§ 6305. Non-resident and out-of-state students. 1. In addition to admitting residents of its own local sponsor or sponsors, each community college shall, within the quota and under the conditions prescribed by the state university trustees, admit non-resident students and out-of-state students.

2. Any community college may, with the approval of the state university trustees, charge non-resident students sufficient tuition and fees to cover an allocable portion of the local sponsor's share of the operating costs of such community college in addition to regular tuition and fees. Such community college may elect to charge to and collect from each county within the state which has issued a certificate or certificates of residence pursuant to subdivision three of this section on the basis of which such non-resident students are attending such community college, an allocable portion of the local sponsor's share of the operating costs of such community college attributable to such non-resident students, computed on a per student basis, together with a further sum of not to exceed three hundred dollars each year to be determined and approved by the state university trustees for each such non-resident student on account of the local sponsor's share of the capital costs incurred to provide facilities in which such non-resident students can be accommodated; or, where such non-resident students come from communities which have elected to participate in and pay an appropriate share of the expenses involved in the local sponsor's community college program, such allocable portion of operating expenses and such further sum not to exceed three hundred dollars per student for capital costs on account of their residents attending such community college shall be determined and approved by the state university trustees, and be charged to and collected from such communities.

3. The chief fiscal officer of each county, as defined in section 2.00 of the local finance law, shall, upon application and submission to such chief fiscal officer of satisfactory evidence in-person or electronically, issue to any person desiring to enroll in a community college as a non-resident student, a certificate of residence form showing that said person is a resident of said county. No such chief fiscal officer shall require a person desiring to enroll in a community

college as a non-resident student to disclose or furnish his or her social security number. If the chief fiscal officer of a county refuses to issue such a certificate on the ground that the person applying therefor is not a resident of such county, or that such person is not subject to rules or regulations promulgated under subdivision four-a of this section, the person applying may appeal, in writing, electronically or by mail, to the chancellor of the state university. The chancellor of the state university, or such officers or employees thereof as shall be designated by the chancellor in a manner authorized by the state university trustees, shall make a determination after a hearing, upon ten days' notice to such chief fiscal officer of the county, and such determination shall be final and binding on the county. Such person shall, upon registration for each college year, file with the college such a certificate of residence form issued not earlier than two months prior thereto, and such certificate of residence form shall be valid for a period of one year from the date of issuance. The state university trustees shall be authorized to promulgate regulations to effectuate the provisions of this subdivision.

4. If, pursuant to subdivision two of this section, a community college elects to charge to and collect an allocable portion of the operating costs and a further sum on account of capital costs of such college from each county which has issued a certificate form or certificates of residence forms pursuant to subdivision three of this section, on the basis of which non-resident students are attending such community college, the president of such community college shall, within forty-five days after the commencement of each college term or program, or as otherwise provided by rules or regulations promulgated pursuant to subdivision four-a of this section, submit to the chief fiscal officer of each county a list of non-resident students attending such college on the basis of such certificates of residence form and a voucher for the amount payable by each county for these students. Such list and voucher shall be determined on the basis of non-resident students enrolled in the program as of the end (or last day) of the third week of the commencement for a program scheduled for one semester, the end of the second for a program scheduled for an academic quarter and the end of the first week for any program scheduled to be completed in thirty days

or less. The chancellor of the state university, or such officers or employees thereof as shall be designated by the chancellor in the manner authorized by the state university trustees, shall notify the chief fiscal officers of each county of the approved annual operating and capital charge-back rate for each community college. The amount billed to the chief fiscal officer of each county by the president of such community college as a charge for the allocable portion of the operating costs and a further sum on account of capital costs of such college for non-resident students shall be paid to the chief fiscal officer of such college by the billed county no later than sixty days after the county receives said billing.

4-a. Notwithstanding any provision of law, rule, or regulation to the contrary, the state university trustees are authorized and directed to promulgate rules or regulations setting forth: (a) a schedule of late fees and exceptions thereof for a student submitting a certificate of residence form after the deadline otherwise prescribed by subdivision four of this section for such submission, but within the relevant semester or term; and (b) a reconciliation process for valid forms received after the list of non-resident students was sent to a county pursuant to subdivision four of this section.

