

# STATE OF NEW YORK

438

2021-2022 Regular Sessions

## IN ASSEMBLY

(Prefiled)

January 6, 2021

Introduced by M. of A. PERRY, VANEL -- read once and referred to the  
Committee on Higher Education

AN ACT to amend the education law, in relation to establishing a Haitian  
Earthquake victims survivor college scholarship program for children  
and spouses of persons injured in the January twelfth, two thousand  
ten earthquake in Haiti

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

1 Section 1. The education law is amended by adding a new section 609-a  
2 to read as follows:

3 § 609-a. Haitian earthquake victims survivor college scholarship. 1.  
4 Notwithstanding subdivisions three and five of section six hundred  
5 sixty-one of this title, children and spouses of innocent victims who  
6 have died or have been severely and permanently disabled, or those inno-  
7 cent victims who have become severely and permanently disabled as a  
8 direct result of an injury sustained on the island nation of Haiti due  
9 to the January twelfth, two thousand ten earthquake, or the aftershocks  
10 of the earthquake, occurring on that island nation, shall be eligible to  
11 receive a scholarship in an annual amount determined pursuant to subdi-  
12 vision two of section six hundred sixty-eight-h of this title.

13 2. Awards under this section shall be payable for each of not more  
14 than four academic years of undergraduate study or five academic years  
15 if a program normally requires five years, as defined by the commission-  
16 er pursuant to this article.

17 § 2. The education law is amended by adding a new section 668-h to  
18 read as follows:

19 § 668-h. Haitian earthquake victims survivor college scholarship  
20 program. 1. Eligible groups. Notwithstanding subdivisions three and  
21 five of section six hundred sixty-one of this part, children and spouses  
22 of innocent victims who have died or have been severely and permanently

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

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1 disabled, or those innocent victims who have become severely and perma-  
2 nently disabled as a direct result of an injury sustained on the island  
3 nation of Haiti in the impact area of the January twelfth, two thousand  
4 ten earthquake occurring on that island nation, shall be eligible to  
5 receive a memorial scholarship as provided in this section.

6 2. Amount. The president shall grant up to ten annual scholarships to  
7 recipients attending an institution of the city university of New York  
8 or an institution of the state university of New York other than the  
9 statutory colleges at Cornell, the college of environmental science and  
10 forestry at Syracuse and the college of ceramics at Alfred, in an amount  
11 equal to the sum of the tuition charged at such institution provided  
12 that, notwithstanding any provision of law to the contrary, the tuition  
13 charged to award recipients shall not exceed that charged to state resi-  
14 dent students attending such institution and the mandatory fees charged  
15 at such institution; provided, however, that the scholarship shall not  
16 exceed an amount that is equal to the total cost of attendance deter-  
17 mined for federal Title IV student financial aid purposes, less all  
18 other scholarships and grants provided by New York state, other states,  
19 the federal government, or other governments, and the amount of educa-  
20 tional benefits paid under any program that would duplicate the purposes  
21 of this program, provided that any scholarships or grants provided to a  
22 recipient by the institution which are intended to fund any portion of  
23 the difference between the annual state award and the actual costs of  
24 attendance at any such institution shall not be considered to duplicate  
25 the purposes of this program. In no event shall the combination of all  
26 student financial aid received by a student exceed a recipient's total  
27 cost of attendance at the institution being attended.

28 3. Duration. Awards under this section shall be payable for each of  
29 not more than four academic years of undergraduate study or five academ-  
30 ic years if a program normally requires five years, as defined by the  
31 commissioner pursuant to article thirteen of this title.

32 § 3. Section 604 of the education law is amended by adding a new  
33 subdivision 13 to read as follows:

34 13. Haitian earthquake victims survivor college scholarship.

35 § 4. Subdivision 5 of section 601 of the education law, as amended by  
36 chapter 305 of the laws of 2008, is amended to read as follows:

37 5. "Children" as referenced in subdivision four of section six hundred  
38 four and sections six hundred eight, six hundred eight-a, six hundred  
39 sixty-eight-a, six hundred sixty-eight-b, six hundred sixty-eight-d  
40 ~~[and]~~, six hundred sixty-eight-e and six hundred sixty-eight-h of this  
41 title shall mean: (a) birth children, adopted children, stepchildren who  
42 survive an individual, or children for whom an individual was a legal  
43 guardian, and (b) other children related by blood, adoption or marriage  
44 to an individual for whom such individual had assumed and was exercising  
45 custody and care as of the date of such individual's death.

46 § 5. This act shall take effect immediately and shall be deemed to  
47 have been in full force and effect on and after February 1, 2022, and  
48 shall be applicable for awards made for the 2022-2023 academic year and  
49 all subsequent academic years.