

4079

2013-2014 Regular Sessions

I N   S E N A T E

March 7, 2013

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Introduced by Sens. ESPAILLAT, KLEIN -- 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 establishing the New  
York DREAM fund commission and making family tuition accounts avail-  
able to account owners who provide a taxpayer identification number

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

1     Section 1. The education law is amended by adding a new section 609 to  
2     read as follows:  
3     S 609. NEW YORK DREAM FUND COMMISSION. 1. (A) THERE SHALL BE ESTAB-  
4     LISHED A NEW YORK DREAM FUND COMMISSION, HEREINAFTER REFERRED TO IN THIS  
5     SECTION AS THE "COMMISSION", WHICH SHALL BE COMMITTED TO ADVANCING THE  
6     EDUCATIONAL OPPORTUNITIES OF THE CHILDREN OF IMMIGRANTS.  
7     (B) THE COMMISSION SHALL BE COMPOSED OF TWELVE MEMBERS TO BE APPOINTED  
8     AS FOLLOWS:  
9     (I) FOUR MEMBERS SHALL BE APPOINTED BY THE GOVERNOR;  
10    (II) THREE MEMBERS SHALL BE APPOINTED BY THE TEMPORARY PRESIDENT OF  
11    THE SENATE;  
12    (III) THREE MEMBERS SHALL BE APPOINTED BY THE SPEAKER OF THE ASSEMBLY;  
13    (IV) ONE MEMBER SHALL BE APPOINTED BY THE MINORITY LEADER OF THE  
14    SENATE;  
15    (V) ONE MEMBER SHALL BE APPOINTED BY THE MINORITY LEADER OF THE ASSEM-  
16    BLY;  
17    (C) TO THE EXTENT PRACTICABLE, THE MEMBERSHIP OF THE COMMISSION SHALL  
18    REFLECT THE RACIAL, ETHNIC, GENDER, LANGUAGE AND GEOGRAPHIC DIVERSITY OF  
19    THE STATE.  
20    (D) TO THE EXTENT PRACTICABLE, THE MEMBERSHIP OF THE COMMISSION SHALL  
21    INCLUDE COLLEGE AND UNIVERSITY ADMINISTRATORS AND FACULTY AND OTHER  
22    INDIVIDUALS WHO ARE COMMITTED TO ADVANCING THE EDUCATIONAL OPPORTUNITIES  
23    OF THE CHILDREN OF IMMIGRANTS.

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

LBD05361-02-3

1 (E) THE MEMBERS OF THE COMMISSION SHALL RECEIVE NO COMPENSATION FOR  
2 THEIR SERVICES.

3 2. (A) THE COMMISSION SHALL HAVE THE POWER TO:

4 (I) ADMINISTER THE PROVISIONS OF THIS SECTION;

5 (II) CREATE AND RAISE FUNDS FOR THE NEW YORK DREAM FUND;

6 (III) ESTABLISH A NOT-FOR-PROFIT ENTITY CHARGED AND AUTHORIZED TO  
7 SOLICIT, ACCEPT, ALLOCATE AND DISTRIBUTE FUNDS FOR THE ADMINISTRATION OF  
8 THIS SECTION AND ANY EDUCATIONAL OR TRAINING PROGRAMS THE COMMISSION IS  
9 TASKED WITH ADMINISTERING AND FOR FUNDING SCHOLARSHIPS TO STUDENTS WHO  
10 ARE CHILDREN OF IMMIGRANTS TO THE UNITED STATES;

11 (IV) PUBLICIZE THE AVAILABILITY OF SCHOLARSHIPS FROM THE NEW YORK  
12 DREAM FUND;

13 (V) DEVELOP CRITERIA AND A SELECTION PROCESS FOR THE RECIPIENTS OF  
14 SCHOLARSHIPS FROM THE NEW YORK DREAM FUND;

15 (VI) RESEARCH ISSUES PERTAINING TO THE AVAILABILITY OF ASSISTANCE WITH  
16 THE COSTS OF HIGHER EDUCATION FOR THE CHILDREN OF IMMIGRANTS AND OTHER  
17 ISSUES REGARDING ACCESS FOR AND THE PERFORMANCE OF THE CHILDREN OF IMMI-  
18 GRANTS WITHIN HIGHER EDUCATION;

19 (VII) ESTABLISH, PUBLICIZE, AND ADMINISTER TRAINING PROGRAMS FOR HIGH  
20 SCHOOL COUNSELORS, ADMISSIONS OFFICERS, AND FINANCIAL AID OFFICERS OF  
21 INSTITUTIONS OF HIGHER EDUCATION. THE TRAINING PROGRAMS SHALL INSTRUCT  
22 PARTICIPANTS ON THE EDUCATIONAL OPPORTUNITIES AVAILABLE TO COLLEGE-BOUND  
23 STUDENTS WHO ARE THE CHILDREN OF IMMIGRANTS, INCLUDING, BUT NOT LIMITED  
24 TO, IN-STATE TUITION AND SCHOLARSHIP PROGRAMS. TO THE EXTENT PRACTICA-  
25 BLE, THE COMMISSION SHALL OFFER THE TRAINING PROGRAM TO SCHOOL DISTRICTS  
26 AND BOARDS OF COOPERATIVE EDUCATIONAL SERVICES THROUGHOUT THE STATE,  
27 PROVIDED HOWEVER, THAT PRIORITY SHALL BE GIVEN TO SCHOOL DISTRICTS AND  
28 BOARDS OF COOPERATIVE EDUCATIONAL SERVICES WITH A HIGHER PORTION OR  
29 NUMBER OF STUDENTS WHO ARE THE CHILDREN OF IMMIGRANTS OVER SCHOOL  
30 DISTRICTS AND BOARDS OF COOPERATIVE EDUCATIONAL SERVICES WITH A LESSER  
31 PORTION OR NUMBER OF STUDENTS WHO ARE THE CHILDREN OF IMMIGRANTS;

