

2013-2014 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 9, 2013

Introduced by M. of A. MOYA, CRESPO, RIVERA, KIM, FARRELL, AUBRY, CASTRO, WEPRIN, JAFFEE, BRENNAN, THIELE, ROBERTS, GIBSON, LAVINE, ORTIZ, KAVANAGH, O'DONNELL, SCARBOROUGH, ROBINSON, BENEDETTO, SIMOTAS, ROSENTHAL, BOYLAND, STEVENSON, PERRY, MAISEL, SCHIMEL, CAHILL, RAMOS, ESPINAL, CLARK, MILLER, DenDEKKER, ARROYO, KELLNER, PAULIN -- Multi-Sponsored by -- M. of A. CYMBROWITZ, DINOWITZ, GOTTFRIED, HOOPER, LIFTON, MILLMAN, NOLAN, RUSSELL -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the education law, in relation to the New York state dream act; and to repeal certain provisions of such law relating thereto

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

1 Section 1. Short title. This act shall be known and may be cited as  
2 the "New York state dream act".  
3 S 2. Subdivision 3 of section 661 of the education law is REPEALED and  
4 a new subdivision 3 is added to read as follows:  
5 3. QUALIFICATIONS. A. QUALIFIED STUDENT FOR AN AWARD AT THE UNDERGRAD-  
6 UATE LEVEL OF STUDY. A QUALIFIED STUDENT FOR AN AWARD AT THE UNDERGRADU-  
7 ATE LEVEL OF STUDY SHALL MEAN:  
8 (I) AN INDIVIDUAL, OTHER THAN ONE DEEMED TO BE NOT LAWFULLY PRESENT IN  
9 THE UNITED STATES AS USED IN 8 U.S.C. S 1623, WHO HAS BEEN A RESIDENT OF  
10 THE STATE FOR AT LEAST ONE YEAR IMMEDIATELY PRECEDING THE BEGINNING OF  
11 THE SEMESTER, QUARTER OR TERM OF ATTENDANCE FOR WHICH APPLICATION FOR  
12 ASSISTANCE IS MADE; OR  
13 (II) AN INDIVIDUAL, OTHER THAN ONE DEEMED TO BE NOT LAWFULLY PRESENT  
14 IN THE UNITED STATES AS USED IN 8 U.S.C. S 1623, WHO IS A RESIDENT OF  
15 THE STATE AND WAS A RESIDENT OF THE STATE DURING HIS OR HER LAST TWO  
16 SEMESTERS OF HIGH SCHOOL EITHER PRIOR TO GRADUATION, OR PRIOR TO ADMIS-  
17 SION TO COLLEGE; OR

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

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1 (III) AN INDIVIDUAL WHO:

2 (1) ATTENDED AN APPROVED NEW YORK HIGH SCHOOL FOR TWO OR MORE YEARS,  
3 GRADUATED FROM AN APPROVED NEW YORK HIGH SCHOOL, AND APPLIED FOR ATTEND-  
4 ANCE AT AN INSTITUTION OR EDUCATIONAL UNIT OF THE STATE UNIVERSITY WITH-  
5 IN FIVE YEARS OF RECEIVING A NEW YORK STATE HIGH SCHOOL DIPLOMA; OR

6 (2) ATTENDED AN APPROVED NEW YORK STATE PROGRAM FOR GENERAL EQUIVALEN-  
7 CY DIPLOMA EXAM PREPARATION, RECEIVED A GENERAL EQUIVALENCY DIPLOMA  
8 ISSUED WITHIN NEW YORK STATE, AND APPLIED FOR ATTENDANCE AT AN INSTITU-  
9 TION OR EDUCATIONAL UNIT OF THE STATE UNIVERSITY WITHIN FIVE YEARS OF  
10 RECEIVING A GENERAL EQUIVALENCY DIPLOMA ISSUED WITHIN NEW YORK STATE; OR

11 (3) IS OTHERWISE ELIGIBLE FOR THE PAYMENT OF TUITION AND FEES AT A  
12 RATE NO GREATER THAN THAT IMPOSED FOR RESIDENT STUDENTS OF THE STATE  
13 UNIVERSITY OF NEW YORK, THE CITY UNIVERSITY OF NEW YORK OR COMMUNITY  
14 COLLEGES AS PRESCRIBED IN SUBPARAGRAPH EIGHT OF PARAGRAPH H OF SUBDIVI-  
15 SION TWO OF SECTION THREE HUNDRED FIFTY-FIVE OR PARAGRAPH (A) OF SUBDI-  
16 VISION SEVEN OF SECTION SIXTY-TWO HUNDRED SIX OF THIS CHAPTER.

