

4903

2013-2014 Regular Sessions

I N S E N A T E

April 30, 2013

Introduced by Sen. ADAMS -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education

AN ACT to amend the education law, in relation to the meaning of the terms "matriculated" and "approved program" for purposes of higher education awards and loans

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Paragraph a of subdivision 4 of section 661 of the educa-
2 tion law, as amended by section 1 of part Z of chapter 58 of the laws of
3 2011, is amended and a new paragraph a-1 is added to read as follows:
4 a. Must be matriculated in an approved program, as defined by [the
5 commissioner pursuant to article thirteen] PARAGRAPH A-ONE of this
6 [chapter] SUBDIVISION, or pursuant to paragraph b of this subdivision,
7 in an institution situated in the state, which has been approved and
8 operating in this state for at least one year, and has been approved for
9 participation in federal student financial aid programs authorized by
10 Title IV of the Higher Education Act of 1965, as amended. Nothing in
11 this subdivision shall preclude payment of an award to a recipient who
12 receives instruction outside the state, which instruction is conducted
13 by an institution situated in the state, and is part of the student's
14 program of study at such institution; provided, however, that nothing in
15 this subdivision shall preclude the receipt of a loan pursuant to
16 section six hundred eighty of this article; provided, further, that
17 students not attending institutions eligible for participating in feder-
18 al Title IV financial aid programs on or before July first, two thousand
19 seven: (i) who received their first award under this article before the
20 two thousand six--two thousand seven academic year shall be eligible for
21 payments until the end of the two thousand nine--two thousand ten
22 academic year; or (ii) who received their first award under this article
23 for the two thousand six--two thousand seven academic year through and
24 including the two thousand nine--two thousand ten academic year shall be

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
[] is old law to be omitted.

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1 eligible for payments until the end of the two thousand fourteen--two
2 thousand fifteen academic year.

3 A-1. FOR PURPOSES OF PARAGRAPH A OF THIS SUBDIVISION THE FOLLOWING
4 TERMS SHALL HAVE THE FOLLOWING MEANINGS:

5 (I) "MATRICULATED" SHALL MEAN A STATUS OF STUDENT ENROLLMENT WHEN THE
6 FOLLOWING CONDITIONS ARE MET:

7 (A) THE STUDENT HAS FILED A WRITTEN APPLICATION FOR ENROLLMENT AT THE
8 INSTITUTION FOR THE PURPOSE OF EARNING A DEGREE, DIPLOMA OR CERTIFICATE;

9 (B) IN ACCEPTING THE STUDENT'S APPLICATION, THE INSTITUTION HAS TAKEN
10 INTO ACCOUNT THE CAPACITY OF THE STUDENT TO UNDERTAKE A COURSE OF STUDY
11 AND ITS OWN CAPACITY TO PROVIDE WHAT INSTRUCTIONAL AND OTHER SUPPORT THE
12 STUDENT NEEDS TO COMPLETE THE PROGRAM;

13 (C) THE INSTITUTION, ON THE BASIS OF CLAUSES (A) AND (B) OF THIS
14 SUBPARAGRAPH, HAS RECOGNIZED THE STUDENT AS A CANDIDATE FOR THAT DEGREE,
15 DIPLOMA OR CERTIFICATE. FOR PURPOSES OF THIS CLAUSE, IT SHALL NOT BE
16 NECESSARY THAT THE STUDENT, IN ADDITION, HAS PASSED MATRICULATION EXAM-
17 INATIONS OR LANGUAGE EXAMINATIONS, OR COMPLETED ANY OTHER PARTICULAR
18 PREREQUISITES ESTABLISHED BY THE SCHOOL IN ACCORDANCE WITH LOCAL CUSTOM
19 OR REGULATION; AND

20 (D) THE COURSES PURSUED BY THE STUDENT ARE FULLY RECOGNIZED AT THAT
21 TIME OF APPLICATION AS CONTRIBUTING TOWARDS FULFILLMENT BY THE STUDENT
22 OF THE REQUIREMENTS FOR COMPLETION OF THE DEGREE, DIPLOMA OR CERTIF-
23 ICATE; AND

24 (II) "APPROVED PROGRAM" SHALL MEAN A PROGRAM REGISTERED BY THE DEPART-
25 MENT AND LISTED IN THE "INVENTORY OF REGISTERED PROGRAMS" MAINTAINED BY
26 THE DEPARTMENT. ON OR BEFORE JULY FIRST OF EACH YEAR, EVERY INSTITUTION
27 OF HIGHER EDUCATION IN THIS STATE SHALL:

28 (A) VERIFY THAT ITS PROGRAM OFFERINGS AND CATALOG DESCRIPTIONS ARE
29 CONSISTENT WITH THE "INVENTORY OF REGISTERED PROGRAMS"; AND

30 (B) VERIFY THAT FOR EACH STUDENT CERTIFIED FOR A FINANCIAL AID AWARD,
31 THERE IS AN OFFICIAL RECORD OF THE APPROVED PROGRAM IN WHICH THE STUDENT
32 IS ENROLLED.

33 THE VERIFICATIONS REQUIRED BY CLAUSES (A) AND (B) OF THIS SUBPARAGRAPH
34 SHALL BE MADE IN A MANNER AND FORM TO BE DETERMINED BY THE COMMISSIONER.

35 S 2. This act shall take effect on the first of July next succeeding
36 the date on which it shall have become a law.