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

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I N A S S E M B L Y

June 4, 2012

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Glick) -- read once and referred to the Committee on Higher Education

AN ACT to amend the education law, in relation to tuition and fees of certain non-resident students of the State University of New York and community colleges under the program of the State University of New York

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

Section 1. Subparagraph 8 of paragraph h of subdivision 2 of section 355 of the education law, as added by chapter 327 of the laws of 2002, is amended to read as follows:

(8) Such regulations shall further provide that the payment of tuition and fees by any student who is not a resident of New York state, other than a non-immigrant alien within the meaning of paragraph (15) of subsection (a) of section 1101 of title 8 of the United States Code, shall be paid at a rate or charge no greater than that imposed for students who are residents of the state if such student:

(i) attended an approved New York high school for two or more years, graduated from an approved New York high school, LIVED CONTINUOUSLY IN NEW YORK STATE WHILE ATTENDING AN APPROVED NEW YORK HIGH SCHOOL, and applied for attendance [at] AND ATTENDED an institution or educational unit of the state university within five years of receiving a New York state high school diploma; or

(ii) attended an approved New York state program for general equivalency diploma exam preparation, received a general equivalency diploma issued within New York state, LIVED CONTINUOUSLY IN NEW YORK STATE WHILE ATTENDING AN APPROVED NEW YORK STATE PROGRAM FOR GENERAL EQUIVALENCY DIPLOMA EXAM PREPARATION, and applied for attendance [at] AND ATTENDED an institution or educational unit of the state university within five years of receiving a general equivalency diploma issued within New York state; or

(iii) was enrolled in an institution or educational unit of the state university in the fall semester or quarter of the two thousand one--two thousand two academic year and was authorized by such institution or

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

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educational unit to pay tuition at the rate or charge imposed for students who are residents of the state.

A student without lawful immigration status shall also be required to file an affidavit with such institution or educational unit stating that the student has filed an application to legalize his or her immigration status, or will file such an application as soon as he or she is eligible to do so.

S 2. Subdivision 5 of section 6301 of the education law, as amended by chapter 327 of the laws of 2002, is amended to read as follows:

5. "Resident." A person who has resided in the state for a period of at least one year and in the county, city, town, intermediate school district, school district or community college region, as the case may be, for a period of at least six months, both immediately preceding the date of such person's registration in a community college or, for the purposes of section sixty-three hundred five of this article, his or her application for a certificate of residence; provided, however, that this term shall include any student who is not a resident of New York state, other than a non-immigrant alien within the meaning of paragraph (15) of subsection (a) of section 1101 of title 8 of the United States Code, if such student:

(i) attended an approved New York high school for two or more years, graduated from an approved New York high school, LIVED CONTINUOUSLY IN NEW YORK STATE WHILE ATTENDING AN APPROVED NEW YORK HIGH SCHOOL, and applied for attendance [at an institution or educational unit] AND ATTENDED A COMMUNITY COLLEGE UNDER THE PROGRAM of the state university within five years of receiving a New York state high school diploma; or

(ii) attended an approved New York state program for general equivalency diploma exam preparation, received a general equivalency diploma issued within New York state, LIVED CONTINUOUSLY IN NEW YORK STATE WHILE ATTENDING AN APPROVED NEW YORK STATE PROGRAM FOR GENERAL EQUIVALENCY DIPLOMA EXAM PREPARATION, and applied for attendance [at an institution or educational unit] AND ATTENDED A COMMUNITY COLLEGE UNDER THE PROGRAM of the state university within five years of receiving a general equivalency diploma issued within New York state; or

(iii) was enrolled in [an institution or educational unit] IN A COMMUNITY COLLEGE UNDER THE PROGRAM of the state university in the fall semester or quarter of the two thousand one--two thousand two academic year and was authorized by such [institution or educational unit] COMMUNITY COLLEGE to pay tuition at the rate or charge imposed for students who are residents of the state.

Provided, further, that a student without lawful immigration status shall also be required to file an affidavit with such [institution or educational unit] COMMUNITY COLLEGE stating that the student has filed an application to legalize his or her immigration status, or will file such an application as soon as he or she is eligible to do so.

In the event that a person qualified as above for state residence, but has been a resident of two or more counties in the state during the six months immediately preceding his application for a certificate of residence pursuant to section sixty-three hundred five of this chapter, the charges to the counties of residence shall be allocated among the several counties proportional to the number of months, or major fraction thereof, of residence in each county.

S 3. Paragraph (a-1) of subdivision 7 of section 6206 of the education law, as amended by chapter 260 of the laws of 2011, is amended to read as follows:

(a-1) The trustees shall further provide that the payment of tuition and fees by any student who is not a resident of New York state, other than a non-immigrant alien within the meaning of paragraph (15) of subsection (a) of section 1101 of title 8 of the United States Code, shall be paid at a rate or charge no greater than that imposed for students who are residents of the state if such student:

(i) attended an approved New York high school for two or more years, graduated from an approved New York high school, LIVED CONTINUOUSLY IN NEW YORK STATE WHILE ATTENDING AN APPROVED NEW YORK HIGH SCHOOL, and applied for attendance [at] AND ATTENDED an institution or educational unit of the city university within five years of receiving a New York state high school diploma; or

(ii) attended an approved New York state program for general equivalency diploma exam preparation, received a general equivalency diploma issued within New York state, LIVED CONTINUOUSLY IN NEW YORK STATE WHILE ATTENDING AN APPROVED NEW YORK STATE PROGRAM FOR GENERAL EQUIVALENCY DIPLOMA EXAM PREPARATION, and applied for attendance at an institution or educational unit of the city university within five years of receiving a general equivalency diploma issued within New York state; or

(iii) was enrolled in an institution or educational unit of the city university in the fall semester or quarter of the two thousand one--two thousand two academic year and was authorized by such institution or educational unit to pay tuition at the rate or charge imposed for students who are residents of the state.

