

# STATE OF NEW YORK

5821

2019-2020 Regular Sessions

## IN SENATE

May 15, 2019

Introduced by Sen. METZGER -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education

AN ACT to amend the education law, in relation to eligibility for the New York state excelsior scholarship for certain part-time applicants

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

1 Section 1. Subdivisions 1, 2 and 3 of section 669-h of the education  
2 law, subdivisions 1 and 2 as amended by section 1 of part T of chapter  
3 56 of the laws of 2018 and subdivision 3 as added by section 1 of part  
4 HHH of chapter 59 of the laws of 2017, are amended and a new subdivision  
5 2-a is added to read as follows:

6 1. Eligibility. An excelsior scholarship award shall be made to an  
7 applicant who: (a) is matriculated in an approved program leading to an  
8 undergraduate degree at a New York state public institution of higher  
9 education, which for the purposes of this section shall include all  
10 two-year and four-year colleges operated by the state university of New  
11 York or the city university of New York; (b) if enrolled in (i) a public  
12 institution of higher education prior to application, has completed at  
13 least [~~thirty~~] twenty-four combined credits per year if enrolled on a  
14 full-time basis or at least twelve combined credits per year if enrolled  
15 on a part-time basis following the student's start date, or its equiv-  
16 alent, applicable to his or her program or programs of study or (ii) an  
17 institution of higher education prior to application, has completed at  
18 least [~~thirty~~] twenty-four combined credits per year if enrolled on a  
19 full-time basis or at least twelve combined credits per year if enrolled  
20 on a part-time basis following the student's start date, or its equiv-  
21 alent, applicable to his or her program or programs of study and which  
22 were accepted upon transfer to a public institution of higher education;  
23 (c) enrolls in at least twelve credits per semester and completes at  
24 least [~~thirty~~] twenty-four combined credits per year if enrolled on a  
25 full-time basis or at least six credits if enrolled on a part-time basis

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

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1 following the student's start date, or its equivalent, applicable to his  
2 or her program or programs of study except in limited circumstances as  
3 prescribed by the corporation in regulation. Notwithstanding, in the  
4 student's last semester, the student may take at least one course needed  
5 to meet his or her graduation requirements and enroll in and complete  
6 ~~[at least twelve credit hours or its equivalent]~~ as many credits as  
7 required to obtain his or her degree. For students who are disabled as  
8 defined by the Americans With Disabilities Act of 1990, 42 USC 12101,  
9 the corporation shall prescribe rules and regulations that allow appli-  
10 cants who are disabled to be eligible for an award pursuant to this  
11 section based on modified criteria; (d) has an adjusted gross income for  
12 the qualifying year, as such terms are defined in this subdivision,  
13 equal to or less than: (i) one hundred twenty-five thousand dollars for  
14 recipients receiving an award in the two thousand ~~[seventeen]~~  
15 nineteen--two thousand ~~[eighteen]~~ twenty academic year; (ii) one hundred  
16 ~~[ten]~~ thirty-five thousand dollars for recipients receiving an award in  
17 the two thousand ~~[eighteen]~~ twenty--two thousand ~~[nineteen]~~ twenty-one  
18 academic year; and (iii) one hundred ~~[twenty-five]~~ fifty thousand  
19 dollars for recipients receiving an award in the two thousand ~~[nineteen]~~  
20 twenty-one--two thousand ~~[twenty]~~ twenty-two academic year and thereaft-  
21 er; and (e) complies with the applicable provisions of this article and  
22 all requirements promulgated by the corporation for the administration  
23 of the program. Adjusted gross income shall be the total of the combined  
24 adjusted gross income of the applicant and the applicant's parents or  
25 the applicant and the applicant's spouse, if married. Qualifying year  
26 shall be the adjusted gross income as reported on the federal income tax  
27 return, or as otherwise obtained by the corporation, for the calendar  
28 year coinciding with the tax year established by the U.S. department of  
29 education to qualify applicants for federal student financial aid  
30 programs authorized by Title IV of the Higher Education Act of nineteen  
31 hundred sixty-five, as amended, for the school year in which application  
32 for assistance is made. Provided, however, if an applicant demonstrates  
33 to the corporation that there has been a change in such applicant's  
34 adjusted gross income in the year(s) subsequent to the qualifying year  
35 which would qualify such applicant for an award, the corporation shall  
36 review and make a determination as to whether such applicant meets the  
37 requirement set forth in paragraph (d) of this subdivision based on such  
38 year. Provided, further that such change was caused by the death, perma-  
39 nent and total physical or mental disability, divorce, or separation by  
40 judicial decree or pursuant to an agreement of separation which is filed  
41 with a court of competent jurisdiction of any person whose income was  
42 required to be used to compute the applicant's total adjusted gross  
43 income.

