§ 667-d. Enhanced tuition awards. 1. Recipient qualifications. a. Establishment. Enhanced tuition awards are available for students who are enrolled in approved programs in private degree granting institutions of higher education except those institutions set forth in paragraph b of subdivision four of section six hundred sixty-one of this part and who demonstrate the ability to complete such courses, in accordance with standards established by the commissioner; provided, that, no award shall exceed one hundred percent of the amount of tuition charged.

b. Application for other awards. A student who would be eligible for a tuition assistance program award pursuant to section six hundred sixty-seven of this subpart and/or a federal Pell grant pursuant to section one thousand seventy of title twenty of the United States code, et. seq., is required to apply for each such award. Any award shall be applied to tuition after the application of payments received under the tuition assistance program pursuant to section six hundred sixty-seven of this subpart.

c. GPA requirements. Notwithstanding paragraph c of subdivision four of section six hundred sixty-one of this part, a school shall certify that a recipient has achieved a grade point average necessary for successful completion of his or her coursework to receive payment under the award.

d. Credit requirements. An award shall be made to an applicant who: (i) if enrolled in (A) a private degree granting institution of higher education prior to application, has completed at least thirty combined credits per year following the student's start date, or its equivalent, applicable to his or her program or programs of study or (B) a public degree granting institution of higher education prior to application, has completed at least thirty combined credits per year following the student's start date, or its equivalent, applicable to his or her program or programs of study and which were accepted upon transfer to a private degree granting institution of higher education; (ii) enrolls in at least twelve credits per semester and completes at least thirty combined credits per year following the student's start date, or its

equivalent, applicable to his or her program or programs of study except in limited circumstances as prescribed by the corporation in regulation. Notwithstanding, in the student's last semester, the student may take at least one course needed to meet his or her graduation requirements and enroll in and complete at least twelve credit hours or its equivalent. For students who are disabled as defined by the Americans With Disabilities Act of 1990, 42 USC 12101, the corporation shall prescribe rules and regulations that allow applicants who are disabled to be eligible for an award pursuant to this section based on modified criteria.

e. Notwithstanding paragraph d of this subdivision, a student who otherwise satisfies all of the requirements under this section but fails to complete at least thirty combined credits, or its equivalent, applicable to his or her program or programs of study in any year shall be eligible to receive an award payment for the first semester of such year, provided however, the student shall be ineligible for any further payments under this section.

f. Additional requirements. A recipient shall agree to reside exclusively in New York state, and shall not be employed in any other state, for a continuous number of years equal to the duration of the award received within six months of receipt of his or her final award payment, and sign a contract with the corporation to have his or her full award converted to a student loan according to a schedule to be determined by the corporation if such student fails to fulfill this requirement. The terms and conditions of this paragraph may, as established by the rules and regulations of the corporation, be deferred: (i) to complete undergraduate study; or (ii) to attend graduate school on at least a half-time basis. Any obligation to comply with such provisions as outlined in this paragraph may be cancelled upon the death of the recipient. Notwithstanding any provisions of this paragraph to the contrary, the corporation is authorized to promulgate rules and regulations to provide for the waiver or suspension of any financial obligation which would involve extreme hardship.

g. Failure to meet the conditions of the award shall not otherwise

disqualify a student's eligibility to receive an award under section six hundred sixty-seven of this subpart.

2. Duration. No undergraduate shall be eligible for more than four academic years of study, or five academic years if the program of study normally requires five years. An undergraduate student enrolled in an eligible two-year program approved by the commissioner shall be eligible for no more than two academic years. Under no circumstances shall a student receive an award for a two-year program for more than two consecutive years of academic study or four consecutive semesters of academic study; or at a four or five-year program, for more than four consecutive years or eight consecutive semesters of academic study or five consecutive years, or ten consecutive semesters of study if the program normally requires five years. Notwithstanding, such duration may be extended for an allowable interruption of study including, but not limited to, death of a family member, medical leave, military service, and parental leave, as established by the corporation in regulation.

3. Income. An award shall be made to an applicant who has an adjusted gross income for the qualifying year, as such terms are defined in this subdivision, equal to or less than: (i) one hundred thousand dollars for recipients receiving an award in the two thousand seventeen--two thousand eighteen academic year; (ii) one hundred ten thousand dollars for recipients receiving an award in the two thousand eighteen--two thousand nineteen academic year; and (iii) one hundred twenty-five thousand dollars for recipients receiving an award in the two thousand nineteen--two thousand twenty academic year and thereafter. Adjusted gross income shall be the total of the combined adjusted gross income of the applicant and the applicant's parents or the applicant and the applicant's spouse, if married. Qualifying year shall be the adjusted gross income as reported on the federal income tax return, or as otherwise obtained by the corporation, for the calendar year coinciding with the tax year established by the U.S. department of education to qualify applicants for federal student financial aid programs authorized by Title IV of the Higher Education Act of nineteen hundred sixty-five, as amended, for the school year in which application for assistance is made. Provided, however, if an applicant demonstrates to the corporation

that there has been a change in such applicant's adjusted gross income in the year or years subsequent to the qualifying year which would qualify such applicant for an award, the corporation shall review and make a determination as to whether such applicant meets the requirement set forth in this subdivision based on such year. Provided, further that such change was caused by the death, permanent and total physical or mental disability, divorce, or separation by judicial decree or pursuant to an agreement of separation which is filed with a court of competent jurisdiction of any person whose income was required to be used to compute the applicant's total adjusted gross income.

4. Amount. Within the amounts appropriated therefor and based on availability of funds, awards shall be granted beginning with the two thousand seventeen--two thousand eighteen academic year and thereafter to applicants that the corporation has determined are eligible to receive such awards. Recipients of an award under this program shall receive six thousand dollars through a combination of the enhanced tuition award plus a student's tuition assistance program award pursuant to section six hundred sixty-seven of this subpart plus the institution's matching award pursuant to subdivision five of this section. Provided, however, any institution that charges tuition that is reduced by greater than fifteen percent from the level of tuition charged six years prior to the academic year in which the award is to be applied shall be exempt from the requirement to provide such match and students attending such institutions shall receive an enhanced tuition award without such institutional match.

5. Matching awards. Commencing with the two thousand seventeen--two thousand eighteen academic year and thereafter, participating institutions shall credit each recipient's remaining tuition expenses in an amount equal to the recipient's award under this section. Provided, however that any institution that charges tuition that is reduced by greater than fifteen percent from the level of tuition charged six years prior to the academic year in which the award is to be applied shall be exempt from the requirement to provide such match, and shall remain exempt from providing such match to such recipient in any academic year in which such recipient receives an award under this section.

6. Tuition. The rate of tuition charged to an individual receiving an award shall not be increased for the duration of time that such individual receives an award.

7. College option. An institution may choose not to participate in the program and students attending any non-participating college may still be eligible to receive an award pursuant to section six hundred sixty-seven of this subpart.

8. Recipient selection. The president may establish: a. an application deadline and b. a method of selecting recipients if in any given year there are insufficient funds to cover the needs of all the applicants provided that priority shall be given to eligible applicants who are currently in attendance at an institution of higher education.

9. Rules and regulations. The corporation is authorized to promulgate rules and regulations, and may promulgate emergency regulations, necessary for the implementation of the provisions of this section including, but not limited to, the criteria for distributing the awards, which may include a lottery or other form of random selection.