

STATE OF NEW YORK

1725--A

2019-2020 Regular Sessions

IN SENATE

January 16, 2019

Introduced by Sens. SKOUFIS, BIAGGI -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to enacting "Tuition-Free NY"

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 "Tuition-Free
2 NY".

3 § 2. Paragraph h of subdivision 2 of section 355 of the education law
4 is amended by adding a new subparagraph 1-a to read as follows:

5 (1-a) The trustees shall implement a program to permit any student who
6 has been admitted to a state-operated institution of the state universi-
7 ty to attend without the payment of tuition and fees if such student
8 fulfills the requirements of such program pursuant to the provisions of
9 this subparagraph. The provisions of this subparagraph shall only apply
10 to costs of one undergraduate degree and any additional costs associated
11 with more than one simultaneous undergraduate degree shall not be
12 covered by this program.

13 (i) The trustees shall provide an application process and administer
14 the program according to the following criteria:

15 (A) Any student eligible for resident tuition rates is eligible for
16 this program.

17 (B) A student shall be required to sign a contract agreeing to reside
18 in New York state for a period of five years subsequent to completion of
19 his or her academic program.

20 (C) Students shall be required to complete their degree program within
21 a minimum period of time to be set by the trustees which shall be no
22 less than three years and no more than five years.

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

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1 (D) A student who benefited from the program outlined in this subpara-
2 graph shall be allowed to attend an out-of-state graduate school without
3 any penalty if such student pursues a graduate degree. Once such student
4 concludes his or her graduate school studies, such student shall return
5 to New York within one year for residency, per the program's require-
6 ments, or else the undergraduate benefit will turn into a student loan
7 pursuant to the provisions of clause (ii) of this subparagraph.

8 (E) A student who benefited from the program outlined in this subpara-
9 graph who is on active duty in the armed forces of the United States
10 shall not be penalized if such student maintains his or her legal resi-
11 dence in the state of New York, during such service. "Legal residence"
12 as used in this subclause shall mean the place where a member of the
13 military intends to return and live after discharge or retirement, and
14 which they consider their permanent home. Legal residency shall be
15 determined by what local and state tax laws a member of the military is
16 subject to, and in which state they may vote.

17 (ii) If a student or former student fails to fulfill any of the
18 requirements set forth in clause (i) of this subparagraph, the trustees
19 shall convert to a student loan the full amount of the tuition which
20 would have been paid by such student, as determined by the New York
21 state higher education services corporation, plus interest, according to
22 a schedule to be determined by such corporation. Such repayment may
23 also be required if a recipient fails to respond to requests for infor-
24 mation necessary to determine continued eligibility or for adminis-
25 tration of the program. The terms and conditions of this clause shall
26 be deferred for students who enroll on at least a half-time basis in an
27 approved undergraduate, graduate or higher degree program or other
28 professional licensure degree program until they are conferred a degree,
29 and shall also be deferred for any interruption in undergraduate study
30 as established by the rules and regulations of the corporation. The
31 terms and conditions of this clause may also be deferred for a grace
32 period, to be established by the corporation, following the completion
33 of an approved undergraduate program or a graduate or higher degree
34 program or other professional licensure degree program. Notwithstanding
35 any provisions of this clause to the contrary, the corporation is
36 authorized to promulgate rules and regulations to provide for the waiver
37 or suspension of any financial obligation which would involve extreme
38 hardship.

39 (iii) Any student who elects to participate in the program under this
40 subparagraph shall be required to apply for tuition assistance program
41 funding. Funds awarded on the tuition assistance program shall be
42 applied towards the cost of tuition prior to an award under this subpar-
43 agraph.

44 (iv) Students shall be responsible for all other costs including hous-
45 ing, fees and other non-tuition related charges.

46 (v) (A) This program shall not apply in academic years commencing on
47 or before the effective date of this subparagraph. (B) For the first two
48 years after the effective date of this subparagraph, this program shall
49 only apply to students attending community colleges as defined by subdi-
50 vision two of section sixty-three hundred one of this chapter. (C) In
51 all other years, this program shall apply to all students attending
52 SUNY, CUNY, and community colleges of the state.

