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3039

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IN ASSEMBLY

January 24, 2017

Introduced by M. of A. MOYA, HEASTIE, GLICK, CRESPO, MORELLE, FARRELL, RODRIGUEZ, ORTIZ, AUBRY, GOTTFRIED, RAMOS, O'DONNELL, LAVINE, QUART, KAVANAGH, THIELE, BENEDETTO, ROSENTHAL, M. G. MILLER, DenDEKKER, ABINANTI, PAULIN, PERRY, JAFFEE, CAHILL, MOSLEY, KIM, WEPRIN, RIVERA, ROZIC, DINOWITZ, SEPULVEDA, SKARTADOS, ZEBROWSKI, COLTON, DAVILA, FAHY, ARROYO, OTIS, BARRON, BICHOTTE, BLAKE, BRINDISI, DILAN, GJONAJ, JEAN-PIERRE, JOYNER, PICHARDO, SEAWRIGHT, SIMON, TITUS, WALKER, WEINSTEIN, MAYER, HYNDMAN, NIOU, CARROLL, DICKENS, DE LA ROSA, D'URSO, BARNWELL, VANEL -- Multi-Sponsored by -- M. of A. BRAUNSTEIN, CYMBROWITZ, ENGLEBRIGHT, GALEF, HEVESI, HOOPER, JENNE, LENTOL, LIFTON, NOLAN, PEOPLES-STOKES, PRETLOW, SIMOTAS, SOLAGES, STECK, 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 § 2. The education law is amended by adding a new section 609-a to
4 read as follows:

5 § 609-a. New York DREAM fund commission. 1. (a) There shall be
6 created a New York DREAM fund commission which shall be committed to
7 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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1 (b) The New York DREAM fund commission shall be composed of twelve
2 members to be appointed as follows:

3 (i) Four members shall be appointed by the governor;

4 (ii) Three members shall be appointed by the temporary president of
5 the senate;

6 (iii) Three members shall be appointed by the speaker of the assembly;

7 (iv) One member shall be appointed by the minority leader of the
8 senate;

9 (v) One member shall be appointed by the minority leader of the assem-
10 bly;

11 (c) To the extent practicable, members of such commission shall
12 reflect the racial, ethnic, gender, language, and geographic diversity
13 of the state.

14 (d) To the extent practicable, members of such commission shall
15 include college and university administrators and faculty, and other
16 individuals committed to advancing the educational opportunities of the
17 children of immigrants.

18 (e) Members of the New York DREAM fund commission shall receive no
19 compensation for their services.

20 2. (a) The New York DREAM fund commission shall have the power to:

21 (i) Administer the provisions of this section;

22 (ii) Create and raise funds for the New York DREAM fund;

23 (iii) Establish a not-for-profit entity charged with the responsibil-
24 ity of raising funds for the administration of this section and any
25 educational or training programs such commission is tasked with adminis-
26 trating and funding scholarships to students who are children of immi-
27 grants to the United States;

28 (iv) Publicize the availability of such scholarships from the New York
29 DREAM fund;

30 (v) Develop criteria and a selection process for the recipients of
31 scholarships from the New York DREAM fund;

32 (vi) Research issues pertaining to the availability of assistance with
33 the costs of higher education for the children of immigrants and other
34 issues regarding access for and the performance of the children of immi-
35 grants within higher education;

36 (vii) Establish, publicize, and administer training programs for high
37 school counselors, admissions officers, and financial aid officers of
38 institutions of higher education. The training programs shall instruct
39 participants on the educational opportunities available to college-bound
40 students who are the children of immigrants, including, but not limited
41 to, in-state tuition and scholarship programs. To the extent practica-
42 ble, the New York DREAM fund commission shall offer the training program
43 to school districts and boards of cooperative educational services
44 throughout the state, provided however, that priority shall be given to
45 school districts and boards of cooperative educational services with
46 larger number of students who are the children of immigrants over school
47 districts and boards of cooperative educational services with lesser
48 number of students who are the children of immigrants;

