# STATE OF NEW YORK

3590

2019-2020 Regular Sessions

# IN ASSEMBLY

January 29, 2019

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

AN ACT to amend the education law, in relation to enacting the "NY Cares Act"

**The People of the State of New York, represented in Senate and Assembly, do enact as follows:**

Section 1. This act shall be known and may be cited as the "NY Cares Act".

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

**§ 669-i. Course credit for service members. 1. For purposes of this section, the term "service member" means a person, male or female, who is a legal resident of this state, as defined by 50 U.S.C. section 595 who has served in the active military, naval service, national guard and reserve service of the United States or of the state during a war, expedition, occupation of an area or territory, battle, skirmish, raid, invasion, rebellion, insurrection, guerilla action, riot in which the United States was engaged with a hostile or belligerent nation, faction, force, or terrorists and who has been released from such service by any means of an honorable or general discharge, or who has been furloughed to the reserve.**

**2. Every service member shall upon application and approval of the chancellor, or his or her designee, be granted academic credits towards his or her degree for the completion of courses that were a part of such service member's military training, service and for military experience received. In determining the approval of such service member's application, the chancellor, or his or her designee, shall consider the standards of the American council on education. No fee, tuition or other charge shall be assessed against a service member who qualifies for such credit pursuant to this section.**

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

LBD06303-01-9

3. The boards of trustees of the state university and the city university of New York may promulgate rules and regulations as are necessary to fully implement the provisions of this section.

§ 3. The education law is amended by adding a new article 15-D to read as follows:

ARTICLE 15-D

COURSE CREDIT FOR SERVICE MEMBERS

Section 730. Course credit for service members.

§ 730. Course credit for service members. 1. For purposes of this section, the term "service member" means a person, male or female, resident of this state, as defined by 50 U.S.C. section 595, who has served in the active military, naval service, national guard and reserve members of the United States or of the state during a war, expedition, occupation of an area or territory, battle, skirmish, raid, invasion, rebellion, insurrection, guerilla action, riot in which the United States was engaged with a hostile or belligerent nation, faction, force, or terrorists and has been released from such service by any means of an honorable or general discharge, or has been furloughed to the reserve.

2. Every service member at an institution of higher education recognized and approved by the regents, shall upon application and approval of the governing board, or his or her designee, be granted academic credits towards his or her degree for the completion of courses that were part of such service member's military training, service and for military experience received. In determining the approval of such service member's application, the governing board, or his or her designee, shall consider the standards of the American council on education. No fee, tuition or other charge shall be assessed against a service member who qualifies for such credit pursuant to this section.

3. The governing board of the institution of higher education recognized and approved by the regents may promulgate rules and regulations as are necessary to fully implement the provisions of this section.

§ 4. The education law is amended by adding a new section 237-a to read as follows:

§ 237-a. Coordination between military and higher education. 1. The regents shall develop, jointly with the state director of veterans' affairs, a program to facilitate coordination between participation in the military, naval, National Guard and reserve service of the United States or of the state and admission to any institution of higher education, recognized and approved by the regents. The regents and the director shall identify, review and evaluate professional training programs offered and military, naval, National Guard and reserve experience obtained through such service, which may, where applicable, be accepted by the department for course credit.

2. The regents shall create a system-wide website which can be used to determine what programs and universities service members are qualified for based on their branch of service, training experience and rank.

§ 5. The education law is amended by adding a new section 237-b to read as follows:

§ 237-b. NY cares bridge courses. 1. The regents shall require that all institutions of higher education recognized and approved by the regents develop, jointly with the state director of veterans' affairs, a program of courses to facilitate the transition of military, naval, National Guard and reserve service members of the United States or of the state into all institutions of higher education recognized and approved by the regents. These courses shall provide service members with:

(a) an accelerated and focused learning opportunity;
(b) an alternative to traditional developmental education;
(c) familiarity with a college environment and facilities; and
(d) access to tutoring and mentoring.

2. The governing board of each institution of higher education recognized and approved by the regents shall make these courses available at their respective institutions and shall employ military trained counselors to administer and facilitate this program.

§ 6. The education law is amended by adding a new section 669-c to read as follows:

§ 669-c. Tuition awards for spouses and children of deceased service members. The president of the higher education services corporation shall make available to the spouses or children of a deceased service member as defined in subdivision one of this section, a tuition award that may be applied to any college or community college in the state university of New York system, any university of the state of New York, or the university of the city of New York.

1. For purposes of this section, the term "service member" means a person, male or female, resident of this state, who has served in the active military, naval service, national guard and reserve members of the United States during a war, expedition, occupation of an area or territory, battle, skirmish, raid, invasion, rebellion, insurrection, guerilla action, riot in which the United States was engaged with a hostile or belligerent nation, faction, force, or terrorists and who was a legal resident of New York state at the time of his or her demise and who died or dies while so serving.

2. A tuition award granted under this section shall be no more than the cost of undergraduate tuition, offset by any other financial assistance or award received. If a tuition assistance program (TAP) award or a regents award is also received, the combined academic year award shall not exceed tuition.

3. No recipient of a tuition award under this section shall receive a tuition award for more than eight semesters of full time undergraduate study, or the equivalent of four academic years, or, if an undergraduate program normally requires five academic years of full time study, for more than ten semesters of full time study, or the equivalent of five academic years. "Full time study" shall mean enrollment for more than twelve semester hours per semester, or the equivalent, in an approved undergraduate program.

4. No recipient of a tuition award under this section shall receive a tuition award for more than sixteen semesters of part time undergraduate study, or the equivalent of eight academic years of part time study, or, if an undergraduate program normally requires five academic years of full time study, for more than twenty semesters of part time study, or the equivalent of ten academic years. "Part time study" shall mean enrollment for at least three but less than twelve semester hours per semester, or the equivalent, in an approved undergraduate program.

