S T A T E O F N E W Y O R K

6511

I N S E N A T E

January 31, 2014

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

AN ACT to amend the education law, in relation to enacting "Tuition-Free NY"

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. This act shall be known and may be cited as "Tuition-Free NY".

S 2. Paragraph h of subdivision 2 of section 355 of the education law is amended by adding a new subparagraph 1-a to read as follows:

(1-A) THE TRUSTEES SHALL IMPLEMENT A PROGRAM TO PERMIT ANY STUDENT WHO HAS BEEN ADMITTED TO A STATE-OPERATED INSTITUTION OF THE STATE UNIVERSITY TO ATTEND WITHOUT THE PAYMENT OF TUITION IF SUCH STUDENT FULFILLS THE REQUIREMENTS OF SUCH PROGRAM PURSUANT TO THE PROVISIONS OF THIS SUBPARAGRAPH. THE PROVISIONS OF THIS SUBPARAGRAPH SHALL ONLY APPLY TO COSTS OF ONE UNDERGRADUATE DEGREE AND ANY ADDITIONAL COSTS ASSOCIATED WITH MORE THAN ONE SIMULTANEOUS UNDERGRADUATE DEGREE SHALL NOT BE COVERED BY THIS PROGRAM.

(I) THE TRUSTEES SHALL PROVIDE AN APPLICATION PROCESS AND ADMINISTER THE PROGRAM ACCORDING TO THE FOLLOWING CRITERIA:

(A) ANY STUDENT ELIGIBLE FOR RESIDENT TUITION RATES IS ELIGIBLE FOR THIS PROGRAM.

(B) THE STUDENT SHALL BE REQUIRED TO PERFORM A MINIMUM OF TWO HUNDRED FIFTY HOURS OF COMMUNITY SERVICE FOR EACH YEAR OF PARTICIPATION IN THE PROGRAM. FOR STUDENTS ENROLLED IN A DESIGNATED SCIENCE, TECHNOLOGY, ENGINEERING AND MATH (STEM) DEGREE PROGRAM SUCH SERVICE REQUIREMENT SHALL BE ONE HUNDRED TWENTY-FIVE HOURS. THE TRUSTEES SHALL DETERMINE QUALIFYING STEM DEGREES AND PROGRAMS FOR EACH EDUCATIONAL INSTITUTION. THE PRESIDENT OF EACH INSTITUTION OR HIS OR HER DESIGNEE OR DESIGNEES SHALL BE AUTHORIZED TO ISSUE WAIVERS WHICH PERMIT STUDENTS TO MEET THIS SERVICE REQUIREMENT BY PERFORMING SERVICES FOR NON-QUALIFYING ORGANIZATIONS OR, GENERALLY, THE SURROUNDING COMMUNITY; PROVIDED THAT THE HOUR REQUIREMENT IS MET AND SUCH PRESIDENT OR HIS OR HER DESIGNEE OR DESIGNEES IS SATISFIED THAT THE WORK PERFORMED BENEFITS THE COMMUNITY.

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

LBD11745-10-4

(C) A STUDENT SHALL BE REQUIRED TO SIGN A CONTRACT AGREEING TO RESIDE IN NEW YORK STATE FOR A PERIOD OF FIVE YEARS SUBSEQUENT TO COMPLETION OF HIS OR HER ACADEMIC PROGRAM.

(D) A STUDENT SHALL BE REQUIRED TO BE EMPLOYED FULL-TIME IN NEW YORK STATE FOR A PERIOD OF FIVE YEARS SUBSEQUENT TO COMPLETION OF HIS OR HER ACADEMIC PROGRAM. ANY PART-TIME OR COMBINATION OF PART-TIME AND FULL-TIME EMPLOYMENT SHALL BE THE EQUIVALENT OF FIVE FULL-TIME YEARS. ANY PERIOD OF TIME A STUDENT SPENDS UNEMPLOYED OR PURSUING A GRADUATE DEGREE SHALL NOT PENALIZE A STUDENT FROM RECEIVING THE BENEFITS OF THIS PROGRAM, BUT SHALL NOT CONTRIBUTE TO THE ACCRUAL OF THE REQUIREMENTS OF THIS ITEM.

