

6511--A

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 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

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

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

5 (1-A) THE TRUSTEES SHALL IMPLEMENT A PROGRAM TO PERMIT ANY STUDENT WHO
6 HAS BEEN ADMITTED TO A STATE-OPERATED INSTITUTION OF THE STATE UNIVERSI-
7 TY TO ATTEND WITHOUT THE PAYMENT OF TUITION AND FEES IF SUCH STUDENT
8 FULFILLS THE REQUIREMENTS OF SUCH PROGRAM PURSUANT TO THE PROVISIONS OF
9 THIS SUBPARAGRAPH. THE PROVISIONS OF THIS SUBPARAGRAPH SHALL ONLY APPLY
10 TO COSTS OF ONE UNDERGRADUATE DEGREE AND ANY ADDITIONAL COSTS ASSOCIATED
11 WITH MORE THAN ONE SIMULTANEOUS UNDERGRADUATE DEGREE SHALL NOT BE
12 COVERED BY THIS PROGRAM.

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

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

17 (B) THE STUDENT SHALL BE REQUIRED TO PERFORM A MINIMUM OF TWO HUNDRED
18 FIFTY HOURS OF COMMUNITY SERVICE FOR EACH YEAR OF PARTICIPATION IN THE
19 PROGRAM. THE PRESIDENT OF EACH INSTITUTION OR HIS OR HER DESIGNEE OR
20 DESIGNEES SHALL BE AUTHORIZED TO ISSUE WAIVERS WHICH PERMIT STUDENTS TO
21 MEET THIS SERVICE REQUIREMENT BY PERFORMING SERVICES FOR NON-QUALIFYING
22 ORGANIZATIONS OR, GENERALLY, THE SURROUNDING COMMUNITY; PROVIDED THAT
23 THE HOUR REQUIREMENT IS MET AND SUCH PRESIDENT OR HIS OR HER DESIGNEE OR
24 DESIGNEES IS SATISFIED THAT THE WORK PERFORMED BENEFITS THE COMMUNITY.

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

28 (D) A STUDENT SHALL BE REQUIRED TO BE EMPLOYED FULL-TIME IN NEW YORK
29 STATE FOR A PERIOD OF FIVE YEARS SUBSEQUENT TO COMPLETION OF HIS OR HER

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

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1 ACADEMIC PROGRAM. ANY PART-TIME OR COMBINATION OF PART-TIME AND
2 FULL-TIME EMPLOYMENT SHALL BE THE EQUIVALENT OF FIVE FULL-TIME YEARS.
3 ANY PERIOD OF TIME A STUDENT SPENDS UNEMPLOYED OR PURSUING A GRADUATE
4 DEGREE SHALL NOT PENALIZE A STUDENT FROM RECEIVING THE BENEFITS OF THIS
5 PROGRAM, BUT SHALL NOT CONTRIBUTE TO THE ACCRUAL OF THE REQUIREMENTS OF
6 THIS ITEM.

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

10 (F) A STUDENT WHO BENEFITTED FROM THE PROGRAM OUTLINED IN THIS SUBPAR-
11 AGRAPH SHALL BE ALLOWED TO ATTEND AN OUT-OF-STATE GRADUATE SCHOOL WITH-
12 OUT ANY PENALTY IF SUCH STUDENT PURSUES A GRADUATE DEGREE. ONCE SUCH
13 STUDENT CONCLUDES HIS OR HER GRADUATE SCHOOL STUDIES, SUCH STUDENT SHALL
14 RETURN TO NEW YORK WITHIN ONE YEAR FOR RESIDENCY AND EMPLOYMENT, PER THE
15 PROGRAM'S REQUIREMENTS, OR ELSE THE UNDERGRADUATE BENEFIT WILL TURN INTO
16 A STUDENT LOAN PURSUANT TO THE PROVISIONS OF CLAUSE (II) OF THIS SUBPAR-
17 AGRAPH.

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

27 (III) ANY STUDENT WHO ELECTS TO PARTICIPATE IN THE PROGRAM UNDER THIS
28 SUBPARAGRAPH SHALL BE REQUIRED TO APPLY FOR TUITION ASSISTANCE PROGRAM
29 FUNDING. FUNDS AWARDED ON THE TUITION ASSISTANCE PROGRAM SHALL BE
30 APPLIED TOWARDS THE COST OF TUITION PRIOR TO AN AWARD UNDER THIS SUBPAR-
31 AGRAPH.

