S T A T E O F N E W Y O R K

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I N S E N A T E

(PREFILED)

January 9, 2013

Introduced by Sens. ESPAILLAT, AVELLA, RIVERA -- 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 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:

Section 1. The education law is amended by adding a new section 609 to read as follows:

S 609. NEW YORK DREAM FUND COMMISSION. 1. (A) THERE SHALL BE CREATED A NEW YORK DREAM FUND COMMISSION WHICH SHALL BE COMMITTED TO ADVANCING THE EDUCATIONAL OPPORTUNITIES OF THE CHILDREN OF IMMIGRANTS.

(B) THE NEW YORK DREAM FUND COMMISSION SHALL BE COMPOSED OF TWELVE MEMBERS TO BE APPOINTED AS FOLLOWS:

(I) FOUR MEMBERS SHALL BE APPOINTED BY THE GOVERNOR;

(II) THREE MEMBERS SHALL BE APPOINTED BY THE TEMPORARY PRESIDENT OF THE SENATE;

(III) THREE MEMBERS SHALL BE APPOINTED BY THE SPEAKER OF THE ASSEMBLY;

(IV) ONE MEMBER SHALL BE APPOINTED BY THE MINORITY LEADER OF THE SENATE;

(V) ONE MEMBER SHALL BE APPOINTED BY THE MINORITY LEADER OF THE ASSEMBLY;

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

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

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

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

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

(I) ADMINISTER THE PROVISIONS OF THIS SECTION;

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

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

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

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

(VI) RESEARCH ISSUES PERTAINING TO THE AVAILABILITY OF ASSISTANCE WITH THE COSTS OF HIGHER EDUCATION FOR THE CHILDREN OF IMMIGRANTS AND OTHER ISSUES REGARDING ACCESS FOR AND THE PERFORMANCE OF THE CHILDREN OF IMMIGRANTS WITHIN HIGHER EDUCATION;

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

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

(IX) ESTABLISH, BY RULE, PROCEDURES FOR ACCEPTING AND EVALUATING APPLICATIONS FOR SCHOLARSHIPS FROM THE CHILDREN OF IMMIGRANTS AND ISSUING SCHOLARSHIPS TO SELECTED STUDENT APPLICANTS;

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

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

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

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

(IV) HAVE AT LEAST ONE PARENT OR GUARDIAN WHO IMMIGRATED TO THE UNITED 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 TWO THOUSAND THIRTEEN 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.