

5098--A

2015-2016 Regular Sessions

I N A S S E M B L Y

February 12, 2015

Introduced by M. of A. SKOUFIS, GOTTFRIED, ABINANTI, BENEDETTO, BRAUN-STEIN, BRINDISI, COLTON, GUNTHER, JAFFEE, KIM, LIFTON, MILLER, MOSLEY, PEOPLES-STOKES, PICHARDO, RAIA, ROBINSON, RODRIGUEZ, SKARTADOS, STECK, CLARK, SANTABARBARA, HOOPER, MAYER, RAMOS, FAHY, ROSENTHAL, SOLAGES, BARRETT, STIRPE, JEAN-PIERRE, ROZIC, BICHOTTE, BRONSON, BARRON, CRESPO, COOK, TITONE, ARROYO, JOYNER, ORTIZ, BLAKE, LINARES, CAHILL, LAVINE, SIMON, GOLDFEDER, HEVESI, ENGLEBRIGHT, DINOWITZ, DAVILA, AUBRY, WRIGHT, PRETLOW, SIMOTAS, HIKIND, LENTOL, WALKER, ABBATE, SIMANOWITZ, GJONAJ, MARKEY, RICHARDSON -- Multi-Sponsored by -- M. of A. BRENNAN, CERETTO, CUSICK, DenDEKKER, KAMINSKY, LUPARDO, PAULIN, PERRY, RIVERA, RYAN, SCHIMEL, THIELE, TITUS -- read once and referred to the Committee on Higher Education -- reported and referred to the Committee on Ways and Means -- recommitted to the Committee on Higher Education in accordance with Assembly Rule 3, sec. 2 -- 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

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

LBD04620-12-6

1 WITH MORE THAN ONE SIMULTANEOUS UNDERGRADUATE DEGREE SHALL NOT BE
2 COVERED BY THIS PROGRAM.

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

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

7 (B) THE STUDENT SHALL BE REQUIRED TO PERFORM A MINIMUM OF TWENTY-FIVE
8 HOURS OF COMMUNITY SERVICE FOR EACH YEAR OF PARTICIPATION IN THE
9 PROGRAM. THE PRESIDENT OF EACH INSTITUTION OR HIS OR HER DESIGNEE OR
10 DESIGNEES SHALL BE AUTHORIZED TO ISSUE WAIVERS WHICH PERMIT STUDENTS TO
11 MEET THIS SERVICE REQUIREMENT BY PERFORMING SERVICES FOR NON-QUALIFYING
12 ORGANIZATIONS OR, GENERALLY, THE SURROUNDING COMMUNITY; PROVIDED THAT
13 THE HOUR REQUIREMENT IS MET AND SUCH PRESIDENT OR HIS OR HER DESIGNEE OR
14 DESIGNEES IS SATISFIED THAT THE WORK PERFORMED BENEFITS THE COMMUNITY.

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

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

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

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

37 (G) A STUDENT WHO BENEFITED FROM THE PROGRAM OUTLINED IN THIS SUBPARA-
38 GRAPH WHO IS ON ACTIVE DUTY IN THE ARMED FORCES OF THE UNITED STATES
39 SHALL NOT BE PENALIZED IF SUCH STUDENT MAINTAINS HIS OR HER LEGAL RESI-
40 DENCE IN THE STATE OF NEW YORK, DURING SUCH SERVICE. "LEGAL RESIDENCE"
41 AS USED IN THIS SUBCLAUSE SHALL MEAN THE PLACE WHERE A MEMBER OF THE
42 MILITARY INTENDS TO RETURN AND LIVE AFTER DISCHARGE OR RETIREMENT, AND
43 WHICH THEY CONSIDER THEIR PERMANENT HOME. LEGAL RESIDENCY SHALL BE
44 DETERMINED BY WHAT LOCAL AND STATE TAX LAWS A MEMBER OF THE MILITARY IS
45 SUBJECT TO, AND IN WHICH STATE THEY MAY VOTE.

