

# STATE OF NEW YORK

8399

2023-2024 Regular Sessions

## IN ASSEMBLY

December 13, 2023

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

AN ACT to amend the education law, in relation to prohibiting the grant of tuition assistance awards to any student who has knowingly engaged in certain antisemitic activities

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

1 Section 1. Short title. This act may be known and shall be cited as  
2 "the combating campus antisemitism act".

3 § 2. Subdivision 2 of section 666 of the education law, as amended by  
4 chapter 947 of the laws of 1990, is amended to read as follows:

5 2. Eligible students. Tuition awards may be made to students, who  
6 comply with the requirements provided in subdivisions three, five and  
7 six of section six hundred sixty-one of this article, and (i) are also  
8 part-time students matriculated in approved undergraduate degree  
9 programs or enrolled and accepted into registered certificate programs  
10 and (ii) if eligible to claim dependents or to be claimed as dependents  
11 under the tax law, whose incomes do not exceed fifty thousand five  
12 hundred fifty dollars or if ineligible whose incomes do not exceed thir-  
13 ty-four thousand two hundred fifty dollars. The continuation of eligi-  
14 bility for a tuition award shall require the retention of good academic  
15 standing, as defined by the commissioner pursuant to article thirteen  
16 of this chapter. Prior to the approval of any additional award pursuant to  
17 this section, participating institutions shall review the academic  
18 standing of all recipients of awards pursuant to this section; and  
19 provided, further, that no tuition assistance award shall be provided to  
20 any student, in any academic year, who has knowingly engaged in promot-  
21 ing antisemitism in a manner that is directed to inciting or producing  
22 imminent lawless action and is likely to incite or produce such action,  
23 that constitutes "true threats," as defined by the United States supreme  
24 court in Virginia v. Black (2003), or that constitutes "fighting words,"

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

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1 pursuant to Chaplinsky v. New Hampshire (1942), or fails to adequately  
2 address any such event. The term "antisemitism" shall have the same  
3 meaning as the working definition for "antisemitism" as provided by the  
4 International Holocaust Remembrance Alliance on May 26, 2016, including  
5 the contemporary examples of antisemitism cited by the International  
6 Holocaust Remembrance Alliance. The higher education services corpo-  
7 ration of the state of New York shall establish guidelines for determin-  
8 ing when a student has knowingly engaged in promoting antisemitism as  
9 well as guidelines for actions that may be taken to restore and/or  
10 resume a tuition assistance award.

11 § 3. Subdivision 1 of section 667 of the education law, as amended by  
12 chapter 622 of the laws of 2008, is amended to read as follows:

13 1. Recipient qualifications. Tuition assistance program awards are  
14 available for all students who are enrolled in approved programs and who  
15 demonstrate the ability to complete such courses, in accordance with  
16 standards established by the commissioner provided, however, that no  
17 award shall be made unless tuition (exclusive of educational fees) and,  
18 if applicable, the college fee levied by the state university of New  
19 York pursuant to the April first, nineteen hundred sixty-four financing  
20 agreements with the New York state dormitory authority charged for the  
21 program in which the student is enrolled total at least two hundred  
22 dollars a year, [~~and provided further that,~~] no award can exceed one  
23 hundred percent of the amount of tuition charged; and provided, further,  
24 that no tuition assistance award shall be provided to any student, in  
25 any academic year, who has knowingly engaged in promoting antisemitism  
26 in a manner that is directed to inciting or producing imminent lawless  
27 action and is likely to incite or produce such action, that constitutes  
28 "true threats," as defined by the United States supreme court in Virgi-  
29 nia v. Black (2003), or that constitutes "fighting words," pursuant to  
30 Chaplinsky v. New Hampshire (1942), or fails to adequately address any  
31 such event. The term "antisemitism" shall have the same meaning as the  
32 working definition for "antisemitism" as provided by the International  
33 Holocaust Remembrance Alliance on May 26, 2016, including the contempo-  
34 rary examples of antisemitism cited by the International Holocaust  
35 Remembrance Alliance. The higher education services corporation of the  
36 state of New York shall establish guidelines for determining when a  
37 student has knowingly engaged in promoting antisemitism as well as  
38 guidelines for actions that may be taken to restore and/or resume a  
39 tuition assistance award.

