

STATE OF NEW YORK

4069

2017-2018 Regular Sessions

IN ASSEMBLY

February 1, 2017

Introduced by M. of A. SEPULVEDA -- read once and referred to the
Committee on Higher Education

AN ACT to amend the education law, in relation to establishing the path-
ways for academic career and employment program and the gap tuition
assistance program

The People of the State of New York, represented in Senate and Assem-
bly, do enact as follows:

1 Section 1. Title 7 of the education law is amended by adding a new
2 article 130-A to read as follows:

ARTICLE 130-A

PATHWAYS FOR ACADEMIC CAREER AND EMPLOYMENT PROGRAM

Section 6460. Definitions.

6461. Pathways for academic career and employment program.

7 § 6460. Definitions. As used in this article: 1. "Dislocated worker"
8 means an individual eligible for services and benefits under the federal
9 Trade Adjustment Act of 2002, P.L. 107-210, who:

10 a. is a citizen or national of the United States, a lawfully admitted
11 permanent resident alien, a lawfully admitted refugee or parolee or an
12 individual authorized by the Attorney General to work in the United
13 States, and who is registered for the selective service, if applicable;
14 and

15 b. (1) has been laid off or terminated, is eligible for or has
16 exhausted entitlement to unemployment compensation, and is unlikely to
17 return to the individual's previous industry or occupation; or

18 (2) is in receipt of a notice of layoff or termination from employ-
19 ment, will be entitled to unemployment compensation at the time of
20 layoff or termination, and is unlikely to return to the individual's
21 previous industry or occupation; or

22 (3) has been laid off or terminated, or has received a termination
23 notice, has been employed for a duration of time to sufficiently demon-
24 strate attachment to the workforce, and is not eligible for unemployment

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

LBD08075-01-7

1 compensation due to insufficient earnings, or has performed services for
2 an employer not covered under the unemployment compensation law, and is
3 unlikely to return to the individual's previous industry or occupation;
4 or

5 (4) has been laid off or terminated, or has received notice of layoff
6 or termination, as a result of a permanent closure of or any substantial
7 layoff at a plant, facility or enterprise; or

8 (5) was formerly self-employed and is unemployed from the individual's
9 business; or

10 (6) is a displaced homemaker who has been providing unpaid services to
11 family members in the home, has been dependent on the income of another
12 family member and is no longer supported by that income, is unemployed
13 or underemployed, and is experiencing difficulty in obtaining or upgrad-
14 ing employment.

15 2. "Federal poverty level" means the most recently revised poverty
16 income guidelines published by the federal Department of Health and
17 Human Services.

18 3. "Low skilled" means an adult individual who is basic skills defi-
19 cient, has lower level digital literacy skills, has an education below a
20 high school diploma, or has a low level of educational attainment that
21 inhibits the individual's ability to compete for skilled occupations
22 that provide opportunity for a self-sufficient wage.

23 4. "Underemployed" means an adult individual who is working less than
24 thirty hours per week, or who is employed any number of hours per week
25 in a job that is substantially below the individual's skill level and
26 that does not lead to self-sufficiency.

27 5. "Unemployed" means an adult individual who is involuntarily unem-
28 ployed and is actively engaged in seeking employment.

29 § 6461. Pathways for academic career and employment program. 1. The
30 pathways for academic career and employment program (PACE) is hereby
31 established to provide funding to community colleges for the development
32 of projects that will lead to gainful, quality, in-state employment for
33 members of target populations by providing them with both effective
34 academic and employment training to ensure gainful employment and
35 customized support services.

36 2. Individuals included in target populations are those individuals
37 who meet one or more of the following criteria:

38 a. Are deemed to be low skilled as defined in subdivision three of
39 section sixty-four hundred sixty of this article.

40 b. Earn incomes at or below two hundred percent of the federal poverty
41 level.

42 c. Are unemployed.

43 d. Are underemployed.

44 e. Are dislocated workers.

45 3. Projects eligible for funding for PACE shall be projects that:

46 a. further the ability of members of target populations to secure
47 gainful, quality employment;

48 b. further partnerships linking community colleges to industry and
49 nonprofit organizations; and

50 c. further the following program outcomes:

51 (1) enabling members of the target populations to:

52 (A) acquire and demonstrate competency in basic skills;

53 (B) acquire and demonstrate competency in a specified technical field;

54 (C) complete a specified level of postsecondary education;

55 (D) earn a national career readiness certificate;

56 (E) obtain employer-validated credentials; and/or

1 (F) secure gainful employment in high-quality, local jobs; and
2 (2) meet economic and employment goals including but not limited to:
3 (A) economic and workforce development requirements in each region
4 served by the community colleges; and

5 (B) needs of industry partners in areas including but not limited to
6 the fields of information technology, health care, advanced manufactur-
7 ing, transportation and logistics, and any other industry designated as
8 in-demand by the commissioner.