49 (viii) Establish a public awareness campaign regarding educational
50 opportunities available to college bound students who are the children
51 of immigrants; and

52 (ix) Establish, by rule, procedures for accepting and evaluating
53 applications for scholarships from the children of immigrants and issu-
54 ing scholarships to selected student applicants;

55 (b) To receive a scholarship pursuant to this section, a student
56 applicant must meet the following qualifications:

1 (i) Have resided with his or her parents or guardians while attending
2 a public or private high school in this state;

3 (ii) Have graduated from a public or private high school or received
4 the equivalent of a high school diploma in this state;

5 (iii) Have attended a public or private high school in this state for
6 at least two years as of the date he or she graduated from high school
7 or received the equivalent of a high school diploma;

8 (iv) Have at least one parent or guardian who immigrated to the United
9 States.

10 (c) The New York DREAM fund commission and the New York DREAM fund
11 shall be funded entirely by private contributions and no state funds
12 shall be appropriated to or used by the New York DREAM fund. No funds
13 of the New York DREAM fund or the New York DREAM fund commission shall
14 be transferred to the general fund or any special revenue fund or shall
15 be used for any purpose other than the purposes set forth in this
16 section.

17 3. The New York DREAM fund commission and the New York DREAM fund
18 shall be subject to the provisions of articles six and seven and section
19 seventy-four of the public officers law.

20 § 3. Subdivision 3 of section 661 of the education law is REPEALED.

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

24 a. (i) Except as provided in subdivision two of section six hundred
25 seventy-four of this part and subparagraph (ii) of this paragraph, an
26 applicant for an award at the undergraduate level of study must either
27 ~~[(i)]~~ (a) have been a legal resident of the state for at least one year
28 immediately preceding the beginning of the semester, quarter or term of
29 attendance for which application for assistance is made, or ~~[(i)]~~ (b)
30 be a legal resident of the state and have been a legal resident during
31 his last two semesters of high school either prior to graduation, or
32 prior to admission to college. Provided further that persons shall be
33 eligible to receive awards under section six hundred sixty-eight or
34 section six hundred sixty-nine of this part who are currently legal
35 residents of the state and are otherwise qualified.

36 (ii) An applicant who is not a legal resident of the state eligible
37 pursuant to subparagraph (i) of this paragraph, but is a United States
38 citizen, a permanent lawful resident, a lawful non-immigrant alien or an
39 applicant without lawful immigration status shall be eligible for an
40 award at the undergraduate level of study provided that the student:

41 (a) attended a registered New York state high school for two or more
42 years, graduated from a registered New York state high school and
43 applied for attendance at the institution of higher education for the
44 undergraduate study for which an award is sought within five years of
45 receiving a New York state high school diploma; or

46 (b) attended an approved New York state program for a state high
47 school equivalency diploma, received a state high school equivalency
48 diploma and applied for attendance at the institution of higher educa-
49 tion for the undergraduate study for which an award is sought within
50 five years of receiving a state high school equivalency diploma; or

51 (c) is otherwise eligible for the payment of tuition and fees at a
52 rate no greater than that imposed for resident students of the state
53 university of New York, the city university of New York or community
54 colleges as prescribed in subparagraph eight of paragraph h of subdivi-
55 sion two of section three hundred fifty-five or paragraph (a) of subdivi-
56 vision seven of section sixty-two hundred six of this chapter.

1 Provided, further, that a student without lawful immigration status
2 shall also be required to file an affidavit with such institution of
3 higher education stating that the student has filed an application to
4 legalize his or her immigration status, or will file such an application
5 as soon as he or she is eligible to do so.

6 § 5. Paragraph b of subdivision 5 of section 661 of the education law,
7 as amended by chapter 466 of the laws of 1977, is amended to read as
8 follows:

9 b. ~~[An]~~ (i) Except as otherwise provided in subparagraph (ii) of this
10 paragraph, an applicant for an award at the graduate level of study must
11 either ~~[(i)]~~ (a) have been a legal resident of the state for at least
12 one year immediately preceding the beginning of the semester, quarter or
13 term of attendance for which application for assistance is made, or
14 ~~[(ii)]~~ (b) be a legal resident of the state and have been a legal resi-
15 dent during his last academic year of undergraduate study and have
16 continued to be a legal resident until matriculation in the graduate
17 program.

