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I N S E N A T E

April 18, 2012

Introduced by Sen. KENNEDY -- 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 providing tuition awards to children of veterans who served in armed conflict

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

1 Section 1. Section 668 of the education law, as added by chapter 942
2 of the laws of 1974, subdivision 1 as amended by chapter 580 of the laws
3 of 1992, paragraphs (a) and (d) of subdivision 1 as amended by chapter
4 261 of the laws of 1995, paragraph (b) of subdivision 1 as amended by
5 chapter 616 of the laws of 1995, paragraphs (f) and (g) of subdivision 1
6 as added by chapter 435 of the laws of 2006, subdivision 2 as amended by
7 chapter 333 of the laws of 1993, the opening paragraph of subdivision 2
8 as amended by chapter 547 of the laws of 2004, and paragraphs (b) and
9 (c) of subdivision 2 as amended by chapter 390 of the laws of 1995, is
10 amended to read as follows:

11 S 668. Regents awards for children of deceased and disabled veterans;
12 TUITION AWARDS FOR CHILDREN OF VETERANS WHO SERVED IN ARMED CONFLICT.
13 IN ADDITION TO THE REGENTS AWARDS PROVIDED TO CHILDREN OF DECEASED AND
14 DISABLED VETERANS, THE PRESIDENT OF THE HIGHER EDUCATION SERVICES CORPO-
15 RATION SHALL MAKE AVAILABLE TO THE CHILDREN OF A LIVING OR DECEASED
16 VETERAN OF THE ARMED FORCES OF THE UNITED STATES WHO COMPLETED A PERIOD
17 OF MILITARY SERVICE AS DEFINED IN SUBDIVISION ONE OF THIS SECTION, A
18 TUITION AWARD THAT MAY BE APPLIED TO ANY COLLEGE OR COMMUNITY COLLEGE IN
19 THE STATE UNIVERSITY OF NEW YORK SYSTEM, ANY UNIVERSITY OF THE STATE OF
20 NEW YORK, OR THE UNIVERSITY OF THE CITY OF NEW YORK.

21 1. Period of military service. For a student to be eligible, the
22 parent, or step-parent where the student is the dependent of the step-
23 parent, (i) must have been a recipient of the armed forces expeditionary
24 medal, the navy expeditionary medal or the marine corps expeditionary
25 medal for participation in operations in Lebanon from June first, nine-
26 teen hundred eighty-three to December first, nineteen hundred eighty-
27 seven, in Grenada from October twenty-third, nineteen hundred eighty-
28 three to November twenty-first, nineteen hundred eighty-three, or in

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

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1 Panama from December twentieth, nineteen hundred eighty-nine to January
2 thirty-first, nineteen hundred ninety, or (ii) must have served on regu-
3 lar active duty (other than for training) in the armed forces of the
4 United States during part of one of the following periods:

5 (a) April sixth, nineteen hundred seventeen to November eleven, nine-
6 teen hundred eighteen.

7 (b) December seven, nineteen hundred forty-one to December thirty-one,
8 nineteen hundred forty-six, or have been employed by the War Shipping
9 Administration or Office of Defense Transportation or their agents as a
10 merchant seaman documented by the United States Coast Guard or Depart-
11 ment of Commerce, or as a civil servant employed by the United States
12 Army Transport Service (later redesignated as the United States Army
13 Transportation Corps, Water Division) or the Naval Transportation
14 Service; and who served satisfactorily as a crew member during the peri-
15 od of armed conflict, December seventh, nineteen hundred forty-one, to
16 August fifteenth, nineteen hundred forty-five, aboard merchant vessels
17 in oceangoing, i.e., foreign, intercoastal, or coastwise service as such
18 terms are defined under federal law (46 USCA 10301 & 10501) and further
19 to include "near foreign" voyages between the United States and Canada,
20 Mexico, or the West Indies via ocean routes, or public vessels in ocean-
21 going service or foreign waters and who has received a Certificate of
22 Release or Discharge from Active Duty and a discharge certificate, or an
23 Honorable Service Certificate/Report of Casualty, from the Department of
24 Defense or have served as a United States civilian employed by the Amer-
25 ican Field Service and served overseas under United States Armies and
26 United States Army Groups in world war II during the period of armed
27 conflict, December seventh, nineteen hundred forty-one through May
28 eighth, nineteen hundred forty-five, and who was discharged or released
29 therefrom under honorable conditions, or have served as a United States
30 civilian Flight Crew and Aviation Ground Support Employee of Pan Ameri-
31 can World Airways or one of its subsidiaries or its affiliates and
32 served overseas as a result of Pan American's contract with Air Trans-
33 port Command or Naval Air Transport Service during the period of armed
34 conflict, December fourteenth, nineteen hundred forty-one through August
35 fourteenth, nineteen hundred forty-five, and who was discharged or
36 released therefrom under honorable conditions.

37 (c) June twenty-seven, nineteen hundred fifty to January thirty-one,
38 nineteen hundred fifty-five.

39 (d) December twenty-second, nineteen hundred sixty-one to May seventh,
40 nineteen hundred seventy-five.

41 (e) August two, nineteen hundred ninety to the end of hostilities in
42 the Persian Gulf conflict.

