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

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I N A S S E M B L Y

March 3, 2016

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

AN ACT to amend the education law, in relation to tuition assistance program awards for graduate students

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

Section 1. Subdivision 2 of section 667 of the education law, as amended by section 1 of part J of chapter 58 of the laws of 2011, is amended to read as follows:

2. Duration. No undergraduate shall be eligible for more than four academic years of study, or five academic years if the program of study normally requires five years. Students enrolled in a program of remedial study, approved by the commissioner in an institution of higher education and intended to culminate in a degree in undergraduate study shall, for purposes of this section, be considered as enrolled in a program of study normally requiring five years. An undergraduate student enrolled in an eligible two year program of study approved by the commissioner shall be eligible for no more than three academic years of study. NO GRADUATE STUDENT SHALL BE ELIGIBLE FOR MORE THAN FOUR ACADEMIC YEARS OF STUDY PROVIDED, HOWEVER, THAT NO GRADUATE STUDENT SHALL BE ELIGIBLE FOR MORE THAN ONE DEGREE PROGRAM AT THE MASTER'S, FIRST PROFESSIONAL OR DOCTORATE LEVEL. NO STUDENT SHALL BE ELIGIBLE FOR A TOTAL OF MORE THAN THE EQUIVALENT OF EIGHT YEARS OF COMBINED UNDERGRADUATE AND GRADUATE STUDY. Any semester, quarter, or term of attendance during which a student receives any award under this article, after the effective date of the former scholar incentive program and prior to academic year nineteen hundred eighty-nine--nineteen hundred ninety, shall be counted toward the maximum term of eligibility for tuition assistance under this section, except that any semester, quarter or term of attendance during which a student received an award pursuant to section six hundred sixty-six of this subpart shall be counted as one-half of a semester, quarter or term, as the case may be, toward the maximum term of eligibility under this section. Any semester, quarter or term of attendance during which a student received an award pursuant to section six hundred

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

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sixty-seven-a of this subpart shall not be counted toward the maximum term of eligibility under this section.

S 2. Paragraph c of subdivision 3 of section 667 of the education law, as relettered by section 2 of part J of chapter 58 of the laws of 2011, is relettered paragraph d and a new paragraph c is added to read as follows:

C. AMOUNT. THE PRESIDENT SHALL MAKE AWARDS TO GRADUATE STUDENTS IN THE FOLLOWING AMOUNTS:

(I) FOR EACH YEAR OF GRADUATE STUDY, ASSISTANCE SHALL BE PROVIDED AS COMPUTED ON THE BASIS OF THE AMOUNT WHICH IS THE LESSER OF THE FOLLOWING:

(A) FIVE HUNDRED FIFTY DOLLARS; OR

(B) ONE HUNDRED PERCENT OF THE AMOUNT OF TUITION CHARGED (EXCLUSIVE OF EDUCATIONAL FEES).

(II) EXCEPT FOR STUDENTS AS NOTED IN SUBPARAGRAPH (III) OF THIS PARAGRAPH, THE BASE AMOUNT AS DETERMINED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH, SHALL BE REDUCED IN RELATION TO INCOME AS FOLLOWS:

AMOUNT OF INCOME	SCHEDULE OF REDUCTION OF BASE AMOUNT
(A) LESS THAN TWO THOUSAND DOLLARS	NONE
(B) TWO THOUSAND DOLLARS OR MORE, BUT NOT MORE THAN TWENTY THOUSAND DOLLARS	SEVEN AND SEVEN-TENTHS PER CENTUM OF THE EXCESS OVER TWO THOUSAND DOLLARS

(III) FOR STUDENTS WHO HAVE BEEN GRANTED EXCLUSION OF PARENTAL INCOME AND WERE SINGLE WITH NO DEPENDENT FOR INCOME TAX PURPOSES DURING THE TAX YEAR NEXT PRECEDING THE ACADEMIC YEAR FOR WHICH APPLICATION IS MADE, THE BASE AMOUNT AS DETERMINED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH, SHALL BE REDUCED IN RELATION TO INCOME AS FOLLOWS:

AMOUNT OF INCOME	SCHEDULE OF REDUCTION OF BASE AMOUNT
(A) LESS THAN ONE THOUSAND DOLLARS	NONE
(B) ONE THOUSAND DOLLARS OR MORE, BUT NOT MORE THAN FIVE THOUSAND SIX HUNDRED SIXTY-SIX DOLLARS	TWENTY-SIX PER CENTUM OF THE EXCESS OVER ONE THOUSAND DOLLARS

(IV) IF THE AMOUNT OF REDUCTION IS NOT A WHOLE DOLLAR, IT SHALL BE REDUCED TO THE NEXT LOWEST WHOLE DOLLAR.

(V) THE AWARD SHALL BE THE NET AMOUNT OF THE BASE AMOUNT DETERMINED PURSUANT TO SUBPARAGRAPH (II) OR (III) OF THIS PARAGRAPH BUT THE AWARD SHALL NOT BE REDUCED BELOW SEVENTY-FIVE DOLLARS. IF THE INCOME EXCEEDS THE MAXIMUM AMOUNT OF INCOME ALLOWABLE UNDER SUBPARAGRAPH (II) OR (III) OF THIS PARAGRAPH, NO AWARD SHALL BE MADE.

S 3. 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. EXCEPT 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 OR MORE OF EITHER THE PARENTS OF THE APPLICANT OR OTHER DEPENDENT CHILDREN 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 DIVIDED BY THE TOTAL NUMBER OF THE AFORESAID PERSONS (INCLUDING THE APPLICANT) WHO WILL BE IN SUCH ATTENDANCE, AND THE

RESULTING QUOTIENT SHALL BE DEEMED THE APPLICABLE INCOME IN DETERMINING THE APPLICANT'S AWARD FOR SUCH ACADEMIC YEAR.

B. 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.

S 4. Paragraph a of subdivision 3 of section 663 of the education law, as amended by section 4 of part J of chapter 58 of the laws of 2011, is amended to read as follows:

a. In determining the amount of an award for GRADUATE AND UNDERGRADUATE students, the income of the parents shall be excluded if the student has been emancipated from his parents.

S 5. The opening paragraph of subparagraph 1 of paragraph b of subdivision 3 of section 663 of the education law, as amended by section 5 of part J of chapter 58 of the laws of 2011, is amended to read as follows:

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 OR IS A GRADUATE STUDENT, 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:

S 6. Paragraph d of subdivision 3 of section 663 of the education law, as amended by section 6 of part J of chapter 58 of the laws of 2011, is amended to read as follows:

d. Any GRADUATE OR undergraduate student who was allowed to exclude parental income pursuant to the provisions of subdivision three of section six hundred three of this chapter as they existed prior to July first, nineteen hundred seventy-four may continue to exclude such income for so long as he continues to comply with such provisions.

S 7. This act shall take effect July 1, 2016.