

8 NYCRR 2207.1

8 N.Y. Comp. Codes R. & Regs. 2207.1

OFFICIAL COMPILATION OF CODES, RULES AND REGULATIONS OF THE
STATE OF NEW YORK
TITLE 8. EDUCATION DEPARTMENT
CHAPTER XX. HIGHER EDUCATION SERVICES CORPORATION
SUBCHAPTER C. GENERAL AWARDS, ACADEMIC PERFORMANCE AWARDS,
FELLOWSHIPS AND OTHER AWARDS
PART 2207. AWARDS FOR PART-TIME STUDENTS
Current through November 15, 2008

* Section 2207.1.* Student eligibility criteria.

In order to be eligible for a tuition award for part-time undergraduate students, notwithstanding the provisions of section 2201.1 of this Title, a recipient must satisfy the following criteria:

(a) Application.

(a) In order to be eligible for an award under this Part, a recipient must file annually with the institution of attendance a complete formal application, on a form prescribed by or acceptable to the president.

(b) Citizenship.

(b) Recipients for awards under this Part must be, at the time of the commencement of the term for which they are requesting an award, either:

(1) a citizen of the United States;

(2) a permanent resident alien holding an I-151 alien registration card;

(3) an individual of a class of refugees paroled by the Attorney General of the United States under the parole authority pertaining to the admission of aliens to the United States; or

(4) a refugee or emergency situation refugee admitted to the United States under section 201(b) of the Refugee Act of 1980 (8 U.S.C., § 1157).

(c) Residency.

(1) In order to be eligible for an award under this Part, a recipient must have been a legal resident of New York State for at least one year preceding the term for which aid is requested, or, if not a resident for one year preceding the term for which aid is requested, a recipient must be a legal resident at the time of application and have been a legal resident for the last two semesters of high school.

(2) The legal residence of a recipient who is claimed by a parent, stepparent or adoptive parent as a dependent for income tax purposes shall be considered to be that of the person so claiming, unless the recipient can establish to the satisfaction of the president that a separate legal residence within New York State has been established. Residence in a college-owned housing facility shall not, in itself, establish a separate legal residence.

(3) Legal residence within New York State must be maintained for the entire academic period for which an award is made, and no award may be made for any term subsequent to the term in which a recipient discontinues permanent New York residence.

(4) A recipient for an award who has not been a resident for at least one year immediately preceding the term for which aid is requested will be considered to satisfy the residency standard if enlisted in military or domestic volunteer service, a resident of the State at the time of his entry into such service, and if State residence was reestablished within six months of the date of discharge.

(d) Income.

(1) For purposes of this Part:

(i) Income shall mean the net taxable income as reported in New York State income tax returns for the calendar year next preceding the beginning of the academic year for which an application for an award is made; provided, however, that if persons required to report income to the corporation did not file an appropriate New York State income tax return, or if the return did not include income outside New York State, such persons shall report to the corporation what income would have been had their total income been subject to New York State income tax and had such income tax return been filed.

(ii) Family shall mean and include the recipient, the recipient's spouse, the recipient's natural parents, stepparents, adoptive parents and the spouse of an adoptive parent.

(2) In the event that a recipient has claimed a tax dependent or has been claimed as a tax dependent for the calendar year next preceding the beginning of the academic year for which an application for an award is made, in order to be eligible, family income shall not exceed \$50,550. In all other events, in order to be eligible, the income of the recipient, and the recipient's spouse, if any, shall not exceed \$34,250.

(3) For purposes of this Part, the recipient or any other person whose income is used to determine eligibility shall be considered married if married on or before December 31st next preceding the beginning of the academic year for which an application for an award is made. To be considered for purposes of award determination, any separation must be by judicial decree or pursuant to an agreement of separation which is filed with a court of competent jurisdiction. If the parents of a recipient are separated or divorced, the income of the recipient shall be based upon the income of that parent with whom the recipient is living, or who exercises custody if the recipient is a minor, or would exercise custody if the recipient were a minor, and any appropriate payments for the support of the recipient from the other party.

