STATE OF NEW YORK

6792

2021-2022 Regular Sessions

IN SENATE

May 17, 2021

Introduced by Sen. BROOKS -- read twice and ordered printed, and when printed to be committed to the Committee on Veterans, Homeland Security and Military Affairs

AN ACT to amend the education law, in relation to military enhanced recognition, incentive and tribute ("MERIT") scholarships

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section 668-e of the education law, as added by chapter 106 of the laws of 2003, is amended to read as follows:

§ 668-e. Military enhanced recognition, incentive and tribute ("MERIT") scholarships. 1. Eligible persons. a. Notwithstanding subdivisions three and five of section six hundred sixty-one of this title, children, spouses and financial dependents of a member of the armed forces of the United States or state organized militia who at any time [~~on or after the second day of August, nineteen hundred ninety,~~] while in service in the armed forces of the United States, as defined by subdivision eight of section one of the military law or in a force of the state organized militia, as defined in subdivision nine of section one of the military law: (i) while a legal resident of New York state, died, became severely and permanently disabled or was classified as missing in action in a combat theater or combat zone of operations as part of military operations, or died as a result of injury or illness suffered or incurred during such military service; [~~or~~] (ii) while a legal resident of New York state, died or became severely and permanently disabled as a result of injury or illness suffered or incurred during military training operations in preparation for duty in a combat theater or combat zone of operations**; or (iii) while a legal resident of New York state, received a service-connected disability rating from the department of veterans affairs with a minimum of zero percent and maximum of one hundred percent**.

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

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b. A member of the armed forces of the United States who: (i) became severely and permanently disabled as a result of service in the armed forces of the United States, as defined by subdivision eight of section one of the military law, in a combat theater or combat zone of operations as part of military operations at any time [~~on or after the second day of August, nineteen hundred ninety~~]; and (ii) was a legal resident of New York state at the time of military service.

c. A member of the armed forces of the United States who: (i) became severely and permanently disabled as a result of injury or illness suffered or incurred during military training operations in preparation for duty in a combat theater or combat zone of operations; and (ii) was a legal resident of New York state at the time of military service.

d. **A member of the armed forces of the United States military who: (i) received a service-connected disability rating from the department of veterans affairs consisting of a minimum of zero percent and a maximum of one hundred percent; and (ii) was a legal resident of New York state at the time of military service.**

e. A member of the state organized militia who: (i) became severely and permanently disabled as a result of injury or illness suffered or incurred during active military service, as defined in subdivision six of section one of the military law related to duty in a combat theater or combat zone of operations; and (ii) was a legal resident of New York state at the time of active military service.

2. Amount. The president shall grant annual scholarships in amounts determined [~~in accordance with subdivisions two and three of section six hundred sixty-eight-d of this part~~] **by the provisions of this section**.

a. Upon the recipients' attendance at a state university of New York (SUNY), for full-time undergraduate studies, the MERIT scholarship will provide funds for the following expenses:

(i) An amount equal to the recipient's actual tuition or the SUNY in-state tuition rate;

(ii) An amount equal to the recipient's non-tuition costs; including, room and board, allowances for books, supplies and transportation up to the average cost of attendance at SUNY universities and colleges; and

(iii) An amount equal to the cost of residence either on or off-campus. A student living on campus will receive a larger room and board allowance than a commuter student; unless housing is not available for students on campus, in which case a commuter student will receive the same allowance as a student living on campus.

b. Upon the recipients' attendance at a state university of New York (SUNY), for a full-time graduate program, including, but not excluding a masters or doctorate program between the age of eighteen and twenty-seven, the MERIT scholarship will provide funds for an amount equal to the recipient's actual tuition or the SUNY in-state tuition rate;

3. Requirements. Eligible recipients of the MERIT scholarship must adhere to the following to remain eligible for the MERIT scholarship:

(i) Be matriculated at an approved postsecondary institution in New York state.

(ii) Have graduated from high school in the United States, or have a high school equivalency diploma earned through passing the test assessing secondary completion (TASC), formally known as the GED, or passed a federally approved "ability to benefit" test as defined by the commissioner of the state education department or have graduated from a recognized university providing baccalaureate level education within the United States.

(iii) Be enrolled as a full-time student taking twelve or more credits per semester or quarter. Unless the student is participating in a non-required semester outside of the academic year i.e. a summer semester or quarter.

(v) Must complete their undergraduate or graduate program within one year of the determined length of the course work given that:

(A) An eligible undergraduate program is structured to be completed within four or five years, the recipient of the award must complete their attendance of the program within five or six years; or

(B) An eligible graduate program that is structured to be completed in two or four years, must be completed within the time frame of three or five years.

4. Residence. a. An applicant for an award at the undergraduate level of study shall be a legal resident of the State of New York; and

b. An applicant for an award at the graduate level of study shall be a legal resident of the State of New York.

§ 2. This act shall take effect immediately.