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

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I N A S S E M B L Y

April 16, 2010

Introduced by M. of A. GLICK, JEFFRIES, PEOPLES-STOKES, MILLMAN, SKARTADOS, SCHROEDER, BARRON -- Multi-Sponsored by -- M. of A. CALHOUN, CARROZZA, CASTRO, GIBSON, GOTTFRIED, LANCMAN, O'DONNELL, SCARBOROUGH, SPANO -- read once and referred to the Committee on Higher Education

AN ACT to amend the education law, in relation to basing the state aid to certain institutions of higher learning on the number of resident students; and to repeal section 6403 of the education law relating thereto

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

Section 1. The opening paragraph of paragraph (b) of subdivision 2 and subdivision 3 of section 6401 of the education law, the opening paragraph of paragraph (b) of subdivision 2 as amended by chapter 717 of the laws of 1981 and subdivision 3 as amended by chapter 507 of the laws of 2008, are amended and a new subdivision 6 is added to read as follows:

An institution of higher education located in this state, at least one-half of the RESIDENT students of which are economically disadvantaged, and the course credits and degrees of which are offered by a consortium of sponsoring colleges, each of which sponsoring colleges satisfies the following requirements, shall qualify for state aid apportionments pursuant to this section:

3. Degree awards. The amount of such annual apportionment to each institution meeting the requirements of subdivision two of this section shall be computed by multiplying by not to exceed six hundred dollars the number of [earned] associate degrees EARNED BY RESIDENT STUDENTS, by not to exceed one thousand five hundred dollars the number of [earned] bachelor's degrees EARNED BY RESIDENT STUDENTS, by not to exceed nine hundred fifty dollars the number of [earned] master's degrees EARNED BY RESIDENT STUDENTS, and by not to exceed four thousand five hundred fifty dollars the number of [earned] doctorate degrees EARNED BY RESIDENT STUDENTS, conferred by such institution during the twelve-month period next preceding the annual period for which such apportionment is made, provided that there shall be excluded from any such computation the number of degrees earned by students with respect to whom state aid

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

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other than that established by this section or section sixty-four hundred one-a of this article is granted directly to the institution, and provided further that, except as otherwise provided in this subdivision, the amount apportioned for an associate degree shall be awarded only to two year institutions qualifying under subdivision two of this section. The regents shall promulgate rules defining and classifying professional degrees for the purposes of this section. Institutions qualifying for state aid pursuant to the provisions of paragraph (b) of subdivision two of this section shall, for purposes of this subdivision, be deemed to be the institutions which confer degrees. For purposes of this subdivision, a two-year institution which has received authority to confer bachelor degrees shall continue to be considered a two-year institution until such time as it has actually begun to confer the bachelor's degree. Thereafter, notwithstanding any other provision of law to the contrary, an institution which was formerly a two-year institution for the purposes of this section and which was granted authority by the regents to confer bachelor degrees, (a) such authority having been granted after the first day of June, nineteen hundred ninety-three, but before the first day of July, nineteen hundred ninety-three, or (b) such authority having been granted after the first day of May, two thousand five, but before the first day of June, two thousand five, may elect to continue to receive awards for earned associate degrees. Should such institution so elect, it shall not be eligible during the time of such election to receive awards for earned bachelor's degrees.

6. FOR THE PURPOSES OF THIS ARTICLE, THE TERM "RESIDENT STUDENT" SHALL MEAN ANY STUDENT WHO QUALIFIES AS A RESIDENT UNDER THE PROVISIONS OF PARAGRAPH B OF SUBDIVISION FIVE OF SECTION SIX HUNDRED SIXTY-ONE OF THIS CHAPTER.

S 2. Paragraphs (a) and (b) of subdivision 3 of section 6401-a of the education law, as added by section 1 of part E-4 of chapter 57 of the laws of 2007, are amended to read as follows:

(a) Two hundred fifty dollars per RESIDENT student enrolled in an earned degree program in nursing at a two year degree granting institution;

(b) Five hundred dollars per RESIDENT student enrolled in an earned degree program in nursing at a four year degree granting institution.

S 3. Paragraph (a) of subdivision 1 and subdivision 2 of section 6402 of the education law, paragraph (a) of subdivision 1 as amended by chapter 439 of the laws of 1988 and subdivision 2 as amended by chapter 85 of the laws of 1984, are amended to read as follows:

(a) Two thousand one hundred fifty dollars shall be apportioned for each full-time RESIDENT student enrolled.

2. The commissioner shall apportion each year to each non-public institution of higher education offering an approved program in dentistry the sum of fifty-eight hundred dollars for each full-time RESIDENT student enrolled, except that aid distributed under this program shall not exceed a sum based upon a total enrollment of eight hundred thirty-five RESIDENT students at New York University and two hundred forty RESIDENT students at Columbia University.

S 4. Section 6403 of the education law is REPEALED.

S 5. Severability clause. If any clause, sentence, paragraph, subdivision, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such

judgement shall have been rendered. It is hereby declared to be the intent of the legislature that this act would have been enacted even if such invalid provisions had not been included herein.

S 6. This act shall take effect immediately.