

## HESC REGULATION CHANGES

Sections 2201.1(b), (c), (d), (e), (f), and (g) are amended to read as follows:

(b) Residency. Applicants must meet the residency requirements pursuant to subdivision 5 of section 661 of the Education Law~~[who are legal residents of the State. A legal resident of the State means an individual whose place of domicile is New York State and is either:~~

~~(i) a United States citizen;~~

~~(ii) a permanent lawful resident; or~~

~~(iii) an individual of a class of refugees paroled by the attorney general under his or her parole authority pertaining to the admission of aliens to the United States].~~

(c) Matriculation. (1) Candidates for awards under this Subchapter, except for part-time tuition assistance program awards as provided for by paragraph (2) of this subdivision, must be in matriculated status, as defined by sections 145-2.4 and 145-2.8 of this Title, at their college or vocational institution, except as provided for by paragraph (2) of this subdivision.

(2) Candidates for part-time tuition assistance program awards must be in matriculated status as defined by sections 145-2.4 and 145-2.8 of this Title, at their college or vocational institution, unless they are enrolled in an approved non-degree workforce credential program at a community college or a public agricultural and technical college, as defined by paragraph b of subdivision 1 of section 667-c of the Education Law.

(d) Approved programs for receipt of general and academic awards. (1) Candidates for awards under this Subchapter, except for part-time tuition assistance program awards as provided for by paragraph (2) of this subdivision, must be enrolled in programs approved by the commissioner pursuant to section 145-2.3 of this Title, except as provided for by paragraph (2) of this subdivision~~[except that no award shall be made for study in programs leading to any degree relating to theological study listed in section 145-2.6 of this Title].~~

(2) Candidates for part-time tuition assistance program awards must be enrolled in programs approved by the commissioner pursuant to section 145-2.3 of this Title or approved non-degree workforce credential programs at a community college or a public agricultural and technical college, as defined by paragraph b of subdivision 1 of section 667-c of the Education Law.

(3) No award shall be made for study in programs leading to any degree relating to theological study listed in section 145-2.6 of this Title.

(4) [(2)] Academic performance awards shall be limited in their use to approved institutions and programs, as provided by sections 145-1.6 and 145-1.12 of this Title.

(e) Full-time and part-time study. In order to be eligible for any award under this Subchapter, except Regents scholarships for veterans with war service and except as provided in paragraph (3) of this subdivision, recipients must be in full-time or part-time attendance, unless they are enrolled in approved non-degree workforce credential programs at a community college or a public agricultural and technical college, as defined by paragraph (b) of subdivision 1 of section 667-c of the Education Law.

(1) Full-time and part-time study shall be as defined in section 145-2.1 of this Title.

(2) For schools not organized on a semester, quarter or uniterm basis, equivalency of full-time or part-time study should be established by the commissioner prior to certification of a student's eligibility to receive an award.

(3) A recipient of a Regents college scholarship who is in their ~~[his or her]~~ last term of eligibility and who need not take 12 or more credits or the equivalent thereof to complete their ~~[his or her]~~ prescribed course of study shall be entitled to receive payment of such scholarship, provided the recipient enrolls for sufficient credits or the equivalent to complete the course of study and is otherwise eligible for payment. Nothing herein shall be construed to exempt such recipient from the requirement of full-time attendance for ~~[tuition assistance program (TAP) or]~~ other awards.

(f) Good academic standing. (1) Failure to maintain good academic standing, as defined by the commissioner in section 145-2.2 of this Title, shall be grounds for the suspension of a student's eligibility to receive payments for an award, notwithstanding that for a student enrolled in an approved non-degree workforce credential program at a community college or a public agricultural and technical college, as defined by paragraph b of subdivision 1 of section 667-c of the Education Law, good academic standing is as defined in paragraph (2) of this subdivision. A student's eligibility to receive payments for an award shall remain suspended until such student is reinstated in good academic standing in accordance with the applicable standards established for such student's program [established pursuant to section 145-2.2 of this Title].

(2) Students enrolled in approved non-degree workforce credential programs at a community college or a public agricultural and technical college, as defined by paragraph b of subdivision 1 of section 667-c of the Education Law, shall maintain good academic standing by complying with the requirements in subparagraph (i) of this paragraph.

(i) Loss of good academic standing for study in approved non-degree workforce credential programs, as defined by paragraph b of subdivision 1 of section 667-c of the Education Law, shall be determined at the end of each term of the academic year, and shall mean that a student has failed to make satisfactory progress towards the completion of their program's academic requirements, as determined by subparagraph (iii) of this paragraph.

(ii) Following a determination that the recipient of an award has lost good academic standing, further payments of any award under section 667-c of the Education Law shall be suspended until the student is restored to good academic standing by either:

(a) making satisfactory progress towards the completion of their program's academic requirements;

or

(b) establishing in some other way, to the satisfaction of the commissioner, evidence of their ability to successfully complete an approved program.

(iii) Except as provided for in subparagraph (v) of this paragraph, to determine whether a student receiving an award is making satisfactory progress towards the successful completion of their program's academic requirements, each institution shall use the academic progress standards established in subparagraph (iv) of this paragraph.

(iv) (a) Students shall make satisfactory progress toward the completion of the program's academic requirements as provided in this subparagraph. For purposes of this subparagraph, "reasonable progress toward completion of the program" shall mean a student must complete, at a minimum, the applicable required minimum number of credits accrued and minimum grade point average earned at the time of the institution's certification for each payment made on the student's award as specified in clause (b) of this subparagraph.

