STATE OF NEW YORK

5100

2019-2020 Regular Sessions

IN ASSEMBLY

February 7, 2019

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

AN ACT to amend the education law, in relation to TAP awards

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

Section 1. Subdivisions 1 and 2 of section 667 of the education law, subdivision 1 as amended by chapter 622 of the laws of 2008 and subdivision 2 as amended by chapter 400 of the laws of 2018, are 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, 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 exceed one hundred percent of the amount of tuition charged. **Nothing in this section, section six hundred sixty-one of this part, or any other provision of this chapter shall be read to exclude any graduate program from classification by the commissioner as an approved program for the purposes of this section.**

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

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

LBD09521-01-9

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.** An undergraduate student enrolled in an approved two or four-year program of study approved by the commissioner who must transfer to another institution as a result of permanent college closure shall be eligible for two additional semesters, or their equivalent, as determined by the commissioner, in order to complete his or her program. 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 sixty-seven-a of this subpart shall not be counted toward the maximum term of eligibility under this section.

§ 2. Subitem (c) of item 1 of clause (A) of subparagraph (i) of paragraph (a) of subdivision 3 of section 667 of the education law, as amended by section 1 of part U of chapter 56 of the laws of 2014, is amended to read as follows:

(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**, except starting in two thousand nineteen--two thousand twenty and thereafter such students shall receive five thousand six hundred sixty-five dollars, except starting in two thousand twenty--two thousand twenty-one and thereafter such students shall receive six thousand sixty-eight dollars, except starting in two thousand twenty-one--two thousand twenty-two and thereafter such students shall receive six thousand four hundred seventy dollars**; or

§ 3. Subitem (a) of item 2 of clause (A) of subparagraph (i) of paragraph a of subdivision 3 of section 667 of the education law, as amended by section 2 of part H of chapter 58 of the laws of 2011, is amended to read as follows:

(a) 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 **five hundred** twenty-five dollars, or

§ 4. Subparagraph (ii) of paragraph a of subdivision 3 of section 667 of the education law is amended by adding a new closing paragraph to read as follows:

Provided, however, starting in two thousand nineteen--two thousand twenty and thereafter the amount of income shall be eighteen thousand dollars or more, but no more than one hundred thousand dollars. Provided, however, starting in two thousand twenty--two thousand twenty-one and thereafter the amount of income shall be eighteen thousand

dollars or more, but no more than one hundred ten thousand dollars. Provided, however, starting in two thousand twenty-one--two thousand twenty-two and thereafter the amount of income shall be eighteen thousand dollars or more, but no more than one hundred twenty-five thousand dollars.

§ 4-a. Subparagraph (vi) 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:

(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~~] one thousand dollars.

§ 5. Subparagraph (iii) of paragraph a of subdivision 3 of section 667 of the education law is amended by adding a new closing paragraph to read as follows:

Provided, however, starting in two thousand nineteen--two thousand twenty and thereafter the amount of income shall be eighteen thousand dollars or more, but no more than one hundred thousand dollars. Provided, however, starting in two thousand twenty--two thousand twenty-one and thereafter the amount of income shall be eighteen thousand dollars or more, but no more than one hundred ten thousand dollars. Provided, however, starting in two thousand twenty-one--two thousand twenty-two and thereafter the amount of income shall be eighteen thousand dollars or more, but no more than one hundred twenty-five thousand dollars.

§ 6. Item 1 of clause (A) of paragraph (i) of paragraph b of subdivision 3 of section 667 of the education law, as amended by chapter 309 of the laws of 1996, is amended to read as follows:

(1) [~~eight hundred~~] one thousand three hundred dollars, or

§ 7. 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 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) ninety percent of the amount of tuition (exclusive of education fees) charged,

(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 dependents 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.

§ 8. Paragraph a, the opening paragraph of subparagraph 1 of paragraph b and paragraph d of subdivision 3 of section 663 of the education law, paragraph a as amended by section 4, the opening paragraph of subparagraph 1 of paragraph b as amended by section 5 and paragraph d as amended by section 6 of part J of chapter 58 of the laws of 2011, are 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.

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:

d. Any graduate or undergraduate student who was allowed to exclude parental income pursuant to the provisions of former 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.

§ 9. This act shall take effect immediately.