STATE OF NEW YORK

7248

2021-2022 Regular Sessions

IN SENATE

June 9, 2021

Introduced by Sen. STAVISKY -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the education law and the correction law, in relation to establishing the New York quality undergraduate academic and learning integration for incarcerated individuals (NY-QUALIFIIs) commission

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 210-d to read as follows:

§ 210-d. New York quality undergraduate academic and learning integration for incarcerated individuals commission. 1. The New York quality undergraduate academic and learning integration for incarcerated individuals (NY-QUALIFIIs) commission is hereby established to make recommendations to ensure that institutions seeking to provide postsecondary degree granting and/or certification education programs to individuals incarcerated in facilities operated and controlled by the New York state department of corrections and community supervision (DOCCS) meet quality standards established by such commission prior to such programs' approval by such department.

2. (a) The NY-QUALIFIIs commission shall be comprised of thirteen voting and four ex-officio members, all of whom shall serve three year terms to be appointed as follows:

(i) three members to be appointed by the governor;

(ii) two members to be appointed by the temporary president of the senate;

(iii) two members to be appointed by the speaker of the assembly;

(iv) the commissioner or his or her designee, who shall serve as chair;

(v) the commissioner of the department of corrections and community supervision or his or her designee, who shall serve as vice chair;

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

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(vi) the chancellor of the state university of New York or his or her designee;

(vii) the chancellor of the city university of New York or his or her designee;

(viii) the president of the commission on independent colleges and universities or his or her designee;

(ix) the president of the higher education services corporation or his or her designee;

(x) two members who are members of a not-for-profit organization operating in the field of postsecondary education for incarcerated individuals, one of which shall be appointed by the senate chair of the committee on higher education and one of which shall be appointed by the assembly chair of the committee on higher education, both of which shall serve as ex-officio members;

(xi) two members who were formerly incarcerated individuals who participated in an education program while incarcerated, one of which shall be appointed by the senate chair of the committee on higher education and one of which shall be appointed by the assembly chair of the committee on higher education, both of which shall serve as ex-officio members.

(b) Commission vacancies shall be filled in the same manner as provided for in the original appointments.

(c) Appointments to the NY-QUALIFIIs commission shall be made within ninety days of the effective date of this section. The NY-QUALIFIIs commission may begin its duties when a majority of the total number of positions have been appointed pursuant to paragraph (a) of this subdivision. The members of the NY-QUALIFIIs commission shall receive no compensation for their services but shall be reimbursed for expenses actually and necessarily incurred by them in the performance of their duties pursuant to this section.

3. (a) The NY-QUALIFIIs commission shall research and formulate recommendations on topics including but not limited to:

(i) the creation of uniform rules, regulations, standards, processes and best practices, that postsecondary education programs shall meet to be approved for admittance into correctional institutions;

(ii) the responsibilities of the department and DOCCS in delivering postsecondary education programs;

(iii) the role of technology in postsecondary education programs in DOCCS facilities;

(iv) the evaluation of procedures for disciplinary tickets and punishments related to such tier level tickets and any other institutional barriers that could potentially hinder an individual's academic success;

(v) the review of program applications to ensure quality postsecondary education programming and student support services will be provided to incarcerated individuals;

(vi) the viability of expanding the use of temporary release of incarcerated individuals for postsecondary education programs;

(vii) the transferability of credits between postsecondary education programs if an individual is transferred from one DOCCS facility to another;

(viii) guidelines for articulation agreements and acceptance of course credits between higher education institutions operating within DOCCS facilities and with other New York state higher education institutions upon an individual's release from custody;

(ix) the creation of requirements regarding the review of transcripts by New York state higher education institutions for individuals that

have received credits while incarcerated, provided such requirements comply with the family education rights and privacy act;

(x) aligning and updating standards for early release based on an incarcerated individual's completion of postsecondary education programs; and

(xi) standards for assessing postsecondary programs to determine whether such programs result in career readiness and employability of incarcerated individuals upon their release.

(b) The NY-QUALIFIIs commission shall focus on expanding access to quality programming and shall consider the funding and resources needed to adequately prepare incarcerated individuals for success upon release and the funding and resources needed to provide re-entry services.

(c) The NY-QUALIFIIs commission shall make recommendations regarding the provisions of this subdivision to guide the department and the department of corrections and community supervision in the promulgation of rules and regulations for the implementation of this section.

