELIGIBLE STUDENTS ENROLLED IN APPROVED UNDERGRADUATE PROGRAMS OR VOCATIONAL TRAINING PROGRAMS.

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

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

(B) "NON-TUITION COST OF ATTENDANCE" MEANS (I) THE ACTUAL AMOUNT CHARGED BY THE INSTITUTION FOR ROOM AND BOARD, AND (II) AN ALLOWANCE FOR TRANSPORTATION, BOOKS AND SUPPLIES AS DETERMINED BY THE PRESIDENT AND AS APPROVED BY THE DIRECTOR OF THE BUDGET, PROVIDED THAT SUCH DETERMINATION SHALL BE MADE NO LATER THAN DECEMBER FIRST OF EACH YEAR FOR USE IN THE

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

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SUCCEEDING ACADEMIC YEAR. IN THE EVENT A 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:

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

(2) 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;

(3) 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

(4) IS MATRICULATED IN (I) AN APPROVED UNDERGRADUATE PROGRAM OR (II) AN APPROVED 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: THE TUITION CHARGED AT THE APPLICABLE INSTITUTION OF THE STATE UNIVERSITY OF NEW YORK OR THE CITY UNIVERSITY OF NEW YORK PROVIDED THAT, NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, THE TUITION CHARGED TO AWARD RECIPIENTS SHALL NOT EXCEED THAT CHARGED TO STATE RESI-

DENT STUDENTS ATTENDING SUCH INSTITUTION; THE MANDATORY FEES CHARGED AT SUCH INSTITUTION; AND THE NON-TUITION COSTS OF ATTENDANCE AT SUCH INSTITUTION OR COLLEGE, PROVIDED THAT THE SCHOLARSHIP SHALL NOT EXCEED AN AMOUNT THAT IS EQUAL TO THE TOTAL COSTS OF ATTENDANCE DETERMINED FOR FEDERAL TITLE IV STUDENT FINANCIAL AID PURPOSES, LESS ALL OTHER SCHOLARSHIPS AND GRANTS PROVIDED BY NEW YORK STATE, OTHER STATES, THE FEDERAL GOVERNMENT, OR OTHER GOVERNMENTS EXCLUDING LOANS, AND THE AMOUNT OF EDUCATIONAL BENEFITS PAID UNDER ANY PROGRAM THAT WOULD DUPLICATE THE PURPOSES OF THIS PROGRAM, PROVIDED THAT ANY SCHOLARSHIPS OR GRANTS PROVIDED TO A RECIPIENT BY THE INSTITUTION WHICH ARE INTENDED TO FUND ANY PORTION OF THE DIFFERENCE BETWEEN THE ANNUAL AWARD AMOUNT AND THE ACTUAL COSTS OF ATTENDANCE AT ANY SUCH INSTITUTION SHALL NOT BE CONSIDERED TO DUPLICATE THE PURPOSES OF THIS PROGRAM.

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

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

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

5. ADDITIONAL SERVICES. IF A STUDENT QUALIFYING FOR THE FOSTER CARE HIGHER EDUCATION SCHOLARSHIP PROGRAM HAS MATRICULATED IN AN UNDERGRADUATE INSTITUTION OF THE STATE UNIVERSITY OF NEW YORK, THE CITY UNIVERSITY OF NEW YORK, OR A NON-PUBLIC INSTITUTION OF HIGHER EDUCATION WHICH OPERATES AN EDUCATION OPPORTUNITY PROGRAM PURSUANT TO SECTIONS SIXTY-FOUR HUNDRED FIFTY-ONE OR SIXTY-FOUR HUNDRED FIFTY-TWO OF THIS CHAPTER, THE STUDENT SHOULD BE PROVIDED ACCESS TO THE SUPPORT SERVICES PROVIDED UNDER THIS EDUCATION OPPORTUNITY PROGRAM, INCLUDING REMEDIAL COURSES, DEVELOPMENTAL AND COMPENSATORY COURSES AND SUMMER CLASSES, SPECIAL TUTORING, COUNSELING, AND GUIDANCE SERVICES.