53 § 3. Subdivision 7 of section 6206 of the education law is amended by
54 adding a new paragraph (f) to read as follows:

55 (f) The trustees shall implement a program to permit any student who
56 has been admitted to an institution operated by the city university to

1 attend without the payment of tuition and fees if such student fulfills
2 the requirements of such program pursuant to the provisions of this
3 paragraph.

4 (i) The trustees shall provide an application process and administer
5 the program according to the following criteria:

6 (A) Any student eligible for resident tuition rates is eligible for
7 this program.

8 (B) A student shall be required to sign a contract agreeing to reside
9 in New York state for a period of five years subsequent to completion of
10 his or her academic program.

11 (C) Students shall be required to complete their degree program within
12 a minimum period of time to be set by the trustees which shall be no
13 less than three years and no more than five years.

14 (D) A student who benefited from the program outlined in this para-
15 graph shall be allowed to attend an out-of-state graduate school without
16 any penalty if such student pursues a graduate degree. Once such student
17 concludes his or her graduate school studies, such student shall return
18 to New York within one year for residency per the program's require-
19 ments, or else the undergraduate benefit will turn into a student loan
20 pursuant to the provisions of subparagraph (ii) of this paragraph.

21 (E) A student who benefited from the program outlined in this para-
22 graph who is on active duty in the armed forces of the United States
23 shall not be penalized if such student maintains his or her legal resi-
24 dence in the state of New York, during such service. "Legal residence"
25 as used in this clause shall mean the place where a member of the mili-
26 tary intends to return and live after discharge or retirement, and which
27 they consider their permanent home. Legal residency shall be determined
28 by what local and state tax laws a member of the military is subject to,
29 and in which state they may vote.

30 (ii) If a student or former student fails to fulfill any of the
31 requirements set forth in subparagraph (i) of this paragraph, the trus-
32 tees shall convert to a student loan the full amount of the tuition
33 which would have been paid by such student, as determined by the New
34 York state higher education services corporation, plus interest, accord-
35 ing to a schedule to be determined by such corporation. Such repayment
36 may also be required if a recipient fails to respond to requests for
37 information necessary to determine continued eligibility or for adminis-
38 tration of the program. The terms and conditions of this clause shall
39 be deferred for students who enroll on at least a half-time basis in an
40 approved undergraduate, graduate or higher degree program or other
41 professional licensure degree program until they are conferred a degree,
42 and shall also be deferred for any interruption in undergraduate study
43 as established by the rules and regulations of the corporation. The
44 terms and conditions of this clause may also be deferred for a grace
45 period, to be established by the corporation, following the completion
46 of an approved undergraduate program or a graduate or higher degree
47 program or other professional licensure degree program. Notwithstanding
48 any provisions of this clause to the contrary, the corporation is
49 authorized to promulgate rules and regulations to provide for the waiver
50 or suspension of any financial obligation which would involve extreme
51 hardship.

52 (iii) Any student who elects to participate in the program under this
53 paragraph shall be required to apply for tuition assistance program
54 funding. Funds awarded on the tuition assistance program shall be
55 applied towards the cost of tuition prior to an award under this subpar-
56 agraph.

1 (iv) Students shall be responsible for all other costs including hous-
2 ing, fees and other non-tuition related charges.

3 (v) The provisions of this subdivision shall not be subject to taxa-
4 tion.

5 (vi) (A) This program shall not apply in academic years commencing on
6 or before the effective date of this paragraph. (B) For the first two
7 years after the effective date of this paragraph, this program shall
8 only apply to students attending community colleges as defined by subdi-
9 vision two of section sixty-three hundred one of this title. (C) In all
10 other years, this program shall apply to all students attending SUNY,
11 CUNY and community colleges of the state.

12 § 4. Subdivision 1 of section 6304 of the education law is amended by
13 adding a new paragraph e to read as follows:

14 e. The trustees, sponsors or other governing body of a community
15 college shall implement a program to permit any student who has been
16 admitted to such community college to attend without the payment of
17 tuition and fees if such student fulfills the requirements of such
18 program pursuant to the provisions of this paragraph.

