



New York State ASSEMBLY

Sheldon Silver - Speaker

Wednesday, November 24, 2010

[Back](#) | [New York State Bill Search](#) | [Assembly Home](#)

 Bill No.:
☐ [Summary](#)
☐ [Actions](#)
☐ [Votes](#)
☐ [Memo](#)
☐ [Text](#)

A05234 Summary:

BILL NO A05234A

SAME AS Same as S 8237

SPONSOR Espaillat (MS)

COSPNSR Boyland, Perry, Barron

MLTSPNSR Cahill, Canestrari, Colton, Farrell, Gottfried, Lopez V, Rivera N, Rosenthal

Amd SS355, 6206 & 6305, Ed L

Authorizes the trustees of the state university of New York, the city university of New York and community colleges to provide state-aided programs, scholarships or other financial assistance to students who are without lawful immigration status or who are undocumented persons if such student attended an approved NY high school for two or more years, attended an approved NY state program for general equivalency diploma exam preparation, or was enrolled in an institution or educational unit of the state university during the 2010-2011 academic year.

[Go to top](#)

A05234 Actions:

BILL NO A05234A

02/11/2009 referred to higher education

01/06/2010 referred to higher education

05/04/2010 held for consideration in higher education

06/17/2010 amend and recommit to higher education

06/17/2010 print number 5234a

[Go to top](#)

A05234 Votes:

There are no votes for this bill in the current legislative session.

[Go to top](#)

A05234 Memo:

BILL NUMBER:A5234A

TITLE OF BILL: An act to amend the education law, in relation to scholarship opportunities for certain students of the state university of New York, the city university of New York and community colleges

PURPOSE OR GENERAL IDEA OF BILL: Provides state-aided scholarship opportunities for SUNY, CUNY or community college students who are without lawful immigration status or who are undocumented.

SUMMARY OF SPECIFIC PROVISIONS: Section 1. Paragraph h of subdivision 2 of section 355 of the education law is amended by adding a new subparagraph 9 to read as follows:

(9) Such regulations shall further provide that any student who is without lawful immigration status or is an undocumented person may have the payment of tuition and other fees and charges reduced by state-aided programs, scholarships or other financial assistance awarded under the provisions of article thirteen, thirteen-A, fourteen and fourteen-A of this chapter, if such student:

(i) is otherwise eligible to receive such award; and

(ii) 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

(iii) 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

(iv) was enrolled in an institution or educational unit of the state university in the fall semester or quarter of the two thousand five-two

thousand six 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.

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

(d) The trustees shall further provide that any student who is without lawful immigration status or is an undocumented person may have the

payment of tuition and other fees and charges reduced by state-aided programs, if such student:

(i) is otherwise eligible to receive such award; and

(ii) 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

(iii) attended an approved New York state program for general equivalency diploma exam preparation, received a general equivalency diploma issued within New York state; or

(iv) was enrolled in an institution or educational unit of the state university in the fall semester or quarter of the two thousand five-two thousand six 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 institutions 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.

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

8-a The payment of tuition and other fees and charges of a student who is attending a community college and who is without lawful immigration status or is an undocumented person may be reduced by state-aided programs, scholarships and other financial assistance awarded under the provisions of article thirteen, thirteen-A, fourteen and fourteen-A of

this chapter, if such student:

(i) is otherwise eligible to receive such award; and

(ii) 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

(iii) attended an approved New York State program for general equivalency diploma exam preparation, received a general equivalency diploma issued within New York 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

(iv) was enrolled in an institution or educational unit of the state university in the fall semester or quarter of the two thousand five-two thousand six 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.

JUSTIFICATION: New York State is currently home to more than one and one-half million undocumented persons. These individuals contribute to the cultural diversity of our State and help to stimulate our economy. As a state of immigrants, New York State has a special obligation to assist those who, like our ancestors, have come to our country to seek a better way of life. Undocumented persons are especially vulnerable to exploitation and suffering from substandard education, housing, and health care.

PRIOR LEGISLATIVE HISTORY: 2005/06: A.6408 2007/08: A4653 referred to higher education

FISCAL IMPLICATIONS: To be determined

EFFECTIVE DATE: This act shall take effect July 1, 2009.

