

# STATE OF NEW YORK

8593

## IN SENATE

February 20, 2024

Introduced by Sens. SEPULVEDA, HOYLMAN-SIGAL -- 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 providing excelsior scholarships for low-income law students

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

1 Section 1. Subdivision 1 of section 669-h of the education law, as  
2 amended by section 1 of part T of chapter 56 of the laws of 2018, is  
3 amended to read as follows:  
4 1. Eligibility. An excelsior scholarship award shall be made to an  
5 applicant who: (a) is matriculated in an approved program leading to an  
6 undergraduate degree, juris doctor, or master of laws at a New York  
7 state public institution of higher education; (b) if enrolled in (i) a  
8 public institution of higher education prior to application, has  
9 completed at least thirty combined credits per year following the  
10 student's start date, or its equivalent, applicable to his or her  
11 program or programs of study or (ii) an institution of higher education  
12 prior to application, has completed at least thirty combined credits per  
13 year following the student's start date, or its equivalent, applicable  
14 to his or her program or programs of study and which were accepted upon  
15 transfer to a public institution of higher education; (c) enrolls in at  
16 least twelve credits per semester and completes at least thirty combined  
17 credits per year following the student's start date, or its equivalent,  
18 applicable to his or her program or programs of study except in limited  
19 circumstances as prescribed by the corporation in regulation. Notwith-  
20 standing, in the student's last semester, the student may take at least  
21 one course needed to meet his or her graduation requirements and enroll  
22 in and complete at least twelve credit hours or its equivalent. For  
23 students who are disabled as defined by the Americans With Disabilities  
24 Act of 1990, 42 USC 12101, the corporation shall prescribe rules and  
25 regulations that allow applicants who are disabled to be eligible for an  
26 award pursuant to this section based on modified criteria; (d) has an  
27 adjusted gross income for the qualifying year, as such terms are defined

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

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1 in this subdivision, equal to or less than: (i) one hundred thousand  
2 dollars for recipients receiving an award in the two thousand seven-  
3 teen--two thousand eighteen academic year; (ii) one hundred ten thousand  
4 dollars for recipients receiving an award in the two thousand eighteen-  
5 -two thousand nineteen academic year; and (iii) one hundred twenty-five  
6 thousand dollars for recipients receiving an award in the two thousand  
7 nineteen--two thousand twenty academic year and thereafter; and (e)  
8 complies with the applicable provisions of this article and all require-  
9 ments promulgated by the corporation for the administration of the  
10 program. Adjusted gross income shall be the total of the combined  
11 adjusted gross income of the applicant and the applicant's parents or  
12 the applicant and the applicant's spouse, if married. Qualifying year  
13 shall be the adjusted gross income as reported on the federal income tax  
14 return, or as otherwise obtained by the corporation, for the calendar  
15 year coinciding with the tax year established by the U.S. department of  
16 education to qualify applicants for federal student financial aid  
17 programs authorized by Title IV of the Higher Education Act of nineteen  
18 hundred sixty-five, as amended, for the school year in which application  
19 for assistance is made. Provided, however, if an applicant demonstrates  
20 to the corporation that there has been a change in such applicant's  
21 adjusted gross income in the year(s) subsequent to the qualifying year  
22 which would qualify such applicant for an award, the corporation shall  
23 review and make a determination as to whether such applicant meets the  
24 requirement set forth in paragraph (d) of this subdivision based on such  
25 year. Provided, further that such change was caused by the death, perma-  
26 nent and total physical or mental disability, divorce, or separation by  
27 judicial decree or pursuant to an agreement of separation which is filed  
28 with a court of competent jurisdiction of any person whose income was  
29 required to be used to compute the applicant's total adjusted gross  
30 income.

31 § 2. Subdivision 2 of section 669-h of the education law, as amended  
32 by section 1 of part G of chapter 56 of the laws of 2022, is amended to  
33 read as follows:

34 2. Amount. Within amounts appropriated therefor and based on avail-  
35 ability of funds, awards shall be granted beginning with the two thou-  
36 sand seventeen--two thousand eighteen academic year and thereafter to  
37 applicants that the corporation has determined are eligible to receive  
38 such awards. The corporation shall grant such awards in an amount up to  
39 five thousand five hundred dollars or actual tuition, whichever is less;  
40 provided, however, (a) a student who receives educational grants and/or  
41 scholarships that cover the student's full cost of attendance shall not  
42 be eligible for an award under this program; and (b) an award under this  
43 program shall be applied to tuition after the application of payments  
44 received under the tuition assistance program pursuant to section six  
45 hundred sixty-seven of this subpart, tuition credits pursuant to section  
46 six hundred eighty-nine-a of this article, federal Pell grant pursuant  
47 to section one thousand seventy of title twenty of the United States  
48 code, et seq., and any other program that covers the cost of attendance  
49 unless exclusively for non-tuition expenses, and the award under this  
50 program shall be reduced in the amount equal to such payments, provided  
51 that the combined benefits do not exceed five thousand five hundred  
52 dollars. Upon notification of an award under this program, the institu-  
53 tion shall defer the amount of tuition. Notwithstanding paragraph h of  
54 subdivision two of section three hundred fifty-five and paragraph (a) of  
55 subdivision seven of section six thousand two hundred six of this chap-  
56 ter, and any other law, rule or regulation to the contrary, the [~~under~~

1 ~~graduate~~] tuition charged by the institution to recipients of an award  
2 shall not exceed the tuition rate established by the institution for the  
3 two thousand sixteen--two thousand seventeen academic year provided,  
4 however, that in the two thousand twenty-two--two thousand twenty-three  
5 academic year and every year thereafter, the ~~[undergraduate]~~ tuition  
6 charged by the institution to recipients of an award shall be reset to  
7 equal the tuition rate established by the institution for the forthcom-  
8 ing academic year, provided further that the tuition credit calculated  
9 pursuant to section six hundred eighty-nine-a of this article shall be  
10 applied toward the tuition rate charged for recipients of an award under  
11 this program. Provided further that the state university of New York  
12 and the city university of New York shall provide an additional tuition  
13 credit to students receiving an award to cover the remaining cost of  
14 tuition.

15 § 3. Subdivision 3 of section 669-h of the education law, as added by  
16 section 1 of part HHH of chapter 59 of the laws of 2017, is amended to  
17 read as follows:

18 3. Duration. An eligible recipient shall not receive an award for more  
19 than four academic years of full-time undergraduate study or five  
20 academic years if the program of study normally requires five years. An  
21 eligible recipient enrolled in an eligible two year program of study  
22 shall not receive an award for more than two academic years. An eligible  
23 recipient enrolled in a juris doctor or master of laws program shall not  
24 receive an award for longer than the duration required to complete such  
25 program. Notwithstanding, such duration may be extended for an allowable  
26 interruption of study including, but not limited to, death of a family  
27 member, medical leave, military service, and parental leave, as estab-  
28 lished by the corporation in regulation.

29 § 4. Paragraph (b) of subdivision 4 of section 669-h of the education  
30 law, as added by section 1 of part HHH of chapter 59 of the laws of  
31 2017, is amended to read as follows:

32 (b) An applicant who has earned a bachelor's degree is ineligible to  
33 receive an award pursuant to this section unless such applicant is  
34 enrolled in a juris doctor or master of laws program.

35 § 5. This act shall take effect immediately.