18 (ii) An applicant who is not a legal resident of the state eligible
19 pursuant to subparagraph (i) of this paragraph, but is a United States
20 citizen, a permanent lawful resident, a lawful non-immigrant alien or an
21 applicant without lawful immigration status shall be eligible for an
22 award at the undergraduate level of study provided that the student:

23 (a) attended a registered approved New York state high school for two
24 or more years, graduated from a registered New York state high school
25 and applied for attendance at the institution of higher education for
26 the graduate study for which an award is sought within ten years of
27 receiving a New York state high school diploma; or

28 (b) attended an approved New York state program for a state high
29 school equivalency diploma, received a state high school equivalency
30 diploma and applied for attendance at the institution of higher educa-
31 tion for the graduate study for which an award is sought within ten
32 years of receiving a state high school equivalency diploma; or

33 (c) is otherwise eligible for the payment of tuition and fees at a
34 rate no greater than that imposed for resident students of the state
35 university of New York, the city university of New York or community
36 colleges as prescribed in subparagraph eight of paragraph h of subdivi-
37 sion two of section three hundred fifty-five or paragraph (a) of subdivi-
38 sion seven of section sixty-two hundred six of this chapter.

39 Provided, further, that a student without lawful immigration status
40 shall also be required to file an affidavit with such institution of
41 higher education stating that the student has filed an application to
42 legalize his or her immigration status, or will file such an application
43 as soon as he or she is eligible to do so.

44 § 6. Paragraph d of subdivision 5 of section 661 of the education law,
45 as amended by chapter 844 of the laws of 1975, is amended to read as
46 follows:

47 d. If an applicant for an award allocated on a geographic basis has
48 more than one residence in this state, his or her residence for the
49 purpose of this article shall be his or her place of actual residence
50 during the major part of the year while attending school, as determined
51 by the commissioner; and further provided that an applicant who does not
52 have a residence in this state and is eligible for an award pursuant to
53 subparagraph (ii) of paragraph a or subparagraph (ii) of paragraph b of
54 this subdivision shall be deemed to reside in the geographic area of the
55 institution of higher education in which he or she attends for purposes
56 of an award allocated on a geographic basis.

1 § 7. Paragraph e of subdivision 5 of section 661 of the education law,
2 as added by chapter 630 of the laws of 2005, is amended to read as
3 follows:

4 e. Notwithstanding any other provision of this article to the contra-
5 ry, the New York state [~~residency~~] eligibility [~~requirement~~] require-
6 ments for receipt of awards [~~is~~] set forth in paragraphs a and b of this
7 subdivision are waived for a member, or the spouse or dependent of a
8 member, of the armed forces of the United States on full-time active
9 duty and stationed in this state.

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

12 (10) Such regulations shall further provide that any student who is
13 not a legal resident of New York state but is a United States citizen, a
14 permanent lawful resident, a lawful non-immigrant alien or an applicant
15 without lawful immigration status may have the payment of tuition and
16 other fees and charges reduced by state-aided programs, scholarships or
17 other financial assistance awarded under the provisions of articles
18 thirteen, thirteen-A, fourteen and fourteen-A of this chapter, provided
19 that the student meets the requirements set forth in subparagraph (ii)
20 of paragraph a or subparagraph (ii) of paragraph b of subdivision five
21 of section six hundred sixty-one of this chapter, as applicable.

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

24 (d) The trustees shall further provide that any student who is not a
25 legal resident of New York state but is a United States citizen, a
26 permanent lawful resident, a lawful non-immigrant alien or an applicant
27 without lawful immigration status may have the payment of tuition and
28 other fees and charges reduced by state-aided programs, scholarships or
29 other financial assistance awarded under the provisions of articles
30 thirteen, thirteen-A, fourteen and fourteen-A of this chapter, provided
31 that the student meets the requirements set forth in subparagraph (ii)
32 of paragraph a or subparagraph (ii) of paragraph b of subdivision five
33 of section six hundred sixty-one of this chapter, as applicable.

