

# STATE OF NEW YORK

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167

2021-2022 Regular Sessions

## IN SENATE

(Prefiled)

January 6, 2021

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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 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-one--two thousand twenty-two academic year and ending in the two  
12 thousand twenty-five--two thousand twenty-six academic year.

13 § 2. 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

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

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1 fees and other fees and charges at the educational units of the city  
2 university; provided, however, that the trustees shall not have the  
3 power to increase tuition, fees or other charges commencing with the two  
4 thousand twenty-one--two thousand twenty-two academic year and ending in  
5 the two thousand twenty-five--two thousand twenty-six academic year. The  
6 trustees shall review any proposed community college tuition increase  
7 and the justification for such increase. The justification provided by  
8 the community college for such increase shall include a detailed analy-  
9 sis of ongoing operating costs, capital, debt service expenditures, and  
10 all revenues. The trustees shall not impose a differential tuition  
11 charge based upon need or income. All students enrolled in programs  
12 leading to like degrees at the senior colleges shall be charged a  
13 uniform rate of tuition, except for differential tuition rates based on  
14 state residency. Notwithstanding any other provision of this paragraph,  
15 the trustees may authorize the setting of a separate category of tuition  
16 rate, that shall be greater than the tuition rate for resident students  
17 and less than the tuition rate for non-resident students, only for  
18 students enrolled in distance learning courses who are not residents of  
19 the state; provided, however, that:

20 § 3. The opening paragraph of paragraph (a) of subdivision 7 of  
21 section 6206 of the education law, as amended by section 4 of chapter  
22 437 of the laws of 2015, is amended to read as follows:

23 The board of trustees shall establish positions, departments, divi-  
24 sions and faculties; appoint and in accordance with the provisions of  
25 law fix salaries of instructional and non-instructional employees there-  
26 in; establish and conduct courses and curricula; prescribe conditions of  
27 student admission, attendance and discharge; and shall have the power to  
28 determine in its discretion whether tuition shall be charged and to  
29 regulate tuition charges, and other instructional and non-instructional  
30 fees and other fees and charges at the educational units of the city  
31 university; provided, however, that the trustees shall not have the  
32 power to increase tuition, fees or other charges commencing with the two  
33 thousand twenty-one--two thousand twenty-two academic year and ending in  
34 the two thousand twenty-five--two thousand twenty-six academic year. The  
35 trustees shall review any proposed community college tuition increase  
36 and the justification for such increase. The justification provided by  
37 the community college for such increase shall include a detailed analy-  
38 sis of ongoing operating costs, capital, debt service expenditures, and  
39 all revenues. The trustees shall not impose a differential tuition  
40 charge based upon need or income. All students enrolled in programs  
41 leading to like degrees at the senior colleges shall be charged a  
42 uniform rate of tuition, except for differential tuition rates based on  
43 state residency. Notwithstanding any other provision of this paragraph,  
44 the trustees may authorize the setting of a separate category of tuition  
45 rate, that shall be greater than the tuition rate for resident students  
46 and less than the tuition rate for non-resident students, only for  
47 students enrolled in distance learning courses who are not residents of  
48 the state. The trustees shall further provide that the payment of  
49 tuition and fees by any student who is not a resident of New York state,  
50 other than a non-immigrant alien within the meaning of paragraph (15) of  
51 subsection (a) of section 1101 of title 8 of the United States Code,  
52 shall be paid at a rate or charge no greater than that imposed for  
53 students who are residents of the state if such student:

54 § 4. The boards of trustees of the state university of New York and  
55 the city university of New York shall study, or cause to be studied, the  
56 growing difference between the state's tuition assistance program fund-

ing 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.

§ 5. 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-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

§ 6. This act shall take effect immediately; provided that the amendments to the opening paragraph of paragraph (a) of subdivision 7 of section 6206 of the education law made by section two 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 three of this act shall take effect.