32 (VIII) ESTABLISH A PUBLIC AWARENESS CAMPAIGN REGARDING EDUCATIONAL  
33 OPPORTUNITIES AVAILABLE TO COLLEGE BOUND STUDENTS WHO ARE THE CHILDREN  
34 OF IMMIGRANTS; AND

35 (IX) ESTABLISH, PUBLISH AND MAKE AVAILABLE TO THE PUBLIC, PROCEDURES  
36 AND GUIDELINES FOR ACCEPTING AND EVALUATING APPLICATIONS FOR SCHOLAR-  
37 SHIPS FROM THE CHILDREN OF IMMIGRANTS AND ISSUING SCHOLARSHIPS TO  
38 SELECTED STUDENT APPLICANTS;

39 (B) TO RECEIVE A SCHOLARSHIP PURSUANT TO THIS SECTION, A STUDENT  
40 APPLICANT MUST MEET THE FOLLOWING QUALIFICATIONS:

41 (I) HAVE RESIDED WITH HIS OR HER PARENTS OR GUARDIANS WHILE ATTENDING  
42 A PUBLIC OR PRIVATE HIGH SCHOOL IN THIS STATE;

43 (II) HAVE GRADUATED FROM A PUBLIC OR PRIVATE HIGH SCHOOL OR RECEIVED  
44 THE EQUIVALENT OF A HIGH SCHOOL DIPLOMA IN THIS STATE;

45 (III) HAVE ATTENDED A PUBLIC OR PRIVATE HIGH SCHOOL IN THIS STATE FOR  
46 AT LEAST TWO YEARS AS OF THE DATE HE OR SHE GRADUATED FROM HIGH SCHOOL  
47 OR RECEIVED THE EQUIVALENT OF A HIGH SCHOOL DIPLOMA;

48 (IV) HAVE AT LEAST ONE PARENT OR GUARDIAN WHO IMMIGRATED TO THE UNITED  
49 STATES.

50 (C) THE COMMISSION AND THE NEW YORK DREAM FUND SHALL BE FUNDED ENTIRE-  
51 LY BY PRIVATE CONTRIBUTIONS AND NO STATE FUNDS SHALL BE APPROPRIATED TO  
52 OR USED BY THE NEW YORK DREAM FUND. NO FUNDS OF THE NEW YORK DREAM FUND  
53 OR THE COMMISSION SHALL BE TRANSFERRED TO THE GENERAL FUND OR ANY  
54 SPECIAL REVENUE FUND OR SHALL BE USED FOR ANY PURPOSE OTHER THAN THE  
55 PURPOSES SET FORTH IN THIS SECTION.

1 3. THE COMMISSION AND THE NEW YORK DREAM FUND SHALL BE SUBJECT TO THE  
2 PROVISIONS OF ARTICLES SIX AND SEVEN AND SECTION SEVENTY-FOUR OF THE  
3 PUBLIC OFFICERS LAW.

4 S 2. Subdivision 2 of section 695-e of the education law, as amended  
5 by chapter 593 of the laws of 2003, is amended to read as follows:

6 2. A family tuition account may be opened by any person who desires to  
7 save money for the payment of the qualified higher education expenses of  
8 the designated beneficiary. NOTWITHSTANDING ANY OTHER PROVISION OF LAW,  
9 A FAMILY TUITION ACCOUNT SHALL BE AVAILABLE TO ANY ACCOUNT OWNER WITH A  
10 VALID SOCIAL SECURITY NUMBER, TAXPAYER IDENTIFICATION NUMBER, OR EMPLOY-  
11 ER IDENTIFICATION NUMBER FOR THE BENEFIT OF ANY DESIGNATED BENEFICIARY  
12 WITH A VALID SOCIAL SECURITY NUMBER OR TAXPAYER IDENTIFICATION NUMBER,  
13 UNLESS A TUITION SAVINGS AGREEMENT IN EFFECT ON THE EFFECTIVE DATE OF  
14 THE CHAPTER OF THE LAWS OF TWO THOUSAND THIRTEEN WHICH AMENDED THIS  
15 SUBDIVISION DOES NOT ALLOW FOR A TAXPAYER IDENTIFICATION NUMBER, IN  
16 WHICH CASE TAXPAYER IDENTIFICATION NUMBERS SHALL BE ALLOWED UPON THE  
17 EXPIRATION OF THE CONTRACT. An account owner may designate another  
18 person as successor owner of the account in the event of the death of  
19 the original account owner. Such person who opens an account or any  
20 successor owner shall be considered the account owner as defined in  
21 section six hundred ninety-five-b of this article.

22 a. An application for such account shall be in the form prescribed by  
23 the program and contain the following:

24 (i) the name, address and social security number, TAXPAYER IDENTIFICA-  
25 TION NUMBER or employer identification number of the account owner;

26 (ii) the designation of a designated beneficiary;

27 (iii) the name, address, and social security number OR TAXPAYER IDEN-  
28 TIFICATION NUMBER of the designated beneficiary; and

29 (iv) such other information as the program may require.

30 b. The comptroller and the corporation may establish a nominal fee for  
31 such application.

32 S 3. This act shall take effect immediately.