

STATE OF NEW YORK

471--A

2017-2018 Regular Sessions

IN SENATE

(Prefiled)

January 4, 2017

Introduced by Sen. PERALTA -- 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 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.

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;

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

14 (iv) One member shall be appointed by the minority leader of the
15 senate;

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

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

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1 (c) To the extent practicable, members of such commission shall
2 reflect the racial, ethnic, gender, language, and geographic diversity
3 of the state.

4 (d) To the extent practicable, members of such commission shall
5 include college and university administrators and faculty, and other
6 individuals committed to advancing the educational opportunities of the
7 children of immigrants.

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

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

11 (i) Administer the provisions of this section;

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

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

18 (iv) Publicize the availability of such scholarships from the New York
19 DREAM fund;

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

22 (vi) Research issues pertaining to the availability of assistance with
23 the costs of higher education for the children of immigrants and other
24 issues regarding access for and the performance of the children of immi-
25 grants within higher education;

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

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

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

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

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

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

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

54 (iv) Have at least one parent or guardian who immigrated to the United
55 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.

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

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

§ 5. Paragraph b 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:

b. ~~[An]~~ (i) Except as otherwise provided in subparagraph (ii) of this paragraph, an applicant for an award at the graduate 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 academic year of undergraduate study and have continued to be a legal resident until matriculation in the graduate program.

(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 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

(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 graduate study for which an award is sought within ten 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 legalize his or her immigration status, or will file such an application as soon as he or she is eligible to do so.

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

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

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

e. Notwithstanding any other provision of this article to the contrary, the New York state ~~[residency]~~ eligibility ~~[requirement]~~ requirements for receipt of awards ~~[is]~~ set forth in paragraphs a and b of this subdivision are waived for a member, or the spouse or dependent of a

1 member, of the armed forces of the United States on full-time active
2 duty and stationed in this state.

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

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

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

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

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

29 8-a. The payment of tuition and other fees and charges of a student
30 who is attending a community college and who is not a legal resident of
31 New York state but is a United States citizen, a permanent lawful resi-
32 dent, a lawful non-immigrant alien or an applicant without lawful immi-
33 gration status may be reduced by state-aided programs, scholarships and
34 other financial assistance awarded under the provisions of articles
35 thirteen, thirteen-A, fourteen and fourteen-A of this chapter, provided
36 that the student meets the requirements set forth in subparagraph (ii)
37 of paragraph a or subparagraph (ii) of paragraph b of subdivision five
38 of section six hundred sixty-one of this chapter, as applicable.

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

42 d. Any necessary supplemental financial assistance, which may include
43 the cost of books and necessary maintenance for such enrolled students,
44 including students without lawful immigration status provided that the
45 student meets the requirements set forth in subparagraph (ii) of para-
46 graph a or subparagraph (ii) of paragraph b of subdivision five of
47 section six hundred sixty-one of this chapter, as applicable; provided,
48 however, that such supplemental financial assistance shall be furnished
49 pursuant to criteria promulgated by the commissioner with the approval
50 of the director of the budget.

51 § 11-a. Paragraph d of subdivision 3 of section 6451 of the education
52 law, as amended by chapter 494 of the laws of 2016, is amended to read
53 as follows:

54 d. Any necessary supplemental financial assistance, which may include
55 the cost of books and necessary maintenance for such enrolled students,
56 including students without lawful immigration status provided that the

student meets the requirements set forth in subparagraph (ii) of paragraph a or subparagraph (ii) of paragraph b of subdivision five of section six hundred sixty-one of this chapter, as applicable; provided, however, that such supplemental financial assistance shall be furnished pursuant to criteria promulgated by the commissioner with the approval of the director of the budget;

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

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

§ 13. Paragraph (a) of subdivision 2 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) Undergraduate science and technology entry program moneys may be used for tutoring, counseling, remedial and special summer courses, supplemental financial assistance, program administration, and other activities which the commissioner may deem appropriate. To be eligible for undergraduate 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 under represented in the scientific, technical, health and health-related professions, and ~~[who demonstrates]~~ must demonstrate interest in and a potential for a professional career if provided special services. Eligible students must be in good academic standing, enrolled full time in an approved, undergraduate level program of study, as defined by the regents.

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

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

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

(i) the name, address and social security number ~~[or]~~, employer identification number, or individual taxpayer identification number of the account owner unless a family tuition account that was in effect prior

1 to the effective date of the chapter of the laws of two thousand seven-
2 teen that amended this subparagraph does not allow for a taxpayer iden-
3 tification number, in which case a taxpayer identification number shall
4 be allowed upon the expiration of the contract;

5 § 16. Subparagraph (iii) of paragraph a of subdivision 2 of section
6 695-e of the education law, as amended by chapter 593 of the laws of
7 2003, is amended to read as follows:

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

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

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

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

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

32 (c) sections three through fourteen and section seventeen of this act
33 shall take effect on the ninetieth day after the issuance of regulations
34 and the development of an application form by the president of the high-
35 er education services corporation and commissioner of education or on
36 the ninetieth day after it shall have become a law, whichever shall be
37 later; provided, however, that if chapter 494 of the laws of 2016 shall
38 not have taken effect on or before such date then section eleven-a of
39 this act shall take effect on the same date and in the same manner as
40 such chapter of the laws of 2016 takes effect; provided, further, howev-
41 er that effective immediately the addition, amendment and/or repeal of
42 any rule or regulation necessary for the implementation of this act on
43 its effective date are authorized and directed to be made and completed
44 on or before such date; provided, further, however, that the president
45 of the higher education services corporation and the commissioner of
46 education shall notify the legislative bill drafting commission upon the
47 occurrence of the issuance of the regulations and the development of an
48 application form in order that the commission may maintain an accurate
49 and timely effective data base of the official text of the laws of the
50 state of New York in furtherance of effectuating the provisions of
51 section 44 of the legislative law and section 70-b of the public offi-
52 cers law.