

1832

2013-2014 Regular Sessions

I N S E N A T E

(PREFILED)

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Introduced by Sens. ESPAILLAT, AVELLA, RIVERA -- 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 creating the New York DREAM fund commission and making family tuition accounts available to account owners who provide a taxpayer identification number

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, 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 CREATED
4 A NEW YORK DREAM FUND COMMISSION WHICH SHALL BE COMMITTED TO ADVANCING
5 THE EDUCATIONAL OPPORTUNITIES OF THE CHILDREN OF IMMIGRANTS.
6 (B) THE NEW YORK DREAM FUND COMMISSION SHALL BE COMPOSED OF TWELVE
7 MEMBERS TO BE APPOINTED AS FOLLOWS:
8 (I) FOUR MEMBERS SHALL BE APPOINTED BY THE GOVERNOR;
9 (II) THREE MEMBERS SHALL BE APPOINTED BY THE TEMPORARY PRESIDENT OF
10 THE SENATE;
11 (III) THREE MEMBERS SHALL BE APPOINTED BY THE SPEAKER OF THE ASSEMBLY;
12 (IV) ONE MEMBER SHALL BE APPOINTED BY THE MINORITY LEADER OF THE
13 SENATE;
14 (V) ONE MEMBER SHALL BE APPOINTED BY THE MINORITY LEADER OF THE ASSEM-
15 BLY;
16 (C) TO THE EXTENT PRACTICABLE, MEMBERS OF THE COMMISSION SHALL REFLECT
17 THE RACIAL, ETHNIC, GENDER, LANGUAGE, AND GEOGRAPHIC DIVERSITY OF THE
18 STATE.
19 (D) TO THE EXTENT PRACTICABLE, MEMBERS OF THE COMMISSION SHALL INCLUDE
20 COLLEGE AND UNIVERSITY ADMINISTRATORS AND FACULTY, AND OTHER INDIVIDUALS
21 COMMITTED TO ADVANCING THE EDUCATIONAL OPPORTUNITIES OF THE CHILDREN OF
22 IMMIGRANTS.

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

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

3 2. (A) THE NEW YORK DREAM FUND 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 WITH RAISING FUNDS FOR
7 THE ADMINISTRATION OF THIS SECTION AND ANY EDUCATIONAL OR TRAINING
8 PROGRAMS THE COMMISSION IS TASKED WITH ADMINISTERING AND FUNDING SCHOL-
9 ARSHIPS TO STUDENTS WHO ARE CHILDREN OF IMMIGRANTS TO THE UNITED STATES;

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

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

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

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

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

34 (IX) ESTABLISH, BY RULE, PROCEDURES FOR ACCEPTING AND EVALUATING
35 APPLICATIONS FOR SCHOLARSHIPS FROM THE CHILDREN OF IMMIGRANTS AND ISSU-
36 ING SCHOLARSHIPS TO SELECTED STUDENT APPLICANTS;

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

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

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

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

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

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

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

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

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

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

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

23 (ii) the designation of a designated beneficiary;

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

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

27 b. The comptroller and the corporation may establish a nominal fee for
28 such application.

29 S 3. This act shall take effect immediately.