

# 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.