34 § 10. Section 6305 of the education law is amended by adding a new
35 subdivision 8-a to read as follows:

36 8-a. The payment of tuition and other fees and charges of a student
37 who is attending a community college and who is not a legal resident of
38 New York state but is a United States citizen, a permanent lawful resi-
39 dent, a lawful non-immigrant alien or an applicant without lawful immi-
40 gration status may be reduced by state-aided programs, scholarships and
41 other financial assistance awarded under the provisions of articles
42 thirteen, thirteen-A, fourteen and fourteen-A of this chapter, provided
43 that the student meets the requirements set forth in subparagraph (ii)
44 of paragraph a or subparagraph (ii) of paragraph b of subdivision five
45 of section six hundred sixty-one of this chapter, as applicable.

46 § 11. Paragraph d of subdivision 3 of section 6451 of the education
47 law, as amended by chapter 149 of the laws of 1972, is amended to read
48 as follows:

49 d. Any necessary supplemental financial assistance, which may include
50 the cost of books and necessary maintenance for such enrolled students,
51 including students without lawful immigration status provided that the
52 student meets the requirements set forth in subparagraph (ii) of para-
53 graph a or subparagraph (ii) of paragraph b of subdivision five of
54 section six hundred sixty-one of this chapter, as applicable; provided,
55 however, that such supplemental financial assistance shall be furnished

1 pursuant to criteria promulgated by the commissioner with the approval
2 of the director of the budget.

3 § 11-a. Paragraph d of subdivision 3 of section 6451 of the education
4 law, as amended by chapter 494 of the laws of 2016, is amended to read
5 as follows:

6 d. Any necessary supplemental financial assistance, which may include
7 the cost of books and necessary maintenance for such enrolled students,
8 including students without lawful immigration status provided that the
9 student meets the requirements set forth in subparagraph (ii) of para-
10 graph a or subparagraph (ii) of paragraph b of subdivision five of
11 section six hundred sixty-one of this chapter, as applicable; provided,
12 however, that such supplemental financial assistance shall be furnished
13 pursuant to criteria promulgated by the commissioner with the approval
14 of the director of the budget;

15 § 12. Subparagraph (v) of paragraph a of subdivision 4 of section 6452
16 of the education law, as added by chapter 917 of the laws of 1970, is
17 amended to read as follows:

18 (v) Any necessary supplemental financial assistance, which may include
19 the cost of books and necessary maintenance for such students, including
20 students without lawful immigration status provided that the student
21 meets the requirements set forth in subparagraph (ii) of paragraph a or
22 subparagraph (ii) of paragraph b of subdivision five of section six
23 hundred sixty-one of this chapter, as applicable; provided, however,
24 that such supplemental financial assistance shall be furnished pursuant
25 to criteria promulgated by such universities and approved by the regents
26 and the director of the budget.

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

30 (a) (i) Undergraduate science and technology entry program moneys may
31 be used for tutoring, counseling, remedial and special summer courses,
32 supplemental financial assistance, program administration, and other
33 activities which the commissioner may deem appropriate. To be eligible
34 for undergraduate collegiate science and technology entry program
35 support, a student must be a resident of New York ~~[who is]~~, or meet the
36 requirements of subparagraph (ii) of this paragraph, and must be either
37 economically disadvantaged or from a minority group historically under
38 represented in the scientific, technical, health and health-related
39 professions, and ~~[who demonstrates]~~ must demonstrate interest in and a
40 potential for a professional career if provided special services. Eligi-
41 ble students must be in good academic standing, enrolled full time in an
42 approved, undergraduate level program of study, as defined by the
43 regents.