(4) Adjustments for change in circumstances for a recipient for an award under this Part shall be made in accordance with the provisions of section 2202.3(e) of this Title.

(e) Enrollment.

(e) In order to be eligible for an award under this Part a recipient must be matriculated in an approved undergraduate degree program or registered certificate program and enrolled for at least 3 but less than 12 semester hours per semester, or at least 4 but less than 8 semester hours per quarter, or the equivalent as defined by the commissioner.

(f) Good academic standing.

(f) The continuation of eligibility by a recipient for an award under this Part shall require the recipient to be in good academic standing, as defined by the commissioner pursuant to article 13 of the Education Law.

(g) Duration.

(g) A recipient shall be eligible for a period not to exceed eight years of part-time undergraduate study or, if the recipient is enrolled in a program normally requiring five years approved by the commissioner pursuant to section 145-2.7 of this Title, for a period not to exceed 10 years of part-time undergraduate study. Recipients enrolled in a program of remedial study conforming to the provisions of this article, approved by the commissioner in a degree-granting institution, and intended to culminate in an undergraduate degree, shall be considered as enrolled in a program normally requiring five years. Any semester, quarter or term of attendance during which a student receives an award pursuant to this Part shall be counted as one half of a semester, quarter or term, as the case may be, toward the maximum term of eligibility for tuition assistance program awards pursuant to section 667 of the Education Law. The period of eligibility for an award under this Part shall be proportionately reduced for each semester, quarter or term of attendance during which a student receives an award pursuant to section 667 of the Education Law, or any award which is counted toward the maximum term of eligibility under that section.

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* Section 2207.2.* Institutional participation.

(a) Participating institutions.

(a) Institutions which offer undergraduate degrees and participate in the tuition assistance program are eligible to participate in the award program under this Part; provided, however, that the tuition for the program in which a student is enrolled totals at least \$100 per year. In order to be eligible, an institution must file, pursuant to section 2207.3 of this Part, an annual application on forms prescribed by the president.

(b) Institutional allocation of funds.

(b) The total amount of funds for awards at a participating institution for an academic year shall be that amount determined by multiplying the annual total appropriation for this program by a ratio whose numerator shall be the undergraduate part-time degree credit enrollment at the institution during the preceding academic year and whose denominator shall be the aggregate undergraduate part-time degree credit enrollment at all participating institutions in such academic year.

(c) Selection of award recipients.

(c) Institutions shall select recipients from those candidates who fulfill the criteria set forth in section 2207.1 of this Part. Prior to submission of a recipient to the corporation, the institution must obtain a complete application, as required by section 2207.1(a) of this Part, from each recipient. Institutions shall consider those eligible students who demonstrate the greatest amount of financial need remaining after all available grants have been applied to educational costs, and shall give preference, where possible, to students who would be otherwise unable to attempt or continue postsecondary education. The total number of recipients and the amount of awards shall be limited by the institutional allocation of funds pursuant to subdivision 8 of section 666 of the Education Law.

(d) Amount of awards.

(d) The amount of the award shall be determined by the participating institution, subject to the following limitations:

(1) The annual award shall be in an amount up to \$2,000, or tuition, whichever is less.

(2) The award for any term shall not exceed the lesser of: that proportion of \$2,000 equal to the proportion the term bears to the academic year (i.e., \$1,000 per semester, \$666.66 per quarter or the equivalent), and the tuition charge for that term. However, in no event shall the total of the awards received by an individual for an academic year exceed \$2,000, or tuition, whichever is less.

(3) In no event shall the award for a term exceed the amount by which the tuition, exclusive of educational fees, payable by the student exceeds the total of all other State, Federal or other educational aid which the commissioner has identified by regulation as duplicative of the purposes of tuition awards pursuant to this Part.

(e) Recordkeeping.

(1) All participating institutions shall be subject to audit and program review pursuant to the provisions of article 14 of the Education Law. Participating institutions shall be required to refund the amount of any award paid in error, in the event the president determines that such award was paid due to the failure of the institution to adhere to the requirements set forth in this Part.

