

ASSEMBLY, No. 1650

STATE OF NEW JERSEY 217th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2016 SESSION

Sponsored by:

Assemblyman GARY S. SCHAER

District 36 (Bergen and Passaic)

Assemblyman GORDON M. JOHNSON

District 37 (Bergen)

Assemblyman VINCENT PRIETO

District 32 (Bergen and Hudson)

Assemblywoman ANNETTE QUIJANO

District 20 (Union)

Assemblyman RAJ MUKHERJI

District 33 (Hudson)

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

Assemblyman BENJIE E. WIMBERLY

District 35 (Bergen and Passaic)

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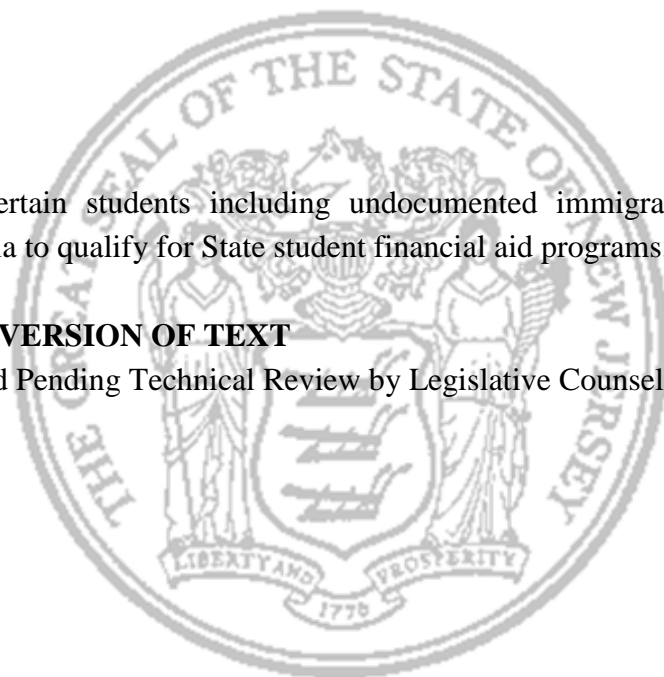
Assemblywomen Jasey, Spencer, Tucker and Assemblyman Chiaravalloti

SYNOPSIS

Allows certain students including undocumented immigrants who meet certain criteria to qualify for State student financial aid programs.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 6/17/2016)

1 AN ACT concerning eligibility for State student financial assistance
2 programs and supplementing chapter 71B of Title 18A of the
3 New Jersey Statutes.

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5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

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8 1. a. Notwithstanding the provisions of N.J.S.18A:71B-2 or
9 any other law or regulation to the contrary, a student who meets the
10 requirements of P.L.2013, c.170 (C.18A:62-4.4) is eligible to apply
11 for, and participate in, any student financial aid program
12 administered by the Higher Education Student Assistance Authority
13 or the Secretary of Higher Education to the full extent permitted by
14 federal law. The Legislature finds and declares that this section is a
15 state law within the meaning of section 411(d) of the “Personal
16 Responsibility and Work Opportunity Reconciliation Act of 1996”
17 (8 U.S.C. s.1621(d)).

18 b. The Higher Education Student Assistance Authority and the
19 Secretary of Higher Education shall establish procedures and forms
20 that enable students who meet the requirements of P.L.2013, c.170
21 (C.18A:62-4.4) to apply for, and participate in, all student financial
22 aid programs administered by the Higher Education Student
23 Assistance Authority and the Secretary of Higher Education to the
24 full extent permitted by federal law. The procedures and forms shall
25 be posted on the websites of the Higher Education Student
26 Assistance Authority and the Office of the Secretary of Higher
27 Education.

28 c. The Higher Education Student Assistance Authority and the
29 Secretary of Higher Education shall adopt rules and regulations
30 pursuant to the “Administrative Procedure Act,” P.L.1968, c.410
31 (C.52:14B-1 et seq.), necessary to effectuate the provisions of this
32 act.

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34 2. This act shall take effect immediately and first apply to the
35 2015-2016 academic year.

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STATEMENT

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40 This bill allows a student who meets the requirements established
41 under P.L.2013, c.170 (C.18A:62-4.4) to apply for, and participate in,
42 any student financial aid program administered by the Higher
43 Education Student Assistance Authority or the Secretary of Higher
44 Education.

45 Under P.L.2013, c.170, which was approved on December 20,
46 2013, a student, including a student without lawful immigration status,
47 is allowed to pay the resident tuition rate at the State’s public
48 institutions of higher education if the student meets the following

1 requirements: (1) attended high school in this State for three or more
2 years; (2) graduated from a high school in this State or received the
3 equivalent of a high school diploma in the State; (3) registers as an
4 entering student or is currently enrolled in a public institution of higher
5 education not earlier than the fall semester of the 2013-2014 academic
6 year; and (4) in the case of a person without lawful immigration status,
7 files an affidavit with the institution of higher education stating that
8 the student has filed an application to legalize his immigration status
9 or will file an application as soon as the person is eligible to do so.

10 This bill directs the authority and the secretary to establish
11 procedures and forms that enable these students to apply for, and
12 participate in, the State student financial assistance programs. These
13 procedures and forms will be posted on the websites of the Higher
14 Education Student Assistance Authority and the Office of the
15 Secretary of Higher Education.

16 Existing federal law at 8 U.S.C. s.1621(d) permits a state to make
17 an alien without lawful immigration status eligible for a state or local
18 public benefit for which the alien would otherwise be ineligible under
19 federal law only through the enactment of a state law that affirmatively
20 provides for such eligibility. This bill declares that this section
21 concerning financial aid eligibility is a state law within the meaning of
22 this federal provision.