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I N S E N A T E

February 2, 2012

Introduced by Sen. ROBACH -- 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 including certain veterans in the definition of resident as it relates to community colleges and state-aided four-year colleges

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

1 Section 1. Subdivision 5 of section 6301 of the education law, as
2 amended by chapter 327 of the laws of 2002, is amended to read as
3 follows:
4 5. "Resident." A person who has resided in the state for a period of
5 at least one year and in the county, city, town, intermediate school
6 district, school district or community college region, as the case may
7 be, for a period of at least six months, both immediately preceding the
8 date of such person's registration in a community college or, for the
9 purposes of section sixty-three hundred five of this article, his or her
10 application for a certificate of residence; provided, however, that this
11 term shall include any student who is not a resident of New York state,
12 other than a non-immigrant alien within the meaning of paragraph (15) of
13 subsection (a) of section 1101 of title 8 of the United States Code, if
14 such student:
15 (i) attended an approved New York high school for two or more years,
16 graduated from an approved New York high school and applied for attend-
17 ance at an institution or educational unit of the state university with-
18 in five years of receiving a New York state high school diploma; or
19 (ii) attended an approved New York state program for general equiv-
20 alency diploma exam preparation, received a general equivalency diploma
21 issued within New York state and applied for attendance at an institu-
22 tion or educational unit of the state university within five years of
23 receiving a general equivalency diploma issued within New York state; or
24 (iii) was enrolled in an institution or educational unit of the state
25 university in the fall semester or quarter of the two thousand one--two
26 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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1 educational unit to pay tuition at the rate or charge imposed for
2 students who are residents of the state.

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

8 PROVIDED, FURTHER, THAT ANY PERSON WHO IS SERVING OR HAS SERVED IN
9 ACTIVE DUTY OF THE UNITED STATES MILITARY, INCLUDING THE UNITED STATES
10 NAVY, MARINES, ARMY OR AIR FORCE, DURING A WAR IN WHICH THE UNITED
11 STATES ENGAGED AND WHO HAS BEEN RELEASED FROM SUCH SERVICE BY ANY MEANS
12 OTHER THAN BY DISHONORABLE DISCHARGE, OR WHO HAS BEEN FURLOUGHED TO THE
13 RESERVE AND WHO IS ATTENDING ANY COMMUNITY COLLEGE OR STATE-AIDED FOUR-
14 YEAR COLLEGE UNDER THE FEDERAL POST-9/11 VETERANS EDUCATIONAL ASSISTANCE
15 ACT OF 2008, PUBLIC LAW 110-252, SUPPLEMENTAL APPROPRIATIONS ACT, 2008,
16 SHALL BE CONSIDERED A RESIDENT FOR THE PURPOSES OF THIS ARTICLE.

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

24 S 2. This act shall take effect immediately.