

# STATE OF NEW YORK

4100

2017-2018 Regular Sessions

## IN ASSEMBLY

February 1, 2017

Introduced by M. of A. SKOUFIS, GOTTFRIED, ABINANTI, BENEDETTO, BRAUNSTEIN, BRINDISI, COLTON, GUNTHER, JAFFEE, KIM, LIFTON, M. G. MILLER, MOSLEY, PEOPLES-STOKES, PICHARDO, RODRIGUEZ, SKARTADOS, STECK, SANTA-BARBARA, HOOPER, MAYER, RAMOS, FAHY, ROSENTHAL, SOLAGES, BARRETT, STIRPE, JEAN-PIERRE, ROZIC, BICHOTTE, BRONSON, BARRON, CRESPO, COOK, TITONE, ARROYO, JOYNER, ORTIZ, BLAKE, CAHILL, LAVINE, SIMON, HEVESI, ENGLEBRIGHT, DINOWITZ, DAVILA, AUBRY, WRIGHT, PRETLOW, SIMOTAS, HIKIND, LENTOL, WALKER, ABBATE, SIMANOWITZ, GJONAJ, RICHARDSON, HYNDMAN, HARRIS, HUNTER -- Multi-Sponsored by -- M. of A. CUSICK, DenDEKKER, LUPARDO, PAULIN, PERRY, RIVERA, RYAN, THIELE, TITUS -- read once and referred 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 § 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.

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

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1     (B) The student shall be required to perform a minimum of twenty-five  
2 hours of community service for each year of participation in the  
3 program. The president of each institution or his or her designee or  
4 designees shall be authorized to issue waivers which permit students to  
5 meet this service requirement by performing services for non-qualifying  
6 organizations or, generally, the surrounding community; provided that  
7 the hour requirement is met and such president or his or her designee or  
8 designees is satisfied that the work performed benefits the community.

9     (C) A student shall be required to sign a contract agreeing to reside  
10 in New York state for a period of five years subsequent to completion of  
11 his or her academic program.

12     (D) 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     (E) A student who benefited from the program outlined in this subpara-  
16 graph shall be allowed to attend an out-of-state graduate school without  
17 any penalty if such student pursues a graduate degree. Once such student  
18 concludes his or her graduate school studies, such student shall return  
19 to New York within one year for residency, per the program's require-  
20 ments, or else the undergraduate benefit will turn into a student loan  
21 pursuant to the provisions of clause (ii) of this subparagraph.

22     (F) A student who benefited from the program outlined in this subpara-  
23 graph who is on active duty in the armed forces of the United States  
24 shall not be penalized if such student maintains his or her legal resi-  
25 dence in the state of New York, during such service. "Legal residence"  
26 as used in this subclause shall mean the place where a member of the  
27 military intends to return and live after discharge or retirement, and  
28 which they consider their permanent home. Legal residency shall be  
29 determined by what local and state tax laws a member of the military is  
30 subject to, and in which state they may vote.

31     (ii) If a student or former student fails to fulfill any of the  
32 requirements set forth in clause (i) of this subparagraph, the trustees  
33 shall convert to a student loan the full amount of the tuition which  
34 would have been paid by such student, as determined by the New York  
35 state higher education services corporation, plus interest, according to  
36 a schedule to be determined by such corporation. Such repayment may  
37 also be required if a recipient fails to respond to requests for infor-  
38 mation necessary to determine continued eligibility or for adminis-  
39 tration of the program. The terms and conditions of this clause shall  
40 be deferred for students who enroll on at least a half-time basis in an  
41 approved undergraduate, graduate or higher degree program or other  
42 professional licensure degree program until they are conferred a degree,  
43 and shall also be deferred for any interruption in undergraduate study  
44 as established by the rules and regulations of the corporation. The  
45 terms and conditions of this clause may also be deferred for a grace  
46 period, to be established by the corporation, following the completion  
47 of an approved undergraduate program or a graduate or higher degree  
48 program or other professional licensure degree program. Notwithstanding  
49 any provisions of this clause to the contrary, the corporation is  
50 authorized to promulgate rules and regulations to provide for the waiver  
51 or suspension of any financial obligation which would involve extreme  
52 hardship.

53     (iii) Any student who elects to participate in the program under this  
54 subparagraph shall be required to apply for tuition assistance program  
55 funding. Funds awarded on the tuition assistance program shall be

1 applied towards the cost of tuition prior to an award under this subpar-  
2 agraph.

