

STATE OF NEW YORK

54

2021-2022 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 6, 2021

Introduced by M. of A. GOTTFRIED, ABBATE, BENEDETTO, BRAUNSTEIN, COLTON, GUNTHER, KIM, PEOPLES-STOKES, PICHARDO, RODRIGUEZ, STECK, SANTABARBARA, RAMOS, FAHY, L. ROSENTHAL, SOLAGES, BARRETT, STIRPE, JEAN-PIERRE, ROZIC, BICHOTTE, BRONSON, BARRON, COOK, JOYNER, CAHILL, LAVINE, SIMON, HEVESI, ENGLEBRIGHT, DINOWITZ, DAVILA, AUBRY, PRETLOW, WALKER, ABINANTI, RICHARDSON, HYNDMAN, HUNTER, EPSTEIN, BUTTENSCHON, CYMBROWITZ, SEAWRIGHT, JACOBSON, ZEBROWSKI, MAGNARELLI -- Multi-Sponsored by -- M. of A. CUSICK, LUPARDO, PAULIN, PERRY, J. RIVERA, THIELE -- read once and referred 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.

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

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1 (B) 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 (C) 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 (D) 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 (E) 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 (f) to read as follows:

5 (f) 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) A student shall be required to sign a contract agreeing to reside
15 in New York state for a period of five years subsequent to completion of
16 his or her academic program.

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

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

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

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

1 or suspension of any financial obligation which would involve extreme
2 hardship.

3 (iii) Any student who elects to participate in the program under this
4 paragraph shall be required to apply for tuition assistance program
5 funding. Funds awarded on the tuition assistance program shall be
6 applied towards the cost of tuition prior to an award under this subpar-
7 agraph.

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

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

12 (vi) (A) This program shall not apply in academic years commencing on
13 or before the effective date of this paragraph. (B) For the first two
14 years after the effective date of this paragraph, this program shall
15 only apply to students attending community colleges as defined by subdi-
16 vision two of section sixty-three hundred one of this title. (C) In all
17 other years, this program shall apply to all students attending SUNY,
18 CUNY and community colleges of the state.

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

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

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

28 (A) Any student eligible for resident tuition rates is eligible for
29 this program.

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

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

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

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

52 (ii) If a student or former student fails to fulfill any of the
53 requirements set forth in subparagraph (i) of this paragraph, the trus-
54 tees shall convert to a student loan the full amount of the tuition
55 which would have been paid by such student, as determined by the New
56 York state higher education services corporation, plus interest, accord-

ing 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, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.