(b)(1) For students enrolled in programs whose terms are organized by semesters, the required number of credits students must have completed before each payment can be certified shall be the product of the minimum credit percentage indicated for that payment and the total number of credits in the program:

<u>Before Being Certified for This Payment</u>	<u>1<sup>st</sup></u>	<u>2<sup>nd</sup></u>	<u>3<sup>rd</sup></u>	<u>4<sup>th</sup></u>	<u>5<sup>th</sup></u>	<u>6<sup>th</sup></u>
<u>Minimum Credit Percentage</u>	<u>0%</u>	<u>10%</u>	<u>25%</u>	<u>45%</u>	<u>65%</u>	<u>85%</u>
<u>With At Least This Grade Point Average</u>	<u>0</u>	<u>1.3</u>	<u>1.5</u>	<u>1.8</u>	<u>2.0</u>	<u>2.0</u>

(b)(2) For students enrolled in programs whose terms are organized by trimesters, the required number of credits students must have completed before each payment can be certified shall be the product of the minimum credit percentage indicated for that payment and the total number of credits in the program:

<u>Before Being Certified for This Payment</u>	<u>1<sup>st</sup></u>	<u>2<sup>nd</sup></u>	<u>3<sup>rd</sup></u>	<u>4<sup>th</sup></u>	<u>5<sup>th</sup></u>
<u>Minimum Credit Percentage</u>	<u>0%</u>	<u>3%</u>	<u>10%</u>	<u>23%</u>	<u>37%</u>
<u>With At Least This Grade Point Average</u>	<u>0</u>	<u>1.0</u>	<u>1.3</u>	<u>1.5</u>	<u>1.5</u>

<u>Before Being Certified for This Payment</u>	<u>6<sup>th</sup></u>	<u>7<sup>th</sup></u>	<u>8<sup>th</sup></u>	<u>9<sup>th</sup></u>
<u>Minimum Credit Percentage</u>	<u>50%</u>	<u>63%</u>	<u>77%</u>	<u>90%</u>
<u>With At Least This Grade Point Average</u>	<u>1.8</u>	<u>2.0</u>	<u>2.0</u>	<u>2.0</u>

(g) Special programs. (1) In-state study. Students receiving instruction from an institution located outside of New York State shall be eligible for an award provided they satisfy the requirements of section 145-2.5 of this

Title requiring the student's matriculation at an institution located in New York. Certification of a student's eligibility to receive an award shall be made by the institution located in New York.

(2) Inter-institutional study. Students receiving instruction from an institution within New York State which is not the institution of the student's matriculation shall be eligible for an award, provided that the institution of matriculation has given prior approval for such study, has certified that credits received by virtue of such instruction will be fully transferable to the institution of matriculation, and creditable toward its degree requirements, and that the tuition charge certified for purposes of calculating an award is based solely upon the cost of instruction received which is so transferable. The institution of matriculation shall certify to the corporation the student's eligibility to receive an award.

(3) Contract schools. Students receiving instruction from an institution located outside of New York State, pursuant to contract agreements entered into between such institution and the commissioner, shall be eligible for an award upon the certification of a student's eligibility by the commissioner to the corporation.

(4) Approved nondegree workforce credential programs. Students attending approved nondegree workforce credential programs at a community college or a public agricultural and technical college, as defined by paragraph b of subdivision 1 of section 667-c of the Education Law, shall not be required to have a high school diploma, equivalent, or passing score on an ability to benefit test in order to be eligible for an award, notwithstanding the requirements in clause b of subparagraph ii of paragraph a of subdivision 5 of section 661 of the Education Law.

Section 2206.2(b) is amended to read as follows:

(b) (1) For an approved two-year program of study conducted on a clock hour basis at a registered private business school, or an approved non-degree workforce credential program at a community college or a public agricultural and technical college, the annual award shall be paid in installments by payment term.

(2) For programs which are divided by the school into terms of 10, 11, 12, 13 or 14 weeks, except for approved non-degree workforce credential programs at community colleges or public agricultural and technical colleges, this period shall be the payment term and shall be designated as a quarter, and there shall be a maximum of four quarters in each academic year. For such programs, one fourth of the annual award shall be paid for each quarter of attendance. Provided however, that in the event the commissioner determines that a student is enrolled in accelerated study pursuant to Education Law, section 665(2), one third of the annual award shall be paid for each quarter of attendance.

(3) For programs which are divided by the school into terms of 15, 16, 17 or 18 weeks, except for approved non-degree workforce credential programs at community colleges or public agricultural and technical colleges, this period shall be the payment term and shall be designated as a semester, and there shall be a maximum of three semesters in each academic year. For such programs, one third of the annual award shall be paid for each semester of attendance; provided, however, that in the event the commissioner determines that a student is enrolled in accelerated study pursuant to Education Law, section 665(2), one half of the annual award shall be paid for each semester of attendance.

(4) Programs which are not organized as described in either paragraph (2) or paragraph (3) of this subdivision, except for approved non-degree workforce credential programs at community colleges or public agricultural and technical colleges, shall be paid on a semester basis as described in paragraph (3) of this subdivision. The length of such semester shall be determined by dividing the total number of weeks in the program by four. If the total number of weeks in a program is not evenly divisible by four, one week shall be added in turn to each of the four semesters beginning with the first semester of instruction, until all the remaining weeks have been made part of a semester.

A new section 2202.7 is added to read as follows:

Enrollment Factor for Part-Time Tuition Assistance Program Awards. The enrollment factor for part-time students enrolled in an approved non-degree workforce credential program at a community college or a public agricultural and technical college, as defined by paragraph b of subdivision 1 of section 667-c of the Education Law, shall be one (1).