AMENDMENT TO THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to sections 207, 210, 215, 305, 6451, 6452 and 6456 of the Education Law and Chapter 494 of the Laws of 2016.

Section 152-1 of the Regulations of the Commissioner of Education shall be amended to read as follows:

§152-1.1 Applications.

(a) Applications for aid under the provisions of section 6451 of the Education Law shall be submitted for [the ensuing academic year on forms provided for such purpose by the State Education Department not later than the 15th day of February preceding the commencement of such year, except in appropriate circumstances the Commissioner of Education, or the person designated by him to perform such function, may permit later submission] <u>each funding cycle in a format and timeframe prescribed by the Commissioner.</u>

<u>(b) Each application should include a summer program that occurs on or after July 1 to prepare the student for the academic year.</u>

<u>(c)</u> For the purposes of this section a summer session shall be deemed to occur [at the beginning of the college year] <u>on or after July 1 to prepare the student for the academic year</u>.

152-1.2 Institutional plan and proposal.

An institution [submitting an application for funds] <u>applying for</u> funds shall include in such application information required by section 6451 as well as such information as

the Commissioner of Education, or [the person designated by him, may require, including:] his/her designee may require, including, but not limited to:

(a) [A] a statement of immediate and long range educational objectives, including an explanation of the recruitment and retention efforts for eligible students as defined in section 27-1.1 of this Title.

(b) [A] a description of program contents including [programs of] mandatory counseling and academic and career advisement, tutoring, remedial[,] and/or developmental[, compensatory] courses and other supportive services which must be offered by the institution as part of the program.

(c) [Procedures] procedures for the evaluation of program effectiveness, including recruitment efforts, access to the higher education institution, retention of students, and graduation rates.

(d) [The] a description of the nature and extent of coordination with other [nonpublic and public] institutions in New York State that offer pre-collegiate or collegiate opportunity programs sponsored by the State (e.g., Liberty Partnership program, Science & Technology entry program, College Discovery Program, Search for Education, Elevation and Knowledge, Educational Opportunity Program) to improve access to higher education through recruitment, admission, and transfer of eligible students.

(e) [The] the criteria for student eligibility for [inclusion] recruitment and admission in the institution's educational opportunity [programs] program must be clearly outlined. The criteria established by each institution shall limit access to the program only to students:

(i) whose prior academic achievement indicates a need for counseling and educational support [in order] to complete their degree programs; and

(ii) who are educationally disadvantaged as defined in section 27-1.1 of this Title and would otherwise not be eligible for admission under the college's admission standards, except the institution has made a determination that the student has demonstrated the potential for successful completion of a college-level program.

152-1.3 Date of submission.

(a) [In 1971 and thereafter, the] The institutional plan and proposal for funds under the provisions of section 6451 shall be transmitted to the Commissioner of Education or [to the person designated by him] his/her designee, [on or before the 15th day of February] by the date specified in the announcement of funding.

(b) The date of submission may be modified by the Commissioner of Education or [the person designated by him] his/her designee.

152-1.4 [Final report] Reporting.

Each institution which has entered into a contract pursuant to section 6451 shall submit to the Commissioner of Education, or [to the person designated by him the] his/her designee, [a report] reports in a form and manner prescribed by the Commissioner of Education or his/her designee, including but not limited to:

(a) [An] an analysis of program operation in terms of the stated objectives and the extent to which the objectives were achieved.

(b) [An] an analysis of the progress of students served by the program with a comparison to other students enrolled by the institution.

(c) [An] an itemization of the institution's support of such program during the contract period including the use of outside (Federal, State and local) funds.

(d) [Plans] plans for program change, expansion and development.

(e) [The] the extent and nature of faculty, staff, student and community involvement and participation in program [planning and] development and implementation to improve retention and graduation rates.

§152-1.5 Financial Assistance

Pursuant to 6451 of the Education Law, moneys made available to institutions through contracts shall be spent for the following purposes:

(a) special testing, counseling and guidance services in the course of screening potential enrollees;

(b) remedial courses, developmental or compensatory courses and summer classes for such students;

(c) special tutoring, counseling and guidance services for such enrolled students;

(d) any necessary supplemental financial assistance as described section 152-1.6 of this Subpart;

(e) partial reimbursement for tuition for regular academic courses pursuant to criteria promulgated by the commissioner;

(f) student travel for academic activities and conferences related to the student's course of study.

