STATE OF NEW YORK

10502

IN SENATE

May 15, 2026

Introduced by Sen. BOTTCHER -- read twice and ordered printed, and when printed to be committed to the Committee on Crime Victims, Crime and Correction

AN ACT to amend the correction law, in relation to establishing access to postsecondary educational programming and creating an educational transfer process for incarcerated individuals

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

Section 1. The correction law is amended by adding a new section 137-a to read as follows:

§ 137-a. Postsecondary educational access and educational transfer process. 1. For purposes of this section, the following terms shall have the following meanings:

(a) "Postsecondary educational programming" shall mean any academic, vocational, or certificate-bearing program offered in partnership with an accredited institution of higher education or approved training provider, including but not limited to degree-granting programs.

(b) "Educational transfer request" shall mean a request submitted by an incarcerated individual seeking transfer to a correctional facility that offers postsecondary educational programming not available at the individual's current facility.

2. The department shall ensure meaningful access to postsecondary educational programming for incarcerated individuals. Such access shall include, but not be limited to:

(a) the availability of programs at multiple facilities throughout the state; and

(b) the provision of information to incarcerated individuals regarding program availability, eligibility requirements, and application procedures.

3. (a) The department shall establish and maintain a formal process by which incarcerated individuals may submit an educational transfer request.

(b) Such process shall include standardized application procedures, timelines for review, and mechanisms for notification of decisions.

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

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4. In reviewing an educational transfer request, the department shall consider:

(a) the individual's eligibility for the requested educational program;

(b) institutional safety and security considerations;

(c) the individual's proximity to family and support networks, where practicable;

(d) the individual's reentry planning needs, including educational and vocational goals; and

(e) any other relevant factors as determined by the department, provided such factors are applied consistently.

5. (a) The department shall issue a written determination for each educational transfer request within a reasonable period of time.

(b) Any denial of such request shall include a clear statement of the reasons for such denial.

(c) Educational transfer requests shall not be denied in an arbitrary or discriminatory manner.

6. The department shall, on an annual basis, publish and make publicly available a report containing:

(a) the number of educational transfer requests submitted;

(b) the number of requests approved and denied;

(c) the stated reasons for denials, aggregated and anonymized; and

(d) the availability and capacity of postsecondary educational programming across correctional facilities.

7. The department is authorized to promulgate any rules and regulations necessary to implement the provisions of this section.

§ 2. This act shall take effect on the ninetieth day after 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.