(E) STUDENTS SHALL BE REQUIRED TO COMPLETE THEIR DEGREE PROGRAM WITHIN A MINIMUM PERIOD OF TIME TO BE SET BY THE TRUSTEES WHICH SHALL BE NO LESS THAN THREE YEARS AND NO MORE THAN FIVE YEARS.

(F) A STUDENT WHO BENEFITTED FROM THE PROGRAM OUTLINED IN THIS SUBPARAGRAPH SHALL BE ALLOWED TO ATTEND AN OUT-OF-STATE GRADUATE SCHOOL WITHOUT ANY PENALTY IF SUCH STUDENT PURSUES A GRADUATE DEGREE. ONCE SUCH STUDENT CONCLUDES HIS OR HER GRADUATE SCHOOL STUDIES, SUCH STUDENT SHALL RETURN TO NEW YORK WITHIN ONE YEAR FOR RESIDENCY AND EMPLOYMENT, PER THE PROGRAM'S REQUIREMENTS, OR ELSE THE UNDERGRADUATE BENEFIT WILL TURN INTO A STUDENT LOAN PURSUANT TO THE PROVISIONS OF CLAUSE (II) OF THIS SUBPARAGRAPH.

(II) IF A STUDENT OR FORMER STUDENT FAILS TO FULFILL ANY OF THE REQUIREMENTS SET FORTH IN CLAUSE (I) OF THIS SUBPARAGRAPH, THE TRUSTEES SHALL CONVERT TO A STUDENT LOAN THE FULL AMOUNT OF THE TUITION WHICH WOULD HAVE BEEN PAID BY SUCH STUDENT, AS DETERMINED BY THE NEW YORK STATE HIGHER EDUCATION SERVICES CORPORATION, PLUS INTEREST, ACCORDING TO A SCHEDULE TO BE DETERMINED BY SUCH CORPORATION. SUCH REPAYMENT MAY ALSO BE REQUIRED IF A RECIPIENT FAILS TO RESPOND TO REQUESTS FOR INFORMATION NECESSARY TO DETERMINE CONTINUED ELIGIBILITY OR FOR ADMINISTRATION OF THE PROGRAM.

(III) ANY STUDENT WHO ELECTS TO PARTICIPATE IN THE PROGRAM UNDER THIS SUBPARAGRAPH SHALL BE REQUIRED TO APPLY FOR FEDERAL PELL GRANT FUNDING AND TUITION ASSISTANCE PROGRAM FUNDING. FUNDS AWARDED UNDER EITHER OR BOTH SUCH PROGRAMS SHALL BE APPLIED TOWARDS THE COST OF TUITION PRIOR TO AN AWARD UNDER THIS SUBPARAGRAPH.

(IV) STUDENTS SHALL BE RESPONSIBLE FOR ALL OTHER COSTS INCLUDING HOUSING, FEES AND OTHER NON-TUITION RELATED CHARGES.

S 3. Subdivision 7 of section 6206 of the education law is amended by adding a new paragraph (d) to read as follows:

(D) THE TRUSTEES SHALL IMPLEMENT A PROGRAM TO PERMIT ANY STUDENT WHO HAS BEEN ADMITTED TO AN INSTITUTION OPERATED BY THE CITY UNIVERSITY TO ATTEND WITHOUT THE PAYMENT OF TUITION IF SUCH STUDENT FULFILLS THE REQUIREMENTS OF SUCH PROGRAM PURSUANT TO THE PROVISIONS OF THIS PARAGRAPH.

(I) THE TRUSTEES SHALL PROVIDE AN APPLICATION PROCESS AND ADMINISTER THE PROGRAM ACCORDING TO THE FOLLOWING CRITERIA:

(A) ANY STUDENT ELIGIBLE FOR RESIDENT TUITION RATES IS ELIGIBLE FOR THIS PROGRAM.