40 § 4. Subdivision 1 of section 667-a of the education law, as amended  
41 by chapter 83 of the laws of 1995, is amended to read as follows:

42 1. Legislative intent. The legislature hereby finds that to further  
43 the goal of equal opportunity it is necessary to assure the availability  
44 of supplemental assistance for the successful remediation of educa-  
45 tionally disadvantaged students in addition to assistance currently  
46 available under existing statute for students with financial need.  
47 Accordingly, tuition assistance shall be extended to students whose need  
48 for remediation precludes them from fulfilling the program pursuit and  
49 academic progress requirements of the tuition assistance program; and  
50 provided, further, that no supplemental tuition assistance award shall  
51 be provided to any student, in any academic year, who has knowingly  
52 engaged in promoting antisemitism in a manner that is directed to incit-  
53 ing or producing imminent lawless action and is likely to incite or  
54 produce such action, that constitutes "true threats," as defined by the  
55 United States supreme court in Virginia v. Black (2003), or that consti-  
56 tutes "fighting words," pursuant to Chaplinsky v. New Hampshire (1942),

1 or fails to adequately address any such event. The term "antisemitism"  
2 shall have the same meaning as the working definition for "antisemitism"  
3 as provided by the International Holocaust Remembrance Alliance on May  
4 26, 2016, including the contemporary examples of antisemitism cited by  
5 the International Holocaust Remembrance Alliance. The higher education  
6 services corporation of the state of New York shall establish guidelines  
7 for determining when a student has knowingly engaged in promoting anti-  
8 semitism as well as guidelines for actions that may be taken to restore  
9 and/or resume a tuition assistance award.

10 § 5. Subdivision 1 of section 667-c of the education law, as amended  
11 by section 1 of part E of chapter 56 of the laws of 2022 and paragraph  
12 (b) as amended by section 1 of part EE of chapter 56 of the laws of  
13 2023, is amended to read as follows:

14 1. Notwithstanding any law, rule or regulation to the contrary, the  
15 president of the higher education services corporation is authorized to  
16 make tuition assistance program awards to:

17 a. part-time students enrolled at the state university, a community  
18 college, the city university of New York, and a non-profit college or  
19 university incorporated by the regents or by the legislature who meet  
20 all requirements for tuition assistance program awards except for the  
21 students' part-time attendance; and provided, further, that no part-time  
22 tuition assistance award shall be provided to any student, in any  
23 academic year, who has knowingly engaged in promoting antisemitism in a  
24 manner that is directed to inciting or producing imminent lawless action  
25 and is likely to incite or produce such action, that constitutes "true  
26 threats," as defined by the United States supreme court in Virginia v.  
27 Black (2003), or that constitutes "fighting words," pursuant to Chaplin-  
28 sky v. New Hampshire (1942), or fails to adequately address any such  
29 event. The term "antisemitism" shall have the same meaning as the work-  
30 ing definition for "antisemitism" as provided by the International Holo-  
31 caust Remembrance Alliance on May 26, 2016, including the contemporary  
32 examples of antisemitism cited by the International Holocaust Remem-  
33 brance Alliance. The higher education services corporation of the state  
34 of New York shall establish guidelines for determining when a student  
35 has knowingly engaged in promoting antisemitism as well as guidelines  
36 for actions that may be taken to restore and/or resume a tuition  
37 assistance award; or

38 b. part-time students enrolled at a community college or a public  
39 agricultural and technical college in a non-degree workforce credential  
40 program directly leading to the employment or advancement of a student  
41 in a "significant industry" as identified by the department of labor in  
42 its three most recent statewide significant industries reports published  
43 preceding the student's enrollment in such non-degree workforce creden-  
44 tial program. The state university of New York and the city university  
45 of New York shall publish and maintain a master list of all eligible  
46 non-degree workforce credential program courses and update such list  
47 every semester. Eligible non-degree workforce credential programs shall  
48 include those programs less than twelve semester hours, or the equiv-  
49 alent, per semester. A student who successfully completes a non-degree  
50 workforce credential program and receives part-time tuition assistance  
51 program awards pursuant to this paragraph shall be awarded academic  
52 credit by the state university of New York or city university of New  
53 York upon matriculation into a degree program at such institution,  
54 provided that such credit shall be equal to the corresponding credit  
55 hours earned in the non-degree workforce credential program; and  
56 provided, further, that no part-time tuition assistance award shall be

1 provided to any student, in any academic year, who has knowingly engaged  
2 in promoting antisemitism in a manner that is directed to inciting or  
3 producing imminent lawless action and is likely to incite or produce  
4 such action, that constitutes "true threats," as defined by the United  
5 States supreme court in Virginia v. Black (2003), or that constitutes  
6 "fighting words," pursuant to Chaplinsky v. New Hampshire (1942), or  
7 fails to adequately address any such event. The term "antisemitism"  
8 shall have the same meaning as the working definition for "antisemitism"  
9 as provided by the International Holocaust Remembrance Alliance on May  
10 26, 2016, including the contemporary examples of antisemitism cited by  
11 the International Holocaust Remembrance Alliance. The higher education  
12 services corporation of the state of New York shall establish guidelines  
13 for determining when a student has knowingly engaged in promoting anti-  
14 semitism as well as guidelines for actions that may be taken to restore  
15 and/or resume a tuition assistance award.

16 § 6. This act shall take effect immediately.