

Improving S6094

The effort by Senator Robach to correct the discriminatory practices imposed by the New York State Education Department on those applicants seeking to matriculate full time is commendable. However there are several changes which can be made to the language of this legislation, S6094, that will make it an excellent model for resolving the remaining challenges faced by individuals whose education has been received at other than a New York State public school. This means education in New York State, in these United State or in foreign countries.

However ALL of the (inadvertent or otherwise) infractions by the Laws and Regulations of New York state regarding, "the right of the parent to direct (control) the education of their children," could be ended with the passage of the legislation proposal found at: <http://www.open-ny.org/action.html>.

This legislation, S6094, by its own wording is not specifically addressing home school education but includes private schools as well. While bringing some measure of relief for college entrance and graduation for those individuals not holding a general education development certificate (GED) or any accredited diploma it has the potential for blocking access for non matriculated access to pursue individual coursework for credit or simply to audit classes.

There should be no barrier to those individuals who have and /or can demonstrate sufficient ability and preparedness to benefit from and be a benefit to an institution of higher learning regardless if they are eight, eighteen or eighty yet lack a "state approved" educational background.

The legislation, proposed by Senator Robach, and its accompanying Memo, etc. has been rewritten by Constitutional Researcher, Paul S. Matte so that it now will address ALL college applicants in a nondiscriminatory manner rather than just a class of individuals.

Therefore the focus of the wording should be as follows:

Education Law
TITLE.... Relates to admission to institutions of higher education for all individuals who can demonstrate readiness to benefit.

SUMMARY :

ROBACH, LARKIN, LIBOUS, SEWARD, WRIGHT
Add 313-b, Ed L

Relates to admission of institutions of higher education for individuals; prohibits the commissioner from requiring individuals who have received their education at other than a New York public school program to obtain or submit proof of having obtained a general education development certificate or any accredited diploma; provides further that the institution of higher learning shall evaluate and consider all applicants in a fair and nondiscriminatory manner.

STATE OF NEW YORK

6094

IN SENATE

February 6, 2004

Introduced by Sen. ROBACH -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education

AN ACT to amend the education law, consistent with the NY Constitution and goals of the State in providing equal access to educational opportunities for the diversity of individual backgrounds and experiences of applicants

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

Section 1. The education law is amended by adding a new section 313-b to read as follows:

§ 313-b Fair practices for college applicants.

1. The commissioner shall not require an individual, who has submitted proof as described in paragraph two of this section to obtain or submit proof of having obtained a general education development certificate or any accredited diploma (though they may be accepted from those who hold them).

2. Those individuals, whose education has been provided at other than a New York State Public school, may submit one or more, but not limited to the following as proof of readiness to benefit. A transcript showing completion of preparatory studies suitable for the proposed courses or degree pursued, or passing College Level Exam scores in the area of proposed studies, or a portfolio of studies and/or life-experiences that quantifies readiness to benefit. This would not preclude (or necessitate) the use of college entrance test scores that qualify for admission to an institution of higher education. (An accredited or self-certified diploma may be presented, but it is not required).

3. College admissions shall evaluate and consider all applicants (regardless of age or educational background) based only on their readiness to benefit in a fair and nondiscriminatory manner. This shall be for matriculating or part time students.

4. For the purposes of this section "institution of higher education" shall mean any institution of higher education recognized and approved by the regents or the university of the state of New York which provides a course of study leading to the granting of a post-secondary degree or diploma.

5. No additional academic requirement (other than passing grades) shall be imposed for eligibility regarding financial aid.

6. The commissioner shall promulgate guidelines deemed to be necessary to implement the provisions of this section consistent with the goal of ease of access and nondiscrimination.

§ 2. This act shall take effect September 1, 2004 and shall apply to undergraduate admissions to an institution of higher education for a term or semester that begins on or after such date.

BILL NUMBER: S6094a

SPONSOR: ROBACH

TITLE OF BILL: An act to amend the education law, in relation to ease admission into institutions of higher education for all individuals regardless of educational background.

PURPOSE: Relates to admission to institutions of higher education for all individuals who can demonstrate readiness to benefit.

SUMMARY OF PROVISIONS: This bill amends the education law by adding a new section 313-b which establishes fair practices for all applicants.

JUSTIFICATION: The legislature recognizes that each individual develops at differing rates according to their ability and background. Some are ready for college at an early age and others may pursue entirely different educational opportunities. In acknowledging that "one size does not fit all," this law seeks to accommodate those who are ready to benefit whether receiving or having received public or otherwise provided education.

Additionally the diploma requirement in New York State creates many difficulties for those parents who are providing private educational opportunities for their children who wish to advance to institutions of higher education. In effect, these restrictions undermine the validity of education otherwise provided by parents and serve to discriminate against legitimate educational choice. While there are other measures, which attempt to simplify New York State regulatory malady in order to reduce or eliminate administrative burdens, this bill establishes fair practices for those privately educated applicants who seek admittance into institutions of higher education. This will direct the Regents and Commissioner to treat all New York and other United States residents as well as foreigners with equality.

Recently, a student at the Monroe County Community College -- who was only a semester away from receiving his degree -- had his admission revoked because his parents provided his high school education. Also a fourteen-year-old girl who had been taking college courses in the borough of Manhattan from age eleven was denied an associates degree because she could not receive a GED until age seventeen. She is now pursuing a second college degree at age fifteen yet her parents were charged with educational neglect. This bill would ensure that a situation like that would not happen again, and at the same time it would strengthen the legitimacy of otherwise provided education.

LEGISLATIVE HISTORY: New bill

FISCAL IMPLICATIONS: None

EFFECTIVE DATE: This act shall take effect September 1, 2004 and shall apply to undergraduate admissions to an institution of higher education for a term or semester that begins on or after such date.