

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

3260--A

2011-2012 Regular Sessions

I N A S S E M B L Y

January 24, 2011

Introduced by M. of A. PERRY -- read once and referred to the Committee on Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

1 Section 1. The education law is amended by adding a new section 609 to
2 read as follows:
3 S 609. HAITIAN EARTHQUAKE VICTIMS SURVIVOR COLLEGE SCHOLARSHIP. 1.
4 NOTWITHSTANDING SUBDIVISIONS THREE AND FIVE OF SECTION SIX HUNDRED
5 SIXTY-ONE OF THIS TITLE, CHILDREN AND SPOUSES OF INNOCENT VICTIMS WHO
6 HAVE DIED OR HAVE BEEN SEVERELY AND PERMANENTLY DISABLED, OR THOSE INNO-
7 CENT VICTIMS WHO HAVE BECOME SEVERELY AND PERMANENTLY DISABLED AS A
8 DIRECT RESULT OF AN INJURY SUSTAINED ON THE ISLAND NATION OF HAITI DUE
9 TO THE JANUARY TWELFTH, TWO THOUSAND TEN EARTHQUAKE, OR THE AFTERSHOCKS
10 OF THE EARTHQUAKE, OCCURRING ON THAT ISLAND NATION, SHALL BE ELIGIBLE TO
11 RECEIVE A SCHOLARSHIP IN AN ANNUAL AMOUNT DETERMINED PURSUANT TO SUBDI-
12 VISION TWO OF SECTION SIX HUNDRED SIXTY-EIGHT-H OF THIS TITLE.
13 2. AWARDS UNDER THIS SECTION SHALL BE PAYABLE FOR EACH OF NOT MORE
14 THAN FOUR ACADEMIC YEARS OF UNDERGRADUATE STUDY OR FIVE ACADEMIC YEARS
15 IF A PROGRAM NORMALLY REQUIRES FIVE YEARS, AS DEFINED BY THE COMMISSION-
16 ER PURSUANT TO THIS ARTICLE.
17 S 2. The education law is amended by adding a new section 668-h to
18 read as follows:
19 S 668-H. HAITIAN EARTHQUAKE VICTIMS SURVIVOR COLLEGE SCHOLARSHIP
20 PROGRAM. 1. ELIGIBLE GROUPS. NOTWITHSTANDING SUBDIVISIONS THREE AND
21 FIVE OF SECTION SIX HUNDRED SIXTY-ONE OF THIS ARTICLE, CHILDREN AND
22 SPOUSES OF INNOCENT VICTIMS WHO HAVE DIED OR HAVE BEEN SEVERELY AND

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

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1 PERMANENTLY DISABLED, OR THOSE INNOCENT VICTIMS WHO HAVE BECOME SEVERELY
2 AND PERMANENTLY DISABLED AS A DIRECT RESULT OF AN INJURY SUSTAINED ON
3 THE ISLAND NATION OF HAITI IN THE IMPACT AREA OF THE JANUARY TWELFTH,
4 TWO THOUSAND TEN EARTHQUAKE OCCURRING ON THAT ISLAND NATION, SHALL BE
5 ELIGIBLE TO RECEIVE A MEMORIAL SCHOLARSHIP AS PROVIDED IN THIS SECTION.

6 2. AMOUNT. THE PRESIDENT SHALL GRANT UP TO TEN ANNUAL SCHOLARSHIPS TO
7 RECIPIENTS ATTENDING AN INSTITUTION OF THE CITY UNIVERSITY OF NEW YORK
8 OR AN INSTITUTION OF THE STATE UNIVERSITY OF NEW YORK OTHER THAN THE
9 STATUTORY COLLEGES AT CORNELL, THE COLLEGE OF ENVIRONMENTAL SCIENCE AND
10 FORESTRY AT SYRACUSE AND THE COLLEGE OF CERAMICS AT ALFRED, IN AN AMOUNT
11 EQUAL TO THE SUM OF THE TUITION CHARGED AT SUCH INSTITUTION PROVIDED
12 THAT, NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, THE TUITION
13 CHARGED TO AWARD RECIPIENTS SHALL NOT EXCEED THAT CHARGED TO STATE RESI-
14 DENT STUDENTS ATTENDING SUCH INSTITUTION AND THE MANDATORY FEES CHARGED
15 AT SUCH INSTITUTION; PROVIDED, HOWEVER, THAT THE SCHOLARSHIP SHALL NOT
16 EXCEED AN AMOUNT THAT IS EQUAL TO THE TOTAL COST OF ATTENDANCE DETER-
17 MINED FOR FEDERAL TITLE IV STUDENT FINANCIAL AID PURPOSES, LESS ALL
18 OTHER SCHOLARSHIPS AND GRANTS PROVIDED BY NEW YORK STATE, OTHER STATES,
19 THE FEDERAL GOVERNMENT, OR OTHER GOVERNMENTS, AND THE AMOUNT OF EDUCA-
20 TIONAL BENEFITS PAID UNDER ANY PROGRAM THAT WOULD DUPLICATE THE PURPOSES
21 OF THIS PROGRAM, PROVIDED THAT ANY SCHOLARSHIPS OR GRANTS PROVIDED TO A
22 RECIPIENT BY THE INSTITUTION WHICH ARE INTENDED TO FUND ANY PORTION OF
23 THE DIFFERENCE BETWEEN THE ANNUAL STATE AWARD AND THE ACTUAL COSTS OF
24 ATTENDANCE AT ANY SUCH INSTITUTION SHALL NOT BE CONSIDERED TO DUPLICATE
25 THE PURPOSES OF THIS PROGRAM. IN NO EVENT SHALL THE COMBINATION OF ALL
26 STUDENT FINANCIAL AID RECEIVED BY A STUDENT EXCEED A RECIPIENT'S TOTAL
27 COST OF ATTENDANCE AT THE INSTITUTION BEING ATTENDED.

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

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

34 13. HAITIAN EARTHQUAKE VICTIMS SURVIVOR COLLEGE SCHOLARSHIP.

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

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

46 S 5. This act shall take effect immediately and shall be deemed to
47 have been in full force and effect on and after February 1, 2012, and
48 shall be applicable for awards made for the 2012-2013 academic year and
49 all subsequent academic years.