46 (II) IF A STUDENT OR FORMER STUDENT FAILS TO FULFILL ANY OF THE
47 REQUIREMENTS SET FORTH IN CLAUSE (I) OF THIS SUBPARAGRAPH, THE TRUSTEES
48 SHALL CONVERT TO A STUDENT LOAN THE FULL AMOUNT OF THE TUITION WHICH
49 WOULD HAVE BEEN PAID BY SUCH STUDENT, AS DETERMINED BY THE NEW YORK
50 STATE HIGHER EDUCATION SERVICES CORPORATION, PLUS INTEREST, ACCORDING TO
51 A SCHEDULE TO BE DETERMINED BY SUCH CORPORATION. SUCH REPAYMENT MAY
52 ALSO BE REQUIRED IF A RECIPIENT FAILS TO RESPOND TO REQUESTS FOR INFOR-
53 MATION NECESSARY TO DETERMINE CONTINUED ELIGIBILITY OR FOR ADMINIS-
54 TRATION OF THE PROGRAM. THE TERMS AND CONDITIONS OF THIS CLAUSE SHALL
55 BE DEFERRED FOR STUDENTS WHO ENROLL ON AT LEAST A HALF-TIME BASIS IN AN
56 APPROVED UNDERGRADUATE, GRADUATE OR HIGHER DEGREE PROGRAM OR OTHER

1 PROFESSIONAL LICENSURE DEGREE PROGRAM UNTIL THEY ARE CONFERRED A DEGREE,
2 AND SHALL ALSO BE DEFERRED FOR ANY INTERRUPTION IN UNDERGRADUATE STUDY
3 OR EMPLOYMENT AS ESTABLISHED BY THE RULES AND REGULATIONS OF THE CORPO-
4 RATION. THE TERMS AND CONDITIONS OF THIS CLAUSE MAY ALSO BE DEFERRED FOR
5 A GRACE PERIOD, TO BE ESTABLISHED BY THE CORPORATION, FOLLOWING THE
6 COMPLETION OF AN APPROVED UNDERGRADUATE PROGRAM OR A GRADUATE OR HIGHER
7 DEGREE PROGRAM OR OTHER PROFESSIONAL LICENSURE DEGREE PROGRAM. NOTWITH-
8 STANDING ANY PROVISIONS OF THIS CLAUSE TO THE CONTRARY, THE CORPORATION
9 IS AUTHORIZED TO PROMULGATE RULES AND REGULATIONS TO PROVIDE FOR THE
10 WAIVER OR SUSPENSION OF ANY FINANCIAL OBLIGATION WHICH WOULD INVOLVE
11 EXTREME HARDSHIP.

12 (III) ANY STUDENT WHO ELECTS TO PARTICIPATE IN THE PROGRAM UNDER THIS
13 SUBPARAGRAPH SHALL BE REQUIRED TO APPLY FOR TUITION ASSISTANCE PROGRAM
14 FUNDING. FUNDS AWARDED ON THE TUITION ASSISTANCE PROGRAM SHALL BE
15 APPLIED TOWARDS THE COST OF TUITION PRIOR TO AN AWARD UNDER THIS SUBPAR-
16 AGRAPH.

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

19 (V) (A) THIS PROGRAM SHALL NOT APPLY IN ACADEMIC YEARS COMMENCING ON
20 OR BEFORE THE EFFECTIVE DATE OF THIS SUBPARAGRAPH. (B) FOR THE FIRST TWO
21 YEARS AFTER THE EFFECTIVE DATE OF THIS SUBPARAGRAPH, THIS PROGRAM SHALL
22 ONLY APPLY TO STUDENTS ATTENDING COMMUNITY COLLEGES AS DEFINED BY SUBDI-
23 VISION TWO OF SECTION SIXTY-THREE HUNDRED ONE OF THIS CHAPTER. (C) IN
24 ALL OTHER YEARS, THIS PROGRAM SHALL APPLY TO ALL STUDENTS ATTENDING
25 SUNY, CUNY, AND COMMUNITY COLLEGES OF THE STATE.

