# STATE OF NEW YORK

5881

2017-2018 Regular Sessions

# IN ASSEMBLY

February 16, 2017

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

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

**The People of the State of New York, represented in Senate and Assembly, do enact as follows:**

Section 1. 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, item 1 of clause (A) of subparagraph (i) as amended by section 1 of part H of chapter 58 of the laws of 2011, the opening paragraph of item 1 of clause (A) of subparagraph (i) as amended by section 2 of part X of chapter 56 of the laws of 2014, subitem (a) of item 1 of clause (A) of subparagraph (i) as amended by section 2 of part U of chapter 56 of the laws of 2014, subitem (b) of item 1 of clause (A) of subparagraph (i) as amended by section 3 of part U of chapter 56 of the laws of 2014, subitem (c) of item 1 of clause (A) of subparagraph (i) as amended by section 1 of part U of chapter 56 of the laws of 2014, subitem (d) of item 1 of clause (A) of subparagraph (i) as added by section 1 of part E of chapter 58 of the laws of 2011, item 2 of clause (A) of subparagraph (i) as amended by section 2 of part H of chapter 58 of the laws of 2011 and subparagraph (iii) as amended by section 3 of part H of chapter 58 of the laws of 2011, is amended to read as follows:

a. Amount. The president shall make awards to students enrolled in degree-granting institutions or registered not-for-profit business schools qualified for tax exemption under § 501(c)(3) of the internal revenue code for federal income tax purposes in the following amounts:

(i) For each year of undergraduate study, assistance shall be provided as computed on the basis of the amount which is the lesser of the following:

(A) (1) In the case of students who have not been granted an exclusion of parental income, who have qualified as an orphan, foster child, or

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

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ward of the court for the purposes of federal student financial aid programs authorized by Title IV of the Higher Education Act of 1965, as amended, or had a dependent for income tax purposes during the tax year next preceding the academic year for which application is made, except for those students who have been granted exclusion of parental income who have a spouse but no other dependent:

(a) For students first receiving aid after nineteen hundred ninety-three--nineteen hundred ninety-four and before two thousand--two thousand one, four thousand two hundred ninety dollars; or

(b) For students first receiving aid in nineteen hundred ninety-three--nineteen hundred ninety-four or earlier, three thousand seven hundred forty dollars; or

(c) For students first receiving aid in two thousand--two thousand one and thereafter, five thousand dollars, except starting in two thousand fourteen-two thousand fifteen and thereafter such students shall receive five thousand one hundred sixty-five dollars; or

(d) **For students first receiving aid in two thousand seventeen--two thousand eighteen and thereafter, six thousand four hundred seventy dollars; or**

**(e)** For undergraduate students enrolled in a program of study at a non-public degree-granting institution that does not offer a program of study that leads to a baccalaureate degree, or at a registered not-for-profit business school qualified for tax exemption under section 501(c)(3) of the internal revenue code for federal income tax purposes that does not offer a program of study that leads to a baccalaureate degree, four thousand dollars. Provided, however, that this subitem shall not apply to students enrolled in a program of study leading to a certificate or degree in nursing.

(2) In the case of students receiving awards pursuant to subparagraph (iii) of this paragraph and those students who have been granted exclusion of parental income who have a spouse but no other dependent.

(a) **For students receiving aid in two thousand seventeen--two thousand eighteen and thereafter, six thousand four hundred seventy dollars, or**

**(b)** For students first receiving aid in nineteen hundred ninety-four--nineteen hundred ninety-five and nineteen hundred ninety-five--nineteen hundred ninety-six and thereafter, three thousand twenty-five dollars, or

[~~(b)~~] **(c)** For students first receiving aid in nineteen hundred ninety-two--nineteen hundred ninety-three and nineteen hundred ninety-three--nineteen hundred ninety-four, two thousand five hundred seventy-five dollars, or

[~~(c)~~] **(d)** For students first receiving aid in nineteen hundred ninety-one--nineteen hundred ninety-two or earlier, two thousand four hundred fifty dollars; or

(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.

(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.

