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

5486--A

2009-2010 Regular Sessions

I N A S S E M B L Y

February 13, 2009

Introduced by M. of A. HIKIND, LENTOL, J. RIVERA, V. LOPEZ, WEINSTEIN -- Multi-Sponsored by -- M. of A. ABBATE, ALFANO, BACALLES, BENJAMIN, BOYLAND, BRENNAN, BROOK-KRASNY, CAMARA, COLTON, COOK, CUSICK, CYMBROWITZ, ERRIGO, ESPAILLAT, FINCH, HEASTIE, HEVESI, JACOBS, JEFFRIES, KOON, LANCMAN, MAISEL, MAYERSOHN, McDONOUGH, MENG, ORTIZ, PERRY, PHEFFER, P. RIVERA, SEMINERIO, SPANO, TOBACCO, TOWNS, TOWNSEND, WALKER -- read once and referred to the Committee on Higher Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to eligibility requirements for student financial aid

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

Section 1. Subdivision 4 of section 661 of the education law, as amended by chapter 309 of the laws of 1996, paragraph a as amended by section 1 and paragraph c as amended, paragraphs d and e as added and paragraph f as relettered by section 2 of part E1 of chapter 57 of the laws of 2007, and paragraph f as added by chapter 332 of the laws of 1998, is amended to read as follows:

4. Attendance in approved courses of study in approved institutions. To be eligible to receive payments from the president a student:

a. Must be matriculated in an approved program, as defined by the commissioner pursuant to article thirteen OF THIS CHAPTER, OR PURSUANT TO PARAGRAPH B OF THIS SUBDIVISION, in an institution situated in the state, which has been approved and operating in this state for at least one year, and has been approved for participation in federal student financial aid programs authorized by Title IV of the Higher Education Act of 1965, as amended. Nothing in this subdivision shall preclude payment of an award to a recipient who receives instruction outside the state, which instruction is conducted by an institution situated in the state, and is part of the student's program of study at such institu-

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

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tion; provided, however, that nothing in this subdivision shall preclude the receipt of a loan pursuant to section six hundred eighty of this article; provided, further, that students not attending institutions eligible for participating in federal Title IV financial aid programs on or before July first, two thousand seven: (i) who received their first award under this article before the two thousand six--two thousand seven academic year shall be eligible for payments until the end of the two thousand nine--two thousand ten academic year; or (ii) who received their first award under this article for the two thousand six--two thousand seven academic year through and including the two thousand nine--two thousand ten academic year shall be eligible for payments until the end of the two thousand fourteen--two thousand fifteen academic year.

b. NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE AND THE RULES AND REGULATIONS PROMULGATED PURSUANT THERETO, THE PRESIDENT SHALL MAKE TUITION ASSISTANCE PROGRAM AWARDS AVAILABLE TO ALL OTHERWISE ELIGIBLE STUDENTS WHO ARE ATTENDING AN EDUCATIONAL INSTITUTION IN THIS STATE THAT:

(I) IS EXEMPT FROM FEDERAL TAXATION UNDER SECTION 501(C)(3) OF THE INTERNAL REVENUE CODE; AND

(II) IS ACCREDITED BY AN AGENCY RECOGNIZED BY THE UNITED STATES SECRETARY OF EDUCATION, OR BY A SUCCESSOR FEDERAL AGENCY; AND

(III) ENROLLMENT IN WHICH INSTITUTION WOULD RENDER THE STUDENT ELIGIBLE TO RECEIVE A FEDERAL PELL GRANT IN ACCORDANCE WITH SECTION ONE THOUSAND SEVENTY OF TITLE TWENTY OF THE UNITED STATES CODE, ET. SEQ. AND THE REGULATIONS PROMULGATED THEREUNDER; AND

(IV) PROVIDES A PROGRAM OF INSTRUCTION LASTING AT LEAST THREE YEARS.

C. Must be in full-time attendance, as defined by the commissioner, except as otherwise specifically provided in article fourteen, and, for a student having completed his or her second academic year, must have a cumulative C average or its equivalent. The president may waive the requirement that the student have a cumulative C average or its equivalent for undue hardship based on: (i) the death of a relative of the student; (ii) the personal injury or illness of the student; or (iii) other extenuating circumstances; and

[c.] D. For students who first receive aid pursuant to this chapter in academic year nineteen hundred ninety-six--nineteen hundred ninety-seven to academic year two thousand six--two thousand seven, must have a certificate of graduation from a school providing secondary education, or the recognized equivalent of such certificate; or have achieved a passing score, as determined by the United States secretary of education, on a federally approved examination which demonstrates that the student can benefit from the education being offered;

[d.] E. For students who first receive aid pursuant to this chapter in academic year two thousand six--two thousand seven, must have a certificate of graduation from a recognized school providing secondary education within the United States, or the recognized equivalent of such certificate, or have been admitted to such institution after receiving a passing score on a federally approved ability to benefit test that has been independently administered and evaluated, as provided by the commissioner;

[e.] F. For students who first receive aid pursuant to this chapter in academic year two thousand seven--two thousand eight or thereafter, must have (i) a certificate of graduation from a school providing secondary education from a state within the United States; or (ii) the recognized equivalent of such certificate; or (iii) received a passing score on a federally approved ability to benefit test that has been identified by

the board of regents as satisfying the eligibility requirements of this section and has been independently administered and evaluated as defined by the commissioner[.];

[f. for] G. FOR students who are disabled as defined by the Americans With Disability Act of 1990, 42 USC 12101, the full-time attendance requirement is eliminated. Such disabled students may be in part-time attendance, as defined by the commissioner in order to be eligible to receive payments from the president.

S 2. This act shall take effect immediately and shall apply to academic year 2009-2010 and to all subsequent academic years.