

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

2033--A

2013-2014 Regular Sessions

I N S E N A T E

(PREFILED)

January 9, 2013

Introduced by Sen. LAVALLE -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education -- recommended to the Committee on Higher Education in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

ARTICLE 14-B

HIGHER EDUCATION COMMUNITY SERVICE OPPORTUNITY ACT

3 SECTION 696. SHORT TITLE.

4 696-A. LEGISLATIVE FINDINGS.

5 696-B. DEFINITIONS.

6 696-C. COUNCIL ON HIGHER EDUCATION COMMUNITY SERVICE OPPORTU-
7 NITY.

8 696-D. RECOGNITION OF COMMUNITY SERVICE ACTIVITIES.

9 696-E. REPORTS.

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

12 S 696-A. LEGISLATIVE FINDINGS. THE LEGISLATURE HEREBY FINDS AND
13 DECLARES THAT PRESSING SOCIAL NEEDS AND PROBLEMS REMAIN UNMET AND
14 UNSOLVED DESPITE THE GREATEST EFFORTS OF GOVERNMENT, AND THAT THE DESIRE
15 OF ALL AMERICANS TO ADDRESS THESE PROBLEMS REMAINS RESOLUTE. THE LEGIS-
16 LATURE ALSO FINDS THAT ALL AMERICANS HOLD THE KEYS TO IMPROVED COMMUNI-
17 TIES AND BETTER CITIZENSHIP THROUGH SERVICE TO STATE AND COUNTRY THAT
18 AFFIRMS THEIR SHARED VALUES AND HOPES. AS WELL, THE LEGISLATURE FINDS
19 THAT CIVIC AND SOCIAL RESPONSIBILITY CAN BEST BE LEARNED BY PARTIC-
20 IPATING IN COMMUNITY SERVICE ACTIVITIES.

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

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IPATION IN COMMUNITY ORGANIZATIONS AND IN SERVICE TO THOSE CITIZENS WHO DEMONSTRATE SOCIAL NEED, SUCH AS THE ELDERLY, THE INFIRM, THE POOR, THE HOMELESS AND THE DISENFRANCHISED.

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

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

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

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

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

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

4. "CRITICAL SHORTAGE OCCUPATION" SHALL MEAN ANY OCCUPATION, PROFESSION, TRADE OR VOCATION DESIGNATED BY THE COUNCIL ON HIGHER EDUCATION COMMUNITY SERVICE OPPORTUNITY AS HAVING AN INSUFFICIENT NUMBER OF QUALIFIED PERSONNEL TO FILL UNMET EDUCATIONAL, HEALTH CARE, HUMAN SERVICE, ENVIRONMENTAL OR PUBLIC SAFETY NEEDS.

5. "PUBLIC SUPPORT FOR POSTSECONDARY EDUCATION" SHALL INCLUDE AWARDS TO STUDENTS UNDER THE TUITION ASSISTANCE PROGRAM PURSUANT TO SECTION SIX HUNDRED SIXTY-SEVEN OF THIS TITLE, TAX DOLLARS APPROPRIATED FOR PUBLIC INSTITUTIONS, AND STUDENT FINANCIAL AID DERIVED FROM STATE AID TO INDEPENDENT COLLEGES AND UNIVERSITIES PURSUANT TO ARTICLE ONE HUNDRED TWENTY-NINE OF THIS CHAPTER.

