



November 9, 2010

To: Chief Executive Officers/Presidents of Degree Granting Institutions in NYS
Chief Academic Officers
Financial Aid Officers

From: Joseph P. Frey, Deputy Commissioner
New York State Education Department
Office of Higher Education

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Subject: Question and Answer Document on the New Standards of Academic Progress for the
Tuition Assistance Program

Note: The response to Question #21 has been revised

We are pleased to share the attached Question and Answer Document on the New Standards of Academic Progress for the Tuition Assistance Program (TAP). The document contains helpful guidance that should be reviewed in accordance with the September 8, 2010 Regents Emergency Adoption of Proposed Regulations Relating to New Standards of Academic Progress for the Tuition Assistance Program (TAP) for the 2010-2011 Academic Year.

This document has been created in collaboration with our Higher Education/Interagency Task Force on Reviewing and Revising Commissioner's Regulations on Financial Aid. The Task Force provided invaluable advice and comments and we thank its members for their assistance.

We hope that these materials are helpful as we move forward with our shared goal of ensuring that the Tuition Assistance Program is used effectively to support our State's students.

Attachment

Q & A
New Standards of Academic Progress for the Tuition Assistance Program (TAP)

Definition of Academic Year

Question #1: What is the definition of the 2010-2011 academic year?

Answer: The 2010-2011 academic year is defined the same as previous academic years have been defined for the Tuition Assistance Program (TAP). In particular, the 2010-11 academic year is defined by each institution using parameters set annually by the institution using the College Data survey. Start dates and end dates used for TAP processing, as well as term tuition and other information, is contained on HESC's website under 'View/Update College Data.'

Question #2: What is the earliest date the academic year can begin?

Answer: See response above.

Definition of Remedial Course

Question #3: What is the definition of a remedial course?

Answer: A remedial course is a non-credit course designed to remedy academic deficiencies so that a student can be successful in college-level study. The amount of time for the course must be equivalent to the time for a similar credit-bearing course consistent with the definitions in Section 50.1 of the Commissioner's Regulations. As noted below, a developmental course is different than a remedial course.

Question #4: Can a remedial/developmental course be credit bearing?

Answer: A remedial course may not be offered for credit.

A developmental course, which is a course that combines both remedial work and college level work, may carry credit proportional to the amount of college level work, as defined in Section 50.1 of the Commissioner's Regulations. For example, in a semester-based system, one semester hour of credit may be awarded for each 15 hours (of at least 50 minutes each) of instruction and at least 30 hours of supplementary assignments.

Question #5: Would three remedial courses taken in three different semesters (pre-summer, summer, fall and spring) in the same academic year satisfy the TAP remedial definition and allow the student to remain on the 2006 TAP satisfactory academic progress chart?

Answer: Yes, provided that the equivalent of at least three semester hours of remediation was completed in the initial term of receipt of State financial aid. In addition, if a student was not previously eligible for TAP, remedial study taken in the previous academic year can be counted to allow the student to remain on the 2006 satisfactory academic progress chart.

Question #6: Can remedial courses taken in summer sessions other than pre-summer programs satisfy the remedial requirement?

Answer: Yes, provided that the summer course is taken in the 2010-2011 academic year.

Question #7: Can we count remedial courses taken in non-TAP-eligible sessions (e.g., a winter as a pre-spring program) toward the 9 remedial hours?

Answer: Remedial courses taken in the non-TAP eligible session may be counted: (a) if a student was not previously eligible for TAP; remedial study taken in the previous academic year can be counted to allow the student to remain on the 2006 satisfactory academic progress chart. (b) if the winter session falls within the institution's 2010-2011 academic year; (c) the student has taken remedial courses equivalent to at least 3 semester hours in their initial term of eligibility; and (d) and the amount of remedial instruction is consistent with the amount of instruction for credit-bearing courses as described above.

Question #8: Can we certify under the old SAP students who enrolled in the spring 2010 term and are completing the balance of their 9 remedial hours this term?

Answer: Yes, provided that the students were enrolled in remedial courses equivalent to at least 3 credits in their initial term of receipt of TAP and were enrolled in at least 9 credits across their first year of receipt of TAP. In addition, if a student was not previously eligible for TAP, remedial study taken in the previous academic year can be counted to allow the student to remain on the 2006 satisfactory academic progress chart.

Question #9: Is the requirement of 3 hours or 6 hours in the first term a firm one or could a student have taken 2 hours in the first term and 7 in the second?

Answer: The regulation requires that students be enrolled in "at least" 3 credits of remedial study in the first term, so 5 in the first term and 4 in the second term

would be acceptable; however, 2 in the first term and 7 in the second would not be acceptable.

