STATE OF NEW YORK

5121

2025-2026 Regular Sessions

IN SENATE

February 19, 2025

Introduced by Sens. JACKSON, MAYER, SEPULVEDA -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education

AN ACT to amend the education law, in relation to affidavits of the lawful immigration status of certain students; and to repeal certain provisions of such law relating thereto

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

Section 1. The closing paragraph paragraph a and the closing paragraph of paragraph b of subdivision 5 of section 661 of the education law are REPEALED.

§ 2. The closing paragraph of subparagraph (i) of paragraph (a) of subdivision 7 of section 6206 of the education law, as amended by section 3 of part B of chapter 56 of the laws of 2023, is amended to read as follows:

[~~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 immigration status, or will file such an application as soon as he or she is eligible to do so.~~] The trustees shall not adopt changes in tuition charges prior to the enactment of the annual budget. The board of trustees may accept as partial reimbursement for the education of veterans of the armed forces of the United States who are otherwise qualified such sums as may be authorized by federal legislation to be paid for such education. The board of trustees may conduct on a fee basis extension courses and courses for adult education appropriate to the field of higher education. In all courses and courses of study it may, in its discretion, require students to pay library, laboratory, locker, breakage and other instructional and non-instructional fees and meet the cost of books and consumable supplies. In addition to the foregoing fees and charges, the board of trustees may impose and collect fees and charges

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

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for student government and other student activities and receive and expend them as agent or trustee.

§ 3. The closing paragraph of paragraph (a-1) of subdivision 7 of section 6206 of the education law, as amended by chapter 669 of the laws of 2022, is amended to read as follows:

[~~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 immigration status, or will file such an application as soon as he or she is eligible to do so.~~] Except as otherwise authorized in paragraph (a) of this subdivision, the trustees shall not adopt changes in tuition charges prior to the enactment of the annual budget. The board of trustees may accept as partial reimbursement for the education of veterans of the armed forces of the United States who are otherwise qualified such sums as may be authorized by federal legislation to be paid for such education. The board of trustees may conduct on a fee basis extension courses and courses for adult education appropriate to the field of higher education. In all courses and courses of study it may, in its discretion, require students to pay library, laboratory, locker, breakage and other instructional and non-instructional fees and meet the cost of books and consumable supplies. In addition to the foregoing fees and charges, the board of trustees may impose and collect fees and charges for student government and other student activities and receive and expend them as agent or trustee.

§ 4. The second undesignated paragraph of subdivision 5 of section 6301 of the education law is REPEALED.

§ 5. The closing paragraph of paragraph (a) of subdivision 2 and the closing paragraph of paragraph (a) of subdivision 3 of section 6455 of the education law are REPEALED.

§ 6. This act shall take effect on the sixtieth day after it shall have become a law; provided, however, that section two of this act shall take effect on the same date as the reversion of paragraph (a) of subdivision 7 of section 6206 of the education law as provided in section 16 of chapter 260 of the laws of 2011, as amended; provided further, however, that the amendments to paragraph (a-1) of subdivision 7 of section 6206 of the education law made by section three of this act shall not affect the repeal of such paragraph and shall be deemed repealed therewith.