

STATE OF NEW YORK

8735

IN SENATE

July 13, 2020

Introduced by Sen. STAVISKY -- 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 removing the requirement of students without lawful immigration status from having to file an affidavit with an educational institution and to repeal certain provisions 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. The closing paragraph of subparagraph 8 of paragraph h of
2 subdivision 2 of section 355 of the education law is REPEALED.

3 § 2. The closing paragraph of subparagraph (ii) of paragraph a of
4 subdivision 5 of section 661 of the education law is REPEALED.

5 § 3. The closing paragraph of subparagraph (ii) of paragraph b of
6 subdivision 5 of section 661 of the education law is REPEALED.

7 § 4. The closing paragraph of paragraph (a) of subdivision 7 of
8 section 6206 of the education law, as amended by chapter 327 of the laws
9 of 2002, is amended to read as follows:

10 [~~A student without lawful immigration status shall also be required to~~
11 ~~file an affidavit with such institution or educational unit stating that~~
12 ~~the student has filed an application to legalize his or her immigration~~
13 ~~status, or will file such an application as soon as he or she is eligi-~~
14 ~~ble to do so.~~] The trustees shall not adopt changes in tuition charges

15 prior to the enactment of the annual budget. The board of trustees may
16 accept as partial reimbursement for the education of veterans of the
17 armed forces of the United States who are otherwise qualified such sums
18 as may be authorized by federal legislation to be paid for such educa-
19 tion. The board of trustees may conduct on a fee basis extension courses
20 and courses for adult education appropriate to the field of higher
21 education. In all courses and courses of study it may, in its
22 discretion, require students to pay library, laboratory, locker, break-
23 age and other instructional and non-instructional fees and meet the cost
24 of books and consumable supplies. In addition to the foregoing fees and
25 charges, the board of trustees may impose and collect fees and charges

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

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1 for student government and other student activities and receive and
2 expend them as agent or trustee.

3 § 5. The closing paragraph of paragraph (a-1) of subdivision 7 of
4 section 6206 of the education law, as amended by chapter 260 of the laws
5 of 2011, is amended to read as follows:

6 ~~[A student without lawful immigration status shall also be required to~~
7 ~~file an affidavit with such institution or educational unit stating that~~
8 ~~the student has filed an application to legalize his or her immigration~~
9 ~~status, or will file such an application as soon as he or she is eligi-~~
10 ~~ble to do so.]~~

11 Except as otherwise authorized in paragraph (a) of this
12 subdivision, the trustees shall not adopt changes in tuition charges
13 prior to the enactment of the annual budget. The board of trustees may
14 accept as partial reimbursement for the education of veterans of the
15 armed forces of the United States who are otherwise qualified such sums
16 as may be authorized by federal legislation to be paid for such educa-
17 tion. The board of trustees may conduct on a fee basis extension courses
18 and courses for adult education appropriate to the field of higher
19 education. In all courses and courses of study it may, in its
20 discretion, require students to pay library, laboratory, locker, break-
21 age and other instructional and non-instructional fees and meet the cost
22 of books and consumable supplies. In addition to the foregoing fees and
23 charges, the board of trustees may impose and collect fees and charges
24 for student government and other student activities and receive and
25 expend them as agent or trustee.

26 § 6. Subdivision 5 of section 6301 of the education law, as amended by
27 chapter 327 of the laws of 2002, is amended to read as follows:

28 5. "Resident." A person who has resided in the state for a period of
29 at least one year and in the county, city, town, intermediate school
30 district, school district or community college region, as the case may
31 be, for a period of at least six months, both immediately preceding the
32 date of such person's registration in a community college or, for the
33 purposes of section sixty-three hundred five of this article, his or her
34 application for a certificate of residence; provided, however, that this
35 term shall include any student who is not a resident of New York state,
36 other than a non-immigrant alien within the meaning of paragraph (15) of
37 subsection (a) of section 1101 of title 8 of the United States Code, if
38 such student:

39 (i) attended an approved New York high school for two or more years,
40 graduated from an approved New York high school and applied for attend-
41 ance at an institution or educational unit of the state university with-
42 in five years of receiving a New York state high school diploma; or

43 (ii) attended an approved New York state program for general equiv-
44 alency diploma exam preparation, received a general equivalency diploma
45 issued within New York state and applied for attendance at an institu-
46 tion or educational unit of the state university within five years of
47 receiving a general equivalency diploma issued within New York state; or

48 (iii) was enrolled in an institution or educational unit of the state
49 university in the fall semester or quarter of the two thousand one--two
50 thousand two academic year and was authorized by such institution or
51 educational unit to pay tuition at the rate or charge imposed for
52 students who are residents of the state.

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

1 In the event that a person qualified as above for state residence, but
2 has been a resident of two or more counties in the state during the six
3 months immediately preceding his application for a certificate of resi-
4 dence pursuant to section sixty-three hundred five of this chapter, the
5 charges to the counties of residence shall be allocated among the
6 several counties proportional to the number of months, or major fraction
7 thereof, of residence in each county.

8 § 7. The closing paragraph of subparagraph (ii) of paragraph (a) of
9 subdivision 2 of section 6455 of the education law is REPEALED.

10 § 8. The closing paragraph of subparagraph (ii) of paragraph (a) of
11 subdivision 3 of section 6455 of the education law is REPEALED.

12 § 9. This act shall take effect immediately, provided, however, that
13 the amendments to paragraph (a) of subdivision 7 of section 6206 of the
14 education law made by section four of this act shall take effect on the
15 same date as the reversion of such paragraph as provided in section 16
16 of chapter 260 of the laws of 2011, as amended, provided, further, that
17 the amendments made to paragraph (a-1) of subdivision 7 of section 6206
18 of the education law by section five of this act shall not affect the
19 expiration of such paragraph and shall be deemed to expire therewith.