(g) expenses related to helping students apply for and prepare for graduate or professional school; including preparation materials, guides, classes, fees for exams for graduate and professional schools and for professional licensure, and travel to and from test centers.

(h) the hiring of enrolled students participating in an Arthur O. Eve opportunity for higher education work-study program for HEOP students comprised of peer tutoring, peer counseling, peer mentoring and activities related to HEOP and/or the administration of HEOP at the institution.

§152-1.6 Supplemental financial assistance.

An institution may apply for and award supplemental financial assistance to students enrolled in higher education opportunity programs under the provisions of section 6451 of the Education Law. Such funds shall be limited to:

(a) [Room] room and board or a portion thereof for on-campus resident students and off-campus resident students. For purposes of this section,

(1) resident student shall mean a student who does not live at home (with parents or guardians) during the academic year;

(2) on-campus resident student shall mean a student who lives in housing facilities owned and/or maintained by the institution; and

(3) off-campus resident student shall mean a student who does not live in institutionally-provided housing.

(b) Travel to and from the student's home, for both residential and commuter students including study abroad as deemed necessary by the academic course of study. For purposes of this subdivision, a commuter student shall mean a student who is not a resident student (e.g., a student living at home with his or her parents or guardians while attending college).

(c) Textbooks and instructional materials as deemed necessary by the program of study.

(d) [Lunches] Meals for commuter students.

(e) Personal expenses, with a limitation of [$250] $1,000 per year.

(f) Medical, vision and dental insurance.

[§152-1.6] §152-1.7 Student eligibility.

A student who is a resident of the State of New York shall be eligible to receive benefits pursuant to the provisions of section 6451 of the Education Law, provided that such student meets the following criteria:

(a) The student is educationally and economically disadvantaged, as defined by the provisions of section 27-1.1 of [the rules of the Board of Regents] this Title; and

(b) The student [is a graduate of] has received an approved high school diploma, or has obtained a New York State high school equivalency diploma (general equivalency diploma) or its equivalent. [The equivalent of the general equivalency diploma is defined as being one of the following:

(1) an armed forces equivalency diploma with a minimum score of 35 on each test section and a minimum composite score of 225; or

(2) a level of knowledge and academic ability equal to the level required by the education opportunity program at the institution to which such student seeks admission.]

(1) An approved high school diploma means:

(a) a New York State high school diploma received pursuant to section 100.5 of this Title; or

(b) a recognized high school diploma issued by another state in the United States.

(2) An approved state high school equivalency diploma is a diploma received pursuant to section 100.7 of this Title.

(c) The student has filed [an application for a basic educational opportunity grant with the appropriate agency of the Federal government] a Free Application for Federal Student Aid (FAFSA) with the United States Department of Education or its successor for the academic year in which benefits pursuant to section 6451 of the Education Law are sought [, provided that such student is eligible to receive such grant]. Each institution which has entered into a contract pursuant to section 6451 of the Education Law shall maintain on file a [photocopy] record of [such] each student's completed grant and FAFSA applications and other documents establishing the student's economic eligibility status for the program [or the student eligibility report or a photocopy thereof], by no later than [45] 30 days from the commencement of the academic term.

[§152-1.7] §152-1.8 Supervision of funds.

Payments of funds may be suspended or terminated by the Commissioner of Education or his/her designee if an institution fails to comply with the provisions of section 6451 of the Education Law or any other applicable law, rule, regulation, or fails to comply with the provisions of a contract entered into pursuant to the provisions of such section.

[§152-1.8] §152-1.9 Tuition assistance.

An institution may apply for and award tuition assistance for students enrolled in higher education opportunity programs under the provisions of section 6451 of the Education Law. [Such funds shall be limited to the costs of developmental, remedial, and compensatory courses; and to reimburse the institutions] Institutions shall not be reimbursed for more than 50 percent of the tuition charged for the [regular] academic program related to the student's program of study.