

STATE OF NEW YORK

8105

IN SENATE

January 8, 2024

Introduced by Sen. STAVISKY -- 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 reflecting a change in circumstance when making adjustments to income

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

1 Section 1. Subdivision 5 of section 663 of the education law, as
2 amended by section 3 of part J of chapter 58 of the laws of 2011, is
3 amended to read as follows:

4 5. Adjustments of income. a. In the determination of income for
5 purposes of paragraphs a and b of subdivision three of section six
6 hundred sixty-seven of this part if, during the academic year in which
7 the applicant will receive an award, one of either the parents of the
8 applicant or other dependent child of such parents, the spouse of the
9 applicant, or one or more dependent children of the applicant, in addi-
10 tion to the applicant, will be in full-time attendance in an approved
11 program, the combined net taxable income determined under subdivision
12 one of this section shall be reduced by three thousand dollars and an
13 additional two thousand dollars for each other such person additional to
14 the aforesaid persons (including the applicant) who will be in such
15 attendance, and the resulting amount shall be deemed the applicable
16 income in determining the applicant's award for the academic year.

17 b. When making adjustments to income to reflect a change in circum-
18 stance, the corporation shall, pursuant to rules and regulations,
19 include the following causes for change in status of the applicant: (1)
20 loss of employment of the applicant or parent of the applicant; (2)
21 catastrophic illness of the applicant; or (3) the applicant or the
22 spouse of the applicant is called to active military duty.

23 § 2. Subdivision 1 of section 669-h of the education law, as amended
24 by section 1 of part T of chapter 56 of the laws of 2018, is amended to
25 read as follows:

26 1. Eligibility. An excelsior scholarship award shall be made to an
27 applicant who: (a) is matriculated in an approved program leading to an
28 undergraduate degree at a New York state public institution of higher

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

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

52 § 3. This act shall take effect immediately.