

7515

2013-2014 Regular Sessions

I N A S S E M B L Y

May 23, 2013

Introduced by M. of A. KOLB -- read once and referred to the Committee on Higher Education

AN ACT to amend the education law, in relation to creating the affordable college education scholarship program

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

1 Section 1. This act shall be known and may be cited as the "affordable  
2 college education scholarship program".

3 S 2. Legislative intent. The legislature finds that higher education  
4 is critical to the future of many New Yorkers and a highly educated  
5 workforce is paramount to bolstering a healthy economy in New York  
6 State. Unfortunately, the rising cost of college is placing a financial  
7 strain on students and families and jeopardizing the future of the  
8 state's economy. Addressing that financial strain and the need to invest  
9 in New York's workforce are necessary steps in securing New York's  
10 future economy. Therefore the affordable college education scholarship  
11 program is established to provide families with the ability to send  
12 their children to college to earn a bachelor's degree for \$10,000. The  
13 affordable college education scholarship program will provide deserving  
14 students and their families an affordable pathway to a college educa-  
15 tion.

16 S 3. The education law is amended by adding a new article 14-B to read  
17 as follows:

18 ARTICLE 14-B

19 AFFORDABLE COLLEGE EDUCATION SCHOLARSHIP PROGRAM

20 SECTION 696. DEFINITIONS.

21 696-A. DUTIES OF THE COMMISSIONER.

22 696-B. INCOME.

23 696-C. ELIGIBILITY.

24 696-D. DURATION.

25 696-E. COST OF PROGRAM.

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

LBD09290-04-3

1 696-F. FINANCIAL AID.

2 696-G. NOTIFICATION.

3 S 696. DEFINITIONS. AS USED IN THIS ARTICLE:

4 1. "PARTICIPATING COMMUNITY COLLEGE" MEANS ANY COMMUNITY COLLEGE  
5 ESTABLISHED AND OPERATED PURSUANT TO THE PROVISIONS OF ARTICLE ONE  
6 HUNDRED TWENTY-SIX OF THIS CHAPTER, AND PROVIDING TWO-YEAR POST-SECON-  
7 DARY PROGRAMS IN GENERAL AND TECHNICAL EDUCATION SUBJECTS AND RECEIVING  
8 FINANCIAL ASSISTANCE FROM THE STATE.

9 2. "PARTICIPATING FOUR-YEAR COLLEGE" MEANS ANY UNIVERSITY OR COLLEGE  
10 OF THE STATE UNIVERSITY OF NEW YORK AS ESTABLISHED BY SUBDIVISION THREE  
11 OF SECTION THREE HUNDRED FIFTY-TWO OF THIS CHAPTER AND THE CITY UNIVER-  
12 SITY OF NEW YORK AS ESTABLISHED BY ARTICLE ONE HUNDRED TWENTY-FIVE OF  
13 THIS CHAPTER THAT PROVIDE FOUR-YEAR BACHELOR DEGREE PROGRAMS.

14 3. "GOOD ACADEMIC STANDING" FOR THE PURPOSES OF THIS ARTICLE MEANS  
15 RETAINING A MINIMUM GRADE POINT AVERAGE OF 2.5 OR THE EQUIVALENT.

16 S 696-A. DUTIES OF THE COMMISSIONER. THE COMMISSIONER SHALL ESTABLISH  
17 AN APPLICATION AND APPLICATION PROCESS FOR THE AFFORDABLE COLLEGE EDUCA-  
18 TION SCHOLARSHIP PROGRAM. THE COMMISSIONER SHALL SELECT ONE THOUSAND  
19 QUALIFIED APPLICANTS PER YEAR FOR PARTICIPATION IN THE AFFORDABLE  
20 COLLEGE EDUCATION SCHOLARSHIP PROGRAM, FROM AMONG CANDIDATES WHO MEET  
21 AND EXCEED THE MINIMUM ELIGIBILITY REQUIREMENTS, IN ORDER OF MERIT ON  
22 THE BASIS OF SUCH COMBINATION OF TEST SCORES, ACADEMIC RECORDS, AND  
23 PERSONAL QUALIFICATIONS AS THE COMMISSIONER DEEMS APPROPRIATE.