44 2. Amount. Within amounts appropriated therefor and based on avail-  
45 ability of funds, awards shall be granted beginning with the two thou-  
46 sand ~~[seventeen]~~ nineteen--two thousand ~~[eighteen]~~ twenty academic year  
47 and thereafter to applicants that the corporation has determined are  
48 eligible to receive such awards. The corporation shall grant such awards  
49 for full-time students in an amount up to five thousand five hundred  
50 dollars or actual tuition, whichever is less and for part-time students  
51 in an amount up to two thousand seven hundred fifty dollars or actual  
52 tuition, whichever is less; provided, however, (a) a student who  
53 receives educational grants and/or scholarships that cover the student's  
54 full cost of attendance shall not be eligible for an award under this  
55 program; and (b) an award under this program shall be applied to tuition  
56 after the application of payments received under the tuition assistance

1 program pursuant to section six hundred sixty-seven of this subpart,  
2 tuition credits pursuant to section six hundred eighty-nine-a of this  
3 article, federal Pell grant pursuant to section one thousand seventy of  
4 title twenty of the United States code, et. seq., and any other program  
5 that covers the cost of attendance unless exclusively for non-tuition  
6 expenses, and the award under this program shall be reduced in the  
7 amount equal to such payments, provided that the combined benefits do  
8 not exceed five thousand five hundred dollars. Upon notification of an  
9 award under this program, the institution shall defer the amount of  
10 tuition. Notwithstanding paragraph h of subdivision two of section three  
11 hundred fifty-five and paragraph (a) of subdivision seven of section six  
12 thousand two hundred six of this chapter, and any other law, rule or  
13 regulation to the contrary, the undergraduate tuition charged by the  
14 institution to recipients of an award shall not exceed the tuition rate  
15 established by the institution for the two thousand [~~sixteen~~  
16 ~~eighteen~~--two thousand [~~seventeen~~ nineteen academic year provided,  
17 however, that in the two thousand [~~twenty-one~~ nineteen--two thousand  
18 [~~twenty-two~~ twenty academic year and every four years thereafter, the  
19 undergraduate tuition charged by the institution to recipients of an  
20 award shall be reset to equal the tuition rate established by the insti-  
21 tution for the forthcoming academic year, provided further that the  
22 tuition credit calculated pursuant to section six hundred eighty-nine-a  
23 of this article shall be applied toward the tuition rate charged for  
24 recipients of an award under this program. Provided further that the  
25 state university of New York and the city university of New York shall  
26 provide an additional tuition credit to students receiving an award to  
27 cover the remaining cost of tuition.

28 2-a. In the event that for any reason, the student does not receive  
29 his or her two-year, four-year or five-year degree or complete the BOCES  
30 or vocational program referred to in paragraph (g) of subdivision four  
31 of this section, the student shall not suffer any penalty with respect  
32 to the scholarship received under the excelsior scholarship program.

33 3. Duration. An eligible recipient shall not receive an award for more  
34 than [~~four~~ five academic years of full-time or ten academic years of  
35 part-time undergraduate study for a four-year degree or [~~five~~ six full-  
36 time or twelve part-time academic years if the program of study normally  
37 requires five years. An eligible recipient enrolled full-time in an  
38 eligible [~~two-year~~ two-year program of study shall not receive an award  
39 for more than two and a half academic years and an eligible recipient  
40 enrolled part-time in an eligible two year program of study shall not  
41 receive an award for more than five academic years. Notwithstanding,  
42 such duration may be extended for an allowable interruption of study  
43 including, but not limited to, death of a family member, medical leave,  
44 military service, and parental leave, as established by the corporation  
45 in regulation.

46 § 2. Subdivision 4 of section 669-h of the education law is amended by  
47 adding a new paragraph (g) to read as follows:

48 (g) Notwithstanding any other provision of law to the contrary, an  
49 applicant who satisfied all other requirements of this section shall be  
50 eligible to receive an award pursuant to this section if such applicant  
51 is enrolled on at least a part-time basis or its equivalent in a board  
52 of educational services (BOCES) or other approved vocational program at  
53 a SUNY or CUNY community college as determined by the applicable educa-  
54 tional authority. Within amounts appropriated therefor and based on  
55 availability of funds, awards shall be granted beginning with the two  
56 thousand nineteen--two thousand twenty academic year and thereafter to

1 applicants that the corporation has determined are eligible to receive  
2 such awards. The corporation shall grant such awards to eligible full-  
3 time and part-time students in accordance with subdivision three of this  
4 section. A recipient eligible for an award pursuant to this paragraph  
5 shall not receive an award for more than four academic years of full-  
6 time or eight academic years of part-time enrollment in such BOCES or  
7 other approved vocational program. Years enrolled are not required to be  
8 consecutive.

9 § 3. This act shall take effect immediately and shall apply to any  
10 eligible applicant beginning with the 2019-2020 academic year.