

# STATE OF NEW YORK

9087

## IN ASSEMBLY

January 18, 2018

Introduced by M. of A. RA -- read once and referred to the Committee on Higher Education

AN ACT to amend the education law, in relation to creating the "science, technology, engineering and mathematics (STEM) College Affordability Program"

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 the "science,  
2 technology, engineering and mathematics (STEM) college affordability  
3 program".

4 § 2. Legislative intent. The legislature finds that higher education  
5 is critical to the future of many New Yorkers and highly skilled work-  
6 force in STEM fields is critical for supporting New York's economy. The  
7 rising cost of college is placing a financial strain on students and  
8 families. Addressing the financial strain and the need to invest in a  
9 highly educated workforce are necessary steps in securing the future.  
10 Therefore the STEM college affordability program, or STEM CAP, is estab-  
11 lished to provide families with the ability to send their children to  
12 college to earn a bachelor's degree leading to a career in science,  
13 technology, education, mathematics, or agricultural sciences for  
14 \$10,000. The STEM college affordability program provides deserving  
15 students and their families an affordable pathway to a college education  
16 that will lead to a career in some of New York's strongest and fastest  
17 growing industries.

18 § 3. The education law is amended by adding a new article 13-C to read  
19 as follows:

### ARTICLE 13-C

#### STEM COLLEGE AFFORDABILITY PROGRAM

#### Section 640. Definitions.

23 640-a. Duties of the commissioner.

24 640-b. Income.

25 640-c. Eligibility.

26 640-d. Duration.

27 640-e. Cost of program.

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

LBD14103-01-8

1 640-f. Financial aid.

2 640-g. Notification.

3 § 640. Definitions. As used in this article:

4 1. "Participating community college" means any community college  
5 established and operated pursuant to the provisions of article one  
6 hundred twenty-six of this chapter, and providing two-year post-second-  
7 ary programs in general and technical education subjects and receiving  
8 financial assistance from the state.

9 2. "Participating four-year college" means any university or college  
10 of the state university of New York as established by subdivision three  
11 of section three hundred fifty-two of this chapter and the city univer-  
12 sity of New York as established by article one hundred twenty-five of  
13 this chapter that provide four-year bachelor degree programs.

14 3. "Approved program" shall mean an approved undergraduate program  
15 leading to a career in science, technology, engineering, mathematics, or  
16 agricultural sciences.

17 4. "Good academic standing" for the purposes of this article means  
18 retaining a minimum grade point average of 2.5 or the equivalent.

19 § 640-a. Duties of the commissioner. The commissioner shall establish  
20 an application and application process for the STEM college affordabili-  
21 ty program. The commissioner shall select one thousand qualified appli-  
22 cants per year for participation in the STEM college affordability  
23 program, from among candidates who meet and exceed the minimum eligibil-  
24 ity requirements, in order of merit on the basis of such combination of  
25 test scores, academic records, and personal qualifications as the  
26 commissioner deems appropriate.

27 § 640-b. Income. 1. Definition. "Income" shall be the total of the  
28 combined net taxable income and income from pensions of New York state,  
29 local governments, the federal government and any private employer of  
30 the applicant, the applicant's spouse, and the applicant's parents or  
31 legal guardian, including any pension and annuity income excluded for  
32 purposes of taxation pursuant to paragraph three-a of subsection (c) of  
33 section six hundred twelve of the tax law, as reported in New York state  
34 income tax returns for the calendar year next preceding the beginning of  
35 the school year for which the application is made. The term "parent"  
36 shall include birth parents, stepparents, adoptive parents and the  
37 spouse of an adoptive parent. Income, if not a whole dollar amount,  
38 shall be assumed to be equal to the next lowest whole dollar amount. Any  
39 change in the status of an applicant with regard to the persons respon-  
40 sible for the applicant's support occurring after the beginning of any  
41 semester shall not be considered to change the applicant's eligibility.

42 2. Separation of parents. If the parents of an applicant are living  
43 apart, the income of the applicant shall be based upon the income of  
44 that parent with whom the applicant is living; or who exercises custody  
45 if the applicant is a minor, or would exercise custody if the applicant  
46 were a minor, and any appropriate payments for the support of the appli-  
47 cant from the other parent.

