

4198

2009-2010 Regular Sessions

I N S E N A T E

April 16, 2009

Introduced by Sen. STAVISKY -- (at request of the Higher Education Services Corporation) -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education

AN ACT to amend the education law, in relation to tuition assistance program award calculation

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

1 Section 1. Subdivision 1 of section 663 of the education law, as
2 amended by chapter 305 of the laws of 2008, is amended to read as
3 follows:
4 1. Income defined. Except as otherwise provided in this section,
5 "income" shall be the total of the combined net taxable income of the
6 applicant, the applicant's spouse, and the applicant's parents as
7 reported in New York state income tax returns for the calendar year next
8 preceding the beginning of the school year for which application for
9 assistance is made, except that any amount received by an applicant as a
10 scholarship at an educational institution or as a fellowship grant,
11 including the value of contributed services and accommodations, shall
12 not be included within the definition of "income" for the purposes of
13 this article. The term "parent" shall include birth parents, steppar-
14 ents, adoptive parents and the spouse of an adoptive parent. Income, if
15 not a whole dollar amount, shall be assumed to be equal to the next
16 lowest whole dollar amount. Any change in the status of an applicant
17 with regard to the INCOME OF THE APPLICANT OR THE INCOME OF THE persons
18 responsible for the applicant's support occurring after the beginning of
19 any semester [shall not] MAY be considered to change the applicant's
20 award for that semester PROVIDED THE APPLICANT APPLIES FOR THE ADJUST-
21 MENT TO THEIR AWARD, THAT THE CHANGE IN STATUS IS ADEQUATELY DOCUMENTED,
22 AND THE CHANGE IN STATUS WAS CAUSED BY SUCH PERSON'S: (I) DEATH; (II)
23 DIVORCE; (III) SEPARATION BY JUDICIAL DECREE OR PURSUANT TO AN AGREEMENT
24 OF SEPARATION WHICH IS FILED WITH A COURT OF COMPETENT JURISDICTION;

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

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1 (IV) PERMANENT AND TOTAL PHYSICAL OR MENTAL DISABILITY WHICH WOULD
2 PROHIBIT SUCH PERSON TO EARN AN INCOME, OR (V) CIRCUMSTANCES UNDER WHICH
3 SUCH PERSON WHO IS A NATIONAL GUARD MEMBER, RESERVIST, OR MEMBER OF THE
4 NEW YORK STATE MILITIA BECOMES ACTIVATED AND RECEIVES ACTIVE DUTY PAY
5 THAT IS LESS THAN THE AMOUNT OF CIVILIAN PAY BASED ON GROSS INCOME.
6 S 2. This act shall take effect immediately.