A student without lawful immigration status shall also be required to file an affidavit with such institution or educational unit stating that the student has filed an application to legalize his or her immigration status, or will file such an application as soon as he or she is eligible to do so. Except as otherwise authorized in paragraph (a) of this subdivision, the trustees shall not adopt changes in tuition charges prior to the enactment of the annual budget. The board of trustees may accept as partial reimbursement for the education of veterans of the armed forces of the United States who are otherwise qualified such sums as may be authorized by federal legislation to be paid for such education. The board of trustees may conduct on a fee basis extension courses and courses for adult education appropriate to the field of higher education. In all courses and courses of study it may, in its discretion, require students to pay library, laboratory, locker, breakage and other instructional and non-instructional fees and meet the cost of books and consumable supplies. In addition to the foregoing fees and charges, the board of trustees may impose and collect fees and charges for student government and other student activities and receive and expend them as agent or trustee.

S 4. Paragraph (a) of subdivision 7 of section 6206 of the education law, as amended by chapter 327 of the laws of 2002 and the opening paragraph as amended by section 2 of part O of chapter 58 of the laws of 2006, is amended to read as follows:

(a) The board of trustees shall establish positions, departments, divisions and faculties; appoint and in accordance with the provisions of law fix salaries of instructional and non-instructional employees therein; establish and conduct courses and curricula; prescribe conditions of student admission, attendance and discharge; and shall have the power to determine in its discretion whether tuition shall be charged and to regulate tuition charges, and other instructional and non-instructional fees and other fees and charges at the educational units of the city university. The trustees shall review any proposed community

college tuition increase and the justification for such increase. The justification provided by the community college for such increase shall include a detailed analysis of ongoing operating costs, capital, debt service expenditures, and all revenues. The trustees shall not impose a differential tuition charge based upon need or income. All students enrolled in programs leading to like degrees at the senior colleges shall be charged a uniform rate of tuition, except for differential tuition rates based on state residency. The trustees shall further provide that the payment of tuition and fees by any student who is not a resident of New York state, other than a non-immigrant alien within the meaning of paragraph (15) of subsection (a) of section 1101 of title 8 of the United States Code, shall be paid at a rate or charge no greater than that imposed for students who are residents of the state if such student:

(i) attended an approved New York high school for two or more years, graduated from an approved New York high school, LIVED CONTINUOUSLY IN NEW YORK STATE WHILE ATTENDING AN APPROVED NEW YORK HIGH SCHOOL, and applied for attendance [at] AND ATTENDED an institution or educational unit of the city university within five years of receiving a New York state high school diploma; or

(ii) attended an approved New York state program for general equivalency diploma exam preparation, received a general equivalency diploma issued within New York state, LIVED CONTINUOUSLY IN NEW YORK STATE WHILE ATTENDING AN APPROVED NEW YORK STATE PROGRAM FOR GENERAL EQUIVALENCY DIPLOMA EXAM PREPARATION, and applied for attendance [at] AND ATTENDED an institution or educational unit of the city university within five years of receiving a general equivalency diploma issued within New York state; or

(iii) was enrolled in an institution or educational unit of the city university in the fall semester or quarter of the two thousand one--two thousand two academic year and was authorized by such institution or educational unit to pay tuition at the rate or charge imposed for students who are residents of the state.

A student without lawful immigration status shall also be required to file an affidavit with such institution or educational unit stating that the student has filed an application to legalize his or her immigration status, or will file such an application as soon as he or she is eligible to do so. The trustees shall not adopt changes in tuition charges prior to the enactment of the annual budget. The board of trustees may accept as partial reimbursement for the education of veterans of the armed forces of the United States who are otherwise qualified such sums as may be authorized by federal legislation to be paid for such education. The board of trustees may conduct on a fee basis extension courses and courses for adult education appropriate to the field of higher education. In all courses and courses of study it may, in its discretion, require students to pay library, laboratory, locker, breakage and other instructional and non-instructional fees and meet the cost of books and consumable supplies. In addition to the foregoing fees and charges, the board of trustees may impose and collect fees and charges for student government and other student activities and receive and expend them as agent or trustee.

S 5. The amendments to section 355 of the education law made by section one of this act shall not apply to students who have matriculated in a state-operated institution or educational unit of the State University prior to the effective date of this act.

S 6. The amendments to subdivision 5 of section 6301 of the education law made by section two of this act shall not apply to students who have matriculated in a community college under the program of the State University of New York prior to the effective date of this act.

S 7. The amendments made to subdivision 7 of section 6206 of the education law made by section three of this act shall not apply to students who have matriculated in an educational unit of the City University of New York prior to the effective date of this act.

S 8. This act shall take effect immediately; provided, however the amendments made to paragraph (a-1) of subdivision 7 of section 6206 of the education law made by section three of this act shall be subject to the expiration and reversion of such paragraph pursuant to section 16 of chapter 260 of the laws of 2011, when upon such date the provisions of section four of this act shall take effect.