STATE OF NEW YORK

7615

IN SENATE

January 31, 2020

Introduced by Sen. THOMAS -- 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 tuition costs at state and city universities; and to require a report examining the affordability of such public institutions

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

Section 1. The opening paragraph of paragraph h of subdivision 2 of section 355 of the education law, as separately amended by chapters 552 and 616 of the laws of 1985, is amended to read as follows:

To regulate the admission of students, prescribe the qualifications for their continued attendance, regulate tuition charges where no provision is otherwise made therefor by law, and regulate other fees and charges, curricula and all other matters pertaining to the operation and administration of each state-operated institution in the state university**; provided, however, that the trustees shall not have the power to increase tuition, fees or other charges commencing with the two thousand twenty--two thousand twenty-one academic year and ending in the two thousand twenty-four--two thousand twenty-five academic year**.

§ 2. Clause (ii) of subparagraph 4 of paragraph h of subdivision 2 of section 355 of the education law, as amended by section 1 of part JJJ of chapter 59 of the laws of 2017, is amended to read as follows:

(ii) Commencing with the two thousand seventeen--two thousand eighteen academic year and ending in the [~~two thousand twenty--two thousand twenty-one~~] **two thousand nineteen--two thousand twenty** academic year the state university of New York board of trustees shall be empowered to increase the resident undergraduate rate of tuition by not more than two hundred dollars over the resident undergraduate rate of tuition adopted by the board of trustees in the prior academic year, provided, however that if the annual resident undergraduate rate of tuition would exceed five thousand dollars, then a tuition credit for each eligible student, as determined and calculated by the New York state higher education services corporation pursuant to section six hundred eighty-nine-a of this title, shall be applied toward the tuition charged for each semes-

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

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ter, quarter or term of study. Tuition for each semester, quarter or term of study shall not be due for any student eligible to receive such tuition credit until the tuition credit is calculated and applied against the tuition charged for the corresponding semester, quarter or term. Provided, further that the revenue resulting from an increase in the rate of tuition shall be allocated to each campus pursuant to a plan approved by the board of trustees to support investments in new classroom faculty, instruction, initiatives to improve student success and on-time completion and a tuition credit for each eligible student.

§ 3. The opening paragraph of paragraph (a) of subdivision 7 of section 6206 of the education law, as amended by section 2 of part JJJ of chapter 59 of the laws of 2017, is amended to read as follows:

The board of trustees shall establish positions, departments, divisions and faculties; appoint and in accordance with the provisions of law fix salaries of instructional and non-instructional employees therein; establish and conduct courses and curricula; prescribe conditions of student admission, attendance and discharge; and shall have the power to determine in its discretion whether tuition shall be charged and to regulate tuition charges, and other instructional and non-instructional fees and other fees and charges at the educational units of the city university**; provided, however, that the trustees shall not have the power to increase tuition, fees or other charges commencing with the two thousand twenty--two thousand twenty-one academic year and ending in the two thousand twenty-four--two thousand twenty-five academic year**. The trustees shall review any proposed community college tuition increase and the justification for such increase. The justification provided by the community college for such increase shall include a detailed analysis of ongoing operating costs, capital, debt service expenditures, and all revenues. The trustees shall not impose a differential tuition charge based upon need or income. All students enrolled in programs leading to like degrees at the senior colleges shall be charged a uniform rate of tuition, except for differential tuition rates based on state residency. Notwithstanding any other provision of this paragraph, the trustees may authorize the setting of a separate category of tuition rate, that shall be greater than the tuition rate for resident students and less than the tuition rate for non-resident students, only for students enrolled in distance learning courses who are not residents of the state; provided, however, that:

§ 4. The opening paragraph of paragraph (a) of subdivision 7 of section 6206 of the education law, as amended by section 4 of chapter 437 of the laws of 2015, is amended to read as follows:

The board of trustees shall establish positions, departments, divisions and faculties; appoint and in accordance with the provisions of law fix salaries of instructional and non-instructional employees therein; establish and conduct courses and curricula; prescribe conditions of student admission, attendance and discharge; and shall have the power to determine in its discretion whether tuition shall be charged and to regulate tuition charges, and other instructional and non-instructional fees and other fees and charges at the educational units of the city university**; provided, however, that the trustees shall not have the power to increase tuition, fees or other charges commencing with the two thousand twenty--two thousand twenty-one academic year and ending in the two thousand twenty-four--two thousand twenty-five academic year**. The trustees shall review any proposed community college tuition increase and the justification for such increase. The justification provided by the community college for such increase shall include a detailed analy-

sis of ongoing operating costs, capital, debt service expenditures, and all revenues. The trustees shall not impose a differential tuition charge based upon need or income. All students enrolled in programs leading to like degrees at the senior colleges shall be charged a uniform rate of tuition, except for differential tuition rates based on state residency. Notwithstanding any other provision of this paragraph, the trustees may authorize the setting of a separate category of tuition rate, that shall be greater than the tuition rate for resident students and less than the tuition rate for non-resident students, only for students enrolled in distance learning courses who are not residents of the state. The trustees shall further provide that the payment of tuition and fees by any student who is not a resident of New York state, other than a non-immigrant alien within the meaning of paragraph (15) of subsection (a) of section 1101 of title 8 of the United States Code, shall be paid at a rate or charge no greater than that imposed for students who are residents of the state if such student:

§ 5. Subparagraph (ii) of paragraph (a) of subdivision 7 of section 6206 of the education law, as amended by section 2 of part JJJ of chapter 59 of the laws of 2017, is amended to read as follows:

(ii) Commencing with the two thousand seventeen--two thousand eighteen academic year and ending in the [~~two thousand twenty--two thousand twenty-one~~] two thousand nineteen--two thousand twenty academic year the city university of New York board of trustees shall be empowered to increase the resident undergraduate rate of tuition by not more than two hundred dollars over the resident undergraduate rate of tuition adopted by the board of trustees in the prior academic year, provided however that if the annual resident undergraduate rate of tuition would exceed five thousand dollars, then a tuition credit for each eligible student, as determined and calculated by the New York state higher education services corporation pursuant to section six hundred eighty-nine-a of this title, shall be applied toward the tuition charged for each semester, quarter or term of study. Tuition for each semester, quarter or term of study shall not be due for any student eligible to receive such tuition credit until the tuition credit is calculated and applied against the tuition charged for the corresponding semester, quarter or term. Provided, further that the revenue resulting from an increase in the rate of tuition shall be allocated to each campus pursuant to a plan approved by the board of trustees to support investments in new classroom faculty, instruction, initiatives to improve student success and on-time completion and a tuition credit for each eligible student.

§ 6. The boards of trustees of the state university of New York and the city university of New York shall study, or cause to be studied, the growing difference between the state's tuition assistance program funding for students and actual tuition, fees and administrative costs at the state's and city's public universities. Such report shall investigate and propose funding sources for eliminating the gap between full funding and actual costs. In conducting such study the boards shall solicit input from representatives of student government organizations from among the state and city universities. Such report shall be submitted to the governor, the temporary president of the senate and the speaker of the assembly within one year of the effective date of this act.

§ 7. This act shall take effect immediately; provided that: (a) the amendments to clause (ii) of subparagraph 4 of paragraph h of subdivision 2 of section 355 of the education law made by section two of this act shall not affect the expiration and reversion of such subparagraph

and shall expire and be deemed repealed therewith; (b) the amendments to the opening paragraph of paragraph (a) of subdivision 7 of section 6206 of the education law made by section three of this act shall not affect the expiration and reversion of such paragraph pursuant to section 16 of chapter 260 of the laws of 2011, as amended, when upon such date the provisions of section four of this act shall take effect; (c) and the amendments to subparagraph (ii) of paragraph (a) of subdivision 7 of section 6206 of the education law made by section five of this act shall not affect the expiration of such paragraph and shall expire and be deemed repealed therewith.