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I N A S S E M B L Y

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Introduced by M. of A. MOYA, HEASTIE, GLICK, MORELLE, FARRELL, CRESPO, RODRIGUEZ, ORTIZ, AUBRY, GOTTFRIED, RAMOS, BRENNAN, O'DONNELL, LAVINE, QUART, KAVANAGH, THIELE, ROBINSON, BENEDETTO, ROSENTHAL, CLARK, MILLER, DenDEKKER, ABINANTI, PAULIN, PERRY, JAFFEE, CAHILL, MOSLEY, KIM, WEPRIN, SCHIMEL, RIVERA, ROZIC, DINOWITZ, SEPULVEDA, SKARTADOS, ZEBROWSKI, COLTON, DAVILA, FAHY, ARROYO, LINARES, OTIS, BARRON, BICHOTTE, BLAKE, BRINDISI, DILAN, GJONAJ, JEAN-PIERRE, JOYNER, PICHARDO, SEAWRIGHT, SIMON, TITUS, WALKER, WEINSTEIN, COOK, MAYER -- Multi-Sponsored by -- M. of A. BRAUNSTEIN, CYMBROWITZ, ENGLEBRIGHT, GALEF, HEVESI, HOOPER, LENTOL, LIFTON, MARKEY, NOLAN, PEOPLES-STOKES, PRETLOW, RUSSELL, SIMOTAS, SOLAGES, STECK, TITONE -- read once and referred to the Committee on Higher Education -- advanced to a third reading, amended and ordered reprinted, retaining its place on the order of third reading

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:

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

LBD00326-06-6

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

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

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

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

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

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

12 (V) ONE MEMBER SHALL BE APPOINTED BY THE MINORITY LEADER OF THE ASSEM-  
13 BLY;

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

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

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

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

24 (I) ADMINISTER THE PROVISIONS OF THIS SECTION;

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

26 (III) ESTABLISH A NOT-FOR-PROFIT ENTITY CHARGED WITH THE RESPONSIBIL-  
27 ITY OF RAISING FUNDS FOR THE ADMINISTRATION OF THIS SECTION AND ANY  
28 EDUCATIONAL OR TRAINING PROGRAMS SUCH COMMISSION IS TASKED WITH ADMINIS-  
29 TRATING AND FUNDING SCHOLARSHIPS TO STUDENTS WHO ARE CHILDREN OF IMMI-  
30 GRANTS TO THE UNITED STATES;

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

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

35 (VI) RESEARCH ISSUES PERTAINING TO THE AVAILABILITY OF ASSISTANCE WITH  
36 THE COSTS OF HIGHER EDUCATION FOR THE CHILDREN OF IMMIGRANTS AND OTHER  
37 ISSUES REGARDING ACCESS FOR AND THE PERFORMANCE OF THE CHILDREN OF IMMI-  
38 GRANTS WITHIN HIGHER EDUCATION;

39 (VII) ESTABLISH, PUBLICIZE, AND ADMINISTER TRAINING PROGRAMS FOR HIGH  
40 SCHOOL COUNSELORS, ADMISSIONS OFFICERS, AND FINANCIAL AID OFFICERS OF  
41 INSTITUTIONS OF HIGHER EDUCATION. THE TRAINING PROGRAMS SHALL INSTRUCT  
42 PARTICIPANTS ON THE EDUCATIONAL OPPORTUNITIES AVAILABLE TO COLLEGE-BOUND  
43 STUDENTS WHO ARE THE CHILDREN OF IMMIGRANTS, INCLUDING, BUT NOT LIMITED  
44 TO, IN-STATE TUITION AND SCHOLARSHIP PROGRAMS. TO THE EXTENT PRACTICA-  
45 BLE, THE NEW YORK DREAM FUND COMMISSION SHALL OFFER THE TRAINING PROGRAM  
46 TO SCHOOL DISTRICTS AND BOARDS OF COOPERATIVE EDUCATIONAL SERVICES  
47 THROUGHOUT THE STATE, PROVIDED HOWEVER, THAT PRIORITY SHALL BE GIVEN TO  
48 SCHOOL DISTRICTS AND BOARDS OF COOPERATIVE EDUCATIONAL SERVICES WITH  
49 LARGER NUMBER OF STUDENTS WHO ARE THE CHILDREN OF IMMIGRANTS OVER SCHOOL  
50 DISTRICTS AND BOARDS OF COOPERATIVE EDUCATIONAL SERVICES WITH LESSER  
51 NUMBER OF STUDENTS WHO ARE THE CHILDREN OF IMMIGRANTS;

