§ 661. Eligibility requirements and conditions governing awards and loans. 1. Applicability. The eligibility requirements and conditions established in this section shall apply to all general awards, academic performance awards and student loans other than education loans made pursuant to part V of this article.

2. Application and recipient qualifications. At least annually and at such times as the board shall establish, a student and, where applicable, the parents and spouse of such student seeking aid or loans under the provisions of this article, shall submit to the corporation on forms it shall establish such information as the board may require.

4. Attendance in approved courses of study in approved institutions. To be eligible to receive payments from the president a student:

a. Must be matriculated in an approved program, as defined by the commissioner pursuant to article thirteen of this chapter, 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 eligible for payments until the end of the two thousand fourteen--two thousand

fifteen academic year.

b. Notwithstanding any other provision of law to the contrary and the rules and regulations promulgated pursuant thereto, the president shall make tuition assistance program awards available to full-time resident undergraduate students not currently eligible for awards under subdivision three of section six hundred sixty-seven of this part and who are attending an educational institution in this state that:

(i) is exempt from federal taxation under section 501(c)(3) of the Internal Revenue Code; and

(ii) has its headquarters and main campus located within the state and is eligible for funds under Title IV of the Higher Education Act of 1965, as amended; and

(iii) is accredited by an agency recognized by the United States secretary of education, or by a successor federal agency; and

(iv) enrollment in which institution would render the student eligible to receive a federal Pell grant in accordance with section one thousand seventy of title twenty of the United States code, et. seq. and the regulations promulgated thereunder; and

(v) provides a program of instruction lasting at least three years, for which the student is enrolled.

b-1. Tuition assistance program awards that are made available to students pursuant to paragraph b of this subdivision shall not be awarded if an applicant:

(i) does not meet the citizenship requirements pursuant to subdivision three of this section;

(ii) does not meet the income requirements pursuant to section six hundred sixty-three of this subpart;

(iii) does not maintain good academic standing pursuant to paragraph c of subdivision six of section six hundred sixty-five of this subpart, and if there is no applicable existing academic standards schedule pursuant to such subdivision, then such recipient shall be placed on the academic standards schedule applicable to students enrolled in a four-year or five-year undergraduate program; or

(iv) is in default in the repayment of any state or federal student loan, has failed to comply with the terms of any service condition

imposed by an academic performance award made pursuant to this article, or has failed to make a refund of any award.

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

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

e. For students who first receive aid pursuant to this chapter in academic year two thousand six--two thousand seven, must have a certificate of graduation from a recognized school providing secondary education within the United States, or the recognized equivalent of such certificate, or have been admitted to such institution after receiving a passing score on a federally approved ability to benefit test that has been independently administered and evaluated, as provided by the commissioner;

f. For students who first receive aid pursuant to this chapter in academic year two thousand seven--two thousand eight or thereafter, must have (i) a certificate of graduation from a school providing secondary education from a state within the United States; or (ii) the recognized equivalent of such certificate; or (iii) received a passing score on a federally approved ability to benefit test that has been identified by the board of regents as satisfying the eligibility requirements of this

section and has been independently administered and evaluated as defined by the commissioner; or (iv) received a high school diploma, or the equivalent thereof, from an online high school program located within the United States that is accredited in accordance with paragraph four of appendix three hundred two of the Job Corps Policy and Requirements Handbook (Guidelines for the Ongoing Quality Monitoring of Job Corps High School Diploma (HSD) Programs), as amended from time to time;

g. For students who are disabled as defined by the Americans With Disability Act of 1990, 42 USC 12101, the full-time attendance requirement is eliminated. Such disabled students may be in part-time attendance, as defined by the commissioner in order to be eligible to receive payments from the president.

5. Residence. a. (i) Except as provided in subdivision two of section six hundred seventy-four of this part and subparagraph (ii) of this paragraph, an applicant for an award at the undergraduate level of study must either (a) have been a legal resident of the state for at least one year immediately preceding the beginning of the semester, quarter or term of attendance for which application for assistance is made, or (b) be a legal resident of the state and have been a legal resident during his last two semesters of high school either prior to graduation, or prior to admission to college. Provided further that persons shall be eligible to receive awards under section six hundred sixty-eight or section six hundred sixty-nine of this part who are currently legal residents of the state and are otherwise qualified.

(ii) An applicant who is not a legal resident of the state eligible pursuant to subparagraph (i) of this paragraph, but is a United States citizen, a permanent lawful resident, an individual who is granted U or T non-immigrant status pursuant to the Victims of Trafficking and Violence Protection Act of 2000, a person granted temporary protected status pursuant to the Federal Immigration Act of 1990, an individual of a class of refugees paroled by the attorney general of the United States under his or her parole authority pertaining to the admission of noncitizens to the United States, or an applicant without lawful immigration status shall be eligible for an award at the undergraduate level of study provided that the student:

(a) attended a registered New York state high school for two or more years, graduated from a registered New York state high school and applied for attendance at the institution of higher education for the undergraduate study for which an award is sought within five years of receiving a New York state high school diploma; or

(b) attended an approved New York state program for a state high school equivalency diploma, received a state high school equivalency diploma and applied for attendance at the institution of higher education for the undergraduate study for which an award is sought within five years of receiving a state high school equivalency diploma; or

(c) is otherwise eligible for the payment of tuition and fees at a rate no greater than that imposed for resident students of the state university of New York, the city university of New York or community colleges as prescribed in subparagraph eight of paragraph h of subdivision two of section three hundred fifty-five or paragraph (a) of subdivision seven of section sixty-two hundred six of this chapter.