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

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

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

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

37 (B) THE STUDENT SHALL BE REQUIRED TO PERFORM A MINIMUM OF TWENTY-FIVE
38 HOURS OF COMMUNITY SERVICE FOR EACH YEAR OF PARTICIPATION IN THE
39 PROGRAM. THE PRESIDENT OF EACH INSTITUTION OR HIS OR HER DESIGNEE OR
40 DESIGNEES SHALL BE AUTHORIZED TO ISSUE WAIVERS WHICH PERMIT STUDENTS TO
41 MEET THIS SERVICE REQUIREMENT BY PERFORMING SERVICES FOR NON-QUALIFYING
42 ORGANIZATIONS OR, GENERALLY, THE SURROUNDING COMMUNITY; PROVIDED THAT
43 THE HOUR REQUIREMENT IS MET AND SUCH PRESIDENT OR HIS OR HER DESIGNEE OR
44 DESIGNEES IS SATISFIED THAT THE WORK PERFORMED BENEFITS THE COMMUNITY.

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

48 (D) A STUDENT SHALL BE REQUIRED TO BE EMPLOYED FULL-TIME IN NEW YORK
49 STATE FOR A PERIOD OF FIVE YEARS SUBSEQUENT TO COMPLETION OF HIS OR HER
50 ACADEMIC PROGRAM. ANY PART-TIME OR COMBINATION OF PART-TIME AND
51 FULL-TIME EMPLOYMENT SHALL BE THE EQUIVALENT OF FIVE FULL-TIME YEARS.
52 ANY PERIOD OF TIME A STUDENT SPENDS UNEMPLOYED, PURSUING A GRADUATE
53 DEGREE OR ON ACTIVE MILITARY DUTY SHALL NOT PENALIZE A STUDENT FROM
54 RECEIVING THE BENEFITS OF THIS PROGRAM, BUT SHALL NOT CONTRIBUTE TO THE
55 ACCRUAL OF THE REQUIREMENTS OF THIS CLAUSE.

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

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

12 (G) A STUDENT WHO BENEFITED FROM THE PROGRAM OUTLINED IN THIS PARA-
13 GRAPH WHO IS ON ACTIVE DUTY IN THE ARMED FORCES OF THE UNITED STATES
14 SHALL NOT BE PENALIZED IF SUCH STUDENT MAINTAINS HIS OR HER LEGAL RESI-
15 DENCE IN THE STATE OF NEW YORK, DURING SUCH SERVICE. "LEGAL RESIDENCE"
16 AS USED IN THIS CLAUSE SHALL MEAN THE PLACE WHERE A MEMBER OF THE MILI-
17 TARY INTENDS TO RETURN AND LIVE AFTER DISCHARGE OR RETIREMENT, AND WHICH
18 THEY CONSIDER THEIR PERMANENT HOME. LEGAL RESIDENCY SHALL BE DETERMINED
19 BY WHAT LOCAL AND STATE TAX LAWS A MEMBER OF THE MILITARY IS SUBJECT TO,
20 AND IN WHICH STATE THEY MAY VOTE.