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

1 (IX) ESTABLISH, BY RULE, PROCEDURES FOR ACCEPTING AND EVALUATING  
2 APPLICATIONS FOR SCHOLARSHIPS FROM THE CHILDREN OF IMMIGRANTS AND ISSU-  
3 ING SCHOLARSHIPS TO SELECTED STUDENT APPLICANTS;

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

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

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

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

13 (IV) HAVE AT LEAST ONE PARENT OR GUARDIAN WHO IMMIGRATED TO THE UNITED  
14 STATES.

15 (C) THE NEW YORK DREAM FUND COMMISSION AND THE NEW YORK DREAM FUND  
16 SHALL BE FUNDED ENTIRELY BY PRIVATE CONTRIBUTIONS AND NO STATE FUNDS  
17 SHALL BE APPROPRIATED TO OR USED BY THE NEW YORK DREAM FUND. NO FUNDS  
18 OF THE NEW YORK DREAM FUND OR THE NEW YORK DREAM FUND COMMISSION SHALL  
19 BE TRANSFERRED TO THE GENERAL FUND OR ANY SPECIAL REVENUE FUND OR SHALL  
20 BE USED FOR ANY PURPOSE OTHER THAN THE PURPOSES SET FORTH IN THIS  
21 SECTION.

22 3. THE NEW YORK DREAM FUND COMMISSION AND THE NEW YORK DREAM FUND  
23 SHALL BE SUBJECT TO THE PROVISIONS OF ARTICLES SIX AND SEVEN AND SECTION  
24 SEVENTY-FOUR OF THE PUBLIC OFFICERS LAW.

25 S 3. Subdivision 3 of section 661 of the education law is REPEALED.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

50 S 6. Paragraph d of subdivision 5 of section 661 of the education law,  
51 as amended by chapter 844 of the laws of 1975, is amended to read as  
52 follows:

53 d. If an applicant for an award allocated on a geographic basis has  
54 more than one residence in this state, his OR HER residence for the  
55 purpose of this article shall be his OR HER place of actual residence  
56 during the major part of the year while attending school, as determined

1 by the commissioner; AND FURTHER PROVIDED THAT AN APPLICANT WHO DOES NOT  
2 HAVE A RESIDENCE IN THIS STATE AND IS ELIGIBLE FOR AN AWARD PURSUANT TO  
3 SUBPARAGRAPH (II) OF PARAGRAPH A OR SUBPARAGRAPH (II) OF PARAGRAPH B OF  
4 THIS SUBDIVISION SHALL BE DEEMED TO RESIDE IN THE GEOGRAPHIC AREA OF THE  
5 INSTITUTION OF HIGHER EDUCATION IN WHICH HE OR SHE ATTENDS FOR PURPOSES  
6 OF AN AWARD ALLOCATED ON A GEOGRAPHIC BASIS.

7 S 7. Paragraph e of subdivision 5 of section 661 of the education law,  
8 as added by chapter 630 of the laws of 2005, is amended to read as  
9 follows:

10 e. Notwithstanding any other provision of this article to the contra-  
11 ry, the New York state [residency] eligibility [requirement] REQUIRE-  
12 MENTS for receipt of awards [is] SET FORTH IN PARAGRAPHS A AND B OF THIS  
13 SUBDIVISION ARE waived for a member, or the spouse or dependent of a  
14 member, of the armed forces of the United States on full-time active  
15 duty and stationed in this state.

