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

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2009-2010 Regular Sessions

I N A S S E M B L Y

January 21, 2009

Introduced by M. of A. MARKEY, ORTIZ, PHEFFER, COLTON, WRIGHT, SCHROEDER -- Multi-Sponsored by -- M. of A. ABBATE, COOK, ESPAILLAT, FARRELL, HEASTIE, JACOBS, JOHN, MAISEL, MAYERSOHN, McENENY, WEISENBERG -- read once and referred to the Committee on Higher Education

AN ACT to amend the education law, in relation to authorizing the state university trustees and officials of community colleges to make courses available for certain persons sixty years of age or over

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

Section 1. Subparagraph 1 of paragraph h of subdivision 2 of section 355 of the education law, as separately amended by chapters 552 and 616 of the laws of 1985, is amended to read as follows:

(1) Notwithstanding the provisions of any other general, special or local law, rule or regulation, such regulations may permit persons sixty years of age or over to [audit] TAKE courses given therein without tuition, EITHER FOR CREDIT, OR WITHOUT examination, grading or credit therefor upon a space available basis, as determined by the president of each such institution, provided that such [audit] attendance does not deny course attendance at a state-operated institution by an individual who is otherwise qualified under the regulations promulgated pursuant to this section. FOR PURPOSES OF THIS SECTION, PERSONS SIXTY YEARS OF AGE OR OVER WHO ARE RESIDENTS OF THE STATE SHALL BE ELIGIBLE TO TAKE NOT MORE THAN NINE CREDIT HOURS OF COURSES FOR CREDIT PER SEMESTER WITHOUT TUITION.

S 2. Subdivision 5 of section 6303 of the education law, as amended by chapter 552 of the laws of 1984, is amended to read as follows:

5. Notwithstanding the provisions of any other general, special or local law, rule or regulation, community colleges may permit persons sixty years of age or over to [audit courses given therein without tuition, examination, grading or credit therefor] ENROLL IN COURSES GIVEN THEREIN FOR EXAMINATION, GRADING AND CREDIT BUT WITHOUT TUITION,

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

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upon a space available basis, subject to the provisions of section sixty-three hundred four of this [chapter] ARTICLE, as determined by the president of each such institution, provided that such [audit] attendance does not deny course attendance at a community college by an individual who is otherwise qualified under the regulations and the provisions of section sixty-three hundred four of this [chapter] ARTICLE. The provisions of this [paragraph] SUBDIVISION shall not affect any state aid to community colleges granted pursuant to THIS article [one hundred twenty-six of this chapter].

S 3. This act shall take effect on the first of September next succeeding the date on which it shall have become a law.