

STATE OF NEW YORK

707

2021-2022 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 6, 2021

Introduced by M. of A. CAHILL -- Multi-Sponsored by -- M. of A. ABBATE, BENEDETTO, COLTON, COOK, CUSICK, CYMBROWITZ, ENGLEBRIGHT, GUNTHER, LUPARDO, PEOPLES-STOKES, PERRY -- read once and referred to the Committee on Higher Education

AN ACT to amend the education law, in relation to creating the "TAP reform act"

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Short title. This act shall be known and may be cited as
2 the "TAP reform act".

3 § 2. Subdivision 5 of section 663 of the education law, as amended by
4 section 3 of part J of chapter 58 of the laws of 2011, is amended to
5 read as follows:

6 5. Adjustments of income. a. In the determination of income for
7 purposes of paragraphs a and b of subdivision three of section six
8 hundred sixty-seven of this part if, during the academic year in which
9 the applicant will receive an award, one of either the parents of the
10 applicant or other dependent child of such parents, the spouse of the
11 applicant, or one or more dependent children of the applicant, in addition
12 to the applicant, will be in full-time attendance in an approved
13 program, the combined net taxable income determined under subdivision
14 one of this section shall be reduced by three thousand dollars and an
15 additional two thousand dollars for each other such person additional to
16 the aforesaid persons (including the applicant) who will be in such
17 attendance, and the resulting amount shall be deemed the applicable
18 income in determining the applicant's award for the academic year.

19 b. (i) In the determination of income for purposes of subdivision
20 three of section six hundred sixty-seven of this part, student financial
21 aid officers are hereby authorized, on the basis of adequate documenta-
22 tion, to make adjustments on a case-by-case basis in the amount deemed

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

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1 applicable income in determining an applicant's award for the academic
2 year, to allow for treatment of an individual, eligible applicant with
3 special circumstances as defined herein.

4 (ii) Special circumstances may include: (A) expenses of the following
5 nature incurred or paid by one or more of either the parents of the
6 applicant or other dependent child of such parents, the spouse of the
7 applicant, or one or more dependent children of the applicant, such as
8 but not limited to: tuition expenses at an elementary or secondary
9 school, medical or dental expenses not covered by insurance, and unusu-
10 ally high child care costs, (B) recent unemployment of a family member
11 necessitating contributions by any of the aforesaid persons to the fami-
12 ly member's support, or (C) other changes in the family's income, the
13 family's assets, or a student's status. Special circumstances shall be
14 conditions that differentiate an individual student from a class of
15 students rather than conditions that exist across a class of students.

16 (iii) Adequate documentation for such adjustments shall be required to
17 substantiate such special circumstances of individual students. Nothing
18 in this paragraph shall be interpreted as limiting the authority of the
19 student financial aid officer in such cases to request and use supple-
20 mentary information about the financial status or personal circumstances
21 of such applicants in selecting recipients and determining the amount of
22 awards under subdivision three of section six hundred sixty-seven of
23 this part. No student or parent shall be charged a fee for collecting,
24 processing, or delivering such supplementary information.

25 (iv) A student financial aid officer shall be considered to be making
26 a necessary adjustment in accordance with subparagraph (i) of this para-
27 graph if:

28 (A) the officer makes adjustments excluding from family income any
29 proceeds of a sale of farm or business assets of a family if such sale
30 results from a voluntary or involuntary foreclosure, forfeiture or bank-
31 ruptcy or an involuntary liquidation, or

32 (B) the officer makes adjustments in the award level of a student with
33 a disability so as to take into consideration the additional costs such
34 student incurs as a result of such student's disability.

35 § 3. Subdivision 1 of section 667 of the education law, as amended by
36 chapter 622 of the laws of 2008, is amended to read as follows:

37 1. Recipient qualifications. Tuition assistance program awards are
38 available for all students who are enrolled in approved programs and who
39 demonstrate the ability to complete such courses, in accordance with
40 standards established by the commissioner provided, however, that no
41 award shall be made unless tuition [~~exclusive of educational fees~~] and
42 any mandatory educational fees and, if applicable, the college fee
43 levied by the state university of New York pursuant to the April first,
44 nineteen hundred sixty-four financing agreements with the New York state
45 dormitory authority charged for the program in which the student is
46 enrolled total at least two hundred dollars a year[7]; and provided
47 further that[7] no award [~~can~~] shall exceed one hundred percent of the
48 amount of tuition charged.

