STATUS:
A9612-A Espaillat Same as S 7784 ESPADA
Education Law
TITLE...Relates to the payment of tuition and fees charged to non-resident students attending SUNY, CUNY and community colleges
01/16/02 referred to higher education
04/23/02 reported referred to ways and means
06/17/02 reported referred to rules
06/19/02 rules report cal.1002
06/19/02 ordered to third reading rules cal.1002
06/19/02 amended on third reading 9612a
06/25/02 substituted by s7784
07/25/02 DELIVERED TO GOVERNOR
08/06/02 SIGNED CHAP.327

BILL TEXT:

STATE OF NEW YORK

9612--A

R. R. 1002

IN ASSEMBLY

January 16, 2002

Introduced by M. of A. ESPAILLAT, P. RIVERA, E. C. SULLIVAN, PERRY -- Multi-Sponsored by -- M. of A. GOTTFRIED, LUSTER, STRINGER -- (at request of the Governor) -- read once and referred to the Committee on Higher Education -- reported and referred to the Committee on Rules -- amended on the special order of third reading, ordered reprint as amended, retaining its place on the special order of third reading
AN ACT to amend the education law, in relation to payment of tuition and
fees charged to nonresident students of the state university of New
York, the city university of New York and community colleges

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

Section 1. Paragraph h of subdivision 2 of section 355 of the educa-
tion law is amended by adding a new subparagraph 8 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 alien 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 attend-
ance 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 equiv-
ality diploma exam preparation, received a general equivalency diploma
issued within New York state and applied for attendance at an institu-
tion 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 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.

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

LBD14206-03-2
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.

§ 2. Paragraph (a) of subdivision 7 of section 6206 of the education law, as amended by chapter 344 of the laws of 1995, is amended to read as follows:

(a) The board of trustees shall establish positions, departments, divisions and faculties; appoint and in accordance with the provisions of law fix salaries of instructional and non-instructional employees therein; establish and conduct courses and curricula; prescribe conditions of student admission, attendance and discharge; and shall have the power to determine in its discretion whether tuition shall be charged and to regulate tuition charges, and other instructional and non-instructional fees and other fees and charges at the educational units of the city university. The trustees shall not impose a differential tuition charge based upon need or income. All students enrolled in programs leading to like degrees at the senior colleges shall be charged a uniform rate of tuition, except for differential tuition rates based on state residency. The trustees 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 alien 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 city 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 city university within five years of receiving a general equivalency diploma issued within New York state; or

(iii) was enrolled in an institution or educational unit of the city 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.

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, break-
age 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.

§ 3. Subdivision 5 of section 6301 of the education law, as amended by chapter 552 of the laws of 1984, 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 immediately preceding the date of such person's registration in a community college or, for the purposes of section sixty-three hundred five of this [chapter] article, his or her 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 alien 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 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.

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 immigration status, or will file such an application as soon as he or she 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 application for a certificate of residence pursuant to section sixty-three hundred five of this chapter, 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.

§ 4. This act shall take effect July 1, 2002; provided that the amendments to paragraph (a) of subdivision 7 of section 6206 of the education law made by section two of this act shall be deemed to have been in full force and effect on and after December 31, 2001.