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

9254--A

I N A S S E M B L Y

February 5, 2016

Introduced by M. of A. BICHOTTE, SEAWRIGHT, CERETTO, MOSLEY, WALKER, HOOPER -- Multi-Sponsored by -- M. of A. LENTOL, SIMON -- read once and referred to the Committee on Higher Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to the establishment of the New York promise program for community colleges; and making an appropriation therefor

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

Section 1. Article 126 of the education law is amended by adding a new section 6311 to read as follows:

S 6311. NEW YORK PROMISE PROGRAM. 1. ESTABLISHMENT. THERE IS HEREBY ESTABLISHED THE NEW YORK PROMISE PROGRAM FOR COMMUNITY COLLEGES.

2. ADMINISTRATION. THE DEPARTMENT SHALL ADMINISTER THE NEW YORK PROMISE PROGRAM AS PROVIDED FOR IN THIS SECTION. SUBJECT TO SUBDIVISIONS FIVE AND SIX OF THIS SECTION, THE DEPARTMENT SHALL PROVIDE A WAIVER OF TUITION FOR COMMUNITY COLLEGE COURSES TO A PERSON WHO MEETS THE CRITERIA DESCRIBED IN SUBDIVISIONS THREE AND FOUR OF THIS SECTION. SUCH WAIVER SHALL BE A GRANT AND LIMITED AS PROVIDED IN SUBDIVISIONS FIVE AND SIX OF THIS SECTION.

3. ELIGIBILITY. A GRANT SHALL BE AWARDED UNDER THIS SECTION TO A PERSON WHO:

(A) IS ENROLLED IN COURSES THAT ARE:

(I) OFFERED AT A COMMUNITY COLLEGE IN THIS STATE; AND

(II) DETERMINED BY THE DEPARTMENT, TO BE REQUIRED FOR COMPLETION OF:

(1) A ONE-YEAR CURRICULUM FOR STUDENTS WHO PLAN TO TRANSFER TO ANOTHER POST-SECONDARY INSTITUTION OF EDUCATION;

(2) AN ASSOCIATE'S DEGREE; OR

(3) A PROGRAM IN CAREER AND TECHNICAL EDUCATION.

(B) HAS BEEN A RESIDENT OF THIS STATE FOR AT LEAST TWELVE MONTHS PRIOR TO ENROLLING IN THE COURSES DESCRIBED IN PARAGRAPH (A) OF THIS SUBDIVISION;

(C) ATTAINED THEIR HIGHEST LEVEL OF EDUCATION IN THIS STATE PRIOR TO:

