

3007

2011-2012 Regular Sessions

I N   S E N A T E

February 7, 2011

---

Introduced by Sen. ESPAILLAT -- 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 scholarship opportunities for certain students of the state university of New York, the city university of New York and community colleges

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

1     Section 1. Paragraph h of subdivision 2 of section 355 of the educa-  
2     tion law is amended by adding a new subparagraph 10 to read as follows:  
3     (10) SUCH REGULATIONS SHALL FURTHER PROVIDE THAT ANY STUDENT WHO IS  
4     WITHOUT LAWFUL IMMIGRATION STATUS OR IS AN UNDOCUMENTED PERSON MAY HAVE  
5     THE PAYMENT OF TUITION AND OTHER FEES AND CHARGES REDUCED BY STATE-AIDED  
6     PROGRAMS, SCHOLARSHIPS OR OTHER FINANCIAL ASSISTANCE AWARDED UNDER THE  
7     PROVISIONS OF ARTICLES THIRTEEN, THIRTEEN-A, FOURTEEN AND FOURTEEN-A OF  
8     THIS CHAPTER, IF SUCH STUDENT:  
9     (I) IS OTHERWISE ELIGIBLE TO RECEIVE SUCH AWARD; AND  
10    (II) ATTENDED AN APPROVED NEW YORK HIGH SCHOOL FOR TWO OR MORE YEARS,  
11    GRADUATED FROM AN APPROVED NEW YORK HIGH SCHOOL AND APPLIED FOR ATTEND-  
12    ANCE AT AN INSTITUTION OR EDUCATIONAL UNIT OF THE STATE UNIVERSITY WITH-  
13    IN FIVE YEARS OF RECEIVING A NEW YORK STATE HIGH SCHOOL DIPLOMA; OR  
14    (III) ATTENDED AN APPROVED NEW YORK STATE PROGRAM FOR GENERAL EQUIV-  
15    ALENCY DIPLOMA EXAM PREPARATION, RECEIVED A GENERAL EQUIVALENCY DIPLOMA  
16    ISSUED WITHIN NEW YORK STATE AND APPLIED FOR ATTENDANCE AT AN INSTITU-  
17    TION OR EDUCATIONAL UNIT OF THE STATE UNIVERSITY WITHIN FIVE YEARS OF  
18    RECEIVING A GENERAL EQUIVALENCY DIPLOMA ISSUED WITHIN NEW YORK STATE; OR  
19    (IV) WAS ENROLLED IN AN INSTITUTION OR EDUCATIONAL UNIT OF THE STATE  
20    UNIVERSITY IN THE FALL SEMESTER OR QUARTER OF THE TWO THOUSAND  
21    ELEVEN--TWO THOUSAND TWELVE ACADEMIC YEAR AND WAS AUTHORIZED BY SUCH  
22    INSTITUTION OR EDUCATIONAL UNIT TO PAY TUITION AT THE RATE OR CHARGE  
23    IMPOSED FOR STUDENTS WHO ARE RESIDENTS OF THE STATE.

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

LBD06294-01-1

1 A STUDENT WITHOUT LAWFUL IMMIGRATION STATUS SHALL ALSO BE REQUIRED TO  
2 FILE AN AFFIDAVIT WITH SUCH INSTITUTION OR EDUCATIONAL UNIT STATING THAT  
3 THE STUDENT HAS FILED AN APPLICATION TO LEGALIZE HIS OR HER IMMIGRATION  
4 STATUS, OR WILL FILE SUCH AN APPLICATION AS SOON AS HE OR SHE IS ELIGI-  
5 BLE TO DO SO.

6 S 2. Subdivision 7 of section 6206 of the education law is amended by  
7 adding a new paragraph (d) to read as follows:

8 (D) THE TRUSTEES SHALL FURTHER PROVIDE THAT ANY STUDENT WHO IS WITHOUT  
9 LAWFUL IMMIGRATION STATUS OR IS AN UNDOCUMENTED PERSON MAY HAVE THE  
10 PAYMENT OF TUITION AND OTHER FEES AND CHARGES REDUCED BY STATE-AIDED  
11 PROGRAMS, SCHOLARSHIPS OR OTHER FINANCIAL ASSISTANCE AWARDED UNDER THE  
12 PROVISIONS OF ARTICLES THIRTEEN, THIRTEEN-A, FOURTEEN AND FOURTEEN-A OF  
13 THIS CHAPTER, IF SUCH STUDENT:

14 (I) IS OTHERWISE ELIGIBLE TO RECEIVE SUCH AWARD; AND

15 (II) 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 (III) ATTENDED AN APPROVED NEW YORK STATE PROGRAM FOR GENERAL EQUIV-  
20 AGENCY 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 (IV) WAS ENROLLED IN AN INSTITUTION OR EDUCATIONAL UNIT OF THE STATE  
25 UNIVERSITY IN THE FALL SEMESTER OR QUARTER OF THE TWO THOUSAND  
26 ELEVEN--TWO THOUSAND TWELVE ACADEMIC YEAR AND WAS AUTHORIZED BY SUCH  
27 INSTITUTION OR EDUCATIONAL UNIT TO PAY TUITION AT THE RATE OR CHARGE  
28 IMPOSED FOR STUDENTS WHO ARE RESIDENTS OF THE STATE.

29 A STUDENT WITHOUT LAWFUL IMMIGRATION STATUS SHALL ALSO BE REQUIRED TO  
30 FILE AN AFFIDAVIT WITH SUCH INSTITUTION OR EDUCATIONAL UNIT STATING THAT  
31 THE STUDENT HAS FILED AN APPLICATION TO LEGALIZE HIS OR HER IMMIGRATION  
32 STATUS, OR WILL FILE SUCH AN APPLICATION AS SOON AS HE OR SHE IS ELIGI-  
33 BLE TO DO SO.

34 S 3. Section 6305 of the education law is amended by adding a new  
35 subdivision 8-a to read as follows:

36 8-A. THE PAYMENT OF TUITION AND OTHER FEES AND CHARGES OF A STUDENT  
37 WHO IS ATTENDING A COMMUNITY COLLEGE AND WHO IS WITHOUT LAWFUL IMMI-  
38 GRATION STATUS OR IS AN UNDOCUMENTED PERSON MAY BE REDUCED BY STATE-AID-  
39 ED PROGRAMS, SCHOLARSHIPS AND OTHER FINANCIAL ASSISTANCE AWARDED UNDER  
40 THE PROVISIONS OF ARTICLES THIRTEEN, THIRTEEN-A, FOURTEEN AND FOURTEEN-A  
41 OF THIS CHAPTER, IF SUCH STUDENT:

42 (I) IS OTHERWISE ELIGIBLE TO RECEIVE SUCH AWARD; AND

43 (II) ATTENDED AN APPROVED NEW YORK HIGH SCHOOL FOR TWO OR MORE YEARS,  
44 GRADUATED FROM AN APPROVED NEW YORK HIGH SCHOOL AND APPLIED FOR ATTEND-  
45 ANCE AT AN INSTITUTION OR EDUCATIONAL UNIT OF THE STATE UNIVERSITY WITH-  
46 IN FIVE YEARS OF RECEIVING A NEW YORK STATE HIGH SCHOOL DIPLOMA; OR

47 (III) ATTENDED AN APPROVED NEW YORK STATE PROGRAM FOR GENERAL EQUIV-  
48 AGENCY DIPLOMA EXAM PREPARATION, RECEIVED A GENERAL EQUIVALENCY DIPLOMA  
49 ISSUED WITHIN NEW YORK STATE AND APPLIED FOR ATTENDANCE AT AN INSTITU-  
50 TION OR EDUCATIONAL UNIT OF THE STATE UNIVERSITY WITHIN FIVE YEARS OF  
51 RECEIVING A GENERAL EQUIVALENCY DIPLOMA ISSUED WITHIN NEW YORK STATE; OR

52 (IV) WAS ENROLLED IN AN INSTITUTION OR EDUCATIONAL UNIT OF THE STATE  
53 UNIVERSITY IN THE FALL SEMESTER OR QUARTER OF THE TWO THOUSAND  
54 ELEVEN--TWO THOUSAND TWELVE ACADEMIC YEAR AND WAS AUTHORIZED BY SUCH  
55 INSTITUTION OR EDUCATIONAL UNIT TO PAY TUITION AT THE RATE OR CHARGE  
56 IMPOSED FOR STUDENTS WHO ARE RESIDENTS OF THE STATE.

1       A STUDENT WITHOUT LAWFUL IMMIGRATION STATUS SHALL ALSO BE REQUIRED TO  
2 FILE AN AFFIDAVIT WITH SUCH INSTITUTION OR EDUCATIONAL UNIT STATING THAT  
3 THE STUDENT HAS FILED AN APPLICATION TO LEGALIZE HIS OR HER IMMIGRATION  
4 STATUS, OR WILL FILE SUCH AN APPLICATION AS SOON AS HE OR SHE IS ELIGI-  
5 BLE TO DO SO.

6       S 4. This act shall take effect July 1, 2012.