S 696-C. COUNCIL ON HIGHER EDUCATION COMMUNITY SERVICE OPPORTUNITY. 1. THERE IS HEREBY CREATED WITHIN THE HIGHER EDUCATION SERVICES CORPORATION A COUNCIL ON HIGHER EDUCATION COMMUNITY SERVICE OPPORTUNITY CONSISTING OF FOURTEEN MEMBERS AS FOLLOWS: THE COMMISSIONER, THE COMMISSIONER OF HEALTH, THE COMMISSIONER OF THE OFFICE OF CHILDREN AND FAMILY SERVICES, THE COMMISSIONER OF ENVIRONMENTAL CONSERVATION, THE DIRECTOR OF THE STATE OFFICE FOR THE AGING, THE CHANCELLOR OF THE STATE UNIVERSITY OF

1 NEW YORK, THE CHANCELLOR OF THE CITY UNIVERSITY OF NEW YORK, AND THE
2 PRESIDENT OF THE HIGHER EDUCATION SERVICES CORPORATION OR THEIR DESIG-
3 NEES UNDER WRITTEN DESIGNATION; AND SIX ADDITIONAL MEMBERS TO BE
4 APPOINTED BY THE GOVERNOR, INCLUDING TWO MEMBERS APPOINTED UPON THE
5 RECOMMENDATION OF THE TEMPORARY PRESIDENT OF THE SENATE AND TWO MEMBERS
6 APPOINTED UPON THE RECOMMENDATION OF THE SPEAKER OF THE ASSEMBLY. THE
7 COUNCIL SHALL INCLUDE AT LEAST ONE REPRESENTATIVE OF AN INDEPENDENT
8 INSTITUTION OF HIGHER EDUCATION AND AT LEAST ONE STUDENT. DUE CONSIDER-
9 ATION SHALL BE GIVEN TO THE APPOINTMENT OF MEMBERS RECOGNIZED FOR THEIR
10 EXPERTISE IN THE FIELDS OF EDUCATION AND COMMUNITY SERVICE ISSUES.
11 MEMBERS OF THE COUNCIL SHALL DESIGNATE ONE OF THE APPOINTED MEMBERS AS
12 CHAIRPERSON AND ONE AS VICE CHAIRPERSON. THE PRESIDENT OF THE HIGHER
13 EDUCATION SERVICES CORPORATION SHALL SERVE AS CHIEF ADMINISTRATIVE OFFI-
14 CER OF THE COUNCIL. THE COUNCIL SHALL TERMINATE SEPTEMBER FIRST, TWO
15 THOUSAND SIXTEEN.

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

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

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

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

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

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

T

54 IN WHICH "A" IS THE AMOUNT OF REPAYMENT; "B" IS THE VALUE OF THE
55 STUDENT'S ALLOCABLE SHARE OF PUBLIC SUPPORT FOR POSTSECONDARY EDUCATION;
56 "T" IS THE TOTAL NUMBER OF MONTHS IN THE STUDENT'S PERIOD OF OBLIGATED

SERVICES AS ESTABLISHED BY THE COUNCIL; AND "S" IS THE NUMBER OF MONTHS OF SERVICE ACTUALLY RENDERED BY THE STUDENT. ANY AMOUNT WHICH THE COUNCIL 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-V 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-V 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-v to read as follows:

S 99-V. 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.

1 2. SUCH FUND SHALL CONSIST OF MONIES SPECIFICALLY APPROPRIATED BY THE
2 LEGISLATURE FOR IMPLEMENTING OR SUPPORTING THE PROVISIONS OF ARTICLE
3 FOURTEEN-B OF THE EDUCATION LAW; MONIES DEPOSITED PURSUANT TO SUBDIVI-
4 SION FOUR OF SECTION SIX HUNDRED NINETY-SIX-D OF THE EDUCATION LAW;
5 MONIES DERIVED FROM PRIVATE GIFTS, BEQUESTS AND DONATIONS; AND FEDERAL
6 FUNDS SPECIFIED FOR COMMUNITY SERVICE ACTIVITIES; AND ANY OTHER MONIES
7 CREDITED OR TRANSFERRED THERETO FROM ANY OTHER FUND OR SOURCES PURSUANT
8 TO LAW.

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

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

16 S 3. This act shall take effect September 1, 2014, provided, however,
17 that sections 696-d and 696-e of the education law, as added by section
18 one of this act, shall take effect September 1, 2015.