

STATE OF NEW YORK

1739

2021-2022 Regular Sessions

IN SENATE

January 14, 2021

Introduced by Sens. SKOUFIS, BIAGGI, RIVERA, SANDERS -- 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 enacting "Tuition-Free NY"

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

1 Section 1. This act shall be known and may be cited as "Tuition-Free
2 NY".

3 § 2. Paragraph h of subdivision 2 of section 355 of the education law
4 is amended by adding a new subparagraph 1-a to read as follows:

5 (1-a) The trustees shall implement a program to permit any student who
6 has been admitted to a state-operated institution of the state universi-
7 ty to attend without the payment of tuition and fees if such student
8 fulfills the requirements of such program pursuant to the provisions of
9 this subparagraph. The provisions of this subparagraph shall only apply
10 to costs of one undergraduate degree and any additional costs associated
11 with more than one simultaneous undergraduate degree shall not be
12 covered by this program.

13 (i) The trustees shall provide an application process and administer
14 the program according to the following criteria:

15 (A) Any student eligible for resident tuition rates is eligible for
16 this program.

17 (B) A student shall be required to sign a contract agreeing to reside
18 in New York state for a period of five years subsequent to completion of
19 his or her academic program.

20 (C) Students shall be required to complete their degree program within
21 a minimum period of time to be set by the trustees which shall be no
22 less than three years and no more than five years.

23 (D) A student who benefited from the program outlined in this subpara-
24 graph shall be allowed to attend an out-of-state graduate school without

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

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1 any penalty if such student pursues a graduate degree. Once such student
2 concludes his or her graduate school studies, such student shall return
3 to New York within one year for residency, per the program's require-
4 ments, or else the undergraduate benefit will turn into a student loan
5 pursuant to the provisions of clause (ii) of this subparagraph.

6 (E) A student who benefited from the program outlined in this subpara-
7 graph who is on active duty in the armed forces of the United States
8 shall not be penalized if such student maintains his or her legal resi-
9 dence in the state of New York, during such service. "Legal residence"
10 as used in this subclause shall mean the place where a member of the
11 military intends to return and live after discharge or retirement, and
12 which they consider their permanent home. Legal residency shall be
13 determined by what local and state tax laws a member of the military is
14 subject to, and in which state they may vote.

15 (ii) If a student or former student fails to fulfill any of the
16 requirements set forth in clause (i) of this subparagraph, the trustees
17 shall convert to a student loan the full amount of the tuition which
18 would have been paid by such student, as determined by the New York
19 state higher education services corporation, plus interest, according to
20 a schedule to be determined by such corporation. Such repayment may
21 also be required if a recipient fails to respond to requests for infor-
22 mation necessary to determine continued eligibility or for adminis-
23 tration of the program. The terms and conditions of this clause shall
24 be deferred for students who enroll on at least a half-time basis in an
25 approved undergraduate, graduate or higher degree program or other
26 professional licensure degree program until they are conferred a degree,
27 and shall also be deferred for any interruption in undergraduate study
28 as established by the rules and regulations of the corporation. The
29 terms and conditions of this clause may also be deferred for a grace
30 period, to be established by the corporation, following the completion
31 of an approved undergraduate program or a graduate or higher degree
32 program or other professional licensure degree program. Notwithstanding
33 any provisions of this clause to the contrary, the corporation is
34 authorized to promulgate rules and regulations to provide for the waiver
35 or suspension of any financial obligation which would involve extreme
36 hardship.

37 (iii) Any student who elects to participate in the program under this
38 subparagraph shall be required to apply for tuition assistance program
39 funding. Funds awarded on the tuition assistance program shall be
40 applied towards the cost of tuition prior to an award under this subpar-
41 agraph.

42 (iv) Students shall be responsible for all other costs including hous-
43 ing, fees and other non-tuition related charges.

44 (v) (A) This program shall not apply in academic years commencing on
45 or before the effective date of this subparagraph. (B) For the first two
46 years after the effective date of this subparagraph, this program shall
47 only apply to students attending community colleges as defined by subdi-
48 vision two of section sixty-three hundred one of this chapter. (C) In
49 all other years, this program shall apply to all students attending
50 SUNY, CUNY, and community colleges of the state.

