

# STATE OF NEW YORK

1725

2019-2020 Regular Sessions

## IN SENATE

January 16, 2019

Introduced by Sen. SKOUFIS -- 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 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) The student shall be required to perform a minimum of twenty-five  
18 hours of community service for each year of participation in the  
19 program. The president of each institution or his or her designee or  
20 designees shall be authorized to issue waivers which permit students to  
21 meet this service requirement by performing services for non-qualifying  
22 organizations or, generally, the surrounding community; provided that  
23 the hour requirement is met and such president or his or her designee or  
24 designees is satisfied that the work performed benefits the community.

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

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1 (C) A student shall be required to sign a contract agreeing to reside  
2 in New York state for a period of five years subsequent to completion of  
3 his or her academic program.

4 (D) Students shall be required to complete their degree program within  
5 a minimum period of time to be set by the trustees which shall be no  
6 less than three years and no more than five years.

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

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

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

45 (iii) Any student who elects to participate in the program under this  
46 subparagraph shall be required to apply for tuition assistance program  
47 funding. Funds awarded on the tuition assistance program shall be  
48 applied towards the cost of tuition prior to an award under this subpar-  
49 agraph.

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

52 (v) (A) This program shall not apply in academic years commencing on  
53 or before the effective date of this subparagraph. (B) For the first two  
54 years after the effective date of this subparagraph, this program shall  
55 only apply to students attending community colleges as defined by subdi-  
56 vision two of section sixty-three hundred one of this chapter. (C) In

1 all other years, this program shall apply to all students attending  
2 SUNY, CUNY, and community colleges of the state.

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

5 (e) The trustees shall implement a program to permit any student who  
6 has been admitted to an institution operated by the city university to  
7 attend without the payment of tuition and fees if such student fulfills  
8 the requirements of such program pursuant to the provisions of this  
9 paragraph.

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

12 (A) Any student eligible for resident tuition rates is eligible for  
13 this program.

14 (B) The student shall be required to perform a minimum of twenty-five  
15 hours of community service for each year of participation in the  
16 program. The president of each institution or his or her designee or  
17 designees shall be authorized to issue waivers which permit students to  
18 meet this service requirement by performing services for non-qualifying  
19 organizations or, generally, the surrounding community; provided that  
20 the hour requirement is met and such president or his or her designee or  
21 designees is satisfied that the work performed benefits the community.

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

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

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

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

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

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

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

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

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

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

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

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

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

35 (A) Any student eligible for resident tuition rates is eligible for  
36 this program.

37 (B) The student shall be required to perform a minimum of twenty-five  
38 hours of community service for each year of participation in the  
39 program. The president or chief administrator of each community college  
40 or his or her designee or designees shall be authorized to issue waivers  
41 which permit students to meet this service requirement by performing  
42 services for non-qualifying organizations; provided that the hour  
43 requirement is met and such president, chief administrator or his or her  
44 designee or designees is satisfied that the work performed benefits the  
45 community.

46 (C) A student shall be required to sign a contract agreeing to reside  
47 in New York state for a period of five years subsequent to completion of  
48 his or her academic program.

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

52 (E) A student who benefited from the program outlined in this subpara-  
53 graph shall be allowed to attend an out-of-state graduate school without  
54 any penalty if such student pursues a graduate degree. Once such student  
55 concludes his or her graduate school studies, such student shall return  
56 to New York within one year for residency per the program's require-

ments, or else the undergraduate benefit will turn into a student loan pursuant to the provisions of subparagraph (ii) of this paragraph.

(F) A student who benefited from the program outlined in this paragraph who is on active duty in the armed forces of the United States shall not be penalized if such student maintains his or her legal residence in the state of New York, during such service. "Legal residence" as used in this clause shall mean the place where a member of the military intends to return and live after discharge or retirement, and which they consider their permanent home. Legal residency shall be determined by what local and state tax laws a member of the military is subject to, and in which state they may vote.

(ii) If a student or former student fails to fulfill any of the requirements set forth in subparagraph (i) of this paragraph, the trustees shall convert to a student loan the full amount of the tuition which would have been paid by such student, as determined by the New York state higher education services corporation, plus interest, according to a schedule to be determined by such corporation. Such repayment may also be required if a recipient fails to respond to requests for information necessary to determine continued eligibility or for administration of the program. The terms and conditions of this subparagraph shall be deferred for students who enroll on at least a half-time basis in an approved undergraduate, graduate or higher degree program or other professional licensure degree program until they are conferred a degree, and shall also be deferred for any interruption in undergraduate study as established by the rules and regulations of the corporation. The terms and conditions of this subparagraph may also be deferred for a grace period, to be established by the corporation, following the completion of an approved undergraduate program or a graduate or higher degree program or other professional licensure degree program. Notwithstanding any provisions of this subparagraph to the contrary, the corporation is authorized to promulgate rules and regulations to provide for the waiver or suspension of any financial obligation which would involve extreme hardship.

(iii) Any student who elects to participate in the program under this paragraph shall be required to apply for tuition assistance program funding. Funds awarded on the tuition assistance program shall be applied towards the cost of tuition prior to an award under this subparagraph.

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

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

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

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

§ 6. This act shall take effect on the first of April next succeeding the date on which it shall have become a law. Effective immediately,

1 the addition, amendment and/or repeal of any rule or regulation neces-  
2 sary for the implementation of this act on its effective date are  
3 authorized to be made and completed on or before such effective date.