

371

2011-2012 Regular Sessions

I N S E N A T E

(PREFILED)

January 5, 2011

Introduced by Sen. MONTGOMERY -- read twice and ordered printed, and
when printed to be committed 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 ASSEM-
BLY, 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

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

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1 TRANSPORTATION, BOOKS, SUPPLIES, AND PERSONAL EXPENSES AS DETERMINED BY
2 THE PRESIDENT AND AS APPROVED BY THE DIRECTOR OF THE BUDGET, PROVIDED
3 THAT SUCH DETERMINATION SHALL BE MADE NO LATER THAN DECEMBER FIRST OF
4 EACH YEAR FOR USE IN THE SUCCEEDING ACADEMIC YEAR. IN THE EVENT A
5 STUDENT DOES NOT INCUR ROOM OR BOARD CHARGES AT THE INSTITUTION,
6 "NON-TUITION COST OF ATTENDANCE" SHALL MEAN AN ALLOWANCE FOR ROOM AND
7 BOARD AS DETERMINED BY THE PRESIDENT AND APPROVED BY THE DIRECTOR OF THE
8 BUDGET. IN DETERMINING ALLOWANCES PURSUANT TO THIS PARAGRAPH, THE PRESI-
9 DENT MAY TAKE INTO CONSIDERATION THE ALLOWANCES PROVIDED FOR IN THE PELL
10 GRANT PROGRAM PURSUANT TO SECTION 1070-A OF TITLE 20 OF THE UNITED
11 STATES CODE.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

55 5. ADDITIONAL SERVICES. IF A STUDENT QUALIFYING FOR THE FOSTER CARE
56 HIGHER EDUCATION SCHOLARSHIP PILOT PROGRAM HAS MATRICULATED IN AN UNDER-

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

(B) 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.

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

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

(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) APPLIED FOR AND BEEN SELECTED TO RECEIVE 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. REPORTS AND THE EVALUATION OF THE PILOT PROGRAM. UPON THE COMPLETION OF TWO YEARS OF OPERATION AND FOUR YEARS OF OPERATION, THE PRESIDENT SHALL EVALUATE AND ASSESS THE RESULTS OF THE PILOT PROGRAM, INCLUDING THE FOLLOWING:

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

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

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

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

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

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

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

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

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

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

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