# STATE OF NEW YORK

4958

2023-2024 Regular Sessions

# IN ASSEMBLY

February 27, 2023

Introduced by M. of A. KELLES -- read once and referred to the Committee on Higher Education

AN ACT to amend the education law, in relation to tuition assistance program awards for micro-credential and certificate programs

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

Section 1. Section 667-c of the education law, as amended by section 1 of part E of chapter 56 of the laws of 2022, is amended to read as follows:

§ 667-c. Part-time tuition assistance program awards. 1. Notwithstanding any law, rule or regulation to the contrary, the president of the higher education services corporation is authorized to make tuition assistance program awards to:

a. part-time students enrolled at the state university, a community college, the city university of New York, and a non-profit college or university incorporated by the regents or by the legislature who meet all requirements for tuition assistance program awards except for the students' part-time attendance; or

b. part-time students enrolled at a community college in a non-degree workforce credential**, micro-credential or certificate** program directly leading to the employment or advancement of a student in a "significant industry" as identified by the department of labor in its three most recent statewide significant industries reports published preceding the student's enrollment in such non-degree workforce credential**, micro-credential or certificate** program. The state university of New York and the city university of New York shall publish and maintain a master list of all eligible non-degree workforce credential**, micro-credential or certificate** program courses and update such list every semester. A student who successfully completes a non-degree workforce credential**, micro-credential or certificate** program and receives part-time tuition assistance program awards pursuant to this paragraph shall be awarded

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

LBD08176-01-3

academic credit by the state university of New York or city university of New York upon matriculation into a degree program at such institution, provided that such credit shall be equal to the corresponding credit hours earned in the non-degree workforce credential**, micro-credential or certificate** program.

2. For purposes of this section:

a. for students defined in paragraph a of subdivision one of this section, a part-time student is one who: (i) enrolled as a first-time freshman during the two thousand six--two thousand seven academic year or thereafter at a college or university within the state university, including a statutory or contract college, a community college established pursuant to article one hundred twenty-six of this chapter, the city university of New York, or a non-profit college or university incorporated by the regents or by the legislature;

(ii) is enrolled for at least six but less than twelve semester hours, or the equivalent, per semester in an approved undergraduate degree program; and

(iii) has a cumulative grade-point average of at least 2.00.

b. for students defined in paragraph b of subdivision one of this section, a part-time student is one who: (i) meets all requirements for tuition assistance program awards except for the student's part-time attendance and any other requirements that are inconsistent with the student's enrollment in a non-degree workforce credential**, micro-credential or certificate** program; and

(ii) is enrolled in an approved non-degree workforce credential**, micro-credential or certificate** program at a community college pursuant to paragraph b of subdivision one of this section.

**c. Micro-credential shall mean qualifications that demonstrate skills, knowledge, and/or experience in a given subject area or capability.**

3. a. For part-time students defined in this section, the award shall be calculated as provided in section six hundred sixty-seven of this article and shall be in an amount equal to the enrollment factor percent of the award the student would have been eligible for if the student were enrolled full-time. For part-time students defined in paragraph a of subdivision one of this section, the enrollment factor percent is the percentage obtained by dividing the number of credits the student is enrolled in, as certified by the school, by the number of credits required for full-time study in the semester, quarter or term as defined by the commissioner. For part-time students defined in paragraph b of subdivision one of this section, the enrollment factor shall be calculated pursuant to regulations established by the higher education services corporation.

b. (i) For part-time students defined in paragraph a of subdivision one of this section, any semester, quarter or term of attendance during which a student receives an award pursuant to this section shall be counted as the enrollment factor percent of a semester, quarter or term toward the maximum term of eligibility for tuition assistance awards pursuant to section six hundred sixty-seven of this article. The total period of study for which payment may be made shall not exceed the equivalent of the maximum period authorized for that award.

