

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATOR DIXON**

Re: Opposing the New York State DREAM Act as Proposed in the New York State Legislature

WHEREAS, New York State is home to a large number of immigrants who have entered or remain in the United States without following the proper legal procedures; and

WHEREAS, many of these immigrants are children who are entitled to many, but not all, of the privileges of citizenship; and

WHEREAS, although these children can attend schools in New York State, they are not currently eligible to receive financial aid at higher education institutions in New York; and

WHEREAS, New York State Assembly Bill A. 2597 and companion New York State Senate Bill S. 2378 seek to establish a fund for the education of children of immigrants, train educators about educational opportunities for these children and make these children eligible for financial aid, regardless of whether or not the children have legal status; and

WHEREAS, receipt of the funds come with only the need to sign an affidavit that the student has applied or intends to apply for legal immigration status if and when eligible to do so; and

WHEREAS, there is no requirement that the student actually complete or even in good faith actively pursue achieving legal immigration status; and

WHEREAS, perhaps the primary purpose of earning a higher degree is to pursue a good paying job to support a family and pursue the American dream; and

WHEREAS, earning a degree without achieving citizenship creates a sense of false hope for a better life, because the student will not be able to enjoy the privileges of citizenship, including legally seeking a good job; and

WHEREAS, further, funding the student's education while failing to require the student to achieve citizenship gives the student a benefit without inheriting the responsibilities of citizenship; and

WHEREAS, although the child of an immigrant's presence in New York may not be legal through no fault of his or her own, New York should not compound this situation by funding a program with taxpayer dollars that does not require the child to achieve the rights, privileges and responsibility of American citizenship.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby oppose New York State Assembly Bill A. 2597 and New York State Senate Bill S. 2378; and be it further

RESOLVED, that a certified copy of this resolution be forwarded to Governor Andrew Cuomo, Assembly Speaker Sheldon Silver, Senate Majority Leaders Dean Skelos and Jeffrey Klein and the local delegation to the New York State Legislature.

Fiscal Impact: None.

STATE OF NEW YORK

2597

2013-2014 Regular Sessions

IN ASSEMBLY

January 16, 2013

Introduced by M. of A. MOYA, SILVER, GLICK, FARRELL, CRESPO, RODRIGUEZ, CASTRO, ORTIZ, AUBRY, HEASTIE, JACOBS, RAMOS, BRENNAN, O'DONNELL, LAVINE, QUART, ROBERTS, KAVANAGH, SCARBOROUGH, THIELE, ROBINSON, BENEDETTO, ROSENTHAL, BOYLAND, STEVENSON, CLARK, MILLER, DenDEKKER, KELLNER, ABINANTI, PAULIN, MAISEL, ESPINAL, PERRY -- Multi-Sponsored by -- M. of A. CYMBROWITZ, DINOWITZ, ENGLEBRIGHT, HOOPER, MILLMAN, NOLAN, TITONE -- read once and referred to the Committee on Higher Education

AN ACT to amend the education law, in relation to creating the New York DREAM fund commission; eligibility requirements and conditions governing general awards, academic performance awards and student loans; eligibility requirements for assistance under the higher education opportunity programs and the collegiate science and technology entry program; financial aid opportunities for students of the state university of New York, the city university of New York and community colleges; and the program requirements for the New York state college choice tuition savings program; and to repeal subdivision 3 of section 661 of such law relating thereto

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. This act shall be known and may be cited as the "New York
2 state DREAM Act".

3 S 2. The education law is amended by adding a new section 609 to read
4 as follows:

5 S 609. NEW YORK DREAM FUND COMMISSION. 1. (A) THERE SHALL BE CREATED
6 A NEW YORK DREAM FUND COMMISSION WHICH SHALL BE COMMITTED TO ADVANCING
7 THE EDUCATIONAL OPPORTUNITIES OF THE CHILDREN OF IMMIGRANTS.

8 (B) THE NEW YORK DREAM FUND COMMISSION SHALL BE COMPOSED OF TWELVE
9 MEMBERS TO BE APPOINTED AS FOLLOWS:

10 (I) FOUR MEMBERS SHALL BE APPOINTED BY THE GOVERNOR;

11 (II) THREE MEMBERS SHALL BE APPOINTED BY THE TEMPORARY PRESIDENT OF
12 THE SENATE;

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

LBD07742-02-3

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1 (III) THREE MEMBERS SHALL BE APPOINTED BY THE SPEAKER OF THE ASSEMBLY;
2 (IV) ONE MEMBER SHALL BE APPOINTED BY THE MINORITY LEADER OF THE
3 SENATE;

4 (V) ONE MEMBER SHALL BE APPOINTED BY THE MINORITY LEADER OF THE ASSEM-
5 BLY;

6 (C) TO THE EXTENT PRACTICABLE, MEMBERS OF SUCH COMMISSION SHALL
7 REFLECT THE RACIAL, ETHNIC, GENDER, LANGUAGE, AND GEOGRAPHIC DIVERSITY
8 OF THE STATE.

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9 (D) TO THE EXTENT PRACTICABLE, MEMBERS OF SUCH COMMISSION SHALL
10 INCLUDE COLLEGE AND UNIVERSITY ADMINISTRATORS AND FACULTY, AND OTHER
11 INDIVIDUALS COMMITTED TO ADVANCING THE EDUCATIONAL OPPORTUNITIES OF THE
12 CHILDREN OF IMMIGRANTS.

13 (E) MEMBERS OF THE NEW YORK DREAM FUND COMMISSION SHALL RECEIVE NO
14 COMPENSATION FOR THEIR SERVICES.

15 2. (A) THE NEW YORK DREAM FUND COMMISSION SHALL HAVE THE POWER TO:

16 (I) ADMINISTER THE PROVISIONS OF THIS SECTION;

17 (II) CREATE AND RAISE FUNDS FOR THE NEW YORK DREAM FUND;

18 (III) ESTABLISH A NOT-FOR-PROFIT ENTITY CHARGED WITH THE RESPONSIBIL-
19 ITY OF RAISING FUNDS FOR THE ADMINISTRATION OF THIS SECTION AND ANY
20 EDUCATIONAL OR TRAINING PROGRAMS SUCH COMMISSION IS TASKED WITH ADMINIS-
21 TRATING AND FUNDING SCHOLARSHIPS TO STUDENTS WHO ARE CHILDREN OF IMMI-
22 GRANTS TO THE UNITED STATES;

23 (IV) PUBLICIZE THE AVAILABILITY OF SUCH SCHOLARSHIPS FROM THE NEW YORK
24 DREAM FUND;

25 (V) DEVELOP CRITERIA AND A SELECTION PROCESS FOR THE RECIPIENTS OF
26 SCHOLARSHIPS FROM THE NEW YORK DREAM FUND;

27 (VI) RESEARCH ISSUES PERTAINING TO THE AVAILABILITY OF ASSISTANCE WITH
28 THE COSTS OF HIGHER EDUCATION FOR THE CHILDREN OF IMMIGRANTS AND OTHER
29 ISSUES REGARDING ACCESS FOR AND THE PERFORMANCE OF THE CHILDREN OF IMMI-
30 GRANTS WITHIN HIGHER EDUCATION;

31 (VII) ESTABLISH, PUBLICIZE, AND ADMINISTER TRAINING PROGRAMS FOR HIGH
32 SCHOOL COUNSELORS, ADMISSIONS OFFICERS, AND FINANCIAL AID OFFICERS OF
33 INSTITUTIONS OF HIGHER EDUCATION. THE TRAINING PROGRAMS SHALL INSTRUCT
34 PARTICIPANTS ON THE EDUCATIONAL OPPORTUNITIES AVAILABLE TO COLLEGE-BOUND
35 STUDENTS WHO ARE THE CHILDREN OF IMMIGRANTS, INCLUDING, BUT NOT LIMITED
36 TO, IN-STATE TUITION AND SCHOLARSHIP PROGRAMS. TO THE EXTENT PRACTICA-
37 BLE, THE NEW YORK DREAM FUND COMMISSION SHALL OFFER THE TRAINING PROGRAM
38 TO SCHOOL DISTRICTS AND BOARDS OF COOPERATIVE EDUCATIONAL SERVICES
39 THROUGHOUT THE STATE, PROVIDED HOWEVER, THAT PRIORITY SHALL BE GIVEN TO
40 SCHOOL DISTRICTS AND BOARDS OF COOPERATIVE EDUCATIONAL SERVICES WITH
41 LARGER NUMBER OF STUDENTS WHO ARE THE CHILDREN OF IMMIGRANTS OVER SCHOOL
42 DISTRICTS AND BOARDS OF COOPERATIVE EDUCATIONAL SERVICES WITH LESSER
43 NUMBER OF STUDENTS WHO ARE THE CHILDREN OF IMMIGRANTS;

44 (VIII) ESTABLISH A PUBLIC AWARENESS CAMPAIGN REGARDING EDUCATIONAL
45 OPPORTUNITIES AVAILABLE TO COLLEGE BOUND STUDENTS WHO ARE THE CHILDREN
46 OF IMMIGRANTS; AND

47 (IX) ESTABLISH, BY RULE, PROCEDURES FOR ACCEPTING AND EVALUATING
48 APPLICATIONS FOR SCHOLARSHIPS FROM THE CHILDREN OF IMMIGRANTS AND ISSU-
49 ING SCHOLARSHIPS TO SELECTED STUDENT APPLICANTS;

50 (B) TO RECEIVE A SCHOLARSHIP PURSUANT TO THIS SECTION, A STUDENT
51 APPLICANT MUST MEET THE FOLLOWING QUALIFICATIONS:

52 (I) HAVE RESIDED WITH HIS OR HER PARENTS OR GUARDIANS WHILE ATTENDING
53 A PUBLIC OR PRIVATE HIGH SCHOOL IN THIS STATE;

54 (II) HAVE GRADUATED FROM A PUBLIC OR PRIVATE HIGH SCHOOL OR RECEIVED
55 THE EQUIVALENT OF A HIGH SCHOOL DIPLOMA IN THIS STATE;

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1 (III) HAVE ATTENDED A PUBLIC OR PRIVATE HIGH SCHOOL IN THIS STATE FOR
2 AT LEAST TWO YEARS AS OF THE DATE HE OR SHE GRADUATED FROM HIGH SCHOOL
3 OR RECEIVED THE EQUIVALENT OF A HIGH SCHOOL DIPLOMA;

4 (IV) HAVE AT LEAST ONE PARENT OR GUARDIAN WHO IMMIGRATED TO THE UNITED
5 STATES.