3 (iv) Students shall be responsible for all other costs including hous-  
4 ing, fees and other non-tuition related charges.

5 (v) (A) This program shall not apply in academic years commencing on  
6 or before the effective date of this subparagraph. (B) For the first two  
7 years after the effective date of this subparagraph, this program shall  
8 only apply to students attending community colleges as defined by subdi-  
9 vision two of section sixty-three hundred one of this chapter. (C) In  
10 all other years, this program shall apply to all students attending  
11 SUNY, CUNY, and community colleges of the state.

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

14 (d) The trustees shall implement a program to permit any student who  
15 has been admitted to an institution operated by the city university to  
16 attend without the payment of tuition and fees if such student fulfills  
17 the requirements of such program pursuant to the provisions of this  
18 paragraph.

19 (i) The trustees shall provide an application process and administer  
20 the program according to the following criteria:

21 (A) Any student eligible for resident tuition rates is eligible for  
22 this program.

23 (B) The student shall be required to perform a minimum of twenty-five  
24 hours of community service for each year of participation in the  
25 program. The president of each institution or his or her designee or  
26 designees shall be authorized to issue waivers which permit students to  
27 meet this service requirement by performing services for non-qualifying  
28 organizations or, generally, the surrounding community; provided that  
29 the hour requirement is met and such president or his or her designee or  
30 designees is satisfied that the work performed benefits the community.

31 (C) A student shall be required to sign a contract agreeing to reside  
32 in New York state for a period of five years subsequent to completion of  
33 his or her academic program.

34 (D) Students shall be required to complete their degree program within  
35 a minimum period of time to be set by the trustees which shall be no  
36 less than three years and no more than five years.

37 (E) A student who benefited from the program outlined in this para-  
38 graph shall be allowed to attend an out-of-state graduate school without  
39 any penalty if such student pursues a graduate degree. Once such student  
40 concludes his or her graduate school studies, such student shall return  
41 to New York within one year for residency per the program's require-  
42 ments, or else the undergraduate benefit will turn into a student loan  
43 pursuant to the provisions of subparagraph (ii) of this paragraph.

44 (F) A student who benefited from the program outlined in this para-  
45 graph who is on active duty in the armed forces of the United States  
46 shall not be penalized if such student maintains his or her legal resi-  
47 dence in the state of New York, during such service. "Legal residence"  
48 as used in this clause shall mean the place where a member of the mili-  
49 tary intends to return and live after discharge or retirement, and which  
50 they consider their permanent home. Legal residency shall be determined  
51 by what local and state tax laws a member of the military is subject to,  
52 and in which state they may vote.

53 (ii) If a student or former student fails to fulfill any of the  
54 requirements set forth in subparagraph (i) of this paragraph, the trus-  
55 tees shall convert to a student loan the full amount of the tuition  
56 which would have been paid by such student, as determined by the New

1 York state higher education services corporation, plus interest, accord-  
2 ing to a schedule to be determined by such corporation. Such repayment  
3 may also be required if a recipient fails to respond to requests for  
4 information necessary to determine continued eligibility or for adminis-  
5 tration of the program. The terms and conditions of this clause shall  
6 be deferred for students who enroll on at least a half-time basis in an  
7 approved undergraduate, graduate or higher degree program or other  
8 professional licensure degree program until they are conferred a degree,  
9 and shall also be deferred for any interruption in undergraduate study  
10 as established by the rules and regulations of the corporation. The  
11 terms and conditions of this clause may also be deferred for a grace  
12 period, to be established by the corporation, following the completion  
13 of an approved undergraduate program or a graduate or higher degree  
14 program or other professional licensure degree program. Notwithstanding  
15 any provisions of this clause to the contrary, the corporation is  
16 authorized to promulgate rules and regulations to provide for the waiver  
17 or suspension of any financial obligation which would involve extreme  
18 hardship.

19 (iii) Any student who elects to participate in the program under this  
20 paragraph shall be required to apply for tuition assistance program  
21 funding. Funds awarded on the tuition assistance program shall be  
22 applied towards the cost of tuition prior to an award under this subpar-  
23 agraph.

24 (iv) Students shall be responsible for all other costs including hous-  
25 ing, fees and other non-tuition related charges.

26 (v) The provisions of this subdivision shall not be subject to taxa-  
27 tion.

28 (vi) (A) This program shall not apply in academic years commencing on  
29 or before the effective date of this paragraph. (B) For the first two  
30 years after the effective date of this paragraph, this program shall  
31 only apply to students attending community colleges as defined by subdi-  
32 vision two of section sixty-three hundred one of this title. (C) In all  
33 other years, this program shall apply to all students attending SUNY,  
34 CUNY and community colleges of the state.

