

# STATE OF NEW YORK

1287

2023-2024 Regular Sessions

## IN SENATE

January 11, 2023

Introduced by Sen. HINCHEY -- 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 eligibility for the New York state excelsior scholarship for certain part-time applicants

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

Section 1. Subdivisions 1, 2 and 3 of section 669-h of the education law, subdivision 1 as amended by section 1 of part T of chapter 56 of the laws of 2018, subdivision 2 as amended by section 1 of part G of chapter 56 of the laws of 2022 and subdivision 3 as added by section 1 of part HHH of chapter 59 of the laws of 2017, are amended and a new subdivision 2-a is added to read as follows:

1. Eligibility. An excelsior scholarship award shall be made to an applicant who: (a) is matriculated in an approved program leading to an undergraduate degree at a New York state public institution of higher education, which for the purposes of this section shall include all two-year and four-year colleges operated by the state university of New York or the city university of New York; (b) if enrolled in (i) a public institution of higher education prior to application, has completed at least ~~[thirty]~~ twenty-four combined credits per year if enrolled on a full-time basis or at least twelve combined credits per year if enrolled on a part-time basis following the student's start date, or its equivalent, applicable to his or her program or programs of study or (ii) an institution of higher education prior to application, has completed at least ~~[thirty]~~ twenty-four combined credits per year if enrolled on a full-time basis or at least twelve combined credits per year if enrolled on a part-time basis following the student's start date, or its equivalent, applicable to his or her program or programs of study and which were accepted upon transfer to a public institution of higher education; (c) enrolls in at least twelve credits per semester and completes at least ~~[thirty]~~ twenty-four combined credits per year if enrolled on a

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

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

45 2. Amount. Within amounts appropriated therefor and based on avail-  
46 ability of funds, awards shall be granted beginning with the two thou-  
47 sand ~~[seventeen]~~ twenty-three--two thousand ~~[eighteen]~~ twenty-four  
48 academic year and thereafter to applicants that the corporation has  
49 determined are eligible to receive such awards. The corporation shall  
50 grant such awards for full-time students in an amount up to five thou-  
51 sand five hundred dollars or actual tuition, whichever is less and for  
52 part-time students in an amount up to two thousand seven hundred fifty  
53 dollars or actual tuition, whichever is less; provided, however, (a) a  
54 student who receives educational grants and/or scholarships that cover  
55 the student's full cost of attendance shall not be eligible for an award  
56 under this program; and (b) an award under this program shall be applied

1 to tuition after the application of payments received under the tuition  
2 assistance program pursuant to section six hundred sixty-seven of this  
3 subpart, tuition credits pursuant to section six hundred eighty-nine-a  
4 of this article, federal Pell grant pursuant to section one thousand  
5 seventy of title twenty of the United States code, et seq., and any  
6 other program that covers the cost of attendance unless exclusively for  
7 non-tuition expenses, and the award under this program shall be reduced  
8 in the amount equal to such payments, provided that the combined bene-  
9 fits do not exceed five thousand five hundred dollars. Upon notification  
10 of an award under this program, the institution shall defer the amount  
11 of tuition. Notwithstanding paragraph h of subdivision two of section  
12 three hundred fifty-five and paragraph (a) of subdivision seven of  
13 section six thousand two hundred six of this chapter, and any other law,  
14 rule or regulation to the contrary, the undergraduate tuition charged by  
15 the institution to recipients of an award shall not exceed the tuition  
16 rate established by the institution for the two thousand [~~sixteen~~] twenty-  
17 ty-two--two thousand [~~seventeen~~] twenty-three academic year provided,  
18 however, that in the two thousand [~~twenty-two~~] twenty-four--two thousand  
19 [~~twenty-three~~] twenty-five academic year and every year thereafter, the  
20 undergraduate tuition charged by the institution to recipients of an  
21 award shall be reset to equal the tuition rate established by the insti-  
22 tution for the forthcoming academic year, provided further that the  
23 tuition credit calculated pursuant to section six hundred eighty-nine-a  
24 of this article shall be applied toward the tuition rate charged for  
25 recipients of an award under this program. Provided further that the  
26 state university of New York and the city university of New York shall  
27 provide an additional tuition credit to students receiving an award to  
28 cover the remaining cost of tuition.

29 2-a. In the event that for any reason, the student does not receive  
30 his or her two-year, four-year or five-year degree or complete the BOCES  
31 or vocational program referred to in paragraph (g) of subdivision four  
32 of this section, the student shall not suffer any penalty with respect  
33 to the scholarship received under the excelsior scholarship program.

34 3. Duration. An eligible recipient shall not receive an award for more  
35 than [~~four~~] five academic years of full-time or ten academic years of  
36 part-time undergraduate study for a four-year degree or [~~five~~] six full-  
37 time or twelve part-time academic years if the program of study normally  
38 requires five years. An eligible recipient enrolled full-time in an  
39 eligible [~~two-year~~] two-year program of study shall not receive an award  
40 for more than two and a half academic years and an eligible recipient  
41 enrolled part-time in an eligible two year program of study shall not  
42 receive an award for more than five academic years. Notwithstanding,  
43 such duration may be extended for an allowable interruption of study  
44 including, but not limited to, death of a family member, medical leave,  
45 military service, and parental leave, as established by the corporation  
46 in regulation.

47 § 2. Subdivision 4 of section 669-h of the education law is amended by  
48 adding a new paragraph (g) to read as follows:

49 (g) Notwithstanding any other provision of law to the contrary, an  
50 applicant who satisfied all other requirements of this section shall be  
51 eligible to receive an award pursuant to this section if such applicant  
52 is enrolled on at least a part-time basis or its equivalent in a board  
53 of educational services (BOCES) or other approved vocational program at  
54 a SUNY or CUNY community college as determined by the applicable educa-  
55 tional authority. Within amounts appropriated therefor and based on  
56 availability of funds, awards shall be granted beginning with the two

thousand twenty-three--two thousand twenty-four academic year and there-  
after to applicants that the corporation has determined are eligible to  
receive such awards. The corporation shall grant such awards to eligible  
full-time and part-time students in accordance with subdivision three of  
this section. A recipient eligible for an award pursuant to this para-  
graph shall not receive an award for more than four academic years of  
full-time or eight academic years of part-time enrollment in such BOCES  
or other approved vocational program. Years enrolled are not required to  
be consecutive.

§ 3. This act shall take effect immediately and shall apply to any  
eligible applicant beginning with the 2023-2024 academic year.