

TAP Coach - High School Diploma

To be eligible for State student financial assistance, Education Law section 661(4) states that a student first receiving aid in academic year 1996-97 to 2006-2007 must have a certificate of graduation from a school providing secondary education, or the recognized equivalent of such certificate, or receive a passing score on an approved ability-to-benefit test. For students first receiving aid in academic year 2006-07 and thereafter, the certificate of graduation must be from a recognized school providing secondary education within the United States.

To be acceptable, the certificate of graduation or high school diploma must be from a secondary school that is recognized, authorized or approved by the state educational entity having jurisdiction. A student who has graduated from an out-of-state secondary school that is not recognized or authorized by the state where the school is located must choose one of the other options for establishing eligibility for financial aid.

In New York State, only public high schools and registered nonpublic schools are permitted by Education Law to issue high school diplomas. Students who have completed their education at a nonpublic school that has elected not to register with the State Education Department must choose one of the other options for establishing their eligibility for student aid.

Additional acceptable demonstrations of meeting the high school graduation requirement include:

- A prior degree;
- 24 semester hour credits earned at an accredited institution in the appropriate distribution to qualify for a high school equivalency diploma pursuant to the Regulations of the Commissioner of Education (6 credits in English Language arts, 3 credits each in the Humanities, Natural Sciences, Mathematics, and Social Sciences, and 6 additional credits applicable to the student's program);
- Appropriate documentation from the local school district of completion of high school requirements through home schooling; or
- A GED test score certificate showing passing scores.

Tap Coach- New York State Residency

General

Education Law (Section 661-5) requires a student to be a legal resident of the state of New York in order to be eligible for Tuition Assistance Program (TAP), and most other state scholarships and other awards. A New York court decision defined "residence" as the equivalent of "domicile" as it is used in the statute.

"Proper construction of the term "resident" depends on the particular subject matter in which it is used, and where this section proscribes "residence" as qualification for privilege or enjoyment of benefit, word is equivalent to 'domicile'."

Guidelines and Principles

- A. Attendance at an educational institution, albeit a continuous and long-term experience, is interpreted as temporary residence; therefore, a student neither gains nor loses residence status solely by such attendance.
- B. Students attending a New York college or university may perform many objective acts, some of which are required by law (i.e. payment of taxes), and all of which are customarily done by some nonresidents who do not intend to remain in New York after graduation, but are situationally necessary and/or convenient (i.e. registering to vote, obtaining a driver's license). Such acts and/or declarations alone are not sufficient evidence of the establishment of legal and permanent residence or domicile.
- C. A nonresident student attending a New York college or university on more than a half-time basis is presumed to be in the state primarily for educational purposes.
- D. An individual is not deemed to have acquired status as a resident of New York until he or she has been in the state for at least a year primarily as a permanent resident (except as noted in E.) and not merely as a student.
- E. Unless residency has been established in another state, a student who resided in New York at the time of graduation from an New York high school and has resided in the state with a parent or legal guardian for the two semester prior to graduation from high school will be eligible for grants and scholarships or financial aid provided by the state.
- F. All married persons shall be treated as equal under this policy. Each spouse in a family shall establish his or her own residence status on a separate basis. Exception: when a nonresident marries an already established resident of New York, the nonresident may be considered a resident after documentation of the marriage and proof of domicile(12 months in NY) are satisfied.
- G. The burden of proof of establishing New York residence or domicile, including providing any supporting documentation, shall be upon the applicant. Each case will be judged by HESC, based upon a review of documentation and consistent with legal definitions. No definitive set of criteria can be established as sufficient to guarantee classification as a resident of New York.
- H. Initial classification as a nonresident student shall not prejudice the right of a person to be reclassified thereafter for following semesters or terms of enrollment as an New York resident provided that he or she can establish proof of residence in accordance with criteria and procedures as set forth in this policy.

Independent Students

If a person who is independent of parental domicile can provide adequate and satisfactory proof having established domicile in New York, unrelated to college attendance, that person may be granted resident status for financial aid purposes at the next enrollment occurring after expiration of 12 months following the establishment of domicile in New York.

