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

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I N A S S E M B L Y

February 4, 2016

Introduced by M. of A. SEPULVEDA, HARRIS, MOSLEY, RUSSELL, CERETTO, SIMON, CROUCH, MONTESANO, GOTTFRIED, COLTON, LUPINACCI, McDONOUGH, BLAKE, WOZNIAK, COOK, BRABENEC, WRIGHT, PICHARDO, ARROYO, SOLAGES, MARKEY, BICHOTTE, ABINANTI, LAVINE, McDONALD, BUTLER, ROZIC, CRESPO, ROBINSON, DAVILA, RAIA, SCHIMEL, KEARNS, CORWIN, THIELE, CUSICK, PEOPLES-STOKES, RA, LUPARDO, BRENNAN, DILAN, RIVERA, ENGLEBRIGHT, PRETLOW, ORTIZ, AUBRY, STIRPE, PAULIN, MAGEE, BENEDETTO, JEAN-PIERRE, MILLER, HIKIND, SIMANOWITZ, MAYER, FAHY, LINARES, WEPRIN, DenDEKKER, BRAUNSTEIN, HEVESI, LENTOL, LIFTON, BRONSON, BARRON, JOYNER, LOPEZ, DUPREY, HUNTER, STECK, RICHARDSON, KIM, WALKER, HYNDMAN, DiPIETRO, HOOPER -- Multi-Sponsored by -- M. of A. CANCEL, FITZPATRICK, GARBARINO, McKEVITT, MOYA, PERRY, RAMOS, RODRIGUEZ, SKARTADOS, TITUS -- read once and referred to the Committee on Higher Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to establishing the Barbara Clark leaders of tomorrow scholarship

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

Section 1. The education law is amended by adding a new section 669-h to read as follows:

S 669-H. THE BARBARA CLARK LEADERS OF TOMORROW SCHOLARSHIP. 1. DEFINITIONS. THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

A. "GOOD ACADEMIC STANDING" SHALL BE COMPRISED OF TWO NECESSARY COMPONENTS: PURSUIT OF PROGRAM AND SATISFACTORY ACADEMIC PROGRESS;

B. "PURSUIT OF PROGRAM" SHALL MEAN EARNING A PASSING OR FAILING LETTER GRADE ON A SLIDING SCALE IN A CERTAIN PERCENTAGE OF FULL-TIME MINIMUM COURSE LOAD, SUCH SLIDING SCALE SHALL EXIST AS FOLLOWS:

(I) FIFTY PERCENT FOR THE FIRST ACADEMIC YEAR;

(II) SEVENTY-FIVE PERCENT FOR THE SECOND ACADEMIC YEAR; AND

(III) ONE HUNDRED PERCENT FOR THE THIRD AND FOURTH ACADEMIC YEARS; AND

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

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C. "SATISFACTORY ACADEMIC PROGRESS" SHALL MEAN EARNING AND MAINTAINING AT LEAST A B-AVERAGE (3.0 OR HIGHER ON A 4.0 GRADING SCALE) IN THE MINIMUM NUMBER OF SEMESTER HOURS REQUIRED PER YEAR.

2. PURPOSE. THE BARBARA CLARK LEADERS OF TOMORROW SCHOLARSHIP IS HEREBY ESTABLISHED FOR THE PURPOSE OF GRANTING SCHOLARSHIP AWARDS TO NEW YORK STATE HIGH SCHOOL GRADUATES WHO HAVE DEMONSTRATED A STRONG ACADEMIC ABILITY, PARTICIPATED IN EXTRACURRICULAR ACTIVITIES, AND DISPLAYED A COMMITMENT TO COMMUNITY SERVICE.

3. ELIGIBILITY. SCHOLARSHIPS SHALL BE AWARDED TO ONE ELIGIBLE SENIOR FROM EACH PARTICIPATING PUBLIC AND PRIVATE HIGH SCHOOL IN NEW YORK STATE. A. TO BE ELIGIBLE FOR SUCH AWARD, AN APPLICANT MUST:

(I) BE A RESIDENT OF NEW YORK STATE;

(II) HAVE GRADUATED FROM A NEW YORK STATE HIGH SCHOOL IN JUNE OF THE ACADEMIC YEAR FOR WHICH THE SCHOLARSHIP IS AWARDED;

(III) BEGIN STUDY AT AN APPROVED POST-SECONDARY INSTITUTION IN NEW YORK STATE IN THE ACADEMIC YEAR FOR WHICH SUCH SCHOLARSHIP IS INITIALLY AWARDED;

(IV) MAINTAIN A CUMULATIVE GRADE POINT AVERAGE OF 3.0 OR HIGHER;

(V) BE ENROLLED AS A FULL-TIME STUDENT TAKING TWELVE OR MORE CREDITS PER SEMESTER;

(VI) BE MATRICULATED IN AN APPROVED PROGRAM OF STUDY AND BE IN GOOD ACADEMIC STANDING; AND

(VII) NOT BE IN DEFAULT ON A STUDENT LOAN GUARANTEED BY THE NEW YORK STATE HIGHER EDUCATION SERVICES CORPORATION.