17 IN ADDITION TO CLAUSES ONE, TWO, AND THREE OF THIS SUBPARAGRAPH, IF  
18 THE INDIVIDUAL IS DEEMED TO BE NOT LAWFULLY PRESENT IN THE UNITED STATES  
19 AS USED IN 8 U.S.C. S 1623, THEN SUCH INDIVIDUAL MUST HAVE ENTERED THE  
20 UNITED STATES BEFORE THE AGE OF EIGHTEEN AND BE UNDER THE AGE OF THIR-  
21 TY-FIVE AT THE TIME OF APPLICATION FOR LOANS AND AWARDS.

22 B. QUALIFIED STUDENT FOR AN AWARD AT THE GRADUATE LEVEL OF STUDY. A  
23 QUALIFIED STUDENT FOR AN AWARD AT THE GRADUATE LEVEL OF STUDY SHALL  
24 MEAN:

25 (I) AN INDIVIDUAL, OTHER THAN ONE DEEMED TO BE NOT LAWFULLY PRESENT IN  
26 THE UNITED STATES AS USED IN 8 U.S.C. S 1623, WHO HAS BEEN A RESIDENT OF  
27 THE STATE FOR AT LEAST ONE YEAR IMMEDIATELY PRECEDING THE BEGINNING OF  
28 THE SEMESTER, QUARTER OR TERM OF ATTENDANCE FOR WHICH APPLICATION FOR  
29 ASSISTANCE IS MADE; OR

30 (II) AN INDIVIDUAL, OTHER THAN ONE DEEMED TO BE NOT LAWFULLY PRESENT  
31 IN THE UNITED STATES AS USED IN 8 U.S.C. S 1623, WHO IS A RESIDENT OF  
32 THE STATE AND WAS A RESIDENT OF THE STATE DURING HIS OR HER LAST TWO  
33 SEMESTERS OF HIGH SCHOOL EITHER PRIOR TO GRADUATION, OR PRIOR TO ADMIS-  
34 SION TO COLLEGE; OR

35 (III) AN INDIVIDUAL WHO:

36 (1) ATTENDED AN APPROVED NEW YORK STATE HIGH SCHOOL FOR TWO OR MORE  
37 YEARS, GRADUATED FROM AN APPROVED NEW YORK STATE HIGH SCHOOL, AND  
38 APPLIED FOR ATTENDANCE AT THE INSTITUTION OF HIGHER EDUCATION FOR THE  
39 GRADUATE STUDY FOR WHICH AN AWARD IS SOUGHT WITHIN TEN YEARS OF RECEIV-  
40 ING A NEW YORK STATE HIGH SCHOOL DIPLOMA; OR

41 (2) ATTENDED AN APPROVED NEW YORK STATE PROGRAM FOR A STATE HIGH  
42 SCHOOL EQUIVALENCY DIPLOMA, RECEIVED A STATE HIGH SCHOOL EQUIVALENCY  
43 DIPLOMA, AND APPLIED FOR ATTENDANCE AT THE INSTITUTION OF HIGHER EDUCA-  
44 TION FOR THE GRADUATE STUDY FOR WHICH AN AWARD IS SOUGHT WITHIN TEN  
45 YEARS OF RECEIVING A STATE HIGH SCHOOL EQUIVALENCY DIPLOMA; OR

46 (3) IS OTHERWISE ELIGIBLE FOR THE PAYMENT OF TUITION AND FEES AT A  
47 RATE NO GREATER THAN THAT IMPOSED FOR RESIDENT STUDENTS OF THE STATE  
48 UNIVERSITY OF NEW YORK, THE CITY UNIVERSITY OF NEW YORK OR COMMUNITY  
49 COLLEGES AS PRESCRIBED IN SUBPARAGRAPH EIGHT OF PARAGRAPH H OF SUBDIVI-  
50 SION TWO OF SECTION THREE HUNDRED FIFTY-FIVE OR PARAGRAPH (A) OF SUBDI-  
51 VISION SEVEN OF SECTION SIXTY-TWO HUNDRED SIX OF THIS CHAPTER.

