

2597

2013-2014 Regular Sessions

I N A S S E M B L Y

January 16, 2013

Introduced by M. of A. MOYA, SILVER, GLICK, FARRELL, CRESPO, RODRIGUEZ, CASTRO, ORTIZ, AUBRY, HEASTIE, JACOBS, RAMOS, BRENNAN, O'DONNELL, LAVINE, QUART, ROBERTS, KAVANAGH, SCARBOROUGH, THIELE, ROBINSON, BENEDETTO, ROSENTHAL, BOYLAND, STEVENSON, CLARK, MILLER, DenDEKKER, KELLNER, ABINANTI, PAULIN, MAISEL, ESPINAL, PERRY -- Multi-Sponsored by -- M. of A. CYMBROWITZ, DINOWITZ, ENGLEBRIGHT, HOOPER, MILLMAN, NOLAN, TITONE -- read once and referred to the Committee on Higher Education

AN ACT to amend the education law, in relation to creating the New York DREAM fund commission; eligibility requirements and conditions governing general awards, academic performance awards and student loans; eligibility requirements for assistance under the higher education opportunity programs and the collegiate science and technology entry program; financial aid opportunities for students of the state university of New York, the city university of New York and community colleges; and the program requirements for the New York state college choice tuition savings program; and to repeal subdivision 3 of section 661 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. This act shall be known and may be cited as the "New York
2 state DREAM Act".
3 S 2. The education law is amended by adding a new section 609 to read
4 as follows:
5 S 609. NEW YORK DREAM FUND COMMISSION. 1. (A) THERE SHALL BE CREATED
6 A NEW YORK DREAM FUND COMMISSION WHICH SHALL BE COMMITTED TO ADVANCING
7 THE EDUCATIONAL OPPORTUNITIES OF THE CHILDREN OF IMMIGRANTS.
8 (B) THE NEW YORK DREAM FUND COMMISSION SHALL BE COMPOSED OF TWELVE
9 MEMBERS TO BE APPOINTED AS FOLLOWS:
10 (I) FOUR MEMBERS SHALL BE APPOINTED BY THE GOVERNOR;
11 (II) THREE MEMBERS SHALL BE APPOINTED BY THE TEMPORARY PRESIDENT OF
12 THE SENATE;

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

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(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 SUCH COMMISSION SHALL REFLECT THE RACIAL, ETHNIC, GENDER, LANGUAGE, AND GEOGRAPHIC DIVERSITY OF THE STATE.

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

(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 THE RESPONSIBILITY OF RAISING FUNDS FOR THE ADMINISTRATION OF THIS SECTION AND ANY EDUCATIONAL OR TRAINING PROGRAMS SUCH COMMISSION IS TASKED WITH ADMINISTERING AND FUNDING SCHOLARSHIPS TO STUDENTS WHO ARE CHILDREN OF IMMIGRANTS TO THE UNITED STATES;

(IV) PUBLICIZE THE AVAILABILITY OF SUCH 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 NEW YORK DREAM FUND 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 TWO 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 NEW YORK DREAM FUND OR THE NEW YORK 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 3. Subdivision 3 of section 661 of the education law is REPEALED.

S 4. Paragraph a of subdivision 5 of section 661 of the education law, as amended by chapter 466 of the laws of 1977, is amended to read as follows:

a. (I) Except as provided in subdivision two of section six hundred seventy-four OF THIS PART AND SUBPARAGRAPH (II) OF THIS PARAGRAPH, an applicant for an award at the undergraduate level of study must either [(i)] (A) have been a legal resident of the state for at least one year immediately preceding the beginning of the semester, quarter or term of attendance for which application for assistance is made, or [(ii)] (B) be a legal resident of the state and have been a legal resident during his last two semesters of high school either prior to graduation, or prior to admission to college. Provided further that persons shall be eligible to receive awards under section six hundred sixty-eight or section six hundred sixty-nine OF THIS PART who are currently legal residents of the state and are otherwise qualified.

