

AMENDMENT TO THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to sections 207, 602, 661 and 665 of the Education Law and Chapter 53 of the Laws of 2010

Clause (b) of subparagraph (iv) of paragraph (2) of subdivision (b) of section 145-2.2 of the Regulations of the Commissioner of Education shall be amended effective December 17, 2010, to read as follows:

(b) (1) for students who receive their first State award during the 2006-2007 academic year and thereafter, and who are enrolled full-time in a two-year, four-year, or five-year undergraduate program on a semester or trimester basis, or their equivalent, the applicable required minimum number of credits accrued and minimum grade point average earned at the time of the institution's certification for each payment made on the student's award, as specified in subparagraph (i), (ii), (iii) or (iv) of paragraph (c) of subdivision (6) of section 665 of the Education Law; provided that institutions operating on a trimester basis during the 2006-2007 academic year shall apply the satisfactory academic progress standard pursuant to the provisions in section 665 of the Education Law, and shall apply the particular requirements prescribed in the satisfactory academic progress charts in such section of law for the 2007-2008 academic year and thereafter.

(2) (i) notwithstanding subclause (1) of this clause, for students receiving a State award in the 2010-2011 academic year who are not enrolled in a program of remedial study, as defined in item (ii) of this subclause, and who first received aid in the 2007-2008 academic year and thereafter, and who are enrolled in a two-year, four-year or five-year undergraduate program on a semester or trimester basis, or their equivalent, shall apply the required minimum number of credits accrued and minimum grade point

average earned at the time of the institution's certification for each payment made on the student's award, as applicable in Chapter 53 of the Laws of 2010; provided that students enrolled in a program of remedial study, as defined in item (ii) of this subclause, shall apply the particular requirements prescribed in the satisfactory academic progress charts in section 665 of the Education Law for the 2010-2011 academic year.

(ii) For purposes of this subclause only, students enrolled in a program of remedial study shall mean:

(A) students enrolled in remedial courses equivalent to at least six credits in their initial term of receipt of state financial aid and enrolled in at least nine credits in their first year of receipt of state financial aid; or

(B) students enrolled in remedial courses equivalent to at least three credits in their initial term of receipt of state financial aid and enrolled in at least nine credits in their first year of receipt of state financial aid; or

(C) students enrolled in the Higher Education Opportunity Program (HEOP), the Education Opportunity Program (EOP), the Search for Education, Elevation and Knowledge (SEEK) program or the College Discovery (CD) program; or

(D) students who first received an award in the 2007-2008 academic year and thereafter and who in the semester, trimester or their equivalent, preceding the 2010-2011 academic year, met the requirements prescribed in the satisfactory academic progress charts in section 665 of the Education Law for the 2007-2008 academic year but do not meet applicable standards for academic progress for the 2010-2011 academic year, as set forth in Chapter 53 of the Laws of 2010, shall be deemed to be in

an approved program of remedial study for purposes of determining which standards for academic progress apply.

(E) students who first received an award in the 2007-2008 academic year and thereafter and who in the first semester, trimester or their equivalent of the 2010-2011 academic year, met the requirements prescribed in the satisfactory academic progress charts as set forth in Chapter 53 of the Laws of 2010 but did not meet applicable standards in Chapter 53 of the laws of 2010 for academic progress for the second semester, trimester or their equivalent in the 2010-2011 academic year, for good cause, as described in guidelines prescribed by the Commissioner, shall be deemed to be in an approved program of remedial study for purposes of determining which standards for academic progress apply.

(F) For purposes of subitems (A) and (B), remedial courses taken in a prior academic year where the student was not eligible for state financial aid or in the summer preceding the student's initial term of receipt of state financial aid may be counted towards the required credits of remedial study to be considered a program of remedial study for purposes of this subclause.