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

8864

2009-2010 Regular Sessions

I N A S S E M B L Y

June 11, 2009

Introduced by M. of A. CANESTRARI, GLICK -- read once and referred 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:

Section 1. Subdivision 1 of section 663 of the education law, as amended by section 1 of part F of chapter 57 of the laws of 2009, is amended to read as follows:

1. Income defined. Except as otherwise provided in this section, "income" shall be the total of the combined net taxable income and income from pensions of New York state, local governments and the federal government of the applicant, the applicant's spouse, and the applicant's parents as reported in New York state income tax returns for the calendar year next preceding the beginning of the school year for which application for assistance is made, except that any amount received by an applicant as a scholarship at an educational institution or as a fellowship grant, including the value of contributed services and accommodations, shall not be included within the definition of "income" for the purposes of this article. The term "parent" shall include birth parents, stepparents, adoptive parents and the spouse of an adoptive parent. Income, if not a whole dollar amount, shall be assumed to be equal to the next lowest whole dollar amount. Any change in the status of an applicant with regard to the INCOME OF THE APPLICANT OR THE INCOME OF THE persons responsible for the applicant's support occurring after the beginning of any semester [shall not] MAY be considered to change the applicant's award for that semester, PROVIDED THE APPLICANT APPLIES FOR THE ADJUSTMENT TO THE APPLICANT'S AWARD, PROVIDES SUPPORTING DOCUMENTATION REGARDING THE CHANGE IN STATUS AND THAT THE CHANGE IN STATUS WAS CAUSED BY SUCH PERSON'S, OR SUCH PERSON'S SPOUSE'S OR PARENT'S: (I) DEATH; (II) DIVORCE; (III) SEPARATION BY JUDICIAL DECREE

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

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OR PURSUANT TO AN AGREEMENT OF SEPARATION WHICH IS FILED WITH A COURT OF COMPETENT JURISDICTION; (IV) PERMANENT OR TOTAL PHYSICAL OR MENTAL DISABILITY WHICH WOULD PROHIBIT SUCH PERSON FROM EARNING AN INCOME; (V) CIRCUMSTANCES UNDER WHICH SUCH PERSON WHO IS A MEMBER OF THE FORCE OF THE ORGANIZED MILITIA, AS THE TERM IS DEFINED IN SUBDIVISION NINE OF SECTION ONE OF THE MILITARY LAW OR WHO IS A MEMBER OF THE RESERVE ARMED FORCES, AS THAT TERM IS DEFINED IN SUBDIVISION TWENTY-NINE OF SECTION TWO HUNDRED NINETY-TWO OF THE EXECUTIVE LAW, BECOMES ACTIVATED AND RECEIVES ACTIVE DUTY PAY THAT IS LESS THAN THE AMOUNT OF CIVILIAN PAY BASED ON GROSS INCOME; OR (VI) CATASTROPHIC ILLNESS.

S 2. This act shall take effect on the same date and in the same manner as section 1 of part F of chapter 57 of the laws of 2009, takes effect.