

# STATE OF NEW YORK

2123

2023-2024 Regular Sessions

## IN ASSEMBLY

January 23, 2023

Introduced by M. of A. JEAN-PIERRE, BARCLAY, COLTON, COOK, DAVILA, HYNDMAN, DICKENS, SIMON, JOYNER, WILLIAMS -- read once and referred to the Committee on Higher Education

AN ACT to amend the education law, in relation to creating the "foster care higher education scholarship pilot program"; and providing for the repeal of such provisions upon expiration thereof

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Short title. This act shall be known and may be cited as  
2 the "foster care higher education scholarship pilot program".

3 § 2. Section 604 of the education law is amended by adding a new  
4 subdivision 13 to read as follows:

5 13. Foster care higher education scholarship pilot program pursuant to  
6 section six hundred sixty-eight-h of this title.

7 § 3. The education law is amended by adding a new section 668-h to  
8 read as follows:

9 § 668-h. Foster care higher education scholarship pilot program. 1.  
10 Purpose. The president shall establish a pilot program for the purpose  
11 of granting scholarship awards to enhance opportunities for higher  
12 education for children and young adults who are receiving, or who have  
13 received, foster care services in New York state. Such scholarship  
14 awards shall be available for the tuition and non-tuition costs of  
15 eligible students enrolled in approved in-state undergraduate programs  
16 or vocational training programs.

17 2. Definitions. As used in this section, the term:

18 (a) "Tuition" means the total semester, quarter, or credit hour cost  
19 of instruction to the student as periodically published in the catalogue  
20 of the institutions, specifically excluding mandatory fees, book charg-  
21 es, and room and board.

22 (b) "Non-tuition cost of attendance" means (i) the actual amount  
23 charged by the institution for room and board, and (ii) an allowance for

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

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1 transportation, books, supplies, and personal expenses as determined by  
2 the president and as approved by the director of the budget, provided  
3 that such determination shall be made no later than December first of  
4 each year for use in the succeeding academic year. In the event a  
5 student does not incur room or board charges at the institution, "non-  
6 tuition cost of attendance" shall mean an allowance for room and board  
7 as determined by the president and approved by the director of the budg-  
8 et. In determining allowances pursuant to this paragraph, the president  
9 may take into consideration the allowances provided for in the Pell  
10 grant program pursuant to section 1070-a of title 20 of the United  
11 states Code.

12 (c) "Part-time study" means enrollment for at least three but less  
13 than twelve semester hours per semester, or the equivalent, in an  
14 approved undergraduate program.

15 (d) "Full-time study" shall mean enrollment for at least twelve credit  
16 hours per semester, or the equivalent, in an approved undergraduate  
17 program.

18 (e) "Approved vocational training programs" means in-state programs  
19 offered by agencies approved by the commissioner for funding pursuant to  
20 this section. The commissioner shall approve only such non-credit  
21 programs which are at least three hundred twenty clock hours in length,  
22 and which meet standards of instructional quality established in regu-  
23 lations by the commissioner. These standards shall include, but not be  
24 limited to, qualifications of administrative and instructional person-  
25 nel, quality of facilities and equipment, recordkeeping, admission,  
26 grading, attendance, and record of placement of completers which meets  
27 standards of acceptability as established by the commissioner.

28 3. Eligibility. (a) An applicant shall be eligible for a scholarship  
29 award pursuant to this section if, at the time of the initial applica-  
30 tion to the corporation, the applicant has applied for and been selected  
31 to receive for the first time an education and training voucher pursuant  
32 to paragraph i of section 677 of the United States code for the first  
33 academic year following enactment of the legislation and:

34 (1) is a legal resident of New York state;

35 (2) is sixteen to twenty-three years of age;

36 (3) has received foster care services pursuant to section three  
37 hundred fifty-eight-a of the social services law or article ten of the  
38 family court act for a period of nine months or more following the  
39 child's sixteenth birthday or has been adopted after the age of sixteen;

40 (4) has received (i) a certificate of graduation from a school provid-  
41 ing secondary education from a state within the United States; or (ii)  
42 the recognized equivalent of such certificate; or (iii) received a pass-  
43 ing score on a federally approved ability to benefit test that has been  
44 identified by the board of regents as satisfying the eligibility  
45 requirements of this section and has been independently administered and  
46 evaluated as defined by the commissioner; and

47 (5) is matriculated in (i) an approved undergraduate program or (ii)  
48 an approved in-state vocational training program. Pursuant to paragraph  
49 a of subdivision four of section six hundred sixty-one of this part, the  
50 institution or vocational training program shall be one that has been  
51 approved and operating in this state for at least one year, and has been  
52 approved for participation in federal student financial aid programs  
53 authorized by Title IV of the Higher Education Act of 1965, as amended.

