

1257

2013-2014 Regular Sessions

I N S E N A T E

(PREFILED)

January 9, 2013

Introduced by Sen. PERKINS -- 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 the New York State dream act; and to repeal certain provisions of such law relating thereto

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. This act shall be known and may be cited as the "New York
2 State Dream Act".
3 S 2. Subdivision 3 of section 661 of the education law is REPEALED and
4 a new subdivision 3 is added to read as follows:
5 3. QUALIFICATIONS. A. QUALIFIED STUDENT FOR AN AWARD AT THE UNDERGRAD-
6 UATE LEVEL OF STUDY. A QUALIFIED STUDENT FOR AN AWARD AT THE UNDERGRADU-
7 ATE LEVEL OF STUDY SHALL MEAN:
8 (I) AN INDIVIDUAL, OTHER THAN ONE DEEMED TO BE NOT LAWFULLY PRESENT IN
9 THE UNITED STATES AS USED IN 8 U.S.C. S 1623, WHO HAS BEEN A RESIDENT OF
10 THE STATE FOR AT LEAST ONE YEAR IMMEDIATELY PRECEDING THE BEGINNING OF
11 THE SEMESTER, QUARTER OR TERM OF ATTENDANCE FOR WHICH APPLICATION FOR
12 ASSISTANCE IS MADE; OR
13 (II) AN INDIVIDUAL, OTHER THAN ONE DEEMED TO BE NOT LAWFULLY PRESENT
14 IN THE UNITED STATES AS USED IN 8 U.S.C. S 1623, WHO IS A RESIDENT OF
15 THE STATE AND WAS A RESIDENT OF THE STATE DURING HIS OR HER LAST TWO
16 SEMESTERS OF HIGH SCHOOL EITHER PRIOR TO GRADUATION, OR PRIOR TO ADMIS-
17 SION TO COLLEGE; OR
18 (III) AN INDIVIDUAL WHO:
19 (1) ATTENDED AN APPROVED NEW YORK HIGH SCHOOL FOR TWO OR MORE YEARS,
20 GRADUATED FROM AN APPROVED NEW YORK HIGH SCHOOL, AND APPLIED FOR ATTEND-
21 ANCE AT AN INSTITUTION OR EDUCATIONAL UNIT OF THE STATE UNIVERSITY WITH-
22 IN FIVE YEARS OF RECEIVING A NEW YORK STATE HIGH SCHOOL DIPLOMA; OR

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

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(2) ATTENDED AN APPROVED NEW YORK STATE PROGRAM FOR GENERAL EQUIVALENCY DIPLOMA EXAM PREPARATION, RECEIVED A GENERAL EQUIVALENCY DIPLOMA ISSUED WITHIN NEW YORK STATE, AND APPLIED FOR ATTENDANCE AT AN INSTITUTION OR EDUCATIONAL UNIT OF THE STATE UNIVERSITY WITHIN FIVE YEARS OF RECEIVING A GENERAL EQUIVALENCY DIPLOMA ISSUED WITHIN NEW YORK STATE; OR

(3) IS OTHERWISE ELIGIBLE FOR THE PAYMENT OF TUITION AND FEES AT A RATE NO GREATER THAN THAT IMPOSED FOR RESIDENT STUDENTS OF THE STATE UNIVERSITY OF NEW YORK, THE CITY UNIVERSITY OF NEW YORK OR COMMUNITY COLLEGES AS PRESCRIBED IN SUBPARAGRAPH EIGHT OF PARAGRAPH H OF SUBDIVISION TWO OF SECTION THREE HUNDRED FIFTY-FIVE OR PARAGRAPH (A) OF SUBDIVISION SEVEN OF SECTION SIXTY-TWO HUNDRED SIX OF THIS CHAPTER.

IN ADDITION TO CLAUSES ONE, TWO, AND THREE OF THIS SUBPARAGRAPH, IF THE INDIVIDUAL IS DEEMED TO BE NOT LAWFULLY PRESENT IN THE UNITED STATES AS USED IN 8 U.S.C. S 1623, THEN SUCH INDIVIDUAL MUST HAVE ENTERED THE UNITED STATES BEFORE THE AGE OF EIGHTEEN AND BE UNDER THE AGE OF THIRTY-FIVE AT THE TIME OF APPLICATION FOR LOANS AND AWARDS.