(B) THE STUDENT SHALL BE REQUIRED TO PERFORM A MINIMUM OF TWO HUNDRED FIFTY HOURS OF COMMUNITY SERVICE FOR EACH YEAR OF PARTICIPATION IN THE PROGRAM. FOR STUDENTS ENROLLED IN A DESIGNATED SCIENCE, TECHNOLOGY, ENGINEERING AND MATH (STEM) DEGREE PROGRAM SUCH SERVICE REQUIREMENT SHALL BE ONE HUNDRED TWENTY-FIVE HOURS. THE TRUSTEES SHALL DETERMINE QUALIFYING STEM DEGREES AND PROGRAMS FOR EACH EDUCATIONAL INSTITUTION. THE PRESIDENT OF EACH INSTITUTION OR HIS OR HER DESIGNEE OR DESIGNEES

SHALL BE AUTHORIZED TO ISSUE WAIVERS WHICH PERMIT STUDENTS TO MEET THIS SERVICE REQUIREMENT BY PERFORMING SERVICES FOR NON-QUALIFYING ORGANIZATIONS OR, GENERALLY, THE SURROUNDING COMMUNITY; PROVIDED THAT THE HOUR REQUIREMENT IS MET AND SUCH PRESIDENT OR HIS OR HER DESIGNEE OR DESIGNEES IS SATISFIED THAT THE WORK PERFORMED BENEFITS THE COMMUNITY.

(C) A STUDENT SHALL BE REQUIRED TO SIGN A CONTRACT AGREEING TO RESIDE IN NEW YORK STATE FOR A PERIOD OF FIVE YEARS SUBSEQUENT TO COMPLETION OF HIS OR HER ACADEMIC PROGRAM.

(D) A STUDENT SHALL BE REQUIRED TO BE EMPLOYED FULL-TIME IN NEW YORK STATE FOR A PERIOD OF FIVE YEARS SUBSEQUENT TO COMPLETION OF HIS OR HER ACADEMIC PROGRAM. ANY PART-TIME OR COMBINATION OF PART-TIME AND FULL-TIME EMPLOYMENT SHALL BE THE EQUIVALENT OF FIVE FULL-TIME YEARS. ANY PERIOD OF TIME A STUDENT SPENDS UNEMPLOYED SHALL NOT PENALIZE A STUDENT FROM RECEIVING THE BENEFITS OF THIS PROGRAM, BUT SHALL NOT CONTRIBUTE TO THE ACCRUAL OF THE REQUIREMENTS OF THIS CLAUSE.

(E) STUDENTS SHALL BE REQUIRED TO COMPLETE THEIR DEGREE PROGRAM WITHIN A MINIMUM PERIOD OF TIME TO BE SET BY THE TRUSTEES WHICH SHALL BE NO LESS THAN THREE YEARS AND NO MORE THAN FIVE YEARS.

(F) A STUDENT WHO BENEFITTED FROM THE PROGRAM OUTLINED IN THIS SUBPARAGRAPH SHALL BE ALLOWED TO ATTEND AN OUT-OF-STATE GRADUATE SCHOOL WITHOUT ANY PENALTY IF SUCH STUDENT PURSUES A GRADUATE DEGREE. ONCE SUCH STUDENT CONCLUDES HIS OR HER GRADUATE SCHOOL STUDIES, SUCH STUDENT SHALL RETURN TO NEW YORK WITHIN ONE YEAR FOR RESIDENCY AND EMPLOYMENT, PER THE PROGRAM'S REQUIREMENTS, OR ELSE THE UNDERGRADUATE BENEFIT WILL TURN INTO A STUDENT LOAN PURSUANT TO THE PROVISIONS OF CLAUSE (II) OF THIS SUBPARAGRAPH.

(II) IF A STUDENT OR FORMER STUDENT FAILS TO FULFILL ANY OF THE REQUIREMENTS SET FORTH IN SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE TRUSTEES SHALL CONVERT TO A STUDENT LOAN THE FULL AMOUNT OF THE TUITION WHICH WOULD HAVE BEEN PAID BY SUCH STUDENT, AS DETERMINED BY THE NEW YORK STATE HIGHER EDUCATION SERVICES CORPORATION, PLUS INTEREST, ACCORDING TO A SCHEDULE TO BE DETERMINED BY SUCH CORPORATION. SUCH REPAYMENT MAY ALSO BE REQUIRED IF A RECIPIENT FAILS TO RESPOND TO REQUESTS FOR INFORMATION NECESSARY TO DETERMINE CONTINUED ELIGIBILITY OR FOR ADMINISTRATION OF THE PROGRAM.

