S T A T E O F N E W Y O R K

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:

Section 1. Paragraph a of subdivision 4 of section 661 of the education law, as amended by section 1 of part Z of chapter 58 of the laws of 2011, is amended and a new paragraph a-1 is added to read as follows:

a. Must be matriculated in an approved program, as defined by [the commissioner pursuant to article thirteen] PARAGRAPH A-ONE of this [chapter] SUBDIVISION, or pursuant to paragraph b of this subdivision, in an institution situated in the state, which has been approved and operating in this state for at least one year, and has been approved for participation in federal student financial aid programs authorized by Title IV of the Higher Education Act of 1965, as amended. Nothing in this subdivision shall preclude payment of an award to a recipient who receives instruction outside the state, which instruction is conducted by an institution situated in the state, and is part of the student's program of study at such institution; provided, however, that nothing in this subdivision shall preclude the receipt of a loan pursuant to section six hundred eighty of this article; provided, further, that students not attending institutions eligible for participating in federal Title IV financial aid programs on or before July first, two thousand seven: (i) who received their first award under this article before the two thousand six--two thousand seven academic year shall be eligible for payments until the end of the two thousand nine--two thousand ten academic year; or (ii) who received their first award under this article for the two thousand six--two thousand seven academic year through and 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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eligible for payments until the end of the two thousand fourteen--two thousand fifteen academic year.

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

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

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

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

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

(D) THE COURSES PURSUED BY THE STUDENT ARE FULLY RECOGNIZED AT THAT TIME OF APPLICATION AS CONTRIBUTING TOWARDS FULFILLMENT BY THE STUDENT OF THE REQUIREMENTS FOR COMPLETION OF THE DEGREE, DIPLOMA OR CERTIFICATE; AND

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

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

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

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

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