48 3. Exclusion of parental income in the determination of the amount of  
49 an award. a. In determining the amount of an award for students, the  
50 income of the parents shall be excluded if the student has been emanci-  
51 pated from his or her parents.

52 b. A student shall be considered emancipated if:

53 (i) The applicant is a student who was married on or before December  
54 thirty-first of the calendar year prior to the beginning of the academic  
55 year for which application is made or is an undergraduate student who  
56 has reached the age of twenty-two on or before June thirtieth prior to

1 the academic year for which application is made and who, during the  
2 calendar year next preceding the semester, quarter or term of attendance  
3 for which application is made and at all times subsequent thereto up to  
4 and including the entire period for which application is made:

5 (A) has not resided and will not reside with his or her parents for  
6 more than six weeks; and

7 (B) has not and will not receive financial assistance or support value  
8 in excess of seven hundred fifty dollars from his or her parents; and

9 (C) has not and will not be claimed as a dependent by either parent  
10 for purposes of either federal or state income tax; or

11 (ii) The applicant has reached the age of thirty-five on or before  
12 June thirtieth prior to the academic year for which application is made;  
13 or

14 (iii) The applicant was enlisted in full-time active military service  
15 in the armed forces of the United States and has been honorably  
16 discharged from such service, provided, however, that the applicant has  
17 not and will not be claimed as a dependent by either parent for purposes  
18 of either federal or state income tax.

19 c. In making a determination of where a student resides for the  
20 purposes of clause (A) of subparagraph (i) of paragraph b of this subdi-  
21 vision, the president may consider such criteria as he or she deems  
22 appropriate. Residence by the student in an apartment, building, or  
23 other premises owned by a parent shall be considered residence with that  
24 parent, for the purposes of this section, even if the student makes  
25 payment therefor in the form of rent or other considerations.

26 d. In making a determination of whether a student has been claimed by  
27 a parent as a dependent for purposes of either federal or state income  
28 tax, the president may require the student to submit a copy of that  
29 portion of the parent's federal income tax return which includes the  
30 parent's signature and the list of claimed dependents.

31 4. Relinquishing of parental control. In determining the amount of an  
32 award, the president may, in cases of unusual and exceptional family  
33 circumstances warranting such action, recognize an existing condition  
34 wherein parental control has in effect been relinquished by the parents  
35 or others responsible for the applicant, and notwithstanding the  
36 provisions of subdivision three of this section, the applicant has in  
37 effect been emancipated. The criteria used in determining these cases of  
38 unusual and exceptional family circumstances shall be established by the  
39 president with the approval of the board of trustees and the director of  
40 the division of the budget.

41 5. Income tax return not filed or not including income outside New  
42 York state. If a person required to report income to the corporation did  
43 not file an appropriate New York state income tax return, or if the  
44 return did not include income outside New York state, such person shall  
45 report to the corporation what his or her income would have been had his  
46 or her total income been subject to New York state income tax and had  
47 such income tax return been filed.

48 6. Statement of income. An applicant, the applicant's spouse, and the  
49 applicant's parents, if their income is included in "income" for  
50 purposes of this article, shall file annually with the corporation, in a  
51 manner prescribed by the president, a statement of their income, signed  
52 and affirmed as true under penalties of perjury.

53 7. Verification of financial report. The state tax commission shall,  
54 upon request by the president, compare any statement filed with the  
55 corporation pursuant to this article or any information derived there-

1 from with the state income tax returns filed by the persons making such  
2 statement and shall report any discrepancies to the president.

3 8. Confidentiality of financial reports. All statements filed with the  
4 corporation and all reports made by the state tax commission pursuant to  
5 this section shall be deemed confidential.

6 § 640-c. Eligibility. The STEM college affordability program shall be  
7 available to those persons:

8 1. Who are: (i) a citizen of the United States; or (ii) an alien  
9 lawfully admitted for permanent residence in the United States; or (iii)  
10 an individual of a class of refugees paroled by the attorney general of  
11 the United States under his or her parole authority pertaining to the  
12 admission of aliens to the United States;

13 2. Who have been either: (i) a legal resident of the state for at  
14 least one year immediately preceding the beginning of the semester,  
15 quarter or term of attendance for which application for the STEM college  
16 affordability program is made; or (ii) a legal resident of the state and  
17 have been a legal resident during his or her last two semesters of high  
18 school either prior to graduation, or prior to admission to college.  
19 Notwithstanding any other provision of this article to the contrary, the  
20 New York state residency eligibility requirement for this program is  
21 waived for a member, or the spouse or dependent of a member, of the  
22 armed forces of the United States on full-time active-duty and stationed  
23 in this state;

