

# STATE OF NEW YORK

7177

2023-2024 Regular Sessions

## IN ASSEMBLY

May 12, 2023

Introduced by M. of A. DINOWITZ -- read once and referred 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  
25 any penalty if such student pursues a graduate degree. Once such student

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

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

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

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

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

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

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

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

52 (g) The trustees shall implement a program to permit any student who  
53 has been admitted to an institution operated by the city university to  
54 attend without the payment of tuition and fees if such student fulfills  
55 the requirements of such program pursuant to the provisions of this  
56 paragraph.

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

3 (A) Any student eligible for resident tuition rates is eligible for  
4 this program.

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

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

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

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

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

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

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

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

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

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

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

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

19 (A) Any student eligible for resident tuition rates is eligible for  
20 this program.

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

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

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

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

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

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

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

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

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

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

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

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