[Go to top](#)

A05234 Text:

5234--A

2009-2010 Regular Sessions

I N A S S E M B L Y

February 11, 2009

Introduced by M. of A. ESPAILLAT, BOYLAND, PERRY, BARRON -- Multi-Sponsored by -- M. of A. CAHILL, CANESTRARI, COLTON, FARRELL, GOTTFRIED, V. LOPEZ, N. RIVERA, ROSENTHAL -- read once and referred to the Committee on Higher Education -- recommitted to the Committee on Higher Education in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to scholarship opportunities for certain 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 10 to read as follows:
3 (10) SUCH REGULATIONS SHALL FURTHER PROVIDE THAT ANY STUDENT WHO IS
4 WITHOUT LAWFUL IMMIGRATION STATUS OR IS AN UNDOCUMENTED PERSON MAY HAVE
5 THE PAYMENT OF TUITION AND OTHER FEES AND CHARGES REDUCED BY STATE-AIDED
6 PROGRAMS, SCHOLARSHIPS OR OTHER FINANCIAL ASSISTANCE AWARDED UNDER THE
7 PROVISIONS OF ARTICLES THIRTEEN, THIRTEEN-A, FOURTEEN AND FOURTEEN-A OF
8 THIS CHAPTER, IF SUCH STUDENT:
9 (I) IS OTHERWISE ELIGIBLE TO RECEIVE SUCH AWARD; AND
10 (II) ATTENDED AN APPROVED NEW YORK HIGH SCHOOL FOR TWO OR MORE YEARS,
11 GRADUATED FROM AN APPROVED NEW YORK HIGH SCHOOL AND APPLIED FOR ATTEND-
12 ANCE AT AN INSTITUTION OR EDUCATIONAL UNIT OF THE STATE UNIVERSITY WITH-
13 IN FIVE YEARS OF RECEIVING A NEW YORK STATE HIGH SCHOOL DIPLOMA; OR
14 (III) ATTENDED AN APPROVED NEW YORK STATE PROGRAM FOR GENERAL EQUIV-
15 AGENCY DIPLOMA EXAM PREPARATION, RECEIVED A GENERAL EQUIVALENCY DIPLOMA
16 ISSUED WITHIN NEW YORK STATE AND APPLIED FOR ATTENDANCE AT AN INSTITU-
17 TION OR EDUCATIONAL UNIT OF THE STATE UNIVERSITY WITHIN FIVE YEARS OF
18 RECEIVING A GENERAL EQUIVALENCY DIPLOMA ISSUED WITHIN NEW YORK STATE; OR

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

LBD08399-03-0

1 (IV) WAS ENROLLED IN AN INSTITUTION OR EDUCATIONAL UNIT OF THE STATE
2 UNIVERSITY IN THE FALL SEMESTER OR QUARTER OF THE TWO THOUSAND TEN--TWO
3 THOUSAND ELEVEN ACADEMIC YEAR AND WAS AUTHORIZED BY SUCH INSTITUTION OR
4 EDUCATIONAL UNIT TO PAY TUITION AT THE RATE OR CHARGE IMPOSED FOR
5 STUDENTS WHO ARE RESIDENTS OF THE STATE.

6 A STUDENT WITHOUT LAWFUL IMMIGRATION STATUS SHALL ALSO BE REQUIRED TO
7 FILE AN AFFIDAVIT WITH SUCH INSTITUTION OR EDUCATIONAL UNIT STATING THAT
8 THE STUDENT HAS FILED AN APPLICATION TO LEGALIZE HIS OR HER IMMIGRATION
9 STATUS, OR WILL FILE SUCH AN APPLICATION AS SOON AS HE OR SHE IS ELIGI-
10 BLE TO DO SO.

11 S 2. Subdivision 7 of section 6206 of the education law is amended by
12 adding a new paragraph (d) to read as follows:

13 (D) THE TRUSTEES SHALL FURTHER PROVIDE THAT ANY STUDENT WHO IS WITHOUT
14 LAWFUL IMMIGRATION STATUS OR IS AN UNDOCUMENTED PERSON MAY HAVE THE
15 PAYMENT OF TUITION AND OTHER FEES AND CHARGES REDUCED BY STATE-AIDED
16 PROGRAMS, SCHOLARSHIPS OR OTHER FINANCIAL ASSISTANCE AWARDED UNDER THE
17 PROVISIONS OF ARTICLES THIRTEEN, THIRTEEN-A, FOURTEEN AND FOURTEEN-A OF
18 THIS CHAPTER, IF SUCH STUDENT:

19 (I) IS OTHERWISE ELIGIBLE TO RECEIVE SUCH AWARD; AND

20 (II) ATTENDED AN APPROVED NEW YORK HIGH SCHOOL FOR TWO OR MORE YEARS,
21 GRADUATED FROM AN APPROVED NEW YORK HIGH SCHOOL AND APPLIED FOR ATTEND-
22 ANCE AT AN INSTITUTION OR EDUCATIONAL UNIT OF THE STATE UNIVERSITY WITH-
23 IN FIVE YEARS OF RECEIVING A NEW YORK STATE HIGH SCHOOL DIPLOMA; OR

