

# STATE OF NEW YORK

2997

2019-2020 Regular Sessions

## IN ASSEMBLY

January 28, 2019

Introduced by M. of A. BICHOTTE, JAFFEE, BLAKE, JOYNER, MOSLEY, L. ROSENTHAL, WALKER, STECK, SEAWRIGHT -- Multi-Sponsored by -- M. of A. LENTOL, SIMON -- read once and referred to the Committee on Higher Education

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. The education law is amended by adding a new section 6311 to read as follows:

§ 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.

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

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1 (b) has been a resident of this state for at least twelve months prior  
2 to enrolling in the courses described in paragraph (a) of this subdivi-  
3 sion;

4 (c) attained their highest level of education in this state prior to:

5 (i) receiving a high school diploma; or

6 (ii) receiving a general educational development certificate.

7 (d) attained their highest level of education as described in para-  
8 graph (c) of this subdivision within six months from the date the person  
9 first enrolls in courses described in paragraph (a) of this subdivision  
10 for the purpose of receiving a grant under this section;

11 (e) earned a cumulative grade point average of 2.5 or better in high  
12 school or otherwise demonstrated an equivalent academic ability, as  
13 determined by the department;

14 (f) completed and submitted the free application for federal student  
15 aid (FAFSA) for each academic year and accepted all state and federal  
16 aid grants available, if eligible to file the application; and

17 (g) has not completed either of the following:

18 (i) more than a total of ninety credit hours, or the equivalent, at a  
19 post-secondary institution of education; or

20 (ii) a curriculum, degree or program, as described in subparagraph  
21 (ii) of paragraph (a) of this subdivision.

22 4. Continued eligibility. (a) A person continues to remain eligible to  
23 receive a grant under this section if the person, in addition to satis-  
24 fying the criteria described in subdivision three of this section:

25 (i) maintains a cumulative grade point average of 2.5 or better during  
26 each term for which such person has received a grant under this section;

27 (ii) makes satisfactory progress towards a one-year curriculum, degree  
28 or program, as described in subparagraph (ii) of paragraph (a) of subdivi-  
29 vision three of this section, as determined by the department; and

30 (iii) enrolls in courses described in paragraph (a) of subdivision  
31 three of this section for a sufficient number of credit hours to be  
32 considered at least a half-time student each term for at least three  
33 terms in each consecutive year.

34 (b) A person who fails to maintain the cumulative grade point average  
35 specified in subparagraph (i) of paragraph (a) of this subdivision  
36 becomes ineligible to receive a grant under this section for the term  
37 after which the person fails to maintain the cumulative grade point  
38 average, unless the eligibility requirement of subparagraph (i) of para-  
39 graph (a) of this subdivision is waived by the department.

40 5. Awards. (a) The total amount of a grant awarded under this section  
41 shall be based on each term that a person is enrolled in courses  
42 described in paragraph (a) of subdivision three of this section. After  
43 the amount of tuition for the person for the term is reduced by fifty  
44 dollars, to be paid by the person, and reduced by any amounts received  
45 by the person in state and federal aid grants, the person shall be  
46 eligible for a grant under this section in an amount that equals:

47 (i) except as provided in subparagraph (ii) of this paragraph, not  
48 less than the greater of:

49 (1) one thousand dollars; and

50 (2) the person's actual cost of tuition.

51 (ii) not more than the lesser of:

52 (1) the average cost of tuition at a community college in this state,  
53 as determined by the department; and

54 (2) the person's actual cost for tuition.

55 (b) The minimum amount of a grant, as calculated under paragraph (a)  
56 of this subdivision, may be prorated for a person who is enrolled in

1 courses described in paragraph (a) of subdivision three of this section  
2 for a sufficient number of credit hours to be considered at least a  
3 half-time student but not a full-time student.

4 (c) The department may prescribe by rule or regulation whether to  
5 include fees, and any limitations related to the inclusion of fees, when  
6 determining the actual cost of tuition or the average cost of tuition  
7 under this subdivision.

8 6. Total grant amount. The total amount in grants awarded under this  
9 section by the department may not exceed ten million dollars per fiscal  
10 year, or any lesser amount available to the department for the purpose  
11 of this section. The department may adopt by rule or regulation the  
12 priority by which grants are awarded, which may allow for preference to  
13 be given to persons enrolled in school districts or high schools that  
14 meet specified criteria.

15 7. Rules and regulations. The department shall adopt any rules and  
16 regulations necessary for the administration of this section including  
17 any requirements related to:

18 (a) specifying the form and timelines for submitting an application  
19 for a grant under this section;

20 (b) determining whether a person is eligible for a grant under this  
21 section, including whether the person shall be given priority as allowed  
22 under subdivision six of this section;

23 (c) implementing programs or policies that improve the academic  
24 success or completion rates for persons who receive a grant under this  
25 section;

26 (d) prescribing eligibility requirements and grant calculations for  
27 persons dually enrolled in a community college and a public university;  
28 and

29 (e) evaluating the impact of the program established under this  
30 section, including any requirements for reporting data needed for evalu-  
31 ation.

32 8. No later than December thirty-first of each even-numbered year, the  
33 department shall submit to the governor, the temporary president of the  
34 senate and the speaker of the assembly a report that summarizes the  
35 department's findings on the impact of the program established under  
36 this section. Such report shall include:

37 (a) student completion rates of curricula, degrees and programs  
38 described in subparagraph (ii) of paragraph (a) of subdivision three of  
39 this section;

40 (b) the amount of federal aid grants received by persons who received  
41 a grant under this section;

42 (c) the financial impact of the program on school districts that had  
43 students receive a grant under this section;

44 (d) the financial and enrollment impact of the program on community  
45 colleges and public universities in this state; and

46 (e) the overall success rate of this program and financial impact of  
47 the program.

48 § 2. The sum of four hundred fifty million dollars (\$ 450,000,000.00),  
49 or so much thereof as may be necessary, is hereby appropriated to the  
50 department of education from any moneys in the state treasury in the  
51 general fund to the credit of the department of education not otherwise  
52 appropriated for services and expenses of the New York State Promise  
53 Program for the purposes of carrying out the provisions of this act.  
54 Such sum shall be payable on the audit and warrant of the state comp-  
55 troller on vouchers certified or approved by the commissioner of educa-  
56 tion, or his duly designated representative in the manner provided by

1 law. No expenditure shall be made from this appropriation until a  
2 certificate of approval of availability shall have been issued by the  
3 director of the budget and filed with the state comptroller and a copy  
4 filed with the chairman of the senate finance committee and the chairman  
5 of the assembly ways and means committee. Such certificate may be  
6 amended from time to time by the director of the budget and a copy of  
7 each such amendment shall be filed with the state comptroller, the  
8 chairman of the senate finance committee and the chairman of the assem-  
9 bly ways and means committee.

10 § 3. This act shall take effect on the one hundred twentieth day after  
11 it shall have become a law and apply to courses enrolled in beginning in  
12 the 2019-2020 academic year.