

# STATE OF NEW YORK

8432

2023-2024 Regular Sessions

## IN ASSEMBLY

December 29, 2023

Introduced by M. of A. FAHY -- read once and referred to the Committee on Higher Education

AN ACT to amend the education law, in relation to the criteria for determining tuition assistance program awards

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

Section 1. Subdivision 3 of section 667 of the education law, as added by chapter 83 of the laws of 1995, paragraph a as amended by section 1 and subparagraph (iv) of paragraph b as amended by section 3 of part B of chapter 60 of the laws of 2000, clause (A) of subparagraph (i) of paragraph a as amended by section 1 and subparagraphs (i) and (ii) of paragraph b as amended by section 2 of part DD of chapter 56 of the laws of 2021, subparagraph (iii) of paragraph a as amended by section 3 of part H and paragraph c as relettered by section 2 of part J of chapter 58 of the laws of 2011 and paragraph b as amended by chapter 309 of the laws of 1996, is amended to read as follows:

3. Tuition assistance program awards.

a. Amount. The president shall make awards to students enrolled in degree-granting institutions or registered not-for-profit business schools qualified for tax exemption under § 501(c)(3) of the internal revenue code for federal income tax purposes in the following amounts:

(i) For each year of undergraduate study, assistance shall be provided as computed on the basis of the amount which is the lesser of the following:

(A) [~~(1) In the case of students who have not been granted an exclusion of parental income, who have qualified as an orphan, foster child, or ward of the court for the purposes of federal student financial aid programs authorized by Title IV of the Higher Education Act of 1965, as amended, or had a dependent for income tax purposes during the tax year next preceding the academic year for which application is made, except~~

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

LBD13836-01-3

~~for those students who have been granted exclusion of parental income who have a spouse but no other dependent.~~

~~(a)]~~ Five thousand dollars, except starting in two thousand fourteen-two thousand fifteen such students shall receive five thousand one hundred sixty-five dollars, and except starting in two thousand twenty-one--two thousand twenty-two and thereafter such students shall receive five thousand six hundred sixty-five dollars, provided however that nothing herein shall be construed as increasing any award made pursuant to this section for an academic year prior to two thousand twenty-one--two thousand twenty-two; or

~~[(b)]~~ (B) For undergraduate students enrolled in a program of study at a non-public degree-granting institution that does not offer a program of study that leads to a baccalaureate degree, or at a registered not-for-profit business school qualified for tax exemption under section 501(c)(3) of the internal revenue code for federal income tax purposes that does not offer a program of study that leads to a baccalaureate degree, four thousand dollars, except starting in two thousand twenty-one--two thousand twenty-two and thereafter such students shall receive four thousand five hundred dollars. Provided, however, that this ~~[subitem]~~ clause shall not apply to students enrolled in a program of study leading to a certificate or degree in nursing~~[-]; or~~

~~[(2) In the case of students receiving awards pursuant to subparagraph (iii) of this paragraph and those students who have been granted exclusion of parental income who have a spouse but no other dependent beginning in the two thousand twenty-one--two thousand twenty-two academic year and thereafter, three thousand five hundred twenty five dollars, provided that nothing herein shall be construed as increasing any award made for any prior academic year, or~~

~~(B)]~~ (C) (1) Ninety-five percent of the amount of tuition (exclusive of educational fees) charged and, if applicable, the college fee levied by the state university of New York pursuant to the April first, nineteen hundred sixty-four financing agreement with the New York state dormitory authority.

(2) For the two thousand one--two thousand two academic year and thereafter one hundred percent of the amount of tuition (exclusive of educational fees) charged and, if applicable, the college fee levied by the state university of New York pursuant to the April first, nineteen hundred sixty-four financing agreement with the New York state dormitory authority.

