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:

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

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

2. Eligible students. Tuition awards may be made to students, who comply with the requirements provided in subdivisions three, five and six of section six hundred sixty-one of this article, and (i) are also part-time students matriculated in approved undergraduate degree programs or enrolled and accepted into registered certificate programs and (ii) if eligible to claim dependents or to be claimed as dependents under the tax law, whose incomes do not exceed fifty thousand five hundred fifty dollars or if ineligible whose incomes do not exceed thirty-four thousand two hundred fifty dollars. The continuation of eligibility for a tuition award shall require the retention of good academic standing, as defined by the commissioner pursuant to article thirteen of this chapter. Prior to the approval of any additional award pursuant to this section, participating institutions shall review the academic standing of all recipients of awards pursuant to this section**; and provided, further, that no tuition assistance award shall be provided to any student, in any academic year, who has knowingly engaged in promoting antisemitism in a manner that is directed to inciting or producing imminent lawless action and is likely to incite or produce such action, that constitutes "true threats," as defined by the United States supreme 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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pursuant to Chaplinsky v. New Hampshire (1942), or fails to adequately address any such event. The term "antisemitism" shall have the same meaning as the working definition for "antisemitism" as provided by the International Holocaust Remembrance Alliance on May 26, 2016, including the contemporary examples of antisemitism cited by the International Holocaust Remembrance Alliance. The higher education services corporation of the state of New York shall establish guidelines for determining when a student has knowingly engaged in promoting antisemitism as well as guidelines for actions that may be taken to restore and/or resume a tuition assistance award.

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

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

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

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

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

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

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

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

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

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

§ 6. This act shall take effect immediately.