(III) ANY STUDENT WHO ELECTS TO PARTICIPATE IN THE PROGRAM UNDER THIS PARAGRAPH SHALL BE REQUIRED TO APPLY FOR FEDERAL PELL GRANT FUNDING AND TUITION ASSISTANCE PROGRAM FUNDING. FUNDS AWARDED UNDER EITHER OR BOTH SUCH PROGRAMS SHALL BE APPLIED TOWARDS THE COST OF TUITION PRIOR TO AN AWARD UNDER THIS SUBPARAGRAPH.

(IV) STUDENTS SHALL BE RESPONSIBLE FOR ALL OTHER COSTS INCLUDING HOUSING, FEES AND OTHER NON-TUITION RELATED CHARGES.

(V) THE PROVISIONS OF THIS SUBDIVISION SHALL NOT BE SUBJECT TO TAXATION.

S 4. Subdivision 1 of section 6304 of the education law is amended by adding a new paragraph e to read as follows:

E. THE TRUSTEES, SPONSORS OR OTHER GOVERNING BODY OF A COMMUNITY COLLEGE SHALL IMPLEMENT A PROGRAM TO PERMIT ANY STUDENT WHO HAS BEEN ADMITTED TO SUCH COMMUNITY COLLEGE TO ATTEND WITHOUT THE PAYMENT OF TUITION IF SUCH STUDENT FULFILLS THE REQUIREMENTS OF SUCH PROGRAM PURSUANT TO THE PROVISIONS OF THIS PARAGRAPH.

(I) THE TRUSTEES SHALL PROVIDE AN APPLICATION PROCESS AND ADMINISTER THE PROGRAM ACCORDING TO THE FOLLOWING CRITERIA:

(A) ANY STUDENT ELIGIBLE FOR RESIDENT TUITION RATES IS ELIGIBLE FOR THIS PROGRAM.

(B) THE STUDENT SHALL BE REQUIRED TO PERFORM A MINIMUM OF TWO HUNDRED FIFTY HOURS OF COMMUNITY SERVICE FOR EACH YEAR OF PARTICIPATION IN THE PROGRAM. FOR STUDENTS ENROLLED IN A DESIGNATED SCIENCE, TECHNOLOGY, ENGINEERING AND MATH (STEM) DEGREE PROGRAM SUCH SERVICE REQUIREMENT SHALL BE ONE HUNDRED TWENTY-FIVE HOURS. THE STATE UNIVERSITY TRUSTEES SHALL DETERMINE QUALIFYING STEM DEGREES AND PROGRAMS FOR EACH COMMUNITY COLLEGE. THE PRESIDENT OR CHIEF ADMINISTRATOR OF EACH COMMUNITY COLLEGE OR HIS OR HER DESIGNEE OR DESIGNEES SHALL BE AUTHORIZED TO ISSUE WAIVERS WHICH PERMIT STUDENTS TO MEET THIS SERVICE REQUIREMENT BY PERFORMING SERVICES FOR NON-QUALIFYING ORGANIZATIONS; PROVIDED THAT THE HOUR REQUIREMENT IS MET AND SUCH PRESIDENT, CHIEF ADMINISTRATOR OR HIS OR HER DESIGNEE OR DESIGNEES IS SATISFIED THAT THE WORK PERFORMED BENEFITS THE COMMUNITY.

(C) A STUDENT SHALL BE REQUIRED TO SIGN A CONTRACT AGREEING TO RESIDE IN NEW YORK STATE FOR A PERIOD OF FIVE YEARS SUBSEQUENT TO COMPLETION OF HIS OR HER ACADEMIC PROGRAM.

(D) A STUDENT SHALL BE REQUIRED TO BE EMPLOYED IN NEW YORK STATE FOR A PERIOD OF FIVE YEARS SUBSEQUENT TO COMPLETION OF HIS OR HER ACADEMIC PROGRAM.

