S T A T E O F N E W Y O R K

S. 1392 A. 3955

2009-2010 Regular Sessions

S E N A T E - A S S E M B L Y

January 29, 2009

IN SENATE -- Introduced by Sen. PARKER -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education

IN ASSEMBLY -- Introduced by M. of A. CAMARA, J. RIVERA, MAISEL, GOTTFRIED, ROBINSON, COLTON, ESPAILLAT, PEOPLES, COOK -- Multi-Sponsored by -- M. of A. DIAZ, TITONE, TOWNS -- read once and referred to the Committee on Higher Education

AN ACT to amend the education law, in relation to establishing the "Access to Postsecondary Education Act" to provide in-state tuition rates at New York state universities and colleges to qualified immigrant students

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

Section 1. Short title. This act shall be known and may be cited as the "Access to Postsecondary Education Act."

S 2. Legislative findings and purpose. The legislature hereby finds and declares that many immigrant high school students have lived in the state of New York most of their lives, and are likely to remain residents. These students are nevertheless precluded from obtaining an affordable college education because they do not qualify for in-state tuition rates. Without in-state tuition, many of these students are not able to attend college. These students have already proven their academic eligibility and merit by being accepted into the state college and university system. Making it possible for these students to attend college will increase the state's college-educated workforce and stimulate economic growth. This act does not confer postsecondary education benefits on the basis of residence within the meaning of section 1623 of title 8 of the United States Code.

The legislature hereby finds that the purpose of this act is to provide educational opportunity to children who are long-time residents

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

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of the state of New York, thusly improving the overall economic condition of the state.

S 3. The education law is amended by adding a new section 6305-a to read as follows:

S 6305-A. QUALIFICATIONS FOR IN-STATE TUITION RATES FOR IMMIGRANT STUDENTS. 1. NOTWITHSTANDING ANY LAW TO THE CONTRARY, AN IMMIGRANT STUDENT, OTHER THAN A NONIMMIGRANT ALIEN WITHIN THE MEANING OF PARAGRAPH 15 OF SUBSECTION (A) OF SECTION 1101 OF TITLE 8 OF THE UNITED STATES CODE, SHALL QUALIFY FOR IN-STATE TUITION RATES AT NEW YORK STATE UNIVERSITIES AND COLLEGES IF SUCH STUDENT MEETS ALL OF THE FOLLOWING REQUIREMENTS:

(A) ATTENDED HIGH SCHOOL IN THE STATE OF NEW YORK FOR TWO OR MORE YEARS;

(B) GRADUATED FROM A NEW YORK STATE HIGH SCHOOL OR ATTENDED AN APPROVED NEW YORK STATE PROGRAM FOR GENERAL EQUIVALENCY DIPLOMA EXAM PREPARATION, AND RECEIVED A GENERAL EQUIVALENCY DIPLOMA ISSUED WITHIN NEW YORK STATE;

(C) REGISTERED AS AN ENTERING STUDENT AT, OR CURRENT ENROLLMENT IN, A PUBLIC INSTITUTION OF HIGHER EDUCATION IN THE STATE OF NEW YORK; AND

(D) IN THE CASE OF A PERSON WITHOUT LEGAL IMMIGRATION STATUS, THE FILING OF AN AFFIDAVIT WITH THE INSTITUTION OF HIGHER EDUCATION STATING THAT THE STUDENT HAS FILED AN APPLICATION TO LEGALIZE HIS OR HER IMMIGRATION STATUS, OR WILL FILE AN APPLICATION AS SOON AS HE OR SHE IS ELIGIBLE TO DO SO.

2. THE STATE UNIVERSITY TRUSTEES AND THE BOARD OF GOVERNORS OF THE COMMUNITY COLLEGE SYSTEM SHALL PRESCRIBE RULES AND REGULATIONS FOR THE IMPLEMENTATION OF THIS SECTION.

3. ANY STUDENT INFORMATION OBTAINED IN THE IMPLEMENTATION OF THIS SECTION SHALL REMAIN CONFIDENTIAL.

4. A COURT OF COMPETENT JURISDICTION MAY AWARD INJUNCTIVE AND DECLARATORY RELIEF TO A PARTY IN ANY LAWSUIT BASED UPON THIS SECTION OR BASED UPON RULES AND REGULATIONS PRESCRIBED TO IMPLEMENT THIS SECTION.

S 4. This act shall take effect on the first of July next succeeding the date on which it shall have become a law; provided, however that effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized and directed to be made and completed on or before such effective date.