52 IN ADDITION TO CLAUSES ONE, TWO, AND THREE OF THIS SUBPARAGRAPH, IF  
53 THE INDIVIDUAL IS DEEMED TO BE NOT LAWFULLY PRESENT IN THE UNITED STATES  
54 AS USED IN 8 U.S.C. S 1623, THEN SUCH INDIVIDUAL MUST HAVE ENTERED THE  
55 UNITED STATES BEFORE THE AGE OF EIGHTEEN AND BE UNDER THE AGE OF THIR-  
56 TY-FIVE AT THE TIME OF APPLICATION FOR LOANS AND AWARDS.

1 C. NOTWITHSTANDING SUBPARAGRAPH (III) OF PARAGRAPH A OF THIS SUBDIVI-  
2 SION, AN INDIVIDUAL SHALL BE DEEMED A QUALIFIED STUDENT FOR AN AWARD AT  
3 THE UNDERGRADUATE LEVEL OF STUDY FOR A PERIOD OF FIVE YEARS IMMEDIATELY  
4 FOLLOWING THE IMPLEMENTATION OF THE NEW YORK STATE DREAM ACT PROVIDED  
5 THAT THE INDIVIDUAL:

6 (I) ATTENDED AN APPROVED NEW YORK HIGH SCHOOL FOR TWO OR MORE YEARS,  
7 GRADUATED FROM AN APPROVED NEW YORK HIGH SCHOOL, AND APPLIED FOR ATTEND-  
8 ANCE OR IS ENROLLED AT AN INSTITUTION OR EDUCATIONAL UNIT OF THE STATE  
9 UNIVERSITY; OR

10 (II) ATTENDED AN APPROVED NEW YORK STATE PROGRAM FOR GENERAL EQUIV-  
11 AGENCY DIPLOMA EXAM PREPARATION, RECEIVED A GENERAL EQUIVALENCY DIPLOMA  
12 ISSUED WITHIN NEW YORK STATE, AND APPLIED FOR ATTENDANCE OR IS ENROLLED  
13 AT AN INSTITUTION OR EDUCATIONAL UNIT OF THE STATE UNIVERSITY.

14 IN ADDITION TO SUBPARAGRAPHS (I) AND (II) OF THIS PARAGRAPH, IF THE  
15 INDIVIDUAL IS DEEMED TO BE NOT LAWFULLY PRESENT IN THE UNITED STATES AS  
16 USED IN 8 U.S.C. S 1623, THEN SUCH INDIVIDUAL MUST HAVE ENTERED THE  
17 UNITED STATES BEFORE THE AGE OF EIGHTEEN AND BE UNDER THE AGE OF THIR-  
18 TY-FIVE AT THE TIME OF APPLICATION FOR LOANS AND AWARDS.

19 D. NOTWITHSTANDING SUBPARAGRAPH (III) OF PARAGRAPH B OF THIS SUBDIVI-  
20 SION, AN INDIVIDUAL SHALL BE DEEMED A QUALIFIED STUDENT FOR AN AWARD AT  
21 THE GRADUATE LEVEL OF STUDY FOR A PERIOD OF TEN YEARS IMMEDIATELY  
22 FOLLOWING THE IMPLEMENTATION OF THE NEW YORK STATE DREAM ACT PROVIDED  
23 THAT THE INDIVIDUAL:

24 (I) ATTENDED AN APPROVED NEW YORK HIGH SCHOOL FOR TWO OR MORE YEARS,  
25 GRADUATED FROM AN APPROVED NEW YORK HIGH SCHOOL, AND APPLIED FOR ATTEND-  
26 ANCE OR IS ENROLLED AT AN INSTITUTION OR EDUCATIONAL UNIT OF THE STATE  
27 UNIVERSITY; OR

28 (II) ATTENDED AN APPROVED NEW YORK STATE PROGRAM FOR GENERAL EQUIV-  
29 AGENCY DIPLOMA EXAM PREPARATION, RECEIVED A GENERAL EQUIVALENCY DIPLOMA  
30 ISSUED WITHIN NEW YORK STATE, AND APPLIED FOR ATTENDANCE OR IS ENROLLED  
31 AT AN INSTITUTION OR EDUCATIONAL UNIT OF THE STATE UNIVERSITY;

32 IN ADDITION TO SUBPARAGRAPHS (I) AND (II) OF THIS PARAGRAPH, IF THE  
33 INDIVIDUAL IS DEEMED TO BE NOT LAWFULLY PRESENT IN THE UNITED STATES AS  
34 USED IN 8 U.S.C. S 1623, THEN SUCH INDIVIDUAL MUST HAVE ENTERED THE  
35 UNITED STATES BEFORE THE AGE OF EIGHTEEN AND BE UNDER THE AGE OF THIR-  
36 TY-FIVE AT THE TIME OF APPLICATION FOR LOANS AND AWARDS.

37 S 3. Subparagraph (i) of paragraph b-1 of subdivision 4 of section 661  
38 of the education law is REPEALED.

39 S 4. Paragraphs a and b of subdivision 5 of section 661 of the educa-  
40 tion law are REPEALED.

41 S 5. Paragraph d of subdivision 5 of section 661 of the education law,  
42 as amended by chapter 844 of the laws of 1975, is amended to read as  
43 follows:

44 d. If an applicant for an award allocated on a geographic basis has  
45 more than one residence in this state, his OR HER residence for the  
46 purpose of this article shall be his OR HER place of actual residence  
47 during the major part of the year while attending school, as determined  
48 by the commissioner; AND FURTHER PROVIDED THAT AN APPLICANT WHO DOES NOT  
49 HAVE A RESIDENCE IN THIS STATE AND IS ELIGIBLE FOR AN AWARD PURSUANT TO  
50 PARAGRAPH A, B, C OR D OF SUBDIVISION THREE OF THIS SECTION SHALL BE  
51 DEEMED TO RESIDE IN THE GEOGRAPHIC AREA OF THE INSTITUTION OF HIGHER  
52 EDUCATION IN WHICH HE OR SHE ATTENDS FOR PURPOSES OF AN AWARD ALLOCATED  
53 ON A GEOGRAPHIC BASIS.

54 S 6. Paragraph e of subdivision 5 of section 661 of the education law,  
55 as added by chapter 630 of the laws of 2005, is amended to read as  
56 follows:

1 e. Notwithstanding any other provision of this article to the contra-  
2 ry, the New York state [residency] eligibility [requirement] REQUIRE-  
3 MENTS for receipt of awards SET FORTH IN PARAGRAPH A, B, C OR D OF  
4 SUBDIVISION THREE OF THIS SECTION is waived for a member, or the spouse  
5 or dependent of a member, of the armed forces of the United States on  
6 full-time active duty and stationed in this state.

7 S 7. Paragraph h of subdivision 2 of section 355 of the education law  
8 is amended by adding a new subparagraph 10 to read as follows:

9 (10) SUCH REGULATIONS SHALL FURTHER PROVIDE THAT ANY STUDENT WHO IS  
10 NOT A RESIDENT OF NEW YORK STATE BUT IS A "QUALIFIED STUDENT" AS DEFINED  
11 IN PARAGRAPH A, B, C OR D OF SUBDIVISION THREE OF SECTION SIX HUNDRED  
12 SIXTY-ONE OF THIS CHAPTER, MAY HAVE THE PAYMENT OF TUITION AND OTHER  
13 FEES AND CHARGES REDUCED BY STATE-AIDED PROGRAMS, SCHOLARSHIPS OR OTHER  
14 FINANCIAL ASSISTANCE AWARDED UNDER THE PROVISIONS OF ARTICLES THIRTEEN,  
15 THIRTEEN-A, FOURTEEN AND FOURTEEN-A OF THIS CHAPTER.

