

8689--A

2011-2012 Regular Sessions

I N   A S S E M B L Y

November 21, 2011

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Introduced by M. of A. MOYA, CRESPO, P. RIVERA, O'DONNELL, MENG, JAFFEE, BRONSON, GOTTFRIED, ROSENTHAL, CASTRO, GIBSON, M. MILLER, V. LOPEZ, HEASTIE, LANCMAN, STEVENSON, SIMOTAS, ROBERTS, RODRIGUEZ, CAMARA, ORTIZ, LINARES, CLARK, SCHIMEL, PERRY, WEPRIN, HEVESI, ESPINAL, AUBRY, JEFFRIES, DenDEKKER, RAMOS, BRAUNSTEIN, SCARBOROUGH, MAISEL, ENGLE-BRIGHT, BENEDETTO, KAVANAGH, COOK, BOYLAND, LAVINE, JACOBS, SIMANOW-ITZ, GOLDFEDER, CAHILL, QUART, MILLMAN -- Multi-Sponsored by -- M. of A. ABINANTI, BRENNAN, MONTESANO, NOLAN, RA, TITONE -- read once and referred to the Committee on Governmental Operations -- recommitted to the Committee on Governmental Operations in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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;

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

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1 (V) ONE MEMBER SHALL BE APPOINTED BY THE MINORITY LEADER OF THE ASSEM-  
2 BLY;

3 (C) TO THE EXTENT PRACTICABLE, MEMBERS OF THE COMMISSION SHALL REFLECT  
4 THE RACIAL, ETHNIC, GENDER, LANGUAGE, AND GEOGRAPHIC DIVERSITY OF THE  
5 STATE.

6 (D) TO THE EXTENT PRACTICABLE, MEMBERS OF THE COMMISSION SHALL INCLUDE  
7 COLLEGE AND UNIVERSITY ADMINISTRATORS AND FACULTY, AND OTHER INDIVIDUALS  
8 COMMITTED TO ADVANCING THE EDUCATIONAL OPPORTUNITIES OF THE CHILDREN OF  
9 IMMIGRANTS.

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

12 2. (A) THE NEW YORK DREAM FUND COMMISSION SHALL HAVE THE POWER TO:

13 (I) ADMINISTER THE PROVISIONS OF THIS SECTION;

14 (II) CREATE AND RAISE FUNDS FOR THE NEW YORK DREAM FUND;

15 (III) ESTABLISH A NOT-FOR-PROFIT ENTITY CHARGED WITH RAISING FUNDS FOR  
16 THE ADMINISTRATION OF THIS SECTION AND ANY EDUCATIONAL OR TRAINING  
17 PROGRAMS THE COMMISSION IS TASKED WITH ADMINISTERING AND FUNDING SCHOL-  
18 ARSHIPS TO STUDENTS WHO ARE CHILDREN OF IMMIGRANTS TO THE UNITED STATES;

19 (IV) PUBLICIZE THE AVAILABILITY OF SCHOLARSHIPS FROM THE NEW YORK  
20 DREAM FUND;

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

23 (VI) RESEARCH ISSUES PERTAINING TO THE AVAILABILITY OF ASSISTANCE WITH  
24 THE COSTS OF HIGHER EDUCATION FOR THE CHILDREN OF IMMIGRANTS AND OTHER  
25 ISSUES REGARDING ACCESS FOR AND THE PERFORMANCE OF THE CHILDREN OF IMMI-  
26 GRANTS WITHIN HIGHER EDUCATION;

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

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

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

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

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

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

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

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

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

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

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

2. A family tuition account may be opened by any person who desires to save money for the payment of the qualified higher education expenses of the designated beneficiary. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A FAMILY TUITION ACCOUNT SHALL BE AVAILABLE TO ANY ACCOUNT OWNER WITH A VALID SOCIAL SECURITY NUMBER, TAXPAYER IDENTIFICATION NUMBER, OR EMPLOYER IDENTIFICATION NUMBER FOR THE BENEFIT OF ANY DESIGNATED BENEFICIARY WITH A VALID SOCIAL SECURITY NUMBER OR TAXPAYER IDENTIFICATION NUMBER, UNLESS A TUITION SAVINGS AGREEMENT IN EFFECT ON THE EFFECTIVE DATE OF THE CHAPTER OF THE LAWS OF 2012 WHICH AMENDED THIS SUBDIVISION DOES NOT ALLOW FOR A TAXPAYER IDENTIFICATION NUMBER, IN WHICH CASE TAXPAYER IDENTIFICATION NUMBERS SHALL BE ALLOWED UPON THE EXPIRATION OF THE CONTRACT. An account owner may designate another person as successor owner of the account in the event of the death of the original account owner. Such person who opens an account or any successor owner shall be considered the account owner as defined in section six hundred ninety-five-b of this article.

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

(i) the name, address and social security number, TAXPAYER IDENTIFICATION NUMBER or employer identification number of the account owner;

(ii) the designation of a designated beneficiary;

(iii) the name, address, and social security number OR TAXPAYER IDENTIFICATION NUMBER of the designated beneficiary; and

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

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

S 3. This act shall take effect immediately.