§ 668-d. World trade center memorial scholarships. 1. Eligible groups. Notwithstanding subdivisions three and five of section six hundred sixty-one of this article, children, spouses and financial dependents of innocent victims who have died or have been severely and permanently disabled, or those innocent victims who have become severely and permanently disabled as a direct result of an injury sustained in the impact area of the September eleventh, two thousand one attack on the United States of America, shall be eligible to receive a memorial scholarship. The attack on the United States of America shall consist of the attack on the world trade center, the attack on the Pentagon and the hijackings and crashes of United Airlines flights 93 and 175 and American Airlines flights 11 and 77.

2. Amount. (a) The president shall grant annual scholarships in the following amounts:

(1) If the recipient attends an institution of the city university of New York or an institution of the state university of New York other than the statutory colleges at Cornell, the college of environmental science and forestry at Syracuse and the college of ceramics at Alfred, the annual award shall be an amount equal to: the tuition charged at such institution provided that, notwithstanding any provision of law to the contrary, the tuition charged to award recipients shall not exceed that charged to state resident students attending such institution; the mandatory fees charged at such institution; and the non-tuition cost of attendance at such institution or college, provided that the scholarship shall not exceed an amount that is equal to the total cost of attendance determined for federal Title IV student financial aid purposes, less all other scholarships and grants provided by New York state, other states, the federal government, or other governments, and the amount of educational benefits paid under any program that would duplicate the purposes of this program, provided that any scholarships or grants provided to a recipient by the institution which are intended to fund any portion of the difference between the annual state award and the actual costs of attendance at any such institution shall not be considered to duplicate the purposes of this program; or

(2) If the recipient attends any other approved program within New York state, the annual award shall be based upon an amount equal to: the

tuition charged to state resident students attending a four-year college of the state university of New York; the average mandatory fees charged at four-year colleges of the state university of New York, or the actual tuition and fees charged to the recipient, whichever is less; and the average non-tuition cost of attendance, as determined by the president and as approved by the director of the budget, for a student at the state university of New York or actual non-tuition cost of attendance at such institution, whichever is less, provided that the scholarship shall not exceed an amount that is equal to the total cost of attendance determined for federal Title IV student financial aid purposes, less all other scholarships and grants provided by New York state, other states, the federal government, or other governments, and the amount of educational benefits paid under any program that would duplicate the purposes of this program, provided that any scholarships or grants provided to a recipient by the institution which are intended to fund any portion of the difference between the annual state award and the actual costs of attendance at any such institution shall not be considered to duplicate the purposes of this program.

(3) Notwithstanding paragraph a of subdivision four of section six hundred sixty-one of this article, if the recipient is a New York state resident and, on September eleventh, two thousand one, was matriculated and in attendance in an institution of higher education that provides a two-year or four-year program of instruction for which the institution awards an associate or baccalaureate degree and which is eligible to participate in a program under Title IV of the Higher Education Act of 1965, as amended or any successor statutes located outside of New York state, the annual award shall be based upon an amount equal to: the tuition charged to state resident students attending a four-year college of the state university of New York; the average mandatory fees charged at four-year colleges of the state university of New York or the actual tuition and fees charged to the recipient, whichever is less; and the average non-tuition cost of attendance, as determined, by the president and as approved by the director of the budget, for a student at the state university of New York or actual non-tuition cost of attendance at such institution, whichever is less, provided that the scholarship shall not exceed an amount that is equal to the total cost of attendance determined for federal Title IV student financial aid proposes, less all

other scholarships and grants provided by New York state, other states, the federal government, or other governments, and the amount of educational benefits paid under any program that would duplicate the purposes of this program, provided that any scholarships or grants provided to a recipient by the institution which are intended to fund any portion of the difference between the annual state award and the actual annual costs of attendance at any such institution shall not be considered to duplicate the purposes of this program.

(4) "Non-tuition cost of attendance", as used in this subdivision, shall mean: (i) the actual amount charged by the institution for room and board, and (ii) an allowance for transportation, books and supplies as determined by the president and as approved by the director of the budget, provided that such determination shall be made no later than December first of each year for use in the succeeding academic year. In the event a student does not incur room or board charges at the institution, "non-tuition cost of attendance" shall mean an allowance for room and board as determined by the president and approved by the director of the budget. In determining allowances pursuant to this subparagraph, the president may take into consideration the allowances provided for in the Pell grant program.

(b) In no event shall the combination of all student financial aid received by a student exceed a recipient's total cost of attendance at the institution being attended.

3. Duration. Awards under this section shall be payable for each of not more than four academic years of undergraduate study or five academic years if a program normally requires five years, as defined by the commissioner pursuant to article thirteen of this title.