21 (II) IF A STUDENT OR FORMER STUDENT FAILS TO FULFILL ANY OF THE
22 REQUIREMENTS SET FORTH IN SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE TRUS-
23 TEES SHALL CONVERT TO A STUDENT LOAN THE FULL AMOUNT OF THE TUITION
24 WHICH WOULD HAVE BEEN PAID BY SUCH STUDENT, AS DETERMINED BY THE NEW
25 YORK STATE HIGHER EDUCATION SERVICES CORPORATION, PLUS INTEREST, ACCORD-
26 ING TO A SCHEDULE TO BE DETERMINED BY SUCH CORPORATION. SUCH REPAYMENT
27 MAY ALSO BE REQUIRED IF A RECIPIENT FAILS TO RESPOND TO REQUESTS FOR
28 INFORMATION NECESSARY TO DETERMINE CONTINUED ELIGIBILITY OR FOR ADMINIS-
29 TRATION OF THE PROGRAM. THE TERMS AND CONDITIONS OF THIS CLAUSE SHALL
30 BE DEFERRED FOR STUDENTS WHO ENROLL ON AT LEAST A HALF-TIME BASIS IN AN
31 APPROVED UNDERGRADUATE, GRADUATE OR HIGHER DEGREE PROGRAM OR OTHER
32 PROFESSIONAL LICENSURE DEGREE PROGRAM UNTIL THEY ARE CONFERRED A DEGREE,
33 AND SHALL ALSO BE DEFERRED FOR ANY INTERRUPTION IN UNDERGRADUATE STUDY
34 OR EMPLOYMENT AS ESTABLISHED BY THE RULES AND REGULATIONS OF THE CORPO-
35 RATION. THE TERMS AND CONDITIONS OF THIS CLAUSE MAY ALSO BE DEFERRED FOR
36 A GRACE PERIOD, TO BE ESTABLISHED BY THE CORPORATION, FOLLOWING THE
37 COMPLETION OF AN APPROVED UNDERGRADUATE PROGRAM OR A GRADUATE OR HIGHER
38 DEGREE PROGRAM OR OTHER PROFESSIONAL LICENSURE DEGREE PROGRAM. NOTWITH-
39 STANDING ANY PROVISIONS OF THIS CLAUSE TO THE CONTRARY, THE CORPORATION
40 IS AUTHORIZED TO PROMULGATE RULES AND REGULATIONS TO PROVIDE FOR THE
41 WAIVER OR SUSPENSION OF ANY FINANCIAL OBLIGATION WHICH WOULD INVOLVE
42 EXTREME HARDSHIP.

43 (III) ANY STUDENT WHO ELECTS TO PARTICIPATE IN THE PROGRAM UNDER THIS
44 PARAGRAPH SHALL BE REQUIRED TO APPLY FOR TUITION ASSISTANCE PROGRAM
45 FUNDING. FUNDS AWARDED ON THE TUITION ASSISTANCE PROGRAM SHALL BE
46 APPLIED TOWARDS THE COST OF TUITION PRIOR TO AN AWARD UNDER THIS SUBPAR-
47 AGRAPH.

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

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

52 (VI) (A) THIS PROGRAM SHALL NOT APPLY IN ACADEMIC YEARS COMMENCING ON
53 OR BEFORE THE EFFECTIVE DATE OF THIS PARAGRAPH. (B) FOR THE FIRST TWO
54 YEARS AFTER THE EFFECTIVE DATE OF THIS PARAGRAPH, THIS PROGRAM SHALL
55 ONLY APPLY TO STUDENTS ATTENDING COMMUNITY COLLEGES AS DEFINED BY SUBDI-
56 VISION TWO OF SECTION SIXTY-THREE HUNDRED ONE OF THIS CHAPTER. (C) IN

1 ALL OTHER YEARS, THIS PROGRAM SHALL APPLY TO ALL STUDENTS ATTENDING
2 SUNY, CUNY AND COMMUNITY COLLEGES OF THE STATE.

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

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

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

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

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

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

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

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

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

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

48 (H) A STUDENT WHO BENEFITED FROM THE PROGRAM OUTLINED IN THIS PARA-
49 GRAPH WHO IS ON ACTIVE DUTY IN THE ARMED FORCES OF THE UNITED STATES
50 SHALL NOT BE PENALIZED IF SUCH STUDENT MAINTAINS HIS OR HER LEGAL RESI-
51 DENCE IN THE STATE OF NEW YORK, DURING SUCH SERVICE. "LEGAL RESIDENCE"
52 AS USED IN THIS CLAUSE SHALL MEAN THE PLACE WHERE A MEMBER OF THE MILI-
53 TARY INTENDS TO RETURN AND LIVE AFTER DISCHARGE OR RETIREMENT, AND WHICH
54 THEY CONSIDER THEIR PERMANENT HOME. LEGAL RESIDENCY SHALL BE DETERMINED
55 BY WHAT LOCAL AND STATE TAX LAWS A MEMBER OF THE MILITARY IS SUBJECT TO,
56 AND IN WHICH STATE THEY MAY VOTE.