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

37 e. The trustees, sponsors or other governing body of a community  
38 college shall implement a program to permit any student who has been  
39 admitted to such community college to attend without the payment of  
40 tuition and fees if such student fulfills the requirements of such  
41 program pursuant to the provisions of this paragraph.

42 (i) The trustees shall provide an application process and administer  
43 the program according to the following criteria:

44 (A) Any student eligible for resident tuition rates is eligible for  
45 this program.

46 (B) The student shall be required to perform a minimum of twenty-five  
47 hours of community service for each year of participation in the  
48 program. The president or chief administrator of each community college  
49 or his or her designee or designees shall be authorized to issue waivers  
50 which permit students to meet this service requirement by performing  
51 services for non-qualifying organizations; provided that the hour  
52 requirement is met and such president, chief administrator or his or her  
53 designee or designees is satisfied that the work performed benefits the  
54 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) Students shall be required to complete their degree program within  
5 a minimum period of time to be set by the trustees which shall be no  
6 less than one year and no more than three years.

7 (E) A student who benefited from the program outlined in this subpara-  
8 graph shall be allowed to attend an out-of-state graduate school without  
9 any penalty if such student pursues a graduate degree. Once such student  
10 concludes his or her graduate school studies, such student shall return  
11 to New York within one year for residency per the program's require-  
12 ments, or else the undergraduate benefit will turn into a student loan  
13 pursuant to the provisions of subparagraph (ii) of this paragraph.

14 (F) A student who benefited from the program outlined in this para-  
15 graph who is on active duty in the armed forces of the United States  
16 shall not be penalized if such student maintains his or her legal resi-  
17 dence in the state of New York, during such service. "Legal residence"  
18 as used in this clause shall mean the place where a member of the mili-  
19 tary intends to return and live after discharge or retirement, and which  
20 they consider their permanent home. Legal residency shall be determined  
21 by what local and state tax laws a member of the military is subject to,  
22 and in which state they may vote.

23 (ii) If a student or former student fails to fulfill any of the  
24 requirements set forth in subparagraph (i) of this paragraph, the trus-  
25 tees shall convert to a student loan the full amount of the tuition  
26 which would have been paid by such student, as determined by the New  
27 York state higher education services corporation, plus interest, accord-  
28 ing to a schedule to be determined by such corporation. Such repayment  
29 may also be required if a recipient fails to respond to requests for  
30 information necessary to determine continued eligibility or for adminis-  
31 tration of the program. The terms and conditions of this subparagraph  
32 shall be deferred for students who enroll on at least a half-time basis  
33 in an approved undergraduate, graduate or higher degree program or other  
34 professional licensure degree program until they are conferred a degree,  
35 and shall also be deferred for any interruption in undergraduate study  
36 as established by the rules and regulations of the corporation. The  
37 terms and conditions of this subparagraph may also be deferred for a  
38 grace period, to be established by the corporation, following the  
39 completion of an approved undergraduate program or a graduate or higher  
40 degree program or other professional licensure degree program. Notwith-  
41 standing any provisions of this subparagraph to the contrary, the corpo-  
42 ration is authorized to promulgate rules and regulations to provide for  
43 the waiver or suspension of any financial obligation which would involve  
44 extreme hardship.

45 (iii) Any student who elects to participate in the program under this  
46 paragraph shall be required to apply for tuition assistance program  
47 funding. Funds awarded on the tuition assistance program shall be  
48 applied towards the cost of tuition prior to an award under this subpar-  
49 agraph.

50 (iv) Students shall be responsible for all other costs including hous-  
51 ing, fees and other non-tuition related charges.

52 (v) (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 article. (C) In

1 all other years, this program shall apply to all students attending  
2 SUNY, CUNY and community colleges of the state.

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

5 a-1. State financial aid shall be increased above the one-third amount  
6 of operating costs set forth in paragraph a of this subdivision by an  
7 amount which is equal to the cost of tuition awarded to students who  
8 apply and qualify for the program set forth in paragraph e of this  
9 subdivision.

10 § 6. This act shall take effect on the first of April next succeeding  
11 the date on which it shall have become a law; provided, however, effec-  
12 tive immediately, the addition, amendment and/or repeal of any rule or  
13 regulation necessary for the implementation of this act on its effective  
14 date are authorized to be made and completed on or before such effective  
15 date.