49 § 4. Subitem (c) of item 1 of clause (A) of subparagraph (i) and
50 subparagraph (vi) of paragraph a of subdivision 3 of section 667 of the
51 education law, subitem (c) of item 1 of clause (A) of subparagraph (i)
52 as amended by section 1 of part U of chapter 56 of the laws of 2014 and
53 subparagraph (vi) as amended by section 1 of part B of chapter 60 of the
54 laws of 2000, are amended to read as follows:

55 (c) For students first receiving aid in two thousand--two thousand one
56 and [~~thereafter~~] before two thousand twenty-three--two thousand twenty-

1 ~~four~~, five thousand dollars[, ~~except starting in two thousand fourteen-~~
2 ~~two thousand fifteen and thereafter such students shall receive five~~
3 ~~thousand one hundred sixty-five dollars~~]; or

4 (I) For students first receiving aid in two thousand twenty-three--two
5 thousand twenty-four, five thousand five hundred dollars; or

6 (II) For students first receiving aid in two thousand twenty-four--two
7 thousand twenty-five and thereafter, six thousand dollars.

8 (vi) For the two thousand [~~two~~] twenty-three--two thousand [~~three~~]
9 twenty-four academic year and thereafter, the award shall be the net
10 amount of the base amount determined pursuant to subparagraph (i) of
11 this paragraph reduced pursuant to subparagraph (ii) or (iii) of this
12 paragraph but the award shall not be reduced below [~~five~~] nine hundred
13 fifty dollars; and one thousand dollars for each academic year and ther-
14 eafter.

15 § 5. Clause (B) of subparagraph (i) of paragraph a of subdivision 3 of
16 section 667 of the education law, as amended by section 1 of part B of
17 chapter 60 of the laws of 2000, is amended to read as follows:

18 (B) (1) Ninety-five percent of the amount of tuition [~~(exclusive of~~
19 ~~educational fees) charged and, if applicable, the college fee levied by~~
20 ~~the state university of New York pursuant to the April first, nineteen~~
21 ~~hundred sixty-four financing agreement with the New York state dormitory~~
22 ~~authority]~~ and any mandatory educational fees.

23 (2) For the two thousand one--two thousand two academic year and ther-
24 eafter, one hundred percent of the amount of tuition [~~(exclusive of~~
25 ~~educational fees) charged and, if applicable, the college fee levied by~~
26 ~~the state university of New York pursuant to the April first, nineteen~~
27 ~~hundred sixty-four financing agreement with the New York state dormitory~~
28 ~~authority]~~ and any mandatory educational fees.

29 § 6. Clause (B) of subparagraph (i) of paragraph b of subdivision 3 of
30 section 667 of the education law, as amended by section 2 of part B of
31 chapter 60 of the laws of 2000, is amended to read as follows:

32 (B) (1) Ninety-five percent of the amount of tuition [~~(exclusive of~~
33 ~~educational fees)]~~ and any mandatory educational fees charged.

34 (2) For the two thousand one--two thousand two academic year and ther-
35 eafter, one hundred percent of the amount of tuition [~~(exclusive of~~
36 ~~educational fees)]~~ and any mandatory educational fees.

37 § 7. Subparagraphs (i) and (ii) of paragraph c of subdivision 3 of
38 section 667 of the education law, as added by chapter 83 of the laws of
39 1995 and such paragraph as relettered by section 2 of part J of chapter
40 58 of the laws of 2011, are amended to read as follows:

41 (i) be made unless the annual tuition [~~(exclusive of educational~~
42 ~~fees)]~~ and any mandatory educational fees and, if applicable, the
43 college fee levied by the state university of New York pursuant to the
44 April first, nineteen hundred sixty-four financing agreement with the
45 New York state dormitory authority charged for the program in which the
46 student is enrolled total at least two hundred dollars; or

47 (ii) exceed the amount by which such annual tuition [~~(exclusive of~~
48 ~~educational fees)]~~ and any mandatory educational fees and, if applica-
49 ble, the college fee levied by the state university of New York pursuant
50 to the April first, nineteen hundred sixty-four financing agreement with
51 the New York state dormitory authority exceed the total of all other
52 state, federal, or other educational aid that is received or receivable
53 by such student during the school year for which such award is applica-
54 ble and that, in the judgment of the commissioner, would duplicate the
55 purposes of the award; or

1 § 8. Section 2 of the education law is amended by adding a new subdi-
2 vision 25 to read as follows:

3 25. Mandatory educational fee. The term "mandatory educational fee"
4 includes only those fees required to fulfill the requirements of a grad-
5 uate or undergraduate degree; provided, however, that such term excludes
6 those fees imposed by a vote of the student body.

7 § 9. This act shall take effect immediately; provided that the amend-
8 ments to section 663 of the education law made by section two of this
9 act shall apply to determinations made on or after such effective date.