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IN SENATE

(Prefiled)

January 4, 2017

Introduced by Sens. PERALTA, ALCANTARA, AVELLA, BAILEY, BENJAMIN, CARLUCCI, HAMILTON, HOYLMAN, KLEIN, KRUEGER, RIVERA, SAVINO, 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

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;

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

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1 (ii) Three members shall be appointed by the temporary president of
2 the senate;

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

4 (iv) One member shall be appointed by the minority leader of the
5 senate;

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

8 (c) To the extent practicable, members of such commission shall
9 reflect the racial, ethnic, gender, language, and geographic diversity
10 of the state.

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

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

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

18 (i) Administer the provisions of this section;

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

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

25 (iv) Publicize the availability of such scholarships from the New York
26 DREAM fund;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

55 Provided, further, that a student without lawful immigration status
56 shall also be required to file an affidavit with such institution of

1 higher education stating that the student has filed an application to
2 legalize his or her immigration status, or will file such an application
3 as soon as he or she is eligible to do so.

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

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

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

21 (a) 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 (b) 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 (c) 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 § 6. Paragraph d of subdivision 5 of section 661 of the education law,
43 as amended by chapter 844 of the laws of 1975, is amended to read as
44 follows:

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

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

(10) Such regulations shall further provide that any student who is not a legal resident of New York state but is a United States citizen, a permanent lawful resident, a lawful non-immigrant alien or an applicant without lawful immigration status may have the payment of tuition and other fees and charges reduced by state-aided programs, scholarships or other financial assistance awarded under the provisions of articles thirteen, thirteen-A, fourteen and fourteen-A of this chapter, 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.

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

(d) The trustees shall further provide that any student who is not a legal resident of New York state but is a United States citizen, a permanent lawful resident, a lawful non-immigrant alien or an applicant without lawful immigration status may have the payment of tuition and other fees and charges reduced by state-aided programs, scholarships or other financial assistance awarded under the provisions of articles thirteen, thirteen-A, fourteen and fourteen-A of this chapter, 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.

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

8-a. The payment of tuition and other fees and charges of a student who is attending a community college and who is not a legal resident of New York state but is a United States citizen, a permanent lawful resident, a lawful non-immigrant alien or an applicant without lawful immigration status may be reduced by state-aided programs, scholarships and other financial assistance awarded under the provisions of articles thirteen, thirteen-A, fourteen and fourteen-A of this chapter, 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.

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

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

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,
47 attended an approved New York state high school for two or more years,
48 graduated from an approved New York state high school and applied for
49 attendance at an institution of higher education within five years of
50 receiving a New York state high school diploma; or

51 (3) 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.

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 to the effective date of the chapter of the laws of two thousand eighteen that amended this subparagraph does not allow for a taxpayer identification number, in which case a taxpayer identification number shall be allowed upon the expiration of the contract;

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

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

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

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

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

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

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