6 (C) THE NEW YORK DREAM FUND COMMISSION AND THE NEW YORK DREAM FUND
7 SHALL BE FUNDED ENTIRELY BY PRIVATE CONTRIBUTIONS AND NO STATE FUNDS
8 SHALL BE APPROPRIATED TO OR USED BY THE NEW YORK DREAM FUND. NO FUNDS
9 OF THE NEW YORK DREAM FUND OR THE NEW YORK DREAM FUND COMMISSION SHALL
10 BE TRANSFERRED TO THE GENERAL FUND OR ANY SPECIAL REVENUE FUND OR SHALL
11 BE USED FOR ANY PURPOSE OTHER THAN THE PURPOSES SET FORTH IN THIS

12 SECTION.

13 3. THE NEW YORK DREAM FUND COMMISSION AND THE NEW YORK DREAM FUND
14 SHALL BE SUBJECT TO THE PROVISIONS OF ARTICLES SIX AND SEVEN AND SECTION
15 SEVENTY-FOUR OF THE PUBLIC OFFICERS LAW.

16 S 3. Subdivision 3 of section 661 of the education law is REPEALED.

17 S 4. Paragraph a of subdivision 5 of section 661 of the education law,
18 as amended by chapter 466 of the laws of 1977, is amended to read as
19 follows:

20 a. (I) Except as provided in subdivision two of section six hundred
21 seventy-four OF THIS PART AND SUBPARAGRAPH (II) OF THIS PARAGRAPH, an
22 applicant for an award at the undergraduate level of study must either
23 [(i)] (A) have been a legal resident of the state for at least one year
24 immediately preceding the beginning of the semester, quarter or term of
25 attendance for which application for assistance is made, or [(ii)] (B)
26 be a legal resident of the state and have been a legal resident during
27 his last two semesters of high school either prior to graduation, or
28 prior to admission to college. Provided further that persons shall be
29 eligible to receive awards under section six hundred sixty-eight or
30 section six hundred sixty-nine OF THIS PART who are currently legal
31 residents of the state and are otherwise qualified.

32 (II) AN APPLICANT WHO IS NOT A LEGAL RESIDENT OF THE STATE ELIGIBLE
33 PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH, BUT IS A UNITED STATES
34 CITIZEN, A PERMANENT LAWFUL RESIDENT, A LAWFUL NON-IMMIGRANT ALIEN OR AN
35 APPLICANT WITHOUT LAWFUL IMMIGRATION STATUS SHALL BE ELIGIBLE FOR AN
36 AWARD AT THE UNDERGRADUATE LEVEL OF STUDY PROVIDED THAT THE STUDENT:

37 (A) ATTENDED A REGISTERED NEW YORK STATE HIGH SCHOOL FOR TWO OR MORE
38 YEARS, GRADUATED FROM A REGISTERED NEW YORK STATE HIGH SCHOOL AND
39 APPLIED FOR ATTENDANCE AT THE INSTITUTION OF HIGHER EDUCATION FOR THE
40 UNDERGRADUATE STUDY FOR WHICH AN AWARD IS SOUGHT WITHIN FIVE YEARS OF
41 RECEIVING A NEW YORK STATE HIGH SCHOOL DIPLOMA; OR

42 (B) ATTENDED AN APPROVED NEW YORK STATE PROGRAM FOR A STATE HIGH
43 SCHOOL EQUIVALENCY DIPLOMA, RECEIVED A STATE HIGH SCHOOL EQUIVALENCY
44 DIPLOMA AND APPLIED FOR ATTENDANCE AT THE INSTITUTION OF HIGHER EDUCA-
45 TION FOR THE UNDERGRADUATE STUDY FOR WHICH AN AWARD IS SOUGHT WITHIN
46 FIVE YEARS OF RECEIVING A STATE HIGH SCHOOL EQUIVALENCY DIPLOMA; OR

47 (C) IS OTHERWISE ELIGIBLE FOR THE PAYMENT OF TUITION AND FEES AT A
48 RATE NO GREATER THAN THAT IMPOSED FOR RESIDENT STUDENTS OF THE STATE
49 UNIVERSITY OF NEW YORK, THE CITY UNIVERSITY OF NEW YORK OR COMMUNITY
50 COLLEGES AS PRESCRIBED IN SUBPARAGRAPH EIGHT OF PARAGRAPH H OF SUBDIVI-
51 SION TWO OF SECTION THREE HUNDRED FIFTY-FIVE OR PARAGRAPH (A) OF SUBDI-
52 VISION SEVEN OF SECTION SIXTY-TWO HUNDRED SIX OF THIS CHAPTER.

53 PROVIDED, FURTHER, THAT A STUDENT WITHOUT LAWFUL IMMIGRATION STATUS
54 SHALL ALSO BE REQUIRED TO FILE AN AFFIDAVIT WITH SUCH INSTITUTION OF
55 HIGHER EDUCATION STATING THAT THE STUDENT HAS FILED AN APPLICATION TO
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1 LEGALIZE HIS OR HER IMMIGRATION STATUS, OR WILL FILE SUCH AN APPLICATION
2 AS SOON AS HE OR SHE IS ELIGIBLE TO DO SO.

3 S 5. Paragraph b of subdivision 5 of section 661 of the education law,
4 as amended by chapter 466 of the laws of 1977, is amended to read as
5 follows:

6 b. [An] (I) EXCEPT AS OTHERWISE PROVIDED IN SUBPARAGRAPH (II) OF THIS
7 PARAGRAPH, AN applicant for an award at the graduate level of study must
8 either [(i)] (A) have been a legal resident of the state for at least
9 one year immediately preceding the beginning of the semester, quarter or
10 term of attendance for which application for assistance is made, or
11 [(ii)] (B) be a legal resident of the state and have been a legal resi-
12 dent during his last academic year of undergraduate study and have
13 continued to be a legal resident until matriculation in the graduate
14 program.

15 (II) AN APPLICANT WHO IS NOT A LEGAL RESIDENT OF THE STATE ELIGIBLE
 16 PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH, BUT IS A UNITED STATES
 17 CITIZEN, A PERMANENT LAWFUL RESIDENT, A LAWFUL NON-IMMIGRANT ALIEN OR AN
 18 APPLICANT WITHOUT LAWFUL IMMIGRATION STATUS SHALL BE ELIGIBLE FOR AN
 19 AWARD AT THE UNDERGRADUATE LEVEL OF STUDY PROVIDED THAT THE STUDENT:

20 (A) ATTENDED A REGISTERED APPROVED NEW YORK STATE HIGH SCHOOL FOR TWO
 21 OR MORE YEARS, GRADUATED FROM A REGISTERED NEW YORK STATE HIGH SCHOOL
 22 AND APPLIED FOR ATTENDANCE AT THE INSTITUTION OF HIGHER EDUCATION FOR
 23 THE GRADUATE STUDY FOR WHICH AN AWARD IS SOUGHT WITHIN TEN YEARS OF
 24 RECEIVING A NEW YORK STATE HIGH SCHOOL DIPLOMA; OR

25 (B) ATTENDED AN APPROVED NEW YORK STATE PROGRAM FOR A STATE HIGH
 26 SCHOOL EQUIVALENCY DIPLOMA, RECEIVED A STATE HIGH SCHOOL EQUIVALENCY
 27 DIPLOMA AND APPLIED FOR ATTENDANCE AT THE INSTITUTION OF HIGHER EDUCA-
 28 TION FOR THE GRADUATE STUDY FOR WHICH AN AWARD IS SOUGHT WITHIN TEN
 29 YEARS OF RECEIVING A STATE HIGH SCHOOL EQUIVALENCY DIPLOMA; OR

30 (C) IS OTHERWISE ELIGIBLE FOR THE PAYMENT OF TUITION AND FEES AT A
 31 RATE NO GREATER THAN THAT IMPOSED FOR RESIDENT STUDENTS OF THE STATE
 32 UNIVERSITY OF NEW YORK, THE CITY UNIVERSITY OF NEW YORK OR COMMUNITY
 33 COLLEGES AS PRESCRIBED IN SUBPARAGRAPH EIGHT OF PARAGRAPH H OF SUBDIVI-
 34 SION TWO OF SECTION THREE HUNDRED FIFTY-FIVE OR PARAGRAPH (A) OF SUBDI-
 35 VISION SEVEN OF SECTION SIXTY-TWO HUNDRED SIX OF THIS CHAPTER.