Question #10: Similarly, how do repeats for failed courses count in the definition? For instance, a student registers for 6 remedial credits in semester one and fails one course. He/she retakes three remedial credits in semester two. This student has six remedial credits plus three remedial credits but the three credits are repeats from the failed course. Does this student meet the definition of "remedial?"

Answer: The regulation requires that the student be "enrolled in" remedial study equivalent to nine semester hours. If a student fails a remedial course and needs to retake that course in the next semester, both courses of remedial study can be counted toward the nine semester hour requirement.

Question #11: If a student took 9 remedial hours in the 2007-2008 academic year, which is their first year of receipt of state financial aid, and the student is making satisfactory progress according to the new chart, what standard should they follow in the future?

Answer: Such a student is deemed to be a remedial student and would follow the 2006 SAP for the 2010-2011 academic year. For academic years on or after 2011-12, we will have to wait to see what the Legislature does.

Question #12: Do students enrolled in remedial studies who received their first TAP award in 2007/08 and thereafter have to meet the new 2010 SAP in the entire 10/11 academic year??

Answer: If a non-remedial continuing student fails the 2010 SAP in their first TAP-eligible term in 10/11, they are then deemed to be in a program of remedial study and the student reverts back to the 2006 SAP for the remainder of 10/11 academic year.

If a non-remedial continuing student meets the 2010 SAP in the first TAP-eligible term in 10/11 and then fails the 2010 SAP in the subsequent term, that student must meet the "good cause" definition in order to revert to the old 2006 SAP.

Question #13: If the definition of "taking" a remedial course is completion then the presumption is that schools will have to delay the timing of TAP certification in order to verify completion, is this a correct assumption?

Answer: No, to qualify, the student must have been "enrolled in" the course, not completed the course.

Question #14: If a "once a remedial student, always a remedial student" concept applies to determine the appropriate SAP chart for students, then how do we continue to "flag" or identify this to HESC in the certification process, and how will schools know that a transfer student had been identified as such at a prior institution?

Answer: The student's transcript will have to be analyzed to make this determination. Remember, when a campus is audited, the auditors will examine whether that institution appropriately certified the student, not the previous institution.

Question #15: I disagree with a multi-term, student schedule-based approach to defining "remedial" because TAP eligibility is always looked at on a semester-by-semester basis. Creating a definition of remedial where the determination exceeds one semester is totally unwieldy for TAP certification. For instance, the language says: a remedial student is someone who enrolls in at least 6 credits of remedial study in their first semester AND has a total of nine remedial credits in their first year. Student X enrolls in semester one and takes 6 remedial credits. The FA Office says "hey this looks like a remedial student but we can't be sure until they enroll in 3 more remedial credits." Say the student doesn't register for the next semester. Now, what status is this student? He looks like a remedial student because he started with 6 remedial credits but he did not finish 9 remedial credits in his first year. Where does he get placed on an SAP chart for his return to college? How do you academically advise him if you do not know what SAP chart he is following? Does this language preclude students enrolled in remedial studies from starting in the spring semester? They wouldn't have the second piece of the remedial definition in their first academic year.

Answer: The emergency regulation is intended to be a one year remedy in order to ensure the appropriate SAP chart is applied. For first year students, the difference in the SAP charts between the first and second semesters is not significant. Continuing students who are deemed to be non-remedial for the fall 2010 term but do not progress sufficiently to meet the standards for certification in the spring 2011 term **and** who meet the "good cause" definition would fall within the "gap" and, according to the new regulation, would be in a program of remedial study and certified in the spring 2011 term under the 2006 SAP chart.

Question #16: The August 25, 2010, SED guidance only suggested two possible ways to get a total of 9 remedial credits in two semesters: 6 plus 3; and 3 plus 6. Could other possible combinations that result in 9 remedial credits in two semesters be acceptable? For instance, if a student takes 5 remedial credits in semester 1 and 4 remedial credits in semester 2, do they meet the definition?

Answer: If, in the first term of receipt of State aid, the student enrolls in remedial study equivalent to at least three semester hours, any combination of remedial credits would be acceptable so long as the student enrolls in at least nine semester

hours of remedial study in that academic year. In addition, if a student was not previously eligible for TAP, remedial study taken in the previous academic year can be counted to allow the student to remain on the 2006 satisfactory academic progress chart.

Question #17: How do course withdrawals play into the definition? For instance, a student registers for 6 remedial credits in semester 1 and drops 3 credits; he attended and is charged 25% for the course due to the institution's refund policy. The student registers the next semester for 3 remedial credits; is he a "remedial" student? Is the determination dependent on the same criteria for certification (i.e. positive attendance and tuition liability)?