9 4. Program components for a PACE project implemented at a community
10 college shall:

11 a. include measurable and effective recruitment, assessment, and
12 referral activities designed for the target populations;

13 b. integrate basic skills and work-readiness training with occupa-
14 tional skills training;

15 c. combine customized supportive and case management services with
16 training services to help participants overcome barriers to employment;
17 and

18 d. provide training services at times, locations, and through multi-
19 ple, flexible modalities that are easily understood and readily accessi-
20 ble to the target populations. Such modalities shall support open
21 entry, individualized learning, and flexible scheduling, and may include
22 online remediation, learning lab and cohort learning communities, tutor-
23 ing, and modularization.

24 5. Each community college receiving funding for PACE shall develop a
25 pipeline program in order to better serve the academic, training, and
26 employment needs of the target populations. A pipeline program shall
27 have the following goals:

28 a. to strengthen partnerships with community-based organizations and
29 industry representatives;

30 b. to improve and simplify the identification, recruitment, and
31 assessment of qualified participants;

32 c. to conduct and manage an outreach, recruitment, and intake process,
33 along with accompanying support services, reflecting sensitivity to the
34 time and financial constraints and remediation needs of the target popu-
35 lations;

36 d. to conduct orientations for qualified participants to describe
37 regional labor market opportunities, employer partners, and program
38 requirements and expectations;

39 e. to describe the concepts of the project implemented with funds from
40 PACE and the embedded educational and support resources available
41 through such project;

42 f. to outline the basic skills participants will learn and describe
43 the credentials participants will earn;

44 g. to describe success milestones and ways in which temporal and
45 instructional barriers have been minimized or eliminated; and

46 h. to review how individualized and customized service strategies for
47 participants will be developed and provided.

48 6. Each community college receiving funding for PACE shall develop a
49 career pathway and bridge curriculum development program in order to
50 better serve the academic, training, and employment needs of the target
51 populations. A career pathways and bridge curriculum development program
52 shall have the following goals:

53 a. the articulation of courses and modules, the mapping of programs
54 within career pathways, and the establishment of bridges between credit
55 and noncredit programs;

1 b. the integration and contextualization of basic skills education and
2 skills training. This process shall provide for seamless progressions
3 between adult basic education and general education development programs
4 and continuing education and credit certificate, diploma, and degree
5 programs; and

6 c. the development of career pathways that support the attainment of
7 industry-recognized credentials, diplomas, and degrees through stacka-
8 ble, modularized program delivery.

9 § 2. The education law is amended by adding a new section 669-h to
10 read as follows:

11 § 669-h. Gap tuition assistance program. 1. The gap tuition assistance
12 program is hereby established to provide funding to community colleges
13 for need-based tuition assistance to enable applicants to complete
14 continuing education certificate training programs for in-demand occupa-
15 tions.

16 2. a. Eligibility for tuition assistance shall be based on financial
17 need. Applicants may be found eligible for partial or total tuition
18 assistance. Tuition assistance shall not be approved when the community
19 college receiving the application determines that funding for an appli-
20 cant's participation in an eligible certificate program is available
21 from any other public or private funding source. Criteria to determine
22 financial need shall include but not be limited to:

23 (1) the applicant's family income for the twelve months prior to the
24 date of application;

25 (2) the applicant's family size; and

26 (3) the applicant's county of residence.

27 b. An applicant for tuition assistance under this section shall
28 provide to the gap tuition assistance coordinator at the community
29 college receiving the application documentation of all sources of
30 income.

31 c. Eligibility for tuition assistance under this chapter shall be
32 limited to individuals earning incomes at or below two hundred percent
33 of the federal poverty level as defined by the most recently revised
34 poverty income guidelines published by the United States Department of
35 Health and Human Services.

36 3. An applicant for tuition assistance under this chapter must have a
37 demonstrated capacity to achieve the following outcomes:

38 a. the ability to complete an eligible certificate program;

39 b. the ability to enter a postsecondary certificate, diploma, or
40 degree program for credit;

41 c. the ability to gain full-time employment; and

42 d. the ability to maintain full-time employment over a period of time.

43 4. The community college receiving the application shall only approve
44 an applicant for tuition assistance under this section if the community
45 college determines the applicant is likely to succeed in achieving the
46 outcomes described in subdivision three of this section after consider-
47 ing factors including but not limited to:

48 a. barriers that may prevent an applicant from completing the certif-
49 icate program; and

50 b. barriers that may prevent an applicant from gaining employment in
51 an in-demand occupation.

52 5. a. Only an applicant eligible to work in the United States shall be
53 approved for tuition assistance under this chapter.

54 b. An application shall be valid for six months from the date of
55 signature on the application.

1 c. An applicant shall not be approved for tuition assistance under
2 this section for more than one eligible certificate program.

3 d. Eligibility for tuition assistance under this chapter shall not be
4 construed to guarantee enrollment in any community college certificate
5 program.