Dependent Students

The legal residence of a dependent person is that of the student's parents, or the legal residence of the parent who has legal custody or the parent with whom the student habitually resides. If the student is under the care of those other than the parents, the legal residence is that of the student's court sanctioned legal guardian.

Eligible Non-Citizens

An individual who is not a U.S. national may become eligible for classification as a New York resident provided that the individual holds lawful permanent residence status as defined by U.S. Department of Education Title IV, evidenced by whatever documents may be required under applicable federal law, who has resided in New York for at least 12 consecutive months, and who meets other applicable criteria for establishment of domicile as set forth in this policy.

See also...

Residency ([TAP Manual, Chapter 3, Section 3.01\(b\)](#))

TAP Coach - Declaration of a Major

Education Law Section 661 requires a student to be matriculated in an approved program (major) to be eligible for State student financial aid (includes TAP and all grants and scholarships enumerated in Articles 13 and 14 of the Law). Although a strict interpretation would require students to be enrolled in an approved program from their first semester to be eligible for aid, the State agencies involved with student aid have agreed that students enrolled in two-year or four-year degree programs can defer declaring a major and still be eligible. This agreement was reached based on the understanding that in their first and second years, students generally take courses that are applicable to a number of approved programs at the institution.

Students enrolled in two-year academic programs leading to associate degrees must declare a major no later than within 30 days of the end of the institution's add/drop period in the first term of their sophomore year. Students enrolled in four-year academic programs leading to baccalaureate degrees must declare a major no later than within 30 days of the institution's add/drop period in the first term of their junior year.

TAP Coach - Remedial Definition for SAP

Effective with the 2010-11 academic year, Education law requires a student who's first award year is in 2010 -11 and thereafter to meet new standards of satisfactory academic progress (SAP). Those meeting the definition of "remedial student" will not be subject to the new academic standards, but will remain on the 2006 SAP chart. For purposes of determining whether students shall be considered remedial, the following definition has been enacted:

"Remedial student" is defined as a student:

- (a) whose scores on a recognized college placement exam or nationally recognized standardized exam indicated the need for remediation for at least two semesters, as certified by the college and approved by the State Education Department (SED); or
- (b) who was enrolled in at least six semester hours of non-credit remedial courses, as approved by SED, in the first term they received a TAP award; or
- (c) who is or was enrolled in an opportunity program (HEOP, EOP, SEEK CD).

TAP Coach - Remedial Study

Students can receive state student financial assistance while enrolled in remedial courses.

For TAP and other general awards, the *Regulations of the Commissioner of Education* permit a full-time student enrolling for up to 12 semester hours to carry at least six credit equivalent hours of remedial courses as part of the minimum full-time course load, except that in the first semester of college level study, a student need carry only three degree credits.

A part-time student who enrolls for a minimum course load of at least six semester hours can include three credit equivalent hours of remedial study. However, for certain award programs that require a minimum of only three credits, a student who enrolls for the minimum would not be able to enroll in a remedial course.

- Remedial courses do not carry credit, since credit is defined in the regulations as a "unit of academic award applicable towards a degree at the institution."
- Remedial noncredit courses can be used to determine full-time status, but only credit-bearing courses need to be applicable to the student's program as a general education requirement, major requirement or elective. Since remedial courses do not carry credit, they are not applicable to the student's program requirements nor are they included in a student's grade point average.
- Remedial courses can be used to meet the pursuit requirement, because pursuit is a measure of effort. Thus passing or failing grades, in credit-bearing or noncredit remedial courses, can all be used to meet this requirement. Effort means the student has enrolled in a full-time (or part-time) course load and has completed--received a grade in--a specified percentage of that course load.
- Remedial courses cannot be used to meet satisfactory academic progress requirements since SAP is a measure of achievement, of credits earned toward a degree with a minimum grade point average.