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

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

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

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

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

45 (B) THE STUDENT SHALL BE REQUIRED TO PERFORM A MINIMUM OF TWO HUNDRED
46 FIFTY HOURS OF COMMUNITY SERVICE FOR EACH YEAR OF PARTICIPATION IN THE
47 PROGRAM. THE PRESIDENT OF EACH INSTITUTION OR HIS OR HER DESIGNEE OR
48 DESIGNEES SHALL BE AUTHORIZED TO ISSUE WAIVERS WHICH PERMIT STUDENTS TO
49 MEET THIS SERVICE REQUIREMENT BY PERFORMING SERVICES FOR NON-QUALIFYING
50 ORGANIZATIONS OR, GENERALLY, THE SURROUNDING COMMUNITY; PROVIDED THAT
51 THE HOUR REQUIREMENT IS MET AND SUCH PRESIDENT OR HIS OR HER DESIGNEE OR
52 DESIGNEES IS SATISFIED THAT THE WORK PERFORMED BENEFITS THE COMMUNITY.

53 (C) A STUDENT SHALL BE REQUIRED TO SIGN A CONTRACT AGREEING TO RESIDE
54 IN NEW YORK STATE FOR A PERIOD OF FIVE YEARS SUBSEQUENT TO COMPLETION OF
55 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 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 TUITION ASSISTANCE PROGRAM FUNDING. FUNDS AWARDED ON THE TUITION ASSISTANCE PROGRAM 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 AND FEES 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. 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.

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

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

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

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

18 (G) A STUDENT WHO BENEFITTED FROM THE PROGRAM OUTLINED IN THIS SUBPAR-
19 AGRAPH SHALL BE ALLOWED TO ATTEND AN OUT-OF-STATE GRADUATE SCHOOL WITH-
20 OUT ANY PENALTY IF SUCH STUDENT PURSUES A GRADUATE DEGREE. ONCE SUCH
21 STUDENT CONCLUDES HIS OR HER GRADUATE SCHOOL STUDIES, SUCH STUDENT SHALL
22 RETURN TO NEW YORK WITHIN ONE YEAR FOR RESIDENCY AND EMPLOYMENT, PER THE
23 PROGRAM'S REQUIREMENTS, OR ELSE THE UNDERGRADUATE BENEFIT WILL TURN INTO
24 A STUDENT LOAN PURSUANT TO THE PROVISIONS OF SUBPARAGRAPH (II) OF THIS
25 PARAGRAPH.

26 (II) IF A STUDENT OR FORMER STUDENT FAILS TO FULFILL ANY OF THE
27 REQUIREMENTS SET FORTH IN SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE TRUS-
28 TEES SHALL CONVERT TO A STUDENT LOAN THE FULL AMOUNT OF THE TUITION
29 WHICH WOULD HAVE BEEN PAID BY SUCH STUDENT, AS DETERMINED BY THE NEW
30 YORK STATE HIGHER EDUCATION SERVICES CORPORATION, PLUS INTEREST, ACCORD-
31 ING TO A SCHEDULE TO BE DETERMINED BY SUCH CORPORATION. SUCH REPAYMENT
32 MAY ALSO BE REQUIRED IF A RECIPIENT FAILS TO RESPOND TO REQUESTS FOR
33 INFORMATION NECESSARY TO DETERMINE CONTINUED ELIGIBILITY OR FOR ADMINIS-
34 TRATION OF THE PROGRAM.

35 (III) ANY STUDENT WHO ELECTS TO PARTICIPATE IN THE PROGRAM UNDER THIS
36 PARAGRAPH SHALL BE REQUIRED TO APPLY FOR TUITION ASSISTANCE PROGRAM
37 FUNDING. FUNDS AWARDED ON THE TUITION ASSISTANCE PROGRAM SHALL BE
38 APPLIED TOWARDS THE COST OF TUITION PRIOR TO AN AWARD UNDER THIS SUBPAR-
39 AGRAPH.

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

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

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

49 S 6. This act shall take effect April 1, 2015; provided, however, that
50 effective immediately, the addition, amendment and/or repeal of any rule
51 or regulation necessary for the implementation of this act on its effec-
52 tive date are authorized and directed to be made and completed on or
53 before such effective date.