

STATE OF NEW YORK

601

2021-2022 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 6, 2021

Introduced by M. of A. JACOBSON, TAYLOR, REYES, PICHARDO, CUSICK, SIMON, LAVINE, SAYEGH, NIOU, WALLACE, HYNDMAN, ABINANTI, LUPARDO, COLTON, BURKE, EPSTEIN, SEAWRIGHT, FRONTUS, McMAHON, CRUZ, KIM -- read once and referred 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;

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

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

47 2. Amount. Within amounts appropriated therefor and based on avail-
48 ability of funds, awards shall be granted beginning with the two thou-
49 sand [~~seventeen~~] twenty-one--two thousand [~~eighteen~~] twenty-two academic
50 year and thereafter to applicants that the corporation has determined
51 are eligible to receive such awards. The corporation shall grant such
52 awards for full-time students in an amount up to five thousand five
53 hundred dollars or actual tuition, whichever is less and for part-time
54 students in an amount up to two thousand seven hundred fifty dollars or
55 actual tuition, whichever is less; provided, however, (a) a student who
56 receives educational grants and/or scholarships that cover the student's

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

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

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

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

51 (g) Notwithstanding any other provision of law to the contrary, an
52 applicant who satisfied all other requirements of this section shall be
53 eligible to receive an award pursuant to this section if such applicant
54 is enrolled on at least a part-time basis or its equivalent in a board
55 of educational services (BOCES) or other approved vocational program at
56 a SUNY or CUNY community college as determined by the applicable educa-

1 tional authority. Within amounts appropriated therefor and based on
2 availability of funds, awards shall be granted beginning with the two
3 thousand twenty-one--two thousand twenty-two academic year and thereaft-
4 er to applicants that the corporation has determined are eligible to
5 receive such awards. The corporation shall grant such awards to eligible
6 full-time and part-time students in accordance with subdivision three of
7 this section. A recipient eligible for an award pursuant to this para-
8 graph shall not receive an award for more than four academic years of
9 full-time or eight academic years of part-time enrollment in such BOCES
10 or other approved vocational program. Years enrolled are not required to
11 be consecutive.

12 § 3. This act shall take effect immediately and shall apply to any
13 eligible applicant beginning with the 2021-2022 academic year.