

STATE OF NEW YORK

471

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

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 608-b to
4 read as follows:
5 § 608-b. 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; and

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

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1 (v) One member shall be appointed by the minority leader of the assem-
2 bly.

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

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

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

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

13 (i) Administer the provisions of this section;

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

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

20 (iv) Publicize the availability of such scholarships from the New York
21 DREAM fund;

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

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

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

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

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

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

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

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

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

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

3 (c) The New York DREAM fund commission and the New York DREAM fund
4 shall be funded entirely by private contributions and no state funds
5 shall be appropriated to or used by the New York DREAM fund. No funds
6 of the New York DREAM fund or the New York DREAM fund commission shall
7 be transferred to the general fund or any special revenue fund or shall
8 be used for any purpose other than the purposes set forth in this
9 section.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

55 e. Notwithstanding any other provision of this article to the contra-
56 ry, the New York state ~~[residency]~~ eligibility ~~[requirement]~~ require-

1 ments for receipt of awards [~~is~~] set forth in paragraphs a and b of this
2 subdivision are waived for a member, or the spouse or dependent of a
3 member, of the armed forces of the United States on full-time active
4 duty and stationed in this state.

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

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

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

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

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

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

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

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

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

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

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

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

27 (ii) An applicant who is not a legal resident of New York state, but
28 who 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 New York state high school for two or more
33 years, graduated from a registered New York state high school and
34 applied for attendance at the institution of higher education for the
35 undergraduate study for which an award is sought within five 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 undergraduate study for which an award is sought within
41 five years of receiving a state high school equivalency diploma,
42 attended an approved New York state high school for two or more years,
43 graduated from an approved New York state high school and applied for
44 attendance at an institution of higher education within five years of
45 receiving a New York state high school diploma; or

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

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

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

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

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

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

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

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

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

42 § 15. Subparagraph (i) of paragraph a of subdivision 2 of section
43 695-e of the education law, as amended by chapter 593 of the laws of
44 2003, is amended to read as follows:

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

52 § 16. Subparagraph (iii) of paragraph a of subdivision 2 of section
53 695-e of the education law, as amended by chapter 593 of the laws of
54 2003, is amended to read as follows:

55 (iii) the name, address, and social security number, employer iden-
56 tification number, or individual taxpayer identification number of the

1 designated beneficiary, unless a family tuition account that was in
2 effect prior to the effective date of the chapter of the laws of two
3 thousand seventeen that amended this subparagraph does not allow for a
4 taxpayer identification number, in which case a taxpayer identification
5 number shall be allowed upon the expiration of the contract; and

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

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

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

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

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