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

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I N A S S E M B L Y

(PREFILED)

January 5, 2011

Introduced by M. of A. CAHILL, PHEFFER, SCHIMMINGER, N. RIVERA, JACOBS, ROBINSON, ENGLEBRIGHT, CYMBROWITZ, CUSICK, PEOPLES-STOKES, CAMARA, BOYLAND -- Multi-Sponsored by -- M. of A. ABBATE, BENEDETTO, BRENNAN, COLTON, COOK, GUNTHER, HIKIND, LANCMAN, LAVINE, LUPARDO, McENENY, MILLMAN, PERRY, REILLY, SCARBOROUGH, SWEENEY, WEISENBERG -- read once and referred to the Committee on Higher Education

AN ACT to amend the education law, in relation to creating the "TAP reform act"

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

Section 1. This act shall be known and may be cited as the "TAP reform act".

S 2. Subdivision 5 of section 663 of the education law is amended by adding a new paragraph (c) to read as follows:

(C) (I) IN THE DETERMINATION OF INCOME FOR PURPOSES OF SUBDIVISION THREE OF SECTION SIX HUNDRED SIXTY-SEVEN OF THIS PART, STUDENT FINANCIAL AID OFFICERS ARE HEREBY AUTHORIZED, ON THE BASIS OF ADEQUATE DOCUMENTATION, TO MAKE ADJUSTMENTS ON A CASE-BY-CASE BASIS IN THE AMOUNT DEEMED APPLICABLE INCOME IN DETERMINING AN APPLICANT'S AWARD FOR THE ACADEMIC YEAR, TO ALLOW FOR TREATMENT OF AN INDIVIDUAL, ELIGIBLE APPLICANT WITH SPECIAL CIRCUMSTANCES AS DEFINED HEREIN.

(II) SPECIAL CIRCUMSTANCES MAY INCLUDE: (A) EXPENSES OF THE FOLLOWING NATURE INCURRED OR PAID BY ONE OR MORE OF EITHER THE PARENTS OF THE APPLICANT OR OTHER DEPENDENT CHILD OF SUCH PARENTS, THE SPOUSE OF THE APPLICANT, OR ONE OR MORE DEPENDENT CHILDREN OF THE APPLICANT, SUCH AS BUT NOT LIMITED TO: TUITION EXPENSES AT AN ELEMENTARY OR SECONDARY SCHOOL, MEDICAL OR DENTAL EXPENSES NOT COVERED BY INSURANCE, AND UNUSUALLY HIGH CHILD CARE COSTS, (B) RECENT UNEMPLOYMENT OF A FAMILY MEMBER NECESSITATING CONTRIBUTIONS BY ANY OF THE AFORESAID PERSONS TO THE FAMILY MEMBER'S SUPPORT, OR (C) OTHER CHANGES IN THE FAMILY'S INCOME, THE FAMILY'S ASSETS, OR A STUDENT'S STATUS. SPECIAL CIRCUMSTANCES SHALL BE CONDITIONS THAT DIFFERENTIATE AN INDIVIDUAL STUDENT FROM A CLASS OF STUDENTS RATHER THAN CONDITIONS THAT EXIST ACROSS A CLASS OF STUDENTS.

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

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(III) ADEQUATE DOCUMENTATION FOR SUCH ADJUSTMENTS SHALL BE REQUIRED TO SUBSTANTIATE SUCH SPECIAL CIRCUMSTANCES OF INDIVIDUAL STUDENTS. NOTHING IN THIS PARAGRAPH SHALL BE INTERPRETED AS LIMITING THE AUTHORITY OF THE STUDENT FINANCIAL AID OFFICER IN SUCH CASES TO REQUEST AND USE SUPPLEMENTARY INFORMATION ABOUT THE FINANCIAL STATUS OR PERSONAL CIRCUMSTANCES OF SUCH APPLICANTS IN SELECTING RECIPIENTS AND DETERMINING THE AMOUNT OF AWARDS UNDER SUBDIVISION THREE OF SECTION SIX HUNDRED SIXTY-SEVEN OF THIS PART. NO STUDENT OR PARENT SHALL BE CHARGED A FEE FOR COLLECTING, PROCESSING, OR DELIVERING SUCH SUPPLEMENTARY INFORMATION.

(IV) A STUDENT FINANCIAL AID OFFICER SHALL BE CONSIDERED TO BE MAKING A NECESSARY ADJUSTMENT IN ACCORDANCE WITH SUBPARAGRAPH (I) OF THIS PARAGRAPH IF:

(A) THE OFFICER MAKES ADJUSTMENTS EXCLUDING FROM FAMILY INCOME ANY PROCEEDS OF A SALE OF FARM OR BUSINESS ASSETS OF A FAMILY IF SUCH SALE RESULTS FROM A VOLUNTARY OR INVOLUNTARY FORECLOSURE, FORFEITURE OR BANKRUPTCY OR AN INVOLUNTARY LIQUIDATION, OR

(B) THE OFFICER MAKES ADJUSTMENTS IN THE AWARD LEVEL OF A STUDENT WITH A DISABILITY SO AS TO TAKE INTO CONSIDERATION THE ADDITIONAL COSTS SUCH STUDENT INCURS AS A RESULT OF SUCH STUDENT'S DISABILITY.