19 (i) The trustees shall provide an application process and administer
20 the program according to the following criteria:

21 (A) Any student eligible for resident tuition rates is eligible for
22 this program.

23 (B) A student shall be required to sign a contract agreeing to reside
24 in New York state for a period of five years subsequent to completion of
25 his or her academic program.

26 (C) Students shall be required to complete their degree program within
27 a minimum period of time to be set by the trustees which shall be no
28 less than one year and no more than three years.

29 (D) A student who benefited from the program outlined in this subpara-
30 graph shall be allowed to attend an out-of-state graduate school without
31 any penalty if such student pursues a graduate degree. Once such student
32 concludes his or her graduate school studies, such student shall return
33 to New York within one year for residency per the program's require-
34 ments, or else the undergraduate benefit will turn into a student loan
35 pursuant to the provisions of subparagraph (ii) of this paragraph.

36 (E) A student who benefited from the program outlined in this para-
37 graph who is on active duty in the armed forces of the United States
38 shall not be penalized if such student maintains his or her legal resi-
39 dence in the state of New York, during such service. "Legal residence"
40 as used in this clause shall mean the place where a member of the mili-
41 tary intends to return and live after discharge or retirement, and which
42 they consider their permanent home. Legal residency shall be determined
43 by what local and state tax laws a member of the military is subject to,
44 and in which state they may vote.

45 (ii) If a student or former student fails to fulfill any of the
46 requirements set forth in subparagraph (i) of this paragraph, the trus-
47 tees shall convert to a student loan the full amount of the tuition
48 which would have been paid by such student, as determined by the New
49 York state higher education services corporation, plus interest, accord-
50 ing to a schedule to be determined by such corporation. Such repayment
51 may also be required if a recipient fails to respond to requests for
52 information necessary to determine continued eligibility or for adminis-
53 tration of the program. The terms and conditions of this subparagraph
54 shall be deferred for students who enroll on at least a half-time basis
55 in an approved undergraduate, graduate or higher degree program or other
56 professional licensure degree program until they are conferred a degree,

1 and shall also be deferred for any interruption in undergraduate study
2 as established by the rules and regulations of the corporation. The
3 terms and conditions of this subparagraph may also be deferred for a
4 grace period, to be established by the corporation, following the
5 completion of an approved undergraduate program or a graduate or higher
6 degree program or other professional licensure degree program. Notwith-
7 standing any provisions of this subparagraph to the contrary, the corpo-
8 ration is authorized to promulgate rules and regulations to provide for
9 the waiver or suspension of any financial obligation which would involve
10 extreme hardship.

11 (iii) Any student who elects to participate in the program under this
12 paragraph shall be required to apply for tuition assistance program
13 funding. Funds awarded on the tuition assistance program shall be
14 applied towards the cost of tuition prior to an award under this subpar-
15 agraph.

16 (iv) Students shall be responsible for all other costs including hous-
17 ing, fees and other non-tuition related charges.

18 (v) (A) This program shall not apply in academic years commencing on
19 or before the effective date of this paragraph. (B) For the first two
20 years after the effective date of this paragraph, this program shall
21 only apply to students attending community colleges as defined by subdi-
22 vision two of section sixty-three hundred one of this article. (C) In
23 all other years, this program shall apply to all students attending
24 SUNY, CUNY and community colleges of the state.

25 § 5. Subdivision 1 of section 6304 of the education law is amended by
26 adding a new paragraph a-1 to read as follows:

27 a-1. State financial aid shall be increased above the one-third amount
28 of operating costs set forth in paragraph a of this subdivision by an
29 amount which is equal to the cost of tuition awarded to students who
30 apply and qualify for the program set forth in paragraph e of this
31 subdivision.

32 § 6. This act shall take effect on the first of April next succeeding
33 the date on which it shall have become a law. Effective immediately,
34 the addition, amendment and/or repeal of any rule or regulation neces-
35 sary for the implementation of this act on its effective date are
36 authorized to be made and completed on or before such effective date.