

# STATE OF NEW YORK

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2017-2018 Regular Sessions

## IN SENATE

(Prefiled)

January 4, 2017

Introduced by Sens. PERALTA, ALCANTARA, AVELLA, BAILEY, BENJAMIN, BRESLIN, CARLUCCI, DILAN, HAMILTON, HOYLMAN, KLEIN, KRUEGER, RIVERA, SAVINO, SERRANO, STAVISKY, VALESKY -- 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 -- recommitted to the Committee on Higher Education in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- 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.

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 [~~(ii)~~] (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 ~~[(+)]~~ (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 ~~[(+)]~~ (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 graduate 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 the 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 vision 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 494 of the laws of 2016, 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 § 12. Subparagraph (v) of paragraph a of subdivision 4 of section 6452  
4 of the education law, as added by chapter 917 of the laws of 1970, is  
5 amended to read as follows:

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

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

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

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

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

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

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

53 Provided, further, that a student without lawful immigration status  
54 shall also be required to file an affidavit with such institution of  
55 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 § 14. Paragraph (a) of subdivision 3 of section 6455 of the education  
4 law, as added by chapter 285 of the laws of 1986, is amended to read as  
5 follows:

6 (a) (i) Graduate science and technology entry program moneys may be  
7 used for recruitment, academic enrichment, career planning, supplemental  
8 financial assistance, review for licensing examinations, program admin-  
9 istration, and other activities which the commissioner may deem appro-  
10 priate. To be eligible for graduate collegiate science and technology  
11 entry program support, a student must be a resident of New York [~~who~~  
12 ~~is~~], or meet the requirements of subparagraph (ii) of this paragraph,  
13 and must be either economically disadvantaged or from a minority group  
14 historically underrepresented in the scientific, technical and health-  
15 related professions. Eligible students must be in good academic stand-  
16 ing, enrolled full time in an approved graduate level program, as  
17 defined by the regents.

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

23 (1) 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 (2) 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 (3) 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 § 15. Subparagraph (i) of paragraph a of subdivision 2 of section  
45 695-e of the education law, as amended by chapter 593 of the laws of  
46 2003, is amended to read as follows:

47 (i) the name, address and social security number [~~or~~], employer iden-  
48 tification number, or individual taxpayer identification number of the  
49 account owner unless a family tuition account that was in effect prior  
50 to the effective date of the chapter of the laws of two thousand eigh-  
51 teen that amended this subparagraph does not allow for a taxpayer iden-  
52 tification number, in which case a taxpayer identification number shall  
53 be allowed upon the expiration of the contract;

54 § 16. Subparagraph (iii) of paragraph a of subdivision 2 of section  
55 695-e of the education law, as amended by chapter 593 of the laws of  
56 2003, is amended to read as follows:

1 (iii) the name, address, and social security number, employer iden-  
2 tification number, or individual taxpayer identification number of the  
3 designated beneficiary, unless a family tuition account that was in  
4 effect prior to the effective date of the chapter of the laws of two  
5 thousand eighteen that amended this subparagraph does not allow for a  
6 taxpayer identification number, in which case a taxpayer identification  
7 number shall be allowed upon the expiration of the contract; and

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

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

19 (a) section two of this act shall take effect January 1, 2019;

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

25 (c) sections three through fourteen and section seventeen of this act  
26 shall take effect on the ninetieth day after the issuance of regulations  
27 and the development of an application form by the president of the high-  
28 er education services corporation and commissioner of education or on  
29 the ninetieth day after it shall have become a law, whichever shall be  
30 later; provided, further, however that effective immediately the addi-  
31 tion, amendment and/or repeal of any rule or regulation necessary for  
32 the implementation of this act on its effective date are authorized and  
33 directed to be made and completed on or before such date; provided,  
34 further, however, that the president of the higher education services  
35 corporation and the commissioner of education shall notify the legisla-  
36 tive bill drafting commission upon the occurrence of the issuance of the  
37 regulations and the development of an application form in order that the  
38 commission may maintain an accurate and timely effective data base of  
39 the official text of the laws of the state of New York in furtherance of  
40 effectuating the provisions of section 44 of the legislative law and  
41 section 70-b of the public officers law.