

## AMENDMENT TO THE RULES OF THE BOARD OF REGENTS

Pursuant to sections 207 and 6451 of the Education Law.

Subdivision (b) of section 27-1.1 of the Rules of the Board of Regents is amended, effective October 5, 2011, as follows:

(b) Economically disadvantaged.

(1) For students first entering college between July 1, 2005 and June 30, 2012.

A student is economically disadvantaged if he or she is a member of a household supported by one member thereof with a total annual income which does not exceed the applicable amount set forth in the following tables; or of a household supported solely by one member thereof who is employed by two or more employers at the same time, if the total annual income of such household does not exceed the applicable amount set forth in the following tables for the number of members in the household plus the second job allowance; or of a household supported by more than one worker thereof, or a household in which one worker is the sole support of a one-parent family, if the total annual income of such household does not exceed the applicable amount set forth in the following tables for the number of members in the household plus the employment allowance. For the purposes of this subdivision, the number of members of a household shall be determined by ascertaining the number of individuals living in the student's residence who are economically dependent on the income, as defined in subdivision (c) of this section, supporting the student.

### **[Table I**

For students first entering college between July 1, 2005 and June 30, 2008

Number of members in household (including	Total annual income in preceding calendar year
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head of household)

1	\$14,100
2	19,600
3	22,350
4	27,800
5	32,850
6	38,550
7 or more	42,900 plus \$4,350 for each family member in excess of 7
Second Job Allowance	\$1,800
Employment Allowance	\$4,800

**Table II**

For students first entering college between July 1, 2008 and June 30, 2009

Number of members in household (including head of household)	Total annual income in preceding calendar year
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1	\$15,140
2	20,390
3	25,650
4	30,900
5	36,150
6	41,410

7 or more	46,660 plus \$5,250 for each family member in excess of 7
Second Job Allowance	\$2,630
Employment Allowance	\$5,250

**Table III**

For students first entering college between July 1, 2009 and June 30, 2010

Number of members in household (including head of household)	Total annual income in preceding calendar year
1	\$15,590
2	21,000
3	26,420
4	31,830
5	37,240
6	42,650
7 or more	48,060 plus \$5,410 for each family member in excess of 7
Second Job Allowance	\$2,710
Employment Allowance	\$5,410]

**Table [IV] !**

For students first entering college [on or after] between July 1, 2010 and June 30, 2012

Number of members in household (including head of household)	Total annual income in preceding calendar year
1	\$16,060
2	21,630
3	27,210
4	32,790
5	38,360
6	43,960
7 or more	49,500 plus \$5,570 for each family member in excess of 7
Second Job Allowance	\$2,790
Employment Allowance	\$5,570

The income figures in [Tables I, II, III, and IV] Table I of this paragraph apply to the student applicant's income only when he or she is an independent student. For purposes of this Part, an independent student means a student who:

- (i) is 24 years of age or older by December 31<sup>st</sup> of the program year; or
- (ii) is an orphan or ward of the court (A student is considered independent if he or she is a ward of the court or was a ward of the court until the individual reached the age of eighteen); or
- (iii) is a veteran of the Armed Forces of the United States who has engaged in the active duty in the United States Army, Navy, Air Force, Marines, or

- (iv) is a married individual; or
- (v) has legal dependents other than a spouse; or
- (vi) is a student for whom an opportunity program and financial aid

administrator has made a satisfactory documented determination of independence by reason of other extraordinary circumstances.

(2) For students first entering college on or after July 1, 2012, a student is economically disadvantaged if he or she is a member of a household where the total annual income of such household is equal to or less than 185 percent of the amount under the annual United States Department of Health and Human Services poverty guidelines for the applicant's family size. Federal poverty guidelines are published annually by the Department of Health and Human Services in the Federal Register. The income guidelines in this paragraph apply to the student applicant's income only when he or she is an independent student. For purposes of this Part, an independent student means a student who:

- (i) is 24 years of age or older by December 31<sup>st</sup> of the program year; or
- (ii) is an orphan or ward of the court (A student is considered independent if he or she is a ward of the court or was a ward of the court until the individual reached the age of eighteen); or
- (iii) is a veteran of the U.S. Armed Forces; or
- (iv) is currently an emancipated minor as determined by a court; or
- (v) is currently in legal guardianship as determined by a court; or
- (vi) is a married individual; or

(vii) has legal dependents other than a spouse; or

(viii) is a student for whom an opportunity program and financial aid

administrator has made a satisfactory documented determination of independence by reason of other extraordinary circumstances;

[(2)] (3) A maximum of 15 percent of the students admitted to a HEOP program by an institution may come from households whose income exceeds the household scale listed in the applicable table in paragraph (1) of this subdivision, provided that such institution has established to the satisfaction of the commissioner that unusual and extenuating circumstances as defined in this paragraph, exist for each such student. Prior to admitting any such student, the institution shall submit to the commissioner such documentation of unusual and extenuating circumstances as the commissioner may require. Such documentation shall be kept on file by the institution at which such students were enrolled, and shall be corroborated by a disinterested, reliable party. For purposes of this paragraph, unusual and extenuating circumstances shall be limited to the following:

(i) . . .

(ii) . . .

(iii) . . .

(iv) families which must maintain two households in order to maintain employment, one for a wage earner and one for dependents; [or

(v) families where the family contribution as computed from base year financial data by a United States Education Department approved needs analysis system indicates no contribution other than the minimum expectation from student income for independent students or a zero parental contribution for dependent students.]

[(3)] (4) . . .

[(4)] (5) . . .

[(5)] (6) The following shall be acceptable documentation of paragraphs (1) through (3) of this subdivision:

(i) . . .

(ii) . . .

(iii) . . .

(iv) . . .

(v). . .

(vi) . . .

(vii)

[(viii) Documentation of zero household contribution: the needs analysis output form from one of the United States Education Department's approved needs analysis systems.]