B. QUALIFIED STUDENT FOR AN AWARD AT THE GRADUATE LEVEL OF STUDY. A QUALIFIED STUDENT FOR AN AWARD AT THE GRADUATE LEVEL OF STUDY SHALL MEAN:

(I) AN INDIVIDUAL, OTHER THAN ONE DEEMED TO BE NOT LAWFULLY PRESENT IN THE UNITED STATES AS USED IN 8 U.S.C. S 1623, WHO HAS BEEN A RESIDENT OF THE STATE FOR AT LEAST ONE YEAR IMMEDIATELY PRECEDING THE BEGINNING OF THE SEMESTER, QUARTER OR TERM OF ATTENDANCE FOR WHICH APPLICATION FOR ASSISTANCE IS MADE; OR

(II) AN INDIVIDUAL, OTHER THAN ONE DEEMED TO BE NOT LAWFULLY PRESENT IN THE UNITED STATES AS USED IN 8 U.S.C. S 1623, WHO IS A RESIDENT OF THE STATE AND WAS A RESIDENT OF THE STATE DURING HIS OR HER LAST TWO SEMESTERS OF HIGH SCHOOL EITHER PRIOR TO GRADUATION, OR PRIOR TO ADMISSION TO COLLEGE; OR

(III) AN INDIVIDUAL WHO:

(1) ATTENDED AN APPROVED NEW YORK STATE HIGH SCHOOL FOR TWO OR MORE YEARS, GRADUATED FROM AN APPROVED NEW YORK STATE HIGH SCHOOL, AND APPLIED FOR ATTENDANCE AT THE INSTITUTION OF HIGHER EDUCATION FOR THE GRADUATE STUDY FOR WHICH AN AWARD IS SOUGHT WITHIN TEN YEARS OF RECEIVING A NEW YORK STATE HIGH SCHOOL DIPLOMA; OR

(2) ATTENDED AN APPROVED NEW YORK STATE PROGRAM FOR A STATE HIGH SCHOOL EQUIVALENCY DIPLOMA, RECEIVED A STATE HIGH SCHOOL EQUIVALENCY DIPLOMA, AND APPLIED FOR ATTENDANCE AT THE INSTITUTION OF HIGHER EDUCATION FOR THE GRADUATE STUDY FOR WHICH AN AWARD IS SOUGHT WITHIN TEN YEARS OF RECEIVING A STATE HIGH SCHOOL EQUIVALENCY DIPLOMA; OR

(3) IS OTHERWISE ELIGIBLE FOR THE PAYMENT OF TUITION AND FEES AT A RATE NO GREATER THAN THAT IMPOSED FOR RESIDENT STUDENTS OF THE STATE UNIVERSITY OF NEW YORK, THE CITY UNIVERSITY OF NEW YORK OR COMMUNITY COLLEGES AS PRESCRIBED IN SUBPARAGRAPH EIGHT OF PARAGRAPH H OF SUBDIVISION TWO OF SECTION THREE HUNDRED FIFTY-FIVE OR PARAGRAPH (A) OF SUBDIVISION SEVEN OF SECTION SIXTY-TWO HUNDRED SIX OF THIS CHAPTER.

IN ADDITION TO CLAUSES ONE, TWO, AND THREE OF THIS SUBPARAGRAPH, IF THE INDIVIDUAL IS DEEMED TO BE NOT LAWFULLY PRESENT IN THE UNITED STATES AS USED IN 8 U.S.C. S 1623, THEN SUCH INDIVIDUAL MUST HAVE ENTERED THE UNITED STATES BEFORE THE AGE OF EIGHTEEN AND BE UNDER THE AGE OF THIRTY-FIVE AT THE TIME OF APPLICATION FOR LOANS AND AWARDS.

C. NOTWITHSTANDING SUBPARAGRAPH (III) OF PARAGRAPH A OF THIS SUBDIVISION, AN INDIVIDUAL SHALL BE DEEMED A QUALIFIED STUDENT FOR AN AWARD AT THE UNDERGRADUATE LEVEL OF STUDY FOR A PERIOD OF FIVE YEARS IMMEDIATELY FOLLOWING THE IMPLEMENTATION OF THE NEW YORK STATE DREAM ACT PROVIDED THAT THE INDIVIDUAL:

1 (I) ATTENDED AN APPROVED NEW YORK HIGH SCHOOL FOR TWO OR MORE YEARS,
2 GRADUATED FROM AN APPROVED NEW YORK HIGH SCHOOL, AND APPLIED FOR ATTEND-
3 ANCE OR IS ENROLLED AT AN INSTITUTION OR EDUCATIONAL UNIT OF THE STATE
4 UNIVERSITY; OR

5 (II) ATTENDED AN APPROVED NEW YORK STATE PROGRAM FOR GENERAL EQUIV-
6 AGENCY DIPLOMA EXAM PREPARATION, RECEIVED A GENERAL EQUIVALENCY DIPLOMA
7 ISSUED WITHIN NEW YORK STATE, AND APPLIED FOR ATTENDANCE OR IS ENROLLED
8 AT AN INSTITUTION OR EDUCATIONAL UNIT OF THE STATE UNIVERSITY.