36 PROVIDED, FURTHER, THAT A STUDENT WITHOUT LAWFUL IMMIGRATION STATUS
 37 SHALL ALSO BE REQUIRED TO FILE AN AFFIDAVIT WITH SUCH INSTITUTION OF
 38 HIGHER EDUCATION STATING THAT THE STUDENT HAS FILED AN APPLICATION TO
 39 LEGALIZE HIS OR HER IMMIGRATION STATUS, OR WILL FILE SUCH AN APPLICATION
 40 AS SOON AS HE OR SHE IS ELIGIBLE TO DO SO.

41 S 6. Paragraph d of subdivision 5 of section 661 of the education law,
 42 as amended by chapter 844 of the laws of 1975, is amended to read as
 43 follows:

44 d. If an applicant for an award allocated on a geographic basis has
 45 more than one residence in this state, his OR HER residence for the
 46 purpose of this article shall be his OR HER place of actual residence
 47 during the major part of the year while attending school, as determined
 48 by the commissioner; AND FURTHER PROVIDED THAT AN APPLICANT WHO DOES NOT
 49 HAVE A RESIDENCE IN THIS STATE AND IS ELIGIBLE FOR AN AWARD PURSUANT TO
 50 SUBPARAGRAPH (II) OF PARAGRAPH A OR SUBPARAGRAPH (II) OF PARAGRAPH B OF
 51 THIS SUBDIVISION SHALL BE DEEMED TO RESIDE IN THE GEOGRAPHIC AREA OF THE
 52 INSTITUTION OF HIGHER EDUCATION IN WHICH HE OR SHE ATTENDS FOR PURPOSES
 53 OF AN AWARD ALLOCATED ON A GEOGRAPHIC BASIS.

54 S 7. Paragraph e of subdivision 5 of section 661 of the education law,
 55 as added by chapter 630 of the laws of 2005, is amended to read as
 56 follows:

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1 e. Notwithstanding any other provision of this article to the contra-
 2 ry, the New York state [residency] eligibility [requirement] REQUIRE-
 3 MENTS for receipt of awards [is] SET FORTH IN PARAGRAPHS A AND B OF THIS
 4 SUBDIVISION ARE waived for a member, or the spouse or dependent of a
 5 member, of the armed forces of the United States on full-time active
 6 duty and stationed in this state.

7 S 8. Paragraph h of subdivision 2 of section 355 of the education law
 8 is amended by adding a new subparagraph 10 to read as follows:

9 (10) SUCH REGULATIONS SHALL FURTHER PROVIDE THAT ANY STUDENT WHO IS
 10 NOT A LEGAL RESIDENT OF NEW YORK STATE BUT IS A UNITED STATES CITIZEN, A
 11 PERMANENT LAWFUL RESIDENT, A LAWFUL NON-IMMIGRANT ALIEN OR AN APPLICANT
 12 WITHOUT LAWFUL IMMIGRATION STATUS MAY HAVE THE PAYMENT OF TUITION AND
 13 OTHER FEES AND CHARGES REDUCED BY STATE-AIDED PROGRAMS, SCHOLARSHIPS OR
 14 OTHER FINANCIAL ASSISTANCE AWARDED UNDER THE PROVISIONS OF ARTICLES
 15 THIRTEEN, THIRTEEN-A, FOURTEEN AND FOURTEEN-A OF THIS CHAPTER, PROVIDED
 16 THAT THE STUDENT MEETS THE REQUIREMENTS SET FORTH IN SUBPARAGRAPH (II)

17 OF PARAGRAPH A OR SUBPARAGRAPH (II) OF PARAGRAPH B OF SUBDIVISION FIVE
18 OF SECTION SIX HUNDRED SIXTY-ONE OF THIS CHAPTER, AS APPLICABLE.

19 S 9. Subdivision 7 of section 6206 of the education law is amended by
20 adding a new paragraph (d) to read as follows:

21 (D) THE TRUSTEES SHALL FURTHER PROVIDE THAT ANY STUDENT WHO IS NOT A
22 LEGAL RESIDENT OF NEW YORK STATE BUT IS A UNITED STATES CITIZEN, A
23 PERMANENT LAWFUL RESIDENT, A LAWFUL NON-IMMIGRANT ALIEN OR AN APPLICANT
24 WITHOUT LAWFUL IMMIGRATION STATUS MAY HAVE THE PAYMENT OF TUITION AND
25 OTHER FEES AND CHARGES REDUCED BY STATE-AIDED PROGRAMS, SCHOLARSHIPS OR
26 OTHER FINANCIAL ASSISTANCE AWARDED UNDER THE PROVISIONS OF ARTICLES
27 THIRTEEN, THIRTEEN-A, FOURTEEN AND FOURTEEN-A OF THIS CHAPTER, PROVIDED
28 THAT THE STUDENT MEETS THE REQUIREMENTS SET FORTH IN SUBPARAGRAPH (II)
29 OF PARAGRAPH A OR SUBPARAGRAPH (II) OF PARAGRAPH B OF SUBDIVISION FIVE
30 OF SECTION SIX HUNDRED SIXTY-ONE OF THIS CHAPTER, AS APPLICABLE.

31 S 10. Section 6305 of the education law is amended by adding a new
32 subdivision 8-a to read as follows:

33 8-A. THE PAYMENT OF TUITION AND OTHER FEES AND CHARGES OF A STUDENT
34 WHO IS ATTENDING A COMMUNITY COLLEGE AND WHO IS NOT A LEGAL RESIDENT OF
35 NEW YORK STATE BUT IS A UNITED STATES CITIZEN, A PERMANENT LAWFUL RESI-
36 DENT, A LAWFUL NON-IMMIGRANT ALIEN OR AN APPLICANT WITHOUT LAWFUL IMMI-
37 GRATION STATUS MAY BE REDUCED BY STATE-AIDED PROGRAMS, SCHOLARSHIPS AND
38 OTHER FINANCIAL ASSISTANCE AWARDED UNDER THE PROVISIONS OF ARTICLES
39 THIRTEEN, THIRTEEN-A, FOURTEEN AND FOURTEEN-A OF THIS CHAPTER, PROVIDED
40 THAT THE STUDENT MEETS THE REQUIREMENTS SET FORTH IN SUBPARAGRAPH (II)
41 OF PARAGRAPH A OR SUBPARAGRAPH (II) OF PARAGRAPH B OF SUBDIVISION FIVE
42 OF SECTION SIX HUNDRED SIXTY-ONE OF THIS CHAPTER, AS APPLICABLE.

43 S 11. Paragraph d of subdivision 3 of section 6451 of the education
44 law, as amended by chapter 149 of the laws of 1972, is amended to read
45 as follows:

46 d. Any necessary supplemental financial assistance, which may include
47 the cost of books and necessary maintenance for such enrolled students,
48 INCLUDING STUDENTS WITHOUT LAWFUL IMMIGRATION STATUS PROVIDED THAT THE
49 STUDENT MEETS THE REQUIREMENTS SET FORTH IN SUBPARAGRAPH (II) OF PARA-
50 GRAPH A OR SUBPARAGRAPH (II) OF PARAGRAPH B OF SUBDIVISION FIVE OF
51 SECTION SIX HUNDRED SIXTY-ONE OF THIS CHAPTER, AS APPLICABLE; provided,
52 however, that such supplemental financial assistance shall be furnished
53 pursuant to criteria promulgated by the commissioner with the approval
54 of the director of the budget.

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1 S 12. Subparagraph (v) of paragraph a of subdivision 4 of section 6452
2 of the education law, as added by chapter 917 of the laws of 1970, is
3 amended to read as follows:

4 (v) Any necessary supplemental financial assistance, which may include
5 the cost of books and necessary maintenance for such students, INCLUDING
6 STUDENTS WITHOUT LAWFUL IMMIGRATION STATUS PROVIDED THAT THE STUDENT
7 MEETS THE REQUIREMENTS SET FORTH IN SUBPARAGRAPH (II) OF PARAGRAPH A OR
8 SUBPARAGRAPH (II) OF PARAGRAPH B OF SUBDIVISION FIVE OF SECTION SIX
9 HUNDRED SIXTY-ONE OF THIS CHAPTER, AS APPLICABLE; provided, however,
10 that such supplemental financial assistance shall be furnished pursuant
11 to criteria promulgated by such universities and approved by the regents
12 and the director of the budget.

13 S 13. Paragraph (a) of subdivision 2 of section 6455 of the education
14 law, as added by chapter 285 of the laws of 1986, is amended to read as
15 follows:

16 (a) (I) Undergraduate science and technology entry program moneys may
17 be used for tutoring, counseling, remedial and special summer courses,
18 supplemental financial assistance, program administration, and other
19 activities which the commissioner may deem appropriate. To be eligible
20 for undergraduate collegiate science and technology entry program

21 support, a student must be a resident of New York [who is], OR MEET THE
 22 REQUIREMENTS OF SUBPARAGRAPH (II) OF THIS PARAGRAPH, AND MUST BE either
 23 economically disadvantaged or from a minority group historically under
 24 represented in the scientific, technical, health and health-related
 25 professions, and [who demonstrates] MUST DEMONSTRATE interest in and a
 26 potential for a professional career if provided special services. Eligi-
 27 ble students must be in good academic standing, enrolled full time in an
 28 approved, undergraduate level program of study, as defined by the
 29 regents.

