

STATE OF NEW YORK

5456--A

2021-2022 Regular Sessions

IN SENATE

March 5, 2021

Introduced by Sen. BAILEY -- read twice and ordered printed, and when printed to be committed to the Committee on Veterans, Homeland Security and Military Affairs -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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. Paragraphs e and f of subdivision 1 of section 669-a of the
4 education law are relettered paragraphs i and j and four new paragraphs
5 e, f, g and h are added to read as follows:

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

14 f. "Spouse" or "domestic partner" means: (i) a person who is a resi-
15 dent of this state, and (ii) a person who has a legal relationship
16 permitted under the laws of this state and the city of New York for
17 couples who have a close and committed personal relationship or a person
18 who has a legal marriage permitted under the laws of the state and city
19 of New York, and (iii) whose qualified veteran has not elected to
20 utilize his or her benefit.

21 g. "Survivor" means: (i) a person who is a resident of this state,
22 (ii) married to a servicemember who died as a result of military

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

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1 service, (ii) married the veteran within fifteen years of discharge from
2 his or her military service in which the cause of death, disease or
3 injury started or was aggravated, or was married to the veteran for at
4 least one year, or had a child with the veteran and lived together with
5 the veteran continuously until the veteran's death or, if separated, was
6 not at fault for the separation, and (iii) whose qualified veteran has
7 not elected to utilize his or her benefit.

8 h. "Child" means: (i) a person who is a resident of this state, (ii) a
9 biological, adopted, foster offspring, stepson or stepdaughter, legal
10 ward, offspring of a domestic partner, or the person to whom the veteran
11 stands in loco parentis, and (iii) whose qualified veteran has not
12 elected to utilize his or her benefit.

13 § 3. Paragraph a of subdivision 2 of section 669-a of the education
14 law, as amended by section 3 of part N of chapter 57 of the laws of
15 2008, is amended to read as follows:

16 a. Tuition awards are available for all Vietnam, Persian Gulf, Afghan-
17 istan and other eligible combat veterans or respective caregiver,
18 spouse, survivor or child, as defined in subdivision one of this
19 section, who are enrolled, pursuant to paragraph a of subdivision four
20 of section six hundred sixty-one of this part, in approved undergraduate
21 or graduate programs at degree granting institutions or enrolled in
22 approved vocational training programs and who apply for a tuition
23 assistance program award pursuant to section six hundred sixty-seven of
24 this subpart.

25 § 4. This act shall take effect immediately.