9 IN ADDITION TO SUBPARAGRAPHS (I) AND (II) OF THIS PARAGRAPH, IF THE
10 INDIVIDUAL IS DEEMED TO BE NOT LAWFULLY PRESENT IN THE UNITED STATES AS
11 USED IN 8 U.S.C. S 1623, THAN SUCH INDIVIDUAL MUST HAVE ENTERED THE
12 UNITED STATES BEFORE THE AGE OF EIGHTEEN AND BE UNDER THE AGE OF THIR-
13 TY-FIVE AT THE TIME OF APPLICATION FOR LOANS AND AWARDS.

14 D. NOTWITHSTANDING SUBPARAGRAPH (III) OF PARAGRAPH B OF THIS SUBDIVI-
15 SION, AN INDIVIDUAL SHALL BE DEEMED A QUALIFIED STUDENT FOR AN AWARD AT
16 THE GRADUATE LEVEL OF STUDY FOR A PERIOD OF TEN YEARS IMMEDIATELY
17 FOLLOWING THE IMPLEMENTATION OF THE NEW YORK STATE DREAM ACT PROVIDED
18 THAT THE INDIVIDUAL:

19 (I) ATTENDED AN APPROVED NEW YORK HIGH SCHOOL FOR TWO OR MORE YEARS,
20 GRADUATED FROM AN APPROVED NEW YORK HIGH SCHOOL, AND APPLIED FOR ATTEND-
21 ANCE OR IS ENROLLED AT AN INSTITUTION OR EDUCATIONAL UNIT OF THE STATE
22 UNIVERSITY; OR

23 (II) ATTENDED AN APPROVED NEW YORK STATE PROGRAM FOR GENERAL EQUIV-
24 AGENCY DIPLOMA EXAM PREPARATION, RECEIVED A GENERAL EQUIVALENCY DIPLOMA
25 ISSUED WITHIN NEW YORK STATE, AND APPLIED FOR ATTENDANCE OR IS ENROLLED
26 AT AN INSTITUTION OR EDUCATIONAL UNIT OF THE STATE UNIVERSITY;

27 IN ADDITION TO SUBPARAGRAPHS (I) AND (II) OF THIS PARAGRAPH, IF THE
28 INDIVIDUAL IS DEEMED TO BE NOT LAWFULLY PRESENT IN THE UNITED STATES AS
29 USED IN 8 U.S.C. S 1623, THEN SUCH INDIVIDUAL MUST HAVE ENTERED THE
30 UNITED STATES BEFORE THE AGE OF EIGHTEEN AND BE UNDER THE AGE OF THIR-
31 TY-FIVE AT THE TIME OF APPLICATION FOR LOANS AND AWARDS.

32 S 3. Subparagraph (i) of paragraph b-1 of subdivision 4 of section 661
33 of the education law is REPEALED.

34 S 4. Paragraph a of subdivision 5 of section 661 of the education law
35 is REPEALED.

36 S 5. Paragraph b of subdivision 5 of section 661 of the education law
37 is REPEALED.

38 S 6. Paragraph d of subdivision 5 of section 661 of the education law,
39 as amended by chapter 844 of the laws of 1975, is amended to read as
40 follows:

41 d. If an applicant for an award allocated on a geographic basis has
42 more than one residence in this state, his OR HER residence for the
43 purpose of this article shall be his OR HER place of actual residence
44 during the major part of the year while attending school, as determined
45 by the commissioner; AND FURTHER PROVIDED THAT AN APPLICANT WHO DOES NOT
46 HAVE A RESIDENCE IN THIS STATE AND IS ELIGIBLE FOR AN AWARD PURSUANT TO
47 PARAGRAPH A, B, C, OR D OF SUBDIVISION THREE OF THIS SECTION SHALL BE
48 DEEMED TO RESIDE IN THE GEOGRAPHIC AREA OF THE INSTITUTION OF HIGHER
49 EDUCATION IN WHICH HE OR SHE ATTENDS FOR PURPOSES OF AN AWARD ALLOCATED
50 ON A GEOGRAPHIC BASIS.