24 S 696-B. INCOME. 1. DEFINITION. "INCOME" SHALL BE THE TOTAL OF THE  
25 COMBINED NET TAXABLE INCOME AND INCOME FROM PENSIONS OF NEW YORK STATE,  
26 LOCAL GOVERNMENTS, THE FEDERAL GOVERNMENT AND ANY PRIVATE EMPLOYER OF  
27 THE APPLICANT, THE APPLICANT'S SPOUSE, AND THE APPLICANT'S PARENTS OR  
28 LEGAL GUARDIAN, INCLUDING ANY PENSION AND ANNUITY INCOME EXCLUDED FOR  
29 PURPOSES OF TAXATION PURSUANT TO PARAGRAPH THREE-A OF SUBSECTION (C) OF  
30 SECTION SIX HUNDRED TWELVE OF THE TAX LAW, AS REPORTED IN NEW YORK STATE  
31 INCOME TAX RETURNS FOR THE CALENDAR YEAR NEXT PRECEDING THE BEGINNING OF  
32 THE SCHOOL YEAR FOR WHICH THE APPLICATION IS MADE. THE TERM "PARENT"  
33 SHALL INCLUDE BIRTH PARENTS, STEPPARENTS, ADOPTIVE PARENTS AND THE  
34 SPOUSE OF AN ADOPTIVE PARENT. INCOME, IF NOT A WHOLE DOLLAR AMOUNT,  
35 SHALL BE ASSUMED TO BE EQUAL TO THE NEXT LOWEST WHOLE DOLLAR AMOUNT. ANY  
36 CHANGE IN THE STATUS OF AN APPLICANT WITH REGARD TO THE PERSONS RESPON-  
37 SIBLE FOR THE APPLICANT'S SUPPORT OCCURRING AFTER THE BEGINNING OF ANY  
38 SEMESTER SHALL NOT BE CONSIDERED TO CHANGE THE APPLICANT'S ELIGIBILITY.

39 2. SEPARATION OF PARENTS. IF THE PARENTS OF AN APPLICANT ARE LIVING  
40 APART, THE INCOME OF THE APPLICANT SHALL BE BASED UPON THE INCOME OF  
41 THAT PARENT WITH WHOM THE APPLICANT IS LIVING; OR WHO EXERCISES CUSTODY  
42 IF THE APPLICANT IS A MINOR, OR WOULD EXERCISE CUSTODY IF THE APPLICANT  
43 WERE A MINOR, AND ANY APPROPRIATE PAYMENTS FOR THE SUPPORT OF THE APPLI-  
44 CANT FROM THE OTHER PARENT.

45 3. EXCLUSION OF PARENTAL INCOME IN THE DETERMINATION OF THE AMOUNT OF  
46 AN AWARD. A. IN DETERMINING THE AMOUNT OF AN AWARD FOR STUDENTS, THE  
47 INCOME OF THE PARENTS SHALL BE EXCLUDED IF THE STUDENT HAS BEEN EMANCI-  
48 PATED FROM HIS PARENTS.

49 B. A STUDENT SHALL BE CONSIDERED EMANCIPATED IF:

50 (I) THE APPLICANT IS A STUDENT WHO WAS MARRIED ON OR BEFORE DECEMBER  
51 THIRTY-FIRST OF THE CALENDAR YEAR PRIOR TO THE BEGINNING OF THE ACADEMIC  
52 YEAR FOR WHICH APPLICATION IS MADE OR IS AN UNDERGRADUATE STUDENT WHO  
53 HAS REACHED THE AGE OF TWENTY-TWO ON OR BEFORE JUNE THIRTIETH PRIOR TO  
54 THE ACADEMIC YEAR FOR WHICH APPLICATION IS MADE AND WHO, DURING THE  
55 CALENDAR YEAR NEXT PRECEDING THE SEMESTER, QUARTER OR TERM OF ATTENDANCE

1 FOR WHICH APPLICATION IS MADE AND AT ALL TIMES SUBSEQUENT THERETO UP TO  
2 AND INCLUDING THE ENTIRE PERIOD FOR WHICH APPLICATION IS MADE:

3 (A) HAS NOT RESIDED AND WILL NOT RESIDE WITH HIS OR HER PARENTS FOR  
4 MORE THAN SIX WEEKS; AND

5 (B) HAS NOT AND WILL NOT RECEIVE FINANCIAL ASSISTANCE OR SUPPORT  
6 VALUED IN EXCEED OF SEVEN HUNDRED FIFTY DOLLARS FROM HIS OR HER PARENTS;  
7 AND

8 (C) HAS NOT AND WILL NOT BE CLAIMED AS A DEPENDENT BY EITHER PARENT  
9 FOR PURPOSES OF EITHER FEDERAL OR STATE INCOME TAX; OR

10 (II) THE APPLICANT HAS REACHED THE AGE OF THIRTY-FIVE ON OR BEFORE  
11 JUNE THIRTIETH PRIOR TO THE ACADEMIC YEAR FOR WHICH APPLICATION IS MADE;  
12 OR

13 (III) THE APPLICANT WAS ENLISTED IN FULL TIME ACTIVE MILITARY SERVICE  
14 IN THE ARMED FORCES OF THE UNITED STATES AND HAS BEEN HONORABLY  
15 DISCHARGED FROM SUCH SERVICE, PROVIDED, HOWEVER, THAT THE APPLICANT HAS  
16 NOT AND WILL NOT BE CLAIMED AS A DEPENDENT BY EITHER PARENT FOR PURPOSES  
17 OF EITHER FEDERAL OR STATE INCOME TAX.

18 C. IN MAKING A DETERMINATION OF WHERE A STUDENT RESIDES FOR THE  
19 PURPOSES OF CLAUSE (A) OF SUBPARAGRAPH (I) OF PARAGRAPH B OF THIS SUBDI-  
20 VISION, THE PRESIDENT MAY CONSIDER SUCH CRITERIA AS HE DEEMS APPROPRI-  
21 ATE. RESIDENCE BY THE STUDENT IN AN APARTMENT, BUILDING, OR OTHER PREM-  
22 ISES OWNED BY A PARENT SHALL BE CONSIDERED RESIDENCE WITH THAT PARENT,  
23 FOR THE PURPOSES OF THIS SECTION, EVEN IF THE STUDENT MAKES PAYMENT  
24 THEREFOR IN THE FORM OF RENT OR OTHER CONSIDERATIONS.

25 D. IN MAKING A DETERMINATION OF WHETHER A STUDENT HAS BEEN CLAIMED BY  
26 A PARENT AS A DEPENDENT FOR PURPOSES OF EITHER FEDERAL OR STATE INCOME  
27 TAX, THE PRESIDENT MAY REQUIRE THE STUDENT TO SUBMIT A COPY OF THAT  
28 PORTION OF THE PARENTS' FEDERAL INCOME TAX RETURN WHICH INCLUDES THE  
29 PARENTS' SIGNATURE AND THE LIST OF CLAIMED DEPENDENTS.

30 4. RELINQUISHING OF PARENTAL CONTROL. IN DETERMINING THE AMOUNT OF AN  
31 AWARD, THE PRESIDENT MAY, IN CASES OF UNUSUAL AND EXCEPTIONAL FAMILY  
32 CIRCUMSTANCES WARRANTING SUCH ACTION, RECOGNIZE AN EXISTING CONDITION  
33 WHEREIN PARENTAL CONTROL HAS IN EFFECT BEEN RELINQUISHED BY THE PARENTS  
34 OR OTHERS RESPONSIBLE FOR THE APPLICANT, AND NOTWITHSTANDING THE  
35 PROVISIONS OF SUBDIVISION THREE OF THIS SECTION, THE APPLICANT HAS IN  
36 EFFECT BEEN EMANCIPATED. THE CRITERIA USED IN DETERMINING THESE CASES OF  
37 UNUSUAL AND EXCEPTIONAL FAMILY CIRCUMSTANCES SHALL BE ESTABLISHED BY THE  
38 PRESIDENT WITH THE APPROVAL OF THE BOARD OF TRUSTEES AND THE DIRECTOR OF  
39 THE DIVISION OF THE BUDGET.