1 (II) IF A STUDENT OR FORMER STUDENT FAILS TO FULFILL ANY OF THE
2 REQUIREMENTS SET FORTH IN SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE TRUS-
3 TEES SHALL CONVERT TO A STUDENT LOAN THE FULL AMOUNT OF THE TUITION
4 WHICH WOULD HAVE BEEN PAID BY SUCH STUDENT, AS DETERMINED BY THE NEW
5 YORK STATE HIGHER EDUCATION SERVICES CORPORATION, PLUS INTEREST, ACCORD-
6 ING TO A SCHEDULE TO BE DETERMINED BY SUCH CORPORATION. SUCH REPAYMENT
7 MAY ALSO BE REQUIRED IF A RECIPIENT FAILS TO RESPOND TO REQUESTS FOR
8 INFORMATION NECESSARY TO DETERMINE CONTINUED ELIGIBILITY OR FOR ADMINIS-
9 TRATION OF THE PROGRAM. THE TERMS AND CONDITIONS OF THIS SUBPARAGRAPH
10 SHALL BE DEFERRED FOR STUDENTS WHO ENROLL ON AT LEAST A HALF-TIME BASIS
11 IN AN APPROVED UNDERGRADUATE, GRADUATE OR HIGHER DEGREE PROGRAM OR OTHER
12 PROFESSIONAL LICENSURE DEGREE PROGRAM UNTIL THEY ARE CONFERRED A DEGREE,
13 AND SHALL ALSO BE DEFERRED FOR ANY INTERRUPTION IN UNDERGRADUATE STUDY
14 OR EMPLOYMENT AS ESTABLISHED BY THE RULES AND REGULATIONS OF THE CORPO-
15 RATION. THE TERMS AND CONDITIONS OF THIS SUBPARAGRAPH MAY ALSO BE
16 DEFERRED FOR A GRACE PERIOD, TO BE ESTABLISHED BY THE CORPORATION,
17 FOLLOWING THE COMPLETION OF AN APPROVED UNDERGRADUATE PROGRAM OR A GRAD-
18 UATE OR HIGHER DEGREE PROGRAM OR OTHER PROFESSIONAL LICENSURE DEGREE
19 PROGRAM. NOTWITHSTANDING ANY PROVISIONS OF THIS SUBPARAGRAPH TO THE
20 CONTRARY, THE CORPORATION IS AUTHORIZED TO PROMULGATE RULES AND REGU-
21 LATIONS TO PROVIDE FOR THE WAIVER OR SUSPENSION OF ANY FINANCIAL OBLI-
22 GATION WHICH WOULD INVOLVE EXTREME HARDSHIP.

23 (III) ANY STUDENT WHO ELECTS TO PARTICIPATE IN THE PROGRAM UNDER THIS
24 PARAGRAPH SHALL BE REQUIRED TO APPLY FOR TUITION ASSISTANCE PROGRAM
25 FUNDING. FUNDS AWARDED ON THE TUITION ASSISTANCE PROGRAM SHALL BE
26 APPLIED TOWARDS THE COST OF TUITION PRIOR TO AN AWARD UNDER THIS SUBPAR-
27 AGRAPH.

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

30 (V) (A) THIS PROGRAM SHALL NOT APPLY IN ACADEMIC YEARS COMMENCING ON
31 OR BEFORE THE EFFECTIVE DATE OF THIS PARAGRAPH. (B) FOR THE FIRST TWO
32 YEARS AFTER THE EFFECTIVE DATE OF THIS PARAGRAPH, THIS PROGRAM SHALL
33 ONLY APPLY TO STUDENTS ATTENDING COMMUNITY COLLEGES AS DEFINED BY SUBDI-
34 VISION TWO OF SECTION SIXTY-THREE HUNDRED ONE OF THIS CHAPTER. (C) IN
35 ALL OTHER YEARS, THIS PROGRAM SHALL APPLY TO ALL STUDENTS ATTENDING
36 SUNY, CUNY AND COMMUNITY COLLEGES OF THE STATE.

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

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

44 S 6. This act shall take effect on the first of April next succeeding
45 the date on which it shall have become a law; provided, however, effec-
46 tive immediately, the addition, amendment and/or repeal of any rule or
47 regulation necessary for the implementation of this act on its effective
48 date is authorized to be made and completed on or before such effective
49 date.