30 (II) AN APPLICANT WHO IS NOT A LEGAL RESIDENT OF NEW YORK STATE, BUT
 31 WHO IS A UNITED STATES CITIZEN, A PERMANENT LAWFUL RESIDENT, A LAWFUL
 32 NON-IMMIGRANT ALIEN OR AN APPLICANT WITHOUT LAWFUL IMMIGRATION STATUS,
 33 SHALL BE ELIGIBLE FOR AN AWARD AT THE UNDERGRADUATE LEVEL OF STUDY
 34 PROVIDED THAT THE STUDENT:

35 (1) ATTENDED A REGISTERED NEW YORK STATE HIGH SCHOOL FOR TWO OR MORE
 36 YEARS, GRADUATED FROM A REGISTERED NEW YORK STATE HIGH SCHOOL AND
 37 APPLIED FOR ATTENDANCE AT THE INSTITUTION OF HIGHER EDUCATION FOR THE
 38 UNDERGRADUATE STUDY FOR WHICH AN AWARD IS SOUGHT WITHIN FIVE YEARS OF
 39 RECEIVING A NEW YORK STATE HIGH SCHOOL DIPLOMA; OR

40 (2) ATTENDED AN APPROVED NEW YORK STATE PROGRAM FOR A STATE HIGH
 41 SCHOOL EQUIVALENCY DIPLOMA, RECEIVED A STATE HIGH SCHOOL EQUIVALENCY
 42 DIPLOMA AND APPLIED FOR ATTENDANCE AT THE INSTITUTION OF HIGHER EDUCA-
 43 TION FOR THE UNDERGRADUATE STUDY FOR WHICH AN AWARD IS SOUGHT WITHIN
 44 FIVE YEARS OF RECEIVING A STATE HIGH SCHOOL EQUIVALENCY DIPLOMA,
 45 ATTENDED AN APPROVED NEW YORK STATE HIGH SCHOOL FOR TWO OR MORE YEARS,
 46 GRADUATED FROM AN APPROVED NEW YORK STATE HIGH SCHOOL AND APPLIED FOR
 47 ATTENDANCE AT AN INSTITUTION OF HIGHER EDUCATION WITHIN FIVE YEARS OF
 48 RECEIVING A NEW YORK STATE HIGH SCHOOL DIPLOMA; OR

49 (3) IS OTHERWISE ELIGIBLE FOR THE PAYMENT OF TUITION AND FEES AT A
 50 RATE NO GREATER THAN THAT IMPOSED FOR RESIDENT STUDENTS OF THE STATE
 51 UNIVERSITY OF NEW YORK, THE CITY UNIVERSITY OF NEW YORK OR COMMUNITY
 52 COLLEGES AS PRESCRIBED IN SUBPARAGRAPH EIGHT OF PARAGRAPH H OF SUBDIVI-
 53 SION TWO OF SECTION THREE HUNDRED FIFTY-FIVE OR PARAGRAPH (A) OF SUBDI-
 54 VISION SEVEN OF SECTION SIXTY-TWO HUNDRED SIX OF THIS CHAPTER.

55 PROVIDED, FURTHER, THAT A STUDENT WITHOUT LAWFUL IMMIGRATION STATUS
 56 SHALL ALSO BE REQUIRED TO FILE AN AFFIDAVIT WITH SUCH INSTITUTION OF
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1 HIGHER EDUCATION STATING THAT THE STUDENT HAS FILED AN APPLICATION TO
 2 LEGALIZE HIS OR IMMIGRATION STATUS, OR WILL FILE SUCH AN APPLICATION AS
 3 SOON AS HE OR SHE IS ELIGIBLE TO DO SO.

4 S 14. Paragraph (a) of subdivision 3 of section 6455 of the education
 5 law, as added by chapter 285 of the laws of 1986, is amended to read as
 6 follows:

7 (a) (I) Graduate science and technology entry program moneys may be
 8 used for recruitment, academic enrichment, career planning, supplemental
 9 financial assistance, review for licensing examinations, program admin-
 10 istration, and other activities which the commissioner may deem appro-
 11 priate. To be eligible for graduate collegiate science and technology
 12 entry program support, a student must be a resident of New York [who
 13 is], OR MEET THE REQUIREMENTS OF SUBPARAGRAPH (II) OF THIS PARAGRAPH,
 14 AND MUST BE either economically disadvantaged or from a minority group
 15 historically underrepresented in the scientific, technical and health-
 16 related professions. Eligible students must be in good academic stand-
 17 ing, enrolled full time in an approved graduate level program, as
 18 defined by the regents.

19 (II) AN APPLICANT WHO IS NOT A LEGAL RESIDENT OF NEW YORK STATE, BUT
 20 EITHER IS A UNITED STATES CITIZEN, A PERMANENT LAWFUL RESIDENT, A LAWFUL
 21 NON-IMMIGRANT ALIEN OR AN APPLICANT WITHOUT LAWFUL IMMIGRATION STATUS
 22 SHALL BE ELIGIBLE FOR AN AWARD AT THE UNDERGRADUATE LEVEL OF STUDY

23 PROVIDED THAT THE STUDENT:

24 (1) ATTENDED A REGISTERED APPROVED NEW YORK STATE HIGH SCHOOL FOR TWO
25 OR MORE YEARS, GRADUATED FROM A REGISTERED NEW YORK STATE HIGH SCHOOL
26 AND APPLIED FOR ATTENDANCE AT THE INSTITUTION OF HIGHER EDUCATION FOR
27 THE GRADUATE STUDY FOR WHICH AN AWARD IS SOUGHT WITHIN TEN YEARS OF
28 RECEIVING A NEW YORK STATE HIGH SCHOOL DIPLOMA; OR

29 (2) ATTENDED AN APPROVED NEW YORK STATE PROGRAM FOR A STATE HIGH
30 SCHOOL EQUIVALENCY DIPLOMA, RECEIVED A STATE HIGH SCHOOL EQUIVALENCY
31 DIPLOMA AND APPLIED FOR ATTENDANCE AT THE INSTITUTION OF HIGHER EDUCA-
32 TION FOR THE GRADUATE STUDY FOR WHICH AN AWARD IS SOUGHT WITHIN TEN
33 YEARS OF RECEIVING A STATE HIGH SCHOOL EQUIVALENCY DIPLOMA; OR

34 (3) IS OTHERWISE ELIGIBLE FOR THE PAYMENT OF TUITION AND FEES AT A
35 RATE NO GREATER THAN THAT IMPOSED FOR RESIDENT STUDENTS OF THE STATE
36 UNIVERSITY OF NEW YORK, THE CITY UNIVERSITY OF NEW YORK OR COMMUNITY
37 COLLEGES AS PRESCRIBED IN SUBPARAGRAPH EIGHT OF PARAGRAPH H OF SUBDIVI-
38 SION TWO OF SECTION THREE HUNDRED FIFTY-FIVE OR PARAGRAPH (A) OF SUBDI-
39 VISION SEVEN OF SECTION SIXTY-TWO HUNDRED SIX OF THIS CHAPTER.

40 PROVIDED, FURTHER, THAT A STUDENT WITHOUT LAWFUL IMMIGRATION STATUS
41 SHALL ALSO BE REQUIRED TO FILE AN AFFIDAVIT WITH SUCH INSTITUTION OF
42 HIGHER EDUCATION STATING THAT THE STUDENT HAS FILED AN APPLICATION TO
43 LEGALIZE HIS OR HER IMMIGRATION STATUS, OR WILL FILE SUCH AN APPLICATION
44 AS SOON AS HE OR SHE IS ELIGIBLE TO DO SO.

45 S 15. Subparagraph (i) of paragraph a of subdivision 2 of section
46 695-e of the education law, as amended by chapter 593 of the laws of
47 2003, is amended to read as follows:

48 (i) the name, address and social security number [or], employer iden-
49 tification number, OR INDIVIDUAL TAXPAYER IDENTIFICATION NUMBER of the
50 account owner UNLESS A FAMILY TUITION ACCOUNT THAT WAS IN EFFECT PRIOR
51 TO THE EFFECTIVE DATE OF THE CHAPTER OF THE LAWS OF TWO THOUSAND THIR-
52 TEEN THAT AMENDED THIS SUBPARAGRAPH DOES NOT ALLOW FOR A TAXPAYER IDEN-
53 TIFICATION NUMBER, IN WHICH CASE A TAXPAYER IDENTIFICATION NUMBER SHALL
54 BE ALLOWED UPON THE EXPIRATION OF THE CONTRACT;

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1 S 16. Subparagraph (iii) of paragraph a of subdivision 2 of section
2 695-e of the education law, as amended by chapter 593 of the laws of
3 2003, is amended to read as follows:

4 (iii) the name, address, and social security number, EMPLOYER IDEN-
5 TIFICATION NUMBER, OR INDIVIDUAL TAXPAYER IDENTIFICATION NUMBER of the
6 designated beneficiary, UNLESS A FAMILY TUITION ACCOUNT THAT WAS IN
7 EFFECT PRIOR TO THE EFFECTIVE DATE OF THE CHAPTER OF THE LAWS OF TWO
8 THOUSAND THIRTEEN THAT AMENDED THIS SUBPARAGRAPH DOES NOT ALLOW FOR A
9 TAXPAYER IDENTIFICATION NUMBER, IN WHICH CASE A TAXPAYER IDENTIFICATION
10 NUMBER SHALL BE ALLOWED UPON THE EXPIRATION OF THE CONTRACT; and

11 S 17. The president of the higher education services corporation, in
12 consultation with the commissioner of education, shall establish an
13 application form and procedures that shall allow a student applicant
14 that meets the requirements set forth in subparagraph (ii) of paragraph
15 (a) or subparagraph (ii) of paragraph b of subdivision 5 of section 661
16 of the education law to apply directly to the higher education services
17 corporation or education department for applicable awards without having
18 to submit information to any other state or federal agency. All informa-
19 tion contained within the applications filed with such corporation or
20 department shall be deemed confidential.

