

# STATE OF NEW YORK

7938

2025-2026 Regular Sessions

## IN ASSEMBLY

April 16, 2025

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

AN ACT to amend the education law, in relation to allowing for a modest increase in annual income to not disqualify someone from the excelsior scholarship

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 at a New York state public institution of higher  
7 education; (b) if enrolled in (i) a public institution of higher educa-  
8 tion prior to application, has completed at least thirty combined cred-  
9 its per year following the student's start date, or its equivalent,  
10 applicable to [~~his or her~~] their program or programs of study or (ii) an  
11 institution of higher education prior to application, has completed at  
12 least thirty combined credits per year following the student's start  
13 date, or its equivalent, applicable to [~~his or her~~] their program or  
14 programs of study and which were accepted upon transfer to a public  
15 institution of higher education; (c) enrolls in at least twelve credits  
16 per semester and completes at least thirty combined credits per year  
17 following the student's start date, or its equivalent, applicable to  
18 [~~his or her~~] their 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~~] their graduation requirements and  
22 enroll in and complete at least twelve credit hours or its equivalent.  
23 For students who are disabled as defined by the Americans With Disabili-  
24 ties Act of 1990, 42 USC 12101, the corporation shall prescribe rules

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

LBD10676-07-5

1 and regulations that allow applicants who are disabled to be eligible  
2 for an award pursuant to this section based on modified criteria; (d)  
3 for the first semester applying for such scholarship, has an adjusted  
4 gross income for the qualifying year, as such terms are defined in this  
5 subdivision, equal to or less than: (i) one hundred thousand dollars for  
6 recipients receiving an award in the two thousand seventeen--two thou-  
7 sand eighteen academic year; (ii) one hundred ten thousand dollars for  
8 recipients receiving an award in the two thousand eighteen--two thousand  
9 nineteen academic year; and (iii) one hundred twenty-five thousand  
10 dollars for recipients receiving an award in the two thousand nineteen-  
11 -two thousand twenty academic year and thereafter; and (e) complies with  
12 the applicable provisions of this article and all requirements promul-  
13 gated by the corporation for the administration of the program. Adjusted  
14 gross income shall be the total of the combined adjusted gross income of  
15 the applicant and the applicant's parents or the applicant and the  
16 applicant's spouse, if married. Qualifying year shall be the adjusted  
17 gross income as reported on the federal income tax return, or as other-  
18 wise obtained by the corporation, for the calendar year coinciding with  
19 the tax year established by the U.S. department of education to qualify  
20 applicants for federal student financial aid programs authorized by  
21 Title IV of the Higher Education Act of nineteen hundred sixty-five, as  
22 amended, for the school year in which application for assistance is  
23 made. Provided, however, if an applicant demonstrates to the corporation  
24 that there has been a change in such applicant's adjusted gross income  
25 in the year(s) subsequent to the qualifying year which would qualify  
26 such applicant for an award, the corporation shall review and make a  
27 determination as to whether such applicant meets the requirement set  
28 forth in paragraph (d) of this subdivision based on such year. Provided,  
29 further that such change was caused by the death, permanent and total  
30 physical or mental disability, divorce, or separation by judicial decree  
31 or pursuant to an agreement of separation which is filed with a court of  
32 competent jurisdiction of any person whose income was required to be  
33 used to compute the applicant's total adjusted gross income. Provided  
34 further, however, that a recipient's maximum allowable adjusted gross  
35 income shall increase by three per centum after the first semester of  
36 such scholarship and may increase further where the corporation, in its  
37 discretion, determines that such a further increase shall not disqualify  
38 an applicant.

39 § 2. This act shall take effect immediately.