

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:

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 IF SUCH STUDENT FULFILLS THE
8 REQUIREMENTS OF SUCH PROGRAM PURSUANT TO THE PROVISIONS OF THIS SUBPARA-
9 GRAPH. THE PROVISIONS OF THIS SUBPARAGRAPH SHALL ONLY APPLY TO COSTS OF
10 ONE UNDERGRADUATE DEGREE AND ANY ADDITIONAL COSTS ASSOCIATED WITH MORE
11 THAN ONE SIMULTANEOUS UNDERGRADUATE DEGREE SHALL NOT BE COVERED BY THIS
12 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. FOR STUDENTS ENROLLED IN A DESIGNATED SCIENCE, TECHNOLOGY,
20 ENGINEERING AND MATH (STEM) DEGREE PROGRAM SUCH SERVICE REQUIREMENT
21 SHALL BE ONE HUNDRED TWENTY-FIVE HOURS. THE TRUSTEES SHALL DETERMINE
22 QUALIFYING STEM DEGREES AND PROGRAMS FOR EACH EDUCATIONAL INSTITUTION.
23 THE PRESIDENT OF EACH INSTITUTION OR HIS OR HER DESIGNEE OR DESIGNEES
24 SHALL BE AUTHORIZED TO ISSUE WAIVERS WHICH PERMIT STUDENTS TO MEET THIS
25 SERVICE REQUIREMENT BY PERFORMING SERVICES FOR NON-QUALIFYING ORGANIZA-
26 TIONS OR, GENERALLY, THE SURROUNDING COMMUNITY; PROVIDED THAT THE HOUR
27 REQUIREMENT IS MET AND SUCH PRESIDENT OR HIS OR HER DESIGNEE OR DESIG-
28 NEES 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.

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

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

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

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

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

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

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

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

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

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

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

1 SHALL BE AUTHORIZED TO ISSUE WAIVERS WHICH PERMIT STUDENTS TO MEET THIS
2 SERVICE REQUIREMENT BY PERFORMING SERVICES FOR NON-QUALIFYING ORGANIZA-
3 TIONS OR, GENERALLY, THE SURROUNDING COMMUNITY; PROVIDED THAT THE HOUR
4 REQUIREMENT IS MET AND SUCH PRESIDENT OR HIS OR HER DESIGNEE OR DESIG-
5 NEES IS SATISFIED THAT THE WORK PERFORMED BENEFITS THE COMMUNITY.

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

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

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

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

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

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

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

43 (V) THE PROVISIONS OF THIS SUBDIVISION SHALL NOT BE SUBJECT TO TAXA-
44 TION.

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

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

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

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

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

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

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

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

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

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

39 (II) IF A STUDENT OR FORMER STUDENT FAILS TO FULFILL ANY OF THE
40 REQUIREMENTS SET FORTH IN SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE TRUS-
41 TEES SHALL CONVERT TO A STUDENT LOAN THE FULL AMOUNT OF THE TUITION
42 WHICH WOULD HAVE BEEN PAID BY SUCH STUDENT, AS DETERMINED BY THE NEW
43 YORK STATE HIGHER EDUCATION SERVICES CORPORATION, PLUS INTEREST, ACCORD-
44 ING TO A SCHEDULE TO BE DETERMINED BY SUCH CORPORATION. SUCH REPAYMENT
45 MAY ALSO BE REQUIRED IF A RECIPIENT FAILS TO RESPOND TO REQUESTS FOR
46 INFORMATION NECESSARY TO DETERMINE CONTINUED ELIGIBILITY OR FOR ADMINIS-
47 TRATION OF THE PROGRAM.

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

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

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

1 A-1. STATE FINANCIAL AID SHALL BE INCREASED ABOVE THE ONE-THIRD AMOUNT
2 OF OPERATING COSTS SET FORTH IN PARAGRAPH A OF THIS SUBDIVISION BY AN
3 AMOUNT WHICH IS EQUAL TO THE COST OF TUITION AWARDED TO STUDENTS WHO
4 APPLY AND QUALIFY FOR THE PROGRAM SET FORTH IN PARAGRAPH E OF THIS
5 SUBDIVISION.
6 S 6. This act shall take effect April 1, 2015; provided, however, that
7 effective immediately, the addition, amendment and/or repeal of any rule
8 or regulation necessary for the implementation of this act on its effec-
9 tive date are authorized and directed to be made and completed on or
10 before such effective date.