21 S 18. This act shall take effect immediately; provided, however, that:

22 (a) section two of this act shall take effect January 1, 2014;

23 (b) sections fifteen and sixteen of this act shall take effect on the
24 ninetieth day after it shall have become a law; provided, however, that
25 any rule or regulation necessary for the timely implementation of this
26 act on its effective date shall be promulgated on or before such effec-

27 tive date; and

28 (c) sections three through fourteen and section seventeen of this act
29 shall take effect on the ninetieth day after the issuance of regulations
30 and the development of an application form by the president of the high-
31 er education services corporation and commissioner of education or on
32 the ninetieth day after it shall have become a law, whichever shall be
33 later; provided, however that effective immediately the addition, amend-
34 ment and/or repeal of any rule or regulation necessary for the implemen-
35 tation of this act on its effective date is authorized and directed to
36 be made and completed on or before such date; provided, further, howev-
37 er, that the president of the higher education services corporation and
38 the commissioner of education shall notify the legislative bill drafting
39 commission upon the occurrence of the issuance of the regulations and
40 the development of an application form in order that the commission may
41 maintain an accurate and timely effective data base of the official text
42 of the laws of the state of New York in furtherance of effectuating the
43 provisions of section 44 of the legislative law and section 70-b of the
44 public officers law.

STATE OF NEW YORK

2378

2013-2014 Regular Sessions

IN SENATE

January 17, 2013

Introduced by Sen. PERALTA -- 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 creating the New York DREAM fund commission; eligibility requirements and conditions governing general awards, academic performance awards and student loans; eligibility requirements for assistance under the higher education opportunity programs and the collegiate science and technology entry program; financial aid opportunities for students of the state university of New York, the city university of New York and community colleges; and the program requirements for the New York state college choice tuition savings program; and to repeal subdivision 3 of section 661 of such law relating thereto

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 Section 1. This act shall be known and may be cited as the "New York
2 state DREAM Act".
- 3 S 2. The education law is amended by adding a new section 609 to read
4 as follows:
- 5 S 609. NEW YORK DREAM FUND COMMISSION. 1. (A) THERE SHALL BE CREATED
6 A NEW YORK DREAM FUND COMMISSION WHICH SHALL BE COMMITTED TO ADVANCING
7 THE EDUCATIONAL OPPORTUNITIES OF THE CHILDREN OF IMMIGRANTS.
- 8 (B) THE NEW YORK DREAM FUND COMMISSION SHALL BE COMPOSED OF TWELVE
9 MEMBERS TO BE APPOINTED AS FOLLOWS:
- 10 (I) FOUR MEMBERS SHALL BE APPOINTED BY THE GOVERNOR;
- 11 (II) THREE MEMBERS SHALL BE APPOINTED BY THE TEMPORARY PRESIDENT OF
12 THE SENATE;
- 13 (III) THREE MEMBERS SHALL BE APPOINTED BY THE SPEAKER OF THE ASSEMBLY;
- 14 (IV) ONE MEMBER SHALL BE APPOINTED BY THE MINORITY LEADER OF THE
15 SENATE;
- 16 (V) ONE MEMBER SHALL BE APPOINTED BY THE MINORITY LEADER OF THE ASSEM-
17 BLY;

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

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- 1 (C) TO THE EXTENT PRACTICABLE, MEMBERS OF SUCH COMMISSION SHALL
2 REFLECT THE RACIAL, ETHNIC, GENDER, LANGUAGE, AND GEOGRAPHIC DIVERSITY
3 OF THE STATE.
- 4 (D) TO THE EXTENT PRACTICABLE, MEMBERS OF SUCH COMMISSION SHALL
5 INCLUDE COLLEGE AND UNIVERSITY ADMINISTRATORS AND FACULTY, AND OTHER
6 INDIVIDUALS COMMITTED TO ADVANCING THE EDUCATIONAL OPPORTUNITIES OF THE
7 CHILDREN OF IMMIGRANTS.
- 8 (E) MEMBERS OF THE NEW YORK DREAM FUND COMMISSION SHALL RECEIVE NO

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9 COMPENSATION FOR THEIR SERVICES.

10 2. (A) THE NEW YORK DREAM FUND COMMISSION SHALL HAVE THE POWER TO:

11 (I) ADMINISTER THE PROVISIONS OF THIS SECTION;

12 (II) CREATE AND RAISE FUNDS FOR THE NEW YORK DREAM FUND;

13 (III) ESTABLISH A NOT-FOR-PROFIT ENTITY CHARGED WITH THE RESPONSIBIL-
14 ITY OF RAISING FUNDS FOR THE ADMINISTRATION OF THIS SECTION AND ANY
15 EDUCATIONAL OR TRAINING PROGRAMS SUCH COMMISSION IS TASKED WITH ADMINIS-
16 TRATING AND FUNDING SCHOLARSHIPS TO STUDENTS WHO ARE CHILDREN OF IMMI-
17 GRANTS TO THE UNITED STATES;

18 (IV) PUBLICIZE THE AVAILABILITY OF SUCH SCHOLARSHIPS FROM THE NEW YORK
19 DREAM FUND;

20 (V) DEVELOP CRITERIA AND A SELECTION PROCESS FOR THE RECIPIENTS OF
21 SCHOLARSHIPS FROM THE NEW YORK DREAM FUND;

22 (VI) RESEARCH ISSUES PERTAINING TO THE AVAILABILITY OF ASSISTANCE WITH
23 THE COSTS OF HIGHER EDUCATION FOR THE CHILDREN OF IMMIGRANTS AND OTHER
24 ISSUES REGARDING ACCESS FOR AND THE PERFORMANCE OF THE CHILDREN OF IMMI-
25 GRANTS WITHIN HIGHER EDUCATION;

26 (VII) ESTABLISH, PUBLICIZE, AND ADMINISTER TRAINING PROGRAMS FOR HIGH
27 SCHOOL COUNSELORS, ADMISSIONS OFFICERS, AND FINANCIAL AID OFFICERS OF
28 INSTITUTIONS OF HIGHER EDUCATION. THE TRAINING PROGRAMS SHALL INSTRUCT
29 PARTICIPANTS ON THE EDUCATIONAL OPPORTUNITIES AVAILABLE TO COLLEGE-BOUND
30 STUDENTS WHO ARE THE CHILDREN OF IMMIGRANTS, INCLUDING, BUT NOT LIMITED
31 TO, IN-STATE TUITION AND SCHOLARSHIP PROGRAMS. TO THE EXTENT PRACTICA-
32 BLE, THE NEW YORK DREAM FUND COMMISSION SHALL OFFER THE TRAINING PROGRAM
33 TO SCHOOL DISTRICTS AND BOARDS OF COOPERATIVE EDUCATIONAL SERVICES
34 THROUGHOUT THE STATE, PROVIDED HOWEVER, THAT PRIORITY SHALL BE GIVEN TO
35 SCHOOL DISTRICTS AND BOARDS OF COOPERATIVE EDUCATIONAL SERVICES WITH
36 LARGER NUMBER OF STUDENTS WHO ARE THE CHILDREN OF IMMIGRANTS OVER SCHOOL
37 DISTRICTS AND BOARDS OF COOPERATIVE EDUCATIONAL SERVICES WITH LESSER
38 NUMBER OF STUDENTS WHO ARE THE CHILDREN OF IMMIGRANTS;

39 (VIII) ESTABLISH A PUBLIC AWARENESS CAMPAIGN REGARDING EDUCATIONAL
40 OPPORTUNITIES AVAILABLE TO COLLEGE BOUND STUDENTS WHO ARE THE CHILDREN
41 OF IMMIGRANTS; AND

42 (IX) ESTABLISH, BY RULE, PROCEDURES FOR ACCEPTING AND EVALUATING
43 APPLICATIONS FOR SCHOLARSHIPS FROM THE CHILDREN OF IMMIGRANTS AND ISSU-
44 ING SCHOLARSHIPS TO SELECTED STUDENT APPLICANTS;

45 (B) TO RECEIVE A SCHOLARSHIP PURSUANT TO THIS SECTION, A STUDENT
46 APPLICANT MUST MEET THE FOLLOWING QUALIFICATIONS:

47 (I) HAVE RESIDED WITH HIS OR HER PARENTS OR GUARDIANS WHILE ATTENDING
48 A PUBLIC OR PRIVATE HIGH SCHOOL IN THIS STATE;

49 (II) HAVE GRADUATED FROM A PUBLIC OR PRIVATE HIGH SCHOOL OR RECEIVED
50 THE EQUIVALENT OF A HIGH SCHOOL DIPLOMA IN THIS STATE;

51 (III) HAVE ATTENDED A PUBLIC OR PRIVATE HIGH SCHOOL IN THIS STATE FOR
52 AT LEAST TWO YEARS AS OF THE DATE HE OR SHE GRADUATED FROM HIGH SCHOOL
53 OR RECEIVED THE EQUIVALENT OF A HIGH SCHOOL DIPLOMA;

54 (IV) HAVE AT LEAST ONE PARENT OR GUARDIAN WHO IMMIGRATED TO THE UNITED
55 STATES.

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1 (C) THE NEW YORK DREAM FUND COMMISSION AND THE NEW YORK DREAM FUND
2 SHALL BE FUNDED ENTIRELY BY PRIVATE CONTRIBUTIONS AND NO STATE FUNDS
3 SHALL BE APPROPRIATED TO OR USED BY THE NEW YORK DREAM FUND. NO FUNDS
4 OF THE NEW YORK DREAM FUND OR THE NEW YORK DREAM FUND COMMISSION SHALL
5 BE TRANSFERRED TO THE GENERAL FUND OR ANY SPECIAL REVENUE FUND OR SHALL
6 BE USED FOR ANY PURPOSE OTHER THAN THE PURPOSES SET FORTH IN THIS
7 SECTION.

