

# STATE OF NEW YORK

5456--B

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 -- 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. 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.

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

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1 j. "Spouse" or "domestic partner" means: (i) a person who is a resi-  
2 dent of this state, and (ii) a person who has a legal relationship with  
3 a qualified veteran permitted under the laws of this state and the city  
4 of New York for couples who have a close and committed personal  
5 relationship or a person who has a legal marriage with a qualified  
6 veteran permitted under the laws of the state and city of New York, and  
7 (iii) whose qualified veteran has not elected to utilize his or her  
8 benefit.

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

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

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

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

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

39 c. No eligible immediate family member to whom a transfer has been  
40 made pursuant to this subdivision shall receive a tuition award in  
41 excess of the award available to an individual veteran under this  
42 section.

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