

220--A

2015-2016 Regular Sessions

I N S E N A T E

(PREFILED)

January 7, 2015

Introduced by Sens. LAVALLE, PARKER -- read twice and ordered printed,
and when printed to be committed to the Committee on Higher Education
-- committee discharged, bill amended, ordered reprinted as amended
and recommitted to said committee

AN ACT to amend the education law, in relation to establishing a new
category of tuition for non-resident students of the state university
or the city university enrolled in distance learning courses

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

1 Section 1. The opening paragraph of subparagraph 4 of paragraph h of
2 subdivision 2 of section 355 of the education law, as amended by chapter
3 260 of the laws of 2011, is amended to read as follows:
4 The trustees shall not impose a differential tuition charge based upon
5 need or income. Except as hereinafter provided, all students enrolled in
6 programs leading to like degrees at state-operated institutions of the
7 state university shall be charged a uniform rate of tuition except for
8 differential tuition rates based on state residency. Provided, however,
9 that the trustees may authorize the presidents of the colleges of tech-
10 nology and the colleges of agriculture and technology to set differing
11 rates of tuition for each of the colleges for students enrolled in
12 degree-granting programs leading to an associate degree and non-degree
13 granting programs so long as such tuition rate does not exceed the
14 tuition rate charged to students who are enrolled in like degree
15 programs or degree-granting undergraduate programs leading to a bacca-
16 laureate degree at other state-operated institutions of the state
17 university of New York. NOTWITHSTANDING ANY OTHER PROVISION OF THIS
18 SUBPARAGRAPH, THE TRUSTEES MAY AUTHORIZE THE SETTING OF A SEPARATE CATE-
19 GORY OF TUITION RATE, THAT SHALL BE GREATER THAN THE TUITION RATE FOR
20 RESIDENT STUDENTS AND LESS THAN THE TUITION RATE FOR NON-RESIDENT
21 STUDENTS, ONLY FOR STUDENTS ENROLLED IN DISTANCE LEARNING COURSES WHO

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

LBD03160-03-5

1 ARE NOT RESIDENTS OF THE STATE. Except as otherwise authorized in this
2 subparagraph, the trustees shall not adopt changes affecting tuition
3 charges prior to the enactment of the annual budget, provided however
4 that:

5 S 2. Subparagraph 4 of paragraph h of subdivision 2 of section 355 of
6 the education law, as amended by chapter 309 of the laws of 1996, is
7 amended to read as follows:

8 (4) The trustees shall not impose a differential tuition charge based
9 upon need or income. All students enrolled in programs leading to like
10 degrees at state-operated institutions of the state university shall be
11 charged a uniform rate of tuition except for differential tuition rates
12 based on state residency. Provided, however, that the trustees may
13 authorize the presidents of the colleges of technology and the colleges
14 of agriculture and technology to set differing rates of tuition for each
15 of the colleges for students enrolled in degree-granting programs lead-
16 ing to an associate degree and non-degree granting programs so long as
17 such tuition rate does not exceed the tuition rate charged to students
18 who are enrolled in like degree programs or degree-granting undergradu-
19 ate programs leading to a baccalaureate degree at other state-operated
20 institutions of the state university of New York. NOTWITHSTANDING ANY
21 OTHER PROVISION OF THIS SUBPARAGRAPH, THE TRUSTEES MAY AUTHORIZE THE
22 SETTING OF A SEPARATE CATEGORY OF TUITION RATE, THAT SHALL BE GREATER
23 THAN THE TUITION RATE FOR RESIDENT STUDENTS AND LESS THAN THE TUITION
24 RATE FOR NON-RESIDENT STUDENTS, ONLY FOR STUDENTS ENROLLED IN DISTANCE
25 LEARNING COURSES WHO ARE NOT RESIDENTS OF THE STATE. The trustees shall
26 not adopt changes affecting tuition charges prior to the enactment of
27 the annual budget.

