§ 665. Payment. 1. Semester payment. The annual award to each recipient shall be paid in separate installments on a prorated basis, for each semester, quarter, or other term of attendance during the academic year. For an approved two-year program of study conducted on a clock hour basis at a registered private business school, the award shall be paid in installments by payment term as such period is defined by the rules of the board. The board shall take into consideration in promulgating such rules an appropriate proration of the regular program of study provided during an academic year and the periods at which student progress and academic standing are evaluated. In no event shall there be less than two, nor more than four, payment terms in an academic year, including when such year contains a semester, quarter or other term of accelerated study, provided however, that up to thirty percent of payments may be paid in the following academic year but no later than August first.

2. Payment for accelerated study. a. If the student enrolls for a term of study which shall be beyond the regular program of study for the academic year, an additional award shall be made for each such term of study on the basis of an equivalent full semester, quarter, or term of attendance during the regular academic year.

b. If the student enrolls in a term of accelerated study as described in paragraph a of this subdivision constituting less than the equivalent of a full semester, quarter, or term of attendance, but at least half of the minimum of such a full-time program, as defined by the commissioner pursuant to article thirteen, the award for such term of study shall be one-half of the award that would otherwise have been received for full-time study. The total period of study for which payment may be made shall not exceed the equivalent of the maximum period authorized for that award. In the case of awards under subdivision four of section six hundred sixty-seven, the base award shall be the lesser of (i) one-half of the amount of the award provided for or (ii) the amount of tuition, and the deduction shall be at one-half the rate that would otherwise apply to full-time study.

c. A student shall qualify for accelerated study upon the completion

of twenty-four credit hours, or its equivalent, from such institution in the preceding two semesters, or the equivalent, prior to the term of the application provided however, that the equivalent of three credits per semester may be remedial courses and therefore such student shall be eligible for an accelerated award after having earned a total of eighteen degree credits in the preceding two semesters.

3. Institutional certification, audit and payment procedure.

a. Each institution of post-secondary education shall certify to the corporation that each student in attendance at that institution who has applied for a general award or academic performance award under this article is eligible for such award in accordance with all criteria established for such award by statute and regulation. Such certification shall be made on forms provided by the president within such time as required by the president and shall state that, as of the date established by the institution in accordance with its refund policy and the regulations of the commissioner, the student (i) has incurred a full tuition liability for that term of attendance, (ii) was no longer eligible for a refund upon withdrawal from study, (iii) was in full-time attendance and (iv) satisfied all other eligibility requirements for such award. If any student does not satisfy the necessary eligibility requirements on that date, it shall be the responsibility of the institution to so state, to specify whether such student was eligible prior to that date and the amount of tuition liability incurred.

b. The comptroller shall audit institutional adherence to the statutes, rules and regulations governing general and academic performance awards and shall be responsible for determining the amount, if any, owed to the state by an institution which amount represents overpayment to the institution on a student's behalf. The comptroller shall report cases of suspected willful and knowing institutional violation of such statutes, rules or regulations to the district attorney in the county in which such institution is located.

c. (i) Payments under this article shall be made by the comptroller upon the certificate of the president to or for the benefit of the

recipient of each award. Such certificate shall be given upon vouchers or other evidence provided by the student and by the institution of attendance showing that the person named therein is entitled to receive the sum specified, either directly or for his benefit. Payments may be made directly to the school attended by the person named in such certificate, on behalf of and for the benefit of such person. The president may establish such methods of payment, including prepayment, of awards to students or to schools on behalf of students as may effect the orderly administration of the program as he may deem appropriate. Selection of the method of payment shall be at the option of the institution, provided, however, that the president may limit participation in such alternative methods of payment to schools fulfilling criteria established by the president to assure the appropriate receipt and handling of funds.

(ii) Notwithstanding any other provision of law, and in accordance with rules adopted by the board for these purposes, the president may suspend, limit or terminate an institution's participation in the general, academic and other award programs administered by the corporation in the event it shall be determined after a hearing conducted in accordance with the state administrative procedure act that the institution has violated any statute, rule or regulation applicable to such award programs. If the president shall determine that immediate action is necessary in order to prevent an unreasonable risk of substantial loss of funds administered by the corporation, the president may, in accordance with rules and regulations adopted by the board for this purpose, withhold payments and prepayments of awards upon the initiation of the suspension, limitation and termination proceeding as an emergency measure. Upon receipt of a report or other information indicating a violation by an institution of any law or rule applicable to the award programs affecting the eligibility of a substantial number of students attending the institution and receiving awards, or indicating the institution may terminate its program prior to the completion of the term or semester or may fail to repay refunds due, the president, in accordance with rules adopted by the board for this purpose, may make payments and prepayments to the institution in installments, in trust, or under such other terms and conditions as the president may deem necessary to assure such payments shall be expended

consistent with statutory and regulatory requirements or shall be available for application to the payment of refunds due.

