S T A T E O F N E W Y O R K

5127

2009-2010 Regular Sessions

I N A S S E M B L Y

February 10, 2009

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

AN ACT to amend the education law, in relation to providing tuition awards to children of veterans who served in armed conflict

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Section 668 of the education law, as added by chapter 942 of the laws of 1974, subdivision 1 as amended by chapter 580 of the laws of 1992, paragraphs (a) and (d) of subdivision 1 as amended by chapter 261 of the laws of 1995, paragraph (b) of subdivision 1 as amended by chapter 616 of the laws of 1995, paragraphs (f) and (g) of subdivision 1 as added by chapter 435 of the laws of 2006, subdivision 2 as amended by chapter 333 of the laws of 1993, the opening paragraph of subdivision 2 as amended by chapter 547 of the laws of 2004, and paragraphs (b) and (c) of subdivision 2 as amended by chapter 390 of the laws of 1995, is amended to read as follows:

S 668. Regents awards for children of deceased and disabled veterans; TUITION AWARDS FOR CHILDREN OF VETERANS WHO SERVED IN ARMED CONFLICT. IN ADDITION TO THE REGENTS AWARDS PROVIDED TO CHILDREN OF DECEASED AND DISABLED VETERANS, THE PRESIDENT OF THE HIGHER EDUCATION SERVICES CORPORATION SHALL MAKE AVAILABLE TO THE CHILDREN OF A LIVING OR DECEASED VETERAN OF THE ARMED FORCES OF THE UNITED STATES WHO COMPLETED A PERIOD OF MILITARY SERVICE AS DEFINED IN SUBDIVISION ONE OF THIS SECTION, A TUITION AWARD THAT MAY BE APPLIED TO ANY COLLEGE OR COMMUNITY COLLEGE IN THE STATE UNIVERSITY OF NEW YORK SYSTEM, ANY UNIVERSITY OF THE STATE OF NEW YORK, OR THE UNIVERSITY OF THE CITY OF NEW YORK.

1. Period of military service. For a student to be eligible, the parent, or step-parent where the student is the dependent of the step-parent, (i) must have been a recipient of the armed forces expeditionary medal, the navy expeditionary medal or the marine corps expeditionary medal for participation in operations in Lebanon from June first, nine-

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

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teen hundred eighty-three to December first, nineteen hundred eighty-seven, in Grenada from October twenty-third, nineteen hundred eighty-three to November twenty-first, nineteen hundred eighty-three, or in Panama from December twentieth, nineteen hundred eighty-nine to January thirty-first, nineteen hundred ninety, or (ii) must have served on regular active duty (other than for training) in the armed forces of the United States during part of one of the following periods:

(a) April sixth, nineteen hundred seventeen to November eleven, nineteen hundred eighteen.

(b) December seven, nineteen hundred forty-one to December thirty-one, nineteen hundred forty-six, or have been employed by the War Shipping Administration or Office of Defense Transportation or their agents as a merchant seaman documented by the United States Coast Guard or Department of Commerce, or as a civil servant employed by the United States Army Transport Service (later redesignated as the United States Army Transportation Corps, Water Division) or the Naval Transportation Service; and who served satisfactorily as a crew member during the period of armed conflict, December seventh, nineteen hundred forty-one, to August fifteenth, nineteen hundred forty-five, aboard merchant vessels in oceangoing, i.e., foreign, intercoastal, or coastwise service as such terms are defined under federal law (46 USCA 10301 & 10501) and further to include "near foreign" voyages between the United States and Canada, Mexico, or the West Indies via ocean routes, or public vessels in oceangoing service or foreign waters and who has received a Certificate of Release or Discharge from Active Duty and a discharge certificate, or an Honorable Service Certificate/Report of Casualty, from the Department of Defense or have served as a United States civilian employed by the American Field Service and served overseas under United States Armies and United States Army Groups in world war II during the period of armed conflict, December seventh, nineteen hundred forty-one through May eighth, nineteen hundred forty-five, and who was discharged or released therefrom under honorable conditions, or have served as a United States civilian Flight Crew and Aviation Ground Support Employee of Pan American World Airways or one of its subsidiaries or its affiliates and served overseas as a result of Pan American's contract with Air Transport Command or Naval Air Transport Service during the period of armed conflict, December fourteenth, nineteen hundred forty-one through August fourteenth, nineteen hundred forty-five, and who was discharged or released therefrom under honorable conditions.

(c) June twenty-seven, nineteen hundred fifty to January thirty-one, nineteen hundred fifty-five.

(d) December twenty-second, nineteen hundred sixty-one to May seventh, nineteen hundred seventy-five.

(e) August two, nineteen hundred ninety to the end of hostilities in the Persian Gulf conflict.

