§ 6451. Arthur O. Eve opportunity for higher education; non-public institutions. 1. To advance the cause of educational opportunity in higher education, the commissioner may contract with non-public institutions of higher education for the support of special programs for the screening, testing, counseling, tutoring of, and, assistance to, residents of the state who are, (1) graduates of an approved high school or individuals who have attained a New York state high school equivalency diploma or its equivalent, as determined by the commissioner, (2) who have potential for the successful completion of a post secondary program, and (3) are economically and educationally disadvantaged, as defined by the regents.

2. To qualify for state assistance through such contracts, an institution of higher education must be a college or university incorporated by the regents or by the legislature, or a school of medicine, dentistry or osteopathy authorized by the regents to confer the degree of doctor of medicine, doctor of medical science, doctor of dental surgery or doctor of osteopathy and must maintain one or more earned degree programs culminating in an associate or higher degree.

3. Moneys made available to institutions through contracts shall be spent only for the following purposes:

a. Special testing, counseling and guidance services in the course of screening potential enrollees;

b. Remedial courses, developmental or compensatory courses and summer classes for such students;

c. Special tutoring, counseling and guidance services for such enrolled students;

d. Any necessary supplemental financial assistance, which may include the cost of books and necessary maintenance for such enrolled students, including students without lawful immigration status provided that the student meets the requirements set forth in subparagraph (ii) of paragraph a or subparagraph (ii) of paragraph b of subdivision five of

section six hundred sixty-one of this chapter, as applicable; provided, however, that such supplemental financial assistance shall be furnished pursuant to criteria promulgated by the commissioner with the approval of the director of the budget;

e. Partial reimbursement for tuition for regular academic courses pursuant to criteria promulgated by the commissioner;

f. Student travel for academic activities or conferences;

g. Expenses related to helping students apply for and prepare for graduate or professional school; and

h. The hiring of enrolled students participating in an Arthur O. Eve opportunity for higher education work-study program.

4. The commissioner shall promulgate regulations requiring the submission to him by any institution intending to contract with the state for assistance pursuant to this section of reports in such form and containing such information as he shall require, concerning, but not limited to, such matters as a description of the proposed program, estimated costs, objectives, the extent of the institution's support of such program and similar programs and the progress of students in such programs, and the commissioner shall take such factors into account in determining whether to enter into a contract with such institution and the terms and conditions thereof.

5. Contracts made pursuant to this section shall be subject to the approval of the director of the budget.

6. The commissioner shall prepare an annual report of the activities of the institutions which received state funds pursuant to this section in the preceding fiscal year, concerning, but not limited to, the effectiveness of each of the programs contracted for, the costs of the programs and the future plans thereof and shall transmit such report to the Governor and the legislature on or before the December first next following the close of such fiscal year.