Provided, further, that a student without lawful immigration status shall also be required to file an affidavit with such institution of higher education stating that the student has filed an application to legalize his or her immigration status, or will file such an application as soon as he or she is eligible to do so.

b. (i) Except as otherwise provided in subparagraph (ii) of this paragraph, an applicant for an award at the graduate level of study must either (a) have been a legal resident of the state for at least one year immediately preceding the beginning of the semester, quarter or term of attendance for which application for assistance is made, or (b) be a legal resident of the state and have been a legal resident during his last academic year of undergraduate study and have continued to be a legal resident until matriculation in the graduate program.

(ii) An applicant who is not a legal resident of the state eligible pursuant to subparagraph (i) of this paragraph, but is a United States citizen, a permanent lawful resident, an individual who is granted U or T non-immigrant status pursuant to the Victims of Trafficking and Violence Protection Act of 2000, a person granted temporary protected

status pursuant to the Federal Immigration Act of 1990, an individual of a class of refugees paroled by the attorney general of the United States under his or her parole authority pertaining to the admission of noncitizens to the United States, or an applicant without lawful immigration status shall be eligible for an award at the graduate level of study provided that the student:

(a) attended a registered approved New York state high school for two or more years, graduated from a registered New York state high school and applied for attendance at the institution of higher education for the graduate study for which an award is sought within ten years of receiving a New York state high school diploma; or

(b) attended an approved New York state program for a state high school equivalency diploma, received a state high school equivalency diploma and applied for attendance at the institution of higher education for the graduate study for which an award is sought within ten years of receiving a state high school equivalency diploma; or

(c) is otherwise eligible for the payment of tuition and fees at a rate no greater than that imposed for resident students of the state university of New York, the city university of New York or community colleges as prescribed in subparagraph eight of paragraph h of subdivision two of section three hundred fifty-five or paragraph (a) of subdivision seven of section sixty-two hundred six of this chapter.

Provided, further, that a student without lawful immigration status shall also be required to file an affidavit with such institution of higher education stating that the student has filed an application to legalize his or her immigration status, or will file such an application as soon as he or she is eligible to do so.

c. A student, during any period for which he receives financial support or assistance from a parent or stepparent, or is claimed by a parent or stepparent as a dependent for income tax purposes shall, for the purposes of this article, be considered to reside at the residence of such parent or stepparent, unless the student submits evidence satisfactory to the president that the student's residence is elsewhere.

d. If an applicant for an award allocated on a geographic basis has

more than one residence in this state, his or her residence for the purpose of this article shall be his or her place of actual residence during the major part of the year while attending school, as determined by the commissioner; and further provided that an applicant who does not have a residence in this state and is eligible for an award pursuant to subparagraph (ii) of paragraph a or subparagraph (ii) of paragraph b of this subdivision shall be deemed to reside in the geographic area of the institution of higher education in which he or she attends for purposes of an award allocated on a geographic basis.

e. Notwithstanding any other provision of this article to the contrary, the New York state eligibility requirements for receipt of awards set forth in paragraphs a and b of this subdivision are waived for a member, or the spouse or dependent of a member, of the armed forces of the United States on full-time active duty and stationed in this state.

6. Restrictions. a. All general and academic performance awards shall only be used in the manner prescribed by the commissioner pursuant to article thirteen of this chapter, for the specific purpose for which the awards are made, and no such awards shall be used to obtain professional instruction in theology.

b. A student who is in default on a student loan made under any statutory New York state or federal education loan program shall be ineligible to receive any award or loan pursuant to this article until the student cures the default status pursuant to applicable law and regulation.

c. A student who has failed to comply with the terms of any service condition imposed by an award made pursuant to this article or has failed to repay an award made pursuant to this article, as required by paragraph a of subdivision four of section six hundred sixty-five of this subpart, shall be ineligible to receive any award or loan pursuant to this article so long as such failure to comply or repay continues.

7. Awards of student financial aid. Whenever the corporation gives

written notification to a student of the amount of student financial aid such student will receive under the provisions of this article, such written notification shall be accepted by the institution as a deferment against tuition charges pending the issuance of such moneys by the corporation, unless: (a) the institution has more current or accurate information on file indicating the student will receive a different amount from that calculated by the corporation, in which event the institution's calculated amount shall be accepted as a deferment against tuition charges pending the issuance of such moneys by the corporation, or

(b) the institution is waiting for corrections of financial aid forms or income verification which the student has not yet completed, or supplied, in which case deferment will not take place until such time as the student has completed his or her responsibilities.