

# STATE OF NEW YORK

5063

2025-2026 Regular Sessions

## IN ASSEMBLY

February 11, 2025

Introduced by M. of A. JACOBSON, EACHUS -- read once and referred 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:

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

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

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

LBD02338-01-5

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

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

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

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

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

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

51 (g) Notwithstanding any other provision of law to the contrary, an  
52 applicant who satisfied all other requirements of this section shall be  
53 eligible to receive an award pursuant to this section if such applicant  
54 is enrolled on at least a part-time basis or its equivalent in a board  
55 of educational services (BOCES) or other approved vocational program at  
56 a SUNY or CUNY community college as determined by the applicable educa-

1 tional authority. Within amounts appropriated therefor and based on  
2 availability of funds, awards shall be granted beginning with the two  
3 thousand twenty-five--two thousand twenty-six academic year and there-  
4 after to applicants that the corporation has determined are eligible to  
5 receive such awards. The corporation shall grant such awards to eligible  
6 full-time and part-time students in accordance with subdivision three of  
7 this section. A recipient eligible for an award pursuant to this para-  
8 graph shall not receive an award for more than four academic years of  
9 full-time or eight academic years of part-time enrollment in such BOCES  
10 or other approved vocational program. Years enrolled are not required to  
11 be consecutive.

12 § 3. This act shall take effect immediately and shall apply to any  
13 eligible applicant beginning with the 2025-2026 academic year.