51 § 3. Subdivision 7 of section 6206 of the education law is amended by
52 adding a new paragraph (f) to read as follows:

53 (f) The trustees shall implement a program to permit any student who
54 has been admitted to an institution operated by the city university to
55 attend without the payment of tuition and fees if such student fulfills

1 the requirements of such program pursuant to the provisions of this
2 paragraph.

3 (i) The trustees shall provide an application process and administer
4 the program according to the following criteria:

5 (A) Any student eligible for resident tuition rates is eligible for
6 this program.

7 (B) A student shall be required to sign a contract agreeing to reside
8 in New York state for a period of five years subsequent to completion of
9 his or her academic program.

10 (C) Students shall be required to complete their degree program within
11 a minimum period of time to be set by the trustees which shall be no
12 less than three years and no more than five years.

13 (D) A student who benefited from the program outlined in this para-
14 graph shall be allowed to attend an out-of-state graduate school without
15 any penalty if such student pursues a graduate degree. Once such student
16 concludes his or her graduate school studies, such student shall return
17 to New York within one year for residency per the program's require-
18 ments, or else the undergraduate benefit will turn into a student loan
19 pursuant to the provisions of subparagraph (ii) of this paragraph.

20 (E) A student who benefited from the program outlined in this para-
21 graph who is on active duty in the armed forces of the United States
22 shall not be penalized if such student maintains his or her legal resi-
23 dence in the state of New York, during such service. "Legal residence"
24 as used in this clause shall mean the place where a member of the mili-
25 tary intends to return and live after discharge or retirement, and which
26 they consider their permanent home. Legal residency shall be determined
27 by what local and state tax laws a member of the military is subject to,
28 and in which state they may vote.

29 (ii) If a student or former student fails to fulfill any of the
30 requirements set forth in subparagraph (i) of this paragraph, the trus-
31 tees shall convert to a student loan the full amount of the tuition
32 which would have been paid by such student, as determined by the New
33 York state higher education services corporation, plus interest, accord-
34 ing to a schedule to be determined by such corporation. Such repayment
35 may also be required if a recipient fails to respond to requests for
36 information necessary to determine continued eligibility or for adminis-
37 tration of the program. The terms and conditions of this clause shall
38 be deferred for students who enroll on at least a half-time basis in an
39 approved undergraduate, graduate or higher degree program or other
40 professional licensure degree program until they are conferred a degree,
41 and shall also be deferred for any interruption in undergraduate study
42 as established by the rules and regulations of the corporation. The
43 terms and conditions of this clause may also be deferred for a grace
44 period, to be established by the corporation, following the completion
45 of an approved undergraduate program or a graduate or higher degree
46 program or other professional licensure degree program. Notwithstanding
47 any provisions of this clause to the contrary, the corporation is
48 authorized to promulgate rules and regulations to provide for the waiver
49 or suspension of any financial obligation which would involve extreme
50 hardship.

51 (iii) Any student who elects to participate in the program under this
52 paragraph shall be required to apply for tuition assistance program
53 funding. Funds awarded on the tuition assistance program shall be
54 applied towards the cost of tuition prior to an award under this subpar-
55 agraph.

1 (iv) Students shall be responsible for all other costs including hous-
2 ing, fees and other non-tuition related charges.

3 (v) The provisions of this subdivision shall not be subject to taxa-
4 tion.

5 (vi) (A) This program shall not apply in academic years commencing on
6 or before the effective date of this paragraph. (B) For the first two
7 years after the effective date of this paragraph, this program shall
8 only apply to students attending community colleges as defined by subdivi-
9 vision two of section sixty-three hundred one of this title. (C) In all
10 other years, this program shall apply to all students attending SUNY,
11 CUNY and community colleges of the state.

12 § 4. Subdivision 1 of section 6304 of the education law is amended by
13 adding a new paragraph e to read as follows:

14 e. The trustees, sponsors or other governing body of a community
15 college shall implement a program to permit any student who has been
16 admitted to such community college to attend without the payment of
17 tuition and fees if such student fulfills the requirements of such
18 program pursuant to the provisions of this paragraph.