(iii) During the initial year a school shall offer approved programs, the president may make payments and prepayments to the school in installments, in trust, or under such other terms and conditions as the president may deem necessary to assure such payments shall be expended consistent with statutory and regulatory requirements or shall be available for application to the payment of refunds due.

d. A registered business school shall submit to the president at such time as the rules of the board may provide a statement of such school's financial operations and condition as of the end of the school's most recent fiscal period prepared by an independent public auditor in conformity with generally accepted auditing standards. Submission of such a statement may be made a condition of further participation in the awards program.

4. a. Student refunds. If a student receives payment as a result of administrative error by the institution or the corporation or a false or erroneous statement on his application or financial form, or any other act of omission or commission on the part of the student, his spouse, or his parents, such that the recipient would otherwise have been considered by the president ineligible to receive such payment, the recipient shall be required to refund the improper payment to the state.

b. Institutional refunds. The president shall require institutions to refund payment to the state, and the student shall not be required to refund such payments, when (i) the president has determined that inadequate administrative procedures or practices of the institution resulted in the incorrect certification of the eligibility of a program or student, or (ii) the commissioner has determined that the institution failed to conduct an approved program in accordance with the regulations of the commissioner in effect when such program was conducted.

c. The president shall be empowered to: (i) require such payment immediately, (ii) accept a repayment schedule or installment payments over a reasonable period of time, (iii) reduce any future award received

by such student by the amount of the refund due, or (iv) reduce any future payments receivable by the institution on behalf of currently eligible students by the amount of refund due with a direction to the institution to consider each eligible student's account to have been credited with the amount of his award eligibility for that term of attendance. The board of trustees shall promulgate regulations governing procedures for the assertion, appeal and recovery of a refund claimed by the corporation against a student or an institution.

d. If the recipient or the institution, as the case may be, without reasonable cause, fails to promptly comply with the president's demand for such refund, the attorney general of the state shall, upon request of the president, bring suit to obtain such refund.

5. Payment for prior study. If the recipient of an award under section six hundred five of this chapter, except subdivision four thereof, has enrolled in an approved program during the academic year prior to the normal effective date of such aid, his scholarship shall become effective at the time he began his regular college course and he shall be entitled to receive payment of awards under such scholarship for such prior study.

6. Loss of good academic standing. a. If the recipient of an award fails to maintain good academic standing as defined by the commissioner pursuant to article thirteen of this chapter, which definition shall include direction to institutions to establish standards of reasonable progress toward completion of the program in which a student is enrolled, the president shall suspend further payments under the award until and unless the student shall establish, to the satisfaction of the commissioner, promise of successful completion of the program for which the award is made, and the president may revoke the award if the recipient is not reinstated in good academic standing within a reasonable time to be set by the commissioner.

b. Students who receive their first state award during the nineteen hundred eighty-one--nineteen hundred eighty-two academic year through and including the two thousand five--two thousand six academic year,

shall maintain good academic standing as defined by the commissioner, except that such standard shall not apply to students receiving aid under section six hundred sixty-seven-a of this part.

c. Students who receive their first state award during the two thousand six--two thousand seven academic year and thereafter shall make satisfactory progress toward the completion of the program's academic requirements as provided in this paragraph. For purposes of this subdivision, "reasonable progress toward completion of the program" shall mean a student must complete, at a minimum, the following requirements at the time of certification; provided that nothing shall prevent a college from developing stricter standards to measure reasonable progress:

(i) For students first receiving aid in two thousand seven--two thousand eight, through and including two thousand nine--two thousand ten, and for students enrolled in a program of remedial study as defined in paragraph d of this subdivision who first received aid in two thousand seven--two thousand eight, and thereafter, and enrolled in four-year or five-year undergraduate programs whose terms are organized in semesters:

Before Being Certified for This Payment	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th
A Student Must Have Accrued at Least This Many Credits	0	3	9	21	33	45	60	75	90	105

With At Least This Grade Point Average	0	1.1	1.2	1.3	2.0	2.0	2.0	2.0	2.0	2.0

(ii) For students first receiving aid in two thousand seven--two thousand eight, through and including two thousand nine--two thousand ten, and for students enrolled in a program of remedial study as defined in paragraph d of this subdivision who first received aid in two thousand seven--two thousand eight, and thereafter, and enrolled in two-year undergraduate programs whose terms are organized in semesters:

Before Being Certified for This Payment	1	2	3	4	5	6
A Student Must Have Accrued at Least This Many Credits	0	3	9	18	30	45
With at Least This Grade Point Average	0	.5	.75	1.3	2.0	2.0

(iii) For students first receiving aid in two thousand seven--two thousand eight, through and including two thousand nine--two thousand

ten, and for students enrolled in a program of remedial study as defined in paragraph d of this subdivision who first received aid in two thousand seven--two thousand eight, and thereafter, and enrolled in four-year or five-year undergraduate programs whose terms are organized on a trimester basis:

Before Being Certified for This Payment A Student Must Have Accrued at Least This Many Credits With At Least This Grade Point Average	1	2	3	4	5	6	7	8
	0	2	4	9	17	25	33	40
	0	1.1	1.1	1.2	1.2	1.3	2.0	2.0

and,

Before Being Certified for This	9	10	11	12	13	14	15

Payment							
A Student	50	60	70	80	90	100	110
Must Have							
Accrued at							
Least This							
Many Credits							
With At Least	2.0	2.0	2.0	2.0	2.0	2.0	2.0
This Grade							
Point Average							

(iv) For students first receiving aid in two thousand seven--two thousand eight, through and including two thousand nine--two thousand ten, and for students enrolled in a program of remedial study as defined in paragraph d of this subdivision who first received aid in two thousand seven--two thousand eight, and thereafter, and enrolled in two-year undergraduate programs whose terms are organized on a trimester basis:

Before Being	1	2	3	4	5	6	7	8	9
Certified									
for This									
Payment									
A Student	0	2	4	9	15	21	30	37	45
Must Have									

Accrued at Least This Many Credits With At Least This Grade Point Average	0	.5	.5	.75	.75	1.3	2.0	2.0	2.0	

(v) For students first receiving aid in two thousand ten--two thousand eleven and thereafter, who do not meet the definition of a student enrolled in a program of remedial study as defined in paragraph d of this subdivision, and are enrolled in a four-year or five-year undergraduate program whose terms are organized in semesters:

Before Being Certified for This Payment	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th
A Student Must Have Accrued at Least This Many Credits With At Least	0	6	15	27	39	51	66	81	96	111
	0	1.5	1.8	1.8	2.0	2.0	2.0	2.0	2.0	2.0

This Grade

Point Average

(vi) For students first receiving aid in two thousand ten--two thousand eleven and thereafter, who do not meet the definition of a student enrolled in a program of remedial study as defined in paragraph d of this subdivision, and are enrolled in a two-year undergraduate program whose terms are organized in semesters:

Before Being Certified for This Payment	1st	2nd	3rd	4th	5th	6th
A Student Must Have Accrued at Least This Many Credits	0	6	15	27	39	51
With At Least This Grade Point Average	0	1.3	1.5	1.8	2.0	2.0

(vii) For students first receiving aid in two thousand ten--two thousand eleven and thereafter, who do not meet the definition of a student enrolled in a program of remedial study as defined in paragraph d of this subdivision, and are enrolled in a four-year or five-year undergraduate program whose terms are organized on a trimester basis:

Before Being Certified for This Payment	1st	2nd	3rd	4th	5th	6th	7th	8th
A Student Must Have Accrued at Least This Many Credits	0	4	8	14	22	30	38	46
With At Least This Grade Point Average	0	1.1	1.5	1.5	1.8	2.0	2.0	2.0

and,

Before Being Certified for This Payment	9th	10th	11th	12th	13th	14th	15th
A Student	56	66	76	86	96	106	116

Must Have

Accrued at

Least This

Many Credits

With At Least 2.0 2.0 2.0 2.0 2.0 2.0 2.0

This Grade

Point Average

(viii) For students first receiving aid in two thousand ten--two thousand eleven and thereafter, who do not meet the definition of a student enrolled in a program of remedial study as defined in paragraph d of this subdivision, and are enrolled in a two-year undergraduate program whose terms are organized on a trimester basis:

Before Being 1st 2nd 3rd 4th 5th 6th 7th 8th 9th

Certified

for This

Payment

A Student 0 2 6 14 22 30 38 46 54

Must Have

Accrued at

Least This

Many Credits

With At Least	0	1.0	1.3	1.5	1.5	1.8	2.0	2.0	2.0
This Grade									
Point Average									

d. For purposes of paragraph c of this subdivision, a student enrolled in a program of remedial study shall mean a student: (a) whose scores on a recognized college placement exam or nationally recognized standardized exam indicated the need for remediation for at least two semesters, as certified by the appropriate college official and approved by the commissioner; or (b) who was enrolled in at least six semester hours of non-credit remedial courses, as approved by the commissioner, in the first term they received a tuition assistance program award in an approved program; or (c) who is or was enrolled in the higher education opportunity program (HEOP), the educational opportunity program (EOP), the search for education, elevation and knowledge (SEEK) program, or the college discovery (CD) program.

