

# STATE OF NEW YORK

6155

2025-2026 Regular Sessions

## IN SENATE

March 5, 2025

Introduced by Sen. BAILEY -- 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 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.

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

40 § 2. This act shall take effect immediately.