(ii) Except for students as noted in subparagraph (iii) of this paragraph, the base amount as determined from 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 [~~seven~~] eight thousand seven hundred fifty dollars | None |
| (B) [~~Seven~~] Eight thousand seven hundred fifty dollars or more, but less than [~~eleven~~] thirteen thousand seven hundred fifty dollars | Seven per centum of excess over [~~seven~~] eight thousand seven hundred fifty dollars |
| (C) [~~Eleven~~] Thirteen thousand seven hundred fifty dollars or more, but less than [~~eighteen~~] twenty-two thousand five hundred dollars | [~~Two~~] Three hundred [~~eighty~~] fifty dollars plus ten per centum of excess over [~~eleven~~] thirteen thousand seven hundred fifty dollars |
| (D) [~~Eighteen~~] Twenty-two thousand five hundred dollars or more, but not more than [~~eighty~~] one hundred thousand dollars | [~~Nine~~] One thousand two hundred [~~eighty~~] twenty-five dollars plus twelve per centum of excess over [~~eighteen~~] twenty-two thousand five hundred dollars; |

provided that dependent students whose parental income exceeds eighty thousand dollars but not more than one hundred thousand dollars, or students with a dependent and income in excess of eighty thousand dollars, but not more than one hundred thousand dollars, shall only be eligible for awards if he or she first receives an award beginning with the two thousand seventeen--two thousand eighteen academic year.

(iii) (A) 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 |
|---|---|
| (1) Less than [~~three~~] ten thousand five hundred dollars | None |
| (2) [~~Three~~] Ten thousand five hundred dollars or more, but not more than [~~ten~~] thirty-five thousand dollars | Thirty-one per centum of amount in excess of [~~three~~] ten thousand five hundred dollars; |

provided that students with incomes in excess of ten thousand dollars but not more than thirty-five thousand dollars, shall only be eligible

for awards if he or she first receives an award beginning with the two thousand seventeen--two thousand eighteen academic year.

(B) For those students who have been granted exclusion of parental income who have a spouse but no other 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 |
|---|---|
| (1) Less than [~~seven~~] eight thousand seven hundred fifty dollars | None |
| (2) [~~Seven~~] Eight thousand seven hundred fifty dollars or more, but less than [~~eleven~~] thirteen thousand seven hundred fifty dollars | Seven per centum of excess over [~~seven~~] eight thousand seven hundred fifty dollars |
| (3) [~~Eleven~~] Thirteen thousand seven hundred fifty dollars or more, but less than [~~eighteen~~] twenty-two thousand five hundred dollars | [~~Two~~] Three hundred [~~eighty~~] fifty dollars plus ten per centum of excess over [~~eleven~~] thirteen thousand seven hundred fifty dollars |
| (4) [~~Eighteen~~] Twenty-two thousand five hundred dollars or more, but not more than [~~forty~~] fifty thousand dollars | [~~Nine~~] One thousand two hundred [~~eighty~~] twenty-five dollars plus twelve per centum of excess over [~~eighteen~~] twenty-two thousand five hundred dollars; |

provided that students with incomes in excess of forty thousand dollars but not more than fifty thousand dollars, shall only be eligible for awards if he or she first receives an award beginning with the two thousand seventeen--two thousand eighteen academic year.

(iv) If the amount of reduction is not a whole dollar, it shall be reduced to the next lowest whole dollar. In the case of any student who has received four or more payments pursuant to any and all awards provided for in this subdivision, for the two thousand--two thousand one academic year the base amount shall be reduced by an additional one hundred fifty dollars for the two thousand one--two thousand two academic year and thereafter the base amount shall be reduced by an additional one hundred dollars.

(v) 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 for the two thousand--two thousand one and two thousand one--two thousand two academic years below two hundred seventy-five dollars if the amount of income is eighty thousand dollars or less and more than seventy thousand dollars, three hundred twenty-five dollars if the amount of income is seventy thousand dollars or less and more than sixty thousand dollars and four hundred twenty-five dollars if the amount of income is sixty thousand dollars or less.

(vi) For the two thousand two--two thousand three 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 hundred dollars.

§ 2. This act shall take effect April 1, 2018, provided that the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date is authorized and directed to be made and completed by the president of the higher education services corporation on or before such effective date.