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

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2013-2014 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 9, 2013

Introduced by M. of A. CAHILL, SCHIMMINGER, JACOBS, ROBINSON, ENGLEBRIGHT, CYMBROWITZ, CUSICK, PEOPLES-STOKES, CAMARA, BOYLAND -- Multi-Sponsored by -- M. of A. ABBATE, BENEDETTO, BRENNAN, COLTON, COOK, GUNTHER, HIKIND, LAVINE, LUPARDO, MILLMAN, PERRY, 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, as amended by section 3 of part J of chapter 58 of the laws of 2011, is amended to read as follows:

5. Adjustments of income. A. In the determination of income for purposes of paragraphs a and b of subdivision three of section six hundred sixty-seven of this part if, during the academic year in which the applicant will receive an award, one 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, in addition to the applicant, will be in full-time attendance in an approved program, the combined net taxable income determined under subdivision one of this section shall be reduced by three thousand dollars and an additional two thousand dollars for each other such person additional to the aforesaid persons (including the applicant) who will be in such attendance, and the resulting amount shall be deemed the applicable income in determining the applicant's award for the academic year.

B. (I) IN THE DETERMINATION OF INCOME FOR PURPOSES OF SUBDIVISION THREE OF SECTION SIX HUNDRED SIXTY-SEVEN OF THIS PART, STUDENT FINANCIAL

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

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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.

(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. Subitem (c) of item 1 of clause (A) of subparagraph (i) and subparagraph (vi) of paragraph a of subdivision 3 of section 667 of the education law, subitem (c) of item 1 of clause (A) of subparagraph (i) as separately amended by section 1 of part E and section 1 of part H of chapter 58 of the laws of 2011 and subparagraph (vi) as amended by

section 1 of part B of chapter 60 of the laws of 2000, are amended to read as follows:

(c) For students first receiving aid in two thousand--two thousand one and [thereafter] BEFORE TWO THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN, five thousand dollars; or

(I) FOR STUDENTS FIRST RECEIVING AID IN TWO THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN, FIVE THOUSAND FIVE HUNDRED DOLLARS; OR

(II) FOR STUDENTS FIRST RECEIVING AID IN TWO THOUSAND SIXTEEN--TWO THOUSAND SEVENTEEN AND THEREAFTER, SIX THOUSAND DOLLARS.

(vi) For the two thousand [two] FIFTEEN--two thousand [three] SIXTEEN 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. Subparagraphs (i) and (ii) of paragraph c of subdivision 3 of section 667 of the education law, as added by chapter 83 of the laws of 1995 and such paragraph as relettered by section 2 of part J of chapter 58 of the laws of 2011, 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 8. 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 9. 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.