40 5. INCOME TAX RETURN NOT FILED OR NOT INCLUDING INCOME OUTSIDE NEW  
41 YORK STATE. IF A PERSON REQUIRED TO REPORT INCOME TO THE CORPORATION DID  
42 NOT FILE AN APPROPRIATE NEW YORK STATE INCOME TAX RETURN, OR IF THE  
43 RETURN DID NOT INCLUDE INCOME OUTSIDE NEW YORK STATE, SUCH PERSON SHALL  
44 REPORT TO THE CORPORATION WHAT HIS INCOME WOULD HAVE BEEN HAD HIS TOTAL  
45 INCOME BEEN SUBJECT TO NEW YORK STATE INCOME TAX AND HAD SUCH INCOME TAX  
46 RETURN BEEN FILED.

47 6. STATEMENT OF INCOME. AN APPLICANT, THE APPLICANT'S SPOUSE, AND THE  
48 APPLICANT'S PARENTS, IF THEIR INCOME IS INCLUDED IN "INCOME" FOR  
49 PURPOSES OF THIS ARTICLE, SHALL FILE ANNUALLY WITH THE CORPORATION, IN A  
50 MANNER PRESCRIBED BY THE PRESIDENT, A STATEMENT OF THEIR INCOME, SIGNED  
51 AND AFFIRMED AS TRUE UNDER PENALTIES OF PERJURY.

52 7. VERIFICATION OF FINANCIAL REPORT. THE STATE TAX COMMISSION SHALL,  
53 UPON REQUEST BY THE PRESIDENT, COMPARE ANY STATEMENT FILED WITH THE  
54 CORPORATION PURSUANT TO THIS ARTICLE OR ANY INFORMATION DERIVED  
55 THERE-FROM WITH THE STATE INCOME TAX RETURNS FILED BY THE PERSONS MAKING  
56 SUCH STATEMENT AND SHALL REPORT ANY DISCREPANCIES TO THE PRESIDENT.

1 8. CONFIDENTIALITY OF FINANCIAL REPORTS. ALL STATEMENTS FILED WITH THE  
2 CORPORATION AND ALL REPORTS MADE BY THE STATE TAX COMMISSION PURSUANT TO  
3 THIS SECTION SHALL BE DEEMED CONFIDENTIAL.

4 S 696-C. ELIGIBILITY. THE AFFORDABLE COLLEGE EDUCATION SCHOLARSHIP  
5 PROGRAM SHALL BE AVAILABLE TO THOSE PERSONS:

6 1. WHO ARE (I) A CITIZEN OF THE UNITED STATES, OR (II) AN ALIEN  
7 LAWFULLY ADMITTED FOR PERMANENT RESIDENCE IN THE UNITED STATES, OR (III)  
8 AN INDIVIDUAL OF A CLASS OF REFUGEES PAROLED BY THE ATTORNEY GENERAL OF  
9 THE UNITED STATES UNDER HIS OR HER PAROLE AUTHORITY PERTAINING TO THE  
10 ADMISSION OF ALIENS TO THE UNITED STATES;

11 2. WHO HAVE BEEN EITHER (I) A LEGAL RESIDENT OF THE STATE FOR AT LEAST  
12 ONE YEAR IMMEDIATELY PRECEDING THE BEGINNING OF THE SEMESTER, QUARTER OR  
13 TERM OF ATTENDANCE FOR WHICH APPLICATION FOR THE AFFORDABLE COLLEGE  
14 EDUCATION SCHOLARSHIP PROGRAM IS MADE, OR (II) A LEGAL RESIDENT OF THE  
15 STATE AND HAVE BEEN A LEGAL RESIDENT DURING HIS OR HER LAST TWO SEMES-  
16 TERS OF HIGH SCHOOL EITHER PRIOR TO GRADUATION, OR PRIOR TO ADMISSION TO  
17 COLLEGE. NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE TO THE  
18 CONTRARY, THE NEW YORK STATE RESIDENCY ELIGIBILITY REQUIREMENT FOR THIS  
19 PROGRAM IS WAIVED FOR A MEMBER, OR THE SPOUSE OR DEPENDENT OF A MEMBER,  
20 OF THE ARMED FORCES OF THE UNITED STATES ON FULL-TIME ACTIVE-DUTY AND  
21 STATIONED IN THIS STATE;