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

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

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

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

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

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

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

55 d. Any necessary supplemental financial assistance, which may include  
56 the cost of books and necessary maintenance for such enrolled students,

1 INCLUDING STUDENTS WITHOUT LAWFUL IMMIGRATION STATUS PROVIDED THAT THE  
2 STUDENT MEETS THE REQUIREMENTS SET FORTH IN SUBPARAGRAPH (II) OF PARA-  
3 GRAPH A OR SUBPARAGRAPH (II) OF PARAGRAPH B OF SUBDIVISION FIVE OF  
4 SECTION SIX HUNDRED SIXTY-ONE OF THIS CHAPTER, AS APPLICABLE; provided,  
5 however, that such supplemental financial assistance shall be furnished  
6 pursuant to criteria promulgated by the commissioner with the approval  
7 of the director of the budget.

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

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

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

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

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

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

47 (2) ATTENDED AN APPROVED NEW YORK STATE PROGRAM FOR A STATE HIGH  
48 SCHOOL EQUIVALENCY DIPLOMA, RECEIVED A STATE HIGH SCHOOL EQUIVALENCY  
49 DIPLOMA AND APPLIED FOR ATTENDANCE AT THE INSTITUTION OF HIGHER EDUCA-  
50 TION FOR THE UNDERGRADUATE STUDY FOR WHICH AN AWARD IS SOUGHT WITHIN  
51 FIVE YEARS OF RECEIVING A STATE HIGH SCHOOL EQUIVALENCY DIPLOMA,  
52 ATTENDED AN APPROVED NEW YORK STATE HIGH SCHOOL FOR TWO OR MORE YEARS,  
53 GRADUATED FROM AN APPROVED NEW YORK STATE HIGH SCHOOL AND APPLIED FOR  
54 ATTENDANCE AT AN INSTITUTION OF HIGHER EDUCATION WITHIN FIVE YEARS OF  
55 RECEIVING A NEW YORK STATE HIGH SCHOOL DIPLOMA; OR

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

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

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

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

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

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

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

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

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

53 S 15. Subparagraph (i) of paragraph a of subdivision 2 of section  
54 695-e of the education law, as amended by chapter 593 of the laws of  
55 2003, is amended to read as follows:

1 (i) the name, address and social security number [or], employer iden-  
2 tification number, OR INDIVIDUAL TAXPAYER IDENTIFICATION NUMBER of the  
3 account owner UNLESS A FAMILY TUITION ACCOUNT THAT WAS IN EFFECT PRIOR  
4 TO THE EFFECTIVE DATE OF THE CHAPTER OF THE LAWS OF TWO THOUSAND SIXTEEN  
5 THAT AMENDED THIS SUBPARAGRAPH DOES NOT ALLOW FOR A TAXPAYER IDENTIFICA-  
6 TION NUMBER, IN WHICH CASE A TAXPAYER IDENTIFICATION NUMBER SHALL BE  
7 ALLOWED UPON THE EXPIRATION OF THE CONTRACT;

8 S 16. Subparagraph (iii) of paragraph a of subdivision 2 of section  
9 695-e of the education law, as amended by chapter 593 of the laws of  
10 2003, is amended to read as follows:

11 (iii) the name, address, and social security number, EMPLOYER IDEN-  
12 TIFICATION NUMBER, OR INDIVIDUAL TAXPAYER IDENTIFICATION NUMBER of the  
13 designated beneficiary, UNLESS A FAMILY TUITION ACCOUNT THAT WAS IN  
14 EFFECT PRIOR TO THE EFFECTIVE DATE OF THE CHAPTER OF THE LAWS OF TWO  
15 THOUSAND SIXTEEN THAT AMENDED THIS SUBPARAGRAPH DOES NOT ALLOW FOR A  
16 TAXPAYER IDENTIFICATION NUMBER, IN WHICH CASE A TAXPAYER IDENTIFICATION  
17 NUMBER SHALL BE ALLOWED UPON THE EXPIRATION OF THE CONTRACT; and

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

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

29 (a) section two of this act shall take effect January 1, 2017;

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

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