(ii) For part-time students defined in paragraph b of subdivision one of this section, the total period of study for which payment may be made shall not exceed the equivalent of the maximum period authorized for the non-degree workforce credential**, micro-credential or certificate** program pursuant to paragraph b of subdivision one of this section.

§ 2. Paragraphs b-1 and b-2 of subdivision 1 of section 6304 of the education law, as added by section 1 of part D of chapter 57 of the laws of 2013, are amended to read as follows:

b-1. (i) Notwithstanding any provision of law to the contrary, for the community college fiscal year two thousand thirteen--two thousand fourteen and thereafter, each program that confers a credit-bearing certificate, an associate of occupational studies degree, or an associate of applied science degree, shall demonstrate that it is preparing students for current and future job opportunities by partnering with employers as follows:

(A) The program is a partnership between the community college and one or more employers to train and employ students in a specific occupation;

(B) The program has an advisory committee made up of members of whom the majority are employers in the occupation or sector, or a related sector, or is otherwise advised by one or more employers in the occupation or sector, that employ or will employ workers in the region where the community college is located, and such committee serves to advise the community college on the program's curriculum, recruitment, placement and evaluation so that it remains up-to-date with employer needs; [~~or~~]

(C) The program is in a high-tech sector and is in demand for current or projected job growth, including those sectors identified by the regional economic development council, and is advised by current or potential future employers in the occupation or sector[~~.~~]**; or**

**(D) The program offers micro-credentialing, as defined in section six hundred sixty-seven-c of this chapter, or certificate programs.**

(ii) On or before January first, two thousand fourteen for the community college fiscal year two thousand thirteen--two thousand fourteen, November first, two thousand fourteen for the community college fiscal year two thousand fourteen--two thousand fifteen and November first of each community college fiscal year thereafter, the state university trustees and the city university trustees shall each submit a job linkage report to the director of the budget, the chairs of the senate and assembly higher education committees and the chair of the senate finance committee and the chair of the assembly ways and means committee, including an accounting of full time equivalent enrollment in programs that confer credit-bearing certificates, associate of occupational studies degrees, or associate of applied science degrees, **or enrollment in micro-credentialing programs,** in such a form and manner as the director of the budget may require to verify compliance with subparagraph (i) of this paragraph.

b-2. (i) Notwithstanding any provision of law to the contrary, within amounts appropriated for incentive funding, the state university of New York and city university of New York shall make awards to community colleges from the next generation NY job linkage program incentive fund based on measures of student success for all students enrolled in programs that confer a credit-bearing certificate, an associate of occupational studies degree, [~~or~~] an associate of applied science degree, **or offers micro-credentialing,** including, but not limited to:

(A) The number of students who are employed following degree [~~or~~]**,** certificate completion **or micro-credentialing** and their wage gains, if any, as determined by the department of labor, which shall be given the greatest weighting among all measures of student success;

(B) The number of degree completions, certificate completions**, micro-credentials** and student transfers to other institutions of higher education;

(C) The number of degree [~~and~~], certificate completions **and micro-credentials** under clause (B) of this paragraph by students considered academically at-risk due to economic disadvantage or other factor of under-representation within the field of study; veterans; and the disabled;

(D) The number of students who make adequate progress towards completion of a degree or certificate **or a micro-credential**, which may include accelerated completion of a developmental education program;

(E) The number of degree **or micro-credential** completions in innovative programs designed to enable students to balance school, work and other personal responsibilities; and

(F) The number of students engaged in career and employment opportunities including apprenticeships, cooperative education programs or other paid work experience that is an integral part of their academic program.

(ii) Awards shall be made on a pro-rata basis in accordance with a methodology and in a form and manner developed by the director of the budget, in consultation with the state university and city university.

(iii) On or before December first of each year, or an alternative date as determined by the director of the budget in consultation with the state university and city university, the state university trustees and the city university trustees shall each submit a plan for approval by the director of the budget to allocate amounts available for the next generation NY job linkage program incentive fund in accordance with this paragraph.

§ 3. This act shall take effect immediately.