

2378

2009-2010 Regular Sessions

I N S E N A T E

February 19, 2009

Introduced by Sen. PADAVAN -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education

AN ACT to amend the education law, in relation to the determination of tuition assistance program awards

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

1 Section 1. Subdivision 1 of section 663 of the education law, as
2 amended by chapter 305 of the laws of 2008, is amended to read as
3 follows:
4 1. Income defined. Except as otherwise provided in this section,
5 "income" shall be the total of the combined net taxable income of the
6 applicant, the applicant's spouse, and the applicant's parents as
7 reported in New York state income tax returns for the calendar year next
8 preceding the beginning of the school year for which application for
9 assistance is made, except that any amount received by an applicant as a
10 scholarship at an educational institution or as a fellowship grant,
11 including the value of contributed services and accommodations, shall
12 not be included within the definition of "income" for the purposes of
13 this article. The term "parent" shall include birth parents, steppar-
14 ents, adoptive parents and the spouse of an adoptive parent. Income, if
15 not a whole dollar amount, shall be assumed to be equal to the next
16 lowest whole dollar amount. Any change in the status of an applicant
17 with regard to the INCOME OF THE APPLICANT OR THE INCOME OF THE persons
18 responsible for the applicant's support occurring AS A RESULT OF EXTEN-
19 UATING CIRCUMSTANCES INCLUDED IN SUBDIVISION FIVE OF THIS SECTION after
20 the beginning of any semester [shall not] CAN be considered to change
21 the applicant's award for that semester IF THE APPLICANT APPLIES FOR AN
22 ADJUSTMENT TO THEIR AWARD AND THAT ADJUSTMENT IS APPROVED AND CERTIFIED
23 PURSUANT TO RULES AND REGULATIONS ESTABLISHED BY THE CORPORATION.
24 S 2. Paragraphs (a) and (b) of subdivision 5 of section 663 of the
25 education law, as amended by chapter 622 of the laws of 2008, are
26 amended to read as follows:
27 [(a)] A. ADJUSTMENTS OF INCOME WHEN A SIBLING, SIBLINGS, SPOUSE OR
28 PARENT OR PARENTS ARE ALSO ENROLLED FULL-TIME IN AN APPROVED PROGRAM OR

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

LBD09384-01-9

1 PROGRAMS. (1) Except for purposes of paragraphs a and b of subdivision
2 three of section six hundred sixty-seven of this part if, during the
3 academic year in which the applicant will receive an award, one or more
4 of either the parents of the applicant or other dependent children of
5 such parents, the spouse of the applicant, or one or more dependent
6 children of the applicant, in addition to the applicant, will be in
7 full-time attendance in an approved program, the combined net taxable
8 income determined under subdivision one of this section shall be divided
9 by the total number of the aforesaid persons (including the applicant)
10 who will be in such attendance, and the resulting quotient shall be
11 deemed the applicable income in determining the applicant's award for
12 such academic year.

13 [(b)] (2) In the determination of income for purposes of paragraphs a
14 and b of subdivision three of section six hundred sixty-seven of this
15 part if, during the academic year in which the applicant will receive an
16 award, one of either the parents of the applicant or other dependent
17 child of such parents, the spouse of the applicant, or one or more
18 dependent children of the applicant, in addition to the applicant, will
19 be in full-time attendance in an approved program, the combined net
20 taxable income determined under subdivision one of this section shall be
21 reduced by three thousand dollars and an additional two thousand dollars
22 for each other such person additional to the aforesaid persons (includ-
23 ing the applicant) who will be in such attendance, and the resulting
24 amount shall be deemed the applicable income in determining the appli-
25 cant's award for the academic year.

26 B. ADJUSTMENTS OF INCOME IN EXTENUATING CIRCUMSTANCES. THE CORPORATION
27 SHALL, PURSUANT TO RULES AND REGULATIONS, UPON THE REQUEST OF THE APPLI-
28 CANT, THE RECOMMENDATION OF A FINANCIAL AID ADMINISTRATOR, AND THE
29 CORPORATION'S REVIEW AND CERTIFICATION OF THE MOST RECENT SUPPORTING
30 DOCUMENTATION, MAKE ADJUSTMENTS TO INCOME AND ADJUSTMENTS TO THE APPLI-
31 CANT'S AWARDS AFTER THE BEGINNING OF ANY SEMESTER IN THE FOLLOWING
32 EXTENUATING CIRCUMSTANCES: (1) CATASTROPHIC ILLNESS, PERMANENT OR TOTAL
33 PHYSICAL OR MENTAL DISABILITY OF THE APPLICANT; (2) CATASTROPHIC
34 ILLNESS, DEATH OR PERMANENT OR TOTAL DISABILITY OF THE APPLICANT'S
35 SPOUSE, PARENT OR LEGAL GUARDIAN; (3) A CALL TO ACTIVE MILITARY DUTY OF
36 THE APPLICANT, THE APPLICANT'S SPOUSE, PARENT OR LEGAL GUARDIAN; (4) A
37 RECENT INVOLUNTARY CHANGE IN THE EMPLOYMENT STATUS OF THE APPLICANT, THE
38 APPLICANT'S SPOUSE, PARENT OR LEGAL GUARDIAN THAT RESULTED IN A VERIFI-
39 ABLE LOSS IN INCOME; (5) A RECENT DIVORCE OR SEPARATION OF THE APPLICANT
40 BY JUDICIAL DECREE OR PURSUANT TO AN AGREEMENT OF SEPARATION FILED WITH
41 A COURT OF COMPETENT JURISDICTION THAT RESULTED IN VERIFIABLE LOSS IN
42 INCOME; OR (6) A RECENT DIVORCE OR SEPARATION OF THE APPLICANT'S PARENT
43 OR LEGAL GUARDIAN BY JUDICIAL DECREE OR PURSUANT TO AN AGREEMENT OF
44 SEPARATION FILED WITH A COURT OF COMPETENT JURISDICTION THAT RESULTED IN
45 A VERIFIABLE LOSS IN INCOME; PROVIDED, HOWEVER, THAT IN DEVELOPING SUCH
46 REGULATIONS, THE CORPORATION SHALL REQUIRE, TO THE EXTENT PRACTICABLE,
47 SIMILAR CRITERIA IN DETERMINING INCOME ADJUSTMENTS FOR INDIVIDUAL APPLI-
48 CANTS WHO HAVE SIMILAR EXTENUATING CIRCUMSTANCES. WITHIN THIRTY DAYS OF
49 RECEIVING ALL REQUESTED INFORMATION AND SUPPORTING DOCUMENTATION FROM
50 THE FINANCIAL AID ADMINISTRATOR, THE CORPORATION MUST REVIEW THE REQUEST
51 OF THE APPLICANT, THE RECOMMENDATION OF A FINANCIAL AID ADMINISTRATOR,
52 AND THE SUPPORTING DOCUMENTATION AND CERTIFY WHETHER OR NOT THE APPLI-
53 CANT IS ELIGIBLE FOR AN ADJUSTMENT.

54 S 3. This act shall take effect immediately.