(II) AN APPLICANT WHO IS NOT A LEGAL RESIDENT OF THE STATE ELIGIBLE PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH, BUT IS A UNITED STATES CITIZEN, A PERMANENT LAWFUL RESIDENT, A LAWFUL NON-IMMIGRANT ALIEN OR AN APPLICANT WITHOUT LAWFUL IMMIGRATION STATUS SHALL BE ELIGIBLE FOR AN AWARD AT THE UNDERGRADUATE LEVEL OF STUDY PROVIDED THAT THE STUDENT:

(A) ATTENDED A REGISTERED NEW YORK STATE HIGH SCHOOL FOR TWO OR MORE YEARS, GRADUATED FROM A REGISTERED NEW YORK STATE HIGH SCHOOL AND APPLIED FOR ATTENDANCE AT THE INSTITUTION OF HIGHER EDUCATION FOR THE UNDERGRADUATE STUDY FOR WHICH AN AWARD IS SOUGHT WITHIN FIVE YEARS OF RECEIVING A NEW YORK STATE HIGH SCHOOL DIPLOMA; OR

(B) ATTENDED AN APPROVED NEW YORK STATE PROGRAM FOR A STATE HIGH SCHOOL EQUIVALENCY DIPLOMA, RECEIVED A STATE HIGH SCHOOL EQUIVALENCY DIPLOMA AND APPLIED FOR ATTENDANCE AT THE INSTITUTION OF HIGHER EDUCATION FOR THE UNDERGRADUATE STUDY FOR WHICH AN AWARD IS SOUGHT WITHIN FIVE YEARS OF RECEIVING A STATE HIGH SCHOOL EQUIVALENCY DIPLOMA; OR

(C) IS OTHERWISE ELIGIBLE FOR THE PAYMENT OF TUITION AND FEES AT A RATE NO GREATER THAN THAT IMPOSED FOR RESIDENT STUDENTS OF THE STATE UNIVERSITY OF NEW YORK, THE CITY UNIVERSITY OF NEW YORK OR COMMUNITY COLLEGES AS PRESCRIBED IN SUBPARAGRAPH EIGHT OF PARAGRAPH H OF SUBDIVISION TWO OF SECTION THREE HUNDRED FIFTY-FIVE OR PARAGRAPH (A) OF SUBDIVISION SEVEN OF SECTION SIXTY-TWO HUNDRED SIX OF THIS CHAPTER.

PROVIDED, FURTHER, THAT A STUDENT WITHOUT LAWFUL IMMIGRATION STATUS SHALL ALSO BE REQUIRED TO FILE AN AFFIDAVIT WITH SUCH INSTITUTION OF HIGHER EDUCATION STATING THAT THE STUDENT HAS FILED AN APPLICATION TO

1 LEGALIZE HIS OR HER IMMIGRATION STATUS, OR WILL FILE SUCH AN APPLICATION
2 AS SOON AS HE OR SHE IS ELIGIBLE TO DO SO.

3 S 5. Paragraph b of subdivision 5 of section 661 of the education law,
4 as amended by chapter 466 of the laws of 1977, is amended to read as
5 follows:

6 b. [An] (I) EXCEPT AS OTHERWISE PROVIDED IN SUBPARAGRAPH (II) OF THIS
7 PARAGRAPH, AN applicant for an award at the graduate level of study must
8 either [(i)] (A) have been a legal resident of the state for at least
9 one year immediately preceding the beginning of the semester, quarter or
10 term of attendance for which application for assistance is made, or
11 [(ii)] (B) be a legal resident of the state and have been a legal resi-
12 dent during his last academic year of undergraduate study and have
13 continued to be a legal resident until matriculation in the graduate
14 program.

15 (II) AN APPLICANT WHO IS NOT A LEGAL RESIDENT OF THE STATE ELIGIBLE
16 PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH, BUT IS A UNITED STATES
17 CITIZEN, A PERMANENT LAWFUL RESIDENT, A LAWFUL NON-IMMIGRANT ALIEN OR AN
18 APPLICANT WITHOUT LAWFUL IMMIGRATION STATUS SHALL BE ELIGIBLE FOR AN
19 AWARD AT THE UNDERGRADUATE LEVEL OF STUDY PROVIDED THAT THE STUDENT:

20 (A) ATTENDED A REGISTERED APPROVED NEW YORK STATE HIGH SCHOOL FOR TWO
21 OR MORE YEARS, GRADUATED FROM A REGISTERED NEW YORK STATE HIGH SCHOOL
22 AND APPLIED FOR ATTENDANCE AT THE INSTITUTION OF HIGHER EDUCATION FOR
23 THE GRADUATE STUDY FOR WHICH AN AWARD IS SOUGHT WITHIN TEN YEARS OF
24 RECEIVING A NEW YORK STATE HIGH SCHOOL DIPLOMA; OR