24 (III) ATTENDED AN APPROVED NEW YORK STATE PROGRAM FOR GENERAL EQUIV-
25 ALENCY DIPLOMA EXAM PREPARATION, RECEIVED A GENERAL EQUIVALENCY DIPLOMA
26 ISSUED WITHIN NEW YORK STATE AND APPLIED FOR ATTENDANCE AT AN INSTITU-
27 TION OR EDUCATIONAL UNIT OF THE STATE UNIVERSITY WITHIN FIVE YEARS OF
28 RECEIVING A GENERAL EQUIVALENCY DIPLOMA ISSUED WITHIN NEW YORK STATE; OR

29 (IV) WAS ENROLLED IN AN INSTITUTION OR EDUCATIONAL UNIT OF THE STATE
30 UNIVERSITY IN THE FALL SEMESTER OR QUARTER OF THE TWO THOUSAND TEN--TWO
31 THOUSAND ELEVEN ACADEMIC YEAR AND WAS AUTHORIZED BY SUCH INSTITUTION OR
32 EDUCATIONAL UNIT TO PAY TUITION AT THE RATE OR CHARGE IMPOSED FOR
33 STUDENTS WHO ARE RESIDENTS OF THE STATE.

34 A STUDENT WITHOUT LAWFUL IMMIGRATION STATUS SHALL ALSO BE REQUIRED TO
35 FILE AN AFFIDAVIT WITH SUCH INSTITUTION OR EDUCATIONAL UNIT STATING THAT
36 THE STUDENT HAS FILED AN APPLICATION TO LEGALIZE HIS OR HER IMMIGRATION
37 STATUS, OR WILL FILE SUCH AN APPLICATION AS SOON AS HE OR SHE IS ELIGI-
38 BLE TO DO SO.

39 S 3. Section 6305 of the education law is amended by adding a new
40 subdivision 8-a to read as follows:

41 8-A. THE PAYMENT OF TUITION AND OTHER FEES AND CHARGES OF A STUDENT
42 WHO IS ATTENDING A COMMUNITY COLLEGE AND WHO IS WITHOUT LAWFUL IMMI-
43 GRATION STATUS OR IS AN UNDOCUMENTED PERSON MAY BE REDUCED BY STATE-AID-
44 ED PROGRAMS, SCHOLARSHIPS AND OTHER FINANCIAL ASSISTANCE AWARDED UNDER
45 THE PROVISIONS OF ARTICLES THIRTEEN, THIRTEEN-A, FOURTEEN AND FOURTEEN-A
46 OF THIS CHAPTER, IF SUCH STUDENT:

47 (I) IS OTHERWISE ELIGIBLE TO RECEIVE SUCH AWARD; AND

48 (II) ATTENDED AN APPROVED NEW YORK HIGH SCHOOL FOR TWO OR MORE YEARS,
49 GRADUATED FROM AN APPROVED NEW YORK HIGH SCHOOL AND APPLIED FOR ATTEND-

50 ANCE AT AN INSTITUTION OR EDUCATIONAL UNIT OF THE STATE UNIVERSITY WITH-
51 IN FIVE YEARS OF RECEIVING A NEW YORK STATE HIGH SCHOOL DIPLOMA; OR
52 (III) ATTENDED AN APPROVED NEW YORK STATE PROGRAM FOR GENERAL EQUIV-
53 AGENCY DIPLOMA EXAM PREPARATION, RECEIVED A GENERAL EQUIVALENCY DIPLOMA
54 ISSUED WITHIN NEW YORK STATE AND APPLIED FOR ATTENDANCE AT AN INSTITU-
55 TION OR EDUCATIONAL UNIT OF THE STATE UNIVERSITY WITHIN FIVE YEARS OF
56 RECEIVING A GENERAL EQUIVALENCY DIPLOMA ISSUED WITHIN NEW YORK STATE; OR
A. 5234--A 3

1 (IV) WAS ENROLLED IN AN INSTITUTION OR EDUCATIONAL UNIT OF THE STATE
2 UNIVERSITY IN THE FALL SEMESTER OR QUARTER OF THE TWO THOUSAND TEN--TWO
3 THOUSAND ELEVEN ACADEMIC YEAR AND WAS AUTHORIZED BY SUCH INSTITUTION OR
4 EDUCATIONAL UNIT TO PAY TUITION AT THE RATE OR CHARGE IMPOSED FOR
5 STUDENTS WHO ARE RESIDENTS OF THE STATE.

6 A STUDENT WITHOUT LAWFUL IMMIGRATION STATUS SHALL ALSO BE REQUIRED TO
7 FILE AN AFFIDAVIT WITH SUCH INSTITUTION OR EDUCATIONAL UNIT STATING THAT
8 THE STUDENT HAS FILED AN APPLICATION TO LEGALIZE HIS OR HER IMMIGRATION
9 STATUS, OR WILL FILE SUCH AN APPLICATION AS SOON AS HE OR SHE IS ELIGI-
10 BLE TO DO SO.

11 S 4. This act shall take effect July 1, 2011.

[Go to top](#)

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