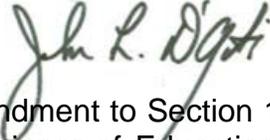




TO: The Honorable the Members of the Board of Regents

FROM: John L. D'Agati 

SUBJECT: Proposed Amendment to Section 145-2.1 of the Regulations of the Commissioner of Education Relating to the Eligibility Criteria for the Tuition Assistance Program

DATE: November 30, 2017

AUTHORIZATION:  

SUMMARY

Issue for Decision (Consent Agenda)

Should the Board of Regents amend §145-2.1 of the Regulations of the Commissioner of Education relating to the eligibility criteria for the Tuition Assistance Program (TAP)?

Reason(s) for Consideration

Review of Policy.

Proposed Handling

The proposed amendment is submitted to the Full Board for adoption at its December 2017 meeting. A copy of the proposed amendment is included as Attachment A.

Procedural History

A Notice of Proposed Rule Making was published in the State Register on September 27, 2017. Following the 45-day public comment period required under the State Administrative Procedure Act, no comments were received on the proposed amendment. Supporting materials are available upon request to the Secretary to the Board of Regents.

Background Information

Section 661 of the Education Law establishes the TAP and charges the Commissioner with the authority to “promulgate regulations to define the following terms by which the president can determine a student's eligibility for student aid and loan programs: (a) full-time study or attendance; (b) part-time study or attendance; (c) full-time and part-time accelerated study beyond the regular program of study for the academic year; (d) permissible use of general and academic performance awards; (e) matriculation; and (f) loss of good academic standing.” Section 602 of the Education Law requires the Commissioner to “promulgate regulations by which the president shall determine whether a student has entered an approved program during the academic year prior to the normal effective date of the student's award.”

At its March 2017 meeting, the Inter-Agency Task Force reviewed the TAP regulations in order to provide recommendations to clarify and simplify the regulatory provisions in order to improve institutional compliance with these requirements.

The Task Force included representatives from the State University of New York, The City University of New York, the Commission on Independent Colleges and Universities, the Association of Proprietary Colleges, the Higher Education Services Corporation, the Division of the Budget, the New York State Financial Aid Administrators Association, and, in an advisory capacity, the Office of the State Comptroller. The Task Force's recommended amendments to the TAP regulations fall in three key areas: (1) Full-time and part-time study; (2) Program pursuit and academic progress; and (3) Matriculated status.

Proposed Amendment

The proposed amendment makes a technical amendment to §145-2.1 of the Commissioner's Regulations to change an outdated reference to the Office of Higher and Professional Education to the current name of the Office of Higher Education.

The proposed amendment also provides additional flexibility to students who have difficulty meeting full-time status in their program of study during their final year, most typically due to some quantity of extraneous credits earned for college during high school, or due to transfer credits, or extra credits received while the student was pursuing additional majors. The proposed amendment allows a student to meet the full-time study requirement in their second to last semester of eligibility if the student takes at least 6 semester hours needed to meet their graduation requirements and the student enrolls in at least 12 semester hours or its equivalent.

Recommendation

Department staff recommends that the Board of Regents take the following action:

VOTED: That paragraph (4) of subdivision (a) and subdivision (e) of §145-2.1 of the Regulations of the Commissioner of Education be amended, as submitted, effective December 27, 2017.

Timetable for Implementation

If adopted at the December 2017 meeting, the proposed amendment will become effective as a permanent rule on December 27, 2017.

AMENDMENT TO THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to sections 101, 207, 305, 602 and 661 of the Education Law.

1. Paragraph (4) of subdivision (a) of section 145-2.1 of the Regulations of the Commissioner of Education is amended to read as follows:

§145-2.1 Full-time and part-time study and remedial workload.

(4) For purposes of section 661(d)(4) of the Education Law, for a student with a disability, as defined in 42 USC 12102 (2) (United States Code, 1994 edition, volume 23; Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402; 1995-available at the [office] Office of Higher [and Professional] Education, Education Building Annex, Room 975, Albany, NY 12234), part-time study or attendance shall mean enrollment in credit-bearing courses applicable to the students' program, for at least three but less than 12 semester hours per semester or the equivalent, or at least two but less than eight semester hours per quarter.

2. Subdivision (e) of section 145-2.1 of the Regulations of the Commissioner of Education is amended to read as follows:

(e) A student will be deemed to meet the full-time [or part-time study] requirement in their last semester of eligibility in their program of study if the student takes at least one course needed to meet their graduation requirements and the student enrolls in [and completes] at least 12 semester hours or its equivalent. A student shall be deemed to meet the full-time study requirement in the semester prior to their last semester of eligibility in their program of study if the student takes at least six semester hours needed to meet their graduation requirements and the student enrolls in at least 12 semester hours or its equivalent.