51 S 7. Paragraph e of subdivision 5 of section 661 of the education law,
52 as added by chapter 630 of the laws of 2005, is amended to read as
53 follows:

54 e. Notwithstanding any other provision of this article to the contra-
55 ry, the New York state [residency] eligibility [requirement] REQUIRE-
56 MENTS for receipt of awards SET FORTH IN PARAGRAPH A, B, C, OR D OF

SUBDIVISION THREE OF THIS SECTION is waived for a member, or the spouse or dependent of a member, of the armed forces of the United States on full-time active duty and stationed in this state.

S 8. Paragraph h of subdivision 2 of section 355 of the education law is amended by adding a new subparagraph 10 to read as follows:

(10) SUCH REGULATIONS SHALL FURTHER PROVIDE THAT ANY STUDENT WHO IS NOT A RESIDENT OF NEW YORK STATE BUT IS A "QUALIFIED STUDENT" AS DEFINED IN PARAGRAPH A, B, C, OR D OF SUBDIVISION THREE OF SECTION SIX HUNDRED SIXTY-ONE OF THIS CHAPTER, MAY HAVE THE PAYMENT OF TUITION AND OTHER FEES AND CHARGES REDUCED BY STATE-AIDED PROGRAMS, SCHOLARSHIPS OR OTHER FINANCIAL ASSISTANCE AWARDED UNDER THE PROVISIONS OF ARTICLES THIRTEEN, THIRTEEN-A, FOURTEEN AND FOURTEEN-A OF THIS CHAPTER.

S 9. Subdivision 7 of section 6206 of the education law is amended by adding a new paragraph (d) to read as follows:

(D) THE TRUSTEES SHALL FURTHER PROVIDE THAT ANY STUDENT WHO IS NOT A RESIDENT OF NEW YORK STATE BUT IS A "QUALIFIED STUDENT" AS DEFINED IN PARAGRAPH A, B, C, OR D OF SUBDIVISION THREE OF SECTION SIX HUNDRED SIXTY-ONE OF THIS CHAPTER, MAY HAVE THE PAYMENT OF TUITION AND OTHER FEES AND CHARGES REDUCED BY STATE-AIDED PROGRAMS, SCHOLARSHIPS OR OTHER FINANCIAL ASSISTANCE AWARDED UNDER THE PROVISIONS OF ARTICLES THIRTEEN, THIRTEEN-A, FOURTEEN AND FOURTEEN-A OF THIS CHAPTER.

S 10. Section 6305 of the education law is amended by adding a new subdivision 8-a to read as follows:

8-A. THE PAYMENT OF TUITION AND OTHER FEES AND CHARGES OF A STUDENT WHO IS ATTENDING A COMMUNITY COLLEGE AND WHO IS NOT A RESIDENT OF NEW YORK STATE BUT IS A "QUALIFIED STUDENT" AS DEFINED IN PARAGRAPH A, B, C, OR D OF SUBDIVISION THREE OF SECTION SIX HUNDRED SIXTY-ONE OF THIS CHAPTER, MAY BE REDUCED BY STATE-AIDED PROGRAMS, SCHOLARSHIPS AND OTHER FINANCIAL ASSISTANCE AWARDED UNDER THE PROVISIONS OF ARTICLES THIRTEEN, THIRTEEN-A, FOURTEEN AND FOURTEEN-A OR ANY OTHER ARTICLE OF THIS CHAPTER.

S 11. Paragraph d of subdivision 3 of section 6451 of the education law, as amended by chapter 149 of the laws of 1972, is amended to read as follows:

d. Any necessary supplemental financial assistance, which may include the cost of books and necessary maintenance for such enrolled students, INCLUDING STUDENTS WITHOUT LAWFUL IMMIGRATION STATUS PROVIDED THAT THE STUDENT IS A "QUALIFIED STUDENT" AS DEFINED IN PARAGRAPH A, B, C, OR D OF SUBDIVISION THREE OF SECTION SIX HUNDRED SIXTY-ONE OF THIS CHAPTER; provided, however, that such supplemental financial assistance shall be furnished pursuant to criteria promulgated by the commissioner with the approval of the director of the budget.

S 12. Subparagraph (v) of paragraph a of subdivision 4 of section 6452 of the education law, as added by chapter 917 of the laws of 1970, is amended to read as follows:

(v) Any necessary supplemental financial assistance, which may include the cost of books and necessary maintenance for such students, INCLUDING STUDENTS WITHOUT LAWFUL IMMIGRATION STATUS PROVIDED THAT THE STUDENT IS A "QUALIFIED STUDENT" AS DEFINED IN PARAGRAPH A, B, C, OR D OF SUBDIVISION THREE OF SECTION SIX HUNDRED SIXTY-ONE OF THIS CHAPTER; provided, however, that such supplemental financial assistance shall be furnished pursuant to criteria promulgated by such universities and approved by the regents and the director of the budget.