8 3. THE NEW YORK DREAM FUND COMMISSION AND THE NEW YORK DREAM FUND
9 SHALL BE SUBJECT TO THE PROVISIONS OF ARTICLES SIX AND SEVEN AND SECTION
10 SEVENTY-FOUR OF THE PUBLIC OFFICERS LAW.

11 S 3. Subdivision 3 of section 661 of the education law is REPEALED.

12 S 4. Paragraph a of subdivision 5 of section 661 of the education law,
 13 as amended by chapter 466 of the laws of 1977, is amended to read as
 14 follows:

15 a. (I) Except as provided in subdivision two of section six hundred
 16 seventy-four OF THIS PART AND SUBPARAGRAPH (II) OF THIS PARAGRAPH, an
 17 applicant for an award at the undergraduate level of study must either
 18 [(i)] (A) have been a legal resident of the state for at least one year
 19 immediately preceding the beginning of the semester, quarter or term of
 20 attendance for which application for assistance is made, or [(ii)] (B)
 21 be a legal resident of the state and have been a legal resident during
 22 his last two semesters of high school either prior to graduation, or
 23 prior to admission to college. Provided further that persons shall be
 24 eligible to receive awards under section six hundred sixty-eight or
 25 section six hundred sixty-nine OF THIS PART who are currently legal
 26 residents of the state and are otherwise qualified.

27 (II) AN APPLICANT WHO IS NOT A LEGAL RESIDENT OF THE STATE ELIGIBLE
 28 PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH, BUT IS A UNITED STATES
 29 CITIZEN, A PERMANENT LAWFUL RESIDENT, A LAWFUL NON-IMMIGRANT ALIEN OR AN
 30 APPLICANT WITHOUT LAWFUL IMMIGRATION STATUS SHALL BE ELIGIBLE FOR AN
 31 AWARD AT THE UNDERGRADUATE LEVEL OF STUDY PROVIDED THAT THE STUDENT:

32 (A) ATTENDED A REGISTERED NEW YORK STATE HIGH SCHOOL FOR TWO OR MORE
 33 YEARS, GRADUATED FROM A REGISTERED NEW YORK STATE HIGH SCHOOL AND
 34 APPLIED FOR ATTENDANCE AT THE INSTITUTION OF HIGHER EDUCATION FOR THE
 35 UNDERGRADUATE STUDY FOR WHICH AN AWARD IS SOUGHT WITHIN FIVE YEARS OF
 36 RECEIVING A NEW YORK STATE HIGH SCHOOL DIPLOMA; OR

37 (B) ATTENDED AN APPROVED NEW YORK STATE PROGRAM FOR A STATE HIGH
 38 SCHOOL EQUIVALENCY DIPLOMA, RECEIVED A STATE HIGH SCHOOL EQUIVALENCY
 39 DIPLOMA AND APPLIED FOR ATTENDANCE AT THE INSTITUTION OF HIGHER EDUCA-
 40 TION FOR THE UNDERGRADUATE STUDY FOR WHICH AN AWARD IS SOUGHT WITHIN
 41 FIVE YEARS OF RECEIVING A STATE HIGH SCHOOL EQUIVALENCY DIPLOMA; OR

42 (C) IS OTHERWISE ELIGIBLE FOR THE PAYMENT OF TUITION AND FEES AT A
 43 RATE NO GREATER THAN THAT IMPOSED FOR RESIDENT STUDENTS OF THE STATE
 44 UNIVERSITY OF NEW YORK, THE CITY UNIVERSITY OF NEW YORK OR COMMUNITY
 45 COLLEGES AS PRESCRIBED IN SUBPARAGRAPH EIGHT OF PARAGRAPH H OF SUBDI-
 46 VISION TWO OF SECTION THREE HUNDRED FIFTY-FIVE OR PARAGRAPH (A) OF SUBDI-
 47 VISION SEVEN OF SECTION SIXTY-TWO HUNDRED SIX OF THIS CHAPTER.

48 PROVIDED, FURTHER, THAT A STUDENT WITHOUT LAWFUL IMMIGRATION STATUS
 49 SHALL ALSO BE REQUIRED TO FILE AN AFFIDAVIT WITH SUCH INSTITUTION OF
 50 HIGHER EDUCATION STATING THAT THE STUDENT HAS FILED AN APPLICATION TO
 51 LEGALIZE HIS OR HER IMMIGRATION STATUS, OR WILL FILE SUCH AN APPLICATION
 52 AS SOON AS HE OR SHE IS ELIGIBLE TO DO SO.

53 S 5. Paragraph b of subdivision 5 of section 661 of the education law,
 54 as amended by chapter 466 of the laws of 1977, is amended to read as
 55 follows:

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1 b. [An] (I) EXCEPT AS OTHERWISE PROVIDED IN SUBPARAGRAPH (II) OF THIS
 2 PARAGRAPH, AN applicant for an award at the graduate level of study must
 3 either [(i)] (A) have been a legal resident of the state for at least
 4 one year immediately preceding the beginning of the semester, quarter or
 5 term of attendance for which application for assistance is made, or
 6 [(ii)] (B) be a legal resident of the state and have been a legal resi-
 7 dent during his last academic year of undergraduate study and have
 8 continued to be a legal resident until matriculation in the graduate
 9 program.

10 (II) AN APPLICANT WHO IS NOT A LEGAL RESIDENT OF THE STATE ELIGIBLE
 11 PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH, BUT IS A UNITED STATES
 12 CITIZEN, A PERMANENT LAWFUL RESIDENT, A LAWFUL NON-IMMIGRANT ALIEN OR AN
 13 APPLICANT WITHOUT LAWFUL IMMIGRATION STATUS SHALL BE ELIGIBLE FOR AN
 14 AWARD AT THE UNDERGRADUATE LEVEL OF STUDY PROVIDED THAT THE STUDENT:

15 (A) ATTENDED A REGISTERED APPROVED NEW YORK STATE HIGH SCHOOL FOR TWO
 16 OR MORE YEARS, GRADUATED FROM A REGISTERED NEW YORK STATE HIGH SCHOOL
 17 AND APPLIED FOR ATTENDANCE AT THE INSTITUTION OF HIGHER EDUCATION FOR
 18 THE GRADUATE STUDY FOR WHICH AN AWARD IS SOUGHT WITHIN TEN YEARS OF
 19 RECEIVING A NEW YORK STATE HIGH SCHOOL DIPLOMA; OR

20 (B) ATTENDED AN APPROVED NEW YORK STATE PROGRAM FOR A STATE HIGH
 21 SCHOOL EQUIVALENCY DIPLOMA, RECEIVED A STATE HIGH SCHOOL EQUIVALENCY
 22 DIPLOMA AND APPLIED FOR ATTENDANCE AT THE INSTITUTION OF HIGHER EDUCA-
 23 TION FOR THE GRADUATE STUDY FOR WHICH AN AWARD IS SOUGHT WITHIN TEN
 24 YEARS OF RECEIVING A STATE HIGH SCHOOL EQUIVALENCY DIPLOMA; OR

25 (C) IS OTHERWISE ELIGIBLE FOR THE PAYMENT OF TUITION AND FEES AT A
 26 RATE NO GREATER THAN THAT IMPOSED FOR RESIDENT STUDENTS OF THE STATE
 27 UNIVERSITY OF NEW YORK, THE CITY UNIVERSITY OF NEW YORK OR COMMUNITY
 28 COLLEGES AS PRESCRIBED IN SUBPARAGRAPH EIGHT OF PARAGRAPH H OF SUBDIVI-
 29 SION TWO OF SECTION THREE HUNDRED FIFTY-FIVE OR PARAGRAPH (A) OF SUBDI-
 30 VISION SEVEN OF SECTION SIXTY-TWO HUNDRED SIX OF THIS CHAPTER.

31 PROVIDED, FURTHER, THAT A STUDENT WITHOUT LAWFUL IMMIGRATION STATUS
 32 SHALL ALSO BE REQUIRED TO FILE AN AFFIDAVIT WITH SUCH INSTITUTION OF
 33 HIGHER EDUCATION STATING THAT THE STUDENT HAS FILED AN APPLICATION TO
 34 LEGALIZE HIS OR HER IMMIGRATION STATUS, OR WILL FILE SUCH AN APPLICATION
 35 AS SOON AS HE OR SHE IS ELIGIBLE TO DO SO.

36 S 6. Paragraph d of subdivision 5 of section 661 of the education law,
 37 as amended by chapter 844 of the laws of 1975, is amended to read as
 38 follows:

39 d. If an applicant for an award allocated on a geographic basis has
 40 more than one residence in this state, his OR HER residence for the
 41 purpose of this article shall be his OR HER place of actual residence
 42 during the major part of the year while attending school, as determined
 43 by the commissioner; AND FURTHER PROVIDED THAT AN APPLICANT WHO DOES NOT
 44 HAVE A RESIDENCE IN THIS STATE AND IS ELIGIBLE FOR AN AWARD PURSUANT TO
 45 SUBPARAGRAPH (II) OF PARAGRAPH A OR SUBPARAGRAPH (II) OF PARAGRAPH B OF
 46 THIS SUBDIVISION SHALL BE DEEMED TO RESIDE IN THE GEOGRAPHIC AREA OF THE
 47 INSTITUTION OF HIGHER EDUCATION IN WHICH HE OR SHE ATTENDS FOR PURPOSES
 48 OF AN AWARD ALLOCATED ON A GEOGRAPHIC BASIS.