(2) Participating institutions shall maintain the following records for a period of five years following the end of an academic year for which an award under this Part is made:

(i) a copy, or such other record acceptable to the president, of the application submitted by all applicants pursuant to section 2207.1(a) of this Part, and all ancillary documents which may be required to be submitted with that application;

(ii) a copy of the Pell grant application submitted by the recipient pursuant to section 2207.1(g) of this Part, or other documentation evidencing such application;

(iii) a record of the institution's evaluation of the applicant's financial need as required by subdivision (c) of this section;

(iv) a record for each term for which a recipient receives an award under this Part, which record shall contain information including but not limited to the recipient's total tuition charges, all financial aid received by the recipient and evidence of the waiver of tuition in the amount of the award received under this Part; and

(v) an academic record for each term for which a recipient receives an award under this Part, including a listing of all courses the recipient enrolls for, grades received and cumulative average for the term.

(3) Failure to maintain the records set forth in paragraph (2) of this subdivision shall be grounds for the refund by the institution of the related award, except for good cause shown, as determined by the president.

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* Section 2207.3.* Procedures.

(a) Institutional application.

(a) The corporation shall provide an application, on forms prescribed by the president, to all institutions eligible to participate in the program under this Title, such applications to be postmarked on or before the 15th day of May prior to the beginning of the academic year. Eligible institutions shall submit such completed applications to the corporation, postmarked on or before the 15th day of June next following.

(1) Allocation.

(1) The State Education Department shall provide the enrollment data, upon which the institutional allocation of funds will be based, to the corporation on or before the first day of May prior to the beginning of the academic year. The corporation shall determine annual institutional allocation pursuant to the provisions of section 2207.2(b) of this Part, and notify institutions whose annual applications have been approved by the corporation of the institutional allocation of funds on or before the first day of July next following.

(2) Reallocation.

(i) In the event an institution forming a part of the State University of New York or the City University of New York which was allocated funds for awards under this Part shall not expend the entire amount of its allocation, the Chancellor of the State University of

New York or the Chancellor of the City University of New York, as the case may be, may reallocate and distribute the unexpended portion to other participating institutions of such university. Written notification of such a reallocation by the Chancellor of the State University of New York or the Chancellor of the City University of New York shall be submitted by such chancellor, or such chancellor's designee, to the president within 30 days of the reallocation. No notification of a reallocation, however, may be submitted to the president after May 31st of the academic year. A notification of reallocation shall include the name of the institution having an unexpended portion of its allocation, the amount thereof, the name of the institution or institutions to whom such portion was distributed, the date of such distribution, and the amount each institution received.

(ii) Any institution which shall receive an allocation for an award under this Part, other than one referred to in subparagraph (i) of this paragraph, which shall determine that a portion of such allocation shall not be awarded to its students may notify the president, on or before the 15th day of September for the fall term of the academic year, or on or before the 15th day of January for the spring term of such year, the amount of the unexpended portion of its allocation. Upon such notification, the allocation to the institution shall be deemed reduced by the amount set forth in such notice. The president may reallocate the amounts of the unexpended portion of allocations reported by such participating institution to other such participating institutions which have requested additional allocations. A request for an additional allocation shall be made by an institution on a form prescribed by the president. A request for the fall term of the academic year shall be submitted on or before the 15th day of September, and for the spring term of such year on or before the 15th day of January. The request shall set forth the number of eligible students the institution estimates will receive part-time awards under its current allocation, and the amount of such awards, and the number of eligible students the institution estimates will not be able to receive awards under its current allocation and the amount of awards required therefore. The president may accept a notification of additional available funds or a request for additional funds after the deadlines established herein, upon a demonstration of good cause for such late submission by the institution.

(iii) Any reallocation received by a participating institution hereunder shall be subject to all the requirements of this Part as if the amount thereof had originally been included with the original allocation to the institution.

(c) Prepayment of funds.

