

5098--A

2015-2016 Regular Sessions

I N   A S S E M B L Y

February 12, 2015

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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 AGRAPH.

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.