

STATE OF NEW YORK

6991

2023-2024 Regular Sessions

IN ASSEMBLY

May 10, 2023

Introduced by M. of A. CRUZ -- read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to affidavits of the lawful immigration status of certain students; 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 paragraph a and the closing paragraph
2 of paragraph b of subdivision 5 of section 661 of the education law are
3 REPEALED.

4 § 2. The closing paragraph of subparagraph (i) of paragraph (a) of
5 subdivision 7 of section 6206 of the education law, as amended by
6 section 3 of part B of chapter 56 of the laws of 2023, is amended to
7 read as follows:

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

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 § 3. The closing paragraph of paragraph (a-1) of subdivision 7 of
4 section 6206 of the education law, as amended by chapter 669 of the laws
5 of 2022, 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.]~~ Except as otherwise authorized in paragraph (a) of this

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

25 § 4. The second undesignated paragraph of subdivision 5 of section
26 6301 of the education law is REPEALED.

27 § 5. The closing paragraph of paragraph (a) of subdivision 2 and the
28 closing paragraph of paragraph (a) of subdivision 3 of section 6455 of
29 the education law are REPEALED.

30 § 6. This act shall take effect on the sixtieth day after it shall
31 have become a law; provided, however, that section two of this act shall
32 take effect on the same date as the reversion of paragraph (a) of subdivi-
33 sion 7 of section 6206 of the education law as provided in section 16
34 of chapter 260 of the laws of 2011, as amended; provided further, howev-
35 er, that the amendments to paragraph (a-1) of subdivision 7 of section
36 6206 of the education law made by section three of this act shall not
37 affect the repeal of such paragraph and shall be deemed repealed there-
38 with.