S 3. Subdivision 1 of section 667 of the education law, as amended by chapter 622 of the laws of 2008, is amended to read as follows:

1. Recipient qualifications. Tuition assistance program awards are available for all students who are enrolled in approved programs and who demonstrate the ability to complete such courses, in accordance with standards established by the commissioner provided, however, that no award shall be made unless tuition [(exclusive of educational fees)] AND ANY MANDATORY EDUCATIONAL FEES and, if applicable, the college fee levied by the state university of New York pursuant to the April first, nineteen hundred sixty-four financing agreements with the New York state dormitory authority charged for the program in which the student is enrolled total at least two hundred dollars a year[,]; and provided further that[,] no award [can] SHALL exceed one hundred percent of the amount of tuition charged.

S 4. Item (c) of subclause 1 of clause (A) of subparagraph (i) and subparagraph (vi) of paragraph a of subdivision 3 of section 667 of the education law, as amended by section 1 of part B of chapter 60 of the laws of 2000, are amended and clause (A) of subparagraph (i) is amended by adding two new items (d) and (e) to read as follows:

(c) For students first receiving aid in [the] two thousand--two thousand one and [thereafter] BEFORE TWO THOUSAND THIRTEEN--TWO THOUSAND FOURTEEN, five thousand dollars[.]; OR

(D) FOR STUDENTS FIRST RECEIVING AID IN TWO THOUSAND THIRTEEN--TWO THOUSAND FOURTEEN, FIVE THOUSAND FIVE HUNDRED DOLLARS; OR

(E) FOR STUDENTS FIRST RECEIVING AID IN TWO THOUSAND FOURTEEN--TWO THOUSAND FIFTEEN AND THEREAFTER, SIX THOUSAND DOLLARS.

(vi) For the two thousand [two] THIRTEEN--two thousand [three] FOURTEEN academic year and thereafter, the award shall be the net amount of the base amount determined pursuant to subparagraph (i) of this paragraph reduced pursuant to subparagraph (ii) or (iii) of this paragraph but the award shall not be reduced below [five] NINE hundred FIFTY dollars; AND ONE THOUSAND DOLLARS FOR EACH ACADEMIC YEAR AND THEREAFTER.

S 5. Clause (B) of subparagraph (i) of paragraph a of subdivision 3 of section 667 of the education law, as amended by section 1 of part B of chapter 60 of the laws of 2000, is amended to read as follows:

(B) (1) Ninety-five percent of the amount of tuition [(exclusive of educational fees) charged and, if applicable, the college fee levied by

the state university of New York pursuant to the April first, nineteen hundred sixty-four financing agreement with the New York state dormitory authority] AND ANY MANDATORY EDUCATIONAL FEES.

(2) For the two thousand one--two thousand two academic year and thereafter, one hundred percent of the amount of tuition [(exclusive of educational fees) charged and, if applicable, the college fee levied by the state university of New York pursuant to the April first, nineteen hundred sixty-four financing agreement with the New York state dormitory authority] AND ANY MANDATORY EDUCATIONAL FEES.

S 6. Clause (B) of subparagraph (i) of paragraph b of subdivision 3 of section 667 of the education law, as amended by section 2 of part B of chapter 60 of the laws of 2000, is amended to read as follows:

(B) (1) Ninety-five percent of the amount of tuition [(exclusive of educational fees)] AND ANY MANDATORY EDUCATIONAL FEES charged.

(2) For the two thousand one--two thousand two academic year and thereafter, one hundred percent of the amount of tuition [(exclusive of educational fees)] AND ANY MANDATORY EDUCATIONAL FEES.

S 7. Clause (B) of subparagraph (i) of paragraph c of subdivision 3 of section 667 of the education law, as amended by section 4 of part B of chapter 60 of the laws of 2000, is amended to read as follows:

(B) (1) Ninety-five percent of the amount of tuition [(exclusive of education fees)] AND ANY MANDATORY EDUCATIONAL FEES charged.

(2) For the two thousand one--two thousand two academic year and thereafter, one hundred percent of the amount of tuition [(exclusive of educational fees)] AND ANY MANDATORY EDUCATIONAL FEES.

S 8. Subparagraphs (i) and (ii) of paragraph d of subdivision 3 of section 667 of the education law, as added by chapter 83 of the laws of 1995, are amended to read as follows:

(i) be made unless the annual tuition [(exclusive of educational fees)] AND ANY MANDATORY EDUCATIONAL FEES and, if applicable, the college fee levied by the state university of New York pursuant to the April first, nineteen hundred sixty-four financing agreement with the New York state dormitory authority charged for the program in which the student is enrolled total at least two hundred dollars; or

(ii) exceed the amount by which such annual tuition [(exclusive of educational fees)] AND ANY MANDATORY EDUCATIONAL FEES and, if applicable, the college fee levied by the state university of New York pursuant to the April first, nineteen hundred sixty-four financing agreement with the New York state dormitory authority exceed the total of all other state, federal, or other educational aid that is received or receivable by such student during the school year for which such award is applicable and that, in the judgment of the commissioner, would duplicate the purposes of the award; or

S 9. Section 2 of the education law is amended by adding a new subdivision 25 to read as follows:

25. MANDATORY EDUCATIONAL FEE. THE TERM "MANDATORY EDUCATIONAL FEE" INCLUDES ONLY THOSE FEES REQUIRED TO FULFILL THE REQUIREMENTS OF A GRADUATE OR UNDERGRADUATE DEGREE; PROVIDED, HOWEVER, THAT SUCH TERM EXCLUDES THOSE FEES IMPOSED BY A VOTE OF THE STUDENT BODY.

S 10. This act shall take effect immediately; provided that the amendments to section 663 of the education law made by section two of this act shall apply to determinations made on or after such effective date.