

STATE OF NEW YORK

7615--A

IN SENATE

January 31, 2020

Introduced by Sens. THOMAS, BROOKS, COMRIE, PARKER, RAMOS -- 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 tuition costs at state and city universities and increasing tuition assistance program awards; 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:

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

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

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

16 (ii) Commencing with the two thousand seventeen--two thousand eighteen
17 academic year and ending in the [~~two thousand twenty--two thousand twen-~~
18 ~~ty-one~~] two thousand nineteen--two thousand twenty academic year the
19 state university of New York board of trustees shall be empowered to
20 increase the resident undergraduate rate of tuition by not more than two
21 hundred dollars over the resident undergraduate rate of tuition adopted
22 by the board of trustees in the prior academic year, provided, however
23 that if the annual resident undergraduate rate of tuition would exceed
24 five thousand dollars, then a tuition credit for each eligible student,

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

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1 as determined and calculated by the New York state higher education
2 services corporation pursuant to section six hundred eighty-nine-a of
3 this title, shall be applied toward the tuition charged for each semes-
4 ter, quarter or term of study. Tuition for each semester, quarter or
5 term of study shall not be due for any student eligible to receive such
6 tuition credit until the tuition credit is calculated and applied
7 against the tuition charged for the corresponding semester, quarter or
8 term. Provided, further that the revenue resulting from an increase in
9 the rate of tuition shall be allocated to each campus pursuant to a plan
10 approved by the board of trustees to support investments in new class-
11 room faculty, instruction, initiatives to improve student success and
12 on-time completion and a tuition credit for each eligible student.

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

16 The board of trustees shall establish positions, departments, divi-
17 sions and faculties; appoint and in accordance with the provisions of
18 law fix salaries of instructional and non-instructional employees there-
19 in; establish and conduct courses and curricula; prescribe conditions of
20 student admission, attendance and discharge; and shall have the power to
21 determine in its discretion whether tuition shall be charged and to
22 regulate tuition charges, and other instructional and non-instructional
23 fees and other fees and charges at the educational units of the city
24 university; provided, however, that the trustees shall not have the
25 power to increase tuition, fees or other charges commencing with the two
26 thousand twenty--two thousand twenty-one academic year and ending in the
27 two thousand twenty-four--two thousand twenty-five academic year. The
28 trustees shall review any proposed community college tuition increase
29 and the justification for such increase. The justification provided by
30 the community college for such increase shall include a detailed analy-
31 sis of ongoing operating costs, capital, debt service expenditures, and
32 all revenues. The trustees shall not impose a differential tuition
33 charge based upon need or income. All students enrolled in programs
34 leading to like degrees at the senior colleges shall be charged a
35 uniform rate of tuition, except for differential tuition rates based on
36 state residency. Notwithstanding any other provision of this paragraph,
37 the trustees may authorize the setting of a separate category of tuition
38 rate, that shall be greater than the tuition rate for resident students
39 and less than the tuition rate for non-resident students, only for
40 students enrolled in distance learning courses who are not residents of
41 the state; provided, however, that:

42 § 4. The opening paragraph of paragraph (a) of subdivision 7 of
43 section 6206 of the education law, as amended by section 4 of chapter
44 437 of the laws of 2015, is amended to read as follows:

45 The board of trustees shall establish positions, departments, divi-
46 sions and faculties; appoint and in accordance with the provisions of
47 law fix salaries of instructional and non-instructional employees there-
48 in; establish and conduct courses and curricula; prescribe conditions of
49 student admission, attendance and discharge; and shall have the power to
50 determine in its discretion whether tuition shall be charged and to
51 regulate tuition charges, and other instructional and non-instructional
52 fees and other fees and charges at the educational units of the city
53 university; provided, however, that the trustees shall not have the
54 power to increase tuition, fees or other charges commencing with the two
55 thousand twenty--two thousand twenty-one academic year and ending in the
56 two thousand twenty-four--two thousand twenty-five academic year. The

1 trustees shall review any proposed community college tuition increase
2 and the justification for such increase. The justification provided by
3 the community college for such increase shall include a detailed analy-
4 sis of ongoing operating costs, capital, debt service expenditures, and
5 all revenues. The trustees shall not impose a differential tuition
6 charge based upon need or income. All students enrolled in programs
7 leading to like degrees at the senior colleges shall be charged a
8 uniform rate of tuition, except for differential tuition rates based on
9 state residency. Notwithstanding any other provision of this paragraph,
10 the trustees may authorize the setting of a separate category of tuition
11 rate, that shall be greater than the tuition rate for resident students
12 and less than the tuition rate for non-resident students, only for
13 students enrolled in distance learning courses who are not residents of
14 the state. The trustees shall further provide that the payment of
15 tuition and fees by any student who is not a resident of New York state,
16 other than a non-immigrant alien within the meaning of paragraph (15) of
17 subsection (a) of section 1101 of title 8 of the United States Code,
18 shall be paid at a rate or charge no greater than that imposed for
19 students who are residents of the state if such student:

20 § 5. Subparagraph (ii) of paragraph (a) of subdivision 7 of section
21 6206 of the education law, as amended by section 2 of part JJJ of chap-
22 ter 59 of the laws of 2017, is amended to read as follows:

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

44 § 6. The boards of trustees of the state university of New York and
45 the city university of New York shall study, or cause to be studied, the
46 growing difference between the state's tuition assistance program fund-
47 ing for students and actual tuition, fees and administrative costs at
48 the state's and city's public universities. Such report shall investi-
49 gate and propose funding sources for eliminating the gap between full
50 funding and actual costs. In conducting such study the boards shall
51 solicit input from representatives of student government organizations
52 from among the state and city universities. Such report shall be submit-
53 ted to the governor, the temporary president of the senate and the
54 speaker of the assembly within one year of the effective date of this
55 act.

§ 7. 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~~] fourteen--two thousand fifteen and [~~thereafter~~] before two thousand twenty such students shall receive five thousand one hundred sixty-five dollars, beginning in two thousand twenty--two thousand twenty-one such students shall receive five thousand five hundred sixty-five dollars, beginning in two thousand twenty-one--two thousand twenty-two such students shall receive five thousand nine hundred sixty-five dollars, beginning in two thousand twenty-two--two thousand twenty-three such students shall receive six thousand three hundred sixty-five dollars, beginning in two thousand twenty-three--two thousand twenty-four such students shall receive six thousand seven hundred sixty-five dollars, beginning in two thousand twenty-four--two thousand twenty-five and thereafter such students shall receive seven thousand one hundred sixty-five dollars; or

§ 8. 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.