(c) As soon after the beginning of the academic year as is practical, the corporation shall make a payment to each participating institution in an amount which is 25 percent of that institution's annual allocation. In the event that an institution is determined to be eligible for an annual amount of funds less than the amount of such prepayment, or is determined by the president to be otherwise not entitled to such funds, then the institution shall be liable for an immediate refund of the amount of the excess prepayment, upon demand by the corporation.

(d) Reporting of award recipients.

(1) Within 52 calendar days from the date fixed by the institution for students to add or drop courses in a term for which awards under this Part are to be made, as reported to the

corporation by participating institutions, each institution shall submit to the corporation a report containing the following information:

(i) the name, social security number and date of birth of each award recipient for that term;

(ii) the amount of each individual award; and

(iii) the income of the recipient and the recipient's family income, if used to determine the award.

(i) At such time as the report is submitted pursuant to paragraph (1) of this subdivision, institutions shall waive tuition for the award recipients, in the amount of the award reported, for the term during which the award is made. In the event a recipient has previously paid full tuition, or a sufficient portion of that tuition such that a waiver of the full amount of the award cannot be made, the institution shall refund to the recipient an amount sufficient to effect such a waiver. Such a refund shall be made within 45 calendar days of the submission of the report made pursuant to paragraph (1) of this subdivision or by the end of the term, whichever occurs first.

(ii) The institution shall notify recipients of the amount of the award, of the waiver of tuition by the institution in that amount, and that the award is counted towards the maximum term of eligibility under the tuition assistance program. In the event a recipient is determined to be ineligible for an award after such notification is given, the institution shall advise the recipient in writing thereof, and that its selection of such recipient and its waiver of tuition is a nullity. If the determination of ineligibility is made prior to the date the institution submits its report of recipients to the corporation, a replacement recipient may be selected, notified and reported.

(3) Upon receipt of the report of award recipients, the corporation shall review its records and determine whether any such recipients are ineligible for an award under this Part due to the durational requirements found in section 2207.1(h) of this Part. In the event that any reported recipients are so deemed ineligible by the corporation, the corporation shall provide the names of such recipients to the institution.

(4) Prior to the end of the refund period established at each institution for each term, the institution may determine whether a change in a recipient's enrollment status makes that recipient ineligible for an award under this Part. In the event that the corporation determines that any reported recipients at an institution are ineligible pursuant to paragraph (3) of this subdivision, or the institution determines that a change in enrollment status has made a reported recipient ineligible pursuant to this paragraph, the institution affected shall prepare a list of alternate recipients and submit this list to the corporation, together with all information required pursuant to paragraph (1) of this subdivision, within such time as prescribed by the president. This list shall contain only replacements for original recipients, and in no event shall the submission of this list increase the number of awards made by an institution for the term involved. Notwithstanding the provisions of paragraph (2) of this subdivision, an institution may proceed to collect any tuition waived for recipients determined to be ineligible pursuant to this paragraph. Upon submission of the list of alternate recipients, the institution shall waive tuition in the amount of the awards for such alternate recipients in the same manner as for original recipients. In the event the corporation determines that any of the alternate recipients submitted are ineligible due to the durational requirements found in section 2207.1(h) of this Part, the corporation shall report the names of such ineligible alternate recipients to

the institution. Notwithstanding the provisions of this paragraph, an institution may proceed to collect any tuition waived for alternate recipients so determined to be ineligible. No further recipients shall be selected to replace those alternate recipients found ineligible pursuant to this paragraph.

(5) Within 45 days of the conclusion of each term for which the awards are made pursuant to this section, each participating institution shall certify to the corporation whether or not each student reported received a cumulative passing average for the semester hours or equivalent undertaken pursuant to such award. Cumulative passing average, for purposes of this paragraph, shall be determined by the commissioner. The corporation shall reimburse the participating institution for each award made by such institution on behalf of an eligible student; provided, however, that if, during any term or semester, the value of the awards conferred by the institution to students who fail to maintain a cumulative passing average exceeds 10 percent of the total value of all the awards conferred by the institution, the institution shall not be reimbursed for the value of those awards made to students who fail to maintain a cumulative passing average which is in excess of 10 percent of the total value of all the awards conferred by the institution during that term or semester.