(f) From September eighteenth, two thousand one until the end of the United States military efforts in Afghanistan.

(g) From October sixteenth, two thousand two until the end of the United States military efforts in Iraq.

2. Eligible groups. Awards shall be made to students each of whom has a parent with such service, or a step-parent with such service where the student is the dependent of the step-parent even if the student's biological parent is still living, who:

(a) was a legal resident of New York state at the time of his or her demise and who died or die while so serving, or as a result of injury or illness suffered or incurred during such military service; or

(b) is an honorably discharged veteran of the United States or member of the armed forces of the United States, who is a resident of the state of New York, and who, FOR PURPOSES OF THE GRANTING OF A REGENTS AWARD, has a current disability of forty percent or more as a result of an injury or illness which is incurred or was incurred during such military service; or

(c) is now deceased, who was a resident of this state at the time of his or her demise, and who, FOR PURPOSES OF THE GRANTING OF A REGENTS AWARD, at the time of his or her demise had a disability to a degree of forty percent or more as a result of an injury or illness which was incurred during such military service; or

(d) is classified as a former prisoner of war, or as missing in action, who has been so classified by the United States department of defense, and who is a resident of the state of New York if a former prisoner of war or was a resident of the state of New York when classified as missing in action.

3. Determinations of disability. Determinations concerning disability or death by the United States Administrator of Veterans Affairs or the separate branches of the armed forces of the United States shall be conclusive.

4. Amount and duration. (A) REGENTS AWARDS. Every recipient OF A REGENTS AWARD shall receive an annual award of four hundred fifty dollars for each of not more than four academic years, or five academic years if the recipient is enrolled in a program normally requiring five years, as defined by the commissioner, pursuant to article thirteen OF THIS TITLE.

(B) TUITION AWARDS. (I) A TUITION AWARD GRANTED UNDER THIS SECTION SHALL BE EQUAL TO THE COST OF UNDERGRADUATE TUITION, OFFSET BY ANY OTHER FINANCIAL ASSISTANCE OR AWARD RECEIVED. IF A TUITION ASSISTANCE PROGRAM (TAP) AWARD OR A REGENTS AWARD IS ALSO RECEIVED, THE COMBINED ACADEMIC YEAR AWARD SHALL NOT EXCEED TUITION.

(II) NO RECIPIENT OF A TUITION AWARD UNDER THIS SECTION SHALL RECEIVE A TUITION AWARD FOR MORE THAN EIGHT SEMESTERS OF FULL TIME UNDERGRADUATE STUDY, OR THE EQUIVALENT OF FOUR ACADEMIC YEARS, OR, IF AN UNDERGRADUATE PROGRAM NORMALLY REQUIRES FIVE ACADEMIC YEARS OF FULL TIME STUDY, FOR MORE THAN TEN SEMESTERS OF FULL TIME STUDY, OR THE EQUIVALENT OF FIVE ACADEMIC YEARS. "FULL TIME STUDY" SHALL MEAN ENROLLMENT FOR MORE THAN TWELVE SEMESTER HOURS PER SEMESTER, OR THE EQUIVALENT, IN AN APPROVED UNDERGRADUATE PROGRAM.

(III) NO RECIPIENT OF A TUITION AWARD UNDER THIS SECTION SHALL RECEIVE A TUITION AWARD FOR MORE THAN SIXTEEN SEMESTERS OF PART TIME UNDERGRADUATE STUDY, OR THE EQUIVALENT OF EIGHT ACADEMIC YEARS OF PART TIME STUDY, OR, IF AN UNDERGRADUATE PROGRAM NORMALLY REQUIRES FIVE ACADEMIC YEARS OF FULL TIME STUDY, FOR MORE THAN TWENTY SEMESTERS OF PART TIME STUDY, OR THE EQUIVALENT OF TEN ACADEMIC YEARS. "PART TIME STUDY" SHALL MEAN ENROLLMENT FOR AT LEAST THREE BUT LESS THAN TWELVE SEMESTER HOURS PER SEMESTER, OR THE EQUIVALENT, IN AN APPROVED UNDERGRADUATE PROGRAM.

5. APPLICABILITY OF TUITION AWARDS; NON-RESIDENT FEES. TUITION AWARDS PROVIDED UNDER THIS SECTION SHALL ONLY BE AVAILABLE WITHIN THE STATE OF NEW YORK UNIVERSITY SYSTEM; PROVIDED, HOWEVER, THAT NOTHING CONTAINED HEREIN SHALL PREVENT INSTITUTIONS FROM CHARGING NON-RESIDENT FEES IF THE STUDENT IS A NON-RESIDENT.

S 2. This act shall take effect on the first of July next succeeding the date on which it shall have become a law.