

4023

2011-2012 Regular Sessions

I N A S S E M B L Y

February 1, 2011

Introduced by M. of A. CAMARA, J. RIVERA, MAISEL, GOTTFRIED, ROBINSON,
COLTON, PEOPLES-STOKES, COOK, CASTRO, BARRON -- Multi-Sponsored by --
M. of A. 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 immi-
grant students

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-
BLY, 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
18 of the state of New York, thusly improving the overall economic condi-
19 tion of the state.
20 S 3. The education law is amended by adding a new section 6305-a to
21 read as follows:

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

LBD01723-01-1

1 S 6305-A. QUALIFICATIONS FOR IN-STATE TUITION RATES FOR IMMIGRANT
2 STUDENTS. 1. NOTWITHSTANDING ANY LAW TO THE CONTRARY, AN IMMIGRANT
3 STUDENT, OTHER THAN A NONIMMIGRANT ALIEN WITHIN THE MEANING OF PARAGRAPH
4 15 OF SUBSECTION (A) OF SECTION 1101 OF TITLE 8 OF THE UNITED STATES
5 CODE, SHALL QUALIFY FOR IN-STATE TUITION RATES AT NEW YORK STATE UNIVER-
6 SITIES AND COLLEGES IF SUCH STUDENT MEETS ALL OF THE FOLLOWING REQUIRE-
7 MENTS:

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

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

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

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

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

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

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

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