43 (f) From September eighteenth, two thousand one until the end of the
44 United States military efforts in Afghanistan.

45 (g) From October sixteenth, two thousand two until the end of the
46 United States military efforts in Iraq.

47 2. Eligible groups. Awards shall be made to students each of whom has
48 a parent with such service, or a step-parent with such service where the
49 student is the dependent of the step-parent even if the student's
50 biological parent is still living, who:

51 (a) was a legal resident of New York state at the time of his or her
52 demise and who died or die while so serving, or as a result of injury or
53 illness suffered or incurred during such military service; or

54 (b) is an honorably discharged veteran of the United States or member
55 of the armed forces of the United States, who is a resident of the state
56 of New York, and who, FOR PURPOSES OF THE GRANTING OF A REGENTS AWARD,

1 has a current disability of forty percent or more as a result of an
2 injury or illness which is incurred or was incurred during such military
3 service; or

4 (c) is now deceased, who was a resident of this state at the time of
5 his or her demise, and who, FOR PURPOSES OF THE GRANTING OF A REGENTS
6 AWARD, at the time of his or her demise had a disability to a degree of
7 forty percent or more as a result of an injury or illness which was
8 incurred during such military service; or

9 (d) is classified as a former prisoner of war, or as missing in
10 action, who has been so classified by the United States department of
11 defense, and who is a resident of the state of New York if a former
12 prisoner of war or was a resident of the state of New York when classi-
13 fied as missing in action.

14 3. Determinations of disability. Determinations concerning disability
15 or death by the United States Administrator of Veterans Affairs or the
16 separate branches of the armed forces of the United States shall be
17 conclusive.

18 4. Amount and duration. (A) REGENTS AWARDS. Every recipient OF A
19 REGENTS AWARD shall receive an annual award of four hundred fifty
20 dollars for each of not more than four academic years, or five academic
21 years if the recipient is enrolled in a program normally requiring five
22 years, as defined by the commissioner, pursuant to article thirteen OF
23 THIS TITLE.

24 (B) TUITION AWARDS. (I) A TUITION AWARD GRANTED UNDER THIS SECTION
25 SHALL BE EQUAL TO THE COST OF UNDERGRADUATE TUITION, OFFSET BY ANY OTHER
26 FINANCIAL ASSISTANCE OR AWARD RECEIVED. IF A TUITION ASSISTANCE PROGRAM
27 (TAP) AWARD OR A REGENTS AWARD IS ALSO RECEIVED, THE COMBINED ACADEMIC
28 YEAR AWARD SHALL NOT EXCEED TUITION.

29 (II) NO RECIPIENT OF A TUITION AWARD UNDER THIS SECTION SHALL RECEIVE
30 A TUITION AWARD FOR MORE THAN EIGHT SEMESTERS OF FULL TIME UNDERGRADUATE
31 STUDY, OR THE EQUIVALENT OF FOUR ACADEMIC YEARS, OR, IF AN UNDERGRADUATE
32 PROGRAM NORMALLY REQUIRES FIVE ACADEMIC YEARS OF FULL TIME STUDY, FOR
33 MORE THAN TEN SEMESTERS OF FULL TIME STUDY, OR THE EQUIVALENT OF FIVE
34 ACADEMIC YEARS. "FULL TIME STUDY" SHALL MEAN ENROLLMENT FOR MORE THAN
35 TWELVE SEMESTER HOURS PER SEMESTER, OR THE EQUIVALENT, IN AN APPROVED
36 UNDERGRADUATE PROGRAM.

37 (III) NO RECIPIENT OF A TUITION AWARD UNDER THIS SECTION SHALL RECEIVE
38 A TUITION AWARD FOR MORE THAN SIXTEEN SEMESTERS OF PART TIME UNDERGRADU-
39 ATE STUDY, OR THE EQUIVALENT OF EIGHT ACADEMIC YEARS OF PART TIME STUDY,
40 OR, IF AN UNDERGRADUATE PROGRAM NORMALLY REQUIRES FIVE ACADEMIC YEARS OF
41 FULL TIME STUDY, FOR MORE THAN TWENTY SEMESTERS OF PART TIME STUDY, OR
42 THE EQUIVALENT OF TEN ACADEMIC YEARS. "PART TIME STUDY" SHALL MEAN
43 ENROLLMENT FOR AT LEAST THREE BUT LESS THAN TWELVE SEMESTER HOURS PER
44 SEMESTER, OR THE EQUIVALENT, IN AN APPROVED UNDERGRADUATE PROGRAM.

45 5. APPLICABILITY OF TUITION AWARDS; NON-RESIDENT FEES. TUITION AWARDS
46 PROVIDED UNDER THIS SECTION SHALL ONLY BE AVAILABLE WITHIN THE STATE OF
47 NEW YORK UNIVERSITY SYSTEM; PROVIDED, HOWEVER, THAT NOTHING CONTAINED
48 HEREIN SHALL PREVENT INSTITUTIONS FROM CHARGING NON-RESIDENT FEES IF THE
49 STUDENT IS A NON-RESIDENT.

50 S 2. This act shall take effect on the first of July next succeeding
51 the date on which it shall have become a law.