



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK

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To: Chief Executive Officers of Degree-granting Institutions in New York State **Date** August 5, 2024

From: William P. Murphy, Deputy Commissioner for Higher Education *William P. Murphy*

Subject: Amendment of Section 145-2.1 of the Regulations of the Commissioner of Education Relating to the Eligibility Criteria for New York State Financial Aid

Section 661 of the Education Law establishes the eligibility requirements and conditions for all general awards, academic performance awards and student loans¹ including but not limited to, the Tuition Assistance Program (TAP) and contains key provisions governing their administration by the Higher Education Services Corporation (HESC). This section requires that the Commissioner define certain terms. These definitions, in turn, allow the president of HESC to determine a student's eligibility for student aid and loan programs, including full-time study or attendance. Section 145-2.1 of the Commissioner's regulations defines "full-time study" as enrollment in credit-bearing courses applicable to the student's program of study for at least 12 semester hours for a semester² or eight semester hours a quarter. This section also provides, in part, that when determining full-time or part-time status, credit-bearing courses must be applicable to the student's program of study as a general education requirement, major requirement, or specified or free elective.

Higher education stakeholders reported that the Commissioner's regulations regarding student loan and award eligibility, including tuition assistance program (TAP) eligibility, have resulted in the unanticipated loss of financial aid eligibility for high-achieving students under certain circumstances, typically due to credits earned for college during high school, transfer credits, or extra credits received while a student pursued additional majors.

At its December 2017 meeting, the Board of Regents adopted regulatory amendments to provide greater flexibility to students who have difficulty meeting full-time status in their program of study during their second-to-last semester. These amendments allow 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.

Despite this flexibility, stakeholders from the SED Workgroup on NYS Aid recently described an increase in the number of high-achieving students facing the unanticipated loss of financial aid eligibility under the following circumstances:

¹ Other than loans made pursuant to Part V of Article 14 of the Education Law.

² A semester is defined as a period of at least 15 weeks or 100 calendar days, inclusive of examination periods.

1. Students enter an institution of higher education (IHE) with college credits earned while in high school, through participation in programs such as the New York State Pathways in Technology (NYS P-TECH) program or the New York State Smart Scholars Early College High School Program (SS-ECHS), that fulfill all general education requirements and free electives, so the only way they can meet the Commissioner's regulatory requirements on full-time attendance in their program of study is to obtain all 12 credits in their primary major. However, such enrollment is often inadvisable, prohibitive, or inconsistent with the student's academic or career plans, as supported by their college advisor.
2. Students whose programs of study are subject to specific sequencing (e.g., health programs) and are unable to proceed due to requirements of the sequencing.
3. Students who are otherwise unable to register for a required course for reasons beyond the student's control (e.g., course is not being offered during that term or the number of available classes is low and therefore students are locked out of the class).

Without an opportunity to make case-by-case exceptions, the Commissioner's definition of full-time study has increasingly resulted in challenging financial aid eligibility scenarios for high-achieving, low-income students, in the circumstances listed above. In addition, some stakeholders believe students may increasingly face course sequencing requirement obstacles as some institutions may have to offer certain courses more infrequently, due to budgetary concerns or program closures.

To address this obstacle, the Department amended section 145-2.1(a)(1) of the Commissioner's regulations to provide that students may apply for a waiver to allow them to take courses outside of their program of study requirements to meet the full-time status requirement for state financial aid, subject to institutional approval, provided they enroll in at least 12 credits for that term.

Institutions must develop criteria and procedures to consider and grant such waivers and make this information available to students and the public in writing or on their websites. The criteria and procedures to be granted a waiver by the institution, should include an application that demonstrates that the inability to meet such requirements is due to circumstances beyond the student's control (such as the student having earned advanced placement or other college credits in high school, having transferred into the institution, encountering obstacles posed by course sequence requirements, or changing majors). The application must also include an individual academic graduation plan, developed with the student's advisor, that prescribes how the student will fulfill degree coursework if granted the waiver. This plan must document a detailed path toward degree completion while maintaining the minimum number of credit hours required for full-time study status toward the approved program of study. Where an institution grants a waiver application, the institution must certify, and maintain documentation, that such waiver is in the best interest of the student.

The Commissioner may review such criteria and procedures and require an institution to revise any that are not aligned with the proposed amendment.

This amendment became effective on June 26, 2024. Please share this information with relevant offices at your institution. For questions about financial aid for New York State college students, please see the [Higher Education Services Corporation](#) website. Questions about this amendment can be sent to the Office of Postsecondary Access, Support and Success at kiap@nysed.gov.