19 (i) The trustees shall provide an application process and administer
20 the program according to the following criteria:

21 (A) Any student eligible for resident tuition rates is eligible for
22 this program.

23 (B) A student shall be required to sign a contract agreeing to reside
24 in New York state for a period of five years subsequent to completion of
25 his or her academic program.

26 (C) Students shall be required to complete their degree program within
27 a minimum period of time to be set by the trustees which shall be no
28 less than one year and no more than three years.

29 (D) A student who benefited from the program outlined in this subpara-
30 graph shall be allowed to attend an out-of-state graduate school without
31 any penalty if such student pursues a graduate degree. Once such student
32 concludes his or her graduate school studies, such student shall return
33 to New York within one year for residency per the program's require-
34 ments, or else the undergraduate benefit will turn into a student loan
35 pursuant to the provisions of subparagraph (ii) of this paragraph.

36 (E) A student who benefited from the program outlined in this para-
37 graph who is on active duty in the armed forces of the United States
38 shall not be penalized if such student maintains his or her legal resi-
39 dence in the state of New York, during such service. "Legal residence"
40 as used in this clause shall mean the place where a member of the mili-
41 tary intends to return and live after discharge or retirement, and which
42 they consider their permanent home. Legal residency shall be determined
43 by what local and state tax laws a member of the military is subject to,
44 and in which state they may vote.

45 (ii) If a student or former student fails to fulfill any of the
46 requirements set forth in subparagraph (i) of this paragraph, the trus-
47 tees shall convert to a student loan the full amount of the tuition
48 which would have been paid by such student, as determined by the New
49 York state higher education services corporation, plus interest, accord-
50 ing to a schedule to be determined by such corporation. Such repayment
51 may also be required if a recipient fails to respond to requests for
52 information necessary to determine continued eligibility or for adminis-
53 tration of the program. The terms and conditions of this subparagraph
54 shall be deferred for students who enroll on at least a half-time basis
55 in an approved undergraduate, graduate or higher degree program or other
56 professional licensure degree program until they are conferred a degree.

1 and shall also be deferred for any interruption in undergraduate study
2 as established by the rules and regulations of the corporation. The
3 terms and conditions of this subparagraph may also be deferred for a
4 grace period, to be established by the corporation, following the
5 completion of an approved undergraduate program or a graduate or higher
6 degree program or other professional licensure degree program. Notwith-
7 standing any provisions of this subparagraph to the contrary, the corpo-
8 ration is authorized to promulgate rules and regulations to provide for
9 the waiver or suspension of any financial obligation which would involve
10 extreme hardship.

11 (iii) Any student who elects to participate in the program under this
12 paragraph shall be required to apply for tuition assistance program
13 funding. Funds awarded on the tuition assistance program shall be
14 applied towards the cost of tuition prior to an award under this subpar-
15 agraph.

16 (iv) Students shall be responsible for all other costs including hous-
17 ing, fees and other non-tuition related charges.

18 (v) (A) This program shall not apply in academic years commencing on
19 or before the effective date of this paragraph. (B) For the first two
20 years after the effective date of this paragraph, this program shall
21 only apply to students attending community colleges as defined by subdi-
22 vision two of section sixty-three hundred one of this article. (C) In
23 all other years, this program shall apply to all students attending
24 SUNY, CUNY and community colleges of the state.

25 § 5. Subdivision 1 of section 6304 of the education law is amended by
26 adding a new paragraph a-1 to read as follows:

27 a-1. State financial aid shall be increased above the one-third amount
28 of operating costs set forth in paragraph a of this subdivision by an
29 amount which is equal to the cost of tuition awarded to students who
30 apply and qualify for the program set forth in paragraph e of this
31 subdivision.

32 § 6. This act shall take effect on the first of April next succeeding
33 the date on which it shall have become a law. Effective immediately,
34 the addition, amendment and/or repeal of any rule or regulation neces-
35 sary for the implementation of this act on its effective date are
36 authorized to be made and completed on or before such effective date.