

# STATE OF NEW YORK

1024--A

2025-2026 Regular Sessions

## IN SENATE

(Prefiled)

January 8, 2025

Introduced by Sen. JACKSON -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

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

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

10 ~~(i) attended an approved New York high school for two or more years,~~  
11 ~~graduated from an approved New York high school and applied for attend-~~  
12 ~~ance at an institution or educational unit of the state university with-~~  
13 ~~in five years of receiving a New York state high school diploma, or~~

14 ~~(ii) attended an approved New York state program for general equiv-~~  
15 ~~alency diploma exam preparation, received a general equivalency diploma~~  
16 ~~issued within New York state and applied for attendance at an institu-~~  
17 ~~tion or educational unit of the state university within five years of~~  
18 ~~receiving a general equivalency diploma issued within New York state, or~~

19 ~~(iii) was enrolled in]~~ registers as an entering student, or is  
20 currently enrolled, at an institution or educational unit of the state  
21 university [~~in the fall semester or quarter of the two thousand one two~~

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

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~~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:

(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

1 district, school district or community college region, as the case may  
2 be, for a period of at least six months, ~~[both]~~ or whichever is earlier,  
3 immediately preceding the date of such person's registration in a state-  
4 operated institution, a statutory or contract college, or a community  
5 college or, for the purposes of section sixty-three hundred five of this  
6 article, ~~[his or her]~~ such person's application for a certificate of  
7 residence; provided, however, that this term shall include any student  
8 who is not a resident of New York state, other than a non-immigrant  
9 noncitizen within the meaning of paragraph (15) of subsection (a) of  
10 section 1101 of title 8 of the United States Code, if such student~~[+~~

11 ~~(i) attended an approved New York high school for two or more years,~~  
12 ~~graduated from an approved New York high school and applied for attend-~~  
13 ~~ance at an institution or educational unit of the state university with-~~  
14 ~~in five years of receiving a New York state high school diploma; or~~

15 ~~(ii) attended an approved New York state program for general equiv-~~  
16 ~~alency diploma exam preparation, received a general equivalency diploma~~  
17 ~~issued within New York state and applied for attendance at an institu-~~  
18 ~~tion or educational unit of the state university within five years of~~  
19 ~~receiving a general equivalency diploma issued within New York state; or~~

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

26 a. meets the requirements of subparagraphs (i) and (ii) of this para-  
27 graph:

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

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

35 (II) community colleges; or

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

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

41 For the purposes of this subparagraph:

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

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

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

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

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

1 b. has resided in the state for a period of at least one year and in  
2 the country, city, town, intermediate school district, school district  
3 or community college region, as the case may be, for a period of at  
4 least six months, both immediately preceding the date of such person's  
5 registration in a state-operated institution, a statutory or contract  
6 college, a community college, or such student's application for a  
7 certificate of residence and the date of such person's registration in a  
8 state-operated institution, a statutory or contract college, or a commu-  
9 nity college or, for the purposes of section sixty-three hundred five of  
10 this article, such person's application for a certificate of residence  
11 if such person can show the following documentation:

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

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

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

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

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

32 § 3. This act shall take effect immediately.