(E) A STUDENT SHALL BE REQUIRED TO BE EMPLOYED FULL-TIME IN NEW YORK STATE FOR A PERIOD OF FIVE YEARS SUBSEQUENT TO COMPLETION OF HIS OR HER ACADEMIC PROGRAM. ANY PART-TIME OR COMBINATION OF PART-TIME AND FULL-TIME EMPLOYMENT SHALL BE THE EQUIVALENT OF FIVE FULL-TIME YEARS. ANY PERIOD OF TIME A STUDENT SPENDS UNEMPLOYED OR PURSUING A GRADUATE DEGREE SHALL NOT PENALIZE A STUDENT FROM RECEIVING THE BENEFITS OF THIS PROGRAM, BUT SHALL NOT CONTRIBUTE TO THE ACCRUAL OF THE REQUIREMENTS OF THIS CLAUSE.

(F) STUDENTS SHALL BE REQUIRED TO COMPLETE THEIR DEGREE PROGRAM WITHIN A MINIMUM PERIOD OF TIME TO BE SET BY THE TRUSTEES WHICH SHALL BE NO LESS THAN ONE YEAR AND NO MORE THAN THREE YEARS.

(G) A STUDENT WHO BENEFITTED FROM THE PROGRAM OUTLINED IN THIS SUBPARAGRAPH SHALL BE ALLOWED TO ATTEND AN OUT-OF-STATE GRADUATE SCHOOL WITHOUT ANY PENALTY IF SUCH STUDENT PURSUES A GRADUATE DEGREE. ONCE SUCH STUDENT CONCLUDES HIS OR HER GRADUATE SCHOOL STUDIES, SUCH STUDENT SHALL RETURN TO NEW YORK WITHIN ONE YEAR FOR RESIDENCY AND EMPLOYMENT, PER THE PROGRAM'S REQUIREMENTS, OR ELSE THE UNDERGRADUATE BENEFIT WILL TURN INTO A STUDENT LOAN PURSUANT TO THE PROVISIONS OF SUBPARAGRAPH (II) OF THIS PARAGRAPH.

(II) IF A STUDENT OR FORMER STUDENT FAILS TO FULFILL ANY OF THE REQUIREMENTS SET FORTH IN SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE TRUSTEES SHALL CONVERT TO A STUDENT LOAN THE FULL AMOUNT OF THE TUITION WHICH WOULD HAVE BEEN PAID BY SUCH STUDENT, AS DETERMINED BY THE NEW YORK STATE HIGHER EDUCATION SERVICES CORPORATION, PLUS INTEREST, ACCORDING TO A SCHEDULE TO BE DETERMINED BY SUCH CORPORATION. SUCH REPAYMENT MAY ALSO BE REQUIRED IF A RECIPIENT FAILS TO RESPOND TO REQUESTS FOR INFORMATION NECESSARY TO DETERMINE CONTINUED ELIGIBILITY OR FOR ADMINISTRATION OF THE PROGRAM.

(III) ANY STUDENT WHO ELECTS TO PARTICIPATE IN THE PROGRAM UNDER THIS PARAGRAPH SHALL BE REQUIRED TO APPLY FOR FEDERAL PELL GRANT FUNDING AND TUITION ASSISTANCE PROGRAM FUNDING. FUNDS AWARDED UNDER EITHER OR BOTH SUCH PROGRAMS SHALL BE APPLIED TOWARDS THE COST OF TUITION PRIOR TO AN AWARD UNDER THIS SUBPARAGRAPH.

(IV) STUDENTS SHALL BE RESPONSIBLE FOR ALL OTHER COSTS INCLUDING HOUSING, FEES AND OTHER NON-TUITION RELATED CHARGES.

S 5. Subdivision 1 of section 6304 of the education law is amended by adding a new paragraph a-1 to read as follows:

A-1. STATE FINANCIAL AID SHALL BE INCREASED ABOVE THE ONE-THIRD AMOUNT OF OPERATING COSTS SET FORTH IN PARAGRAPH A OF THIS SUBDIVISION BY AN AMOUNT WHICH IS EQUAL TO THE COST OF TUITION AWARDED TO STUDENTS WHO APPLY AND QUALIFY FOR THE PROGRAM SET FORTH IN PARAGRAPH E OF THIS SUBDIVISION.

S 6. This act shall take effect April 1, 2015; provided, however, that 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 and directed to be made and completed on or before such effective date.