



TO: Higher Education Committee

FROM: John L. D'Agati *John L. D'Agati*

SUBJECT: Proposed Amendment of Section 145-2.2 of the Regulations of the Commissioner of Education to Establish Standards for a Student to Be Reinstated to the Status of Good Academic Standing in Order to Resume Receiving Awards That Were Previously Suspended under the Tuition Assistance Program

DATE: January 5, 2015

AUTHORIZATION(S): *Richard F. Trachtenberg* *Elizabeth R. Berlin*

SUMMARY

Issue for Discussion

Should the Board of Regents amend section 145-2.2 of the Regulations of the Commissioner of Education to establish standards for a student to meet to be reinstated to the status of good academic standing in order to resume receiving awards that were previously suspended under the Tuition Assistance Program?

Reason(s) for Consideration

Review of Policy.

Proposed Handling

The proposed amendment is submitted to the Higher Education Committee for discussion at its January 2015 meeting (see Attachment A - Amendment to the Regulations).

Procedural History

A Notice of Proposed Rule Making will be published in the State Register on February 1, 2015. Supporting materials are available upon request to the Board of Regents.

Background Information

Eligibility for a Tuition Assistance Award

The New York State Tuition Assistance Program (TAP) provides for an annual award of up to \$5,165, payable over two semesters, to help eligible New York residents pay tuition at approved colleges and universities in New York State.

Education Law §661 sets forth the eligibility requirements and conditions for receiving a TAP award. For a student to continue to receive an award under the TAP, Education Law §665(6) requires that the student maintain good academic standing : (1) by meeting or exceeding minimum cumulative grade point average requirements; and (2) by making satisfactory progress toward the completion of his or her program's academic requirements, measured by credit hour accumulation. This section also establishes minimum thresholds for each of these two requirements based on the year the student first receives aid, the length of the student's program and whether the student is a remedial student. However, institutions may establish and apply stricter standards of satisfactory academic progress, provided such standards include the required levels of achievement to be measured at the statutory intervals. If an institution implements stricter criteria for satisfactory academic progress, the criteria must include a minimum number of credit hours to be earned and a minimum cumulative grade point average, and must be measured at set intervals, such as semesters or trimesters. If a student fails to make satisfactory progress toward the completion of the program's academic requirements, or fails to maintain the minimum cumulative GPA, the student will not be in good academic standing and, thus, will become ineligible for awards under the TAP.

Regaining Good Academic Standing

When a student does not meet the good academic standing requirement to continue receiving a TAP award, further payments of any state award(s) is/are also suspended until the student is reinstated in good standing within a reasonable time set by the Commissioner. Currently, section 145-2.2(b)(1)(ii) of the Regulations of the Commissioner of Education provides that a student may be restored to good academic standing by:

(a) pursuing the program of study in which he or she is enrolled and making satisfactory progress toward the completion of his or her program's academic requirements; or

(b) establishing in some other way, to the satisfaction of the Commissioner, evidence of his or her ability to successfully complete an approved program.

Currently, the regulation is silent on whether a TAP award is suspended while the student is restoring his/her status of "good academic standing", and does not establish a minimum length of time a TAP award must be suspended while the student is in the process of regaining good academic standing.

In order to provide clarity to the field, the proposed amendment provides: (1) that no student will receive any TAP or any other state awards during the period when they are regaining good academic standing; and (2) provides that TAP awards shall be suspended for a minimum of one semester or its equivalent while the student is regaining good academic standing.

The current regulation also fails to define what evidence the Commissioner will accept as the students' promise to successfully complete an approved program in order to regain good academic standing under Education Law §665(6); and the regulations do not contemplate the possibility of a student changing academic programs within the same institution to avoid the need to regain good academic standing in the original academic program.

In an effort to address these issues and provide clarity to the field, the proposed amendment also identifies four options that the Commissioner would accept as satisfactory evidence of a students' promise to successfully complete an approved program for the limited purpose of regaining good academic standing. These options include:

- (1) making up any deficiencies in GPA or academic progress to regain good academic standing without the benefit of TAP, or other State support;
- (2) applying for and being re-admitted to the original institution after withdrawing as a student for a period of at least one academic year and by meeting the institution's academic requirements; or
- (3) transferring to another institution where the student must meet the new institution's admissions' requirements; or
- (4) providing other satisfactory evidence that the student will meet its promise to successfully complete the program.

Recommendation

Not applicable.

Timetable for Implementation

It is anticipated that the proposed amendment will be submitted to the Board of Regents for adoption at the April 2015 Regents meeting. If adopted at the April Regents meeting, the proposed amendment will become effective on April 29, 2015.

AMENDMENT OT THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to Education Law sections 101, 202, 207, 210, 3165, 305, 602, 661 and 665.

Subparagraph (ii) of paragraph (2) of subdivision (b) of section 145-2.2 of the Regulations of the Commissioner of Education is amended, effective April 29, 2014, to read as follows:

(ii) Following a determination that the recipient of an award has lost good academic standing, further payments of any award under article 13 or 14 of the Education Law shall be suspended for a minimum of one semester or its equivalent and until the student is [restored] reinstated to good academic standing by either:

(a) pursuing the program of study in which he or she is enrolled and making satisfactory progress toward completion of his or her program's academic requirements;

(b) establishing, to the satisfaction of the commissioner, evidence of the student's ability to successfully complete an approved program through of the one of the following options:

(1) demonstrating that the student has made up any deficiencies in his/her program and achieved academic progress and has achieved good academic standing without the benefit of the tuition assistance program, or other State support;

(2) applying for and being readmitted to the same institution after withdrawing as a student from such institution for at least one academic year;

(3) transferring to another higher education institution and meeting the new institution's admissions' requirements; or

(4) providing other evidence satisfactory to the Commissioner that the student will successfully complete the program.