Answer: A student first receiving a TAP award in the 2010-11 year, with only the equivalent of 3 credit hours in the fall term and enrolled in the equivalent of only 3 credit hours of remediation for the spring term, would need to meet the 2010 SAP for certification in the spring 2011 term. However, a continuing student could be eligible if, in the term prior to the 2010-11 year, the student did not meet the required number of credits and GPA for the 2010 SAP chart. In addition, if a student was not previously eligible for TAP, remedial study taken in the previous academic year can be counted to allow the student to remain on the 2006 satisfactory academic progress chart.

Question #18A: What is the definition of "first year" as used in the August 25, 2010, SED notice? Is first year the student's first academic year, is it the first award year, is it the first year of receipt of State aid? How does an institution count "first year" if the semesters cross TAP award years?

Question #18B: How will the definition treat students who have studied as previous students enrolled in remedial studies without the benefit of TAP but who are first-time TAP recipients in 2010/11? For instance, a student began study in spring 2010 and took nine remedial credits; he studied without the benefit of TAP. Now, in the fall 2010 he is eligible for TAP and has to take or retake six more remedial credits. Does such a student meet the definition of a student enrolled in remedial studies?

Answer: The term "first year" applies to the first year in which the student is eligible for TAP. The remedial study taken when a student was not receiving TAP would satisfy the requirement for using the 2006 SAP chart as opposed to the 2010 SAP Chart. The regulation allows a student to count remedial study toward the nine credit hours in either the first year or in a previous academic year if the student was not previously eligible for TAP.

SAP Chart

Question #19: What SAP chart must a student in a certificate program adhere to?

Answer: A student in a certificate program first receiving TAP on or after the 2007-08 academic year should follow the 2006 SAP chart as set forth in Education Law §665(6).

Question #20: What standard do students who transfer to a new institution after taking 9 remedial hours follow at the new institution?

Answer: Students who took 9 semester hours of remedial study in their first year of receipt of State financial aid at another institution are deemed to be in a program of remedial study, therefore institutions should follow the 2006 standards of academic progress set forth in Education Law §665(6).

Question #21: How many SAP charts (including the new chart) should we be using?

Answer: Non-remedial students receiving their first TAP award in the 2010-11 academic year must follow the 2010 SAP chart. Students enrolled in a program of remedial study as defined in the recent amendments to section 145-2.2 of the Commissioner's Regulations and first receiving TAP on or after the 2007-08 academic year should follow the 2006 SAP chart for the 2010-11 academic year. Students who first receive a TAP award on or before 2006-07 would continue to follow the SAP chart in effect when they first matriculated in a program (SAP standard in effect when first received state award).

Question #22: What if a student meets the new standards of academic progress in the fall semester, does he need to maintain SAP under the new standard (spring 2011, summer 2011, or fall 2011)?

Answer: A continuing student who meets the new standards of academic progress in the fall 2010 but does not meet the new standard for the spring 2011 term for good cause as determined by the Commissioner (failure to meet add/drop deadline, etc.) is deemed to be in a program of remedial study if the student does not meet the standards of academic year and may revert back to the 2006 standards for academic progress for the remainder of the 2010-2011 academic year.

Question #23: The regulation allows students who were certified in the fall 2010 term under the new 2010 SAP, but cannot meet the 2010 SAP requirements in the spring 2011 term to revert to the 2006 SAP for good cause as described in guidelines by the Commissioner? What is considered good cause?

Answer: "Good cause" is defined as the following: the student is unable to meet the 2010 SAP requirements due to one of the following reasons (1) the student is beyond the add/drop period to rectify the course load for the Fall 2010 term; or (2) the course(s) appropriate for his or her major are closed out and/or a course appropriate for the major and consistent with the course needs of the student was not offered in the 2010 fall term.

Question #24: Which standards do students in EOP programs have to meet?

Answer: All opportunity students (EOP, SEEK/CD, and HEOP) are deemed to be in an approved program of remedial study and will continue to use the 2006 SAP.

Question #25: Which SAP chart should students who received their first TAP award prior to fall 2007 follow?

Answer: These students will continue to follow the Standards of Academic Progress that were in effect at the time of the receipt of their first TAP award.

Question #26: Given that the academic year has already begun, how will institutions determine which students are on the appropriate chart, especially those on independent study?

Answer: With the enactment of the new regulations it should be clear which SAP chart a student needs to progress along. Independent study should not be treated any different than regular classroom courses.

Question #27: What is the definition of "Taking...at least nine credit hours"? Is this attempting (and potentially withdrawing from one or more courses with liability) or does this mean completing? And if the student does not successfully complete (pass) then do the standard TAP rules apply for repeating a course?

Answer: The regulation indicates that a student must have been "enrolled in" remedial study equivalent to 9 credit hours, but does not indicate that a student must complete remedial study equivalent to 9 credit hours. The act of withdrawal negates the enrollment.