6. DURATION. (A) NO RECIPIENT SHALL RECEIVE AWARDS FOR MORE THAN EIGHT SEMESTERS OF FULL TIME UNDERGRADUATE STUDY, OR THE EQUIVALENT OF FOUR ACADEMIC YEARS, OR, IF AN UNDERGRADUATE PROGRAM NORMALLY REQUIRES FIVE ACADEMIC YEARS OF FULL-TIME STUDY, FOR MORE THAN TEN SEMESTERS OF FULL-TIME STUDY, OR THE EQUIVALENT OF FIVE ACADEMIC YEARS. RECIPIENTS ENROLLED IN A PROGRAM OF REMEDIAL STUDY CONFORMING TO THE PROVISIONS OF THIS ARTICLE, APPROVED BY THE COMMISSIONER IN A DEGREE GRANTING INSTITUTION, AND INTENDED TO CULMINATE IN AN UNDERGRADUATE DEGREE SHALL BE CONSIDERED AS ENROLLED IN A PROGRAM NORMALLY REQUIRING FIVE YEARS. NO RECIPIENT ENROLLED IN AN APPROVED VOCATIONAL TRAINING PROGRAM SHALL RECEIVE AWARDS FOR MORE THAN FOUR SEMESTERS OF FULL-TIME STUDY OR THE EQUIVALENT OF TWO ACADEMIC YEARS OF FULL-TIME STUDY.

(B) NO RECIPIENT SHALL RECEIVE AWARDS FOR MORE THAN SIXTEEN SEMESTERS OF PART-TIME UNDERGRADUATE STUDY AS DEFINED IN SUBDIVISION TWO OF THIS SECTION, OR THE EQUIVALENT OF EIGHT ACADEMIC YEARS OF PART-TIME STUDY, OR, IF AN UNDERGRADUATE PROGRAM NORMALLY REQUIRES FIVE ACADEMIC YEARS OF FULL-TIME STUDY, FOR MORE THAN TWENTY SEMESTERS OF PART-TIME STUDY, OR THE EQUIVALENT OF TEN ACADEMIC YEARS. RECIPIENTS ENROLLED IN A PROGRAM OF REMEDIAL STUDY CONFORMING TO THE PROVISIONS OF THIS CHAPTER, APPROVED BY THE COMMISSIONER IN A DEGREE GRANTING INSTITUTION, AND INTENDED TO CULMINATE IN AN UNDERGRADUATE DEGREE SHALL BE CONSIDERED AS ENROLLED IN A PROGRAM NORMALLY REQUIRING FIVE YEARS. NO RECIPIENT ENROLLED IN AN APPROVED VOCATIONAL TRAINING PROGRAM SHALL RECEIVE AWARDS FOR MORE THAN EIGHT SEMESTERS OF PART-TIME STUDY OR THE EQUIVALENT OF FOUR ACADEMIC YEARS OF PART-TIME STUDY.

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

(B) EACH APPLICANT SHALL HAVE COMPLETED THE FOLLOWING AT THE TIME OF APPLICATION: (1) APPLIED FOR A TUITION ASSISTANCE PROGRAM AWARD PURSUANT TO SECTION SIX HUNDRED SIXTY-SEVEN OF THIS SUBPART, (2) COMPLETED AND SUBMITTED A FEDERAL STUDENT AID APPLICATION PURSUANT TO SECTION 1090 OF THE UNITED STATES CODE, AND (3) IF ELIGIBLE, APPLIED FOR AN EDUCATIONAL AND TRAINING VOUCHER PURSUANT TO PARAGRAPH I OF SECTION 677 OF THE UNITED STATES CODE. PURSUANT TO PARAGRAPH (A) OF SUBDIVISION FOUR OF THIS SECTION, WHEN DETERMINING THE ANNUAL AWARD AMOUNT, ANY GRANT AID OR FINANCIAL ASSISTANCE RECEIVED, EXCLUDING LOANS, SHALL BE UTILIZED TO OFFSET THE TOTAL COST OF ATTENDANCE DETERMINED FOR FEDERAL TITLE IV STUDENT FINANCIAL AID PURPOSES TO THE MAXIMUM EXTENT POSSIBLE, EXCEPT THAT NOTHING SHALL REQUIRE THAT AID RECEIVED WHICH MAY BE USED TOWARDS COSTS OTHER THAN TUITION SHALL BE APPLIED TOWARD THE COST OF TUITION.

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

S 4. This act shall take effect immediately.