

§ 666. Tuition awards for part-time undergraduate students. 1.

Definition. For the purposes of this section (a) "part-time student" means a student enrolled for at least three but less than twelve semester hours, or the equivalent, per semester or at least four but less than eight semester hours per quarter in an approved undergraduate degree or registered certificate program in a degree-granting institution, and (b) "income" means that amount determined in accordance with subdivisions one and two of section six hundred sixty-three of this article.

2. Eligible students. Tuition awards may be made to students, who comply with the requirements provided in subdivisions three, five and six of section six hundred sixty-one of this article, and (i) are also part-time students matriculated in approved undergraduate degree programs or enrolled and accepted into registered certificate programs and (ii) if eligible to claim dependents or to be claimed as dependents under the tax law, whose incomes do not exceed fifty thousand five hundred fifty dollars or if ineligible whose incomes do not exceed thirty-four thousand two hundred fifty dollars. The continuation of eligibility for a tuition award shall require the retention of good academic standing, as defined by the commissioner pursuant to article thirteen of this chapter. Prior to the approval of any additional award pursuant to this section, participating institutions shall review the academic standing of all recipients of awards pursuant to this section.

3. Participating institutions. Institutions which offer undergraduate degrees and participate in the tuition assistance program are eligible to participate in the tuition award for part-time students program, pursuant to this section provided, however, that the tuition for the program in which a student is enrolled totals at least one hundred dollars a year. Eligible institutions shall apply to the corporation to participate in such program on applications postmarked on or before the fifteenth day of June, such applications having been postmarked by the corporation to all eligible institutions on or before the fifteenth day of May. The 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. The corporation shall notify participating institutions of the institutional allocation of funds on or before the fifteenth day of July. Notwithstanding the manner and extent in which allocations of funds for awards are made under this subdivision to institutions which form a part of the state university of New York or the city university of New York, the chancellor of either such university may reallocate and distribute any unexpended portion of the allocation of an institution of such university to any other institution of such university to which an allocation is made hereunder. Notwithstanding the manner and extent in which allocations of funds for awards are made under this subdivision to independent institutions of higher education, the president may reallocate and distribute any

unexpended portion of the allocation of such an institution to any other such institution to which an allocation is made hereunder. Written notice of such reallocation and distribution shall be given to the corporation by such chancellor or commissioner in accordance with the rules of the board.

4. Selection of recipients. Participating institutions shall select recipients of tuition awards for part-time students from among eligible students. Participating 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 post secondary education. The

total number of recipients and the amount of awards shall be limited by the institutional allocation of funds pursuant to subdivision eight of this section. The institution shall select recipients within forty-five days after the date fixed by the institution for students to add or drop courses in the semester, quarter or term for which the award is made and each recipient shall be notified in writing of the award, its amount, that it is effected by a waiver of tuition by the institution in such amount, and that the award is counted toward 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.

5. Amount of award. The annual award shall be for an amount up to two thousand dollars or tuition, whichever is less. The amount of the award shall be determined by the participating institution. Such institution shall waive the tuition for such eligible student in the amount of such award.

6. Limitation of amount. In no event shall the award for any year 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 section. For the purposes of this subdivision, neither United States war orphans educational benefits nor benefits under the veterans' readjustment act of nineteen hundred sixty-six shall be considered as federal or other educational aid.

7. Duration. A recipient shall be eligible for a period not to exceed eight years of part-time undergraduate study or, if the undergraduate

program normally requires five academic years of full-time study, for a period not to exceed ten 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 section 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 six hundred sixty-seven of this chapter. The period of eligibility shall be proportionately reduced for each semester, quarter or term of attendance during which a student receives an award pursuant to section six hundred sixty-seven of this article.

8. Institutional allocation of funds. 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 program enrollment at the institution during the preceding academic year and whose denominator shall be the aggregate of such enrollment at all participating institutions in such academic year.

9. Institutional reports and reimbursements. One week after the final date recipients may be selected, each participating institution shall report to the corporation the following: (i) the eligible students who received an award pursuant to this section and their incomes; and (ii) the amount of each such award. Within forty-five days of the conclusion

of each term or semester during 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 undertaken pursuant to such award. 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 ten 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 ten percent of the total value of all the awards conferred by the institution during that term or semester. A recipient of such award shall not be liable for tuition waived in the amount of the award for semester hours undertaken pursuant to such award for which he or she did not receive a cumulative passing average. The president may make prepayments to institutions of their allocations of funds in accordance with the

provisions of paragraph c of subdivision three of section six hundred sixty-five of this article, and the president may require institutional refunds in accordance with the provisions of paragraph c of subdivision four of section six hundred sixty-five of this article.

10. Annually prior to the first day of November the corporation shall prepare a report to the board of regents which shall contain an evaluation concerning the administration of the tuition award program for part-time undergraduate students and an analysis of the information reported pursuant to subdivision nine of this section. The board of regents shall then prepare a report to the governor and the legislature making appropriate recommendations annually prior to the first day of January.

11. The state comptroller shall audit the tuition award program for part-time undergraduate students for the period commencing July first, nineteen hundred eighty-four and ending June thirtieth, nineteen hundred eighty-five and shall make a report, not later than October first, nineteen hundred eighty-five, relating thereto to the governor, the temporary president of the senate and the speaker of the assembly.