



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12234

TO: Higher Education Committee

FROM: William P. Murphy *William P. Murphy*

SUBJECT: Proposed Amendments to Sections 145-6.2, 145-6.5, and 145-6.6 of the Regulations of the Commissioner of Education Relating to the Eligibility Requirements for Loan Forgiveness and Grant Programs

DATE: February 24, 2020

AUTHORIZATION(S): *Murphy* *Sharon L. Tabor*

SUMMARY

Issue for Discussion

Should the Board of Regents adopt the proposed amendments to Sections 145-6.2, 145-6.5, and 145-6.6 of the Regulations of the Commissioner of Education relating to the eligibility requirements for loan forgiveness and grant programs?

Reason(s) for Consideration

Required by State statute.

Proposed Handling

The proposed amendment is submitted to the Higher Education Committee for discussion at its March 2020 Board of Regents meeting (Attachment A is a copy of the proposed amendment).

Procedural History

A Notice of Proposed Rule Making will be published in the State Register on March 18, 2020. Supporting materials for the proposed amendment are available upon request from the Secretary to the Board of Regents.

Background Information

The Senator José Peralta New York State (NYS) DREAM Act (Chapter 26 of the Laws of 2019), passed on April 12, 2019 and amended by Part D of chapter 56 of the Laws of 2019 (hereinafter, the “DREAM Act”), gives undocumented and other students access to New York State-aided programs, scholarships and other financial assistance that support higher education costs. The DREAM Act provides access to the Excelsior Scholarship, Tuition Assistance Program (TAP), Arthur O. Eve Higher Education Opportunity Program (HEOP), as well as other State-aided programs, scholarships, and grants that were not previously available to the applicable students.

The DREAM Act now permits any student to submit an application for undergraduate and graduate awards who is not a legal resident of the State, but is a United States citizen, a permanent lawful resident, an individual who is granted a U or T non-immigrant status pursuant to the Victims of Trafficking and Violence Protection Act of 2000, a person granted temporary protected status pursuant to the Federal Immigration Act of 1990, an individual of a class of refugees paroled by the attorney general of the United States under his or her parole authority pertaining to the admission of aliens to the United States, or an applicant without lawful immigration status, if such applicant:

- attended a registered NYS high school for two or more years, graduated from a registered NYS high school and applied for attendance at the institution of higher education within five years of receiving a NYS high school diploma where an award for undergraduate study is sought or within 10 years of receiving a NYS high school diploma where an award for graduate study is sought; or
- attended an approved NYS program for a State high school equivalency diploma, received a State high school equivalency diploma and applied for attendance at the institution of higher education within five years of receiving a NYS high school equivalency diploma where an award for undergraduate study is sought or within 10 years of receiving a NYS high school equivalency diploma where an award for graduate study is sought; or
- did not attend or graduate from a NYS high school or did not receive a NYS high school equivalency diploma but is eligible for the NYS resident in-State tuition rate at a SUNY or CUNY college.

Proposed Amendment

The Department is proposing to amend certain sections of Part 145 of the Commissioner’s regulations to clarify the eligibility language to ensure that students made eligible under the DREAM Act may apply for applicable grant and loan forgiveness programs.

Section 145-6.2, the Regents Physician Loan Forgiveness Program, provides grants to licensed physicians in New York State who have either completed a professional residency program within the time specified by Education Law section 605(9)(a)(2), or are within two years of completion of an accredited residency program in a primary care specialty designated in short supply, and who agree to practice medicine in an area of

shortage of physicians. The Department proposes to amend this section to conform the eligibility requirements to the provisions of the DREAM Act.

The Department is also proposing to amend sections 145-6.5 and 145-6.6 in order to conform the student eligibility requirements to the DREAM Act for both the Science and Technology Entry Program (STEP) and Collegiate Science and Technology Entry Program (CSTEP). STEP and CSTEP are designed to increase the participation rate of underrepresented and economically disadvantaged students in mathematics, science, technology, health-related fields, and the licensed professions.

Related Regents Items

Not applicable.

Recommendation

Not applicable.

Timetable for Implementation

Following the 60-day public comment period required under the State Administrative Procedure Act, it is anticipated that the proposed amendment will be presented to the Board of Regents for adoption at its July 2020 meeting. If adopted at the July 2020 meeting, the proposed amendment will become effective on July 29, 2020.

AMENDMENT TO THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to sections 207, 305, 3001, 3003, 3004 and 3009 of the Education Law

1. Subdivision (a) of section 145-6.2 of the Regulations of the Commissioner of Education is amended to read as follows:

(a) Eligibility. Residents of New York State, or students who meet the requirements set forth in subparagraph (ii) of paragraph a or subparagraph (ii) of paragraph b of subdivision five of section 661 of the Education Law, as applicable, who are licensed to practice medicine, and who have completed a professional residency program within the time specified by Education Law section 605(9)(a)(2), or are within two years of completion of an accredited residency program in a primary care specialty designated in short supply by the Board of Regents, and who agree to practice medicine in an area of shortage of physicians, shall be eligible for an award pursuant to this section and subdivision (9) of section 605 of the Education Law.

2. Subdivision (a) of section 145-6.5 of the Regulations of the Commissioner of Education is amended to read as follows:

(a) As used in the definition of eligible students set forth in Education Law, section 6454(b), minorities historically underrepresented in the scientific, technical, health and health-related professions shall include residents of New York State or [permanent resident aliens residing in New York State] students who meet the requirements set forth in subparagraph (ii) of paragraph a or subparagraph (ii) of paragraph b of subdivision five of section 661 of the Education Law, as applicable, who are black, Hispanic, American Indian or Alaskan native.

3. Paragraph (1) of subdivision (b) of section 145-6.6 of the Regulations of the Commissioner of Education is amended to read as follows:

(1) minorities historically underrepresented in the scientific, technical, health and health-related professions means residents of New York State or [permanent resident aliens residing in New York State] students who meet the requirements of subparagraph (ii) of paragraph (a) of subdivision 2 of section 6455 of the Education Law who are Black, Hispanic, American Indian or Alaskan native;