

STATE OF NEW YORK

8307

2021-2022 Regular Sessions

IN ASSEMBLY

October 20, 2021

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

AN ACT to amend the education law, in relation to expanding the veterans tuition awards program to allow the transfer of unused benefits to a caregiver, spouse, survivor or child

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 "Veteran
2 Family Educational Attainment Act".

3 § 2. Subdivision 1 of section 669-a of the education law is amended
4 by adding six new paragraphs g, h, i, j, k, and l to read as follows:

5 g. "Immediate family" means a spouse, child, caregiver, or survivor
6 of a qualified veteran.

7 h. "Qualified veteran" means a veteran who would be eligible to
8 receive tuition awards if he or she satisfied the enrollment and appli-
9 cation requirements set forth in paragraph a of subdivision two of
10 this section.

11 i. "Caregiver" means: (i) a person who is a resident of this state,
12 (ii) the family member or other natural person who normally provides the
13 daily care or supervision of a qualified veteran who is frail or disa-
14 bled, or any family member or other natural person who contributes to
15 and is involved in the caretaking responsibilities for such qualified
16 veteran who is frail or disabled and such informal caregiver may, but
17 need not, reside in the same household as a qualified veteran who is
18 frail or disabled, and (iii) whose qualified veteran has not elected to
19 utilize his or her benefit.

20 j. "Spouse" or "domestic partner" means: (i) a person who is a resi-
21 dent of this state, and (ii) a person who has a legal relationship with
22 a qualified veteran permitted under the laws of this state and the city
23 of New York for couples who have a close and committed personal
24 relationship or a person who has a legal marriage with a qualified

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

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1 veteran permitted under the laws of the state and city of New York, and
2 (iii) whose qualified veteran has not elected to utilize his or her
3 benefit.

4 k. "Survivor" means: (i) a person who is a resident of this state,
5 (ii) married to a qualified veteran who died as a result of military
6 service, (iii) married the qualified veteran within fifteen years of
7 discharge from his or her military service in which the cause of death,
8 disease or injury started or was aggravated, or was married to the
9 veteran for at least one year, or had a child with the qualified veteran
10 and lived together with the veteran continuously until the veteran's
11 death or, if separated, was not at fault for the separation, and (iv)
12 whose qualified veteran has not elected to utilize his or her benefit.

13 l. "Child" means: (i) a person who is a resident of this state, (ii) a
14 biological, adopted, foster offspring, stepson or stepdaughter, legal
15 ward, offspring of a domestic partner, or the person to whom the quali-
16 fied veteran stands in loco parentis, and (iii) whose qualified veteran
17 has not elected to utilize his or her benefit.

18 § 3. Section 669-a of the education law is amended by adding a new
19 subdivision 5 to read as follows:

20 5. a. A qualified veteran who would be eligible to receive tuition
21 awards if he or she satisfied the enrollment and application require-
22 ments set forth in paragraph a of subdivision two of this section, may
23 elect to transfer all or a portion of the tuition award such veteran
24 would have received to any one or more of such veteran's immediate fami-
25 ly members.

26 b. A veteran who elects to transfer his or her award shall designate
27 the eligible immediate family member or members to whom such award is
28 being transferred and the number of months such transfer shall be effec-
29 tive for each such dependent. Such designation shall be made on a form
30 prescribed by the commissioner, shall be appended to the application
31 specified in subdivision two of this section, and the commissioner shall
32 make the form and relevant information of this section available on the
33 corporation's website.

34 c. No eligible immediate family member to whom a transfer has been
35 made pursuant to this subdivision shall receive a tuition award in
36 excess of the award available to an individual veteran under this
37 section.

38 § 4. This act shall take effect on the thirtieth day after it shall
39 have become a law. Effective immediately, the addition, amendment
40 and/or repeal of any rule or regulation necessary for the implementation
41 of this act on its effective date are authorized to be made and
42 completed on or before such effective date.