

STATE OF NEW YORK

4091--A

2021-2022 Regular Sessions

IN SENATE

February 2, 2021

Introduced by Sen. HINCHEY -- 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 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;
23 (c) enrolls in at least twelve credits per semester and completes at

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

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

46 2. Amount. Within amounts appropriated therefor and based on avail-
47 ability of funds, awards shall be granted beginning with the two thou-
48 sand [~~seventeen~~] twenty-one--two thousand [~~eighteen~~] twenty-two academic
49 year and thereafter to applicants that the corporation has determined
50 are eligible to receive such awards. The corporation shall grant such
51 awards for full-time students in an amount up to five thousand five
52 hundred dollars or actual tuition, whichever is less and for part-time
53 students in an amount up to two thousand seven hundred fifty dollars or
54 actual tuition, whichever is less; provided, however, (a) a student who
55 receives educational grants and/or scholarships that cover the student's
56 full cost of attendance shall not be eligible for an award under this

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

30 2-a. In the event that for any reason, the student does not receive
31 his or her two-year, four-year or five-year degree or complete the BOCES
32 or vocational program referred to in paragraph (g) of subdivision four
33 of this section, the student shall not suffer any penalty with respect
34 to the scholarship received under the excelsior scholarship program.

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

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

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

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

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