5. Amounts payable to such colleges by a county pursuant to this section shall be a general county charge; provided, however, that with respect to the amounts allocable to each community college a county may charge back such amounts in whole or in part to the cities and towns in the county in proportion to the number of students who, on the basis of certificates of residence issued by such county, were attending each such college as non-residents of the local sponsors thereof during the terms for which the county has been charged, and who were residents of each such city or town at the beginning of such terms.

7. In the case of counties comprising the city of New York, references in this section to a county shall mean the city of New York and references in this section to the chief fiscal officer of a county shall mean the comptroller of the city of New York.

8. Part-time and out-of-state students shall be charged such tuition and fees as may be approved by the state university trustees. Any student attending a community college who is a member or the spouse or the dependent of a member of the armed forces of the United States on full-time active duty and stationed in this state, whether or not a resident of this state, shall be charged the tuition rate for residents as approved by the state university trustees. Any student attending a community college in accordance with the federal GI bills and in compliance with all applicable eligibility requirements thereof, whether or not a resident of this state, shall be charged the tuition rate for residents as approved by the state university trustees. Any student attending a community college who is the spouse or the dependent of a member of the armed forces of the United States on full-time active duty and not stationed in this state immediately following being stationed therein, whether or not a resident of this state, shall be charged the tuition rate for residents as approved by the state university trustees.

8-a. The payment of tuition and other fees and charges of a student who is attending a community college and who is not a legal resident of New York state but is a United States citizen, a permanent lawful resident, an individual who is granted U or T non-immigrant status pursuant to the Victims of Trafficking and Violence Protection Act of 2000, a person granted temporary protected status pursuant to the Federal Immigration Act of 1990, an individual of a class of refugees paroled by the attorney general of the United States under his or her parole authority pertaining to the admission of noncitizens to the United States, or an applicant without lawful immigration status may be reduced by state-aided programs, scholarships and other financial assistance awarded under the provisions of articles thirteen, thirteen-A, fourteen and fourteen-A of this chapter, provided that the student meets the requirements set forth in subparagraph (ii) of paragraph a or subparagraph (ii) of paragraph b of subdivision five of section six hundred sixty-one of this chapter, as applicable.

9. A community college may expend moneys collected as capital charges received from counties of nonresident students for up to one-half the purchase price of equipment. A community college may include up to

one-half the purchase price of equipment in calculating capital charges collected from counties of nonresident students. Such expenditures shall be made pursuant to guidelines promulgated in rules and regulations of the board of trustees of the state university. In no event shall such expenditures qualify for state aid as capital costs.

10. On or before March thirty-first, nineteen hundred ninety-five and every year thereafter, the state shall reimburse each county which has issued a certificate of residence for any non-resident student in attendance at the fashion institute of technology during the nineteen hundred ninety-three--ninety-four academic year and every year thereafter in an amount equal to fifty percent of the actual amount paid by such county on behalf of such students and on or before June first, nineteen hundred ninety-five and every year thereafter, the state shall reimburse each county for the remaining fifty percent of the actual amount paid by each such county on behalf of such students.

12. Such calculated chargeback rates shall be set on an academic year basis and shall not vary by semester within each academic year, and no retroactive charge shall be billed to any county based on an increased chargeback rate after the commencement of each annual academic year.

13. Beginning in the two thousand fourteen--two thousand fifteen academic year, the state university of New York and the city university of New York shall develop an on-line training program to be made available to each county treasurer and/or financial officer, to provide information regarding chargeback fees and guidance concerning common forms, timelines, and policies relating to chargeback fees and the payment thereof.

14. Beginning in the two thousand fourteen--two thousand fifteen academic year, the state university of New York and the city university of New York shall assist in the development and implementation of an on-line or electronic billing system, to be available to the counties of this state, for the payment of chargeback fees.