S 13. Paragraph (a) of subdivision 2 of section 6455 of the education law, as added by chapter 285 of the laws of 1986, is amended to read as follows:

1 (a) Undergraduate science and technology entry program moneys may be
2 used for tutoring, counseling, remedial and special summer courses,
3 supplemental financial assistance, program administration, and other
4 activities which the commissioner may deem appropriate. To be eligible
5 for undergraduate collegiate science and technology entry program
6 support, a student must be [a resident of New York who is] A "QUALIFIED
7 STUDENT" PURSUANT TO PARAGRAPH A OR PARAGRAPH C OF SUBDIVISION THREE OF
8 SECTION SIX HUNDRED SIXTY-ONE OF THIS CHAPTER AND MUST BE either econom-
9 ically disadvantaged or from a minority group historically underrepre-
10 sented in the scientific, technical, health and health-related
11 professions, and [who demonstrates] MUST DEMONSTRATE interest in and a
12 potential for a professional career if provided special services. Eligi-
13 ble students must be in good academic standing, enrolled full time in an
14 approved, undergraduate level program of study, as defined by the
15 regents.

16 S 14. Paragraph (a) of subdivision 3 of section 6455 of the education
17 law, as added by chapter 285 of the laws of 1986, is amended to read as
18 follows:

19 (a) Graduate science and technology entry program moneys may be used
20 for recruitment, academic enrichment, career planning, supplemental
21 financial assistance, review for licensing examinations, program admin-
22 istration, and other activities which the commissioner may deem appro-
23 priate. To be eligible for graduate collegiate science and technology
24 entry program support, a student must be [a resident of New York who is]
25 A "QUALIFIED STUDENT" PURSUANT TO PARAGRAPH B OR PARAGRAPH D OF SUBDIVI-
26 SION THREE OF SECTION SIX HUNDRED SIXTY-ONE OF THIS CHAPTER AND MUST BE
27 either economically disadvantaged or from a minority group historically
28 underrepresented in the scientific, technical and health-related
29 professions AND MUST DEMONSTRATE AN INTEREST IN AND A POTENTIAL FOR A
30 PROFESSIONAL CAREER IF PROVIDED SPECIAL SERVICES. Eligible students
31 must be in good academic standing, enrolled full time in an approved
32 graduate level program, as defined by the regents.

33 S 15. Subparagraph (i) of paragraph a of subdivision 2 of section
34 695-e of the education law, as amended by chapter 593 of the laws of
35 2003, is amended to read as follows:

36 (i) the name, address and social security number [or], employer iden-
37 tification number, OR INDIVIDUAL TAXPAYER IDENTIFICATION NUMBER of the
38 account owner UNLESS A FAMILY TUITION ACCOUNT THAT WAS IN EFFECT PRIOR
39 TO THE EFFECTIVE DATE OF THE CHAPTER OF THE LAWS OF TWO THOUSAND THIR-
40 TEEN THAT AMENDED THIS SUBPARAGRAPH DOES NOT ALLOW FOR A TAXPAYER IDEN-
41 TIFICATION NUMBER, IN WHICH CASE A TAXPAYER IDENTIFICATION NUMBER SHALL
42 BE ALLOWED UPON THE EXPIRATION OF THE CONTRACT;

43 S 16. Subparagraph (iii) of paragraph a of subdivision 2 of section
44 695-e of the education law, as amended by chapter 593 of the laws of
45 2003, is amended to read as follows:

46 (iii) the name, address, and social security number, EMPLOYER IDEN-
47 TIFICATION NUMBER, OR INDIVIDUAL TAXPAYER IDENTIFICATION NUMBER of the
48 designated beneficiary, UNLESS A FAMILY TUITION ACCOUNT THAT WAS IN
49 EFFECT PRIOR TO THE EFFECTIVE DATE OF THE CHAPTER OF THE LAWS OF TWO
50 THOUSAND THIRTEEN THAT AMENDED THIS SUBPARAGRAPH DOES NOT ALLOW FOR A
51 TAXPAYER IDENTIFICATION NUMBER, IN WHICH CASE A TAXPAYER IDENTIFICATION
52 NUMBER SHALL BE ALLOWED UPON THE EXPIRATION OF THE CONTRACT; and

53 S 17. This act shall take effect July 1, 2015.