(ii) ~~[Except for students as noted in subparagraph (iii) of this paragraph, the]~~ The base amount as determined from subparagraph (i) of this paragraph, shall be reduced in relation to income as follows:

Amount of income	Schedule of reduction of base amount
(A) Less than seven thousand dollars	None
(B) Seven thousand dollars or more, but less than eleven thousand dollars	Seven per centum of excess over seven thousand dollars
(C) Eleven thousand dollars or more, but less than eighteen thousand dollars	Two hundred eighty dollars plus ten per centum of excess over eleven thousand dollars
(D) Eighteen thousand dollars or more, but not more than eighty	Nine hundred eighty dollars plus twelve per centum of

1        thousand dollars                      excess over eighteen  
2    thousand dollars

~~(iii) [(A) For students who have been granted exclusion of parental income and were single with no dependent for income tax purposes during the tax year next preceding the academic year for which application is made, the base amount, as determined in subparagraph (i) of this paragraph, shall be reduced in relation to income as follows:~~

8	<del>Amount of income</del>	<del>Schedule of reduction</del>
9		<del>of base amount</del>

~~(1) Less than three thousand None~~  
~~dollars~~  
~~(2) Three thousand dollars or Thirty-one per centum of~~  
~~more, but not more than ten amount in excess of three~~  
~~thousand dollars thousand dollars~~

~~(B) For those students who have been granted exclusion of parental income who have a spouse but no other dependent, for income tax purposes during the tax year next preceding the academic year for which application is made, the base amount, as determined in subparagraph (i) of this paragraph, shall be reduced in relation to income as follows:~~

20	<del>Amount of income</del>	<del>Schedule of reduction</del>
21		<del>of base amount</del>

~~(1) Less than seven thousand ————— None~~  
~~dollars~~

~~(2) Seven thousand dollars or ————— Seven per centum of excess~~  
~~more, but less than eleven ————— over seven thousand dollars~~  
~~thousand dollars~~

~~(3) Eleven thousand dollars or ————— Two hundred eighty dollars~~  
~~more, but less than eighteen ————— plus ten per centum of excess~~  
~~thousand dollars ————— over eleven thousand dollars~~

~~(4) Eighteen thousand dollars or ————— Nine hundred eighty dollars~~  
~~more, but not more than forty ————— plus twelve per centum of~~  
~~thousand dollars ————— excess over eighteen~~  
~~thousand dollars~~

~~(iv)~~] If the amount of reduction is not a whole dollar, it shall be reduced to the next lowest whole dollar. In the case of any student who has received four or more payments pursuant to any and all awards provided for in this subdivision, for the two thousand--two thousand one academic year the base amount shall be reduced by an additional one hundred fifty dollars for the two thousand one--two thousand two academic year and thereafter the base amount shall be reduced by an additional one hundred dollars.

42     ~~(v)~~ (iv) The award shall be the net amount of the base amount deter-  
43     mined pursuant to subparagraph (i) of this paragraph reduced pursuant to  
44     subparagraph (ii) ~~or (iii)~~ of this paragraph but the award shall not  
45     be reduced for the two thousand--two thousand one and two thousand one-  
46     two thousand two academic years below two hundred seventy-five dollars  
47     if the amount of income is eighty thousand dollars or less and more than  
48     seventy thousand dollars, three hundred twenty-five dollars if the  
49     amount of income is seventy thousand dollars or less and more than sixty

1 thousand dollars and four hundred twenty-five dollars if the amount of  
2 income is sixty thousand dollars or less.

3 ~~[(vi)]~~ (v) For the two thousand two--two thousand three academic year  
4 and thereafter, the award shall be the net amount of the base amount  
5 determined pursuant to subparagraph (i) of this paragraph reduced pursu-  
6 ant to subparagraph (ii) ~~[or (iii)]~~ of this paragraph but the award  
7 shall not be reduced below five hundred dollars.

8 b. Amount. The president shall make awards to students enrolled in two  
9 year programs offered in registered private business schools except for  
10 registered not-for-profit business schools qualified for tax exemption  
11 under section 501(c)(3) of the internal revenue code for federal income  
12 tax purposes in the following amounts:

13 (i) For each year of study, assistance shall be provided as computed  
14 on the basis of the amount which is the lesser of the following:

15 (A) ~~[(1)]~~ one thousand three hundred dollars~~[, or~~  
16 ~~(2) for students receiving awards pursuant to subparagraph (iii) of~~  
17 ~~this paragraph, one thousand one hundred forty dollars]; or~~

18 (B) (1) Ninety-five percent of the amount of tuition (exclusive of  
19 educational fees) charged.