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

LBD13908-04-6

(I) RECEIVING A HIGH SCHOOL DIPLOMA; OR
(II) RECEIVING A GENERAL EDUCATIONAL DEVELOPMENT CERTIFICATE.
(D) ATTAINED THEIR HIGHEST LEVEL OF EDUCATION AS DESCRIBED IN PARAGRAPH (C) OF THIS SUBDIVISION WITHIN SIX MONTHS FROM THE DATE THE PERSON FIRST ENROLLS IN COURSES DESCRIBED IN PARAGRAPH (A) OF THIS SUBDIVISION FOR THE PURPOSE OF RECEIVING A GRANT UNDER THIS SECTION;
(E) EARNED A CUMULATIVE GRADE POINT AVERAGE OF 2.5 OR BETTER IN HIGH SCHOOL OR OTHERWISE DEMONSTRATED AN EQUIVALENT ACADEMIC ABILITY, AS DETERMINED BY THE DEPARTMENT;
(F) COMPLETED AND SUBMITTED THE FREE APPLICATION FOR FEDERAL STUDENT AID (FAFSA) FOR EACH ACADEMIC YEAR AND ACCEPTED ALL STATE AND FEDERAL AID GRANTS AVAILABLE, IF ELIGIBLE TO FILE THE APPLICATION; AND
(G) HAS NOT COMPLETED EITHER OF THE FOLLOWING:
(I) MORE THAN A TOTAL OF NINETY CREDIT HOURS, OR THE EQUIVALENT, AT A POST-SECONDARY INSTITUTION OF EDUCATION; OR
(II) A CURRICULUM, DEGREE OR PROGRAM, AS DESCRIBED IN SUBPARAGRAPH (II) OF PARAGRAPH (A) OF THIS SUBDIVISION.
4. CONTINUED ELIGIBILITY. (A) A PERSON CONTINUES TO REMAIN ELIGIBLE TO RECEIVE A GRANT UNDER THIS SECTION IF THE PERSON, IN ADDITION TO SATISFYING THE CRITERIA DESCRIBED IN SUBDIVISION THREE OF THIS SECTION:
(I) MAINTAINS A CUMULATIVE GRADE POINT AVERAGE OF 2.5 OR BETTER DURING EACH TERM FOR WHICH SUCH PERSON HAS RECEIVED A GRANT UNDER THIS SECTION;
(II) MAKES SATISFACTORY PROGRESS TOWARDS A ONE-YEAR CURRICULUM, DEGREE OR PROGRAM, AS DESCRIBED IN SUBPARAGRAPH (II) OF PARAGRAPH (A) OF SUBDIVISION THREE OF THIS SECTION, AS DETERMINED BY THE DEPARTMENT; AND
(III) ENROLLS IN COURSES DESCRIBED IN PARAGRAPH (A) OF SUBDIVISION THREE OF THIS SECTION FOR A SUFFICIENT NUMBER OF CREDIT HOURS TO BE CONSIDERED AT LEAST A HALF-TIME STUDENT EACH TERM FOR AT LEAST THREE TERMS IN EACH CONSECUTIVE YEAR.
(B) A PERSON WHO FAILS TO MAINTAIN THE CUMULATIVE GRADE POINT AVERAGE SPECIFIED IN SUBPARAGRAPH (I) OF PARAGRAPH (A) OF THIS SUBDIVISION BECOMES INELIGIBLE TO RECEIVE A GRANT UNDER THIS SECTION FOR THE TERM AFTER WHICH THE PERSON FAILS TO MAINTAIN THE CUMULATIVE GRADE POINT AVERAGE, UNLESS THE ELIGIBILITY REQUIREMENT OF SUBPARAGRAPH (I) OF PARAGRAPH (A) OF THIS SUBDIVISION IS WAIVED BY THE DEPARTMENT.
5. AWARDS. (A) THE TOTAL AMOUNT OF A GRANT AWARDED UNDER THIS SECTION SHALL BE BASED ON EACH TERM THAT A PERSON IS ENROLLED IN COURSES DESCRIBED IN PARAGRAPH (A) OF SUBDIVISION THREE OF THIS SECTION. AFTER THE AMOUNT OF TUITION FOR THE PERSON FOR THE TERM IS REDUCED BY FIFTY DOLLARS, TO BE PAID BY THE PERSON, AND REDUCED BY ANY AMOUNTS RECEIVED BY THE PERSON IN STATE AND FEDERAL AID GRANTS, THE PERSON SHALL BE ELIGIBLE FOR A GRANT UNDER THIS SECTION IN AN AMOUNT THAT EQUALS:
(I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, NOT LESS THAN THE GREATER OF:
(1) ONE THOUSAND DOLLARS; AND
(2) THE PERSON'S ACTUAL COST OF TUITION.
(II) NOT MORE THAN THE LESSER OF:
(1) THE AVERAGE COST OF TUITION AT A COMMUNITY COLLEGE IN THIS STATE, AS DETERMINED BY THE DEPARTMENT; AND
(2) THE PERSON'S ACTUAL COST FOR TUITION.
(B) THE MINIMUM AMOUNT OF A GRANT, AS CALCULATED UNDER PARAGRAPH (A) OF THIS SUBDIVISION, MAY BE PRORATED FOR A PERSON WHO IS ENROLLED IN COURSES DESCRIBED IN PARAGRAPH (A) OF SUBDIVISION THREE OF THIS SECTION FOR A SUFFICIENT NUMBER OF CREDIT HOURS TO BE CONSIDERED AT LEAST A HALF-TIME STUDENT BUT NOT A FULL-TIME STUDENT.

(C) THE DEPARTMENT MAY PRESCRIBE BY RULE OR REGULATION WHETHER TO INCLUDE FEES, AND ANY LIMITATIONS RELATED TO THE INCLUSION OF FEES, WHEN DETERMINING THE ACTUAL COST OF TUITION OR THE AVERAGE COST OF TUITION UNDER THIS SUBDIVISION.

