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

2753

2015-2016 Regular Sessions

I N A S S E M B L Y

January 20, 2015

Introduced by M. of A. KOLB, CERETTO, LUPINACCI -- 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:

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

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

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

ARTICLE 14-B

AFFORDABLE COLLEGE EDUCATION SCHOLARSHIP PROGRAM

SECTION 696. DEFINITIONS.

696-A. DUTIES OF THE COMMISSIONER.

696-B. INCOME.

696-C. ELIGIBILITY.

696-D. DURATION.

696-E. COST OF PROGRAM.

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

LBD02541-01-5

696-F. FINANCIAL AID.
696-G. NOTIFICATION.

S 696. DEFINITIONS. AS USED IN THIS ARTICLE:

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

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

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

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

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

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

3. EXCLUSION OF PARENTAL INCOME IN THE DETERMINATION OF THE AMOUNT OF AN AWARD. A. IN DETERMINING THE AMOUNT OF AN AWARD FOR STUDENTS, THE INCOME OF THE PARENTS SHALL BE EXCLUDED IF THE STUDENT HAS BEEN EMANCIPATED FROM HIS PARENTS.

B. A STUDENT SHALL BE CONSIDERED EMANCIPATED IF:

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

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

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

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

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

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

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

C. IN MAKING A DETERMINATION OF WHERE A STUDENT RESIDES FOR THE PURPOSES OF CLAUSE (A) OF SUBPARAGRAPH (I) OF PARAGRAPH B OF THIS SUBDIVISION, THE PRESIDENT MAY CONSIDER SUCH CRITERIA AS HE DEEMS APPROPRIATE. RESIDENCE BY THE STUDENT IN AN APARTMENT, BUILDING, OR OTHER PREMISES OWNED BY A PARENT SHALL BE CONSIDERED RESIDENCE WITH THAT PARENT, FOR THE PURPOSES OF THIS SECTION, EVEN IF THE STUDENT MAKES PAYMENT THEREFOR IN THE FORM OF RENT OR OTHER CONSIDERATIONS.

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

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

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

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

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

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

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

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

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

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

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

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

6. WHO REMAIN IN GOOD ACADEMIC STANDING; AND

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

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

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

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

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

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

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

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

(V) COMMENCING WITH THE TWO THOUSAND FIFTEEN-TWO THOUSAND SIXTEEN ACADEMIC YEAR AND ENDING IN THE TWO THOUSAND NINETEEN-TWO THOUSAND TWENTY ACADEMIC YEAR THE STATE UNIVERSITY OF NEW YORK BOARD OF TRUSTEES SHALL BE EMPOWERED TO ADMINISTER A PROGRAM IN WHICH STUDENTS PAY TWO THOUSAND FIVE HUNDRED DOLLARS PER YEAR FOR FOUR YEARS OF EDUCATION AS ESTABLISHED PURSUANT TO ARTICLE FOURTEEN-B OF THIS CHAPTER. PARTICIPATION IN SUCH PROGRAM WILL BE AWARDED SOLELY ON MERIT. THE REMAINDER OF THE COST OF THIS PROGRAM WILL BE PAID FOR BY THE STATE.

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

(IV) COMMENCING WITH THE TWO THOUSAND FIFTEEN-TWO THOUSAND SIXTEEN ACADEMIC YEAR AND ENDING IN THE TWO THOUSAND NINETEEN-TWO THOUSAND TWENTY ACADEMIC YEAR THE CITY UNIVERSITY OF NEW YORK BOARD OF TRUSTEES SHALL BE EMPOWERED TO ADMINISTER A PROGRAM IN WHICH STUDENTS PAY TWO THOUSAND FIVE HUNDRED DOLLARS PER YEAR FOR FOUR YEARS OF EDUCATION AS ESTABLISHED PURSUANT TO ARTICLE FOURTEEN-B OF THIS CHAPTER. PARTICIPATION IN SUCH PROGRAM WILL BE AWARDED SOLELY ON MERIT. THE REMAINDER OF THE COST OF THIS PROGRAM WILL BE PAID FOR BY THE STATE.

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