28 S 3. The opening paragraph of paragraph (a) of subdivision 7 of
29 section 6206 of the education law, as amended by chapter 260 of the laws
30 of 2011, is amended to read as follows:

31 The board of trustees shall establish positions, departments, divi-
32 sions and faculties; appoint and in accordance with the provisions of
33 law fix salaries of instructional and non-instructional employees there-
34 in; establish and conduct courses and curricula; prescribe conditions of
35 student admission, attendance and discharge; and shall have the power to
36 determine in its discretion whether tuition shall be charged and to
37 regulate tuition charges, and other instructional and non-instructional
38 fees and other fees and charges at the educational units of the city
39 university. The trustees shall review any proposed community college
40 tuition increase and the justification for such increase. The justifica-
41 tion provided by the community college for such increase shall include a
42 detailed analysis of ongoing operating costs, capital, debt service
43 expenditures, and all revenues. The trustees shall not impose a differ-
44 ential tuition charge based upon need or income. All students enrolled
45 in programs leading to like degrees at the senior colleges shall be
46 charged a uniform rate of tuition, except for differential tuition rates
47 based on state residency[,]. NOTWITHSTANDING ANY OTHER PROVISION OF THIS
48 PARAGRAPH, THE TRUSTEES MAY AUTHORIZE THE SETTING OF A SEPARATE CATEGORY
49 OF TUITION RATE, THAT SHALL BE GREATER THAN THE TUITION RATE FOR RESI-
50 DENT STUDENTS AND LESS THAN THE TUITION RATE FOR NON-RESIDENT STUDENTS,
51 ONLY FOR STUDENTS ENROLLED IN DISTANCE LEARNING COURSES WHO ARE NOT
52 RESIDENTS OF THE STATE; provided, however, that:

53 S 4. The opening paragraph of paragraph (a) of subdivision 7 of
54 section 6206 of the education law, as amended by section 2 of part O of
55 chapter 58 of the laws of 2006, is amended to read as follows:

1 The board of trustees shall establish positions, departments, divi-
2 sions and faculties; appoint and in accordance with the provisions of
3 law fix salaries of instructional and non-instructional employees there-
4 in; establish and conduct courses and curricula; prescribe conditions of
5 student admission, attendance and discharge; and shall have the power to
6 determine in its discretion whether tuition shall be charged and to
7 regulate tuition charges, and other instructional and non-instructional
8 fees and other fees and charges at the educational units of the city
9 university. The trustees shall review any proposed community college
10 tuition increase and the justification for such increase. The justifica-
11 tion provided by the community college for such increase shall include a
12 detailed analysis of ongoing operating costs, capital, debt service
13 expenditures, and all revenues. The trustees shall not impose a differ-
14 ential tuition charge based upon need or income. All students enrolled
15 in programs leading to like degrees at the senior colleges shall be
16 charged a uniform rate of tuition, except for differential tuition rates
17 based on state residency. NOTWITHSTANDING ANY OTHER PROVISION OF THIS
18 PARAGRAPH, THE TRUSTEES MAY AUTHORIZE THE SETTING OF A SEPARATE CATEGORY
19 OF TUITION RATE, THAT SHALL BE GREATER THAN THE TUITION RATE FOR RESI-
20 DENT STUDENTS AND LESS THAN THE TUITION RATE FOR NON-RESIDENT STUDENTS,
21 ONLY FOR STUDENTS ENROLLED IN DISTANCE LEARNING COURSES WHO ARE NOT
22 RESIDENTS OF THE STATE. The trustees shall further provide that the
23 payment of tuition and fees by any student who is not a resident of New
24 York state, other than a non-immigrant alien within the meaning of para-
25 graph (15) of subsection (a) of section 1101 of title 8 of the United
26 States Code, shall be paid at a rate or charge no greater than that
27 imposed for students who are residents of the state if such student:

28 S 5. This act shall take effect April 1, 2016, provided that the
29 amendments to subparagraph 4 of paragraph h of subdivision 2 of section
30 355 of the education law made by section one of this act and the amend-
31 ments to paragraph (a) of subdivision 7 of section 6206 of the education
32 law made by section three of this act shall be subject to the expiration
33 and reversion of such provisions pursuant to section 16 of chapter 260
34 of the laws of 2011, as amended, when upon such date the provisions of
35 sections two and four of this act, respectively, shall take effect.