20 (2) For the two thousand one--two thousand two academic year and ther-  
21 eafter one hundred percent of the amount of tuition (exclusive of educa-  
22 tional fees).

23 (ii) ~~[Except for students as noted in subparagraph (iii) of this para-~~  
24 ~~graph, the]~~ The base amount as determined in subparagraph (i) of this  
25 paragraph, shall be reduced in relation to income as follows:

26 Amount of income	Schedule of reduction
27	of base amount

28 (A) Less than seven thousand	None
29 dollars	

30 (B) Seven thousand dollars or	Seven per centum of the excess
31 more, but less than eleven	over seven thousand dollars
32 thousand dollars	

33 ~~(iii) [For students who have been granted exclusion of parental income~~  
34 ~~and were single with no dependent for income tax purposes during the tax~~  
35 ~~year next preceding the academic year for which application is made, the~~  
36 ~~base amount, as determined in subparagraph (i) of this paragraph, shall~~  
37 ~~be reduced in relation to income as follows:]~~

38 <del>Amount of income</del>	<del>Schedule of reduction of</del>
39	<del>base amount</del>

40 <del>(A) Less than three thousand</del>	<del>None</del>
41 <del>dollars</del>	

42 <del>(B) Three thousand dollars or</del>	<del>Thirty one per centum of the ex-</del>
43 <del>more, but not more than ten</del>	<del>cess over three thousand dollars</del>
44 <del>thousand dollars</del>	

45 ~~(iv)]~~ If the amount of reduction is not a whole dollar, it shall be  
46 reduced to the next lowest whole dollar. In the case of any student who  
47 has received four or more payments pursuant to any and all awards  
48 provided for in this subdivision, for the two thousand--two thousand one  
49 academic year the base amount shall be reduced by an additional one  
50 hundred fifty dollars for the two thousand one--two thousand two academ-

1 ic year and thereafter the base amount shall be reduced by an additional  
2 one hundred dollars.

3 [~~(v)~~] (iv) The award shall be the net amount of the base amount deter-  
4 mined pursuant to subparagraph (i) of this paragraph reduced pursuant to  
5 subparagraph (ii) [~~or (iii)~~] of this paragraph but the award shall not  
6 be reduced below one hundred dollars. If the income exceeds the maximum  
7 amount of income allowable under subparagraph (ii) [~~or (iii)~~] of this  
8 paragraph, no award shall be made.

9 c. Restrictions. In no [~~even shall~~] event shall any award:

10 (i) be made unless the annual tuition (exclusive of educational fees)  
11 and, if applicable, the college fee levied by the state university of  
12 New York pursuant to the April first, nineteen hundred sixty-four  
13 financing agreement with the New York state dormitory authority charged  
14 for the program in which the student is enrolled total at least two  
15 hundred dollars; or

16 (ii) exceed the amount by which such annual tuition (exclusive of  
17 educational fees) and, if applicable, the college fee levied by the  
18 state university of New York pursuant to the April first, nineteen  
19 hundred sixty-four financing agreement with the New York state dormitory  
20 authority exceed the total of all other state, federal, or other educa-  
21 tional aid that is received or receivable by such student during the  
22 school year for which such award is applicable and that, in the judgment  
23 of the commissioner, would duplicate the purposes of the award; or

24 (iii) be made when income exceeds the maximum income set forth in this  
25 subdivision. The commissioner shall list in his regulations all major  
26 state and federal financial aid available to New York state students and  
27 identify any forms of aid that are duplicative of the purposes of the  
28 tuition assistance program. For the purposes of this subdivision,  
29 neither United States war orphan educational benefits nor benefits under  
30 the veterans' readjustment act of nineteen hundred sixty-six shall be  
31 considered as federal or other educational aid.

32 § 2. This act shall take effect on the one hundred eightieth day after  
33 it shall have become a law.