

STATE OF NEW YORK

2154--A

2023-2024 Regular Sessions

IN ASSEMBLY

January 23, 2023

Introduced by M. of A. DINOWITZ, JEAN-PIERRE, LUNSFORD, EACHUS, MAHER, BUTTENSCHON, SILLITTI, CHANG, NOVAKHOV, PHEFFER AMATO, JONES, FAHY, DAVILA -- read once and referred to the Committee on Higher Education -- recommitted to the Committee on Higher Education in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to expanding the veterans tuition awards program to allow the transfer of unused benefits to a spouse, survivor or child

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 the "Veteran
2 Family Educational Attainment Act".

3 § 2. Subdivision 1 of section 669-a of the education law is amended
4 by adding three new paragraphs g, h, and i to read as follows:

5 g. "Eligible immediate family" means a person who is the spouse, child
6 or survivor of a qualified veteran, and who resides in this state.

7 h. "Qualified veteran" means a veteran who would be eligible to
8 receive a tuition award if such veteran satisfied the enrollment and
9 application requirements set forth in paragraph a of subdivision two
10 of this section.

11 i. "Survivor" means a person who: (i) was married to a qualified
12 veteran who died as a result of military service; or (ii) was married to
13 the qualified veteran within fifteen years of their discharge from mili-
14 tary service in which the cause of death, disease or injury started or
15 was aggravated; or (iii) was married to the veteran for at least one
16 year; or (iv) had a child with the qualified veteran and lived together
17 with the veteran continuously until the veteran's death or, if sepa-
18 rated, was not at fault for the separation.

19 § 3. Section 669-a of the education law is amended by adding a new
20 subdivision 5 to read as follows:

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

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1 5. a. A qualified veteran who would be eligible to receive a tuition
2 award if such veteran satisfied the enrollment and application require-
3 ments set forth in paragraph a of subdivision two of this section, but
4 has not utilized such tuition award, may elect to transfer all or a
5 portion of the tuition award to an eligible immediate family member or
6 members.

7 b. A qualified veteran who elects to transfer their award shall desig-
8 nate the eligible immediate family member or members to whom such award
9 is being transferred, including the number of semesters. Such desig-
10 nation shall be made on a form prescribed by the president, shall be
11 appended to the application specified in subdivision two of this
12 section, and the president shall make the form and relevant information
13 of this section available on the corporation's website.

14 c. A child to whom a tuition award is transferred under this subdivi-
15 sion shall be under twenty-six years of age. Such child shall not
16 commence the use of a tuition award transferred under this subdivision
17 unless the qualified veteran has served in the armed forces of the
18 United States for at least ten years, except where such qualified veter-
19 an did not complete such service requirement due to:

20 (i) the qualified veteran's death;

21 (ii) discharge or release for a medical condition that pre-existed
22 service;

23 (iii) discharge or release for hardship;

24 (iv) discharge or release for a physical or mental condition, not a
25 disability, that did not result from their willful misconduct but did
26 interfere with their performance of duty;

27 (v) discharge for a disability;

28 (vi) discharge for a reduction in force; or

29 (vii) involuntary force shaping.

30 d. The tuition award transfers designated by a qualified veteran
31 pursuant to this subdivision shall not exceed the award available to
32 such veteran under this section.

33 § 4. This act shall take effect on the one hundred eightieth day after
34 it shall have become a law. Effective immediately, the addition, amend-
35 ment and/or repeal of any rule or regulation necessary for the implemen-
36 tation of this act on its effective date are authorized to be made and
37 completed on or before such effective date.