TAP Coach - Repeated Course

A student can repeat a course and have the course count as part of the minimum full-time or part-time course load for financial aid purposes when the student did not previously earn credit for the course.

A student who receives an F or a W in a course does not earn credit; therefore, courses in which F or W grades have been earned can be repeated and count towards full-time or part-time study requirements.

There are certain other circumstances in which a student can repeat a course and have it count as part of the minimum course load:

1. the grade earned is passing at the institution but not considered passing in a particular curriculum. For example, a student receives a D in a nursing course; D is a passing grade; however, any grade lower than a C in a nursing course is considered a failing grade. Thus, the nursing course in which the student earned the D can be repeated as part of the minimum full-time or part-time course load.
2. the course can be repeated and credit earned each time, such as physical education courses or certain language courses.

A student who earned a passing grade in a course but wishes to repeat the course in the hopes of improving the grade and overall grade point average cannot count the repeated course as part of the minimum course load.

In addition to the effect on full-time and part-time status, a repeated course in which a passing grade was previously earned cannot be used to meet the pursuit of program requirement (completing a certain percentage of the minimum full-time or part-time course load in each term an award is received) to maintain good academic standing. In other words, a course that an institution does not require a student to repeat in order for the student to earn credit toward a degree cannot be considered in determining whether the student has satisfied the pursuit requirement for a State award.

TAP Coach - Good Academic Standing

Good academic standing for financial aid purposes is defined in section 145-2.2 of the *Regulations of the Commissioner of Education*. From 1981 onward, good academic standing consists of two elements, both of which must be met: satisfactory academic progress and program pursuit.

Satisfactory academic progress is an *achievement* requirement and is defined as accruing/earning a minimum number of credits toward a degree with a minimum cumulative grade point average in each term an award is received. Beginning in 1981, regulations required each institution that participated in State student financial aid programs to submit for Commissioner's approval a proposed standard of satisfactory academic progress, in almost all cases in chart format.

However, for first-time recipients in academic year 2006-2007 and thereafter, Education Law specifies the minimum credit accrual and cumulative grade point average requirements for two-year and four-year degree programs. These standards were increased for non-remedial students effective with the 2010-11 academic year and thereafter. For students who received their first award prior to academic year 2006-2007, institutions can choose to continue to follow the standards of progress approved by the Commissioner or can adopt the statutory standards for all students.

The second element of good academic standing is program pursuit. Program pursuit is defined in regulations as completing—getting a grade in—a percentage of the minimum full-time course load in each term an award is received. The percentage, as specified in regulations, begins at 50 percent of the minimum full-time course load in each term of the first year an award is received increases, to 75 percent in each term of the second year an award is received, and to 100 percent in each term of the third year an award is received and thereafter.

Pursuit is an *effort or completion* requirement rather than an achievement requirement, so courses in which a student receives either passing or failing grades can be used to satisfy the pursuit requirement. Thus, grades of A through F and any other grade that indicates the student completed the course and all necessary assignments (P, S, U, R) are acceptable to meet the pursuit requirement. W grades or any grade which indicates the student failed to complete the course or assignments cannot be used to satisfy the pursuit requirement. Incomplete (I) grades can be used to meet the pursuit requirement providing college policy requires the grade to be resolved to a passing or failing grade no later than the end of the subsequent term.

While only credit-bearing courses can be used to meet satisfactory academic progress requirements (credit earned toward a degree), students can meet the pursuit requirement by completing remedial and/or credit-bearing courses.

TAP Coach - Failure to Make Progress

To remain eligible for State student financial assistance, a student must remain in good academic standing. Good academic standing consists of two elements, defined in section 145-2.2 of the *Regulations of the Commissioner of Education*: (1) make satisfactory academic progress toward a degree and (2) pursue the program of study.

To make satisfactory academic progress toward a degree, a student must earn a minimum number of credits with a minimum grade point average each term an award is received. If the student fails to make progress toward a degree—either by failing to accrue sufficient credits or by failing to achieve a sufficient cumulative grade point average--the student loses eligibility for a subsequent award. The student can regain eligibility in one of four ways:

- make up the deficiency without benefit of State financial assistance;
- be eligible for and granted a one-time waiver;
- stay out of school for one calendar year; or
- transfer to and be accepted at another institution.