6. TOTAL GRANT AMOUNT. THE TOTAL AMOUNT IN GRANTS AWARDED UNDER THIS SECTION BY THE DEPARTMENT MAY NOT EXCEED TEN MILLION DOLLARS PER FISCAL YEAR, OR ANY LESSER AMOUNT AVAILABLE TO THE DEPARTMENT FOR THE PURPOSE OF THIS SECTION. THE DEPARTMENT MAY ADOPT BY RULE OR REGULATION THE PRIORITY BY WHICH GRANTS ARE AWARDED, WHICH MAY ALLOW FOR PREFERENCE TO BE GIVEN TO PERSONS ENROLLED IN SCHOOL DISTRICTS OR HIGH SCHOOLS THAT MEET SPECIFIED CRITERIA.

7. RULES AND REGULATIONS. THE DEPARTMENT SHALL ADOPT ANY RULES AND REGULATIONS NECESSARY FOR THE ADMINISTRATION OF THIS SECTION INCLUDING ANY REQUIREMENTS RELATED TO:

(A) SPECIFYING THE FORM AND TIMELINES FOR SUBMITTING AN APPLICATION FOR A GRANT UNDER THIS SECTION;

(B) DETERMINING WHETHER A PERSON IS ELIGIBLE FOR A GRANT UNDER THIS SECTION, INCLUDING WHETHER THE PERSON SHALL BE GIVEN PRIORITY AS ALLOWED UNDER SUBDIVISION SIX OF THIS SECTION;

(C) IMPLEMENTING PROGRAMS OR POLICIES THAT IMPROVE THE ACADEMIC SUCCESS OR COMPLETION RATES FOR PERSONS WHO RECEIVE A GRANT UNDER THIS SECTION;

(D) PRESCRIBING ELIGIBILITY REQUIREMENTS AND GRANT CALCULATIONS FOR PERSONS DUALLY ENROLLED IN A COMMUNITY COLLEGE AND A PUBLIC UNIVERSITY; AND

(E) EVALUATING THE IMPACT OF THE PROGRAM ESTABLISHED UNDER THIS SECTION, INCLUDING ANY REQUIREMENTS FOR REPORTING DATA NEEDED FOR EVALUATION.

8. NO LATER THAN DECEMBER THIRTY-FIRST OF EACH EVEN-NUMBERED YEAR, THE DEPARTMENT SHALL SUBMIT TO THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE AND THE SPEAKER OF THE ASSEMBLY A REPORT THAT SUMMARIZES THE DEPARTMENT'S FINDINGS ON THE IMPACT OF THE PROGRAM ESTABLISHED UNDER THIS SECTION. SUCH REPORT SHALL INCLUDE:

(A) STUDENT COMPLETION RATES OF CURRICULA, DEGREES AND PROGRAMS DESCRIBED IN SUBPARAGRAPH (II) OF PARAGRAPH (A) OF SUBDIVISION THREE OF THIS SECTION;

(B) THE AMOUNT OF FEDERAL AID GRANTS RECEIVED BY PERSONS WHO RECEIVED A GRANT UNDER THIS SECTION;

(C) THE FINANCIAL IMPACT OF THE PROGRAM ON SCHOOL DISTRICTS THAT HAD STUDENTS RECEIVE A GRANT UNDER THIS SECTION;

(D) THE FINANCIAL AND ENROLLMENT IMPACT OF THE PROGRAM ON COMMUNITY COLLEGES AND PUBLIC UNIVERSITIES IN THIS STATE; AND

(E) THE OVERALL SUCCESS RATE OF THIS PROGRAM AND FINANCIAL IMPACT OF THE PROGRAM.

S 2. The sum of ten million dollars ($ 10,000,000.00), or so much thereof as may be necessary, is hereby appropriated to the department of education from any moneys in the state treasury in the general fund to the credit of the department of education not otherwise appropriated for services and expenses of the New York State Promise Program for the purposes of carrying out the provisions of this act. Such sum shall be payable on the audit and warrant of the state comptroller on vouchers certified or approved by the commissioner of education, or his duly designated representative in the manner provided by law. No expenditure shall be made from this appropriation until a certificate of approval of availability shall have been issued by the director of the budget and filed with the state comptroller and a copy filed with the chairman of

the senate finance committee and the chairman of the assembly ways and means committee. Such certificate may be amended from time to time by the director of the budget and a copy of each such amendment shall be filed with the state comptroller, the chairman of the senate finance committee and the chairman of the assembly ways and means committee.

S 3. This act shall take effect on the one hundred twentieth day after it shall have become a law and apply to courses enrolled in beginning in the 2016-2017 academic year.