

# 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:

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

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

5 § 669-i. Course credit for service members. 1. For purposes of this  
6 section, the term "service member" means a person, male or female, who  
7 is a legal resident of this state, as defined by 50 U.S.C. section 595  
8 who has served in the active military, naval service, national guard and  
9 reserve service of the United States or of the state during a war, expe-  
10 dition, occupation of an area or territory, battle, skirmish, raid,  
11 invasion, rebellion, insurrection, guerilla action, riot in which the  
12 United States was engaged with a hostile or belligerent nation, faction,  
13 force, or terrorists and who has been released from such service by any  
14 means of an honorable or general discharge, or who has been furloughed  
15 to the reserve.

16 2. Every service member shall upon application and approval of the  
17 chancellor, or his or her designee, be granted academic credits towards  
18 his or her degree for the completion of courses that were a part of such  
19 service member's military training, service and for military experience  
20 received. In determining the approval of such service member's applica-  
21 tion, the chancellor, or his or her designee, shall consider the stand-  
22 ards of the American council on education. No fee, tuition or other  
23 charge shall be assessed against a service member who qualifies for such  
24 credit pursuant to this section.

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

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

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

6 ARTICLE 15-D

7 COURSE CREDIT FOR SERVICE MEMBERS

8 Section 730. Course credit for service members.

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

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

29 3. The governing board of the institution of higher education recog-  
30 nized and approved by the regents may promulgate rules and regulations  
31 as are necessary to fully implement the provisions of this section.

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

34 § 237-a. Coordination between military and higher education. 1. The  
35 regents shall develop, jointly with the state director of veterans'  
36 affairs, a program to facilitate coordination between participation in  
37 the military, naval, National Guard and reserve service of the United  
38 States or of the state and admission to any institution of higher educa-  
39 tion, recognized and approved by the regents. The regents and the direc-  
40 tor shall identify, review and evaluate professional training programs  
41 offered and military, naval, National Guard and reserve experience  
42 obtained through such service, which may, where applicable, be accepted  
43 by the department for course credit.

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

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

49 § 237-b. NY cares bridge courses. 1. The regents shall require that  
50 all institutions of higher education recognized and approved by the  
51 regents develop, jointly with the state director of veterans' affairs, a  
52 program of courses to facilitate the transition of military, naval,  
53 National Guard and reserve service members of the United States or of  
54 the state into all institutions of higher education recognized and  
55 approved by the regents. These courses shall provide service members  
56 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

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

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

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

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

14 Article I. Purpose and Policy.

15 A. It is the purpose of this collaborative to:

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

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

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

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

25 5. Provide a clearinghouse of information on matters relating to prob-  
26 lems with the transition of service members into institutions of higher  
27 education and how they are being met in different places throughout the  
28 nation, so that the executive and legislative branches of state govern-  
29 ment and of local communities may have ready access to the experience  
30 and record of the entire country.

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

34 Article II. State Defined.

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

38 Article III. The Collaborative.

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

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

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

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

#### 24 Article IV. Cooperation With Federal Government.

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

33 B. The collaborative may provide information and make recommendations  
34 to any executive or legislative agency or officer of the federal govern-  
35 ment concerning the common educational policies of the states, and may  
36 advise with any such agencies or officers concerning any matter of mutu-  
37 al interest.

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

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

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

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

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

3 Article VI. Construction and Severability.

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

6 A. The provisions of this collaborative shall be severable and if any  
7 phrase, clause, sentence or provision of this compact is declared to be  
8 contrary to the constitution of any state or of the United States, or  
9 the applicability thereof to any government, agency, person or circum-  
10 stances is held invalid, the validity of the remainder of this collabo-  
11 rative and the applicability thereof to any government, agency, person  
12 or circumstances shall not be affected thereby. If this collaborative  
13 shall be held contrary to the constitution of any state participating  
14 therein, the collaborative shall remain in full force and effect as to  
15 the state affected as to all severable matters.

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

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

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