TAP Coach - Failure to Pursue

Education Law requires a student to remain in good academic standing to continue to be eligible for State student financial assistance. Good academic standing consists of two elements: making satisfactory academic progress toward a degree and pursuing the program of study. Students must satisfy both elements to remain in good academic standing. Failure to satisfy either element results in a loss of good standing and loss of a subsequent award until eligibility is regained.

The “pursuit of program” requirement is based on the number of award payments a student has received and measures student *effort*. In each term an award is received, the student must receive a passing or failing grade in a minimum percentage of the full-time or part-time course load, as applicable, to remain eligible for a subsequent award. A student who fails to complete (get a grade in) the appropriate percentage of the minimum course load loses eligibility for a subsequent award.

The pursuit requirement is defined in section 145-2.2 (b)(3) of the *Regulations of the Commissioner of Education*, as follows:

... a student shall be deemed to be pursuing the approved program of study in which he is enrolled if:

(i) during each term of study in the first year for which an award is being received, he receives a passing or failing grade in at least one half of the minimum amount of study required to constitute full-time study or part-time study, whichever is applicable, pursuant to section 145-2.1 of this Subpart; [section defines full-time and part-time study]

(ii) during each term of study in the second year for which an award is being received, he receives a passing or failing grade in at least three fourths of the minimum amount of study required to constitute full-time study or part-time study, whichever is applicable, pursuant to section 145-2.1 of this Subpart;

(iii) during each term of study in the third year for which an award is being received, he receives

a passing or failing grade in no less than the minimum amount of study required to constitute full-time study or part-time study, whichever is applicable, pursuant to section 145-2.1 of this Subpart.

For example, a student who is receiving the first semester TAP award payment must get a grade—passing or failing—in a least six credits or 50 percent of the minimum full-time course load of 12 credits during that first semester to satisfy the pursuit of program requirement and be eligible for a second payment. If a student is enrolled for 15 credits in a semester, to satisfy the 50 percent pursuit requirement, the student needs to complete/get a grade in at least 6 credits (50 percent of the minimum full-time course load). The same percentage applies for the second semester TAP award. To be eligible for a third and fourth TAP award payment (second year of study), a student must get a grade in at least nine credits or 75 percent of the minimum full-time course load. In the fifth semester and thereafter, a TAP recipient must get a grade in at least 12 credits or 100 percent of the minimum full-time course load.

In the case of part-time awards, as for full-time awards, the student must get a grade in a percentage of the *minimum* part-time course load in each term an award is received to remain eligible. The application, however, may differ for the different types of part-time awards (Aid for Part-Time Study (APTS), Part-Time TAP, and Accelerated TAP (Half-Time)). For example,

- For APTS, the minimum course load is three credits. If the student begins college study as an APTS recipient who has never received TAP, the student is at the 50 percent pursuit level and must get a grade in at least 50 percent of the minimum course load of 3 credits, or 1-1/2 credits, in each term in the first year of study. (If all courses are three credits, the student must complete at least one course to remain eligible.) The percentage increases to 75 percent of the minimum 3-credit course load for each term in the second year an award is received, and to 100 percent in each term in the third year and thereafter that an award is received.
- For Part-Time TAP, because of the prior study requirements (12 credits earned in each of previous two semesters), a student who has already received TAP for the first two semesters would be at the 75 percent pursuit level when receiving Part-Time TAP, in the third and fourth semesters. The student would have to get a grade in at least 75 percent of the minimum 6-credit Part-Time TAP course load, or 4.5 credits (round up to 5 credits if necessary). However, if a Part-Time TAP recipient has not received any State student aid but has met the prior earned credit requirement, this student would have to get a grade in only 50 percent of the minimum part-time course load, or three credits, in each semester in the first year a Part-Time TAP award is received. That is because the pursuit requirement is based on payments. If the Part-Time TAP payments are the first State awards the student is receiving, then the student begins at the 50 percent pursuit level.
- For accelerated half-time TAP, the student must have earned 24 semester hours (or 18 credits plus 6 remedial hours) in the prior two semesters and have been full time in the prior spring term to be eligible for an accelerated summer payment. If the student received TAP for the first two semesters of college study, the student who is eligible for an accelerated summer payment is at the 75 percent pursuit level in the accelerated term

