

2845

2009-2010 Regular Sessions

I N S E N A T E

March 4, 2009

Introduced by Sen. SAVINO -- 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 eligibility requirements for student financial aid

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

1 Section 1. Subdivision 4 of section 661 of the education law, as
2 amended by chapter 309 of the laws of 1996, paragraph a as amended by
3 section 1 and paragraph c as amended, paragraphs d and e as added and
4 paragraph f as relettered by section 2 of part E1 of chapter 57 of the
5 laws of 2007, and paragraph f as added by chapter 332 of the laws of
6 1998, is amended to read as follows:
7 4. Attendance in approved courses of study in approved institutions.
8 To be eligible to receive payments from the president a student:
9 a. Must be matriculated in an approved program, as defined by the
10 commissioner pursuant to article thirteen OF THIS CHAPTER, OR PURSUANT
11 TO PARAGRAPH B OF THIS SUBDIVISION, in an institution situated in the
12 state, which has been approved and operating in this state for at least
13 one year, and has been approved for participation in federal student
14 financial aid programs authorized by Title IV of the Higher Education
15 Act of 1965, as amended. Nothing in this subdivision shall preclude
16 payment of an award to a recipient who receives instruction outside the
17 state, which instruction is conducted by an institution situated in the
18 state, and is part of the student's program of study at such institu-
19 tion; provided, however, that nothing in this subdivision shall preclude
20 the receipt of a loan pursuant to section six hundred eighty of this
21 article; provided, further, that students not attending institutions
22 eligible for participating in federal Title IV financial aid programs on
23 or before July first, two thousand seven: (i) who received their first
24 award under this article before the two thousand six--two thousand seven
25 academic year shall be eligible for payments until the end of the two

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

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1 thousand nine--two thousand ten academic year; or (ii) who received
2 their first award under this article for the two thousand six--two thou-
3 sand seven academic year through and including the two thousand nine--
4 two thousand ten academic year shall be eligible for payments until the
5 end of the two thousand fourteen--two thousand fifteen academic year.

6 b. NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE AND THE RULES
7 AND REGULATIONS PROMULGATED PURSUANT THERETO, THE PRESIDENT SHALL MAKE
8 TUITION ASSISTANCE PROGRAM AWARDS AVAILABLE TO ALL OTHERWISE ELIGIBLE
9 STUDENTS WHO ARE ATTENDING AN EDUCATIONAL INSTITUTION IN THIS STATE
10 THAT:

11 (I) IS EXEMPT FROM FEDERAL TAXATION UNDER SECTION 501(C)(3) OF THE
12 INTERNAL REVENUE CODE; AND

13 (II) IS ACCREDITED BY AN AGENCY RECOGNIZED BY THE UNITED STATES SECRE-
14 TARY OF EDUCATION, OR BY A SUCCESSOR FEDERAL AGENCY; AND

15 (III) ENROLLMENT IN WHICH INSTITUTION WOULD RENDER THE STUDENT ELIGI-
16 BLE TO RECEIVE A FEDERAL PELL GRANT IN ACCORDANCE WITH SECTION ONE THOU-
17 SAND SEVENTY OF TITLE TWENTY OF THE UNITED STATES CODE, ET. SEQ. AND THE
18 REGULATIONS PROMULGATED THEREUNDER; AND

19 (IV) PROVIDES A PROGRAM OF INSTRUCTION LASTING AT LEAST THREE YEARS.

20 C. Must be in full-time attendance, as defined by the commissioner,
21 except as otherwise specifically provided in article fourteen, and, for
22 a student having completed his or her second academic year, must have a
23 cumulative C average or its equivalent. The president may waive the
24 requirement that the student have a cumulative C average or its equiv-
25 alent for undue hardship based on: (i) the death of a relative of the
26 student; (ii) the personal injury or illness of the student; or (iii)
27 other extenuating circumstances; and

28 [c.] D. For students who first receive aid pursuant to this chapter in
29 academic year nineteen hundred ninety-six--nineteen hundred ninety-seven
30 to academic year two thousand six--two thousand seven, must have a
31 certificate of graduation from a school providing secondary education,
32 or the recognized equivalent of such certificate; or have achieved a
33 passing score, as determined by the United States secretary of educa-
34 tion, on a federally approved examination which demonstrates that the
35 student can benefit from the education being offered;

36 [d.] E. For students who first receive aid pursuant to this chapter in
37 academic year two thousand six--two thousand seven, must have a certif-
38 icate of graduation from a recognized school providing secondary educa-
39 tion within the United States, or the recognized equivalent of such
40 certificate, or have been admitted to such institution after receiving a
41 passing score on a federally approved ability to benefit test that has
42 been independently administered and evaluated, as provided by the
43 commissioner;

44 [e.] F. For students who first receive aid pursuant to this chapter in
45 academic year two thousand seven--two thousand eight or thereafter, must
46 have (i) a certificate of graduation from a school providing secondary
47 education from a state within the United States; or (ii) the recognized
48 equivalent of such certificate; or (iii) received a passing score on a
49 federally approved ability to benefit test that has been identified by
50 the board of regents as satisfying the eligibility requirements of this
51 section and has been independently administered and evaluated as defined
52 by the commissioner[.];

53 [f. for] G. FOR students who are disabled as defined by the Americans
54 With Disability Act of 1990, 42 USC 12101, the full-time attendance
55 requirement is eliminated. Such disabled students may be in part-time

1 attendance, as defined by the commissioner in order to be eligible to
2 receive payments from the president.
3 S 2. This act shall take effect immediately and shall apply to academ-
4 ic year 2010-2011 and to all subsequent academic years.