54 (b) Applications for a scholarship award shall be made on forms and in  
55 the manner prescribed by the corporation.

1 4. Amount. (a) The president shall grant annual scholarships in the  
2 following amounts:

3 (1) If the recipient attends an undergraduate program at an institu-  
4 tion of the city university of New York or an institution of the state  
5 university of New York, the annual award shall be an amount equal to:  
6 the tuition charged at the applicable institution of the state universi-  
7 ty of New York or the city university of New York provided that,  
8 notwithstanding any provision of law to the contrary, the tuition  
9 charged to award recipients shall not exceed that charged to state resi-  
10 dent students attending such institution; the mandatory fees charged at  
11 such institution; and the non-tuition costs of attendance at such insti-  
12 tution or college, provided that the scholarship shall not exceed an  
13 amount that is equal to the total costs of attendance determined for  
14 federal Title IV student financial aid purposes, less all other scholar-  
15 ships and grants provided by New York state, other states, the federal  
16 government, or other governments excluding loans, and the amount of  
17 educational benefits excluding loans paid under any program that would  
18 duplicate the purposes of this program, provided that any scholarships  
19 or grants provided to a recipient by the institution which are intended  
20 to fund any portion of the difference between the annual award amount  
21 and the actual costs of attendance at any such institution shall not be  
22 considered to duplicate the purposes of this program.

23 (2) If the recipient attends any other approved undergraduate program  
24 or vocational training program within New York state, the annual award  
25 shall be based upon an amount equal to: the tuition charged to state  
26 resident students attending a four-year college of the state university  
27 of New York; the average mandatory fees charged at four-year colleges of  
28 the state university of New York, or the actual tuition and fees charged  
29 to the recipient, whichever is less; and the average non-tuition cost of  
30 attendance, as determined by the president and as approved by the direc-  
31 tor of the budget, for a student at the state university of New York or  
32 the actual non-tuition cost of attendance at such institution incurred  
33 by the recipient, whichever is less, provided that the scholarship shall  
34 not exceed an amount that is equal to the total cost of attendance  
35 determined for federal Title IV student financial aid purposes, less all  
36 other scholarships and grants provided by New York state, other states,  
37 the federal government, or other governments excluding loans, and the  
38 amount of educational benefits excluding loans paid under any program  
39 that would duplicate the purposes of this program, provided that any  
40 scholarships or grants provided to a recipient by the institution which  
41 are intended to fund any portion of the difference between the annual  
42 award amount and the actual costs of attendance at any such institution  
43 shall not be considered to duplicate the purposes of this program.

44 (b) Nothing contained in this section shall modify or eliminate the  
45 obligations of a social services official pursuant to subdivision ten of  
46 section three hundred ninety-eight of the social services law who, for a  
47 foster child in attendance at a college or university away from his or  
48 her foster family boarding home, group home, agency boarding home or  
49 institution, makes foster payments to such college or university in lieu  
50 of payment to the foster parents or authorized agency, for the purpose  
51 of room and board.

52 (c) In no event shall the combination of all student financial aid  
53 received by a student exceed a recipient's total cost of attendance at  
54 the institution being attended.

55 5. Additional services. If a student qualifying for the foster care  
56 higher education scholarship pilot program has matriculated in an under-

1 graduate institution of the state university of New York, the city  
2 university of New York, or a non-public institution of higher education  
3 which operates an education opportunity program pursuant to sections  
4 sixty-four hundred fifty-one or sixty-four hundred fifty-two of this  
5 chapter, the student should be provided access to the support services  
6 provided under this education opportunity program, including remedial  
7 courses, developmental and compensatory courses and summer classes,  
8 special tutoring, counseling, and guidance services.