4. The NY-QUALIFIIs commission shall publish a report of its recommendations and findings within one year of the effective date of this section and every fifth year thereafter, and shall submit such report to the governor, the temporary president of the senate, the speaker of the assembly, and the chairs of the committee on higher education in each house.

5. Upon the issuance of the first report required pursuant to subdivision four of this section, the commissioner shall promulgate rules and regulations to govern the application process for postsecondary education programs' approval to operate in DOCCS facilities.

6. In reviewing applications for approval, the commissioner shall prioritize applicants who meet the following criteria:

(a) the applicant is in good standing with their accrediting body;

(b) the applicant's program provides an opportunity for meaningful interaction between faculty and incarcerated students and between the students themselves;

(c) the applicant employs instructors that meet the same academic qualifications as the institutions' faculty serving non-incarcerated students and in addition, such instructors have completed additional training approved by the department relating to the unique challenges of providing instruction in correctional facilities;

(d) the applicant provides program outreach and admission standards that are open to all incarcerated individuals regardless of their federal or state financial aid eligibility; and

(e) the applicant offers college readiness, remediation, counseling, including financial aid counseling and re-entry services, including mentoring and aiding individuals seeking to continue their education and transfer their earned credits.

§ 2. The correction law is amended by adding a new section 6 to read as follows:

§ 6. Reporting on approved postsecondary education programs operating within a department facility. 1. Beginning July first, two thousand twenty-four, the commissioner shall report to the commissioner of education the following information related to approved postsecondary education programs operating within a department facility, provided that the commissioner shall comply with the family rights and privacy act while collecting and disseminating such information:

(a) the current rate of enrollment and the project enrollment rate for the following year;

(b) the dropout rate or rate of discontinuation in an educational program;

(c) the course completion rate, including the number of students passing and failing;

(d) the number of certificates or degrees granted;

(e) the number of students who received state or federal financial aid;

(f) the types of re-entry services provided and the number of students who use such services;

(g) faculty and student feedback regarding participation in a program which may be obtained through surveys or other means; and

(h) any other information the department deems appropriate.

2. Within three months of the receipt of the information provided pursuant to subdivision one of this section, the commissioner of education shall compile a report to be submitted to the governor, temporary president of the senate, speaker of the assembly, and chairs of the committee on higher education in each house in relation to the effectiveness and success of postsecondary education programs in department facilities.

§ 3. Section 5 of the correction law is amended by adding a new subdivision 7 to read as follows:

7. (a) The commissioner shall not enter into any contracts or agreements for the provision of higher education services for incarcerated individuals at correctional facilities unless such educational program has been approved by the department of education pursuant to section two hundred ten-d of the education law.

(b) Notwithstanding any law, rule or regulation to the contrary, the prohibition contained in this subdivision shall apply to all current agreements or contracts and any agreement or contract currently in effect that conflicts with this subdivision shall be null and void.

§ 4. Section 15-b of the correction law, as amended by section 1 of subpart B of part C of chapter 62 of the laws of 2011, is amended to read as follows:

§ 15-b. Education. 1. The present director of vocational education shall be the director of education with the powers and duties of the director of education and hereafter shall be appointed by the commissioner. The director of education, at any time appointed, shall be a person whose education, training and experience shall cover fields of penology and of professional education. The educational qualifications shall include the satisfactory completion of three years of graduate work in education, penology, and allied fields. The head of the division of education shall have the direct supervision of all educational work in the department of corrections and community supervision and shall have full authority to visit and inspect all institutions of the department to observe, study, organize, and develop the educational activities of such institutions in harmony with the general educational program of the department. He or she shall be responsible to the commissioner and deputy commissioner designated by the commissioner.

2. (a) The designated education coordinator of each department operated prison facility shall collaborate with the NY-QUALIFIIs commission and department of education pursuant to section two hundred ten-d of the education law to ensure that institutions seeking to provide postsecondary degree granting and/or certification education programs to incarcerated individuals meet quality standards established pursuant to such section and comply with subdivision seven of section five of this article.

(b) The department shall continue to be responsible for the logistical planning and implementation of postsecondary education programs in prison facilities to carry out the program's effectiveness and success.

§ 5. This act shall take effect on the first of January 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 to be made and completed on or before such effective date.