49 S 7. Paragraph e of subdivision 5 of section 661 of the education law,
 50 as added by chapter 630 of the laws of 2005, is amended to read as
 51 follows:

52 e. Notwithstanding any other provision of this article to the contra-
 53 ry, the New York state [residency] eligibility [requirement] REQUIRE-
 54 MENTS for receipt of awards [is] SET FORTH IN PARAGRAPHS A AND B OF THIS
 55 SUBDIVISION ARE waived for a member, or the spouse or dependent of a
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1 member, of the armed forces of the United States on full-time active
 2 duty and stationed in this state.

3 S 8. Paragraph h of subdivision 2 of section 355 of the education law
 4 is amended by adding a new subparagraph 10 to read as follows:

5 (10) SUCH REGULATIONS SHALL FURTHER PROVIDE THAT ANY STUDENT WHO IS
 6 NOT A LEGAL RESIDENT OF NEW YORK STATE BUT IS A UNITED STATES CITIZEN, A
 7 PERMANENT LAWFUL RESIDENT, A LAWFUL NON-IMMIGRANT ALIEN OR AN APPLICANT
 8 WITHOUT LAWFUL IMMIGRATION STATUS MAY HAVE THE PAYMENT OF TUITION AND
 9 OTHER FEES AND CHARGES REDUCED BY STATE-AIDED PROGRAMS, SCHOLARSHIPS OR
 10 OTHER FINANCIAL ASSISTANCE AWARDED UNDER THE PROVISIONS OF ARTICLES
 11 THIRTEEN, THIRTEEN-A, FOURTEEN AND FOURTEEN-A OF THIS CHAPTER, PROVIDED
 12 THAT THE STUDENT MEETS THE REQUIREMENTS SET FORTH IN SUBPARAGRAPH (II)
 13 OF PARAGRAPH A OR SUBPARAGRAPH (II) OF PARAGRAPH B OF SUBDIVISION FIVE
 14 OF SECTION SIX HUNDRED SIXTY-ONE OF THIS CHAPTER, AS APPLICABLE.

15 S 9. Subdivision 7 of section 6206 of the education law is amended by
 16 adding a new paragraph (d) to read as follows:

17 (D) THE TRUSTEES SHALL FURTHER PROVIDE THAT ANY STUDENT WHO IS NOT A

18 LEGAL RESIDENT OF NEW YORK STATE BUT IS A UNITED STATES CITIZEN, A
 19 PERMANENT LAWFUL RESIDENT, A LAWFUL NON-IMMIGRANT ALIEN OR AN APPLICANT
 20 WITHOUT LAWFUL IMMIGRATION STATUS MAY HAVE THE PAYMENT OF TUITION AND
 21 OTHER FEES AND CHARGES REDUCED BY STATE-AIDED PROGRAMS, SCHOLARSHIPS OR
 22 OTHER FINANCIAL ASSISTANCE AWARDED UNDER THE PROVISIONS OF ARTICLES
 23 THIRTEEN, THIRTEEN-A, FOURTEEN AND FOURTEEN-A OF THIS CHAPTER, PROVIDED
 24 THAT THE STUDENT MEETS THE REQUIREMENTS SET FORTH IN SUBPARAGRAPH (II)
 25 OF PARAGRAPH A OR SUBPARAGRAPH (II) OF PARAGRAPH B OF SUBDIVISION FIVE
 26 OF SECTION SIX HUNDRED SIXTY-ONE OF THIS CHAPTER, AS APPLICABLE.

27 S 10. Section 6305 of the education law is amended by adding a new
 28 subdivision 8-a to read as follows:

29 8-A. THE PAYMENT OF TUITION AND OTHER FEES AND CHARGES OF A STUDENT
 30 WHO IS ATTENDING A COMMUNITY COLLEGE AND WHO IS NOT A LEGAL RESIDENT OF
 31 NEW YORK STATE BUT IS A UNITED STATES CITIZEN, A PERMANENT LAWFUL RESI-
 32 DENT, A LAWFUL NON-IMMIGRANT ALIEN OR AN APPLICANT WITHOUT LAWFUL IMMI-
 33 GRATION STATUS MAY BE REDUCED BY STATE-AIDED PROGRAMS, SCHOLARSHIPS AND
 34 OTHER FINANCIAL ASSISTANCE AWARDED UNDER THE PROVISIONS OF ARTICLES
 35 THIRTEEN, THIRTEEN-A, FOURTEEN AND FOURTEEN-A OF THIS CHAPTER, PROVIDED
 36 THAT THE STUDENT MEETS THE REQUIREMENTS SET FORTH IN SUBPARAGRAPH (II)
 37 OF PARAGRAPH A OR SUBPARAGRAPH (II) OF PARAGRAPH B OF SUBDIVISION FIVE
 38 OF SECTION SIX HUNDRED SIXTY-ONE OF THIS CHAPTER, AS APPLICABLE.

39 S 11. Paragraph d of subdivision 3 of section 6451 of the education
 40 law, as amended by chapter 149 of the laws of 1972, is amended to read
 41 as follows:

42 d. Any necessary supplemental financial assistance, which may include
 43 the cost of books and necessary maintenance for such enrolled students,
 44 INCLUDING STUDENTS WITHOUT LAWFUL IMMIGRATION STATUS PROVIDED THAT THE
 45 STUDENT MEETS THE REQUIREMENTS SET FORTH IN SUBPARAGRAPH (II) OF PARA-
 46 GRAPH A OR SUBPARAGRAPH (II) OF PARAGRAPH B OF SUBDIVISION FIVE OF
 47 SECTION SIX HUNDRED SIXTY-ONE OF THIS CHAPTER, AS APPLICABLE; provided,
 48 however, that such supplemental financial assistance shall be furnished
 49 pursuant to criteria promulgated by the commissioner with the approval
 50 of the director of the budget.

51 S 12. Subparagraph (v) of paragraph a of subdivision 4 of section 6452
 52 of the education law, as added by chapter 917 of the laws of 1970, is
 53 amended to read as follows:

54 (v) Any necessary supplemental financial assistance, which may include
 55 the cost of books and necessary maintenance for such students, INCLUDING
 56 STUDENTS WITHOUT LAWFUL IMMIGRATION STATUS PROVIDED THAT THE STUDENT
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1 MEETS THE REQUIREMENTS SET FORTH IN SUBPARAGRAPH (II) OF PARAGRAPH A OR
 2 SUBPARAGRAPH (II) OF PARAGRAPH B OF SUBDIVISION FIVE OF SECTION SIX
 3 HUNDRED SIXTY-ONE OF THIS CHAPTER, AS APPLICABLE; provided, however,
 4 that such supplemental financial assistance shall be furnished pursuant
 5 to criteria promulgated by such universities and approved by the regents
 6 and the director of the budget.

7 S 13. Paragraph (a) of subdivision 2 of section 6455 of the education
 8 law, as added by chapter 285 of the laws of 1986, is amended to read as
 9 follows:

10 (a) (I) Undergraduate science and technology entry program moneys may
 11 be used for tutoring, counseling, remedial and special summer courses,
 12 supplemental financial assistance, program administration, and other
 13 activities which the commissioner may deem appropriate. To be eligible
 14 for undergraduate collegiate science and technology entry program
 15 support, a student must be a resident of New York [who is], OR MEET THE
 16 REQUIREMENTS OF SUBPARAGRAPH (II) OF THIS PARAGRAPH, AND MUST BE either
 17 economically disadvantaged or from a minority group historically under
 18 represented in the scientific, technical, health and health-related
 19 professions, and [who demonstrates] MUST DEMONSTRATE interest in and a

20 potential for a professional career if provided special services. Eligi-
 21 ble students must be in good academic standing, enrolled full time in an
 22 approved, undergraduate level program of study, as defined by the
 23 regents.

24 (II) AN APPLICANT WHO IS NOT A LEGAL RESIDENT OF NEW YORK STATE, BUT
 25 WHO IS A UNITED STATES CITIZEN, A PERMANENT LAWFUL RESIDENT, A LAWFUL
 26 NON-IMMIGRANT ALIEN OR AN APPLICANT WITHOUT LAWFUL IMMIGRATION STATUS,
 27 SHALL BE ELIGIBLE FOR AN AWARD AT THE UNDERGRADUATE LEVEL OF STUDY
 28 PROVIDED THAT THE STUDENT:

29 (1) ATTENDED A REGISTERED NEW YORK STATE HIGH SCHOOL FOR TWO OR MORE
 30 YEARS, GRADUATED FROM A REGISTERED NEW YORK STATE HIGH SCHOOL AND
 31 APPLIED FOR ATTENDANCE AT THE INSTITUTION OF HIGHER EDUCATION FOR THE
 32 UNDERGRADUATE STUDY FOR WHICH AN AWARD IS SOUGHT WITHIN FIVE YEARS OF
 33 RECEIVING A NEW YORK STATE HIGH SCHOOL DIPLOMA; OR

34 (2) ATTENDED AN APPROVED NEW YORK STATE PROGRAM FOR A STATE HIGH
 35 SCHOOL EQUIVALENCY DIPLOMA, RECEIVED A STATE HIGH SCHOOL EQUIVALENCY
 36 DIPLOMA AND APPLIED FOR ATTENDANCE AT THE INSTITUTION OF HIGHER EDUCA-
 37 TION FOR THE UNDERGRADUATE STUDY FOR WHICH AN AWARD IS SOUGHT WITHIN
 38 FIVE YEARS OF RECEIVING A STATE HIGH SCHOOL EQUIVALENCY DIPLOMA,
 39 ATTENDED AN APPROVED NEW YORK STATE HIGH SCHOOL FOR TWO OR MORE YEARS,
 40 GRADUATED FROM AN APPROVED NEW YORK STATE HIGH SCHOOL AND APPLIED FOR
 41 ATTENDANCE AT AN INSTITUTION OF HIGHER EDUCATION WITHIN FIVE YEARS OF
 42 RECEIVING A NEW YORK STATE HIGH SCHOOL DIPLOMA; OR

43 (3) IS OTHERWISE ELIGIBLE FOR THE PAYMENT OF TUITION AND FEES AT A
 44 RATE NO GREATER THAN THAT IMPOSED FOR RESIDENT STUDENTS OF THE STATE
 45 UNIVERSITY OF NEW YORK, THE CITY UNIVERSITY OF NEW YORK OR COMMUNITY
 46 COLLEGES AS PRESCRIBED IN SUBPARAGRAPH EIGHT OF PARAGRAPH H OF SUBDI-
 47 VISION TWO OF SECTION THREE HUNDRED FIFTY-FIVE OR PARAGRAPH (A) OF SUBDI-
 48 VISION SEVEN OF SECTION SIXTY-TWO HUNDRED SIX OF THIS CHAPTER.