22 3. WHO HAVE APPLIED TO SUCH PROGRAM AND BEEN ACCEPTED;

23 4. WHO HAVE GRADUATED FROM A SECONDARY SCHOOL LOCATED WITHIN NEW YORK  
24 STATE OR HAVE RECEIVED A HIGH SCHOOL EQUIVALENCY DIPLOMA FROM NEW YORK  
25 STATE;

26 5. WHO ENROLL IN AN APPROVED PROGRAM AS DEFINED IN SECTION SIX HUNDRED  
27 NINETY-SIX OF THIS ARTICLE AT A PARTICIPATING COMMUNITY COLLEGE OR  
28 PARTICIPATING FOUR-YEAR COLLEGE TO COMPLETE A BACHELOR'S DEGREE IN AN  
29 APPROVED PROGRAM;

30 6. WHO REMAIN IN GOOD ACADEMIC STANDING; AND

31 7. WHOSE INCOME AS DEFINED IN SECTION SIX HUNDRED NINETY-SIX-B OF THIS  
32 ARTICLE DOES NOT EXCEED TWO HUNDRED THOUSAND DOLLARS OR ONE HUNDRED  
33 FIFTY THOUSAND DOLLARS IN CASES WHERE PARENTAL INCOME IS EXCLUDED AS  
34 PROVIDED IN SECTION SIX HUNDRED NINETY-SIX-B.

35 S 696-D. DURATION. STUDENTS, WHO REMAIN IN GOOD ACADEMIC STANDING AND  
36 CONTINUE TO MEET THE ELIGIBILITY REQUIREMENTS OF THE AFFORDABLE COLLEGE  
37 EDUCATION SCHOLARSHIP PROGRAM, WILL REMAIN IN SAID PROGRAM FOR NOT MORE  
38 THAN FOUR ACADEMIC YEARS OF FULL-TIME UNDERGRADUATE STUDY.

39 S 696-E. COST OF PROGRAM. EACH STUDENT ACCEPTED INTO THIS PROGRAM WILL  
40 BE CHARGED AN AMOUNT OF NO MORE THAN TWO THOUSAND FIVE HUNDRED DOLLARS  
41 PER ACADEMIC YEAR. INCLUDED IN THIS COST WILL BE TUITION, ROOM AND BOARD  
42 AND A FIVE HUNDRED DOLLAR PER SEMESTER STIPEND FOR TEXTBOOKS. THE STATE  
43 WILL PROVIDE THE STATE UNIVERSITY AND THE CITY UNIVERSITY WITH THE  
44 REMAINING COST TO EDUCATE THESE STUDENTS.

45 S 696-F. FINANCIAL AID. THOSE STUDENTS WHO ARE AWARDED AN ACADEMIC  
46 SCHOLARSHIP FROM HIGHER EDUCATION SERVICES WILL SEE A REDUCTION IN THEIR  
47 COST OF THE PROGRAM BY AN AMOUNT EQUAL TO THEIR AWARD. ANY ADDITIONAL  
48 FINANCIAL AID, INCLUDING FROM THE TUITION ASSISTANCE PROGRAM, THE AMOUNT  
49 OF THE AWARD WILL GO TO THE SCHOOL AND WILL DIMINISH THE STATE'S SHARE  
50 OF THE STUDENT'S COST OF EDUCATION.

51 S 696-G. NOTIFICATION. 1. THE SUPERINTENDENT OF SCHOOLS OR OTHER CHIEF  
52 SCHOOL OFFICER OF EACH PUBLIC SCHOOL DISTRICT AND THE CHIEF SCHOOL OFFI-  
53 CER OF NONPUBLIC SECONDARY SCHOOLS SHALL TAKE STEPS TO INFORM STUDENTS  
54 AND PARENTS ABOUT THE AFFORDABLE COLLEGE EDUCATION SCHOLARSHIP PROGRAM.  
55 THE HIGHER EDUCATION SERVICES CORPORATION, IN COOPERATION WITH THE  
56 COMMISSIONER, SHALL ASSIST SUCH EFFORTS BY MAKING AVAILABLE TO SCHOOL

