

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.

LBD04630-01-3

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.