

**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

**S07784 ESPADA**

06/20/02 REFERRED TO RULES  
 06/20/02 ORDERED TO THIRD READING CAL.1627  
 06/20/02 MESSAGE OF NECESSITY - 3 DAY MESSAGE  
 06/20/02 PASSED SENATE  
 06/20/02 DELIVERED TO ASSEMBLY  
 06/20/02 referred to ways and means  
 06/25/02 substituted for a9612a  
 06/25/02 ordered to third reading rules cal.1002  
 06/25/02 passed assembly  
 06/25/02 returned to senate  
 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 reprinted 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 Assembly, do enact as follows:

1 Section 1. Paragraph h of subdivision 2 of section 355 of the educa-  
2 tion law is amended by adding a new subparagraph 8 to read as follows:  
3 (8) Such regulations shall further provide that the payment of tuition  
4 and fees by any student who is not a resident of New York state, other  
5 than a non-immigrant alien within the meaning of paragraph (15) of  
6 subsection (a) of section 1101 of title 8 of the United States Code,  
7 shall be paid at a rate or charge no greater than that imposed for  
8 students who are residents of the state if such student:  
9 (i) attended an approved New York high school for two or more years,  
10 graduated from an approved New York high school and applied for attend-  
11 ance at an institution or educational unit of the state university with-  
12 in five years of receiving a New York state high school diploma; or  
13 (ii) attended an approved New York state program for general equiv-  
14 alency diploma exam preparation, received a general equivalency diploma  
15 issued within New York state and applied for attendance at an institu-  
16 tion or educational unit of the state university within five years of  
17 receiving a general equivalency diploma issued within New York state; or  
18 (iii) was enrolled in an institution or educational unit of the state  
19 university in the fall semester or quarter of the two thousand one--two  
20 thousand two academic year and was authorized by such institution or  
21 educational unit to pay tuition at the rate or charge imposed for  
22 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

1 A student without lawful immigration status shall also be required to  
2 file an affidavit with such institution or educational unit stating that  
3 the student has filed an application to legalize his or her immigration  
4 status, or will file such an application as soon as he or she is eligi-  
5 ble to do so.

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

9 (a) The board of trustees shall establish positions, departments,  
10 divisions and faculties; appoint and in accordance with the provisions  
11 of law fix salaries of instructional and non-instructional employees  
12 therein; establish and conduct courses and curricula; prescribe condi-  
13 tions of student admission, attendance and discharge; and shall have the  
14 power to determine in its discretion whether tuition shall be charged  
15 and to regulate tuition charges, and other instructional and non-in-  
16 structional fees and other fees and charges at the educational units of  
17 the city university. The trustees shall not impose a differential  
18 tuition charge based upon need or income. All students enrolled in  
19 programs leading to like degrees at the senior colleges shall be charged  
20 a uniform rate of tuition, except for differential tuition rates based  
21 on state residency. The trustees shall further provide that the payment  
22 of tuition and fees by any student who is not a resident of New York  
23 state, other than a non-immigrant alien within the meaning of paragraph  
24 (15) of subsection (a) of section 1101 of title 8 of the United States  
25 Code, shall be paid at a rate or charge no greater than that imposed for  
26 students who are residents of the state if such student:

27 (i) attended an approved New York high school for two or more years,  
28 graduated from an approved New York high school and applied for attend-  
29 ance at an institution or educational unit of the city university within  
30 five years of receiving a New York state high school diploma; or

31 (ii) attended an approved New York state program for general equiv-  
32 alency diploma exam preparation, received a general equivalency diploma  
33 issued within New York state and applied for attendance at an institu-  
34 tion or educational unit of the city university within five years of  
35 receiving a general equivalency diploma issued within New York state; or

36 (iii) was enrolled in an institution or educational unit of the city  
37 university in the fall semester or quarter of the two thousand one--two  
38 thousand two academic year and was authorized by such institution or  
39 educational unit to pay tuition at the rate or charge imposed for  
40 students who are residents of the state.

41 A student without lawful immigration status shall also be required to  
42 file an affidavit with such institution or educational unit stating that  
43 the student has filed an application to legalize his or her immigration  
44 status, or will file such an application as soon as he or she is eligi-  
45 ble to do so.

46 The trustees shall not adopt changes in tuition charges  
47 prior to the enactment of the annual budget. The board of trustees may  
48 accept as partial reimbursement for the education of veterans of the  
49 armed forces of the United States who are otherwise qualified such sums  
50 as may be authorized by federal legislation to be paid for such educa-  
51 tion. The board of trustees may conduct on a fee basis extension courses  
52 and courses for adult education appropriate to the field of higher  
education. In all courses and courses of study it may, in its

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53 discretion, require students to pay library, laboratory, locker, break-  
54 age and other instructional and non-instructional fees and meet the cost  
55 of books and consumable supplies. In addition to the foregoing fees and  
56 charges, the board of trustees may impose and collect fees and charges

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

3 § 3. Subdivision 5 of section 6301 of the education law, as amended by  
4 chapter 552 of the laws of 1984, is amended to read as follows:

5 5. "Resident." A person who has resided in the state for a period of  
6 at least one year and in the county, city, town, intermediate school  
7 district, school district or community college region, as the case may  
8 be, for a period of at least six months, both immediately preceding the  
9 date of such person's registration in a community college or, for the  
10 purposes of section sixty-three hundred five of this [~~chapter~~] article,  
11 his or her application for a certificate of residence; provided, howev-  
12 er, that this term shall include any student who is not a resident of  
13 New York state, other than a non-immigrant alien within the meaning of  
14 paragraph (15) of subsection (a) of section 1101 of title 8 of the  
15 United States Code, if such student:

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

20 (ii) attended an approved New York state program for general equiv-  
21 alency diploma exam preparation, received a general equivalency diploma  
22 issued within New York state and applied for attendance at an institu-  
23 tion or educational unit of the state university within five years of  
24 receiving a general equivalency diploma issued within New York state; or

25 (iii) was enrolled in an institution or educational unit of the state  
26 university in the fall semester or quarter of the two thousand one--two  
27 thousand two academic year and was authorized by such institution or  
28 educational unit to pay tuition at the rate or charge imposed for  
29 students who are residents of the state.

30 Provided, further, that a student without lawful immigration status  
31 shall also be required to file an affidavit with such institution or  
32 educational unit stating that the student has filed an application to  
33 legalize his or her immigration status, or will file such an application  
34 as soon as he or she is eligible to do so.

35 In the event that a person qualified as above for state residence, but  
36 has been a resident of two or more counties in the state during the six  
37 months immediately preceding his application for a certificate of resi-  
38 dence pursuant to section sixty-three hundred five of this chapter, the  
39 charges to the counties of residence shall be allocated among the  
40 several counties proportional to the number of months, or major fraction  
41 thereof, of residence in each county.

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