



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK

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To: Chief Executive Officers of Degree-granting Institutions in New York State **Date** August 5, 2024

From: William P. Murphy, Deputy Commissioner for Higher Education *William P. Murphy*

Subject: Amendment of Section 145-2.1 of the Regulations of the Commissioner of Education Relating to the Eligibility Criteria for New York State Financial Aid

Section 661 of the Education Law establishes the eligibility requirements and conditions for all general awards, academic performance awards and student loans¹ including but not limited to, the Tuition Assistance Program (TAP) and contains key provisions governing their administration by the Higher Education Services Corporation (HESC). This section requires that the Commissioner define certain terms. These definitions, in turn, allow the president of HESC to determine a student's eligibility for student aid and loan programs, including full-time study or attendance. Section 145-2.1 of the Commissioner's regulations defines "full-time study" as enrollment in credit-bearing courses applicable to the student's program of study for at least 12 semester hours for a semester² or eight semester hours a quarter. This section also provides, in part, that when determining full-time or part-time status, credit-bearing courses must be applicable to the student's program of study as a general education requirement, major requirement, or specified or free elective.

Higher education stakeholders reported that the Commissioner's regulations regarding student loan and award eligibility, including tuition assistance program (TAP) eligibility, have resulted in the unanticipated loss of financial aid eligibility for high-achieving students under certain circumstances, typically due to credits earned for college during high school, transfer credits, or extra credits received while a student pursued additional majors.

At its December 2017 meeting, the Board of Regents adopted regulatory amendments to provide greater flexibility to students who have difficulty meeting full-time status in their program of study during their second-to-last semester. These amendments allow a student to meet the full-time study requirement in their second to last semester of eligibility if the student takes at least 6 semester hours needed to meet their graduation requirements and the student enrolls in at least 12 semester hours or its equivalent.

Despite this flexibility, stakeholders from the SED Workgroup on NYS Aid recently described an increase in the number of high-achieving students facing the unanticipated loss of financial aid eligibility under the following circumstances:

¹ Other than loans made pursuant to Part V of Article 14 of the Education Law.

² A semester is defined as a period of at least 15 weeks or 100 calendar days, inclusive of examination periods.

This amendment became effective on June 26, 2024. Please share this information with relevant offices at your institution. For questions about financial aid for New York State college students, please see the [Higher Education Services Corporation](#) website. Questions about this amendment can be sent to the Office of Postsecondary Access, Support and Success at kiap@nysed.gov.