

STATE OF NEW YORK

7752

2023-2024 Regular Sessions

IN SENATE

November 15, 2023

Introduced by Sens. WEBER, CANZONERI-FITZPATRICK, GRIFFO, MARTINS --
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 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 thirty-four
13 thousand two hundred fifty dollars. The continuation of eligibility
14 for a tuition award shall require the retention of good academic
15 standing, as defined by the commissioner pursuant to article thirteen of
16 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

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

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1 court in Virginia v. Black (2003), or that constitutes "fighting words,"
2 pursuant to Chaplinsky v. New Hampshire (1942), or fails to adequately
3 address any such event. The term "antisemitism" shall have the same
4 meaning as the working definition for "antisemitism" as provided by the
5 International Holocaust Remembrance Alliance on May 26, 2016, including
6 the contemporary examples of antisemitism cited by the International
7 Holocaust Remembrance Alliance. The higher education services corpo-
8 ration of the state of New York shall establish guidelines for determin-
9 ing when a student has knowingly engaged in promoting antisemitism as
10 well as guidelines for actions that may be taken to restore and/or
11 resume a tuition assistance award.

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

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

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

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

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

11 § 5. Subdivision 1 of section 667-c of the education law, as amended
12 by section 1 of part E of chapter 56 of the laws of 2022 and paragraph
13 (b) as amended by section 1 of part EE of chapter 56 of the laws of
14 2023, is amended to read as follows:

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

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

39 b. part-time students enrolled at a community college or a public
40 agricultural and technical college in a non-degree workforce credential
41 program directly leading to the employment or advancement of a student
42 in a "significant industry" as identified by the department of labor in
43 its three most recent statewide significant industries reports published
44 preceding the student's enrollment in such non-degree workforce creden-
45 tial program. The state university of New York and the city university
46 of New York shall publish and maintain a master list of all eligible
47 non-degree workforce credential program courses and update such list
48 every semester. Eligible non-degree workforce credential programs shall
49 include those programs less than twelve semester hours, or the equiv-
50 alent, per semester. A student who successfully completes a non-degree
51 workforce credential program and receives part-time tuition assistance
52 program awards pursuant to this paragraph shall be awarded academic
53 credit by the state university of New York or city university of New
54 York upon matriculation into a degree program at such institution,
55 provided that such credit shall be equal to the corresponding credit
56 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 antisemitism 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.