6 6. a. Costs of a certificate program eligible for coverage by gap
7 tuition assistance shall include but are not limited to the following:

8 (1) tuition;

9 (2) direct training costs;

10 (3) required books and equipment; and

11 (4) fees, including but not limited to fees for industry testing
12 services and background check testing services.

13 b. For the purposes of this chapter, "eligible certificate program"
14 means a program meeting all of the following criteria:

15 (1) The program is not offered for credit, but is aligned with a
16 certificate, diploma, or degree for credit, and does at least one of the
17 following:

18 (A) offers a nationally, locally, or state-recognized certificate;

19 (B) offers preparation for a professional examination or licensure;

20 (C) provides endorsement for an existing credential or license;

21 (D) represents recognized skill standards defined by an industrial
22 sector; or

23 (E) offers a similar credential or training in connection with the
24 pathways for academic career and employment program established pursuant
25 to section sixty-four hundred sixty-one of this chapter; and

26 (2) the program offers training or a credential in an in-demand occu-
27 pation. For the purposes of this chapter, "in-demand occupation"
28 includes occupations in information technology, health care, advanced
29 manufacturing, transportation and logistics, and any other industry
30 designated as in-demand by the commissioner.

31 7. An eligible applicant for tuition assistance under this section
32 shall complete an initial assessment administered by the community
33 college receiving the application to determine the applicant's readiness
34 to complete an eligible certificate program. The assessment shall
35 include assessments for completion of a national career readiness
36 certificate, including the areas of reading for information, applied
37 mathematics, and locating information. An applicant must achieve at
38 least a national bronze-level certificate, defined as a minimum level
39 three for reading, math, and locating information, in order to be
40 approved for tuition assistance. An applicant shall complete any addi-
41 tional assessments and occupational research required by the pathways
42 for academic career and employment program established pursuant to
43 section sixty-four hundred sixty-one of this chapter or an eligible
44 certificate program, or both.

45 8. An eligible applicant for tuition assistance under this section
46 shall meet with the gap tuition assistance coordinator for an eligible
47 certificate program offered by the community college receiving the
48 application. The gap tuition assistance coordinator shall discuss the
49 relevant industry, any applicable occupational research, and any appli-
50 cable training relating to the eligible certificate program. The
51 discussion shall include an evaluation of the applicant's capabilities,
52 needs, family situation, work history, educational background, attitude
53 and motivation, employment skills, vocational potential, and employment
54 barriers. The discussion shall also include potential start dates,
55 support needs, and other requirements for an eligible certificate
56 program.

1 9. a. A participant in an eligible certificate program who receives
2 tuition assistance pursuant to this chapter shall do all of the follow-
3 ing:

4 (1) maintain regular contact with staff members for the certificate
5 program to document the applicant's progress in the program;

6 (2) sign a release form to provide relevant information to community
7 college faculty or case managers;

8 (3) discuss with staff members for the certificate program any issues
9 that may impact the participant's ability to complete the certificate
10 program, obtain employment, and maintain employment over a period of
11 time;

12 (4) attend all required courses regularly; and

13 (5) meet with staff members for the certificate program to develop a
14 job search plan.

15 b. A community college may terminate tuition assistance for a partic-
16 ipant who fails to meet the requirements of this rule. The process to
17 appeal a termination will be provided to a participant through the gap
18 tuition assistance coordinator.

19 10. a. Statewide oversight, evaluation, and reporting efforts for the
20 gap tuition assistance program shall be coordinated by the department.

21 b. A steering committee, consisting of the commissioner, the regents,
22 and community college continuing education deans and directors, is
23 established to determine if the performance measures of the gap tuition
24 assistance program are being met and to correct any deficiencies. The
25 steering committee shall meet at least quarterly to evaluate and monitor
26 the performance of the gap tuition assistance program.

27 c. A common intake tracking system shall be established to be imple-
28 mented consistently by each participating community college. The commu-
29 nity colleges will work cooperatively in establishing the system and the
30 department will assist in gathering required reporting data elements
31 through the community college Management Information System (MIS).

32 d. The steering committee will develop the required program criteria
33 for pathways for academic career and employment program and gap tuition
34 assistance-certified programs to be eligible for tuition assistance and
35 program funding. These criteria will be developed based on best prac-
36 tices in the development and delivery of career pathway programs that
37 provide a clear sequence of education coursework and credentials aligned
38 with regional workforce skill needs; clearly articulate from one level
39 of instruction to the next; combine occupational skills and remedial
40 adult education; lead to the attainment of a credential or degree;
41 assist with job placement; and provide wrap-around social and socioeco-
42 nomi c support services with the goal of increasing the individual's
43 skills attainment and employment potential.

44 § 3. The commissioner of education shall promulgate all rules and
45 regulations he or she deems necessary to implement the provisions of
46 this act on or before its effective date.

47 § 4. This act shall take effect on the first of January next succeed-
48 ing the date upon which it shall have become a law and shall apply to
49 all school years commencing on and after July first of the year in which
50 it becomes effective.