

STATE OF NEW YORK

9185

IN SENATE

October 22, 2018

Introduced by Sen. PARKER -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

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;

18 (c) To the extent practicable, members of such commission shall
19 reflect the racial, ethnic, gender, language, and geographic diversity
20 of the state.

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

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

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

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

8 (i) Administer the provisions of this section;

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

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

15 (iv) Publicize the availability of such scholarships from the New York
16 DREAM fund;

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

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

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

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

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

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

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

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

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

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

53 (c) The New York DREAM fund commission and the New York DREAM fund
54 shall be funded entirely by private contributions and no state funds
55 shall be appropriated to or used by the New York DREAM fund. No funds
56 of the New York DREAM fund or the New York DREAM fund commission shall

1 be transferred to the general fund or any special revenue fund or shall
2 be used for any purpose other than the purposes set forth in this
3 section.

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

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

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

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

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

28 (a) attended a registered New York state high school for two or more
29 years, graduated from a registered New York state high school and
30 applied for attendance at the institution of higher education for the
31 undergraduate study for which an award is sought within five years of
32 receiving a New York state high school diploma; or

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

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

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

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

52 b. ~~[An]~~ (i) Except as otherwise provided in subparagraph (ii) of this
53 paragraph, an applicant for an award at the graduate level of study must
54 either ~~[(i)]~~ (a) have been a legal resident of the state for at least
55 one year immediately preceding the beginning of the semester, quarter or
56 term of attendance for which application for assistance is made, or

1 [~~(ii)~~] (b) be a legal resident of the state and have been a legal resi-
2 dent during his last academic year of undergraduate study and have
3 continued to be a legal resident until matriculation in the graduate
4 program.

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

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

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

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

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

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

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

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

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

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

55 (10) Such regulations shall further provide that any student who is
56 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 (e) to read as follows:

(e) 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 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; 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 stand-

ing, 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 graduate 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 [✗], 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;

§ 16. Subparagraph (iii) 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:

(iii) the name, address, and social security number, employer identification number, or individual taxpayer identification number of the designated beneficiary, 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; and

§ 17. The president of the higher education services corporation, in consultation with the commissioner of education, shall establish an application form and procedures that shall allow a student applicant that meets the requirements set forth in subparagraph (ii) of paragraph (a) or subparagraph (ii) of paragraph b of subdivision 5 of section 661 of the education law to apply directly to the higher education services corporation or education department for applicable awards without having to submit information to any other state or federal agency. All informa-

1 tion contained within the applications filed with such corporation or
2 department shall be deemed confidential.

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

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

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

10 (c) sections three through fourteen and section seventeen of this act
11 shall take effect on the ninetieth day after the issuance of regulations
12 and the development of an application form by the president of the high-
13 er education services corporation and commissioner of education or on
14 the ninetieth day after it shall have become a law, whichever shall be
15 later; provided, further, however that effective immediately the addi-
16 tion, amendment and/or repeal of any rule or regulation necessary for
17 the implementation of this act on its effective date are authorized and
18 directed to be made and completed on or before such date; provided,
19 further, however, that the president of the higher education services
20 corporation and the commissioner of education shall notify the legisla-
21 tive bill drafting commission upon the occurrence of the issuance of the
22 regulations and the development of an application form in order that the
23 commission may maintain an accurate and timely effective data base of
24 the official text of the laws of the state of New York in furtherance of
25 effectuating the provisions of section 44 of the legislative law and
26 section 70-b of the public officers law.