24 3. Who have applied to such program and been accepted;

25 4. Who have graduated from a secondary school located within New York  
26 state or have received a high school equivalency diploma from New York  
27 state;

28 5. Who enroll in an approved program as defined in section six hundred  
29 forty of this article at a participating community college or partic-  
30 ipating four-year college to complete a bachelor's degree in an approved  
31 program;

32 6. Who remain in good academic standing; and

33 7. Whose income as defined in section six hundred forty-b of this  
34 article does not exceed two hundred thousand dollars or one hundred  
35 fifty thousand dollars in cases where parental income is excluded as  
36 provided in section six hundred nine-b.

37 § 640-d. Duration. Students, who remain in good academic standing and  
38 continue to meet the eligibility requirements of the STEM college  
39 affordability program, will remain in said program for not more than  
40 four academic years of full-time undergraduate study.

41 § 640-e. Cost of program. Each student accepted into this program will  
42 be charged an amount of no more than two thousand five hundred dollars  
43 per academic year. Included in this cost will be tuition, room and board  
44 and a five hundred dollar per semester stipend for textbooks. The state  
45 will provide the state university and the city university with the  
46 remaining cost to educate these students.

47 § 640-f. Financial aid. Those students who are awarded an academic  
48 scholarship from higher education services will see a reduction in their  
49 cost of the program by an amount equal to their award. Any additional  
50 financial aid, including from the tuition assistance program, the amount  
51 of the award will go to the school and will diminish the state's share  
52 of the student's cost of education.

53 § 640-g. Notification. 1. The superintendent of schools or other chief  
54 school officer of each public school district and the chief school offi-  
55 cer of nonpublic secondary schools shall take steps to inform students  
56 and parents about the STEM college affordability program. The higher

1 education services corporation, in cooperation with the commissioner,  
2 shall assist such efforts by making available to school districts,  
3 nonpublic secondary schools and students information relating to such  
4 programs and aid. In addition, the commissioner, in cooperation with the  
5 president and school officials shall also provide such other information  
6 as is appropriate to encourage students to complete high school and to  
7 assist students in preparing to attend college.

8 2. A report detailing the number of students in the program enrolled  
9 in each program of study and the number of students participating at  
10 each institution shall be generated by the participating community  
11 college or four-year college and submitted to the division of the budget  
12 with a copy provided to each house of the legislature and the governor.

13 § 4. Subparagraph 4 of paragraph h of subdivision 2 of section 355 of  
14 the education law is amended by adding a new clause (vii) to read as  
15 follows:

16 (vii) Commencing with the two thousand eighteen--two thousand nineteen  
17 academic year and ending in the two thousand twenty-two--two thousand  
18 twenty-three academic year the state university of New York board of  
19 trustees shall be empowered to administer a program in which students  
20 pay two thousand five hundred dollars per year for four years of educa-  
21 tion as established pursuant to article thirteen-C of this title.  
22 Participation in such program will be awarded solely on merit. The  
23 remainder of the cost of this program will be paid for by the state.

24 § 5. Paragraph (a) of subdivision 7 of section 6206 of the education  
25 law is amended by adding a new subparagraph (vi) to read as follows:

26 (vi) Commencing with the two thousand eighteen--two thousand nineteen  
27 academic year and ending in the two thousand twenty-two--two thousand  
28 twenty-three academic year the city university of New York board of  
29 trustees shall be empowered to administer a program in which students  
30 pay two thousand five hundred dollars per year for four years of educa-  
31 tion as established pursuant to article thirteen-C of this title.  
32 Participation in such program will be awarded solely on merit. The  
33 remainder of the cost of this program will be paid for by the state.

34 § 6. This act shall take effect immediately; provided that the amend-  
35 ments to subparagraph 4 of paragraph h of subdivision 2 of section 355  
36 of the education law made by section four of this act and paragraph (a)  
37 of subdivision 7 of section 6206 of the education law made by section  
38 five of this act shall be subject to the expiration and reversion of  
39 such provisions and shall expire and be deemed repealed therewith.