(the third award payment) and must get a grade in at least 4.5 credits for a half-time award (75 percent of the minimum 6-credit for an accelerated award). The percentage remains at 75 percent in the subsequent term (the fourth payment), and then is at the 100 percent level for the fifth payment and thereafter.

- Grades generally acceptable for satisfying the pursuit of program requirement include the grades of A through F and any grade that indicates a student (1) attended the course for the entire semester, and (2) completed all necessary assignments. Grades of Incomplete are acceptable only if institution policy specifies that the Incomplete must be resolved (result in a standard passing or failing grade) before the completion of the next term of study (or earlier). Grades of W (withdrawal), or any variation that signifies that the student has failed to complete the entire term, do not constitute grades that indicate the student passed, failed or completed all work in a course and cannot be counted toward meeting the program pursuit requirement.

When reviewing whether a student meets the pursuit requirement, it is important to keep in mind that the requirement is keyed to the number of award payments a student has received. The total number of payments is continuous, so that a graduate student who has received two or more years of undergraduate TAP begins graduate study at the 100 percent pursuit level. Conversely, an eligible graduate student who did not receive undergraduate TAP begins graduate study at the 50 percent pursuit level.

TAP Coach - Waivers

In the context of State student financial assistance programs, there are two types of waivers: (1) good academic standing waivers and (2) C-average waivers.

1. Good Academic Standing Waiver

The *Regulations of the Commissioner of Education* permit a waiver of good academic standing requirements in certain circumstances.

When the New York State Education Department proposed amended financial aid regulations in 1980, there was no provision for waivers. However, during public hearings (part of the State regulatory process when major regulation changes are proposed), there were persuasive arguments made that students who were otherwise successful could experience one "bad" term due to circumstances beyond their control and that the regulations should make some provision for such situations. In response, the State agencies involved in the administration of student financial aid programs agreed to the inclusion of a waiver provision for students who failed to make satisfactory academic progress or pursue the program of study, or both in the same term.

Section 145-2.2 stipulates that the good academic standing requirements "may be waived once for an undergraduate student and once for a graduate student if an institution certifies, and maintains documentation, that such waiver is in the best interests of the student. Prior approval by the commissioner of the criteria and procedures used by an institution to consider and grant waivers shall not be required. The commissioner may review such criteria and procedures in use, and require an

institution to revise those found to be not acceptable.”

State Education Department guidelines on the use of waivers recommend that institutions appoint a waiver officer who will be responsible for reviewing waiver applications, making waiver decisions, and maintaining the necessary case record. Institutions are cautioned that not all students who fail to satisfy the good academic standing requirements are necessarily candidates for a waiver. For example, “difficulty adjusting to college life” is not a reasonable basis for a waiver, since that circumstance might apply to many students. Situations that caused a student to lose good academic standing should be beyond the student’s control, not chronic circumstances that cannot be remedied. With the additional term that results from approval of the waiver, a student should be able to regain good standing.

2. C-Average Waiver

Section 661 (4)(b) of the Education Law was amended for the 1995-1996 academic year and thereafter to require that students achieve a cumulative C average or the equivalent after receiving four semester award payments.

The Law also provides that “The President [of the NYS Higher Education Services Corporation] may waive the requirement that a student have a cumulative C average or its equivalent for undue hardship based on: (i) the death of a relative of the student; (ii) the personal injury or illness of the student; or (iii) other extenuating circumstances. . .”

Unlike the good academic standing waiver, it is possible, should circumstances warrant it, for a student to receive more than one C-average waiver.