

# STATE OF NEW YORK

8994

## IN SENATE

May 3, 2022

Introduced by Sen. STAVISKY -- 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 certificates of residence required of community college enrollees

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivisions 3 and 4 of section 6305 of the education law,  
2 as amended by section 2 of part V of chapter 57 of the laws of 2013, are  
3 amended to read as follows:  
4 3. The chief fiscal officer of each county, as defined in section 2.00  
5 of the local finance law, shall, upon application and submission to  
6 [~~him~~] such chief fiscal officer of satisfactory evidence, issue to any  
7 person desiring to enroll in a community college as a non-resident  
8 student, a certificate of residence form, in which the chief fiscal  
9 officer shall not mandate social security numbers as a condition of  
10 application, showing that said person is a resident of said county. On  
11 and after July first, two thousand twenty-three, the chief fiscal offi-  
12 cer of each county shall accept application and submission of satisfac-  
13 tory evidence in person and electronically from any person desiring to  
14 enroll in a community college as a non-resident student. If the chief  
15 fiscal officer of a county refuses to issue such a certificate on the  
16 ground that the person applying therefor is not a resident of such coun-  
17 ty, the person applying may appeal to the chancellor of the state  
18 university. The chancellor of the state university, or such officers or  
19 employees thereof as shall be designated by the chancellor in a manner  
20 authorized by the trustees of the state university, shall make a deter-  
21 mination after a hearing, upon ten days' notice to such chief fiscal  
22 officer of the county, and such determination shall be final and binding  
23 on the county. Such appeal shall be made in writing, electronically or  
24 by mail. Such person shall, upon [~~his~~] registration for each college  
25 year, file with the college such a certificate of residence form issued  
26 not earlier than two months prior thereto, and such certificate of resi-  
27 dence form shall be valid for a period of one year from the date of

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

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1 issuance. The trustees of the state university shall be authorized to  
2 promulgate regulations to effectuate the provisions of this subdivision.

3 4. If, pursuant to subdivision two of this section, a community  
4 college elects to charge to and collect an allocable portion of the  
5 operating costs and a further sum on account of capital costs of such  
6 college from each county which has issued a certificate form or certifi-  
7 cates of residence forms pursuant to subdivision three of this section,  
8 on the basis of which non-resident students are attending such community  
9 college, the president of such community college shall, within forty-  
10 five days after the commencement of each college term or program, submit  
11 to the chief fiscal officer of each county a list of non-resident  
12 students attending such college on the basis of such certificates of  
13 residence form and a voucher for the amount payable by each county for  
14 these students. Such list and voucher shall be determined on the basis  
15 of non-resident students enrolled in the program as of the end (or last  
16 day) of the third week of the commencement for a program scheduled for  
17 one semester, the end of the second for a program scheduled for an  
18 academic quarter and the end of the first week for any program scheduled  
19 to be completed in thirty days or less, provided, however, if a student  
20 can demonstrate hardship in meeting the deadline, the chancellor of the  
21 state university, or such officers or employees thereof as shall be  
22 designated by the chancellor in the manner authorized by the trustees of  
23 the state university, shall have the discretion to overturn the county's  
24 decision to reject the student's application for the certificate of  
25 residence, and the president of such community college shall have the  
26 ability to amend its list to the county to include any such changes  
27 after forty-five days. The chancellor of the state university, or [~~such~~  
28 ~~officers or employees thereof as shall be designated by the chancellor~~  
29 ~~in the manner authorized by the state university trustees~~] his or her  
30 designee, shall notify the chief fiscal officers of each county of the  
31 approved annual operating and capital charge-back rate for each communi-  
32 ty college. The amount billed to the chief fiscal officer of each county  
33 by the president of such community college as a charge for the allocable  
34 portion of the operating costs and a further sum on account of capital  
35 costs of such college for non-resident students shall be paid to the  
36 chief fiscal officer of such college by the billed county no later than  
37 sixty days after the county receives said billing. The trustees of the  
38 state university shall be authorized to promulgate regulations to effec-  
39 tuate the provisions of this subdivision.

40 § 2. This act shall take effect one year after it shall have become a  
41 law.