

3477

2013-2014 Regular Sessions

I N S E N A T E

February 4, 2013

Introduced by Sen. LIBOUS -- 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 tuition and fees for certain non-immigrant alien students of the state 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. Clauses (i) and (ii) of subparagraph 8 of paragraph h of
2 subdivision 2 of section 355 of the education law, as added by chapter
3 327 of the laws of 2002, are amended to read as follows:
4 (i) attended an approved New York high school for two or more years,
5 graduated from an approved New York high school, LIVED CONTINUOUSLY IN
6 NEW YORK STATE WHILE ATTENDING AN APPROVED NEW YORK HIGH SCHOOL, and
7 applied for attendance [at] AND ATTENDED an institution or educational
8 unit of the state university within five years of receiving a New York
9 state high school diploma; or
10 (ii) attended an approved New York state program for general equiv-
11 alency diploma exam preparation, received a general equivalency diploma
12 issued within New York state, LIVED CONTINUOUSLY IN NEW YORK STATE WHILE
13 ATTENDING AN APPROVED NEW YORK STATE PROGRAM FOR GENERAL EQUIVALENCY
14 DIPLOMA EXAM PREPARATION, and applied for attendance [at] AND ATTENDED
15 an institution or educational unit of the state university within five
16 years of receiving a general equivalency diploma issued within New York
17 state; or
18 S 2. Subdivision 5 of section 6301 of the education law, as amended by
19 chapter 327 of the laws of 2002, is amended to read as follows:
20 5. "Resident." A person who has resided in the state for a period of
21 at least one year and in the county, city, town, intermediate school
22 district, school district or community college region, as the case may
23 be, for a period of at least six months, both immediately preceding the
24 date of such person's registration in a community college or, for the

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

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1 purposes of section sixty-three hundred five of this article, his or her
2 application for a certificate of residence; provided, however, that this
3 term shall include any student who is not a resident of New York state,
4 other than a non-immigrant alien within the meaning of paragraph (15) of
5 subsection (a) of section 1101 of title 8 of the United States Code, if
6 such student:

7 (i) attended an approved New York high school for two or more years,
8 graduated from an approved New York high school, LIVED CONTINUOUSLY IN
9 NEW YORK STATE WHILE ATTENDING AN APPROVED NEW YORK HIGH SCHOOL, and
10 applied for attendance [at an institution or educational unit of the
11 state university] AND ATTENDED A COMMUNITY COLLEGE within five years of
12 receiving a New York state high school diploma; or

13 (ii) attended an approved New York state program for general equiv-
14 alency diploma exam preparation, received a general equivalency diploma
15 issued within New York state, LIVED CONTINUOUSLY IN NEW YORK STATE WHILE
16 ATTENDING AN APPROVED NEW YORK STATE PROGRAM FOR GENERAL EQUIVALENCY
17 DIPLOMA EXAM PREPARATION, and applied for attendance [at an institution
18 or educational unit of the state university] AND ATTENDED A COMMUNITY
19 COLLEGE within five years of receiving a general equivalency diploma
20 issued within New York state; or

21 (iii) was enrolled in [an institution or educational unit of the state
22 university] A COMMUNITY COLLEGE in the fall semester or quarter of the
23 two thousand one--two thousand two academic year and was authorized by
24 such [institution or educational] COMMUNITY COLLEGE unit to pay tuition
25 at the rate or charge imposed for students who are residents of the
26 state.

27 Provided, further, that a student without lawful immigration status
28 shall also be required to file an affidavit with such [institution or
29 educational unit] COMMUNITY COLLEGE stating that the student has filed
30 an application to legalize his or her immigration status, or will file
31 such an application as soon as he or she is eligible to do so.

32 In the event that a person qualified as above for state residence, but
33 has been a resident of two or more counties in the state during the six
34 months immediately preceding his application for a certificate of resi-
35 dence pursuant to section sixty-three hundred five of this chapter, the
36 charges to the counties of residence shall be allocated among the
37 several counties proportional to the number of months, or major fraction
38 thereof, of residence in each county.

39 S 3. This act shall take effect immediately; provided, that:

40 (a) the amendments to clauses (i) and (ii) of subparagraph 8 of para-
41 graph h of subdivision 2 of section 355 of the education law, made by
42 section one of this act, shall not apply to students who have matricu-
43 lated in a state-operated institution of the state university of New
44 York prior to such effective date; and

45 (b) the amendments to subdivision 5 of section 6301 of the education
46 law, made by section two of this act shall not apply to students who
47 have matriculated in a community college prior to such effective date.