

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

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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:

1     Section 1. Short title. This act shall be known and may be cited as  
2     the "Access to Postsecondary Education Act."  
3     S 2. Legislative findings and purpose. The legislature hereby finds  
4     and declares that many immigrant high school students have lived in the  
5     state of New York most of their lives, and are likely to remain resi-  
6     dents. These students are nevertheless precluded from obtaining an  
7     affordable college education because they do not qualify for in-state  
8     tuition rates. Without in-state tuition, many of these students are not  
9     able to attend college. These students have already proven their academ-  
10    ic eligibility and merit by being accepted into the state college and  
11    university system. Making it possible for these students to attend  
12    college will increase the state's college-educated workforce and stimu-  
13    late economic growth. This act does not confer postsecondary education  
14    benefits on the basis of residence within the meaning of section 1623 of  
15    title 8 of the United States Code.  
16    The legislature hereby finds that the purpose of this act is to  
17    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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1 of the state of New York, thusly improving the overall economic condi-  
2 tion of the state.

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

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

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

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

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

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

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

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

30 4. A COURT OF COMPETENT JURISDICTION MAY AWARD INJUNCTIVE AND DECLARA-  
31 TORY RELIEF TO A PARTY IN ANY LAWSUIT BASED UPON THIS SECTION OR BASED  
32 UPON RULES AND REGULATIONS PRESCRIBED TO IMPLEMENT THIS SECTION.

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