49 PROVIDED, FURTHER, THAT A STUDENT WITHOUT LAWFUL IMMIGRATION STATUS
 50 SHALL ALSO BE REQUIRED TO FILE AN AFFIDAVIT WITH SUCH INSTITUTION OF
 51 HIGHER EDUCATION STATING THAT THE STUDENT HAS FILED AN APPLICATION TO
 52 LEGALIZE HIS OR IMMIGRATION STATUS, OR WILL FILE SUCH AN APPLICATION AS
 53 SOON AS HE OR SHE IS ELIGIBLE TO DO SO.

54 S 14. Paragraph (a) of subdivision 3 of section 6455 of the education
 55 law, as added by chapter 285 of the laws of 1986, is amended to read as
 56 follows:

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1 (a) (I) Graduate science and technology entry program moneys may be
 2 used for recruitment, academic enrichment, career planning, supplemental
 3 financial assistance, review for licensing examinations, program admin-
 4 istration, and other activities which the commissioner may deem appro-
 5 priate. To be eligible for graduate collegiate science and technology
 6 entry program support, a student must be a resident of New York [who
 7 is], OR MEET THE REQUIREMENTS OF SUBPARAGRAPH (II) OF THIS PARAGRAPH,
 8 AND MUST BE either economically disadvantaged or from a minority group
 9 historically underrepresented in the scientific, technical and health-
 10 related professions. Eligible students must be in good academic stand-
 11 ing, enrolled full time in an approved graduate level program, as
 12 defined by the regents.

13 (II) AN APPLICANT WHO IS NOT A LEGAL RESIDENT OF NEW YORK STATE, BUT
 14 EITHER IS A UNITED STATES CITIZEN, A PERMANENT LAWFUL RESIDENT, A LAWFUL
 15 NON-IMMIGRANT ALIEN OR AN APPLICANT WITHOUT LAWFUL IMMIGRATION STATUS
 16 SHALL BE ELIGIBLE FOR AN AWARD AT THE UNDERGRADUATE LEVEL OF STUDY
 17 PROVIDED THAT THE STUDENT:

18 (1) ATTENDED A REGISTERED APPROVED NEW YORK STATE HIGH SCHOOL FOR TWO
 19 OR MORE YEARS, GRADUATED FROM A REGISTERED NEW YORK STATE HIGH SCHOOL
 20 AND APPLIED FOR ATTENDANCE AT THE INSTITUTION OF HIGHER EDUCATION FOR
 21 THE GRADUATE STUDY FOR WHICH AN AWARD IS SOUGHT WITHIN TEN YEARS OF

22 RECEIVING A NEW YORK STATE HIGH SCHOOL DIPLOMA; OR
 23 (2) ATTENDED AN APPROVED NEW YORK STATE PROGRAM FOR A STATE HIGH
 24 SCHOOL EQUIVALENCY DIPLOMA, RECEIVED A STATE HIGH SCHOOL EQUIVALENCY
 25 DIPLOMA AND APPLIED FOR ATTENDANCE AT THE INSTITUTION OF HIGHER EDUCA-
 26 TION FOR THE GRADUATE STUDY FOR WHICH AN AWARD IS SOUGHT WITHIN TEN
 27 YEARS OF RECEIVING A STATE HIGH SCHOOL EQUIVALENCY DIPLOMA; OR

28 (3) IS OTHERWISE ELIGIBLE FOR THE PAYMENT OF TUITION AND FEES AT A
 29 RATE NO GREATER THAN THAT IMPOSED FOR RESIDENT STUDENTS OF THE STATE
 30 UNIVERSITY OF NEW YORK, THE CITY UNIVERSITY OF NEW YORK OR COMMUNITY
 31 COLLEGES AS PRESCRIBED IN SUBPARAGRAPH EIGHT OF PARAGRAPH H OF SUBDIVI-
 32 SION TWO OF SECTION THREE HUNDRED FIFTY-FIVE OR PARAGRAPH (A) OF SUBDI-
 33 VISION SEVEN OF SECTION SIXTY-TWO HUNDRED SIX OF THIS CHAPTER.

34 PROVIDED, FURTHER, THAT A STUDENT WITHOUT LAWFUL IMMIGRATION STATUS
 35 SHALL ALSO BE REQUIRED TO FILE AN AFFIDAVIT WITH SUCH INSTITUTION OF
 36 HIGHER EDUCATION STATING THAT THE STUDENT HAS FILED AN APPLICATION TO
 37 LEGALIZE HIS OR HER IMMIGRATION STATUS, OR WILL FILE SUCH AN APPLICATION
 38 AS SOON AS HE OR SHE IS ELIGIBLE TO DO SO.

39 S 15. Subparagraph (i) of paragraph a of subdivision 2 of section
 40 695-e of the education law, as amended by chapter 593 of the laws of
 41 2003, is amended to read as follows:

42 (i) the name, address and social security number [or], employer iden-
 43 tification number, OR INDIVIDUAL TAXPAYER IDENTIFICATION NUMBER of the
 44 account owner UNLESS A FAMILY TUITION ACCOUNT THAT WAS IN EFFECT PRIOR
 45 TO THE EFFECTIVE DATE OF THE CHAPTER OF THE LAWS OF TWO THOUSAND THIR-
 46 TEEN THAT AMENDED THIS SUBPARAGRAPH DOES NOT ALLOW FOR A TAXPAYER IDEN-
 47 TIFICATION NUMBER, IN WHICH CASE A TAXPAYER IDENTIFICATION NUMBER SHALL
 48 BE ALLOWED UPON THE EXPIRATION OF THE CONTRACT;

49 S 16. Subparagraph (iii) of paragraph a of subdivision 2 of section
 50 695-e of the education law, as amended by chapter 593 of the laws of
 51 2003, is amended to read as follows:

52 (iii) the name, address, and social security number, EMPLOYER IDEN-
 53 TIFICATION NUMBER, OR INDIVIDUAL TAXPAYER IDENTIFICATION NUMBER of the
 54 designated beneficiary, UNLESS A FAMILY TUITION ACCOUNT THAT WAS IN
 55 EFFECT PRIOR TO THE EFFECTIVE DATE OF THE CHAPTER OF THE LAWS OF TWO
 56 THOUSAND THIRTEEN THAT AMENDED THIS SUBPARAGRAPH DOES NOT ALLOW FOR A
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1 TAXPAYER IDENTIFICATION NUMBER, IN WHICH CASE A TAXPAYER IDENTIFICATION
 2 NUMBER SHALL BE ALLOWED UPON THE EXPIRATION OF THE CONTRACT; and

3 S 17. The president of the higher education services corporation, in
 4 consultation with the commissioner of education, shall establish an
 5 application form and procedures that shall allow a student applicant
 6 that meets the requirements set forth in subparagraph (ii) of paragraph
 7 (a) or subparagraph (ii) of paragraph b of subdivision 5 of section 661
 8 of the education law to apply directly to the higher education services
 9 corporation or education department for applicable awards without having
 10 to submit information to any other state or federal agency. All informa-
 11 tion contained within the applications filed with such corporation or
 12 department shall be deemed confidential.

13 S 18. This act shall take effect immediately; provided, however, that:

14 (a) section two of this act shall take effect January 1, 2014;

15 (b) sections fifteen and sixteen of this act shall take effect on the
 16 ninetieth day after it shall have become a law; provided, however, that
 17 any rule or regulation necessary for the timely implementation of this
 18 act on its effective date shall be promulgated on or before such effec-
 19 tive date; and

20 (c) sections three through fourteen and section seventeen of this act
 21 shall take effect on the ninetieth day after the issuance of regulations
 22 and the development of an application form by the president of the high-
 23 er education services corporation and commissioner of education or on

24 the ninetieth day after it shall have become a law, whichever shall be
25 later; provided, however that effective immediately the addition, amend-
26 ment and/or repeal of any rule or regulation necessary for the implemen-
27 tation of this act on its effective date is authorized and directed to
28 be made and completed on or before such date; provided, further, howev-
29 er, that the president of the higher education services corporation and
30 the commissioner of education shall notify the legislative bill drafting
31 commission upon the occurrence of the issuance of the regulations and
32 the development of an application form in order that the commission may
33 maintain an accurate and timely effective data base of the official text
34 of the laws of the state of New York in furtherance of effectuating the
35 provisions of section 44 of the legislative law and section 70-b of the
36 public officers law.