44 (ii) An applicant who is not a legal resident of New York state, but
45 who is a United States citizen, a permanent lawful resident, a lawful
46 non-immigrant alien or an applicant without lawful immigration status,
47 shall be eligible for an award at the undergraduate level of study
48 provided that the student:

49 (1) attended a registered New York state high school for two or more
50 years, graduated from a registered New York state high school and
51 applied for attendance at the institution of higher education for the
52 undergraduate study for which an award is sought within five years of
53 receiving a New York state high school diploma; or

54 (2) attended an approved New York state program for a state high
55 school equivalency diploma, received a state high school equivalency
56 diploma and applied for attendance at the institution of higher educa-

tion for the undergraduate study for which an award is sought within five years of receiving a state high school equivalency diploma, attended an approved New York state high school for two or more years, graduated from an approved New York state high school and applied for attendance at an institution of higher education within five years of receiving a New York state high school diploma; or

(3) 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 legalize his or her immigration status, or will file such an application as soon as he or she is eligible to do so.

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

(a) (i) Graduate science and technology entry program moneys may be used for recruitment, academic enrichment, career planning, supplemental financial assistance, review for licensing examinations, program administration, and other activities which the commissioner may deem appropriate. To be eligible for graduate collegiate science and technology entry program support, a student must be a resident of New York ~~who is~~, or meet the requirements of subparagraph (ii) of this paragraph, and must be either economically disadvantaged or from a minority group historically underrepresented in the scientific, technical and health-related professions. Eligible students must be in good academic standing, enrolled full time in an approved graduate level program, as defined by the regents.

(ii) An applicant who is not a legal resident of New York state, but either 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:

(1) attended a registered approved 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 graduate study for which an award is sought within ten years of receiving a New York state high school diploma; or

(2) 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 graduate study for which an award is sought within ten years of receiving a state high school equivalency diploma; or

(3) 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 § 15. Subparagraph (i) of paragraph a of subdivision 2 of section
4 695-e of the education law, as amended by chapter 593 of the laws of
5 2003, is amended to read as follows:

6 (i) the name, address and social security number ~~[or]~~, employer iden-
7 tification number, or individual taxpayer identification number of the
8 account owner unless a family tuition account that was in effect prior
9 to the effective date of the chapter of the laws of two thousand seven-
10 teen that amended this subparagraph does not allow for a taxpayer iden-
11 tification number, in which case a taxpayer identification number shall
12 be allowed upon the expiration of the contract;

13 § 16. Subparagraph (iii) of paragraph a of subdivision 2 of section
14 695-e of the education law, as amended by chapter 593 of the laws of
15 2003, is amended to read as follows:

16 (iii) the name, address, and social security number, employer iden-
17 tification number, or individual taxpayer identification number of the
18 designated beneficiary, unless a family tuition account that was in
19 effect prior to the effective date of the chapter of the laws of two
20 thousand seventeen that amended this subparagraph does not allow for a
21 taxpayer identification number, in which case a taxpayer identification
22 number shall be allowed upon the expiration of the contract; and

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

33 § 18. This act shall take effect immediately; provided, however, that:

34 (a) section two of this act shall take effect January 1, 2018;

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

40 (c) sections three through fourteen and section seventeen of this act
41 shall take effect on the ninetieth day after the issuance of regulations
42 and the development of an application form by the president of the high-
43 er education services corporation and commissioner of education or on
44 the ninetieth day after it shall have become a law, whichever shall be
45 later; provided, however, that if chapter 494 of the laws of 2016 shall
46 not have taken effect on or before such date then section eleven-a of
47 this act shall take effect on the same date and in the same manner as
48 such chapter of the laws of 2016 takes effect; provided, further, howev-
49 er that effective immediately the addition, amendment and/or repeal of
50 any rule or regulation necessary for the implementation of this act on
51 its effective date are authorized and directed to be made and completed
52 on or before such date; provided, further, however, that the president
53 of the higher education services corporation and the commissioner of
54 education shall notify the legislative bill drafting commission upon the
55 occurrence of the issuance of the regulations and the development of an
56 application form in order that the commission may maintain an accurate

1 and timely effective data base of the official text of the laws of the
2 state of New York in furtherance of effectuating the provisions of
3 section 44 of the legislative law and section 70-b of the public offi-
4 cers law.