STATE OF NEW YORK

8049

2025-2026 Regular Sessions

IN ASSEMBLY

April 22, 2025

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

AN ACT to amend the education law, in relation to tuition rates for certain students who are not residents of the state but who have resided in the state for a certain period of time

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

Section 1. Subparagraph 8 of paragraph h of subdivision 2 of section 355 of the education law, as amended by chapter 669 of the laws of 2022, is amended to read as follows:

(8) Such regulations shall further provide that the payment of tuition and fees by any student who is not a resident of New York state, other than a non-immigrant noncitizen within the meaning of paragraph (15) of subsection (a) of section 1101 of title 8 of the United States Code, shall be paid at a rate or charge no greater than that imposed for students who are residents of the state if such student[~~:~~

~~(i) attended an approved New York high school for two or more years, graduated from an approved New York high school and applied for attendance at an institution or educational unit of the state university within five years of receiving a New York state high school diploma; or~~

~~(ii) attended an approved New York state program for general equivalency diploma exam preparation, received a general equivalency diploma issued within New York state and applied for attendance at an institution or educational unit of the state university within five years of receiving a general equivalency diploma issued within New York state; or~~

~~(iii) was enrolled in~~] **registers as an entering student, or is currently enrolled, at** an institution or educational unit of the state university [~~in the fall semester or quarter of the two thousand one--two thousand two academic year and was authorized by such institution or educational unit to pay tuition at the rate or charge imposed for students who are residents of the state~~] **and such student either:**

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

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(i) meets the requirements of items (A) and (B) of this clause:
(A) either:
(1) has a total attendance of, or attained credits earned while in New York state that are equivalent to, two or more years of full-time attendance at any of the following schools or colleges in New York state:
(I) high schools, including high schools established by a board of education, county office of education, unified school district or high school district, or the department of corrections;
(II) community colleges; or
(III) a combination of high schools and community colleges; or
(2) has three or more years of full-time high school coursework in New York state and a total of three or more years of attendance at elementary schools in New York state, secondary schools in New York state, or a combination of elementary and secondary schools in New York state.
For the purposes of this item:
(a) full-time attendance at a community college means either a minimum of twelve units of credit per semester or quarter equivalent per year or a minimum of four hundred twenty class hours per year or semester or quarter equivalent; and
(b) full-time attendance at a high school means a minimum of four hundred twenty class hours of attendance for each school year in classes or courses; and
(B)(1) graduates from a high school in New York state or has attained the equivalency thereof; or
(2) attained an associate degree from a community college in New York state; or
(3) has fulfilled the minimum transfer requirements established for an institution or educational unit of the state university for students transferring from a community college in New York state; or
(ii) has resided in the state for a period of at least one year and in the country, city, town, intermediate school district, school district or community college region, as the case may be, for a period of at least six months, both immediately preceding the date of such person's registration in a state-operated institution, a statutory or contract college, a community college, or such student's application for a certificate of residence.

A student without lawful immigration status shall also be required to file an affidavit with such institution or educational unit stating that the student has filed an application to legalize [~~his or her~~] their immigration status, or will file such an application as soon as [~~he or she~~] such student is eligible to do so and that such student has resided in the state for a period of at least one year and in the county, city, town, intermediate school district, school district or community college region, as the case may be, for a period of at least six months, both immediately preceding the date of such student's registration in a state-operated institution, a statutory or contract college, a community college, or such student's application for a certificate of residence.

§ 2. Subdivision 5 of section 6301 of the education law, as amended by chapter 327 of the laws of 2002, the opening paragraph as amended by chapter 669 of the laws of 2022, is amended to read as follows:

5. "Resident." A person who has resided in the state for a period of at least one year and in the county, city, town, intermediate school district, school district or community college region, as the case may be, for a period of at least six months, [~~both~~] or whichever is earlier, immediately preceding the date of such person's registration in a state-

operated institution, a statutory or contract college, or a community college or, for the purposes of section sixty-three hundred five of this article, [~~his or her~~] such person's application for a certificate of residence; provided, however, that this term shall include any student who is not a resident of New York state, other than a non-immigrant noncitizen within the meaning of paragraph (15) of subsection (a) of section 1101 of title 8 of the United States Code, if such student[~~:~~

~~(i) attended an approved New York high school for two or more years, graduated from an approved New York high school and applied for attendance at an institution or educational unit of the state university within five years of receiving a New York state high school diploma; or~~

~~(ii) attended an approved New York state program for general equivalency diploma exam preparation, received a general equivalency diploma issued within New York state and applied for attendance at an institution or educational unit of the state university within five years of receiving a general equivalency diploma issued within New York state; or~~

~~(iii) was enrolled in~~] registers as an entering student, or is currently enrolled, at an institution or educational unit of the state university [~~in the fall semester or quarter of the two thousand one--two thousand two academic year and was authorized by such institution or educational unit to pay tuition at the rate or charge imposed for students who are residents of the state~~] and such student either:

a. meets the requirements of subparagraphs (i) and (ii) of this paragraph:

(i)(1) has a total attendance of, or attained credits earned while in New York state that are equivalent to, two or more years of full-time attendance at any of the following schools or colleges in New York state:

(I) high schools, including high schools established by a board of education, county office of education, unified school district or high school district, or the department of corrections;

(II) community colleges; or

(III) a combination of high schools and community colleges; or

(2) has three or more years of full-time high school coursework in New York state and a total of three or more years of attendance in elementary schools in New York state, secondary schools in New York state, or a combination of elementary and secondary schools in New York state.

For the purposes of this subparagraph:

(A) full-time attendance at a community college means either a minimum of twelve units of credit per semester or quarter equivalent per year or a minimum of four hundred twenty class hours per year or semester or quarter equivalent; and

(B) full-time attendance at a high school means a minimum of four hundred twenty class hours of attendance for each school year in classes or courses; and

(ii)(1) graduates from a high school in New York state or has attained the equivalency thereof; or

(2) attained an associate degree from a community college in New York state; or

(3) has fulfilled the minimum transfer requirements established for an institution or educational unit of the state university for students transferring from a campus of the New York community colleges; or

b. has resided in the state for a period of at least one year and in the country, city, town, intermediate school district, school district or community college region, as the case may be, for a period of at least six months, both immediately preceding the date of such person's

registration in a state-operated institution, a statutory or contract college, a community college, or such student's application for a certificate of residence and the date of such person's registration in a state-operated institution, a statutory or contract college, or a community college or, for the purposes of section sixty-three hundred five of this article, such person's application for a certificate of residence if such person can show the following documentation:

(i) an employment authorization document (EAD or work permit) (I-766) with the following codes: (A)(3) for refugee, (A)(5) for asylee, and (A)(10) for withholding of deportation or removal;

(ii) an I-94 arrival/departure record with an employment authorization stamp and the notation "asylum granted" or "refugee granted"; and

(iii) a decision from the United States citizenship and immigration services or the immigration judge granting asylum or withholding of deportation or removal.

Provided, further, that a student without lawful immigration status shall also be required to file an affidavit with such institution or educational unit stating that the student has filed an application to legalize [~~his or her~~] their immigration status, or will file such an application as soon as [~~he or she~~] such student is eligible to do so.

In the event that a person qualified as above for state residence, but has been a resident of two or more counties in the state during the six months immediately preceding [~~his~~] such person's application for a certificate of residence pursuant to section sixty-three hundred five of this [~~chapter~~] article, the charges to the counties of residence shall be allocated among the several counties proportional to the number of months, or major fraction thereof, of residence in each county.

§ 3. This act shall take effect immediately.