9 6. Duration. (a) Each recipient enrolled in an approved undergraduate  
10 program shall receive awards for more than eight semesters of full time  
11 undergraduate study, or the equivalent of four academic years.

12 (b) No recipient enrolled in an approved vocational training program  
13 shall receive awards for more than four semesters of full-time study or  
14 the equivalent of two academic years of full-time study.

15 7. Requirements. (a) Each recipient of an award pursuant to this  
16 section shall enroll in an approved full-time or part-time degree,  
17 diploma or certificate program or course of undergraduate study and  
18 retain satisfactory academic standing.

19 (b) Each recipient of a scholarship award pursuant to this section  
20 shall be required to complete a new application for each subsequent  
21 academic year and must meet the eligibility requirements set forth in  
22 subparagraphs one through five of paragraph (a) of subdivision three of  
23 this section, provided that no recipient shall receive awards for a  
24 period of time exceeding the provisions set forth in subdivision six of  
25 this section.

26 (c) Each applicant shall have completed the following at the time of  
27 initial application and each application for subsequent academic years:  
28 (1) applied for a tuition assistance program award pursuant to section  
29 six hundred sixty-seven of this subpart, (2) completed and submitted a  
30 federal student aid application pursuant to section 1090 of the United  
31 States code, and (3) applied for and been selected to receive an educa-  
32 tional and training voucher pursuant to paragraph i of section 677 of  
33 the United States code. Pursuant to paragraph (a) of subdivision four of  
34 this section, when determining the annual award amount, any grant aid or  
35 financial assistance received, excluding loans, shall be utilized to  
36 offset the total cost of attendance determined for federal Title IV  
37 student financial aid purposes to the maximum extent possible, except  
38 that nothing shall require that aid received which may be used towards  
39 costs other than tuition shall be applied toward the cost of tuition.

40 8. Reports and the evaluation of the pilot program. Upon the  
41 completion of two years of operation and four years of operation, the  
42 president shall evaluate and assess the results of the pilot program,  
43 including the following:

44 (a) The retention rate of all scholarship recipients enrolled in a  
45 four-year undergraduate program upon two years of operation;

46 (b) The retention rate of all scholarship recipients enrolled in a  
47 four-year undergraduate program with access to the services offered  
48 under an education opportunity program pursuant to sections sixty-four  
49 hundred fifty-one and sixty-four hundred fifty-two of this chapter upon  
50 two years of operation;

51 (c) The degree completion rate of scholarship recipients enrolled in  
52 vocational training programs upon two years of operation;

53 (d) The degree completion rate of scholarship recipients enrolled as  
54 full-time students in a two-year undergraduate program upon two years of  
55 operation;

1 (e) The degree completion rate of scholarship recipients enrolled as  
2 full-time students in a two-year undergraduate program with access to  
3 the services offered under an education opportunity program pursuant to  
4 sections sixty-four hundred fifty-one and sixty-four hundred fifty-two  
5 of this chapter upon two years of operation;

6 (f) The degree completion rate of scholarship recipients enrolled as  
7 full-time students in a four-year undergraduate program upon four years  
8 of operation;

9 (g) The degree completion rate of scholarship recipients enrolled as  
10 full-time students in a four-year undergraduate program with access to  
11 the services offered under an education opportunity program pursuant to  
12 sections sixty-four hundred fifty-one and sixty-four hundred fifty-two  
13 of this chapter upon four years of operation;

14 (h) The retention rate of scholarship recipients enrolled as part-time  
15 students in an undergraduate program upon four years of operation; and

16 (i) The retention rate of scholarship recipients enrolled as part-time  
17 students in an undergraduate program with access to the services offered  
18 under an education opportunity program pursuant to sections sixty-four  
19 hundred fifty-one and sixty-four hundred fifty-two of this chapter upon  
20 four years of operation.

21 9. Rules and regulations. The corporation in consultation with the  
22 commissioner of the office of children and family services, shall  
23 promulgate any rules and regulations necessary for the implementation of  
24 the provisions of this section.

25 § 4. This act shall take effect immediately; and shall be applicable  
26 for awards made for the academic year which begins on the first of July  
27 next succeeding such effective date and shall expire four years later,  
28 when upon such date the provisions of this act shall be deemed repealed.