e. Notwithstanding the provisions of paragraph c of this subdivision, for students who are disabled as defined by the Americans with Disabilities Act of 1990, 42 USC 12101, and who receive their first state award during the two thousand ten--two thousand eleven academic year and thereafter shall make satisfactory progress toward completion of the program's academic requirements as provided in this paragraph. For purposes of this subdivision, "reasonable progress toward the completion of the program" shall mean a student must complete, at a minimum, the following requirements at the time of certification; provided that nothing shall prevent a college from developing stricter standards to measure reasonable progress:

(i) For students who are disabled as defined by the Americans with Disabilities Act of 1990, 42 USC 12101, first receiving aid in two thousand ten--two thousand eleven and thereafter, and enrolled in four-year or five-year undergraduate programs whose terms are organized in semesters:

Before Being	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th

Certified for This Payment										
A Student Must Have Accrued at Least This Many Credits	0	3	9	21	33	45	60	75	90	105
With At Least This Grade Point Average	0	1.5	1.8	1.8	2.0	2.0	2.0	2.0	2.0	2.0

(ii) For students who are disabled as defined by the Americans with Disabilities Act of 1990, 42 USC 12101, first receiving aid in two thousand ten--two thousand eleven and thereafter, and enrolled in two-year undergraduate programs whose terms are organized in semesters:

Before Being Certified for This Payment	1st	2nd	3rd	4th	5th	6th	7th	8th
A Student Must Have	0	3	9	18	30	42	51	60

Accrued at Least This Many Credits								
With At Least This Grade Point Average	0	1.3	1.5	1.8	2.0	2.0	2.0	2.0

(iii) For students who are disabled as defined by the Americans with Disabilities Act of 1990, 42 USC 12101, first receiving aid in two thousand ten--two thousand eleven and thereafter, and enrolled in four-year or five-year undergraduate programs whose terms are organized on a trimester basis:

Before Being Certified for This Payment	1st	2nd	3rd	4th	5th	6th	7th	8th
A Student Must Have Accrued at Least This Many Credits	0	2	4	9	17	25	33	40
With At Least This Grade Point Average	0	1.1	1.5	1.5	1.8	2.0	2.0	2.0

This Grade

Point Average
and,

Before Being 9th 10th 11th 12th 13th 14th 15th

Certified

for This

Payment

A Student 50 60 70 80 90 100 110

Must Have

Accrued at

Least This

Many Credits

With At Least 2.0 2.0 2.0 2.0 2.0 2.0 2.0

This Grade

Point Average

(iv) For students who are disabled as defined by the Americans with Disabilities Act of 1990, 42 USC 12101, first receiving aid in two thousand ten--two thousand eleven and thereafter, and enrolled in two-year undergraduate programs whose terms are organized on a trimester basis:

Before Being 1st 2nd 3rd 4th 5th 6th 7th 8th

Certified

for This

Payment

A Student 0 2 4 9 15 21 30 37

Must Have

Accrued at

Least This

Many Credits

With At Least 0 1.0 1.3 1.5 1.5 1.8 2.0 2.0

This Grade

Point Average
and,

Before Being 9th 10th 11th 12th

Certified

for This

Payment

A Student 45 50 55 60

Must Have

Accrued at

Least This

Many Credits

With At Least 2.0 2.0 2.0 2.0

This Grade

Point Average

(v) Notwithstanding any other provision of law or regulation to the contrary, upon each certification, payment eligibility shall be determined and measured proportionally in equivalence with full time study for students who are disabled as defined by the Americans with Disabilities Act of 1990, 42 USC 12101.

7. Availability of academic performance awards. Except as provided herein, payment of academic awards may be made for a period of seven years beginning with the academic year in which payment is first available. In the event that a person entitled to such an award is engaged in active service in the armed forces of the United States or active service in the national welfare in a program such as the peace corps, an extension of the seven year period equivalent to the period of such active service but not in excess of three years may be granted upon application to the corporation. A recipient who is ineligible for payment of an award in the first academic year of eligibility due to attendance in an ineligible out of state school shall not be thereafter eligible for any other payments of such award. Recipients of an award which may be reawarded who are temporarily unable to avail themselves of the benefits of the award due to illness or other cause established by the board of regents prior to receipt and utilization of the first payment of such award, may apply for a temporary leave of absence pursuant to the regulations of the corporation. The provisions of this subdivision shall not be considered to increase or in any way alter the number, amount or methods of payments made under an academic performance award.