25 (B) ATTENDED AN APPROVED NEW YORK STATE PROGRAM FOR A STATE HIGH
26 SCHOOL EQUIVALENCY DIPLOMA, RECEIVED A STATE HIGH SCHOOL EQUIVALENCY
27 DIPLOMA AND APPLIED FOR ATTENDANCE AT THE INSTITUTION OF HIGHER EDUCA-
28 TION FOR THE GRADUATE STUDY FOR WHICH AN AWARD IS SOUGHT WITHIN TEN
29 YEARS OF RECEIVING A STATE HIGH SCHOOL EQUIVALENCY DIPLOMA; OR

30 (C) IS OTHERWISE ELIGIBLE FOR THE PAYMENT OF TUITION AND FEES AT A
31 RATE NO GREATER THAN THAT IMPOSED FOR RESIDENT STUDENTS OF THE STATE
32 UNIVERSITY OF NEW YORK, THE CITY UNIVERSITY OF NEW YORK OR COMMUNITY
33 COLLEGES AS PRESCRIBED IN SUBPARAGRAPH EIGHT OF PARAGRAPH H OF SUBDIVI-
34 SION TWO OF SECTION THREE HUNDRED FIFTY-FIVE OR PARAGRAPH (A) OF SUBDI-
35 VISION SEVEN OF SECTION SIXTY-TWO HUNDRED SIX OF THIS CHAPTER.

36 PROVIDED, FURTHER, THAT A STUDENT WITHOUT LAWFUL IMMIGRATION STATUS
37 SHALL ALSO BE REQUIRED TO FILE AN AFFIDAVIT WITH SUCH INSTITUTION OF
38 HIGHER EDUCATION STATING THAT THE STUDENT HAS FILED AN APPLICATION TO
39 LEGALIZE HIS OR HER IMMIGRATION STATUS, OR WILL FILE SUCH AN APPLICATION
40 AS SOON AS HE OR SHE IS ELIGIBLE TO DO SO.

41 S 6. 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 SUBPARAGRAPH (II) OF PARAGRAPH A OR SUBPARAGRAPH (II) OF PARAGRAPH B OF
51 THIS SUBDIVISION SHALL BE DEEMED TO RESIDE IN THE GEOGRAPHIC AREA OF THE
52 INSTITUTION OF HIGHER EDUCATION IN WHICH HE OR SHE ATTENDS FOR PURPOSES
53 OF AN AWARD ALLOCATED ON A GEOGRAPHIC BASIS.

54 S 7. 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 [is] SET FORTH IN PARAGRAPHS A AND B OF THIS
4 SUBDIVISION ARE waived for a member, or the spouse or dependent of a
5 member, of the armed forces of the United States on full-time active
6 duty and stationed in this state.

7 S 8. 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 LEGAL RESIDENT OF NEW YORK STATE BUT IS A UNITED STATES CITIZEN, A
11 PERMANENT LAWFUL RESIDENT, A LAWFUL NON-IMMIGRANT ALIEN OR AN APPLICANT
12 WITHOUT LAWFUL IMMIGRATION STATUS MAY HAVE THE PAYMENT OF TUITION AND
13 OTHER FEES AND CHARGES REDUCED BY STATE-AIDED PROGRAMS, SCHOLARSHIPS OR
14 OTHER FINANCIAL ASSISTANCE AWARDED UNDER THE PROVISIONS OF ARTICLES
15 THIRTEEN, THIRTEEN-A, FOURTEEN AND FOURTEEN-A OF THIS CHAPTER, PROVIDED
16 THAT THE STUDENT MEETS THE REQUIREMENTS SET FORTH IN SUBPARAGRAPH (II)
17 OF PARAGRAPH A OR SUBPARAGRAPH (II) OF PARAGRAPH B OF SUBDIVISION FIVE
18 OF SECTION SIX HUNDRED SIXTY-ONE OF THIS CHAPTER, AS APPLICABLE.

19 S 9. Subdivision 7 of section 6206 of the education law is amended by
20 adding a new paragraph (d) to read as follows:

21 (D) THE TRUSTEES SHALL FURTHER PROVIDE THAT ANY STUDENT WHO IS NOT A
22 LEGAL RESIDENT OF NEW YORK STATE BUT IS A UNITED STATES CITIZEN, A
23 PERMANENT LAWFUL RESIDENT, A LAWFUL NON-IMMIGRANT ALIEN OR AN APPLICANT
24 WITHOUT LAWFUL IMMIGRATION STATUS MAY HAVE THE PAYMENT OF TUITION AND
25 OTHER FEES AND CHARGES REDUCED BY STATE-AIDED PROGRAMS, SCHOLARSHIPS OR
26 OTHER FINANCIAL ASSISTANCE AWARDED UNDER THE PROVISIONS OF ARTICLES
27 THIRTEEN, THIRTEEN-A, FOURTEEN AND FOURTEEN-A OF THIS CHAPTER, PROVIDED
28 THAT THE STUDENT MEETS THE REQUIREMENTS SET FORTH IN SUBPARAGRAPH (II)
29 OF PARAGRAPH A OR SUBPARAGRAPH (II) OF PARAGRAPH B OF SUBDIVISION FIVE
30 OF SECTION SIX HUNDRED SIXTY-ONE OF THIS CHAPTER, AS APPLICABLE.

31 S 10. Section 6305 of the education law is amended by adding a new
32 subdivision 8-a to read as follows:

33 8-A. THE PAYMENT OF TUITION AND OTHER FEES AND CHARGES OF A STUDENT
34 WHO IS ATTENDING A COMMUNITY COLLEGE AND WHO IS NOT A LEGAL RESIDENT OF
35 NEW YORK STATE BUT IS A UNITED STATES CITIZEN, A PERMANENT LAWFUL RESI-
36 DENT, A LAWFUL NON-IMMIGRANT ALIEN OR AN APPLICANT WITHOUT LAWFUL IMMI-
37 GRATION STATUS MAY BE REDUCED BY STATE-AIDED PROGRAMS, SCHOLARSHIPS AND
38 OTHER FINANCIAL ASSISTANCE AWARDED UNDER THE PROVISIONS OF ARTICLES
39 THIRTEEN, THIRTEEN-A, FOURTEEN AND FOURTEEN-A OF THIS CHAPTER, PROVIDED
40 THAT THE STUDENT MEETS THE REQUIREMENTS SET FORTH IN SUBPARAGRAPH (II)
41 OF PARAGRAPH A OR SUBPARAGRAPH (II) OF PARAGRAPH B OF SUBDIVISION FIVE
42 OF SECTION SIX HUNDRED SIXTY-ONE OF THIS CHAPTER, AS APPLICABLE.

43 S 11. Paragraph d of subdivision 3 of section 6451 of the education
44 law, as amended by chapter 149 of the laws of 1972, is amended to read
45 as follows:

46 d. Any necessary supplemental financial assistance, which may include
47 the cost of books and necessary maintenance for such enrolled students,
48 INCLUDING STUDENTS WITHOUT LAWFUL IMMIGRATION STATUS PROVIDED THAT THE
49 STUDENT MEETS THE REQUIREMENTS SET FORTH IN SUBPARAGRAPH (II) OF PARA-
50 GRAPH A OR SUBPARAGRAPH (II) OF PARAGRAPH B OF SUBDIVISION FIVE OF
51 SECTION SIX HUNDRED SIXTY-ONE OF THIS CHAPTER, AS APPLICABLE; provided,
52 however, that such supplemental financial assistance shall be furnished
53 pursuant to criteria promulgated by the commissioner with the approval
54 of the director of the budget.

1 S 12. Subparagraph (v) of paragraph a of subdivision 4 of section 6452
2 of the education law, as added by chapter 917 of the laws of 1970, is
3 amended to read as follows:

4 (v) Any necessary supplemental financial assistance, which may include
5 the cost of books and necessary maintenance for such students, INCLUDING
6 STUDENTS WITHOUT LAWFUL IMMIGRATION STATUS PROVIDED THAT THE STUDENT
7 MEETS THE REQUIREMENTS SET FORTH IN SUBPARAGRAPH (II) OF PARAGRAPH A OR
8 SUBPARAGRAPH (II) OF PARAGRAPH B OF SUBDIVISION FIVE OF SECTION SIX
9 HUNDRED SIXTY-ONE OF THIS CHAPTER, AS APPLICABLE; provided, however,
10 that such supplemental financial assistance shall be furnished pursuant
11 to criteria promulgated by such universities and approved by the regents
12 and the director of the budget.