16 S 8. Subdivision 7 of section 6206 of the education law is amended by  
17 adding a new paragraph (d) to read as follows:

18 (D) THE TRUSTEES SHALL FURTHER PROVIDE THAT ANY STUDENT WHO IS NOT A  
19 RESIDENT OF NEW YORK STATE BUT IS A "QUALIFIED STUDENT" AS DEFINED IN  
20 PARAGRAPH A, B, C OR D OF SUBDIVISION THREE OF SECTION SIX HUNDRED  
21 SIXTY-ONE OF THIS CHAPTER, MAY HAVE THE PAYMENT OF TUITION AND OTHER  
22 FEES AND CHARGES REDUCED BY STATE-AIDED PROGRAMS, SCHOLARSHIPS OR OTHER  
23 FINANCIAL ASSISTANCE AWARDED UNDER THE PROVISIONS OF ARTICLES THIRTEEN,  
24 THIRTEEN-A, FOURTEEN AND FOURTEEN-A OF THIS CHAPTER.

25 S 9. Section 6305 of the education law is amended by adding a new  
26 subdivision 8-a to read as follows:

27 8-A. THE PAYMENT OF TUITION AND OTHER FEES AND CHARGES OF A STUDENT  
28 WHO IS ATTENDING A COMMUNITY COLLEGE AND WHO IS NOT A RESIDENT OF NEW  
29 YORK STATE BUT IS A "QUALIFIED STUDENT" AS DEFINED IN PARAGRAPH A, B, C  
30 OR D OF SUBDIVISION THREE OF SECTION SIX HUNDRED SIXTY-ONE OF THIS CHAP-  
31 TER, MAY BE REDUCED BY STATE-AIDED PROGRAMS, SCHOLARSHIPS AND OTHER  
32 FINANCIAL ASSISTANCE AWARDED UNDER THE PROVISIONS OF ARTICLES THIRTEEN,  
33 THIRTEEN-A, FOURTEEN AND FOURTEEN-A OR ANY OTHER ARTICLE OF THIS CHAP-  
34 TER.

35 S 10. Paragraph d of subdivision 3 of section 6451 of the education  
36 law, as amended by chapter 149 of the laws of 1972, is amended to read  
37 as follows:

38 d. Any necessary supplemental financial assistance, which may include  
39 the cost of books and necessary maintenance for such enrolled students,  
40 INCLUDING STUDENTS WITHOUT LAWFUL IMMIGRATION STATUS PROVIDED THAT THE  
41 STUDENT IS A "QUALIFIED STUDENT" AS DEFINED IN PARAGRAPH A, B, C OR D OF  
42 SUBDIVISION THREE OF SECTION SIX HUNDRED SIXTY-ONE OF THIS CHAPTER;  
43 provided, however, that such supplemental financial assistance shall be  
44 furnished pursuant to criteria promulgated by the commissioner with the  
45 approval of the director of the budget.

46 S 11. Subparagraph (v) of paragraph a of subdivision 4 of section 6452  
47 of the education law, as added by chapter 917 of the laws of 1970, is  
48 amended to read as follows:

49 (v) Any necessary supplemental financial assistance, which may include  
50 the cost of books and necessary maintenance for such students, INCLUDING  
51 STUDENTS WITHOUT LAWFUL IMMIGRATION STATUS PROVIDED THAT THE STUDENT IS  
52 A "QUALIFIED STUDENT" AS DEFINED IN PARAGRAPH A, B, C OR D OF SUBDIVI-  
53 SION THREE OF SECTION SIX HUNDRED SIXTY-ONE OF THIS CHAPTER; provided,  
54 however, that such supplemental financial assistance shall be furnished  
55 pursuant to criteria promulgated by such universities and approved by  
56 the regents and the director of the budget.

