

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:

1 Section 1. The education law is amended by adding a new section 210-d
2 to read as follows:

3 § 210-d. New York quality undergraduate academic and learning inte-
4 gration for incarcerated individuals commission. 1. The New York quality
5 undergraduate academic and learning integration for incarcerated indi-
6 viduals (NY-QUALIFIIs) commission is hereby established to make recom-
7 mendations to ensure that institutions seeking to provide postsecondary
8 degree granting and/or certification education programs to individuals
9 incarcerated in facilities operated and controlled by the New York state
10 department of corrections and community supervision (DOCCS) meet quality
11 standards established by such commission prior to such programs'
12 approval by such department.

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

16 (i) three members to be appointed by the governor;
17 (ii) two members to be appointed by the temporary president of the
18 senate;
19 (iii) two members to be appointed by the speaker of the assembly;
20 (iv) the commissioner or his or her designee, who shall serve as
21 chair;
22 (v) the commissioner of the department of corrections and community
23 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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1 (vi) the chancellor of the state university of New York or his or her
2 designee;

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

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

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

9 (x) two members who are members of a not-for-profit organization oper-
10 ating in the field of postsecondary education for incarcerated individ-
11 uals, one of which shall be appointed by the senate chair of the commit-
12 tee on higher education and one of which shall be appointed by the
13 assembly chair of the committee on higher education, both of which shall
14 serve as ex-officio members;

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

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

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

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

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

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

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

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

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

46 (vi) the viability of expanding the use of temporary release of incar-
47 cerated individuals for postsecondary education programs;

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

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

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

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

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

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

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

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

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

23 5. Upon the issuance of the first report required pursuant to subdivi-
24 sion four of this section, the commissioner shall promulgate rules and
25 regulations to govern the application process for postsecondary educa-
26 tion programs' approval to operate in DOCCS facilities.

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

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

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

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

38 (d) the applicant provides program outreach and admission standards
39 that are open to all incarcerated individuals regardless of their feder-
40 al or state financial aid eligibility; and

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

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

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

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

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

3 (c) the course completion rate, including the number of students pass-
4 ing and failing;

5 (d) the number of certificates or degrees granted;

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

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

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

12 (h) any other information the department deems appropriate.

13 2. Within three months of the receipt of the information provided
14 pursuant to subdivision one of this section, the commissioner of educa-
15 tion shall compile a report to be submitted to the governor, temporary
16 president of the senate, speaker of the assembly, and chairs of the
17 committee on higher education in each house in relation to the effec-
18 tiveness and success of postsecondary education programs in department
19 facilities.

20 § 3. Section 5 of the correction law is amended by adding a new subdivi-
21 sion 7 to read as follows:

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

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

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

34 § 15-b. Education. 1. The present director of vocational education
35 shall be the director of education with the powers and duties of the
36 director of education and hereafter shall be appointed by the commis-
37 sioner. The director of education, at any time appointed, shall be a
38 person whose education, training and experience shall cover fields of
39 penology and of professional education. The educational qualifications
40 shall include the satisfactory completion of three years of graduate
41 work in education, penology, and allied fields. The head of the division
42 of education shall have the direct supervision of all educational work
43 in the department of corrections and community supervision and shall
44 have full authority to visit and inspect all institutions of the depart-
45 ment to observe, study, organize, and develop the educational activities
46 of such institutions in harmony with the general educational program of
47 the department. He or she shall be responsible to the commissioner and
48 deputy commissioner designated by the commissioner.

49 2. (a) The designated education coordinator of each department oper-
50 ated prison facility shall collaborate with the NY-QUALIFIIs commission
51 and department of education pursuant to section two hundred ten-d of the
52 education law to ensure that institutions seeking to provide postsecon-
53 dary degree granting and/or certification education programs to incar-
54 cerated individuals meet quality standards established pursuant to such
55 section and comply with subdivision seven of section five of this arti-
56 cle.

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

4 § 5. This act shall take effect on the first of January next succeed-
5 ing the date on which it shall have become a law. Effective immediately,
6 the addition, amendment and/or repeal of any rule or regulation neces-
7 sary for the implementation of this act on its effective date are
8 authorized to be made and completed on or before such effective date.