13 S 13. Paragraph (a) of subdivision 2 of section 6455 of the education
14 law, as added by chapter 285 of the laws of 1986, is amended to read as
15 follows:

16 (a) (I) Undergraduate science and technology entry program moneys may
17 be used for tutoring, counseling, remedial and special summer courses,
18 supplemental financial assistance, program administration, and other
19 activities which the commissioner may deem appropriate. To be eligible
20 for undergraduate collegiate science and technology entry program
21 support, a student must be a resident of New York [who is], OR MEET THE
22 REQUIREMENTS OF SUBPARAGRAPH (II) OF THIS PARAGRAPH, AND MUST BE either
23 economically disadvantaged or from a minority group historically under
24 represented in the scientific, technical, health and health-related
25 professions, and [who demonstrates] MUST DEMONSTRATE interest in and a
26 potential for a professional career if provided special services. Eligi-
27 ble students must be in good academic standing, enrolled full time in an
28 approved, undergraduate level program of study, as defined by the
29 regents.

30 (II) AN APPLICANT WHO IS NOT A LEGAL RESIDENT OF NEW YORK STATE, BUT
31 WHO IS A UNITED STATES CITIZEN, A PERMANENT LAWFUL RESIDENT, A LAWFUL
32 NON-IMMIGRANT ALIEN OR AN APPLICANT WITHOUT LAWFUL IMMIGRATION STATUS,
33 SHALL BE ELIGIBLE FOR AN AWARD AT THE UNDERGRADUATE LEVEL OF STUDY
34 PROVIDED THAT THE STUDENT:

35 (1) ATTENDED A REGISTERED NEW YORK STATE HIGH SCHOOL FOR TWO OR MORE
36 YEARS, GRADUATED FROM A REGISTERED NEW YORK STATE HIGH SCHOOL AND
37 APPLIED FOR ATTENDANCE AT THE INSTITUTION OF HIGHER EDUCATION FOR THE
38 UNDERGRADUATE STUDY FOR WHICH AN AWARD IS SOUGHT WITHIN FIVE YEARS OF
39 RECEIVING A NEW YORK STATE HIGH SCHOOL DIPLOMA; OR

40 (2) ATTENDED AN APPROVED NEW YORK STATE PROGRAM FOR A STATE HIGH
41 SCHOOL EQUIVALENCY DIPLOMA, RECEIVED A STATE HIGH SCHOOL EQUIVALENCY
42 DIPLOMA AND APPLIED FOR ATTENDANCE AT THE INSTITUTION OF HIGHER EDUCA-
43 TION FOR THE UNDERGRADUATE STUDY FOR WHICH AN AWARD IS SOUGHT WITHIN
44 FIVE YEARS OF RECEIVING A STATE HIGH SCHOOL EQUIVALENCY DIPLOMA,
45 ATTENDED AN APPROVED NEW YORK STATE HIGH SCHOOL FOR TWO OR MORE YEARS,
46 GRADUATED FROM AN APPROVED NEW YORK STATE HIGH SCHOOL AND APPLIED FOR
47 ATTENDANCE AT AN INSTITUTION OF HIGHER EDUCATION WITHIN FIVE YEARS OF
48 RECEIVING A NEW YORK STATE HIGH SCHOOL DIPLOMA; OR

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

55 PROVIDED, FURTHER, THAT A STUDENT WITHOUT LAWFUL IMMIGRATION STATUS
56 SHALL ALSO BE REQUIRED TO FILE AN AFFIDAVIT WITH SUCH INSTITUTION OF

1 HIGHER EDUCATION STATING THAT THE STUDENT HAS FILED AN APPLICATION TO
2 LEGALIZE HIS OR IMMIGRATION STATUS, OR WILL FILE SUCH AN APPLICATION AS
3 SOON AS HE OR SHE IS ELIGIBLE TO DO SO.

4 S 14. Paragraph (a) of subdivision 3 of section 6455 of the education
5 law, as added by chapter 285 of the laws of 1986, is amended to read as
6 follows:

7 (a) (I) Graduate science and technology entry program moneys may be
8 used for recruitment, academic enrichment, career planning, supplemental
9 financial assistance, review for licensing examinations, program admin-
10 istration, and other activities which the commissioner may deem appro-
11 priate. To be eligible for graduate collegiate science and technology
12 entry program support, a student must be a resident of New York [who
13 is], OR MEET THE REQUIREMENTS OF SUBPARAGRAPH (II) OF THIS PARAGRAPH,
14 AND MUST BE either economically disadvantaged or from a minority group
15 historically underrepresented in the scientific, technical and health-
16 related professions. Eligible students must be in good academic stand-
17 ing, enrolled full time in an approved graduate level program, as
18 defined by the regents.

