

3382

2011-2012 Regular Sessions

I N S E N A T E

February 17, 2011

Introduced by Sen. LAVALLE -- 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:

1 Section 1. The education law is amended by adding a new article 14-B
2 to read as follows:

3 ARTICLE 14-B

4 HIGHER EDUCATION COMMUNITY SERVICE OPPORTUNITY ACT

5 SECTION 696. SHORT TITLE.

6 696-A. LEGISLATIVE FINDINGS.

7 696-B. DEFINITIONS.

8 696-C. COUNCIL ON HIGHER EDUCATION COMMUNITY SERVICE OPPORTU-
9 NITY.

10 696-D. RECOGNITION OF COMMUNITY SERVICE ACTIVITIES.

11 696-E. REPORTS.

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

14 S 696-A. LEGISLATIVE FINDINGS. THE LEGISLATURE HEREBY FINDS AND
15 DECLARES THAT PRESSING SOCIAL NEEDS AND PROBLEMS REMAIN UNMET AND
16 UNSOLVED DESPITE THE GREATEST EFFORTS OF GOVERNMENT, AND THAT THE DESIRE
17 OF ALL AMERICANS TO ADDRESS THESE PROBLEMS REMAINS RESOLUTE. THE LEGIS-
18 LATURE ALSO FINDS THAT ALL AMERICANS HOLD THE KEYS TO IMPROVED COMMUNI-
19 TIES AND BETTER CITIZENSHIP THROUGH SERVICE TO STATE AND COUNTRY THAT
20 AFFIRMS THEIR SHARED VALUES AND HOPES. AS WELL, THE LEGISLATURE FINDS
21 THAT CIVIC AND SOCIAL RESPONSIBILITY CAN BEST BE LEARNED BY PARTIC-
22 IPATION IN COMMUNITY ORGANIZATIONS AND IN SERVICE TO THOSE CITIZENS WHO
23 DEMONSTRATE SOCIAL NEED, SUCH AS THE ELDERLY, THE INFIRM, THE POOR, THE
24 HOMELESS AND THE DISENFRANCHISED.

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

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

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

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

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

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

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

36 4. "CRITICAL SHORTAGE OCCUPATION" SHALL MEAN ANY OCCUPATION, PROFES-
37 SION, TRADE OR VOCATION DESIGNATED BY THE COUNCIL ON HIGHER EDUCATION
38 COMMUNITY SERVICE OPPORTUNITY AS HAVING AN INSUFFICIENT NUMBER OF QUALI-
39 FIED PERSONNEL TO FILL UNMET EDUCATIONAL, HEALTH CARE, HUMAN SERVICE,
40 ENVIRONMENTAL OR PUBLIC SAFETY NEEDS.

41 5. "PUBLIC SUPPORT FOR POSTSECONDARY EDUCATION" SHALL INCLUDE AWARDS
42 TO STUDENTS UNDER THE TUITION ASSISTANCE PROGRAM PURSUANT TO SECTION SIX
43 HUNDRED SIXTY-SEVEN OF THIS TITLE, TAX DOLLARS APPROPRIATED FOR PUBLIC
44 INSTITUTIONS, AND STUDENT FINANCIAL AID DERIVED FROM STATE AID TO INDE-
45 PENDENT COLLEGES AND UNIVERSITIES PURSUANT TO ARTICLE ONE HUNDRED TWEN-
46 TY-NINE OF THIS CHAPTER.

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

1 APPOINTED BY THE GOVERNOR, INCLUDING TWO MEMBERS APPOINTED UPON THE
 2 RECOMMENDATION OF THE TEMPORARY PRESIDENT OF THE SENATE AND TWO MEMBERS
 3 APPOINTED UPON THE RECOMMENDATION OF THE SPEAKER OF THE ASSEMBLY. THE
 4 COUNCIL SHALL INCLUDE AT LEAST ONE REPRESENTATIVE OF AN INDEPENDENT
 5 INSTITUTION OF HIGHER EDUCATION AND AT LEAST ONE STUDENT. DUE CONSIDER-
 6 ATION SHALL BE GIVEN TO THE APPOINTMENT OF MEMBERS RECOGNIZED FOR THEIR
 7 EXPERTISE IN THE FIELDS OF EDUCATION AND COMMUNITY SERVICE ISSUES.
 8 MEMBERS OF THE COUNCIL SHALL DESIGNATE ONE OF THE APPOINTED MEMBERS AS
 9 CHAIRPERSON AND ONE AS VICE CHAIRPERSON. THE PRESIDENT OF THE HIGHER
 10 EDUCATION SERVICES CORPORATION SHALL SERVE AS CHIEF ADMINISTRATIVE OFFI-
 11 CER OF THE COUNCIL. THE COUNCIL SHALL TERMINATE SEPTEMBER FIRST, TWO
 12 THOUSAND THIRTEEN.

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

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

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

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

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

$$A = B (T-S)$$

T

51 IN WHICH "A" IS THE AMOUNT OF REPAYMENT; "B" IS THE VALUE OF THE
 52 STUDENT'S ALLOCABLE SHARE OF PUBLIC SUPPORT FOR POSTSECONDARY EDUCATION;
 53 "T" IS THE TOTAL NUMBER OF MONTHS IN THE STUDENT'S PERIOD OF OBLIGATED
 54 SERVICES AS ESTABLISHED BY THE COUNCIL; AND "S" IS THE NUMBER OF MONTHS
 55 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

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

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

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

14 S 3. This act shall take effect September 1, 2011, provided, however,
15 that sections 696-d and 696-e of the education law, as added by section
16 one of this act, shall take effect September 1, 2012.