

6074

2009-2010 Regular Sessions

I N S E N A T E

June 30, 2009

Introduced by Sen. STAVISKY -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

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:

1 Section 1. Subdivision 1 of section 663 of the education law, as
2 amended by section 1 of part F of chapter 57 of the laws of 2009, is
3 amended to read as follows:
4 1. Income defined. Except as otherwise provided in this section,
5 "income" shall be the total of the combined net taxable income and
6 income from pensions of New York state, local governments and the feder-
7 al government of the applicant, the applicant's spouse, and the appli-
8 cant's parents as reported in New York state income tax returns for the
9 calendar year next preceding the beginning of the school year for which
10 application for assistance is made, except that any amount received by
11 an applicant as a scholarship at an educational institution or as a
12 fellowship grant, including the value of contributed services and accom-
13 modations, shall not be included within the definition of "income" for
14 the purposes of this article. The term "parent" shall include birth
15 parents, stepparents, adoptive parents and the spouse of an adoptive
16 parent. Income, if not a whole dollar amount, shall be assumed to be
17 equal to the next lowest whole dollar amount. Any change in the status
18 of an applicant with regard to the INCOME OF THE APPLICANT OR THE INCOME
19 OF THE persons responsible for the applicant's support occurring after
20 the beginning of any semester [shall not] MAY be considered to change
21 the applicant's award for that semester, PROVIDED THE APPLICANT APPLIES
22 FOR THE ADJUSTMENT TO THE APPLICANT'S AWARD, PROVIDES SUPPORTING
23 DOCUMENTATION REGARDING THE CHANGE IN STATUS AND THAT THE CHANGE IN
24 STATUS WAS CAUSED BY SUCH PERSON'S, OR SUCH PERSON'S SPOUSE'S OR
25 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.

LBD04891-02-9

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

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