19 (II) AN APPLICANT WHO IS NOT A LEGAL RESIDENT OF NEW YORK STATE, BUT
20 EITHER IS A UNITED STATES CITIZEN, A PERMANENT LAWFUL RESIDENT, A LAWFUL
21 NON-IMMIGRANT ALIEN OR AN APPLICANT WITHOUT LAWFUL IMMIGRATION STATUS
22 SHALL BE ELIGIBLE FOR AN AWARD AT THE UNDERGRADUATE LEVEL OF STUDY
23 PROVIDED THAT THE STUDENT:

24 (1) ATTENDED A REGISTERED APPROVED NEW YORK STATE HIGH SCHOOL FOR TWO
25 OR MORE YEARS, GRADUATED FROM A REGISTERED NEW YORK STATE HIGH SCHOOL
26 AND APPLIED FOR ATTENDANCE AT THE INSTITUTION OF HIGHER EDUCATION FOR
27 THE GRADUATE STUDY FOR WHICH AN AWARD IS SOUGHT WITHIN TEN YEARS OF
28 RECEIVING A NEW YORK STATE HIGH SCHOOL DIPLOMA; OR

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

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

40 PROVIDED, FURTHER, THAT A STUDENT WITHOUT LAWFUL IMMIGRATION STATUS
41 SHALL ALSO BE REQUIRED TO FILE AN AFFIDAVIT WITH SUCH INSTITUTION OF
42 HIGHER EDUCATION STATING THAT THE STUDENT HAS FILED AN APPLICATION TO
43 LEGALIZE HIS OR HER IMMIGRATION STATUS, OR WILL FILE SUCH AN APPLICATION
44 AS SOON AS HE OR SHE IS ELIGIBLE TO DO SO.

45 S 15. Subparagraph (i) of paragraph a of subdivision 2 of section
46 695-e of the education law, as amended by chapter 593 of the laws of
47 2003, is amended to read as follows:

48 (i) the name, address and social security number [or], employer iden-
49 tification number, OR INDIVIDUAL TAXPAYER IDENTIFICATION NUMBER of the
50 account owner UNLESS A FAMILY TUITION ACCOUNT THAT WAS IN EFFECT PRIOR
51 TO THE EFFECTIVE DATE OF THE CHAPTER OF THE LAWS OF TWO THOUSAND THIR-
52 TEEN THAT AMENDED THIS SUBPARAGRAPH DOES NOT ALLOW FOR A TAXPAYER IDEN-
53 TIFICATION NUMBER, IN WHICH CASE A TAXPAYER IDENTIFICATION NUMBER SHALL
54 BE ALLOWED UPON THE EXPIRATION OF THE CONTRACT;

1 S 16. Subparagraph (iii) of paragraph a of subdivision 2 of section
2 695-e of the education law, as amended by chapter 593 of the laws of
3 2003, is amended to read as follows:

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

11 S 17. The president of the higher education services corporation, in
12 consultation with the commissioner of education, shall establish an
13 application form and procedures that shall allow a student applicant
14 that meets the requirements set forth in subparagraph (ii) of paragraph
15 (a) or subparagraph (ii) of paragraph b of subdivision 5 of section 661
16 of the education law to apply directly to the higher education services
17 corporation or education department for applicable awards without having
18 to submit information to any other state or federal agency. All informa-
19 tion contained within the applications filed with such corporation or
20 department shall be deemed confidential.

21 S 18. This act shall take effect immediately; provided, however, that:

22 (a) section two of this act shall take effect January 1, 2014;

23 (b) sections fifteen and sixteen of this act shall take effect on the
24 ninetieth day after it shall have become a law; provided, however, that
25 any rule or regulation necessary for the timely implementation of this
26 act on its effective date shall be promulgated on or before such effec-
27 tive date; and

28 (c) sections three through fourteen and section seventeen of this act
29 shall take effect on the ninetieth day after the issuance of regulations
30 and the development of an application form by the president of the high-
31 er education services corporation and commissioner of education or on
32 the ninetieth day after it shall have become a law, whichever shall be
33 later; provided, however that effective immediately the addition, amend-
34 ment and/or repeal of any rule or regulation necessary for the implemen-
35 tation of this act on its effective date is authorized and directed to
36 be made and completed on or before such date; provided, further, howev-
37 er, that the president of the higher education services corporation and
38 the commissioner of education shall notify the legislative bill drafting
39 commission upon the occurrence of the issuance of the regulations and
40 the development of an application form in order that the commission may
41 maintain an accurate and timely effective data base of the official text
42 of the laws of the state of New York in furtherance of effectuating the
43 provisions of section 44 of the legislative law and section 70-b of the
44 public officers law.