§ 7. The education law is amended by adding a new section 115 to read as follows:

§ 115. Multi-state collaborative on military credit. The collaborative for higher education for service members is hereby entered into and enacted into law with all jurisdictions legally joining therein, in the form substantially as follows:

MULTI-STATE COLLABORATIVE ON MILITARY CREDIT

WHEREAS, states, especially state higher education agencies, need to work together in order to better meet the higher education needs of returning service members and their families; and

WHEREAS, the federal government needs to work in close partnership with states to better meet the higher education needs of returning service members and their families; and

WHEREAS, states need to support the recommendations on military credit that have been developed by the American Council on Education (ACE) under contract with the Department of Defense,

THE STATES AFFIRM the need for close and continuing consultation among our several states on matters of higher education relating to service members, and do hereby establish this collaborative for higher education for service members.

## Article I. Purpose and Policy.

A. It is the purpose of this collaborative to:

1. Maximize ways for service members to transition to college.

2. Create models for consistently, transparently, and effectively awarding credit for military training and experience that can be scaled regionally and nationally.

3. Establish strong partnerships with institutions and organizations for the purpose of promoting shared interests.

4. Establish and maintain close cooperation and understanding among executive, legislative, professional, educational, veterans affairs, and lay leadership on a nationwide basis at the state and local levels.

5. Provide a clearinghouse of information on matters relating to problems with the transition of service members into institutions of higher education and how they are being met in different places throughout the nation, so that the executive and legislative branches of state government and of local communities may have ready access to the experience and record of the entire country.

B. It is the policy of this collaborative to develop and deliver innovative solutions for service members entering into higher education as well as provide data on such groups.

## Article II. State Defined.

As used in this collaborative, "state" means a state, territory, or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

## Article III. The Collaborative.

A. The multi-state collaborative on military credit, hereinafter called "the collaborative", is hereby established. The collaborative shall consist of two members representing each party state. One of such members shall be the governor; and one shall be the head of a state agency or institution, designated by the governor, having responsibility for one or more programs of veterans' affairs, unless the laws of the state otherwise provide. In addition to any other principles or requirements which a state may establish for the appointment and service of its members of the collaborative, the guiding principle for the composition of the membership on the collaborative from each party state shall be that the members representing such state shall, by virtue of their training, experience, knowledge or affiliations be in a position

collectively to reflect broadly the interests of the state government, higher education, veterans' affairs, the state education system, lay and professional, public and non-public educational leadership. One appointee shall be the head of a state agency or institution, designated by the governor, having responsibility for one or more programs of veterans' affairs. In addition to the members of the collaborative representing the party states, there may be not to exceed ten non-voting members selected by the steering committee for terms of one year. Such members shall represent leading national organizations of professional educators, persons concerned with educational administration, and persons concerned with veterans' affairs.

B. The members of the collaborative shall be entitled to one vote each. No action of the collaborative shall be binding unless taken at a meeting at which a majority of the total number of votes on the collaborative are cast in favor thereof. Action of the collaborative shall be only at a meeting at which a majority of the state members are present. The collaborative shall meet at least once a year. For the purposes of this section, meeting by video conferencing shall be permitted to obtain a majority.

C. The direction and implementation of the collaborative should be carried out by a leadership team consisting of the representatives from the initial founding states and organizations. However, additional members may be added to the team as needed.

## Article IV. Cooperation With Federal Government.

A. If the laws of the United States specifically so provide, or if administrative provision is made therefor within the federal government, the United States may be represented in the collaborative by not to exceed ten representatives. Any such representative or representatives of the United States shall be appointed and serve in such manner as may be provided by or pursuant to federal law, and may be drawn from any one or more branches of the federal government, but no such representatives shall have a vote in the collaborative.

B. The collaborative may provide information and make recommendations to any executive or legislative agency or officer of the federal government concerning the common educational policies of the states, and may advise with any such agencies or officers concerning any matter of mutual interest.

## Article V. Eligible Parties; Entry Into and Withdrawal.

A. This collaborative shall have as eligible parties all states, territories, and possessions of the United States, the District of Columbia, and the Commonwealth of Puerto Rico. In respect of any such jurisdiction not having a governor, the term "governor", as used in this collaborative, shall mean the closest equivalent official of such jurisdiction.

B. Any state or other eligible jurisdiction may enter into this collaborative and it shall become binding thereon when it has adopted the same; provided that in order to enter into initial effect, adoption by at least three neighboring jurisdictions of this state shall be required.

C. Adoption of the compact may be either by enactment thereof or by memorandum of understanding between the governor and the other states. Such collaborative shall be deemed ratified by the legislature upon the

governor's certification to the temporary president of the senate, the speaker of the assembly, and the secretary of state.

Article VI. Construction and Severability.

This collaborative shall be liberally construed so as to effectuate the purposes thereof.

A. The provisions of this collaborative shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any state or of the United States, or the applicability thereof to any government, agency, person or circumstances is held invalid, the validity of the remainder of this collaborative and the applicability thereof to any government, agency, person or circumstances shall not be affected thereby. If this collaborative shall be held contrary to the constitution of any state participating therein, the collaborative shall remain in full force and effect as to the state affected as to all severable matters.

B. The members of the collaborative representing this state shall receive no compensation for their services but shall be allowed reimbursement for their actual and necessary expenses in performance of their duties hereunder.

§ 8. The trustees of the state university and city university of New York are hereby authorized and directed to immediately take all actions to create and establish within their respective university system, and subject to the jurisdiction of their board of trustees, internet-based coursework for active military, naval service, National Guard and reserve service members of the United States or of the state.

§ 9. This act shall take effect on the first of July next succeeding the date on which it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized and directed to be made and completed on or before such effective date.