STATE OF NEW YORK

8994

IN SENATE

May 3, 2022

Introduced by Sen. STAVISKY -- 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 certificates of residence required of community college enrollees

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivisions 3 and 4 of section 6305 of the education law, as amended by section 2 of part V of chapter 57 of the laws of 2013, are amended to read as follows:

3. The chief fiscal officer of each county, as defined in section 2.00 of the local finance law, shall, upon application and submission to [~~him~~] **such chief fiscal officer** of satisfactory evidence, issue to any person desiring to enroll in a community college as a non-resident student, a certificate of residence form**, in which the chief fiscal officer shall not mandate social security numbers as a condition of application,** showing that said person is a resident of said county. **On and after July first, two thousand twenty-three, the chief fiscal officer of each county shall accept application and submission of satisfactory evidence in person and electronically from any person desiring to enroll in a community college as a non-resident student.** If the chief fiscal officer of a county refuses to issue such a certificate on the ground that the person applying therefor is not a resident of such county, the person applying may appeal to the chancellor of the state university. The chancellor of the state university**, or such officers or employees thereof as shall be designated by the chancellor in a manner authorized by the trustees of the state university,** shall make a determination after a hearing, upon ten days' notice to such chief fiscal officer of the county, and such determination shall be final and binding on the county. **Such appeal shall be made in writing, electronically or by mail.** Such person shall, upon [~~his~~] registration for each college year, file with the college such a certificate of residence form issued not earlier than two months prior thereto, and such certificate of residence form shall be valid for a period of one year from the date of

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

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issuance. **The trustees of the state university shall be authorized to promulgate regulations to effectuate the provisions of this subdivision.**

4. If, pursuant to subdivision two of this section, a community college elects to charge to and collect an allocable portion of the operating costs and a further sum on account of capital costs of such college from each county which has issued a certificate form or certificates of residence forms pursuant to subdivision three of this section, on the basis of which non-resident students are attending such community college, the president of such community college shall, within forty-five days after the commencement of each college term or program, submit to the chief fiscal officer of each county a list of non-resident students attending such college on the basis of such certificates of residence form and a voucher for the amount payable by each county for these students. Such list and voucher shall be determined on the basis of non-resident students enrolled in the program as of the end (or last day) of the third week of the commencement for a program scheduled for one semester, the end of the second for a program scheduled for an academic quarter and the end of the first week for any program scheduled to be completed in thirty days or less**, provided, however, if a student can demonstrate hardship in meeting the deadline, the chancellor of the state university, or such officers or employees thereof as shall be designated by the chancellor in the manner authorized by the trustees of the state university, shall have the discretion to overturn the county's decision to reject the student's application for the certificate of residence, and the president of such community college shall have the ability to amend its list to the county to include any such changes after forty-five days**. The chancellor of the state university, or [~~such officers or employees thereof as shall be designated by the chancellor in the manner authorized by the state university trustees~~] **his or her designee**, shall notify the chief fiscal officers of each county of the approved annual operating and capital charge-back rate for each community college. The amount billed to the chief fiscal officer of each county by the president of such community college as a charge for the allocable portion of the operating costs and a further sum on account of capital costs of such college for non-resident students shall be paid to the chief fiscal officer of such college by the billed county no later than sixty days after the county receives said billing. **The trustees of the state university shall be authorized to promulgate regulations to effectuate the provisions of this subdivision.**

§ 2. This act shall take effect one year after it shall have become a law.