1 DISTRICTS, NONPUBLIC SECONDARY SCHOOLS AND STUDENTS INFORMATION RELATING  
2 TO SUCH PROGRAMS AND AID. IN ADDITION, THE COMMISSIONER, IN COOPERATION  
3 WITH THE PRESIDENT AND SCHOOL OFFICIALS SHALL ALSO PROVIDE SUCH OTHER  
4 INFORMATION AS IS APPROPRIATE TO ENCOURAGE STUDENTS TO COMPLETE HIGH  
5 SCHOOL AND TO ASSIST STUDENTS IN PREPARING TO ATTEND COLLEGE.

6 2. A REPORT DETAILING THE NUMBER OF STUDENTS IN THE PROGRAM ENROLLED  
7 IN EACH PROGRAM OF STUDY AND THE NUMBER OF STUDENTS PARTICIPATING AT  
8 EACH INSTITUTION SHALL BE GENERATED BY THE PARTICIPATING COMMUNITY  
9 COLLEGE OR FOUR-YEAR COLLEGE AND SUBMITTED TO THE DIVISION OF BUDGET  
10 WITH A COPY PROVIDED TO EACH HOUSE OF THE LEGISLATURE AND THE GOVERNOR.

11 S 4. Subparagraph 4 of paragraph h of subdivision 2 of section 355 of  
12 the education law is amended by adding a new clause (v) to read as  
13 follows:

14 (V) COMMENCING WITH THE TWO THOUSAND THIRTEEN-TWO THOUSAND FOURTEEN  
15 ACADEMIC YEAR AND ENDING IN THE TWO THOUSAND SEVENTEEN-TWO THOUSAND  
16 EIGHTEEN ACADEMIC YEAR THE STATE UNIVERSITY OF NEW YORK BOARD OF TRUS-  
17 TEES SHALL BE EMPOWERED TO ADMINISTER A PROGRAM IN WHICH STUDENTS PAY  
18 TWO THOUSAND FIVE HUNDRED DOLLARS PER YEAR FOR FOUR YEARS OF EDUCATION  
19 AS ESTABLISHED PURSUANT TO ARTICLE FOURTEEN-B OF THIS CHAPTER. PARTIC-  
20 IPATION IN SUCH PROGRAM WILL BE AWARDED SOLELY ON MERIT. THE REMAINDER  
21 OF THE COST OF THIS PROGRAM WILL BE PAID FOR BY THE STATE.

22 S 5. Paragraph (a) of subdivision 7 of section 6206 of the education  
23 law is amended by adding a new subparagraph (iv) to read as follows:

24 (IV) COMMENCING WITH THE TWO THOUSAND THIRTEEN-TWO THOUSAND FOURTEEN  
25 ACADEMIC YEAR AND ENDING IN THE TWO THOUSAND SEVENTEEN-TWO THOUSAND  
26 EIGHTEEN ACADEMIC YEAR THE CITY UNIVERSITY OF NEW YORK BOARD OF TRUSTEES  
27 SHALL BE EMPOWERED TO ADMINISTER A PROGRAM IN WHICH STUDENTS PAY TWO  
28 THOUSAND FIVE HUNDRED DOLLARS PER YEAR FOR FOUR YEARS OF EDUCATION AS  
29 ESTABLISHED PURSUANT TO ARTICLE FOURTEEN-B OF THIS CHAPTER. PARTIC-  
30 IPATION IN SUCH PROGRAM WILL BE AWARDED SOLELY ON MERIT. THE REMAINDER  
31 OF THE COST OF THIS PROGRAM WILL BE PAID FOR BY THE STATE.

32 S 6. This act shall take effect immediately; provided that the amend-  
33 ments to subparagraph 4 of paragraph h of subdivision 2 of section 355  
34 of the education law made by section four of this act and paragraph (a)  
35 of subdivision 7 of section 6206 of the education law made by section  
36 five of this act shall be subject to the expiration and reversion of  
37 such provisions and shall expire and be deemed repealed therewith.