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

9942

I N A S S E M B L Y

February 17, 2010

Introduced by M. of A. PERRY -- read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to establishing a Haitian Earthquake victims survivor college scholarship program for children and spouses of persons injured in the January twelfth, two thousand ten earthquake in Haiti

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

Section 1. The education law is amended by adding a new section 609 to read as follows:

S 609. HAITIAN EARTHQUAKE VICTIMS SURVIVOR COLLEGE SCHOLARSHIP. 1. NOTWITHSTANDING SUBDIVISIONS THREE AND FIVE OF SECTION SIX HUNDRED SIXTY-ONE OF THIS TITLE, CHILDREN AND SPOUSES OF INNOCENT VICTIMS WHO HAVE DIED OR HAVE BEEN SEVERELY AND PERMANENTLY DISABLED, OR THOSE INNOCENT VICTIMS WHO HAVE BECOME SEVERELY AND PERMANENTLY DISABLED AS A DIRECT RESULT OF AN INJURY SUSTAINED ON THE ISLAND NATION OF HAITI DUE TO THE JANUARY TWELFTH, TWO THOUSAND TEN EARTHQUAKE, OR THE AFTERSHOCKS OF THE EARTHQUAKE, OCCURRING ON THAT ISLAND NATION, SHALL BE ELIGIBLE TO RECEIVE A SCHOLARSHIP IN AN ANNUAL AMOUNT DETERMINED PURSUANT TO SUBDIVISION TWO OF SECTION SIX HUNDRED SIXTY-EIGHT-H OF THIS TITLE.

2. AWARDS UNDER THIS SECTION SHALL BE PAYABLE FOR EACH OF NOT MORE THAN FOUR ACADEMIC YEARS OF UNDERGRADUATE STUDY OR FIVE ACADEMIC YEARS IF A PROGRAM NORMALLY REQUIRES FIVE YEARS, AS DEFINED BY THE COMMISSIONER PURSUANT TO THIS ARTICLE.

S 2. The education law is amended by adding a new section 668-h to read as follows:

S 668-H. HAITIAN EARTHQUAKE VICTIMS SURVIVOR COLLEGE SCHOLARSHIP PROGRAM. 1. ELIGIBLE GROUPS. NOTWITHSTANDING SUBDIVISIONS THREE AND FIVE OF SECTION SIX HUNDRED SIXTY-ONE OF THIS ARTICLE, CHILDREN AND SPOUSES OF INNOCENT VICTIMS WHO HAVE DIED OR HAVE BEEN SEVERELY AND PERMANENTLY DISABLED, OR THOSE INNOCENT VICTIMS WHO HAVE BECOME SEVERELY AND PERMANENTLY DISABLED AS A DIRECT RESULT OF AN INJURY SUSTAINED ON THE ISLAND NATION OF HAITI IN THE IMPACT AREA OF THE JANUARY TWELFTH,

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

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TWO THOUSAND TEN EARTHQUAKE OCCURRING ON THAT ISLAND NATION, SHALL BE ELIGIBLE TO RECEIVE A MEMORIAL SCHOLARSHIP AS PROVIDED IN THIS SECTION.

2. AMOUNT. THE PRESIDENT SHALL GRANT UP TO TEN ANNUAL SCHOLARSHIPS TO RECIPIENTS ATTENDING AN INSTITUTION OF THE CITY UNIVERSITY OF NEW YORK OR AN INSTITUTION OF THE STATE UNIVERSITY OF NEW YORK OTHER THAN THE STATUTORY COLLEGES AT CORNELL, THE COLLEGE OF ENVIRONMENTAL SCIENCE AND FORESTRY AT SYRACUSE AND THE COLLEGE OF CERAMICS AT ALFRED, IN AN AMOUNT EQUAL TO THE SUM OF THE TUITION CHARGED AT SUCH INSTITUTION PROVIDED THAT, NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, THE TUITION CHARGED TO AWARD RECIPIENTS SHALL NOT EXCEED THAT CHARGED TO STATE RESIDENT STUDENTS ATTENDING SUCH INSTITUTION AND THE MANDATORY FEES CHARGED AT SUCH INSTITUTION; PROVIDED, HOWEVER, THAT THE SCHOLARSHIP SHALL NOT EXCEED AN AMOUNT THAT IS EQUAL TO THE TOTAL COST OF ATTENDANCE DETERMINED FOR FEDERAL TITLE IV STUDENT FINANCIAL AID PURPOSES, LESS ALL OTHER SCHOLARSHIPS AND GRANTS PROVIDED BY NEW YORK STATE, OTHER STATES, THE FEDERAL GOVERNMENT, OR OTHER GOVERNMENTS, AND THE AMOUNT OF EDUCATIONAL BENEFITS PAID UNDER ANY PROGRAM THAT WOULD DUPLICATE THE PURPOSES OF THIS PROGRAM, PROVIDED THAT ANY SCHOLARSHIPS OR GRANTS PROVIDED TO A RECIPIENT BY THE INSTITUTION WHICH ARE INTENDED TO FUND ANY PORTION OF THE DIFFERENCE BETWEEN THE ANNUAL STATE AWARD AND THE ACTUAL COSTS OF ATTENDANCE AT ANY SUCH INSTITUTION SHALL NOT BE CONSIDERED TO DUPLICATE THE PURPOSES OF THIS PROGRAM. IN NO EVENT SHALL THE COMBINATION OF ALL STUDENT FINANCIAL AID RECEIVED BY A STUDENT EXCEED A RECIPIENT'S TOTAL COST OF ATTENDANCE AT THE INSTITUTION BEING ATTENDED.

3. DURATION. AWARDS UNDER THIS SECTION SHALL BE PAYABLE FOR EACH OF NOT MORE THAN FOUR ACADEMIC YEARS OF UNDERGRADUATE STUDY OR FIVE ACADEMIC YEARS IF A PROGRAM NORMALLY REQUIRES FIVE YEARS, AS DEFINED BY THE COMMISSIONER PURSUANT TO ARTICLE THIRTEEN OF THIS TITLE.

S 3. Section 604 of the education law is amended by adding a new subdivision 13 to read as follows:

13. HAITIAN EARTHQUAKE VICTIMS SURVIVOR COLLEGE SCHOLARSHIP.

S 4. Subdivision 5 of section 601 of the education law, as amended by chapter 305 of the laws of 2008, is amended to read as follows:

5. "Children" as referenced in subdivision four of section six hundred four and sections six hundred eight, six hundred eight-a, six hundred sixty-eight-a, six hundred sixty-eight-b, six hundred sixty-eight-d [and], six hundred sixty-eight-e AND SIX HUNDRED SIXTY-EIGHT-H of this title shall mean: (a) birth children, adopted children, stepchildren who survive an individual, or children for whom an individual was a legal guardian, and (b) other children related by blood, adoption or marriage to an individual for whom such individual had assumed and was exercising custody and care as of the date of such individual's death.

S 5. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after February 1, 2010, and shall be applicable for awards made for the 2010-2011 academic year and all subsequent academic years.