1 S 12. Paragraph (a) of subdivision 2 of section 6455 of the education  
2 law, as added by chapter 285 of the laws of 1986, is amended to read as  
3 follows:

4 (a) Undergraduate science and technology entry program moneys may be  
5 used for tutoring, counseling, remedial and special summer courses,  
6 supplemental financial assistance, program administration, and other  
7 activities which the commissioner may deem appropriate. To be eligible  
8 for undergraduate collegiate science and technology entry program  
9 support, a student must be [a resident of New York who is] A "QUALIFIED  
10 STUDENT" PURSUANT TO PARAGRAPH A OR PARAGRAPH C OF SUBDIVISION THREE OF  
11 SECTION SIX HUNDRED SIXTY-ONE OF THIS CHAPTER AND MUST BE either econom-  
12 ically disadvantaged or from a minority group historically underrepre-  
13 sented in the scientific, technical, health and health-related  
14 professions, and [who demonstrates] MUST DEMONSTRATE interest in and a  
15 potential for a professional career if provided special services. Eligi-  
16 ble students must be in good academic standing, enrolled full time in an  
17 approved, undergraduate level program of study, as defined by the  
18 regents.

19 S 13. Paragraph (a) of subdivision 3 of section 6455 of the education  
20 law, as added by chapter 285 of the laws of 1986, is amended to read as  
21 follows:

22 (a) Graduate science and technology entry program moneys may be used  
23 for recruitment, academic enrichment, career planning, supplemental  
24 financial assistance, review for licensing examinations, program admin-  
25 istration, and other activities which the commissioner may deem appro-  
26 priate. To be eligible for graduate collegiate science and technology  
27 entry program support, a student must be [a resident of New York who is]  
28 A "QUALIFIED STUDENT" PURSUANT TO PARAGRAPH B OR PARAGRAPH D OF SUBDIVI-  
29 SION THREE OF SECTION SIX HUNDRED SIXTY-ONE OF THIS CHAPTER AND MUST BE  
30 either economically disadvantaged or from a minority group historically  
31 underrepresented in the scientific, technical and health-related  
32 professions AND MUST DEMONSTRATE AN INTEREST IN AND A POTENTIAL FOR A  
33 PROFESSIONAL CAREER IF PROVIDED SPECIAL SERVICES. Eligible students  
34 must be in good academic standing, enrolled full time in an approved  
35 graduate level program, as defined by the regents.

36 S 14. Subparagraphs (i) and (iii) of paragraph a of subdivision 2 of  
37 section 695-e of the education law, as amended by chapter 593 of the  
38 laws of 2003, are amended to read as follows:

39 (i) the name, address and social security number [or], employer iden-  
40 tification number OR INDIVIDUAL TAXPAYER IDENTIFICATION NUMBER of the  
41 account owner UNLESS A FAMILY TUITION ACCOUNT THAT WAS IN EFFECT PRIOR  
42 TO THE EFFECTIVE DATE OF THE NEW YORK STATE DREAM ACT DOES NOT ALLOW FOR  
43 A TAXPAYER IDENTIFICATION NUMBER, IN WHICH CASE A TAXPAYER IDENTIFICA-  
44 TION NUMBER SHALL BE ALLOWED UPON THE EXPIRATION OF THE CONTRACT;

45 (iii) the name, address, and social security number, EMPLOYER IDEN-  
46 TIFICATION NUMBER, OR INDIVIDUAL TAXPAYER IDENTIFICATION NUMBER of the  
47 designated beneficiary, UNLESS A FAMILY TUITION ACCOUNT THAT WAS IN  
48 EFFECT PRIOR TO THE EFFECTIVE DATE OF THE CHAPTER OF THE LAWS OF TWO  
49 THOUSAND THIRTEEN THAT AMENDED THIS SUBPARAGRAPH DOES NOT ALLOW FOR A  
50 TAXPAYER IDENTIFICATION NUMBER, IN WHICH CASE A TAXPAYER IDENTIFICATION  
51 NUMBER SHALL BE ALLOWED UPON THE EXPIRATION OF THE CONTRACT; and

52 S 15. This act shall take effect July 1, 2014.