B. IF TWO OR MORE SENIORS FROM A PARTICIPATING SCHOOL QUALIFY UNDER PARAGRAPH A OF THIS SUBDIVISION, FINANCIAL NEED MAY BE CONSIDERED TO MAKE A FINAL DETERMINATION.

4. MAINTAINING ELIGIBILITY. ELIGIBLE STUDENTS MUST MAINTAIN GOOD ACADEMIC STANDING, STUDENTS WHO FAIL TO MAINTAIN SUCH STANDING WILL CEASE TO BE ELIGIBLE FOR PAYMENT UNTIL THEY ARE RESTORED TO GOOD ACADEMIC STANDING BY RAISING THEIR GRADE POINT AVERAGE TO THE REQUIRED MINIMUM B-AVERAGE OR REQUESTED AND OBTAINED A B-AVERAGE WAIVER.

5. WAIVER. A. AN ELIGIBLE STUDENT MAY REQUEST AND OBTAIN A WAIVER FOR THEIR FAILURE TO MAINTAIN THE REQUIRED CUMULATIVE B-AVERAGE AS A RESULT OF UNDUE HARDSHIP, BASED ON:

(I) THE DEATH OF A STUDENT'S RELATIVE;

(II) THE STUDENT'S PERSONAL ILLNESS OR INJURY; OR

(III) OTHER EXTENUATING CIRCUMSTANCES.

B. SUCH WAIVER MUST BE DOCUMENTED AND MUST RELATE TO THE CIRCUMSTANCES THAT HAVE AFFECTED THE STUDENT'S ABILITY TO ACHIEVE A CUMULATIVE B-AVERAGE AS OF THE END OF A PARTICULAR SEMESTER OR TERM.

C. SUCH WAIVER MAY BE GRANTED MORE THAN ONCE IF CIRCUMSTANCES WARRANT.

D. SCHOOLS MUST MAINTAIN DOCUMENTATION OF WHY WAIVERS ARE GRANTED BUT DO NOT HAVE TO REPORT THE WAIVER IN THE CERTIFICATION PROCESS.

6. LOSS/REINSTATEMENT OF GOOD ACADEMIC STANDING. A. STUDENTS WHO LOSE GOOD ACADEMIC STANDING IN A SEMESTER OR TERM WHEN THEY RECEIVED THIS SCHOLARSHIP ARE NOT ELIGIBLE FOR SUCH SCHOLARSHIP FOR THE NEXT TERM.

B. SUCH GOOD ACADEMIC STANDING MAY BE RESTORED IN ONE OF THE FOLLOWING WAYS:

(I) MAKE UP PAST DEFICIENCIES BY COMPLETING ONE OR MORE TERMS OR SEMESTERS OF STUDY WITHOUT RECEIVING ANY STATE GRANTS OR SCHOLARSHIPS;

(II) BE READMITTED TO SCHOOL AFTER AN ABSENCE OF AT LEAST ONE YEAR; OR

(III) TRANSFER TO ANOTHER QUALIFIED INSTITUTION.

C. ADDITIONALLY, STUDENTS HAVE ONE OPPORTUNITY TO OBTAIN A WAIVER FROM THE DEPARTMENT FOR EXTENUATING CIRCUMSTANCES. THE STUDENT'S INSTITUTION IS REQUIRED TO PUBLISH AND ADHERE TO CRITERIA, SET FORTH BY THE INSTITU-

TION, UNDER WHICH IT WILL GRANT THE WAIVER. BEFORE GRANTING SUCH WAIVER, INSTITUTIONAL PERSONNEL SHALL DISCUSS THE DECISION WITH THE STUDENT. SUCH WAIVER IS NOT AUTOMATIC AND MUST BE DONE IN ACCORDANCE WITH THE INSTITUTIONS PUBLISHED CRITERIA. IN ORDER TO THEN BE ELIGIBLE FOR THE SCHOLARSHIP UNDER THIS SECTION, THE STUDENT MUST SUCCESSFULLY RAISE THEIR GRADE POINT AVERAGE TO THE REQUIRED B-AVERAGE MINIMUM.

7. PAYMENT. RECIPIENTS SHALL RECEIVE A FIVE THOUSAND DOLLAR SCHOLARSHIP TO BE DISTRIBUTED IN THE AMOUNT OF ONE THOUSAND TWO HUNDRED FIFTY DOLLARS PER YEAR.

8. SOURCE OF FUNDS. ALL FUNDS FOR THIS SCHOLARSHIP SHALL BE DISTRIBUTED BY THE NEW YORK STATE LOTTERY ESTABLISHED UNDER ARTICLE THIRTY-FOUR OF THE TAX LAW.

S 2. This act shall take effect on the one hundred twentieth day after it shall have become a law.